

MINUTES APPROVED AT THE PC MEETING ON DECEMBER 19, 2024

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Council Chambers
November 7, 2024
6:30 p.m.

COMMISSION MEMBERS

Chair Jonathan Harrison	Gay Timmons	Vacant
Bruce Brubaker, Vice Chair	Alexander Golovets	Vacant
Gay Timmons, Secretary	Rachel Lockett	

The regular meeting was called to order by Chair Jonathan Harrison at 6:35 p.m.

ROLL CALL

Present: Chair Jonathan Harrison; Vice Chair Bruce Brubaker; Commissioner Alexander Golovets

Absent: Secretary Gay Timmons; Commissioner Rachel Lockett

INTRODUCTIONS

Staff Present: Planning Staff: Avery Stark, Principal Planner and Acting Planning Manager; Community Development Director Lina Velasco; Contractors Sarah Manzano, Ramboll.

Absent: None

MINUTES April 4, 2024; April 18, 2024; June 6, 2024; June 20, 2024; July 18, 2024.

ACTION: It was M/S/C (Brubaker, Harrison) to Approve the Minutes of the April 4, 2024 Planning Commission meeting as revised. vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0

ACTION: It was M/S/C (Brubaker, Harrison) to Approve the Minutes of the April 18, 2024 Planning Commission meeting as revised. vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0

ACTION: It was M/S/C (Brubaker, Harrison) to Approve the Minutes of the June 6, 2024 Planning Commission meeting as revised. vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0

ACTION: It was M/S/C (Brubaker, Harrison) to Approve the Minutes of the June 20, 2024 Planning Commission meeting as revised. vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0

ACTION: It was M/S/C (Brubaker, Harrison) to Approve the Minutes of the July 18, 2024 Planning Commission meeting as revised. vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0

AGENDA

CONSENT CALENDAR

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

[Chair Harrison Opened Public Comment]

Acting Planning Manager Avery Stark indicated there was one public comment on open forum.

Cordell Hindler, member of the Park Plaza Neighborhood Council and Richmond resident, provided public comment about the impact on traffic due to the expansion project of Fair Media Hilltop and requested that all neighborhood councils be informed of community outreach meetings.

Chair Harrison requested staff to ensure they are notifying the neighborhood councils of future items.

[Chair Harrison Closed Public Comment and moved the Commission to Item 1]

NEW ITEM

1. PLN24-277: Chevron Modernization Project Annual Compliance Report

PRESENTATION on the Chevron Refinery Modernization Project Annual Compliance Report pursuant to Condition of Approval H5 of Conditional Use Permit PLN11-089 at 841 Chevron Way/100 Chevron Way (APNs: 561-030-001; 561-030-002; 561-030-003; 561-030-005; 561-040-013; 561-040-014; 561-040-015; 561-040-016; 561-040-017; 561-080-001; 561-080-002; 561-080-003; 561-080-005; 561-080-006; 561-080-007; 561-090-003; 561-090-004; 561-100-003; 561-100-009; 561-100-010; 561-100-017; 561-110-020; 561-100-025; 561-100-037; 561-100-038; 561-100-042; 561-100-043; 561-100-044; 561-100-047; 561-100-048; 561-100-049; 561-110-022; 561-100-029; 561-110-034; 561-110-035; 561-110-036; 561-110-041; 561-110-044; 561-390-001; 561-390-003; 561-390-004; 561-390-016; 561-400-008; 561-410-002; 561-410-003) IG, Industrial, General District.

Chevron USA Inc, owner.

Chevron Products Company, A Division of Chevron USA Inc., applicant

Chair Harrison announced the item and requested the staff report.

