

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
February 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 7:05 p.m.

Vice Chair Williams led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Finlay, Vice Chair Williams and Commissioners, Harris, Lee, Rao and Winston

Absent: None

INTRODUCTIONS

Staff Present: Janet Harbin, David Barbary, Mary Renfro, Richard Mitchell, Joe Light

MINUTES

Chair Finlay requested moving approval of the Minutes to the end of the agenda.

CONSENT CALENDAR

Chair Finlay noted the Consent Calendar consisted of Items 2, 3, 4, 5, 6 and 7. 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, February 12, 2007 by 5:00 p.m.

Janet Harbin noted Item 5, 6, and 7 included staff memorandums outlining changes which were requested during the Agenda Review meeting on Monday night. She suggested discussing the items and determine if there are requests for their removal from the Consent Calendar.

Ms. Harbin said Item 5 was for the renewal of a 2-year CUP for operation of a fast-food mobile vending business. The DRC of the Commission directed staff to ask the applicant if he would accept a one-year conditional use permit extension instead of a two-year, and the applicant was amenable to a one-year extension. She noted at their next meeting, the Planning Commission would review mobile vending businesses and changes may be made to the ordinance.

Chair Finlay noted two of the Commission members would be out of town for the February 15th meeting and confirmed with **City Attorney Mary Renfro** that a quorum of the actual 6 Commission members would be 4 members.

Ms. Harbin noted that for conditions of approval for Item 4, the restroom facility's address was changed, the one year extension replaced the two-year extension and condition 14's hours of operation shall be limited from "11:00 a.m. to 8:00 p.m. daily", as requested by the applicant.

Ms. Harbin noted that Item 6 was for CUP for a Type-41 ABC license for a new restaurant in an existing shopping center. Commissioners asked if the operator would be opposed to limiting hours from 10:00 a.m. to 10:00 p.m. instead of the proposed hours of 10:00 a.m. to 12:00 midnight. Staff confirmed with the restaurant's corporate headquarters that they wanted to proceed with the original hours proposed and the applicant was willing to discuss the matter with the Commission, as necessary. She noted that regulations for hours of on-site and off-site ABC sales license is limiting by local ordinances and by the State's ABC Act. Local regulations say the sale of alcoholic beverages may be restricted to certain hours of the day of the week unless limited further by the Department of ABC. State regulations according to Section 25631 of the ABC Act, limit hours to 6:00 a.m. to 2:00 a.m. So, it was up to the Commission as to whether they want to limit the hours.

Chair Finlay requested Item 6 be removed from the Consent Calendar for discussion.

Ms. Harbin noted that Item 7 was for renewal of a CUP for operation of a 5-acre open air community market place. At the DRC meeting, members directed staff to ask the project applicant whether a 5-year CUP extension could be granted instead of the indefinite extension. The applicant was amenable to the 5-year extension with annual inspections proposed, as outlined in the staff report.

Commissioner Winston said Item 6 and 7's staff report indicates the DRC had directed staff; however, it was the actually the Planning Commissioners present at the DRC who directed staff, and staff acknowledged the error.

Chair Finlay confirmed with the Commission that Item 7 would remain on the Consent Calendar. She also said Item 1 was a hold-over item and requested this item be placed on the Consent Calendar.

ACTION: it was M/S (Harris/Rao) to add Item 1 to the Consent Calendar; unanimously approved.

Items requested for removal from the Consent Calendar was Item 4 (public) and Item 6 (Finlay).

ACTION: It was M/S (Rao/Harris) to approve the Consent Calendar consisting of Items 1, 2, 3, 5 and 7; unanimously approved.

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 21 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 Almang, owner; Mazen Elmashni, applicant. Tentative Recommendation: Hold Over To 3/1/2007.

