

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
June 7, 2018
6:30 p.m.

COMMISSION MEMBERS

Marilyn Langlois, Chair	Andrew Butt, Vice Chair
Nancy Baer	Jen Loy
Claudia Garcia	Michael Huang
David Tucker	

The regular meeting was called to order by Chair Langlois at 6:31 p.m.

ROLL CALL

Present: Chair Marilyn Langlois; Commissioner Nancy Baer, Jen Loy, Claudia Garcia, David Tucker

Absent: Vice Chair Andrew Butt and Yu-Hsiang (Michael) Huang

INTRODUCTIONS

Staff Present: Planning Staff: Lina Velasco, Jonelyn Whales, Director of Planning Services Richard Mitchell, and Attorney Carlos Privat

MINUTES - None.

AGENDA

Chair Langlois provided an overview of meeting procedures for speaker registration, public comment, and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, June 18, 2018, by 5:00 p.m. and she announced the appeal process after each affected item, as needed.

CONSENT CALENDAR –

Chair Langlois gave a brief overview of the consent calendar’s policies and procedures.

- 1. PLN17-657: W Club Karaoke Bar PUBLIC HEARING** to consider a request for a Conditional Use Permit to allow a new Karaoke Club with a Type 48 Alcoholic Beverage Control (ABC) license within an existing 7,200 square foot commercial space located at 5327 Jacuzzi St. (APN: 510-070-002). CR, Regional Commercial District. Shihong Lin, owner/applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Item #1 was removed so public comment could be received on it.

- 2. PLN18-018: Residential Care Facility PUBLIC HEARING** to consider a request for a Conditional Use Permit to allow a residential care facility in an existing building at 208 23rdSt. (APN: 515-282-010). CM5, Commercial Mixed-Use, Activity Center District. National Economic Land Dev Inc., owner; Susan Cinelli, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Commissioner Baer announced that she would like Item #2 removed from the Consent Calendar.

Chair Langlois announced that these items would be heard at the end of the meeting.

BROWN ACT – Public Forum

GARLAND ELLIS stated that he is on the Richmond Annex Neighborhood Board and on the RNCC Board. The El Cerrito Design Review Board held a meeting on May 2, 2018 about a project that is in both Richmond and El Cerrito. It was stated that if most of the property is in El Cerrito then their zoning applies to the property. He stated that this is a huge mistake to have little to no communications about this project between the two Cities and that the City of Richmond's Boards and Commissions should have reviewed it.

Commissioner Baer asked where the project is located and Mr. Ellis stated that the address is 10963 San Pablo.

CORDELL HINDLER announced that the Cortez/Stege Neighborhood Council has been inactive for 10-years and this knowledge applies to a previous item that was reviewed by the Commission at a previous meeting. He suggested that Richmond needs a spa because Richmond does not have a spa in the City limits.

NEW ITEMS

- 3. PLN17-609: Change Area 12 (Northshore) General Plan and Zoning Amendments PUBLIC HEARING** to consider a recommendation to the City Council of an Environmental Impact Report (EIR) Addendum, General Plan Amendment modifying land use classifications of certain areas within General Plan 2030 Change Area 12 (Northshore), rezoning to correspond to the new General Plan land use classification, and associated zoning text amendments. Project information is available online at www.ci.richmond.ca.us/NorthShoreGPA. The project area is generally defined by Richmond Parkway to the east and south, San Pablo Bay to the west, and Point Pinole Regional Shoreline Park to the north (APNs 408220003, 408220006, 408220007, 408220023, 408220024, 408220025, 408220026, 408220032, 408220033, 408220034, 408220035, 408220039, 408220041, 408220042, 408220043, 408220048, 408220049, 408220050, 408100008, 408100025, 408100028, 408100029, 408100030, 408100033). ILL, Industrial Light Limited, OS (Open Space) Various, owners Planner: Lina Velasco Tentative Recommendation: Recommend Approval To City Council

Ms. Velasco introduced Michael Dyett, the City's consultant, who is working on the project.

MICHAEL DYETT, Dyett and Bhatia, consultant, stated that Council's direction was to expand the range of uses and review the allowable FAR for the General Plan amendments for the area.

