

**PLANNING COMMISSION MEETING**  
**COUNCIL CHAMBERS, RICHMOND CITY HALL**  
1401 Marina Way South, Richmond, CA  
March 1, 2007  
7:00 p.m.

**COMMISSION MEMBERS**

Virginia Finlay, Chair  
Vacant, Secretary  
Nagaraja Rao  
Jeff Lee  
Vacant

Vice Chair Stephen A. Williams  
Zachary Harris  
Vicki L. Winston  
Vacant

The meeting was called to order by **Chair Finlay** at 7:03 p.m.

**Commissioner Harris** led in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Chair Finlay, Vice Chair Williams (arrived late) and Commissioners, Harris, Lee, Rao and Winston

**Absent:** None

**INTRODUCTIONS**

**Staff Present:** Jonelyn Whales, Janet Harbin, David Barbary and Mary Renfro

**MINUTES**

December 4, 2003

Chair Finlay recommended the following minor corrections: change "historic" to "historical" and delete an address and replace it with the City of Richmond.

**ACTION: It was M/S (Harris/Rao) to approve the December 4, 2003 minutes, with minor corrections; Vote: 4-0-1-1 (Lee abstained; Williams absent)**

December 15, 2005

**ACTION: It was M/S (Winston/Rao) to approve the December 15, 2005 minutes. Vote: 4-0-1-1 (Lee abstained; Williams absent)**

January 26, 2006

Chair Finlay confirmed the minutes were taken for the January 26, 2006 scoping session and approval was required.

**ACTION: It was M/S (Harris/Rao) to approve the January 26, 2006 minutes. Vote: 3-0-2-1 (Lee and Winston abstained; Williams absent).**

## **CONSENT CALENDAR**

**Chair Finlay** noted the Consent Calendar consisted of Items 1, 5 and 6. She provided an overview of the Consent Calendar, meeting procedures for speaker registration and public hearing functions and procedures. She said any item approved may be appealed in writing to the City Clerk by Monday, March 12, 2007 by 5:00 p.m.

**Janet Harbin** said the applicant had a presentation under Item 2. She said for Item 5 the Commission is being asked to consider the date for hearing the item, staff suggests March 29, 2007, and because Commissioner Rao was not sure of his schedule and Commissioner Williams was not present, **Chair Finlay** asked that it be removed from the Consent Calendar.

**Commissioner Harris** requested removal of Item 6.

**ACTION: It was M/S (Rao/Harris) to approve the Consent Calendar consisting of Item 1.  
Vote: 5-0-1 (Williams absent)**

### **Items Approved:**

- 1. CU 1103339 – Alcoholic Beverage Control Off-Sale License at 544 Harbour Way** - PUBLIC HEARING to consider a Conditional Use Permit for relocation of an Alcoholic Beverage Control Off-Sale License Type 20 from the convenience store located at 564 Harbour Way to the grocery store located adjacent at 544 Harbour Way (APN: 534-340-023). C-1, Neighborhood Commercial District. Nagi Almag, owner; Mazen Elmashni, applicant. Tentative Recommendation: Withdrawn

**Brown Act** – There were no public speakers.

### **Items Discussed:**

- 2. CU 1103272 – Request for Density-Bonus and Reduction in Parking and Open Space for a Mixed-Use Project at 100 & 180 Macdonald Avenue** - PUBLIC HEARING to consider a request for a density-bonus and reduction in parking and open space requirements as concessions for a proposal to construct a mixed-use project consisting of 27 low-income residential units and a 9,575 SF Medical Office Building on a 38,175 SF Parcel at 100 & 180 Macdonald Avenue (APN: 538-181-001). C-1, Neighborhood Commercial and SFR-3, Single Family Low Density District. Community Housing and Development Corp, owner; Jacobson Silverstein, applicant. Tentative Recommendation: Conditional Approval.

**Planner Joe Light** briefly described the request, its location, said that based on the very low and low income affordability of the project, the project was entitled to a density bonus and two other concessions from zoning regulations due to recent State law. The developer is requesting concessions from requirements on open space and on parking for both the medical office building and apartment building. The Commission had questions about the mixed use nature, he described the project's mixed uses and funding sources.

