

**REGULAR MEETING MINUTES
SAN RAFAEL PLANNING COMMISSION
FEBRUARY 12, 2008**

ROLL

APPROVED

Commissioners Present: Chair Kirchmann, Vice Chair Pick, Colin, Lang,
Paul, Mills, Sonnet

Commissioners Absent: None

Community Development: Raffi Boloyan, Principal Planner
Sarjit Dhaliwal, Associate Planner
Caron Parker, Associate Planner

AGENDA

CONSENT CALENDAR

RECOMMENDED ACTION

1. Minutes, January 15, 2008

PUBLIC HEARINGS

2. **522 Third Street** – Request for an Environmental and Design Review Permit, Use Permit, Minor Subdivision and an Exception (from recreational facility requirement for condominium development) for a new, two-story, mixed-use building consisting of 3,425 square feet of office area on ground floor and three condominium studio units on the upper floor. The project would provide 7 onsite covered parking spaces and would utilize 10 uncovered parking spaces from a parking lot already approved on the adjoining property to the east; APN: 014-123-23 and –14-123-14; Commercial/Office (C/O) District; Bill Daniels, property owner; Brent Dickens and Jerry Johannessen of Architecture and Planning, applicants; File Nos.: ED07-039; UP0-7-020; S07-012 and EDX08-001.
Project Planner: Sarjit Dhaliwal
Environmentally Review: Categorically Exempt
3. **1111 East Francisco Blvd** – Request for a Use Permit to allow a billiards hall along with a souvenir video shop to be located in an existing 1,025 sq. ft. commercial space; APN: 009-191-32; General Commercial (GC) District; Eva Ghilotti, property owner; Wilson Tengnguyen, applicant. File No.: UP07-054.
Project Planner: Sarjit Dhaliwal
Environmental Review Categorically Exempt
4. **280 Channing Way (Corner of Professional Parkway/Channing Way)** – Study session to review a proposed Hillside Guidelines Exception request to allow the creation of three new lots within 100 vertical feet of Visual Significant Ridgeline;

APN Nos.: 155-101-03 and 04; Planned Development (PD) Zoning District with a General Plan Land Use Designation of Low Destiny Residential for Parcel 1 and Hillside Residential For Parcel 2; Academy Partners LLC, property owners; Igino Pellizzari, Abitare Architects, applicant; File No.: PA08-001.

Project Planner: Caron Parker

Environmental Review: Initial Study to be prepared at formal submittal

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

* * * *

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Chair Kirchmann, Vice Chair Pick, Colin, Lang, Paul, Mills, Sonnet

NOES: Commissioners: None

ABSENT: Commissioners: None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Kirchmann explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS - None

CONSENT CALENDAR

1. Minutes, January 15, 2008

Chair Kirchmann asked for a motion.

Commissioner Paul moved and Commissioner Pick seconded, to approve the January 15, 2008 minutes as submitted. Motion carried 6-1. Mills abstained.

AYES: Commissioners: Paul, Pick, Chair Kirchmann, Colin, Lang, Sonnet

NOES: Commissioners: None

ABSENT: Commissioners: None

ABSTAIN: Commissioners: Mills

PUBLIC HEARINGS
PUBLIC HEARINGS

2. **522 Third Street** – Request for an Environmental and Design Review Permit, Use Permit, Minor Subdivision and an Exception (from recreational facility requirement for condominium development) for a new, two-story, mixed-use building consisting of 3,425 square feet of office area on ground floor and three condominium studio units on the upper floor. The project would provide 7 onsite covered parking spaces and would utilize 10 uncovered parking spaces from a parking lot already approved on the adjoining property to the east; APN: 014-123-23 and –14-123-14; Commercial/Office (C/O) District; Bill Daniels, property owner; Brent Dickens and Jerry Johannessen of Architecture and Planning, applicants; File Nos.: ED07-039; UP0-7-020; S07-012 and EDX08-001.
Project Planner: Sarjit Dhaliwal
Environmentally Review: Categorically Exempt

Sarjit Dhaliwal, Planner, summarized the staff report and recommended that the Commission adopt a resolution conditionally approving the Environmental and Design Review Permit, Use Permit, merger of three lots into one lot, Tentative Parcel Map and Exception.

Jerry Johannessen, architect, found the staff report acceptable as presented and had nothing further to add.

Commissioner Mills expressed concern for the fact that no storage is being provided for the residents. She further believed storage is a big factor and asked that storage for residents be addressed.

Commissioner Lang asked if staff intended to leave off the lettering on Exhibit 2 in regard to page 2-4. Planner Dhaliwal agreed to modify because the intent is for them to be numbered consecutively.

