

MINUTES APPROVED AT THE PC MEETING ON OCTOBER 7, 2021

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

Teleconference
September 16, 2021
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Michael Huang	Jonathan Harrison
Jen Loy, Vice Chair	Masoomah Sharifi Soofiani	
Bruce Brubaker, Secretary	Alpa Agarwal	

The regular meeting was called to order by Chair Tucker at 6:30 p.m.

ROLL CALL

Present: Chair David Tucker; Vice Chair Loy; Commissioner Alpa Agarwal, Bruce Brubaker, Jonathan Harrison, and Masoomah Sharifi Soofiani

Absent: Commissioner Yu-Hsiang (Michael) Huang

INTRODUCTIONS

Staff Present: Planning Staff: Hector Lopez, Roberta Feliciano, Community Development Director Lina Velasco, and Senior Assistant City Attorney James Atencio

MINUTES – None.

AGENDA

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk by Monday, September 27, 2021, by 5:00 p.m.

CONSENT CALENDAR –

- 1. PLN21-002: KCND Cannabis Facility PUBLIC HEARING** to consider a request for a Conditional Use Permit for an adult-use cannabis cultivation, distribution, and nursery facility within a proposed 300,000 sf building at 3053 Giant Road (APN: 408-060-028). IL, Industrial, Light District. Epic Ventures Holdings Inc., owner; Thomas Kwon, applicant
Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

ACTION: It was M/S/C (Harrison/Brubaker) to approve the Consent Calendar; which carried by the following vote: 6-0-1 (Ayes: Tucker, Loy, Brubaker, Harrison, Soofiani, Alpa; Noes: None; Absent: Huang).

BROWN ACT – Public Forum – None.

NEW BUSINESS

2. PLN20-043: Garbelmann Residence PUBLIC HEARING to consider a Conditional Use Permit and Design Review to construct a two-story, single-family dwelling on a vacant parcel located within the –S, Shoreline Overlay District at 357 Western Dr. (APN: 558-185-006). RL-1, Single Family Very-Low Density Residential and –S, Shoreline Overlay District. Rudi Garbelmann, owner; Brad Gunkel, applicant Planner; Hector Lopez Tentative Recommendation: Consider Various Options

Commissioner Brubaker recused himself from the item due to living within 300-feet of the subject property.

Mr. Lopez shared that the proposed residence will be a two-story structure that is approximately 2,340-square feet with a 440-square foot garage on a 6,000-square foot vacant parcel. The parcel is located within the RL-1 and S zones.

On November 18, 2020, the Design Review Board (DRB) reviewed the project. They concluded that the project could be modified to better conform to the site, the shoreline, and more compatible with the surrounding structures. The DRB unanimously voted to not recommend approval of the proposed design.

On February 4, 2021, the Planning Commission reviewed the project where they heard comments from neighbors regarding their opposition to the design of the house. The neighbors suggested the structure be reduced in height and that the roof form is changed from a butterfly style to a more conventional style. The Planning Commission recommended that the project return to the Commission once more information regarding the impacts to views is gathered and that the applicant work with the neighbors regarding privacy concerns.

On April 1, 2021, the Planning Commission held a second hearing for the project where the Commission recommended that the applicant return to the Commission at a future meeting. The Commission requested more information on the finished floor versus natural grade, final grade, and that the applicant address the concerns regarding the sides of the structure. The applicant responded by work with two DRB Members and removed the deck at the rear of the property. The applicant requested to obtain the deck on the second floor due to other surround structures having a deck that faces the Bay. The applicant submitted all requested information made by the Planning Commission to Staff prior to the meeting.

In terms of public Bay views, the key view down the street north of the intersection of Casey Drive and Western Drive will be partially affected by the proposed design. The property will block the left side view of the Bay if a person is facing the new residence, but the view to the right side will be partially retained. Staff predicted that the existing Bay views of the home located across the street will be partially blocked.

The application still proposed a butterfly roof and other non-traditional features that do not reflect a relationship in the design in a coherent manner. Staff determined that the building composition, materials, colors, windows, and doors do not help to reduce the perceived scale of the building.