2. **TM 1102938 – Condominiums Conversion at 4140 Fran Way** - PUBLIC HEARING to consider a proposal to permit the conversion of 12 existing rental units to condominiums through a Tentative Subdivision Map, per Richmond Subdivision Ordinance Section 15.08.635, and a parking variance, at 4140 Fran Way (APN 425-262-001). General Plan Designation: High Density Residential 944 and General Commercial 922, Zoning Designation: MFR-3, Multi-family Residential District, and C-2, General Commercial District. Tze Keung Wong, owner; Angela Villar, Luk and Associates, applicant. Tentative Recommendation: Hold Over To 4/5/2007.

3. **V/TM 1103430 – Variance with Subdivision of Improved Site at 327 South 4th Street** - PUBLIC HEARING to consider a request for Planning Commission approval of a variance to the minimum required lot area, and approval of a Tentative Parcel Map creating two parcels. The variance would allow the creation of two 4,219 square foot parcels where the Zoning Ordinance requires a minimum lot area of 5,000 square feet each. The property is located at 327 South 4th Street (APN: 550-161-023). SFR-3, Low Density Residential District. Humberto Quintero, owner; Ekundayo Sowunmi, applicant. Tentative Recommendation: Hold Over To 4/5/2007.

5. **CU 1103479 – Mobile Vendor Renewal at 12432 San Pablo Avenue** - PUBLIC HEARING to consider renewing a temporary Conditional Use Permit for a fast-food mobile vendor at 12432 San Pablo Avenue (APN: 519-010-014). C-2, General Commercial District. Dave Bailey, owner; Thomas Wright, applicant. Tentative Recommendation: Conditional Approval.

7. **CU 1103556 – Conditional Use Permit Renewal for Flea Market at 716 West Gertrude Avenue** - PUBLIC HEARING to consider renewing a temporary Conditional Use Permit for an 11- acre open air community marketplace (flea market) at 716 West Gertrude Avenue (APN 408-160-036). Community Regional and Recreational (CRR) and Public and Civic Uses (PC) Districts. Chris Hammond, owner; Christopher Hammond, applicant. Tentative Recommendation: Conditional Approval.

Brown Act – There were no public speakers.

Items Discussed:

4. **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 for a proposal to construct a mixed-use project consisting of 26 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 gave the staff report, stating the mixed use project consisted of 26 residential units and a 9,576 square foot medical office building. The project was devoted to low and very low income housing and the medical office building was a relocation from an existing facility, which would soon be demolished. The project was reviewed by the Design Review Commission over the course of several meetings and was recommended to the Planning Commission for approval. Because of its affordability requirements, it is entitled to a bonus density above the nominal allowances. The project is also entitled to 3 other concessions from the city's development standards, with the applicants requesting parking and open space concessions.

He said parking concessions involve a reduction in the number of spaces for residential and commercial medical office components, from 43 residential and 29 commercial uses to 27 stalls residential and 20/commercial uses. Open space from 6900 square feet for the residential project would be reduced to 5,082 square feet. The courtyard would contain 7,127 square feet of open space and a portion is under a canopy for rain cover, and while it is not counted, it is functionally useful as open space, and this is being requested as a concession.

He said the zoning ordinance does not allow the Planning Commission to deny this request unless the Commission can find: a) that the affordability is not necessary or that the developer could market the project as affordable market rate housing; and b) that the Commission can find specific health and safety risks.

Commissioner Harris noted the uses were separate; housing and commercial, with two separate parking areas, and he questioned whether there was an effort to segregate the parking for both uses.

Mr. Light said they would be segregated and the applicants would most likely be amenable to making this a firm condition.

Commissioner Harris referred to the site's fencing and detail on Page A-8 and he questioned whether a wrought iron fence would be located in one portion and a combination mesh steel frame fence at another location staggered along the site. **Mr. Light** confirmed the flatter portions were a wooden fence and would continue around the site.

Commissioner Rao confirmed with **Mr. Light** that there would be 17 low and 9 very low affordable units, as listed as Attachment 4.

