

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 3, 4, 5, 6, 7

BROWN ACT (see Public Forum note at the end of Agenda)

STUDY SESSION

1. Study Session on Green Building Ordinance

STUDY SESSION on Green Building Ordinance: A proposal to add Section 15.04.890-- Green Building requiring the new construction or renovation of certain buildings to meet environmentally preferable standards.

Planner: Joe Light

NEW ITEMS

2. CU 1101606 – Alvarado Bar & Grill Revocation of Conditional Use Permit, 12889 San Pablo Avenue

PUBLIC HEARING to determine whether grounds may exist to revoke Conditional Use Permit CU1101606 for a restaurant with Alcoholic Beverage Sales located at 12889 San Pablo Avenue (APNs# 524-010-002, -028, -029, -030, and -001), in the C-2 General Commercial District. If the Commission finds that grounds may exist, it shall direct staff to schedule a permit revocation hearing.

Ray Smith, owner

Planner: Janet Harbin/Mary Renfro

Tentative Recommendation: Schedule A Revocation Hearing

CC 3. PLN08-069 – Bart Parking Structure Design Review Permit & Variance, Macdonald Avenue between 15th and 16th Street

PUBLIC HEARING to consider a Design Review Permit and Variance for height and minimum parking stall dimensions for a 762-stall parking structure with 9,400 SF of ground floor commercial space at the Richmond BART Station located on Macdonald Avenue, between 15th and 16th Streets (APN: 540-072-018). Office/Retail/Institutional (City Center Specific Plan) Zoning District.

Bart, owner; Richmond Community Redevelopment Agency, applicant

Planner: Lina Velasco

Tentative Recommendation: Conditional Approval

- CC 4. PLN08-065 – The Plug Tattoo & Piercing Conditional Use Permit, 12590 San Pablo Avenue
- PUBLIC HEARING to consider a Conditional Use Permit to allow tattoo and body piercing services and the sale of tobacco products at 12590 San Pablo Avenue (APN: 523-051-019). C-2, General Commercial Zoning District.
Allen Burriesci, owner; Sal Salman, applicant
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval
- CC 5. TPM/V PLN08-060 – Kowalski Residential Tentative Parcel Map & Variance, 367 Western Drive
- PUBLIC HEARING to consider approval of a Tentative Parcel Map to subdivide an existing residential lot into two lots, and a variance for minimum lot width, and side yard setback for an accessory structure at 367 Western Drive (APN: 558-185-003). SFR-2, Single Family: Very Low Density Residential District.
Stephen & Patti Kowalski, owners/applicants
Planner: Kieron Slaughter
- Tentative Recommendation: Hold Over To 2/5/2009
- CC 6. PLN08-078 – Dominos Pizza Conditional Use Permit, 3431 Macdonald Avenue
- PUBLIC HEARING to consider approval of a Conditional Use Permit for a new takeout restaurant in an existing commercial tenant space at 3431 Macdonald Avenue (APN: 516-192-010). C-2, General Commercial District.
Aguilera Alfredo & Alicia, owners; Zafar Khan, applicant
Planner: Kieron Slaughter
- Tentative Recommendation: Conditional Approval
- CC 7. PLN08-080 – Good For The Soul Café Conditional Use Permit, 300 Macdonald Avenue
- PUBLIC HEARING to consider approval of a Conditional Use Permit for a new restaurant in an existing commercial tenant space at 300 Macdonald Avenue (APN: 538-200-002). C-1, Neighborhood Commercial.
Richmond Labor & Love Comm. Dev., owner; Good for the Soul Community Café, applicant
Planner: Kieron Slaughter
- Tentative Recommendation: Conditional Approval

COMMISSION BUSINESS

8. Reports of Officers, Commissioners and Staff

Public Forum - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 3, 4

BROWN ACT (see Public Forum note at the end of Agenda)

STUDY SESSION

1. Study Session on Biofuel Ordinance

STUDY SESSION on proposed Biofuel Ordinance: A proposal to add Sections to Chapter 15.04 of the Zoning regulations for refining, manufacturing, storage and distribution of Biofuels.

