

MINUTES APPROVED AT THE PC MEETING ON FEBRUARY 17, 2022

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

Teleconference
January 6, 2022
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; Commissioner Bruce Brubaker, Alpa Agarwal, Jonathan Harrison, and Masoomah Sharifi Soofiani

Absent: Vice Chair Loy and Commissioner Yu-Hsiang (Michael) Huang

INTRODUCTIONS

Staff Present: Planning Staff: Roberta Feliciano, Hector Lopez, Community Development Director Lina Velasco, and Attorney James Atencio

MINUTES –

November 18, 2021

ACTION: It was M/S/C (Brubaker, Soofiani) to approve the November 18, 2021 draft meeting minutes; which carried by the following vote: 5-0-2 (Ayes: Brubaker, Agarwal, Harrison, Soofiani, Tucker; Noes: None; Absent: Loy, Huang).

AGENDA

Chair Tucker stated that items approved by the Commission may be appealed in writing to the City Clerk by Tuesday, January 18, 2022, by 5:00 p.m.

CONSENT CALENDAR – None.

BROWN ACT – Public Forum – None.

STUDY SESSION

- 1. PLN12-248: Livable Corridors Form-Based Code Zoning Amendments STUDY SESSION** to provide and receive comments on proposed Zoning Text and Map Amendments to codify the draft Richmond Livable Corridors From-Based Code (FBC)

including related architectural standards. The draft FBC, architectural standards, and Zoning Map Amendments are available for review at www.ci.richmond.ca.us/2965/rlc-fbc. City of Richmond, applicant Planner: Roberta Feliciano Tentative Recommendation: Receive Comments

Ms. Feliciano requested that the Planning Commission provide feedback on the Zoning Text and Map Amendments. The Livable Corridors Form-Based Code (FBC) will apply to Downtown Richmond and key corridors including 23rd Street, MacDonald Avenue, Barret Avenue, parts of Ohio Street and along San Pablo Avenue. The purpose of moving to FBC was to create walkable mixed-use neighborhoods within the City. To codify the FBC, amendments will be made to Chapter 15.04 of the Richmond Municipal Code (RMC). All of the documents pertaining to the FBC are listed on the City's website.

Per the zoning update that was completed in 2016, the City reserved Series 400 in Article 15 of the Zoning and Subdivision for new form-based zoning districts. This will establish new transect zones that comply with the land use classifications in the General Plan, amend the zoning map to rezone specific property that will be using the FBC, and establish new standards and regulations for the new zones. A transect is an organizing principle used in FBC that focused on the intended character, type of place, and the mixed uses in the area. In 2020, the City received a Planning Grant per Senate Bill (SB) 2 to update and integrate the FBC into the Zoning Ordinance. The grant was issued to help cities adopt and integrate code that streamline housing approvals and production. The proposed FBC layered on top of the existing draft FBC of 2015 and will replace the existing zoning and associated development standards. As part of the initiative, Staff conducted an extensive outreach and community engagement process during the development of the 2015 FBC as well as held a community meeting in November 2020 and June of 2021. Residents expressed comments of excitement.

FBC standards are intended to ensure that proposed development is compatible with existing areas and that future development is consistent with the General Plan. The City analyzed existing conditions at the Citywide scale as well as streets and blocks scale. This analysis helped guide the work of drafting an FBC along with the public comment. The FBC includes the preamble, transect zones, building types, frontage types, architectural standards, and then the general and large sites article.

Architectural standards allow the City to develop objective design standards that all new development must meet as the City's subjective design criteria cannot be enforced given the changes made by SB35 and SB330. The architectural standards were developed with input from the Design Review Board (DRB) subcommittee and recommended by the full DRB for approval in March 2015. The styles included in the architectural standards were main street, Victorian, Spanish revival, art deco/art moderne/mid-century modern, industrial and California contemporary. The architectural design guidelines identified key characteristics of each style, provided tools to review a project objectively, and provided a foundation to facilitate clear feedback.

