

MINUTES APPROVED AT THE PC MEETING ON AUGUST 19, 2021

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

Teleconference
April 1, 2021
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Michael Huang	Jonathan Harrison
Jen Loy, Vice Chair	Masoomah Sharifi Soofiani	
Bruce Brubaker	Alpa Agarwal	

The regular meeting was called to order by Chair Tucker at 6:31 p.m.

ROLL CALL

Present: Chair David Tucker; Vice Chair Jen Loy; Commissioner Alpa Agarwal, Bruce Brubaker, Jonathan Harrison, Yu-Hsiang (Michael) Huang and Masoomah Sharifi Soofiani

Absent:

INTRODUCTIONS

Staff Present: Planning Staff: Roberta Feliciano, Hector Lopez, Jonelyn Whales, Director of Planning Lina Velasco, and Attorney Heather McLaughlin

MINUTES –

February 4, 2021

March 4th, 2021

Chair Tucker announced that there were corrections submitted to staff by Commissioner Soofiani for the March 4th, 2021 meeting minutes.

ACTION: It was M/S/C (Harrison, Brubaker) to approve the February 4th, 2021 as written, and March 4th, 2021, meeting minutes as amended; which carried by the following vote: 6-0-1 (Ayes: Tucker, Loy, Alpa, Brubaker, Harrison, Soofiani; Noes: None; Abstain: Huang).

AGENDA

Chair Tucker provided an overview of meeting procedures for speaker registration, public comment, and public hearing functions. He said items approved by the Commission may be appealed in writing to the City Clerk by Monday, April 12, 2021, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

CONSENT CALENDAR –

Chair Tucker gave a brief overview of the consent calendar's policies and procedures.

3. **PLN20-349: Ben's Auto Conditional Use Permit PUBLIC HEARING** to request a Conditional Use Permit to legalize an automobile/vehicle repair, major use at an existing commercial site at 120 S. 23 St. (APN: 549-010-004). CG, General Commercial District. Ben Garcia, owner/applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval
4. **PLN21-003: Holistic Healing Collective Conditional Use Permit Modification PUBLIC HEARING** to consider a Conditional Use Permit amendment to expand the square footage of the holistic healing collective tenant space within the commercial building at 15501 San Pablo Ave. (APN: 405-050-093). CM-3, Commercial Mixed-Use District. Mei Capital Partners, Dewar Fund I, LLC, owner; Holistic Healing Collective, Inc, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Vice Chair Loy reported that she had asked staff if the applicant is up to date on City fees and taxes. Staff responded that the applicant is up to date.

ACTION: It was M/S/C (Loy, Huang) to approve the Consent Calendar; which carried by the following vote: 7-0 (Ayes: Tucker, Loy, Agarwal, Brubaker, Harrison, Huang, Soofiani; Noes: None).

BROWN ACT – Public Forum

None.

HOLDOVER ITEMS

1. **PLN20-043: Garbelmann New Residence PUBLIC HEARING** to consider a Conditional Use Permit and Design Review to construct a two-story, single-family dwelling on a vacant parcel located within the –S, Shoreline Overlay District at 357 Western Dr. (APN: 558-185-006). RL-1, Single Family Very-Low Density Residential and –S, Shoreline Overlay District. Rudi Garbelmann, owner; Brad Gunkel, applicant Planner: Hector Lopez Tentative Recommendation: Denial

Commissioner Brubaker recused himself from the item because he owns property within 300-feet of the subject property.

Chair Tucker summarized that at a previous Planning Commission meeting, the Commission requested that the applicant work with Staff and the Design Review Board (DRB) regarding the roof line as well as structural and architectural design. He reiterated that at that meeting, public comment was taken and then public comment was closed. So, no public comment was heard for the item.