Planner: Kieron Slaughter

HOLD OVER ITEM

2. TPM/V/PLN08-060 – Kowalski Residential Tentative Parcel Map & Variance, 367 Western Drive

PUBLIC HEARING to consider approval of a Tentative Parcel Map to subdivide an existing residential lot into two lots, and a variance for minimum lot width, and side yard setback for an accessory structure at 367 Western Drive (APN: 558-185-003). SFR-2, Single Family: Very Low Density Residential District.

Stephen & Patti Kowalski, owners/applicants

Planner: Kieron Slaughter

Tentative Recommendation: Hold Over To 3/5/2009

NEW ITEMS

CC 3. PLN08-044 – Richard Lompa, Up and Under Pub and Grill on W. Richmond Avenue

PUBLIC HEARING to consider a proposal for a Conditional Use Permit to establish an eating establishment with an Alcoholic Beverage Control Off-Sale License, Type 47 for the building located at 2 W Richmond Ave. (APN: 558-122-020), C-1, Neighborhood Commercial Zoning District.

Richard Lompa, owner/applicant

Planner: Jonelyn Whales

Tentative Recommendation: Conditional Approval

- CC 4. PLN08-086 – Taki Sushi Conditional Use Permit, 10887-10889 San Pablo Avenue
- PUBLIC HEARING to consider a Conditional Use Permit to allow on-sale beer and wine sales at Taki Sushi, an existing restaurant located at 10887-10889 San Pablo Avenue (APN: 508-340-014), C-2 General Commercial District.
F.C. Creative Inc., owner; Takikawa, applicant
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

Public Forum - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR:

BROWN ACT (see Public Forum note at the end of Agenda)

HOLD OVER ITEM

1. TPM/V/PLN08-060 – Kowalski Residential Tentative Parcel Map & Variance, 367 Western Drive

PUBLIC HEARING to consider a Tentative Parcel Map to subdivide an existing residential lot into two lots, and a variance for minimum lot width, and side yard setback for an accessory structure at 367 Western Drive (APN: 558-185-003). SFR-2, Single Family: Very Low Density Residential District.
Stephen & Patti Kowalski, owners/applicants
Planner: Kieron Slaughter

NEW ITEM

2. Public Convenience and Necessity Ordinance Amendment for Alcohol Sales

PUBLIC HEARING to adopt new zoning regulations pertaining to Conditional Use Permits for retail sales of alcoholic beverages to provide clear, consistent, and uniform guidance to findings of public convenience and necessity.
Planner: Kieron Slaughter

Tentative Recommendation: Recommend Approval to City Council

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Public Forum - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 1, 2, 3

BROWN ACT (see Public Forum note at the end of Agenda)

NEW ITEMS

- CC 1. CU 1104701 – Aiming Huang Liu, Conditional Use Permit for a Therapeutic Massage Establishment at 10525 and 10527 San Pablo Avenue
- PUBLIC HEARING to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10525 and 10527 San Pablo Avenue (APN: 507-080-017). C-2, General Commercial District.
Aiming Huang Liu, owner/applicant
Planner: Hector Lopez
- Tentative Recommendation: Hold Over To 6/4/2009
- CC 2. CU 1104638 – Hiu Ping Liu, Conditional Use Permit for a Therapeutic Massage Establishment at 10819 San Pablo Avenue
- PUBLIC HEARING to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10819 San Pablo Avenue (APN: 508-332-016). C-2, General Commercial District.
Hiu Ping Liu, owner/applicant
Planner: Hector Lopez
- Tentative Recommendation: Hold Over To 6/4/2009
- CC 3. PLN 09-049 – West County Community High School Relocation, Conditional Use Permit for Charter School at 777 Sonoma Street
- PUBLIC HEARING to consider a Conditional Use Permit for relocation of a charter high school to an existing church complex located at 777 Sonoma Street (APN: 523-074-025). SFR-3, Single-Family Low Density Residential District.
Yiu-Mienh Baptist Church, owner; Timothy J. Banuelos, applicant
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff
 - a) Design Review Committee

Public Forum - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.



