

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

**Thursday, January 7, 2010, 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:

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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.

**INFORMATIONAL ITEM**

1. PLN 09-029: Barrett Avenue Bike Lanes

The Richmond Community Redevelopment Agency (Agency) proposes to install Class II and III bicycle lanes along Barrett Avenue between Garrard Boulevard and San Pablo Avenue. M-2, Light Industrial, MFR-1, Multifamily Residential, SFR-3, Single Family Residential, MFR-2, Multifamily Medium Residential, C-2, General Commercial, MFR-3, Multifamily High Density Residential, C-B, Central Business, PC, Public and Civic Uses District.

City of Richmond, owner; Richmond Redevelopment Agency, applicant  
Planner: Kieron Slaughter

**HOLD OVER ITEM**

2. PLN 09-014: Peng Second Unit – Variance To Side Yard and Rear Yard Setback

PUBLIC HEARING to consider a variance request that would allow a 2.5-foot side yard setback, and a 3-foot rear yard setback for a proposed third dwelling unit located in the rear of the property at 440 and 442 20<sup>th</sup> Street (APN: 514-120-021). The zoning ordinance requires a minimum 5-foot side yard setback and 20-foot rear yard setback. MFR-3, Multifamily High Density Residential District.

Sharon Peng, owner; Richard Tapp, applicant  
Planner: Hector Lopez

Tentative Recommendation: Denial

**NEW ITEMS**

3. PLN 09-017: City of Richmond – Tobacco Retailer Ordinance

PUBLIC HEARING to consider amendments to the City’s Zoning Ordinance to require a conditional use permit for all new tobacco retail establishments in all Zoning Districts.

City of Richmond, applicant

Planner: Hector Rojas

Tentative Recommendation: Recommend Adoption to City Council

4. PLN 09-079: City of Richmond – Eating Establishments Ordinance

PUBLIC HEARING to consider amendments to the City’s Zoning Ordinance to establish a process for the administrative review and approval of eating establishments without live entertainment or alcohol sales.

City of Richmond, applicant

Planner: Hector Rojas

Tentative Recommendation: Recommend Adoption to City Council

**COMMISSION BUSINESS**

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5. Reports of Officers, Commissioners and Staff