

RICHMOND, CALIFORNIA, March 1, 2022

Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

Present: Councilmembers Claudia Jimenez, Demnlus Johnson III, Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmember Nathaniel Bates arrived after the roll was called. Councilmember Melvin Willis was absent for the entire Closed Session.

C. CLOSED SESSION

C.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Attorney
- Title: Community Police Review Commission Investigative Officer

C.2 PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)

- Title: City Manager

D. PUBLIC COMMENT BEFORE CLOSED SESSION

Naomi Williams gave comments via teleconference regarding Item C.2.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 6:28 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular Meeting of the Richmond City Council was called to order at 6:35 p.m. by Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Vice Mayor Johnson III, and Mayor Butt. **Absent:** Councilmember Willis was absent for the entire meeting.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The public comment instructional video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

City Clerk Pamela Christian announced that item P.1 was inadvertently duplicated on the agenda and Item P.2 contained the correct attachments.

(Items O.7.c and O.3.c were removed from the Consent Calendar during the Open Forum for discussion at the end of the agenda).

K. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

Interim City Attorney Dave Aleshire reported there were no reportable actions taken.

L. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

Interim City Manager Shasa Curl reported that the City of Richmond received nearly \$10 million in funding from the Clean California Local Grant Program. Ms. Curl acknowledged the work led by Pogo Park for the Yellow Brick Road Clean Green and Beautiful Phase III Project. Ms. Curl advised that new I-Heart Richmond face masks were available to volunteers that helped at a city-wide clean-up event. Ms. Curl announced that the City of Richmond partnered with neighborhood organizations, city staff, and volunteers to clean up areas near Nevin Avenue and adjacent to Cesar Chavez Elementary School.

M. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

Director of Public Works Joe Leach presented a PowerPoint that highlighted the following abatement activities update: I-Heart Richmond Clean-Up Collaboration Initiative; Nevin Avenue clean-up and neighborhood dumpster day; illegal dumping; private property and encampment abatements; graffiti removal; board-ups; and partnerships. The council suggested staff recognize Sims Metal and others that donated equipment at the clean-ups and host a luncheon for volunteers. The council requested a copy of the abatement PowerPoint presentation to share with residents.

N. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Iлона Clark expressed concerns regarding Item O.3.c regarding unpaid garbage collection service fees. Ms. Clark suggested the City of Richmond consider other alternatives to collect the fees. Ms. Clark urged the council that higher fees would result in illegal dumping.

Joey Schlemmer gave comments regarding the City of Richmond's legacy pension system. Mr. Schlemmer urged the city manager to have an actuary review that pension fund and remaining beneficiaries. Mr. Schlemmer suggested that the pension fund could be returned to the voters for modification to create a potential revenue stream for the city.

Tenzin Randal expressed solidarity with the Ukrainians invaded by Russia and acknowledged the City of Richmond for raising the Ukrainian flag. Mr. Randal gave comments in support of Item O.5.d regarding the Tibetan Uprising Day. Mr. Randal urged the council to continue supporting the oppressed people around the world and speak up for justice.

Councilmember Bates requested to remove Item O.7.c from the Consent Calendar for discussion at the end of the agenda. The request was granted.

Councilmember Jimenez requested to remove Item O.3.c from the Consent Calendar for discussion at the end of the agenda. Interim City Manager Shasa Curl provided a brief explanation for Item O.3.c. The request was granted.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Johnson III

Seconded by Vice Mayor Martinez

To approve all items on the Consent Calendar with the exception of Items O.3.c and O.7.c.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

O.1 City Clerk's Office

O.1.a Revisions to the Boards, Commissions and Committees Handbook

APPROVE amendments to the Boards, Commissions and Committees Handbook – City Clerk’s Office (Pamela Christian 510-620-6513).

O.1.b City Council Minutes

APPROVE the minutes of the January 11 and 18, 2022, regular City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 Community Development

O.2.a Cannabis Equity Program Implementation and SCI Consulting Group Contract Amendment

ADOPT a resolution to accept grant funding from the California Governor's Office of Business and Economic Development; AUTHORIZE the city manager or their designee to execute the necessary agreements with the California Governor's Office of Business and Economic Development to accept \$1,319,360 in grants funds; APPROPRIATE the grant funds in the Fiscal Years 2021-2022 through 2023-2024 budgets; and APPROVE the fourth amendment to the contract with SCI Consulting Group to increase the contract amount by \$24,000, for a total not to exceed amount of \$124,400, to be paid from the GO-Biz grant and amend the contract term to December 1, 2017, through December 31, 2024 - City Manager's Office (Shasa Curl/Lina Velasco/Thomas Omolo 510-620-6512).

Adopted Resolution No. 22-22

O.3 Finance Department

O.3.a Investment and Cash Balance Report for the Month of January 2022

RECEIVE the City’s Investment and Cash Balance Report for the month of January 2022 - Finance Department (Belinda Brown 510-620-6740).

O.3.b Approval of New Fees for the Revised Master Fee Schedule

ADOPT an ordinance (second reading) establishing certain fees for the proposed Master Fee Schedule and after the second reading of the ordinance, ADOPT a resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees - Finance Department (Belinda Brown 510-620-6740/Antonio Banuelos 510-620- 6741).

Adopted Resolution No. 23-22

O.3.c Approval of Liens and Special Assessments for Unpaid Garbage Collection Service Fees for Republic Services

ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records - Finance Department (Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).

Accounting Manager Antonio Banuelos introduced the matter. Discussion ensued.

Motion by Councilmember Johnson III

Seconded by Vice Mayor Martinez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 24-22

O.3.d Contract with Regional Government Services (RGS) to Provide Temporary Services to the City on an As-Needed Basis

APPROVAL of an increase in the contract with Regional Government Services (RGS) from the current \$250,000 by \$150,000, for a new total amount of \$400,000, for the provision of expertise in a variety of functional areas such as Human Resources, Financial Management, and Accounting – Human Resources Department (Anil Comelo 510-620-6609).

O.4 Library and Community Services

O.4.a Amend Contract with Oakland Private Industry Council for RichmondWORKS Program Vendor Pay Agent Services

APPROVE an amendment to the contract with the Oakland Private Industry Council to provide additional services as the Contracting & Vendor Pay Agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) program participants. The amended contract term shall run from December 3, 2019, through June 30, 2022. The contract amount will be increased by \$236,611.60, for a total contract amount not to exceed \$714,459.60 – Library and Community Services Department (Tamara Walker 510-307-8006).

O.5 Mayor's Office

O.5.a Rare Disease Day – February 28, 2022

PROCLAMATION declaring February 28, 2022, as Rare Disease Day in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.5.b Women's History Month – March 2022

PROCLAMATION declaring March 2022 as Women's History Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.5.c Prescription Drug Abuse Awareness Month

PROCLAMATION declaring March 2022 as Prescription Drug Abuse Awareness Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.d Tibetan Uprising Day – March 10, 2022

PROCLAMATION declaring March 10, 2022, as Tibetan Uprising Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.e California State Parent Teacher Association (PTA) Day – February 17, 2022

PROCLAMATION declaring February 17, 2022, as California State Parent Teacher Association (PTA) Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.f Red Cross Month – March 2022

PROCLAMATION declaring March 2022 as Red Cross Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.g Vacant Seats on Richmond Boards, Commissions and Committees

APPROVE recent resignations from City of Richmond boards, commissions, and committees; and ANNOUNCE vacancies as of January 19, 2022, and ask that interested individuals send applications to the City Clerk – Mayor's Office (Mayor Tom Butt 510-620-6503). This item was continued from the February 22, 2022, meeting.

O.6 Police Department

O.6.a Proposed Five-Year Agreement with Contra Costa District Attorney’s Office for Electronic Case Filings.

APPROVE a five-year agreement with Contra Costa District Attorney’s office for electronic case filing services using Karpel’s Interface, in an amount not to exceed \$25,000, for the period May 1, 2022, through April 30, 2027 - Police Department (Acting Chief Louie Tirona 510-621-1802).

O.7 Public Works

O.7.a Contract to Outfit Fire Department Vehicles

APPROVE a contract with Stommel, Inc., to outfit three Fire Department vehicles, in an amount not to exceed \$65,000 – Department of Public Works (Joe Leach 620-5478).

O.7.b Contract for Repairs to Bucket Truck

APPROVE a contract with Altec Industries, Inc., for repairs to an electrician bucket truck (Unit #299; VIN 1FDAF56R99EA87947), in an amount not to exceed \$20,000 – Department of Public Works (Joe Leach 620-5478).

O.7.c Booker T. Anderson Community Center Fire Restoration Project

APPROVE a construction contract with Angotti & Reilly Inc. for the Booker T. Anderson Community Center Fire Restoration Project, located at 960 S. 47th St., Richmond, in an amount not to exceed \$2,583,900 including \$2,349,000 low bid plus \$234,900 contingency; and APPROPRIATE the funding from the Risk Management fund balance.

There will be a reimbursement from insurance for the majority of the cost – Department of Public Works (Joe Leach 510-620-5478). This item was continued from the February 15, 2022, meeting.

The matter was introduced by Interim City Manager Shasa Curl. Discussion ensued. The council requested staff to advise the contractor that in six months, the council would request a report as it relates to local participation in the project.

Motion by Councilmember Bates

Seconded by Councilmember McLaughlin

To approve said contract and appropriate the funding.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

P. BUDGET SESSION

P.1 Mid-Year Report on Fiscal Year (FY) 2021-22 Operating and Capital Improvement Budgets

Refer to the corrected Item P.2.

P.2 Mid-Year Report on Fiscal Year (FY) 2021-22 Operating and Capital Improvement Budgets

REVIEW the Fiscal Year 2021-2022 operating and capital improvement budgets at mid-year; and ADOPT a resolution approving the proposed Fiscal Year 2021-2022 budget adjustments. – City Manager’s Office/Finance Department (Shasa Curl/Anil Comelo/Belinda Brown 510-620-6740). **This item contained the correct attachments in the agenda packet.**

Interim City Manager Shasa Curl introduced the matter. Ms. Curl, Director of Finance Belinda Brown, Accounting Manager Antonio Banuelos, and Interim Deputy City Manager Anil Comelo presented a PowerPoint that highlighted the following: accomplishments; Fiscal Year (FY) 2021-2022 mid-year overview; General Fund revenue and expenditures; FY 2021-2022 adopted vs. mid-year budget; position count, mid-year position changes, and recruitment status; non-General Fund; Capital Improvement Plan budget; American Rescue Plan Act of 2021; Reimagining Public Safety; contingency reserves; opportunities for input and community budget meetings; and future priorities. Discussion ensued. The council requested more information on the increased expenses; clarification on the \$4.2 million related to the Richmond Housing Authority and \$1.3 million set-aside funds for Reimagining Public Safety; and the amount of unspent funds for vacant positions and recommendations for reallocation of those unspent funds. Naomi Williams and Leisa Johnson gave comments via teleconference.

Motion by Councilmember McLaughlin

Seconded by Councilmember Johnson III

To adopt said resolution approving the mid-year budget adjustments with the understanding that the \$4.2 million that was utilized from the reserves for the Richmond Housing Authority write-off should have been brought to the council before such a decision was made and should not happen in the future; the \$1.3

million for Reimagining Public Safety from the reserves be corrected to state that it came from the "excess" funds from the previous fiscal year 2020-2021; and clarification in the resolution or statement for the mid-year budget adjustments on what the funding source was for the \$2.3 million the council previously voted to utilize for employee lump sum payments. The motion was withdrawn to allow staff more time to update documents to meet the council's expectations.

Continued to the March 15, 2022, City Council meeting or a future meeting soon thereafter.

Q. PUBLIC HEARINGS

City Clerk Pamela Christian announced that it was time, pursuant to public notice, to hold the following public hearings.

Q.1 Rename Baseball Diamond #2 at Nicholl Park in Honor of National Hero Willie Mays

PUBLIC HEARING to receive public comment on a proposal to rename Baseball Diamond Field #2 at Nicholl Park to Willie Mays Baseball Field; and ADOPT a resolution - Councilmember Nathaniel Bates (510-620-6743).

The matter was introduced by Councilmember Bates. Richmond Parks and Recreation Commission Chair Joey Smith gave a brief overview. Discussion ensued. Mayor Butt declared the public hearing opened. There were no speakers via teleconference. Mayor Butt closed the public hearing.

Motion by Councilmember Bates
Seconded by Vice Mayor Martinez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 21-22

Q.2 Public Hearing to Adopt a Resolution to Rename South 37th Street Underpass to Juneteenth Freedom Underpass

PUBLIC HEARING to ADOPT a resolution to rename the South 37th Street Underpass to Juneteenth Freedom Underpass, as recommended by the Recreation and Parks Commission at its December 1, 2021, regular meeting – Library and Community Services Department (Ranjana Maharaj 510-620-6972).

Community Services Associate Administrative Analyst Stephanie Ny presented a PowerPoint that highlighted the project background and design. Mayor Butt declared the public hearing opened. The following individuals gave comments via teleconference: George Brown, Linda Whitmore, Joey Schlemmer, Jonas Juhlin, Susan Wehrle, and Joey Smith. Mayor Butt closed the public hearing. Discussion ensued.

Motion by Councilmember Johnson III
Seconded by Councilmember Jimenez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 25-22

Q.3 Appeal of the Planning Commission's Conditional Approval of a Conditional Use Permit and Design Review for a Dollar Tree Store at 12300 San Pablo Avenue (PLN21-129)

ADOPT a resolution Denying the Appeal and Affirming the Planning Commission's conditional approval of a Conditional Use Permit and Design Review to operate and establish a Dollar Tree retail store greater than 3,000 square feet in size (10,000 sf proposed) within the CM-4, Commercial Mixed-Use, Gateway/Node zoning district at 12300 San Pablo Avenue – Community Development Department (Lina Velasco 510-620-6706).

Director of Community Development Lina Velasco introduced the matter. Senior Planner Hector Lopez and Fehr and Peers Traffic Consultant Sam Tabibnia presented a PowerPoint that highlighted the following: project proposal, site, and zoning; site improvements; background and the Planning Commission's final decision; appeal and key issues raised; traffic study; and conclusion. Discussion ensued. Mayor Butt declared the public hearing opened. The appellant, Richmond Heights Neighborhood Council President Jim Hanson, gave a statement and presented a PowerPoint that highlighted the following: site location; neighborhood requests; noise protection; closing and delivery hours; lighting and signage; and traffic safety issues. The principal opponent and legal counsel to the applicants, Arielle Harris, gave a statement. The following individuals gave comments via teleconference: Susan Wehrle, Melissa Lee, Michele Rappaport, Dennis Hicks, Barbara Tanaka, Shelley Trask, Heather Bristow, Roger Mills, Neil Harkins, Mary Lou Herlihy, Lory Poulson, Nick Despota, Melissa (last name not stated), and Linda Moran. Mr. Hanson and Ms. Harris provided rebuttals. Mayor Butt closed the public hearing. Further discussion ensued.

Motion by Councilmember Jimenez

Seconded by Councilmember McLaughlin

To direct staff to implement conditions consistent with the intent and specific of what the Richmond Heights Neighborhood Council requested as follows: (1) address traffic safety issues by requiring a traffic safety study and implementation of safety mitigations prior to the store opening; (2) effectively control added traffic into surrounding neighborhood streets; (3) modify Condition #20 so that store closing is 8:00 p.m. throughout the year; (4) modify Condition #19 so that delivery trucks leave by 9:00 p.m.; (5) assure that neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock that meets the zoning code noise limits; (6) modify the signage to a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave; and (7) review the brightness levels and conditions regarding lighting so that adjacent neighbors are not impacted by bright night lighting from the store's parking lot and sign. Also, review traffic merging and safety issues; receive input from the neighborhood council; and implement additional safety measures based upon the opinion of the Director of Community Development.

Ayes (5): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, and Vice Mayor Martinez

Noes (1): Mayor Butt

Absent (1): Councilmember Willis

Passed (5 to 1)

Adopted Resolution No. 26-22 with revisions

Q.4 Adopt an Interim Ordinance Extending Urgency Ordinance No. 01-22

HOLD a public hearing; and ADOPT an Interim Ordinance establishing a 10-month and 15-day extension of Urgency Ordinance No. 01-22 imposing a temporary moratorium on issuance of building permits requiring new sewer connections to the Keller Beach Sanitary Sewer; and declaring an urgency thereof – Public Works Department (Joe Leach 510-620-5478).

Director of Public Works Joe Leach presented a PowerPoint that highlighted prior council action, tributary area, and next steps. City Attorney Dave Aleshire gave an overview of the proposed ordinance and the process for pending applications. Discussion ensued. Mayor Butt declared the public hearing opened. The following individuals gave comments via teleconference: Andrew Cann, Norm Hantzsche, Allison Lehman, Claire Arbour, and Sally Tobin. Mayor Butt closed the public hearing. The council requested staff to review the proposal to allow residential onsite temporary holding tanks for sewage collection and return to the council with an amendment if it was a satisfactory public safety option.

Motion by Councilmember Jimenez

Seconded by Councilmember Johnson III

To adopt said interim ordinance.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Ordinance No. 05-22 N.S.

R. NEW BUSINESS

R.1 Calling a Special Election and Placing a Special Tax on Vacant Properties on the June 7, 2022, Ballot

The ACTION was to adjourn the meeting to March 8, 2022, to permit ordinance revisions to be presented to the City Council.

ADOPT a resolution calling a special election to be consolidated with the next statewide primary election to be held June 7, 2022, and submitting to the voters a measure to establish a Special Parcel Tax on Vacant Properties at rates between \$3,000 and \$8,000 tiered by parcel size, annually per vacant undeveloped parcel; between \$3,000 and \$8,000 tiered by parcel size, annually per vacant blighted developed parcel; \$3,000 annually per vacant blighted residential unit for condominiums, duplexes, or townhouse units under separate ownership; and \$3,000 annually per blighted parcel with ground floor commercial activity allowed but vacant, raising about \$1,500,000 annually to fund blight and dumping elimination, code compliance, and specified programs - City Manager's Office, Economic Development (Shasa Curl/Lina Velasco 510-620-6512).

Interim City Attorney Dave Aleshire introduced the matter. Discussion ensued. *(At 11:01 p.m. - a motion by Councilmember Johnson III, seconded by Vice Mayor Martinez, to extend the meeting to complete Items R.1, O.3.c, and .O.7.c passed by the following vote: **Ayes:** Councilmembers Bates, Jimenez, Johnson III, McLaughlin, and Vice Mayor Martinez. **Noes:** Mayor Butt. **Abstained:** None. **Absent:** Councilmember Willis).* Further discussion ensued.