PLANNING COMMISSION AGENDA

Council Chambers
Richmond City Hall
440 Civic Center Plaza
Richmond, CA 94804

**Thursday, July 16, 2009,
7:00 p.m.**

Commissioners:
Virginia Finlay, Chair
Nagaraja Rao, Vice Chair
Jeff Lee, Secretary
Charles Duncan
Jovanka Beckles
Sheryl E. Lane
Carol Teltschick-Fall

PUBLIC HEARING INFORMATION

Function of a Public Hearing: A public hearing is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Planning Commission (Commission) action.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Commission's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called to address the Commission after the project applicant has made a presentation. Anyone who wishes to address the Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning and Building Services Department staff and will be called to address the Commission during the Public Forum portion of the meeting.

Agenda: At the discretion of the Chair, the order of items on the agenda may be rearranged. If all items are not completed by **11:00 pm**, the items remaining will be continued to the next meeting unless a majority of the Commissioners vote to extend the meeting.

Consent Calendar: In order to allow the Commission to complete its review within the time Commissioners have offered to serve, applications that are considered routine will be placed on the consent calendar with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the Commission, staff or public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed by the Commission before action is taken. Items for which the recommendation is to hold the item over may not be removed from the consent calendar.

Public Hearing Procedure: (1) Chair explains any deviation from the standard speaker rules¹ and opens the hearing. (2) City staff presents a preliminary analysis of project being reviewed. (3) Applicant explains proposal for up to five minutes. (4) An individual or group that has requested before the meeting to speak in opposition to the project may address the Commission for up to five minutes. (5) Members of the public who have submitted speaker forms address the Commission for up to two minutes each. (6) Applicant may speak for up to two minutes in response to comments made by the public. (7) The Commission may ask follow-up questions of any of the speakers. (8) Hearing is closed. (9) City staff presents its summary and recommendations. (10) The Commission discusses the application and votes to approve, approve with conditions, continue or deny the application, or to make such recommendation to the City Council when Council action is required. (11) The Chair informs applicant and the public of appeal rights.

Appeals: Decisions of the Commission may be appealed to the City Council within ten days. Appeals must be submitted to the City Clerk in writing and must state the reasons the action is considered to be in error. An appeal fee of \$150 must accompany the appeal. Please note that if you challenge a decision on any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised in writing or at public hearings on the item.

¹ On projects that are complex and/or have attracted significant public interest, the Chair may grant the applicant and opponent up to an additional ten minutes to present and to speak in opposition to the project. If ten or more speakers have signed up, the Chair may limit the time of each speaker to one minute. The Chair may call speakers in any order.

**City of Richmond
PLANNING COMMISSION
AGENDA**

**Thursday, July 16, 2009
7:00 p.m.**

Order of Business:
Call to Order
Roll Call
Public Forum
Approval of Minutes
Consent Calendar
Action Items
Commission Business

ROLL CALL

PUBLIC FORUM

Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

APPROVAL OF MINUTES

CONSENT CALENDAR

The following items have been placed on the Consent Calendar:	2, 3
--	------

NEW ITEMS

- 1. PLN09-026 MIRAFLORES HOUSING DEVELOPMENT PROJECT**
- Description Public hearing to receive comments on the Draft Environmental Impact Report for the Miraflores Housing Development project proposed on an approximately 14 acre site.
- Location Generally bounded by the BART tracks on the north, South 45th and South 47th Streets on the west, Interstate 1-80 on the east, and Florida and Wall Avenues on the south
- APN 513-321-001, 513-321-003, 513-330-001 through -003, -005 through-007, and -012 through -014
- Zoning SFR-3/EA
- Owner Richmond Redevelopment Agency
- Applicant Richmond Redevelopment Agency
- Staff Contact Lina Velasco Recommendation: **Receive and Provide Comments Only**

