

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 19, 2020

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

Teleconference
October 15, 2020
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Michael Huang	Alpa Agarwal
Nancy Baer	Bruce Brubaker	
Jen Loy	Masoomah Sharifi Soofiani	

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

ROLL CALL

Present: Chair David Tucker, Commissioner Nancy Baer, Jen Loy, Yu-Hsiang (Michael) Huang, Bruce Brubaker, Masoomah Sharifi Soofiani, and Alpa Agarwal

Absent:

INTRODUCTIONS

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

MINUTES –

August 6, 2020

August 17, 2020

September 3, 2020

ACTION: It was M/S/C (Loy, Baer) to approve the minutes of August 6, 2020, August 17, 2020, and September 3, 2020, as written; which carried by the following vote: 7-0 (Ayes: Tucker, Baer, Loy, Huang, Brubaker, Soofiani, Agarwal; Noes: None).

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, October 26, 2020, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

[The Committee moved to the Brown Act- Public Forum]

CONSENT CALENDAR –

1. **PLN19-428: Kahan Single-Family Residence** PUBLIC HEARING to consider a Variance to the minimum lot size and Design Review to construct a new two-story single-family dwelling on a 2,812 square-foot parcel, vacant lot on 16th Street, South of Roosevelt Avenue (APN: 514-162-031). RM2, Multifamily High Density Residential District. Tobias Kahan, owner; Daniel L Del Rio, applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval

No public comment.

2. **PLN20-052: Chevron Convenience Store** PUBLIC HEARING to consider a Conditional Use Permit and Design Review to construct an 800 SF convenience store and install 3 underground fuel tanks at an existing gas station at 901 W Cutting (APN: 550-012-003). IL, Light Industrial District. Chevron USA Inc., owner; Robert Picard, Stantec Inc., applicant Planner: Emily Carroll Tentative Recommendation: Conditional Approval

Commissioner Baer requested that this item be pulled from the Consent Calendar.

[The Commission moved to New Business]

ACTION: It was M/S/C (Baer, Huang) to approve the Consent Calendar with PLN20-052, removed; which carried by the following vote: 7-0 (Ayes: Tucker, Agarwal, Baer, Brubaker, Loy, Huang, Soofiani,; Noes: None).

BROWN ACT – Public Forum

BRUCE BEYAERT, Chair of Trails for Richmond Action Committee (TRAC), reported that the City has entered round three of the Recreation and Greenway Grant Process, and will be most likely be awarded \$1 million to be used towards the \$3 million costs to upgrade the Bay Trail on Point Molate. If granted, the Bay Trail upgrades are estimated to be done by the end of the year 2021. East Bay Region Park District may also receive a \$1 million grant and if awarded, they will complete the Bay Trail from Richmond San Rafael Bridge to the City's Bay Trail project on Point Molate.

Chair Tucker noted that all comments that were sent to the Planning Department for this item will not be read aloud but will be submitted into the formal record.

[The Commission moved back up to the Consent Calendar]

NEW BUSINESS

2. **PLN20-052: Chevron Convenience Store** PUBLIC HEARING to consider a Conditional Use Permit and Design Review to construct an 800 SF convenience store and install 3 underground fuel tanks at an existing gas station at 901 W Cutting (APN: 550-012-003). IL, Light Industrial District. Chevron USA Inc., owner; Robert Picard, Stantec Inc., applicant Planner: Emily Carroll Tentative Recommendation: Conditional Approval

Commissioner Baer disclosed that a letter was received from TRAC who requested changes that included the applicant providing funding for bicycle safety improvements and a different location for the third driveway.

Ms. Carroll announced that the staff's recommended action is to hold a public hearing and adopt Resolution No. 20-18 in Exhibit A. The proposed site is located on the corner of West Cutting Boulevard and Canal Boulevard and is approximately 20,000 square feet. The parcel currently houses an existing gas station as well as a small kiosk. The site is served by three driveways, one-off Canal Boulevard and two off West Cutting Boulevard. The applicant worked with the Point Richmond Neighborhood Council to create a design for the project. The proposed brick façade of the building will be on the face of the building as well as the trash enclosure, restrooms, and the street sign.

