

MINUTES APPROVED AT THE PC MEETING ON JULY 21, 2022

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Teleconference
April 21, 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; Vice Chair Jen Loy; Commissioner Bruce Brubaker, Alpa Agarwal, Jonathan Harrison, Yu-Hsiang (Michael) Huang and Masoomah Sharifi Soofiani

Absent:

INTRODUCTIONS

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

MINUTES –

February 17, 2022

ACTION: It was M/S/C (Loy, Soofiani) to approve the February 17, 2022 draft meeting minutes; which carried by the following vote: 5-0-2 (Ayes: Tucker, Loy, Agarwal, Harrison, Soofiani; Noes: None; Absent: Huang; Abstain: Brubaker).

March 17, 2022

ACTION: It was M/S/C (Loy, Brubaker) to approve the March 17, 2022 draft meeting minutes; which carried by the following vote: 4-0-1-2 (Ayes: Tucker, Brubaker, Agarwal, Soofiani; Noes: None; Absent: Huang; Abstain: Loy, Harrison).

AGENDA

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk by Monday, May 2, 2022, by 5:00 p.m.

CONSENT CALENDAR –

- 2. PLN21-447: Harbour 8 Park Expansion PUBLIC HEARING** to consider a request for a Conditional Use Permit for a park use in an IL, Industrial Light zone and Design Review for the Harbour-8 Park expansion, consisting of a ±3,356 square-foot community building, playground, picnic area, tot lot, zip lines, bicycle and pedestrian paths, and landscaping, between Harbour Way and 8th Street (APN: 538-420-001, -022, -030). PR, Parks and Recreation and II Industrial, Light District. City of Richmond, owner/applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval

ACTION: It was M/S/C (Tucker, Harrison) to approve the Consent Calendar; which carried by the following vote: 6-1 (Ayes: Tucker, Loy, Brubaker, Agarwal, Harrison, Soofiani; Noes: None; Absent: Huang).

BROWN ACT – Public Forum

BRUCE BEYAERT, Chair of TRAC, shared that 90 percent of the design plan for the Point Molate trail has been completed. The project would be completed by the spring of 2023. The City continued to work on the ferry to bridge to Greenway Complete Streets Plan. The Richmond Bicycle and Pedestrian Advisory Committee had been working on user satisfaction along the Bay Trail and would be installing signs outlining common ground rules for the trail.

NEW BUSINESS

- 1. PLN21-327: Quarry Residential Project Redesign PUBLIC HEARING** to consider a recommendation to the City Council of an addendum to an Environmental Impact Report (EIR), a major amendment to an approved Planned Area Plan to modify the housing type from multi-family to single-family detached and to reduce the overall number of units from 193 to 76; waiver of certain development standards for a project eligible for a density bonus; a Vesting Tentative Map to subdivide the site into 76 single-family lots and 7 common-interest lots, and major Design Review for the proposed house plans at 1135 Canal Blvd. (APN: 560-330-043). PA, Planned Area, And OS, Open Space District. Richmond Cove 1 LLC, owner; New West Company, applicant Planner: Lina Velasco Tentative Recommendation: Recommend Approval To City Council

Ms. Feliciano began by summarizing Staff's recommendation. In February 2018, the City Council certified an EIR and approved the General Plan Amendment, Vesting Tentative Map, and Design Review for a 193-unit subdivision. On March 23, 2022, the Design Review Board (DRB) recommended approval of the Design Review for the proposed redesign. The current General Plan was open space and medium density residential with a zoning of open space (OS) and planned area (PA). The site is approximately 8.4-acres on Pinole Boulevard and the applicant proposed to subdivide 6.3-acres of the site into 76 residential parcels with a range of square footages. The proposed plan included 76 single-family detached homes with a community garden. The City Council must approve a Major Amendment to the PA Zone if the number of the units was greater than the maximum or less than the minimum stated in the PA Plan. The proposed project planned to reduce the number of units from 193 to 76 units. To achieve the density the applicant requested waivers to the minimum lot size, minimum lot width, front setback, rear setback, and side yard setbacks. The project included safety improvements to Seacliff Drive.

