

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
August 24, 2006
7:00 p.m. to 9:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Ludmyrna Lopez, Secretary
Nagaraja Rao
Jeff Lee
Vacant

Vice Chair Stephen A. Williams
Zachary Harris
Vicki L. Winston
Vacant

The meeting was called to order by **Chair Finlay** at 7:00 p.m.

Chair Finlay led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Finlay, Secretary Lopez and Commissioners Harris, Lee, Rao and Williams (arrived at 7:25 p.m.)

Absent: Winston

INTRODUCTIONS

Staff Present: Janet Harbin, Joe Light, Mary Renfro, Richard Mitchell, Lori Reese-Brown

- 1. EID/TM/CU 1100525 – Forest Green Project Study Session - PUBLIC NOTICE: STUDY SESSION** for a proposal to subdivide a 81.1 acre hillside parcel into 120 lots for single-family dwellings, three blocks south of San Pablo Dam Road, at the end of Wesley Way between Clark and La Colinas Roads (APN 435-200-008, 435-051-005) on property designated as Very Low Density Residential & Preservation Area on the Richmond General Plan. SFR-2 and CRR District. General Holdings, Inc., owner/applicant. Planner: Joe Light

Ms. Harbin briefly described the request for a proposal by General Holdings, Inc. to develop a 120-lot single-family home subdivision, said the parcel was currently zoned as SFR-2 and CRR District, said the Planning Commission would hear a presentation by the applicant, the EIR has been written, and the study session was geared to further understand specifics of the project during its public hearing on October 5, 2006.

Ms. Harbin discussed procedural rules for the Study Session, noted a presentation would first be conducted by the applicant, questions would then be taken of Commissioners, with public comment to follow by audience members and the meeting would conclude at 9:00 p.m.

Larry Jennings, planning consultant, briefly described the project location, displayed adjacent established neighborhoods, main entry road into the site, views of the property from various locations, grasslands and existence of horses, footprints of existing buildings, drainage

protections, retention of site vegetation and tree cover, varied slopes and lots on the property, alternate plan for developing 185 units to 120 units which would provide for re-vegetation of areas, the amount of remaining open space, grading, erosion and drainage problems on an adjacent East Bay Waldorf School site which was affecting their site and solutions to fix it.

Mr. Jennings discussed water retention basins on site, said there was no increase in run-off from the project, discussed the location of a conservation easement subject to CC&R's, circulation of the site, emergency vehicle access, and said they would ask at a later date to review their tentative map and once approved, they would modify the tentative map and prepare a final map subject to conditions of approval.

Commissioner Harris: Referred to the grading impact plan, questioned whether the storm water would be discharged from the development, questioned the water supply requirements and asked if the current East Bay MUD distribution system could feed the site, including fire protection.

Ben Maynard, geotechnical specialist, described the storm water plan, said they would be of 120 foot depth and flow by gravity.

John Wollman, project civil engineer and applicant, said East Bay MUD was committed to serving the property with adequate water supply, given improvements made to the land.

Chair Finlay: Noted the project was in a high fire zone and confirmed the same water pressure would be in existence at various areas of the project.

Commissioner Rao: Confirmed there were no marsh lands and that potential and endangered species have been assessed none were found. He discussed erosion on the property next to the school site, and Mr. Wollman noted they did investigations of landslide conditions, received a permit from EBRPD to do investigation on the property, drilled holes, installed some recording devices to measure water depth and movement of the land, and said they have had meetings with the County and the community group that represents the County.

Commissioner Lopez: Questioned settlement and water retention, and Mr. Wollman said there was no water currently in the basins.

Commissioner Harris: Referred to the site plan, parkland and open space lots and asked if they would be developed as park areas. Mr. Wollman said there was no park area designation, an area to the east has been designated in the General Plan as a city park which was undeveloped and they were considering some areas for park land.

Chair Finlay questioned if the project was an entitlement project and Mr. Jennings said it was a combination--the applicant was committed to the infrastructure, general improvements and remediation work. The building rights and lots would be sold to individual builders, and the nature of the area would be for custom lots. **Chair Finlay** said she would look for a fully developed remediation plan, design guidelines and CC&R's.

Mr. Jennings acknowledged there was concern about the instability of the site, said the applicant hired a second geotechnical firm to review the work done by the first consultant, and if the work was reviewed and found to be infeasible, the project would not be moved forward.

