

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

Teleconference
June 18, 2020
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Andrew Butt, Vice Chair
Nancy Baer	Jen Loy
Michael Huang	Brandon Evans
Vacant	

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, Jen Loy, Yu-Hsiang (Michael) Huang, and Brandon Evans

Absent:

INTRODUCTIONS

Staff Present: Planning Staff: Emily Carroll, Roberta Feliciano, Director of Planning Lina Velasco, and Attorney James Atencio

MINUTES –

May 21, 2020:

ACTION: It was M/S/C (Loy, Butt) to approve the Minutes of May 21, 2020; which carried by the following vote: 6-0 (Ayes: Baer, Butt, Tucker, Loy, Huang, and Evans; Noes: None).

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, June 29, 2020, by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

CONSENT CALENDAR – None.

BROWN ACT – Public Forum

CORDELL HINDLER, his letter read by Ms. Carroll, disclosed his disappointment with the approval of Valmar Laundry Mat made by City Council. In terms of the Zoning Amendments that were previously approved, he noted that 7 Eleven fell under the zoning map. He concluded that Fairmede Hilltop Neighborhood Association is not happy with the Aspire School Project.

NEW BUSINESS –

1. **PLN20-063: Appeal Of An AUP For A Food Truck** PUBLIC HEARING to consider an appeal of the Zoning Administrator's approval of an Administrative Use Permit (AUP) for a mobile vending unit (food truck) within the parking lot of an existing market at 1430 Cutting Blvd. (APN: 544-262-002). CM-1, Commercial Mixed-Use Residential District. Vahdatpour Mohamad Reza, owner; Gerardo Zaragoza, applicant Planner: Enzo Cabili Tentative Recommendation: Hold Over to 7/2/2020

Ms. Velasco requested the item be held over to July 16, 2020.

ACTION: It was M/S/C (Loy, Evans) to hold over item PLN20-063 to July 16, 2020; which carried by the following vote: 6-0 (Ayes: Baer, Butt, Tucker, Loy, Huang, Evans; Noes: None).

2. **PLN20-114: Accessory Dwelling Unit Ordinance Amendments** PUBLIC HEARING to make a recommendation to the City Council regarding amendments to the Accessory Dwelling Unit Ordinance (Richmond Municipal Code Section 15.04.610.020) to comply with State law and modify development requirements. Amendments include an increase in allowed size, height, and number of ADUs and decreased setbacks. The ordinance would apply citywide. Planner: Emily Carroll Tentative Recommendation: Recommend Approval To City Council

Erin Lapeyrolerie, Goldfarb and Lipman LLC, reported that Staff is recommending that the Planning Commission recommend that City Council adopt the proposed amendments to the Accessory Dwelling Unit (ADU) Ordinance. All proposed amendments are in alignment with the Housing Element update that was adopted in May of 2015 as well as state law changes.

Proposed changes included changes to the definition of Accessory Dwelling Unit and Junior Accessory Dwelling Unit, the inclusion of the CM Zone, how many units can be on a site, Objective Standard changes, parking adjustments, and utility requirements and fees.

Vice Chair Butt asked what are the differences between the City's Ordinance and state law. Ms. Lapeyrolerie and Staff expressed that there are six Objective Design Standards that differ from what is written in state law.

Commissioner Baer believed that the design standards are too prescriptive in terms of paint colors. She questioned if the owner of the property could live in the main house and Ms. Lapeyrolerie confirmed that is correct for Junior Accessory Dwelling Unit (JADU).

In terms of paint colors, Chair Tucker opined that he liked the statement regarding paint colors. Commissioner Loy suggested that the language be softened to express that the two units needed to be cohesive but to allow for paint color variation among the site. Commissioner Huang agreed with Commissioner Loy's advice and suggested to use the word compatible.

Chair Tucker requested what a non-livable space is in multi-unit buildings and how the City plans to mitigate street parking. Ms. Lapeyrolerie gave the examples of a boiler room or

common areas as non-livable space. Chair Tucker disclosed that he has concerns regarding non-livable space being converted into a livable space. In terms of parking, Ms. Velasco explained that the Residential Parking Program is used to mitigate street parking.

Commissioner Loy reported that one con to allowing common areas to be turned into rooms is residents will seek each other's company outdoors and that can be disruptive to neighborhoods.

Public Comment:

MATTHEW GELFAND, Californians For Homeownership, the statement read by Ms. Carrol, requested that the Planning Commission review their letter that is submitted to Staff and the Commission.

Ms. Lapeyrolerie remarked that she reviewed the letter and agreed with the proposed changes suggested in the letter about adding the words "proposed or" to 610.040(D)(4), remove section (E)(4)(c) regarding setbacks in JADU, and reword section E(3)(b).

ACTION: It was M/S/C (Baer, Tucker) to adopt Resolution Number 20-09 recommending approval of amendments to Chapters 15 of the Richmond Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units as shown in Exhibit A with the modifications of language regarding Goldfarb and Lipman's responses to the letter written by Californians for Homeownership; which carried by the following vote: 6-0(Ayes: Baer, Butt, Evans, Tucker, Loy, and Huang; Noes: None).

