

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

450 Civic Center Drive, Richmond, CA
November 7, 2013
6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair	Eduardo Martinez
Roberto Reyes	Andrew Butt
Ben Choi	Marilyn Langlois
Melvin Willis	

The regular meeting was called to order by Chair Lane at 6:32 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Lane, Vice Chair Choi, Secretary Langlois; Commissioners Butt, Martinez, Reyes (arrived at 6:38 p.m.) and Willis

Absent: None

INTRODUCTIONS

Staff Present: Hector Lopez, Senior Planner, Jonelyn Whales, Senior Planner; Kieron Slaughter, Associate Planner; Carlos Privat, Assistant City Attorney

MINUTES - None

AGENDA

Chair Lane provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, November 18, 2013, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane reported that the Consent Calendar consists of two items. She asked if there were any members of the Commission, staff or public who wished to make any changes or recommendations regarding any of the items on the Consent Calendar. Secretary Langlois requested removal of Item 2.

ACTION: It was M/S (Martinez/Butt) to approve Item 3 on the Consent Calendar; unanimously carried (Reyes absent).

Consent Calendar Approved:

- 3. PLN13-211: MBox Karaoke Bar (Type-40 Alcohol License) - PUBLIC HEARING** to consider a request for a Conditional Use Permit for a Type 40 On-Sale beer license at an existing Karaoke Club at 3254 Pierce Street #A (APN: 510-060-006). C-3, Regional Commercial District. Chue Chu, owner; Zhijie Pei, applicant; Planner: Jonelyn Whales; Tentative Recommendation: Conditional Approval

BROWN ACT – PUBLIC FORUM

Gary Gunther, El Cerrito, said he is an architect working on a project on Barrett Avenue and 21st Street. They are trying to work with the proposed form based code. They are required to be elevated 24 inches above the sidewalk level which is a problem for them. They have a 50x100 small lot and they will have to use 5% of the lot for ramps. They also have a problem with the 12 foot ceiling heights on the first floor. The development comprises of apartments with small rooms, and 12 foot ceilings would be out of proportion and an extra expense for the builder. It makes stairways more difficult as well as the feasibility of the project. They were designing a project with a 10 foot ceiling which worked out well and with the requirement for a 12 foot height they only get 6 two-bedrooms units and 6 one-bedroom units. The owner must pay \$150,000 in City fees, \$250,000 in utility fees as well as other fees. Therefore, this makes the project not very feasible and he wanted to bring this up as an objection to the form based code.

Items removed from the Consent Calendar:

- 2. PLN13-210: 4-Lot Subdivision - PUBLIC HEARING** to consider a Tentative Map (MS 758-13) to subdivide an existing 5.8 acre parcel into 4 lots at 901 Marina Way South (APN: 560-260-054). M-2, Light Industrial District; Marina Way Properties LLC, owner; David Spatz, applicant; Planner: Hector Lopez; Tentative Recommendation: Conditional Approval

Hector Lopez gave a brief explanation and description of the request to subdivide an existing 5.8 acre parcel into 4 lots.

Chair Lane confirmed there were no speakers from the public.

Secretary Langlois questioned and confirmed with Mr. Lopez that some construction has already occurred on the site, as the project was approved in 2008 by the Planning Commission and the DRB. He noted the request is for financing reasons and each lot could be owned separately. Commissioner Butt noted that if they were to become condominiums, they would have to be further subdivided into each unit.

Secretary Langlois stated she had emailed Mr. Lopez about bike racks as this would be a time to require them. She confirmed that they were already included and supported this project, was glad the units are live/work, and thanked staff.

Commissioner Martinez asked as to the development timeline, and Mr. Lopez said he was not exactly sure but two buildings should be done by January and others may be completed within the next year. The subdivision is important because the applicant will be able to apply for additional financing for construction. Commissioner Martinez asked and confirmed that the buildings would be completed as funding is available.

David Spatz, Applicant/owner, stated there are two buildings under construction which will be done in 45 days. They will be getting a loan and then start the next phase of construction on an additional lot. He does not plan to sell the units but merely rent them. Bike racks will be located at the community center and each unit has a covered protected 5x24 foot entry area where they can park or place bicycles in and in the courtyard area.

Mr. Lopez said staff recommends the Planning Commission adopt the resolution in attachment 1 granting approval of the requested Tentative Parcel Map.

The public hearing was closed.

ACTION: It was M/S (Choi/Langlois) to approve PLN13-210, with staff findings and recommended conditions of approval; unanimously carried.

