

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

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

Council Chambers
June 6, 2024
6:30 p.m.

COMMISSION MEMBERS

Chair - Vacant	Vacant	Gay Timmons
Jonathan Harrison, Vice Chair	Alpa Agarwal	Alexander Golovets
Bruce Brubaker, Secretary	Aaron He	

The regular meeting was called to order by Vice Chair Harrison at 6:33 p.m.

ROLL CALL

Present: Vice Chair Jonathan Harrison; Secretary Bruce Brubaker; Commissioner Aaron He; Commissioner Alexander Golovets; Commissioner Gay Timmons

Absent: Commissioner Alpa Agarwal

INTRODUCTIONS

Staff Present: Planning Staff: Senior Planner Matt Neuebaumer; Community Development Director Lina Velasco; Pam Lee, City Attorney's office

Absent: Planning Manager Hector Rojas

MINUTES – None

AGENDA

CONSENT CALENDAR –

Vice Chair Harrison stated there were no Consent Calendar items on the Agenda.

[The Commission moved to the Brown Act – Public Forum]

BROWN ACT – Public Forum

Community Development Director Lina Velasco indicated there were no public commenters on Zoom and called for public speakers in person, there were none.

[The Commission moved to New Business]

NEW ITEMS

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

1. PLN22-084: Homewood Suites Hotel

PUBLIC HEARING to consider a Conditional Use Permit and Design Review for the construction and operation of an ±80,000-square-foot, 103-room, five-story hotel on a 1.69-acre vacant parcel. The project would include landscaping, stormwater treatment areas, and 81 off-street parking spaces. The project site is located at 3101 Garrity Way (APN: 405-290-054) in the CM-3, Commercial Mixed-Use, Commercial Zoning District.

510 Hospitality LLC, owner; Hill View Construction Inc, applicant
Planner: Hector Lopez, Senior Planner

Tentative Recommendation: Hold Over to 6/20/2024

Vice Chair Harrison announced the item and called for staff's report.

Community Development Director Velasco stated this item was a holdover and requested to be held over to a date certain of June 20, 2024.

ACTION: It was M/S/C (Brubaker, He) to continue the Conditional Use Permit and Design Review for PLN22-084 to a date certain of June 20, 2024, vote: 5-0-1 (Ayes: Harrison, Brubaker, He, Timmons, Golovets); Noes: None. (Agarwal Absent and one seat vacant)

[Vice Chair Harrison closed the item and moved on to Item 3]

2. PLN23-309/PLN24-149: Bay Hills Community Church

PUBLIC HEARING to consider a Conditional Use Permit, Lot Line Adjustment, and Design Review for the proposed demolition of an existing church; construction of a new 33,700-square-foot church with a sanctuary, offices, parking, and landscaping; and operation of a community assembly use. The project site is located at 4555 Hilltop Drive (APN: 426-330-002, 426-330-009) in the RL2, Single-Family Low Density Residential Zoning District.

100 W Ohio LLC, owner; Ronnie Turner, applicant
Planner: Virginia Morgan, Contract Planner

Tentative Recommendation: Conditional Approval

Vice Chair Harrison announced the item and called for staff's report.

Community Development Director Velasco introduced the Contract Planners from MIG, Virginia Morgan and Shawna, who provided the presentation.

Contract Planner Morgan began the presentation by stating this presentation was for both PLN23-309 and PLN24-149, a site that is currently 5.75 acres with a lot line adjustment to 4.9 acres that fronts Hilltop Drive and abuts a vacant lot to the north. The site is zoned RL2 for low density residential with the surrounding uses being residential and community assembly. The existing building has similar setbacks as other lots in the area with a parking area on the side of the church, however, the parking area has no screening from the road. The project includes demolishing the current church and parking lot and developing a new parking lot and a new