Chair Finlay referred to project circulation, questioned the feeder streets and voiced concerns with traffic and construction impacts on surrounding houses.

Kevin Cole, Crane Transportation Group, said the existing level of service was excellent, felt the problem might be when the school dropped off children, and agreed there might be traffic management problems. He recommended that construction traffic be managed by a flag person during pick up and drop off hours and with 120 homes, he felt there would not be large volumes of traffic but on average less than one per minute coming in and out of the subdivision.

Chair Finlay questioned how drainage was handled around the barrier. Mr. Wollman noted there would be either gravel drains or fabric to intercept the water and allow it to pass through and get to the underground pipe systems.

Commissioner Lopez referred to the map of the waterways and requested a copy, which was not contained in the Commission's packet.

Commissioner Rao questioned the seismic stability and historical aspect of the property, and the geotechnical engineer noted the Hayward fault was the closest fault in the area, they provided remediation design which incorporates earthquake seismic loads to tolerate residential design under the UBC.

Commissioner Harris referred to the binder provided and questioned the location of exhibits. Mr. Jennings noted all exhibits referenced were filed with City staff and multiple copies of exhibits and other materials could be made available.

Commissioner Lee questioned if the area was currently zoned SFR2 and felt the property better fit the description of SFR1. **Mr. Light** said the property below the 400 foot elevation was zoned SFR2 and a portion above was zoned Community Reserve Recreation zoning, a preservation resource general plan designation. He noted the Commission would need to act on the current application, and thereafter, a recommendation could be made to the City Council to consider a general plan change and rezoning.

Public Comments:

Herk Schusteff, takes care of elderly rescued horses in the area, questioned the motivation of such a large and complex proposal on an inappropriate terrain, felt an economic analysis should be done to address impacts on city services, and questioned how much of the proposal was "pseudo" open space.

James McDaniel, questioned if there have been changes to the current EIR and if so, he should have received notice of changes and felt the project was a "monster".

Carol Thompson, Friends of Pinole Creek Watershed, said the geology in the area was unstable and discussed concerns regarding previous slides, erosion from storms, drainage, traffic,

congestion, earthquakes, response times for emergency services, mosquitoes and homeowner association responsibilities.

Gary Bridges, said traffic was already blocked off in the morning, cited traffic and safety concerns, felt the area would be difficult to develop, the land was unstable, and did not agree with the developer stripping the land and selling it off to builders.

Rachel Preece, geologist, said she has not seen anyone map or drill holes into the slide area, did not know how well water would flow through the rocks, felt the problem would exist regardless of the number of homes built, asked for more analysis and noted she had commented on the EIR.

NOTED PRESENT

Commissioner Williams was noted present at 7:25 p.m.

Barbara Pendergrass, Chair of the El Sobrante Municipal Advisory Council, member of the El Sobrante Planning and Zoning Advisory Committee, voiced major concerns with numerous landslides, asked that a geological hazard abatement district be required to cover expenses for future residents, voiced concerns with protecting students and residents from dust and noise from construction, and said they have forwarded comments on the EIR.

Donald Woodrow, felt comments provided tonight were very good, felt no matter what plan was heard for handling slides and slowing streams, no one here had ever been through a large earthquake to be certain that mitigation measures would work. He felt development would be an experiment, hoped the Commission proceeded with caution, said once the soils were changed the patterns of flows would be altered and would flow on surface, and suggested a storm drainage map be presented and discussed. He urged that the Commission hear comments made by existing homeowners in the area, said he was a geologist and practiced out of state, did not feel the reports were complete, and suggested a mapping be presented on previous slides prior to residential construction in order to see where the slides would affect home building.

Joanne Spalding, resident and staff attorney at San Francisco Sierra Club, said they submitted comments, included technical reports, urged the Commission to carefully review comments from all agencies, voiced concerns about the public noticing and Brown Act requirements for the meeting, felt the City should reject the application regardless of its zoning and said the City could consider the technical information regarding the site to determine that the number of units should be reduced or determine the site was not appropriate for development. She felt there was uncertainty with the mitigation measures, inadequate provisions for geotechnical stability, instability of eco-systems, erosion problems, and said the City required the applicants to use Clark Road as its primary entrance, but the traffic consultant determined most of the traffic would be on Wesley Way, which was inconsistent. Regarding endangered threatened species of special concern, the previous report includes a plant on site called, the Loma Prieta Hoita, which was a listed species.

Damon Nelson, Berkeley, questioned the completion of construction in two years, voiced concern for impacts on student and resident safety and disruption.

