

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
May 15, 2008
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Stephen A. Williams
Charles Duncan

Vice Chair Nagarajo Rao
Jeff Lee, Secretary
Vacant

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

Commissioner Williams led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Finlay, Secretary Lee and Commissioner Williams and Duncan

Absent: Vice Chair Rao

INTRODUCTIONS

Staff Present: Janet Harbin, Hector Rojas, Lamont Thompson, Assistant City Attorney Carlos Privat and Mary Renfro, Lori Reese-Brown, Kiernon Slaughter and Lina Velasco

MINUTES – None

Chair Finlay provided an overview of the Consent Calendar, meeting procedures for speaker registration and public hearing functions and procedures. She said certain items approved by the Commission may be appealed in writing to the City Clerk by Tuesday, May 27, 2008, by 5:00 p.m. and announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Finlay noted the Consent Calendar consisted of Items 6, 7, 8, 9, 10 and 13.

Janet Harbin suggested Items 1, 2 and 3 be added to the Consent Calendar, and explained the reasons for each. She said staff is recommending changes for Item 8, which was removed from the Consent Calendar.

Chair Finlay requested deletion of the WHEREAS paragraph for Item 6 regarding the meeting of the DRC and she said the appeal date in the staff report should reflect “Tuesday, May 27, 2008” due to the holiday. Regarding Item 7, she asked for the 4th WHEREAS paragraph to be deleted regarding the DRC. Item 9, 10 and 12’s appeal dates should be changed to May 27, 2008, and she confirmed with Mr. Rojas that Item 11’s condition for a decision regarding one of the businesses is for Option 1.

Items 7, 9 and 12 were requested for removal by the public.

Secretary Lee reported the Consent Calendar now consisted of Items 1, 2, 3, 6, 10, 11 and 13.

ACTION: It was M/S (Lee/Williams) to adopt the Consent Calendar consisting of Items 1, 2, 3, 6, 10, 11 and 13; unanimously approved

Items Approved:

- 1. TM 1103445 – Tiscornia Estates Tentative Subdivision Map/Tract for Six Lots at Santa Fe, Pacific and Bishop Avenue** - PUBLIC HEARING to consider a Tentative Tract Map request to subdivide an 1.21 acre site located in the Tiscornia Estate Specific Plan area into six residential lots ranging from 5,869 to 12,075 square feet at the intersection of Santa Fe, Pacific and Bishop Avenues (APN: 558-183-003, 005 & 008). SFR-2, Single-Family Very Low Density Residential Zoning District. (374.1 Tisc8826) Leonard Gross A Professional Corporation, owner/applicant. Planner: Joe Light.
- 2. MS 1104457 – Valley View Commercial Condominium Conversion, 4801 Valley View Road** - PUBLIC HEARING to consider a request for a Tentative Parcel Map (Minor Subdivision) that would allow conversion of the four existing commercial spaces into commercial condominium units. The area of the separate spaces would remain as it presently is and no additional building area would be created at the existing 19,843 +/- square foot site located at 4801 Valley View Road (APN: 431-233-017, 431-233-065). Zoning District C-2, General Plan designation of General Commercial District. Frederic Hill and William Dorban, owners/applicants. Planner: Lamont Thompson. Tentative Recommendation: Conditional Approval.
- 3. CU 1104430 – Anderson, Conditional Use Permit for Biodiesel Storage and Distribution, 1015 Chesley Avenue** - PUBLIC HEARING to consider a request for a Conditional Use Permit to allow storage and distribution of biodiesel at a ±396,396 square foot site at 1015 Chesley Avenue (APN: 409-313-002). The project would permit the storage of biodiesel in six 30,000 gallon tanks at an industrial site. M-2, Light Industrial District. Alan Ornbaun, owner; Diane and Warren Anderson, applicant. Planner: Kieron Slaughter. Tentative Recommendation: Remove from calendar for research at a later date.
- 6. TPM 1104450 – Adams Mixed Use Building , 535 Marina Bay Parkway** - PUBLIC HEARING to consider approval of a Tentative Parcel Map for a mixed-use project under construction at 535 Marina Bay Parkway (APN: 544-302-022). Knox Freeway/Cutting Boulevard Corridor Specific Plan - Neighborhood Commercial. Carl Adams, owner/applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.
- 10. CU 1104697 – SPI Richmond Associates, LP, Conditional Use Permit for Wingstop, 4300 Macdonald Avenue, Suite D, Tenant Space #4** - PUBLIC HEARING to consider a Conditional Use Permit for beer and wine sales service associated with a new eating and drinking establishment in a commercial tenant space at 4300 Macdonald Avenue, Suite D, Tenant Space #4 (APN: 517-280-007). C-3 Regional Commercial, in the Macdonald 80 Shopping Center. SPI Richmond Associates, LP, owner; Richmond Restaurant Group, applicant. Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

