

**MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024**

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

Council Chambers  
July 18, 2024  
6:30 p.m.

**COMMISSION MEMBERS**

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

The regular meeting was called to order by Vice Chair Jonathan Harrison at 6:33 p.m.  
Audio became available at [TIMESTAMP 24:49]

**ROLL CALL**

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

**Absent:** Commissioner Alexander Golovets

**INTRODUCTIONS**

**Staff Present:** Planning Staff: Planning Manager Hector Rojas; Community Development Director Lina Velasco; Contract Planner Virginia Morgan; Pam Lee, City Attorney's office

**Absent:** None

**MINUTES** – There were no minutes to approve.

**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 were no public commenters on open forum.

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

**HOLD OVER ITEM**

## **MINUTES APPROVED AT THE PC MEETING ON NOVEMBER 7, 2024**

### **1. PLN23-360: CPSA Emergency Housing**

PUBLIC HEARING to consider a Conditional Use Permit to allow conversion of an existing office building into an emergency shelter with up to 25 beds at 207 37th Street (APN: 516-210-020) in the T5MS-O, Main Street Open District. This item was continued from the June 6th Planning Commission meeting.

Joanne Joey Tang; Greg Van Meche, applicant

Planner: Virginia Morgan, Contract Planner

Tentative Recommendation: Provide Direction

Vice Chair Harrison announced the item and called for staff's report. The meeting was paused for technical issues. The meeting resumed at [TIMESTAMP 24:49] and Vice Chair Harrison started the meeting over.

Planning Manager Hector Rojas introduced MIG Contract Planner Virginia Morgan, who began the staff presentation with an explanation of staff's recommendation and provided an outline of the presentation, which included new information based on the Planning Commission's concerns and questions, and the public comments, from the June 6, 2024 meeting. Supplemental project information from the applicant and Richmond Police Department (PD) and applicable regulations/standards were also brought forward. The proposed site was operating as an emergency shelter without an operating license from approximately January to August of 2023. The current proposal is for a Conditional Use Permit (CUP) to allow the conversion of the existing office building into an emergency shelter with up to twenty-five beds. The June 6<sup>th</sup> meeting determined there was not sufficient information to either approve or deny the project. This is a continuation of the hearing. The proposal involves few changes to the interior of the structure, most proposed alterations are at the rear of the structure in the proposed parking and courtyard area. State and local regulations involve changes such as adding windows for egress and the addition of an outdoor congregation area. There is an estimate for four proposed onsite personnel, including two management team members which car pool, for an expected need of three parking spaces. Should the Commission deem additional security personnel or service provider is necessary, an additional CUP would be required for parking less than the minimum. Four public comments have been received since the June 6<sup>th</sup> hearing, which have expressed concern over the proximity of the proposed shelter to the Montessori school and middle school, increase police activity during previous operations, and issues of neighborhood safety including illegal parking and inadequate public illumination. All comments to date were compiled and included in the staff report as Exhibit B, with the exception of three comments received since the publishing of the staff report. The applicant's representative, who would oversee operations of the site, submitted a letter that addressed the Planning Commission's previous concerns and questions that was passed out to the Commission prior to the start of this meeting. Potential resident's would be identified by referrals from a combination of sources which include local and state parole offices, California Portsmouth Square Association (CPSA), and churches who support the unhoused on a local, state or federal level. The list of sources is subject to change based on the funding requirements and the needs of the residents. The CPSA expects that staffing would include at a minimum a two person management team, one security personnel, and potentially several service providers during service hours. The Richmond PD released information regarding total dispatched calls related to the site's address from January to July as 567 calls dispatched in 2023 and 625 dispatched calls in 2024. In 2023 there were more calls for eight different categories, in 2024 the calls spanned eighteen categories. State law limits applicable standards for emergency shelters to the following and the City could require

