

MINUTES NOT APPROVED AT THE PC MEETING

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Teleconference
December 3, 2020
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Michael Huang	Vacant
Jen Loy, Vice Chair	Masoomah Sharifi Soofiani	
Bruce Brubaker	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 Loy; Commissioner Alpa Agarwal, Bruce Brubaker, Yu-Hsiang (Michael) Huang, and Masoomah Sharifi Soofiani

Absent:

INTRODUCTIONS

Staff Present: Planning Staff: Emily Carroll, Jonelyn Whales, Director of Planning Lina Velasco, and Attorney Rachel Summerville

MINUTES – None.

AGENDA

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk by Monday, December 14, 2020, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

CONSENT CALENDAR – None.

BROWN ACT – Public Forum

SALLY TOBIN encouraged the Planning Department and the Commissioners to continue to make their work as accessible to the public as possible. She explained that the paper notice she had received from the City regarding a project had no information about how to access the project's materials. She emphasized that the City's website was not user friendly.

HOLDOVER ITEM

- 1. PLN20-191: Crane City Nursery PUBLIC HEARING** to consider a request for a Conditional Use Permit for a 4,000 San Francisco adult-use cannabis cultivation, distribution, and non-volatile manufacturing, and nursery facility within an existing building at 400 W. Ohio Ave. (APN: 550-050-020). IL, Industrial, Light District. Robert Contreras, owner; Johnson Tran, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

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Ms. Whales noted that the project would be located within an existing 20,000-square foot industrial building and the applicant's tenant space was located within the rear of the building. The project included two employees and the hours of operations were 9:00 am to 5:00 pm.

Commissioner Brubaker appreciated that bicycle parking was included in the project.

Vice Chair Loy requested a list from staff of all cannabis activities within the City. Chair Tucker added that he would like to know how many applications have come to fruition.

Chair Tucker asked how many years does a project have to make a contribution to community benefits and Ms. Whales noted that a contribution was made every year of operations. Chair Tucker requested that the language under Community Benefit Item 37 state if the contribution is a one-time contribution or on-going.

Commissioner Agarwal inquired what the process is for receiving status updates on Conditions that the Commission has placed on a project. Ms. Velasco explained that all conditions are included in the Resolution which then is reviewed by the Chair and the City's Attorney Office.

Commissioner Soofiani wanted to know the duration of the lease and how long the Conditions User Permit was valid for. Ms. Velasco specified that the Condition Use Permit will stay with the property unless it is revoked. Mr. John Tran, applicant, remarked that the lease contract was for 15-years.

In regards to Chair Tucker's request, Mr. Tran supported giving an annual contribution for community benefits.

ACTION: It was M/S/C (Loy, Huang) to adopt Resolution #20-21 approving a Conditional Use Permit to operate commercial cannabis cultivation, manufacturing, and distribution facility at 400 W. Ohio Avenue with the modification to Item Number 37 under Community Benefits to reflect if the payment is annually for the duration of the operation at the location; which carried by the following vote: 6-0 (Ayes: Tucker, Loy, Agarwal, Brubaker, Huang, Soofiani; Noes: None).

NEW ITEM

2. PLN19-246: Country Club Residential Project PUBLIC HEARING to consider a recommendation to the City Council for a General Plan Amendment to modify the land use classification from Parks and Recreation to Low Density Residential, Rezoning from PR, Parks and Recreation to RL-2, Single Family Low Density Residential, Vesting Tentative Map, Design Review, and adoption of a Mitigated Negative Declaration (IS/MND), including a Mitigation Monitoring and Reporting Program (MMRP) for the Country Club Residential Project at Markovich Lane (APN: 405-050-006 and 405-050-019). PR, Parks and Recreation District. Richmond Country Club, owner; MLC Holding, applicants Planner: Emily Carroll Tentative Recommendation: Conditional Approval

Ms. Carroll shared that the project was proposing a residential development on a 25.5-acre site with 94 detached single-family dwellings and the project encompassed an existing portion of the Country Club Golf Course. The project included a mixture of one-story and two-story homes that ranged from 1,900-square feet to 2,700-square feet with three proposed styles and nine different color schemes. The project proposal included a General Plan Amendment, Rezoning,

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Vesting Tentative Map, and a Design Review Permit. Staff's recommended action was to adopt Resolution Number 20-28, recommending adoption of the Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program and approval of the General Plan Amendment, Rezoning, Vesting Tentative Map, and Design Review Permit to the City Council subject to Conditions of approval.