Motion by Mayor Butt

Seconded by Councilmember Bates

To direct staff to make a presentation to the council on March 8, 2022, if there was a quorum; and for the council to determine, at that time, to place the measure on the June or November 2022 ballot or not at all.

Substitute Motion by Councilmember McLaughlin

Seconded by Councilmember Johnson III

Substitute motion directing staff to return to the council in the spring of 2022 with a potential ballot measure on the vacant parcel tax or related information and potentially some other options for revenue generation for the council's consideration.

Ayes (5): Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Noes (1): Councilmember Bates

Absent (1): Councilmember Willis

Passed (5 to 1)

S. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)

None.

T. ADJOURNMENT

There being no further business, the meeting adjourned at 11:22 p.m., in memory of former Park View Neighborhood Council President Jessie Hall, to meet again on March 15, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: public comments- Open Session prior to Closed Session
Date: Thursday, February 24, 2022 8:39:08 PM

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good Evening Mayor Butt, Council Members and Staff,

I have some comments for the Record

1. I Believe that the city attorney has done a wonderful Job in following the Direction of the council
2. Also that MR Threats has done a incredible job in following the Community Police Review Commission's Direction

Sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: public comments- Open Forum
Date: Thursday, February 24, 2022 8:46:08 PM

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good Evening Mayor Butt, Council Members and Staff,

I have some Comments for the Record

1. I am in Support of O.5.g on the Consent Calendar
2. Also I would request that the Council to invite the Northern California Promise Coalition to make a presentation on their Organization.

Sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comment- P.1 Budget Session
Date: Thursday, February 24, 2022 9:00:17 PM

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good Evening Mayor Butt, Council and Staff,

I must Commend the staff for the Hard Work in regarding the overall budget projections

I would hope that the council will approve the Resolution

Sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- P-2 Budget Session
Date: Monday, February 28, 2022 10:59:31 AM

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good Evening Mayor Butt, Councilmembers and Staff,

I must commend the City Manager's Office and Finance for the work on the Mid-year budget

and I am requesting that the council approve the Resolution as presented

Sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: public Comments- Q.2 Public Hearings
Date: Thursday, February 24, 2022 9:07:38 PM

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good Evening Mayor Butt,

Council Members and Staff,

I am in full Support of Renaming south 37th Street to Juneteenth Freedom Pass

because it would symbolize what Juneteenth means to Richmond

sincerely
Cordell

From: [Arielle Harris](#)
To: [City Clerk Dept User](#)
Cc: [Hector Lopez](#); [Lina Velasco](#); [Kipnis, Scott R.](#); [Jennifer T. Yu](#); kevinkim616@gmail.com
Subject: Agenda Item: Q3: Applicant Response to RHNC Supplemental Appeal Letter - Dollar Tree Store Project
Date: Tuesday, March 1, 2022 1:01:22 PM
Attachments: [Applicant Response to RHNC Supplemental Letter - Dollar Tree Project.pdf](#)
Importance: High

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Good afternoon,

Please find attached a letter on behalf of the Applicants, Kevin Kim and Jennifer Yu, responding to the supplemental appeal letter filed by the RHNC. This is for circulation to the City Council in advance of tonight's public hearing on the RHNC's appeal of the Dollar Tree Store Project (Agenda Item Q.3).

Thank you,

Arielle Harris | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596

t: 925.941.3236 | f: 925.933.4126 | arielle.harris@msrlegal.com | www.msrlegal.com



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March 1, 2022

VIA E-MAIL TO CITYCLERKDEPT@CI.RICHMOND.CA.US

City of Richmond City Council
City of Richmond
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Re: Applicant's Response to RHNC Supplemental Appeal Letter
Proposed Dollar Tree Store (PLN21-129) 12300 San Pablo, Richmond

Dear Honorable Councilmembers:

On behalf of the Applicants and property owners Kevin Kim and Jennifer Yu ("Applicants"), this letter provides a brief response to the supplemental letter dated February 16, 2022, submitted by Jim Hanson on behalf of the Richmond Heights Neighborhood Council ("RHNC") in support of the RHNC's 1-page appeal dated January 18, 2022, challenging the Planning Commission's approval of the proposed Dollar Tree Store Project ("Project").

Decisions of the City's Planning Commission may be appealed "*only after exhaustion of all other administrative remedies* by filing a written appeal with the City Clerk." (Richmond Mun. Code ("RMC") § 15.04.803.140(A)(5).) The appeal must "clearly and concisely state the reasons for the appeal, and also state specifically how and where the underlying decision constitutes an abuse of discretion and/or is not supported by substantial evidence in the record." (15.04.803.140(D)(1).) Moreover, the "*appellate body's review*" here the City Council's review, "*is limited to the issue(s) raised in the petition for appeal.*" (15.04.803.140(E).) "An appeal is bounded by the grounds of appeal set forth in the appeal packet." (See *Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 455-57 [upholding Napa County's procedures for specifying exact grounds of appeal in appeal packet and denying review of issues that were not raised in administrative appeal].) These principles thus required the appellant, RHNC, to have raised the issue to the Planning Commission, and to have specified the exact issues/claims in its written appeal.

The RHNC raised seven issues in its appeal, falling into five general topics concerning traffic, hours of operation, deliveries, signage, and parking lot lighting, but providing *little to no detail* concerning the RHNC's stated claims of appeal. Notably, none of the

seven appeal claims stated any conflict with the City’s zoning regulations or other applicable state or federal law. Both the City’s Staff Report and the Applicant’s response letter dated February 9, 2022, address comprehensively these seven topics, describing in detail why the Planning Commission’s decision was supported by substantial evidence and providing as broad a response as possible given the lack of detail in the RHNC’s appeal.

The RHNC’s recent supplemental letter, however, attempts to *significantly expand the stated claims of appeal*. Many of the demands for new conditions of approval and claims of inconsistency were not only absent from the RHNC’s written appeal, but were never raised in the RHNC’s prior comments to the Planning Commission. As but a few examples, the following claims in the RHNC’s Supplemental Letter were not raised in the RHNC’s appeal whatsoever: (1) demand for a post-approval Traffic Safety Study on page 3, (2) demand for construction of specific traffic calming improvements on page 3, (3) demand for post-approval baseline traffic counts on page 4; (4) demand for post-approval ambient noise studies (for the sole purpose of measuring noise from truck delivery that occurs 1-2 times per week) on page 5, and (5) all of the General Plan inconsistency claims on page 8.

Such an attempt to expand the claims of the appeal is improper, conflicts with the City’s procedural requirements for appeal, conflicts with California case law upholding local requirements for exhaustion, and fails to provide the requisite due process and notice to the Applicants and Dollar Tree pertaining to the nature of the appeal. *Therefore, the Council’s review of the RHNC’s appeal must be limited to only those claims identified in the 1-page appeal dated January 18, 2022.*

Even if the City Council does entertain the expanded claims and issues presented in the RHNC’s supplemental letter, the materials in the Staff Report, the Applicant’s response letter dated February 9, 2022, and the voluminous record of proceedings on this Project—including the Applicant’s prior letters directly responding to RHNC comments and requests, dozens of project modifications to respond to RHNC comments (even though not required by the Richmond Zoning Code), multiple traffic reports including that of the Applicant’s consultant as well as the City’s peer review consultant, and significant testimony at five public hearings over the past six months—provide ample evidentiary support for the Planning Commission’s approval of the Project subject to 31 Conditions of Approval (many of which were voluntarily agreed to by the Applicant and Dollar Tree).

* * * *

For the reasons stated above, we ask that the City Council deny the appeal by the RHNC and uphold the Planning Commission's approval of the Project, which approval was supported by substantial evidence.

Sincerely,

MILLER STARR REGALIA

Arielle Harris

Arielle Harris

cc: Lina Velasco, Community Development Director
Hector Lopez, Senior Planner
Kevin Kim and Jennifer Yu, Applicants
Scott Kipnis, Fox Rothschild LLP, Counsel for Dollar Tree
Jeff Forman, Regional Director of Leasing, Dollar Tree

From: [Barbara Tanaka](#)
To: [City Clerk Dept User](#); [Tom Butt - external](#); [Nat Bates](#); [Claudia Jimenez](#); [Eduardo Martinez](#); [Demnlus Johnson](#); [Gayle McLaughlin](#); [Melvin Willis](#)
Cc: [Hector Lopez](#); [Jim Hanson](#)
Subject: Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Tuesday, March 1, 2022 11:52:32 AM

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Dear City Council Members,

Thank you for considering this appeal for some needed, doable corrections to the CUP for the proposed Dollar Tree store at Barrett and San Pablo Avenue. I have attended the DRB and Planning Commission meetings, written letters and spoken at some meetings. Although the applicants have been responsive to some of the neighborhood concerns, we are appealing matters which are not compatible with and will adversely affect the livability and appropriate development of abutting properties and the surrounding neighborhood.

1. Traffic Safety:

I have owned and lived in my home at 5224 Macdonald Ave, Richmond for almost 35 years. My home is located two blocks south and two blocks east of the subject location and I am very aware of the traffic patterns in the area and have even been involved in a non-injury, not reported rear end "bump" in front of the subject parking lot. The Applicant's traffic study concerned the volume of trips, and despite requests from the Neighborhood Council, did not consider neighborhood traffic patterns, including congestion on the San Pablo Avenue corridor and "feeder streets". Due to the restricted lane movement between I-80 and San Pablo Avenue, traffic on Barrett Avenue going east is usually backed-up for many blocks, as far west as 37th Street during commute hours. This is an impact to the residents on Barrett Avenue, who have difficulties entering and exiting their own properties and has caused collisions on Barrett Avenue. The difficulty of cars exiting from the subject parking lot and turning left and crossing traffic or driving into and through the neighborhood if not entering I-80 east, will exacerbate traffic back-ups and potential accidents.

(Note: The applicant's attorney incorrectly quoted RHNC's appeal as "the project will result in 800+ **new** trips" (emphasis added). The RHNC stated that there would be "800+ vehicles leaving the subject property daily", which is within the range of TOTAL trips reported in the two traffic studies.)

The RHNC's proposed resolution is to require a baseline traffic count, further traffic flow analysis and appropriate mitigations.

2. Hours of operation:

I would like to see a cap put on the current undefined "extended holiday hours" in the current CUP. All operating hours should be specified in the CUP.

Proposed resolution: Modify Condition #20 to state that "the store hours shall be between 9:00 a.m. to 9:00 p.m. with holiday seasonal adjustments not to exceed store hours between 8:30 a.m. to 9:30 p.m. with no adjustments to Condition #19 delivery hours."

3. Deliveries/Noise:

Our major concern is the noise impact on the immediately adjacent neighbor, especially the piercing back-up alarms when the delivery trucks are entering the loading area as well as ongoing parking lot noises. I believe the applicant wants to mitigate the neighborhood noise impact, but the proposed CUP is not adequate.

The Planning Commission approved a condition recommended by the Applicants: Condition # 26 "...An acoustic absorbent material shall be installed along the portion of this loading zone fence opposite to the loading dock to further reduce potential noise." However, not only are there no details provided on the nature and effectiveness of the acoustic absorbent material, but to the extent that this condition could be interpreted as having precedence over the sound control requirements of the Richmond Municipal Code ARTICLE 15.04.605 – NOISE, adoption of this condition would be an abuse of discretion.

The RHNC has recommended a resolution: Modify Condition #26 - Replace the above cited sentence from Condition #26 with a requirement to comply with the provisions of the Richmond Municipal Code ARTICLE 15.04.605 – NOISE, including a) conducting an ambient noise study prior to store opening, b) conducting a noise study after the opening at the store at the request of a neighbor(s), and c) implementing Noise Attenuation Measures as needed. This proposed language is needed to apply the Noise code to this situation.

I appreciate the Planning Commission's work on the CUP and the applicant's willingness to listen and adjust to some of the neighborhood's concerns. However to make this project work for our neighborhood, I recommend the Council approve the added or modified Conditions of Approval in this appeal.

Sincerely,
Barbara Tanaka

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Q.3 Public Hearing
Date: Monday, February 28, 2022 10:47:54 AM

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Good Evening Mayor Butt, Council and Staff,

I have some concerns in Regarding the Proposed Dollar Tree Project

1. the Traffic along Barrett is horrendous on a daily Basis
2. the other issue is that the applicant will not have a Security Guard inside the business. Other businesses do have a guard on duty

so I am asking that the council to deny the project

Sincerely
Cordell

From: [Dennis Hicks](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Sunday, February 27, 2022 12:26:55 PM

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To the Members of the Richmond City Council,

My name is Dennis Hicks and am a long time Richmond resident and neighbor to the property where the Dollar Tree Store is proposed. I am asking that you approve the added or modified Conditional Use Permit for the proposed Dollar Tree Store as submitted by Jim Hanson, President Neighborhood Heights Council. I am opposed to a "Dollar Tree" type store at this location. My two reasons for objecting to this project are not listed in this appeal but I feel they warrant consideration.

These reasons are:

1. The northern portion of the property that runs from the end of the proposed parking lot to the Chinese restaurant is in unsightly condition. There appears to have been no maintenance to this property since the car dealership closed. The area is cluttered with palm branches and garbage. The fencing on all sides of this property is deteriorating. For a city that has a "City of Pride and Purpose" motto, this piece of very visible land is an embarrassment. I request that City Council include to the CUP requirements that the owners resurface, reference and regularly maintain this property. It appears that if the owners are not required to do so, then nothing will be done.

2. I am having a hard time imagining delivery trucks safely moving in and out from the proposed loading dock during business hours when cars are in the parking lot and customers are walking around on this lot. There is language in the CUP that mandates delivery truck arrival hours, but nothing that addresses safely navigating delivery trucks around parked cars and customers on foot.

I request that the City Council include to the CUP, requirements for the Applicant to submit a plan for the safe arrival and departure of delivery trucks during business hours or prohibit these trucks from moving on or off this property during business hours.

Respectfully,
Dennis Hicks
5212 Macdonald Ave,
Richmond CA 94805
510 734-0378
dkcbshicks@aol.com

From: [Diane Adams](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 10:29:42 AM

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Dear City Council Members,

We feel adding a Dollar Store at the corner of Barrett and San Pablo is a poor choice for a business on that corner. There are already three Dollar Stores in the area and we don't need another large corporate discount store in the vicinity. It will detract from the ambiance of our neighborhood. It would be better to have small businesses that improve the ambiance of the area and add to the quality of life for our residents.

Traffic at that corner is very busy at peak times and we are fearful that a store with numerous patrons will create a traffic safety issue. Drivers approaching the freeway onramp are usually in a hurry and we are concerned there may be collisions as well as a significant increase in congestion. Traffic turning right on Roosevelt and going down McLaughlin and other streets could cause traffic and pedestrian safety issues. Please demand that a traffic study be done.

If the CUP is to proceed anyway, we ask that the Dollar Store signage be modest and tasteful. Currently it is garish and not appropriate as a gateway to our neighborhood. We also ask for consideration for the neighbors living behind the store. The added noise and light coming from the store will likely decrease their property value and quality of life, so it is imperative that those issues be addressed. Please require the Dollar Store add a sound deadening wall behind the store, have the store close at 8pm, have delivery trucks scheduled so as not to disturb the residents, and reduce the light that may shine on the houses behind the store.

Thank you,

Diane Adams and Valentino Aduna
618 Amador St

From: [Harriet Welsh](#)
To: [City Clerk Dept User: jim.hanson@](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 6:40:58 PM

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Dear City Council Members

I am the property owner at 521 McLaughlin St., the property directly adjacent to and most impacted by this project. I appreciate the work and thoughtfulness that has gone into consideration of the Dollar Tree Conditional Use Permit. I am obviously most concerned with issues regarding noise and the hours of opening as well as delivery times. But I also believe the traffic concerns have still not been adequately addressed.

Therefore I support the changes as laid out in the "RHNC Appeal: CUP for Proposed Dollar Tree Store (PLN21-129)."

Thank you,

Harriet Welsh
521 McLaughlin St.
Richmond, 94805
(510)932-7042

From: jeff1wizig@gmail.com
To: [City Clerk Dept User](#)
Subject: Agenda item Q.3- Dollar Tree Appeal
Date: Monday, February 28, 2022 7:42:36 PM

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Hello

As longtime residents of East Richmond we support revising the proposed CUP as put forth by the Richmond Neighborhood Council, regarding Agenda Item Q.3-Dollar Tree conditional use permit appeal

Thank you

Jeff Wizig

Deborah Rollfs

Sierra Ave

Richmond

Sent from my iPhone

From: [Jennifer T. Yu](#)
To: [City Clerk Dept User](#)
Cc: [Hector Lopez](#); [Lina Velasco](#)
Subject: Public Comments agenda item # Q.3: Letter of Support for Project and Denial of Appeal
Date: Tuesday, March 1, 2022 12:35:38 PM
Attachments: [Letters of Support March 1.pdf](#)

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Please see attached five letters of support to City Council for the Dollar Tree project.

Thanks, Jennifer

To: City of Richmond City Council

As a resident of Richmond, CA for 35 years, I am writing to express my support the new Dollar Tree store on San Pablo Ave. As residents, we are tired of seeing vacant buildings boarded up and surrounding businesses suffering due to the lack of retail and foot traffic. My wife is a frequent shopper at Dollar Tree and we purchase many of our kids school supplies from there because they are cheaper and better value than what Target provides. We are in favor of welcoming more retailers into our City and express our support.

Logan Phanthavong
3930 Ohio Ave
Richmond, CA

Feb 20, 2022

To whom it may concern:

Please take this letter as an indication of my strong support for the proposal to have Dollar Tree operate at the building on the corner of San Pablo and Barrett. San Pablo Ave needs more retailers to attract even more businesses and customers and the building has been sitting vacant now for many, many years. The opposing concerns around crime and safety are unwarranted given that Dollar Tree operates in many cities around the Bay Area, including Pleasanton, Alameda, Belmont. Please allow this store to be built so we can finally see some improvement in this area!

Sincerely,
Calvin Chen
2025 Dunn Ave Richmond, Ca 94804

March 1, 2022

To the city of Richmond:

Malcolm Gladwell describes the “broken windows” theory in his book *The Tipping Point*. Gladwell puts forward that visible signs of crime, anti-social behavior and civil disorder create an urban environment that encourages further crime. The best way to reduce crime, then, is to deal with the visible signs first—however insignificant they might appear to be. The journal *Science* reported, “One example of disorder, like graffiti or littering, can indeed encourage another, like stealing”.

It is not a far-reaching conclusion to say that the abandoned business/building is likened to broken windows or graffiti in the neighborhood. Not only do I believe that this abandoned building/business is contributing to crime but sends a signal to people passing through our community that Richmond is a dying city. While the Dollar Tree Store isn't my first choice, it can provide jobs and supplies needed in this community. It is undeniably better than having an abandoned building/business in this community. Thank you for your time.