Mr. Lopez shared that the applicant has submitted photographs as well as a section plan with data points regarding graphical information. He disclosed that the section does not show the house relative to the house next door. The applicant also provided a letter from the Bay Conservation and Development Commission (BCDC) stating their approval of the project and a

letter from engineers that stated that the foundation would not affect the house that is located next door. Lastly, the applicant provided statements listing what he will comply with in terms of phasing, storage of materials, etc. He concluded that even with all the new information, Staff did not see the items sufficient to overturn the recommendation to deny the application.

Chair Tucker summarized that the Commission requested in its previous motion that Staff review the views of the home, address any privacy issues, and provide clarification of the rules and ordinances that govern views. Also, there was no further discussion between the DBR and the applicant as was implied by the Planning Commission. Mr. Lopez clarified that the recommendation was that the applicant work with Staff, not directly the DRB.

Commissioner Agarwal mentioned that one of her points she raised in the prior meeting was that Staff needed to provide a clear idea of the issue on views. Specifically, what is the guideline, what is the standard, and what is the requirement? She asked Mr. Garbelmann if he had an opportunity to discuss those questions with Staff. Rudi Garbelmann, the applicant, replied that the Shoreline Overlay District provided standards and requirements for public views from the street. Commissioner Agarwal disclosed that the concern from the public has to do with the views and privacy of the neighboring homes. Mr. Garbelmann believed that the protection of private views is not in the purview of the Planning Commission and nowhere in the ordinance does it state that private views are to be protected.

Mr. Lopez stated that there are three issues with the application. One was the proposed design of the roof, privacy intrusion from the roof deck of the project and views. He noted that the Planning Commission has the discretion to discuss and preserve public and private views due to the Shoreline Overlay District. Staff did not have enough information from the applicant to determine and provide guidance on how to protect views.

Chair Tucker asked Mr. Garbelmann if he planned to work with Staff and provide the information that is requested in order to move forward. Mr. Garbelmann reiterated that all the information has been provided to Staff and it was included in the first Planning Commission meeting as well as now.

Chair Tucker asked Mr. Lopez if any of the information that the applicant provided recently helped Staff and if not, he requested that Staff articulate what they are specifically seeking from the applicant. Mr. Lopez noted that he has reviewed the information and determined that the information is not accurate due to it not being done by a professional architect. Mr. Garbelmann responded that the homes next door should not matter and that the photographs provided views of the view corridors.

Chair Tucker suggested that the item be held over to the next meeting to allow for dialog between the applicant and Staff.

Commissioner Soofiani stated that this is a required process that the City has and she requested that Mr. Garbelmann provide the requested drawings. She suggested the applicant provide a key plan for the pictures that showed the view angles, which angle it is showing and which neighbor's house is in the picture. She requested a cross-section of the subject property showing the property lines of the adjacent lots and showing a partial portion of the building of adjacent neighbors in relation to the newly proposed building. Also, provide a drawing from the center of the street that shows the grade and how it relates to the street. With those three drawings, she believed that Staff and the Commission could make a decision on the project. She asked how the roof deck is accessed. Mr. Garbelmann suggested that Staff provide

example views of what they are seeking and he will provide those items at the next meeting. He disclosed that information regarding the access to the rooftop deck will be provided as well.

Commissioner Harrison requested clarity on what views the Commission and Staff are talking about. He acknowledged that the house will block a view but there are views on either side of the house that will not be obstructed. He mentioned that the information that was recently provided by the application showed that the building floor on the cliff side is down 9-feet through grading, but the side of the building closest to the street is almost at grade. He articulated that the information is not an accurate depiction and what the Commission needs to understand from the applicant is if the building can be lowered so that it is less intrusive on the view from the street. He wanted to understand if the adjacent houses are proportionate to each other and the new home as well as to the surrounding area.

Vice-Chair Loy wanted to hear from other Commissioners if the applicant should be instructed to return to the DRB. Chair Tucker supported the applicant going back to the DRB for further discussion but he acknowledged that the process would add additional time. Ms. Velasco disclosed that Staff could reach out to a subcommittee of the DRB to move the process faster but the subcommittee's guidance would not change the full DRB's recommendation.