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

church behind the parking lot. The new structure is planned to be about 33,700 square feet. The structure is planned to be a sprung tension fabric structure, a manufactured aluminum structure supporting a fabric membrane, with a three-tone exterior using brownstone red, bayberry green, and sandstone. There is a gradual incline in the roof with a height of fifteen feet above what is allowed in this zone, per RMC code on exceptions to height limitations, projections above the maximum height are allowed with the approval of a Conditional Use Permit. The elevation from the south shows the front of the building where a low masonry retaining wall is shown that wraps around the west and rear of the building. There is a planned Plaza entry with decorative exposed beams with metal trellis and a floor to ceiling stained glass window effect created using colored film. The parking proposes 167 parking spaces; a maximum of 108 parking spaces are allowed, the remaining 59 spaces will be shared for public use. Shared spaces will include signage explaining parking lot rules and that shared spaces are available on a first come/first serve basis. The proposed landscaping includes adding 13,242 square feet of landscaping to the property. Landscaping exceeds the minimum 10% requirement within the parking area, with roughly 15% landscaped area. The project proposes removing nineteen trees from within the footprint of the new church and proposes adding sixty-six new trees in and around the parking area, the minimum required would be thirty-three total. The project also proposes a landscaped retention area, five landscaped parking islands, and plantings to create screening of the parking area from the frontage of the street and adjacent lot lines and the refuse area. The landscaping will be a mix of native and non-native plantings. The Design Review Board (DRB) approved the project on May 8 with four conditions of approval (COA), one of which is to include 15-gallon trees to be used for the screening of the parking area. The DRB also recommended the exterior color pallet be changed from the brownstone red to a more neutral dark taupe. The DRB recommended that all screening of mechanical equipment be compatible with the design of the rest of the structure, and that the left planter box at the main entrance includes only low plantings rather than the corked oak to preserve the view to the decorative welcome plaza. The project is compatible with all zoning standards. The project is exempt from the California Environmental Quality Act (CEQA) as an infill development project as the project is less than 5 acres surrounded by primarily urban uses. Required technical reports included air, water, noise, biological resources and Historic Resource Evaluation. The Historic Resource Evaluation found that while the current structure is over fifty years old, it is not considered a historic resource. The applicant engaged in three community meetings which produced one public comment with regard to the degree of sound proofing of the proposed structure to which the applicant responded directly. The project supports all required findings for a CUP and a lot line adjustment. The project complies with the Transportation Demand Management as the proposed trip reduction measures are feasible and appropriate for the project considering the proposed use or mix of uses and the project's location, size, and hours of operations, and the proposed vehicle trip reductions will ensure that the performance targets of the Article will be achieved and maintained. Planning staff have noted the following conditions of approval: lighting, noise, performance standards, public art, street trees, outdoor activities, and bird collision zone, landscaped parking islands, EV-capable spaces, parking/loading, hours of operation, change the brownstone to a dark taupe, low plantings in the center planter, compatibility designed exterior screening of the mechanical equipment, 15-gallon street trees.

[Vice Chair Harrison opened the Public Hearing.]

Vice Chair Harrison called for questions for staff.

Commissioner Brubaker inquired about the lot line adjustment, noting the adjustment exempts the project from CEQA review and asked what happens to the remaining original lot; he requested clarification that the project does not propose a future fence, and inquired if the

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

building would be accessed using a sidewalk from Hilltop and if there was a proposed connection and if so, would it be Americans with Disabilities Act (ADA) compliant; and the definition of shared parking.

Consultant Planner Morgan responded that the decrease was to ensure the lot won't straddle any lot lines and is located at the rear of the property. The zoning is RL2-residential. The project does not have a connecting sidewalk from Hilltop Drive. The Shared parking is along the perimeter of the parking lot and available to whoever in the neighborhood needs it. If they kept the entire parking lot private, it would require an additional CUP.

Community Development Director Velasco responded that if the applicant wanted to add a future fence it would be held by the residential standards of 4-feet in height, up to six feet with an exception through a zoning administrator approval.

Commissioner He inquired if the eastern parking lot was a separate parcel of land and if the proposed curb cuts match the existing curb cuts; and if the proposed 24-foot drive aisles are permitted by City Code; and if a slope analysis was performed onsite.

Consultant Planner Morgan replied that her understanding was it was two portions of a single lot with two APN numbers. The curb cuts will remain the same. The drive aisles were created based on zoning code requirements. A slope analysis was completed on the site.

