

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
March 21, 2019
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, and David Tucker

Absent: Commissioner Claudia Garcia and Yu-Hsiang (Michael) Huang

INTRODUCTIONS

Staff Present: Planning Staff: Hector Lopez, Director of Planning Lina Velasco, and Attorney Shannon Moore

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, April 1, 2019, 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. PLN 19-049: Hacienda Senior Apartments CUP PUBLIC HEARING** to consider a Conditional Use Permit for a parking reduction, Parcel Map for Lot Split, and Design Review Permit to rehabilitate an existing senior affordable apartment building at 1300 Roosevelt Ave. (APN: 534-370-028). CM-5, Commercial Mixed-Use, Activity Center District. Richmond Housing Authority, owner; Mercy Housing California, Applicant Planner: Roberta Feliciano
Tentative Recommendation: Conditional Approval

Director Velasco requested that this item be held over to the April 18th, 2019 Planning Commission meeting.

2. **PLN 18-373: Focus Group Live-Work** PUBLIC HEARING to consider a request for a Design Review and Conditional Use Permit to construct two buildings with 4 live-work units on a vacant 5,000 square foot parcel at 615 S.31st St. (APN: 549-203-018). IL, Light Industrial District. Focus Group Ventures LLC, owner; Robert Avellar, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Commissioner Tucker asked the applicant what type of business would occupy the live-work space that was being proposed. Robert Avellar, applicant, stated the occupant would be some type of artist.

3. **PLN 19-055: Armistice Brewery Expansion** PUBLIC HEARING to consider an amendment to Conditional Use Permit (PLN17-044) to expand an existing brewery into three additional tenant spaces at 845 Marina Bay Parkway (APN: 560-181-091). SP-2, Richmond Bay Specific Plan District. Teagarden Business Center LLC, owner; Alex Zobel, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Director Velasco asked the Planning Commission to consider the removal of Condition #10 which had to do with amplified sound.

ACTION: It was M/S/C (Loy, Baer) to approve the Consent Calendar with a note about Item #3 to include the removal of Condition #10 which was suggested by Staff; which carried by the following vote: 5-0-2 (Ayes: Langlois, Butt, Baer, Loy, Tucker; Noes: None; Absent: Garcia, Huang).

BROWN ACT – Public Forum – None.

NEW BUSINESS

4. **PLN 17-273: Bulk Material Processing Center CUP** PUBLIC HEARING to complete a 5-year compliance review and consider modification of the Conditional Use Permit for the bulk materials processing center facility (CU1101132) at 1 Parr Blvd. (APN: 408-140-009, 408-140-008, 408-140-010, 408-140-013). OS, Open Space District. West Contra Costa Sanitary Landfill, Inc, owner/applicant Planner: Lina Velasco Tentative Recommendation: Accept Compliance Report & Modify CUP

Director Velasco disclosed that the compliance review period covered January 1st, 2012 to March 1st, 2017. She announced that Staff would be coming back in 1-year to give the Commission an update on if Staff's compliance recommendations were carried forward by Republic Services.

Peter Nuti, Republic Services, applicant, gave a brief overview of the operations and the history of the Bulk Material Processing Center. The facility was modified in 2016-2017 to a CASP Composting system and during that change over there were reports of odors coming from the site.

The City's CUP was a companion Use Permit to the County's Land Use Permit, this was the second 5-year permit review, and it was last reviewed in 2013. Mr. Nuti summarized that in working with Staff and the consulting team they reviewed the compliance of the CUP, modified

the CUP with Staff's and Republic Services' suggestions, and submitted a Report of Facility Information approved by LEA and CalRecycle.

To address non-complying components found by Staff, Mr. Nuti announced that Republic Services was partnering with the City of Richmond and Contra Costa County to mitigate all illegal dumping that was occurring near the site. New signage had been put up for illegal dumping and simplified signage has been installed that reflected prices at the facility. Republic Services had partnered with the Richmond Fire Department to update and review the fire safety plan at the facility along with new equipment purchased for firefighting.

Garth Schultz, R3 Consulting Group, presented a high-level overview of the Staff report that the Commission had received. Major issues that were identified included non-compliance with other permits, the stability of site slopes, emergency equipment access, volumetric loading prices at the scale house, boundaries of composting operation, lighting requirements, and illegal dumping and signage. Overall there were 41 areas of non-compliance found in the review of the CUP. He noted that Republic Service was making efforts at the facility to come into compliance with Staff's recommendations.

Vice Chair Butt wanted to know why the facility was modified into a CASP facility and if Republic Services was willing to move forward on the recommendations that TRAC had proposed for the portion of the Bay Trail that was maintained by Republic Services. Mr. Nuti articulated that the facility was switched to a CASP facility because it was easier to manage, monitor, and care for the compost. In terms of the recommendation from TRAC, Mr. Nuti stated he was willing to work with the group on their recommendations for the Bay Trail.