- CC 2. PLN09-017 TOBACCO-ORIENTED RETAILER ORDINANCE**
- Description Amendments to the City's Zoning Ordinance, Chapter 15.04.010 and 15.04.020 to prohibit tobacco-oriented retail establishments in all zoning districts.
- Location Citywide
- APN Various
- Zoning Various
- Owner Various
- Applicant City of Richmond
- Staff Contact Hector Rojas Recommendation: **Hold Over To 9/3/2009**

City of Richmond
**PLANNING COMMISSION
AGENDA**

Thursday, July 16, 2009
7:00 p.m.

Order of Business:
Call to Order
Roll Call
Public Forum
Approval of Minutes
Consent Calendar
Action Items
Commission Business

CC 3. PLN09-076 TENTATIVE TRACT MAP #9194 EXTENSION

Description Request to extend an approved Tentative Tract Map #9194 for 2 years beyond the automatic State mandated one-year extension to allow additional time to develop the site.

Location 25 HARBOUR WAY
APN 538430019
Zoning MFR-1 AND C-2
Owner Twenty Five Harbour Way, LLC

Applicant Stephen Hoff
Staff Contact Jonelyn Whales

Recommendation: **Conditional Approval**

COMMISSION BUSINESS

4. Nomination Committee nominated Virginia Finlay (Chair), Nagaraja Rao (Vice-Chair) and Charles Duncan (Secretary)

5. **Reports of Officers, Commissioners and Staff**

A G E N D A
CITY PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
440 Civic Center Plaza, Richmond, CA 94804

Thursday, August 6, 2009, 7:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Nagaraja Rao, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Jeff Lee
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

ROLL CALL
APPROVAL OF MINUTES

CONSENT CALENDAR: 1

BROWN ACT (see Public Forum note at the end of Agenda)

NEW ITEM

- CC 1. PLN 09-050 – FIRE STATION 66 DESIGN REVIEW AND CONDITIONAL USE PERMIT FOR IMPROVEMENTS

PUBLIC HEARING to consider a Design Review and Conditional Use Permit for the reconstruction/improvement to Fire Station 66 and the Clinton Playlot located at 4100 Clinton Avenue (APN: 518-061-001). PC (Public & Civic Uses) and CRR (Community and Regional Recreational) District.

City of Richmond, owner; City of Richmond Fire Department, applicant

Planner: Lina Velasco

Tentative Recommendation: Conditional Approval

STUDY SESSION/PRESENTATION

2. GENERAL PLAN UPDATE PROGRAM – PRESENTATION AND DISCUSSION

General Plan Update presentation and discussion on the draft plan now available for review and comment.

City of Richmond, applicant

Planner: Lori Reese-Brown

COMMISSION BUSINESS

3. Election of Vice Chair, current Nominees are Nagaraja Rao and Jeff Lee. Nominations are still opened.

4. Reports of Officers, Commissioners and Staff

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
440 Civic Center Plaza, Richmond, CA 94804

Thursday, August 20, 2009, 7:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Jeff Lee, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Nagaraja Rao
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 2, 3, 4

BROWN ACT (see Public Forum note at the end of Agenda)

NEW ITEMS

1. **PLN 09-014: PENG SECOND UNIT – VARIANCE TO SIDEYARD SETBACK**

PUBLIC HEARING to consider a Variance request to reduce the required 5-foot side yard setback (2.5 feet proposed) for an addition to an existing dwelling unit located in the rear of the property at 440 and 442 20th Street (APN: 514-120-021). MFR-3, Multifamily High Density Residential District.