The second Council direction was to move forward and prepare the amendments for the General Plan and the zoning changes.

Mr. Dyett gave a brief overview of the timeline for the project up until this point. He also reviewed the guiding principles that were reaffirmed at the Planning Commission's and City Council's previous meetings.

There were some changes that had been made to the evaluation report based on the Commission's feedback. These changes included retaining the Open Space designation for the Rod and Gun Club, refinement of the Shoreline Conservation classification so it more clearly states what the conservation components were, define what temporary structures where, and add provisions for the small café that may be located along the Bay Trail. Additional changes that were made were an expansion of the allowable use of industrial agriculture and an increase in the FAR for permanent structures. Secondly, there was an addition of 10 acres to expand the geographic area for industrial agriculture.

Mr. Dyett explained that in terms of the General Plan there have been some language changes to help reflect the idea of a mixed industrial agriculture and open space use that supports the City's Climate Action Plan. Also, new language was added to allow south of Dotson Marsh for industrial agriculture, shoreline conservation, and open space.

Mr. Dyett briefly went over all the classification definition refinements, added language to Finding #3 to include support industrial agriculture and jobs for Richmond residents, redefined policies, and zoning language changes. With the new amendments to Change Area 12, it would now be 165-acres of open space, 47-acres of industrial agriculture and 31-acres of shoreline conservation.

New actions included putting in a new shoreline conservation zoning district with standards that minimize environmental impact, development and design standards be included for the North Richmond Shoreline Development Policy, provide sites for industrial agriculture with zoning that supports a broad range of mutually supported uses, set up a program for job training for industrial agriculture, work with clean energy and other utilities to set local higher targets for renewable energy projects, work on open space acquisitions, facilitate land use compatibility on privately owned land, and then secure completion of the Bay Trail.

An addendum is suggested to be added to the General Plan's EIR that would demonstrate that the analysis adequately addresses potential impacts associated with updated land use and development strategy for Change Area 12. No revision is required in the adopted General Plan's EIR.

The recommended action included adopting the Resolution recommending that City Council consider the addendum to the General Plan's update FEIR and then adopt the General Plan amendments, rezoning, and associated zoning text amendments related to Change Area 12.

Chair Langlois asked if all the changes that are being proposed support Option A. Also, she wanted to know why businesses such as gyms and offices were listed as potential facilities that could be located on Change Area 12. Mr. Dyett stated that per the Commission, Council, and the public's direction all the changes reflect Option A. The businesses such as gyms and offices must be related to industrial agriculture somehow and that is why they are listed.

Commissioner Garcia articulated at the City's Municipal Code does have a definition for animal keeping but there is no definition of animal husbandry. She suggested to add a clarifying definition for animal husbandry.

Chair Langlois opened the public comment period.

Public Comment:

IVO KELLER announced that he is an attorney with SSL Law Firm in San Francisco and he was representing Richmond Development Company LLC, Doommoos Enterprises LLC, and Joe and Heidi Shekou. The three owners that he was representing owned a small portion of land in Change Area 12; approximately 24-acres. The owners disagree with the list of accessible uses for the area and the cannabis manufacturing use is illegal by law. The draft ordinance that was presented to the Commission did not address that the 24-acres that the owners own has been raised in height in 2016 and is not affected by the potential sea level rise. The proposed ordinance does not have language that will allow the public to have access to the shoreline.

D. B. MURRAY announced that his family owns the property on the east side of Goodrick which contains 57-acres. He stated that he agrees with Mr. Keller that manufacturing cannabis is really the only viable use of the land but it is illegal to grow it. He voiced his objections to the evaluation analysis and the draft ordinance.

DAN MURRAY announced that he is D. B Murray's son and that the family plans to file suit on the City because this is an unlawful taking. He suggested tabling this project because a judge has stated that the City Council cannot consider anything the Commission presents until the judge can figure out the best course.

JOSHUA GENSER, Chief Executive Officer of the Richmond Development Company, announced that the City has decided to make the area a park by making it impossible to develop. He agrees with the previous speakers that this is an unconstitutional taking and is against the proposal that the Commission is reviewing.