In December 2021, the DRB held a study session to provide feedback on the draft FBC. The DRB Chair requested additional standards for the California contemporary architectural standards. The DRB requested that the consultant provide instructions on how to apply FBC. The DRB requested that the draft FBC return for further review at a future meeting to discuss recessed windows.

Commissioner Agarwal expressed excitement about the new FBC. She inquired if FBC is limited to MacDonald Avenue and the 23rd Street corridor or was it to be applied Citywide. Ms. Feliciano restated that it would only apply to areas highlighted on the map. Commissioner Agarwal asked if all new developments are required to conform to one of the architectural styles and Ms. Feliciano answered yes. If an applicant wished to use a design that is not outlined in the FBC, they could apply for a Design Review from the DRB.

Commissioner Soofiani agreed that FBC is a way to imbed urban design concepts into the Zoning Ordinance. She predicted it will accelerate the planning process, but she questioned the effectiveness of applying FBC to the already developed City. She wanted to understand the how FBC will be applied to existing buildings. Ms. Feliciano agreed that it will be more challenging to implement FBC for existing buildings. There is going to be a section of the RMC that will require specific frontage standards to be met if there is a threshold of change. Drew Finke, Opticos Design, confirmed that if an applicant is making a substantial change to an existing building. They will be required to comply with the FBC. Commissioner Soofiani asked if there is a limitation for issuing new Use Permits that are not aligned with the General Plan or FBC. Ms. Feliciano concurred that there is no cap for Use Permits, but in the FBC there will be similar land use tables for the types of uses that are permitted by right or uses that require a Conditional Use Permit within the transect zone.

Chair Tucker inquired if the FBC is triggered when an existing homeowner subdivides their lot and builds new housing. Ms. Feliciano explained that FBC only applies to multi-family homes and single-family homes must go through the standard Design Review process. Chair Tucker asked if any projects in the pipeline will be grandfathered in under the existing code or would they be required to follow FBC. Ms. Feliciano confirmed that projects in the pipeline can use the existing zoning. Per SB35 and SB330, streamlining objective standards is already in place and any new project is subject to those provisions.

Commissioner Brubaker asked if the existing regulatory code is the standard Richmond zoning and Ms. Feliciano answered yes. Commissioner Brubaker inquired what components of the 2015 draft FBC has been updated. Ms. Feliciano noted that the sustainability section was removed, architectural standards were updated and subjectivity was removed. Commissioner Brubaker wanted to know if there is a mechanism for interpretation by Staff to adjust to specific conditions in the code. Ms. Feliciano confirmed that there is a waiver section that allows Director approval of interpretations within a specific threshold of change. Commissioner Brubaker asked if an industrial building would have to adhere to the objective standards even though it is not a residential building. Ms. Feliciano informed that Staff is clarifying the types of findings that would need to be made for Design Review because State law is only applied to residential.

Stefan Pellegrini, Opticos Design, briefly described the timeline of the project which began in 2009 and then was paused in 2013 to allow the completion of the Citywide zoning update. The project was reengaged in July of 2020 and Staff predicted that adoption would take place in Quarter Two of 2022. Objective Design Standards are standards that involve no personal or subjective judgment by a public official and is uniformly verifiable and applicable for different types of projects. Objective Design Standards is a way for the City to influence the design of multi-family and mixed-use buildings when streamlining is applied.

The project area covered 1.3 square miles and applied to multi-family and mixed-use zones in the core of Richmond. Stakeholder interviews, walking tours, design charrettes and visioning exercises for key corridors and centers were part of the community engagement effort in 2009.

