

MINUTES APPROVED AT THE PC MEETING ON FEBRUARY 17, 2022

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Teleconference
December 2, 2021
6:30 p.m.

COMMISSION MEMBERS

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

The regular meeting was called to order by Chair Tucker at 6:30 p.m.

ROLL CALL

Present: Chair David Tucker; Vice Chair Jen Loy; Commissioners Yu-Hsiang (Michael) Huang and Masoomah Sharifi Soofiani

Absent: Commissioners Bruce Brubaker, Alpa Agarwal and Jonathan Harrison

INTRODUCTIONS

Staff Present: Planning Staff: Andrea Villarroel, Jonelyn Whales, Hector Lopez, Community Development Director Lina Velasco, and Attorney James Atencio

MINUTES –

November 4, 2021

ACTION: It was M/S/C (Loy, Soofiani) to approve the November 4, 2021 draft meeting minutes; which carried by the following vote: 3-0-1-3 (Ayes: Tucker, Loy, Soofiani; Noes: None; Abstain: Huang; Absent: Brubaker, Agarwal, Harrison).

AGENDA

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk and paying the appeal fee by Monday, December 13, 2021, by 5:00 p.m.

CONSENT CALENDAR –

- 1. PLN21-283: Purple Train, LLC Cannabis Facility PUBLIC HEARING** to consider a request for a Conditional Use Permit for an Adult-use cannabis cultivation facility within a proposed 15,000 SF building at 1090 7th Street (APN: 561-291-028). IL, Industrial Light District. Regstad Jorgen; Vivi-Anne Tre, owners; Wen Kai Kuang, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Vice Chair Loy appreciated the voluntary donation proposed by the applicant to beautify the community.

ACTION: It was M/S/C (Loy, Huang) to approve the Consent Calendar; which carried by the following vote: 4-0-3 (Ayes: Tucker, Loy, Huang, Soofiani; Noes: None; Absent: Brubaker, Agarwal, Harrison).

BROWN ACT – Public Forum

KIERON SLAUGHTER appreciated the Commission for approving the Cherry Blossom project. He suggested that the City encourage every townhouse that is built to have a built-in accessible junior accessory dwelling unit (JADU). He recommended that the Planning Commission and the Design Review Board (DRB) hold a retreat to visit their recently approved joint projects.

NEW BUSINESS

- 2. PLN21-427: Amendments to RMC Article 15.04.615 PUBLIC HEARING** to consider recommending to the City Council amendment of Section 15.04.615.050.C and Section 15.04.615.010.B of the Richmond Municipal Code (“RMC”) to extend the amortization period for nonconforming uses related to the storage and handling of coal and petroleum coke and require the discontinuation of all such uses by December 31, 2026. The ordinance will apply Citywide in all Zoning Districts. City of Richmond, applicant Planner: Lina Velasco Tentative Recommendation: Recommend Amendments to City Council

Ms. Velasco reported that the recommended action is to hold a public hearing and then consider adoption of the Resolution recommending that the City Council adopt the amendments to RMC Section 15.04.615.050.C and Section 15.04.615.010.B.

Staff previously proposed an ordinance that added Section 15.04.615 to the RMC that prohibited the storage and handling of coal and petroleum coke within the City. Also, to hold a 3-year amortization period from the start date of March 5, 2023. Several lawsuits were filed in March 2020 after the adoption of the ordinance. The City was successful in defending two state-court cases, but there are pending appeals and pending federal court cases. The City and the parties who filed the lawsuits have participated in a mediation process to reach a settlement and the settlement was executed on November 12, 2021.

The settlement required that staff present specific amendments to Section 15.04.615 that extended the amortization period from March 5, 2023, to December 31, 2026. The settlement does allow the City Council complete discretion whether to approve, disapprove or modify the staff proposed amendments. If the amendments are adopted, the companies have agreed to dismiss the litigation with prejudice as well as to waive any ability to seek an extension of the amortization period. The settlement also required that the uses will not extend beyond December 31, 2026. If adopted, the settlement agreement required that the companies must implement additional dust control measures.