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conditions on the following: Management and Security, Parking, Outdoor Congregation, Exterior improvements and Health and Safety. Existing standards for emergency shelters in the Richmond Municipal Code also apply to include a maximum capacity of twenty-five beds, a minimum distance requirement from other shelters; facility requirements such as security lighting, an outdoor courtyard, and onsite management; common facilities and services that are allowed but not required; and bicycle parking. The Planning Commission's procedural options moving forward are to approve the project, making the required findings for both the CUP and the parking reduction, utilizing conditions of approval as allowed by State Law, which would not render the project financially infeasible. Ms. Morgan provided the information on the findings required to issue a CUP of the proposed use as well as the reduced parking. The requirements for the findings for reduced parking include documented parking demand reduction measures and that there would not be a substantial reduction in on-street parking for the surrounding uses. The second option would be to deny the project, in which the Commission must demonstrate a quantifiable threat to public health or safety, which could not be mitigated by conditions of approval. In accordance with State Law, the City would need to identify one or more impacts on public health or safety that has all of the following qualities: quantifiable information supported by data, a near term impact that can be linked to the project, and one impact that is unavoidable and can not be mitigated or that the mitigation would not render the project financially infeasible. Staff asked the Planning Commission to consider the information and provide direction to either approve the project with conditions of approval to the extent feasible or deny the project by documenting a quantifiable threat to health or safety.

Vice Chair Harrison inquired about the previous request to reduce the maximum number of beds to sixteen. Mr. Morgan stated that due to the Richmond Municipal Code maximum number of beds being twenty-five, the reduction to sixteen maximum beds would not be allowed.

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

Lonnie Holmes, CEO for CPSA began his presentation by stating that the previous shelter did in fact have an operating permit from the City of Richmond, and while it seemed that all the dispatched calls appeared to be depicted as coming only from the shelter, which was not possible because the residents included mostly women and children. Going forward, all of the anticipated future residents would be affiliated with a program on the local, state or federal level, with rules that would have to be followed from those programs as well. Moving forward after the approval, the residents will have strict guidelines to follow in order to be allowed to stay in the program. Mr. VanMecheler referenced racial overtones he perceived from the previous meeting and expressed the program's mission of supplying a wide cornucopia of individuals service that is provided through the program and noted that there were more calls dispatched from Richmond PD to the neighborhood in 2024 when the shelter was not operating than in 2023 when it was operating. He stated the staff report provided was a clear depiction of what their intentions are moving forward.

Vice Chair Harrison questioned the intended timeframe for the property to be ready to take on new residents. Mr. Holmes replied they are not yet sure of the time period, given the permitting process and procedures for the construction changes planned for the property.

Vice Chair Harrison asked staff if there is procedurally a time limit on the CUP if approved that it could sunset. Planning Manager Rojas explained that once the CUP is approved, there would be an expiration on the CUP if operation is not taken place within a year of the issuance of the CUP.

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Applicant Greg Van Mechelen inquired if the CUP expires only if there has been no progress on the project and not submitted for a building permit. Planning Manager Rojas stated he would have to read the zoning code to provide accurate clarification.

### **PUBLIC COMMENT**

Vice Chair Harrison opened the hearing up for Public Comment and requested those in favor of the project first.

Gwen Boozè commented in favor of the project citing the emergency need for housing for the unhoused given the exemplary increase in crisis for the unhoused population since the pandemic, particularly for families with children.

Dountèz McQuarters agreed with Ms. Boozè regarding the increased number of unhoused since the pandemic and stated he was one of those until Mr. Van Mechelen helped him through those programs. He is no longer unhoused and spoke about those individuals who are homeless simply because they fell into hard times. Programs like this are important because they help groups of people, not just individuals.

Daniel Butt commented that the area for this project is a bit of a dead commercial zone, and he doesn't see the downside to this project, rather sees it addressing what has become one of the biggest crisis right now, which is housing the homeless. He supports the project and hopes the Commission will work with the applicant to make it happen.

Elliott Davis commented as a homeowner in the city of Richmond, he manages a multifamily property in San Francisco and sees programs like these be very successful. He has seen an increase in the number of homeless people within Richmond and believes this will help address a great need.

Pam Saucer commented that Richmond has always been really good about supplying services to the needy until and did so quietly and respectfully and because of this it is an area that will always be respected by many including agencies, programs, and deliveries. Ms. Saucer spoke of several programs that used to be in Richmond that are no longer available due to the pandemic. This program has the potential to offset the programs that were lost due to the pandemic.

Planning Manager Rojas stated that concluded the speakers in favor of the project and continued calling on those who spoke against the project.

