

A G E N D A  
CITY PLANNING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
440 Civic Center Plaza, Richmond, CA 94804

**Thursday, December 3, 2009, 7:00 p.m.**

**Commissioners - Board Officers**

Virginia Finlay, Chair-CPC  
Jeff Lee, Vice Chair-CPC  
Charles Duncan, Secretary

**Commissioners - Board Members**

Nagaraja Rao  
Jovanka Beckles  
Carol Teltschick-Fall  
Sheryl E. Lane

**NOTICE TO PUBLIC**

**Function of a Public Hearing:** A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

**Speaker Registration:** Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project applicant has made a presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may file a speaker form with Planning Department staff at any time before or during the meeting and will be called to speak during the Public Forum portion of the meeting.

**Consent Calendar:** In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

**Public Hearing Procedure:** (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

**Time Limits:** In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 11:00 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

**Zoning Legislative Hearings:** Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

**Exhaustion of Remedies Requirement:** If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk in writing, stating wherein the Planning Commission decision is in error. The appeal fee is \$150.

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ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 4, 5, 6, 7, 8

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BROWN ACT

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

**HOLD OVER ITEMS**

1. PLN 09-014: Peng Second Unit – Variance To Sideyard Setback

PUBLIC HEARING to consider a Variance request to reduce the required 5-foot side yard setback (2.5 feet proposed) for an addition to an existing dwelling unit located in the rear of the property at 440 and 442 20<sup>th</sup> Street (APN: 514-120-021). MFR-3, Multifamily High Density Residential District.

Sharon Peng, owner; Richard Tapp, applicant

Planner: Hector Lopez

Tentative Recommendation: Denial

2. PLN 09-097: Richmond Check Cashing Facility – Conditional Use Permit

PUBLIC HEARING to consider a proposal for a Conditional Use Permit to establish a Check Cashing Facility in tenant space at the building located at 12800 San Pablo Avenue (APN: 523-021-019), C-2, General Commercial Zoning District.

Satake 1 LLC, owner; Maxwell Beaumont, applicant

Planner: Jonelyn Whales

Tentative Recommendation: Denial

3. PLN09-026: Miraflores Housing Development Project – South 45<sup>th</sup> Street and Wall Avenue

PUBLIC HEARING to consider recommending approval of a General Plan Amendment to change the land use designation from 917 & 917/941 to 918; a Rezoning from SFR-3 & SFR-3/EA to PA zoning district; and the adequacy and certification of the project Environmental Impact Report (including draft and final EIR, with associated Technical appendices) to the City Council for the construction of a 230-unit housing development, including 80 units of affordable senior housing and 150 market-rate units, at the site generally bounded by South 45<sup>th</sup> Street to the west and Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north (APNs: 513-321-001 through-003, 513-322-023 through -025, -037, -038, 513-330-001 through -003, -005 through -007, and -012 through -014. SFR-3 (Low Density Residential) & SFR-3/EA (Low Density Residential/Exclusive Agriculture) Zoning Districts; General Plan designation 917 & 917/941.

Richmond Community Redevelopment Agency, owner/applicant

Planner: Lina Velasco

Tentative Recommendation: Recommend the City Council Certify the Final EIR, Adopt a Statement of Overriding Considerations, Adopt a MMRP and Approve a GPA and Rezoning Subject to Conditions

**NEW ITEMS**

- CC 4. PLN 09-069: Do-IT Fluid U-Haul Rentals – Conditional Use Permit

PUBLIC HEARING to consider a Conditional Use Permit to establish a U-Haul Rental Service at an existing gasoline service station at 1825 Cutting Boulevard (APN: 544-212-013), MFR-1, Multifamily Residential District.

Pandal Perminder, owner; Bilal Malill, applicant

Planner: Hector Rojas

Tentative Recommendation: Hold Over To 1/7/2010

- CC 5. PLN 09-098: Sinaloense Taco Truck – Mobile Vendor Conditional Use Permit

PUBLIC HEARING to consider a Conditional Use Permit to operate a new mobile restaurant at 4040 Macdonald Avenue (APN: 517-320-028). C-2, General Commercial Zoning District.

Abboushi Mohammad Manuel, owner; Amadeo Gil-Recinos, applicant

Planner: Hector Rojas

Tentative Recommendation: Hold Over To 1/7/2010

- CC 6. PLN 09-109: Flor De Jalisco Taco Truck – Mobile Vendor Conditional Use Permit  
Renewal
- PUBLIC HEARING to consider a renewal of a Conditional Use Permit to operate an existing mobile restaurant at 710 23<sup>rd</sup> Street (APN: 528-360-028). C-2, General Commercial Zoning District.  
Lu Nancy Chao, owner; Joaquin Rodriguez, applicant  
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval
- CC 7. PLN 09-110: Flor De Jalisco Taco Truck – Mobile Vendor Conditional Use Permit  
Renewal
- PUBLIC HEARING to consider a renewal of a Conditional Use Permit to operate an existing mobile restaurant at 2025 Macdonald Avenue (APN: 514-070-020). C-B, Central Business Zoning District.  
Joaquin Rodriguez, owner/applicant  
Planner: Hector Rojas
- Tentative Recommendation: Conditional Approval
- CC 8. PLN 09-127: Sushi Sho Restaurant with Beer and Wine Service – Conditional Use Permit
- PUBLIC HEARING to consider a Conditional Use Permit for an eating and drinking establishment at 10749 San Pablo Avenue (APN: 508-291-008). C-2, General Commercial Zoning District.  
Akitoshi Kawata, owner/applicant  
Planner: Kieron Slaughter
- Tentative Recommendation: Conditional Approval

**COMMISSION BUSINESS**

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9. Reports of Officers, Commissioners and Staff