

MINUTES NOT APPROVED AT THE PC MEETING

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Teleconference
August 20, 2020
6:30 p.m.

COMMISSION MEMBERS

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|---------------------|-------------------------|
| 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, Vice Chair Andrew Butt; Commissioner Nancy Baer, Jen Loy, and Yu-Hsiang (Michael) Huang

Absent:

INTRODUCTIONS

Staff Present: Planning Staff: Emily Carroll, Enzo Cabili, Director of Planning Lina Velasco, Attorney James Atencio, and Deputy Fire Marshal Eric Munson

MINUTES – None.

AGENDA

CONSENT CALENDAR – None.

BROWN ACT – Public Forum – None.

CONTINUED ITEM

- 1. PLN20-057: Point Molate Mixed-Used Development Project PUBLIC HEARING** to consider a recommendation to the City Council on the: Certification of the Final Subsequent Environmental Impact Report including adopting a Mitigation Monitoring and Reporting Program, CEQA Findings of Fact, and a Statement of Overriding Considerations; General Plan text and map amendments; Rezoning the project site to Planned Area (PA) district with an –H, Historic district overlay over the Winehaven Historic District and a –S, Shoreline Overlay for the shoreline band area; a Development Agreement, a Large Lot Vesting Tentative Map; Conditional Use Permit, and a major Design Review of the PA Plan and the Point Molate Design Guidelines for the proposed Point Molate Mixed-Use Development Project, which proposes a mix of residential and non-residential uses, including office space

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and retail, along with open space including recreational areas, parks, trails (including a 1.5 mile portion of the San Francisco Bay Trail), vista overlooks, and other similar spaces open to the public at 2100 Stenmark Drive (APN: 561-100-008). Existing Zoning: RM-1, Medium Density Multi- Family Residential; RH, Single Family Hillside Residential; PR, Parks and Recreation; CG, Commercial General; IL, Industrial Light; and OS, Open Space District. The project also includes infrastructure and roadway improvements needed to support the proposed development. Additional project information is online at: <http://www.ci.richmond.ca.us/3757/Point-Molate-Mixed-Use-Project> City of Richmond, owner; Winehaven Legacy LLC, applicant Planner: Lina Velasco and Roberta Feliciano Tentative Recommendation: Recommend Conditional Approval to City Council and Certification of SEIR

Chair Tucker noted that the item is a continuation of the discussion that took place at the Planning Commission meeting on August 17, 2020. Public comment was closed at the last hearing and the Commission would start the meeting with the rebuttal process.

Mr. Atencio noted that the rebuttal period is not to restate new issues but to answer any questions or concerns that were raised during public comment.

Mr. David Soyka, the applicant, differed his time to the Fire Marshal, traffic consultant, and other experts that are involved in the project to answer the questions and concerns raised by the public at the prior meeting.

Mr. Michael Huff, Manager of Dudek's Fire Protection Planning Team, summarized that the team had prepared the Wildfire Emergency Response Plan and the Multi-Hazard Emergency Response Plan for the project. After analysis and site visits, the team has concluded that the fire hazard on the site is minimal due to the site being near water as well as the surrounding vegetation holding high-water content in themselves. The refinery had its own fire prevention management plan. In terms of evacuation, he emphasized that there will be improvements to Stenmark Drive as well as other evacuation options that law enforcement can use to evacuate people quickly and safely.

Commissioner Baer wondered what the likelihood of a fire was with the increased presence of people on the site. Mr. Huff believed that with all the mitigations and fire protection plans there was a very small chance that a fire could escalate out of control.

Mr. Andres Soto shared that the Design Review Board's recommendations should be accepted as is rather than the developer's and staff's compromised modifications. In terms of wildfires, the lack of fires in the area is what causes major wildfires because of the build-up of fuel sources. The proposal of thinning Eucalypts trees is inadequate and should be replaced. The development is proposing to build profitable housing in Phase One with no guarantee that the public benefit of rehabilitating Winehaven will happen in Phase Two. He recommended that the developer put up a bond so that Phase Two will get completed. The pricing for the housing is unrealistic, the project would greatly affect the wildlife, and the open space it fragmented. In conclusion, he declared that the Community Plan made more sense for Point Molate and is found to be the superior alternative in the SEIR.

Commissioner Loy asked if the Point Molate Alliance has recommended that the applicant float a bond to protect Phase Two plans to staff or the applicant. Mr. Soto answered that this is the

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first time the Point Molate Alliance was recommending that a bond be put into effect to save Phase Two.

Regarding Commissioner Loy's questions, Ms. Velasco noted that the Development Agreement will address project labor agreements as well as assurances regarding bonds regarding the phasing components.

Commissioner Huang inquired if the applicant has an anticipated schedule of when the improvements would be made to access points that were outside the City's jurisdiction. Mr. Jacob Wynn, a traffic consultant, predicted that the permit process would take up to 1 ½ -years with construction taking up to 2-years.

Mr. Marc Magstadt predicted that grading of the site would begin in the Second Quarter of year 2022, master infrastructure would begin in Quarter Four of year 2022 and run to the year 2025. The first home would be built in the Second Quarter of 2026 with traffic being phased in over a 3-year absorption period. Updates to Stenmark Drive, as well as updates to access points outside of the City's jurisdiction, would take place during the infrastructure build-out. The Winehaven rehabilitation would take place once the infrastructure is in place and it was predicted to begin rehabilitation in Phase One.

