



Planning Commission

Meeting Minutes

January 8, 2019 6:00 PM

City Council Chambers

1. ROLL CALL

Commissioners present: Civian, Bottarini, Breznikar, Eddinger, Luks, Petrik, Tracy

Commissioners absent: None

City Staff present: Planning and Building Director Maya DeRosa, Community Services Director Mark Themig, Contract Planner Diane Henderson, Principal Engineer Curt Bates, Fire Marshal Linda Collister, City Attorney's Office Deborah Kartiganer, Administrative Specialist Shawn Sumpter.

2. ADMINISTRATIVE ACTIONS

A. The Commission voted 7-0 to approve the January 8, 2019 agenda.

B. The Commission voted 6-0-1 (Bottarini abstain) to approve December 11, 2018 minutes.

C. Acceptance of Communications and Correspondence

- Bruce Abramson
- Sam Lando
- Linda Mansell
- Anne Arquit Niederberger
- Walter Niederberger
- Janis and Warren Watkins

D. Declarations of Conflicts of Interest: None

E. Disclosures of Ex Parte Communications: Commissioner Luks disclosed a meeting with the applicant for item 4A – Mill District. Commissioner Bottarini disclosed communication with the project architect for item 4A – Mill District.

3. PUBLIC COMMENTS

None

4. PUBLIC HEARINGS

A. Item

Description: Tentative Map 2017-01, Conditional Use Permit 2017-12, Historic Demolition Permit MISC 2017-01, Heritage Tree Removal Permit 2017-02 and Development Agreement DA 2018-01

Project

Description: Mill District: Tentative Map Application (TM 2017-01) to divide the parcel into seven separate lots; Conditional Use Permit (CUP 2017-12) to allow (1) mixed-use residential and (2) visitor lodging (hotel) uses in the Mixed Use (MU) zoning district; Historic Demolition Permit (MISC 2017-01) to allow removal of the structures associated with the former Nu Forest Products site and the abandoned House of Sonoma site; Heritage Tree Removal Permit (HT 2017-02) to allow the removal of seven heritage trees; and Development Agreement (DA 2018-01) to vest project approvals and confer additional project benefits in exchange for financial and other concessions in favor of the City. The applicants are requesting entitlements to redevelop the former Nu Forest Products site to allow 208 units of multi-family housing, a 53-room hotel, approximately 15,000 square feet of commercial uses in multiple buildings, new public streets, open space, landscaping and parking. The density bonus proposal is for 54 units in excess of base permitted density (a

35% density bonus), with two concessions (to not be required to provide 5% of the units for moderate income households and relief from the City's policies and procedures for the Healdsburg Residential Growth Management Program) and three waivers (to exceed the maximum height limit of 40 feet, to reduce parking below the levels specified in State Density Bonus law and setback modifications).

Location: 146 and 164 Healdsburg Avenue APNs: 002-261-023 and 024; 002-303-012 and 013

Applicant: Replay Healdsburg, LLC

Environmental

Determination: The Mill District project is the redevelopment of a portion of the Central Healdsburg Avenue Plan ("CHAP"), which was completed in November 2013, and for which an environmental impact report (EIR) was certified. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183, an Environmental Checklist was prepared for the Mill District project which determined that the proposed project would not have any potentially significant impacts which the CHAP EIR did not analyze, and therefore, a Certificate of Determination has been prepared. No additional environmental review is necessary.

Contract Planner Diane Henderson presented the staff report.

City Attorney's Office representative Deborah Kartiganer provided a review of the terms of the Development Agreement.

In answer to a question from Commissioner Petrick, Kartiganer explained that the density limit as defined by the General Plan is 16 units per acre. The applicant is entitled to a density bonus up to 35% as prescribed by State Law. State Law allows for an increase in the percentage if certain findings are present in the local code. Healdsburg's code does not include those findings.

