

CONTRA COSTA COUNTY PLANNING COMMISSION
TUESDAY, OCTOBER 28, 2008
SUPPLEMENTAL STAFF REPORT

I. INTRODUCTION

Andrew Woolman (Applicant) The Circle Partnership (Owners), The 401 Colusa Avenue Mixed-Use Development Project consists of three applications:

- A. County File GP05-0006 – A request for approval of a General Plan Amendment to change the General Plan land use designation from Commercial (CO) to Mixed-Use (M-);
- B. County File MS06-0011 – A request for a vesting tentative map approval to subdivide 4,792 square feet in to three residential condominium units;
- C. County File DP06-3026 – A request for approval to modify the final development plan, County File DP82-3056, to establish a mixed-use building consisting of three residential dwelling units and two separate street front retail/office spaces.

The subject site is located at 401 Colusa Avenue in the Kensington area. (Zoning: Planned Unit District, P-1) (Assessor Parcel Number: 571-311-001).

II. HISTORY OF REVIEW

At the August 12, 2008 public hearing, this Commission heard from the applicant and nearly two dozen community members, including representatives from the Colusa Circle Improvement Association, who were opposed to the project as designed. The County Planning Commission continued the project as an open public hearing to September 23, 2008. The applicant had written a letter requesting the hearing be continued one additional month to October 28, 2008, in order to seek a resolution to the differences with the Colusa Circle Improvement Association. The County Planning Commission granted the time extension.

- A. Summary of Applicant Submittal: The applicant has incorporated the following changes into the plans date stamped October 13, 2008 attached. The modifications to the building can be summarized as follows:

- reduce dwelling unit #1 by 70 square-feet (increased size of bedroom #2 and eliminated bedroom #3 and replaced it with study and open deck);
- reduce the third story roof deck by approximately 70 square-feet
- remove large bay window and four balconies from Colusa Avenue façade;
- remove the exit stair from the third-story dwelling unit #3;
- remove the clerestory from atop the stair hall of unit #2;
- remove the wood slat siding and replace with art-tile detailing and cornices.

The applicant indicates that these changes are intended to reduce the scale of the building's mass to the adjacent property at 411 and along Colusa Avenue and restyle the building to be more inline with the neighborhood's character.

Additional materials are provided by the applicant to support their position that the project should be approved as currently submitted; these exhibits are attached and include:

- October 14, 2008 Letter from Applicant;
- Colored Renderings (1, 2 and 4);
- Massing Analysis (Sheets 1-2);
- Photo Simulations;
- 370 and 401 Colusa Avenue Building Section & Street Distance Comparison;
- Distance Between 401 Colusa Project and Oakview Neighbors;
- Applicant's Legal Analysis.

- B. Summary of Colusa Circle Improvement Association (CCIA) Position: The CCIA has stated that the revised plan reflects very minor changes to the project and do not address their concerns raised at the August 12 Planning Commission hearing. CCIA advocates that the Commission recommend against granting the necessary approvals to move the project forward in its current form. The email from CCIA chairman Rodney Paul is attached in its entirety, as well as additional emails that echo these sentiments.

To date no compromise has been reached.

III. STAFF ANALYSIS

- A. Proposed Building: The modifications to the project are not substantial changes from the original proposal as seen in the attached "Original and Modified Elevations and Floor Plans" exhibit. Though the Colusa Avenue building elevation provides some relief to the property at 411 Colusa

Avenue it does not address the single-family property's that front on Oakview Avenue. The removal of the exit stair on the third story (see Courtyard Elevation North "Modified Plans") illustrates the extent that the third story has been modified from the Oakview Avenue side and this proposal continues to reflect a three story, 37-foot tall building. It should be noted that the clerestory has also been removed see Oakview Avenue Elevation North "Modified Plans".

- B. Stacked Parking: The August staff report stated that each condo unit will have access to two off-street parking spaces (dimension of 8-feet x 18-feet with height maximums of 4-feet 11-inches and 5-feet 9-inches). It was staff's intent that stacked parking spaces be utilized by the residents of the dwelling units and the proprietors/employees of retail spaces. One of the comments made by a member of the public suggested that this be a condition of project approval and staff agrees. Staff suggests the following language to be added to the end of Condition of Approval #18:

"The applicant shall record a deed disclosure, concurrently with the CC&Rs, that delineates a specific stacked parking bay with the respective dwelling unit/retail space. The deed disclosure will be subject to review and approval of the Zoning Administrator."

- C. Design: The applicant redesigned the exterior of the project to be more inline with the character of the Colusa Circle neighborhood.

The County Planning Commission adopted a motion to continue the project to allow the applicant time to work out a compromise and substantively change the plan. When the modified elevations and floor plans (10/13/2008) are compared with the original elevations and floor plans (8/12/2008) it is apparent that substantive changes have not occurred. Instead, the applicant has provided multiple exhibits for consideration by the Commission for approval of the project as currently submitted.

IV. RECOMMENDATION

Based on the site plans submitted by the applicant on October 13, 2008, staff recommends the Commission adopt a motion to:

- Approve the project per the August 12, 2008 staff recommendation eliminating the third story dwelling unit (#3) and subject to the attached findings and conditions of approval attached to the August 12, 2008 Staff Report with the additional language to condition of approval #18.

V. CONCLUSION

Staff has concluded that the applicant has not made substantial changes to the original proposal. Therefore, staff recommends the County Planning Commission approve the project as recommended by staff in the August 12, 2008 staff report.

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