11. CU 1104538 – Ranjit Kaur, Conditional Use Permit for Overnight Ice Cream Trucks Parking, 1006 23rd Street - PUBLIC HEARING to consider a Conditional Use Permit to provide overnight storage for seven ice cream trucks at 1006 23rd Street (APN 528-080-019). C-2, General Commercial District. Jim Mastorakos, owner; Ranjit Kaur, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

13. CU 1104663 – Conditional Use Permit to Operate a Food Manufacturing Use, 1001 Canal Blvd. - PUBLIC HEARING to consider a Conditional Use Permit to allow the operation of a food manufacturing use at 1001 Canal Blvd., Suite A (APN: 560-330-015). M-1 (Industrial Office Flex) Zoning District. Dennis Thompson et al., owner; Mark Birchall, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

Secretary Lee said he was not prepared to make any decision on Item 5 due to receipt of a late packet. Commissioner Duncan recused himself from participation on Item 4 and left the Chambers.

Brown Act – Public Forum – No speakers

Items Discussed:

4. V 1103662 – Jandali Residence, Variance to Minimum Lot Size at the southwest corner of Terrace Avenue and Vine Avenue - PUBLIC HEARING to consider a Variance to reduce the minimum lot size from 6,000 square feet (SF) to 5,250 SF for the purpose of constructing a 2,607 SF single-family residence on the vacant lot located at the southwest corner of Terrace Avenue and Vine Avenue (APN: 558-082-001). SFR-2 (Very Low Density Residential) Zoning District. Firas & Amina Jandali, owner/applicant. Planner: Lina Velasco. Tentative Recommendation: Conditional Approval.

Lina Velasco gave the staff report, stating the request is for a variance and design review permit to construct an infill new residence of 2,607 square feet on 4,230 square foot parcel where the zoning requires 6,000 square feet. She said a memo was provided to the Commission correcting the lot area in the staff report. The correct lot area is 4,230 square feet, while the tax records that staff had said is 5,250, but it has been verified by a survey that it's actually less. It does not change the ability of the project to meet the required setbacks or interior yard space. It actually increases the open space to 22%.

She said the item was reviewed by the Design Review Board at their April 23rd meeting and a recommendation for approval is being recommended to the Planning Commission. Staff also is recommending conditional approval subject to the conditions identified in the staff report with the additional conditions provided by the Design Review Board.

A letter was received by staff raising issues regarding the project. Staff conducted a survey of all the lot areas in the area, looking at a two block radius, and the smallest lot area is 2,650 square feet and the largest is 5,850 square feet, and none of them are 6,000 square feet.

Secretary Lee said there is a discrepancy between the square footage of the proposed building on the directed sheet versus on the agendized sheet; the agendized sheet states 2,607 square feet and the yellow sheet indicates 3,105 square feet.

Ms. Velasco said the 3,105 square feet takes into account the garage and typically that space is not added into the total square footage.

Chair Finlay confirmed with Ms. Velasco that a letter was received from Meredis Benz and that on page 2 of the staff report under zoning issues, the fifth line down; recorded under separate ownership from all adjacent lots continuously since January 31, 2049 was really meant to be 1949.

Ms. Velasco also said the Design Review Board recommended approval of the project, there was one abstention in the vote, and staff's recommendation is for approval. Secretary Lee said the abstention vote was actually a no vote by Boardmember Woodrow.

Chair Finlay referred to Condition 6 on page 6; "The balcony proposed at the living area does not meet the required setback; therefore, the balcony shall be set back a minimum of 5 feet from the property line or eliminated from the design." She confirmed with Ms. Velasco that the balcony will be eliminated; it was not shown in the drawings but would be listed in the condition.