Roxanna Molina spoke as an adjacent neighbor to the property and against the project. She spoke on behalf of the neighbors who live on her block. They came together because they all had negative experiences from when the shelter operated in 2023. There has been loss of property, vandalism, and verbally abusive behavior from past residents. A business license is not a building permit that allows the operation of a shelter. The neighborhood children were afraid to play in the front and would often be heckled by residents. The only time a manager would come to the property was the day before trash pickup to collect garbage left each week by the people living in the shelter. Because a manager was not on property, those authorized to stay there were letting in additional people and at one point there were seventy people living in the building. The majority of the residents were men who would work on cars in the parking lot and not clean up the mess. Both the men and women residents were verbally abusive to the single-family residents leaving the neighborhood feeling unsafe. Management onsite will help,

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but they don't manage the unhoused residents when they leave the property, which leaves the current neighbors open to verbal abuse and vandalism of property. The calls can be made to the PD, they are also short staffed and cannot always respond in a timely manner. There are many other places that are appropriate for a shelter.

Ronald Sanchez spoke against the shelter as a neighbor of the proposed project, and confirmed what Ms. Molina said regarding vandalism and verbal abuse and stated there are three schools within the general vicinity of the property. The student's safety should be considered. The safety of the neighborhood should be considered.

Alejandra Garcia spoke regarding the past residents of the shelter having harassed her children and other children in the neighborhood and trespassed into her backyard. The experience traumatized her son. When the police were called, she was told to file a police report online. The middle school is only 800 feet from the shelter. The children in Richmond deserve to feel safe.

John spoke against the project and expressed concerns about it being run by the same organization that ran the previous shelter without permits. He has witnessed the negative effects the previous shelter had on the community. The owner lacked accountability with the previous shelter regarding drug abuse, lack of management and police protection for the surrounding community. It made for an unsafe environment for the neighborhood. There are other suitable locations for a shelter that are not within proximity to schools.

Apostle Frederick Hamilton spoke in favor of the project to help with the influx of unhoused and those in need due to other shelters being closed during the pandemic, particularly for women and children. Neighbors should help neighbors, there's an epidemic of homelessness, this project would work in the right direction of lowering those numbers.

David Barksdale spoke in favor of the project and stated he is one of the individuals that would be providing services to the residents of the shelter if approved. Up and Away is an outstanding program and realizes the world is bigger than them; it takes that kind of mentality to actually make a difference in the epic rise of current unhoused people. This program provides services that are currently nonexistent. They plan to do better than the last shelter in this location.

LaDaysha Lall spoke in favor of the project and expressed the need for shelter housing for family members. Crime is a risk in all locations. Part of being a community is coming together and helping those in need.

Edward Williams spoke in favor of the project and explained the importance of housing for those returning to society from prison. It is also the most lacking service for those without the means to pay for it after being released. The benefits of providing housing are far greater than if housing is not provided.

Dewanda Joseph White spoke in favor of the project and expressed her understanding of the neighbors, she too has called the police for incidents in her neighborhood endlessly. There are over 500 unhoused people in the city of Richmond and 1,600 in Contra Costa County. There is a huge issue right now with people being displaced because rents are too high. The opportunities this program provides are necessary in order for the City to thrive. Everyone in the community matters.

Danny Godfrey spoke in favor of the program and stated the opposing sides need to come together and develop a program that keeps the community and the residents of the shelter safe.

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There are bad apples, vetting the programs would help eliminate those bad apples so the people who deserve and need the services can utilize those programs.

Jaul Continas was translated by Planning Manager Rojas who stated Mr. Continas is a resident in the neighborhood who would like the Commission to take into consideration the families already in the neighborhood. He believes housing is important, however this location may not be the best location due to the proximity of nearby schools, when residents call the police, they do not respond promptly and that should also be taken into consideration. Some have indicated that people are vending in the streets, those people are just trying to survive.

Nyzare Davis spoke in favor of the shelter and told of his personal experience of family benefiting from having the use of a shelter. Without the support of the shelter there would have been no hope; instead, the program was able to provide the resources for them to find a job and a suitable place to live. Structure and guidance from a shelter is what lowers the crime rate.

Mario Retana spoke in favor of providing housing and against this project because the police are not ready to handle the influx of people in the shelter; additionally, the number of schools within close proximity of the shelter is concerning. He requested the Commission consider the safety of the families already in place in the area.

Charlie Slowkey spoke in favor of the project stating that the probation office is directly across the street from the location, which means the low number of residents in the shelter is nothing compared to the number of sex offenders and criminals who are in the probation office registering and checking in for court appearances all day every day. The CPSA is attempting to mitigate the crime and unhoused challenges and offer those people a way out of the system and a path for a better life.

Mr. Holmes, CPSA CEO, rebutted that it is unfortunate the community can't come together to find a solution for those people in need. The Program is trying to make a difference in helping those who need help.

