

MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024

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

Council Chambers
June 20, 2024
6:30 p.m.

COMMISSION MEMBERS

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

The regular meeting was called to order by Vice Chair Jonathan Harrison at 6:52 p.m.

ROLL CALL

Present: Vice Chair Jonathan Harrison; Secretary Bruce Brubaker; Commissioner Alpa Agarwal; Commissioner Gay Timmons

Absent: Commissioner Aaron He (excused); Commissioner Alexander Golovets had an emergency

INTRODUCTIONS

Staff Present: Planning Staff: Planning Manager Hector Rojas; Senior Planner Hector Lopez; Contract Planner Gabrielle Delavallade
Pam Lee, City Attorney's office

Absent: None

MINUTES – April 18, 2024 Planning Commission meeting.

ACTION: It was M/S/C (Brubaker, Timmons) to approve the April 18, 2024 which carried by the following Vote: 4-0-2 (Ayes: Harrison, Brubaker, Timmons, Agarwal); Noes: None. (He, Golovets Absent; one seat vacant)

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

Planning Manager Hector Rojas indicated there was one public commenter on open forum.

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Herlindo Alfaro represents carpenters and spoke regarding the importance of hiring local carpenters and providing health insurance.

[Vice Chair Harrison moved the Commission to Item 1, a holdover from June 6, 2024]

HOLD OVER ITEM

1. PLN22-084: Homewood Suites Hotel

PUBLIC HEARING to consider a Conditional Use Permit and Design Review for the construction and operation of a 103-room, five-story hotel on a 1.69-acre vacant parcel. The project also includes ground floor height reduction from 16 feet to 14.5 feet and a Conditional Use Permit to provide more than the maximum number of parking spaces and approval of a Transportation Demand Management Plan. The project site is located at 3101 Garrity Way (APN: 405-290-054) in the CR, Regional Commercial 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.

Senior Planner Hector Lopez provided the staff report and history of the project which is a project site is a 1.69-acre vacant parcel located at the northeast corner of Garrity Way and Blume Drive. The site was the former location of a Chevy's restaurant, which was subsequently demolished after a fire in 2020. Paved areas, a parking lot, grasses, and trees remain on the site. The topography of the site has a gradual downward grade slope from north to south with steep downwardly sloping hillsides along its northern and western edges. The surrounding area is comprised of a wide range of land uses. Abutting to the east on Garrity Way, is a vacant site, approved by the Design Review Board in 2015 for a 98-unit residential project that has not been constructed. Further to the east, there is an existing 200-unit apartment complex (The Tides Apartments). To the north (rear of the site) is Garrity Ravine with a General Plan designation of open space, which is currently undeveloped. To the south and across the street on Garrity Way is the Extended Stay Hotel, two office buildings, and the Marriot Courtyard Hotel. The former Hilltop Malt site is located 500 feet west of the project site. The variety of uses in this area on Garrity Way are reflective of the area's accessibility from Interstate-80. The project site is zoned CR (Regional Commercial) District. The applicant is requesting approval of a Conditional Use Permit (CUP), Design Review Permit, and Waiver for the construction and operation of a 103-room, five-story hotel on a 1.69-acre vacant parcel. The requested Waiver would allow an adjustment to the minimum required ground floor ceiling height from 16 feet to 14.5 feet. The CUP is required (1) to allow the hotel use, a Conditional Use in the CR District, and (2) to allow more than the maximum number of parking spaces. The proposed hotel amenities would include an outdoor seating area, a fitness room, conference room, and bicycle storage locker. Vehicular access to the site would be provided two driveways off Garrity Way. A drive aisle of 24 feet in width would provide two-way vehicular circulation and access to 81 parking stalls within the site. The proposed project requires approval of a Conditional Use Permit under Richmond Municipal Code (RMC) Section 15.04.203.020 and a Design Review Permit under RMC Section 15.04.805.010.B for new construction. The proposed project includes a request of a Waiver for ground floor height reduction from 16 feet to 14.5 feet, which is allowed if it is less

