

**PLANNING COMMISSION CONTINUED REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Plaza, Richmond, CA
October 20, 2011
6:30 p.m.

COMMISSION MEMBERS

Charles Duncan, Chair	Sheryl Lane, Vice Chair
Jeff Lee, Secretary	Carol Teltschick-Fall
Ben Choi	Andrés Soto
Roberto Reyes	

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

Vice Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Duncan, Vice Chair Lane, Secretary Lee; Commissioners Choi, Reyes, Soto, and Teltschick-Fall

Absent: None

INTRODUCTIONS

Staff Present: Lamont Thompson, Hector Rojas, Patrick Hunmarsh, (City's EIR Advisor), Richard Mitchell, Mary Renfro, Carlos Privat

MINUTES

October 6, 2011:

Commissioner Soto requested the following amendments to the minutes:

- Page 11, bottom paragraph, "Bruener" should be amended to read "Breuner";
- Page 14; first full paragraph, "Meuy Sa Echao" is misspelled; it should be changed to be one word;
- Page 21; bottom paragraph, "Clond" should be spelled "Clويد"

ACTION: It was M/S (Lee/Reyes) to approve the minutes of October 6, 2011; as amended; carried by majority voice vote (Lane abstained).

Chair Duncan provided an overview of meeting procedures for speaker registration and public hearing functions. He said speakers have been accommodated and he closed the public portion of the meeting and continued the meeting to tonight. There will be no speakers at tonight's meeting and he discussed deliberation to be undertaken. The Brown Act public forum speaker opportunity occurred during the October 6th meeting and there will be no Brown Act speakers tonight.

CONSENT CALENDAR

- 3. PLN09-137: Richmond General Plan 2030 - PUBLIC HEARING** on the August 2011 Draft Richmond General Plan and proposed Final Environmental Impact Report (FEIR). PUBLIC HEARING on the August 2011 Draft Richmond General Plan and proposed Final Environmental Impact Report (FEIR). Staff's recommended Planning Commission actions include a recommendation from the Planning Commission to the City Council for certification of the FEIR and adoption of the General Plan. Planner: Hector Rojas.

Chair Duncan announced the Commission's role for the meeting which is to certify the EIR for the Draft General Plan, forward to the City Council for consideration any modifications to the Draft General Plan proposed by a majority of Commissioners through motion, consider chapters of the General Plan, recommend that the City Council adopt the Draft General Plan as recommended by recommendations of the Planning Commission with a final vote. If discussion cannot conclude by 10:30 p.m., the Commission will vote to continue the hearing to a date certain or extend the hearing to a later hour. The item is not subject to appeal and therefore, no process associate with it.

Mr. Rojas gave an overview of the fundamental difference between a General Plan and regulatory tools such as the zoning ordinance and specific plans.

Commissioner Teltschick-Fall said she understands that the FEIR is simply reporting on what would happen if the City fully developed to the highest intensity and that this may or may not happen, but she still feels very uncomfortable with significant and unavoidable impacts for 7 out of the 13 areas. She did not feel comfortable in approving the FEIR. The City does not have an overall plan to monitor and see where they are over the next 20 years and once development is completed, it is much more difficult to undo it. She wondered if more acceptable outcomes could be developed.

Chair Duncan requested staff address this. Mr. Patrick Hunmarsh, EIR consultant, stated there are aspects in the analysis which led staff to incur as many impacts as there are. One is that it is a programmatic EIR, meaning that given that the project is a plan level document and not a specific project, there are no details to do a project analysis. He noted mitigation measures could reduce levels to less than significant but because there are no details on specificity, staff cannot say for certain in a programmatic EIR that those impacts can be reduced as such.

Assistant City Attorney Mary Renfro indicated that any suggested mitigations that the Commission has may be added to the plan, but in the analysis in the programmatic level, they came up with the most vast set of mitigation measures and still, to make it more legally defensible, they did not pretend to know this may be enough. Doing a Statement of Overriding Considerations is the more legally defensible way to approach it.

Commissioner Teltschick-Fall recognized this explanation but the problem is that it does not provide the assurance she is looking for and wants. She was not sure what to suggest further other than request that the City Council examine ways to yield more acceptable outcomes. Ms. Renfro said there are only a certain number of General Plan amendments annually, and State law does not prevent the City from doing this more often than 20 years. What could happen is that if the implementation of the plan is not working out, it is not etched in stone.

Chair Duncan noted that Mr. Rojas also found that in 1994, the EIR tackled issues in the same way, and being conservative. Commissioner Teltschick-Fall recognized this, but she questioned how it would be monitored on a larger scale. She said they could somehow agree they will not

pursue maximum intensity development under each and every one of these areas, and suggested planning for smart growth where there is a mixture of low, moderate and intense development. Mr. Mitchell explained differences between this document versus the previous General Plan, noting it is an effort to incorporate such smart growth principles and to take the City away from a suburban sprawl style which has been in effect since World War II. He does not believe a structure will be created that will shut off review and monitoring. Over time, mitigations will be added which will reduce impacts, and there will be new technologies and standards. It would be difficult to figure out all of this now and the FEIR serves as a large envelope device, knowing that over time, changes will be managed to accommodate growth coming to the City.

Commissioner Soto referred to GHG emissions and the ability to regulate them. Certain agencies have jurisdiction over this, but language is included that through zoning, land use, and CUP processes, projects that deal with GHG emissions will be subject to these policies. He asked if the City has the capacity to regulate GHG emissions through CUP tools, and Ms. Renfro stated yes; the City will place conditions and specific mitigation measures for individual development projects to meet or exceed the goals of the General Plan.

Commissioner Soto clarified with Ms. Renfro that the majority of GHG emissions are from refineries and with projects going forward, there could be a capacity to regulate emissions through the CUP process, as an example. The BAAQMD imposes standards which increase more and more each year, and land use authorities can condition projects where air quality is of particular concern.

Ms. Renfro reiterated that, in terms of controlling future development and ensuring it falls within the boundaries desired at this time, all projects must conform to the General Plan. If the General Plan has broad policies, project applicants will be required to show consistency with these policies. Any specificity of a policy will contribute to internal inconsistency which makes the document difficult to administer.

Chair Duncan recognized, for the benefit of Commissioner Teltschick-Fall that inherent in the General Plan is a number of internal controls, check and balance systems, along with consistency to meet General Plan policy. While CEQA can be convoluted, there is the ability to monitor any situation as time progresses, and it is a direct reflection of not knowing what the future is and an honest assessment that shakes out in CEQA language.

Commissioner Teltschick-Fall said she was still somewhat uncomfortable, said they return to the Climate Action Plan, which is only one aspect of the General Plan, and she did not believe the CAP would 'fix' everything and all impacts should be reviewed that affect quality of life and health.

Secretary Lee said given Chair Duncan's experience with the context of the General Plan and his statements, he thinks this General Plan has been well conceived to provide a broad containment vessel in where the City needs to go yet allows some flexibility as time goes forward and things change. He is fine with the General Plan as is.

Vice Chair Lane stated that in listening to the dialogue, recognizing this is a programmatic and not project EIR, she was trying to determine whether there was any resolution of being able to track impacts as to whether they are being reduced to less than significant levels.

Mr. Hunmarsh said a project will have its own environmental process and disclosure on whether a negative declaration or EIR is done. In the program level EIR, they had to assume that if a building is permitted at 55 feet, the program EIR assumes that certain areas with zoning for 55 feet will be developed; however, for any one project, they may not be developed at that height, and the project specific EIR would analyze the effects and go through the entire checklist.

Chair Duncan suggested a motion at this point to recommend that the City Council certify the EIR for the Draft General Plan.