Roxana Molina responded they still oppose the permit based on the lack of responsibility in managing the shelter that was in place in 2023, and requested the Commission consider the safety of the residents already in place.

Sergio Joshua Vega Vargas spoke against the project and acknowledged the need for housing, citing there are other areas where the shelter could be located that likely have less children. There is a middle school and preschool within a couple blocks of the property. Everyone is fighting to survive and suffer hard situations, an area near a rehabilitation center would be more appropriate.

[Vice Chair Harrison closed the Public Hearing and suggested a five-minute break.]

**The Planning Commission took a 5-minute break.**

**The Planning Commission returned with Vice Chair Harrison, Secretary Brubaker, and Commissioners He and Timmons in attendance.**

[Vice Chair Harrison closed the public hearing and opened the item for Commission discussion and deliberation.]

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Commissioner Gay Timmons expressed an interest in understanding who would be running the project and how it will be organized. Mr. Lonnie Holmes stated the City of Richmond approached the applicant and requested they provide lease agreements within their facility for some of the unhoused. The City and their resources would be the agencies that provide the services and programs, he would be responsible for managing those programs for the shelter if the project is approved.

Commissioner Timmons inquired if by definition of emergency housing, there would be a time limit that people could stay in the shelter. Planning Manager Rojas answered yes, six months or less for each occupant.

Secretary Jonathan Brubaker requested the difference between the program moving forward versus what it was in 2023. Mr. Holmes replied the prior shelter wasn't a program, they were landlords providing housing based on renting out the facility. The new project will be residents who are affiliated with programs with rules structured towards helping the residents find jobs and permanent housing.

Secretary Brubaker asked who would be doing the hiring for the staff of the shelter. Mr. Holmes stated CPSA would do the hiring.

Commissioner Aaron He inquired if there would be a lease involved again. Mr. Holmes confirmed no, there would not be leases. The main difference in that is if a resident is not complying with the rules and regulations of the program, they can be removed from the shelter. Someone with a lease cannot be forced to leave.

Commissioner He asked if rent would be paid. Mr. Holmes explained rent would not be paid, the agencies that provide the programming generally receive federal and state assistance, thus providing them with the means to remove people who don't follow the rules as it would jeopardize the funding.

Planning Manager Rojas stated the City's Housing Manager Jesus Morales was available to speak regarding to the City's responsibility of the previous shelter and the City's responsibility for the current project, if approved.

Housing Manager Morales clarified that the City did approach Mr. Holmes regarding housing some of the residents in 2023 temporarily until permanent housing could be found. The City requested individual leases due to their assistance that was available was based on providing individual assistance, rental assistance, and other services to individuals. In early fall the Fire Department deemed the building unlivable, so those leases ended, and they had to remove the residents. Moving forward it is not clear if the City will be using the facility. The City now has a different approach going forward. In 2023 it was an emergency situation, the current situation is the City has a local hotel they can house people temporarily while a place to live becomes available.

Community Development Director Velasco noted all of the housing programs are grant funded and unless additional funds are secured, they are limited in what services can be provided based on grants received.

Secretary Brubaker inquired what the ratio is for women and women with children to men in the current programs. Mr. Holmes stated that is hard to predict, based on which organizations will have the funding to do their programs.

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Commissioner He expressed concern regarding the parking situation both on street and off street and stated it's a big assumption to make that the two manager would always be able to carpool.

Secretary Brubaker asked if the project could be approved as proposed and if the applicant were to come back needing parking for additional staff members, it would trigger a need for an amendment on the CUP. Planning Manager Rojas responded that was correct and that amendment would be heard by the Planning Commission.

Secretary Brubaker asked if it could be approved without the conditional use permit and if there was a need they could apply for the CUP at that time. Vice Chair Harrison inquired if Richmond had a program where parking could be leased offsite. Community Director Velasco answered she could look at the code section, she believed the City could have required parking within a certain distance from a subject property, but she wasn't aware of the specific standards. It sounds like additional staff would be beneficial to the project so adding additional parking could be prohibitive to that. Offsite parking could prove beneficial.

Mr. Holmes stated the mechanic across the street is consistently out of compliance with City parking constraints for on street parking, if that were to be addressed, there wouldn't be a need to find additional parking for extra staff members.

Vice Chair Harrison suggested staff bring up the code enforcement issue with the code enforcement team.