The third driveway that TRAC has expressed should be removed is under a shared lease with the adjacent motel to the north as well as a point of egress for fueling tanks. Staff has reviewed TRAC's request that the applicant pay \$65,000 towards bicycle improvements and found that there is not enough evidence to require a contribution.

Hakim Johnson, with Chevron Refinery, reiterated that the applicant has worked with the Point Richmond Neighborhood Council and their Land Use Committee as well as the City's Design Review Board. Both groups have approved the project as presented.

Gary Semling, the applicant's architect, explained that Chevron needs to replace the existing underground fuel tanks by the year 2025 per state mandate. While those are under construction the existing kiosk will be updated. TRAC had suggested that bicycle racks be added to the project which the applicant happily complied with. Per the Design Review Board's suggestions, the project will include Palm Trees and other landscaping elements.

Commissioner Baer asked if there are any restrictions on removing the shared driveway to the west of the project. Ms. Carroll emphasized that the driveway has a shared lease and is not part of the project's property. Mr. Johnson noted that if the driveway is removed, fuel tankers will not be able to service the fuel tanks.

Public Comment:

BRUCE BEYAERT, Chair of TRAC, clarified that TRAC does not oppose the project. TRAC is concerned about the safety impacts to bicyclists and requested that compensation be made by the applicant to address bicycle safety; or eliminate the driveway closest to the intersection. West Cutting Boulevard is part of the Bay Trail and it is a very busy bicyclist thoroughfare. The bicycle lanes on West Cutting Boulevard are substandard and due to the increase in bicycle traffic on the boulevard, safety improvements are needed to protect bicyclists from cars coming in and out of the gas station. The City is working on the Ferry to Bridge to Greenway Complete Streets Plan that will install a two-way protected bicycle lane on the south side of Cutting Boulevard. TRAC's request is that Chevron match Sims Metal's contribution of \$65,000 to the City of Richmond to be used toward the cost of bicycle safety improvements on Cutting Boulevard and the Point Richmond Gateway before the issuance of the Certificate of Occupancy for the convenience store. Another issue is that the proposed bike racks are proposed to be installed between the trash enclosure and diesel pump which makes for very hazardous conditions for bicyclists visiting the convenience store.

Commissioner Baer wanted to know if anything would happen on the northside of Cutting Boulevard if the applicant contributes the resources that TRAC recommends. Mr. Beyaert answered nothing would take place on that side of the street.

Commissioner Agarwal asked Mr. Beyaert to elaborate on Sims Metal's contribution and TRAC's justifications for why Chevron should make a contribution. Mr. Beyaert explained that the Ferry to Bridge to Greenway Complete Streets Plan includes Cutting Boulevard, Hoffman Street, and Harbor Way South. The project will cost roughly \$800,000 and the City is exploring other ways to fund the project. The nexus with the proposed project relates to the increased traffic the project will bring as well as the bicyclist riding by as they use the Richmond San Rafael Bridge.

Public Comment:

JUNE HIGHT expressed that she is not speaking for the Point Richmond Neighborhood Council or Chevron. She supported the design of the convenience store. She expressed concern regarding the proposed Palm Trees and that those trees will contribute to the roof rat problem and they do not fit within the native theme the neighborhood council has agreed upon with Chevron. She suggested that other native plants be exchanged for clumping native grasses.

ANDREW BUTT supported TRAC's recommendations. He noted that the existing precedent is that any project that is located near the Bay Trail would contribute to the construction of or improvements to bicycle and pedestrian amenities of the Bay Trail. He advised the Commission to eliminate the middle driveway and move the bike repair station to that area.

The public hearing was closed.

Commissioner Loy confirmed that the Cutting Boulevard driveway is very hazardous for bicyclists and she supported TRAC's recommendations for a financial contribution to bicycle safety. Commissioner Agarwal seconded Commissioner Loy's statement.