Commissioner Agarwal proclaimed that the guidelines regarding views should be general. She emphasized that from the drawings that were provided, she did not have a good understanding of what impacts the project will pose on the neighborhood.

Commissioner Huang asked Mr. Garbelmann if he is willing to go back formally to the DRB because many of the issues raised by the Planning Commission are normally discussed at the DRB level. Mr. Garbelmann answered he is willing to go back to a DRB subcommittee but he stated his concern is that the subcommittee and himself will not be able to come to consensus. Chair Tucker believed that specific recommendations from the Planning Commission for the subcommittee to review may lead to consensus between the DRB and the applicant.

ACTION: It was M/S/C (Loy, Harrison) that the applicant and Planner Lopez meet with a subcommittee of the Design Review Board to pursue progress that will include the items that were specifically requested by Commissioner Soofiani, Harrison and Agarwal; which carried by the following vote: 6-0-1 (Ayes: Tucker, Loy, Alpa, Harrison, Huang, Soofiani; Noes: None; Abstain: Brubaker).

[The Commission took a sort break]

2. PLN20-061: St. John Missionary Baptist Church Recreational Facility PUBLIC HEARING to consider a Conditional Use Permit and Design Review to construct a ±10,000 square foot recreational facility to serve an existing Baptist Church and associated off-site parking lot improvements at 29 Eight St. (APN: 538-410-027). RM-2, Medium Density Residential District. St. John Missionary Baptist Church, owner; Abdul Esmail, applicant Planner: Hector Lopez Tentative Recommendation: Conditional Approval

Chair Tucker summarized that public comment was held at a prior Planning Commission hearing and public comment was closed afterward. So, no public comment would be taken during this item. He specified that the item was held over to allow the applicant to meet with the neighborhood council to discuss the project, receive feedback and then return to the Commission with a summary of that conversation. He acknowledged that the Commission has

received all the letters that were sent in from members of the public, the church and the neighborhood council.

Mr. Lopez reported that the applicant and the neighborhood council met several times via Zoom and the neighborhood council has provided a letter of support for the project.

Vice-Chair Loy read from the Iron Triangle Neighborhood Council's letter of support which indicated they want the new building to be in sync with the long-term vision of the Richmond Greenway. She emphasized that the issues raised were not against the building, but more how does the building interact with the Richmond Greenway.

Commissioner Brubaker restated that his recommendation from the prior meeting was that the required exit be moved from the west side of the building to the south side and remain as an emergency exit door. Then when the church feels comfortable, allow that door to be used as an access door. He supported the project as designed but felt moving the door would allow for future interaction with the Richmond Greenway. He read from the General Plan that stated that development in the area should respect and respond to the Richmond Greenway and the Ohio Avenue right-of-way. Also, that building facades should provide porches, doors and windows that interact with pedestrians using the Richmond Greenway and the street.

Commissioner Soofiani agreed that the building is well designed and will benefit the community, but she felt the building was poorly designed in terms of its connection and interaction with the Richmond Greenway. She felt adding one double-door is a minimum request. She wanted to see more active uses along the façade that faces the Richmond Greenway as well as utilize seven parking spaces for active use. She believed that by moving the building back a bit, it would provide more active uses and green space between the building and the Richmond Greenway.

Commissioner Harrison suggested that Crape Myrtles be added along the façade that faces the Richmond Greenway as a way to soften the effect of the building. He supported the idea of adding additional green space near the parking lot but was hesitant to support the idea of moving the building back.

Chair Tucker did not support redesigning the building or pushing it back on the parcel. He supported the idea of having landscaping or a mural or some visual impact along the façade facing the Richmond Greenway. Mr. Lopez interjected that there will be windows along the façade facing the Richmond Greenway as well as columns at each corner and landscaping.

Chair Tucker reminded the Commission that currently there is a vacant lot where the project is being proposed. He cautioned the Commission on requiring too much that may result in the church being priced out of the project. He concluded that the applicant has done everything that the Planning Commission has asked them to do.