Commissioner Petrik noted that affordable units are not subject to the GMO, if so, how does flexibility provided by the density bonus make it possible to have more affordable units?

Kartiganer explained that in order to make the provision of the affordable units feasible, the developer needs to be certain of making a certain amount of money from the market rate units. In order to ensure that they have the ability to build the market rate units, thus providing the excess money to build the affordable units, they need to secure the right to build those units.

Commissioner Breznikar asked if anything could be done to change the balance of the market rate as opposed to middle income units. Can it be negotiated?

Kartiganer responded that if the Development Agreement were to be renegotiated, that is something that could change.

Commissioner Tracy asked for a clarification of the GMO provisions in the development agreement.

Kartiganer explained that normally there is a maximum number of allocations allowed each year of a three year cycle. The Development Agreement provisions allow for all of the requested allocations to be granted and available in the first year of each cycle. It also allows conversion of category A allocations to category B allocations for this particular project. This will allow the developer to have enough allocations to construct a multi-family structure.

Commissioner Tracy asked how vesting relates to the GMO allocations.

Kartiganer explained that most of the provisions of the Development Agreement would be in place for the term of the agreement which is 15 years; however, allocations are only valid for 3

years. The Development Agreement allows for expiration of the allocations to be put on hold in the case of a force majeure event such as an extended economic downturn or an act of god that prevents the allocations to be used.

Commissioner Luks asked for confirmation that the actions taken at last night's Council meeting affected the "missing middle" and not market rate units which are included in this Development Agreement.

Director DeRosa confirmed.

Commissioner Luks expressed his understanding that there is a choice to be made between the street section shown in the CHAP plan and the narrower street section proposed by the developer. He asked how the choice relates to tonight's tentative map approval.

Kartiganer explained that the tentative map includes the narrower street width but that one of the draft conditions of approval requires that the width be changed to reflect the wider street section shown in the CHAP plan prior to the recording of the final map.

Chair Civian invited the applicant to present the project.

David Hill, Replay Resorts, provided a presentation.

Commissioner Luks asked about the timing intended for the completion of the infrastructure improvements and if the developer would be amenable to a condition requiring the infrastructure, including the streets and park, to be complete prior to the issuance of the first certificate of occupancy.

Hill stated that it is their intent to complete the infrastructure improvements first and that he would not have an issue with the added condition.

After a short break, Chair Civian opened the hearing for public input.

Suzy Selby, Selby Winery stated that she feels this project is responsive to the community and expressed her support.

Candida Von Braun, stated that this project is well thought out and balanced. She opined that the developer has paid great attention to Healdsburg's quality of life.

Bruce Abramson, Creekside Court, stated that he does not support the project. He would like to see 50% affordable and middle income housing as opposed to the 30% that is proposed. He opined that the project is not consistent with several City programs, including the General Plan and the Housing Action Plan. He stated that there is a proportionality issue.

Robert Nuse stated that the City is currently experiencing an affordable housing crisis. He opined that any proposed project should at least provide housing for the jobs it is producing. Market rate housing generates additional need for affordable housing for housekeepers, gardeners, and other workers, who provide services for the residents of the market rate housing. The City should approve only projects that create a net increase in affordable housing units. He opined that 50% affordable housing would be reasonable.

Jim Winston stated that it is time for us to tell developers what we want rather than the developers telling us what they want to build. He opined that we don't need more market rate housing as this will encourage more 2nd home owners and vacation rentals. He stated that he believes the project is inconsistent with the HAP plan and the General Plan and needs to be revised. He stated that he does not believe in having a development agreement.

Gail Jonas expressed her support and history with the project. She pointed out that Replay could have just proposed a resort rather than a project that includes a large residential component. She stated that the proposed hotel is not large. If the community does not want more hotels then it needs to restrict hotels but right now they have the right to build a hotel. If

the developer is meeting every requirement that we have, then there is a fairness element. They have the right to develop.