Chair Tucker wanted to understand what conversations have taken place in regards to native plants at the Design Review Board and if there were any issues raised by planting Palm Trees. Ms. Carroll reported that Chevron had agreed upon Point Richmond Neighborhood Council's specific native plant selection, but the Design Review Board felt that Palm Trees would reflect the Business Park across the street's landscape better. Mr. Semling reported that his in-house landscape architect did not express any issues with Palm Trees.

Ms. Velasco explained that Hoffman Street's improvements were part of the Richmond Transportation Connectivity Plan. Sims Metal agreed to cover the engineering costs for that plan. The project went to bid and came back significantly higher than \$65,000. Since then the City has received funding to prepare the Ferry to Bridge to Greenway Complete Streets Plan. She concluded that she is not aware of a fund that is specific to the Ferry to Bridge to Greenway Complete Streets Plan but the segment on Hoffman Street that Sims Metal is funding is part of the overall project.

Chair Tucker asked Mr. Beyaert if there have been conversations between TRAC and Chevron regarding TRAC's request for a financial contribution. Mr. Beyaert confirmed that there are primary designs for Cutting Boulevard as well as a submitted grant application. There have been no conversations between Chevron and TRAC regarding a financial contribution. Mr. Johnson noted that Chevron is supportive of the ideas that are within the Ferry to Bridge to

Greenway Complete Streets Plan. He disclosed that within the Environmental and Community Investment Agreement (ECIA), Chevron has contributed \$20 million to transportation improvements within the City.

Commissioner Agarwal asked if there is a due date on the \$20 million Chevron has already contributed to the City. Mr. Johnson clarified that the agreement is for Chevron to pay a total of \$90 million over a 10-year time span which started 6-years ago and of that \$90 million, \$20 million is for the City of Richmond to use for transportation purposes. The City is working through plans to identify how to use the \$20 million. Ms. Velasco added that there is a Committee that makes recommendations to the Council on how to use the funds. The overall bicycle improvements proposed for Cutting Boulevard could use the funding, but because specific improvements have not been identified the contribution would go towards the whole project.

Commissioner Brubaker disclosed that he is also a member of TRAC and supported TRAC's recommendation of a financial contribution from Chevron to the City.

Commissioner Baer saw the contribution as a good neighbor contribution and echoed the recommendation to move the bike racks and repair center to a more visible area. She asked if the Urban Forest Advisory Plan was ever adopted and Ms. Velasco answered that it was adopted. Commissioner Baer mentioned that Palm Trees have been eliminated from the approved trees in that plan and she supported the removal of the Palm Trees.

Commissioner Loy specified that the ECIA is tied to the modernization that Chevron went through and that does not include the proposed project.

Commissioner Soofiani mentioned that narrowing the driveways can improve bicycle safety. She expressed concerns about landscaping that may block the sight triangle for cars who are leaving the gas station.

Commissioner Huang asked if staff had any data regarding bicycle accidents at the intersection. Ms. Velasco responded that staff did not have that information available.

Sergio Linares, Development Manager with CBRE, emphasized that the bike racks and repair station is better left in the back corner of the site because it provided ample space for bicyclist as well as protection from cars.

The Commission discussed with staff if they are allowed to make a motion that contains a recommendation that the project provide a financial contribution. Ms. Velasco restated that staff did not find enough evidence that supported requiring the project to make a financial contribution.

Commissioner Baer wanted to see the driveway exiting and entering on Cutting Boulevard be designed in a way where the part that crosses the sidewalk be flat rather than sloped. Mr. Semling confirmed that Chevron plans to fix the existing damaged driveway to Public Works and Americans with Disabilities Act (ADA) requirements.

Commissioner Agarwal requested that the applicant work with the Point Richmond Neighborhood Council in determining where the bike racks and repair station should be placed.

Commissioner Baer put forward a motion but it died due to the lack of a second.