NEW ITEMS

- 1. PLN13-104: Avila Variances for Lot Size, Parking and Side Yard Setback - PUBLIC HEARING** to consider a Variance and Design Review Permit (PLN13-104) to allow a Single-Family Residential Development on a 4,000 square foot lot with a substandard garage measuring 20x18.5 sq. ft., and a ±3 foot encroachment into the side-yard setback at Montana Street (APN: 556-141-002). SFR-2, Single-Family Very Low Density District. Enrique Avila & Carla Del Carpio, owners/applicants; Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval

Chair Lane confirmed there were a total of 3 in favor, 2 against and 1 with no position who would be provided 3 minutes, and the applicant shall have 10 minutes.

Associate Planner Kieron Slaughter gave the staff report for the request for design review permit for a single family home, variance for a substandard garage, and he described zoning, architecture and sizes of homes in the surrounding neighborhood. The lot is the last remaining lot undeveloped on Montana Street and noted variances are common in the Pt. Richmond area due to topography and substandard lot configurations. Previous actions included review and recommendation to the DRB by the HPC on June 19, 2013, review by the DRB subcommittee and incorporation of changes into the project. On October 9, 2013, the DRB reviewed the project wherein they unanimously recommended approval to the Planning Commission subject to conditions. Some added conditions of the DRB include that window materials are double hung clad windows, lower height, reduced square footage, and removing the requirement for side yard and parking variance which had been solved.

Mr. Slaughter referred to the table on page 4 of the staff report which provides a summary of the surrounding existing lot sizes. Currently, the SFR2 development standards have a minimum lot size of 6,000 square feet, but as shown on Table 1, all but three lots on this street are substandard. Regarding comments received, staff has communicated with residents about the entitlement process for the project and many have been vocal and adamant that the project meet a certain standard for quality. There were comments about the completeness of plans and whether or not some materials were appropriate which were evaluated and addressed at the DRB level.

The neighborhood council reviewed the project and the land use committee recommended approval; however, the overall Pt. Richmond Neighborhood Council did not support the project by a vote of 14-1.

Mr. Slaughter referred to Attachment 1 of Resolution 13-19, what is before the Commission is the request for the variance and staff believes the four findings can be made and satisfied for this project. Staff recommends that the Planning Commission concur with the unanimous recommendations of boards and commissions which reviewed the project and recommends that the Commission grant a variance to allow a single family home be developed on the lot.

Commissioner Butt referred to the proposed front yard setback which shows 16 feet and he confirmed this would not require a variance due to the slope measurement. Commissioner Butt referred to the DRB condition No. 11, which requires the applicant to submit a detailed site plan with specific details of stairs and landscaping in its submission to the Planning Commission. He questioned the stairs. Mr. Slaughter presented the design on the screen and page A-4.0 which shows the front stairway and said there was question as to what the existing grade was and whether or not the stairs would be elevated, hollow underneath or rest on the grade. The applicant can speak to this. Regarding landscaping, this is indicated on page A-1.0 and a landscape legend indicates the types, numbers and sizes, and this has been revised from the previous submission.

Commissioner Reyes asked about the one letter received which questioned the drainage, and he asked for an explanation from staff. Mr. Slaughter said based on the size, slope and topography, questions have been received regarding whether or not the drainage is adequate. All of this will be evaluated by the plan check engineer at the time of building submittal, along with the grading plan. The applicant submitted a geotechnical and soils report and staff feels confident it would meet the current standards of the building code.

Secretary Langlois referred to the display of the size of the stairs and questioned what the retaining walls and fence would look like. Mr. Slaughter referred to A-5.0 and east elevation which shows the stairway. He said the applicant modified it so there will not be a drastic retaining wall as previously proposed. The DRB recommended a 6 foot tall fence be installed for privacy between this house and the adjacent house, which he pointed to. He confirmed the 6 foot fence would start at the base of the retaining wall. Secretary Langlois asked how far it was from the ground level to the retaining wall, and Mr. Slaughter said it varies given topography ranging from 6-8 feet. He noted that the location of the steps is not as deep as they previously were and he suggested the architect explain more about the final design.