Heidi Mureno Grant Street, said that she would like to see the park area designated as public to ensure the continuity of the space. She questioned why the heritage trees could not be saved.

Brigette Mansell Pordon Lane, stated that she did not feel that the affordable housing needs are being met. She stressed the need to house our workers.

Mona Haines of Reach for Home expressed her support for the project and the addition of affordable housing.

Vern Losh commented that the developer has listened to the concerns of the community and commended them for the changes they have made.

Janis Watkins, Healdsburg, cited the letter she sent to the Commission and described the development agreement as an opportunity for more collaboration to serve the public interests. She stated that there is not enough information to take advantage of this opportunity. She opined that the developer is not meeting the affordable housing needs and there is not enough information about the project economics to determine what is viable. She suggested that the developer share more information to renegotiate a more balanced project.

Jim Heid, Healdsburg, noted his involvement in the Central Healdsburg Area Plan (CHAP) and stated that this project is the developer's response to that process. He cited a comment made during the SDAT process that creating a master plan is how the community communicates clearly what it wants. He opined that the CHAP and this project are a perfect example of that process. He stated that he was disappointed with the initial plan that was proposed but that the process has caused the plan to evolve into something that meets the CHAP as well as additional issues that were not brought up in the CHAP.

Marilyn Joyce, Healdsburg, stated that if this development is for Healdsburg rather than the developer then it is ideal for affordable housing and it is not meeting Healdsburg's needs. She noted that while the project has many green features, hotels and second homes are not high on the carbon emissions elimination scale. She stated that 50% affordable seems like a good place to start but would like to see the residential be affordable and middle income completely. She asked, without the economic information how do we know what the developer can and can't afford.

Ariel Kelley, Grove Street, stated that the developer approached Corrazon Healdsburg earlier in the process. She said that they are pleased to see that there is a broad range of affordability. She stated that many dual income households experience a bottleneck at the 55% and 60% AMI level. She cited the recent issues with filling 120% AMI rental units. She described the difficulty in building units in the 80 to 120% range since tax credits are not available for that range. What happens if the units are not able to be rented? Do they become market rate? We want housing that will be affordable to locals.

Tim Unger, Plaza Street, stated that the development team represents a platinum business partner. He likes the project but would like to see more housing units at the middle and lower end.

There being no further speakers, Chair Civian closed the public input portion of the hearing.

Chair Civian asked the Commission to address the trees and the street cross section. He started the discussion by describing the street cross section. There is a right of way difference of 11' between what the developer proposes and what is recommended by the CHAP and included as a condition of approval. He stated that the critical design parameter that affects a good pedestrian walk way and providing shade is the distance between the trees along the street and not the width of the street. The reason the CHAP has the street section it does is that they envisioned streets with walkways on both sides framed by 2 to 3 story buildings. Those

proportions work. That is one of the reasons he does not support the street section proposed. The tree spacing experienced by the pedestrian is the spacing along the street not across the street.

Commissioner Eddinger said that the street trees, alignment, and street section were a huge part of the CHAP plan discussions to provide livability within the subdivision. He stated that he is not crazy about the proposed plan and unless there is an advantage he is not seeing he does not support departing from the CHAP plan.

Commissioner Petrik expressed his agreement saying that he feels that it is important to have a continuous and consistent tree cover. He asked about the right of way leading to the SMART station and asked if it could be narrowed to provide more trees since it is unlikely to ever be used as a full access to the SMART station.

Commissioner Luks said if we stick with the CHAP street section and the trees are placed adjacent to the sidewalk rather than in street wells, the trees can be placed closer together without affecting parking. That is one advantage. He asked if the trees could be kept adjacent to the sidewalk and still narrow the lanes to a width narrower than the CHAP section. He stated that he likes the feel of a tree canopy. He asked if the traffic lanes could be narrowed.

Commissioner Bottarini expressed concerns about parking adequacy.