Staff proposed three recommendations for the Planning Commission to consider. The first was to take action on the Conditional Use permit and send back the application to the DRB. The second was to deny the Conditional Use Permit and Design Review. The third was to approve

the Conditional Use Permit and Design Review. If the Commission chose option 1 or 3, Staff will bring the item back to the Planning Commission on October 7, 2021.

Rudi Garbelmann, the owner, indicated that he sent in a written rebuttal statement to the Commission. He shared that he did meet with the DRB subcommittee and that resulted in a surveyor doing a topographical measurement of the surrounding homes. Those measurements were overlaid onto the proposed residents to demonstrate how the views will be impacted. The DRB subcommittee indicated that they have no concerns regarding the overall architectural style and its appropriateness to the neighborhood. They supported both roof styles as long as the roof conforms to current height restrictions. Also, the neighborhood council reviewed and approved the project. He expressed that the design of the house has been changed multiple times to address neighbor's, DRB's, Commission's and Staff's concerns. He acknowledged that the lot is currently vacant and a new structure will have impacts. Also, that there are no applicable design guidelines for the neighborhood.

SIMON WINER, the oppositional representative, shared he surveyed folks who were walking or biking past his house. His survey included 22 folks and they all supported the flat roof. They shared the opinion that the massing of the proposal is too big and was concerned about the view disappearing from Western Drive. He referenced the Shoreline Overlay District requirements and acknowledged that many of the surrounding homes do not comply with the requirements because they pre-date them. He argued that the applicant has not reduced the height of the proposed home and does not protect the public's views, as required by the Shoreline Overlay District. He noted that it is in the Planning Commission's purview, not the DRB, to compare the proposal against the Shoreline Overlay District requirements. He summarized that based on evidence, the community feels that the project will be an imposing structure in terms of its massing and height.

Commissioner Harrison believed that there is a solid compromise available that will satisfy the applicant and the neighbors. Vice Chair Loy concurred with Commissioner Harrison.

Commissioner Alpa understood that there is a point of disagreement between the applicant and the neighbors in terms of the roof form and material. Mr. Garbelmann explained that the roof material has changed to a non-reflective material. In terms of the butterfly roof, he explained that the butterfly roof form is beautiful and a flat roof gives a shoebox appearance. He strongly requested that the Commission approve the butterfly roof form.

Commissioner Soofiani appreciated that the applicant met with a DRB subcommittee and made changes to the project. She shared that she does not have concerns regarding the proposed roof forms as long as the roof complies with City standards.

Public Comment:

VON ELSON acknowledged that additional written comments were submitted to Staff from residents who live outside the vicinity of the project but walk the neighborhood. He requested that the Commission review the letter that was submitted by Carrie Brooks-Olsen. He summarized that though the proposal has been modified, it still contains areas of significant concern. He recommended that the Commission deny the Conditional Use Permit and Design Review because the proposed house is not a good fit for the parcel.

FRANK GOETZ shared that he walks the neighborhood daily and enjoys the views. Being an architect himself, he believed that the applicant should listen to the comments and bring the

project back at a later time with revisions. Reviewing the documentation, he understood that there is resistance from the applicant to address the concerns that have been raised by the neighbors. He suggested that the applicant explore having a split-level home and he believed that design may satisfy everyone's concerns. He advised the Commission to deny the Condition Use Permit and Design Review.

BARBARA shared that she is the direct neighbor to the proposed project and from her side yard there will be a massive wall that she has to look at every day. She expressed concerns about the views from Casey Street and how they will be diminished.

Chair Tucker inquired what is the process for a project if the Shoreline Overlay District did not exist. Mr. Lopez noted that any project is subject to Design Review and the DRB would review the findings and the context to where the project is located. Ms. Velasco clarified that the DRB did not believe that the proposed project complied with the Design Review findings.

Commissioner Soofiani mentioned that the City does not have Objective Standards for view preservation and was unclear what the Design Review Board findings are based on. Mr. Lopez explained that there are findings but also Design Review Criteria. Within the Design Review Criteria, there are findings regarding massing, scale, and that projects shall reflect a relationship with the surrounding structures.

