

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

450 Civic Center Drive, Richmond, CA
October 18, 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 6:30 p.m.

ROLL CALL

Present: Chair Marilyn Langlois, Vice Chair Andrew Butt; Commissioner Nancy Baer, Jen Loy, Claudia Garcia, David Tucker and Yu-Hsiang (Michael) Huang

Absent: None

INTRODUCTIONS

Staff Present: Planning Staff: Lina Velasco, Hector Lopez, Emily Carroll, Jonelyn Whales, Director of Planning and Building Services Richard Mitchell, and Assistant City Attorney Rachel Sommovilla

MINUTES –

August 2, 2018

ACTION: It was M/S/C (Huang, Baer) to approve the Minutes of August 2, 2018; which carried by the following vote: 6-0-1 (Ayes: Baer, Butt, Loy, Garcia, Huang, Tucker; Noes: None; Abstain: Langlois).

September 6, 2018

ACTION: It was M/S/C (Huang, Baer) to approve the Minutes of September 6, 2018; which carried by the following vote: 6-0-1 (Ayes: Langlois, Baer, Butt, Loy, Garcia, Huang Tucker; Noes: None; Abstain: 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, October 29, 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. **PLN18-255: Nobilis Conditional Use Permit PUBLIC HEARING** to consider a Conditional Use Permit to establish a restaurant with a type-41 (on-sale beer and wine) alcoholic beverage control license within an existing commercial building at 1900 Stenmark Dr. (APN: 561-080-004). CC, Coastal Commercial District. PSP Inc., owner; Daryl Heline, applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval
2. **PLN17-556: Aspire Richmond Technology New School Facility PUBLIC HEARING** to consider a Conditional Use Permit for the construction of a ±18,500 square foot multi-purpose building and associated improvements at Aspire Richmond Technology Academy at 3170 Hilltop Mall Road (APN: 405-290-016). Enrollment will not increase. CR, Regional Commercial District. 3170 Hilltop Mall Road, LLC, owner/applicant Planner: Hector Lopez Tentative Recommendation: Conditional Approval

Commissioner Baer requested that Item#2 be removed from the Consent Calendar.

Chair Langlois announced that Item#2 would be removed from the Consent Calendar and that it would be heard at the end of the meeting before Commissioner Business.

3. **PLN18-154: Cannabis Cultivation Conditional Use Permit PUBLIC HEARING** to consider a Conditional Use Permit for a medical cannabis cultivation facility in a 5,000-sf building at 717 S.32nd St. (APN: 549-204-042). IL, Light Industrial District. Rose Khallouf, owner; Stemm Enterprise, LLC, Applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Vice Chair Butt announced that he had a conflict on this Item and would not be participating in the vote.

4. **PLN18-267: Supreme Kids Academy Conditional Use Permit PUBLIC HEARING** to consider a Conditional Use Permit for a 3,433-sf pre-school community facility at 3065 Richmond Parkway, Suite 111 (APN: 405-372-004). IB, Industrial Business District. Wang Brothers Investments LLC, owner; Tera Taylor, Applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

ACTION: It was M/S/C (Baer, Garcia) to approve the Consent Calendar with Commissioner Baer's request to remove Item 2; which carried by the following vote: 6-0-1 (Ayes: Langlois, Baer, Loy, Garcia, Huang, Tucker; Noes: None; Abstain: Butt).

BROWN ACT – Public Forum

ROBERT CHEASTY announced that Vice Chair Butt participated in a charrette session for Point Molate. He suggested that Vice Chair Butt recuse himself from the Point Molate discussion and leave the room for the entirety of the Point Molate conversation. Vice Chair Butt disclosed that he did speak with the City Attorney and it was deemed that he did not have a conflict of interest on the Point Molate topic.

CORDELL HINDLER, Richmond, urged the Commission to think about adding a spa in downtown Richmond. He disclosed that he had a conversation with the Richmond Annex

Neighborhood Council about the nightclub and the Richmond Annex did not approve of the nightclub.

ROSCAL CAYANGYANG wanted to introduce himself to the Commission. He stated he was serving as an aide to Council Member Jovanka Beckles and he just wanted to say hello.