To address Commissioner Tucker's question about illegal dumping, Mr. Nuti responded that the county determined where the hot spot route went. He added that Republic Services did run a mattress collection program for residents in hopes that that would discourage any illegal dumping of mattresses. Commissioner Tucker requested that Staff explore illegal dumping around the facility and the surrounding area.

Discussion commenced between the Commission and Mr. Nuti about types of compost, how compost is made, where it's used, and what the various requirements were for other permits that the facility had to follow.

Chair Langlois asked for an explanation on the temporary exemption from small vehicle weigh-in requirements. Mr. Nuti answered that it allowed the facility to weigh resident's trucks in cubic yards as opposed to weighing in tons. Mr. Schultz added that all scale house operators were certified by Weights and Measures for conducting the weight component and also the volume metric component.

Public Comment:

JESSIE WEST, resident of Point Richmond, announced that while she appreciated the efforts of Republic Services to mitigate the odors, she was frustrated that there was still an odor coming from the facility. Overall, she was very supportive of what Republic Services was doing. She was very interested in knowing what monitoring Staff was going to be doing in the upcoming year and what additional reporting would be done.

Chair Langlois requested that the Point Richmond Neighborhood Council be included on any copies of reports that Staff produced over the monitoring period.

Director Velasco summarized that Staff was recommending the adoption of the draft Resolution which required additional monitoring of non-verified compliant conditions, approving the modifications to CU 1101132, and accepting parts of the 5-year compliance report for the Bulk Materials Processing Center.

Commissioner Baer recommended that the Commission include the recommendations that were proposed by TRAC for the Bay Trail. Director Velasco requested that Staff have more time to verify TRACs requests and that those recommendations be kept as part of the 1-year monitoring process.

ACTION: It was M/S/C (Butt, Tucker) to adopt draft Resolution #1908 requiring additional monitoring on non-verified compliant conditions, approving modifications to CU 1101132, and accepting parts of the 5-year compliance report for the WCCSL's Bulk Materials Processing Center PLN17-273; which carried by the following vote: 5-0-2 (Ayes: Langlois, Butt, Baer, Loy, Tucker; Noes: None; Absent: Garcia, Huang).

5. **PLN 18-015: Smart Residence PUBLIC HEARING** to consider appeals of the Design Review Board's Conditional Approval of a ±2,600 square foot single family residence on a vacant parcel at 70 Belvedere Avenue (APN: 558-012-015). RL-1, Single Family Very Low-Density Residential District. Aaron Smart, owner; Roger Kurath, applicant Planner: Hector Lopez Tentative Recommendation: Uphold the Design Review Board's Conditional Approval

[This item was heard with Item Number 6]

6. **PLN 18-016: Smart Residence PUBLIC HEARING** to consider appeals of the Design Review Board's conditional approval of a ±2,800 square foot single family residence on a vacant parcel at 80 Belvedere Avenue (APN: 558-012-014). RL-1, Single Family Very Low-Density Residential District. Aaron Smart, owner; Roger Kurath, applicant Planner: Hector Lopez Tentative Recommendation: Uphold the Design Review Board's Conditional Approval

Chair Langlois reviewed the appeal process and procedures.

Mr. Lopez explained that on December 12th, 2018 the Design Review Board reviewed the proposed project and it was approved subject to conditions that the applicant had since incorporated into the new plans. He continued by giving a brief description of the project and conditions.

On January 2nd, 2019, four appeals were filed by near and/or adjacent residences. The four appellants were Barbara Ambrose of 90 Belvedere Avenue, Michael and Andria Sassi of 116 Bishop Avenue, Michelle Brant of 75 Belvedere Avenue, and Katherine Burr of 50 Belvedere Avenue and Donna Stoneham of 60 Belvedere Avenue.

Staff's recommendation was to affirm the decision that was made by the Design Review Board because the plans did meet all the Conditions of Approval.

Discussion ensued between the Commission and Attorney Moore on how the process and procedures worked during an appeal.

Barbara Ambrose, an appellant, expressed that there had been no shadow studies done for 90 Belvedere, there would be an obstruction of view from her home on the southern side, and she argued that it stated in the Staff report that the proposed building far exceeded the height limit. She concluded that there was, in fact, an easement along Bishop Alley.

Michael Sassi, an appellant, stated that he would like to see the lots developed but was concerned about the stability of the soil if the trees were removed or destroyed during construction. His suggestion was that the soil be secured before construction started and if the trees were destroyed during construction then they be removed and a retaining wall be built. In terms of water drainage off the lots, he suggested that the water be drained into an underground drainage pipe and not onto Bishop Street.

Michelle Brant, an appellant, clarified that the purpose of the turnout was to provide an unobstructed place to park in a fire situation for a secondary fire apparatus. She advised that there would not need to be a turnout if the driveway for the proposed house on 70 Belvedere Avenue positioned its driveway differently. She agreed with the previous speaker's issues in terms of the easement, water drainage, the stability of the soil and the fire hazard of the trees at the base of the hill. She was not in support of cutting back the stabilizing hedge on her property.