Commissioner Eddinger related his experience navigating the older areas of town stating that he does not see the sense in narrowing down the street section.

Chair Civan asked the Commission to table the discussion on the street width for now in favor of a discussion of the bigger picture items in terms of the tentative map, the layout of the lots and the circulation.

Commissioner Petrik stated that this is a well done urban design project. The issue is the balance of housing. One of the key issues is the CHAP guiding principles that say that the housing options should reflect the diversity of Healdsburg's existing neighborhoods. There is plenty of evidence to show that the balance of the housing affordability component is out of balance with the existing Healdsburg neighborhoods when you look at census data for income. He stated that he would like to see a development agreement that includes more affordable and middle income housing.

Commissioner Bottarini discussed the housing and pointed out that, because of the restrictions of the GMO, if the project begins in 2019 he will be carrying the cost for all of the infrastructure for the next 11 years. He stated that he has a hard time trying to justify asking for more affordable housing if we can't accelerate the project. The community wants more affordable housing yet we are spreading out approval for a project over a period of 12 years. He addressed the requests from the public for more economic information stating that he does not think we can legally ask for it. He stated that he would love to ask for more affordable housing but without accelerating the ability to build it doesn't work. We can't eat our cake and have it too.

Commissioner Eddinger expressed his agreement with Commissioner Bottarini. He stated that he is not sure that this project is the only one in town that is responsible for all of the low and moderate income housing. He stated that he understands that they have provided more than is required. The community worked long and hard to develop a plan for this area. The developer has followed that plan with the exception of the streets. We could require more affordable but what that does is that it makes the market rate homes more expensive and that money will come from outside, not inside the community. The money has to come from somewhere. The project overall is very sound. He stated that he would like to see approval of the project tonight if it includes the recommended street section rather than the narrower street section.

Commissioner Breznikar stated that this is a beautiful project. There are needs in our community that are not totally met but this project can't meet everything that we need. We will get 40 affordable units fairly soon. She stated that she would like to see the developer include more middle income housing. She stated that the CHAP should be respected so the street section and trees should be as recommended by the CHAP.

Commissioner Tracy stated that he thinks all of the findings in the staff report can be made for the tentative map. He stated that he has always liked the narrower streets. He stated that at this time he would support keeping the narrow street section. He stated that he feels the developer has done a good job of being responsive to the CHAP and the community. He stated that he would like to see more middle income housing. But the project provides multi-family housing, a lot of affordable housing, and does respond to the request for downtown access to transit and a walkable community. He stated that he would like to make sure there is not a restaurant or event space in the hotel to alleviate potential parking issues.

Commissioner Luks stated that the way the project lays on the land is good. The issues brought forward in the CHAP have been dealt with. He expressed concerns with cutting down the number of parking spaces in the affordable housing area. Two income households depend on having vehicles. He expressed concerns with the way the Development Agreement is constructed. He stated that the developer needs the certainty provided in the Development Agreement but that means that the allocations will be tied up with that developer. There are no provisions that provide the allocations to be used by another developer if this project is not constructed. The allocations and the housing units disappear. The community's leverage for building affordable housing is the securing of allocations for market rate units. Should the City allocate half of the available market rate allocations to this project? He stated his opinion that the City is not getting enough in return. He compared the 110 Dry Creek Road hotel project and affordable units with the scale of this project. The exchange is the 22 middle income units. He questions whether that is enough. The way the Development Agreement operates the allocations are obligated over 12 years regardless of whether or not the project gets built. This creates a real imbalance between the City's guarantee and the developer's obligation. He stated that it could be solved by giving the City more bang for its buck. He stated that the development agreement should include an obligation for the developer to meet certain milestones without regard to force majeure which is a risk the developer takes in the real world all of the time, and to have real consequences in terms of freeing up allocations on the back end that the City can use to provide to other developers who may offer more in return for these rights. He stated the Commission can ask staff to renegotiate the Development Agreement to provide more affordable units and obligations to perform and penalties for not building.