Commissioner Sonnet desired clarification from the architect in regard to the phrase, “*future front office unoccupied*” on page 3. Architect Johannessen responded that the intention for the front space is possible future expansion of the United Markets Office or in the meantime rent it out for office or retail. Commissioner Sonnet then asked what would occur with these three units. Architect Johannessen responded that his client’s intent was to make those units condominiums and they may in fact rent them to their employees, but he is not certain in that regard.

Commissioner Pick asked staff how this project works zoning wise, if not a residential use upstairs and perhaps more office space. Planner Dhaliwal responded that office space is possible. Residential use is allowed with a mixed-use. Principal Planner Boloyan noted that if upstairs units were made into office space there is a floor area limit for the property, which staff believed is 0.7. In terms of parking if an office, the parking requirement would also increase for the project, but given that the adjacent property is

excess parking in view of the code because it is more than what is required for a project of this size, they can satisfy the parking requirement, but the floor area might be an issue.

Commissioner Mills discussed Exhibit 2-6 and clarified No. 5 in regard to easements and the rest that talks about types of improvements that would not conflict with easements, but there are no easements located on the property so then the rest of that paragraph is not necessary. Planner Dhaliwal noted that these findings come from the required findings, so any improvement will not conflict with the easements because there are no easements.

Commissioner Paul discussed parking and asked if there is some kind of agreement to use some of the Elephant Pharmacy parking. Principal Planner Boloyan explained that when Elephant Pharmacy occupied 909 Grand, they did not require any additional parking since their use was considered grandfathered for a retail type use. However, although the City was not requiring parking, the operators of Elephant Pharmacy desired to add off street parking for their customers. They first secured parking arrangements with the property immediately to the west and they demolished part of a retail building and created a 25-lot parking space for use by Elephant Pharmacy. Then later they secured an agreement with owners of these three properties that are subject to tonight's action to build more parking on that property for use by United Market. That parking lot was approved, but not yet been built. As part of that approval, United reserved a portion of that lot for future development, which is the project before the Commission. The parking that would be immediately next to this building would be used partially by this new use plus some sort of lease arrangement with operators of Elephant Pharmacy to provide overflow parking for United as well.

Commissioner Mills discussed Exhibit 2-5 regarding adequate area provided for landscaping requirements and asked staff to clarify. Planner Dhaliwal explained that landscaping is already approved as part of the parking lot. Staff clarified that the open space is just the decks.

Chair Kirchmann opened the public comment on this item, and seeing no one wishing to speak, the Chair closed the public portion and brought the matter back to the Commission for discussion and action.

Commissioner Mills desired storage for residents to be addressed. Also, a waiving of the recreation element is not appropriate in her view. In line with green building ordinance and the idea that these residential units are in the center of a commercial area, she desired some sort of area for residents to have a place outside of their units to rest. For the idea of using solar energy and hanging out laundry, she desired a rooftop garden for a clothesline or a place where a person can relax on a bench.

Commissioner Paul is not concerned about storage because there is plenty of opportunity for mini storage units, if needed. If they are waiving the idea of recreational facilities, and given the fact that this is a fairly large parking lot, creating some kind of a green space on the grounds would provide some type of respite from all this concrete. There is not much chance of relief from all the concrete. He suggested possibly giving up some parking

spaces for a green area.

Commissioner Lang had no issue with storage. She agreed outdoor space would be a nice amenity, but this area is so impacted by parking. This area is in desperate need for parking and hoped some of the employees will be able to park in the area. This is a tradeoff and believed the project applicant has provided all the parking for a reason and agreed with the parking being proposed.

Commissioner Colin found the idea of storage interesting, but bike lockers are being provided. In general, she liked the mixed-use aspect. She believed this is a great location for infill housing. In terms of recreational area, she sees this as a very urban area with so much concrete. So she has no problems with the project as presented.

Commissioner Pick pointed out that there are three parking spaces shown on the plan that are substandard even for compact vehicles and felt those three spaces could be converted into green space, which would attach nicely to the landscaped area already proposed. He had no objection to the project as presented, but if there is an ability to add some green space he would have no objection.

Commissioner Sonnet found the project to be nice. He wanted to make this a place where employees could live and keep the synergistic relationship, which would be an ideal situation. He favored adding some green area, if possible. In terms of storage, he remembers living in a one-bedroom apartment having only a small locker. He liked the mural and found it to be a wonderful addition. He desired some framing or bordering around each picture, but it is a wonderful idea that adds to the charm of the project.

Commissioner Pick stated that this project is more important for the City than it looks because it offers affordable by design modest units in an area around employment and is very pleased it is before the Commission tonight.

Chair Kirchmann stated that if the applicant wanted to add storage in the parking areas he would encourage the Planning Division to approve, but that is not required. In regard to recreational areas, there are private balconies provided for each unit.

