



# CITY COUNCIL PUBLIC HEARING

I, 2, 3 WATERS PARK DRIVE

APPEAL OF PLANNING COMMISSION APPROVAL OF  
PLANNING APPLICATION MODIFICATION  
PA20-043

January 19, 2021

Continued from January 4, 2021

# BACKGROUND

- PA 18-013 approved by City Council in February 2019
  - 28 single-family homes
  - 162 townhome units
- PA Mod (PA-20-043) approved by Planning Commission on Oct 27, 2020
  - Changes to building materials, color, windows, doors, height.
  - Removed one townhome unit; add detached residence on enlarged lot (duplex) due to the relocation of the trash enclosure
- Appeal received on Nov 6, 2020



## APPELLANT'S REASONS FOR APPEAL

- Appeal states that the project has “increased impacts to the community and the environment due to...”
  - Design changes
  - Height changes
  - Changes to garbage facilities
  - Replacement of a townhome with a single-family home
  - Reduction of bike racks and related impacts on traffic
  - Increases to FAR
- Appeal states that the project “must be reviewed in light of COVID-19 and changes to the way people live and work in our community”
- Additional concern: CEQA (not reason for appeal)

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- **Floor Area Ratio (FAR) Increase:** allowed per State Density Bonus Law (0.2% increase)

## STAFF RESPONSE

- **Design changes:** mainly required for California Building Code requirements
- **Height increases:** no increase in height
- **Changes to garbage facilities:** already approved in original planning application due to request of Planning Commission and City Council
- **Replacement of a townhome with a single-family home:** due to loss of townhome unit to make room for trash enclosure relocation
- **Reduction of bike racks and related impacts on traffic:** No reduction in number of bike racks.
- **Floor Area Ratio (FAR) Increase:** allowed per State Density Bonus Law (0.2% increase)
- **COVID-19 Changes:** not a change to the project

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Required mitigation measures have been adopted and implemented for this project

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- **Construction and demolition impacts, and lack of mitigation measures:** Required mitigation measures have been adopted and implemented for this project
- **EIR, or revise and recirculate MND, and prepare subsequent or addendum to MND:** The proposed project (exterior building changes, unit swap, and site plan change at lot 28) do not change the conclusions of the certified IS/MND

## CITY RESPONSE TO NEIGHBOR CONCERNS

- **Inspections** – BAAQMD, Vector Control District, Building Division (2-3x/week), Public Works Dept. (daily), etc.
- **Quality Assurance – conformance to Conditions of Approval, Mitigation Measures, and Best Management Practices**
  - Adjust vehicle heights when picking up and dropping off haul loads
  - Switch to equipment using rubber tires instead of metal tires to decrease noise and vibration impacts
  - Use smaller equipment to reduce noise and vibration
  - Additional site watering for dust control
- **Communications**
  - Outreach meetings
  - Consistent communication – appointed Building Official has point of contact

## STAFF RECOMMENDATION

- Deny the appeal, and
- Uphold the Planning Commission decision approving PA-2020-043 for modifications to PA-2018-013, and
- Relying upon the IS/MND prepared for the project as originally proposed, as no increased impacts that would result from the proposed modifications have been identified and the need for further CEQA review has not been demonstrated.

QUESTIONS?