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than a 10 percent reduction under Section 15.04.809.020.F. The project proposes more parking than required, approximately 35 percent greater than required. The applicant is seeking approval of a Conditional Use Permit for excess parking under Section 15.04.607.04012. Senior Planner Lopez provided a summary table of the proposed project's compliance with the applicable development standards of the CR (Regional Commercial) Zoning District. Senior Planner Lopez continued with information regarding the Traffic Demand Management (TDM) requirements and changes made as suggested by the Design Review Board; a condition of approval has been added requiring the applicant to prepare and implement a TDM Plan with measures that reduce to the extent feasible single-occupant vehicle trip generation rates 15% below the standard ITE rates (see Condition of Approval #2). On March 22, 2023, the Design Review Board conducted a study session for this project and provided comments on the design. There was a concern regarding the site planning, particularly the location of the outdoor seating area, the color scheme, and other design elements. The applicant incorporated most of the requested changes, including vehicular access to the site from one to two driveways. On May 8, 2024, the Design Review Board reviewed and approved the revised design subject to minor modifications, and recommended approval of the Design Review Permit to the Planning Commission. Upon completion of an environmental analysis by First Carbon Solutions (FCS), the project meets the criteria identified in California Environmental Quality Act (CEQA) Guidelines Section 15332 to qualify for an Infill Exemption (Class 32). The proposed project was determined consistent with the criteria listed in CEQA Section 15332 and would not trigger any of the disqualifying exceptions listed in CEQA Section 15300.2. A copy of the FCS Infill Exemption Analysis is attached as Exhibit B. To approve any CUP, the Planning Commission must make all the findings below in accordance with RMC Section 15.04.806.040. Staff believes all the CUP findings can be made for the proposed project. The findings and recommended statements of fact are provided in Resolution No. 24-08 in Attachment 1, which also includes all the design review findings for the proposed project as specified by the Design Review Board in its recommendation to the Planning Commission in Resolution No. 24-08. Public notification consisted of publishing a legal notice in the local newspaper, notification by mail of property owners within a 300-foot radius of the subject property and notification by email of the neighborhood council for the subject site.

Secretary Bruce Brubaker inquired about the procedural process with projects that have both land use and design review permits being considered and if the Hilltop Specific Plan will also be considered and if they expect impacts.

Planning Manager Hector Rojas responded that projects with both design review and land use designations in question fall under the purview of the Planning Commission. This project came into play prior to the Hilltop Specific Plan work so this project has a bit of a safe guard in that aspect. Staff have been sharing information about the project with the consultants and the land use designation being considered in the Hilltop area will allow for a hotel in the future.

Secretary Brubaker asked if the project intended to keep the trees around the site. Senior Planner Lopez replied he would have to confirm but he believed some tree removal would take place and they would be replaced in other areas of the property. It would be important to maintain the trees on the site.

Commissioner Alpa Agarwal inquired if there were plans to build a restaurant. Senior Planner Lopez explained there was not any plan to build a restaurant.

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

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Attorney Dana Dean with Hanson Bridgett spoke on behalf of the applicant and introduced owner Dylan Patel, civil engineer Alex, and the architect Costas. The project has been in the works for a while, and they worked hard through the design review process. The hotel is a cluster of buildings in a beautiful location, and the intent is to respect the future of the Hill Top area. Page 39 of the Design documents will show the information regarding the trees and which ones will be removed and added. The Courtyard area has been designed to overlook the water. The use will always be a hotel for Hilton Honors members.

Mr. Dylan Patel stated Hilton has it listed as an upper upscaled hotel with a ranking of 3.5 stars. It will be an extended hotel; all rooms have kitchenettes. This hotel will not be a full service hotel with restaurants.

Commissioner Agarwal noted the report should be corrected to reflect the project as upper upscale or 3.5 instead of the 5 stars that was listed. She supported the project and believed there is a need for an extended stay hotel in the area and inquired if the owner had considered some type of restaurants or happy hour gather point for the community.

Mr. Patel answered that Hilton requires they do hold a social hour Monday through Thursday that is limited exclusively to the hotel guests. There has not been anything planned for the community. Restaurants are not typical of extended stay hotels.