Chair Langlois stated that the City Council has put a moratorium on the project and asked how long that moratorium is. Ms. Velasco answered that it will be in effect for 1 ½-years. Chair Langlois asked Mr. Genser what efforts had been made in the area under the existing zoning prior to the moratorium being placed on it. Mr. Genser answered that the industrial industry was depressed for many years, then there was the crash in 2007 -2008, and then last year the company was finally able to start to receive proposals for development for the area.

MARGARET JUDKINS, San Pablo, stated that there are defects in the Richmond Parkway and that if an earthquake were to hit that parkway it would fall onto potential explosive trains that are being proposed to be built under it. The residents of San Pablo were never notified of the construction of the train connector. She stated that the documents are wrong and that the Commission should dismiss them.

ANNABEL PETERSON, San Pablo, reiterated what the previous speaker stated that the San Pablo residents were never notified of the Change Area 12 changes, the Richmond Parkway or the rail connector that was installed across from their homes. She stated that there have been many environmental impacts on the San Pablo residents due to all of the above changes.

CORDELL HINDLER agreed with the idea of putting this process off because if it is moved forward to the Council there could be several lawsuits that the City would be facing.

Commissioner Tucker asked Mr. Genser to give examples of what options are viable for the land. Mr. Genser stated manufacturing uses and office campuses. Commissioner Tucker asked if once the moratorium is lifted if the projects in the pipeline will be considered plus future projects. Ms. Velasco stated that the moratorium was to stop projects that could conflict with the General Plan vision.

Mr. Mitchell interjected that the train connector that was mentioned was not a City of Richmond project, it was a California Department of Transportation project. Chair Langlois asked where the train connector is located and Ms. Peterson answered that it is located across from Giant Street.

The public hearing was closed.

Commissioner Baer asked Mr. Privat for an explanation on the issue of takings of land. Mr. Privat stated that the City's Attorney's Office had consensus that there is an economically viable use and therefore there is no taking. Commissioner Baer asked Staff to explain why the other permanent uses do not pencil out. Mr. Dyett stated that there is no time limit on permanent structures so they pencil out. Also, manufacturing is a permitted use of the land if it relates to food products.

Commissioner Loy wanted to know if there is anything the Commission needed to know about the pending litigation. Mr. Privat reiterated what a previous speaker stated in that the Council cannot take any action on any recommendations that the Commission passes along to them but the courts do allow for the steps to take place for a recommendation from the Commission.

Chair Langlois stated since talking to the public and listening to the community outreach meeting, low-intensity structures and light industrial are more appropriate for Change Area 12. She stated that the Commission's role is to really assess the land use portion of the project and the Council will have to analyze anything that is related to legal issues. She suggested moving forward the presented Change Area 12 documentation as is but with minor modifications. Some suggested modifications were to change the zoning document under industrial to allow all the listed uses but they be limited to having products grown on the site. She also suggested to remove the option to build a microbrewery.

Commissioner Baer agreed with removing the option of a microbrewery but she was more flexible on the constraint that produces needed to be grown on the site.

Commissioner Loy stated that she disagrees with Chair Langlois's suggestions and hoped to broaden the lists of allowable uses.

Commissioner Tucker and Commissioner Garcia agreed with Commissioner Loy on broadening the allowable uses.

Discussion commenced among the Commission about if it would be a good idea to place microbreweries under the broader topic of food categories and not its own separate category. Ms. Velasco stated that microbrewery is not defined in other zones under food manufacturing so changing it for this zone could impact other zones. She stated that winery is not defined and that could be something that could be added to the zoning.

Discussion commenced among the Commission about animal husbandry.

ACTION: It was M/S/C (Garcia/Loy) to approve the recommended zoning and land use amendments with the request that animal husbandry be better defined; which carried by the following vote: 4-1-2 (Ayes: Baer, Loy, Garcia, Tucker; Noes: Langlois; Absent: Butt and Huang).

Chair Langlois stated that she is against the motion because she believes that light industry should not be in Change Area 12 and that any development in the area should be very low intensity.