Chair Finlay referred to a standard condition for storm water management and storm drain protection during construction, and Ms. Velasco noted it was incorporated under Condition 14 – E; "installing sandbags or other erosion control measures prior to grading." And, those would be in effect and operable until the project is constructed. Ms. Harbin clarified that the C3 requirement is for any lot over 5,000 square feet that would be subject to the full requirement.

Secretary Lee questioned and confirmed that staff was able to obtain a survey of house sizes as well, and the garages, carports and similar structures are not taken into account. The largest living area is 3,346 square feet, and the smallest is 949 square feet. He clarified the lot size for the 3,346 square foot home is 5,850 square feet.

Ron Gammel, Applicant, said he is working with the owner, Firas Jandali, to develop the design for the house. He has lived at 742 Golden Gate Avenue in Pt. Richmond for 38 years. He said the area of the footprint is divided by the lot area. The house is 1,833 square feet and the lot coverage is 43%. The adjacent (Benz house) is 1,675 square feet and their lot coverage is 40%. The house to the left of the Benz house is 1,687 square feet and because it is a 5,000 square foot lot, its lot coverage is 34%. So, his lot coverage is 3% more than the neighbors and their lot coverage is 6% more than their neighbors on the left.

Mr. Gammel said they started working with the City in 2005 on the project, developed several plans, presented those to the Pt. Richmond Neighborhood Council; they rejected the plans and asked that the planning, massing and shapes of the roof of the house be changed. They re-studied those and presented it a second time, reducing the area of the house at that time. It was rejected again and they asked for further area reduction and a re-design of the house. They then worked with Lina Velasco and Boardmember Jonathan Livingston on the City Design Review Board and completely re-designed the house a third time.

The drawings in front of the Commission are that third design which they feel is appropriate for the site. It is like other Pt. Richmond houses in that it is a gable roof and is on a pie-shaped lot which makes it rather difficult to fit totally rectangular forms on there. Therefore, like most Pt. Richmond houses, they enter on the upper level from Vine through the living room, dining room and garage. The only access to the house is from the upper level, and it is built down the hill with a 3.5:12 slope; a very low slope, taking it down parallel to the hill to terminate in a 90 degree angle at that point. They then took the bays and disengaged them from the roof of the

house so they simply lean against the house and reduce the mass further. This way the slope is a mathematical determination by taking the lowest point of the house at a 7'6" plate height, projecting a 3.5 inch slope and that is what determines the plate height at the upper levels of the house. Therefore, their coverage is 43% and the neighbor's coverage is 40%.

He corrected the letter of Ms. Benz stating their lot area is 4,230 and the adjacent lot is 3,972 square feet and the lot adjacent to that is 5,000 square feet. The house is a wood frame house, it has a similar footprint of the neighbors' houses, and it has cedar shingles, side walls, an olive/brown one-hour composition roof and a very classy color scheme of terra cotta and olive hues at the sheet metal work and the roofs for the bays. He believed it was the closest design to a Pt. Richmond prototype house, it has a simple, elegant shape to it, its facades are very steady, and many of the elements are what are seen in Pt. Richmond. There are 7 of these houses on Golden Gate Avenue all with the recessed porch and similar materials, and although a lot of stucco houses are also among the older houses in Pt. Richmond, he feels these materials are very appropriate.

Public Comments:

MEREDITH BENZ, said she lives in the lot directly adjacent to the Jandali project and pointed it out on the plans, as well as the homes on Terrace Avenue and Scenic, and said she believes improper notification was given. She said she is very familiar with the community, said it is a historic section of Pt. Richmond, the architect has talked about the project being compatible to other structures in Pt. Richmond, but she did not believe it was compatible within the specific area it was to be built. The area in which this house is going to be built is almost entirely wood framed, she contested square footages provided by the applicant, and distributed a comparison sheet to the Commission.