Nai K Saephan
558 24th Street Richmond, CA 94804

March 1, 2022

To Whom It May Concern:

My name is Foo Meng Saephan and I live in Richmond at 2027 Garvin Ave Richmand, CA 94801. I am aware of the plans to open a Dollar Tree store on San Pablo & Barrett and my family and I are thrilled to support this proposal. Dollar Tree has a great selection of toys for my children and they are inexpensive to replace. My in-laws live in Alameda and we often stop by the Dollar Tree on Blanding to buy trinkets for the kids. Having a new Dollar Tree store less than 2 miles from my house will be much more convenient and it will also improve the area.

Thank you for your time & consideration, Foo Meng Saephan

City Councilmembers,

I am writing in regards to the proposal to build a Dollar Tree at 12300 San Pablo Ave. Having a brand new reimaged building on a high traffic corner is exactly what this city needs. The additional landscaping along San Pablo will brighten up the sidewalk and make this part of the city much more walkable. Seeing the current boarded up building come to life in such a high profile part of the city is worth investing in and I am 100% supportive.

Sincerely,

Sarn Saephan

Richmond Resident

2352 Roosevelt Ave Richmond, CA 94804

From: [Jill Dinan Skinner](#)
To: [City Clerk Dept User](#)
Subject: Dollar Tree - SP & Barrett
Date: Sunday, February 27, 2022 9:30:56 AM
Attachments: [Appeal_CUP-Dollar Store Richmond Heights Neighborhood Council 2-16-222.pdf](#)

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Please provide the needed conditions to make us comfortable having Dollar Tree as our neighbor:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.**
- 2. Control added traffic into surrounding neighborhood streets.**
- 3. Modify Condition #20 so that store closing is 8 p.m.** (rather than 9 p.m.).
- 4. Modify Condition #19 so that delivery trucks leave by 9 p.m.**
- 5. Assure neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock.**
- 6. Don't give preferential treatment over surrounding businesses. Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave.**

--

Jill Skinner, CPA
510-629-1969

<https://www.linkedin.com/in/jilldinaskinner>

Richmond Heights Neighborhood Council

February 16, 2022

City of Richmond City Council
City of Richmond
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

VIA E-MAIL: HECTOR_LOPEZ@CI.RICHMOND.CA.US

RE: **RHNC Appeal: CUP for Proposed Dollar Tree Store (PLN21-129)**

Thank you for hearing this appeal to consider some needed, doable corrections to the CUP for the proposed Dollar Tree store at Barrett and San Pablo Avenue.

East Richmond neighbors have communicated with the Dollar Tree store applicants, the Planning Department, and through Design Review Board and Planning Commission meetings about inadequately addressed impacts in the Conditional Use Permit (CUP) for an intensive retail operation within a residential block.

The Planning Commission addressed some concerns, but the Conditional Use Permit remains unbalanced when considering adjacent and nearby residents. As illustrated by this aerial photo, the proposed intensive retail use would occur within a residential neighborhood at a heavily-impacted intersection in Richmond. Not only do we wish to see the impacts to surrounding neighbors addressed adequately, but east Richmond neighbors also support the cohesive development of San Pablo Avenue with inviting, "walkable streets" that can help businesses thrive.



Seven conditions of approval are missing or are inadequate. These Conditions are not supported by substantial evidence in the record. This also represents an abuse of discretion to

the extent that the CUP does not yet adequately address the quality of life, public safety, and property value considerations of the surrounding Richmond neighborhood.

Therefore, we request that the City Council repair this lack of evidence and imbalance by including the following sensible, doable modifications or additions to the CUP:

1. Traffic safety at this location

The property's single parking lot entrance adjoins a congested, fast-moving, rapidly lane-changing block of San Pablo Avenue that is poorly designed for the 800-plus vehicles that the Applicants estimate will be entering and then exiting the driveway location on San Pablo Avenue.

The evidence for collision risks from this many vehicles at this location comes not only from the public's written comments and testimony, but also from written or public comments from: a) the Planning Department, b) the Richmond Police Department, and c) the Planning Commission, as follows:

- Twice, Planning Department reports on this CUP stated that *"given the proximity of the site to a busy intersection, San Pablo and Barrett Avenues, which is congested at peak times (morning and afternoon), the proposed use may add to traffic backups. In addition, the relatively short distance of the driveway to the street intersection may present additional safety hazards, such as rear-end collisions."* (8/25/21 & 9/22/21, Design Review Board (DRB), and 11/4/21 Planning Commission, underlined by author).

The DRB and Planning Commission used their discretion only to include a "Right Turn Only" sign when exiting the driveway, which does not address the public's risk of being rear-ended when entering the site.

- Based on neighbor's comments revealing reports nationwide of crimes associated with Dollar Stores, RHNC requested that Richmond Police Department (RPD) conduct a crime prevention audit of this proposed retail use. We appreciate that the Planning Department contacted the RPD for this audit. In their report to the Planning Commission, RPD outlined some crime prevention measures and the following be considered: *"San Pablo Ave and Barrett Ave is a very congested intersection to the EB I-80 on-ramp located approximately 600 feet from Barrett Ave on San Pablo Ave. Traffic tends to back up here in the number 2 and 3 Lanes which is where your parking lot entrance/exit will be located,"*
- At the 11/4/21 public meeting of the Planning Commission, the Chair of the Planning Commissioner commented on the precarious traffic situation that has long existed on the block of San Pablo Avenue between Barrett and Roosevelt Streets.



Some major traffic behavior patterns on this block of San Pablo Avenue. Property driveway entry and exit in yellow. **Store vehicles exit onto a dedicated freeway onramp-only lane (red circles), and have to cross lanes to go northward.**

Despite repeated evidence of problems with traffic safety and the opportunity to address safety concerns in their studies, these issues remain unaddressed. The Applicant’s response does not respond to this public safety issue. Instead, the Applicants continue to report on traffic volume impacts.

There is also no evidence in the approved CUP to suggest that a voluntary “Right Turn Only” sign will sufficiently mitigate the risk of hundreds of vehicles daily both entering this location and exiting to the fast-moving, lane-changing traffic on this section of San Pablo Avenue.

Resolution: Add Traffic Safety Condition - Due to the continued absence of an effective condition of approval to address traffic safety at this location, the RHNC requests that the CUP include a Traffic Safety Study that describes traffic measures to mitigate against collisions from a) entering and exiting this location, b) attempting to navigate one’s desired direction given the speed, lane design, congestion, and lane-changing in this block of San Pablo, and c) to prevent traffic volume and safety impacts on surrounding residential streets (a direct result of choosing to locate a high-intensity retail use for this location. See #2 below).

The study, design, and construction of traffic safety mitigations could involve exit metering, a bulb-out at Barrett and San Pablo, a dedicated entry lane, a San Pablo Avenue median, etc. Safety improvements would need to be completed before the store opening. The only other alternative would be to trigger design and construction of traffic safety mitigations following a determined number of traffic collisions related to this operation at this location – hopefully, before there is physical harm to vehicle occupants.

Since the Applicants chose this location with its traffic safety challenges, rather than other unoccupied retail sites in Richmond with safer conditions, the design and construction of traffic safety mitigations should be at the Applicant’s expense and under the supervision of the Public Works Department.

2. Control Traffic onto surrounding neighborhood streets

The peer-review traffic volume report by Fehr & Peers acknowledges that the right-turn-only sign can increase traffic on the adjacent neighborhood streets, such as Roosevelt Avenue and McLaughlin Street. Vehicles that would not be able to turn left out of the project site and would drive around the project site to access southbound San Pablo Avenue.

The Commission included condition #29 whereby “the Applicant shall work with the City to install a local traffic only sign at San Pablo and Roosevelt Avenue.” There is no evidence that



Neighborhood traffic impact when Southbound patrons encounter a "Right turn only" at driveway exit

this sign will be complied with, and even the Planning Commission questioned how well it would be followed. Also, this condition of approval is not binding since it states only that "installation of the sign shall be pursued diligently but shall not be a condition of obtaining the certificate of occupancy for the use." Therefore, residents surrounding the property still need effective protection against a surge of vehicles that would use surrounding streets to compensate for the "right-turn-only" requirement when exiting the

property. The portion of the 800+ vehicles leaving the property daily whose direction is south on San Pablo Avenue will look for the most efficient means to do so. That will be mean looping around on the McDonald Street and other residential streets (see illustration).

Resolution: Add condition to control traffic onto surrounding residential streets_

We request that the Council add a condition that:

- Requires a baseline traffic count at different times and days for Roosevelt Ave., McLaughlin St. and Key Blvd. prior to store opening.
- Triggers a follow-up traffic count at streets affected by significantly increased traffic when requested by one-half the residents on any of these streets.
- If traffic increases by over 25% above current levels and is attributable to the Dollar Tree operation, construction of traffic control measures will take place within six months using the recommendations described in the Traffic Safety Study (#1 above), or through a separate study. Applicants would be required to fund the study, design, and construction with work overseen by the Public Works Department.

3. Store closing hour compatible with residential setting (note: Dollar Tree stores elsewhere have earlier closing hours)

Condition #20 states that "the store hours shall be between 9:00 a.m. to 9:00 p.m., with seasonal adjustments allowed for the holidays." This is incompatible with placing an intensive retail operation in a residential neighborhood. There is no limit on opening times for "seasonal adjustments" for any holidays. The evidence shows that even the Dollar Tree store in Martinez closes at **8:00 p.m.** Also, at one of the public meetings, corporate representatives commented that the early morning and late evening hours are the slowest. Google analytics also verifies that the peak store patron volume is between 3–6 p.m.

The Applicant's response cites Target, Grocery Outlet, Planet Fitness, and others as examples of businesses located "immediately adjacent" to residential properties that have longer hours. However, this statement is problematic because rear walls or streets separate these businesses from residences and the parking lots are not directly adjoining homes.

Resolution: *Modify Condition #20 - “Hours of operation shall be from 9:00 a.m. to 7:00 p.m. throughout the year.” Or, if necessary, to 8 p.m.*

4. Time limit needed on delivery truck unloading at night

Condition #19 proposes that “All deliveries by Dollar Tree distribution trucks to the store shall arrive no earlier than 7:00 a.m. and no later than 9:00 p.m.....

Residents commented on the known noise associated with the truck door, metal rollers, and other noisy equipment used to unload delivery trucks. One Planning Commission member commented about complaints she had received in her position from the piercing backup alarms of delivery trucks. There is no evidence that this condition adequately addresses the noise impacts of truck unloading for immediately *adjoining* neighbors, one of whom is right next to the loading dock. There needs to be a limit on unloading activity at night.

Resolution: *Modify condition #19 - The truck delivery arrival time to be no earlier than 7:00 a.m. and **leave** no later than 9:00 p.m.....*

5. Timely, specific, and effective measures to control delivery dock & other noises to adjoining properties

In addition to timing concerns, neighbors and the Neighborhood Council asked that the Applicants provide a means of controlling the noise volume from parking lot activity and delivery unloading and other noise-producing machinery or activities. Several times a wooden fence was proposed, but a wooden fence is ineffective at controlling noise from neighboring operations. Again, the neighbor whose residence is immediately next to the delivery dock faces the highest impacts on their home property value and quality of life. One planning commissioner suggested building a sound-enclosing shed at the delivery dock. However, every residence whose lot line is shared with the parking lot may experience frequent noise impacts.

The Planning Commission approved a condition recommended by the Applicants: Condition # 26 ”....An *acoustic absorbent material* shall be installed along the portion of this loading zone fence opposite to the loading dock to further reduce potential noise.” However, not only are there no details provided on the nature and effectiveness of the *acoustic absorbent material*, but to the extent that this condition could be interpreted as having precedence over the sound control requirements of the Richmond Municipal Code ARTICLE 15.04.605 – *NOISE*, *adoption of this condition would be an abuse of discretion.*

Resolution: *Modify Condition #26 - Replace the above cited sentence from Condition #26 with a requirement to comply with the provisions of the Richmond Municipal Code ARTICLE 15.04.605 – *NOISE*, including a) conducting an ambient noise study prior to store opening, b) conducting a noise study after the opening at the store at the request of a neighbor(s), and c) implementing Noise Attenuation Measures as needed.*

This proposed language is needed to apply the Noise code to this situation.

6. Oversized, overwhelming signage despite 24" signs at adjacent small businesses and another area Dollar Tree.

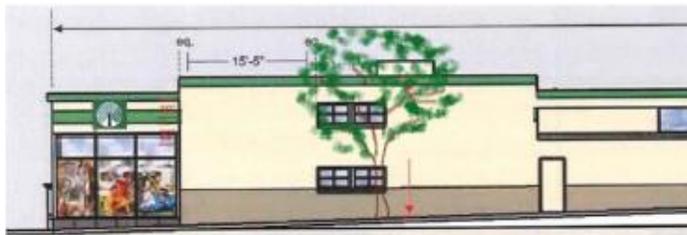
The excessive, oversized signage proposed in this CUP does not comply with Section 15.04.805.040 of the design review criteria that states that the project design should not “overwhelm or adversely impact adjoining properties.” Visual evidence from the surrounding businesses and another area Dollar Tree indicates that the proposed excessive, oversized signage is out of scale with other signage in this small business area of San Pablo Avenue. Kentucky Fried Chicken, another large corporate business across the street from the proposed Dollar Tree, tastefully and simply signs the front of their building facing San Pablo Avenue with 24" letters, “KFC.”

The Dollar Tree on San Pablo Avenue at Gilman Street in Berkeley uses 24" letters on the side of the building facing San Pablo Avenue.



24" tall letters at Berkeley Dollar Tree facing San Pablo

Neighbors have been enthusiastic about the Planning Department’s stated aim to develop attractive, inviting “walkable streets” on the San Pablo Avenue corridor. This major intersection property location is also a gateway to the San Pablo Avenue corridor and the surrounding residential neighborhoods. Therefore, we are requesting modifications to the exterior design that still advertises the business, but is more fitting with the corridor businesses and surrounding neighborhood.



Building South Elevation (rear view - faces Barrett Ave)

Neighborhood-scaled signage with Dollar Tree logo proposed for the south side of the building facing Barrett Avenue. Instead, Applicants propose a **6' tall** Dollar Tree sign with 30" letters with a huge green stripe.

The RHNC letter to the Planning Commission requested each of the three large signs to be scaled back slightly in size, as follows:

- a) 24" tall sign letters facing San Pablo Avenue (versus 28")
- b) 30" tall letters sign letters facing the parking lot (versus **7'** tall sign with 36" tall letters)
- c) an unilluminated *Dollar Tree logo* and green stripe at the top left corner building section for the south side facing Barrett Avenue, but not across the whole side of the building (see illustration below). The Applicants propose a 6' tall DOLLAR TREE" sign with 30" tall letters.

The Applicants response has been that the proposed 6' tall sign on the Barrett side of the building is for patrons traveling north on San Pablo Avenue so they don't overshoot the entrance. However, the front building would have a large sign, and a **4'x4'** “monument sign” is planned for the entrance driveway. The evidence from driving north San Pablo Avenue (see photo below) is that the front of the building and the proposed monument sign would indicate that there is a Dollar Tree store here.



View driving north on San Pablo Avenue

“DOLLAR TREE” sign

4’x4’ illuminated sign with
“DOLLAR TREE” name and logo at driveway entrance

These two prominent signs amply inform drivers on San Pablo Avenue of the identity of the business here.

Resolution: Add new condition – That store signage consist of the following:

- b) 24" tall sign letters facing San Pablo Avenue,
- c) 30" tall letters sign letters facing the parking lot.
- a) an unilluminated *Dollar Tree logo* and green stripe at the top left corner building section on the south side of the building facing Barrett Avenue.

7. Total parking lot and sign brightness level (i.e. lumens) for parking lot, etc. were not made available

The Neighborhood Council has repeatedly asked for the total lumens (i.e. lighting brightness level) for the parking lot and signage. Lumen levels should have been reported and part of the public project review under Richmond Municipal Code, ARTICLE 15.04.604 - LIGHTING AND ILLUMINATION. Anyone who has visited a car sales lot at night knows how bright the lighting can be.

As a result of this appeal, the Applicant’s response indicates that the night operation would result in approximately 47,000 lumens, whereas the brightness level for the adjoining residential neighborhood is about 80% less, or about 10,000 lumens. It is extremely important that the “glare” and “lighting spill’ conditions in the CUP be tightly enforced.

Resolution: The Applicant’s response to this appeal now includes the total estimated lumens for the project. It is extremely important that the “glare” and “lighting spill’ conditions in the CUP be tightly enforced.

We desire that a business occupy the site in a way that fits, and does not devalue the immediate and surrounding neighborhoods, nor conflict with General Plan policies for good-paying employment, healthy products, and adding value to the city. This operation should not undercut surrounding small businesses that incur the expense associated with offering residents fresh fruits, vegetables, milk, proteins, and breads.

We also did not find substantial evidence in the record to support how the project complies with the selected General Plan goals and policies, design guidelines, and the Zoning Ordinance as applied to the issues cited in this appeal, including that the project

- *comply with General Plan Use Goal LU-A and Land Use Policy LU-1 so that the project results in “an improved urban environment.”*
- *be “compatible with and will not infringe upon the character of the surrounding neighborhood.”*

- *“The location, size, design, and operating characteristics of the proposed use will be compatible with and will not be adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.”*
- *adequately include measures "to reduce the potential adverse impacts to the surrounding area" and "the project design does not overwhelm or adversely impact adjoining properties" (Design review criteria in Section 15.04.805.040)*

The added or modified conditions in the report are intended to bring this CUP closer in compliance with the city’s General Plan goals and policies, design guidelines, and the Zoning Ordinance.

There were also other relevant General Plan goals and policies that were not evaluated against this project (non-italics), such as:

- LU6 High-Quality and Sustainable Development and LU5.3 Land Use Compatibility
- Economic Development Goals and Policies
- Goal CR-3 – a Safe and Well-Maintained Circulation System
- Community Health and Wellness policy HW11 - Leadership in Building Healthy Communities, Policy HW11.1, and several additional and directly-related Health and Wellness goals and policies. Of note, the General Plan's Community Health and Wellness policy - HW11.1 states that of health criteria may be used “in reviewing and approving new development and redevelopment projects to maximize their health benefits and minimize or eliminate health impacts.” At the 12/2 Planning Commission meeting, the members received a public comment on the product safety record for items Dollar Tree stocks in their stores (see [“Dollar Tree Not Removing Toxic Chemicals Fast Enough,”](#) Healthy Children Project, Learning Disabilities Association of America). The national Campaign for Healthier Solutions and the [Retailer Report Card](#) are currently asking for a toxic product safety update from the Dollar Tree corporation (Target has an “A” grade; Dollar Tree has moved from a “D” to a “C+”). We hope the Council will simply ask the Applicants to inform the Council and residents of their progress in removing toxic chemicals from their product packaging.