The transect zones contained five basic zones. T4 zones include neighborhoods under 30-feet in height and main streets. T5 zones included neighborhoods above 55-feet in height, main streets and the core. A key change between the 2013 and 2020 work was the adoption of SB330 that required local jurisdictions to ensure that any changes in zoning does not result in a loss of potential density. T5 Main Street Zone (T5MS) required walkable, high-intensity, vertical mixed-use environments with the ground floor having community-serving uses. The open sub-zone (T5MS-O) allowed for a greater variety of building types and uses, accommodated higher intensity residential buildings in sections of the corridor with less concentrated community activity. These zones implemented the medium-intensity mixed-use (commercial emphasis) as outlined in the General Plan and will replace the existing CM-3 and CM-4 zones. The building types allowed within the T5MS were live/work, main street buildings, courtyard buildings and mid-rise buildings. The building types allowed in T5MS-O included rowhouse, multi-plex small and large, and stacked flats. Allowed frontage types in the T5MS zone included dooryard, stoop, forecourt, shopfront, industrial shopfront, terrace and gallery. The zone standard addresses setbacks, building footprint and façade zones as well as allowed architectural styles, frontages, encroachments, and provided guidance for parking.

Building types in FBC ensure that what is built is consistent with the vision and the desired patterns of activity. There are 15 different building types in the FBC and architects can choose a building type based on the specific zone the building will be located in. Building type standards included maximum height, building size, massing, frontage types, pedestrian access, location of the main entrance and open space requirements.

The Architectural Standards allow for a predictable built outcome with a result that is compatible with the existing buildings. An architect who is designing a larger project that will be subdividing may choose multiple architectural styles. Massing and Composition Standards within the Architectural Standards will apply to all developments. Within FBC there are six architectural styles that architects can choose from.

Mr. Pellegrini concluded that Staff did build in flexibility within the standards which is outlined in the waiver section.

Commissioner Agarwal found the designs to be beautiful and was excited to see 23rd Street and MacDonald Avenue be transformed. She inquired if there is vacant land available or will this code require the existing buildings to be torn down and will this be a 100-year project. Ms. Feliciano noted that there are vacant lots and several of the newly constructed buildings have used FBC in their design. Commissioner Agarwal stated that it will be a lot by lot application and is economically viable. Mr. Pellegrini suggested that the Commission review Downtown Petaluma who adopted their FBC in 1998 and then later expanded it in 2007. The development there was subject to ups and downs of the building cycles.

Commissioner Harrison asked if there is any guidance on street furniture or landscaping located within the public right of way. Mr. Pellegrini mentioned that Section 4.406, General to Large Sites, does guide thoroughfare design and public frontage design.

Commissioner Soofiani wanted to understand how the architectural styles are tailored to the adjoining neighborhoods. Mr. Pellegrini commented that currently, the transect zones do provide collaboration concerning the architectural styles.

Chair Tucker requested that Staff provide the website to the Livable Corridor. He predicted that Staff will actively promote that the City is open for infill development once FBC is adopted. He

asked what authority the Planning Commission will have when reviewing streamlined projects. Ms. Velasco remarked that FBC will be integrated into the Zoning Ordinance by following the procedures that are already established.

Commissioner Brubaker commented that the document is very extensive and detailed. He inquired what the next steps are and will the Planning Commission be allowed to suggest changes. Ms. Feliciano informed that Staff will be taking the draft back to the DRB for feedback and then it will come back to the Planning Commission for recommendation to Council. Commissioner Brubaker explained that he wanted development to happen and did not want additional obstacles. He encouraged Staff to explore the feasibility aspect of implementing an FBC with enough flexibility to accommodate the changing trend of retail. He noted that it is important to have pedestrian activity, but that should not be over-ambitious. He remarked that he likes FBC but was struggling with the specificity of it. Through his own public engagement, some commented that the standards will be a headache for City Staff and applicants, that the complexity of FBC will not produce better results, and to remove the different style expressions. He wanted to make sure that the code works well to encourage more development and attracts good architects. He wanted to better understand if changes can be made to reduce the complexity of the Architectural Standards. He recalled several of his favorite buildings in the Bay Area and mentioned that those buildings could not be built using the FBC. Mr. Pellegrini agreed that a balance has to be made between providing prescriptive guidance and allowing architects to go through Discretionary Review. He emphasized that the Objective Standards are limited to what is called out in the tables and dimensions. Objective Standards are seeking to develop buildings with proportional characteristics with historic styles, as opposed to expecting that historic styles to be recreated.