Secretary Lee asked Ms. Benz to point out the 3,346 square foot house, but she said it does not exist on her map. She said neither of her closest neighbors or she approves of such an enormous spec house in the historic neighborhood and because of no notice of the DRB hearing in April, the project should be in a variance process. In four meetings and three PRNC meetings held with either Mr. Jandali or other representatives, the variance question was posed and the reply was always no. There are 9 homes on Terrace and Scenic Avenue that would be immediately impacted by the structure, 7 of the 9 homes are over 100 years old, 2 homes have been built in the last 20 years, hers being one of them. None of these homes have a footprint that she would call a building to lot ratio that exceeds 47%. In fact, she said the average is 34%, and 3 of the 9 happen to be duplexes, although only one of them actually uses the duplex. She said the overwhelming presence of the Jandali's spec house is confirmed by its building to lot ratio at 73% coverage. Therefore, she questioned why the City would allow a variance for a monster house in the middle of one of its historic districts. In addition, the views, the size and the parking are nothing but a looming presence to neighbors on Terrace, Scenic and Vine. The project has not received the approval of the PRNC, nor the Historic Advisory Board or any immediate neighbor. It is a 4-bedroom spec home with a 2-car garage. She also cited density as an issue, parking, and she opposed the project unless the building area to lot size ratio is reduced substantially. Further, she believes that the City not only failed them in the DRB hearing but acted illegally by not following its own written policy of notification and asked that the project be returned to DRB. She said none of the neighbors were notified there was a meeting January 9, 2008 where the project was continued, there is no mention in the original notification letter that if a hearing is continued there will be no notification, and she cited Section 15.04.930.050 on determination, hearing, notice and appeal.

Also, Mr. Jandali did not inform them on April 6th in a meeting in her home that they were going to be appearing and she felt this was disingenuous.

Ms. Benz said she also got signatures from about 16 members of the community, most on Scenic Avenue, said Don Woodrow voted no on the project, and she believed the project would return to the Pt. Richmond Neighborhood Council for a look at their landscaping plan.

Chair Finlay confirmed there were no other speakers.

Rebuttal - Applicant

Firas Jandali, Owner, El Cerrito, said the project has been in deliberation for almost two years, there have been five designs of the residence and they have gone step by step and tried to satisfy each and every concern of the neighbors. He said the lot coverage is 43%, the nine homes are more than 100 years old and the needs of families have changed since that time.

Rebuttal – Opponent

Meredith Benz, Pt. Richmond, said 90% lot coverage refers to the total building square footage to lot square footage, and hers is more accurate.

Ms. Velasco gave staff summation, stating she confirmed Mr. Woodrow's vote was a no vote and apologized for the error, said she provided a table which shows the FAR as calculated based on the living area; it was not based on the garage square footage. However, she noted that as part of the zoning ordinance, the FAR is based on the interior yard space which this project complies with and actually exceeds. Therefore, staff's recommendation is that the Planning Commission adopt the statement of facts and the variance finding, the Design Review finding and the Historic Preservation finding subject to the conditions.

Ms. Harbin added that the variance is required because of the lot size and not because of setbacks. She said the Pt. Richmond lots were drawn out a long time before the ordinance was in effect and they do not meet the current standards of the ordinance at this time.

Secretary Lee voiced concern with the notification process for the Design Review Board meeting, acknowledged that staff followed the normal procedure that continuations are not noticed, and also was disturbed that the applicant did not inform the neighbors of the Design Review Board meeting when he had an opportunity to when meeting with the neighbors.

Chair Finlay acknowledged the concerns and confirmed with City Attorney Privat that an appeal was not timely filed and staff followed routine noticing procedures.

Chair Finlay said she understood Commission Lee's concerns, but on the other hand, if she was an applicant and provided a third design of the home and could still not find consensus, she would want to move forward. She said the Commission had the option to continue to discuss the matter or close the public hearing and take a vote.

Secretary Lee questioned and confirmed with Ms. Benz that the applicant did make attempts to modify the exterior of the house to be more pleasing, but what they never did was really reduce the size of the house. It was a constant refrain that really the house needed to be in line with the neighborhood; that there wasn't anything over 2,000 square feet in the neighborhood and that theirs wasn't oversized. It was also the coverage on the lot. Ms. Benz said the applicant was

nice enough to offer to put up story poles, but believes they were hoping that it would be kind of ameliorating, but instead it really showed everyone how imposing the project is. She said they were a lot closer to agreement than they have ever been, but still feel that the neighborhood and its historic character is a special spot and they still had not reached agreement.

Chair Finlay acknowledged the difficulties in building a home in 2008 that closely mimics properties that were built 100 years ago.

Secretary Lee agreed, acknowledged the proper noticing procedures had been followed, said he would feel better if the project went back to the Design Review Board with another noticing.