He noted the Commission had also questioned parking requirements, said staff and the applicant looked at several alternatives and the alternative for the office building that would increase parking was an outlet from Second Street running to Macdonald Avenue. However, the result would still be a shortfall of one or two spaces, as well as reduction in the building size. This arrangement also contravenes the Revitalization Plan which precludes parking lots on Macdonald Avenue. The applicant prepared a parking study which is in the packet, as well as a presentation on why the parking should accommodate the needs of the project.

Joanna Griffith, Project Manager, Community Housing Development Corporation, noted present were Norma Thompson, Director of Real Estate Development; Quinton Shaw, Assistant project Manager, Cheryl Johnson, Executive Director of Brookside Community Health Center and Barbara Winslow, Jacobson, Silverstein, Winslow and Degenhart Architects; Alicia Kline, Richmond Redevelopment Agency, and she said a slideshow would be presented.

She gave a project overview, noting the project would include 26 apartment units and of those, 9 units would be set aside for supportive units to homeless or those with risk of being homeless or other form of disability. She felt the site was a perfect fit locationally, said zoning complies with a mixed use development, and adequate parking would be provided to meet needs of residents and staff and clients of the medical office building. She said there were 27 off-street parking spaces in the residential area, which is 1 space per unit; however, the 4 bedroom unit would have 2 dedicated spaces. There are 20 off-street parking spaces in the medical office; 9 for staff, 9 for clients and 2 for handicapped clients and/or staff. They researched the site during various times of the day, took pictures and determined at any time of the day there were 8-10 spaces available. They also did a survey of incomes of residents and vehicle survey, ownership rates, and comparable rental properties in the area. Based on information obtained, they determined that the number of spaces would accommodate both residential and medical office building.

Regarding the medical office portion, there would be approximately 16 clients at any time during the day, and of those, only 40% or 7 would be driving to the facility. There would be 21 staff at any one time and only 15 were present the entire day and 4 do not drive to work.

Ms. Griffith said the on-site parking would be shared by staff on a first come, first serve basis. She presented comparable medical office center projects in the Bay Area, and based on this information, there were similar results. Supporting factors included low vehicle ownership rate, majority of clients take the bus to the doctor's office, the office was in close proximity to public transportation, it was comparable to many projects and there was available on-street parking.

Ms. Griffith said the site was vacant, there had been issues with dumping, development of the project would transform a vacant lot into a nice development, they feel it would make a major impact in the neighborhood and asked for the Commission's consideration.

**Commissioner Rao** questioned similar residential and medical office projects with less parking and Ms. Griffith named the residential projects as: Runway Place, Barrett Terrace, and Barrett Plaza, all in Richmond; Rosefield Village, Eagle Village, and Esperanza, all in Alameda, Stanley Avenue in Oakland, and Creekside Apartments in Albany. Medical Office projects include: Seven Directions Health Center in Oakland; Over Sixties Health Clinic in Berkeley, and two La Clinica Delaraza's in Oakland.

Public Comments:

John Anderson, Bay Area Rescue Mission, said he spoke and opposed the project at its last meeting, but said after meeting with several of the principles in the project he has a different perspective. He still has concerns about parking, landscaping, redevelopment issues, and impacts of the plan and has great concern over the Agency's desire to relocate the Bay Area Rescue Mission that has similar clientele. However, he does feel the clients and the City would benefit from approval of the project and its services, and therefore recommended its approval.

**NOTED PRESENT**

Vice Chair Williams was noted present at 7:37 p.m.

**Mr. Light** noted the project was entitled to the density bonus and concessions and staff recommends approval with findings 1-4, conditions 1-5, density bonus conditions 1-3 and approval of the project subject to the 8 conditions in the staff report.

**Commissioner Harris** said during the Agenda Review Session on Monday, there was discussion regarding the separation of the parking between the residential and medical office facility. They arrived at an additional condition for consideration, as follows: "A metal gate shall be provided in the corridor separating the medical office building parking lot and the residential parking lot. The gate detail shall be shown on Sheet A.8 and referenced on Sheet A.1 of the building permit document." Ms. Griffith agreed to the additional condition of approval.

The public hearing was closed.