Sharon Peng, owner; Richard Tapp, applicant

Planner: Hector Lopez

CC 2. **PLN 09-003: HARBOUR WAY CONVENIENCE STORE – CONDITIONAL USE PERMIT**

PUBLIC HEARING to consider tenant improvement to an existing commercial structure and establish a convenience store use without alcohol at 925 Cutting Blvd. (APN: 550-301-023). SFR-3, Single-Family Low Density Residential, C-1, Neighborhood Commercial District.

Rattu Surjeet & Kuldip Singh, owners; Roberto Cortez, applicant

Planner: Hector Rojas

Tentative Recommendation: Conditional Approval

CC 3. **PLN 09-060: KOWALSKI PARCEL MAP – SUBDIVISION OF EXISTING LOT**

PUBLIC HEARING to consider a request for Planning Commission approval of a Parcel Map to subdivide an existing residential lot into two residential lots, and to approve a Mitigated Negative Declaration for 367 Western Dr. (APN: 558-185-003). SFR-2, Single Family: Very Low Residential District.

Stephen Kowalski & Patti Kowalski, owners/applicants

Planner: Kieron Slaughter

Tentative Recommendation: Conditional Approval

CC 4. PLN 09-081: NEW HOPE CHURCH - CONDITIONAL USE PERMIT

PUBLIC HEARING to consider a request for a Conditional Use Permit to establish a religious facility at the former Franks Market at 381 South 36th Street. (APN: 513-153-033). SFR-3, Single-Family Low Density Residential District.

Mohamad Dabwan & Fakeha Dabwan, owners; Claudia Falconer Architects, applicant
Planner: Kieron Slaughter

Tentative Recommendation: Conditional Approval

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
440 Civic Center Plaza, Richmond, CA 94804

Thursday, September 3, 2009, 7:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Jeff Lee, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Nagaraja Rao
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 3, 4, 5

BROWN ACT (see Public Forum note at the end of Agenda)

HOLD OVER ITEMS

1. PLN 09-014: PENG SECOND UNIT – VARIANCE TO SIDEYARD SETBACK

PUBLIC HEARING to consider a Variance request to reduce the required 5-foot side yard setback (2.5 feet proposed) for an addition to an existing dwelling unit located in the rear of the property at 440 and 442 20th Street (APN: 514-120-021). MFR-3, Multifamily High Density Residential District.

Sharon Peng, owner; Richard Tapp, applicant

Planner: Hector Lopez

2. PLN 09-081: NEW HOPE CHURCH - CONDITIONAL USE PERMIT

PUBLIC HEARING to consider a request for a Conditional Use Permit to establish a religious facility at the former Franks Market at 381 South 36th Street. (APN: 513-153-033). SFR-3, Single-Family Low Density Residential District.

Mohamad Dabwan & Fakeha Dabwan, owners; Claudia Falconer Architects, applicant

Planner: Kieron Slaughter

Tentative Recommendation: Conditional Approval

NEW ITEMS

CC 3. CU 1104701: Aiming Huang Liu – Conditional Use Permit for a Therapeutic Massage Establishment

PUBLIC HEARING to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10525 and 10527 San Pablo Avenue (APN: 507-080-017). C-2, General Commercial District.