Director of Community Development Lina Velasco introduced contractor Sarah Manzano, of Ramboll, who provided the staff report on the annual update. The Modernization Project consists of construction of a new hydrogen plant and equipment improvements that remove naturally occurring sulfur contained in feedstocks processed at the facility, including modifications to the Refinery's existing sulfur recovery units (SRUs) (collectively, the Sulfur Removal Improvements). The Project would also construct infrastructure improvements to facility piping, utility lines, and electrical systems. The Modernization Project also includes several Project Design Features proposed to avoid or reduce environmental impacts. The Project requires the Refinery to achieve no net increase in "criteria" air pollutants and health risks from toxic air contaminants (TACs) and no physical increase in greenhouse gas (GHG) emissions. The CUP for the Project requires that, every year beginning after the first full year of Project construction, Chevron submit to the City an annual report documenting compliance with the conditions of approval of the CUP, the mitigation measures and improvement measures in the MMRP, and covering costs and fees of third-party experts retained by the City. Chevron submitted its seventh annual compliance report (see Attachment 1) on August 30, 2024, which covers the period from January 2023 through December 2023. The City contracted Ramboll to verify Project compliance, which includes detailed reviews of the annual report, reviewing emissions estimates, meetings with Chevron, and cross-checking emissions data with the BAAQMD and other agencies, as needed to verify data. Chevron will continue to provide reports detailing compliance with all CUP and MMRP operations obligations and the City will continue to track such compliance via the CUP and MMRP spreadsheets within Tables 1 and 2 of Attachment 1. As various conditions of approval and mitigation measures are complied with and no longer applicable to the project, the City removed these obligations from Tables 1 and 2 in the 2020 annual report and beyond to streamline future City review of the Project's compliance with applicable requirements. The major Project activity during 2023 was the continuation of field work associated with the removal of instrumentation and electrical equipment located at the old Hydrogen Plant. This report will mostly focus on compliance with the operational conditions of the CUP since minimal construction occurred in 2023. Quarterly reports have been submitted for the duration of construction and Chevron will continue to submit quarterly construction reports until construction is concluded. GHG emissions from construction in 2023 were 10.0 MT CO₂e. Tables 1 and 2 within Attachment 1 provide more details about Chevron's compliance with specific mitigation measures and CUP conditions of approval that apply during the construction period. Thus far, all construction obligations have been met and verified by the City or relevant local or state agency. Pursuant with the City's approval of the Project, the Project must demonstrate No Net Increase (NNI) in Criteria Air Pollutants (CAPs) and health risks from Toxic Air Pollutants (TACs) compared with 2008-2010 baseline Refinery emissions (Baseline). The Refinery uses the Operations Emission Tracking Tool (OETT) to calculate CAP and TAC emissions to compare against Baseline. Annual facility emissions must use the same calculation methodology as the baseline calculations in the EIR. Prior to commencing the Modernization project, the City's consultant, Ramboll, developed the Operation Emissions Tracking Tool (OETT), which calculates emissions of CAPs and TACs from refinery operations, rail, and trucking. The OETT calculates emissions from refinery operations, rail, and trucking. These emissions are combined with shipping emissions and then compared to the Baseline established in the Environmental Impact Report (EIR). The annual operational emissions must use the same calculation methods as the Baseline emissions, so they are directly comparable. The direct comparison approach is used to evaluate compliance with the Refinery's No Net

Increase in emissions obligation. As required by the conditions set forth in the CUP, Chevron will work with the City to review emissions annually. Chevron reported the 2023 Refinery utilization to be 80%, and all operational emissions are below the relevant emissions from the baseline period. Staff recommendation is that the Planning Commission receive the annual compliance report regarding compliance with MMRP and CUP requirements for the Project and for members of the public and the Planning Commission to comment on the report.

Chair Harrison inquired if the baseline data is on a continual downward trend or if it is variable year by year. Contractor Sarah Manzano responded that their data indicates it is variable year by year based on activities at the refinery.

Vice Chair Brubaker asked if the data is received through the year or if it looked at as a whole once a year. Contractor Sarah Manzano explained that they review the data once per year, it is the responsibility of Chevron to ensure they stay below the baseline throughout the year. Ramboll created a tool to calculate the emissions and monitor usage based on the data provided by Chevron.

Vice Chair Brubaker inquired how Bay Area Air Quality Management District (BAAQMD) is involved. Contractor Sarah Manzano replied that BAAQMD also reviews the emissions through the emissions inventory. It is slightly different as Ramboll compares the data to the EIR to fairly judge the NONA increase requirement. BAAQMD reviews the emissions inventory on a separate scale.

Commissioner Bruker asked if there was continual real-world monitoring. Contractor Sarah Manzano explained that some units have continual monitoring systems which feeds into their tool for analyzing the data.

Vice Chair Brubaker noted that in one of the minutes approved in this meeting included a report from Chevron and inquired about the timing of this report as an annual report. Community Development Director Velasco stated the report was delayed last year because they found some inscription errors from manual input of data that through the numbers off. It took some time to investigate and figure out where the original error was located.