**ACTION: It was M/S (Harris/Winston) that the Planning Commission accept Design Review Permit Findings 1-4 and Conditional Use Permit Findings 1-8 imposing density bonus conditions 1-3 and approve CU 1003272 subject to Conditions 1-8 as presented in the staff report, with additional condition to read, "A metal gate shall be provided in the corridor separating the medical office building parking lot and the residential parking lot. The gate detail shall be shown on Sheet A.8 and referenced on Sheet A.1 of the building permit document;" unanimously approved.**

**3. Knox Freeway/Cutting Boulevard Specific Plan Amendment – Industrial Buffer**  
- AMENDMENT to the Knox Freeway/Cutting Boulevard Specific Plan to clarify language related to industrial uses and land use buffer zone. General Plan: Industrial; Zoning: M-1, M-2 & M-3. Tentative Recommendation: Provide Direction to Staff.

**Janet Harbin** gave a brief description of the item, stating the amendments were the results of the West Shore Marina Project, an appeal filed by the Council of Industries, who expressed concerns that residential housing was going to be put in an area close to industrial businesses which may hinder future operations and requested clarification by way of the amendments. The Planning Director and staff worked on the amendment to review and clearly define the boundaries of a transition buffer zone, to review and clarify permitted and conditional uses, to develop recommendations for modification of boundaries and categorizing uses within the buffer zone, to initiate a process for creating a specific industrial area plan that would be concurrent with the General Plan update and foster the retention of industrial uses in and near the zone, and to create a good neighbor policy between industry and the City.

She said staff clarified that only certain uses were permitted within the zone; conditional uses may be allowed if they have to do with vocational schools, other skilled adult education, college and universities. A letter is before the Planning Commission dated April 28, 2006 by Richard Mitchell to Gary Levin, President of the Richmond Terminal Corporation which clarifies this.

**Ms. Harbin** said there are some items in the staff report that talk about things prohibited in the area, such as single family residential, duplexes, multi-family, live/work units, group homes, and residential care land uses, day care, primary elementary junior high and high school education, after school programs, public or private, and parks and recreation facilities. She noted there were several speakers to address the project.

**Commissioner Winston** said when you look at the designations, they differ from Sub-area D in the Knox/Cutting Specific Plan and she asked if there have been changes since 1991, and **Ms. Harbin** said there were none. **Commissioner Winston** said areas currently mixed use, park and playground are not within the new designated buffer zone and those uses as currently allowed in the plan are consistent with what is being said. She asked if it was to link those uses with the zoning ordinance definitions that are not currently in the Knox/Cutting Specific Plan.

**Ms. Harbin** said there has been confusion in the Knox/Cutting Specific Plan as to what are allowed uses and those requiring a conditional use permit. In this particular area and because of concern expressed, it was determined it should be clarified as to what would be allowed and what would not. **Commissioner Winston** asked if the purpose was to make what would and would not be allowed consistent with the existing designation in the zoning ordinance, and **Ms. Harbin** said it was in the specific plan, but there were sections that contradicted each other and interpretation problems in determining a use permit requirement. For example, children's schools and high schools, and staff felt the need to clarify it further.

**Chair Finlay** said the language that is being asked to include would augment and strengthen the language already there.

**Commissioner Harris** asked if the proposed language would be added as another portion of the General Plan, and **Ms. Harbin** said most likely and this would be discussed.

**Commissioner Harris** said it was discussed how schools would be handled and **Ms. Harbin** said educational facilities such as schools, colleges and universities would be allowed with a conditional use permit and this could be considered for discussion.

**Commissioner Winston** said the staff report refers to Sub Area D and uses it as the same as the transition buffer zone but they are different, and **Ms. Harbin** acknowledged the distinction. **Chair Finlay** said the “transition zone”, “transition buffer zone”, industrial transition buffer zone” are all used, and she asked for consistency.

**City Attorney Renfro** said planning staff drew language directly from the specific plan, and never used the word, “buffer.” However, the Council of Industries who appealed the item did like the word. So, sometimes it gets confused because of the understanding by members of the public.