Vice Chair Harrison inquired if there was a loading zone in front of the plaza for people to be dropped off. Consultant Planner Morgan responded that may be better answered by the applicant, and her understanding was there would be one and it would be two-way.

[Vice Chair Harrison called for the applicants presentation, all of what was information covered from staff's presentation.]

Applicant Ronnie Turner stated they are currently renting a complex that has recently been sold which puts the burden on the worship center to find another location. It made sense to tear down what they currently have on land. Their current configuration cuts time and money from having to find a new piece of property. They do a great deal of outreach in the community and generally serve over 10,000 people over Easter. The seats will be removable in the sanctuary so that the building can also be used by the community when needed. They will manage the parking lot on Sundays for use by their congregation and it will be managed by City code requirements.

The design team Project Manager David spoke about the building design and how they were more focused on interior programming versus budget. They needed a large interior that could hold a large volume of people, which would also fit their budget. The gable shape was selected to use with the tension sprung with the intent to match the character of the neighborhood. Regarding Commissioner He's question about the height, by using the tension sprung siding, it breaks down the scale of a traditional two story building with a parapet. The design is both energy efficient and acoustic friendly.

Vice Chair Harrison inquired if they planned to use traditional HVAC or heat pumps. David stated they are using their plan to use ground mounted R2 units.

Commissioner Brubaker inquired if there was an accessible sidewalk from the parking lot to the building and commented that there would likely be a Commission discussion regarding

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

accessibility, and the applicants should want the accessible features to be welcoming for the congregation as they make their way up to the entrance plaza.

The applicant's Project Manager David stated there is stripping on the asphalt recognizing ADA accessibility and there is a decorative walkway as they walk through the landscape buffer. Mr. Turner added that they are still working on funding and intend to make future improvements, the plans as presented were the beginning plans to get them into the building.

[Vice Chair Harrison opened Public Comment]

PUBLIC COMMENTS

Vice Chair Harrison opened the item to public comments, Community Development Director Velasco stated there were two cards submitted in person.

Victoria Williams Turner spoke in favor of the project and believed the applicant had very user-friendly plans for a beautiful building and is a huge improvement from the current building.

Manny Martinez spoke in favor of the project and as a native Richmond resident stated the church is making a huge commitment to the City with a great group of people as their congregation. The community is requesting the City help them to get the project going as quickly as possible.

Fred Sahakian spoke about his experience with CEQA and placement of religious affiliated buildings and commented that the church leadership of this church are responsive and responsible and encouraged the Commission to approve the plans as they have been presented. This is an opportunity to help bring back the vitality of the bay area.

[Vice Chair Harrison closed the Public Hearing and brought the item back to the Commission for discussion.]

Commissioner Golovets inquired if the church was still actively using the current building. Mr. Turner responded they are using the older small building during the week for offices, choir rehearsals, and youth group activities.

Commissioner He commented he appreciates the project and believed it would be a benefit to the community and really liked the large gathering space; it would be a good plan to offer it as rental space for the general public's use. Additionally, adding a sidewalk from the welcoming plaza that travels down and connects with the sidewalk on Hilltop Avenue would also be a great idea. It's important for pedestrian connectivity.

Commissioner Brubaker inquired about the current Transportation Demand Management results, without the addition of the new church.

Consultant Planner Morgan explained the report stated that the proposed measures would add up to a potential reduction of vehicle miles traveled (VMT) of up to 17.1%; the measurement may not add up to 15% lower than a single occupant vehicle would generate, it does have the potential to bring the projects average VMT below the average citywide VMT per the stated goal in the Richmond code.

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

Commissioner Brubaker commented that this church would be a great addition to the neighborhood; they are requesting a CUP because they are exceeding the height limit and for this project, he didn't see an issue with that. His concern was given the goal to have vehicle travel decreased and active transportation increased, community members walking or biking from Hilltop Avenue up to the building through an active parking lot didn't seem safe or welcoming. A sidewalk should be added from the ADA landscaped parking island and curb cut it out to Hilltop Avenue and would be inclined to include that as an additional condition of approval.