ACTION: It was M/S (Soto/Reyes) to recommend that the City Council certify the EIR for the Draft General Plan. The motion carried by the following roll call vote: Ayes: Choi, Duncan, Lane, Lee, Reyes, and Soto. Noes: None. Abstain: Teltschick-Fall.

Chair Duncan noted that the Commission would now address the General Plan head on in the order of the chapters. He reviewed protocols for discussing and commenting on the various chapters, and afterwards hold a vote on each.

Economic Development – Chapter One:

Commissioner Reyes referred to the policy on page 1.22; Workforce Training and Recruitment, and recommended language be enhanced through a motion.

ACTION: It was M/S (Reyes/Soto) to add language to “enhance” rather than to simply “support” workforce training and recruitment; motion carried unanimously.

Commissioner Soto referred to page 1.13; Policy ED-1.3; Toxic and Contaminated Sites. One of the issues throughout the document is the notion that it speaks to appropriate local agencies, compliance with laws, but he wants to ensure that when there are contaminated properties, those owners are ultimately responsible for their mitigation, which is not called out. Ms. Renfro stated the City would most likely be pre-empted from stating this in a planning document. On a case by case basis, Potentially Responsible Parties are called out. She thinks the language to ‘work with’ such parties is appropriate. One a case by case basis, the City asks for environmental impact statements with every application.

Commissioner Soto questioned whether the City would ever be responsible for the cost of clean-up. Ms. Renfro said if the City owned the property or could prove prior city practices, it would hold potentially be held responsible. Commissioner Soto felt this would also apply on Page 1.16; Action 1.F; Site Remediation, which also articulates that.

Commissioner Soto referred to Page 1.17 under Action ED-1.2; Air Quality Monitoring and Reporting Program, and said he is uncomfortable with the second paragraph’s phrase; “To the extent feasible” with baseline exposures, which he felt is a loophole.

Chair Duncan asked for a specific alternative language. Ms. Renfro said unfortunately, it is implicit whether it is stated or not. It states “Collaborate with the following agencies to establish baseline exposure and document health effects.” Implicit in these at all times is the assumption that one is not going to know everything. If the language is removed, it could reduce the wiggle room.

ACTION: It was M/S (Soto/Lane) to strike the phrase “to the extent feasible” under Action ED-1.2, second paragraph; unanimously approved.

Commissioner Soto referred to Page 1.18; Policy ED-2.1; Local Employment Base, and said the issue of local employment is woven throughout the document. In several places there is no special focus on persons with significant barriers such as former incarcerated individuals and those with limited speaking abilities and he asked that this be included, given Richmond’s local population.

Commissioner made a motion to include a sentence at the end of paragraph 1 under Policy ED-2.1; Local Employment Base that states; “Special focus will be placed on persons with significant barriers to employment that would include individual such as those who have been previously incarcerated, youth, seniors, and people with limited English abilities.”

Mr. Rojas pointed out that this language is very similar to the last sentence of ED-3.8. Commissioner Soto suggested that it be withdrawn in this case. Vice Chair Lane suggested it be kept to ensure its inclusion under the policy.

Commissioner Teltschick-Fall noted that ED-1 is policy and ED-3a is action as a result of the policy. To her she believes the City is covered. Commissioner Soto asked that to be sure, he wanted to include it in the paragraph.

ACTION: It was M/S (Soto/Lee) to include a sentence at the end of paragraph 1 under Policy ED-2.1; Local Employment Base, that states; “Special focus will be placed on persons with significant barriers to employment that would include individual such as those who have been previously incarcerated, youth, seniors, and people with limited English abilities;” unanimously approved.

Commissioner Soto referred to Page 1.19; Environmentally Progressive Businesses and Industries, he thinks it is great that business and industries hire locally, but there are surrounding cities that also have local hiring policies. To the degree they can include reciprocity in the hiring of local residents from other cities with local hiring ordinances, it would ensure reciprocity of neighboring communities and their residents between employers.

ACTION: It was M/S (Soto/Lane) to insert a sentence under Environmentally Progressive Businesses and Industries, that adds a statement to after the first sentence which starts with, “Encourage existing businesses and industries to become increasingly environmentally progressive.....” and insert “Businesses would also be encouraged to hire locally and encourage the City to seek reciprocity of hiring Richmond residents *in Contra Costa County and other nearby jurisdictions* (as amended by Ms. Renfro) with local hiring ordinances;” unanimously approved.

Commissioner Teltschick-Fall added that adjoining communities would hire locally, meaning local jurisdictions would hire one another. Vice Chair Lane noted that it has been her understanding that Richmond workforce development programs, specifically their Green Jobs Programs, have an agreement with Berkeley under their local hiring ordinance, which increases opportunities.

Commissioner Soto referred to Page 1.40; Policy ED-9.1; Regional Recreation Destination on the San Pablo Peninsula, the last sentence states that “Residential uses should also be

explored for the area to add to its 24-hour vitality and to capitalize on Bay views.” He motioned to strike this sentence, stating it is completely inappropriate to have residential development on the Point Molate area beyond what already exists for many reasons including infrastructure and isolation.

MOTION: It was M/S (Soto/Reyes) to strike the last sentence under Policy ED-9.1; Regional Recreation Destination on the San Pablo Peninsula, as follows: “Residential uses should also be explored for the area to add to its 24-hour vitality and to capitalize on Bay views.”

Mr. Rojas stated this might be more appropriate under the Land Use Element. One issue Commissioner Soto is addressing is the letter from Joan Garrett having to do with the Point Molate Citizens Advisory Committee. Commissioner Soto agreed. Mr. Rojas provided a brief background on how the area was designated, stating the uses reflected in the map are consistent with the base reuse plan. If the Commission deletes these residential land uses, there is no longer the consistency with that plan per direction given to staff by the City Council.

Secretary Lee commented that this is an adjunct to the land use designation. He felt the Commission might better discuss this under the Land Use Section and backfill it into the other sections that might be affected by it. Mr. Rojas agreed with this approach. Commissioner Soto concurred.

Vice Chair Lane stated she was not at the previous meeting where the General Plan was discussed and many changes have already been included in the document. She referred to Page 1.20; Action 2.D; she suggested a motion to add to the sentence to read, “Work with local business support agencies such as Richmond Community Development, Community Redevelopment, and community stakeholders to develop a strategic plan to attract, support and maintain innovative green companies.”

ACTION: It was M/S (Lane/Soto) to add to the sentence on Page 1.20, under Action 2.D to read, “Work with local business support agencies such as Richmond Community Development, Community Redevelopment, and community stakeholders to develop a strategic plan to attract, support and maintain innovative green companies;” unanimously approved.

Vice Chair Lane asked for assistance in finding the Green Building Ordinance section, which she thought was under Economic Development. Mr. Rojas directed her to the table of actions on Page 1.42, and there is one under the Energy and Climate Change Element.

Secretary Lee did not have any comments.

Commissioner Teltschick-Fall said she wanted to confirm that when getting into land use, she will be able to revisit the economic development element as they relate to costs.

Chair Duncan concluded deliberations under Economic Development.

Education and Human Services – Chapter Two:

Commissioners Choi, Teltschick-Fall, Lee, Lane, and Soto had no comments on the chapter.

Commissioner Reyes referred to Page 2.17; Policy EH-2.2 and said he likes the word “enhance”. Regarding apprenticeship and mentorship, he likes the way all are interwoven together, but he asked to see more young people in the apprenticeship programs, wants to see partners respond, and find a way for better job skills training. He asked to strike the words “support” and add the words “enhance and strengthen”.

ACTION: It was M/S (Reyes/Soto) to strike the words “support” and add the words to “enhance and strengthen” under Policy EH-2.2 on Page 2.17; unanimously approved.