Commissioner He suggested earlier data for 2019 through 2022 from the Police Department would be helpful. Planning Manager Rojas stated that could be requested.

Mr. Holmes noted that during that period the building housed a different nonprofit.

Secretary Brubaker questioned what caused the change from the original request for 16 beds to 25 beds. Planning Manager Rojas answered that a State Law was found that prohibits limiting the number of residents at the location if the zoning code already specifies a limitation.

Secretary Brubaker inquired if the step in the front of the building was going to be made accessible. Applicant Greg Van Mechelen responded that there wasn't enough room to create a ramp so the accessible entrance will be from the courtyard. The appropriate signage would be provided to direct disability accessibility to that entrance.

Vice Chair Harrison inquired about staffing requirements for a number of residents over the quantity of fifteen. City Attorney Pam Lee stated that there isn't a specific objective standard applicable to staffing for emergency shelters. If they go by the CPSA and California Code of Regulations, ten staff per every ten residents. If there are twenty-five residents, that would mean three staff members during the day hours and two during the night hours. That would put the required parking at four spots instead of three. Because that isn't a requirement for emergency shelters, that requirement was not listed in the staff report.

Vice Chair Harrison suggested more information with regard to how the City manages the staffing requirements would be appreciated for the next time the item appears before the Planning Commission.

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Vice Chair Harrison inquired about consistency with the standards of the General Plan. Planning Manager Rojas stated that is usually addressed when there is a recommended action to either approve or deny a project, since the recommended action is to provide direction, the analysis for General Plan consistency would depend on the direction from the Commission. If the Planning Commission were to direct staff to deny the project, staff would look at the General Plan for justification of that denial.

Vice Chair Harrison suggested staff look at the General Plan compatibility regardless of the Commission's direction. It could also apply to an approval, based on the Commission's desire to mitigate potential negative impacts to the neighborhood.

City Attorney Lee stated that with an approval, one of the biggest concerns from the neighbors is there needs to be additional safety and security personnel. That was one of the conditions staff were suggesting, as it addresses one of the objective standards that the City is allowed to address as part of an emergency shelter.

Commissioner He asked if any members of the Richmond PD were present. Lieutenant D. Decious stated he is unfamiliar with the topic and would prefer to do the research needed to conduct a critical analysis.

Secretary Brubaker noted the letter from Richmond PD to City Council stating they agreed that if the plans moved forward additional support and safety measures should be considered.

Vice Chair Harrison suggested that a number of cameras and their locations would be important as well; and inquired if the Commission could prohibit gathering in the front of the building as part of the condition. City Attorney Lee stated for safety accessibility for the right of way, which could be part of the condition providing the applicant met gathering requirements for the property in another location such as a courtyard or in the building. Applicant Greg Van Mechelen stated it is part of State regulation that queuing be allowed so they already have space in the building and in the rear courtyard to allow for queuing.

Commissioner He commented that before the next meeting he hoped that the applicant and staff could arrive at a number of personnel onsite. The current assessment seems quite fluid. Code dictates that three management staff members are required, security is something that the Commission and the Police Department need to discuss; information regarding the number of service providers and/or parole officers and how those might be scheduled would be helpful information so the Commission can derive at a more accurate estimate of what would suffice, as well as determining a better estimate of parking availability that would be needed.

Secretary Brubaker commented that he hoped the neighborhood understands the Commission is struggling with this request. There is a definite need for housing, however, there needs to be as many measures as possible in place to ensure the security and wellbeing of the surrounding neighbors.

Commissioner Timmons commented that she appreciated the public comment regarding the proximity of the parole/probation office in relation to local schools and neighborhood and expressed concern that it should be considered in some way going forward. She is conflicted with the project, as she completely related to the need for the shelter but remained concerned about the security of the neighborhood families.

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Vice Chair Harrison commented that it seemed like the prior shelter was a horrific situation and there seemed to be an effort in place to do it right this time, unfortunately it would take a leap of faith for the neighborhood to believe that. He agreed with Secretary Brubaker and would lean towards passing the item if the Commission was able to condition the project in such a way the neighborhood is impacted the least. Inspections should also be put in place and the parking situation will need to be resolved.

Commissioner He agreed there's a need for affordable housing, however, the concern about safety is not unfounded and more issues need to be resolved. There would need to be a robust of conditions in place and a strong program of periodic inspections, he would prefer to make his decision after seeing the new package and updates.

Planning Manager Rojas stated if they prepare a package for approval, they can include a robust list of conditions and based on that information, the Commission can approve the CUP or deny it.