Commissioner Paul is disappointed with the entry of these units because there is no direct access to the street. He believed less parking and more consideration for green space and circulation would help this project. Chair Kirchmann agreed and his preference would be to have the electrical equipment screened somehow, but he is willing to defer to the judgment of the Design Review Board.

Commissioner Mills asked the Commission about the idea of a rooftop garden. Commissioner Pick pointed out that one unit must be eliminated because two stairways would be required for fire access. Also, there would be structural and fire proofing issues in regard to a rooftop garden. From a code prospective, it launches the buildings into an entirely different category. Commissioner Paul added that a rooftop garden is viable, but extremely expensive and there would be several issues. He further believed green space

could be provided on the ground floor by removing some parking.

Chair Kirchmann asked for a motion.

Commissioner Colin moved and Commissioner Lang seconded, to adopt a Resolution conditionally approving the Environmental and Design Review Permit, Use Permit, merger of three lots into one lot, Tentative Parcel Map and Exception.

Commissioner Paul will vote against this project because they should have sent this project back for a better redesign in order to provide some kind of amenity at the ground level combined with adequate circulation to the street. Chair Kirchmann pointed out that the ground level is not that desirable to recreate on because parking surrounds the area and there is not enough area to effectively screen recreation or seating areas. He agreed that better pedestrian access and more green space would be nice for this project. Commissioner Paul desired some relief from the constant concrete.

Motion carried 4-3. Paul, Mills and Sonnet opposed.

AYES:	Commissioners:	Colin, Lang, Chair Kirchmann, Pick
NOES:	Commissioners:	Paul, Mills, Sonnet
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None

3. **1111 East Francisco Blvd** – Request for a Use Permit to allow a billiards hall along with a souvenir video shop to be located in an existing 1,025 sq. ft. commercial space; APN: 009-191-32; General Commercial (GC) District; Eva Ghilotti, property owner; Wilson Tengnguyen, applicant. File No.: UP07-054.
Project Planner: Sarjit Dhaliwal
Environmental Review Categorically Exempt

Sarjit Dhaliwal, Associate Planner, summarized the staff report and recommended that the Commission adopt a resolution conditionally approving the Use Permit.

Wilson Tengnguyen, applicant, explained that this is not a typical billiard hall. It is more aimed toward their target market of family and close family friends for a recreational area to play Vietnamese billiards. They are not open to the general public, just word of mouth by close family friends.

Commissioner Colin asked the applicant if his family and friends would be a charge to play Vietnamese billiards. Mr. Tengnguyen responded in the affirmative. He then explained that his step dad has several co-workers, friends and family members that come to his house, around 20 adult working class Vietnamese individuals. Instead of playing at their home, this is a building for their recreation use. With the issue about safety and welfare, it is not open to public. They charge by the hour, by the balls played and by renting of queue sticks. No food or beverages will be provided other than water and soft drinks. It will be managed by their family. If a random person from the public comes to

their facility they will not stay unless they know the game because it is not the typical billiards.

Commissioner Paul clarified that it is billiards, not pool. Mr. Tengnguyen responded in the affirmative. Commissioner Paul suggested that they have a private membership club to exclude the public because once the word gets out about a billiards room possibly the public will come, so that is not in their best interest and suggested a private membership, which would be easier to control.

Commissioner Pick discussed the proposed conditions and asked the applicant if he understands that they must remove the existing improvements, which is the wall in front of the building, so there is no back room and it will essentially be one open space. Mr. Tengnguyen pointed out that the front area was for souvenirs and rentals and behind would be the area for checking out the balls and sticks. He did not see removing the wall as a big problem other than receiving a permit to take the wall down.

Commissioner Lang asked the applicant about the \$2,000 deposit. Mr. Tengnguyen did not see the \$2,000 deposit as a problem.

Commissioner Mills clarified that only water and soft drinks will be served. Mr. Tengnguyen responded in the affirmative. He reiterated that they would not be serving alcohol.

Commissioner Colin discussed the request to remove the wall, but it is not a public space, it is a private use and it seems that they are not all moving in the same direction. Principal Planner Boloyan explained that staff reviews it as a land use issue, so a billiards club would be a billiards club whether private or public. The purpose of the condition to require removal of the wall is due to a safety concern from the police to have an unobstructed view into the space, so safety is a concern.

Chair Kirchmann opened the public comment on this item, and seeing no one wishing to speak, the Chair closed the public portion and brought the matter back to the Commission for discussion and action.