Chair Duncan asked for other comments or changes from Commissioners, to which there were none.

Land Use and Urban Design – Chapter Three

Commissioner Teltschick-Fall commented that she would like to recommend an action that she had distributed to Commissioners, which would be to provide a working definition of shoreline; for example, environmentally sensitive areas and wetlands are defined in the General Plan glossary, but shoreline is not. She questioned whether they all agree on how far in or up the shoreline extends for the purposes of land use, or whether they were going by BCDC or not. Questions tend to come up again and again when specific plans and proposals are before the Commission, and she thinks it would help them define what shoreline is. Once defined, she would recommend an action to establish over-arching shoreline policies that apply to all shoreline land use areas. She believes Mr. Rojas referred to this as a zoning overlay.

Commissioner Teltschick-Fall referred to the policies on Page 7.21 of the General Plan they have now, they do not look explicit enough to her to uphold the General Plan goals across other elements. She would like to see that shoreline use have its own maximum density, intensity, height limits, distance from the water, and was not sure it was something they could do tonight, but she felt it would add to the General Plan, add consistency across elements and it would reduce the amount of angst when looking at shoreline development in the future.

Mr. Rojas said he does not see a problem with this type of an initiative. If it were to be a separate planning activity the City undertook after adoption of the General Plan, all shoreline areas could comprehensively be reviewed and the Commission could arrive at strategies, policies and regulations that pertain to the different shoreline areas. He pointed out that they have under the zoning ordinance under the Resource Management Overlay District some assemblance of regulations for the shoreline, it looks at land uses within the shoreline area within that district which would require a CUP, it looks at making sure whatever is built into the areas is consistent with urban land forms present, and while not in great detail, there is a precedence for those types of policies.

Commissioner Soto asked if staff was aware of any other General Plans in the surround area that would have an operational definition of shoreline at this time. Mr. Rojas said he was not aware of other jurisdictions, but the working definition is BCDC’s of 100 feet from median high tide. This is what staff is assuming that shoreline represents under this plan. If this definition needed to be enhanced to include a larger area, this could be undertaken.

Commissioner Teltschick-Fall stated many of the developments and proposals are for development that goes well beyond 100 feet, and the entire development impacts the shoreline. This is why she wanted to propose a more expansive definition for this reason. She said for the

purposes of the City's General Plan, it does not necessarily need to be cut off at 100 feet because this is not about jurisdiction but about policy. She wants to hear from other Commissioners but she suggested not putting it in terms of encompassing any development that comes to the shoreline to be evaluated. While sensitive areas may not go all the way back, the development would still be considered a shoreline development.

Also, on Page 1.3A, there is a Southern Shoreline Specific Plan noted and there are probably other places in the document where more specific policies exist. She suggested being careful that the overlay may encompass these or amend some to make it work out. She presented sample language to indicate that in terms of intensity, 0.5 might be appropriate, as well as a height of 35 feet, but this would depend on how far back the development goes. She thinks it would be good to establish maximum density intensity and limits from the water that are not necessarily in line with the BCDC jurisdiction.

Chair Duncan said he understands the concept of defining the shoreline as the limit of the size of the proposed development. This way they can get out of the empirical issue of 100 feet. Mr. Rojas suggested trying to stay away from creating specific regulations and being very specific about things. If policies are actions are suggested, these should look at exploring the feasibility or gathering background data and doing public outreach to be able to take a look at these issues as planning initiatives. He thinks that as part of the zoning ordinance update, staff can come up with ideas for shoreline areas at that time and craft specific regulations. But, jumping to the conclusion that .50 FAR is appropriate in every shoreline area lacks the specific data and analysis. It might be appropriate in one area but not in another shoreline area.

Chair Duncan suggested crafting language about the broad principal of addressing the shoreline as a separate planning activity in the event of development. Commissioner Teltschick-Fall suggested working to "Establish shoreline policies that apply to all shoreline land use areas, to determine density, intensity, height limits, and distance from the water, and also to define shoreline as the size of development itself."

Commissioner Reyes said when he thinks about the shoreline issues and various configurations in the City, the challenge is that he wants to look at the shoreline as an ecology and, depending upon the tidal action, contours of the land, or other elements that go into defining an ecology of a shoreline, which may include the mud flats under the water which are partially exposed, the nearby shore beach, the wetlands, and many pieces that are part of it.

Secretary Lee said there are glossaries in the zoning publications and he was not sure this could be solved tonight. There is no shoreline definition in the glossary so the concept needs to be honed and reviewed.

Chair Duncan asked whether the Commission wanted to try to craft a definition of shoreline tonight that is broad and appropriate to the nature of the General Plan and staying away with the idea of an ordinance. Ms. Renfro pointed out there is an ordinance to protect shorelines in the "Shoreline and Tidelands Resource Management Overlay District. She suggested an action to "strengthen the policies of the Shoreline and Tidelands Resource Overlay Zoning District to minimize the encroachment of development into shoreline ecologies." She said this remains undefined at this level, but the Commission will need to define what this means, through objective criteria, which will be different depending upon what has happened in the past; whether there are berms, action to clean up sites along the Richmond Shoreline, and the Bay Trail.

Chair Duncan noted there are two recommendations; 1) define shoreline; and 2) to develop an overarching shoreline policy and a policy cannot be determined until defining a shoreline.

Chair Duncan said he finds the argument about an eco-system compelling because it accommodates the broad shoreline where there are marshes or the shallow shoreline, but they are talking about it as a physical thing. He would simply say the shoreline is the eco-system interfaced between land and water as affected by the sea.

Commissioner Choi said something different that occurred to him is limit in terms of whether one can or cannot build or limiting a plan that does not destroy the shoreline. He noted the Lawrence Berkeley Lab presentation was a beautiful design and he wanted to make sure they weren't too draconian with the interpretation. Commissioner Teltschick-Fall said this is not the intention. It is to say the shoreline is special by definition and requires special consideration when being developed.

Secretary Lee said if it were the interface between the land and water and the land as far as is affected by the presence of the water. Commissioner Teltschick-Fall suggested it be changed instead to be, "the land as far as is affected by the presence of development." Commissioner Soto supported it relate to ecology as opposed to relating to project specifics, and suggested adding on to the end of the sentence to be, "...by the presence of the water and its related ecology."

Ms. Renfro noted these are policies and actions and not a definition. She questioned whether this would go in the zoning ordinance, and Mr. Rojas indicated it was proposed to be placed in the Glossary. Chair Duncan noted the second item they are considering is a picture of that policy as an overlay and he believes that Ms. Renfro was developing this.

Ms. Renfro said the policy is to "minimize the impact of development on the shoreline." If such a policy is in place and she comes to the City wanting to build something on the inland side of I-580, she would still need to show that her project is consistent with the General Plan. She does not think it could create internal inconsistencies because this is generally where the City always wanted this to go, but it is simply duplicative. After the policy statement, actions to implement this would be more fine-tuned, such as "structures within 'x' number of feet of the shoreline shall..."

Secretary Lee said it is sort of application-specific as some things can be right on cliffs along the shoreline and others can have a lot of marshland and go back further. Ms. Renfro said it cannot be quantified on a project by project basis because they are theoretical. This is why a policy is stated in big terms so when someone comes up with a project that arguably impacts the shoreline, it is up to the applicant to demonstrate to the satisfaction of the approving body that they have minimized the impacts of development. They must show specifically that they have put all front yards facing the water.