Vice Chair Harrison stated that would be his preference to proceed.

Secretary summarized a list of potential conditions to include additional security personnel and measures, access to camera footage, parking requirements need to be sorted out assuming a need for more and not less, an inspection program to update the Planning Commission, and some sort of liaison to the neighborhood, possibly one of the management team, that is bilingual with Spanish, that will enable the neighborhood to communicate their concerns directly with the shelter.

**ACTION: It was M/S/C (He, Brubaker) to Continue the Public Hearing to a Date Uncertain for the Conditional Use Permit to allow conversion of an existing office building into an emergency shelter with up to 25 beds at 207 37th Street (APN: 516-210-020) in the T5MS-O, Main Street Open District to enable staff to prepare a package to approve. Vote: 4-0-3 (Ayes: Harrison, Brubaker, Timmons, He); Noes: None. (Golovets Absent; two seats vacant)**

The Planning Commission took a 14 minute break.

The Planning Commission returned with Vice Chair Harrison, Secretary Brubaker, and Commissioners He and Timmons in attendance.

**NEW ITEM**

**2. PLN23-267: Wave Karaoke Club**

PUBLIC HEARING to consider a Conditional Use Permit to allow operation of a karaoke club with on-sale beer and wine (ABC License Type 42) at 5221 Central Ave (APN: 510-081-055) in CR, Regional Commercial District.

Northern Properties LLC, owner; Tommy Chen, applicant

Planner: Hector Rojas

Tentative Recommendation: Denial

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Vice Chair Harrison announced the item and stated the applicant requested Public Comment prior to the staff report so those who had been waiting for hours could participate. In addition, there would be a vote to continue past 10:30, or continue the meeting to another night if needed.

### **PUBLIC COMMENTS**

[Vice Chair Harrison Opened the Public Hearing for Public Comment]

Glenn Nate was not present.

Lonnie Holmes spoke on Pam Saucer's behalf because she had to leave for an emergency. He is in favor of the karaoke club as it provides cultural enrichment, tax revenue, and makes the dreams come true for people who want to be singers.

Yau Lu said he was in favor of the project as it provides a place for young aspiring singers to practice since there was not that option available in school.

Qiping Chen provided comment that she hoped the project opens.

Huina Cheng commented by a translator that he fully supports the club opening.

Steven Zhu commented Richmond is a safer place than the larger cities and needs a club like this for parties.

Yuan Bin Tan expressed he fully supported the project as Richmond needs good entertainment.

Yonglie Tan commented by a translator that he supports the project for more entertainment with his friends and family.

Pam Cheng commented that she supports the karaoke club.

Yu Uing Tse supports the karaoke club as Richmond city is a very boring place. It would provide good entertainment and opportunity.

Maggie Zhang spoke through a translator that they were in support of the project for a place to go after dinner with her friends. She would like to see something open later than 9, and a place to celebrate special occasions and the karaoke gives her a place to practice singing without being too loud at home.

Angela Ye commented that she supports the project as it gives the community a place to enjoy when they aren't working.

Apostle Frederick Hamilton was not present.

Yan Li Zhu commented by a translator that she supported the project for a place to enjoy in the evenings, it would be a good place to celebrate special occasions.

Ruan commented through a translator that he fully supports the project for a place to hang out in Richmond and job opportunities. It will help the City's economy.

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Xiaoyi Wu commented through a translator that he supports the project as it will bring him and his family entertainment.

Bich Haa Vy spoke in favor of the club as it gives her a place to go with her friends.

Men Zhang Hu spoke in favor of the club, and it gives her a place to go when she's homesick.

Planning Manager Rojas apologized for any mispronunciations and offered to let anyone speak that did not approach the microphone. Several people.

Haixing Wu spoke through a translator and offered support for the project as a place to hang out.

Huina Chen spoke through a translator that she was in support of the project as a place for entertainment and fun with her friends.

JJ McKenna spoke in favor of the project because music is a language of love and healing and there is an outpouring in the community of people in support of a place to enjoy their friends while sharing music. There should not be a reason for the Commission to deny the inclusion of this facility for leisure in a place where there are no homes. This business would be a great asset for the Asian community in Richmond.

Manzuan Au spoke through a translator that he supports the club as a place to relax after work and on the weekends.