- 1. PLN17-657: W Club Karaoke Bar PUBLIC HEARING** to consider a request for a Conditional Use Permit to allow a new Karaoke Club with a Type 48 Alcoholic Beverage Control (ABC) license within an existing 7,200 square foot commercial space located at 5327 Jacuzzi St. (APN: 510-070-002). CR, Regional Commercial District. Shihong Lin, owner/applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

[The Commission heard Item Two first]

Ms. Whales gave a brief overview of the item. One key point is that most of all the surrounding businesses close around 6 p.m. The karaoke bar is proposing to be open until 12 p.m. Thursday through Saturday instead of the original proposal of 2 a.m. because all the surrounding businesses who have alcohol licenses were not permitted to stay open to 2 a.m.

On May 15, 2018, the applicant did meet with the Annex Neighborhood Council and Staff did receive a letter from the neighborhood council. One key point that was raised in the letter was an issue with parking and Staff confirmed with the property owners that there are 59 spaces allocated to the space that is being proposed to be the karaoke bar. There was also a misunderstanding in that the building is not located in a high crime area. If there are any problems that arise due to crime then the CUP can be revoked.

Commissioner Tucker wanted clarification if there is overnight parking because there were some photos presented in the Staff report from the neighborhood association that showed vehicles being parked there overnight. Ms. Whales stated that there is to be no outside overnight parking on the site per the owner's agreements with the surrounding tenants. In terms of traffic, there is a current road construction project being done by Caltrans and there is a plan to put in additional traffic signals.

JAMES LEE, President of the Richmond Chamber of Commerce, stated that currently many of the Asian community travel to Oakland for nightlife entertainment and bringing this project it would cater to the local Asian population. He gave a brief description of the process the business owners have gone through so far. In regards to the pictures of overnight parked vehicles, those are from businesses in the area that stay open until 3 a.m. In terms of the prostitution concern that the neighbors raised, the owner of the karaoke bar owns 30 other businesses in Richmond and Mr. Lee stated he would not be involved if he had any concern about that being an issue. A clarification about the word private was made and it means that anyone can rent a room for a group of people to enjoy singing privately. It is not an exclusive club where you have to have a membership.

Commissioner Garcia asked if there would be signage for the club and Mr. Lee stated that there would be no big spotlight sign but it will be conservative signage.

Chair Langlois opened the public comment period.

Public Comments:

GARLAND ELLIS, Vice President of Richmond Annex Neighborhood Council, stated that there is a lot of work trucks and equipment that gets parked at the facility overnight and on weekends. One of the neighborhood's concern is that the site is not visible from the street and there is proposed to be only two security guards for the whole facility. They are concerned that auto burglaries will rise in the area due to the lack of security. In terms of parking, it will be spread out amongst the whole facility and there will be limited parking in front of the space that will house the karaoke bar. He spoke with the surrounding businesses and they have concerns about the karaoke bar moving in. He would rather see the karaoke bar in a more public area instead of in an industrial facility.

DAVE HARRIS stated that the proposed business type is inappropriate for the light industrial park that is it proposed to be placed in. In terms of the Staff report he states that it is wrong to say that there is retail businesses located in the facility located on Jacuzzi Street because there are none. He agreed with the previous speaker that there will be inadequate parking for the karaoke bar.

MARY SELVA, President of Richmond Annex Neighborhood Council, stated that the neighborhood Council is concerned about the existing businesses that operate in the facility and their vehicles that are in the parking lot.

CORDELL HINDLER stated that the facility the karaoke bar is proposed to move into is in a high crime area and that a karaoke bar would not be appropriate for that area.

Mr. Lee stated that ABC requires that letters be written to neighbors near the facility but there are none. So, the owners wrote letters to every business in the facility center and to the neighboring community. In return, there were no complaints from the neighbors who received those letters. The owner is willing to hire additional guards if the Commission requires it to address any safety concerns the neighborhood council has.

Mr. Ellis stated more security would be best but is still concerned about the parking issue and damaged vehicles in the facility. Another point is the neighborhood is concerned that the applicant does not have enough experience to run a karaoke bar. The space will need to be updated with fire sprinklers but because the rooms are soundproof the neighborhood council would like to see more safety precautions taken inside the building such as floor lighting and sprinklers in every room.