ACTION: It was M/S/C (Brubaker, Baer) to accept the conditional approval with the amendments that the project provides some monetary contribution to bicycle improvements in the area of the Chevron Convenience Store that is to be negotiated through meetings with staff and TRAC, eliminate the Palm Trees from the design and include an appropriate tree from the City's approved tree list and in consultation with the City's arborist, and that the driveway when being rebuilt be designed and constructed to standards that are appropriate for pedestrians and bicycle; which carried by the following vote: 7-0 (Ayes: Tucker, Baer, Loy, Huang, Brubaker, Soofiani, Agarwal; Noes: None).

STUDY SESSION

- 3. PLN20-269: Richmond Hills Initiative General Plan Amendment STUDY SESSION** to provide and receive comments on draft General Plan Amendment (GPA) to address internal inconsistencies with the Richmond Hills Initiative adopted by the City Council in 2017. The proposed GPA would include revisions to the Land Use and Conservation Elements of the General Plan relating to portions of the El Sobrante Hills area (APNs: 435-230-014, 435-230-020, 435-230-021, 435-230-023, 435-230-027, 435-230-028, 435-230-030, 435-230-038, 435-230-040, 435-230-042, 435-230-043, 435-230-045, 435-230-046, 435-230-050, 435-230-051, 435-230-052, 435-240-001, 435-240-002, 435-180-008, 435-180-008, 435-180-005, and 435-300-009). RL1, Single Family Very Low Density Residential, AG, Agricultural, and PA, Planned Area District. City of Richmond, applicant Planner: Hector Lopez Tentative Recommendation: Receive Comments and Feedback

Ms. Velasco shared that the recommended action is to receive and provide feedback and comments to staff on the draft General Plan Amendments related to the Richmond Hills Initiative. The Richmond Hills initiative is a voter prepared initiative that was present to Council and Council chose to adopt the initiative instead of placing it on the ballot. Lawsuits were filed against the City after adoption and through the Court of Appeals, a new writ was mandated that the City take action to cure the inconsistencies that resulted from the adoption of the Richmond Hills Initiative.

The Richmond Hills Initiative is centered around the El Sobrante Hills. The initiative amended the General Plan by limiting development as well as land uses in the Richmond Hills area with the intent to protect public health, safety, natural qualities, and open space. The initiative required that specific texts be inserted into the General Plan which included amendments to the Open Space Element and the Housing Element. The initiative established a minimum parcel size of 20-acres, specified permissible uses that would have minimal impacts on the surrounding community, a maximum floor area and development envelopes, general design standards, and a transferable development credit program. The transferable development credit program specified that development would get one credit for every 5 acres in excess of 5 acres that were not developed and one credit is equal to one unit. No credits are to be granted to land over 400-feet above sea elevation. Credits are allowed to be used in receiving area or areas permitted by Council. A Development Easement would be established if there is a transfer of credits.

Mr. Lopez explained that the Richmond Hills Initiative consists of 450-acres. Proposed changes to the Land Use Element included adding text, updating maps, adding a new district and

classification called the Hillside Open Space. In the Conservation Element new text is being added to Finding 7, revisions to Goal CN2 and Policy CN2.3 Natural Topography and Hillside Protection, updates to Policy CN2.A: Transfer Development Right Program, and update Action CN2.B: Open Space and Development Easements.

Commissioner Agarwal did not understand what problem the amendments are solving and who the initiative impacts. Ms. Velasco noted that when the Richmond Hills Initiative was adopted it did not update every figure and every map which caused inconsistencies between elements. Ms. Lopez added that a Zoning Amendment will also have to happen. Ms. Velasco answered that all the properties within the boundaries are impacted.

Commissioner Brubaker inquired if the Council accepted the initiative at a public hearing and if there was a General Plan Amendment done at the time of adoption. Mr. Atencio confirmed that it was adopted in a public hearing. Ms. Velasco explained that the General Plan was adopted in 2012 and the initiative was adopted in 2017 along with the specific General Plan amendments listed within the initiative.

