

# **MINUTES APPROVED AT THE PC MEETING ON DECEMBER 1, 2022**

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

Teleconference  
September 1, 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; Commissioners Bruce Brubaker, Alpa Agarwal, Jonathan Harrison, and Masoomah Sharifi Soofiani

**Absent:** Vice Chair Jen Loy; Commissioner Yu-Hsiang (Michael) Huang

### **INTRODUCTIONS**

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

### **MINUTES –**

### **AGENDA**

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk by Monday, September 12, 2022, by 5:00 p.m.

### **CONSENT CALENDAR –**

- 1. PLN21-365: Henriquez Residential Variance And Design Review PUBLIC HEARING** to consider a Variance for minimum lot size and Design Review to construct a two-story single-family dwelling on a 2,500 square-foot parcel at 380 Sanford Avenue (APN: 561-201-018). RL-2, Single Family Low Density Residential District. Jesus Henriquez, owner/applicant Planner: Alex Lopez Tentative Recommendation: Conditional Approval
- 2. PLN22-005: CUP Modification For New Land Uses PUBLIC HEARING** to consider modification of a Conditional Use Permit to allow new land uses including, business and personal services, retail, research and development, and artist studios within a former industrial building in a live/work district at 1 W. Barrett Avenue (APN: 534-260-001). L/W, Live/Work District. One Barrett LLC, owner; Troy Helming, applicant Planner: Jonelyn Whales Tentative Recommendation: Hold Over to 9/15/2022

Chair Tucker announced the item would be held over to the September 15, 2022 Planning Commission meeting.

- 3. PLN22-179: The 99 Type 21 CUP PUBLIC HEARING** to consider a request for a Conditional Use Permit for a Type-21 Alcoholic Beverage Control (ABC) license for Off-Sale General which, authorizes the sale of beer, wine, and distilled spirits for consumption off the premises were sold at 3600 Klose Way (APN: 405-290-064). CR, Regional Commercial District. DDRM Hilltop Plaza LP, owner; Steve Rawlings, applicant Planner: Lydia Elias Tentative Recommendation: Conditional Approval

Public Comment:

THOMAS A. SUMNER commented he was told there would be a 20 foot setback at the rear property line for the project at 380 Sanford Avenue. He requested a landscape plan and inquired if trees will be planted along the rear and side property line.

Ms. Velasco confirmed Condition #3 required the applicant to plant evergreen trees along the rear property line.

Chair Tucker requested that staff follow up with Mr. Sumner.

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

**BROWN ACT – Public Forum**

CORDELL HINDLER mentioned that Eden Housing presented their project to the neighborhood council in the spring of 2022 and it was approved. He strongly encouraged all applicants to seek neighborhood council approval before submitting their plans to the City.

THOMAS A. SUMNER remarked he filed several complaints in 2019 against the residents at 1250 Fred Jackson Way and the residents at 319 Willard. The residents at 1250 Fred Jackson Way constructed an accessory dwelling unit without permits and ignored Notice of Violations from the City.

**HOLD OVER ITEM**

- 4. PLN12-248: Livable Corridors Form-Based Code Zoning Amendments PUBLIC HEARING** to consider a recommendation to the City Council on proposed Zoning Text and Map Amendments to codify the draft Richmond Livable Corridors From Based Code (FBC) as new Series 15.04.400 Form-Based Code Zoning Districts in the Richmond Municipal Code, including transect zones, building types, frontage types, architectural standards, and general to large site standards. The FBC will designate new transect zones for parcels within the FBC area as shown on the Map. The draft FBC and Zoning Map Amendments are available for review at [www.ci.richmond.ca.us/2965/rbc-fbc](http://www.ci.richmond.ca.us/2965/rbc-fbc). The proposed project also includes adoption of an Addendum to the General Plan 2030 Environmental Impact Report. Various, owner; City of Richmond, applicant Planner: Roberta Feliciano Tentative Recommendation: Recommend Adoption to City Council

Ms. Feliciano reported that Opticos Design had been working on the project since 2009. In 2016, the City completed a comprehensive zoning update and integrated the Form-Based Code (FBC) into the Zoning Ordinance. In 2020, the City applied for and received a Silicon Valley Social Venture Fund (SV2) Grant which allowed the City to update the ordinance to align with State laws. Study sessions were held with the Design Review Board (DRB) and an ad hoc committee made up of Planning Commissioners to discuss the draft FBC.

The DRB reviewed the draft in August 2022. Overall, they supported the draft but requested that staff allow more flexibility for ground floor uses. Those recommendations were incorporated into the draft.