The project improvements included adding a new street which was 48-feet wide with 5-foot wide sidewalks and landscaping on each side of the street. Three-speed tables and a small turn out were included in the street layout to reduce traffic speeds. Along the western side of the property included an emergency vehicle access road (EVA) which included landscaping along both sides as well as a maintenance road along the east side of the property that abutted the golf course.

A General Plan Amendment was requested to change the classification of the whole site from Parks and Recreation (PR) to Low-Density Residential (RL2) for the 16-acres of developed area and Open Space (OS) for the remainder 9.5-acres. Staff found the General Plan Amendments, Rezoning, and Vesting Tentative Maps to be in compliance with the City's Code.

The Design Review Board had reviewed the project and unanimously recommended approval of the design with additional conditions which were incorporated into draft Resolution Number 20-28.

The public comment period of the IS/MND was opened on August 10, 2020, and was closed on September 21, 2020. Two comments were received and staff responded to those comments. Mitigation Measures were included in the Resolution pertaining to construction.

The applicant had worked with the Parchester Village to install murals on 80 panels of the wall adjacent to Giant Highway as its public art contribution. The applicant was also making transportation improvements as part of a Mitigation Measure and Transportation Demand Management Plan.

Public Comment:

CESAR ZEPEDA, President of the Hilltop District Neighborhood Council, appreciated that the applicant will provide a public art mural and the neighborhood council supported the project. He mentioned that the council has discussed with the developer about adding more landscaping and he wanted to see more lighting included along the new sidewalks. The Country Club Vista HOA requested that the project include an additional entrance and exit to the project.

Vice Chair Loy expressed her appreciation to the applicant for working with the neighborhoods surrounding the project. She wanted to understand more about the three items the public speaker had raised; landscaping, lighting, and a second entrance. Mr. Paul Manyisha, MLC Holdings, applicant, reported that he will continue discussions with the neighborhood councils. He mentioned that the EVA road has been approved by the Fire Department.

Commissioner Agarwal thanked Ms. Carroll for her quick responsiveness in connecting Mr. Manyisha with the Hilltop District Neighbors Council. She asked if there could be markings or a pathway that indicated there was a pedestrian crossing where Giant Highway and Giant Road meet west of the railroad tracks. Also, if the sidewalk from the corner of Giant and Griffin was contiguous down to the tennis courts, what the new homes would be priced at, and when will

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the property be complete. Ms. Carroll confirmed that there is a continuous sidewalk. Mr. Kevin Fryer, a member of the applicant team, disclosed that he would work with staff to find a solution in terms of a pathway across Giant Highway. Ms. Velasco confirmed that the intersection could include an enhanced crossing and Commissioner Brubaker supported that recommendation. In terms of time horizon for the project, Mr. Manyisha answered that the project was projected to break ground in late summer/early fall of 2021 with a projected completion date of summer 2022. In terms of pricing, Mr. Fryer predicted the pricing to start in the high \$700,000.

In response to Commissioner Brubaker, Mr. Fryer shared that the EVA road did not have direct access to the subdivision which made pedestrian access limited. The topography included a steep hill which hindered including a path from the Open Space to the EVA road.

Chair Trucker requested when the sidewalk improvements would be installed and what will replace the Eucalyptus trees. Mr. Manyisha noted that the 1 percent fee for public art would be paid at Final Map. Mr. Fryer predicted that pedestrian enhancements would be part of the initial land development. Ms. Carroll reported that homes would be installed where the existing Eucalyptus trees are and then extensive landscaping would be included.