Aiming Huang Liu, owner/applicant

Planner: Hector Lopez

Tentative Recommendation: Move Item To A Date Uncertain

- CC 4. CU 1104638: Hiu Ping Liu – Conditional Use Permit for a Therapeutic Massage Establishment
- PUBLIC HEARING to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10819 San Pablo Avenue (APN: 508-332-016). C-2, General Commercial District.
Hiu Ping Liu, owner/applicant
Planner: Hector Lopez
- Tentative Recommendation: Move Item To A Date Uncertain
-
- CC 5. PLN 09-054: La Selva Restaurant Barbeque & Seating Area – Conditional Use Permit
- PUBLIC HEARING to consider a Conditional Use Permit to operate a commercial barbeque grill and establish an outdoor restaurant seating area on a vacant parcel located on the western side of 23rd Street between Hellings and Dunn Avenue (APN: 530-210-034). C-2, General Commercial District.
Dario & Angela Rabak, owners; Cesar Segura. applicant
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval
-
6. PLN 09-017: City of Richmond – Tobacco-Oriented Retailer Ordinance
- PUBLIC HEARING to consider amendments to the City’s Zoning Ordinance to prohibit tobacco-oriented retail establishments in all Zoning Districts.
City of Richmond, applicant
Planner: Hector Rojas
- Tentative Recommendation: Recommend Adoption to City Council
-
7. PLN 09-079: City of Richmond – Eating Establishments Ordinance
- PUBLIC HEARING to consider amendments to the City’s Zoning Ordinance to establish a process for the administrative review and approval of eating establishments without live entertainment or Alcohol Sales.
City of Richmond, applicant
Planner: Hector Rojas
- Tentative Recommendation: Recommend Adoption to City Council

COMMISSION BUSINESS

8. Reports of Officers, Commissioners and Staff

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY PLANNING COMMISSION
RICHMOND AUDITORIUM
403 Civic Center Plaza, Richmond, CA 94804
Thursday, September 17, 2009, 6:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Jeff Lee, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Nagaraja Rao
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

PLANNING COMMISSION MEETING

9/17/2009

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR:

BROWN ACT (see Public Forum note at the end of Agenda)

NEW ITEM

1. **PLN08-089: Point Molate Resort and Casino Project**

Receive public comments on the Joint Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/EIR). No formal actions will be taken by the commission at this meeting. Location: Western Drive, Richmond, Contra Costa County, California, (APN: 561-100-008). CRR Zoning District.

City of Richmond, owner; The Guidiville Band of Promo Indians and Upstream Point Molate LLC, applicant

Planner: Lina Velasco

COMMISSION BUSINESS

2. **Reports of Officers, Commissioners and Staff**

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
440 Civic Center Plaza, Richmond, CA 94804

Thursday, October 1, 2009, 7:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Jeff Lee, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Nagaraja Rao
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 4

BROWN ACT (see Public Forum note at the end of Agenda)

STUDY SESSIONS

1. GENERAL PLAN UPDATE PROGRAM: PRESENTATION AND DISCUSSION

PRESENTATION on the General Plan Update.

City of Richmond, applicant

Planner: Lori Reese-Brown

2. SAN PABLO AVENUE SPECIFIC PLAN: PRESENTATION AND DISCUSSION

PRESENTATION on the draft San Pablo Avenue Specific Plan.

City of Richmond, applicant

Planner: Lori Reese-Brown

NEW ITEMS

3. PLN09-026: MIRAFLORES HOUSING DEVELOPMENT PROJECT

PUBLIC HEARING to consider recommending approval of a General Plan Amendment, Rezoning, and adequacy and certification of the project Environmental Impact Report (including draft and final EIR, with associated Technical appendices) to the City Council for the construction a 230 unit housing development, including 80 units of affordable senior housing and 150 units of for-sale market rate units, at the site generally bounded by South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north (APN: 513-321-001, 513-321-003, 513-330-001,-002,-003, -005, -006,-007, and -012 through-014). SFR-3 (Low Density Residential) & SFR-3/EA (Low Density Residential/Exclusive Agriculture) Zoning Districts.

Richmond Redevelopment Agency, applicant

Planner: Lina Velasco

Tentative Recommendation: Hold Over To 11/5/2009

- CC 4. CITY OF RICHMOND, COMMUNITY DEVELOPMENT (REDEVELOPMENT)
AGENCY - Meade Street By-Pass Road

PUBLIC HEARING for consideration and recommendation to the City Council of the proposed project and the associated Mitigated Negative Declaration to construct a two-lane temporary bypass road near the intersection of Meade Street and Regatta Boulevard west of I-580 to minimize vehicular traffic congestion due to existing railroad operations. General Plan designation: Industrial/Office Flex (920); Zoning District: M-1, Industrial/Office Flex. Richmond Redevelopment Agency, applicant

Planner: Jonelyn Whales

Tentative Recommendation: Recommend Adoption to City Council

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
440 Civic Center Plaza, Richmond, CA 94804

Thursday, November 5, 2009, 7:00 p.m.