Commissioner Mills discussed Exhibit 2-3 regarding use permit conditions under No. 9 that talked about alcohol and suggested stating, *“that no alcohol shall be served at this facility.”*

Commissioner Pick believed it is important to take the safety concern from staff professionals and opening the area up is not objectionable by the applicant, but going beyond that is not necessary. They must acknowledge this is a game they are not familiar with. It will add life to the community to have different and new activities occurring and he would not want to unnecessarily limit or prohibit options in the future.

Commissioner Paul stated that if they are removing all the walls then Exhibit 2-2 under No. 4 regarding *“maximum of two billiard tables allowed”* should be removed because

there is plenty of room for three or four tables. Planner Dhaliwal agreed that it would be possible to increase the number of tables.

Principal Planner Boloyan clarified that sale of alcoholic beverages would require a PCN because it would be introducing a new liquor license in a high crime or over concentrated area and ABC would not issue a license for alcohol without the City granting a PCN. Staff noted that there are different levels of PCN that could go before the Zoning Administrator, Planning Commission as well as the City Council.

Commissioner Lang asked if the applicant were to reconsider and decide a private clubhouse is desired what steps would be required to make that happen. Principal Planner Boloyan responded that they would not distinguish between private or public. Staff would look at the land use as a billiards hall.

Commissioner Pick discussed Exhibit 2-2 and pointed out that Items No. 1 and No. 12 are in conflict and must be revised. Planner Dhaliwal agreed to modify No. 1 to add, *“and as amended by these conditions of approval.”*

Chair Kirchmann discussed maximum of two tables, and if that is acceptable to the applicant, he did not see any reason to remove. With the souvenir and video use gone then it is less obvious that there would be enough room for a third or fourth table. Mr. Tengnguyen would appreciate three tables, if possible. He pointed out that the dimensions are smaller than a typical billiards table. Commissioner Lang asked the applicant to provide staff with the dimensions of a billiards table. Mr. Tengnguyen agreed.

Commissioner Colin suggested a maximum of four tables because this could be a viable enterprise. Commissioner Paul agreed with a maximum of four tables. Planner Dhaliwal responded that the idea was to allow free movement and with the proposed hall, two tables seemed appropriate, but since the walls are being removed, three tables might be possible.

Commissioner Pick did not see a need to regulate the amount of tables and would support a condition to eliminate the condition completely. Commissioners Colin and Paul concurred.

Chair Kirchmann asked for a motion.

Commissioner Paul moved and Commissioner Colin seconded, to adopt a Resolution conditionally approving the Use Permit with the removal of Condition No. 4 on Exhibit 2-2; and the modification to Condition No. 1 as discussed by staff. Motion carried unanimously.

AYES:	Commissioners:	Paul, Colin, Chair Kirchmann, Lang, Pick, Mills, Sonnet
NOES:	Commissioners:	None

ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

4. **280 Channing Way (Corner of Professional Parkway/Channing Way)** – Study session to review a proposed Hillside Guidelines Exception request to allow the creation of three new lots within 100 vertical feet of Visual Significant Ridgeline; APN Nos.: 155-101-03 and 04; Planned Development (PD) Zoning District with a General Plan Land Use Designation of Low Destiny Residential for Parcel 1 and Hillside Residential For Parcel 2; Academy Partners LLC, property owners; Igino Pellizzari, Abitare Architects, applicant; File No.: PA08-001.

Project Planner: Caron Parker

Environmental Review: Initial Study to be prepared at formal submittal

Caron Parker, Associate Planner, summarized the staff report and recommended that the Commission conduct the study session in the following fashion:

- Staff report presentation
- Planning Commission questions of clarification
- Applicant presentation
- Accept public comments
- Planning Commission discussion and feedback

Planner Parker then pointed out a few corrections to the staff report for the Commission's consideration.

Igino Pellizzari, applicant, reviewed several scenarios to meet code and comply with City requirements, but desired direction from the Commission so their next phase of work will not be another exploration. They desired clear feedback from the Commission in regard placing three units within 100 vertical feet of the ridgeline, and if not viable, then they must decide whether or not to go through the process. The roadway will be an impact and placing two or three houses in the setback along the existing road allows them to utilize the area. They can move the units around further down the parcel, but there is no way to avoid perhaps 40% more roadway. Green solutions are very important and if they can save more trees that is important. They are looking for a good solution for their client. They are proposing trees to screen and soften the appearance. The hillside guidelines speak to highly visible ridgelines and this site is not viewed from any major arterial area, but it is viewed from the neighborhood around it, but it is a highly developed hillside. There is a context present so the impact of adding a few houses will not change that context. He questioned this particular area in terms of impacts and felt the impact is substantially less significant than the impacts environmentally if they stayed below the 100-foot. He further appreciated the Commission's consideration tonight.

Chair Kirchmann opened the public comment on this item.