Joanna Griffith, Project Manager with Community Housing and Development Corporation, noted there would be 9 supported units, 5 of which would be set aside for households living with HIV Aids, the other 4 remaining supported units would be set aside for individuals who are homeless or at risk of being homeless or some other form of disability, and the remaining units would be affordable to low income families. She said they were awarded \$3.5 million from the Status under their multi-family housing program and they will be seeking tax credits to help also fund the project. She introduced Helen Degenhart, architect with Jacobson, Silverstein and Degenhart.

Helen Degenhart, Architect, presented project plans, referred to page A-2 and described the U-shaped layout, entrances to housing and the medical office building, community rooms, computer training rooms, offices for service providers, page L-1 drawing of the entire project, landscaped areas, ground floor units accessed by covered walkways, page A-3 which depict the floor plans, page A-5 showing the medical offices, open bay area themes and interiors, interior courtyards, materials and colors of the project.

Ms. Degenhart discussed parking and said access for housing was off of Second Street, described the remote controlled gate, said parking was an L-shaped layout, with a mix of 7 standard and compact stalls. The clinic is accessed off First Street via a gate with a double-loaded parking layout plan and includes 20 spaces for staff only. She said there is a pedestrian connection by way of a gate to the parking lot.

In response to a question posed by **Chair Finlay** regarding access to parking for the medical office building by the public, **Mr. Light** said the parking standards for a medical office building would be 3 spaces per 1,000 gross feet of building floor area, so the total number required has been met, but there is no zoning ordinance requirement as to distribution between staff and

visitors. He said the distinction between a medical clinic and office building is whether the use is on an appointment or walk-in basis, so all clients arriving to the building are coming on an appointment basis.

Ms. Harbin noted there will be shared parking by residents in the evening in the medical offices; however, during the day, there will be sufficient parking for the medical offices, and this was part of the trade-off requested in the CUP with the density bonus; reduction of parking. She thought the gates would be open during the day and closed at night, and only accessible by residents.

Planning Director Richard Mitchell noted the overriding principle of these projects is that staff will be recommending substantial reductions in off-street parking requirements for downtown buildings that are located in transit corridors. He said there is no way to meet parking standards that were revised in post-war times to support the automobile while also re-creating higher density projects in downtown districts and while also promoting more walk-ability and community use of facilities. He noted this was a temporary period of change where parking standards will be requested for change. He noted the final model will be adjusted over time, but more often, parking will be tailored according to those living in residential areas, their needs, downtown needs, walk-ability, and less towards parking numbers that do not work in the downtown.

Commissioner Harris said following this idea, he questioned whether a variance would be appropriate for the application. **Mr. Light** noted the zoning ordinance does allow concessions as requested by the developer from development standards and in order to turn down a reduction in parking, the Commission would need to find there is a health or safety hazard or risk posed by the concession. He said the medical office will operate with 8 dedicated parking spaces and they have more than enough off-street parking spaces than what is needed, as well.

Chair Finlay confirmed with **Hilde Mild** from the Redevelopment Agency and Housing Division that they have worked closely with staff, HDC and Brookside Clinic on financing and design of the project, the gate will be open during clinic business hours and is accessible and can be shared by the residential portion.

Commissioner Winston questioned how the spaces would be controlled and questioned if cars that were parked there overnight would be towed.

Cheryl Johnson, Executive Director, Brookside Community Health Center, said the spaces are dedicated to their clients and to their staff, said they see about 35 patients per day, there will be 2 rolling gates; one for the residential site and one for the medical office building site and they can be keyed the same way. During the course of the day, gates would be open and parking available to people on a first-come, first-serve basis. Once the clinic closes at 5:00 p.m., the gate would be closed and residents can use the medical office site for parking as well. They are trying to work out a solution knowing this will be an on-going issue and as neighbors, they will be exploring ways of making it work.

Commissioner Rao confirmed there would be approximately 20-29 people working at the clinic at any given time. He assumed most residents would not be at home during the day and would work and he questioned whether anything was provided in writing to those who would occupy the homes relating to parking.

Cheryl Johnson said at the present time, there were no tenants, but when in place, they will need to be making some modifications to address the parking arrangements. They will be very flexible and she reiterated that the original project was nothing compared to the current project.