City Attorney Privat said that procedurally, what the Design Review Board is that they give the Commission a recommendation to adopt and the Commission can either accept or reject it. If rejected, it would go back to the Design Review Board. Secretary Lee questioned if the project could be denied without prejudice, and Ms. Harbin said this could be done or the Commission could continue it until it has a chance to be heard again by the Design Review Board. However, they would have to be given specifics as to what the design lacks because they had approved it with conditions.

Chair Finlay discussed the process of denying without prejudice, application and project costs and delays, and questioned the Commission as to what they wanted to do.

The public hearing was closed by a unanimous roll call vote.

Secretary Lee confirmed with City Attorney Privat that all three Commissioners would need to vote aye on the project in order for the motion to pass.

ACTION: It was M/S (Finlay/Williams) to approve V 1103662, adopt the findings and statement of fact that are noticed in the Historic Structures Code finding number 1, in the Design Review findings 1-4, and the Variance findings 1-5, and approve Variance Design Review 1103662, Variance and Design Review Permit to construct a 2,607 single-family residence on a substandard lot of 5,250 square feet, subject to conditions 1-23 that are outlined in the staff report; unanimously approved.

Chair Finlay announced the appeal deadline and process.

5. General Plan Update - Selection of a Preferred Land Use Option - PUBLIC HEARING to consider and select a preferred alternative for the General Plan update from the range of land use alternatives and recommendations made by the General Plan Advisory Committee (GPAC) on April 16, 2008 for analysis in the General Plan Environmental Impact Report. Planner: Lori Reese-Brown.

Secretary Lee gave a brief introduction of the item and introduced Principal Planner, Lori Reese-Brown and the Principle of MIG, Daniel Iacofano, who would provide a presentation.

Daniel Iacofano, MIG, gave a background of their firm and said they were hired by the City of Richmond to conduct a General Plan update. He said accompanying him is the MIG Project Manager. Vicron Suhd; John Steer of PBS&J who is doing the environmental analysis; Simon Alejandrino from Bay Area Economics; and Ellen Poling of Fehr and Peers. Mr. Iacofano said he

would present the 2006-07 community visioning, background analysis and land use options, and the 2008 Draft General Plan and EIR.

Regarding community vision, they looked at Downtown Richmond as being the heart of Richmond, with revitalized corridors, walkable neighborhoods and streets, safety and social interactions, transit, complete neighborhoods and neighborhood nodes with stores. He presented land use concepts green development corridors, separation of uses, business and industry urban including the Port and agriculture, community open space, parks and public use, focus on areas of greatest change and underutilization.

He then presented and discussed land use Options 1, 2 and 3, their positive and negative impacts, stating a preferred land use option can be selected but additional options will still be able to be discussed and move forward to arrive at a final preferred alternative. He said Option 1 was the least preferred of the three options. Land Use Option 2 is characterized by expanded development, intensification of nodes, and green industrial zones, and new recreation. Option 3 is expanded and intensified, recreation and destination mixed use nodes by the Ford Peninsula, new residential development and resort destination uses.

Mr. Iacofano presented the analysis of land use options, said they looked at development constraints, transportation, and economics, prepared a preliminary analysis of land use options to be reviewed by the GPAC, projected population and job growth, land use distribution, and in summary, he said all options increase population, employment, will require improvements in transportation and infrastructure, and all options create a net fiscal surplus for the City.

Mr. Iacofano presented the 3 Options which were presented to GPAC:

- Option 1 – mixed used development
- Option 2 – expanded mixed use development
- Option 3 – the most intensive and dense mixed use

He then presented the results of GPAC's feedback and which options they tended to support, stating there could be mixed and matched elements from each option to create the best profile for the City of Richmond.

Commissioner Duncan restated that this is a prelude to an EIR. He commented that the methodology was complicated and commended GPAC for their long and sustained participation. He questioned specifics on the GPAC matrix and concluded that he would tend to abide by GPAC votes, but was not prepared to make any recommendations. However, there were 5 or 6 with no consensus and a split vote and he felt there was a need to develop some sort of methodology or criteria to make recommendation to the City Council.