Secretary Langlois said she is happy the overall square footage has been reduced and she confirmed it was at 2,659 square feet of living space, plus the garage. Other homes on Montana Street are less in square footage of 1,000-1,800 square feet and one is 2,300 square feet. This proposed house would be much more massive than any other home on Montana Street. Mr. Slaughter concurred. Secretary Langlois stated one end of the lot faces Montana Street and the other end faces a paper street which currently has a driveway on it, leading to one of the homes on Buena Vista. Since the owner's driveway is not their personal property, she asked if it would be possible to have considered placing the home on Buena Vista instead. Mr. Slaughter said conceivably yes, but there are several reasons this is less than ideal. First, this is City property and there would need to be a shared driveway off of the improvement which is very steep. The road is also twice as narrow as Montana Street with a blind curve and no sidewalks, curb or gutter. The other issue is that the garage would face the street which conflicts with the form based code and Ahwahnee principles.

Hector De Leon, applicant, referred to the stairs and placement of the house on the lot, they reduced the side yard setback from 5 feet to 5'8", shrunk the house, lowered it down into the hillside more which caused a canyon effect which was discussed at the DRB meeting. He raised the house a bit and the retaining wall to each side will be 2-3 feet when going up the sides of the hillside. They will have a 3 foot retaining wall and 2 feet over with a 6 foot fence. Therefore, there will be 6-8 feet in various locations stepping up to the rear side. They tried to scale down the massing of the house by stepping it back and putting a hip roof on, as well as other changes to make neighbors and the PRNC happy, as well. The stairs will be concrete slab up to the level of the porch and stairs inside as well. There will be a retaining wall on the side to go into the garage and around the side of the house on the east side. On the west side, one must go up to the front porch and from there, into the backyard. They will have a retaining wall in the backyard stepping up. In terms of the size of the house, they buried the kitchen and media room into the hillside with an 8 foot retaining wall. Bedrooms are up above and on the back side it will only come up to one story. On the front side, there will be a garage level, living level and bedroom level.

Public Comments:

Enrique Avila, owner, stated they have several changes based on review by staff, boards and commissions, and the design is reduced as much as they can do. He said other homes in the area are of similar size. They were told the lot is buildable when purchased, and he is asking for nothing else but to be allowed to build a home.

Hilary Brown, 44 Montana Street, read a letter written by Maurene DeCombe and John DeCombe, of 28 Montana Street. She said they are unable to attend tonight and their letter was not included in the staff report, which she submitted to the Commission and staff. The DeCombe's oppose the project due to the home looming over the neighborhood, oppose its scale, size, mass, and cite light and privacy issues. They have encouraged the owner to pursue development at the top of the lot, are also concerned with flooding to lower homes on the street, and feel that upslope development is the only way to justify a variance on the lot for such a large structure. If cited on Montana it should be reduced significantly in square footage. They urge the Commission to require a completed set of drawings before making any decisions, stating the latest plan fails to call out all of the trees affected by the planned excavation. There is no grading or drainage plan, and the community has still not had an opportunity to review final plans. They feel it is critical that the massive Monterey Pine on the property line be included in the site plan and be removed, as the tree is dying and serves as a hazard. They ask that all trees affected be assessed and considered for removal, given excavation impacts.

Chair Lane asked whether Ms. Brown supported or opposed the project. Ms. Brown said she would like to see the lot developed and is not opposed to a home, but she indicates "no position."

Secretary Langlois asked Ms. Brown to relay her thoughts about this project. Ms. Brown said the average house on Montana Street is about 1,400 square feet and comparing only the houses on the south side, they are about 1,600 square feet. This proposed project is substantially larger than the average house no matter which side. She urged the Commission to not grant a variance for developing such a massive structure on a substandard lot. She also said each committee and board has been approving the project over objections of neighbors and despite the fact that complete drawings have not been available. There appears there is a new set of plans which do not allow the public to submit comments for this meeting, and she

urged the Commission to require the developer to submit complete and final plans and require they be returned for review by HPC and the DRB prior to them being approved at the Planning Commission level. While she is looking forward to seeing the property developed, but she objects to the current design because it is not compatible with the neighborhood.

Commissioner Reyes said the letter mentions flooding had begun after hillside development on the adjacent lot, and he asked if there is evidence of flooding. Mr. Slaughter said he has no evidence to support flooding. Ms. Brown said there was a large house built at 11 Montana Street and a neighbor complained of flooding, but she was not sure this was documented.