Duncan McKeller, Channing Way resident, expressed concern for no parking on Channing Way and any development that would add additional parking spaces would be appropriate in his view.

Jacqueline Angermen, Channing Way resident, agreed that parking is needed in the area. She wondered where this parking would enter and exit because the intersection at Channing Way is very impacted. With another driveway or street near that intersection it would really impact the current residents. Chair Kirchmann explained that the current proposal has the driveway serving this project fairly close to that intersection just down Sterling Way, but through the course of project approvals that will be discussed.

Michelle Ling, Channing Way resident, reiterated that parking has become very difficult and crowded, so more parking is needed.

Commissioner Lang discussed the renderings and asked the applicant if the trees proposed are depicted by the use of a different color green. Mr. Pellizzari responded that the majority of trees are replacement trees for those that will be removed and 70% are added trees. He then explained that this is a 10-year projection in terms of tree size. They did not provide a one-year rendering, only the existing trees and an approximate 10-year projection.

Commissioner Paul discussed the preferred northeast view and the lowest house is fairly close to the existing houses on Sterling and it appears out of scale, but assumed the houses proposed would be of similar size to those on Sterling Way. Mr. Pellizzari explained that unit is a two-story BMR unit around 1,800 square feet, which is slightly small, but the others seem reasonable. Commissioner Paul then commented on Lot 7 that appears to be a larger house, but it still seems to be 80% of the size of those on Sterling. He then suggested duplicating the homes on Sterling in order for the Commission to have a better understanding of what is going on in the area. Mr. Pellizzari stated that the house on Sterling is stepped up the hill and if counted there is almost four stories. The houses they designed are three stories and the houses are further away. As they travel up the hill there is some reduction in size. He further believed there is some room for maneuvering, but agreed that the BMR unit is out of proportion.

Commissioner Paul asked the applicant if other access points were considered for the common road, which is a 38-foot wide road with parking on one side. Mr. Pellizzari responded that they are planning two 10-foot lanes; 4-foot sidewalk; 8-foot parking lane; and 2-foot shoulder. In terms of other access points, they had it further down Sterling, but the constraints of getting the slopes to work dictate the location. There is an area between the lower part of the property and Sterling Way, but that is another piece of land that is open space that goes up to about a 60% slope. He explained that there are two different entities that own that property. Some is part of the open space granted from across Sterling and some part is owned by another. It is very steep and placing a road in that area is very unlikely.

Commissioner Mills reviewed the renderings that she found acceptable, but when looking at the picture, she is surprised how low on the property the units are proposed to be located and desired an explanation. She thought they would be lined up on top of the property and the lower part of the property would be more open to the wetlands. Mr.

Pellizzari pointed out that it is the nature of the grade. The houses on the lower property are situated at 10 feet, so literally by elevation they are 10 feet above the wetlands area, but it steepens dramatically at the intersection and up to Channing. Commissioner Mills expressed concern for flooding and soil stability. Mr. Pellizzari submitted a geotechnical report and the area is viable, but they must review the history. The trailer park is probably lower than their proposal, so he did not think grading and soil stability is an issue.

Commissioner Mills noticed a pathway that has been used by many walkers and considering the high density of people that live at the top of this hill she asked the applicant to consider dedicating a pathway to public open space or public walkway so people could come through the property down to the wetlands. Mr. Pellizzari must seriously consider that suggestion. The property across Sterling has no area dedicated to open space and asking the owners of the project site to give up their private use is not equitable. He further added that convenience to travel to the open space is not a consideration.

Commissioner Sonnet asked the applicant if the roadway would be public or private. Mr. Pellizzari responded that it is up to the City if they accept the roadway. If in the process they can minimize the grading further, and if that is acceptable by the City, this roadway will provide much more than the required guest parking and they could explore options of more guest parking with a smaller road, but it is proposed as a public road. They are intending to place the driveway, if all works out, in an area that parking is not located.

Commissioner Sonnet asked the applicant if the City's Traffic Engineer reviewed this plan. Mr. Pellizzari responded that the City's Traffic Engineer reviewed the previously submitted plan. Planner Parker noted that they came before the DRB for conceptual review and as part of that review the plans were sent out to building, public works and fire and some of the reconfiguration had to do with fire, so they reviewed at least one iteration. This current proposal has not been reviewed. Mr. Pellizzari added that they must comply with Caltrans criteria as well, but it must be reviewed by the City's Traffic Department.

Commissioner Paul asked the applicant to discuss the previous road design. Mr. Pellizzari explained that the road came off of Sterling that forced a zigzag road, which met all the criteria, but the Fire Department was not very happy, so they tried to move it back and make a less curvy roadway.

