

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
December 19, 2019
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Andrew Butt, Vice Chair
Nancy Baer	Jen Loy
Michael Huang	Brandon Evans
Willie Hicks, Jr.	

The regular meeting was called to order by Chair Tucker at 6:30 p.m.

ROLL CALL

Present: Chair David Tucker, Vice Chair Andrew Butt; Commissioner Nancy Baer, and Brandon Evans

Absent: Jen Loy, Yu-Hsiang (Michael) Huang, and Willie Hicks, Jr.

INTRODUCTIONS

Staff Present: Planning Staff: Roberta Feliciano, Director of Planning Lina Velasco, and Attorney Shannon Moore

MINUTES –

November 7, 2019

ACTION: It was M/S/C (Butt, Baer) to approve the minutes from November 7, 2019; which carried by the following vote: 4-0-3 (Ayes: Tucker, Butt, Baer, Evans; Noes: None; Absent: Loy, Huang, Hicks, Jr.).

AGENDA

Chair Tucker provided an overview of meeting procedures for speaker registration, public comment, and public hearing functions. He said items approved by the Commission may be appealed in writing to the City Clerk by Monday, December 23, 2019, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

CONSENT CALENDAR –

Chair Tucker gave a brief overview of the consent calendar's policies and procedures.

- 1. PLN19-338: The Shops At Hilltop CUP For ABC License PUBLIC HEARING** to consider a request for a master Conditional Use Permit for five Type-41 alcoholic beverage control (ABC) licenses for on sale beer and wine – eating place at 2200 Hilltop Mall Road (APN: 405-320-015). CM-5, Commercial Mixed Use, Activity Center District. LBG Hilltop LLC,

owner/applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval

Director Velasco notified the Commission that Staff did modify two Conditions of Approval, Number Five and Number Eight.

ACTION: It was M/S/C (Baer, Evans) to accept the Consent Calendar with Staff's additional modifications to Condition of Approval Number Five and Eight; which carried by the following vote: 4-0-3 (Ayes: Tucker, Butt, Baer, Evans; Noes: None; Absent: Loy, Huang, Hicks, Jr.).

BROWN ACT – Public Forum

CORDELL HINDLER declared that any item that comes before the Commission should require the approval of the associated neighborhood council.

NEW BUSINESS

- 2. PLN19-265: Ocean Avenue Lot Line Adjustment Appeal PUBLIC HEARING** to consider an appeal of the Zoning Administrator's decision to conditionally approve a lot line adjustment involving four vacant parcels on Ocean Avenue, south of Western Avenue (APNs: 558-232-005 to 008). RL1, Single Family Very Low Density Residential District. Four Star Oil & Gas Company, owner; Tom Dougherty, applicant Planner: Roberta Feliciano Tentative Recommendation: Deny the Appeal and Uphold the ZA's Approval

Ms. Feliciano verified that on October 10th, 2019 the Zoning Administrator conditionally approved a lot line adjustment that involved four vacant parcels along Ocean Avenue due to three of the four parcels not meeting the existing minimum lot size. An appeal was filed on October 21st, 2019 and some of the concerns were related to land use, utility connections, and traffic circulation. Staff recommended that the Commission deny the appeal.

Thomas P. Dougherty, owner/applicant, emphasized that the proposal was to reconfigure the four lots in order to meet the minimum lot size in the current Zoning Code.

Don Mill, speaking for the appellant, expressed that he was part of the neighbors that lived around the parcels and emphasized that space defined the neighborhood. He noted that if the Subdivision Map Act applied to the parcels then an Environmental Impact Report would be conducted and that report would cover all of the appellant's concerns. He advised that the vote be postponed so that the neighborhood council could have time to talk to the City Attorney.

Public Comment:

CORDELL HINDLER wanted to see the vote delayed until the neighborhood council had time to plead their case to the City Attorney.

DOUG WILLIAMS, a neighbor to the parcels, believed that the parcels fell within the exceptions for the Subdivision Map Act due to safety. Per the Chevron deed for the parcels, any development that was to take place on the four parcels would have to have soil and water samples done due to toxins in the ground.

JOHN TOWNS supported Mr. Mill's comments and asked that the lot line adjustment be postponed.

STEVE EARLY was disappointed that Chevron did not offer the City the chance to buy the land before selling it to someone else. He believed the end plan was to build high priced homes on the parcels and he wanted to see it remain as open space.

SALLY TOBIN supported the comments asking for a postponement of the vote from the Planning Commission. She was frustrated that Chevron was taking an approach with the lot line adjustments in order to avoid an Environmental Impact Report.

BEMADINE RIORDAN stated that there was one egress to the neighborhood and was concerned about fire safety if more houses were built. She supported the request for postponement.

Mr. Dougherty responded that he was not aware of any plans for the four remaining lots out of the eight that he owned and the intention of the four lots in question was to offer the lots for sale after the lot line adjustment was approved. He stated that the lot line adjustment fell within the CEQA exemption.

Mr. Mill declared that under the Subdivision Map Act, Mr. Dougherty had to acknowledge that he owned all eight lots and because of that, the lot line merger needed to have an Environmental Impact Report done.

Chair Tucker reminded the Commission that the Commission was not discussing any type of development or any future development of the sites.

Vice-Chair Butt believed that the merger was an attempt to go around the Subdivision Map Act. He asked that the City Attorney's Office research the proposal and if that was not granted then his vote was to accept the appeal.

Ms. Moore explained that the City's Attorney's Office had reviewed all of the documentation and concluded that the lot line adjustment did comply with the Subdivision Map Act. Director Velasco addressed the concerns of the Commission regarding the future development of the sites, stating that Staff could bring forward Zoning Code Text Amendments to a future meeting.

Director Velasco asked the Commission what specific details they wanted to see if the item was continued to a future meeting. Vice-Chair Butt announced that he did not know what other Cities had done in terms of similar proposals, what case laws there were, and if there were some protections for land use in terms of sequential lot line adjustments. Ms. Moore clarified that in the existing Zoning Code there was no prohibition to sequential lot line adjustments and it had been allowed in other jurisdictions. Vice-Chair Butt concluded that it would be a bad precedent to set if the Commission approved the Lot Line Adjustment because of all the concerns raised by the appellant.

The discussion commenced between Director Velasco and Vice-Chair Butt regarding the lots that were non-conforming in size. Discussion continued between Director Velasco and the Commissioners regarding development on the lots and if those lots would be subject to an Environmental Impact Report. Commissioner Baer shared Vice-Chair Butt's concerns regarding environmental concerns.

ACTION: It was M/S/C (Butt, Baer) to hold over the item to February 6, 2020, to give enough time for Staff and the City Attorney to investigate and come back to the Commission after the appellant's attorney had the opportunity to meet once with the City's Attorney and/or Staff; which carried by the following vote: 4-0-3 (Ayes: Tucker, Butt, Baer, Evans; Noes: None; Absent: Loy, Huang, Hicks, Jr.).

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff –

Director Velasco reminded the Commission that the next meeting was to be held on January 16th, 2020 and City Hall was going to be closed December 24th, 2019 through January 1st, 2020.

Commissioner Evans, Vice-Chair Butt, and Chair Tucker recognized the passing of Mr. Mike Davenport. Chair Tucker advised that the Census Count was to start on April 1, 2020.

8. Adjournment - The meeting was adjourned at 7:47 p.m. to the next regular meeting on January 16, 2020.