Chair Finlay acknowledged Mr. Mitchell's explanation, but she voiced concerns with site's location, stating there is a grocery store across the street, a rescue facility across the street, a major facility down a few blocks, and the majority of the rescue mission clients were not in their buildings during the day. She felt the project had not been thought out well, as parking is substandard, the project is gated at times and not gated at times, there is a pedestrian corridor, an open atrium, people coming and going, 22 people staffing the clinic and 35 clients. She felt once approved by the Planning Commission, changes could not occur and she wanted to ensure the project proposal works.

Quinton Shaw, Assistant Project Manager, Community Housing and Development Corporation, said the Commission only received a portion of the project's parking analysis, said a lot of research was done on existing parking surrounding the project, research was done on those who visit the medical office building, and the data went into what was before the Commission. He noted the gate issue was added as a flexible arrangement in order to solve parking issues, but the plan is to have separate parking lots.

Chair Finlay requested seeing the data on parking analysis and noted it was not contained in the packet.

Commissioner Lee said there were only two conditions under which the Commission could deny the housing density bonus request and the parking was part of that. **Mr. Light** agreed and said in order to deny the density bonus and concessions, the Commission must find that "the development project would have a specific adverse impact upon the public's health and safety and there is no feasible method of satisfactorily mitigating or avoiding the specific adverse impact without rendering the development unaffordable to low and moderate income households. A specific adverse impact means a significant quantifiable direct and unavoidable impact with an objective identified risk in public health or safety standards, policies or conditions, as existed on the date the application was deemed complete. In consistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety."

Mr. Light said based upon design review findings, a condition of separating the parking and its functionality would be feasible and this condition could be placed on the project; however, the parking reduction cannot be opposed to unless the findings read can be found.

Commissioner Lee agreed the project's parking was flexible and could be used as they deem appropriate and over time as circumstances evolve, and he felt the Commission should support that flexibility for the applicant and tenants.

Chair Finlay felt the information given the Commission did not explain how the parking worked and felt the medical office building should not necessarily be considered the component for the density bonus for residential. She also felt the law applied to the medical office building portion of the proposal.

Commissioner Harris agreed and said this was why he questioned the need for a variance for the medical office building's parking requirements. With respect to the ground floor windows on Macdonald and Second Streets, he saw some details about frosted windows and Ms. Degenhart confirmed that behind the windows was a maintenance office and storage facilities and in order to maintain the character, the decision was made to continue the window system and make it into obscure glass.

Commissioner Harris referred to the east elevation of the building and said they were raised. Ms. Degenhart noted off of the entry were computer classrooms and she pointed out where the public space ends. There were 4-5 units along Second Street that were raised off of the street level, and the windows along the sides of the units were able to open and those along Second Street were about 4.5 feet to provide for more privacy and a sense of security.

Commissioner Rao supported the project, but questioned the parking requirements and asked whether more parking could be provided for the medical office building. Ms. Degenhart said the question was at what point was the medical office building viable as a building for the services and staff they would provide. Even if they were to reduce the office building by 2,000 square feet, the proportions of the site, its layout and parking spaces still would not make it possible to provide more parking spaces on the ground floor. She noted it was a restrictive, shallow site and more than one double-loaded row of parking spaces would not fit unless the building was developed as a two-story building with parking underneath, which also has cost implications.

Public Comments:

John Anderson, CEO of the Bay Area Rescue Mission, said they were located across the street on Second Street and their food pantry/warehouse distribution center was located on Macdonald across the street, voiced concern with limited parking, said there is a church across the street on the northeast corner which was allowed two additional buildings if they were able to utilize part of their parking at the warehouse. They shelter 60 homeless men each night plus about 200 beds in long-term residential recovery programs at the facility. Safety is also a concern and said they were in the process of working with the Redevelopment Agency in relocating the rescue mission in the future, and it is their desire to be a good neighbor and help those in need of their services. He felt bringing in this sort of facility geared to low income and very low income and relocating their facility, which was similar in nature to this project, was confusing to him.