Chair Civian stated that overall he supports the lotting and upholding the street section as shown in the CHAP. The street section is particularly important because the affordable housing property is under-parked making availability of on-street parking very important. He opined that the hotel open area should not be called the plaza because it will be confusing. According to the data supplied by Walter Keiser, the missing middle units are a wash the developer will not make anything on them. So the notion of 50% just doesn't work. Throughout the State, 35% is more common. He expressed concerns about the amount and configuration of the parking for the market rate units. We are designing a subdivision but are we designing a neighborhood. He expressed concerns about approving what seems to be a moving target.

After a short break Chair Civian recalled the meeting to order and asked the applicant if they would like to provide further input.

Alan Cohen consulting architect representing the applicant suggested that the applicant's proposed street section with trees in street wells every 52 feet be maintained but that trees be placed between those two trees in sidewalk wells. He opined that this would provide the continuous cover that Chair Civian asked for.

Commissioner Eddinger questioned the ability to add trees in that location with the current width and still comply with ADA.

Cohen argued that it could be done with tree grates and that they could work with Public Works to coordinate satisfactory placement. He also stated that there are issues with the wider street and encroachment on the area required for the underground parking structure.

Commissioner Eddinger disagreed citing his company's recent experience with the Public Works Standards and sidewalk widths.

Commissioner Breznikar asked if Cohen's proposal would require the sidewalk to be widened.

Cohen said that the sidewalk would be widened.

Commissioner Petrik asked if the right of way would be widened.

Cohen stated that they could deal with a 18-inch or 2-foot increase in the right of way width.

Commissioner Eddinger opined that what he is proposing still will not comply with the Public Works Standards.

Commissioner Eddinger asked why the 60 foot right of way could not be used. Would it stop the project.

Cohen stated that it would be a completely different project and cited the locations of the existing redwood trees and the buildings and underground parking as confining the space.

Commissioner Bottarini asked Cohen to describe the issues with the redwood trees.

Cohen described the location of the trees and the constraints involved with the parking structures.

Commissioner Bottarini disagreed with the inability to site the buildings to maintain the 60 foot right of way.

Cohen opined that the street section included in the CHAP was a mistake and does not provide the configuration desired.

David Hill, the applicant, addressed the Commission regarding the Development Agreement and the public comments. He pointed out that the staff report found the project to be consistent with the exception of the street section. Regarding the request that the Development Agreement include more units, he requested that the Commission refer their recommendations to the City Council.

Chair Civian clarified that the current conditions of approval require the street section to reflect the CHAP plan. He asked for consensus from the Commission.

Commissioner Petrik said that he could possibly be convinced that the tree grate option may work but thinks it best to stick with the provisions of the CHAP.

Commissioner Bottarini stated that because of the parking he wants to stay with the CHAP.

Commissioner Eddinger stated that he prefers the CHAP plan particularly in this situation because there is not enough parking for the affordable housing.

Commissioner Breznikar stated that she agrees with the need for parking but she likes the proposed narrower street section.

Commissioner Tracy stated that he prefers the proposed narrower street section.

Commissioner Luks said that he was impressed with the notion that the longitudinal coverage is more important regarding the tree coverage. If the trees are closer together longitudinally he would support the street section from the CHAP.

Commissioner Civian asked for suggestions for changes to the conditions of approval.

Director DeRosa asked the Commission to address the issue of street tree species. The applicant has suggested a tree that is not on the CHAP list.

Commissioner Civian asked about the shape of the proposed tree as opposed to the ones in the CHAP.

After discussion, the Commission agreed that they are willing to look at another tree but that the context and appropriateness need to be considered.

Commissioner Petrik asked if street trees can be added to the access area near the SMART station (near the perpendicular parking) by narrowing the travel lanes.

Commissioner Luks asked about the likelihood that SMART will never let access occur at this point and opined that we need to maintain the width for that possibility.