**Commissioner Lee** requested clarification on the status of the live/work units; on page 2 it states they would not be allowed; however, live/work projects require a conditional use permit, per Richard Mitchell. **Ms. Harbin** said in discussions with the Council of Industries, they felt live/work units were similar to residential and should not be allowed in the area, even with a conditional use permit.

#### Public Comments:

Jim Cannon, Levin Richmond Terminal, said he has a document by Richard Mitchell and it does not talk about colleges or universities. The Terminal would be upset if colleges or universities came in there because generally they have stages, gyms, tennis courts, and it would be recreation and bring lots of people in the area. Regarding Sub Area D, the North Shore properties were part of the original Penterra development under the master agreement and this was not included in Sub Area D, as well as Pulte area, and this has been left out of this portion. In the Knox/Cutting Specific Plan on Page 4-4, it states, “no residential uses would be permitted, conditionally or otherwise.” When talking about live/work spaces, they say they could be put in any industrial zone. He felt this did not change the Knox/Cutting Specific Plan, but simply clarifies the language.

Gary Levin, President of Richmond Pacific Railroad and Levin Terminal, said ambiguities were created about live/work and also whether a school would be a good use. They believe the language clarifies those issues and preserves the integrity of what was originally decided, and mirrors the planning documents. They are trying to reduce emissions as they are concerned with neighbors, they are trying to bring rationality between neighborhood and business, and he felt it would be good for the entire area on the south side and consistent with growth plans. He urged the Commission to approve the resolution and felt it was a good solution.

Dan MacLean, California Oil, supported the amendment and felt it was favorable to reduce conflict between land uses in terms of safety and environmental concerns.

Katrinka Ruk, clarified language under number 3, parks and recreation facilities, said the Council of Industries commended staff for putting together a succinct summary. The description is what they support, and asked that the Commission move it forward in its entirety and direct staff to encompass the language including the Exhibit A map.

Gerald Hatchett, Division Manager, supported the amendment.

Syvia Magid, Hein, Ruben, Cotes, and Magid, representing David Spatz, who has an application pending for 64 live/work units, said a mitigated negative declaration was recently approved for the project, said her applicant is concerned that any amendment to clarify language in the industrial zone may affect his project. She said the Planning Director indicated the amendment would not affect any pending projects, the City and applicant have worked hard on the project and she asked that the City maintain its position that amendments to the specific plan would not affect his application, as well as confirmation from the City Attorney's office.

**Chair Finlay** noted Ms. Magid should confirm this with the City Attorney's Office. She Page 4.4 identifies the language as a "transitional overlay zone". **Ms. Renfro** noted this was the current language in the plan, and the Planning Commission may consider this or revise it, per public comment. **Commissioner Winston** felt the words used in the discussion and clarifying text for insertion was the purpose to clearly delineate an industrial buffer zone and she recommended keeping the language, "transitional overlay zone" that appears in the specific plan so people are able to locate it.

**Ms. Harbin** gave the staff's summation, stating staff would return with a resolution that shows exactly where the text will be inserted in the plan. Also added to the area by schools, junior high and high school, day care, and educational facilities will be "colleges and universities". **Commissioner Winston** asked that the transitional overlay zone should also reflect it is located within Sub Area D.

The public hearing was closed.

**ACTION: It was M/S (Winston/Harris) to provide direction to staff to return with a resolution that will show exactly where the text will be inserted in the plan; that in the area discussing schools, junior high and high school, day care, that "colleges and universities" be added; and that the "transitional overlay zone" should also reflect it is located within Sub Area D; unanimously approved.**

4. ZTC 07-01 – Zoning Text Change - PUBLIC HEARING to consider a proposal to amend the City of Richmond Municipal Code Chapters 15.08 (Subdivision Ordinance), 15.04 (Zoning Ordinance), and Planning Commission Procedural Rules relating to the Development Review Committee (DRC). Tentative Recommendation: Recommend to City Council for Adoption of Ordinance.