Tom Leeds, an operations manager with Chevron, provided comments regarding the results of the report and stated that while the 2024 data has not yet been verified, Chevron continues to operate under the baseline emissions allowed. Mr. Leeds provided the history of the modernization project, how Chevron continues to promote education, provide jobs, and continues to benefit the City of Richmond through community programs, scholarships, and economic development. The Modernization project allows Chevron Richmond to improve environmental performance and is a great example of how Richmond can make investments in the facility that also help reduce the carbon intensity of their products, while reducing air emissions overall.

Chair Harrison requested clarification on if the report reflects data solely from the modernization project or not on the site as a whole. Community Director Velasco confirmed that was correct.

PUBLIC COMMENTS

[Chair Harrison opened the item for Public Comment and there was none.]

Chair Harrison expressed his appreciation for the presentation and stated he was looking forward to the report next year.

[Chair Harrison closed the item.]

HELD OVER ITEM

2. PLN23-360: CPSA Emergency Housing

PUBLIC HEARING to consider a Conditional Use Permit to allow the 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 is continued from the July 18th Planning Commission meeting.

Joanne Joey Tang, owner; Gregory VanMechelen, applicant
Planner: Virginia Morgan, Contract Planner

Tentative Recommendation: Conditional Approval

Chair Harrison announced the item and requested the staff report.

Acting Planning Manager Stark introduced Contract Planner Virginia Morgan of MIG who provided the presentation for the Planning Commission.

Contract Planner Morgan, MIG, explained that the applicant and architect, Gregory VanMechelen, is requesting a Conditional Use Permit (CUP) to allow the conversion of an existing office building into an emergency shelter for up to 25 persons. The Planning Commission reviewed the proposal at two previous public hearings on June 6 and July 18, 2024. Following a staff presentation of State law and public comment at the most recent hearing on July 18th, the Commission directed staff to prepare findings and draft conditions to support approval within the allowable framework of State law. Specifically, local agencies may only apply adopted objective standards, and State law limits local agencies review of emergency housing shelters, similar to all housing projects. The subject site is developed with an existing 5,045-square-foot office building that is currently vacant. The building is in disrepair, including dilapidated wood screening, peeling paint, and litter around the site. The parking area at the rear of the building includes minimal landscaping and three parking spaces, which do not meet the required stall length nor include any accessible spaces. The subject property has been mostly vacant for the last few years, with the exception of May to August of 2023, when the structure was used as an emergency shelter. Starting in May of 2023, the nonprofit California Portsmouth Square Association (CPSA) assisted the City of Richmond and the nonprofits Ways to Love and the Consortium of the East Bay in overseeing an emergency shelter on the premises. The shelter housed up to 15 people at one time, and each resident had an individual lease agreement with CPSA. The residents primarily consisted of women, some of whom had children. No land use permits were needed at the time since the City was involved with the three-way arrangement to address an emergency situation at the Castro encampment. Subsequently, in early August 2023, the Fire Department advised Community Development staff that the use could not continue because the structure had code deficiencies that did not allow for housing-type use. The City discontinued its involvement with CPSA, and the occupants moved out in August of 2023, at which point the use was fully discontinued. The applicant proposes converting the existing office building into an emergency shelter with up to 25 beds. The facility would provide housing; individual residents would individually obtain supportive

services based on their case management programs, such as therapist, vocational, and occupational and related services, as detailed in Exhibit A, page 1. The shelter facility would include seven rooms (six dorm-style and one private), a women's restroom, a men's restroom, one private restroom, an entertainment room, a dining hall, an office area for management staff, and a rear courtyard area. The primary entrance would be on 37th Street, and an accessible entrance would be provided on Bissell Avenue, through the rear courtyard. Residency would be limited to six months or less. Exterior improvements to the site include adding egress windows at the rear of the building to comply with building codes for the new occupancy type, a 30-square-foot addition to accommodate a rear vestibule and wheelchair access ramp, and removal of existing non-compliant parking stripes. The newly striped parking area would include three parking spaces (including two tandem spaces and one accessible space), five short term bicycle parking spaces, a new wheelchair ramp at the rear of the building, a new 340-square-foot courtyard area at the rear of the building, a refuse area with screening wall in the center of the parking area, and a six-foot-tall fence (including a metal person gate and rolling vehicle access gate) surrounding the parking area for security purposes. Page 4 of 10 Agenda Item #2 CPSA Emergency Housing (PLN23-360 November 7, 2024. Per the applicant's description, CPSA would not directly hire service providers for the shelter. Instead, individual residents would be placed at the shelter with existing management plans in place. CPSA would solely provide staffing management/security personnel responsible for intake, supervising residents, and any other daily requirements of shelter operations. State law does not allow the City to reduce occupancy beyond what is identified in the current regulations; in this case, up to 25 beds are allowed in accordance with RMC Section 15.04.610.180. The proposed emergency shelter use is conditionally allowed in the T5MS-O (T5 Main Street – Open) zone and does not require Design Review pursuant to RMC Section 15.04.805.010. The proposed improvements are consistent with the development standards outlined in RMC Section 15.04.402.050. The proposed use is also subject to standards for emergency shelters in accordance with RMC Section 15.04.610.180. With the addition of conditions of approval, the proposal would be compliant with all applicable standards.