Commissioner Timmons inquired if any of the other design conditions of approval were large barriers for the applicant. Project Planner David answered they were not.

Community Development Director Velasco responded to Commissioner Brubaker's sidewalk request stating the applicant said they did not see a problem with adding the sidewalk as described so long as it didn't need to be specialty pavers. Commissioner Brubaker commented he envisioned a standard concrete sidewalk.

Mr. Turner added if they could do stamped concrete instead of the pavers at the welcoming plaza that would solve a good bit of concern from the women in the congregation. Vice Chair Harrison commented he too is not big on pavers. They can be a safety issue for seniors who are less stable on their feet.

Vice Chair Harrison asked staff if the DRB recommendations needed to be included in the final motion for the Planning Commission's conditions of approval. Community Development Director Velasco confirmed they were included in the staff's recommendation for the Planning Commission.

ACTION: It was M/S/C (Brubaker, He) to approve a Conditional Use Permit, Lot Line Adjustment, and Design Review for the proposed demolition of an existing church; construction of a new 33,700-square-foot church with a sanctuary, offices, parking, and landscaping, and operation of a community assembly use located at 4555 Hilltop Drive; with two additional conditions 1) the welcome plaza does not have to be pavers and 2) a sidewalk is added from the ADA parking area to connect from the front door of the church to the sidewalk on Hilltop Avenue. APN: 426-330-002, 426-330-009 and Resolution 24-05 vote: 5-0-1 (Ayes: Harrison, Brubaker, He, Timmons, Golovets); Noes: None. (Agarwal Absent and one seat vacant)

[Vice Chair Harrison closed the item and called for a break]

[The Planning Commission reconvened with all members present except for Commission Agarwal.]

3. PLN23-360: CPSA Emergency Housing Shelter

PUBLIC HEARING to consider a Conditional Use Permit to allow conversion of an existing office building to an emergency shelter with up to 25 beds. The project site is located at 207 37th Street (APN: 516-210-020) in the T5MS-O, Main Street Open Zoning District.

Joanne Joey Tang, owner; Greg Van Mechelen, applicant
Planner: Virginia Morgan, Contract Planner

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

Tentative Recommendation: Conditional Approval

Vice Chair Harrison introduced the item and called for staff's report.

Community Development Director Velasco stated that Consultant Planner Morgan would be providing the staff report.

Consultant Planner Morgan provided the information regarding the CPSA Emergency Housing Shelter project PLN23-360 to allow conversion of an existing office building to an emergency shelter with up to 25 beds. Staff recommend reviewing the project and that the Planning Commission adopt Resolution No. 24-06 and approve PLN 23-360. The project site is located at 207 37th Street at the corner of 37th Street and Thistle Avenue. The pre-existing use was an emergency shelter within the last two years. Zoning for the parcel is T5MS-O mixed use with a commercial emphasis and is surrounded by residential commercial uses. The proposal involved a few changes to the original structure and most of those changes are for the rear portion of the building and in the parking area. Per Richmond Municipal Code (RMC) standards for emergency shelters, an office at the entrance of the building will remain an office for management staff. Two offices will be combined to create two new bathrooms for the residents. Exterior improvements to the building include adding windows in the rear bedrooms, which is required for egress requirements per California Building Code Appendix P for emergency housing. Demolition in the rear parking area includes removing the existing non-conforming wheelchair ramp and non-conforming parking stripes. A 30-square-foot addition to the rear entrance is proposed to accommodate a vestibule and reconstructed wheelchair ramp per ADA requirements. A 340 square foot courtyard area is proposed as required for congregation area per RMC standards for emergency shelters. Additional improvements include a walkway, short- and long-term bicycle parking, a refuse area, and a reconfigured parking area to include two tandem parking spaces and an accessible space. A six-foot fence is proposed around the parking area for security, as well as a person gate and rolling vehicle gate for access. Staff recommend the fence be required to be an open metalwork or semi open wood design to allow surveillance. The project is exempt from CEQA per Sections 15303 New Construction or Conversion of small structures and 15269(c) for Emergency projects. The project is compliant with all standards in Article 15. The following required findings are consistent with General Plan and applicable specific plan and land use designation. The following findings are required for approval of a conditional use permit (CUP): the location, size, design and operating characteristics are compatible with and will not adversely affect livability or appropriate development of abutting properties and surrounding neighborhood, will not create nuisances from emission of odor, dust, gas, noise, vibration, smoke, heat or glare of level exceeding ambient conditions; complies with all applicable provisions of Articles XV; and adequately served by highways, streets, water, sewer, and other public facilities and services. Staff have developed a number of conditions of approval to address the issue of neighborhood compatibility which included: main entry reconfiguration to front 37th Street and such that queuing not take place in public open space, noise and performance standards, sanitary facilities and conditions, air quality, paint and removal of metal screen, graffiti abatement, parking, and capacity limited to 16. Notice was posted on April 15, 2024. Pullman Neighborhood Council was contacted, and 7 public comments have been submitted against the project.

