

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
August 7, 2008
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Stephen A. Williams
Charles Duncan

Vice Chair Nagarajo Rao
Jeff Lee, Secretary
Vacant

The meeting was called to order by Vice Chair Rao at 7:05 p.m.

Commissioner Williams led in the Pledge of Allegiance.

ROLL CALL

Present: Vice Chair Rao, Secretary Lee and Commissioner Williams

Absent: Chair Finlay and Commissioner Duncan

INTRODUCTIONS

Staff Present: Richard Mitchell, Janet Harbin, Assistant City Attorney Carlos Privat and Hector Lopez, Hector Rojas

MINUTES

April 10, 2008, May 15, 2008, June 19, 2008, and July 3, 2008

ACTION: It was M/S (Lee/Williams) to hold over the minutes of April 10, May 15, June 19, and July 3, 2008 to the next meeting; unanimously approved.

Vice Chair Rao provided an overview of the Consent Calendar, meeting procedures for speaker registration and public hearing functions and procedures. She said certain items approved by the Commission may be appealed in writing to the City Clerk by Monday, August 18, 2008, by 5:00 p.m. and announced the appeal process after each affected item.

CONSENT CALENDAR

Vice Chair Rao noted the Consent Calendar consisted of Items 3, 4 and 5.

Janet Harbin suggested Items 1 and 2 be added to the Consent Calendar and added that Item 3 should be listed as recommended to be a hold over item.

Secretary Lee reported the Consent Calendar now consisted of Items 1, 2, 3, 4, and 5.

ACTION: It was M/S (Lee/Williams) to adopt the Consent Calendar consisting of Items 1, 2, 3, 4 and 5; unanimously approved

Items Approved:

1. **ZTC 08-02 – Zoning Text Change to the City’s Zoning Ordinance for Eating Establishments (Various Sections)** - PUBLIC HEARING to consider amendments to Definitions, Commercial, Industrial, and Parking Sections of the Zoning Ordinance (Sections 15.04.020, 15.04.200, 15.04.300, and 15.04.850 of the Richmond Municipal Code) to amend the definition of “eating establishment (fast food)”; add a definition for “eating establishment (fast food with drive-in, drive-through, or curb service)”; moving the “eating establishment” and “eating establishment (fast food)”, as newly defined, to the lists of permitted uses in commercial and industrial districts; adding “eating establishments (fast food with drive-in, drive-through, or curb service)” to the lists of conditional uses in commercial and industrial districts; and, to amend the parking regulations relative to “eating establishments”. City of Richmond-Planning & Building Services, applicant. Planner: Hector Rojas. Tentative Recommendation: Hold Over To 9/4/2008
2. **PLN 08-011 – Addition to Rear Unit, 2716 Cutting Blvd.** - PUBLIC HEARING to consider a Design Review Permit and Variance to legalize an addition to the rear unit at 2716 Cutting Blvd. (APN: 549-150-006). Medium Density Residential (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning District. Jake Sloan, owner/applicant. Planner: Lina Velasco. Tentative Recommendation: Various
3. **DR/V 1103830 – New Residential and Commercial Mixed-Use Development, San Joaquin Street between Colusa and Modoc Avenues** - PUBLIC HEARING to consider Variances and a Design Review Permit to construct a mixed-use development consisting of a church and 23 multi-family residential apartment units on a vacant lot located on San Joaquin Street between Colusa and Modoc Avenues (APNs: 507-262-010, -011, -012, -013, 014 and 507-262-030). Mixed-Use (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning District. Tom Vaughn, owner; Jeffrey Supran, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Hold Over to 9/4/2008
4. **CU 1101606 – Alvarado Bar & Grill Revocation of Conditional Use Permit, 12889 San Pablo Avenue** - PUBLIC HEARING to determine whether grounds may exist to revoke Conditional Use Permit 1101606 for a restaurant with Alcoholic Beverage Sales located at 12889 San Pablo Avenue (APNs# 524-010-002, -028, -029, -030, and -001), in the C-2 General Commercial District. If the Commission finds that grounds may exist, it shall direct staff to schedule a permit revocation hearing. Ray Smith, owner. Planner: Janet Harbin. Tentative Recommendation: Hold Over To 9/4/2008.
5. **PLN 08-018 – Easter Hill Senior Housing, 3601-3627 Cutting Blvd.** - PUBLIC HEARING to consider a Conditional Use Permit for a Density Bonus and Exception to development standards in the Knox Freeway/Cutting Boulevard Corridor Specific Plan (KCSP) for a mixed-use development consisting of 24 senior-restricted residential units and 5,768 square feet (SF) of commercial space at 3601-3627 Cutting Blvd. (APNs#513-152-001 & 513-152-002) in the area known as Easter Hill. C-1, Neighborhood Commercial District. East Bay Community Development Corporation, owner/applicant. Planner: Kieron Slaughter.