3. PLN16-732: Inclusionary Housing Ordinance Update PUBLIC HEARING to make a recommendation to the City Council regarding amendments to key terms and definitions (Richmond Municipal Code Section 15.04.104.020) and regarding the repeal and re-adoption of the Inclusionary Housing Ordinance (Richmond Municipal Code Article 15.04.603) to modify the requirements relating to on-site affordable housing percentages, alternative means of compliance, development standards, the timing and phasing of new inclusionary requirements, processing requirements, and authorization for In-Lieu Fees for certain areas of the city and non-residential linkage fees for certain uses. The ordinance would apply citywide. Planner: Lina Velasco Tentative Recommendation: Recommend Approval To City Council

Ms. Velasco introduced Barbara Kautz with Goldfarb and Lipman LLC as well as David Doezema with Keyser Marston Associates (KMA) who presented to the Commission.

For residential and non-residential projects, the recommendations are based on KMA's financial feasibility study, legal framework, Planning Commission and City Council direction as well as to provide clarity and organization to the ordinance.

In regards to questions that were received via electronic transmission from the public, Mr. Doezema answered that the San Pablo corridor was not studied because the study focused on projects the City is currently receiving and the study is comparable to what surrounding jurisdictions are doing.

Ms. Kautz summarized the proposed amendments for residential projects which stated that the ordinance would apply to projects with 10 or more units, inclusionary requirements are to be added for live-work projects, approved projects or a project in process could choose to apply to

either the amended ordinance or the former ordinance, reduce the on-site inclusionary percentages, add additional standards to inclusionary units, standardize In-Lieu Fees, extend the period in which units need to be affordable, and several clean up changes.

In terms of non-residential projects, the recommendation is to authorize the commercial Linkage Fee of \$2 a square foot with an exemption for projects adding less than 5,000 square feet of floor area.

Commissioner Evans wanted to know what the likelihood is for increased development south of I-580 and more clarity on the proposed reduction to the percentage of affordable units required on a site as well as the Affordable Housing Fund. Mr. Doezema explained that the amended ordinance did not encourage or discourage development south of I-580. In terms of a reduction to the required percentage of affordable units, Mr. Doezema explained that a higher percentage is making projects infeasible to build. Regarding the Affordable Housing Fund, Ms. Velasco reported that the In-Lieu Fees are deposited into the fund.

Commissioner Loy appreciated the intent of the ordinance which is to provide a balance between In-Lieu Fees and affordable housing units being built; as well as the flexibility of the fees going into the Affordable Housing Fund.

Commissioner Baer requested examples of impacts related to non-residential housing. Ms. Kautz expressed that many new jobs are low-income jobs which means that the job holders are seeking affordable housing units.

Vice Chair Butt expressed that inclusionary policies did not work very well, but he believed that the City is moving in the right direction in terms of the ordinance. He inquired if local developers had been consulted with and how the City's ordinance compared to surrounding jurisdictions. Mr. Doezema noted that the percentage for affordable housing units is higher in Richmond than surrounding jurisdictions and Oakland is the only surrounding City that applies a fee to distribution projects.

Chair Tucker requested that Staff read into the record the letters from Sustainability, Parks, Recycling and Wildlife Legal Defense Fund (SPRAWLDEF) and Citizens for East Shore Parks.

NORMAN LA FORCE, President of SPRAWLDEF, the letter read by Ms. Carroll, announced that SPRAWLDEF did not support the recommendation to reduce the percentage for affordable units north of I-580, especially in the Point Molate/San Pablo Peninsula.

ROBERT CHEASTY, Citizens of East Shore Parks, the letter read by Ms. Carroll, expressed that they did not support the amendment of lowering the percentage for affordable units north of I-580, especially in the Point Molate/San Pablo Peninsula. They advised that the Point Molate/San Pablo Peninsula be excluded from the ordinance.

In terms of Chair Tucker's questions, Ms. Kautz answered that the ordinance does apply to Point Molate. In regards to the Hill Top area, due to higher prices for selling and rental, that area is infeasible to support an inclusionary requirement. Regarding the Housing Authority, Ms. Kautz explained that the Housing Authority is being reabsorbed into the City and that a developer has the option to offer affordable housing units to a governmental agency or a non-profit.

Public Comment:

JIM HANSON believed it was justified to include Point Molate in the South of I-580 special category. He also requested that In-Lieu Fees be reexamined.

VALERIE JAMISON asked if there had been any analysis in the feasibility study that looked at Cities that have longer terms of affordability as well as what the timeline is in terms of revisiting the strategies and fees of the ordinance.

Ms. Kautz noted that the 45- and 55-year terms for affordability were typical durations in state law, but it's not uncommon to require units to stay affordable perpetually. Ms. Velasco added that Staff can report to the Commission on any progress that is happening North of I-580 when the Housing Element is brought before the Commission.

The discussion continued between the Commissioners regarding if they supported including in the document language discussing the timeline of revisiting the fee structure and program. Commissioner Baer, Vice Chair Butt, and Chair Tucker supported the inclusion of a review period. Ms. Velasco suggested that the review period be part of the Housing Element update. Commissioner Baer wanted to include a review of if it's feasible to keep the units affordable forever in the Housing Element review.

ACTION: It was M/S/C (Butt, Huang) to adopt Resolution 20-08 recommending that the City Council introduce the proposed amendments with the additional language from Director Velasco regarding the review to Article 15.04.603 and Section 15.04.104.020 as provided in Exhibit A; which carried by the following vote: 6-0 (Ayes: Baer, Butt, Tucker, Loy, Huang, Evans; Noes: None).

STUDY SESSION -None.

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff –

Ms. Velasco reported that the next Planning Commission meeting is July 16, 2020.

Chair Tucker announced that the 2020 Census is extended to October 2020.

8. Adjournment - The meeting was adjourned at 8:50 p.m. to the next regular meeting on July 16, 2020.