[Vice Chair Harrison opened the Public Hearing and called for the applicant's presentation.]

Applicant Greg Van Mechelen provided a presentation for the Commission and introduced the owners Lonnie Holmes and Joanne Tang and explained he wanted to address staff's reduction

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

of the occupancy of the project from twenty-five to sixteen. The owners will address the operation and other questions. The application was submitted with a proposed occupancy of 25 which the building and stated allows, and believes staff miscalculated their suggested 16 occupancy rate based on the data from Red Bluff, where staff's report states the living space is 125 square feet (sf) per resident and is indicative of the area of the building, not individual bedrooms. Red Bluff's code for emergency shelter was based on the State's data from 2008 and they are currently undergoing a major overhaul and long update of their City's codes. The Los Angeles code makes the most sense where they require seventy square feet in a bedroom for the first person and an additional fifty square feet per bedroom for each occupant thereafter. That would allow two occupants per 125 square feet. Per the California Building Code a dining room required fifteen sf per person. Solano requires fifty sf per resident per bedroom. In reviewing ordinances that include standards for area requirements per resident, there are three options: provide an overall area for the facility or building, typically expressed as building area or gross square footage; provide minimum requirements for private space per resident, and in some cases minimum requirements for common recreation space; the third option is defer to the Building Codes, Fire Codes and/or Health and Safety Codes. If they were to calculate based on the overall area, Contra Costa County and the City of Red Bluff use 125 sf per person. San Gabriel uses 130 sf of gross building area per person, Alhambra and San Bernardino County use 150 sf per person. If using personal private space, most Southern California cities and counties use 50 sf per person. If utilizing the building and fire codes, which most have to comply anyway, Emeryville, Corona, and Eureka use this method and refer to the Occupancy Load factors from Section 1004 of the California Building Code (CBC). The CBC provides load factors for many types of occupancies, but not yet emergency shelters. Dormitories might be a good comparison, and they use 50 sf of gross living area. The applicant provided a full listing of all neighboring areas and is requesting a Condition of Approval to use one of the aforementioned standards or use the Fire Code and Building Code occupancy rate. An overall gross building area of 5,000 square feet would allow 40 occupants at 125 sf, 38 occupants for 130 sf, and 33 occupants for 150 sf. At 5,000 sf, which translates to roughly 200 sf per occupant with twenty-five occupants. The applicants are asking the Commission to provide the CUP under the Los Angeles regulations of 70-sf per first occupant and 50-sf for each occupant there after due to a couple of the bedrooms being five feet under the 125 sf space. Additionally, changing from three spaces to two provides them with more options for the courtyard.

Lonnie Holmes, CEO for CPSA, spoke regarding The City of Richmond, Way 2 Love and HCEB out of Oakland approaching CPSA, after the closing of Castro Encampment, with a need to address the unsheltered that were displaced following that closing. The way it was originally set up put them in the situation where they were landlords with all the occupants having their own leases, and the housing authority managing any programs. Moving forward they would like to contract with the Department of Corrections where the residents would also be supervised by their probation officers. This would help the adjacent neighbor's concerns and provide additional monitoring of the residents.