Ms. Dean suggested in the staff report there is a fairly detailed rendering of the gathering area on page 40 of 99.

Secretary Brubaker inquired about the height concession requested to reduce the height from 16 feet to 14.5 feet and the reasoning behind the decision. Ms. Dean explained that in order to meet the requirements of the parapet, they were not able to meet the height requirement of 16 feet. It made sense to make adjustment to the ground floor level.

Civil Engineer Alex stated the maximum height for the CR district is 55 feet. In order to meet that requirement with 5 stories, they had to shave 2.5 inches off one of the levels, it made more sense to do that on the ground level versus one of the levels with the rooms.

Secretary Brubaker commented that the regulation should possibly be reconsidered if it is preventing projects such as this from being built. Another possible way to address it is to have a variance for the overall height of the building, and still keep the ground level at 16 feet, although the higher height comes more into play with restaurants and public spaces, and he appreciated the clarification.

[Vice Chair Harrison opened the Public Comment]

PUBLIC COMMENT

Planning Manager Rojas indicated there were no public comments in person and one raised hand on zoom.

Project Manager Ron Patel stated the project would be new construction with 5 stories and it would be beautiful project to implement for the city and town.

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

Commissioner Agarwal commented that she wasn't sure if there was any sort of authority for the applicant meet the objective criteria and recalled there was a beautiful space at Chevy's that was a gathering space for the local community that over looked the ravine. The local community really missed that as it brought them together, and wondered if Hill Top would be better served with a full service hotel and restaurant that could help revitalize the area and provide an upper scale meeting space.

Vice Chair Harrison responded he had never visited Chevy's and appreciated the idea of a gathering space, and perhaps this isn't the hotel to do that but rather be a catalyst for other businesses to also build. This project is a good development project that shows that Richmond cares about that area and the community and perhaps others will come and add to it.

Commissioner Gay Timmons agreed with Vice Chair Harrison and added that often times an area just needs an anchor to start that process, and this would be a great way to achieve that.

Secretary Brubaker agreed with Commissioner Agarwal that it would be a better project for the community if there was a restaurant and it would likely do well, however, he didn't believe the Commission could make that a requirement. Secretary Brubaker asked the applicant to explain the reasoning behind the decision to make it an extended stay and not a full service hotel.

Mr. Patel explained that full service hotels tend to require 3 to 4 acres of land and 180 rooms minimum. When the land was purchased four years ago, the intent was to bring in another restaurant and none of the franchises they contacted had any interest in building. They went with what they could do, which was an extended stay hotel. The feasibility study showed the extended stay would be a better way to go.

Planning Manager Rojas noted that under the Hill Top Horizon Specific Plan and the Current Land Use Plan that is under consideration, the City knows there is a need and desire for a local gathering space that is very public and could be open to multiple vendors, possibly adjacent to the local retail space that is being considered and offered to share that information about those future opportunities for the Hill Top area.

Secretary Brubaker inquired if there will be attractive landscaping, or signage on the corner of Bloom Drive and Garrity Way. Ms. Dean explained there was a landscape plan in the staff report which showed the details of the landscaping. Mr. Patel responded that there would not be signage on that corner. Secretary Brubaker asked if the applicant would be amenable to having an attractive signage with nice landscaping in that corner. Ms. Dean stated they have a contract with Hilton regarding signage, they would not be able to agree to something like that without ensuring it didn't violate their contract. Mr. Patel stated that would have to be evaluated as there were several other factors to consider.

ACTION: It was M/S/C (Brubaker, Timmons) to adopt Resolution No. 24-08 and approve a Conditional Use Permit and Design Review APN: 405-290-054 for the construction and operation of a 103-room, five-story hotel on a 1.69-acre vacant parcel. The project also includes ground floor height reduction from 16 feet to 14.5 feet and a Conditional Use Permit to provide more than the maximum number of parking spaces and approval of a Transportation Demand Management Plan. In addition the Planning Commission included additional embellishment of the corner of the property at Garrity in the form of

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signage, additional landscaping or public part if feasible. Vote: 4-0-2 (Ayes: Harrison, Brubaker, Timmons, Agarwal); Noes: None. (He, Golovets Absent; one seat vacant)

[Vice Chair Harrison stated any appeal would need to take place prior to July 21 and closed the item and moved into Item 2.]

