

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
August 5, 2010
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, (outgoing) Chair	Nagarajo Rao (outgoing Commissioner)
Jeff Lee	Charles Duncan
Jovanka Beckles	Sheryl Lane
Carol Teltschick-Fall	

SERVICE RECOGNITION

1. Service Recognition for Commissioners Finlay and Rao

Vice Chair Lee acknowledged and recognized Planning Commissioners Nagarajo Rao and Chair Virginia Finlay for their service on the Commission. Both are termed out as of June 30, 2010. He asked that former Planning Commission Chair Finlay to symbolically call the meeting to order.

The meeting was called to order by Chair Finlay at 7:00 p.m.

Vice Chair Lee led in the Pledge of Allegiance.

2. Introduction of New Commissioners Choi and Soto

Vice Chair Lee introduced new Commissioners Ben Choi and Andrés Soto and gave a brief summary of their backgrounds.

ROLL CALL

Present: Vice Chair Lee, Secretary Duncan, Commissioner Beckles, Choi, Lane, Soto, and Teltschick-Fall

Absent: None

INTRODUCTIONS

Staff Present: Kieron Slaughter, Lamont Thompson, Richard Mitchell and Carlos Privat

MINUTES

March 4, 2010

Commissioners requested the following amendments:

- Note Commissioner Beckles was present under Roll Call and not also absent;
- Page 6: correct the spelling of Pt. Molate (from Pt. Malady)
- Page 3: correct the spelling of Garrard Street (from Girard Street)

ACTION: It was M/S (Duncan/Lane) to accept the minutes of March 4, 2010, as amended; Ayes: Duncan, Lee, Beckles, Lane, Teltschick-Fall (Choi and Soto abstained).

May 6, 2010

Commissioner Beckles requested amendment to page 12, which listed her as "Vice Chair".

ACTION: It was M/S (Duncan/Lee) to accept the minutes of May 6, 2010, as amended; Ayes: Lee, Duncan, Lane (Beckles, Choi, Soto, and Teltschick-Fall abstained).

Vice Chair Lee provided an overview of meeting procedures for speaker registration and public hearing functions and procedures. He said items approved by the Commission may be appealed in writing to the City Clerk by Monday, August 16, 2010, by 5:00 p.m. and he announced the appeal process after each affected item.

CONSENT CALENDAR

Secretary Duncan noted Consent Calendar items included Items 3, 4, 5, 6, 7 and 8 on the agenda. No staff members or audience members wished to remove items from the Consent Calendar. Secretary Duncan requested removing Item 4 from the Consent Calendar.

Secretary Duncan noted the Consent Calendar now included Items 3, 5, 6, 7 and 8.

ACTION: It was M/S (Soto/Beckles) to adopt the Consent Calendar consisting of Items 3, 5, 6, 7 and 8; unanimously approved.

Consent Calendar Items Approved:

- 3. PLN 10-086: La Estrella Taco Truck - PUBLIC HEARING** to consider a proposal to operate a mobile-fast-food Mexican restaurant (Taco Truck) at 325 23rd St. (APN: 514-090-018). C-2, General Commercial District. Carl Adams, owner; Armando & Karina Carmona, applicants. Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.
- 5. PLN 10-108: Arti Cuisine of India – ABC Type 41 On-Sale Beer & Wine License - PUBLIC HEARING** to consider a proposal to serve beer & wine at an existing restaurant located at 12221 San Pablo Ave. (APN: 517-100-030). C-2, General Commercial District. Clancy Trust, owner; Hansraj Hans, applicant. Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.
- 6. PLN 10-120: Grullense #1 Taco Truck - PUBLIC HEARING** to consider a proposal to operate a mobile-fast-food Mexican restaurant (Taco Truck) at 12955 San Pablo Ave. (APN: 526-040-023). C-2, General Commercial District. Gonzalez Investments LLC, owner; Hector Montes, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.
- 7. PLN 10-087: B & B Sports Bar Modification to Conditional Use Permit for Live Entertainment and Extend Hours of Operation - PUBLIC HEARING** to consider a request to modify the existing Conditional Use Permit to allow live entertainment and extend the

hours of operation on Friday and Saturday nights at 3190 Klose Way (APN: 405-290-034). C-3, Regional Commercial District. Klose Way Partners, LLC, owner; B and B Sports Bar & Grill, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

8. **PLN 10-115: El Campesino ABC Type 41 On-Sale Beer and Wine Sales** - PUBLIC HEARING to consider a request for a Conditional Use Permit to allow an establishment to have an Alcoholic Beverage Control On-Sale License, Type 41 for beer and wine sales at El Campesino market at 232 23rd St. (APN: 515-282-012). C-2, General Commercial District. Rosa & Ignacio Bermudez, owners/applicants. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

Brown Act – Public Forum

Commissioner Teltschick-Fall, questioned the purpose of the Pt. Molate workshops, stating she understands they are being conducted by the vested interest consultant, Upstream Development Company, for the City for the purposes of getting the new ideas and alternatives for the projected casino.

