

**MINUTES APPROVED AT THE PC MEETING ON SEPTEMBER 3, 2020**

**PLANNING COMMISSION REGULAR MEETING**

Teleconference  
July 16, 2020  
6:30 p.m.

**COMMISSION MEMBERS**

David Tucker, Chair	Andrew Butt, Vice Chair
Nancy Baer	Jen Loy
Michael Huang	Vacant
Vacant	

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

**ROLL CALL**

**Present:** Chair David Tucker; Commissioner Jen Loy, and Yu-Hsiang (Michael) Huang

**Absent:** Commissioner Nancy Baer and Vice Chair Butt

**INTRODUCTIONS**

**Staff Present:** Planning Staff: Jonelyn Whales, Emily Carroll, Richmond Police Department Sergeant Abetkoff, and Attorney Shannon Moore

**MINUTES –**

June 18, 2020

**ACTION: It was M/S/C (Loy, Huang) to approve the meeting minutes; which carried by the following vote: 3-0-2 (Ayes: Huang, Loy, Tucker; Noes: None; Absent: Baer, Butt).**

**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, July 27, 2020, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

**CONSENT CALENDAR –**

- 1. PLN20-063: Appeal Of An AUP For A Food Truck PUBLIC HEARING** to consider an appeal of the Zoning Administrator’s approval of an Administrative Use Permit (AUP) for a mobile vending unit (food truck) within the parking lot of an existing market at 1430 Cutting Blvd. (APN: 544-262-002). CM-1, Commercial Mixed-Use Residential District. Vahdatpour Mohamad Reza, owner; Gerardo Zaragoza, applicant Planner: Enzo Cabili Tentative Recommendation: Remove Item From Agenda

- 3. PLN20-115: Tentative Tract Map For Existing Live-Work Condominiums PUBLIC HEARING** to consider a 33 lot tentative map subdivision for condominiums purposes. The subdivision will include 30 live/work units and 3 common area lots at 401 1st Street (APN: 538-041-024). LW, Live Work District. Mark Howe, owner/applicant Planner: Jonelyn Whales Tentative Recommendation: Hold Over 8/6/2020

**ACTION: It was M/S/C (Loy, Huang) to approve the Consent Calendar; which carried by the following vote: 3-0-2 (Ayes: Huang, Loy, Tucker; Noes: None; Absent: Baer, Butt).**

### **BROWN ACT – Public Forum**

ALPA AGRAWALL, Richmond resident, expressed her interest in serving on the Planning Commission.

MOLLY COUTO, the letter read by Ms. Carroll, expressed that the City can find a better solution for Point Molate other than development. She suggested that the Commission postpone all decision making until the public can participate in the process fully as well as reject the Draft EIR.

CORDELL HINDLER, the letter read by Ms. Carroll, relayed that the Fairmede Hilltop Neighborhood Association is disappointed that the applicant for the Aspire Academy project has not been consulted with them. He reconfirmed his opposition to the recently approved Valmar Laundry Mat project.

### **NEW BUSINESS**

- 2. PLN16-414: Revocation of CUP for Cannabis Manufacturer PUBLIC HEARING** to consider revocation of a Use Permit for Indigo Therapeutics Inc. (PLN16-414) to operate a medical cannabis manufacturing facility at 2600 Hilltop Drive (APN: 405-050-052). IL, Industrial Light District. Biorichland LLC, owner; Indigo Therapeutics Inc, applicant Planner: Jonelyn Whales Tentative Recommendation: CUP Revocation

Ms. Whales reported that this is the second public hearing held by the Commission to revoke the Conditional Use Permit granted to Indigo Therapeutics Inc. She explained that city staff and other state agencies have discovered various violations within the operations of the facility and issued a cease operations on May 2, 2019. The violations included Fire and Building Code violations.

At the first Planning Commission public hearing held on July 18, 2019, the Commission recommended that staff work with the applicant to fix all the violations within a reasonable period and then provide documentation showing compliance to the CUP conditions and adherence to state laws. Ms. Whales summarized that no such documentation has been received even with staff making several attempts to get in contact with the applicant, Indigo Therapeutics Inc. has abandoned the site, and they owe \$106,000 in past regulator fees.

Sergeant Abetkoff, Richmond Police Department, noted that the police department assisted the Department of Public Health with their investigation which leads to the Department of Public Health placing an Embargo on Indigo Therapeutics Inc.

Public Comment:

DANA ANDREOLI, Biorichland LLC representative, landlord, confirmed that Indigo Therapeutics breached their lease in early 2019. In December of 2019 Indigo Therapeutics owed back rent and has not been present on the site in over 30-days. Indigo Therapeutics did not respond to the issued notices and the landlord is supportive of revoking the CUP.

Commissioner Loy announced that this is a lesson learned.

**ACTION: It was M/S/C (Loy, Huang) to accept staff's recommendation that the Planning Commission adopt Resolution 20-10 revoking the Conditional Use Permit PLN16-414 granted to Indigo Therapeutics Inc to operate a Cannabis manufacturing facility due to numerous violations and failure to comply with conditions of the Use Permit as well as violations of divisions of the Richmond Municipal Code and state law; which carried by the following vote: 3-0-2 (Ayes: Huang, Loy, Tucker; Noes: None; Absent: Baer, Butt).**

**STUDY SESSION** -None.

### **COMMISSION BUSINESS**

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

Ms. Carroll announced that there is a media advisory from Mayor Tom Butt and Mayor Libby Schaaf regarding a Census 2020 challenge for the City of Oakland and the City of Richmond. Both Mayors are seeking 100 percent completion of the Census 2020 for their cities. Car caravans will be driving through hard to count neighborhoods to promote the Census.

#### **8. Adjournment** - The meeting was adjourned at 7:00 p.m. to the next regular meeting on August 6, 2020.