Katherine Burr, an appellant, suggested that the Planning Commission, the City, and the Design Review Board put a moratorium on the two lots being discussed due to upcoming reconsideration of laws pertaining to the fire safety, drainage, and stability of soil.

Donna Stoneham, an appellant, articulated that her two primary concerns had to do with safety in terms of drainage and hill stability. She advised that the trees be removed at the base of the hill and a retaining wall be built to stabilize the lots. Also, an adequate engineering study be done that showed that drainage would be mitigated and no flooding would happen to her home. She was concerned that Belvedere Avenue would be blocked by construction equipment and that emergency vehicles could not access the adjacent homes during an emergency. She concurred with the previous speakers' comments.

Roger Kurath, architect, stated that there had been several meetings with the neighborhood council, Design Review Board Members, the Fire Marshall, and an Ad Hoc Committee had been formed to discuss any potential problems that might arise with the two projects. He declared that the Fire Marshall was the one who decided where the fire apparatus was to be located. In terms of the easement, he announced that it was found in 2014 that there was no easement on the properties. He gave a brief overview of the changes that were made to the plans per the Design Review Board recommendations.

Public Comment:

DONALD LEWIS, resident of 50 Western Drive, was concerned about language in several sections of the Staff report that pertained to the fire apparatus. He asked for clarification on those sections and requested that the projects be postponed until the fire apparatus design be flushed out. He wanted the definition for the term temporary blockage be defined.

RICHARD KATZ, resident of 20 Belvedere, announced it was against the law to block a one lane road and that there should be no blocking of Belvedere Avenue during construction.

Ms. Ambrose disclosed that she had no problem with the design of the proposed house but was mainly concerned about her house's safety while the homes were being built and the lose of the view of San Francisco from her home.

Mr. Sassi stated that he would like to see that the risk of construction is taken on by the developing property owner versus the surrounding property owners.

Ms. Brant confirmed that she was still concerned about the turn out for emergency vehicles.

Ms. Burr concurred with her previous statement and wanted to know who would take responsibility for the previously mentioned hazards if laws were changed.

Ms. Stoneham was still concerned about safety, street blockages, drainage and how those issues were to be dealt with.

Mr. Kurath reiterated that it was the Fire Marshal who proposed the placement of the fire apparatus. In terms of views, the buildings were below the allowed height limits. He argued that he was complying with the City's code and all Conditions that were deemed by the City's various departments and the Design Review Board.

Discussion ensued between the Chair Langlois and Staff about what the purview was for the Commission in terms of the appeal and concerns that were raised. Staff stated that compliance with the Fire Code and Building Code were not in the purview of the Planning Commission. In terms of Belvedere Avenue being blocked, Director Velasco suggested that the Commission could condition that a construction plan be put into place. Mr. Kurath interjected that a construction staging plan had been submitted to Staff.

Vice Chair Butt wanted to know why two houses were being proposed instead of one. Mr. Kurath stated it was explored and they found that it was not possible to build the houses in any other configuration. To combine the lots and build a bigger house would not fit into the context of the neighborhood.

Discussion commenced between the Commission and the applicant on the fire apparatus and parking. Staff confirmed that the Fire Marshall did require the fire apparatus.

Vice Chair Butt wanted to see two additional parking spaces added in addition to the fire apparatus. Commissioner Loy suggested that City Engineers review the street and discuss with the whole neighborhood how to make the street safer instead of having it all on the applicant's shoulders. Chair Langlois concurred with Commissioner Loy's suggestion.

ACTION: It was M/S/C (Langlois, Baer) to uphold the Design Review Board's decision on the residences of 70 and 80 Belvedere Avenue; which carried by the following vote: 4-1-2 (Ayes: Langlois, Baer, Loy, Tucker; Noes: Butt; Absent: Garcia, Huang)

STUDY SESSION

7. PLN14-101: Inclusionary Housing Amendments STUDY SESSION to receive and provide input on potential amendments to Richmond Municipal Code Section 15.04.603, Inclusionary Housing ordinance, including discussion of amendments relating to on-site affordable housing percentages, development standards, the timing and phasing of new

inclusionary requirements, and in-lieu fees for certain areas of the City. The ordinance would apply citywide. Planner: Lina Velasco Tentative Recommendation: Hold Over to 4/18/2019

Chair Langlois announced that this item was to be held over until the April 18th, 2019 Planning Commission meeting.

Chair Langlois asked if there is any further appeal process for those items. City Attorney Shannon Moore replied that there is a provision in the staff report saying that the decision is final and it is not appealable to the City Council.

COMMISSION BUSINESS

7. **Reports of Officers, Commissioners and Staff** – None.
8. **Adjournment** - The meeting was adjourned at 10:12 p.m. to the next regular meeting on April 18, 2019.