Commissioner Pick understands the alignment, but asked the applicant if the width was dictated by this process or by fire or any City Department. Mr. Pellizzari responded that it was not dictated. If they wanted to have guest parking, the street must be wide enough. They have another road that was 28 feet that had no sidewalk and it also had parking, so if they can reduce the width it will be considered, but wider is preferred. This is a steep site and overall if possible to reduce he would reduce because it would reduce construction impacts. Commissioner Pick stated that it must be balanced by the fact that in-law units are being provided and some parking is needed. It is pretty unlikely that the City will accept this as a public roadway. He then asked the applicant if consideration

was given to a townhouse type clustered development with a smaller footprint. Mr. Pellizzari stated that they had more units, but they were over the allowed density. The previous application for this parcel had seven plus units, but they were over the density and now they are trying to get back in compliance.

Commissioner Pick discussed slope standards on page 3 in the staff report and on Parcel No. 1 there is an indication that 4.25-acres is allowable. Planner Parker responded that there is a base density per General Plan designation, but hillside guidelines has a slope density calculation, so based on the General Plan, they could have four units, but within 110 feet of the ridgeline that is compromised. Principal Planner Boloyan clarified that it is one unit because the entire parcel is located within 100 vertical feet of the ridgeline.

Chair Kirchmann asked staff if these parcels were combined that allowed density would pick up another two or three units disregarding the setback from ridgeline. Planner Parker responded that right now as separate parcels one can have seven units and one can have one unit. Staff pointed out that the slope does not change if combined. Chair Kirchmann clarified with staff that what is constraining the density is the 100-foot vertical buffer from the ridgeline. Planner Parker responded in the affirmative.

There being no further public testimony on this item, the Chair closed the public portion and brought the matter back to the Commission for discussion.

Commissioner Sonnet felt there is a real balance between the ridgeline ordinance and wetland ordinance and the setback required. The houses under either alternative are close to the wetlands. Within the preferred alternative there is closeness to the wetlands that while meeting City standards are too close for comfort. There is an ordinance protecting the ridgeline and the ridgeline ordinance is present for a reason. They should stand behind the intent and the letter of the law relative to the ridgeline ordinance and there may be other ways to look at different alternatives to better protect the wetlands as well. The alternative as presented they are pretty close in protecting the wetlands. They must focus in on making this the best project possible. He suggested having a narrower roadway and moving further away from the wetlands. This is a unique site and a beautiful site. He further believed there is enough room with the allowed density to balance the two.

Commissioner Paul stated that in most cases there is a tremendous amount of distance from the edge of the proposed housing to the wetlands. He is not convinced that this is an accurate depiction of the proposed development and encouraged the architect to study carefully. The size of houses must be carefully reviewed in order to have an accurate view of how it will appear. He desired an accurate view of the trees five years down the road. He encouraged the applicant to preserve as many trees as possible because the heavy vegetation mitigates concerns. This is a very compromised site and historically been built close to the ridgeline. He visited the site and believed it works. The houses could be within that 100 feet and still not compromise the integrity of the ridgeline. It is not seen from any major arterials. With careful site planning, landscaping and articulation of the buildings themselves this could be a quite handsome project. He wished more units

could be provided along with more BMR units. He felt the roadway is too wide and if provided it would not help Channing Way, only the houses in this development. The guest parking can be accommodated on driveway aprons or pullouts, so a narrower road will be better for the hillside and reduce the required retaining walls. He is prepared to relax the 100-foot ridgeline requirement. He thinks the preferred alternative works best. Also, he is not sure the entry off the intersection works very well, so the engineering part must be reviewed. He believed it is unfortunate that the road could not come down through the open space because the road will make quite an impact on this site. He further appreciated the tree-lined roadway.

Commissioner Lang is open to a clearly superior plan, but they must show the Commission that their plan is superior. They need high quality crisp photomontages that show tree growth in a series to better understand. There cannot be any question about the scale. She suggested preserving as many trees as possible. She hoped more could be conserved. The road is the most significant piece close to the ridgeline and suggested narrowing the roadway. The entrance at the other end is ideal as suggested by Commissioner Paul.

Commissioner Pick believed the entry would move to be made safe and practical. To make this plan click, if there was less roadway, perhaps a narrower roadway with parking pockets for guests parking that would allow the flexibility to place the roadway in an alignment to accomplish the alternate way out without the double roadway. He desired allowing a roadway to be steeper than DPW wished if they could keep to the hillside ordinance and keep the homes away from wetlands and protect ridgelines as long as it is properly constructed. He wanted the roadway to become more flexible to align the road in a sensitive way that would allow maximum utility of the site. Given the zoning constraints, it is very elegant to offer the single-family homes. He imagined the roadway taking a turn down to meet the lower portion and then somehow getting back so there must be less roadway and steeper in some locations. It might be possible to thread the needle between the constraining aspects of this particular site.