We appreciate the Planning Commission’s dedicated and patient work on this CUP and remain committed to a project at this location that works for our neighborhood, too. Therefore, we recommend the Council approve the added or modified Conditions of Approval in this appeal.

Sincerely,



Jim Hanson

President, Richmond Heights Neighborhood Council

From: [John Wehrle](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Agenda Item Q.3 (support Dollar Tree Appeal)
Date: Monday, February 28, 2022 11:28:22 AM

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Dear Richmond City Council,

As a Richmond resident, living near the proposed Dollar Tree Store, I have several concerns that I feel should be addressed before any approval is granted.

1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.
2. Control added traffic into surrounding neighborhood streets.
3. Modify Condition #20 so that store closing is 8 p.m. (rather than 9 p.m.).
4. Modify Condition #19 so that delivery trucks leave by 9 p.m.
5. Assure neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock.

Thank you for your consideration of our health and safety concerns in the City of Richmond. As an artist who's spent many hours (years) working adjacent to that intersection of San Pablo Avenue and the I-80 on ramp, I do know that anything that hinders the flow of traffic onto the onramp there can have potentially dangerous consequences

Regards,

John Wehrle
775 Lassen Street
Richmond, 94805
www.troutinhand.com

From: [Kevin Kim](#)
To: [City Clerk Dept User](#)
Cc: [Hector Lopez](#); [Lina Velasco](#)
Subject: Public Comments agenda item # Q 3: Letter of Support for Project and Denial of Appeal
Date: Monday, February 28, 2022 2:22:13 PM
Attachments: [For City of Richmond City Council.pdf](#)

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Feb 18, 2022

Dear City of Richmond City Councilmembers,

I am the owner of the Chinese restaurant next to 12300 San Pablo Ave and my family and I support the addition of a Dollar Tree store next door. The renovations to the building will greatly improve the area and bring more life and business to this neighborhood.

We ask that the City Council deny the appeal and allow the Project to move forward.

Xiao Lan Xie
Tsing Tao Chinese Restaurant 12372 San Pablo Ave
Richmond, CA 94805

A handwritten signature in black ink, appearing to be 'Xiao Lan Xie', written in a cursive style.

February 18, 2022

To Whom It May Concern:

This letter is in support of the proposal to upgrade the building at 12300 San Pablo Ave for a Dollar Tree store. We are thrilled that the property will finally have a use and having newly renovated building will bring value to the neighborhood and area.

We ask the City Council to deny the appeal and allow the project to proceed.

Sincerely,

Muhammad Arif
Tire & Wheel Pro Services 12380 San Pablo Ave Richmond, CA 94805

A handwritten signature in black ink, appearing to read "M. Arif". The signature is written in a cursive, slightly slanted style.

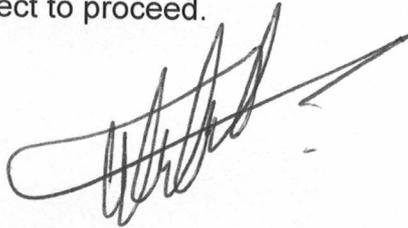
From:
Reda Elqasass
Pizza House
12343 San Pablo Ave Richmond, CA 94805

To the City of Richmond City Council,

My name is Reda Elqasass and I support opening a Dollar Tree store across the street from Richmond Pizza House. The property has been vacant for years now and having a business here will revitalize the neighborhood and improve the area.

Please allow the project to proceed.

Thank you, Reda

A handwritten signature in black ink, appearing to read 'Reda Elqasass', written in a cursive style with a long horizontal stroke extending to the right.

February 18, 2022

Dear City Council,

My name is Martha Mendoza and I am the owner of Excellence Auto Insurance Agency.

I support Dollar Tree going into the empty space across the street from me and I am excited for them to join our business community. The neighborhood will benefit from having more foot traffic and activity.

Please allow this project to move forward on March 1st.

Martha Mendoza, Owner

Excellence Auto Insurance Agency

4500 Barrett Ave Unit C

Richmond, CA 94805

A handwritten signature in black ink, appearing to be 'Martha Mendoza', written over the printed name and address.

Feb 18, 2022

Subject: Letter of support for 12300 San Pablo Ave project Dear City of Richmond,

I would like voice my support for opening a Dollar Tree store at 12300 San Pablo Ave. The corner of San Pablo and Barrett is underutilized because the building has been vacant for so long. In addition to bringing more commerce and activity to the area, adding a new business here will help deter crime.

Please allow this project to move forward and deny the appeal.

Thank you,

Jorge Fuente
Velocity iPhone Repair
4500 Barrett Ave Suite A
Richmond, CA 94805

A handwritten signature in black ink, appearing to read 'Jorge Fuente', is written over the typed name and address. The signature is stylized and somewhat scribbled.

Feb 18, 2022

To the Richmond City Councilmembers -

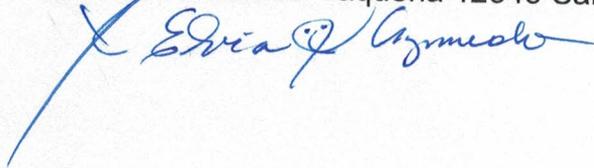
We are a locally owned business and we are supportive of the proposal to have Dollar Tree operate at 12300 San Pablo Ave.

Having a Dollar Tree store would greatly benefit the neighborhood as well as the other businesses around me by bringing in more foot traffic. Over the last few years, the vacant building has caused problems and seeing a real business operating here again would be great.

We ask that the City Council deny the appeal and allow the Project to move forward.

Jeanette Argumedo

Owner of La Bamba Taqueria 12345 San Pablo Ave Richmond, CA 94805



From: [Prof Lassonde](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 5:36:32 PM

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Dear City Council Members,

I am highly concerned about traffic safety issues that will arise with this new Dollar Tree. As it is this is a highly trafficked area and it is already unsafe to pedestrians. This store will further the lack of safety of pedestrians making our neighborhood even more dangerous. I strongly urge you to choose a different location. I do not want to see our neighborhood get more dangerous and less safe for pedestrian traffic and our children who have to walk in these areas.

Thanks,

Kristin Lassonde

prof.lassonde@gmail.com

From: [Linda](#)
To: [City Clerk Dept User](#)
Subject: Fwd: Planning Commission - Q.3 March 1 2022
Date: Tuesday, March 1, 2022 10:10:20 PM

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Dear Mayor Butt and Richmond City Council,

----- Forwarded message -----

From: Linda <lindajeane@gmail.com>
Date: Tue, Mar 1, 2022 at 9:01 PM
Subject: Planning Commission - Q.3 March 1 2022
To: <cityclerkdept@ci.richmond.ca.us>

Dear Richmond Planning Commission,

You have heard the neighbors and neighborhood council on this topic, and I urge that you do not break under the aggressive tactics of a well-funded legal team in favor of an organization designed to extract revenue at a minimum cost and with minimal responsibility to its neighbors, city taxes and potential employees. Let's be clear that proposed use is not meant for the local neighbors, nor for work for locals.

I'm particularly concerned about item 2, which was poorly addressed in the most recent legal letter that clearly reflected a disregard for the real and specific concerns.

I'm also concerned that my Richmond Planning Commission required Williams, kitty corner from this location for signage changes. The current signage is out of alignment with those requirements. At best, it should be similar size and coloration than what is being proposed.

Here are the full list of concerns.

Thank you for supporting our neighborhoods and local businesses with an eye for safety. This is the only way to ensure this space becomes a part of the neighborhood, and not a neighborhood scourge.

Sincerely,
Linda Moran
601 Humboldt

1. **Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.**
2. **Control added traffic into surrounding neighborhood streets.**
3. Modify Condition #20 so that **store closing is 8 p.m.** (rather than 9 p.m.).
4. Modify Condition #19 so that delivery trucks **leave by 9 p.m.**
5. Assure neighbors have **noise protection, including by adding a commercial sound absorbing wall at the loading dock.**
6. Don't give preferential treatment over surrounding businesses. **Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave.** (note: the Neighborhood Council letter with graphics and discussion of each of these conditions is again attached).

From: [Lory Poulson](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Tuesday, March 1, 2022 8:15:11 AM

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Resending with clearer subject line:

Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)

Dear Council,

Although a commercial enterprise might be fine for this location, it should NOT negatively alter the quality of life of the immediate neighbors.

Please protect our neighbors. **Just as you would not want your home to be subjected to commercial noise after 9 pm — or the loud sounds associated with a truck unloading — it seems to me that 3, 4 and 5 below are crucial:**

- closing at 8 pm
- delivery trucks leave by 9 pm
- install a commercial sound-absorbing wall beside the loading dock

The immediate neighbors have requested these modifications:

1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.
2. Control added traffic into surrounding neighborhood streets.
3. Modify Condition #20 so that **store closing is 8 p.m.** (rather than 9 p.m.).
4. Modify Condition #19 so that delivery trucks **leave by 9 p.m.**
5. Assure neighbors have **noise protection, including the addition of a commercial sound absorbing wall at the loading dock.**
6. Don't give preferential treatment over surrounding businesses. **Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing**

Barrett Ave. (note: the Neighborhood Council letter with graphics and discussion of each of these conditions is again attached).

Again, please protect the immediate neighbors of this property.

Many thanks,
Lory

—

Lory Poulson
5610 Hazel Avenue
Richmond CA 94805
510-236-4143 land
510-701-1681 cell

From: [MARY ANN RUBALCABA](#)
To: [City Clerk Dept User](#)
Cc: [The McLaughlin Group](#); [Jim Hanson](#); [Melissa Lee](#)
Subject: Re: [McLaughlin] Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 4:23:27 PM

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City Council Members,

I join my support to every point/request made by Ms. Lee. Ms. Lee's concerns are my concerns.

Please consider the families that live here - the families that will be forced to continue living here with your decisions.

Thank you,

Mary Ann Rubalcaba
464 Key Blvd

On 02/28/2022 3:32 PM Melissa Lee <melissa.f.lee@gmail.com> wrote:

Dear City Council Members,

I am writing because the neighbors of East Richmond have **not** received adequate responses to numerous concerns regarding the Dollar Tree. This is very concerning as the people who live right next to the proposed Dollar Tree are NOT being heard or considered. Please take the time to read through these notes and the final paragraph carefully; this decision may not impact you or your day-to-day life but it will certainly affect those of us who live around us for years to come.

To reiterate, our requests:

1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening. The traffic in this area around San Pablo is already high. People Regularly run red lights on San Pablo without the anticipated additional number of

cars turning in and out of the street. The Dollar Tree would create more of these illegal turns and cause accidents.

2. Control added traffic into surrounding neighborhood streets. Key Blvd is used as the back-up to San Pablo, with cars speeding down it at all hours. We need to make it clear that folks exiting the lot should not be incentivized to speed down Key/McLaughlin on their way out.

3. Modify Condition #20 so that store closing is 8 p.m. (rather than 9 p.m.). There is no need to have a store with such a poor reputation for crime with no security and directly-adjacent to homes open at 9pm. Many other Dollar Stores are permanently closing; even the one in El Cerrito fared poorly. Having a store adjacent to people's homes open so late puts the neighborhood at risk and has no benefits to the people or the city.

4. Modify Condition #19 so that delivery trucks leave by 9 p.m. Homeowners deserve quiet time next to their own homes after hours. The idling of large truck engines, banging opening/closing of metal truck gates and people loading and unloading boxes is not something that should occur adjacent to homes past 9pm. This is a **residential neighborhood** and NOT a commercial zone.

5. Assure neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock. Again, this business is directly adjacent to many homes. Put people first.

6. Don't give preferential treatment over surrounding businesses. Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave. The Dollar Tree logo is simply not aesthetically pleasing. This neighborhood has been working hard to improve a part of Richmond that is hugely beneficial (and brings in higher tax dollars) for the City. Please don't make our neighborhood uglier by adding unnecessarily large blocky signage. Take the appropriate steps to preserve this neighborhood now or Richmond will be suffering the consequences of poor leadership decisions for decades to come.

Additionally, please consider more holistically what letting a Dollar Tree come into a residential neighborhood would signal to the City and People of Richmond. Be forward-thinking: What types of businesses do we want to attract? This is Dollar Tree, not an Apple Store or a mid/higher-end retail store.

Sincerely,
Melissa Lee
448 Key Blvd

McLaughlin mailing list

To Post, email: McLaughlin@lists.mayfirst.org

List info: <https://lists.mayfirst.org/mailman/listinfo/mclaughlin>

To Unsubscribe

Send email to: Mclaughlin-unsubscribe@lists.mayfirst.org

Or visit:

<https://lists.mayfirst.org/mailman/options/mclaughlin/marecaba@comcast.net>

You are subscribed as: marecaba@comcast.net

Who's on the list currently:

michael@cmcm.tv

lydia@mediajumpstart.org

rachel.mclachlan@sbcglobal.net

ryan.mclachlan@sbcglobal.net

acheng2@comcast.net

bhschweinberger@yahoo.com

danzholzner@att.net

maria_sanders@att.net

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isachu@gmail.com

bellboybob@sbcglobal.net

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mmisunas@gmail.com

lymanelcerrito@sbcglobal.net

ismaelaramburu@gmail.com

aarax05@gmail.com

kim_tran99@yahoo.com
tangoechobravo@gmail.com

From: [Mary Lou Herlihy](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 5:06:25 PM

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Dear Richmond City Council Members,

My husband and I wish to be on record as **NOT SUPPORTING** the development of the proposed Dollar Tree Store on Barrett and San Pablo Avenues. As long time resident of the neighborhood, we support thoughtful growth and development in our thriving community. For many reasons that we have stated previously on the record, we DO NOT believe that a Dollar Tree Store is a step forward.

That said, we endorse all 7 modifications/additions suggested by the RHNC Appeal regarding the Conditional Use Permit for the proposed Dollar Tree Store at Barrett and San Pablo Avenues.

In addition, we wish to add the following comments/suggestions to improve the likelihood of success should the Dollar Tree Store move forward:

From Item 3 of the RHNC Appeal (condition #20)

3. Store closing hour compatible with residential setting (note: Dollar Tree stores elsewhere have earlier closing hours)

In a brief search, we located the following 4 Dollar Tree Stores within a 25 mile radius that close at 8pm:

Martinez, Dollar Tree Store # 4785
1047 Arnold Drive
Mon-Sat: 8am-8pm, Sun. 9am-8pm

San Pablo, Dollar Tree Store # 1214
2415 San Pablo Dam Road
9am-8pm 7days a week

Daly City, Dollar Tree Store # 4735
2840 Geneva Avenue
8am-8pm 7 days a week

Daly City, Dollar Tree Store # 5938
6232 Mission Street
9am-8pm 7 days a week

This suggests that there is latitude in the operating hours of individual stores and we support the EARLIEST possible closing time for the store proposed at Barrett and San Pablo.

Regarding “seasonal adjustments” for any holidays, we suggest that this be CLEARLY DEFINED as part of the CUP. Define ALL holidays, the date range for each holiday covered under this CUP, and INCLUDE the suggested changes to hours during those date ranges. Without all of those details in writing, this is a very GREY area.

Thank you for your careful consideration to ALL of the information and feedback that you have received concerning the proposed Dollar Tree Store on Barrett and San Pablo.

Respectfully,

Mary Lou Herlihy & Mark Stevens
411 Key Blvd
Residents since 1997

From: [Melissa Lee](#)
To: [City Clerk Dept User](#)
Cc: [Ryan Jones](#); [The McLaughlin Group](#); [Jim Hanson](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 3:33:14 PM

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Dear City Council Members,

I am writing because the neighbors of East Richmond have **not** received adequate responses to numerous concerns regarding the Dollar Tree. This is very concerning as the people who live right next to the proposed Dollar Tree are NOT being heard or considered. Please take the time to read through these notes and the final paragraph carefully; this decision may not impact you or your day-to-day life but it will certainly affect those of us who live around us for years to come.

To reiterate, our requests:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.** The traffic in this area around San Pablo is already high. People Regularly run red lights on San Pablo without the anticipated additional number of cars turning in and out of the street. The Dollar Tree would create more of these illegal turns and cause accidents.
- 2. Control added traffic into surrounding neighborhood streets.** Key Blvd is used as the back-up to San Pablo, with cars speeding down it at all hours. We need to make it clear that folks exiting the lot should not be incentivized to speed down Key/McLaughlin on their way out.
- 3. Modify Condition #20 so that store closing is 8 p.m.** (rather than 9 p.m.). There is no need to have a store with such a poor reputation for crime with no security and directly-adjacent to homes open at 9pm. Many other Dollar Stores are permanently closing; even the one in El Cerrito fared poorly. Having a store adjacent to people's homes open so late puts the neighborhood at risk and has no benefits to the people or the city.
- 4. Modify Condition #19 so that delivery trucks leave by 9 p.m.** Homeowners deserve quiet time next to their own homes after hours. The idling of large truck engines, banging opening/closing of metal truck gates and people loading and unloading boxes is not something that should occur adjacent to homes past 9pm. This is a **residential neighborhood** and NOT a commercial zone.

5. Assure neighbors have **noise protection, including by adding a commercial sound absorbing wall at the loading dock.** Again, this business is directly adjacent to many homes. Put people first.

6. Don't give preferential treatment over surrounding businesses. **Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave.** The Dollar Tree logo is simply not aesthetically pleasing. This neighborhood has been working hard to improve a part of Richmond that is hugely beneficial (and brings in higher tax dollars) for the City. Please don't make our neighborhood uglier by adding unnecessarily large blocky signage. Take the appropriate steps to preserve this neighborhood now or Richmond will be suffering the consequences of poor leadership decisions for decades to come.

Additionally, please consider more holistically what letting a Dollar Tree come into a residential neighborhood would signal to the City and People of Richmond. Be forward-thinking: What types of businesses do we want to attract? This is Dollar Tree, not an Apple Store or a mid/higher-end retail store.

Sincerely,
Melissa Lee
448 Key Blvd

From: [Michael Eisenmenger](#)
To: [City Clerk Dept User](#)
Subject: Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 9:21:29 PM

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RE: Agenda Item Q.3 (Support Dollar Tree Appeal)

Dear Council,

First, I'd like express my support for the itemized comments of Shelley Trask and for her reasonably expressed points of concern concerning locating a Dollar Tree Store in this location.

Second, my own observations.

That stretch of San Pablo Avenue is already a heavily used and complex traffic situation compounded by the absolute miserable condition of the road surface. The street crossings on this intersection are already quite dangerous for pedestrians. Without a median running from Barrett to the highway, many people will be attempting dangerous left turns existing Dollar Tree as they do now from the other side of the street. This will undoubtedly lead to more accidents and increased risks to pedestrians and bicyclists. This is just a bad location for any busy retail business given the I-80 ramps and high level of existing traffic.