Mr. Light said staff's recommendation is for approval with conditions identified in the staff report based on the four design review findings, conditional use permit findings 1-5g and inclusion of the mandatory conditions on affordability included on page 6 of the staff report.

Chair Finlay asked if the applicant wished to provide a rebuttal.

Rebuttal

Joanna Griffith said the 9 supportive units must be targeted to individuals who are homeless or at risk of being homeless and also have a disability. They had prepared a full report where they looked at other developments with a target population and arrived at some rationale for the proposal. Based on similar developments in the Bay Area parking does work for those projects.

ACTION: It was M/S (Rao/Lee) to close the public hearing. Vote: 4-2 (Winston, Harris, Williams and Finlay voted no) and the public hearing was left open.

Chair Finlay requested continuing the item in order for the Commission to further review the project and understand it better.

ACTION: It was M/S (Winston/Harris) to continue CU 1103272 until the March meeting in order to obtain the report prepared by the applicant, to receive more parking and fencing plans and a description of what was proposed as well as a full set of drawings; unanimously approved.

6. CU 1103497 – Alcoholic Beverage Sales at 2171 Meeker Avenue - PUBLIC HEARING to consider granting a Conditional Use Permit for a Type-41 ABC License limited to “on-sale” alcoholic beverage sales in a new restaurant to be located at 2171 Meeker Avenue (APN 560-150-013). Commercial/Office Knox Cutting Specific Plan Area. Harbour Gate Partners, owner; Richmond Restaurant Group, applicant. Tentative Recommendation: Conditional Approval.

Ms. Harbin gave the staff report, said the site was a commercial tenant space within a shopping center, it was previously occupied by Curves, a restaurant is now proposed to go into the space and a CUP is requested for alcoholic beverage sales limited to beer and wine for on-site consumption. She noted the application was discussed at the Agenda Review Committee meeting and those Commissioners present at the review requested that the hours be changed to 10:00 a.m. to 10:00 p.m.

Commissioner Harris said there was conflicting information between the staff report and agenda with respect to the CUP number and he questioned if the correct number was CU1102578, which **Ms. Harbin** agreed would be verified.

Ms. Talliber, applicant, requested approval of the CUP as described, noted she presented the project to the neighborhood council and said the restaurant is a fast and casual restaurant offering beer and wine to the menu, said the franchise based in Dallas denied her request to reduce hours, so she was requesting approval of the proposal as originally submitted. She noted the sale of beer and wine in their Oakland location had always been less than 1% over the last year and offered the sales report to the Commission. She noted if the Commission changed their hours, she would need to submit the change to the franchisor for their review, and they would determine whether or not the franchise could be granted to her to operate.

Commissioner Winston questioned the reason for the change to 10:00 p.m. **Chair Finlay** noted her recommendation was based on everything else closing by 9:00 p.m. at the shopping center, said the Mexican restaurant was conditioned to close at 10:00 p.m. as well, and she felt consistency was important.

Commissioner Lee confirmed with Ms. Talliber that less than 1% of the sales were related to alcohol and that because of the franchise agreement, she was restricted to their rules, which they had denied and Ms. Talliber provided the report to the Commission.

Ms. Harbin confirmed the CUP number was actually CU1103497. She noted staff recommends the Commission adopt CUP findings 1-4 and approve CUP 1103497 subject to conditions 1-14 in the staff report.

Commissioner Winston felt as the City attracts more and more businesses to support Richmond’s growing population, at times for various reasons she can never find a place to eat that is open past 9:00 p.m. and supported the hours.

Chair Finlay noted the applicant attended a Marina Bay neighborhood council meeting and were well-received; the 10:00 p.m. close time was discussed but not conditioned.

There were no public speakers, and the public hearing was closed.

ACTION: It was M/S (Harris/Winston) concur with statements regarding CUP Findings 1-4 and approve CU1103497 subject to conditions 1-14 as stated in the staff report, with an amendment to condition 4 stating that the sale of alcoholic beverages shall be limited to the restaurant's business hours, but in any event, no later than 10:00 p.m.; unanimously approved.