Items Discussed:

6. GPA/RZ 1104442 - Garrity Way General Plan and Rezoning - Request for direction on future consideration of a General Plan Amendment and Rezoning to increase the residential density of a property located in the Hilltop Area at 3151 Garrity Way (APN#405-290-069). Staff is requesting direction only at this time prior to completing the project, land use and environmental analyses. The actual project and entitlements will be considered in the future by the Commission following the complete review by staff. Wasatch Advantage Group, owner; Tony Hladek, applicant. Planner: Hector Lopez

Secretary Lee noted staff is only seeking direction prior to completing the project. The actual project and entitlements will be considered in the future following complete review by staff.

Hector Lopez, Associate Planner, gave a brief description of the initial application request, which exceeded the density allowed under the zoning code, and was given the option to provide some affordable units in order to qualify for a state and city bonus. By setting aside 10 affordable units, a 100-unit project can be developed. The project was redefined due to economic conditions to increase the number of units from 100 to 131 units and the commercial component was eliminated.

He said the City is currently in the process of updating the General Plan and Zoning Ordinance and staff anticipate greater residential densities and based on discussions, it is likely this kind of development will be allowed on the project site. The applicant was given the option to wait or request the City Council and Planning Commission consider a request for a General Plan Amendment. Staff is requesting direction on whether or not to proceed with processing of the application.

Tony Hladek, applicant, Vice President of Development for Wasatch Advantage Group, believed the project is a great development for the area, introduced Keith Labus with KTG Y Group would present information on design of the project and discussed their company profile, affordable and multi-family housing experience, and business plan. He said they are the co-developer of the downtown Civic Center which is continuing on schedule and budget. He discussed their proposal of 131 units, 56% of one-bedroom units and 44% two-bedroom units, the site sits on a hilltop with panoramic views of the Bay and they believe it is a great location for an infill development, is close to the freeway and transportation hubs. He noted the project's 2,000+ square feet of clubhouse, fitness, leasing center, and other amenities, spa areas, observational deck, BBQ areas, 1.6:1 parking ratio, and high quality finishes and specifications.

Secretary Lee confirmed that the project's density was currently at 131 units, they are using an efficient FAR on the project, the site is only 2.2 acres and the 99 unit project had the same FAR, but they had larger units oriented toward a for-sale market.

Mr. Hladek said they also met with the Hilltop Meade Neighborhood Council, received feedback of the potential impact the project could have on The Tides Apartments which are to the east. There is a Chevy's project to the west of their project and they have asked for study the different architectural perspectives to determine view impacts and the scale of the building relative to neighboring property. They have also studied the traffic which is similar to The Tides Apartments, provided the City with a storm water control plan which is within requirements, evaluated hillside impacts and they also discussed a reciprocal easement between their property and the Chevy's property.

Vice Chair Rao confirmed with Mr. Hladek there had been no seismic studies performed on the property, previous owners have done some studies; however, their financing team would require this be done.

Keith Labus, KTG Y Group, gave a PowerPoint presentation on the design of the project, discussed recreation, views of the San Pablo Bay, entry of the project, vehicle and pedestrian entries, subterranean parking, landscape plan and open space amenities, Spanish style architecture, front and rear elevations, roof elements, three-dimensional forms, covered seating areas, fireplace and barbecue areas, and relationships their building would have on The Tides apartments and surrounding buildings.

Mr. Hladek said also by orienting the buildings so they are facing north, every resident can have the opportunity to spend time on the view deck which goes outside the community room and also go down to a landscaped and seating area on the edge of the hillside as well.

Vice Chair Rao questioned additional open space areas, and Mr. Labus said the circumference of the property will be a landscaped amenity, serving also as an EVA. They are proposing turf block which can be driven over by vehicles, a walking path along the perimeter of the property and have movable furniture out off of the deck for residents.

Vice Chair Rao confirmed that the distance between the spa and units inside the podium was 70 feet. The spa is 10 feet across so there is approximately 30 feet on each side of the spa as a buffer between the spa and building.