Chair Langlois asked for Staff to go over the fire safety inspection requirements. Ms. Velasco stated that to obtain any permits the applicant will have to submit a fire inspection report along with all other agency reports that are required before receiving their permits.

Chair Langlois asked Mr. Lee if there were any other correspondences with the surrounding neighbors other than the letters that were sent. Mr. Lee announced that the property management is very supportive of the project.

Commissioner Tucker asked Mr. Lee if the gate will be closed when the karaoke bar closes and if food will be served in the future. Mr. Lee stated that it would be closed after business hours and the long-term goal is to receive permits to serve food as well.

Mr. Lee asked the Commission to consider letting the karaoke bar stay open longer if alcohol was not served after 11 p.m.

The public hearing was closed.

Discussion commenced among the Commission regarding parking and security. Commission Baer suggested adding two more security guards. Commissioner Garcia suggested that the applicant and Staff work with the property management on the parking issues. Commissioner Loy suggested that the applicant extend their hours after they have established that they will be good neighbors to the surrounding businesses.

ACTION: It was M/S/C (Garcia/Baer) to approve PLN17-657 with the friendly amendment to increase security guards from two to three and also work with the property management company to come to an agreement for joint use and promote ride sharing or other app ride opportunities for the patrons; which was carried with a vote of 5-0-2 (Ayes: Langlois, Baer, Loy, Garcia, Tucker; Noes: None; Absent: Butt and Huang).

[The Commission moved to Commission Business]

2. PLN18-018: Residential Care Facility PUBLIC HEARING to consider a request for a Conditional Use Permit to allow a residential care facility in an existing building at 208 23rdSt. (APN: 515-282-010). CM5, Commercial Mixed-Use, Activity Center District. National Economic Land Dev Inc., owner; Susan Cinelli, applicant Planner: Jonelyn Whales

Commissioner Baer asked Ms. Cinelli if she would be willing to add front landscaping in addition to what is being done in the back of the facility and install a tree in the parking strip. Ms. Cinelli announced that she would be willing to do those requests.

Chair Langlois opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, announced that he spoke with the Richmore Village community and they support the project and so he supports the project.

KELLIS LOVE SR. supports the detox center because he helps people recover from addiction and needs a place to send his patients.

GLORIA SCOGGINS, the conservator of the owner, stated that the building has been vacant for many years. She is happy to be working with the detox center and she is working to make the City of Richmond a better community.

BISHOP ANDRE JACKSON stated that he is supportive of the project and its location.

FATIMA MATAL SOL, Alcohol and Other Drugs Program Chief for Contra Costa County, stated that this detox facility would be under the direction of the Alcohol and Other Drugs Program.

The public hearing was closed.

ACTION: It was M/S/Community (Baer/Langlois) to approve PLN18-018 the proposed residential care facility on 23rd Street with the addition of front landscaping that the applicant has agreed too; which carried with a vote of 5-0-2 (Ayes: Langlois, Baer, Loy, Garcia, Tucker; Noes: None; Absent: Butt and Huang).

[The Commission moved back up to Item One]

COMMISSION BUSINESS

7. Reports of Officers, Commissioners, and Staff – Ms. Velasco announced that the July 5th meeting will be canceled. There will be fireworks and a celebration on July 3rd at the Crane Way. The Point Molate website will be launching shortly and there will be a pop up event in June providing more information about the land use visioning process. There will also be a community workshop regarding Point Molate on June 23rd out at Point Molate.

Commissioner Baer asked if the community meetings for Point Molate would be taped and Ms. Velasco answered that Staff is still working on the logistics but at this time it did not look like the meeting would be taped.

Commissioner Baer asked for more information regarding the project that is located at 10963 San Pablo. Mr. Mitchell stated that since it was a small portion of the building that was in Richmond it did not warrant a full review from the City of Richmond's Boards and Commissions. Staff will bring more information back to the Commission soon.

8. Adjournment - The meeting was adjourned at 9:44 p.m. to the next regular meeting on June 21, 2018.