I realize Richmond has difficulties attracting good businesses and the tax base is needed, but that is no excuse for settling on one of the worst chain retail businesses in the country. There are numerous media reports of the ills of this corporate parent, and the negative impact these stores typically have on neighborhoods. Also widely reported are that the few jobs created by the Dollar Tree are poorly paid positions with miserable working conditions. This will not be an desirable opportunity for any of the Richmond residents seeking work. Visit one and see the mess for yourself and talk to some employees about their experience there. If the Richmond City Council believes what it says about being environmentally sensitive and health conscious then why consider approving a store trading in cheaply made plastic goods and junk food sold by the tons. If you really believe what you say, it's time to walk the walk and not approve this permit.

Sincerely,

Michael Eisenmenger
451 McLaughlin Street

From: [Michael May](#)
To: [City Clerk Dept User](#)
Subject: Public comments agenda item Q3
Date: Tuesday, March 1, 2022 2:49:56 PM

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Dear city council members I wish to support measures to restrict the proposed new operation of a Dollar General store on San Pablo. There is already too much traffic congestion in this area At minimum the Presence of an additional store will require a traffic light, greater parking and restrictions on truck traffic after 8 o'clock

thank you for listening to my concerns

Yours truly Michael May 769 Lassen Richmond California

Sent from my iPhone

From: [Michele Rappaport](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Tuesday, March 1, 2022 10:02:11 AM
Attachments: [Appeal_CUP-Dollar_Store_Richmond_Heights_Neighborhood_Council_2-16-222.pdf](#)

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Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)

Dear City Council Members,

As a resident of the Richmond Heights Neighborhood Council I am supporting minimum conditions for an intensive retail use nestled within this East Richmond residential neighborhood. The City Council has the opportunity to expect these minimum conditions which have been detailed multiple times in previous meetings. They include:

1. Address Traffic Safety issues by requiring a **Traffic Safety study** and implementation of safety mitigations prior to store opening.
2. Control added traffic into **surrounding neighborhood streets.**
3. Modify Condition #20 so that **store closing is 8 p.m.** (rather than 9 p.m.).
4. Modify Condition #19 so that delivery trucks **leave by 9 p.m.**
5. Assure neighbors have **noise protection, including by adding a commercial sound absorbing wall at the loading dock.**
6. **Don't give preferential treatment over surrounding businesses.** Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave. (note: **the Neighborhood Council letter of February 16, 2022, with graphics and discussion of each of these conditions is attached**).

Please show concern for the neighbors most affected by this company which has a very recent history (the store on S.P. Ave at Cutting, that recently closed) of high crime (not the reason it closed, but a good reason to not want it in your neighborhood), sanitation issues (garbage cans overflowing and trash not picked up in front of the store), low quality and low valued items with high environmental cost, that are primarily disposable yet not recyclable or reclaimable. There is concern about the toxic materials in which items are

wrapped. The majority of food sold has low nutritional value and costs less because items contain less.

We know that small stores can provide better quality as we see and experience stores like Arlington Market and La Loma.

Our minimum conditions are the least the council can do to acknowledge the neighborhoods, and to make a statement that Richmond expects the minimum in safe, healthy, and environmentally sound development that supports the people first, before the national corporations making millions off of the city residents.

Respectfully,

Michele Rappaport
Richmond Resident of 34 years

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Richmond Heights Neighborhood Council

February 16, 2022

City of Richmond City Council
City of Richmond
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

VIA E-MAIL: HECTOR_LOPEZ@CI.RICHMOND.CA.US

RE: **RHNC Appeal: CUP for Proposed Dollar Tree Store (PLN21-129)**

Thank you for hearing this appeal to consider some needed, doable corrections to the CUP for the proposed Dollar Tree store at Barrett and San Pablo Avenue.

East Richmond neighbors have communicated with the Dollar Tree store applicants, the Planning Department, and through Design Review Board and Planning Commission meetings about inadequately addressed impacts in the Conditional Use Permit (CUP) for an intensive retail operation within a residential block.

The Planning Commission addressed some concerns, but the Conditional Use Permit remains unbalanced when considering adjacent and nearby residents. As illustrated by this aerial photo, the proposed intensive retail use would occur within a residential neighborhood at a heavily-impacted intersection in Richmond. Not only do we wish to see the impacts to surrounding neighbors addressed adequately, but east Richmond neighbors also support the cohesive development of San Pablo Avenue with inviting, "walkable streets" that can help businesses thrive.



Seven conditions of approval are missing or are inadequate. These Conditions are not supported by substantial evidence in the record. This also represents an abuse of discretion to

the extent that the CUP does not yet adequately address the quality of life, public safety, and property value considerations of the surrounding Richmond neighborhood.

Therefore, we request that the City Council repair this lack of evidence and imbalance by including the following sensible, doable modifications or additions to the CUP:

1. Traffic safety at this location

The property's single parking lot entrance adjoins a congested, fast-moving, rapidly lane-changing block of San Pablo Avenue that is poorly designed for the 800-plus vehicles that the Applicants estimate will be entering and then exiting the driveway location on San Pablo Avenue.

The evidence for collision risks from this many vehicles at this location comes not only from the public's written comments and testimony, but also from written or public comments from: a) the Planning Department, b) the Richmond Police Department, and c) the Planning Commission, as follows:

- Twice, Planning Department reports on this CUP stated that *"given the proximity of the site to a busy intersection, San Pablo and Barrett Avenues, which is congested at peak times (morning and afternoon), the proposed use may add to traffic backups. In addition, the relatively short distance of the driveway to the street intersection may present additional safety hazards, such as rear-end collisions."* (8/25/21 & 9/22/21, Design Review Board (DRB), and 11/4/21 Planning Commission, underlined by author).

The DRB and Planning Commission used their discretion only to include a "Right Turn Only" sign when exiting the driveway, which does not address the public's risk of being rear-ended when entering the site.

- Based on neighbor's comments revealing reports nationwide of crimes associated with Dollar Stores, RHNC requested that Richmond Police Department (RPD) conduct a crime prevention audit of this proposed retail use. We appreciate that the Planning Department contacted the RPD for this audit. In their report to the Planning Commission, RPD outlined some crime prevention measures and the following be considered: *"San Pablo Ave and Barrett Ave is a very congested intersection to the EB I-80 on-ramp located approximately 600 feet from Barrett Ave on San Pablo Ave. Traffic tends to back up here in the number 2 and 3 Lanes which is where your parking lot entrance/exit will be located,"*
- At the 11/4/21 public meeting of the Planning Commission, the Chair of the Planning Commissioner commented on the precarious traffic situation that has long existed on the block of San Pablo Avenue between Barrett and Roosevelt Streets.



Some major traffic behavior patterns on this block of San Pablo Avenue. Property driveway entry and exit in yellow. **Store vehicles exit onto a dedicated freeway onramp-only lane (red circles), and have to cross lanes to go northward.**

Despite repeated evidence of problems with traffic safety and the opportunity to address safety concerns in their studies, these issues remain unaddressed. The Applicant’s response does not respond to this public safety issue. Instead, the Applicants continue to report on traffic volume impacts.

There is also no evidence in the approved CUP to suggest that a voluntary “Right Turn Only” sign will sufficiently mitigate the risk of hundreds of vehicles daily both entering this location and exiting to the fast-moving, lane-changing traffic on this section of San Pablo Avenue.

Resolution: Add Traffic Safety Condition - Due to the continued absence of an effective condition of approval to address traffic safety at this location, the RHNC requests that the CUP include a Traffic Safety Study that describes traffic measures to mitigate against collisions from a) entering and exiting this location, b) attempting to navigate one’s desired direction given the speed, lane design, congestion, and lane-changing in this block of San Pablo, and c) to prevent traffic volume and safety impacts on surrounding residential streets (a direct result of choosing to locate a high-intensity retail use for this location. See #2 below).

The study, design, and construction of traffic safety mitigations could involve exit metering, a bulb-out at Barrett and San Pablo, a dedicated entry lane, a San Pablo Avenue median, etc. Safety improvements would need to be completed before the store opening. The only other alternative would be to trigger design and construction of traffic safety mitigations following a determined number of traffic collisions related to this operation at this location – hopefully, before there is physical harm to vehicle occupants.

Since the Applicants chose this location with its traffic safety challenges, rather than other unoccupied retail sites in Richmond with safer conditions, the design and construction of traffic safety mitigations should be at the Applicant’s expense and under the supervision of the Public Works Department.

2. Control Traffic onto surrounding neighborhood streets

The peer-review traffic volume report by Fehr & Peers acknowledges that the right-turn-only sign can increase traffic on the adjacent neighborhood streets, such as Roosevelt Avenue and McLaughlin Street. Vehicles that would not be able to turn left out of the project site and would drive around the project site to access southbound San Pablo Avenue.

The Commission included condition #29 whereby “the Applicant shall work with the City to install a local traffic only sign at San Pablo and Roosevelt Avenue.” There is no evidence that



Neighborhood traffic impact when Southbound patrons encounter a "Right turn only" at driveway exit

this sign will be complied with, and even the Planning Commission questioned how well it would be followed. Also, this condition of approval is not binding since it states only that "installation of the sign shall be pursued diligently but shall not be a condition of obtaining the certificate of occupancy for the use." Therefore, residents surrounding the property still need effective protection against a surge of vehicles that would use surrounding streets to compensate for the "right-turn-only" requirement when exiting the

property. The portion of the 800+ vehicles leaving the property daily whose direction is south on San Pablo Avenue will look for the most efficient means to do so. That will be mean looping around on the McDonald Street and other residential streets (see illustration).

Resolution: Add condition to control traffic onto surrounding residential streets_

We request that the Council add a condition that:

- Requires a baseline traffic count at different times and days for Roosevelt Ave., McLaughlin St. and Key Blvd. prior to store opening.
- Triggers a follow-up traffic count at streets affected by significantly increased traffic when requested by one-half the residents on any of these streets.
- If traffic increases by over 25% above current levels and is attributable to the Dollar Tree operation, construction of traffic control measures will take place within six months using the recommendations described in the Traffic Safety Study (#1 above), or through a separate study. Applicants would be required to fund the study, design, and construction with work overseen by the Public Works Department.

3. Store closing hour compatible with residential setting (note: Dollar Tree stores elsewhere have earlier closing hours)

Condition #20 states that "the store hours shall be between 9:00 a.m. to 9:00 p.m., with seasonal adjustments allowed for the holidays." This is incompatible with placing an intensive retail operation in a residential neighborhood. There is no limit on opening times for "seasonal adjustments" for any holidays. The evidence shows that even the Dollar Tree store in Martinez closes at **8:00 p.m.** Also, at one of the public meetings, corporate representatives commented that the early morning and late evening hours are the slowest. Google analytics also verifies that the peak store patron volume is between 3–6 p.m.

The Applicant's response cites Target, Grocery Outlet, Planet Fitness, and others as examples of businesses located "immediately adjacent" to residential properties that have longer hours. However, this statement is problematic because rear walls or streets separate these businesses from residences and the parking lots are not directly adjoining homes.

Resolution: *Modify Condition #20 - "Hours of operation shall be from 9:00 a.m. to 7:00 p.m. throughout the year." Or, if necessary, to 8 p.m.*

4. Time limit needed on delivery truck unloading at night

Condition #19 proposes that "All deliveries by Dollar Tree distribution trucks to the store shall arrive no earlier than 7:00 a.m. and no later than 9:00 p.m....."

Residents commented on the known noise associated with the truck door, metal rollers, and other noisy equipment used to unload delivery trucks. One Planning Commission member commented about complaints she had received in her position from the piercing backup alarms of delivery trucks. There is no evidence that this condition adequately addresses the noise impacts of truck unloading for immediately *adjoining* neighbors, one of whom is right next to the loading dock. There needs to be a limit on unloading activity at night.

Resolution: *Modify condition #19 - The truck delivery arrival time to be no earlier than 7:00 a.m. and **leave** no later than 9:00 p.m.....*

5. Timely, specific, and effective measures to control delivery dock & other noises to adjoining properties

In addition to timing concerns, neighbors and the Neighborhood Council asked that the Applicants provide a means of controlling the noise volume from parking lot activity and delivery unloading and other noise-producing machinery or activities. Several times a wooden fence was proposed, but a wooden fence is ineffective at controlling noise from neighboring operations. Again, the neighbor whose residence is immediately next to the delivery dock faces the highest impacts on their home property value and quality of life. One planning commissioner suggested building a sound-enclosing shed at the delivery dock. However, every residence whose lot line is shared with the parking lot may experience frequent noise impacts.

The Planning Commission approved a condition recommended by the Applicants: Condition # 26 "....An *acoustic absorbent material* shall be installed along the portion of this loading zone fence opposite to the loading dock to further reduce potential noise." However, not only are there no details provided on the nature and effectiveness of the *acoustic absorbent material*, but to the extent that this condition could be interpreted as having precedence over the sound control requirements of the Richmond Municipal Code ARTICLE 15.04.605 – *NOISE*, *adoption of this condition would be an abuse of discretion.*

Resolution: *Modify Condition #26 - Replace the above cited sentence from Condition #26 with a requirement to comply with the provisions of the Richmond Municipal Code ARTICLE 15.04.605 – *NOISE*, including a) conducting an ambient noise study prior to store opening, b) conducting a noise study after the opening at the store at the request of a neighbor(s), and c) implementing Noise Attenuation Measures as needed.*

This proposed language is needed to apply the Noise code to this situation.

6. Oversized, overwhelming signage despite 24" signs at adjacent small businesses and another area Dollar Tree.

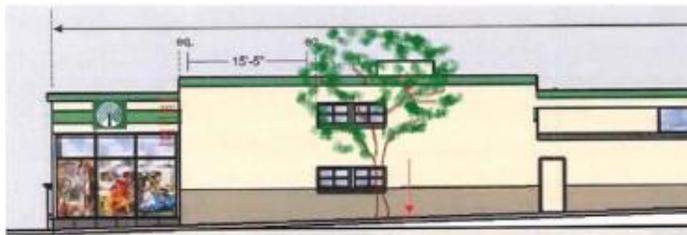
The excessive, oversized signage proposed in this CUP does not comply with Section 15.04.805.040 of the design review criteria that states that the project design should not “overwhelm or adversely impact adjoining properties.” Visual evidence from the surrounding businesses and another area Dollar Tree indicates that the proposed excessive, oversized signage is out of scale with other signage in this small business area of San Pablo Avenue. Kentucky Fried Chicken, another large corporate business across the street from the proposed Dollar Tree, tastefully and simply signs the front of their building facing San Pablo Avenue with 24" letters, “KFC.”

The Dollar Tree on San Pablo Avenue at Gilman Street in Berkeley uses 24" letters on the side of the building facing San Pablo Avenue.



24" tall letters at Berkeley Dollar Tree facing San Pablo

Neighbors have been enthusiastic about the Planning Department’s stated aim to develop attractive, inviting “walkable streets” on the San Pablo Avenue corridor. This major intersection property location is also a gateway to the San Pablo Avenue corridor and the surrounding residential neighborhoods. Therefore, we are requesting modifications to the exterior design that still advertises the business, but is more fitting with the corridor businesses and surrounding neighborhood.



Building South Elevation (rear view - faces Barrett ave)

Neighborhood-scaled signage with Dollar Tree logo proposed for the south side of the building facing Barrett Avenue. Instead, Applicants propose a **6' tall** Dollar Tree sign with 30" letters with a huge green stripe.

The RHNC letter to the Planning Commission requested each of the three large signs to be scaled back slightly in size, as follows:

- a) 24" tall sign letters facing San Pablo Avenue (versus 28")
- b) 30" tall letters sign letters facing the parking lot (versus **7'** tall sign with 36" tall letters)
- c) an unilluminated *Dollar Tree logo* and green stripe at the top left corner building section for the south side facing Barrett Avenue, but not across the whole side of the building (see illustration below). The Applicants propose a 6' tall DOLLAR TREE" sign with 30" tall letters.

The Applicants response has been that the proposed 6' tall sign on the Barrett side of the building is for patrons traveling north on San Pablo Avenue so they don't overshoot the entrance. However, the front building would have a large sign, and a **4'x4'** “monument sign” is planned for the entrance driveway. The evidence from driving north San Pablo Avenue (see photo below) is that the front of the building and the proposed monument sign would indicate that there is a Dollar Tree store here.



View driving north on San Pablo Avenue

“DOLLAR TREE” sign

4’x4’ illuminated sign with
“DOLLAR TREE” name and logo at driveway entrance

These two prominent signs amply inform drivers on San Pablo Avenue of the identity of the business here.

Resolution: Add new condition – That store signage consist of the following:

- b) 24" tall sign letters facing San Pablo Avenue,
- c) 30" tall letters sign letters facing the parking lot.
- a) an unilluminated *Dollar Tree logo* and green stripe at the top left corner building section on the south side of the building facing Barrett Avenue.

7. Total parking lot and sign brightness level (i.e. lumens) for parking lot, etc. were not made available

The Neighborhood Council has repeatedly asked for the total lumens (i.e. lighting brightness level) for the parking lot and signage. Lumen levels should have been reported and part of the public project review under Richmond Municipal Code, ARTICLE 15.04.604 - LIGHTING AND ILLUMINATION. Anyone who has visited a car sales lot at night knows how bright the lighting can be.

As a result of this appeal, the Applicant’s response indicates that the night operation would result in approximately 47,000 lumens, whereas the brightness level for the adjoining residential neighborhood is about 80% less, or about 10,000 lumens. It is extremely important that the “glare” and “lighting spill’ conditions in the CUP be tightly enforced.

Resolution: The Applicant’s response to this appeal now includes the total estimated lumens for the project. It is extremely important that the “glare” and “lighting spill’ conditions in the CUP be tightly enforced.

We desire that a business occupy the site in a way that fits, and does not devalue the immediate and surrounding neighborhoods, nor conflict with General Plan policies for good-paying employment, healthy products, and adding value to the city. This operation should not undercut surrounding small businesses that incur the expense associated with offering residents fresh fruits, vegetables, milk, proteins, and breads.

We also did not find substantial evidence in the record to support how the project complies with the selected General Plan goals and policies, design guidelines, and the Zoning Ordinance as applied to the issues cited in this appeal, including that the project

- *comply with General Plan Use Goal LU-A and Land Use Policy LU-1 so that the project results in “an improved urban environment.”*
- *be “compatible with and will not infringe upon the character of the surrounding neighborhood.”*

- *“The location, size, design, and operating characteristics of the proposed use will be compatible with and will not be adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.”*
- *adequately include measures "to reduce the potential adverse impacts to the surrounding area" and "the project design does not overwhelm or adversely impact adjoining properties" (Design review criteria in Section 15.04.805.040)*

The added or modified conditions in the report are intended to bring this CUP closer in compliance with the city’s General Plan goals and policies, design guidelines, and the Zoning Ordinance.