JoAnne Tang, owner of the building, explained she had no knowledge of there being any issues with the residents as only one person had approached her regarding any issues. She was not aware of any police reports.

[Vice Chair Harrison opened the item to public comments]

Community Development Director Velasco stated there were eight cards submitted to speak in person, each speaker would get three minutes for comments.

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

PUBLIC COMMENTS

Pam Saucer spoke in favor of the project and the program because of the need in Richmond to address the unsheltered, particularly for those reentering the population from being incarcerated. Transitional housing is needed as are the programs that help make a difference.

Roxanna Molina spoke as a direct adjacent neighbor and against the project due to the neglect of the property and using the property as a shelter without a permit or any community outreach. The children in the neighborhood were being abused by the residents and in the past the building housed many more than twenty-five people. Neighbors have witnessed prostitution, crimes, vandalism, and the police have indicated unless weapons are involved, they cannot respond. There are noise concerns due to fights at all hours of the night. There is a challenge with the unsheltered, however, this house is not being managed as a shelter, the permit should not be issued.

Ronald Sanchez spoke against the shelter in his neighborhood due to past concerns with behaviors and crimes. When he went to City Hall to address the concerns the City claimed the building was not being run as a shelter when it was, it just wasn't permitted. He had to call the police almost every day due to fights. The house is one block from the middle school, which is also concerning. This is a transition house for inmates, there should be security, and it should not be so close to a school.

Abigail Corado spoke against the shelter because of past issues with residents. Everything that Mr. Sanchez said was true. It's a dangerous spot to have the transition house so close to a school.

Carol Lopez provided comment against the project in Spanish (translated by Community Development Director Velasco) due to the reasons of crime, they broke her windows, she has police reports, they stole personal information from her son, and she has a four-year-old son that also feels unsafe. Since the building has vacated peace is back in the neighborhood. It's near a school and many children travel on foot near the house as a pathway. She is in favor of supporting the unsheltered but believes this building is too small. Based on the previous experience she doesn't believe the applicants can appropriately manage the facility.

Sergio Joshua Vega Vargas spoke regarding the history of the residents who screamed at him and his friends while trying to play outside, which made them feel unsafe. He understands they need a home and deserve a second chance, but it's too close to a neighborhood with many children. Even when the police were called, there were always fights.

Mario Retana Barbosa spoke against the project because of the safety of his children. He works and pays taxes and deserves some peace in his neighborhood. The facility is too close to a school with children who walk by the building daily. Transitional housing doesn't belong near a school or in a neighborhood with children and should be managed correctly.

Evelyn Morales provided written comments against the project which were read into the record by Senior Planner Matt Neuebaumer. Safety concerns such as drugs, violence and filthy living conditions plagued the neighborhood when the building was being used as an unpermitted shelter, and police did not respond to calls relating violence. It was an unsafe environment. The building is close to a school, children should not see people injecting themselves while walking to and from school.

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

Raul Garrido spoke in Spanish, with Community Development Director Velasco as translator, against the project due to the safety concerns from prior residents and didn't believe this neighborhood was appropriate for a shelter. There are already issues in the neighbor with prostitution, drugs and violence, having a shelter would add to that problem. This is a neighborhood with children with residents who pay their taxes. It's difficult when police don't respond until hours after they've been called. The project should not be allowed as it will add to the delinquencies already taking place and there are not enough police to handle all the current problems.

Jessica spoke against the project as prior to the unpermitted shelter there were no issues with crime or break-ins. Multiple emails have been submitted to the City regarding drug trafficking and there had not been any response. There have been people outside that have been overdosed on the ground. There are too many young children in the neighborhood. If the owner was unaware of any prior issues, that just shows how neglectful she was with the property.

Alexia Garcia spoke against the project because prior residents harassed her children. They have community activity equipment in her backyard for the children in the neighborhood and one of the residents walked into her backyard shirtless and began harassing her children and yelling at them. The owners should have known what was happening on her property. These problems weren't happening before the unpermitted shelter began. The police are nonresponsive, there has to be another location for the shelter, somewhere not near a school and neighborhood with children.