Commissioner Baer asked for more clarification regarding the development credits which Ms. Velasco gave a hypothetical scenario. Mr. Lopez emphasized that there is little to no development in the initiative boundary area currently.

Chair Tucker asked if there is a cap for how much a credit can sell for and Ms. Velasco stated that there is no value set for credits.

Commissioner Huang wanted to know where the receiving areas are located. Mr. Lopez mentioned that there is an area near the Hill Top Mall and districts containing multi-family housing.

Commissioner Huang suggested that staff open up the receiving area to other zoning districts that would promote infill development rather than areas that would focus on larger new construction. Commissioner Tucker and Commissioner Loy agreed with that suggestion.

Public Comment:

DICK SCHNEIDER, a member of the Friends of the Richmond Hills, supported staff's proposed changes. He noted that there were many clerical errors as well as substantive errors and he has provided a list of these errors to staff to be incorporated into the document.

DEE CORBELL lived in El Sobrante and voiced that the property behind her was gifted to East Bay Waldorf School and she wanted to know if that section would change from residential zoning to open space zoning.

SCOTT THOMPSON is a member of the Board of Trustees for the East Bay Waldorf School. He confirmed that the property was donated to the school and he wanted to know more about what type of development the school is allowed to do on the property. He believed that Senate Bill 330 does not allow down zoning and he wished to understand more about that bill and how it affects the properties.

TROY R. mentioned that he owns 5-acres located within the Richmond Hills Initiative area and he wanted to receive a map of the area.

Mr. Lopez answered that the map is in the Staff Report which is posted on the City's website.

ALEX MORTAZAVI appreciated staff for sending him to notice about the proposed changes. He explained that he has tried to develop his 35-acres of land multiple times but the City has denied every proposal.

FAHEEM liked the idea of protecting the hills but was confused when it came to the purple zone on the map and if that purple zone will change to a different zone type.

Mr. Lopez was not aware of a school owning land within the boundaries. He requested that Mr. Faheem contact him so that he relay better information to him regarding his question.

Commissioner Baer wanted to see more labels added to the map of the Richmond Hills Initiative to clarify what the colors mean. She commented that she had a hard time understanding the text from Page 3.41 to Page 3.46 and suggested that the sentence structure for that section be rewritten.

Chair Tucker asked if Senate Bill 330 supersedes the Richmond Hills Initiative. Ms. Velasco stated that staff will review it further and bring back information to the Commission.

Commissioner Brubaker restated that the public speaker had noticed that the General Plan is marked to reflect that the changes are coming from an initiative and therefore not available for any revision. He noted that the Council had adopted the initiative. Also, he wanted to know if a school is an allowable use. Mr. Atencio clarified that when the Council adopted the Richmond Hill Initiative, that is a similar action to having the initiative on the ballot and people voting for it. Ms. Velasco predicted a school could resident in the boundary area but would still be required to follow the development limitations.

Commissioner Huang predicted that the transferable development credit program language came straight from the initiative and cannot be changed. Ms. Velasco confirmed that is correct.

Commissioner Agarwal wanted to know if the City can give any direction to folks who own land in the area and could now possibly face rezoning. Ms. Velasco requested that those folks reach out to planning staff.

The public comment was closed.

COMMISSION BUSINESS

4. Appoint Nominating Committee for Officer Elections

Ms. Velasco gave a brief description of what the Nominating Committee does.

Commissioner Loy, Chair Tucker, and Commissioner Agarwal volunteered to be on the Nominating Committee.

5. Reports of Officers, Commissioners and Staff

Commission Huang requested not to receive a hard copy of the packet and Chair Tucker requested that staff send out the online link instead.

Ms. Velasco reported that after the appointment of officers, staff and the Chair will plan a Commission retreat. For the retreat Commissioner Brubaker wanted to know what projects are coming down the pipeline for the Commission and Commissioner Agarwal wanted to know more about protocols.

6. **Adjournment** - The meeting was adjourned at 9:25 p.m. to the next regular meeting on November 5, 2020.