Commissioner Colin visited the site and there is a lot of development on that ridgeline, so having flexibility is needed. She appreciated looking at the big picture and looking at the tradeoffs. She accepted the fact that the applicant will develop the site. She desired the preferred alternative because it is farther away from the wetlands. Coming out of Channing Way is a concern in terms of circulation. She also appreciated all the dialogue from the Commission.

Chair Kirchmann understands the parking problem and staff must explore with the City's Traffic Engineer if as much red curb is needed in that area. The access point must be studied carefully. In regard to coming off Sterling, he understands why the proposed location works due to the steep slopes and property ownership further down the hill. If the project meets the exception findings in Section 14.12.040, and if they look at simply the property development standards there is no way to make the exception findings. The City Council could look to the exceptions to the property development standards and that is where the flexibility comes in under the existing regulations. Also, they could ask the

City Council to re-examine the ridgeline property development standards and indicate that the standards make good policy sense in the context of a pristine or undeveloped ridgeline, but several projects in the last decade were proposed with development on hillsides with homes on top of the ridgeline or within 100 feet and in that context it is difficult to look at the regulations. They must confront matters directly and ask the City to change the regulations to make better provision in a site like this that is highly compromised. Without changing it, then the focus is on the exceptions. If the applicant does provide superior project with greater sensitivity to the natural setting and satisfies the criteria for Council to make the exception findings, it seems that if they are convinced to allow some development to encroach within a 100 vertical feet, then they should simply look at the two existing lots together, combine and then re-subdivide. They pick up a few more units that provide a lot of opportunities. Again stepping away from technical details of the existing regulations, he thinks they have a better development with homes scattered up and down the hillside rather than all pushed to the bottom. From a regulatory standpoint, if they are going to make these exceptions any way they should make them with respect to Lot 1 as well as Lot 2 to provide more flexibility in the site planning. He must see that they made every effort to preserve the mature existing trees. There are tradeoffs because existing trees detract from the views from new homes, but that may be part of the tradeoff in developing closer to the ridgeline. He agreed with making the road less wide and it is easy to find the right location on this site to have guest parking. He is open to the idea of recommending exceptions to the City Council. In terms of presentation, he echoed comments that they must have accurate representations and show both with and without plantings as well as the projected 5 to 10-year growth. A model might be beneficial to make recommendations on the alternatives in order to understand what is proposed in terms of removal of existing trees and what is proposed in terms of changing topography. They need different presentation materials to make that clear. Also, by using more of upper Lot 1 there is probably an opportunity to tweak the site plan to really demonstrate that they are preserving other aspects of the hillside for exchange of being close to the ridgeline. It is a mistake to indicate that this site is not visible, because it can be seen from McInnis Parkway and parts of San Pedro Road and Contempo to some degree, so there is a significant portion of the community that looks back up towards this hillside so visual impacts should not be ignored.

Planner Parker believed the Commission desired clear direction about what is the prevailing and compelling items that makes the preferred alternative project something that would provide the latitude to go with an exception. They have the ridgeline to keep the development off the 100-foot encroachment and staff pointed out that the wetlands are protected with the 50-foot setback. Chair Kirchmann believed one way to tradeoff against the ridgeline development is possibly providing greater setback to the wetlands or demonstrate greater sensitive to the wetlands. He added that tree preservation must be satisfied. Also, minimizing grading to reduce retaining walls and to reduce structural failures in the slope. Planner Parker noted the main issues are tree preservation and minimizing road impacts and there must be some balance with the Fire Department and parking.

Chair Kirchmann stated that the City Council must make exception findings and in order

to do so, staff and the applicant must search through the hillside guidelines and design criteria, so it is a matter of going through the whole list and demonstrate that they are doing better on all others.

Planner Parker added that the driving force on Parcel No. 1 is that it will be developed anyway with a road and that road will access Parcel No. 2. Staff and the applicant have worked for months and if they can get a preferred alternative that clearly demonstrates less loss of trees and roadway done sensitively that is a better presentation than what was seen tonight. Chair Kirchmann stated that the idea of having more development on Lot 1 is that they still will keep the homes below the ridgeline just not more than 100 feet below and by placing a few homes on Lot 1 does present some opportunities to do a better job preserving trees. By carefully looking at the whole site as an integrated unit and scattering homes across the site in a way that enhances the hillside and environment that would be better than either proposal.

Commissioner Lang discussed the massing effect and felt a cluster has more visual impact than a series of houses scattered. It is the dissipation of the mass can be a rational of the maintaining the setback from the ridgeline but making it less.

Chair Kirchmann believed they could find or create some flat building pads on these sites. He is not sure all of these homes have to be strictly hillside homes and not all have to be three story homes.

