

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
June 6, 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 Vice Chair Butt at 6:32 p.m.

ROLL CALL

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

Absent: Chair Marilyn Langlois

INTRODUCTIONS

Staff Present: Planning Staff: Roberta Feliciano, Director of Planning Lina Velasco, and Attorney Rachel Sommovilla

MINUTES – None.

AGENDA

Vice Chair Butt 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 17, 2019, by 5:00 p.m. and she announced the appeal process after each affected item, as needed.

CONSENT CALENDAR –

Vice Chair Butt gave a brief overview of the Consent Calendar’s policies and procedures.

- 1. PLN19-059: Tattoo Parlor CUP PUBLIC HEARING** to consider a request for a Conditional Use Permit to operate a tattoo parlor in an existing commercial building at 758 23rd St., Unit 1 (APN:528-250-025). CM-3, Commercial Mixed-Use, Commercial Emphasis District. Tony & Sareth Sok, owners; Ididro Garcia, applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval
- 2. PLN19-119: Cheers By The Bay CUP PUBLIC HEARING** to consider a Conditional Use Permit to establish a restaurant with Type-47 (on - sale general) alcoholic beverage control license within an existing commercial building at 1900 Esplanade Dr. (APN: 560-181-020).

PA, Planned Area District. Penterra Company, owner; Lara Choe, applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval

Director Velasco stated that there were speakers for this item and that they were all supportive of the project.

Commissioner Tucker asked if the venue would be hosting special events that would go past the proposed hours of operation. Ms. Feliciano stated that the project was not looking to host any special events.

ACTION: It was M/S/C (Baer, Garcia) to approve the Consent Calendar; which carried by the following vote: 5-0-1 (Ayes: Butt, Baer, Garcia, Huang, Loy, Tucker; Noes: None; Absent: Langlois).

BROWN ACT – Public Forum

CORDELL HINDLER suggested that the Commission structure their meetings so that they don't run so late into the night. He voiced his concern that neighborhood councils were not being notified of new projects.

NEW BUSINESS

3. PLN19-159: Cannabis Ordinance Amendment PUBLIC HEARING to consider recommending to the City Council adoption of an ordinance repealing Section 15.04.610.270 (Medical Marijuana Uses Ordinance) and adopting revised Section 15.04.610.270 (Marijuana/Cannabis Commercial Uses) and new Section 15.04.610.275 (Marijuana/Cannabis: Personal Use) to address recent changes in State permitting requirements for cannabis uses, to allow for adult -use activities, and to make other clean-up changes. Planner: Lina Velasco Tentative Recommendation: Adopt Resolution

Vice Chair Butt announced that he would be recusing himself from the item due to business dealings. Commissioner Baer ran the hearing for this item.

Director Velasco introduced Neil Hall and Kyle Tankard with SCI Consulting Group who helped the City over the past year to work with a stakeholder group to form the newly revised ordinance.

Mr. Tankard, SCI Consulting Group, noted that the updates to the ordinance were to provide consistency with the state regulations and to allow the use of cannabis for adults. He proceeded to provide a bit of background on the ordinance and how it came to fruition. He reviewed all proposed ordinance amendments that Staff had suggested. The ordinance also included a competitive selection process which was a process that would award retail permits should any permits become available in the future as well as a section regarding personal cultivation.

In June to August of 2019 Staff was to conduct a fee study analysis in order to review and establish a fee structure for cannabis. In September of 2019, the ordinance would be presented to Council for adoption as well as the cannabis fee schedule.

Commissioner Garcia recommended that the City provide guidance on how to navigate the system when businesses came with applications regarding cannabis.

Commissioner Tucker suggested more analysis be given in terms of the distance a cannabis facility could be located from middle and elementary schools. In terms of personal cultivation, he was concerned that homes were being rented out, cannabis plants were being grown in it and the owner may not be aware of the situation. Mr. Hill announced that state law did allow a landlord to completely prohibit the cultivation of cannabis on their property.

Commissioner Loy asked if staff had thought about adding in community benefits into the permits for cannabis businesses. Director Velasco voiced that the ordinance did not require any community benefits for applicants but it was encouraged throughout the application process.

Public Comments:

DANIEL RIDLEY, owner of Be Kind Production, was in favor of adding a third competitive non-storefront permit but he saw flaws in the process. He suggested that the City offer an equity-based permit to a fully licensed operation that was located within the City.

CORDELL HINDLER was in support of the amendments that staff had made to the ordinance.

NARA DAHLBACKA, representative for ABM Manufacturing, requested clarification on the issue of receiving a County Health Certificate.

Commissioner Tucker recommended that Mr. Ridley write up his ideas and present them to staff.

Commissioner Loy requested that staff respond to Ms. Dahlbacka's questions. Director Velasco announced that there were modifications in the draft ordinance language regarding the County Health Certification. In terms of inventory, staff could clarify in the ordinance that businesses were only required to document transfers to transporters.