[Vice Chair Harrison opened the rebuttal portion of Public Comment.]

Lonnie Holmes, CEO for CPSA, stated they do have a license with the City and have had for a long time. There appears to be a racial issue with individuals who occupy the shelter. They want the place to be safe, there are and have been cameras on the building. Additionally, there is no evidence of residents being involved in vandalism or crime. There is no clear-cut affiliation of this activity from the residents. They could not be addressed without having knowledge of that taking place. Going forward there are cameras on the building, there is a fence in place, there will be management on location. They are concerned with keeping the neighborhood safe and will do what they can to make sure that happens, including posting information on who to contact when there is a future problem.

Roxanna Molina spoke the rebuttal for the opposition and stated they are united in wanting safety and peace and a fence is not the answer. They already proved they don't care about the trash and crime the shelter inflicts upon the tax paying citizens of the neighborhood. A human life was lost due to neglect, the neighborhood has witnessed sexual activity in the parking lot with children walking by. The houseless need a home, not just a house that allows them to go unchecked.

[Vice Chair Harrison closed the Public Hearing and brought the item back to the Planning Commission for discussion.]

Community Development Director Velasco responded to Commissioner Golovets' inquiry that staff found a business license on hand for the prior building, however under the Fire and Building Code, it was not officially converted into housing or emergency sheltering. Business licenses are a taxing document and don't always apply to land use. Further explaining that once the City was aware of the situation the license was revoked and they are now trying to get

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

the permitting needed, along with the proper zoning, to open the building as a permitted shelter which meets the City and Fire requirements.

Commissioner Golovets inquired about the leases in place and if the residents would be paying rent, and what services would be available for residents, as well as a series of other questions

Lonnie Holmes, CEO for CPSA, explained the lease was required from the City and the nonprofits. The owners do not make money on the project. That all came about because the Fire Department wasn't aware that the building was being used as housing. Moving forward the State will be funding the property per residents that transition from jail. Residents will be receiving transitional services, vocational services, and program services through the state and city. Mental Health services will be deferred to the state and county. There will be a psychologist clinician on call 24/7. Residents needing detox will not be allowed at the facility, they will not have services for those needs. Security cameras were and are accessible to the city and nonprofits and span three or four houses to the right and left of the facility. There will be 24-hour staff onsite for security. Individuals on parole and probation will be visited and managed by those personnel during the day.

Commissioner Timmons inquired about the Castro Encampment's involvement in the project.

Lonnie Holmes, CEO for CPSA, responded that they were requested to help with the transitional housing when it became apparent Castro Encampment would be closing. Their plan was to work with the California Department of Corrections (CDR), that has not yet happened. The prior residents came from the Castro Encampment without services in place.

Vice Chair Harrison inquired how many current shelters such as this are in place and if they went through the CUP process, if any are located near schools and if they had the same type of complaints.

Community Development Director Velasco answered the major shelters include Brookside managed by the county, the Bay Area Rescue Mission including their facility for women and children, and the Greater Richmond Interfaith Program (GRIP). Some of them have gone through the Use Permit process, some of them pre-dated those requirements. The most recently built shelter was the Bay Area Rescue Mission for Women and Children shelter and that did go through Design Review with a Use permit for conditional approval. There are residential uses to the south of the Bay Area Rescue Mission and a school that is a few blocks to the north. Community Development Director Velasco was not aware of complaints but those most likely went through the police department if there were. They are getting a lot of complaints around GRIP and Bay Area Rescue Mission for loitering from encampment population.

Vice Chair Harrison inquired if there need to be conditions written up should the Commission choose to deny the CUP.

Community Development Director Velasco responded they would need to revise the findings and get Commission direction on which findings could not be met as a basis of that denial.