Commissioner Choi asked whether or not this broadness of the definition of shoreline could perhaps create problems in the future. Ms. Renfro said not per se from a legal standpoint, but it is so subjective because specific objective criteria cannot be crafted to tell you exactly when you are in a riparian area and when you are out of it. This is what the issue is. Throughout the implementation of General Plans, there is more of an art than science in it. If there is a definition of shoreline based on ecological space, as a project applicant, they must apply that definition to show that the project applicant has done this and it is up to the decision makers as to whether this has been done or not. If there is a broad policy, it can get implemented through the

Resource Management Overlay District and at that point in the future when the zoning overlay district is done, cleaner and tighter criteria could be developed.

Secretary Lee said he thinks it is important to develop shoreline, but if getting too specific in the policies, he wondered if they are starting to get off the public participation part of where they are going because they are coming up with a new idea and deciding it is in there before anyone else gets to talk about it. It has never been part of the public discussion.

Mr. Rojas referred to Policy CN2.2 and to him, on a broad basis, the very first and second sentence accomplishes it; “preserve and protect and enhance natural and cultural resources along the Richmond shoreline, promote a balance of uses along the shoreline that supports multiple community needs such as economic development, recreation, historic preservation, and natural resource position.” He suggested modifying the second sentence to “develop strategies or policies that further promote a balance of uses” because the policy essentially covers the fact that the shoreline is a special area that deserves special consideration, there is multiple interest in these areas, which drives at what the Commission is trying to achieve. He feels the entire General Plan as a whole is supportive of what the Commission is expressing as a concern and he does not feel the Commission should get caught up in being too specific on how to get there.

Commissioner Teltschick-Fall stated she worked on formulation of the General Plan and many people did talk about the shoreline, asked for special consideration of the shoreline, but because it is a difficult concept and is controversial, Policy CN2.2 almost starts out too general and then quickly becomes too specific. She again suggested adding, “...with special intensity, density and proximity to the water” because those are concepts she does not see emphasized enough. She also pointed out a typographical error on the second bullet; strike the word “to.”

Chair Duncan said the City has a definition of shoreline and asked Commissioner Teltschick-Fall specifically how she wanted to amend it. Commissioner Teltschick-Fall said she was actually suggesting amending the policy which was read into the record by Ms. Renfro, “adding special attention to the density and proximity to the water”. In terms of the shoreline definition, she is okay with it.

Chair Duncan supported this amendment.

Vice Chair Lane clarified the amendment is to the policy Ms. Renfro created which would expand upon it and make it focus on what are key issues along the shoreline, which Commissioner Teltschick-Fall feels are intensity, density and proximity to the water.” Ms. Renfro said she wrote it as a policy which would read, “*Minimize the impacts of development on the shoreline with special attention on intensity, density and proximity to the water.*”

The Commission paused briefly due to being interrupted by an earthquake.

ACTION: It was M/S (Teltschick-Fall/Soto) to define “shoreline” in the glossary of the General Plan as, “Shoreline is the interface of land, water and its related ecology.” Also, to make a policy to minimize the impacts of development on the shoreline with special attention on intensity, density and proximity to the water;” unanimously approved.

MOTION: Commissioner Teltschick-Fall referred to Point Molate and proposed a motion to limit development to the existing footprint, with no zoning for residential. She said her argument for

this is that she believes the existing footprint provides for plenty of development space in the form of needed renovation. The undeveloped areas there contain sensitive habitat and since the site is very rich and visual, with cultural resources, it does not make sense to break ground there. She feels they would get more benefit from renovating and repairing the existing footprint without disturbing any more of the natural habitat. In citing these sections in the General Plan, she referred to Page 1.40 in the Economic Development chapter and on Page 3.38.

She said the rest of her argument is that she thinks the Commission could think more out of the box about housing. While a tried and true formula in generating money, the tax base has changed a lot over time and cottages, beds and breakfasts, conventions, retail, eco-friendly hotel are all things they could do within the existing footprint that would also bring development and economic drivers. Her final supporting argument is that it was recommended by the Point Molate Citizens Advisory Committee who has worked very hard on this and she thinks their recommendations are worth considering.

Vice Chair Lane said this would also change the map on Page 3.97, Change Area 13. Mr. Rojas said in looking at Page 3.83; Land Use Map 3.2A and a more specific Change Area 13 map, he thinks in order to provide direction, the Commission should focus on the map in how it should be reflected, and staff would go back into the document and edit out everywhere there is a reference to residential for Point Molate.

Vice Chair Lane noted earlier, Commissioner Teltschick-Fall referenced the new Point Molate Advisory Committee and Mr. Rojas was going to discuss the previous Point Molate Re-Use Plan. She noted this was the previous plan that provided guidance for land use designation. This new committee also developed recommendations, and she asked for a brief explanation on the history of this. Mr. Mitchell provided a brief history, stating they directed staff to use the Base Re-Use Plan for Point Molate as the guiding document for that area. There was a debate about whether this would be a gaming area or not, and the Council's direction was that, assuming this does not happen, refer back to the Point Molate Re-Use Plan and program this area according to that.

Secretary Lee stated at the risk of another earthquake, he said he is fairly sympathetic with the letter Shirley Butt wrote earlier this month. She was on the original 45-member committee and he read a paragraph regarding the terminology of urban village and its consistency with the Ahwahnee Principles. He thinks it is well thought out in that it does not say there will be residential there, but simply gives the option to a package that is brought to the Commission. It gives a broader palette for which a developer can draw from. He would like to leave it in so at least the Commission can consider an option that might come and the Commission can always say 'no' to it.

Commissioner Soto said being a member of that committee; they have not made any decisions or recommendations about anything out there. They are still new on their mission, but having been involved in an effort to stop the casino, should this become an Indian reservation, it was their intention on relocating tribal members to this site, which would require newly built residences. Given this proposal is dead; the need for this kind of inclusion is somewhat premature given the work of the Committee will be doing there. One thing clear from Ms. Garrett's letter is that the notion that any residential development and infrastructural need and service protection need would be so extraordinary would make it a challenge to go forward with the notion of residential development being included in that area, given contamination of areas.

Chair Duncan concurred with Secretary Lee, in that to limit residential diminishes our palettes and it also precludes a former residential area that might be desirable that is smaller in scale. His tendency would be keep this as is and if it is determined that a 500 unit development does damage to the shoreline, the Commission can always consider it on a case by case basis and say no. If the Commission sees a modest opportunity, he thinks it should be left open.

Commissioner Teltschick-Fall suggested a compromise between the two. She suggested allowing residential but limit it to the existing footprint rather than breaking new ground. Commissioner Soto voiced concern with this because the Committee, whose job is it to come up with an alternative has not done this yet. He could see how this puts limiting parameters on whatever they may come up with. It would be unnecessarily restrictive. In terms of a B&B operation with a conference center, there would be someone who lives there and some residential capacity.

Chair Duncan said given all the Commission has been through with Point Molate, the result is slowly starting to show itself. He would rather have the full pallet of opportunities available to him to be able to consider. To eliminate the opportunity for housing on that site altogether is one more tool missing.

Vice Chair Lane questioned procedurally whether or not amendments could be made to the General Plan and/or amendments to the map that the Point Molate Committee may make to specific areas. Mr. Rojas stated yes; as Ms. Renfro mentioned, staff has the opportunity in any given year to update the General Plan and updating the maps is definitely part of that. If the Committee arrives at a recommendation or vision that gets accepted to the City Council, it would trigger such an amendment.

WITHDRAWAL OF MOTION: Commissioner Teltschick-Fall withdrew her motion.