Vice Chair Lee said the Commission had no details on the workshops and could not comment. Mr. Privat noted the Public Forum was an opportunity for the public to make comments into the record.

Commissioner Soto said he attended the workshop and referred Mr. Laidman to the City Council, the body which set up and approved the process.

Commissioner Teltschick-Fall said she received the flyer announcing the workshops and was curious about the process. The EIR/EIS document has been reviewed but there has not been an advisory vote on it. She was confused about how comments will be folded into the existing EIR or would another document be produced.

Mr. Mitchell said the matter was not before the Commission tonight. There is on the website a public notice of meetings relating to the subject

Service Recognition - Commissioner Rao and Chair Finlay:

Vice Chair Lee said he has greatly benefited from Commissioner Rao's guidance while trying to navigate through the formal and informal protocols of the Planning Commission. Commissioner Rao was a Parks and Recreation Commissioner for 9 years, President of the Laurel Park Neighborhood Council, Secretary of the Richmond Neighborhood Coordinating Council, member of Mayor of Richmond's Crime Prevention and Beautification Committee, and he has been honored by the United Nations as an exemplary citizen of the world and dedicated friend of humanity. With pride and sadness, he wished him well.

Richard Mitchell presented Commissioner Rao with an appreciation plaque in recognition of his service.

Vice Chair Lee said Chair Finlay has served over 16 years as Planning Commissioner, with two separate term limit durations, under very succinct and proper and well-directed rules and protocols during meetings. He said she always came prepared, dedicated hours and hours of service to the Commission, she will be very much missed, and he wished her well.

Chair Finlay thanked everyone, said she has been a Commissioner for 16 years because she has loved the work and has enjoyed learning and serving the community. She thanked those who shaped who and what she became as a Planning Commissioner as well as those she has served with over the years. She discussed the various Mayors who she has served under, said the first Planning Director, Jim Farah, was a humanitarian and visionary. Over the years she has served with a number of Directors and she recognized Richard Mitchell for his vision. She said she has learned a lot from the people of Richmond, recognized former and current Commissioners and she looks forward to staying active in her future.

Commissioner Rao thanked fellow Commissioners, Mayors, staff, and the public who taught him a lot over the many years and said he will continue to serve the community for the rest of his life.

Vicki Winston, Richmond, former Commissioner, congratulated Commissioners Rao and Finlay on their successful terms. She said she knows Virginia Finlay better and spoke about initial experiences with her on her neighborhood council, said she herself was appointed in 1999 and served with Chair Finlay for 8 years, described Virginia Finlay as tireless, prepared, did her homework, visited the site, read and understood the ordinances and laws, fearless, unflappable, master writer of conditions, gentle corrector of motions, questions always went right to the heart of the matter, fair, competent. She recognized that a Planning Commissioner serves in the capacity of a Judge, and said her leadership has sustained this body through reorganizations, reassignments, resignations and retirements, electoral changes, and long term vacancies on the Commission. She said the City is a better place because of her.

Martin McNair, Richmond, said he has been in the real estate development for 50 years and has lived in Richmond for over 30 years. He cannot say enough in praise of Virginia Finlay and the work she did over the last 16 years on the Commission. He does not envy her replacement, the community is grateful for the commitment and job she has done, she is tough and fair at the same time, and he thanked her for her service.

Tom Waller, Hercules, congratulated Commissioners Rao and Finlay, said he is grateful for Chair Finlay's many years of service, echoed comments on her thoroughness and toughness, and said it is great to pause to honor people like both Commissioners Rao and Finlay for their public service, which is a noble undertaking. On behalf of the business community and residents, he underscored her commitment and said she leaves some big shoes to fill in terms of quality of service.

Removed from the Consent Calendar:

- 4. PLN 10-099: Navarro Taco Truck** - PUBLIC HEARING to consider a proposal to operate a mobile-fast-food Mexican restaurant (Taco Truck) at 915 West Cutting Blvd. (APN: 550-012-006). C-2, General Commercial District. Mt. Zion, owner; Cornelio Navarro, applicant. Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Kieron Slaughter gave the staff report, request for a use permit to operate a taco truck at 915 West Cutting Boulevard, which is located near the Days Inn parcel and Chevron Gas station. He reviewed the site location, said the applicant is willing to enter into an agreement to provide necessary restroom requirements at the hotel. The analysis regarding the application has been met with regard to the required buffers, facilities, and General Plan consistency. Regarding public comments, staff has not received comments from the Pt. Richmond Neighborhood Council; however, there has been subsequent comment from Code Enforcement.