City Attorney Pam Lee stated that under California Law emergency shelters have been elevated to the same level as affordable housing, which means they are now expedited and receive special consideration. There are conditions of approval, one of which is the maximum number of beds. Under State Law, Government code 65583 Emergency Shelters are lent to specific written objective standards that are enumerated by the City and in the City's code. Staff have to

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

look through that to ensure that all of the standards Richmond is imposing meet the written objective criteria. The parking issue and the maximum beds are two items still under review. Currently the project does not meet the requirements of approval so it needs to be continued to finalize those conditions with respect to those two items. If the Commission would like to deny the project, because it's an emergency shelter, it has to meet specific findings under State Law because of the need for emergency shelters and other types of housing. That required finding is basically that the Commission has to find that the emergency shelter would have direct adverse impacts on the public's health and safety of the community or the city and that there is no feasible method to mitigate those adverse impacts, to render the project financially infeasible. Staff would have to go back to review the findings to ensure they meet that very high threshold of specific adverse impacts and there is no feasible method of mitigation. If the cameras, the staff of the facility, and the fencing are not enough to mitigate the safety risks, the Commission would deny the permit. Additional facts and evidence would be required to prove such. Her suggestion would be to continue the item based on the information provided at this hearing.

Vice Chair Harrison commented that the problems noted by the neighbors were happening off the site of the facility and once those residents leave the property, the facility doesn't have the authority to manage those behaviors and concerns once the residents leave the property, and the Commission needs to make findings for denial.

Commissioner Timmons requested the exact Code for emergency shelter and denial findings. Ms. Leet responded Written Objective Standards Government Code 65583, and Denial Findings Government Code Section 65589.5 Subdivision D, Paragraph II.

Commissioner Brubaker commented that under the proposed resolution that includes finding that staff has written that the project satisfies the findings, making specific note of finding number two, the location, size, design and operating characteristics are compatible with and will not adversely affect livability or appropriate development of abutting properties and surrounding neighborhood. There is room for interpretation that this facility may adversely affect the livability or appropriate development of the neighboring community. In his opinion, the Commission gets stuck with this point because if they justify it in this neighborhood, they could justify it in every neighborhood and how does the Commission make that work when there is such a need for emergency shelters. Maybe it's a case-by-case basis, there's a different neighborhood that is more appropriate than this one and requested that it be opened as a discussion.

Vice Chair Harrison agreed, and his biggest concern is the close proximity of the school. There are many uses that are not allowed within specific proximity of schools. Currently there is no such restriction on emergency shelters. It is potentially a reason to deny the project because of the impacts on school children, and the reason he wanted to find justification for denial.

City Attorney Pam Lee stated due to the process of making a denial, she suggested continuing the hearing to allow the City to work with the applicant to see what would be needed to mitigate the adverse impacts on the community and what that would look like for the applicant in terms of financial feasibility while ensuring the safety of the neighborhood and its health. There is not a specific time limit for approving emergency housing, however the City would want to work expeditiously to provide resolution.

Commissioner Brubaker commented that no matter what the Commission finds on the item it would likely be appealed to City Council, fast action is likely appropriate. It seemed the previous situation was not a positive experience and suggested consideration of a professional management company might be beneficial.

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

Commission Golovets inquired if the City Attorney's office could provide the standards the Commission needs to follow at the continued hearing.

City Attorney Lee stated they could do that.

ACTION: It was M/S/C (Timmons, Golovets) to Continue the Hearing to a Date Certain of July 18th for a Conditional Use Permit to allow conversion of an existing office building located at 207 37th Street to an emergency shelter with up to 25 beds (APN: 516-210-020) in the T5MS-O, Main Street Open Zoning District. Vote: 5-0-1 (Ayes: Harrison, Brubaker, He, Timmons, Golovets); Noes: None. (Agarwal Absent and one seat vacant)

[Vice Chair Harrison closed the item and moved on to Commission Business]

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

Community Development Director Velasco expressed excitement to introduce Planner Matt Neubaumer and stated there were no other comments from staff.

Commissioner Brubaker inquired about the Commission elections. Community Development Director Velasco stated typically they are held in June; her understanding was a subcommittee was formed that deferred the elections until July.

5. Adjournment - The meeting was adjourned at 9:20 p.m.

The next regular meeting is on June 20, 2024.