Chair Harrison requested information on whether staff could tie cameras into the Police Department. Community Development Director Velasco responded that it could be added as a Condition for approval if the Planning Commission wished. Chair Harrison responded that he was interested in tying the outdoor cameras to the police Department.

[Chair Harrison opened the Public Hearing and requested the applicants presentation.]

Lonnie Holmes spoke on behalf of the owner as the applicant and requested that the Commission requested an attorney to oversee the ruling and provide findings as to whether hate speech can be limited. Staff recommendation on item number six regarding security, one would need probably cause to make contact with someone on the street; the language may need to be modified. Item number 14, regarding trash on the sidewalk, which is public property and not the responsibility of the shelter. Item number 16, the applicant requested modification of that language as they can not control parking on the public street, but they will agree to make posts requesting staff avoid parking on Bissel. Item 23, the applicant requested the language to be modified to include compliance time frame of ten days if inadvertently missed due to circumstances out of the applicant's control. Item 24, regarding consent of inspection, increase notice from 24 to 72 hours, possible HIPPA violations with turning over records. There should be a compliance period before revocation. Item 26, the applicant requests there be a notice and compliance time frame of 42 prior to applicant revocation or modification. Item 27, the applicant requested that the time frame regarding the administrative compliance required by Richmond not be included in the two year period for final approval. Item 28, the indemnification clause is

overly broad, and the applicant requested that it be modified regarding so negligence by the agency, with the requested changed to be supplied to city staff within fifteen days. Staff have the applicant's response that was submitted on November 1, 2024 based on recommendations Mr. Holmes received a few days prior. Since that time some of those items have been modified to reflect requested changes.

Gregory VanMechelen, the applicants architect, stated that the alternate plan for the fence that has not yet been adopted, there is no gate in the fence. He proposed that they provide an enclosed wood fence, six feet high on the west side and four feet high on the north (street) side which allows observation without changing privacy. The person gate would match the four foot fence. He was pleased to hear that they should work with the building department regarding parking, which enforces accessibility parking. Item 1D, the roof for the waste containers, Waste Management District requires 96 gallon rolling carts. A roof would inherently crowd the small exterior space. The elements are less than four feet high and would fit behind a four foot fence. Item 10 the main entrance, the applicant believes the best place for bicycle parking is within the fence rather than outside the fence. Item 11, ease of access, they have already installed a knock box for the facility. That was the request of the fire department for ease of access to the facility if needed. Item 16 for parking conduct, there are limitations for what they are allowed to control. It should be reasonable to allow some parking on Bissel on the north side of the building up to the point of the parking area, in front of the building.

[Chair Harrison called for Public Comment.]

PUBLIC COMMENTS

Ronald Sanchez, Richmond Resident, spoke against the project for security reasons. The building doesn't have a space for parking. Parking permits may help the parking situation, but they won't help the people camped outside. There is a middle school one block away and the intent of the building is to shelter criminals being let out on parole.

Cordell Hindler, member of the Park Plaza Neighborhood Council, clarified that the project is part of Park Plaza and part is in Pulman. He is concerns were also against the project due to the safety of the neighborhood and the children walking to and from school.

Robert Sloat, Richmond resident, provided public comment against the project but recognized there is a need for a shelter. The zoning laws are in place for the safety of the residents and those should not be ignored. The period with the highest number of calls to police was during the time the shelter was shut down. There are safety concerns regarding the middle school that is located a block from the site, with some students already in therapy due to traumas. There is already an element of safety concerns for that corridor, a shelter will make it worse. The building was zoned for an office building, not an overnight shelter.

Andrea Costa, Richmond resident, spoke against the project because it is a shelter for criminals, not Richmond families, which raises a number of safety concerns. It will attract crime, prostitution, drugs, and the shelter would not be responsible for any illegal dumping that could occur. There are already issues at the City Bank. Poor economic development is already a problem along the corridor. Additionally, a shelter would bring down property values for residents who have invested everything they have into their homes and their businesses.