8. Richmond General Plan Visioning Process – Status Update - PRESENTATION updating the Planning Commission on the General Plan visioning process, including the discussion of land use phototypes and development alternatives for the General Plan Update Program.

Ms. Harbin noted the item was being postponed to February 15th, as the consultant was unavailable this evening and is asking for a one-hour timeframe during the study session to update the Commission.

Commissioner Winston confirmed a quorum would be in place for that meeting, but **Mr. Mitchell** suggested moving it to the March 15th agenda in order for all Commissioners to attend. **Ms. Harbin** noted there were major items scheduled for the March 1st agenda; Hidden Oaks II, the Sunset Drive project for 9 lots, but could schedule the General Plan item on the agenda if so desired.

Commissioner Rao suggested meeting one hour earlier on March 1st for the Visioning process, and this was not preferable to other Commissioners. **Commissioner Winston** noted she could be available on March 15, 2007. **Chair Finlay** asked the consultants to contact the Commissioners to obtain input.

ACTION: The consensus of the Planning Commission was to continue the item to March 15, 2007.

9. 9900011 – Proposed Green Principles and Conditions - INFORMATIONAL ITEM to review draft standard Green Building conditions and requirements for large scale commercial and City sponsored building projects.

Joe Light said last year the City Council directed staff to begin to develop a program to implement a green building policy for the City of Richmond and in response, staff has been reviewing options to respond to Council's direction.

He presented ideas on how green building programs might proceed within the city, said the Commission is not being asked to take any action except to receive feedback and future actions.

Mr. Light discussed government's role in development and outcomes in the building process, stating the City was looking at codifying some of the green building techniques and standards that are moving forward quickly.

He discussed the varying levels, such as substitution of materials in construction for another less toxic or sustainably produced material, a set of techniques and procedures that results in a more environmentally friendly building, or a building system approach to development; one that does not look simply at materials but when the developer, builder, occupant and user would be asking where the material comes from, what is its process of creation, why is it optimum in its use for efficiency, integration with other aspects of the building, for a manner that supports the well-being, happiness, health, safety, functionality, maintenance, interaction over time, re-use,

how they relate to air, water and energy, how they relate to the community as a whole and ultimately how they can be used and eventually disposed.

Mr. Light noted standards that exist are being refined and a grade point rating system is being developed by a local non-profit group called Build a Dream. The guidelines start with substituting materials and include a checklist by which a potential developer can gauge their success in meeting green building standards for types of all residential projects. Also included in guidelines were reasons for using the measures which will assist architects thinking through projects.

The other system is a national system which is geared for commercial development, and in the future they may have a checklist system from them which should be compatible and interchangeable. He said the systems could both be used generally, many cities are exploring green systems, and regionally they can be made similarly.

He said a set of green building conditions were included in the packet as Attachment 2 which were developed over a three year period by staff. He noted Attachment 3 and 4 were the checklists for both systems.

He said the option of adopting Attachment 2; the standard approval system, is not favored by staff because they could be deposed on specific discretionary permits by the DRB, the Planning Commission and City Council on appeal. He suggested using the guidelines due to their simplicity in crafting conditions and also because in comparison to the checklist system which achieves a rating. Conditions could be imposed after the fact and leave less ability for designers to come up with an integral means of getting to the green standard.

Currently, staff is distributing the residential checklist to applicants for additions and new construction, but is not requiring the applicant to achieve any level of success or standards. Staff is also asking applicants to complete the checklist to determine if any standards do show up and intends in the future to ask the Commission to adopt a resolution codifying this practice of encouragement.

Staff would recommend that the City adopt a future green building ordinance which would require the city's own projects or projects they have financed over 2500 square feet to meet the lead Silver standards; the second of four potential achievement levels within the lead system, or in the case of a multi-family project, the Build a Dream green points checklist. Commercial projects over 20,000 square feet would also be required to meet the Lead Silver rating in the system.