STUDY SESSION

5. PLN18-277: Point Molate Land Use Vision STUDY SESSION to receive and provide comments on the draft Point Molate land use vision plan for City Council consideration. The land use vision will be used to guide the solicitation of development proposals from master developers for Point Molate at 2100 Stenmark Drive (APN: 561-100-008). IL, Industrial, Light; CG, General Commercial, PR, Parks And Recreation, RM1, Medium Density Multi-Family Residential, RH, Hillside Residential, And OS, Open Space District. City of Richmond, owner Planner: Lina Velasco Tentative Recommendation: Receive and Provide Comments

Chair Langlois gave a brief overview of the policies and procedures for study session items.

Ms. Velasco introduced Poonam Narkar from WRT Planning + Design who was there to present a vision document for Point Molate. The City had not selected a Master Developer for Point Molate at the time but they had embarked on the land use visioning process. Staff had planned to make a presentation to the City Council on October 23, 2018, to request to include the vision documents into the Request for Proposals.

Ms. Narkar announced that the vision document was not a prescriptive document and was not a set of development standards. The purpose of the vision statement was to guide future redevelopment of the property, provide the City Council with a document that included community input to inform their decisions, update and synthesize information, and provide opportunities for community input. Also included in the vision document was the vision framework and the framework was put together by the consulting team after hearing community input.

Existing conditions on Point Molate included many historical resources, cultural resources, and habitats for wildlife and plants. Some constraints that the property posed in terms of infrastructure was the lack of wastewater collection and treatment, water supply, electrical infrastructure, stormwater collection and treatment, and a transportation network. She added that the scope of the study did not include resolving all the infrastructure challenges but the consulting team did provide some strategies for phasing the infrastructure cost. The revenue that the City was getting from the existing Point Molate land was not enough to cover the cost of maintaining the existing infrastructure or improvements to the infrastructure.

There were three community workshops; one in June, one in July, and one in August of 2018. There was also a youth summit, four site tours, and three special topic forums. In June 2018 a digital engagement process was installed and continued until September 2018. This digital engagement received feedback from the community through online activities that were posted to the website. The consulting team had come up with a vision statement that included reoccurring themes that were stated during the community process. The vision statement read, Point Molate would be an exemplary inclusive waterfront community that respects historical context, preserved and enhanced ecology, promotes social equality, and ensures economic vitality. It would be a place for all- inclusive and intergenerational – with access to transit, open space,

amenities, affordable housing, and jobs. Through the community process, the consulting team was able to establish nine guiding principles to help guide the vision of Point Molate.

In terms of investigating future development areas, Ms. Narkar articulated that certain areas on Point Molate were not investigated due to their historic, cultural or habitat circumstances. The consulting team was required to adhere to 70 percent of open space and 30 percent developmental space so they included areas that were already disturbed by previous development.

The first guiding principles of the vision framework was an inclusive community with access and amenities for all. Point Molate was not envisioned to be a gated community by the community. Next was the protection of the historical resources located on Point Molate. The point for this guiding principle was to preserve Point Molate's unique sense of place and create opportunities for adaptive reuse. Next was that the site planning should promote ecological protection and enhancement. Next guiding principle was a complete intergenerational community that promoted interaction between individuals of all ages by building a walkable and mixed-use transportation system on Point Molate. Next was recognizing youth as the foundation of Richmond's future and the concept was to include some of the youth's ideas to help form Point Molate into something they could use in the future. Next was a well-scaled community that promoted an inclusive community and that any new buildings that were built there be built in a way that accentuates the existing elements. The next guideline was resiliency and the City needed to continue and explore surrounding shoreline developments. Another guideline established by community input was that Point Molate needed to be financially feasible and have fiscal sustainability. The consulting team had provided some concepts that the City could look at to help make Point Molate financially feasible and fiscally sustainable.

In terms of next steps, the document would be included in the Request for Proposal if it accepted by City Council and the document would be the guiding document for those proposals. Staff suggested that the City explore partnerships with agencies and stakeholder groups. Also, that community engagement be continued throughout the whole process.

Commissioner Baer asked Staff that the maps did not show the road that went up over the hill and ended at a Chevron gas station. She asked when would zoning come into play in terms of the project. In terms of the road, Ms. Velasco stated that most of that road was private and located on Chevron property. Also, that zoning would be reviewed when future Discretionary Review Applications were submitted.

Commissioner Garcia wanted to know if there was going to be some language added in the Request for Proposals that developers follow the Vision Document. Ms. Velasco announced that in the document there was a request that developers discuss and/or show how their proposal followed the Vision Document.

Vice Chair Butt inquired if there was flexibility in the Base Reuse Plan and the Land Disposition Agreement. Ms. Velasco stated that there was language included that the City had the flexibility to modify the development areas that were talked about in the Base Reuse Plan.