Vice Chair Rao said he likes the area, but it seems very crowded. Also, in general, he believed the building lacks attractiveness and appeal and resembles a college dormitory. The north elevation seems very empty and unattractive. Mr. Hladek said they probably changed the elevations about 3-4 times ranging from a Monterey style to a Spanish style, they toyed with the Bay Street look in Emeryville, and the input from staff and Jonathan Livingston was where the design has ended. Mr. Hladek said comments received from Mr. Livingston were more of programming and conceptual design, he had opinions regarding elevations, but this is difficult to discuss without having a footprint settled upon. Mr. Livingston had some ideas about moving the project down the slope and taking advantage of a terraced feel; however, from a cost standpoint, this was not feasible. He said the design is one of the most efficient uses of the 2.2 acres and if broken up into several components, it gets less efficient and more costly, and therefore infeasible.

Secretary Lee said the design can be tweaked, but the idea is whether or not you should proceed with building something because the density asked is 75% more than is currently allowed, which he felt was a lot.

Mr. Hladek said there was currently a conflict between the General Plan density and the zoning density; the zoning ordinance allows for 77 units and the General Plan density allows for up to 95 units if it is a mixed use. He noted they abandoned the commercial use because it was less than 2,000 square feet.

Secretary Lee confirmed the density in the Tides Apartments comprised of 200 units on an 11-acre site, or at about 20 units per acre and it meets the current zoning.

Vice Chair Rao questioned what impacts other projects would have as a result of this project being approved. Ms. Harbin said staff has not completed the analysis and this can be reviewed;

remaining land to be developed in the area and the range of density acceptable for the Hilltop area, but it will be in the upcoming General Plan.

Mr. Hladek discussed financial feasibility, affordability, and said the most feasible residential execution for this site is a for-rent project at this level of density. The return on investment to an equity provider is still fairly lean, so any reduction in density would make it that much lower and make the project infeasible. They reviewed several financing structures and if reduced, they would need to ask the City for \$5-\$8 million to help subsidize the project. He said the podium structure construction impacts the site due to earthwork. He further discussed the various review of federal and state programs and the cost benefit of them.

Secretary Lee questioned when the new General Plan will be in effect, and Mr. Mitchell said the update is proceeding and it is expected the bulk of work will be done by the end of the year and sometime during the first quarter, it is expected to be acted on.

Secretary Lee said he would not have a problem in allowing the applicant to proceed if they felt comfortable enough that the project will fit within the guidelines of the new General Plan.

Vice Chair Rao and Commissioners thanked Mr. Hladek and Labus for their presentation.

Hector Rojas questioned whether staff received sufficient direction based on the presentation. Vice Chair Rao said the Commission would require more information on the project, made comments on its appearance and Secretary Lee said it would be a matter of how comfortable people are with the fact that the new General Plan will accept the density, and if so, staff can proceed. He could not decide tonight on whether or not he would give a 75% increase in density.

Commissioner Williams said this process is very long, he is familiar with the developer and architect and he noted that feedback from the Commission does not commit or obligate in any way.

Secretary Lee said absent is whether or not the Commission would accept a General Plan Amendment for this density regardless if there is a new General Plan or not. He would not feel comfortable right now in going in that direction and would need to study the issue further. Ms. Harbin said environmental review and additional information will be conducted, and she confirmed with the Planning Commission they would be amenable in looking at the project further. Vice Chair Rao said he would be very concerned with the density, as well as from the community, which he felt should be addressed.

Mr. Mitchell said there is a project of a similar scale in downtown Berkeley and information on these types of things can be brought back to the Commission.

Mr. Hladek asked for guidance on density and what specifically what the Commission would need and who to talk to in order to get information to make a decision as to whether a General Plan Amendment is appropriate for the site. Secretary Lee suggested the applicant talk with the General Plan consultant.

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff

Mr. Mitchell said the Annual Commissioners and Design Review Board member event will be held next Thursday evening and invitations have been mailed.

Vice Chair Rao questioned when the combined DRB and Planning Commission will be formed. Mr. Mitchell said this item was presented to the Council and direction was to bring this matter back in October. Additional community and public input will be gathered outside of formal decision-making, it could be a Commission item to hear input, but it is a structural policy decision the Council has made but not executed. Staff will therefore continue to operate under the current framework.

Public Forum - None

Adjournment

The meeting was adjourned at 8:20 p.m.