**Chair Finlay** asked Ms. Renfro to provide an update regarding the action taken by the City Council and how that may or may not affect the Planning Commission's recommendation. **Ms. Renfro** indicated that per Council's action of February 20, 2007, the Design Review Board has been disbanded and a new body of 9 members that will combine the functions of the Design Review Board and Planning Commission shall be formed effective August 1, 2007. Staff is preparing an ordinance to be heard by June 5, 2007 with steps prior to that for recommendations for administrative review procedures and exemption procedures. In light of the change, perhaps the proposed change to the Planning Commission procedures is mute and should be held over or continued until the new body is formed. **Commissioners** questioned whether or not to continue the item.

**Associate Planner David Barbary** felt the concern is that if the City was considering initiating a new board, procedures would be reviewed and at that time there would be other considerations and revisions that the City may fold into a zoning text change, including other revisions to the subdivision ordinance. At that time, those could all come forward to what board is in place to receive the item. At this time, he felt staff should confer and also the Planning Commission should understand the direction in terms of reducing streamlining the process.

**Commissioner Winston** felt it would make more sense to continue the item until the new body was formed.

**Commissioner Harris** questioned what would be the status of the DRC during the next four months, and **Ms. Renfro** said status quo would continue and it might take four months to implement the change.

**Chair Finlay** said that until she knew what was in place for the new body, she did not want to disassemble one more thing until she knew what would take its place.

**Mr. Barbary** felt the Commission should determine whether there were speakers or not, and consider whether or not to set the hearing to a date certain or simply continue the item.

There were no speakers on the item.

**ACTION: It was M/S (Winston/Rao) to continue the public hearing for ZTC 07-01 to the first meeting in September 2007; unanimously approved.**

- 5. EID/TMP/GPA/RZ/CU 1102306 – Canyon Oaks II - PUBLIC HEARING** to consider a recommendation to certify an Environmental Impact Report and approval of a GPA, Rezoning, Tentative Subdivision Map and Conditional Use Permit to allow construction of 36 detached single-family dwellings, including 4 custom homes sites; associated utilities infrastructure and roadways; improvements to the intersection of San Pablo Dam and Castro Ranch Roads, and development of a 300 acre land bank. The project is located south of San Pablo Dam Road near the intersection of San Pablo Dam and Castro Ranch Roads, adjacent to and northwest of the existing Canyon Oaks I development. The project also requires a Lot Line Adjustment. APN Nos. for the site include 573-020-009, 010, and 011; Zoning Districts SFR-1, C-2,

and EA; and General Plan designations of General Commercial/922, Very Low Density Residential/ 942, and Preservation Resource Area/941. TJG/Summit Development Corp., owner; John Zentner, applicant. Tentative Recommendation: Hold Over To 3/29/2007.

**Chair Finlay** asked if there were speakers in the audience, and there were none. She confirmed Vice Chair Williams would be available on March 29, 2007, that Commissioner Rao would be out of town and she suggested holding over the item to March 29, 2007.

**ACTION: It was M/S (Winston/Rao) to hold over EID/TMP/GPA/RZ/CU 1102306 to March 29, 2007; unanimously approved.**

**6. ST 1103634 – Street Vacation On A Portion of “B” Street - PUBLIC HEARING** to consider a request to vacate and abandon for public purposes a portion of “B” Street, located north of W. Barrett Avenue and south of Garrard Blvd. (No APN). M-2 (Light Industrial) Zoning District. City of Richmond, owner; William Frank, applicant. Tentative Recommendation: Recommend Conditional Approval to City Council.

**Janet Harbin** gave a brief summary of the request, said based on the Street Vacation map and letters received from agencies and utility companies, there are utilities running over and under the street, said at the DRC meeting, the Commission asked to see a title report to determine whether there were any easements on the map, which was before the Commission. The title report indicates that utility lines were within the street easement area, a portion of which is to be abandoned. The applicant would like to have the portion of the street vacated and part of his property in order to build in the future or at least close it off and make it a useable piece of property. Currently there was dumping and trash accumulation on the property, as well as other adverse activities.

She said the owner proposes to possibly develop an artist’s compound adjacent to his company site, which is a scientific artist’s studio and also allow for future development of the area. She said nine parcels were affected by the street vacation, and the item would go onto the City Council after Planning Commission review.