The DRB reviewed the project on March 9th, 2022, and provided comments. Their comments included smaller house plans, a community garden, enhancements to the proposed Crest Trail staging area, integrating the proposed emergency vehicle access (EVA) with the newly

proposed Bay Trail segment, celebrating the quarry's history, integrating unique solar or equivalent sustainability elements into the plan and modify the massing of house plan 3b. The applicant came back to the DRB on March 23, 2022, where the applicant shared revisions made to the plans based on the DRB's comments. The DRB recommended approval of the Design Review to the Planning Commission. Ms. Feliciano noted there was a typo to Condition #42 where the number 500 should be changed to 50.

TRAC provided an email with comments regarding the plans as well as the East Bay Regional Park District, the applicant's attorney, the Director of Public Works, and the Point Richmond Neighborhood Council.

Crescentia Brown, an environmental consultant with ESA, summarized the original project that was analyzed in the EIR in 2018. The original plan consisted of 200 condominium units with 15 individual buildings, an acre of landscaped area, 289 parking spaces, amenities, improvements to Seacliff Drive, and improvements to the Bay Trail and Crest trail. The proposed modified project included 76 detached single-family homes with an acre of common open space within the developed area. Parking was proposed to be two-car garages with on-site spaces for guest parking. The proposed modified project retained the improvements to both trails and EVA.

The proposed modified project was consistent with the General Plan and zoning changes that were originally approved. None of the adjustments made to the project in response to the DRB's comments were found to be relevant to any changes that would affect the EIR. The 2018 EIR identified that the original project had no significant and unavoidable impacts. However, it did identify less than significant impacts after mitigation for air quality.

The California Environmental Quality Act (CEQA) guided how to analyze a newly proposed project to determine if the impacts of the project were adequately covered by the previous EIR. The attached Addendum compared the differences that were relevant to environmental impacts between the original project and the proposed modified project. The determination outlined in the Addendum was that the proposed modified project would not cause new significant impacts, would not need new mitigation measures, did not change the circumstances assumed in the 2018 EIR, and that no new information had been put forwarded that showed the project would cause new significant environmental impacts. In conclusion, no subsequent EIR was required. Regarding air quality, the proposed modified project reduced the air quality impact during construction to less than significant.

Vice Chair Loy wanted to understand what the Commission was required to do and not allowed to do. Mr. Atencio explained the letter from the applicant's attorney addressed the Housing Accountability Act which compelled the City to approve the project because it complied with the City's Objective Standards. Boards and Commissions were not allowed to require subjective standards for the project under the Housing Accountability Act.

Commissioner Harrison asked if Richmond or surrounding cities had experience with housing on small lots and whether residents accepted smaller lots. Ms. Velasco explained Richmond has many small lots and Senate Bill 9 allowed standard lots to now subdivide their property for ADUs and duplexes. She recalled the NOMA Development had minimum lot sizes.

Commissioner Agarwal requested confirmation that the development would not be on contaminated ground. She wanted to understand what the rationale was to move from condominiums to single-family homes and could a restroom be added to the list of conditions. Ms. Feliciano confirmed the Parks District, nor the City, had funding resources to maintain a

bathroom. She believed there was not a nexus to require the developer to maintain a restroom. Ms. Brown confirmed there were no impacts or mitigation measures identified to address existing contaminated conditions on the site.

Commissioner Soofiani wanted to understand why the developer reduced the density and the comparison between pervious and impervious surfaces. Having a higher density would bring more housing sites to the City and could incorporate mixed-income households. Ms. Brown explained the proposed modified project included more bio-retention areas. Commissioner Soofiani explained that less impervious areas resulted in fewer environmental impacts. Ms. Velasco confirmed the common open space was less in the proposed modified plan because there was more private open space.