NEW ITEM

2. PLN23-265: Green Hing Cannabis Cultivation Facility

PUBLIC HEARING to consider a Conditional Use Permit to allow a marijuana cultivation facility within an existing vacant 34,000-square-foot structure on a 3.3-acre developed site at 80 W. Ohio Avenue (APN: 550-050-024-3) in the IL, Industrial Light District. Weed XYZ LLC, owner; Dat Hing Chan, applicant.
Planner: Gabrielle Delavallade, Contract Planner

Tentative Recommendation: Conditional Approval

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

Planning Manager Hector Rojas stated the staff report would be provided by the MIG consultant Planner Gabrielle Delavallade.

Contract Planner Gabrielle Delavallade with MIG stated staff's recommendation is for the Planning Commission to review the project and take public comments; and approve PLN 23-265 CUP with conditions of approval to allow a marijuana cultivation facility within an existing vacant 34,000-square-foot structure on a 3.3-acre developed site at 80 W. Ohio Avenue in the Industrial Light District (IL). The site contains two existing structures, a newly constructed building located near the rear of the parcel, and a two story industrial structure containing a cannabis cultivation facility that was previously approved. The site is zoned light industrial and falls under the General Plan category of Business/Industry in the Santa Fe neighborhood. Surrounding uses include Cannabis cultivation, glass installation, concrete installation, food production and storage facilities. The loading zone does not meet standards for length, a condition of approval is recommended to ensure the loading zone complies with these requirements. Application requirements from RMC Section 15.04.610.270 include submitting supplemental plans with the City of Richmond, which also including the disposal of unsold cannabis, odor prevention, mold prevention, and security. Plans can be found in Attachments D-K in the staff report. A conditional use permit is required for cannabis cultivation and all commercial cannabis activity must meet a minimum distance requirements for all schools, parks, and community centers. The proposed project would meet these location standards. Planner Delavallade provided Transportation Demand Management (TDM) trip reduction strategies and results. The proposed project is in compliance with zoning and the General Plan, location standards, application requirements for Cannabis uses, and is categorically Exempt from CEQA per 15301 – Existing Facilities, Class 1 (e)(2). The applicants license is currently being reviewed by State Law – California Department of Cannabis Control (DCC) for their medium indoor cannabis permit, a copy of the approved license would need to be sent to Planning Director prior to operation. Conditions of approval are recommended to ensure compliance with loading and adherence to submitted TDM and supplemental plans. Prior to public meetings staff received seven public comments with concerns primarily about odor, one pointed out retail items on the project site plans. Conditions of approval are recommended to

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require the applicant to remove these retail items from the site plan as retail is prohibited use for the site. Three comments from residents and business owners in the area expressed support for the project. The Police Department has added that they have responded to calls at multiple cannabis cultivation sites in Richmond. Planner Delavallade provided an additional summary of the required CUP findings. Staff recommends the Planning Commission approve PLN23-265 Conditional Use Permit and Conditions of Approval.

Planning Manager Rojas noted that a member of the Police Department was available for the Commissioners to ask any crime related questions.

Commissioner Agarwal inquired about what type of criminal activity the police department sees at a cannabis cultivation facility and expressed a concern regarding an already over worked police department. Lieutenant Decious responded he doesn't have any comparison data. The two establishments that have been visited in recent years, one has had 76 calls in the last three year period and the calls are usually for burglaries, and when a pursuit happens, they often locate firearms, and the other has had 52 calls. No arrests were made at the second facility. Whatever security measures in place will greatly impact/reduce these types of incidents that happen. One of the existing facilities hasn't needed to call for assistant.

Vice Chair Harrison inquired about the building adjacent to the existing building and if the alley between the two buildings could be an attraction for crime. Lieutenant Decious stated many factors could contribute to more crime, how the applicants allow people to navigate into and out of the site will also have influence.