Commissioner Alpa agreed that the DRB has guidelines and that there is a lack of Objective Standards. She believed that the applicant has met the Objective Standards in terms of the 35-foot height limit and others. She confessed that she is struggling with there being a lack of Objective Standards and though the neighbors have oppositional views of granting the permit. The neighborhood council approved the project. Ms. Velasco clarified that the criteria under the Shoreline Overlay District do not set a Performance Standard. Staff is seeking a determination from the Commission as to whether the Commission believes or does not believe that the project has met the standard.

Commissioner Harrison agreed that the process is very subjective because the criteria are not specific to things that can be easily measured. He supported option one and option three as proposed by Staff. He acknowledged that the applicant is very limited in what can be built on the site.

Chair Tucker expressed that he is concerned with timing and extending the project out even longer. He inquired if the Commission moves option one or option three, does that give Staff enough time to come back to the Planning Commission meeting that is scheduled for October 7, 2021. Ms. Velasco confirmed that Staff is prepared to return with findings at the October 7, 2021 meeting if the Commission wishes. She requested that the Commission identify the findings that the DRB was not able to make and explain how that finding can be made.

Commissioner Alpa asked if the residence could have a butterfly roof if it were lowered. Mr. Garbelmann explained that the garage hinders the front elevation height. He shared that the roof can be lowered by 7-inches but anything lower will pinch the front entryway.

Vice Chair Loy asked if the material proposed for the roof is a permanent solution or will the material become reflective in the future. Mr. Lopez confessed that Staff does not have a lot of details regarding the material and will need to do further consultation work to determine if the roofing material will remain non-reflective. Vice Chair Loy mentioned that the neighborhood

council approved the project prior to it being denied by the DRB. She expressed her concern about the amount of Staff time and City resources that have been used working on the project.

Chair Tucker noted that out of the six Design Review Criteria, three have been met and three have not been met. In terms of Design Review Criteria A, the project has made revisions to scale and the interior design. But has also not reduced the height or the massing. Commissioner Harrison agreed and shared that he supported the flat roof, or something similar, in order to meet the criteria.

Chair Tucker continued to Design Review Criteria B and he expressed that the applicant has made changes to the project but not to the complete satisfaction of the neighbors. He indicated that he was unsure if there will ever be satisfaction in terms of sense of place or adverse impacts to adjoining properties. He acknowledged that the parcel is currently vacant so there will be impacts and he believed that landscaping could break up the massing of the sidewalls of the project facing the neighbors. Commissioner Harrison agreed that living walls or landscaping can help mitigate massing. Commissioner Alpa supported the idea of having a living wall and she encouraged Mr. Garbelmann to explore reducing the height by 7-inches so that he may be able to retain the butterfly roof.

Chair Tucker addressed Design Review Criteria C and requested that Staff research the landscaping to break up the massing. Vice Chair Loy mentioned that she wanted to know more about the reflective roof material.

Ms. Velasco requested that the Commission review the Shoreline Overlay findings and provide thoughts on the views.

Commissioner Harrison mentioned that the applicant has complied with the setbacks to retain the views and so they have met the criteria. He recommended that Staff work with the applicant to reduce the height of the structure as much as possible, further past the 7-inches.

Commissioner Soofiani agreed that lowering the slope of the roof will help satisfy several concerns.

Chair Tucker put forth a motion but after further discussion, he modified the motion.

ACTION: It was M/S/C (Tucker/Harrison) to continue the item to the October 7, 2021, Commission meeting which will allow Staff an opportunity to review the conditions places by the Planning Commission against the Conditional Use Permit and the Design Review with modifications which will include material, height, living wall, etc. as well as it's conforming, as the Commission has outlined, with the Shoreline Overlay District; which carried by the following vote: 5-0-1-1 (Ayes: Tucker, Loy, Harrison, Soofiani, Alpa; Noes: None; Abstain: Brubaker; Absent: Huang).

Commissioner Alpa appreciated that the Commission is willing to compromise with the applicant and the neighbors.

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff – None.

4. **Adjournment** - The meeting was adjourned at 8:18 p.m. to the next regular meeting on October 7, 2021.