

**CITY PLANNING COMMISSION**  
**Thursday, February 16, 2023 6:30 p.m.**

**CORONAVIRUS DISEASE (COVID-19) ADVISORY**

CORONAVIRUS DISEASE (COVID-19) ADVISORY Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reducing person-to-person contact. (See, for example, March 31, 2020 County Order extending the shelter-in-place order until May 3, 2020 & March 19, 2020 statewide shelter in-place order.) Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing (Executive Order N-29-20). Both <https://www.coronavirus.cchealth.org/> and <http://www.ci.richmond.ca.us/3914/Richmond-Coronavirus-Info> provide updated coronavirus information.

**DUE TO THE SHELTER IN PLACE ORDERS**, attendance at the Planning Commission meeting will be limited to Planning Commissioners, essential City of Richmond staff, and members of the news media. Public comment will be confined to items appearing on the agenda and will be limited to the methods provided below. **Consistent with Executive Order N-29-20, this meeting will utilize teleconferencing only.**

The following provides information on how the public can participate in this meeting.

**To participate by computer:**

<https://zoom.us/join>

Webinar ID: 831 1145 5351

Password: planning

**To participate by phone only:**

United States Toll: +1-669-900-6833 or 1-253-215-8782 or 1-346-248-7799

Webinar ID: 831 1145 5351

Password: 47836713

**Public comments may be submitted in multiple ways:**

1. Via email to [pccomments@ci.richmond.ca.us](mailto:pccomments@ci.richmond.ca.us). Email must contain in the subject line **public comments – not on the agenda** or **public comments – agenda item #**.
2. Via mail to 450 Civic Center Plaza, 2<sup>nd</sup> Floor, Community Development, Richmond, CA 94804.

Written comments **MUST** contain the following in the subject line:

- 1) Open Forum for public comments for items not on the agenda, or
- 2) Public Comments – Agenda item #\_\_ [include the agenda item number].

All such emails and letters will be posted online and emailed to the Planning Commission before the meeting is called to order. No email will be read into the record. Due to the high volume of emails received, emails that do not contain the correct identifying information in the subject line may not become part of the record.

3. **Via Zoom from members of the public participating by computer.**

**Written comments received after 3pm on the day of the meeting and up until the public comment period on the relevant agenda item is closed, will be part of the official meeting record, and will be posted online following the meeting.**

All comments received by the close of the public comment period will be posted online after the meeting as supplemental materials and will become part of the official meeting record.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the Planning Commission receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

During the pendency of the Executive Order N-29-20, the language in this Advisory portion of the agenda supersedes any language below in the meeting procedures contemplating in-person public comment.

**ALL PLANNING COMMISSIONERS, STAFF, AND PUBLIC WILL PARTICIPATE VIA TELECONFERENCE ONLY**

**Commissioners - Board Officers**

David Tucker, Chair  
Jonathan Harrison, Vice-Chair  
Bruce Brubaker, Secretary

**Commissioners - Board Members**

Jen Loy  
Masoomah Sharifi Soofiani  
Alpa Agarwal  
Vacant

**NOTICE TO PUBLIC**

**Function of a Public Hearing:** A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of a proposal.

**Consent Calendar:** In order to allow the Commission to complete their reviews within the time they have offered to serve, applications that are considered routine will be placed on the consent calendar (marked "CC" on the agenda) with a staff recommendation to approve, conditionally approve, continue or hold the item over to a date certain. The Commission may act in one motion to adopt the staff recommendations on those items. Before voting on the consent calendar, the Chair will ask if any members of the public wish to speak on any of the items on the consent calendar. If you wish to speak on an item on the consent calendar, you need to rise and request that it be removed from the consent calendar. The item will then be discussed in the numerical order in which it appears. Items for which the recommendation is to

hold the item over may not be removed from the consent calendar by members of the public. Staff and Commission members may also remove items from the consent calendar.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor of the project speak; (5) Persons opposing the project speak; (6) Applicant and proponents may rebut; (7) Opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Hearing is closed; (10) Commission discussion; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

Time Limits: In the interest of conducting an orderly and efficient meeting, the following time limits apply: (1) The applicant shall limit presentation of the project to 10 minutes unless the time is extended by a two-thirds majority vote of the Commission; (2) Speakers in favor of the project are limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (3) The initial speaker opposing the project shall be limited to 10 minutes or, if the Commission voted to grant the applicant more time, the initial speaker in opposition shall have the same amount of time to speak that the applicant had; (4) Each subsequent speaker opposed to the project shall be limited to 3 minutes each unless there are 10 or more speakers, pro and con, signed up to speak on the item, in which case each speaker will be limited to 2 minutes; (5) The applicant shall have 2 minutes to respond to comments; and (6) One of the speakers in opposition to the project shall have 2 minutes to respond to the applicant's rebuttal.

In non-application items, following the initial staff presentation all speakers will be limited to 5 minutes.

If the Commission finds that it will be unable to complete the meeting by 10:30 p.m., the Commission may continue a portion of the agenda to a subsequent meeting or vote to extend the meeting. A motion to extend the meeting requires a two-thirds majority vote of the Commission to pass. The Commission shall endeavor to conclude the meeting by midnight.

Zoning Legislative Hearings: Notice of hearings on proposed zoning ordinances or amendments will be given in compliance with Government Code §65090 and §65091.

Exhaustion of Remedies Requirement: If you challenge a decision by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at any public hearing(s) on the item challenged or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing(s).

Appealing Planning Commission Decisions: The decisions of the Planning Commission may be appealed within ten days of the decision by notifying the City Clerk and Planning Division in writing, stating wherein the Planning Commission decision is in error and pay the appeal fees.

**Accessibility for Individuals with Disabilities**

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to I Kuan Choi at [ichoic@ci.richmond.ca.us](mailto:ichoic@ci.richmond.ca.us) or submitted by phone at 510-621-1231, or TDD 510-621-1231. Requests made by mail to I Kuan Choi, Planning Commission meeting, 450 Civic Center Plaza, Richmond, CA 94804 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

ROLL CALL

APPROVAL OF MINUTES

CONSENT CALENDAR: 1, 2

BROWN ACT

PUBLIC FORUM - Anyone who wishes to address the Planning Commission on a topic that is not already on the agenda and is relevant to the Commission's purpose may submit a speaker form to Planning Department staff at the beginning of the meeting. A three-minutes-per-speaker time limit shall apply.

**NEW ITEMS**

CC 1. **PLN22-205: "The Backyard" Alcohol Sales**

PUBLIC HEARING to consider a Conditional Use Permit for the sale of beer and wine at an existing outdoor eating and drinking establishment at 205 Cutting Blvd. (APN: 550-102-022). IL, Light, Industrial District.

Jay Fowler, owner; Emmet Kauffman, applicant

Planner: Lydia Elias

Tentative Recommendation: Conditional Approval

CC 2. **PLN22-287: New Dish Wireless Facility**

PUBLIC HEARING to consider a Design Review Permit and Conditional Use Permit for construction of a new wireless facility on the roof of an existing parking structure at 350 16<sup>th</sup> Street (APN: 540-072-018). CM-5, Commercial Mixed-Use, Activity Center District.

San Francisco Bay Area Rapid Transit (Bart) District, owner; Ryan Kerswill On Behalf Of Dish Wireless, applicant

Planner: Andrea Villarroel

Tentative Recommendation: Conditional Approval

COMMISSION BUSINESS

3. Development pipeline projects

4. Reports of Officers, Commissioners and Staff