Commissioner Brubaker supported the suggestion of a street extension to Atlas Road because it would facilitate better bicycle connectivity. He inquired if the zoning could be zoned for high-density residential instead of low residential but still allow the project to move forward. Ms. Velasco proclaimed that the project was not reaching the maximum density for an RL2 Zone and so there was potential to increase the density in future years. Mr. Fryer shared that if a street extension were linked up to Atlas Road, it would impact several holes of the existing golf course.

Commissioner Soofiani suggested that the project condenses its size and build up instead of out. She wanted to see a Feasibility Study that showed proof that single-family housing was the best approach for the project. Mr. Fryer felt that the project as presented was offering diversity to the housing stock and Ms. Velasco agreed.

Commissioner Huang asked if inclusionary zoning was included in the project and if the applicant had considered building Accessory Dwelling Units (ADU) for some of the homes. Mr. Fryer confirmed that the team has decided to pay the In-Leu Fee instead of building inclusionary housing. Mr. Manyisha explained that the development will boast that an ADU could be built on a parcel but there was no desire from the applicant to build ADUs.

Commissioner Agarwal restated her request that there be a condition that a crosswalk be built that connects Markovich to the other side of Giant Highway on the corner of Giant Road and Griffin Drive where the sidewalk begins. So, that people are very clear where the path to the other side is and cars on Giant Highway are also very clear that there's foot traffic there.

ACTION: It was M/S/C (Agarwal, Loy) to adopt Resolution Number 20-28, recommending adoption of the Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program and approval of the General Plan Amendment, Rezoning, Vesting Tentative Map, and Design Review Permit to the City Council for the Country Club Residential Project, subject to Conditions of approval as stated by Commissioner Agarwal and identify the potential location for enhanced landscaping and that staff work with the applicant with input from the neighborhood council: 6-0 (Ayes: Tucker, Loy, Agarwal, Brubaker, Huang, Soofiani; Noes: None).

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PRESENTATION

- 3. PLN20-322: Chevron Modernization Project Annual Compliance Report**
PRESENTATION on the annual compliance report for the Chevron Refinery Modernization Project annual compliance report pursuant to condition of approval H5 of Conditional Use Permit PLN11-089 at 841 Chevron Way/100 Chevron Way (APNs: 561-030-001; 561-030-002; 561-030-003; 561-030-005; 561-040-013; 561-040-014; 561-040-015; 561-040-016; 561-040-017; 561-080-001; 561-080-002; 561-080-003; 561-080-005; 561-080-006; 561-080-007; 561-090-003; 561-090-004; 561-100-003; 561-100-009; 561-100-010; 561-100-017; 561-110-020; 561-100-025; 561-100-037; 561-100-038; 561-100-042; 561-100-043; 561-100-044; 561-100-047; 561-100-048; 561-100-049; 561-110-022; 561-100-029; 561-110-034; 561-110-035; 561-110-036; 561-110-041; 561-110-044; 561-390-001; 561-390-003; 561-390-004; 561-390-016; 561-400-008; 561-410-002; 561-410-003). IG, Industrial, General District. Chevron USA Inc, owner; Chevron Products Company, A Division Of Chevron USA Inc., applicant Planner: Lina Velasco Tentative Recommendation: Receive And Provide Comments

Ms. Velasco disclosed that the item was the third annual report that has been presented to the Commission.

Marni Sussman, Holland, and Knight, reported that the staff's recommended action was to receive the presentation and provide comments on the Annual Compliance Report. The Modernization Project consisted of new construction of the hydrogen plant and new equipment improvements that removed naturally occurring sulfur which required modification to the existing sulfur recovery units (SRUs). The project also included infrastructure improvements to piping utility lines and electrical systems.

The City certified an Environmental Impact Report (EIR) and approved a Conditional Use Permit in 2014 for the project. The Conditional Use Permit required that after the first full year of construction has passed, Chevron would submit an Annual Compliance Report showing compliance to all conditions and mitigations measures listed in the Conditional Use Permit and the EIR. Many agencies and individuals were involved in ensuring the project's compliance.