The following names were called, and no one approached the microphone:

Charlie Slowkey  
Hai Hong Wu  
Yu Chen  
Jeff Chi  
Sagat Cheung  
Yao wen Chen  
Hui Deng  
Leli Lin Chao  
Wei Qiang Kuang  
Thaywei Bin  
Shao Yi Li  
Ze Ming  
Xianbao Chen  
Shenlin Rum  
Jeffie Chen  
Zin Cheng Do  
Jialin Ma  
Xinai Qiu

[Vice Chair Harrison closed the Public Comments and called for the Staff report.]

Planning Manager Hector Rojas provided the staff report and stated he had online City Attorney Pam Lee and Richmond PD representatives Christopher Tong and Lieutenant Decious. This is

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a public hearing to consider a request for a conditional use permit (CUP) to operate a Karaoke Club with on and off-sale beer and wine (ABC License Type 42). Staff recommends the Commission hold a public hearing and adopt Resolution Number 24-09, denying PLN 23-267. The project site is located in the southwest annex neighborhood just north of Central Avenue. The sight contains two shared buildings, a parking lot with 82 stalls and limited landscaping. Surrounding land uses include light industrial and residential. The site is zoned CR Regional Commercial, General Plan designation being Regional Commercial mixed use. Much of the interior has been demolished including the walls and to some extent the electrical. Staff noted that within the last two weeks the applicant submitted an application for a building permit that has not yet been issued, however work has already begun. The karaoke club would span two floors with 23 private rooms and 1 VIP room. The applicant has applied for a Type 42 alcohol license for on-sale beer and wine only; if issued minors would not be allowed on premises. The club would have 16 employees plus security personnel and would operate 2 PM to 2 AM daily. Proposed improvements as part of the CUP are interior remodel of Building B, replacement of 5 rooftop HVAC units on Building B, Conversion of 2 parking stalls east of Building B to ADA-accessible stalls; and installation of a striped pathway between the lobby of Building B and the new ADA stalls. Richmond PD completed a Crime Prevention Through Environment Design Assessment (CPTED) for the project site which indicated there have been 99 calls for service in the last year within 600 feet that included burglary, theft, and vehicle tampering. They responded to 437 calls in the larger vicinity which includes Costco, Wholesale, and the Pacific East Mall. The project site is poorly illuminated during evening hours, the assessment suggested increasing the number and intensity of lighting fixtures throughout the facility to help detour crime during nighttime operation. The result of the assessment indicated that the project site would not be suitable for a karaoke club, even with the lighting, window, security, signage and camera recommendations were implemented because of the parking, access and police surveillance issues. The zoning analysis is included in the staff report and does not meet the standard conditions of approval for uses involving the sale of alcohol, as established by City Code, for lighting, security cameras, sound walls, and windows. The operation of the club at the proposed location would not align with several of the City's General Plan, thus the project is not consistent with the General Plan. The Richmond Neighborhood Coordinating Council and adjacent neighborhood council were notified, there have been no objections. Staff recommend that the Planning Commission hold a public hearing, adopt resolution No. 24-09, denying PLN 23-267, based on the PD's CPTED assessment, the project's noncompliance with the General Plan and the project's non compliance with the City's standard conditions of approval for alcoholic beverage sales.

[Vice Chair Harrison called for the applicant's presentation.]

Daniel Butt, attorney for the applicant, spoke on behalf of Tommy Chang, the principal applicant, and noted he submitted a letter to the Commission as well as an email from Lieutenant Decious expressing support for the project in March of 2024. He doesn't understand why the City won't engage in conversations to mitigate their concerns. The alcohol license type 42 is on-sale only. The property is defined under the General Plan as a major activity corridor in Richmond, next to Costco and between the two freeways. The description of the project is a standard karaoke floor plan and all of the private karaoke rooms would have windowed doors and monitored security cameras in each room. The CPTED assessment indicated this project is the same ownership of the karaoke club that shut down and that is incorrect. There are very few areas that allow for clubs in Richmond is this one. Mr. Butt talked about the reason for the CPTED is to establish if a use would be appropriate for the land and area. It isn't supposed to be used to determine eligibility for businesses. The idea is to do the assessment and find out what's needed in order to create those businesses opportunities, and what can't be done. The way to mitigate crime in

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the area is to put businesses in vacant buildings that would allow for traffic and regular use and natural surveillance. He has never seen the City perform a CPTED for a karaoke business before and it was conducted nine months after the project was submitted. The applicant reached out to the planning department in May to try to mitigate their concerns and find out why they were opposed to the project and the response given was they were just against the project. Planning staff offered to refund the application fee if they would withdraw the project, and the applicant didn't want to do that. There is a huge desire for the club and there hasn't been a single opposition against it. All of the concerns from the planning department are relatively easy things to fix. Attorney Butt went through some of the General Plan land use goals in an attempt to contradict staff's reasoning for denial.