Commissioner Mills is conflicted by this development. The mass is quite large and it becomes clearer when she looked at the photo display. These very large homes in relation to wetlands is quite different from what she imagined looking at the chart, so accuracy in delivery is important. Compatibility with the neighborhood must be addressed. These large homes are very different because multi family dwellings exist and compatibility is curious. In regard to mass, the houses are big whether scattered or clustered. They are quite large. She thinks there can be a tradeoff and the whole development will be a tradeoff in her view. She discussed sensibility on Exhibit 4-3 under Section A regarding preferred alternative and sensitivity and compatibility is her concern. There is no access to the open space and desired access for the surrounding residents. She stated that many residents use this trail to the wetlands and felt this development, because it is the last development, the neighborhood would be impacted and the neighbors should be given access to the trail. She wanted the trail continued and somehow provide a public easement from Channing down to the wetlands and that should be developed now not left to the CC&R's. She wanted the trail developed, designed and dedicated. She cautioned if the road is made narrow that there is a sidewalk for pedestrians. She agreed that accurate representation must be provided because it makes it difficult to understand what is proposed. She further suggested that part of the trail be used as a boardwalk around the wetlands.

Commissioner Colin explained that houses on the down side of Sterling are very similar. Also, they are maintaining 80% of the trees under the preferred plan. She felt the preferred plan did an excellent job. Chair Kirchmann does not truly understand what is

proposed. To make a recommendation to grant the exception he must justify what other benefits are being provided to justify the exception. They must receive some other real benefit and that must be demonstrated. They must understand how many and which trees are being preserved.

Commissioner Pick did hear a few common threads. He is not sure that a quantitative analysis is the issue, but more qualitative. Conceptually, there is a lot of flexibility, but the idea must be that the site plan is so strong and defensible that it speaks for itself and presented in a way that benefits are clear. It is doable and a worthy goal. It is not a whole lot different than the preferred plan and it might be the preferred plan with more finesse. He suspects that most would be supportive of buildings massed in such a way that they do not spring three stories up from the hillside, but more articulated with the hillside. These are qualitative items that will make this project very supportable.

Mr. Pellizzari wanted a strong enough sense that it is worth pursuing. He knows that trees can be saved. They have a budget and timeframe, so there are options and narrowing the road will provide flexibility. With Lot 1 they are looking at a larger house with in-law unit, but possibly having two houses with a smaller footprint. If there is a possibility of saving trees, reducing grading, and the roadway that can be accomplished. They will spend more time on the presentation of the houses. Issue of wetlands, with the preferred plan the closest house is 60 feet. The new houses will have nice views. Views from major arterial areas are far enough away that it will not be an issue. He seriously indicated that they cannot give everything and asked in summary if it is worthwhile pursuing a few units in the setback in order to move forward.

Chair Kirchmann felt it could be done, but more is needed. He suggested varying the size and type of homes. They could not act on the preferable alternative before them tonight, but with more work a proposal could be recommended to Council.

Commissioner Paul stated that some aspect must give to move forward. This site could support even more units, if possible. He believed development can occur on this site, but it must be carefully tweaked to make it all work. The site must dictate what must be done.

Chair Kirchmann explained that if the proposal has sufficient merit the Planning Commission would not have a problem recommending to Council. If changing the zoning on one of the lots is what makes it work that is a possibility. The City would always prefer affordable housing.

Planner Parker noted that staff looks at length of the block on a project site in regard to compatibility, so they must decide what neighborhood they are trying to be compatible with. Chair Kirchmann pointed out that is the challenge for the developer.

DIRECTOR'S REPORT

Principal Planner Boloyan reported that groundbreaking for the Corporate Center occurred. Also, 33 San Pablo will be before the Commission on March 11th. The next meeting on the 26th of February will be cancelled.

Principal Planner Boloyan announced that the new City Attorney would make at least an appearance every quarter to the Planning Commission meetings. Staff noted that an appeal was filed for 343 B Street in regard to the lift and fill in Gerstle Park, which will be before the Commission in March. City Council adopted a work plan to develop a Climate Action Plan and they must establish a Green Ribbon Committee and the Planning Commission must have one official member. The Green Ribbon Committee will start in April and consists of one year worth of work. Chair Kirchmann appointed Commissioner Colin.

Principal Planner Boloyan then announced that Planner Mindy Nguyen has been promoted to Assistant Planner.

COMMISSIONER COMMUNICATIONS

Chair Kirchmann asked the Commissioners to stay focused on meeting rules and procedures.

ADJOURNMENT

By order of the Chair, the meeting adjourned at 9:50 pm.

Respectfully submitted,
Jessica Woods, Recording Secretary