**Commissioner Harris** noted there are utility lines in the area of the street vacation. **Ms. Renfro** said an easement is reserved for utility lines, and she noted an inconsistency with the requirements of the Streets and Highway Code in the staff report; you can vacate a street with reservation, but you cannot conditionally vacate a street. So, Condition 1 can be written as vacating the street with reservation; Condition 2 could be stricken because it is applicable law, Condition 4 was generally applicable law, and she did not know what was written as Condition 3, but the Streets and Highway Code does not permit a conditional vacation of a street, so she was not sure what nexus or agreement could be reached regarding Condition 3.

**Commissioner Winston** confirmed with the City Attorney that the recommendation would be, “to be vacated with the reservations as specified in the staff report” and the things labeled as conditions must be stricken. **Commissioner Winston** felt the

conditions listed should be part of the staff report, but in staff recommendation, it could be to adopt the vacation, subject to the easement reservation as specified in the staff report and include language in 1, 2, 3, and 4, rather than listing them as conditions.

Bill Frank, applicant, said this was the third business he has brought in the area, said the tenant invested over \$1 million and is excited about Richmond. He would like to continue his growth in Richmond and bring in industrial artisans which are different than live/work. These are industrial people and he would like to create a compound. The street is 300 feet long, it was cut off when Garrard Boulevard went in, it does not have a proper entrance, and the vacation shows a court at the end of the street which was put in by the Fire Department and under the City's obligation. The court has experienced significant dumping and elicit activity. They are aware of the easements, all of the services delivered by the easements are two parcels owned by the owner and there would be no extension of sewer and water pipes to any other property. The vacation relieves the City of financial obligation, creates an area where they can now control a part of the city, it allows for further development. A letter is in the packet from the Iron Triangle neighborhood of support. Scientific Arts has joined the Iron Triangle council and publishes the newsletter, and the owner wants to be part of the neighborhood. The owner has hired locally and provides training to his employees.

**Commissioner Harris** thanked the owner and applicant for being patient during the time taken to clarify the easement issues.

**Commissioner Rao** asked for an explanation of the differences of industrial art.

Ron Holthuysen, owner, Scientific Art Studio, said he started the company in the Netherlands in 1980, started in Berkeley, said he needed to expand and met Bill Frank who directed him to Richmond. He purchased the property, said the company deals with applied art and clients tend to be more scientific in nature and he identified them, and noted projects were for public art pieces that are part of interpretive exhibits. The art is to educate people about their natural history; they hire graphic designers and specialty construction artists.

Anthony Allen, Vice President of the Iron Triangle Neighborhood Council, said Ron was a participating member of the Board, they welcome the project and any new development which would bring a positive light to the neighborhood.

Arthur Alvarez, employee of Scientific Art Studio, said since the art museum has been there, trash and debris has been reduced, supported the vacation, felt the business would be good for Richmond.

James Owens, said he was in opposition to the request because of parking, said they lost on-site parking at the New Nazarene Church, said they use the street daily, especially on Saturdays and Sundays, and said they have put over \$500,000 into the area by building a new sanctuary which requires parking, said they have dealt with drug dealers in the area and were slowly winning the battle, and felt parking was needed by them and to close the street off was not right.

**Commissioner Rao** questioned the form of relief the City had once provided in the area, and Mr. Owens said the Council denied an application for an easement for the widening of the parkway, and said they use B Street for parking for the church.

Robert Brown, President of Park Plaza Neighborhood Council, said the business is an opportunity for artists who need space which is not easily available, felt it was important for vocational training, opportunities for artists and jobs, it would enhance the City, and supported the request.

Pastor Erwin Holland, New Nazarene Baptist Church, said they want to co-exist with the business, felt closing the street would not solve the problem but would be viewed as a give-away. He said they tutor students from the first grade to college, they will need more space in the future, said they were currently tearing down one building to add parking, and he felt to close B Street was not right to those who have been using it for years.

**Commissioner Lee** questioned how many parking spaces on the street come to the church's benefit, and Pastor Holland felt it was approximately 30 spaces for various activities. **Commissioner Lee** said the church in his neighborhood also shares parking during the week and he questioned whether there was a way for both parties to share the lot during the week, and Pastor Holland said they do currently share the lot but also needs the street and felt it should not be closed.