There were also other relevant General Plan goals and policies that were not evaluated against this project (non-italics), such as:

- LU6 High-Quality and Sustainable Development and LU5.3 Land Use Compatibility
- Economic Development Goals and Policies
- Goal CR-3 – a Safe and Well-Maintained Circulation System
- Community Health and Wellness policy HW11 - Leadership in Building Healthy Communities, Policy HW11.1, and several additional and directly-related Health and Wellness goals and policies. Of note, the General Plan's Community Health and Wellness policy - HW11.1 states that of health criteria may be used “in reviewing and approving new development and redevelopment projects to maximize their health benefits and minimize or eliminate health impacts.” At the 12/2 Planning Commission meeting, the members received a public comment on the product safety record for items Dollar Tree stocks in their stores (see [“Dollar Tree Not Removing Toxic Chemicals Fast Enough,”](#) Healthy Children Project, Learning Disabilities Association of America). The national Campaign for Healthier Solutions and the [Retailer Report Card](#) are currently asking for a toxic product safety update from the Dollar Tree corporation (Target has an “A” grade; Dollar Tree has moved from a “D” to a “C+”). We hope the Council will simply ask the Applicants to inform the Council and residents of their progress in removing toxic chemicals from their product packaging.

We appreciate the Planning Commission’s dedicated and patient work on this CUP and remain committed to a project at this location that works for our neighborhood, too. Therefore, we recommend the Council approve the added or modified Conditions of Approval in this appeal.

Sincerely,



Jim Hanson

President, Richmond Heights Neighborhood Council

From: [Mike Peritz](#)
To: [City Clerk Dept User](#)
Subject: Dollar Store
Date: Saturday, February 26, 2022 7:36:57 PM

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To the Council:

The Dollar Store has already shown contempt for the reasonable "adjustments" that our neighborhood has requested. We and our adult children own three houses within one mile of Barrett and San Pablo. We love our Richmond and El Cerrito neighbors and do not welcome an arrogant bully to join us. The real estate and quality of life issues particularly affect the small lots near the proposed site. Noise, dust, light, exhaust, traffic, crime, auto and pedestrian accidents, etc. are expected, unavoidable consequences.

Corporate Dollar Store compromises are too small and too few. What benefit will they bring to the community in addition to tax revenues? What benefit will they bring to the environment (what about purging the adjacent waste dump?) What benefit do they bring to the morale and reputation of Richmond? Find them a better, safer, more appropriate commercial setting.

Let's clean that large set of lots and build more affordable housing, a la Emeryville, Berkeley, Albany, El Cerrito. In the meantime use the property to house the unhoused until Covid and freezing weather abate.

Mike and Ruth Peritz
396 Carlston Street
RICHMOND residents for 54 years

From: [Neil Harkins](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (proposed "Dollar Tree" store)
Date: Sunday, February 27, 2022 9:49:13 AM

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Dear City Council Members,

I was present on the zoom when you officially closed further public comments on the issue of the Conditional Use Permit for the proposed Dollar Store, so the only recourse remaining for our sizable group of concerned citizens is to ask you to Please Represent Us.

Dollar Tree's entire business model is to blight communities: extract wealth at the lowest cost. There is data which PROVES this business increases crime wherever it springs up, and the full impact of crime at their stores is NOT proportionally shared by their business.

Neighbors will be both physically endangered, and disproportionately carry the burden of its impact to our law enforcement infrastructure, by a decrease in such services elsewhere in the community, as well as monetarily in taxes.

The property owners are NOT residents of Richmond, and did not solicit and explore alternative bids for the property. Their talking points as to why they chose Dollar Tree are easily refuted, if only one of you would do so on our behalf, or together allow the neighborhood council(s) to do so by re-opening public comments and moderating the discourse.

If we are truly powerless to stop the store completely, then several other concerned neighbors have proposed additional requirements aimed at mitigating the crime (which will surely occur), and those requirements are still within your (The Council's) power to enforce. I am not exhaustively listing them all once again here (e.g. traffic safety/control, signage, hours of operation, both deliveries and customers), but please add my name to all the other such petitions, and know that there are many of us who are united in our objection to this permit as it is today.

Again we ask you: Please Represent Us.

Thank you,
-neil harkins
669 Yuba St.
Richmond, CA 94805

From: [Nel Benningshof](#)
To: [City Clerk Dept User](#); [Tom Butt - external](#); [Nat Bates](#); [Demnlus Johnson](#); [Melvin Willis](#); [Gayle McLaughlin](#); [Claudia Jimenez](#); [Eduardo Martinez](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 12:30:58 PM
Attachments: [2022Feb27Family Dollar Rat Infestation Inevitable Given Stock Pile-up Expert.pdf](#)

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Dear City Council Members,

I hope you will support our Richmond Heights Neighborhood Council Appeal by not approving the Dollar Tree Conditional Use Permit. The Applicants have not adequately accommodated legitimate neighborhood concerns for a commercial operation sitting directly within a residential block. The immediate neighbors need protections from noise, lighting and the added traffic. None of us need the big and glaring store signage for our San Pablo business corridor.

Also note that the Dollar Tree group will not a good neighbor. I quote from the attached 2/27/22 article:

"Scott Mushkin, CEO of consultancy Crm R5 Capital, told Insider that his team's recent visits to more than 50 of Family Dollar's parent company's stores, Dollar Tree, highlighted issues with chaotic backrooms and inventory pileups that could lead to rodent infestations.

Gabriella Santaniello, analyst and founder of retail research firm A-Line Partners, echoed these sentiments.

"The stores are understaffed, sometimes with only two people working, so it isn't unrealistic that things like a rat infestation might go unchecked for a long time. They just don't have the bandwidth to deal with it. It's a sad reality," she said.

Besides rat infestations what other issues might a Dollar Tree store bring to the City of Richmond in this location?

Thank you for your consideration,

Nel Benningshof
633 Kern St
Richmond CA 94805

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In the news

▲ Dow Jones **-1.43%**

▲ Nasdaq **-0.7%**

▲ S&P 500 **-1.25%**

▼ TSLA **+6.84%**

▲ FB **-0.**

The rat infestation at Family Dollar's distribution center is unsurprising, a retail consultant says, after witnessing the chaotic inventory pile-up at its parent company's stores

Mary Hanbury Feb 27, 2022, 2:00 AM



Insider found boxes stacked up at a Dollar Tree store in Bushwick, Brooklyn, this during a visit this year.
Insider/Brittany Chang

FDA inspectors found a rat infestation at one of Family Dollar's distribution centers.

This led to Family Dollar closing more than 400 stores.

A retail consultant told Insider that inventory pile-ups and staffing shortages could be to blame.

Family Dollar closed 404 stores this week after a US government agency investigation found 1,000 rodents at one of its distribution centers in Arkansas. The company on Friday announced that it was

gradually reopening some of the stores.

According to the US Food and Drug Administration, inspectors reported finding live rodents, dead rodents in various states of decay, rodent feces, and dead birds in the building. Recalls were issued on certain items sold at its stores that were serviced by this distribution center; days later, these stores closed altogether.

News of these infestations didn't come as a surprise to everyone, however. Scott Mushkin, CEO of consultancy firm R5 Capital, told Insider that his team's recent visits to more than 50 of Family Dollar's parent company's stores, Dollar Tree, highlighted issues with chaotic backrooms and inventory pileups that could lead to rodent infestations.

"To call it chaotic is an understatement, there were inventory mountains," he said on a recent call. "I've never seen anything like what we witnessed in those back rooms ... there was plenty of cover for rodents to move around."

Mushkin's team created a report after visiting 50 Dollar Tree stores, which was shared with investment analysts and reviewed by Insider. The report shows stacks of boxes piled high in stock rooms at various Dollar Tree stores across the US.

Dollar Tree did not immediately respond to Insider's request for comment.

"Store after store there were piles of inventory. In our opinion, there is a very low probability that the company fully understands its inventory position at the stores," the report said.

This paints a similar picture to what Insider [found during store visits](#) to two of Dollar Tree's Brooklyn locations in [2022](#) and [2018](#) where boxes were stacked up in the middle of the store or left to be unloaded on abandoned crates.

Mushkin said the inventory pile-ups he witnessed could be down to supply chain challenges and stock arriving all at once or staffing

issues because of the labor crunch.

Gabriella Santaniello, analyst and founder of retail research firm A-Line Partners, echoed these sentiments.

"The stores are understaffed, sometimes with only two people working, so it isn't unrealistic that things like a rat infestation might go unchecked for a long time. They just don't have the bandwidth to deal with it. It's a sad reality," she said.

It's not only the Dollar Tree group that has issues with unsafe box stacking in its stores (and a lack of staff to deal with it). Its main competitor, Dollar General, has faced over [\\$3.6 million in proposed penalties](#) from the Department of Labor's Occupational Safety and Health Administration since 2016 over issues of worker safety in its stores.

OSHA said in a press release this week that inspectors found examples of "willful violations" of employee safety at some of its

stores last summer including stacking boxes in "an unsafe manner" and blocking exit routes.

While untidy stores haven't discouraged shoppers so far – dollar stores continue to grow at a rapid rate in the US and thrived during the pandemic – analysts say that recent reports of pest control issues are likely to be more damaging.

"The low price proposition of Dollar Tree and Family Dollar does result in trade-offs. No one expects the stores to be luxuriously appointed, to have fantastic merchandising, or to offer top-notch service," Neil Saunders, managing director of GlobalData Retail, said in a note to Insider.

He continued: However, basic hygiene, including pest control, is an expectation. I think most shoppers will find the latest headlines distasteful, no matter how low the prices or how low the discounts are."

If you work at Family Dollar or Dollar Tree and have a story to share please contact this reporter via encrypted messaging app [Signal](#) at +1 (646) 768-4716 using a non-work phone, by email to mhanbury@insider.com, or Twitter DM at [@MarySHanbury](#).

 KEEP READING

NOW WATCH: Dollar stores may seem like an easy way to save money, but here's why you may be tempted to spend more

More: [Family Dollar](#) [dollar stores](#) [Shopping](#) [Discount](#) 



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From: [nicole bennetta](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 11:19:04 AM

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Dear City Council Members,

As a resident within a few blocks of the proposed Dollar Tree on San Pablo Avenue, I am writing to express concerns about adding a Dollar Tree within our neighborhood. I know many in our area have similar remaining concerns that have not been adequately addressed including:

- Traffic congestion/safety and increased traffic on the residential streets for cars needing to loop around to the entrance.
 - Those of us that drive through this intersection multiple times every day know that this is a very difficult location to turn in to, and it will create many traffic and safety problems including the fact that cars cannot turn left into the store (or they will try and back up traffic and increase accidents from fast moving cars turning from the Barrett/San Pablo Avenue traffic lights). This also means cars will be circling around on the residential streets to access the entrance properly. As a store that sells low cost items, this would mean a substantial amount of added traffic to accommodate their business model.
- Bright lighting, large signage and increased noise in a residential area.
 - This location is not a strip mall or retail center, it is a walkable residential area with homes that directly border the store and parking lot. The residential homes nearby will be negatively impacted by this store with late evening hours and noise from loading trucks, which would occur after the store closes.
- Site Maintenance and Landscaping
 - Our area has continued to improve and other large retail chains including KFC across the street maintains nice landscaping. We hope this location could also provide an attractive storefront and landscaped facade. I drive past the Dollar Tree on San Pablo Avenue and Gilman in Berkeley five days a week. Every day, the large glass storefront windows on the front of San Pablo Avenue showcase the back of shelves with trash, items, signs, boxes, etc. fallen between. The sidewalk is also frequently littered with trash despite this not being the front entrance. The site is very poorly maintained for the area, and other business near that location do not show the same level of neglect.
- Increased crime associated with dollar stores.
 - Dollar stores have an established reputation of drawing crime and hurting local small businesses on a national scale. Not to mention the Dollar Tree Store right down the road on San Pablo Avenue in Berkeley was the location of an armed robbery: <https://www.berkeleyside.org/2020/07/21/berkeley-police-arrest-3-people-after-armed-robbery-at-dollar-tree>. I believe in an earlier meeting, it was stated that this location does not plan to employ a security guard. Comparable businesses, such as the Grocery Outlet just a few blocks down,

has one stationed at the entrance.

- It may be outside the scope of reconsidering a Conditional Use Permit, but I do think it is worth noting an objection to Dollar Tree's business practices. Especially in regards to toxic, low quality products. A few recent articles on the subject are linked here: Lack of [reporting](#) on the toxic chemicals in their packaged goods. The poor [product quality](#) of many of the items on their shelves. And, there's a recent Washington Post article about 400 store closures following an investigation of [rodent infestations](#) in their Tennessee warehouse.

East Richmond Heights is a beautiful, safe, well maintained neighborhood. We love to see and support thriving, small businesses along this stretch of San Pablo Avenue. We encourage you to continue to enhance this commercial area with business that align with the community and provide quality, safe products and services.

Thank you for hearing our concerns.
Nicole Bennetta, neighborhood resident

From: [Pamela Creason](#)
To: [City Clerk Dept User](#)
Cc: richmondtsneighcouncil@gmail.com; [Mclaughlin Group](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Sunday, February 27, 2022 10:50:44 PM

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Dear City Council Members,

As a resident of East Richmond I am concerned about the decision to open a Dollar Tree at the corner of Barrett and San Pablo Ave as we have not received adequate responses to our concerns/requests listed below.

Our requests:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.** I drive thru this intersection multiple times each day and have seen many illegal left turns and u-turns on this block. This contradicts the response that "there are no concerns." Having a Dollar Tree at this intersection will only make things worse.
- 2. Control added traffic into surrounding neighborhood streets.** Key Blvd is used as the back-up to San Pablo and as a Key Blvd resident I have experienced cars speeding down my street at all hours. Our neighbors on McLaughlin should not have to experience this as well.
- 3. Modify Condition #20 so that store closing is 8pm.** (rather than 9pm). There is no need to have a store with such a poor reputation for crime with no security directly adjacent to homes open until 9pm. We have been told that most shopping will occur midday so why does this store need to stay open until 9pm? The monthly police reports are full of crime reports at other nearby retailers and there is every reason to believe this will be the case with the Dollar Tree. I am as concerned about the safety of the Dollar Tree employees as I am for the safety of our neighbors.
- 4. Modify Condition #19 so that delivery trucks leave by 9pm.** Also, assure that neighbors will have **noise protection, including by adding a commercial sound absorbing wall at the loading dock.** Truck unloading is neither fast nor quiet and there are neighbors living adjacent to the loading/unloading dock. These neighbors should not need to worry about noise and especially noise after 9pm.
- 6. Don't give preferential signage treatment over surrounding businesses. Only**

allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave. Please don't add an eyesore to our neighborhood by adding unnecessarily large blocky signage. The KFC and other businesses across the street are successful without such large signs. By allowing Dollar Tree this size of signage there is a significant risk that other businesses will move in and request the same.

Over the last 30 years our neighborhood has steadily improved not only benefitting us but the City as well; please help us continue moving forward.

Sincerely,
Pam Creason
467 Key Blvd

From: [Hector Lopez](#)
To: [City Clerk Dept User](#)
Subject: DOLLAR TREE SUPPORT LETTER
Date: Monday, February 28, 2022 12:00:26 PM
Attachments: [12300 SPA Council Letter 2-18-2022.docx](#)

From: [Sandra Tarbet](#)
To: [City Clerk Dept User](#); [Tom Butt - external](#); [Melvin Willis](#); [Demnlus Johnson](#); [Gayle McLaughlin](#); [Claudia Jimenez](#); [Nat Bates](#); [Eduardo Martinez](#)
Subject: Support Dollar Tree Appeal
Date: Saturday, February 26, 2022 11:22:43 PM

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Dear City Council,

I am a neighbor on McLaughlin Street off of Barrett Avenue.

We neighbors have voiced our concern over the planned Dollar Tree store ever since the it was proposed to the Design Review Board.

Please listen to and give support to our Appeal to the Planning Commission's decisions.

We neighbors are the individuals who have spent many years investing in Richmond to make it a more vibrant, healthy, and safe environment for all. We feel the Dollar Tree does not encourage any of these values.

We are still concerned about:

Traffic Safety - It is hardly believable that there will be "no traffic concerns" regarding the position of this store adjacent to the I-80 corridor. All one has to do is drive down San Pablo Avenue towards I-80 and find the immense cars waiting to get on the freeway.

We witness illegal turns to enter the businesses all the time. This store would magnify this dangerous situation. I'm surprised that Cal Trans even allows this.

Traffic Control Needed - People driving out and speeding down Key Blvd and McLaughlin need to be incentivized to not use these streets to exit the store.

Store Closing Hours - The Dollar Tree management has told us clearly they would not provide security at this store.

"What's to Steal"? said the manager to us on a zoom call. Study after study indicates that Dollar Tree stores attract crime.

And no security? What store stays open in our community and does not have security at the door? NONE OF THEM. And directly adjacent to homes? Dollar Tree in no way should stay

open until 9 or 10pm! The Applicant defends these late night store hours by comparing their proposed store to others such as Walgreen's, Planet Fitness, Target, and FoodsCo. .These comparisons make no sense

Walgreen's is a Drug store with security guards all over the place (and shoplifting rampant, as we all know); Planet Fitness is a membership and has NOTHING to steal; Target also has security guards all over; and FoodsCo is WAY down on McDonald (1150) over two miles away from Barrett and San Pablo and is irrelevant to this subject matter. The Applicants are just trying to justify being open until 9 pm with no security guards to protect either shoppers, employees, or our neighborhood.

Modify Condition#20 - Trucks unloading: Delivery trucks must LEAVE and FINISH by 9pm. Homeowners deserve quiet after late evening hours. Idling of truck engines, banging metal truck gates, etc. unloading materials and boxes should occur in early evening hours. **We must have noise protection, including a commercial sound absorbing wall to protect the adjacent neighbors on McLaughlin Street.**

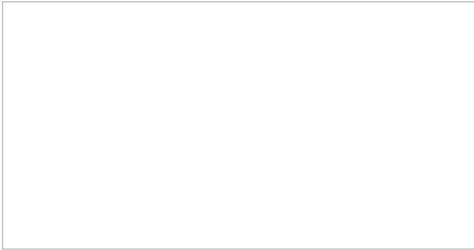
Signage: Please acknowledge the fact that only a 24inch tall sign should be allowed facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an UNILLUMINATED Dollar Tree Logo at the top left corner facing Barrett Avenue.