Secretary Lee referred to Page 1.39 and the North Shore Change Area 12, and said as all Commissioners have been inundated with legal documents and emails, he has tried to determine some of the issues that affect his thoughts on this independent on the big legal and financial issues. What came down to him, given the discussion the Commission just had with Point Molate, the Commission can always say "no" to things. Any project built there if it is moved back to Business Light Industrial, those projects will still need to come before the Commission, go through an EIR process and there will be many opportunities to restrict, craft and change those so that if they are an industrial application, they will still be consistent with all the other elements of the General Plan.

He stated other things that impacted his thinking is that the City's own Economic Development Commission strongly supported the zoning maintained or moved back to Business/Light Industrial. In addition, the Parchester Village Board and residents also wanted it maintained and they are pretty isolated out there. Going back to the GPAC, they studied this for a very long time. They created options and it turns out that over 70% of those who voted on this particular thing voted it to be one type of development allowed and to him, he does not think it is right to arbitrarily re-define land values for an ulterior motive. He thinks everybody is trying to remold Richmond into a fresh idealistic City and to him, this approach is not consistent with that value set. Whether it is a legal taking or not, it has a similar effect, and the City needs to do what is both good and fair when looking at something like this. He does not want to jump in and make a motion, and deferred to the Chair.

Commissioner Reyes stated while indeed a controversial issue, for him, it goes back a few months ago when he met with attorneys, received emails and letters from everybody concerned. What strikes him the most was a letter from one of the land owner that discussed the issue of where it will come down to negotiations and some sort of litigation. He does not have a lot to offer except that he reviewed all the information but he did not see anything compelling for him to offer an opinion other than this will end up in a negotiated settlement.

Commissioner Soto said having been out in Change Area 12 numerous times including a walk with one of the property owners on the Brady parcel in particular, as well as all testimony heard on one hand he appreciates the fact that so many people are interested in this parcel and property. He thinks for some it has become more symbolic than anything else and for those who are investors it is about the rate of greater return on their investment. In terms of what he has had to review and evaluate, he is looking at the document in total as a legacy of the City's vision. He believes it is the right of the City to rezone as they feel is appropriate and it has to be done through due process. He thinks that having been out in the area and looking at its proximity to the Gun Club and the deed restrictions on the Murray property on residential, the likelihood of any future development out there, given the current market and its turnaround anytime soon, is negligible. He is also thinking that in terms of legacy, the Commission is speaking on the environmental vision of this document and these properties and what they represent do present an opportunity for the Commission to begin to try and repair the damage that the people of Richmond collectively have allowed to incur to the Bay. In Richmond, all they can do is take care of Richmond and cannot determine what happens in other cities. Some of his concerns include the issue of climate change. Looking at the maps included in the Change Area, this area will become submerged at some point. He would be in favor of supporting the current land use change to Change Area 12, particularly the outlined area as the open space designation. He also is somewhat chagrined by this map and others that indicate the Richmond Country Club as part of the City's recreation resource base.

Commissioner Teltschick-Fall said she has been at Change Area 12, has heard both sides of the argument and she would not be opposed to a compromise to avoid the inevitable legal problems that most people feel are sure to arrive.

Commissioner Choi said this has been a significant issue. He said he was not against the land use as written. They are somewhat misleading in some ways in that if it is classified as pro development and non-development, you will differentiate them anyway and are right at the 70%. But if you actually look at the number of people that wanted it to be zoned industrial or light industrial, it was actually a smaller number than those who wanted it open space. It was only when coupled with residential that the 70% figure came about. He understands Secretary Lee wants to keep options open and fair, but in a sense, if the Commission zones the area for light industrial, they are giving up the option of keeping it as open space. Options they have are not just additive and, if zoned that way, will not be able to subtract. The Commission could say no to everybody that wants to develop it, but people will question why the City is doing this to all proposals in an industrial area. He also believes that the actual limits to the zoning that they want it to be are actually of a higher intensity use of past zoning they had under the old General Plan. He thinks it is the Commission's prerogative to decide land use issues for the City and from all feedback he is getting, there is a strong desire in Richmond for that to remain open space. He suggested it stay in the General Plan as it is written. He understands that this is very real for the investors, but he also wanted to remind everybody that everybody who makes investments have a huge amount of risk as well. After dozens of years, possible development has not occurred and in looking at that and in looking at what is there on that space, it seems reasonable for the Commission to indicate that the best land use for that area which has not

developed for 20 or 30 years is that it remains open space. He understands this is bad news for the investors, but this is no different than what many people are facing today.

Chair Duncan said back in time, one of the reasons the Parkway was put in there was to develop the corridor. It has been the intention of the City for a long time. He has some qualms about the actual develop ability of those sites and he wondered if maybe the market might take care of those things on its own apart from any zoning restrictions or General Plan land use. Putting that aside, he is persuaded that the kind of sustainable and carefully thought-out development can occur on this site and also accommodate an open space component. This has been demonstrated by earlier plans and he thinks there is the distinct possibility that these two can live together.

Secondly, his teacher in planning school told him that if you do not like what's going on in your neighbor's yard, you have to acquire it which he thinks is true. While the City Attorney has advised us that this is not a taking, he thinks there has been a movement to diminish the price of that land and he was not sure the land was worth all that much. But, he does not agree with diminishing the price of it by using the General Plan as a tool. While it may not be taken, he does not think it is ethical. To this end, he would suggest the Commission arrive at some sort of compromise that restores what in effect is the 1994 zoning and density as it appears in that General Plan.

Vice Chair Lane said in understanding this, the new General Plan would increase the intensity for the FAR for this area whereas in 1994, the plan was a smaller intensity. Mr. Rojas said it is a question of how this is done. If the area were to be changed to Business Light Industrial, the classification when looking at the different land use tables, it does not single out this shoreline area. This Business Light Industrial district at the North Shore has this specific intensity and at the southern shoreline is different. It is the same intensity wherever you see the designation, so when the intensity level wants to be changed at one specific location, the City would either have to create a new designation that has a lower intensity or somehow craft a policy that would identify for a specific shoreline area, the intensity level listed for Business Light Industrial designation would be lower because of 'x'.

Secretary Lee said as he sees it on Page 3.19, it lists density for all these things as a range of density and not a specific density. He got the impression that different densities could be specified because of this range. Mr. Rojas said technically, although the General Plan has 'x' amount of designations, in all actually, when staff does the Zoning Ordinance Comprehensive Update, within one General Plan designation, they could actually create three or four different zoning designations that are consistent with one designation. This is what he believes the zoning ordinance is about. For a General Plan designation, it might be one designation but for the zoning ordinance, the same area has a host of different zoning districts that are all consistent with the range of development intensities listed for the district. So, technically, when the zoning is done and if the Commission finds there is an intensity that is more appropriate for that area that falls within the range of the General Plan classification, such as FAR of 2.5 to 3.0, the zoning ordinance or district for the North Shore area could fall anywhere within that FAR range and it would still be consistent with the land use designations. So the districts developed do not have to match the highest density in the General Plan, but could be a range.

Secretary Lee said he would like to leverage what Vice Chair Lane has said and suggested a motion that the Commission adopt Option B as presented in the staff report with the following density restrictions. He feels it is important to assure ourselves at this time that the density remains at .05 as opposed to the maximum of 3.0, which is an over 80% reduction from the

maximum. And, that the maximum building height of 35 feet as opposed to the maximum range in that zone of 55 feet. The Commission would allow Business Light Industrial but is constraining density down 80% from what was proposed in the description of that particular zoning.

MOTION: Secretary Lee made a motion to adopt Option B in the staff report dated October 6, 2011, with the following reductions: FAR at .05, maximum building height to be 35 feet.

Ms. Renfro said to be precise, as Mr. Rojas read it into the record, the zoning is what gets specific. Perhaps the motion should be amended to read, Option B with direction to staff that the zoning shall reflect an FAR of 0.050 and a height restriction of 35 feet.