Commissioner Soofiani shared that what is missing in the FBC is the flexibility to encourage innovative architecture and create landmarks. She asked if the FBC could be clarified for how it applies to rehabilitation projects.

Commissioner Agarwal appreciated Commissioner Soofiani's comment and asked if the FBC denied new architecture to be born. She agreed with Commissioner Brubaker that retail is changing and having requirements for retail may be hard for architects to fulfill. She stated that architecture and economic imperatives need to go side by side. She encouraged Staff to explore having more residential units with small strip malls with express stores. She asked if the City has encouraged large tech companies to have offices in Richmond.

Chair Tucker appreciated the comments and suggestions. He noted that if the City does not have ways to solicit the information and bring folks to Richmond. Then the work will be paused again and never be implemented. He suggested that the Commission have a study session with the Economic Development Commission around the new rules and regulations the State is implementing. Ms. Velasco mentioned that she will reach out to Economic Development Staff. Chair Tucker invited the Commissioners to submit any additional comments to Staff.

[The Commission took a short break before hearing the next item.]

HOLDOVER ITEM

- 2. 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

Chair Tucker announced that public comment was closed at the prior meeting and the item will begin with Staff presenting their findings to the questions that were asked at the prior meeting. Then the Commission will begin its deliberation.

Mr. Lopez gave an overview of the square footage and location of the parcel in question. The parcel contains an existing 1,500 square-foot structure with surface parking. Interstate 80 has an on-ramp approximately 400-feet north of the site.

In August 2021, the DRB reviewed the project and continued the item to allow the applicant time to address concerns related to the proposed design. The applicant revised the project and in September 2021, the DRB voted to recommend approval of the design to the Planning Commission.

In November 2021, the Planning Commission held a public hearing and heard comments from the neighbors about the concern of Dollar Tree's proximity to other stores in the area, unfair labor practices of the retailer, crime, parking shortages, noise and traffic. The Planning Commission directed Staff to draft findings for approval with new and revised conditions of approval that addressed the public's concerns. Also, the Commission encouraged the applicant to discuss the loading zone and perimeter fencing with the adjacent neighbors.

The applicant provided letters to the neighbors in which two neighbors responded. Based on those responses, the applicant modified the project by changing the delivery times to no earlier than 7:00 am and no later than 9:00 pm. Also, a new wood fence will be constructed along the loading zone and behind the trash enclosure, lights in the parking lot will be shielded and directed downward, the trash enclosure will be relocated to the north-west portion of the site, adjust the placement of the Americans with Disabilities Act (ADA) parking spacings to avoid conflicts with the truck turning radius and reduce the signage letters for the San Pablo Avenue sign to 28-inch letters. The Police Department encouraged the applicant to place bollards or large planters at the store entrance, mark the parking stall in front of the entrance as a loading zone only and install no loitering/no soliciting signs. The applicant will continue discussions with the Police Department on how to further improve security prior to occupancy of the store. Per Chair Tucker's request, Fehr and Peers were contracted to do a peer review of the traffic analysis. They determined that the analysis, findings and conclusions were consistent with the findings W-Trans made.

Staff recommended that the Commission include in the resolution the California Environmental Quality Act (CEQA) Exemption 15322 and adopt the resolution.

Chair Tucker acknowledged the letters that were sent to the Commission echoing concerns about the project. Chair Tucker shared Richmond Heights Neighborhood Council's recommended modifications for the project. These included a request for an independent traffic safety study, changes to delivery times, to add a condition regarding noise, adjustments to Condition #3 regarding lighting, modify the hours of operation, a status update on the contaminated clean up at the monitoring well, additional language to Condition #27 regarding crime, and add a condition regarding signage. He invited Staff to address each condition and provide a response.

Mr. Lopez suggested that the Commission hear from the traffic consultant.