Sergio Joshua Vega Vargas, Richmond resident, provided public comment and spoke against the project due to the issues from the prior shelter surrounding dumping, drug paraphernalia,

fighting and crime. Anything that happens outside of the property, the shelter has no recourse for action. It will become the police's problem, and they are not staffed to handle additional issues along the corridor. It's a safety issue for the school a block away.

Naomi Williams, Richmond resident and president of the Pulman neighborhood, provided public comment stating she did not receive any notification for the project and spoke against it due to safety concerns. None of the residential community are in favor of the shelter. Parolees should not be living next to a bank and a block away from a middle school. There are many other places in Richmond more suitable for a shelter for parolees.

John stated he is not against shelter, rather a shelter in that neighborhood due to the safety concerns. The applicants have not given any thought about the impacts of the residents already in their homes. There are three schools in the vicinity, one of them is an elementary school. The shelter will put children walking to school in jeopardy.

Roxanne provided public comment against the project as a neighbor directly adjacent to the site. The number of meetings this item is taking to be approved should be an indication that it is putting the immediate community at risk. She also did not receive a notification prior to this meeting. It's unfair that the noticing is not being made. The residents of the neighborhood are working families who all chip in to keep the area safe and clean. The prior shelter had many issues, this new one will be the same.

Sabian addressed safety concerns, and the last few years the neighborhood has worked hard to improve safety and increase values. Adding a parolee shelter will sharply decrease values and residents will lose their equity. Most families have invested all they have into their homes.

[Chair Harrison brought the item back to the Commission to hear the applicants rebuttal.]

Mr. Holmes spoke about the former residents and the background checks for residents of the former shelter. There were zero incident reports and zero arrests. The shelter applicants are also members of the community who want to see the area safe.

Mr. Vega supplied a community rebuttal on behalf of the neighborhood and the community members who spoke. There have been police calls made and there have been times when they were so busy they weren't able to come. There is a history of armed violence on the priority.

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

Vice Chair Brubaker spoke about the concerns of the community and most of them touch on safety. The CUP outlines conditions of approval and they were designed to address the safety concerns. The community believes it is not enough. There has also been mention as to whether or not this facility qualifies as an emergency facility because it's not a temporary shelter.

Assistant City Attorney James Atencio explained that the City has reviewed the applicants letter from November 1, and his office is comfortable with staff's recommendations. As far as the emergency shelter classification, staff has made the determination, and his office concurred that the proposed use would be an emergency shelter. With respect to conditions that would be imposed, the Planning Commission can approve an application with conditions that are imposed by the Commission as recommended by staff and if the applicant doesn't agree to those conditions, the applicant has the right to appeal the conditions to City Council.

Community Development Director Velasco added that part of what determines an emergency shelter is the period of occupancy. The shelter is a temporary shelter, not a permanent place of residency.

Vice Chair Brubaker inquired about the Department of Corrections involvement in determining the classification of the shelter. Community Director Velasco answered that some of the individuals may come through the Department of Corrections but not exclusively. Principal Planner Stark added that according to California code 66582 emergency shelter is a housing with a minimal support of support for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or person shall be denied emergency shelter because of an inability to pay.

Chair Harrison expressed frustration that conditions two and three cannot be met in terms of the impacts on the neighborhood, in part because the applicants already expressed that they would not be able to meet them and thus does not support the application.

ACTION: It was M/S/C (Harrison, Golovets) to Continue the item to a date certain of December 19th to allow staff to return with alternate findings that the conditions cannot be met specifically regarding the safety, noise, and potential shelter resident activities that are incompatible with the neighborhood and surrounding uses for the Conditional Use Permit to allow the 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, based on the history of the prior shelter and the number of those residents being less than what is currently proposed. **vote: 3-0-2 (Ayes: Harrison, Brubaker, Golovets; Absent: Timmons, Lockett); Noes: 0**

[Chair Harrison closed the item.]

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Acting Planning Manager Stark reported that the department will be hiring two additional planning technicians within the next two weeks. It will be nice to be able to handle the requests of the residents in the normal fashion through walk-ins, on the phone and via email. They are also in the process of recruiting for additional senior planner to help facilitate the Historic Preservation Commission, long range planning, advanced planning, and general maintenance of ordinances.

Adjournment - The meeting was adjourned at 8:30 p.m.