Commissioner Brubaker stated the City has Objective Standards and he understood under the Density Bonus Law a developer could request waivers for those Objective Standards. In summary, the City had no standards that could be applied to the project. Ms. Atencio argued that the project must comply with the General Plan and Municipal Code. Commissioner Brubaker provided a sketch where the entry was shifted to be centered on the green space in front of it. He believed that adjustment would make for a better entrance into the development than the proposed entry and asked if the applicant supported that minor change.

Chair Tucker wanted to understand what amenities were included in the proposed modified plan and did the proposed modified plan retains the left turn lane off of Seacliff Drive. Ms. Velasco explained after review, Staff determined that a left turn lane would encourage speeding and it was removed from the plan.

Terry Manley, the applicant, informed the Commission that the project was changed from condominiums to single-family homes because of rising construction costs and that no developer was interested in collaborating to build multi-family units. The project met the City's 10 percent affordable requirement which allowed the project to use the Density Bonus Law. He mentioned over half of the residential units being built in the Bay Area were being built on compact lots. With respect to amenities, he predicted many of the residents would use the neighboring park as a gathering space or use the Bay Trail.

Marsha Vallier, Vallier Design Associates, pointed out that the proposed open space was 18,560-square feet of open space which included front and back yards as well as common space. Included in the plan were a large common open space with a tot lot, three small grass areas, and a community garden. Between each home will be a street tree and then between the units a special ornamental tree. The plant palette included many coastal native plants that were drought and pest-resistant.

Robert Stevens, CSW, shared that the plan was to convert the former alignment of Seacliff Drive into a Class One Trail and transform the access road into parallel parking and a staging area. The concept was negotiated with the East Bay Regional Park District for the original project because the EVA road is located on a portion of their land.

Ms. Vallier mentioned the DRB was concerned that the staging area housed too many non-native species and was subject to illegal dumping. Existing native plants will be retained and the area will be restored once construction is complete.

David Burton, KTG Group, shared photos of the typical front façade treatments which had a coastal theme. The front doors sat back from the street in a small courtyard between the

houses. Moving to the street frontage view along Seacliff Drive, he pointed out there will be layered walls and layered landscaping.

Brian Winter, Miller Star Regalia, explained the State Density Bonus Law stated if a project provided a qualifying amount of affordable housing on-site. Then the project is eligible for a density bonus with concessions, incentives, and unlimited waivers from any development standards. The Housing Accountability Act required a city not to deny a project unless difficult health and safety findings could be made. He concluded the project is protected by both laws.

Commissioner Soofiani wanted to know how Staff encourages development to have more density for their projects. Chair Tucker mentioned the Planning Commission as a whole was interested in understanding that.

Commissioner Harrison asked where the geological asphalt trail was located relative to the improvements being made for the other two trails. Mr. Stevens pointed out the trail was located along the driveway that lead to East Brothers. Ms. Vallier shared that TRAC objected to having a gate across the asphalt trail. Bollards will be installed at the Bay Trail entrances.

Public Comment:

LEISA JOHNSON mentioned there are only two ingress and egress points along Canal Boulevard and Brickyard Cove with three railroad crossings. There was an alternate route along Washington Avenue around Western Drive but a sewer replacement project would block that route for some time. She expressed concern about EVA to the area when trains block the tracks. She suggested sensors be installed at the access point along Railroad Avenue that would enable the gate to unlock for emergency vehicles. She volunteered to raise funds for the proposed EVA sensors and gate. She requested the developer and the City agree upon an easement and that the developer make a contribution.

BRUCE BEYAERT, Chair of TRAC, appreciated Ms. Vallier's acknowledgment that there will not be a gate located on the Bay Trail. TRAC requested the developer improve the trail along Seacliff Drive and the East Brother Beer Company entry. With respect to the staging area, the land use plan amendment adopted by the East Bay Regional Parks Board of Directors for Miller Knox called for a restroom and a 29 parking space staging area for the Crest Trail. He believed since the staging area was being updated, the City and East Bay Regional Parks District could negotiate to share the cost of a restroom. He argued that a small staging area with six parking spaces and no restrooms was not superior and thus the findings for the Planned Area would not be found. He referenced the letter TRAC sent in with proposed changes.