Commissioner Tucker asked if there were any cost breakouts in terms of the financial feasibility study showing the costs for housing alone, the cost of open space alone, and the cost for park amenities alone. Ms. Velasco stated that the costs only included the infrastructure backbone costs. It did not include the restoration or maintenance of any of the existing structures.

Chair Langlois wanted to know what happens to guide principle number seven which stated emphasizing non-automobile transportation options. She wanted to know if there was a recommendation for the indigenous legacy that had existed on Point Molate. She questioned where the City could take prescriptive action in terms of new construction and where that would appear in the process. Her last question was when the vision document went to the City Council if it would be an action item or a study session. Ms. Narkar stated that the guiding principle number seven was laced through a couple of the other guiding principles. In terms of a Native American recommendation, Ms. Narkar stated that there were regulatory requirements that needed to be followed and any recommendation regarding that topic was not put into the vision document. Ms. Velasco stated that there was language in the Request for Proposal talking about what the City would like to see and that the City could act accordingly if it so chose too. Ms. Velasco announced that the vision document was to be an action item presented to the City Council for acceptance to attach to the Request for Proposals and then the Request for Proposals would be finalized at that same meeting.

Public Comment:

DAVID MELVARG announced that he was a Richmond resident and Co-Chair of the Point Molate Alliance. He stated that he had presented the Commission with their summary of the community engagement process which was called the Community Plan, Plan for Richmond to do Something Great. They urged the Commission and the City Council to not rush the process and to make wise decisions on what Point Molate should look like. They did not want to see Point Molate privatized and they did not want to see high-density housing.

TONY SUSTAK continued with the Point Molate Alliance presentation and stated that the proposed Community Plan was the best plan for Point Molate. The plan specified everything that the community had voiced during the public engagement meetings. The community had voiced many times during the meetings that they did not want housing on Point Molate. He stated in the Community Plan called for housing to be moved to downtown Richmond and that there be more recreational components on Point Molate. The Community Plan emphasized that the watershed area needed to be preserved.

TARNEL ABBOTT continued with the Point Molate Alliance presentation and emphasized that an evacuation of Point Molate was almost impossible if there were an explosion, fire, or fumes from the adjacent oil refinery and/or Chevron. Due to this danger, the Point Molate Alliance was not in favor of high-density housing settling on the Point.

SALLY TOBIN summarized that the Community Plan would revitalize the Winehaven Village, restore the historic buildings, add a hotel, conference center, and educational rooms. The plan suggested building housing downtown instead of at Point Molate and create a public park. The Community Plan suggested a rezoning of the south valley and bluffs for parkland and recreation, that Winehaven be zoned as a commercial and historical area, and that restriction in the zoning of Point Molate to encourage so that housing to be built in downtown Richmond.

ROBERTA WYN disclosed that she was a public health researcher and she was opposed to high-density housing development being built on Point Molate. She agreed with the suggested zoning that was listed in the proposed Community Plan.

ROBERT CHEASTY stated that he wanted the Commission and Council to adopt the Community Plan. He agreed that downtown Richmond was the best place to build high-density housing.

TANIA PULIDO declared that she was part of the Richmond Community-Owned Development Enterprise. The Richmond Community-Owned Development Enterprise did not support or approve of the Land Disposition Agreement as it stood and they supported the community vision that Staff had presented. She announced that if the agreement did get approved then the group had their own plan for Point Molate. She articulated that the Commission would receive that plan and she wished that the plan would be forwarded to City Council as well.

CAROL TELTSCHICK, former Planning Commissioner and member of the General Plan Update Committee emphasized that the vision document did not reflect what the community had been asking for. She supported the proposed Community Plan and opposed high-density housing on the point.

SHIRLEY DEAN voiced that she fully supported the proposed Community Plan, not the vision document.

DARRELL CARAWAY noted that he was an architect and he advised leaving Point Molate as it currently existed.

PHILIPPE BERTHOUD articulated that he supported the proposed Community Plan.

MICHAEL GLIKSOHN announced that he also supported the proposed Community Plan and he did not agree that the City should not have agreed to the Settlement Agreement.

RUSSEL STITH, resident of San Pablo, advised that the Commission put a lot of thought into what was developed on Point Molate and that anything on the point should be accessible to the public.