Commissioners - Board Officers

Virginia Finlay, Chair-CPC
Jeff Lee, Vice Chair-CPC
Charles Duncan, Secretary

Commissioners - Board Members

Nagaraja Rao
Jovanka Beckles
Carol Teltschick-Fall
Sheryl E. Lane

NOTICE TO PUBLIC

Function of a Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

Consent Calendar: In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

ROLL CALL
APPROVAL OF MINUTES

CONSENT CALENDAR:

BROWN ACT
(see Public Forum note at the end of Agenda)

HOLD OVER ITEMS

1. PLN 09-014: Peng Second Unit – Variance To Sideyard Setback

PUBLIC HEARING to consider a Variance request to reduce the required 5-foot side yard setback (2.5 feet proposed) for an addition to an existing dwelling unit located in the rear of the property at 440 and 442 20th Street (APN: 514-120-021). MFR-3, Multifamily High Density Residential District.

Sharon Peng, owner; Richard Tapp, applicant

Planner: Hector Lopez

Tentative Recommendation: Hold Over To 12/3/2009

2. PLN 09-054: La Selva Restaurant Barbeque & Seating Area – Conditional Use Permit

PUBLIC HEARING to consider a Conditional Use Permit to operate a commercial barbeque grill and establish an outdoor restaurant seating area on a vacant parcel located on the western side of 23rd Street between Hellings and Dunn Avenue (APN: 530-210-034). C-2, General Commercial District.

Dario & Angela Rabak, owners; Cesar Segura, applicant

Planner: Hector Rojas

Tentative Recommendation: Hold Over To 12/3/2009

3. PLN09-026: Miraflores Housing Development Project

PUBLIC HEARING to consider recommending approval of a General Plan Amendment, Rezoning, and adequacy and certification of the project Environmental Impact Report (including draft and final EIR, with associated Technical appendices) to the City Council for the construction a 230 unit housing development, including 80 units of affordable senior housing and 150 units of for-sale market rate units, at the site generally bounded by South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north (APNs: 513-321-001 through-003, 513-322-023 through -025, -037, -038, 513-333-001 through -003, -005 through -007, and -012 through -014 (the "Property"), and is generally bounded by South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north (APN(s): 513-321-001, 513-321-003, 513-330-001,-002,-003, -005, -006,-007, and -012 through-014). SFR-3 (Low Density Residential) & SFR-3/EA (Low Density Residential/Exclusive Agriculture) Zoning Districts.

Richmond Redevelopment Agency, owner/applicant

Planner: Lina Velasco

Tentative Recommendation: Recommend the City Council Certify the Final EIR, Adopt a Statement of Overriding Considerations, Adopt a MMRP and Approve a GPA and Rezoning Subject to Conditions

INFORMATIONAL ITEM

4. PLN 09-012: Richmond Redevelopment Plan Amendments

RECEIVE comments on the Draft Environmental Impact Report (EIR) for the proposed amended and restated Redevelopment Plan for the Richmond Merged Project Area.

Community Redevelopment Agency, owner/applicant

Planner: Jonelyn Whales

NEW ITEM

5. PLN 09-097: San Pablo Check Cashing Facility

PUBLIC HEARING to consider a proposal for a Conditional Use Permit to establish a Check Cashing Facility at the building located at 12800 San Pablo Ave. (APN: 523-021-019), C-2, General Commercial Zoning District.

Satake 1 LLC, owner; Maxwell Beaumont, applicant

Planner: Jonelyn Whales

Tentative Recommendation: Denial

COMMISSION BUSINESS

6. Reports of Officers, Commissioners and Staff

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.