Commissioner Martinez asked and confirmed that the tree which is dying has not been seen by an arborist. Mr. Slaughter noted Design Review Boardmember Robin Welter was part of the subcommittee, reviewed the plan and did not have any additional conditions, except that any trees removed must be replaced on a one-on-one ratio. He thinks the tree in question is not on the owner's property and they have no right to address it. Commissioner Martinez stated that even though the tree is not on the property owner's lot, it has been noted that any excavation for the retaining wall would do damage to the tree, and he suggested there be responsibility for the health of the tree. Mr. Slaughter displayed the tree in question and there is quite a bit of distance from the retaining wall which would only go into the ground a couple of feet, and they would follow building codes and best practices.

Susan Glendening urged the Commission not to approve the variance because the project seems to be proposed by "putting the cart before the horse". There have been many unknowns about how the development will work on such a sloped lot. The structure is massive and does not conform to the surrounding community. She also clarified that 230 Buena Vista is 1,493 square feet and not 2,300 square feet, and the largest home is 23 Montana which staff has chosen as a comparison for this development. This home is already too massive. People walk up the street and comment that it does not fit with the community and it started to get used as a multi-family structure because of its size and mortgage needs. There have been clusters of families renting it. She does not want to see the same thing happen with this parcel. She understands that the FAR is not a factor with residential projects, but this can be used as a metric and this will be 75% density of building to land, which is too massive. The staff report states it conforms to the General Plan and while it is an infill project which is good, but the way it is proposed is not being done well. It does not conform to LU-1 of the General Plan and she urged the Commission not to grant the variance. There is too much unknown about the drainage, grading and how it will affect the surrounding area. She asked the Commission to give the project more thought and make further efforts to make it fit within the surrounding community.

Commissioner Reyes referred to 23 Montana Street and asked about multiple families moving into the home. Ms. Glendening said the 23 Montana Street home is to the left of this property and the one being used as the comparison or model to build this project. It is 2,600 square feet, already looks very massive and a visual impact on the street. If this is supposed to be a single family dwelling, she questioned its use, given the size.

June High, 31 Idaho Street, said she lives one street over from the proposed home. She said 23 Montana Street turned into an illegal car repair business as well as a multi-family use and not in keeping with the rest of the neighborhood. They have one duplex on the street, but this is grandfathered in. The three full baths on the second floor makes her worry that this could be easily converted to a similar situation. She echoed neighbors' concerns about the size of the lot because of unique challenges of the steep slope, small lot size, impact to other homes,

insufficient green space, detracts from the charm of the historic district. Regarding minimizing the garage impact, she thinks moving the building up on top of the lot would minimize the garage more, as it would be behind the home and you would see all house, whereas currently, the garage is right on the sidewalk and does not create 'eyes on the street.'

Howard Lachen said he lives one street over and said Montana Street is a small street with mostly old homes. There is not much variation in the types of homes. He counted 10 homes that had Montana addresses and 8 are single story bungalows of 1,000 to 1,500 square feet, which are very small. If a massive structure is put on the street level, it will overwhelm the other homes. He hopes something can be built on the lot, but he was opposed to a home of such significant scale. The top of the hill would be a better location for it. The Commission approved paving of Paper Street already and he does not see why it could not be used for a different home. Lastly, he reiterated other speaker comments and asked that the Commission not approve the variance.

Rebuttal – Applicant

Hector DeLeon, applicant, said he can understand some of the neighbors' concerns to scale the house down and cut it into the hillside to make it less massive. In terms of the trees, they are sensitive to them and are willing to get an arborist out to look at the tree on the property line and make sure they do not damage the roots within the drip line. His client bought the lot thinking he could develop it, was told he could, and he is trying to maximize his living environment. The lot is steep and in terms of having any livable outdoor space to enjoy, there will be very little of it with a small patio. There is a small amount of landscaping in the front and on the sides, and they are trying to do the best they can to develop a project they can be proud of. There are some large houses on Montana Street to the south, the ones to the north are small, but this is the environment in the Bay Area with varying sized homes which creates diversity.

Commissioner Reyes said he would like to make sure that the residence will be a single family home, and Mr. DeLeon said it will be a single family home with a couple of master bedrooms, three bedrooms above and below is all living space.

Susan Glendening, 34 Montana, said she sympathizes with Mr. Avila that he was informed he could build on the property even though it is a substandard lot. Just because people are unaware of the speed they are driving doesn't mean they cannot get a speeding ticket. She said she asked City staff about variances and whether this would allow for approval to build whatever they want, and she did not get a clear answer from staff or from reading the codes, but it seems this is an entirely subjective decision on the Commission's part. Granting a variance is one thing, but questioned criteria that guide this project. She asked why should the property owner's desire to build a massive structure override what existing property owners want to see because they bought their homes knowing this lot was not buildable. She challenged the Commission to create new design guidelines for these substandard lots so there is not the subjectivity in the process.