Chair Tucker asked if the public will have access to the site during construction and if the District Fire Marshall agreed with Mr. Huff's assessment in terms of fires. Mr. Magstadt emphasizes that access to the existing park would remain open during construction unless improvements to the park were being made. Mr. Munson agreed with Mr. Huff's statements regarding fuel for wildfires, there are no comparable parcels to compare Point Molate too, and that the refinery has excellent fire mitigations in place.

Commissioner Baer requested that Mr. Munson speak to the evacuation plan in terms of non-fire emergencies. Mr. Munson disclosed that a new program would be coming online to help residents find the quickest evacuation route. Also, pinch points on the site are going to be widened to facilitate emergency vehicle access as well as residents exiting in an emergency.

The discussion commenced between Chair Tucker and Mr. Soto on what the Point Molate Alliance's objections are in terms of the Design Review Board recommendations and staff's proposed modifications to those recommendations. In summary, the Alliance saw that the applicant is trying to maximize their profitability at the risk of safety and design.

Mr. Atencio reiterated that the Planning Commission's role is to make a recommendation on Certification of the SEIR and a recommendation on the other entitlements to City Council.

Ms. Velasco reported that there were revisions to Exhibit H that staff is proposing. The applicant has announced that they accept the Design Review Board's recommendations with slight modifications. Staff has proposed language to reflect those in Conditions 16 through 21 of the Design Review Board's recommendations. Recommendations 22 through 25 were accepted as written. The applicant and Unite Here have agreed to the revisions to Condition 63 regarding hotels and hotel workers.

Regarding the recommendation from the East Bay Regional Park District, Ms. Velasco reported that it was up to the City Council to determine who would manage the open spaces. In terms of TRAC's recommendations, Ms. Velasco reported that most of their recommendations are

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addressed in the Development Agreement and that the Bay Trail will be completed as part of Phase One. Regarding 70 percent remaining open space with 30 percent being developed, the City planned to monitor those percentages as development comes forward. The proposed Open Space-Proposed Project did meet those targeted percentages.

Vice-Chair Butt wanted clarification on the wildlife crossing for Stenmark Drive. Mr. Wynn answered existing coverts would be counted and where feasible, the project would provide additional coverts for wildlife to cross Stenmark Drive.

The discussion commenced between Vice-Chair Butt and Ms. Kathleen Diohep regarding the Financial Impact Analysis. The biggest on-going cost for the City is the staffing of the new fire and police substation that is to be located on Point Molate. In terms of infrastructure maintenance, that was paid for in the rate structure of the utilities.

The discussion continued between Commissioner Loy and Mr. Christian Marsh, Co-Author of the Development Agreement, regarding TRAC's requests. He believed that the Development Agreement covered the financial, timing, and public access concerns that TRAC raised. Ms. Velasco added that the level of detail in the open space definition in the Bay Reuse Plan was not there and staff relied on what was written in the Zoning Code and the General Plan.

Commissioner Baer believed that the definition of open space for Point Molate would set a precedent for future development projects. She summarized that the green corridors between housing clusters should not be counted as open space and open space should be outside of the developed area. Ms. Velasco noted that staff would have to understand what the impacts would be if the definition were changed before some change could be implemented.

Commissioner Baer was concerned about housing prices and that high-end housing should not be built on Point Molate. Ms. Velasco mentioned that the project would not have a gate, the site would include 67 percent of affordable housing which will be constructed in Phase One, and the project would provide a contribution towards the City's Affordable Housing Fund.

The discussion commenced between the Commissioners and staff regarding TRAC's recommendations. Vice-Chair Butt suggested moving the adoption of TRAC's recommended condition changes to the City Council. Chair Tucker agreed. Ms. Velasco recommended that the Commission recommend that staff evaluate TRAC's suggested changes and forward that work to City Council.

Vice-Chair Butt proposed the following recommendations. For Mitigation Measure 4.13-6, the shuttle would include a drop off at the ferry and Point Richmond, increase the required shoreline open space to 35.3-acres, that the applicant would provide adequate safe wildlife crossing coverts under Stenmark Drive based on the Caltrain's Wildlife Crossing Guidance Manual, and continue discussions regarding considerations of options that opened up the green space between the lowland and highland open space.

Commissioner Baer opined that the project is overbuilt for the space. She was concerned about the traffic impacts, air quality impacts, and she had little confidence in the evacuation plan.

ACTION: M/S/Community (Tucker, Butt) to recommend adoption of Resolution No. 20-12, recommending certification of the Final SEIR, adoption of the MMRP, adoption of CEQA Finding of Facts and Statement of Overriding Consideration, and approval of the General

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Plan Amendment, Zoning Amendment, Design Guidelines, Vesting Tentative Map, Conditional Use Permit, Major Design Review for the Design Guidelines and Development Agreement to the City Council for the Point Molate Mixed-Use Development Project subject to conditions of approval, with Staff noted changes, with the additional recommended actions of reference to the DDA Section on labor and prevailing wage, direct Staff to evaluate language proposed by TRAC for potential inclusion into the recommendation to City Council, a condition to include a drop off for Mitigation 4.1-6 at the ferry and within the Point Richmond Neighborhood, to increase the shoreline open space to 35.3-acres, to provide adequate coverts for wildlife crossings consistent with Caltrain's Manual, express that the Commission would like to see open space between the shoreline and the hillside to address the East Bay Regional Park District Comment; which carried by the following vote: 4-1 (Ayes: Tucker, Butt, Loy, Huang; Noes: Baer)

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff – None.
8. **Adjournment** - The meeting was adjourned at 8:55 p.m. to the next regular meeting on September 3, 2020.