AMENDED MOTION: It was M/S (Lee/Duncan) to adopt Option B in the staff report as dated October 6, 2011 with direction to staff that the zoning shall reflect an FAR of 0.050 and a height restriction of 35 feet.

Commissioner Soto stated he will be voting against the motion and called attention to the Map on Page 3.18 under Business and Industry and correlate that with the map on Page 3.96. The map on Page 3.18 shows business and industry-zoned areas existent without these particular parcels in question. Whether one talks about anything south of the Parkway, including south of Parchester and all along the corridor in-between North Richmond and San Pablo down towards the Hensley Industrial Park area, we see all of this is zoned one way or another for Business Light Industrial or Industrial and some business or commercial purpose. When looking at the map on 3.96; Change Area 12, it is not like there is not a lack of develop able space here that is being needed to fulfill an economic mission. He thinks the notion that there is a grand scheme to reduce the property values here so that the owners do not get a fair return on their investment is not appropriate for the Commission to be considering and no direct evidence has been presented regarding this. If it has, he suggested bringing this forward and document it because this should not be part of the Commission's consideration. If this was the case, the grand scheme could be that another public entity may want to take this over and therefore the Commission keeps it or moves it back to light industrial so the property owners can gauge the public agency at their whim. Therefore, he thinks this is inappropriate and it is about looking at the bigger and broader picture, including parcels to the west that are currently under control of the City of Richmond as well as parts to the north, and think about the City's legacy. He questioned what will happen when the water flows over the property and he questioned if the owners would be bailed out by the City because it was zoned to do development on it and have allowed it to occur, which is a risk to the City. He will not support the motion for these reasons.

Commissioner Choi said one of the things they are doing is determining zoning that has plenty of mixed use, one with a center that will mostly be comprised of infill development, and this is why this zoning change is occurring. Zoning it to be Light Industrial and Business is not compatible with the vision of the City. What would be compatible would be Open Recreational Space. He said there have been many years to develop this land. Under current economic circumstances, this would be the worst time to court development for this land. The one benefit this land has is that it has not been developed. In a sense, the City is halfway there to a great use of the property by not having anything on it. The Commission is not trying to be fair to some and not fair to others, but deciding what the designation will be and whether or not it is compatible with the image of where the City wants to be between now and 2030.

Secretary Lee stated, however, the City's own Economic Development Commission thinks this is where the City should go. There are other opinions and he thinks the Commission, while

being respectful to everybody's position, should take the Economic Development Commission's position seriously or consider not having such a commission.

Commissioner Soto offered a substitute motion; that North Shore Change Area 12 be designated Open Space as recommended in the staff report.

Chair Duncan stated procedurally, he believes that the Commission must act on its original motion. Mr. Privat clarified that if a second is made on the substitute motion, the Commission votes on the substitute motion first. If the substitute motion passes, the first motion would not be voted upon.

MOTION: It was M/S (Soto/Reyes) that North Shore Change Area 12 be designated Open Space as recommended in the staff report, which failed by the following roll call vote: Ayes: Choi, Soto. Noes: Lee, Duncan. Abstain: Lane, Teltschick-Fall.

Mr. Privat said because there was no majority, the motion did not carry and there was no action. He suggested voting on the original motion. If that motion has no majority, the Commission can make a new motion or there is no recommendation to the City Council.

Commissioner Reyes said in going back to the Commission's charge, it is to plan the community for the future, which includes children, generations that follow, and he believes the area should be kept as open space and protected. They have a responsibility to the shoreline, to the Bay, and he will be voting against this motion for those reasons.

Commissioner Soto said he would find it problematic to support the motion given all information the Commission has received regarding the broader environmental questions on this and the legacy issues. Given the degree of the degradation of the infrastructure, particularly on the Freely property, the City's awareness of deed restrictions because of the environmental degradation on the Murray properties, and now something identified in the Carr properties in terms of lead contamination, the Commission would be remise in its efforts to try and renew the City's efforts in an industrial legacy by going along with this motion, particularly given the notion of 35 foot high buildings along the shoreline, which he did not feel was appropriate, and he would not support the motion.

Secretary Lee recognized Commissioner Reyes and Soto's comments, but the Commission is leaving an option that any proposal must come to the Commission through an EIR, as well as many reviewing bodies. The issue of whether there is contamination on land is somewhat moot, as it would have to be cleaned up in order for something to be built on it. He said it is important to recognize that this provides an opportunity for the Commission to look at something and not a complete right to build something without due process. He suspects possibly nothing will ever be built there; however, he suggested the option be available which is not a risk.

Commissioner Teltschick-Fall said she indicated she felt she could support a compromise, but she is finding they have not reached one and cannot get on either side of this, and will most likely abstain again.

Commissioner Choi said in going back to what the General Plan is about, in response to Secretary Lee's comments, he thinks the option they are giving up is the option for Open Space which is what the General Plan's proposed zoning is. He said Commissioners are deciding what they want Richmond to be. They want Richmond to be a city with a center, not with well-funded, big developments on its outskirts. When he envisions Richmond, it has a central core that is

down on its luck. His feeling is where they should focus its efforts—to build the Richmond of tomorrow. He feels that some of the silver bullet big money developments on the outskirts of the City are taking away from that focus. They will not find a silver bullet that will take care of the economic world. What they must do is carry through the vision of what Richmond is about, and his view is one with a strong center, small business, and multi-use going on in its interior core so people can feel like they come from a City.

MOTION: It was M/S (Lee/Duncan) to adopt Option B in the staff report as dated October 6, 2011 with direction to staff that the zoning shall reflect an FAR of 0.050 and a height restriction of 35 feet, which tied by the following roll call vote: Ayes: Lane, Lee, Duncan No: Choi, Reyes, Soto. Abstain: Teltschick-Fall.

Mr. Privat stated the Commission could continue discussion and bring forward a new motion; otherwise, it is handled as a 'no recommendation to the City Council' on this particular issue.

Commissioner Soto said the Commission was in the process of making comments on the Land Use and Urban Design Element. Chair Duncan clarified the Commission was handling the North Shore issue, they are in Land Use and Urban Design and are still on that subject. Mr. Privat stated the discreet issue of the North Shore within that category will go to City Council as a recommendation unless a subsequent action is taken.

Chair Duncan questioned the pleasure of the Commission. Commissioner Teltschick-Fall recognized her abstention, did not like passing the item onto the Council as is, and did not feel good about it.

Secretary Lee commended the Commission for their respectful nature in dealing with the matter. To clarify, all Commissioners received questions from the Council of Industries about the buffer zone and whether residential uses could be allowed in the buffer zone. He said confusing is 3.26 because there are high intensity mixed use designations, yet at the bottom, the footnote states "pursuant to Ordinance 1808, no residential uses are permitted within the area." He asked for official confirmation that there will be no residential uses in the buffer zone. Mr. Rojas said absolutely yes. Page 3.26 it specifically makes reference to the Transitional Zone Overlay District. There is a reference made to Ordinance 1808 adopted in 2008 which specifically states that residential is not to be allowed in the overlay district. When looking specifically at Map 3.5 on Page 3.86, there is an overlay zone swatch in the legend which can be correlated to the Change Area. Although there is high intensity mixed use there, staff is saying that the swatch applies and residential uses are not allowed. When looking at the High Intensity Mixed Use District in the Land Use classification tables, it is high intensity mixed use, with the exception of residential which means they have allowed for commercial, retail and entertainment uses that are part of that classification.