Commissioner Reyes said he believes and hears loud and clear the neighbor's thoughts. He asked if Ms. Glendening was at the neighborhood council meeting and Ms. Glendening said she thinks she had a soccer meeting or something else where she was not able to make it. She is here now and opposes it. What she has seen is a subjective decision on the Planning Commission's part and the applicant has not upheld any arguments. They are compressing the house onto the lot to make it fit even though it needs a variance for encroachment on the side yard. It seems like anybody can build what they want if the Commission allows it.

Commissioner Reyes said the term subjective means they are looking at it from one side only. Personally, he said he is looking at objectively and he wants the public to know this.

Commissioner Martinez asked if it would be possible to build a house without a variance on this lot. Mr. Slaughter said this is a good question and Secretary Langlois asked this as well. The way the code works is that the City has a minimum lot size in this area of 6,000 square feet. Almost every lot does not meet that minimum lot size. If it was built after the code was adopted, they all got variances. Some homes were built before the code was even formulated and did not need variances. Any new development that occurs on a lot in Pt. Richmond requires a variance for substandard lot size. The Commission approved a variance in August for a similar setback issue and it is not uncommon for the area.

Commissioner Martinez asked and confirmed that those houses that exist there would not be able to be built the way they are without a variance.

Commissioner Butt said the speaker brought up an interesting point and there obviously are many substandard lots in Pt. Richmond and history of development on them. He asked if staff was aware of any effort where there were criteria for development of substandard lots. Mr. Slaughter said no, other than infill housing requirements. He commented that the applicant is still meeting all requirements for setbacks. They have twice the amount of open space in the rear area that is required so they are exceeding many of the requirements. Commissioner Butt suggested it is the width at issue which is 40 feet, and if the width of the lot were 60 feet, a variance would not be required and Mr. Slaughter agreed.

Secretary Langlois thanked staff for responding to her emails and she asked how staff approaches the situation when someone comes to the City who owns a substandard lot and also has the added effect of being on a hillside. She said in this case, the applicant is trying to build the biggest possible house that can be engineered and put on the lot. It is true that it is very different from the neighborhood up and down the street. Just because 23 Montana was allowed to build a house out of character with the neighborhood, she questioned if this just opens the flood gates so any house can build the maximum they can fit on the small lot, or was there thought given to reduce the impacts and conforms to the rest of the neighborhood. Mr. Slaughter explained when an application comes to the Planning counter the applicant is able to apply for whatever they want. Staff cannot compel them to do differently. Staff can suggest best practices, suggest good design criteria and ultimately they make the recommendation that the DRB evaluates. Many of the comments made by residents were taken under consideration. Staff was sensitive to their comments; however, the DRB rejected those comments and did not agree with their position. Much of the design is subjective but when it comes to the variance, it is very objective. There are four specific findings that must be made and if almost every lot is 4,000 square feet and has a house on it, it would be fair to say that an owner should be able to build a house as well. Staff simply takes in the application, evaluates it and it is up to the DRB or Commission to approve or deny it. This plan has been revised 10 times and based on the current revision he would say it is in scale with the 3 houses that were used as context. The adjacent house was not the only one used in context in reviewing this house; however, the bungalows across the street were not used for obvious reasons because they have a completely different context. He noted that the Commission is able and welcome to make comments or conditions on the plan, but the matter is whether or not the Commission is able to make the findings for the variance.

City Attorney Privat pointed out that the Commission is being asked to approve the design review permit as well as the variance.

Secretary Langlois said just to be clear, she asked whether or not the Commission can deal with design specifics. Mr. Slaughter said the Commission can tinker with the design; however, there has been thorough review of the design with several revisions and hard work, but it is up to the discretion of the Commission.

Secretary Langlois said she did not want to tinker with any aspects of the design, appreciates the amount of work, but wondered more about the overall size. She asked if it would be possible for the Commission to indicate that it is fine to have the house on the lot but that the Commission limit the square footage of the house to anywhere between 1,800 to 2,200 square feet. Mr. Slaughter said he does not believe this would be out of the purview of the Commission. He clarified that if the Commission were to reduce the square footage, if the condition can be accommodated by the applicant and final plans could be submitted to a subcommittee or to the Planning Director, so the project could move forward.