For projects under \$3 million in value and over 20,000 square feet for commercial, staff recommends that the requirement to meet those standards be in place but the requirement to certify and prove they actually have met the standards they intent or promise to meet in the checklist not be required. Staff further feels that projects over \$3 million and over 50,000 square feet should get that certification.

Commissioner Winston questioned whether staff would review the various ordinances of cities and craft one from those in place, and **Mr. Light** said there were models that already exist. He said the basic structure in place was for one or both of the guidelines or standard conditions approach. He asked for some feedback from the Commission on which would be the better course to follow of those choices, but the actual ordinance would be a level of threshold requirement, a level of threshold of encouragement, and the basic standards would be a level of 20,000 square feet as well as use by the City's own projects. He said several cities already have green building requirements for larger commercial, Richmond would be in the forefront at

this particular time as only a handful of cities have actually adopted the silver levels, and many cities have adopted green home checkpoint on a voluntary and compulsory basis. So, staff was proposing not to be the very forefront, but towards the front of the crowd.

Commissioner Winston noted Alameda County just completed their first green building and noted their ordinance was adopted two years ago.

Commissioner Harris referred to large city and commercial projects and recommended adoption of the Lead standard as opposed to the 5,000 green building standard only because it would put the burden of proof on the applicant. He referred to page 2 of the staff report and confirmed that remodeling had to do with both additions and remodeling, noted the City of San Francisco has their own green building certification system for office buildings which is voluntary, noting their company applied, they received the checklist of 80-90 items to achieve, and it placed the onus on the building owner or tenant to bring forth their green improvements and he felt the work effort required by the City would be simply to verify the work. He did not necessarily feel the City should mandate the standards, especially on the smaller projects.

Chair Finlay said she attended the lecture on Green Building 101 and read the staff report. She was supportive of the effort, but as a larger statement it would make sense to go to a Leads type of checklist. She felt it was so specific and ever-changing, that it would need to be revised to stay ahead of the curve, as well as concern with staff time required. In addition, she felt education would be needed on the ordinance's terminology for everyone, questioned, for example, how the City would handle the tenant improvement issue for Dicon for the police department and questioned how wiring would meet the existing standards.

Mr. Light noted staff was thinking about this and craft the ordinance appropriately. He felt staff could conduct internal training for staff, Commissioners and Boardmembers to provide a higher comfort level. He said any process developed would not get too specific and a lot of work has already been done.

Mr. Light added that the information was presented to the Design Review Board the day prior and they did pass a motion supporting to move ahead with the process for implementing a green building ordinance, and the Commission thanked Mr. Light for his presentation and work.

APPROVAL OF MINUTES

October 16, 2003:

Chair Finlay said she had some minor changes which were given to Ms. Harbin.

ACTION: It was M/S (Rao/Harris) to approve the October 16, 2003 minutes, as amended by comments made by Chair Finlay. Vote: 5-0-0-1 (Lee abstained).

November 6, 2003:

ACTION: It was M/S (Rao/Harris) to approve the November 6, 2003 minutes. Vote: 4-0-1-1 (Winston absent and Lee abstained).

June 3, 2004:

ACTION: It was M/S (Rao/Williams) to approve the June 3, 2004 minutes. Vote: 4-0-0-2 (Winston and Lee abstained).

June 17, 2004:

ACTION: It was M/S (Williams/Harris) to approve the June 17, 2004 minutes. Vote: 4-0-0-2 (Winston and Lee abstained).

July 5, 2004:

ACTION: It was M/S (Rao/Williams) to approve the July 5, 2004 minutes. Vote: 5-0-0-1 (Lee abstained).

July 8, 2004:

Chair Finlay noted she had some minor changes which were given to Ms. Harbin.

ACTION: It was M/S (Rao/Williams) to approve the minutes of July 5, 2004, as amended. Vote: 5-0-0-1 (Lee abstained).

October 16, 2003:

Chair Finlay noted she had some minor changes which were given to Ms. Harbin.