BRIAN HOLT clarified that the land use planning document was a visioning document, not a commitment. He agreed a restroom and larger staging area was ideal and believed it would be a future negotiation between the East Bay Regionally Parks District and the City.

Vice Chair Loy asked Mr. Holt if East Bay Regional Parks District would support exploring a staging area management plan with the City. Mr. Holt confirmed East Bay Regional Parks District was open to having a conversation.

Chair Tucker announced Commissioner Huang joined the meeting.

Vice Chair Loy was interested to understand from the applicant if they would support working with Ms. Johnson with respect to the EVA gate at Railroad Avenue. Mr. Manley appreciated Ms.

Johnson's efforts and confirmed the project will commit to 50 percent of the cost but not to exceed \$15,000. Vice Chair Loy inquired if the contribution needed to be included in the Conditions of Approval. Mr. Manley suggested Ms. Johnson contact him directly.

Chair Tucker asked if the Commission wanted to include a Condition of Approval regarding a conversation between the East Bay Regional Parks District and the City in the future. He mentioned he was not comfortable including that in the motion. Commissioner Harrison concurred and stated that the conversation did not add any obligation to the developer. Commissioner Brubaker believed the conversation should be memorialized in some way and not completely abandoned. He recommended adding to the draws a note or location for a potential future restroom located on City land but that it did not commit the developer to maintaining or constructing the restroom. Mr. Manley agreed to place a placeholder on the drawing with the understanding that other entities in the future will fundraising and construct of the restroom.

Commissioner Harrison inquired what Mr. Manley thought about Commissioner Brubaker's idea of centering the entranceway on the open space. Mr. Manley believed that such a change could impact the traffic study. Mr. Stevens informed the location of the driveway has been a sensitive topic and was concerned about moving it.

Commissioner Agarwal wanted to understand the value of including a placeholder on the developer's map for a restroom instead of on the Bay Trail map. Commissioner Brubaker explained if the restroom is located on the drawings, then the drawings can be shown to potential grant funders to help raise funding for the restroom. Commissioner Harrison added the concept was not to design or show a footprint of the restroom. The plans would show the general location a restroom would be located. Chair Tucker supported Commissioner Brubaker's suggestion and agreed the place marker on the map was for reference purposes.

Commissioner Brubaker stated he could not support the project because the interior project consisted of houses with more than 90 percent of the frontage of each house being a garage door. That was not conducive to any alternative form of transportation and the design limited people-to-people interaction.

Vice Chair Loy concurred.

ACTION: It was M/S/C (Tucker, Harrison) to accept the Staff's recommendation for a Conditional Approval for the Quarry Residential Project Redesign PLN21-327 to consider a recommendation to the City Council for certification of the Addendum to the 2018 EIR and adoption of the Mitigation Motoring and Reporting Program and approval of a Major Amendment to a previously approved Planned Area plan, a Density Bonus for the purpose of requesting waivers of certain Design Standards, a Vesting Tentative Map, and Design Review for the Quarry Residential Project Design. Also, the additional conditions that have been brought forth by the DRB as well as the City and memorialize Commissioner Brubaker's statement as well as developer agree to show on the trailhead design a location of where a restroom could be co-located; which carried by the following vote: 4-2-1 (Ayes: Tucker, Agarwal, Harrison, Huang; Noes: Loy, Brubaker; Abstain: Soofiani).

COMMISSION BUSINESS

7. Reports of Officers, Commissioners, and Staff – Vice Chair Loy announced the Safe Return Project will be having its 10th anniversary and fundraiser on April 23, 2022.

Commissioner Soofiani reiterated she wanted to understand how the City use incentives and subsidies to encourage developers to increase the density for their projects with mixed incomes. Chair Tucker agreed.

8. Adjournment - The meeting was adjourned at 8:53 p.m. to the next regular meeting on May 19, 2022.