CHARLES SMITH read off a list of emergency incidences that happened at Chevron locations around California and the Richmond Refinery. He advised the Commission not to put dense housing on Point Molate because there were no fast and safe exits off the Point.

JEANE KORTZ agreed with the previous speaker that there were many incidences pertaining to Chevron emergency evacuations and that building housing on Point Molate was not a good idea. She voiced her support for the proposed Community Plan.

MICHAEL PARKER, member of the Steering Committee of the Richmond Progressive Alliance, emphasized that he did not support the vision document.

BERYL GOLDEN declared that she wished the City had developed an alternative plan that did not require a large infrastructure development.

MARGOT CUNNINGHAM stated that she supported the proposed Community Plan.

PAUL CARMON urged the Commission to recommend the proposed Community Plan to the City Council for adoption. He explained that WRT tried their best to shape their vision document into what the community wanted but City Council had already adopted the Settlement Agreement and WRT was forced to conform to the constraints of that agreement. He wanted to emphasize that the Community Plan was not anti-development.

MARLE NORMAN was not supportive of the proposed high-density housing that was stated in the vision document.

JIM HANSON acknowledged that he did not see Point Molate listed as a study zone in any of the documentation. He articulated that in the community workshops 7 out of 10 tables had agreed that a public park be located on the watershed and bluff areas. He encouraged the Commission to endorse the idea of high-density housing in downtown and endorse the proposed Community Plan.

CAROLYN GRAVES voiced that she supported the proposed Community Plan and that development should stay in the Winehaven area. She went on to explain that the Settlement Agreement was being challenged and in the first hearing the judge agreed with the Community Advisory group. There was another scheduled hearing to take place soon.

EVAN BISSELL, an employee of the Richmond Community-Owned Development Enterprise, declared that the WRT vision document and the Settlement Agreement were flawed in that they both did not provide equitable development on Point Molate. In a letter that the group sent to the City Council, they urged the Council to reconsider the agreement and that anything proposed in the agreement was not equitable to all residents of Richmond. The letter also pointed out that the residents had made note that they were being excluded from the planning process when the agreement was approved and thus that created distrust with any further planning efforts the City was going to make. Lastly, he stated that the group had a backup plan if the agreement where to stay in place and that backup plan emphasized equality.

TONI HANNA disclosed that she supported the proposed Community Plan and she supported building high-density housing in downtown Richmond.

CORDELL HINDLER suggested that a hotel be built on Point Molate and was not supportive of having high-density housing on Point Molate. He voiced his frustration about the Settlement Agreement the City was involved in.

KABIR KAPUR announced his frustrations with the Settlement Agreement and his frustration with how the City was handling the whole process. He declared that it was unacceptable to not have the Ohlone tribe involved in the process. He added that if the Commission and the City Council wanted public engagement then they should put it on the ballot for 2020.

SASHA GRAHAM, member of the Richmond Community-Owned Development Enterprise and Chair of the State Board of ACE Action, disclosed that she also supported the Community Plan. She stated that the community workshops were flawed in that subtle messages were dropped by WRT, about where things were to be placed instead of letting the patrons envision their own ideas. Also, she stated that there were no people of color who attended the tour she went on and that equality was not upheld at the community workshops.

SCOTT LITTLEHALE emphasized that the City Council should support the Point Molate Vision for the housing opportunities it will create and jobs.

Chair Langlois announced her appreciation to all the public speakers and thanked them for all their comments. She requested that Staff provide all public comments to the Council and the Equitable Development of Point Molate Plan by Richmond Community-Owned Development Enterprise and the Community Plan by Point Molate Alliance as well. She urged the public speakers to attend the October 23, 2018, City Council meeting and make comments.

Vice Chair Butt declared that he was disappointed in the process and the low number of people that attended the community outreach meetings. He acknowledged that many of the speakers voiced that they did not want to have housing on Point Molate but he disagreed with that. He read a passage from the ULI Study that was done a year ago that stated that housing on Point Molate would provide the largest source of funding and it would create a sense of place at Point Molate. In terms of the Community Plan, he announced that it was a good plan but he did not think it was feasible and there was no way to fund it. He concluded that he did not want to see housing on Point Molate be for rich community members but that it be truly affordable housing.

Commissioner Loy reported that she was disappointed about the Settlement Agreement but was happy to see the Equitable Development of Point Molate Plan. She announced her appreciation that Chair Langlois request that Staff pass on the two plans the Commission had received at the meeting. In terms of the Equitable Development of Point Molate Plan, she was happy to see in the plan language that stated that affordable housing be built on site that was accessible to low income or extremely low-income persons.