Please take note that the Applicant has never asked our neighbors what we think about their project. They state repeatedly that they have queried the residential neighbors. Sorry, but they are lying. They have never asked us what or how we feel.

Never have we received correspondence of any kind, whether in person, knocking on doors, nor questions in mail or telephone, or even fliers at our front doors. The Applicants "say" they have input from the neighbors??????Huh?
In no way has that happened.

Richmond deserves businesses that don't have reputations of merchandise laced with vermin <https://www.nytimes.com/2022/02/19/us/fda-family-dollar-recall.html>; businesses that attract healthy foods and healthy lifestyles; and stores that make our community proud. We are fortunate to have the Grocery Outlet that is wholesome, organic food at reduced prices. We need to encourage businesses such as the Grocery Outlet, not stores known for crime, fake food, and massive amounts of plastic.

Rodent Infestation at Family Dollar Warehouse Leads to Hundreds of Closures - The New



York Times

F.D.A. inspectors said that a fumigation of the West Memphis, Ark., distribution center last month revealed more than 1,100 dead rodents. A far-reaching recall has been issued for stores in six ...

www.nytimes.com

Please consider our neighborhood's Appeal challenging the Planning Commission's approval of the Dollar Tree Project.

Thank you all for your work and support for our community.

Sandra Tarbet
McLaughlin Street

From: [Scott Arnold](#)
To: [City Clerk Dept User](#)
Subject: Agenda item Q.3
Date: Sunday, February 27, 2022 9:21:39 AM

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My wife and I have lived on Key Blvd. for 14 years, and we love this neighborhood. We love the stores and restaurants nearby, and are always open to new businesses opening nearby. However, after everything we've read about Dollar Stores, from the terrible working conditions to the lack of security guards and the frequent robberies, we are now strongly opposed to having this business in our neighborhood. It seems like a bad idea for any neighborhood. So please reconsider letting this business open in our neighborhood. Thank you for your time-

Scott Arnold

From: [Shannon McKay](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Tuesday, March 1, 2022 11:02:18 AM

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Dear City Council Members,

The neighbors of North & East and East Richmond have not received adequate responses to numerous concerns regarding the Dollar Tree. In addition, a neighbor spoke with one of the sales reps at YC Auto Group (who formerly worked at Barroci in the same lot), adjacent to the Dollar Tree site and they are concerned about a Dollar Tree being added to the area. They shared the concerns over traffic, crime and a lack of security and told our neighbor that they were never informed about a Dollar Tree coming to this intersection. They mentioned that Barrocci has been very interested in buying that lot for years, but that the owners would not sell the parcel. Had YC known that the parcel was available, they would have an interest in leasing it. A car lot would have been a much more reasonable use for this difficult-to-access lot and there would have been much less impact to traffic and the neighbors.

Our requests:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.** We are not satisfied with the response that "there are no concerns." Those of us who drive in this intersection daily know better, and we witness illegal maneuvers to get into adjacent businesses. The Dollar Tree would create more of these illegal turns and cause accidents.
- 2. Control added traffic into surrounding neighborhood streets.** Key Blvd is used as the back-up to San Pablo, with cars speeding down it at all hours. We need to make it clear that folks exiting the lot should not be incentivized to speed down Key/McLaughlin on their way out.
- 3. Modify Condition #20 so that store closing is 8 p.m.** (rather than 9 p.m.). There is no need to have a store with such a poor reputation for crime with no security and directly-adjacent to homes open at 9pm. All you need to do is read the police blotter to see what awaits us with a Dollar Tree. There are weekly reported thefts at Marshalls, Ross, Walgreens, Sketchers, Lucky, Foot Locker and more - with often violent interactions. The Dollar Tree in San Pablo also closes at 8 p.m.
- 4. Modify Condition #19 so that delivery trucks leave by 9 p.m.** If 9pm is the latest

that trucks can *arrive*, what is the latest that they are required to *finish unloading*? We made it very clear that we believe that homeowners deserve quiet time next to their own homes after hours. The idling of large truck engines, banging opening/closing of metal truck gates and people loading and unloading boxes is not something that should occur adjacent to homes past 9pm.

5. Assure neighbors have **noise protection, including by adding a commercial sound absorbing wall at the loading dock**. Again, this business is directly adjacent to many homes.

6. Don't give preferential treatment over surrounding businesses. **Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave.** (note: the Neighborhood Council letter with graphics and discussion of each of these conditions is again attached). The logo is already an eyesore. Please don't make our neighborhood even uglier by adding unnecessarily large blocky signage. We have a nicely upgraded KFC across the street and they managed to make a fried chicken fast food restaurant look classy. We are slowly moving in the right direction, please don't take us backward. It will take years to undo what a Dollar Tree will do to this area.

Sincerely,
Shannon McKay
615 39th St

From: [Shelley Trask](#)
To: [City Clerk Dept User](#)
Cc: [Jim Hanson](#); [The McLaughlin Group](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Saturday, February 26, 2022 9:33:14 PM

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Dear City Council Members,

The neighbors of East Richmond have not received adequate responses to numerous concerns regarding the Dollar Tree. In addition, a neighbor spoke with one of the sales reps at YC Auto Group (who formerly worked at Barroci in the same lot), adjacent to the Dollar Tree site and they are concerned about a Dollar Tree being added to the area. They shared the concerns over traffic, crime and a lack of security and told our neighbor that they were never informed about a Dollar Tree coming to this intersection. They mentioned that Barrocci has been very interested in buying that lot for years, but that the owners would not sell the parcel. Had YC known that the parcel was available, they would have an interest in leasing it. A car lot would have been a much more reasonable use for this difficult-to-access lot and there would have been much less impact to traffic and the neighbors.

Our requests:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.** We are not satisfied with the response that "there are no concerns." Those of us who drive in this intersection daily know better, and we witness illegal maneuvers to get into adjacent businesses. The Dollar Tree would create more of these illegal turns and cause accidents.
- 2. Control added traffic into surrounding neighborhood streets.** Key Blvd is used as the back-up to San Pablo, with cars speeding down it at all hours. We need to make it clear that folks exiting the lot should not be incentivized to speed down Key/McLaughlin on their way out.
- 3. Modify Condition #20 so that store closing is 8 p.m.** (rather than 9 p.m.). There is no need to have a store with such a poor reputation for crime with no security and directly-adjacent to homes open at 9pm. All you need to do is read the police blotter to see what awaits us with a Dollar Tree. There are weekly reported thefts at Marshalls, Ross, Walgreens, Sketchers, Lucky, Foot Locker and more - with often violent interactions.

4. Modify Condition #19 so that delivery trucks **leave by 9 p.m.** If 9pm is the latest that trucks can *arrive*, what is the latest that they are required to *finish unloading*? We made it very clear that we believe that homeowners deserve quiet time next to their own homes after hours. The idling of large truck engines, banging opening/closing of metal truck gates and people loading and unloading boxes is not something that should occur adjacent to homes past 9pm.

5. Assure neighbors have **noise protection, including by adding a commercial sound absorbing wall at the loading dock.** Again, this business is directly adjacent to many homes.

6. Don't give preferential treatment over surrounding businesses. **Only allow a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave.** (note: the Neighborhood Council letter with graphics and discussion of each of these conditions is again attached). The logo is already an eyesore. Please don't make our neighborhood even uglier by adding unnecessarily large blocky signage. We have a nicely upgraded KFC across the street and they managed to make a fried chicken fast food restaurant look classy. We are slowly moving in the right direction, please don't take us backward. It will take years to undo what a Dollar Tree will do to this area.

Sincerely,
Shelley Trask
461 Key Blvd

From: commacop@juno.com
To: [City Clerk Dept User](#)
Subject: Re Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 1:38:23 PM

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I wish to object to the Dollar Tree being allowed in the proposed location for two reasons: The traffic will necessarily be drastically impacted because the exit and entrance to the store is literally yards from a freeway on ramp that is heavily used and often abused (cars speeding through the intersection to make the light and get onto the on ramp). I was nearly sideswiped by such a speeding car and am grateful that my reflexes were quick enough to escape that harm. Because online apps often direct traffic to use this on ramp to avoid traffic on I-80, the intersection is dangerous enough as it is. Adding more traffic congestion to the area is unwise.

Also, the well-documented violent crime that will be introduced to an area of small neighborhood stores and restaurants is frightening to contemplate but as a council that seeks to protect its citizens, you *should* be thinking of it. We depend on you to keep us safe and this store attracts crime.

Please reject this plan and allow a business to move in that will benefit the area rather than harm it.

Susan Carlson Greene
6440 Hazel Avenue
Richmond, CA 94805

From: [Susan Wehrle](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item Q.3 (Support Dollar Tree Appeal)
Date: Monday, February 28, 2022 11:06:32 AM
Attachments: [ARTICLE.pdf](#)

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Dear Richmond City Council,

I am a Richmond resident in a neighborhood a few blocks from Barrett and San Pablo Avenue. I am very troubled by the possibility of the Dollar Tree Store moving into that location. During busy times of day, the stretch of San Pablo Avenue advancing the freeway onramp is already very backed up. The entrance and exit of the proposed store's parking lot are in the entrance lane to the I-80 freeway. This is very dangerous and is bound to be the site of traffic accidents, as the result of a BUSY store using this FREEWAY ON-LANE for parking lot access/exit. We need a real traffic study, an independent traffic study, as recommended by our Richmond Neighborhood Council.

Stores owned by Dollar Tree have recently closed around the United States due to many unhealthy concerns, including rats and other contaminants, requiring product recalls. Over 400 stores affected (mentioned in this article).
Washington Post article from a week ago:

Our Richmond Neighborhood Council has recommended that the City of Richmond does the following before issuing a permit for the opening of this Dollar Store:

- 1. Address Traffic Safety issues by requiring a Traffic Safety study and implementation of safety mitigations prior to store opening.**
- 2. Control added traffic into surrounding neighborhood streets.**
- 3. Modify Condition #20 so that store closing is 8 p.m.** (rather than 9 p.m.).
- 4. Modify Condition #19 so that delivery trucks leave by 9 p.m.**
- 5. Assure neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock.**

Thank you for your consideration of our health and safety concerns in the City of Richmond, affecting all who travel on San Pablo Avenue, including those who live in the vicinity of Barrett and San Pablo Ave.

Sincerely,
Susan Wehrle
775 Lassen Street
Richmond, 94805

Family Dollar closes 400 stores, recalls products after FDA finds decaying dead rodents in warehouse

By Annabelle Timsit

Washington Post

February 20, 2022

A rodent infestation at a Family Dollar warehouse has prompted the discount chain to recall a wide range of products sold at hundreds of stores throughout the southern United States.

Health concerns about the rat infestation at an Arkansas distribution center have also led to the temporary closure of more than 400 stores in six states.

Family Dollar, which is owned by the retail giant Dollar Tree, announced a voluntary recall late Friday of some products that came from the West Memphis facility.

The recall covers Food and Drug Administration-regulated products, including medicine, pet food and cosmetics, that were sold between January 2021 and February 2022 in Family Dollar stores in Alabama, Arkansas, Louisiana, Mississippi, Missouri and Tennessee.

The FDA was alerted to unsanitary conditions at the Family Dollar distribution center in West Memphis, which supplied the stores, by a consumer complaint, the agency said Friday in a news release.

Inspectors wrapped up their investigation on Feb. 11 after finding “live rodents, dead rodents in various states of decay, rodent feces and urine, evidence of gnawing, nesting and rodent odors throughout the facility, dead birds and bird droppings” at the center.

More than 1,100 dead rodents were found after the center was fumigated, the agency said.

The FDA said a look at the company’s internal records showed “a history of infestation” at the Arkansas facility, with more than 2,300 rodents collected in less than six months in 2021.

The company will temporarily close the 404 affected stores as it completes the product recall, Dollar Tree spokeswoman Kayleigh Campbell told The Washington Post.

“We take situations like this very seriously and are committed to providing safe and quality products to our customers,” Campbell said in a statement. “We have been fully cooperating with all regulatory agencies in the resolution of this matter and are in the process of remediating the issue.”

Herbal Essences, Pantene aerosol products recalled over concerns about cancer-causing chemical

Judith McMeekin, the FDA’s associate commissioner for regulatory affairs, said the consumers who depend on Family Dollar stores for necessary goods such as food and medicine “deserve products that are safe.”

“No one should be subjected to products stored in the kind of unacceptable conditions that we found in this Family Dollar distribution facility,” McMeekin said in a statement. “These

conditions appear to be violations of federal law that could put families' health at risk. We will continue to work to protect consumers.”

Booming business at dollar stores shows the widening gulf between haves and have-nots during pandemic

Family Dollar said in its announcement that the voluntary recall applies to products that were sent to the affected stores by the West Memphis distribution center, not to “products shipped directly to the stores by the distributor or manufacturer.” The company said it has asked the affected stores “to check their stock immediately and to quarantine and discontinue the sale of any affected product.”

The FDA said that it initiated its investigation of the warehouse, known as Family Dollar Distribution Center 202, last month and that “Family Dollar ceased distribution of products within days of the FDA inspection team’s arrival on-site.”

Rodents can pass diseases on to humans, including salmonellosis, an infection caused by salmonella bacteria, which can be especially dangerous to immunocompromised and other vulnerable people. Family Dollar said it has no knowledge of “any consumer complaints or reports of illness” tied to the recalled products.

The FDA advised consumers to throw away any drugs, medical devices, cosmetics and dietary supplements they bought from the affected stores in the past 13 months but said that “food in non-permeable packaging (such as undamaged glass or all-metal cans) may be suitable for use if thoroughly cleaned and sanitized.”

Family Dollar said customers also can return recalled products for a refund.

As inflation soars in the United States and abroad, Americans are increasingly turning to dollar stores to afford food and medicine. But those stores, like other retailers, are facing increased production and transportation costs, and they are passing on some of those costs to consumers.

Dollar Tree, which owns Family Dollar, announced in November that it would raise the price of some of its products from \$1 to \$1.25 — a price hike its chief executive, Michael Witynski, said at the time would give the company “greater flexibility to manage the overall business, especially in a volatile, inflationary environment.”

From: [Tim Seiler](#)
To: [City Clerk Dept User](#)
Cc: [Hector Lopez](#); [Lina Velasco](#)
Subject: Letter in Support to City Council - Richmond Dollar Tree Store - March 1 Hearing
Date: Tuesday, March 1, 2022 8:30:30 AM
Attachments: [image001.png](#)
[image002.png](#)

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Dear Richmond City Council,

I am a commercial real estate broker with more than three decades of experience in the retail, restaurant and hospitality sectors. I have worked both in-house in real estate departments for major retailers and have spent the last 13 years as a broker here in the East Bay advising retailers and restaurateurs with their growth plans all around northern California.

One of the questions that was raised during prior public hearings on this matter related to the use of the property. As I pointed out at the time, the owners of the property retained an experienced and respected broker in Roger Mills who has been marketing it on their behalf for years. Through this year's long process the market has spoken, and some of the uses that were mentioned by others, such as grocery store, hospital or multi-story housing are simply not feasible. Further, each of these would have longer hours of operation, and in the case of a hospital or apartment building, would require a multi-story building. This in turn would create a long list of neighborhood impacts that are avoided with the Dollar Tree proposal to renovate and re-use the existing structure.

Additionally, if the City turns away a good project like Dollar Tree—a project reusing an existing building that more than complies with the zoning code requirements—the community is unlikely to see any positive activity at this location for the foreseeable future. That would mean the building would not be renovated, no jobs would be created nor would the City benefit from sales tax generated by Dollar Tree. At the same time, the property owner would suffer from continued lost rent and be saddled with removing vagrants, graffiti, and litter and addressing future break-ins.

Sincerely,

Tim Seiler
John Cumbelich & Associates

**John Cumbelich
& Associates**

1330 N Broadway, Suite 200A | Walnut Creek, CA 94596
Direct 925.935.5400 X106 | Mobile 925.785.6496 | Fax 925.940.9583
tim@cumbelich.com | www.cumbelich.com | [vCard](#) | [LinkedIn](#)
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Feb 18, 2022

Dear City of Richmond City Councilmembers,

I am the owner of the Chinese restaurant next to 12300 San Pablo Ave and my family and I support the addition of a Dollar Tree store next door. The renovations to the building will greatly improve the area and bring more life and business to this neighborhood.

We ask that the City Council deny the appeal and allow the Project to move forward.

Xiao Lan Xie
Tsing Tao Chinese Restaurant 12372 San Pablo Ave
Richmond, CA 94805

A handwritten signature in black ink, appearing to be 'Xiao Lan Xie', written in a cursive style.

February 18, 2022

To Whom It May Concern:

This letter is in support of the proposal to upgrade the building at 12300 San Pablo Ave for a Dollar Tree store. We are thrilled that the property will finally have a use and having newly renovated building will bring value to the neighborhood and area.

We ask the City Council to deny the appeal and allow the project to proceed.

Sincerely,

Muhammad Arif
Tire & Wheel Pro Services 12380 San Pablo Ave Richmond, CA 94805

A handwritten signature in black ink, appearing to read "M. Arif". The signature is written in a cursive, slightly slanted style.

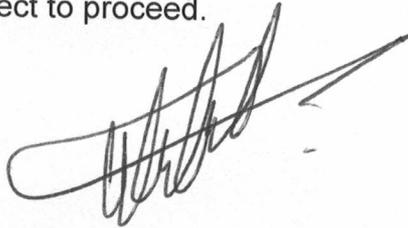
From:
Reda Elqasass
Pizza House
12343 San Pablo Ave Richmond, CA 94805

To the City of Richmond City Council,

My name is Reda Elqasass and I support opening a Dollar Tree store across the street from Richmond Pizza House. The property has been vacant for years now and having a business here will revitalize the neighborhood and improve the area.

Please allow the project to proceed.

Thank you, Reda

A handwritten signature in black ink, appearing to read 'Reda Elqasass', written over a horizontal line.

February 18, 2022

Dear City Council,

My name is Martha Mendoza and I am the owner of Excellence Auto Insurance Agency.

I support Dollar Tree going into the empty space across the street from me and I am excited for them to join our business community. The neighborhood will benefit from having more foot traffic and activity.

Please allow this project to move forward on March 1st.

Martha Mendoza, Owner

Excellence Auto Insurance Agency

4500 Barrett Ave Unit C

Richmond, CA 94805

A handwritten signature in black ink, appearing to be 'M. Mendoza', written over the printed name and address.

Feb 18, 2022

Subject: Letter of support for 12300 San Pablo Ave project Dear City of Richmond,

I would like voice my support for opening a Dollar Tree store at 12300 San Pablo Ave. The corner of San Pablo and Barrett is underutilized because the building has been vacant for so long. In addition to bringing more commerce and activity to the area, adding a new business here will help deter crime.