Vice Chair Harrison requested the applicant's presentation.

Mr. James Lee spoke on behalf of the project and owners and stated that ironically, most burglaries happen at night with the culprits entering the building through the air vent system as entrance doors are barricaded by steel doors. This facility is 26 feet high, and in the four years this cannabis campus has been in operation, they have not had one burglary due to it being surrounded by an exterior fence. The proposed project sits in the center of three current cannabis cultivators. There are live security guards that cover each corner of the exterior fence. Additionally, each business has it's own security which multiplies the overall security presence in the area. The facility uses a drip system that goes through a purifier so it can be recycled and used again. No water ever leaves the facility. The building is high tech with refrigerated panels that have charcoal filters. That will ensure the facility does not emit an odor.

Secretary Brubaker noted there is a break room for employees with no windows and the facility didn't appear to have an outdoor community space and questioned if the applicant had considered either. Mr. Lee stated there would be a community space outdoor for employees to use, a rather large lot.

Commissioner Agarwal asked if Mr. James Lee was the applicant. Mr. Lee stated he is not the applicant. Commissioner Agarwal asked his affiliation and if he was allowed to speak on behalf of the applicant.

Mr. Lee stated he's the applicant's agent and speaking on behalf of them.

Planning Manager Hector Rojas confirmed that as an agent, he is allowed to speak on behalf of the applicant. Staff have been working with Mr. Lee over the course of the application submittal.

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Commissioner Agarwal questioned if staff if Mr. Lee is also the president of the Chamber of Commerce and questioned if that is a conflict of interest. This facility in ten years of it's least will pay in to Richmond approximately 1-million dollars in tax.

Planning Manager Hector Rojas deferred the conflict of interest question to the City Attorney's office.

City Attorney stated she's not there to advise the applicants conflict. She can advise and advise the Planning Commission. The applicant would need to determine his own conflict.

Mr. Lee responded he is not being paid to the agent for the applicant, he is fulfilling the cities desire to have more cannabis facilities in order to generate more tax income. He believed the proposed project is a great segway for bringing new businesses into Richmond.

Commissioner Agarwal expressed interest in why the applicant didn't choose a different city and concern because crime has increased since allowing . Mr. Lee replied that Richmond is easier to do business with and there is less crime. Commissioner Agarwal responded that she believes it puts unnecessary strain on the Richmond police department.

[Vice Chair Harrison opened the Public Hearing]

PUBLIC COMMENTS

[Vice Chair Harrison opened the item to public comments]

Susan T. O'Sullivan spoke about her concern about the ventilation noise and inquired if the other businesses have started operating yet. There's been a lot of information about the climate control data centers that cause a lot of noise. Additionally, one million dollars in tax funds over ten years doesn't cover the cost of one police officer per year and the tax income goes into the general fund, there's no guarantee it will be used for additional police officers.

Vice Chair Harrison inquired if the Consultant Planner was aware if the other cultivators were currently operating yet. Contract Planner Delavallade answered they were not able to confirm if the other three cultivators were operating fully.

Mr. Lee stated two of them are operating. One of them will be operating in a few months. The only noise factors are from condensers and those are located on the roof.

Victoria Sawicki from Atchison Village questioned if the three full time security officers were planned to be on post 24/7 and commented that the facility being 26-feet high shouldn't discount the ingenuity of criminals trying to break into the building; the applicant stated that with the addition of the facilities it increased security in the area and yet there have been seventy-six calls to the police department. Security is important in the iron triangle area. This isn't just a security and noise concern, it's also a quality of life issue.

Madaline Marrow from Atchison Village spoke against the project due to the potential smell. The area already has challenges with smell due to the other industrial facilities as well as the sewage plants. The police are so strapped right now, added issues are going to put a strain on the department.

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David Korman from Atchison Village inquired if one of the CUP requirements could be a specific amount of time the delivery trucks can idle as his neighbors can hear the diesel trucks in the middle of the night.