Staff was contacted by Code Enforcement who informed staff she had several interactions with the applicant at the proposed location. The applicant has been locating the vehicle there with a peddler's permit which allows a vehicle to locate no more than 30 minutes at a time. It was noted that the applicant had several infractions for this time limit and was cited. The applicant also visited the Planning Department and explained the situation, was remorseful and wanted to continue to seek approval for a use permit to rectify the issue. In addition, the applicant provided several letters of support, which is Attachment 6.

Staff evaluated comments from Code Enforcement and felt it did not change the recommendation that findings could still be met and conditions of approval were appropriate as noted in the staff report. Therefore, staff still recommends conditional approval with four findings and statement of fact, and 17 conditions of approval.

Cornelio Navarro, applicant, said she knows they made a mistake, said they know they can only be 30 minutes at any one location throughout the day and asked for another opportunity and adhere to conditions. Their problem is that their customers hold them up and past the 30 minute timeframe.

Secretary Duncan said one condition requires outdoor seating, and the applicant did not propose any outdoor seating. Ms. Navarro agreed to provide outdoor seating.

Secretary Duncan said there seems to have been on-going violations since May 10th based upon the code enforcement violations report. She said they acknowledge their mistake and hopes the Commission will provide them with approval.

Secretary Duncan asked staff to describe the distinction between the 30 minute time limit and the truck that is allowed to be on site from 9-5. Mr. Slaughter said the City has an ordinance that allows mobile outdoor vendors to operate on public property for 30 minutes and thereafter they must vacate the location by 1,000 feet away. The applicant is applying for a conditional use permit which would allow them to be there permanently on private property on times the CUP states.

Secretary Duncan said the Code Enforcement Officer's recommendation was that the CUP not be approved. Mr. Slaughter said they have discussed this, there were incidents in the past of taco truck vendors, they take care of those infractions, and staff feels the application is an effort to solve the problem and they will address fines and infractions.

Commissioner Soto said he understands that the code enforcement issue is because they were on public property, but the applicant has worked out a situation with Days Inn to be on private property. This will cure code enforcement issues.

Vice Chair Lee said the staff report shows the owner as Mount Zion at the same address, and he asked for an explanation. Mr. Slaughter said under the City's records, this is the owner listed, and they did provide an agreement letter in the packet. He said the Mt. Zion owner is the actual owner of the location where the applicant wants to locate. Vice Chair Lee apologized and confirmed with the applicant who lives in Richmond that she owned the truck. It states "Berkeley" on the side of the truck because they park it at the commissary when not in use.

Vice Chair Lee confirmed the applicant operated the truck for two years.

The public hearing was opened.

Public Comments: None

The public hearing was closed.

Secretary Duncan said he is persuaded by the argument that the application attempts to cure an ill; the half hour standing time is difficult, and he supported approval. Commissioner Lane and other Commissioners similarly agreed.

Vice Chair Lee said the photos received from code enforcement in a different location than the application; they were closer to the Chevron Station than in the hotel parking lot, and he asked the applicant to be consistent in their approved location. He has eaten at the truck about every two weeks, and he suggested better organizing parking.

ACTION: It was M/S (Soto/Beckles) to approve PLN 10-099 based on the CUP findings 1-4, and use and necessity findings, as well as conditions 1 through 17; unanimously approved.

COMMISSION BUSINESS

9. Election for Planning Commission Chair and Vice Chair

Mr. Privat said that prior to action being taken the Commission will need to suspend its rules because they provide for an election in the last meeting in July.

ACTION: It was M/S (Soto/Duncan) to suspend the Planning Commission Rules and to hold the Election on this date; unanimously approved.

Vice Chair Lee said the Nominating Committee was formed and met. The normal transition is Vice Chair to Chair, but he suggested not recommending him for Chair due to the lack of procedural and organizational skills needed for the position. He said Secretary Duncan was chosen as the nominee for the Chair. Commissioner Lane was recommended as Vice Chair, and the committee attempted to recommend Commissioner Teltschick-Fall as Secretary, but he accepted the Secretary's nomination.

Vice Chair Lee called for additional nominations. Commissioner Soto questioned if one slate could be motioned on, and Mr. Privat concurred.

ACTION: It was M/S (Soto/Teltschick-Fall) to accept the recommendation of the Nomination Committee as follows: Chair Duncan, Vice Chair Lane, and Secretary Lee; unanimously approved.

10. Reports of Officers, Commissioners and Staff

Mr. Mitchell welcomed new Commissioners, said staff will do their best to have facts needed to make decisions, and they hope to schedule another orientation for the Commission. He reported that the Council had approved a contract with PBS&J as the environmental consultant to complete preparation of the Environmental Impact Report for the General Plan, and said the Commission will see both together in the fall. Staff is also available to assist Commissioners as needed regarding projects on the agenda.

Chair Duncan reported that he attended the City of Richmond Upstream Pt. Molate meeting with Commissioner Soto and Beckles.

Secretary Lee thanked the Commissioners for their patience while he was acting as Chair/Vice Chair.

Adjournment

The meeting was adjourned at 8:00 p.m.