Mark Spencer, W-Trans, acknowledged the letters that the neighbors sent in regarding traffic. The project does not meet the threshold criteria for a traffic study under the County, Cal-Trans, or the City's guidelines. W-Trans presented their analysis to Staff which then was peer-reviewed by Fehr and Peers. Fehr and Peers concurred with W-Trans analyses as presented. He remarked that the residents have raised traffic concerns about congestion in the area that is unrelated to the project. Through the traffic study, the project posed no safety hazards, the existing driveway will function adequately for the store, and the median breaks are important for trucks to be able to access and exit the site. He noted that the traffic study used pre-pandemic traffic volumes and conditions.

Commissioner Brubaker inquired if there are benefits to eliminating right turns onto Roosevelt Avenue from San Pablo Avenue to prevent cut-through traffic. Mr. Spencer mentioned that the project is not a high-volume traffic generator for cars exiting the site. Signage may help cut through traffic but it is not enforceable and physical restrictions will have more harmful effects on the neighbors.

Commissioner Soofiani requested confirmation that generated trips from Dollar Tree is comparable to the former use and that Dollar Tree will not add more trips to the site than the former use. Mr. Spencer shared that while he did not have the specific counts for the former use. He did review other car dealerships that are located on a lot similar in size. On a daily basis, there were fewer trips for the car dealership, the same number of peak hour trips in the morning and fewer peak hour trips in the afternoon compared to a Dollar Tree. He concluded that Dollar Tree may have more trips over the course of a day, but the trip count would not change operations and conditions on the roadway system.

Commissioner Agarwal articulated that she is excited about the project and stated that the site is the perfect placement for a Walmart-like store where you can buy everyday necessities. She wanted to understand how large the parking lot is and Mr. Lopez answered that there are 31 parking stalls. Commissioner Agarwal stated that traffic will not be hindered by 30 cars coming to and from the site.

Mr. Lopez predicted that the applicant will be amendable to Richmond Heights Neighborhood Council's suggestion to Condition #3 to adjust lighting fixtures and brightness so that they add no light beyond the current ambient levels.

Regarding modifications to Condition #19 for delivery times, Mr. Lopez predicted that the modification is minor but suggested that the Commission ask the applicant.

Regarding modifications to Condition #20 for operating hours, Mr. Lopez noted that the applicant is not willing to modify the hours of operations. Chair Tucker shared that the neighboring stores operate to 9:00 pm and he supported leaving the operation hours from 9:00 a.m. to 9:00 p.m.

Regarding modifications to Condition #22, Mr. Lopez predicted that the applicant is amendable to maintain the trees, landscaping and to keep the north lot clean and weeded. Ms. Velasco noted that per RMC, owners are required to keep their lots clean and maintained. Also, maintenance of the landscaping is already a requirement.

Regarding the addition of a sound-absorbing wall to Condition #25, Mr. Lopez shared that the applicant has suggested a sound blanket be placed on the fence.

Chair Tucker encouraged the neighborhood council to report to the applicant how the store is operating and to share any concerns they have at that time.

Regarding the request to include a condition that requires a status report on the contaminated clean-up of the monitoring well, Mr. Lopez noted that Staff has received a letter from a geologist and other documentation from the Regional Water Quality Board regarding the monitoring wells.

Regarding Condition #27, Chair Tucker noted that the applicant has already engaged in discussions with the Police Department.

Regarding the request that the store will not receive cash, Chair Tucker expressed that is not within the Commission's purview to limit and Mr. Lopez agreed.

Regarding the signs, Mr. Lopez noted that the applicant has made modifications to the signs and the signs will not likely produce glare to the adjoining neighbors.

Commissioner Agarwal echoed Chair Tucker's comments about not changing the hours of operations and that the Commission cannot require what currency a store can take.

Commissioner Soofiani asked if the Commission can include a minimum level of transparency for the window. Mr. Lopez confirmed that the Commission can include that and predicted that the applicant would not object to that. Commissioner Soofiani suggested that the window film be at eye level and leave everything above transparent to enhanced safety.