Susan Thiemann, Oakland, teacher at East Bay Waldorf School, echoed geology and hydrology concerns, voiced concerns about the learning environment, health conditions and safety for students during the construction of the project, and significant grading and excavation work.

Jeff Barr, Chairman of the East Bay Waldorf School Board of Trustees, emphasized their support of the area, neighborhood, hillsides above the school, and felt it would be a detriment to have the hillsides scarred and have housing built on them. He noted EBMUD did not have enough water pressure to feed their fire hydrant on school property after being told it would, said buildings would now need to be sprinklered, and hoped for a more thorough explanation from comments submitted on the EIR.

Don McQueston, El Sobrante, said his property backs onto the development, discussed infrastructure costs to the City if failures occurred, voiced concerns and questioned payment in perpetuity of a homeowners association for potential infrastructure failure, felt issues had not been properly addressed and voiced significant liability concerns.

Barbara McDonald, Oakland, discussed negative air quality, noise and disruption impacts on residents and students, impacts on safety response times, impacts of geotechnical concerns and the need for dry shelter which she felt would be jeopardized, and questioned the impact of the loss of open space views.

Janet Kutulas, Canyon Park Friends of Open Space member, El Sobrante Legal Defense Fund, said their group raised money to hire experts to review the EIR for them, said they did not have confidence in the draft EIR prepared, felt there were violations of CEQA law, said the areas, timing and types of the 228 significant trees reported to be removed was confusing, felt creek restoration and improvement work needed more analysis and clarification, felt the definition of infill did not fit the CEQA criteria in the EIR, the construction of the dewatering shafts that appear in the report were inconclusive and one that was located in the open space easement area and might not conform, said the site was in a high fire severity zone with tremendous wind speeds and yet wind speed studies were conducted in downtown Richmond, questioned soils instability and the requirements of the City's hillside ordinance.

Maria Morales, El Sobrante, said she submitted her comments in writing, concurred that the area was designated in a high fire hazard severity zone, response time was an issue, there were only two proposed access roads, voiced concerns about water supply, and felt there would be gridlocks and loss of human life in a fire situation.

Dani Winston, said the hillside on Clark Road had recently caught fire, the fire department four blocks away showed up a half hour later, felt the addition of 120 houses would be hazardous and voiced concerns about cracking damage to existing home foundations caused from vibrations of pile driving during construction.

Commissioner Harris questioned the maximum slopes on the roadways and maximum slopes on lots at cul-de-sacs D, E and F. The geotechnical specialist said the maximum slopes on streets were 16%, some sections were less, most of the site was 15% or less, and some of the lots dropped off at a higher slope rate.

Chair Finlay requested information on sewage and wastewater capacity, financial responsibility for the formation of the GAD, the cost to maintain it and voiced concerns with what households would be paying knowing that the project would be sold as an entitlement project in smaller increments. She referred to page 1 of the staff report, 4th sentence, "(or its imputed extension)" and questioned the existence of a sub-road. **Mr. Light** said the city park above the Waldorf School faced onto the extension of an EBRPD trail, but currently it was not facing onto a public street, so in order to identify that property, it was noted as an imputed extension.

Chair Finlay referred to a private road on the other side of the property and **Mr. Light** said this was a stub end of a street and ended at the property line, there was a private driveway on the site which was called the “doctor’s property” above the site and would only be used as an emergency access point. He noted there was another potential vehicle access easement on the upper section of the property and at some future date another access point might be used if a property went in off of the Clark Road site.

Chair Finlay referenced page 4, the property beyond the 400 foot elevation and the developer’s liberties, and **Mr. Light** said the applicant showed the opportunity portions on the site outside of the main canopies. He said the area was designated for Preservation Resource and for community-driven recreation. Staff’s position previously was that this was an inappropriate extension of the lots and wanted to see them stop at the 400 foot elevation, but now was considering the position. **Chair Finlay** asked for a full discussion of the issue in the future and if a change were made, that staff identify what created the change. She asked for a copy of the Hillside Physical Constraint Area zoning document, and staff noted it could be found in Richmond’s Municipal Code Section 15.04.510 (d), which prohibits building over the 400 foot line.

Vice Chair Finlay referred to page 2-2 of the draft EIR, said the proposed street and lighting designs did not meet City standards, and asked that the reason for this be addressed in the next report.

The meeting was adjourned at 9:10 p.m.