The project had four phases of construction which included pre-construction, construction, pre-operations, and operations. The pre-construction phase had been completed and all obligations were met and verified by the compliance team. The construction phase was ongoing, but the vast majority was complete with the SRU and the Fluid Catalytic Cracker (FCC) Feed Hydrotreater (FHT) not yet constructed. Future construction included a third tank dome, the mitigation project for construction-related greenhouse gas emissions, and demolition planning for the old Hydrogen Plant. In 2018 the project was out of compliance in terms of greenhouse gas emissions. In December of 2019, the City approved Chevron's proposed project to permanently replace 3 Tier 2 diesel pumps with electric pumps in order to come into compliance. Regarding construction, all obligations have been met and verified by the compliance team and Chevron will continue to submit quarterly reports until construction is complete. The pre-operations phase was also ongoing due to the staged nature of construction and all requirements that were triggered have been verified as complete. In 2019 the City and Contra Costa Health Services did a comprehensive, multi-month verification for all pre-operation requirements. The operation phase was also ongoing. The new hydrogen plant began in April of

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2019 as well as the sulfur recovery improvements started operation. All obligations for the 2019 operational year were met and verified by the compliance team.

An operation first-year overview included no net increase in criteria pollutants, no net increase in health risk from toxic air contaminants, no physical increase in greenhouse gas emissions, the facility utilization was 82 percent which was below the 92 percent utilization scenario assumed in the EIR and reliability program requirements were met.

Compliance verification for construction was tracked through an excel spreadsheet that was submitted quarterly to the City. Pre-operation compliance was tracked through the existing spreadsheet which was updated when the remaining items were completed. Operation compliance was reported via the Annual Compliance Report.

Future actions included the continuation of Annual Compliance Reports that would be submitted to the City by September 1 of each year. Any fulfilled or no longer applicable obligations would be removed from future reports.

Commissioner Brubaker wanted to know how long the greenhouse gas emissions monitoring will happen and what utilization meant. Ms. Sussman explained that the greenhouse gas emission monitoring was specific to just the construction phase, but operation greenhouse gas emission monitoring will continue. She shared that utilization meant the amount of capacity that the refinery was using. Mauricio Mejicanos, Strategic Manager of the Chevron Refinery added that utilization of the refinery depended on demand and turn arounds.

Commissioner Agarwal asked why Chevron has not provided annual contributions to fund the community greenhouse gas reduction measures. Ms. Velasco commented that Chevron was current on all their contributions and that the report may have come out before the payment was made for 2019.

Vice Chair Loy encouraged staff in the future to highlight the community benefits. She wanted to know more about Chevron hiring locally and what programs the Chevron grant supported. It was noted that Chevron was extremely proud to support The Richmond Promise Program and that the program was very successful.

Public Comment:

SALLY TOBIN was concerned about the conversion to LED lighting. She felt that the project may not be complying with Dark sky practices and requested that Chevron investigate any backlighting that may be occurring from unshielded lights.

Shawn Lee, Health and Safety Manager at the Chevron Refinery, confirmed that the refinery does shield all light fixtures except for parking lot lights. Ms. Sussman added that the City continues to have conversations with Chevron regarding lighting.

Chair Tucker asked what the time horizon was for the remaining projects and what impacts has COVID-19 caused. Mr. Mejicanos disclosed that COVID-19 has had little impact on the project and the project continues to be on schedule. Some of the larger project aspects have not been decided on and the demolition plan of the old hydrology plant will take several years to craft. Chair Tucker concurred with Vice Chair Loy regarding the comment made about highlighting community benefits provided by Chevron.

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COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff –

Ms. Velasco shared that the next Planning Commission meeting will be held on January 21, 2021 and that the City will remain open during the holiday weeks. She reported that staff was working on a Hilltop Specific Plan which will come before the Commission in 2021 as well as the Form-Based Code.

Chair Tucker asked if there will be a working session with the Commissioners and Ms. Velasco predicted early January or February of 2021.

Vice Chair Loy wanted to see a planning calendar that projected when items would be coming to the Commission. She shared that Unite Against Hate week was underway.

Chair Tucker recognized Parks and Landscaping Superintendent Greg Hardesty for his hard work and guidance.

8. Adjournment - The meeting was adjourned at 9:00 p.m. to the next regular meeting on January 21, 2021.