Stefan Pellegrini, Opticos Design, announced that the FBC covered 1.3 square miles which included downtown Richmond and adjacent corridors. Existing zones inside the project site were commercial, mixed-use and multi-family. The proposal was to implement Objective Design Standards (ODS) in the identified area. During the 2016 Code update, Chapter 15.04.400 – Series 400 was left open to allow for the FBC to be implemented. The FBC intended to reinforce walkable, sustainable, mixed-use environments in Central Richmond as well as fulfill the need for ODS required under State law.

ODS are standards that involved no personal or subjective judgment by public officials. They have to be uniformly verifiable and applicable to different types of projects. The standards were written to ensure high-quality design, streamline development proposals, comply with State law while maintaining community character.

The six main sections in the FBC were the preamble, Transect Zones, Building Types, Frontage Types, Architectural Standards and General to Large Sites. The preamble provided a summary of the intent of the FBC. Transect Zones are the proposed zone designations that are to replace the existing zones. The Transect Zones proposed five basic zones with a series of sub-zones. The T4 zones focused on low-rise residential and horizontal mixed-uses. T5 zones focused on the areas closest to transit and main street zones focused on commercial activities in key nodes along the corridors. The proposed Transect Zones are consistent with the General Plan and they were mapped to match the existing height limits and densities in the General Plan. The T5 Zone is intended to provide a higher-intensity, vertical mixed-use environment with the ground floors having community-serving uses. Building Type Standard included 15 building types. The intent was to reinforce urban form characteristics and ensured that what was built was consistent with the vision of the area. Each Transect Zone allowed for a set of building types appropriate to the zone. Frontage Type Standards ensured a positive relationship between the buildings and the street. Each Transect Zone was allowed a set of frontage types appropriate to that specific zone, and each building type had its own set of appropriate frontage types. Architectural Standards helped define the attributes of the zoning envelope and provide guidance for achieving the intended built form and character for each zone. The standards would be applied to all new development within the FBC zone.

Key topics discussed by the working group were the location of ground floor non-residential and active uses, incorporation of contemporary examples into the Code, civic space design, awnings/mixed-use frontages and architectural styles.

An addendum to the 2012 General Plan Update Environmental Impact Report (EIR) was prepared. The addendum found that no subsequent or supplement EIR was required and that the project did not generate significant impacts beyond what the General Plan's EIR had analyzed.

Staff recommended that the Planning Commission recommend approval of the proposed FBC to the City Council.

Commissioner Agarwal asked what input was used to develop the FBC. Mr. Pellegrini mentioned a charette process was conducted in 2009 and 2012 with the community. The process identified public realm improvements and the community's vision for the area. Staff also worked with the community to identify the range of architectural styles that were predominate in the City.

Commissioner Soofiani expressed concerns about applying the FBC to infill developments but supported applying it to new developments. She wanted to understand how the FBC addressed the changes from 2009 to 2022 with respect to equality, demographics and existing businesses. Mr. Pellegrini explained the FBC is a General Plan implementation project and was not intended to intensify or upzone parcels in the identified area. The FBC retained the existing character of the area by enabling the continued use and development of smaller parcels. Ms. Velasco concurred that the City was very concerned about displacement. The City was exploring façade improvement programs for local businesses and funding for displacement avoidance.

Commissioner Harrison was comfortable with what the FBC was attempting to accomplish.

Chair Tucker asked if the EIR would have to be reopened as development and change took place. Carly Kaufman, Rincon Consultants, explained the EIR reviewed the FBC on a general level. Future projects would be evaluated through the City's existing review and permitting processes.

Commissioner Agarwal commented that mixed-use was changing because retail was being replaced by experiences. She mentioned that the City of Seattle had done a fine job of moving to more experience-type uses. She noted there were no experience-type uses proposed in the plan and asked if those types of uses could be included in the FBC. Ms. Velasco restated that during the Planning Commission study session it was expressed that the FBC was too prescriptive and the FBC was redrafted. The Commission could provide comments in its recommendation to Council to explore additional uses. The proposed T5 Zone allowed for multiple types of uses and experiences. Ms. Feliciano agreed that the FBC allowed community assembly type uses and cultural facilities. Both would provide more of an experience rather than general retail spaces. Commissioner Agarwal recommended a follow-up study session be held to discuss how to incorporate experiences into the FBC.

Commissioner Soofiani wondered if pockets of open space could be found in the FBC area to accommodate public art.

Commissioner Brubaker appreciated Commissioners Agarwal and Soofiani's comments. He reminded the Commission that the FBC should be considered as a regulating plan for private future development. The Zoning Code could not require a particular use to be placed in a specific location but it should allow the uses explained by Commissioner Agarwal.