Henderson provided information from the Curt Bates, Principal Engineer, who stated that the drive lanes can't be narrower and still maintain the perpendicular parking configuration.

Commissioner Bottarini referred to Commissioner Tracy's earlier comment that there not be a restaurant in the hotel. A hotel restaurant was not included in the parking study.

Kartiganer asked if the draft condition prohibiting a restaurant in the hotel met the desire of the Commission.

Commissioner Bottarini said that it did not.

Commissioner Breznikar asked that the developer look into more middle income units for sale rather than rent since it seems that price point is not renting well.

Commissioner Tracy deferred to Commissioner Luks to address the timing of the infrastructure construction.

Commissioner Luks stated that there seemed to be no problem with adding a condition requiring construction of the public infrastructure prior to issuance of the first certificate of occupancy. He asked that in the future, when the center left turn lane on Healdsburg Avenue becomes a landscape strip as planned in the CHAP, left turns from the project on to Healdsburg Avenue be prohibited. He asked that a condition be added to allow the Public Works Director to require the left turn restriction in the future. He also asked the Development Agreement be renegotiated to be more favorable to the City.

Kartiganer stated that the Commission has the option to approve the conditions as proposed, to disapprove or to approve as revised.

A discussion ensued about the feasibility and advisability of Commissioner Luks providing proposals for the revision of the Development Agreement.

Commissioner Bottarini addressed Commissioner Luks stating that he would be opposed to asking for more affordable housing unless he could review something in writing.

Commissioner Luks agreed.

Commissioner Tracy stated that he felt that other than the terms of the Development Agreement, the other issues seem to be minor and it doesn't seem necessary to move towards a continuance. He stated that he would like to move forward with the approvals including a statement on the Development Agreement recommending some revisions.

Commissioner Luks noted that the CUP and the map expressly reference the Development Agreement.

Director DeRosa addressed Commissioner Breznikar's desire to add more for-sale missing middle units to the negotiations asking for consensus since that would change the project description.

Commissioner Luks stated from his perspective if the Commission is happy with the housing, he would take that out of the discussion.

Chair Civian asked for a straw vote regarding adding more missing middle.

There was not a consensus to increase the amount of missing middle for-sale housing.

Kartiganer clarified that the CUP would go away if the Development Agreement is not executed. She asked for clarification of how Commissioner Luks would be communicating his proposed changes.

Commissioner Luks stated that it would be good for everyone to have time to look at the proposed changes.

Commissioner Petrik asked if staff can look at provisions 3 and 4 of the HAP and see where the City stands at this point. He stated that this seems to be integral to the assessment of the housing mix.

Chair Civian said that he would support Commissioner Petrik's suggestion.

Commissioner Eddinger reviewed the extensive process to date and opined that there will never be a perfect project. To assume that staff and the consultants have not gone through this already to be able to recommend approval makes no sense.

There was a general consensus reached to not revise the Development Agreement regarding the housing mix.

Director DeRosa asked the Commission if they would like staff to clarify a list of changes.

Staff provided a list of the proposed changes for the Commission's approval as follows:

To be added to the Tentative Map conditions of approval

- In-bound and outbound vehicular traffic at the intersection of internal project streets with Healdsburg Avenue may in the future be limited to right-in and right-out movements at the discretion of the Director of Public Works.

To be added to the CUP and Tentative Map conditions of approval.

- All internal streets and sidewalks, and all sidewalks along the project's Healdsburg Avenue and Exchange Avenue frontages, together with associated underground utilities and landscaping, must be completed prior to issuance of a certificate of occupancy for the Hotel or any other commercial or residential component of the project; provided, however, that if the planting of any landscaping element is delayed by weather or other unforeseen circumstances, such planting must be completed as soon as practicable.

To be added to the CUP

- The hotel shall have no restaurant. Food service shall be incidental to hotel guest use.
- The hotel shall not operate as an event venue.