Secretary Lee referred to Page 3.31 and said it talks about the Western Sub Area as designated as Business Light Industrial. There was some interest in including waterfront uses, commercial and industrial port for some of those uses as well. He asked if this was defined somewhere else. Mr. Rojas said this is referring to properties south of West Cutting Boulevard found west of the I-580 freeway and facing the Santa Fe channel. It is designated as Port. When looking at the land use classification, the Port designation specifically recognizes allowed waterfront uses which is what Secretary Lee is referring to. It includes working waterfront uses such as private and publicly owned port terminals, warehouses, commercial fishing, ship repair and related office uses, which essentially recognizes those land uses there currently.

Secretary Lee referred to Page 3.31 Change Area 7, and said there again it gets down to the end of that talking about truck oriented, maritime and water related industrial sites. There is also manufacturing and distribution centers, ports and related industries. He asked if these were included too. Mr. Rojas said the land use classifications developed were not meant to be inclusive of each and every use they could possibly have. That job is fulfilled by the zoning ordinance. The zoning ordinance can be as prescriptive in terms of prohibiting, allowing or conditionally allowing land uses as long as it is consistent with the overall intent of having that area be Business Light Industrial oriented. Secretary Lee said the confusion lays that we state "truck oriented, maritime, and water related industrial" and these other segments get specifically states. However, as long as staff is comfortable. Mr. Rojas felt they were definitely are captured within the intent of having that designation. The only industrial designations they have are Live/work, Business Light Industrial and Industrial.

Chair Duncan referred to page 3.33; Change Area 9, and asked to change a word from "the area from 1st Street to Harbour Way" in the second column, to "the area of 6th Street to Harbour Way". This preserves a corridor of what are incubator businesses that allow for a light industry with a very low population of residential stock there now and he thinks moving this line preserves this corridor which is beneficial. It is an area that promotes start-up businesses, and if housing is added there, it would affect incubation abilities.

Mr. Rojas referred to Change Area 9's map on Page 3.93, and asked and confirmed that Chair Duncan was proposing a land use designation on a specific stretch of land be changed to read "from 1st Street to Harbour Way" to "from 6th Street to Harbour Way." Mr. Rojas noted currently it is designated as medium density residential from 1st Street to Harbour Way. When shifting it to be 6th Street to Harbour Way, he asked what would the zoning designation be for the other area and whether it revert back to the 1994 General Plan or something else. Chair Duncan noted it was not Cutting Boulevard but Ohio, on Page 3.33 and Change Area 9.

Commissioner Teltschick-Fall said she likes the idea of keeping incubator areas and she does not see any harm of it being medium density mixed use with no residential emphasis so businesses could stay and thrive. Commissioner Soto said in thinking of this visually, it is really the south side of Ohio from 6th to 1st Street is predominantly residential, except for a school district building at 6th and Ohio and the north side is light industrial buildings. There is also a retail store on the southeast corner of 4th and Ohio. Chair Duncan said about 20% of this stretch is housing right now and the rest is commercial.

Mr. Rojas said he would locate a map of the area.

Commissioner Soto noted that the former Santa Fe right-of-way is now the Richmond Greenway and part of the overall development plan is to work with neighborhood and with local community to make it more of a community resource for walking, biking, gardening and other types of things. Chair Duncan noted this does not include that in any way. He was trying to preserve opportunities for incubators. Commissioner Soto said he did not see how medium density mixed use with no residential emphasis would remove any opportunities there which would include those 6 blocks. If a person wants to occupy one of the vacant workshop buildings, this would not preclude them from doing that. Chair Duncan disagreed and said it may open it up to a non-conforming use.

Chair Duncan suggested moving forward, as the map was not located and discussion was not productive.

Vice Chair Lane referred to LU-1.4; Active Streets Policy, and questioned if maintenance was interchangeable with bus shelters. She asked if they could specifically include bus shelters when talking about bus stops, as they were broken or not maintained.

Vice Chair Lane referred to LU-1.A; Infill Development Incentives, and she wants to ensure that infill development does not promote displacement or gentrification and she wanted to include a sentence that states, "Encourage infill development and target redevelopment areas which does not promote displacement of existing Richmond residents."

Mr. Privat suggested a motion on these changes and the Commission agreed to act on them all at once.

Vice Chair Lane referred to LU-3.I; Industrial Modernization, and said the sentence was cut off in the General Plan and she asked that it encourage the transition to cleaner, more energy efficient operations. Mr. Rojas said a previous draft included the language which could be referenced back and revised.

ACTION: It was M/S (Lane/Soto) to revise LU-1.4; Active Streets Policy, to include "bus shelter" in areas where bus stops are indicated; to revise LU-1.A; Infill Development Incentives, to add a sentence that addresses displacement of residents to read, "Encourage and promote (as amended by Commissioner Reyes) infill development and targeted redevelopment areas which provide community amenities and resources of community needs, change existing urban limit lines, and which do not promote displacement of existing Richmond residents;" and revise LU-3.I; Industrial Modernization, and asked that it encourage the transition to cleaner, more energy efficient operations, and to cross reference a previous draft which included the remainder of a sentence that was dropped; unanimously approved.

Commissioner Soto referred to the map on 3.85; Change Area 2; Hilltop, and said there is a parcel of land north of the synagogue, zoned Public Institutional, west of Hilltop Green and east of the on-ramp and part of I-80 on Hilltop Drive. It is currently zoned as Hillside Residential. He walked the area and it is one of the last areas of watershed type of vegetation. It is a small ravine, heavily wooded area and undevelopable. Given it is part of a broader Baxter Creek Watershed that has not been bisected by I-80, it would seem to him that this area be re-designated from Hillside Residential to Open Space.

Mr. Rojas clarified this as Low Density Residential. Commissioner Soto said the likelihood of anything being developed there is minimal and he sees it as a watershed resource. Mr. Mitchell noted that staff must determine whether this is part of a larger parcel so the designation is not split on the parcel. Mr. Rojas noted that it does not specify that designations must truly follow parcel lines; although staff has tried to designate the parcels as the same, but some are bifurcated given different characteristics on property. The question is what Commissioner Soto wants it to become in the future.

Chair Duncan said it may be green because it is undevelopable, and Commissioner Soto suggested recognizing this and change the designation to Open Space. In looking directly across the freeway from that parcel, it is zoned Parks and Recreation which is the field between the movie theaters and apartments. He would think this might be a place where the City rezones this to be Open Space, as well.

Mr. Rojas stated the current zoning is consistent with what Commissioner Soto desires, but there might have been an error in the mapping because the corridor does not match up with what is indicated in the land use map. Therefore, the current condition is that it is designated CRR and it would not be a change from what is existing. The General Plan zoning would be Open Space. Commissioner Soto questioned the parcel zoned MFR-3, and asked if this was the synagogue property. Mr. Rojas said the appropriate designation would be Public, Cultural, and Institutional rather than residential. With this, staff can change it to reflect what the current zoning is for this property.

Commissioner Soto referred to the west across from I-80 and asked if this would similarly be zoned CRR. Commissioner Soto questioned the implications of a CRR zoning. Mr. Rojas said it is currently designated as residential which is more intensive use than Open Space, so he did not think it would have any bearing on the analysis in the EIR. He clarified that the Open Space designation allows for Parks and Recreation. Mr. Rojas said there is a park on the land and the lower portion would be open space rather than being parks and recreation. Across the road, there is more characteristic of an open space field area, and staff could change it to Open Space rather than a Parks and Recreation designation. Commissioner Soto said by changing it to open space, it does not preclude park area being developed there and would limit development.

ACTION: It was M/S (Soto/Reyes) that 3300 Bloom Drive be rezoned from Parks and Recreation to Open Space designation; that the parcel north of the synagogue be changed from Low Density Residential to Open Space designation; unanimously approved.