Commissioner Harrison concurred the FBC was not the right vehicle to implement Commissioner Agarwal's objectives. He suggested and encouraged staff and the Commissioners to share experiential ideas with the new business economic staff person.

Chair Tucker recommended that staff incorporate the Planning Commission's comments about exploring more experiential spaces with the Council.. He inquired if there was a proposed open

space downtown. Ms. Velasco remarked though limited, there would be opportunities for open space in the downtown area. Chair Tucker encouraged the Commission to understand the limitations and constraints of the project area when making comments and recommendations. Commissioner Brubaker asked if the zoning required publicly accessible open space in any of the Transect Zones, or if it could require private open space be applied to public open space. Ms. Velasco remarked the General to Large Sites required civic and open space. Mr. Pellegrini recalled that the choices around private and common open space were tied to the Building Type Standards. The FBC enforced good public frontages and good streetscapes in the downtown.

Commissioner Soofiani wanted to understand the process of applying the FBC to ministerial review projects and who reviewed the architectural standards for projects. Ms. Velasco confirmed that Senate Bill (SB) 35 only allowed the City to apply ODS to those types of projects. A Density Bonus project could seek unlimited waivers from the ODS. If the FBC were adopted, Opticos Design will train staff and all project reviews will be completed by staff.

Public Comment:

None

Commissioner Agarwal appreciated Commissioners Brubaker and Harrison's comments and agreed the FBC was a long-term zoning plan. Ms. Velasco noted the plan addressed many infill sites and would reinforce earlier building patterns that had been out zoned.

Chair Tucker restated that as the City grows the Planning Commission wished to see the staff be as creative as possible with new developments and uses.

Commissioner Brubaker admired the plan and found the FBC appropriate for downtown Richmond. He expressed concern about the overly prescriptive Architectural Standards and predicted designers would be frustrated by them. With that said, he believed the plan should move forward but could not support it. Ms. Feliciano commented that based on Commissioner Brubaker's submitted written comments, staff incorporated an "except" clause to the Architectural Standards in the FBC. Commissioner Brubaker appreciated Ms. Feliciano's comments and supported the proposal with the added flexibility to allow for exceptions.

**ACTION: It was M/S/C (Soofiani/Harrison) to adopt Resolution Number 22-09, recommending adoption to the City Council the proposed Zoning Text Map and Map Amendments to codify the draft Richmond Livable Corridors Form-Based Code as new Series 15.04.400, Form-Based Code Zoning Districts, in the Richmond Municipal Code; which carried by the following vote: 5-0-2 (Ayes: Tucker, Brubaker, Soofiani, Agarwal, Harrison; Noes: None; Absent: Loy, Huang).**

Chair Tucker announced that the Commission's action was in the form of a recommendation to Council and was not appealable.

**COMMISSION BUSINESS**

**5. Election of Officers**

Ms. Velasco announced the Nominating Committee nominated Chair Tucker as Chair, Commissioner Harrison for Vice Chair and Commissioner Brubaker as Secretary. She invited other nominations for the positions; seeing none she moved to a vote.

**ACTION: It was M/S/C (Tucker/Soofiani) to approve Chair Tucker as the new Chair, Commissioner Harrison as Vice Chair and Commissioner Brubaker as Secretary; which carried by the following vote: 5-0-2 (Ayes: Tucker, Brubaker, Soofiani, Agarwal, Harrison; Noes: None; Absent: Loy, Huang).**

Chair Tucker inquired when the vacant Commissioner position would be filled. Ms. Velasco understood the Mayor would nominate and appoint a new Commissioner at the September 13, 2022 Council meeting.

Commissioner Agarwal inquired how many candidates were there for the Planning Commission position and Ms. Velasco stated she did not know.

Commissioner Brubaker appreciated Chair Tucker taking the Chair position again.

Commissioner Harrison wanted to know when the Commission would begin in-person meetings. Ms. Velasco asked if the Commission would like staff to explore holding in-person meetings.

Commissioner Agarwal suggested hybrid meetings with Commissioners in-person and virtual. Ms. Velasco noted the Council Chambers were not set up for hybrid meetings but staff was exploring it.

Commissioner Soofiani commented that several California cities held hybrid meetings.

Chair Tucker wanted to have in-person meetings and encouraged staff to explore it more.

## **6. Reports of Officers, Commissioners and Staff –**

Ms. Velasco reminded everyone that City Hall would be closed Monday, September 5, 2022 in observance of the Labor Day holiday and on September 9, 2022 in observance of Admissions Day.

- 7. Adjournment** - The meeting was adjourned at 8:05 p.m. to the next regular meeting on September 15, 2022.