Tara from Atchison Village was shocked the Santa Fe neighborhood Council provided a letter of support after it was written that the facility was going to give back to the community starting with a \$2,000 check to that Council. That feels like a quid pro quo. Atchison Village has over 400 homes, it should also have been asked for their opinions. Often there is traffic backed up on Ohio due to the delivery trucks of the cannabis businesses that are already operating and inquired how many trucks per day the facility would be using.

Scott Charles, resident of Atchison Village, said that stopping the project can't happen, however there are things they can do to help. Monitoring and limiting the diesel trucks during certain hours would help, it's a quality of life concern; he suggested the City take more time to look at the project and consider all aspects of impacts on all the neighbors, not just Santa Fe. It was very difficult submitting comments to the applicants as his emails kept getting bounced back. There needs to be more civic dialogue. He's always been a pro legalization person, his concerns are not out of opinion, rather from a quality of life perspective.

Betty Marvin, Atchison Village resident and seconded everything said about quality of life, noise and air quality concerns and expressed that the report stated that the nearest residential community was Atchison Village, yet they were not contacted for public outreach with that community. People found out about the hearing at this meeting by looking at the agenda. There needs to be ongoing monitoring and accountability.

Mr. Lee responded to the public comments by sharing his personal reasons for advocating for the cannabis cultivators. Cannabis helped his son through serious mental health issues and since that time he's advocated for the medical healing of cannabis. The business deserves a fair chance, and it brings revenue for the city. Cannabis is highly regulated by the City, County, and State. The security guard on the perimeter will be three guards 24/7 hours per day. The products often come in bulk, so it gets delivered once per month and it's against state law to allow trucks to idle for long periods of time.

Vice Chair Harrison inquired if the applicant would be open to regular monitoring. Mr. Lee responded that they included in the report that there would be a monitoring report completed twice per year. Another Condition of approval may be to have them post a phone number for when neighbors smell an odor, or the trucks are a nuisance. Other counties have that in place.

Vice Chair Harrison added he wanted to embellish the CUP requirement regards the annual community meeting to include Atchison village.

Commissioner Timmons inquired the life cycle of the process of growing a crop. Mr. Lee explained the process to her. Every plant is tagged and monitored. Now that growing cannabis is regulated and legal, there is no cash involved, all funds are transferred through bank accounts.

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

Commissioner Agarwal commented that she's concerned about the conflict of interest. Mr. Lee is not a resident of Richmond and is the president of the local Chamber of Commerce and is

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speaking as an agent; he mentioned City Council is supportive of Cannabis businesses he provided no evidence to back that up. She appreciated the public comments from the residents of Atchison Village for speaking out about the problems these businesses create, and 76-calls to the police department is a staggering number, particularly when these criminals were carrying firearms so close to residential neighborhoods. These calls are distracting police personnel from serving the residents of Richmond. She appreciated the math done on the revenue over ten years not covering the cost of one police officer. She is not able to support this project. The City of Richmond is the City of Pride and Purpose, and residents have to be considered. It's all about the dollars that businesses bring in, the taxes paid by residents should matter as well. Crime is a really big problem. The monitoring and reporting twice a year are data driven and not results driven.

Vice Chair Harrison commented that what is described as a conflict of interest by Commissioner Agarwal is not the definition of a conflict of interest as it pertains to the Planning Commission from the standpoint of the Brown Act requirements.

City Attorney stated the analysis is with who's conflict it is. As a Commissioner there could be a conflict as listed under the Political Reform Act or Common Law conflict of interests. The analysis is around the Commissions position as Commissioners, City Employees or City officials. She is not able to speak to the conflict question. She added that the applicant was not present, that needs to be on the record. Staff had indicated that Mr. Lee had been present at the meetings and he has presented that he's an agent, however on the agenda itself, the applicant is not Mr. Lee.

Vice Chair Harrison stated he believed this type of subjective conflict of interest is personal and is not an issue for him. Additionally, the seventy-six calls were cumulative over three years and they have in the last year come down substantially.

Planning Manager Rojas added that he spoke with Community Development Director Lina Velasco regarding this project, and he indicated that the calls made from these businesses are consistent with the crimes and robberies that many other businesses have faced. There does not seem to be a concentration of crimes against the Cannabis businesses.