Regarding the California Environmental Quality Act (CEQA), the proposed ordinance amendments are exempt.

Commissioner Huang asked what are the consequences if the companies do not pursue any of the required mitigation measures. Ms. Velasco agreed that the additional dust mitigation measures are subject to design review and must obtain Building Permits. The settlement agreement does provide deadlines for when the additional mitigations must be in place. If the

companies do not comply with the settlement agreement, the companies will be in breach of the agreement.

Chair Tucker inquired when will the additional dust mitigation measures be installed and would the Commission be approving them. Ms. Velasco predicted that the ordinance would come into effect in February 2022 if adopted and that the Commission will not be approving any of the mitigations. Mr. Atencio added that there are different timelines for the various mitigation measures.

Vice Chair Loy appreciated that the proposal included many of the comments that the public raised in the prior years and the letter of support provided by Levin.

Public comment:

JACOB KLEIN, San Francisco Bay Chapter of the Sierra Club, disclosed that the Sierra Club supports the proposed amendments and recommended that the Commission recommend adoption to Council.

ACTION: It was M/S/C (Tucker, Soofiani) to adopt the Resolution recommending that the City Council adopt the ordinance amending Sections 15.04.615.050.C and 15.04.615.010.B to extend the amortization period for existing non-conforming land uses related to coal and petroleum coke storage and handling and require the discontinuation of all such uses by December 31, 2026; which carried by the following vote: 4-0-3 (Ayes: Tucker, Loy, Huang, Soofiani; Noes: None; Absent: Brubaker, Agarwal, Harrison).

Chair Tucker announced this item cannot be appealed and will move to Council for adoption.

3. PLN21-129: Dollar Tree Retail Store PUBLIC HEARING to consider a Conditional Use Permit and Design Review to operate and establish a retail store greater than 3,000 sf in size (10,000 sf proposed), including building renovations and site improvements at 12300 San Pablo Avenue (APN: 519-200-018). CM-4, Commercial Mixed-Use, Gateway/Node District. Kim Kevin and Jennifer Yu, owners/applicants Planner: Hector Lopez Tentative Recommendation: Conditional Approval

Ms. Velasco requested that the item be placed on the Consent Calendar and be held over to January 6, 2021, Planning Commission meeting to allow for a thorough review of the comments that were sent in by the public.

Chair Tucker announced that he had questions about the item. Mr. Atencio recommended that Commissioners provide their comments to staff.

Chair Tucker acknowledged that several letters were received from the community. He recommended that an independent traffic study be conducted before the next meeting and that the size of the signage mirror existing signs.

Vice Chair Loy agreed that after reading the letters, there was a missed connection between the neighborhood association and the applicant. She encouraged staff to reach out to the immediate neighbor and address her concerns. Also, to explore the option of restricting the hours of operations for the first year with the understanding that the applicant can return after a

year and modify their Conditional Use Permit (CUP). She requested additional details regarding the monitoring well and details regarding crime prevention.

Commissioner Soofiani suggested that the proposed window film be at eye level with everything above transparent. She believed this would improve safety around the store. Also, to have a concrete wall between the neighbor and the loading area. She suggested to have store staff move the trash enclosure near the gate during pick up to help with noise.

ACTION: It was M/S/C (Tucker, Huang) to accept Staff's recommendation to hold the item over to the January 6, 2022 Commission meeting for final discussion of the item: 4-0-3 (Ayes: Tucker, Loy, Huang, Soofiani; Noes: None; Abstain: Huang; Absent: Brubaker, Agarwal, Harrison).

COMMISSION BUSINESS

- 4. Reports of Officers, Commissioners and Staff** – Ms. Velasco announced that the December 16, 2021, Planning Commission meeting is canceled. The City will be closed on December 24, 2021, and December 31, 2021.
- 9. Adjournment** - The meeting was adjourned at 7:17 p.m. to the next regular meeting on December 16, 2021.