Reverend Andre Shumake, said he knows Pastor Holland as being committed to the Iron Triangle, said he met Ron Holthuysen and felt the project was amazing, would create employment and would do positive things for the neighborhood. He felt there was a way to work out parking, while meeting the needs of the congregation and the business.

**Commissioner Lee** questioned if Reverend Shumake felt it would be useful to delay approval in order for the parties to work out parking arrangements.

#### *Rebuttal*

Mr. Frank said the strip was 345 feet with parking on both sides. There were only about 5-6 cars able to park in that strip and the ultimate project would incorporate parking, they can discuss neighbors using their parking in the future, and he discussed his experience in the church community and parking. He felt the vacation would create a more cohesive development and felt more parking could be made available and long-term the project would actually provide more parking than it does now, and requested moving the request forward while discussion occurs between the church and Mr. Holthuysen. He said it was doubtful the project would move forward without the vacation of the street, due to fire regulations and ingress and egress issues. He noted the studio was open from 9-5 Monday through Friday as a commercial industrial business and would most likely not be open on the weekends. He questioned how many businesses came into Richmond, got on their neighborhood board, processed their newsletter and got involved in the area.

**Commissioner Rao and Lee** suggested the issue be worked out on the front end, and Mr. Frank felt the Commission could place conditions on the applicant, but felt it was reasonable to assume parking would be worked out between both parties.

James Owens, said he wants to be a good neighbor but also knows what happens in these types of situations. He did not see the City of Richmond as having a problem on B Street, and felt the applicant was the person who had the problem, and asked the street not be closed.

**Ms. Harbin** gave the staff summation, stating findings must be adopted by the Planning Commission, said staff recommends the Commission adopt the findings 1 and 2 and recommend to the City Council that ST 1103634 be vacated with reservations pursuant to Section 8324 of the California Streets and Highways Code. She noted the recommendation would be subject to the reservations rather than to conditions.

**Commissioner Rao** confirmed the easement would be part of the recommendation.

The public hearing was closed.

**ACTION: It was M/S (Winston/Williams) to adopt the recommended the findings, but drop all language after the word, “surrounding properties” on the third line; and recommend to the City Council that ST 1103634 as shown in Exhibit B and the legal description to be vacated with reservations as stated in the staff report; unanimously approved.**

**Commissioner Winston** felt there were many ideas to be worked out in the future between the parties regarding parking.

## **COMMISSION BUSINESS**

### **7. Reports of Officers, Commissioners and Staff**

**Mary Renfro** noted the earthquake tonight occurred at 8:40 p.m. and was a magnitude 4.2 located one mile northeast of Lafayette.

**Commissioner Winston** thanked Chair Finlay and Assistant City Attorney Renfro for the work done to determine the Commission’s potential future.

**Chair Finlay** said as she read the procedural rules, she thought she had the ability to appoint an acting Secretary; however, she learned she does not and the only option was to appoint a nominating committee and a chair of the nominating committee, a slate of which could be presented at the next meeting.

She said for the May meeting, the Commission would be able to appoint a Secretary who could then serve in June, prior to their dissolution. She asked Commissioner Rao to serve as Chair of the Nominating Committee, Commissioner Lee to serve on the Committee and herself to also serve. In addition, the question of quorum must be

answered and she has asked that Assistant City Attorney Mary Renfro write a synopsis of options.

She requested Commissioner Winston to act as Chair of the Rules and Procedures Committee, with Commissioners Harris and Williams to work with her to establish what a quorum is and make a recommendation when they meet the end of March or the beginning of April.

Assistant City Attorney Renfro said the question of what constitutes a quorum was a matter for the Commission to determine. She and the Chair had different interpretations, but what it states is a “majority of the members.” So, it must be noticed in the agenda that consideration of an amendment of the Rule must be stated, and then a motion can be made to amend the rules. Chair Finlay asked that this wording be put on the agenda, as stated by Ms. Renfro.

### **Public Forum**

**Ms. Whales** noted there was a speaker request, and **Chair Finlay** reminded the speaker that the item under Public Forum is to be heard at the beginning of each meeting and asked him to return to speak at the next meeting.

### **Adjournment**

The meeting was adjourned at 10:10 p.m.

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