**ACTION: It was M/S/C (Brubaker, Timmons) to Continue the meeting past 11 PM vote: 4-0-3 (Ayes: Harrison, Brubaker, He, Timmons); Noes: Agarwal. (Golovets Absent; two seats vacant)**

Vice Chair Harrison commented that he felt the project was worth considering to see if there was a way for staff to support it.

Planning Manager Rojas suggested allowing Lieutenant Decious to speak on his initial response versus the latest response. While there are issues that could be mitigatable, when looking at parking and access to surveillance, the site is designed in a way that doesn't lend itself best to a use such as this. Specifically with the proposed hours of operation. If the hours were different, perhaps the take would be different as well. It's in a business area where there are no businesses that operate into that late hour. In particular with the layout of the property and the proposed site being isolated toward the rear of the property.

RPD Lieutenant Decious spoke about the difference between his original response and the one after the CPTED Assessment was completed. Originally, he hadn't done a deep dive analysis and was making a decision based on more topical information. At no point did he give a stamp of approval on any project. When he originally stated he didn't see any issues with the business, he was basing that on a list of calls for services and reports that were taken for a span of time last year. Those numbers are low because there are no bars or liquor stores in that area. He also wasn't happy with the closing time being 2 AM and felt a more appropriate closing time might be midnight.

RPD Sargeant K Tong provided insight into the CPTED Assessment and explained what he considered during the analysis. Parking security is an issue due to the site configuration but most importantly, with there being only one access point to the proposed project, it could make response time challenging for first responders in the event of an emergency.

Secretary Brubaker suggested if the Planning Commission is going to deliberate on the item in the near future, a condition of approval needs to be included. The maximum capacity for the building and plans is not consistent with the number of exits and that was found. There is not enough information to understand any resolve to the other items that could be mitigated, and he didn't know what to expect to come forward.

Attorney Butt responded that generally it's 10 to 12 spaces per 10,000 square foot building space. The property has multiple opportunities for egress access to the property. Many of the other local dining and bar establishments are also isolated.

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Commissioner He expressed concern about the parking and circulation of the project and inquired if there is a parking minimum for it's current zoning.

Vice Chair Harrison suggested that his opinion is the item should be continued and allow staff to do more research and work with the applicant for some of the mitigation measures that the police officers suggested. If they can't be addressed, that is what the Commission needs. If they can be addressed, a list of suggested conditions would also be helpful to the Commission.

Secretary Brubaker requested an accurate status of the other two karaoke bars upon return to the Commission, and if there have been dispatched calls to those other bars. If the closed bar is the same owner that is submitting this project, he's like clarification as to what went wrong that caused it to close.

Attorney Butt stated the closed bar is different ownership and they had some challenges with their landlord.

Sargeant Tong added that there was a shooting at the W Club that occurred in 2022, and a commercial burglary at the other location in the Pacific East mall in 2024.

Commissioner Timmons mentioned that she'd be interested in how the other businesses feel about an influx of vehicles at 2 PM and if that would interfere with their daily business.

Attorney Butt stated that in talking with other business owners in that location, they stated that with the proposed business hours, the additional traffic would be less of a problem than with a business that was also open during business day hours.

Commissioner He stated that a traffic study could be useful if at all possible.

**ACTION: It was M/S/C (Timmons, He) to Continue the hearing to a date uncertain for the Conditional Use Permit for a karaoke club with on-sale beer and wine (ABC License Type 42) at 5221 Central Ave (APN: 510-081-055) in CR, Regional Commercial District; APN: 510-081-055 to allow staff time to work with the applicant further for ways that may be acceptable for a recommended approval. vote: 4-0-3 (Ayes: Harrison, Brubaker, He, Timmons); Noes: Agarwal. (Golovets Absent; two seats vacant)**

[Vice Chair Harrison closed the item and deferred the remaining Agenda items to a future meeting.]

### **COMMISSION BUSINESS**

#### **3. Election of Officers**

#### **4. Reports of Officers, Commissioners and Staff**

#### **5. Adjournment - The meeting was adjourned at 11:10 p.m.**