Commissioner Agarwal stated that facts would be very helpful for this discussion.

Vice Chair Harrison commented that the other concern is the notification process and how Atchison Village wasn't provided notice of the meeting, or outreach for the project, and seems to also be without representation on the Council. Planning Manager Hector Rojas stated that the process for notification is to notify all those residents within three hundred feet of the project, there were only two or three properties in Atchison Village that fell within the notification zone. It didn't make sense to him to notify only those two to three properties, so staff notified everyone within Atchison Village. The Neighborhood Council on record for this site is Santa Fe, not Atchison, but it would certainly help regarding questions by the residents of Atchison if the applicant included them in their outreach program.

Vice Chair Harrison agreed and wanted to list that as a specific modification to the notification condition of approval.

Commissioner Brubaker inquired about the process of the annual monitoring and expressed interest in including the reports be made to the Planning Commission as a modification of that condition. Planning Manager Hector Rojas stated they had used that type of condition on other

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projects and was interested in hearing the attorney's opinion on that subject. He would have to see if there is a provision in the code that would allow that.

City Attorney stated she didn't see an issue with including that as a condition, however she was not the normal Planning Commission attorney and requested time to do a little research.

Planning Manager Hector Rojas stated that there is not a provision in the Cannabis Ordinance that requires reporting to the Planning Commission, which doesn't mean one couldn't be placed on this project or any other project, case by case as other projects have similar conditions. However, he cautioned taking a heavy handed approach as this applicant has not established a track record. Future reports of code violations or nuisances would trigger the City's revocation process under the conditional use permit ordinance to bring the permit back to the Planning Commission for possible revocation.

Commissioner Brubaker requested confirmation that there is a condition that the annual report be provided to the community. Planning Manager Rojas stated that was correct.

In response to Commissioner Agarwal requesting specific information about the revocation process Planning Manager Rojas explained the specific process for revocation of the code is outlined under RMC Section 1504803130 Revocation process for the zoning administrator through the City Attorney's office. The neighbors of Atchison Village could also come to the Planning Commission and City Council meetings and speak under the Public Forum for items not on the Agenda. Potentially either body could initiate an investigation and a revocation.

Commissioner Timmons commented that it's very hard to balance industry and residential and Richmond is an industrial city in many ways. She moved her business and her home to Richmond for that reason and has appreciated that about the area. Another thing she appreciates about the project is there are no pesticides going down the drain, there are no hazardous pollutants going into the air. Finding industrial business like that and nurturing them in the community is part of finding that balance. She also likes that all of them are grouped together; and since the banking regulation was resolved, there is less incentive for the crimes against these businesses.

City Attorney confirmed that under the City's by-laws, so long as a quorum is present, majority rules on the vote.

ACTION: It was M/S/C (Harrison, Timmons) to approve application number PLN23-265 Conditional Use Permit to allow a marijuana cultivation facility within an existing vacant 34,000-square-foot structure on a 3.3-acre developed site at 80 W. Ohio Avenue in the IL, Industrial Light District subject to the recommended Conditions of Approval in Resolution 2405 with the modification that spells out the requirements of the owners to meet annually to report activities of the center with the Neighborhood Councils, to include Atchison Village and Santa Fe; APN: 550-050-024-3 vote: 3-1-3 (Ayes: Harrison, Brubaker, Timmons); Noes: Agarwal. (He, Golovets Absent; one seat vacant)

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

COMMISSION BUSINESS

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3. Reports of Officers, Commissioners and Staff

Planning Manager Hector Rojas reported that the next regularly scheduled meeting falls on July 4th, which is a holiday so it will be cancelled. The next regular meeting will be July 18, 2024.

Commissioner Brubaker suggested an automatic canvassing of Commissioners when one is absent to ensure there is a quorum. Planning Manager Hector Rojas added he will also begin requesting a formal response regarding availability for attendance when he forwards the Agenda Packet.

4. Adjournment - The meeting was adjourned at 9:16 p.m.

The next regular meeting on July 18, 2024.