Discussion commenced between the Commission and staff regarding the direction staff had received from Council pertaining to retail licenses.

Commissioner Garcia asked how many cultivation licenses were active in the City. Director Velasco answered it was eight or nine but the Planning Commission had reviewed and recommended approval for ten additional businesses.

ACTION: It was M/S/C (Tucker, Garcia) to recommend to the City Council repealing Section 15.04.610.270 Medical Marijuana Use Ordinance and adopting revised Section 15.04.610.270 Marijuana Cannabis Personal Use with changes and suggestion of analyzing a potential increase for elementary and middle schools to 1,500-feet, clarification regarding health permits on when they were required and inventory lists when cultivators where using a third-party transporter, introduce a second non-storefront retail permit that was competitive for an existing permitted business, and request for more informational workshops; which carried by the following vote: 4-0-1-1 (Ayes: Baer, Garcia, Huang, Loy, Tucker; Noes: None; Absent: Langlois; Recused: Butt).

STUDY SESSION

4. PLN19-152: Chevron Modernization Project Annual Compliance PRESENTATION on the annual compliance report for the Chevron refinery modernization project pursuant to condition of approval H5 of the Conditional Use Permit (PLN11-089), at 841 Chevron Way (APNs: 561-030-001; 561-030-002; 561-030-003; 561-030-005; 561-040-013; 561-040-014; 561-040-015; 561-040-016; 561-040-017; 561-080-001; 561-080-002; 561-080-003; 561-080-005; 561-080-006; 561- 080-007; 561-090-003; 561-090-004; 561-100-003; 561-100-009; 561-100-010; 561-100-017; 561-110-020; 561-100-025; 561-100-037; 561-100-038; 561-100-042; 561-100-043; 561-100-044; 561-100-047; 561-100-048; 561-100-049; 561-110-022; 561-100-029; 561-110-034; 561-110-035; 561-110-036, 561-110-041; 561-110-044; 561-110-001; 561-390-003; 561-390-004; 561-561-390-016; 561-400-008; 561- 410-002; 561-410-003). IG, Industrial General Zoning District. Chevron USA Inc, owner; Chevron Products Company, A Division Of Chevron USA Inc, applicant Planner: Lina Velasco Tentative Recommendation: Receive the Presentation

Director Velasco introduced Marni Sussman who was helping the City with the Chevron Modernization Compliance Review.

Ms. Sussman disclosed where the project was located, she gave a brief overview of the project and a brief description of the agencies that were involved in making sure that Chevron was in compliance with their CUP.

The project was split up in four stages; pre-construction, construction, pre-operations, and operations. The pre-construction phase had been completed and all obligations and requirements had been met. Construction was on-going but the vast majority of the project had been completed. All obligations and requirements had been met and verified by the compliance team. Pre-operations was on-going and the vast majority of requirements had been verified as completed. The City and the Air District had verified that Chevron was in compliance with all conditions pertaining to flares and air requirements. The operation phase was on-going and Chevron was to submit its first operational report in 2020.

Due to the Antea Group discontinuing the iEHS tool that helped document Chevron's compliance, construction compliance would be tracked through an excel spreadsheet that used the iEHS' existing compliance questionnaire, pre-operations compliance was to be tracked through the spreadsheet that was currently being used, and operation compliance was to be reported via the Annual Compliance Report.

Director Velasco answered Commissioner Garcia's question that an excel spreadsheet would be used since the project had slowed down and there were smaller amounts of compliance points to verify.

Discussion commenced between the Commission and staff regarding flare, how the community is notified, and ways to educated residents on those events. The Air District provided monthly reports on flares and their health impacts on their website. Commissioner Tucker and Vice Chair Butt wished to see faster reports to Richmond residents when a flaring event happened and what they should do.

Commissioner Loy requested if Chevron was willing to pay for staff time to manage the excel spreadsheet and if the excel spreadsheet would be posted on the City's data dashboard for the

public. Director Velasco stated that Chevron was required under their CUP to reimburse the City for staff time and consultants. She announced that staff could explore the City's data dashboard and see if that was an appropriate place to display findings. Commissioner Baer suggested putting an article in the City Manager's Report in terms of flares.

Jeff Hartwig, General Manager of Process Safety for Chevron, gave some opening comments regarding the benefits that the refinery provided to the City in terms of jobs and income. He announced that there was an educational program that was provided by the county to the local schools about flares.

The Commissioners voiced their appreciation to Chevron for their hard work to follow compliance and to make the community better through scholarships and safety. Mr. Hartwig responded to questions from the Commission regarding flares.

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff –

Director Velasco disclosed that the next Planning Commission meeting was to be July 18, 2019. She invited the Commission and non-profits to come to the Council Chambers on June 8, 2019, from 9:00-11:30 to provide input on how the City could count hard to reach populations for the Census 2020.

- 8. Adjournment** - The meeting was adjourned at 8:27 p.m. to the next regular meeting on July 18, 2019.