Commissioner Soto referred to the next page Change Area 3-Ford Plant/Marina Bay; and asked whether this is the best map for this area; that it is the southeast tip of the Ford Peninsula that has been identified as the preferred ferry terminal location. Mr. Mitchell clarified that it is proposed to go to the parking lot west of the Ford Building, next to Sheraton Point. Commissioner Soto said he recalls being at the MTC briefing and their selection of this as the preferred site, with the caveat that to make it viable, they needed high density housing around it. He does not see that if it is moved to the west of the Ford Building how this buffer zone is accomplished as opposed to it being located at the southeast corner of the Ford Peninsula.

Ms. Renfro said in mapping this area and plans and preferences of MTC, staff took into account the need for housing and this has been accounted for here. The way the language has been crafted and mapping done, it would conform to the MTC requirements.

Commissioner Reyes referred to Page 3.53; LU-1H; Vacant and Under Utilized Sites, and asked to add language after the word "compile"; "compile, maintain and publicize an inventory of vacant and under-utilized sites in the City that affect economic and social viability of neighborhoods and contribute to physical blight, including an inventory of large publicly owned sites that may be developed in partnership with the City and community to serve community needs."

ACTION: It was M/S (Reyes/Soto) to add language to Page 3.53; LU-1H; Vacant and Under Utilized Sites, as follows: "Compile, maintain and publicize an inventory of vacant and under-utilized sites in the City that affect economic and social viability of neighborhoods and contribute to physical blight, including an inventory of large publicly owned sites that may be developed in partnership with the City and community to serve community needs;" unanimously approved.

Circulation - Chapter 4:

Chair Duncan noted the Commission had a half hour left and believed the hearing would be held over for a third time to November 3, 2011 at 6:30 p.m. He clarified that a Consent Calendar item was also held over to November 3, 2011.

Secretary Lee suggested that given the fact that they would not be able to complete everything, it may be a good time to adjourn and discuss the next element with a more refreshed stance.

Chair Duncan took a straw poll to assess whether Commissioners had any comments on the remaining chapters. Regarding Circulation, he clarified that Commissioner Soto had comments. Regarding Community Facilities Chapter, he clarified that Commissioners had no comments. Regarding Conservation, Natural Resources and Open Space, he clarified that Commissioner Soto may have some. Regarding Energy and Climate Change, he clarified that he and Secretary Lee, and Commissioner Soto and Reyes had comments.

Commissioner Soto recommended addressing Circulation.

Secretary Lee reported that his comments are included in three different sections and he can bring it up at a later time.

Vice Chair Lane recommended a policy for a transit needs assessment to better understand transit needs for the City. In April, during the General Plan discussion, Nathan Landau from AC Transit suggested this be considered. Commissioners supported the recommendation, given the future workforce needs.

ACTION: It was M/S (Lane/Teltschick-Fall) to support the ability of developing a transit needs assessment to identify gaps in service and special population needs; unanimously approved.

Vice Chair Lane recommended including in Policy CR-3.2 the word “bus shelters” to be interchangeable with “bus stops”. Mr. Rojas felt this would be cross referenced in the Land Use Element and this same policy would carry forward throughout the document.

Commissioner Soto referred to Page 4.40; Truck Routes Plan, and asked to strike “develop a plan to” in the first sentence and also strike “while ensuring efficient movement of goods” in the last sentence. He believed this to be loose language that can be used to evade the intent which is to reroute trucks away from neighborhoods.

Commissioner Teltschick-Fall noted industries have discussed buffer zones and that they do not get their operations and emissions close to people, and she supported this recommendation. Commissioners voiced similar support.

ACTION: It was M/S (Soto/Reyes) to strike “develop a plan to” in the first sentence and also strike “while ensuring efficient movement of goods” in the last sentence as stated on Page 4.40; Truck Routes Plan; unanimously approved.

Commissioner Soto referred to Policy CR-5.2; Renewable Energy and Clean Technology, and asked to revise a sentence as follows “Promote the use of renewable energy, including non-fossil fuels, and clean technology for transportation, public transit...”

Commissioner Teltschick-Fall commented that this is mutually exclusive, as everybody is in agreement that fossil fuel is non-renewable energy. Ms. Renfro noted that non-fossil fuels is a subset of renewable energy, and Commissioner Soto’s concept of non-fossil fuels is something other than wind energy and solar, for example.

ACTION: It was M/S (Soto/Lane) to amend a sentence in Policy CR-5.2; Renewable Energy and Clean Technology: “Promote the use of renewable energy, including non-fossil fuels, and clean technology for transportation, public transit...”; which carried by the following roll call vote: Ayes: Choi, Lane, Lee, Reyes, Soto, Duncan; Noes: None; Abstain: Teltschick-Fall.

Commissioner Soto referred to Page 4.41, and suggested an additional sentence be added under Policy CR-5.1, to read, “Give preference to development and transportation design that emphasizes bicycle and pedestrian elements.”

ACTION: It was M/S (Soto/Reyes) to add a sentence to Page 4.41 under Policy CR-5.1, to read, “Give preference to development and transportation design that emphasizes bicycle and pedestrian elements;” which carried by the following roll call vote: Ayes: Ayes: Choi, Lane, Reyes, Soto, Teltschick-Fall, Duncan; Noes: None; Abstain: Lee.

Commissioner Soto referred to Page 4.42; Action CR-5.E; Diesel Engine Emissions, and asked to add language to a sentence, as follows: It would read, “Work with truck and shipping and rail operators to develop strategies that will reduce diesel emissions with benchmarks and timetables.”

Commissioner Choi questioned and confirmed the BAAQMD has workable metrics for measuring emissions, and Chair Duncan noted there are electrification processes underway as well.

Commissioner Teltschick-Fall suggested removing the words, “develop strategies” and simply reduce diesel emissions. Commissioners believed developing strategies is over-arching, as well the City’s ability to work with all entities.

ACTION: It was M/S (Soto/Reyes) to revise the sentence on Page 4.42 of Action CR-5.E; Diesel Engine Emissions, as follows: “Work with truck and shipping and rail operators to develop strategies that will reduce diesel emissions with benchmarks and timetables;” unanimously approved.

Chair Duncan reiterated that the Commission will hold the hearing over to November 3, 2011 at 6:30 p.m. Mr. Privat noted November 3, 2011 is the date of a regular meeting, so there will be public comment associated with that meeting. Ms. Renfro noted scheduling conflict with another Commission meeting. Chair Duncan questioned whether it was possible to move forward the Consent Calendar item. Mr. Thompson suggested holding the regular meeting and then hold a continuance of this meeting.

Chair Duncan said this hearing is open and continued. Understanding that the public comment period is closed. Mr. Privat noted there is the ability for public forum with the Commission needing to take care of other agenda items. Commissioners discussed the hold-over Consent Calendar item noticed for November 3rd, consider holding the continued hearing on the General Plan on November 3rd or November 17th, and agreed to hold continuation of November 3, 2011 at 6:30 p.m.

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

Mr. Mitchell thanked Commissioners for their detailed and thoughtful work on the General Plan. Mr. Rojas noted the first Climate Action Plan Community meeting would be held on October 24, 2011 from 6:00 to 7:30 p.m.

Commissioner Soto reported on October 8, 2011, they held the North Richmond Shoreline Point Pinole Park event which was well-attended and successful.

Commissioner Reyes announced that Saturday will be the Greater Richmond Interfaith program's Harmony Walk at 9:00 a.m. to help raise money for needy individuals.

Secretary Lee reported attending the workshop on CEQA and EIR last night which was very well done. He commented that the Commission did an excellent job of working with each other tonight.

Adjournment

The meeting was adjourned at 10:20 p.m.