Commissioner Agarwal emphasized that the project as presented is a great project. She shared she understands the applicant's desire to have their entrance to the new building right next to the entrance of the church. She articulated that the crux of the issue is that there is a design guideline but not a standard. She shared that the idea is to bring people in from the Richmond Greenway and the congregants out onto the Richmond Greenway. She supported the idea of using parking spaces as active spaces for the public and churchgoers.

Vice-Chair Loy reminded the Commission that if no action is taken, a precedent may be set for future interactions between the Richmond Greenway and buildings.

Commissioner Soofiani declared that her support for the project depended on adding active uses along the Richmond Greenway.

Chair Tucker asked Kevin Hall, Pastor of the church and applicant, if he is willing to use the parking lot on non-church days as a picnic area. Mr. Hall supported having the framing of a door on the south side of the building facing the Richmond Greenway. He was also open to having the south side of the building contain a mural or have live plants. In terms of parking, he did not support reducing the parking lot to accommodate more green space due to the church not having enough parking currently on Sunday mornings.

Abdul Esmail, architect, explained that after the second DRB meeting, the design was changed on the south side of the building to make it more appealing to the public using the Greenway. He did not believe that pushing the building back would change anything. He mentioned that residents on the west side of the building have fences lining the existing parking and for this reason, he did not think it fair to require the church's building to provide eyes on the Greenway. He concluded that if the project is required to put windows along the entire southern side of the building, he requested that the City be held responsible for cleaning up any vandalism that occurs to those windows.

Commissioner Agarwal declared that she is basing her decisions on the design guideline laid out for the Richmond Greenway. Not the minority of residents who have raised concerns. Also, she felt losing a small amount of parking would not make a difference to a church that already has parking issues.

Vice-Chair Loy understood the concern from the church regarding parking and the issue of reducing parking. She encouraged the Commission to base their decision on the City's vision and General Plan guidelines.

Commissioner Huang supported the project without any modifications. He felt the applicant has been responsive to the DRB's suggestion of enhancing the building along the Richmond Greenway. He did not support the concept of including a door or the framing of a door on the southern side of the building.

Commissioner Brubaker shared that he is not supportive of removing any parking.

Discussion commenced among the Commission on how to frame a door and whether or not there should be an actual door or just a frame. Commissioner Soofiani supported a motion that required there be a physical door be installed. Commissioner Harrison proclaimed that having the framing of a door is sufficient.

Vice-Chair Loy requested that murals and landscaping be added to the southern side. Commissioner Agarwal wanted to see some community elements added such as a picnic table but Commissioner Harrison felt that there was not enough space to accommodate them.

Commissioner Agarwal asked if there will be trees screening the parking lot and Mr. Lopez answered yes.

Commissioner Brubaker wanted the motion to encourage the applicant to provide a door when the church is comfortable doing so in the future.

Commissioner Huang mentioned that if a door is added, a path will be required to lead from that door which will remove landscaping.

ACTION: It was M/S/C (Harrison, Tucker) to accept Staff's recommendation along with additional conditions to add framing for a door on the south elevation for potential installation in the future as well as consideration of adding murals and landscaping on the southern elevation; which carried by the following vote: 4-0-2 (Ayes: Tucker, Agarwal, Brubaker, Harrison, Huang; Noes: None; Abstain: Loy, Soofiani).

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff – Ms. Velasco reminded the Commission that the City is holding a training for the Commissioners on April 23, 2021. Vice-Chair Loy requested that Staff provide a refresher on major City initiatives and General Plan guidelines that affect the Planning Commission.

Commissioner Brubaker shared that Commissioner Agarwal, Soofiani and himself attended the League of Cities Planning Commissioner training. He found the training very informative and helpful.

Chair Tucker wanted an update regarding housing development projects and the City's Housing Element.

6. Adjournment - The meeting was adjourned at 8:00 p.m. to the next regular meeting on April 15, 2021.