Commissioner Garcia specified that she was under the assumption that the City was bound to have 670 units of housing due to the Settlement Agreement. In terms of Requests for Proposals, she requested that visual simulations be provided. She wanted language added that mandated developers to include affordable housing.

Commissioner Baer noted that she wished that the Settlement Agreement was not in place but acknowledged that the Commission would be making comments within the constraints of it. She declared that she would support no housing in the drum lot#2 area. She agreed with the comments from TRAC that the setbacks needed to stay in place and she supported the use of energy alternatives for infrastructure. She stressed that the proposed 670 units should be smaller in terms of size. She concluded that the Commission propose an Option C Plan that included no development at the drum lot, Winehaven would be developed with housing, there be housing on the hillside and a conference center at the point with large setbacks from the beach. Mr. Mitchell reminded the Commission to not make prescriptive recommendations.

Commissioner Tucker predicted that to put any type of housing out on Point Molate would be very expensive and Mr. Mitchell confirmed that was correct. Commissioner Tucker continued to state that in terms of the process it was not transparent. He assumed that the Council would most likely not get all the comments that the public had voiced and that the Council would make a decision on very little information. His final message to Council was to look at development with a purpose.

Commissioner Huang echoed Commissioner Tucker's comment that development had to have a purpose and that Council needed to look at financial feasibility when deciding.

Chair Langlois in summary, stated that she was supportive of no housing on the southern parcels or on the drum lot. She announced that language be added that if a developer were interested in building a development, they would have to adhere to the vision document or else the City would not sell them the property.

Discussion ensued between the Commission and Mr. Melvarg about the drum lot. Also, a representative from TRAC spoke about maintaining the Bay Trail. The Commissioners voiced their appreciation for all the speakers coming out. They also thanked the consultant for their hard work and their presentation.

ACTION ITEM

- 2. PLN17-556: Aspire Richmond Technology New School Facility PUBLIC HEARING** to consider a Conditional Use Permit for the construction of a ±18,500 square foot multi-purpose building and associated improvements at Aspire Richmond Technology Academy at 3170 Hilltop Mall Road (APN: 405-290-016). Enrollment will not increase. CR, Regional Commercial District. 3170 Hilltop Mall Road, LLC, owner/applicant Planner: Hector Lopez Tentative Recommendation: Conditional Approval

Mr. Lopez summarized that the proposed project included a multi-purpose building with restrooms and the existing parking lot was to be reconfigured to include 61 additional parking spaces with landscaping. In 2017 the existing building was converted into a school that currently had 341 students enrolled. A moratorium was placed on the school to prohibit modifying the building until December 17, 2018, but Staff had determined that the moratorium was not applicable because the project would not increase or expand the school. The Design Review Board had recommended approval of the project on September 12, 2018.

Commissioner Baer explained that the City's Tree Ordinance required that trees that were removed be replaced at a 3:1 ratio. She announced that the ratio was wrong in the plans and wanted clarification. Ms. Velasco explained that the plans that were before the Commission were in full compliance with the planting and removal of trees.

Commissioner Tucker wanted Staff's opinion on the Council of Industrial concerns they had raised in their email. Ms. Velasco answered that the City was investigating their concerns at the current time. Mr. Lopez added that the application was submitted prior to the moratorium.

Public Comment:

CORDELL HINDLER announced he had talked with the Fairmede-Hilltop Council and their concern was that a traffic study was not done in regards to the project. Also, the existing building was not ADA accessible and that the neighborhood Council did not have a chance to review the project before it came to the Planning Commission. He noted that he personally approved of the project.

NANCY RAMIREZ spoke kind words about the school and she urged the Commission to approve the project.

Commissioner Baer moved to extend the meeting for 10-minutes, Commissioner Garcia seconded, and it was approved unanimously.

GREG SCHULTZ emphasized that the school really needed the upgrade and urged the Commission to approve the project.

The public hearing was closed.

ACTION: It was M/S/C (Butt, Baer) to approve PLN17-556 with Staff's recommended conditions and findings which carried with the following vote: 7-0 (Ayes: Langlois, Baer, Butt, Loy, Garcia, Tucker; Noes: None.)

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff –

Commissioner Baer requested information at a later time on why six Commissioners were on the same term cycle and not staggered.

8. Adjournment - The meeting was adjourned at 10:45 p.m. to the next regular meeting on November 1, 2018.