Chair Tucker thought that the DRB had suggested a specific level of transparency in their recommendations. Commissioner Soofiani noted that there is no transparency and the DRB suggested that the windows be entirely covered. Commissioner Brubaker recalled that the DRB suggested clear panels be installed above the opaque panels. He believed it would be unsightly to see the shelving inside the store and was hesitant to change what was recommended by the DRB.

Commissioner Harrison wanted to confirm that the condition regarding delivery times would be changed to 7:00 a.m. instead of 6:00 a.m. He supported Commissioner Brubaker's comments regarding the window transparency and that the store frontage will have clear windows. Mr. Lopez suggested that the Commission hear from the applicant about changing the store hours.

Commissioner Agarwal inquired if the Chair would allow the applicant to respond to the questions that the Commissioners have raised.

Scott Kipnis, a representative for Dollar Tree, clarified that the delivery truck would arrive no earlier than 7:00 a.m. and arrive no later than 9:00 p.m.

Commissioner Soofiani asked how Dollar Tree will ensure that the parking lot is empty for the delivery truck. Mr. Kipnis explained that the gate will be locked at night so that the parking lot will be empty of cars in the morning. At 9:00 pm historically, there are not many customers.

Chair Tucker articulated that the Commission will not be recommending a 6-month review or sound wall.

Mr. Kipnis restated that there would be no light pollution to the adjoining neighbor's properties and the lumen count is provided on the lighting plan. The lights will turn off 30-minutes after closing except for a couple to keep the parking lot lit. He noted that Dollar Tree is amendable to having the store open from 9:00 a.m. and close 9:00 p.m. He requested that the community meeting not be mandatory but will request that the store manager meet with the neighborhood council periodically and Chair Tucker agreed. Mr. Kipnis confirmed that all of the comments made by the Police Department have been or will be incorporated into the project. Regarding the window graphics, he confirmed that there was a long conversation at the DRB hearings about the windows. He noted that transparent windows would allow someone to see into the cashier areas without their knowledge.

Commissioner Soofiani requested that Ms. Velasco explain the Performance Standards and how the City will monitor those standards. She predicted that many of the proposed conditions could be excluded because they are covered under the Performance Standard. Ms. Velasco confirmed that the Zoning Ordinance has Performance Standards related and project-specific conditions.

Chair Tucker recommended that the DRB's recommendations regarding the windows be upheld and that there be no modifications.

Mr. Kipnis confirmed that one of the signs has been reduced in size and the signs will turn off after closing.

Arielle Harris, a representative for Dollar Tree, requested that they have an opportunity to weigh in on any new additional conditions.

Commissioner Brubaker suggested that a "Local Traffic Only" sign be included in the proposal for the corner of Roosevelt Avenue and San Pablo Avenue. Commissioner Harrison recommended that the condition explicitly state that the City will install the sign. Ms. Velasco recommended that the condition be subject to review and approval by the Public Works Director. Commissioner Harrison agreed that if the sign is, or is not installed, does not have bearing on whether or not the application goes forward. Commissioner Brubaker supported Ms. Velasco's recommendation. Ms. Harris requested that the condition of approval be clear that the sign is not tied to the Certificate of Occupancy because they do not have control over when the sign will be installed by the City. Chair Tucker agreed.

ACTION: It was M/S/C (Tucker, Harrison) to adopt the draft Resolution #21-21 approving a Conditional Use Permit and Design Review to operate and establish a retail store greater than 3,000-square feet in size, including building renovations and site improvements at 12300 San Pablo Avenue subject to modified conditions; which carried by the following vote: 5-0-2 (Ayes: Brubaker, Agarwal, Harrison, Soofiani, Tucker; Noes: None; Absent: Loy, Huang).

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff – Ms. Velasco announced that Staff will be making a presentation to the Commission on legislation that just passed and will invited the Economic Development Commission.

4. **Adjournment** - The meeting was adjourned at 9:31 p.m. to the next regular meeting on February 3, 2022.