Please allow this project to move forward and deny the appeal.

Thank you,

Jorge Fuente
Velocity iPhone Repair
4500 Barrett Ave Suite A
Richmond, CA 94805

A handwritten signature in black ink, appearing to read 'Jorge Fuente', is written over the typed name and address. The signature is stylized and somewhat scribbled.

Feb 18, 2022

To the Richmond City Councilmembers -

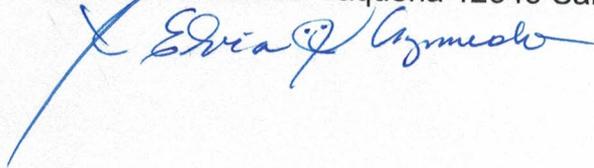
We are a locally owned business and we are supportive of the proposal to have Dollar Tree operate at 12300 San Pablo Ave.

Having a Dollar Tree store would greatly benefit the neighborhood as well as the other businesses around me by bringing in more foot traffic. Over the last few years, the vacant building has caused problems and seeing a real business operating here again would be great.

We ask that the City Council deny the appeal and allow the Project to move forward.

Jeanette Argumedo

Owner of La Bamba Taqueria 12345 San Pablo Ave Richmond, CA 94805



From: [Anne Brask](#)
To: [City Clerk Dept User](#)
Subject: Public Comments Agenda Item #Q4
Date: Tuesday, March 1, 2022 12:57:37 PM
Attachments: [Abodu Comments 01-22 NS.pdf](#)

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Hello --

Please see my comments attached regarding item Q.4. on tonight's agenda for adopting an ordinance extending urgency ordinance No 01-22.

Thanks so much,
Very best -
Anne

—

Anne Brask
Planning Manager

Abodu
www.abodu.com
m: 503.260.7340



ATTN:

City of Richmond
City Clerk of the City of Richmond

RE:

Ordinance No. 01-22 N.S.

Abodu Contact:

Anne Brask
Planning Manager
Abodu Inc.
anne@abodu.com
503-260-7340

March 1, 2021

To whom it may concern:

As you know, California's housing production has not kept pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. As housing becomes less accessible, people are driving farther between their workplace and home, reducing the quality of life and producing negative environmental impacts.

Accessory Dwelling Units are a tool in the toolkit for adding housing units to this demand, quickly. In the past several years, the State of California has passed laws in order to allow Accessory Dwelling Units to be reviewed ministerially and with few barriers. Government Code Section 65852.2 presents a myriad of changes to ADU law that allows for quicker review of these projects throughout the State.

Most Accessory Dwelling Unit projects connect to the existing main home's sewer. The connections avoid any disruption on the main sewer line, allow for simple construction work and limit to disturbance on the system.

As written, we believe that the moratorium under Ordinance No. 01-22 N.S. is only in regards to new sewer connections to the main sewer line.

We understand the need to protect public health, pipe failures, and erosion - but we strongly urge the district to avoid a moratorium on connections to existing sewer lines on private property. This type of barrier would be in direct conflict with Gov. Code Section 65852.2.

Please consider these Accessory Dwelling Unit projects exempt from this moratorium, as they only connect to the main home sewer line and can continue to be a tool for adding much needed housing units to the City of Richmond.

Feel free to contact me with any questions.

All best,
Anne Brask

From: [Brad Gunkel](#)
To: [City Clerk Dept User](#)
Subject: Ordinance 01-22N.S.
Date: Tuesday, March 1, 2022 10:57:24 AM

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Dear Mayor Butt, Vice Mayor Johnson, and Council Members,

I am writing regarding the proposed extension of Ordinance 01-22N.S. (the Point Richmond building permit moratorium) for up to 2 years. I was at the January 18th meeting and feel that a number of items were overlooked during City Staff's presentation:

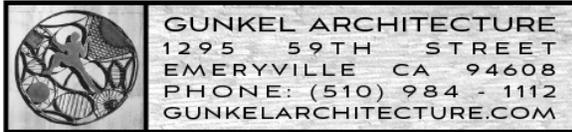
- The impact of any new connections on the Keller Beach Sanitary Sewer over the next two years will be imperceptible.
- On the other hand, this will have a significant financial impact on almost every property owner on the west side of the hill in Point Richmond. There are many buildable vacant lots but, also, almost every lot currently occupied by a single-family home is also now buildable because of SB-9. SB-9 allows single-family property owners to split their lots and build duplexes. They are also allowed to build ADUs.
- This will slow down the construction of much needed housing while we are in the middle of a housing crisis.
- Contrary to Staff's presentation at the January 18th meeting, there are no financially or physically feasible work-arounds for most properties on the west side of the hill. For many of these properties, it would require a very large pump and new sewer main running up streets and often through private land to get to the other side of the hill. No property owner would be able to afford this, and the City would likely not approve it.
- The businesses of Point Richmond are emerging from the pandemic in much need of financial stimulus. This stimulus can be provided through the construction of new housing. During construction, contractors will shop and eat in Point Richmond. After construction, the new residents will do the same.
- The property tax and impact fee losses over the next two years will be substantial.

The proposed extension of Ordinance 01-22N.S. is completely unnecessary. It will have practically no impact on the Keller Beach Sanitary Sewer but will have a huge economic impact

on the residents and businesses of Point Richmond and the City of Richmond as a whole.

We should be fixing the Keller Beach Sanitary Sewer as quickly as possible and should not be penalizing the property owners and businesses of Point Richmond.

Thank you, Brad



From: [Eric A von Hippel](#)
To: [City Clerk Dept User](#)
Subject: Comment from Eric Von Hippel on Agenda Item #Q.4 - Proposed Ordinance No. 01-222
Date: Tuesday, March 1, 2022 11:56:48 AM
Attachments: [EVH ltr for PT Richmond.pdf](#)

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From: [Greg Jerum](#)
To: [City Clerk Dept User](#); [Demnlus Johnson](#); [Claudia Jimenez](#); [%20eduardo_martinez@ci.richmond.ca.us](#); [%20melvin_willis@ci.richmond.ca.us](#); [Gayle McLaughlin](#)
Subject: Re: Ordinance 01-22N.S.
Date: Tuesday, March 1, 2022 11:44:37 AM

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Dear Mayor Butt, Vice Mayor Johnson, and Council Members,

We just wanted to add a note onto Brad Gunkel's earlier email message stating that we 100% share his concerns and point of view on this matter.

Additionally, we would be deeply personally impacted by the extension of the ordinance as we've spent our life savings on the purchase of a lot on this side of point Richmond to build a family home for ourselves and elderly relatives who will soon be needing relocation. The extension of this ordinance by two years would effectively block our pathway to build and put our entire plan in jeopardy. This does not seem like a fair or accurate course to chart considering all the evidence and more sensible pathways for mitigation.

Thank you,

Greg & Jennifer Jerum
Property owners of 523 Santa Fe Ave.
510 846 9293

On Tue, Mar 1, 2022 at 10:55 AM Brad Gunkel <brad@gunkelarchitecture.com> wrote:

Dear Mayor Butt, Vice Mayor Johnson, and Council Members,

I am writing regarding the proposed extension of Ordinance 01-22N.S. (the Point Richmond building permit moratorium) for up to 2 years. I was at the January 18th meeting and feel that a number of items were overlooked during City Staff's presentation:

- The impact of any new connections on the Keller Beach Sanitary Sewer over the next two years will be imperceptible.
- On the other hand, this will have a significant financial impact on almost every

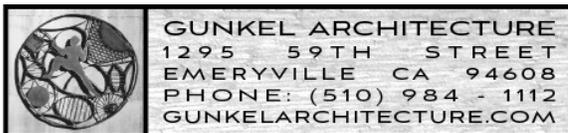
property owner on the west side of the hill in Point Richmond. There are many buildable vacant lots but, also, almost every lot currently occupied by a single-family home is also now buildable because of SB-9. SB-9 allows single-family property owners to split their lots and build duplexes. They are also allowed to build ADUs.

- This will slow down the construction of much needed housing while we are in the middle of a housing crisis.
- Contrary to Staff's presentation at the January 18th meeting, there are no financially or physically feasible work-arounds for most properties on the west side of the hill. For many of these properties, it would require a very large pump and new sewer main running up streets and often through private land to get to the other side of the hill. No property owner would be able to afford this, and the City would likely not approve it.
- The businesses of Point Richmond are emerging from the pandemic in much need of financial stimulus. This stimulus can be provided through the construction of new housing. During construction, contractors will shop and eat in Point Richmond. After construction, the new residents will do the same.
- The property tax and impact fee losses over the next two years will be substantial.

The proposed extension of Ordinance 01-22N.S. is completely unnecessary. It will have practically no impact on the Keller Beach Sanitary Sewer but will have a huge economic impact on the residents and businesses of Point Richmond and the City of Richmond as a whole.

We should be fixing the Keller Beach Sanitary Sewer as quickly as possible and should not be penalizing the property owners and businesses of Point Richmond.

Thank you, Brad



From: [Jerry Keefe](#)
To: [City Clerk Dept User](#)
Subject: Public comments on agenda item # 01-22 N.S
Date: Tuesday, March 1, 2022 3:02:37 PM

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I support the motion to extend the provisions of Ordinance No 01-22

From: [joseph john](#)
To: [City Clerk Dept User](#)
Subject: Public comments agenda item Q.4
Date: Tuesday, March 1, 2022 10:05:08 AM

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Hello Council members,
Ideally, a moratorium resolution should be tied to a solution before the expiry of the ordinance. Therefore the ordinance needs to be amended to include the provision that the City will resolve the issue within this timeframe.
Thanks
Joseph J
770 Ocean Avenue
Point Richmond, CA

From: [Norman Hantzsche](#)
To: [City Clerk Dept User](#)
Subject: Public Comments on Agenda Item #Q.4 - Proposed Ordinance No. 01-222
Date: Tuesday, March 1, 2022 9:45:08 AM
Attachments: [Public Comments - Item #Q.4 - Ordinance No. 01-22.pdf](#)

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Please see attached comment letter on March 1, 2022 City Council Agenda Item #Q.4 – Proposed Ordinance No. 01-22.

Thank you,

Norman Hantzsche, PE
Principal/Managing Engineer
Questa Engineering Corporation
(510) 236-6114, ext. 214
nhantzsche@questaec.com

March 1, 2022

Subject: Public Comments on Agenda Item #Q.4. Proposed Extension of Ordinance No. 01-22

Mayor Butt and City Council Members:

I'm writing to propose a modification to "Section 5. Exceptions" provision of Ordinance No. 01-22, under which the City would be imposing a moratorium on building permits for properties in the Keller Beach Sanitary Sewer (KBSS) area. The proposed modification I would like you to consider is to add another exception clause that would allow property owners the option of installing an onsite holding tank for sewage collection and hauling on a temporary-interim basis, until such time as connection to the public sewer is authorized. I've attached draft Ordinance language to aid in your understanding and consideration of this proposal.

I'm a 40-year resident and local business owner in Richmond, a professional water and wastewater engineer, and presently assisting neighboring property owners (Eric and Jessie Von Hippel) who are directly impacted by the moratorium. The Von Hippels were well into the planning and design approval process for a new residence in the KBSS area before learning last fall of the City's movement toward establishing a building moratorium. At the City Council's KBSS study session in September the Von Hippels were encouraged to work directly with the Public Works Department on a pumped-pressure sewer connection (up and over Marine Street), along the lines of what is now provided for under exception clause "b" in Ordinance No. 01-22. Although technically possible, this is not a very practical solution for most all affected properties in the KBSS moratorium area. Additionally, initial communications with the Public Works staff showed some skepticism toward this approach, and no headway on scheduling a meeting with the Von Hippels to discuss their situation and proposal.

A more practical option is needed, and I believe the temporary holding tank approach would provide this. A holding tank is basically a buried concrete or fiberglass tank (e.g., 1,000 to 2,000 gallons capacity) that receives and stores sewage wastes, and is pumped out periodically by a commercial pumping service, typically every few months. Used only a temporary-interim basis, in the future the tank could be converted for continued use as a rainwater holding tank (cistern), once the moratorium is lifted and the ability to obtain a normal sewer connection is restored.

I believe holding tanks for temporary use can be permitted under the City Municipal Code Chapter 12.18 – Discharge to the Wastewater Treatment System, which is administered by the City Manager and Building Division. While Chapter 12.18 is established mainly to deal with industrial discharges, the code also explicitly covers "domestic users" (Section 12.18.040.6). The code notes that domestic users (i.e., residential occupancies) are not required to be individually permitted "... under normal circumstances..." However, the adoption of the KBSS building moratorium would clearly create non-normal circumstances, thereby making it appropriate to consider application of this section of the City Code for residential properties.

Please consider the following advantages and benefits of offering a temporary holding tank exception clause in Ordinance No. 01-22:

- **No new sewage discharge to KBSS.** There would be no new discharge of sewage to the Keller Beach Sanitary Sewer, achieving the objective of Ordinance No. 01-22.
- **No impact to City streets.** There would be no disruption of City streets or utilities for construction or ongoing operations, as there would be no work in the public right-of-way. The holding tanks, associated facilities and work would be confined to the private property/building site.
- **No additional burden on Public Works staff.** There would be no additional burden placed on Public Works staff to deal with individual property owners and awkward piping systems within the City right-of-way. It would not distract Public Works staff from the more pressing task of developing and implementing an appropriate solution for KBSS.
- **No special legal agreements.** There would be no need to create and execute special legal agreements between the City and private citizens as required for the construction and maintenance of private pressure sewer lines in City streets.
- **Valid use of Chapter 12.18.** The permitting and use of individual residential holding tanks would be a valid application of existing authority under Code Chapter 12.18, and could proceed seamlessly under the administration of the City Manager and Building Division. Chapter 12.18 contains comprehensive provisions to ensure proper and safe design, installation, monitoring, maintenance and reporting of holding tank operations, with administration by staff experienced in the implementation of the Code.
- **Significantly lower costs.** A temporary holding tank approach would be far less costly than required for the administration, engineering, installation, operation and eventual abandonment of a short-term pressure sewer connection as envisioned under exception clause "b".
- **Indirect water conservation benefit.** For those property owners opting for a holding tank approach, they would necessarily be inclined toward implementing high levels of water conservation to minimize wastewater generation and the associated costs for pumping/hauling. This would likely include attention to water use habits, as well as building design for water efficiency, graywater reuse and rainwater harvesting aided by the future availability of a large capacity cistern - in essence, a model of sustainable residential water management.

The impacts of the building moratorium will be significant for individuals involved with current and planned home building projects when, in fact, the real target of the moratorium is the flow of wastewater in aging sewers. Modifying the exception provisions of the moratorium to allow temporary holding tanks under Chapter 12.18 offers reasonable mitigation to affected property owners; and it does so in a way that is sensible, economical, protective and environmentally progressive. Please consider and include this recommended modification to Ordinance 01-22.

Sincerely,



Norman Hantzsche, PE
Principal/Managing Engineer

Xc: Eric and Jessie Von Hippel
Joshua Horne, Architect

DRAFT LANGUAGE

**Proposed Addition to Ordinance No. 01-22, Section 5. Exceptions
Moratorium Exception for Sewage Holding Tank
(to follow exception “b”)**

c. Projects ordinarily requiring a connection to the Keller Beach Sanitary Sewer for which the owner/developer submits a design for the installation of a sewage holding tank within the boundaries of the subject property for collection, containment and periodic, as needed, pump-out and hauling of all sanitary sewage wastes generated on the subject property.

Said sewage holding tank shall be approved for use on an interim basis only, until such time as permanent connection of the subject property to the public sanitary sewer is authorized.

The design of the holding tank system shall require approval and permitting under Richmond Municipal Code Chapter 12.18 – Discharge to the Wastewater Treatment System, administered by the City Manager and designated staff.

The property owner/developer shall agree to be solely responsible for all costs and expenses of installing and maintaining said holding tank, among other terms, conditions and provisions of the permit issued under Chapter 12.18.

At such time as connection to the public sewer is authorized, the holding tank shall either be: (a) formally abandoned in accordance with applicable requirements of the City Building Division and California Plumbing Code; or (b) converted for use as a rainwater cistern, in accordance with requirements of California Plumbing Code Chapter 16 – Nonpotable Rainwater Catchment Systems, and subject to review and approval by the City Building Division.

From: [Rodrick Satre](#)
To: [City Clerk Dept User](#)
Subject: public comments agenda itemS #Q.4. Adopt an Interim Ordinance Extending Urgency Ordinance No. 01-22 AND #R.1. Calling a Special Election and Placing a Special Tax on Vacant Properties on the June 7, 2022 Ballot
Date: Tuesday, March 1, 2022 12:50:34 AM

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Q4: The known issues of this "failed" sewer line is critical but not reasonably related to the present load or future loads. The leaks as they exist and the line alignment are and have been known for years. Repairs of lines installed over 60 years ago should have been planned and budgeted for as a matter of course. This delay will not fix the problem. And now is the time to seek government assistance in special infrastructure funding. Delays will mean that the City of Richmond will miss out on federal funds.

Furthermore, cost management needs to review the most cost-effective alternative and make that decision. now.

R1 A special tax on vacant land needs to first revamp how the City of Richmond administers subdivision map act and how it processes development in the city. At present, we have had delays over three years just to merge two vacant parcels into one with no end in sight of delays based on false facts claimed by city staff and self-appointed committee fact makers that twist actual facts for their own profit. Insult on injury is getting a special tax on land the city has delayed any development opportunities.

Regards,

Rodrick I Satre, owner of presently two residential homes in Richmond and paying 4 separate parcel taxes

From: [Suzanne Gordon](#)
To: [City Clerk Dept User](#)
Subject: Agenda item 11707 ordinance number 01-22 N.S.
Date: Monday, February 28, 2022 4:03:23 PM
Attachments: [SGsig4.png](#)

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Dear City Council,

As a resident of 747 Lobos Avenue, around the corner from the plot under concern, I highly support extending the provisions of Ordinance No. 01-22 N.S. for 10 months and 15 days with a subsequent one year extension. This whole development is opposed by the entire neighborhood. Any new sewage connections should not be made to support a development that does not serve the needs of the neighborhood or city of Richmond but only serves to enrich wealthy real estate developers who live out of state. We hope you will vote for this measure and extend the moratorium on any building permits.

Thank you for your consideration.

Suzanne Gordon

 *Suzanne Gordon*

Author, *Wounds of War*

Co-Editor, *The Culture and Politics of Health Care Work Series* (Cornell University Press)

Senior Policy Fellow, Veterans Healthcare Policy Institute

747 Lobos Ave, Richmond, CA 94801

Facebook | Twitter | SuzanneGordon.com | Medium

(617) 460-6606