ACTION: It was M/S (Rao/Harris) to approve the minutes of October 16, 2003, as amended. Vote: 5-0-0-1 (Lee abstained).

November 6, 2003:

ACTION: It was M/S (Rao/Harris) to approve the minutes of November 6, 2003. Vote: 4-0-0-2 (Lee and Winston abstained).

June 3, 2004:

ACTION: It was M/S (Rao/Williams) to approve the minutes of June 3, 2004. Vote: 4-0-0-2 (Winston and Lee abstained).

June 17, 2004:

ACTION: It was M/S (Williams/Harris) to approve the minutes of June 17, 2004. Vote: 4-0-0-2 (Winston and Lee abstained).

August 5, 2004:

Chair Finlay noted she was shown as absent; however, she did arrive at 10:15 p.m. that evening and she asked if she needed to vote or abstain. Staff noted she could vote. **Commissioner Winston** requested change to page 1 under Consent Calendar, and it states "Secretary Finlay noted". She asked that this be changed to "Secretary Winston noted."

ACTION: It was M/S (Rao/Winston) to approve the minutes of August 5, 2004, as amended. Vote: 5-0-0-1 (Lee abstained).

September 2, 2004:

Chair Finlay noted her name was misspelled and she was not present.

ACTION: It was M/S (Rao/Williams) to approve the minutes of September 2, 2004, as amended. Vote: 5-0-0-1 (Lee abstained).

October 7, 2004:

ACTION: It was M/S (Rao/Williams) to approve the minutes of October 7, 2004: Vote: 4-0-0-2 (Finlay and Lee abstained).

November 16, 2006:

Commissioner Harris forwarded a correction to page 3 to Ms. Harbin.

ACTION: It was M/S (Williams/Lee) to approve the minutes of November 16, 2006, as amended. Vote: 5-0-0-1 (Rao abstained).

COMMISSION BUSINESS

10. Reports of Officers, Commissioners and Staff

Commissioner Harris thanked staff for putting together the update of the zoning ordinance.

Commissioner Winston loved the fact that the zoning ordinance update was in a binder. She referred to the composition of the Planning Commission and the update of the general plan, and she questioned when the City Council would fill the 3 vacant positions.

Commissioner Williams asked if the Commission could adjourn in Jim Beyers' memory.

Commissioner Rao congratulated ex-Commissioner Lopez on her election to the City Council and wished her well.

Commissioner Lee reiterated Commissioner Winston's concern about remaining commissioners and the need to get new commissioners up to speed as soon as possible.

Chair Finlay noted training would be scheduled in the future, acknowledged that 2 of the vacancies were in effect since 2003. She asked if staff could forward their Form 700 Statement of Economic Interest forms.

11. City Council Direction on Development Review Committee (DRC) and Subdivision Ordinance Update

David Barbary reported staff would be forwarding a revision to the Development Review Committee and process, as both ABAG and HCD have been encouraging jurisdictions to look at their process information to determine duplication. He noted staff names and phone numbers are listed to solicit feedback, said the Brown Act, public records and public speaking will also be subject to their DRC meetings. Staff wants to review modification to their subdivision ordinance as well as PUD processes and procedures for the Planning Commission and communication processes, and basically the City will consider eliminating the Development Review Committee and to look for an alternative communication process between staff and commissions.

The Commission discussed the scoping sessions on projects which was done by the Development Review Committee, which evolved into having them done by the developer, discussed workshops for projects, pre-application processes for larger projects, and **Commissioner Winston** felt it was important for the public to be involved and recommended the continuation of workshops and scoping sessions.

Ms. Renfro noted staff has approached the Commission in the past as to whether or not they wanted a workshop or appoint a subcommittee and this was one of the ways staff has discussed replacing public input aspect on large projects done with the DRC. So, the question is, if the DRC is eliminated, how the City will fulfill this need for information sharing.

Adjournment

The meeting was adjourned at 10:00 p.m. in memory of and condolences to the family of Jim Beyers, a long-time Point Richmond resident who was very involved in the renovation and continued operation of the Hotel Mac hotel.