A discussion ensued about how best to handle the review of street tree species not listed in the CHAP with a consensus that the City Arborist be included in the determination.

Chair Civian appointed himself, Commissioner Breznikar, and Commissioner Luks to serve on a subcommittee to confer with the City Arborist.

Commissioner Bottarini asked if the letter from SMART prohibited building up to the property line.

Director DeRosa read the August 17, 2017 letter from SMART into the record noting that it was in response to the previous plan that included a pedestrian connection to SMART.

- On a motion by Commissioner Eddinger, seconded by Commissioner Tracy, the Commission voted 6-1 (Civian no) approving Resolution No. 2019-01 recommending approval of Tentative Map 2017-01, based on the suggested findings and subject to the recommended conditions of approval with the addition of the following:
 - Add a provision for restriction of turn movements on to Healdsburg Avenue from the project to right turn only if the center lane is converted to a landscape median.
 - Add a requirement that the public infrastructure be complete prior to the issuance of the first certificate of occupancy for any building.
 - Add a provision prohibiting the hotel from including a restaurant and event spaces. All food service and meeting spaces to be incidental to hotel guest use.
 - Commissioners Breznikar, Civian and Luks to form a subcommittee to work with the City Arborist to determine possible acceptable street tree species not specified in the CHAP.

On a motion by Commissioner Tracy, seconded by Commissioner Eddinger, the commission voted 5-2 (Bottarini and Civian no) approving Resolution No. 2019-02 approving Conditional Use Permit CUP 2017-12 (including density bonus), Historic Demolition Permit MISC 2017-01, and Heritage Tree Removal HT 2017-02, based on the suggested findings and subject to the recommended conditions of approval as amended by the Commission.

Commissioner Luks motioned to approve the Development Agreement subject to the potential recommendation regarding renegotiation of the GMO allocation provisions which the Planning Commission will resolve at its next meeting.

There was a discussion about the feasibility of the motion.

Chair Civian observed that there was no second, declared the motion dead and asked for a new motion.

There was a discussion about the possibility of disapproving the resolution regarding the Development Agreement.

Commissioner Eddinger asked if Commissioner Luks would be amenable if there was a motion to recommend approval of the Development Agreement but to request that the Council take another look at what the City is giving as opposed to what it is getting.

Commissioner Luks asked if it was permissible for him to communicate his concerns to the Council as a citizen.

Kartiganer stated that she believes that he is prohibited from that since they have acted on it as a Commission.

Commissioner Bottarini asked if the minutes could be conveyed to the Council to relate Commissioner Luk's concerns.

Commissioner Luks pointed out that a force majeure would have the potential to allow the developer to assume all of the allocations available in a cycle.

Kartiganer clarified that you could have a scenario similar to what Commissioner Luks described.

Kartiganer suggested the amendment to the approval "with the caveat that the issues discussed in the Planning Commission hearing regarding GMO allocations be revisited".

On a motion by Commissioner Luks, seconded by Commissioner Eddinger, the Commission voted 5-2 (Civian and Petrik no) approving Resolution No. 2019-03 recommending approval of

Development Agreement DA 2018-01, based on the suggested findings with the caveat that the issues discussed in the Planning Commission hearing regarding GMO allocations be revisited.

5. NEW BUSINESS: None

6. COMMISSIONER AND SUBCOMMITTEE REPORTS: None

7. DIRECTOR'S REPORT

- Reminder that the next Planning Commission Meeting is Wednesday January 23rd due to the conflict with the City Council Meeting and the Martin Luther King Jr. holiday.
- Cycle 6 (2016-2018) of the Growth Management was completed with all of the allocations issued.
- Steve Sotomayor is now on staff serving as the Housing Administrator in the City Manager's Office.

The meeting adjourned at 10:30 PM.

Maya DeRosa, Secretary

Jeffrey D. Civian, Chair