Secretary Langlois referred to the drainage and grading plans and said there was a question about not having them and the ability to fully evaluate the project. Mr. Slaughter said the DRB approves a design, the Building Department and Engineering approves the plan check and at that point, a grading plan would be submitted along with construction documents. This is typically not something seen early on in the process, and those documents would have to meet all building codes.

The public hearing was closed.

Commissioner Butt said he is sympathetic to the comments of the neighbors tonight. Generally he does not like to see projects out of scale in a community. He saw the project early on and it has come a long way. It is a good example of following the process and revising it along the way. For him, if a project of this size on the lot across the street, he would not support it. Given the slope, if a smaller house were planned similar to the square footage of the bungalows, it would be in a hole. He lives in Pt. Richmond in a small house on a steep hill and all of the homes across the street were built in 1903 and are all on hillsides and roughly of similar scale to the one being proposed. He believes architecturally, the home appears similar to scale to 23 Montana's mass which he thinks is rather ugly. This project shows that through design and several meetings the process has worked and it will not read as massive. He likes the Craftsman design and supported approval.

Commissioner Willis asked staff to bring up the Google image and referred to one side of the street as being consistent. On the other side of the street, it is different geographically and different sizes, configurations, and he supported the project.

Commissioner Martinez said he appreciates the fact that the owners worked hard to work with the community and at the same time, he sympathizes with those who see the building as too large for the site. He agrees that the building is too big for the site, but the designer has done a great job by making it less impactful by setting it back and having the porch and terrace face the street, which makes it more inviting. Therefore, even though he finds the house too big for the lot, he does support it given the attention to the design and the work to fit it into the neighborhood.

Commissioner Choi said many speakers mentioned sensitivity. It is important to think of the corresponding sensitivity on the other side. Speakers spoke against the project because of its size and the fact that they would rather see an empty lot. There are family reasons why people need large homes and urged people to think about this. Land values are such now that it does not make sense to build a 1,000 square foot home because it will instantly be worth less than what people have paid for. He asked people to step back and think of the other side's situation.

Secretary Langlois said this is a difficult case because she recognizes the efforts of all concerned. She recognized that the house has been reduced, stated that it has gone through review of several bodies and at the same time she hears neighbor's concerns of the size of the house and while more attractive than 23 Montana Street, it is large and she questions whether it will be harmonious. She does not want to prevent the applicants from having a home, but at the same time, she recognizes the neighbor's concerns and said she would be therefore abstaining on the matter.

Chair Lane referred to subjectivity and said that this is what this forum is for. Commissioners hear both sides and prior to meetings they review staff's analysis and do additional work in an effort to come to a decision. In addition, the DRB was very diligent. Many Commissioners were present at the joint meeting and she listened carefully to comments and thought the DRB was very detailed in its analysis. She understands neighbors' concerns about the character of the home and whether it fits with other homes. While not all homes are of this size in the neighborhood, there is variety and in reality, a home in this range can accommodate a family and for those reasons, she supported the application and thanked neighbors' for their participation and attendance.

MOTION: It was M/S (Reyes/Martinez) to approve PLN 11-054 with staff's findings and staff recommended conditions.

Commissioner Martinez stated that the designer stated he would seek an arborist to review the tree in question and asked to add this as a condition. Commissioner Reyes concurred.

ACTION: It was M/S/C (Reyes/Martinez) to approve PLN 11-054 with staff findings and recommended conditions, with the additional condition to require the applicant to hire an arborist to evaluate the dying tree; which carried by the following vote: Ayes: Butt, Choi, Martinez, Reyes, Willis and Lane. Noes: None; Abstain: Langlois.

Commissioner Martinez suggested the Planning Department review and come up with regulations for building on substandard lots.

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

Commissioner Willis wished his mother a happy 57th birthday to his mother.

Commissioner Choi noted that Richmond Build is having another graduation tomorrow from 10am to 12:30pm.

Secretary Langlois announced that this Sunday, the Mayor will report back on a recent trip from Ecuador where she was invited by the President of Ecuador which will start with refreshments at

6:30 pm and program at 7:00 pm at the Bobby Bowen Progressive Center at 21 Macdonald Avenue.

Commissioner Martinez recognized he and his wife's 30th anniversary on Veterans Day on November 11th.

Commissioner Butt reported a Veterans Day event on Monday at 9am which is the ribbon-cutting ceremony of the Rigger's Loft which is opening.

Chair Lane wished Senior Planner Lina Velasco congratulations, as she gave birth to a baby girl.

Adjournment - The meeting was adjourned at 8:30 p.m. to the next regular meeting on December 5, 2013.