Chair Finlay felt that the larger issue was what the responsibility is of the Planning Commission in this process. Assistant City Attorney Renfro said this is the public selection of a preferred land use selection in an EIR phase. Typically, it is chosen through the expert planners and applicant; however, she said this project has been extremely public with input and the Planning Commission has been asked to make a recommendation to the City Council, who will then make a recommendation to keep the EIR on track. This is no project decision and is not a final map.

Next, the EIR will be completed and return to the Planning Commission and then onto the City Council. She noted that the GPAC is not a legislative body and Chair Finlay agreed the obligations were therefore clear.

Commissioner Duncan questioned raised a question regarding the GPAC voting matrix, specifically in the case of Campus Bay--13 voted for Option 1 and 13 for Option 3. Mr. Iacofano responded that, for the purposes of the EIR analysis, they made some assumptions about the development program that might occur within the framework of a master plan development and these were broad brush.

Secretary Lee asked to revisit the pie chart slide that showed the differences between Options 1, 2 and 3 in terms of the elements. He noted that the differences were insignificant – within 3%, yet actions based on them are significant.

Mr. Iacofano responded that, mathematically, the acreages in focus are relatively small in proportion to the total land area of the City of Richmond. So, percentage-wise, it appears to be not much of a change. However, those few acres are hotly debated, e.g., 150 acres of 16,000-17,000 total acreage. Secretary Lee confirmed with him that the cost of the process thus far was roughly \$1.8 million.

Chair Finlay said there are 19 change areas in the report, said what was missing from the information packet was a framework for reasons why decisions were made, and she hoped this could be provided by the end of the hearing.

Public Comments:

MARY SELVA, President, RANC, said the plan was not going in the direction she had hoped for their neighborhood, said the Bay View area has a high percentage of single family homes and what is proposed for density is not appropriate with 40 foot heights. She also cited the San Joaquin corridor at 40 and 54 feet, and said it will impact views of the Golden Gate Bridge, as well as the Pt. Isabel Shoreline from light industrial to a regional commercial district. All uses are outright permitted such as hotels, restaurants, and big box businesses, which is not appropriate. They also have an extensive Hoffman Marsh, adjacent to Central Avenue are the Albany mud flats and a large wildlife sanctuary and they need to ensure it is designated as light industrial.

GARLAND ELLIS, Vice President, RANC, voiced concerns about the process with MIG, believed that information was filtered, questioned the San Pablo Corridor height limit and changes, large scale apartment complexes along Carlson Boulevard and believed the shoreline would impact traffic which was already problematic.

LISA KUHN, voiced similar concerns of RANC neighbors, input was provided but no response was given, and she voiced concerns with waterfront view blockages, high intensive development in the San Joaquin corridor, Campus Bay area and the Pt. Isabel shoreline.

MARK FAIOLI said that Richmond Annex members were polled a year ago and provided detailed comments to the General Plan process. Most important was their concern about high density, tall building development along the shoreline yet a recent midnight email indicated a proposal to raise height limits for Carlson Boulevard itself. He said 4-5 story buildings are out of character to a residential community and also impact views, sightlines and traffic.

NORMAN LAFORCE, Chair, Sierra Club Bay Chapter, was glad to hear the Planning Commission restate their legally mandated role to make decisions about the General Plan. The Club's concern is that the re-iterative public comment process is not there, and comments given to GPAC do not go back to the public. The vast majority of the community (often 60-70%) support open space for the North and South Richmond shorelines. This was not communicated. He said the South Parchester area should remain as open space at the lowest zoning possible. He questioned a statement by the consultants that there is a legally binding agreement between the City and Upstream over the kind of development on Pt. Molate; however, this is not true based on a lawsuit acknowledging that the City could not make a binding agreement before an EIR. Therefore, he felt a community process is needed.

DONNA CHAN said she supports fellow Richmond Annex neighbors in their concern about raised height, view lines, congestion and also their water source.

JERRY YOSHITA of RANC voiced concerns about the Pt. Isabel shoreline study. He felt a regional commercial use is inappropriate, traffic in that area is at Level D or E, and most cities would deny a project for that reason alone. He voiced concern about adjacent environmental uses and displacement of light industrial areas, job loss due to evictions, proposed retail and quality of new jobs. Regarding strip commercial areas along San Pablo Avenue versus nodes, he endorses putting more emphasis on commercial uses in nodes and agreed to put his comments in writing.

BRUCE BRUBAKER, TRAC, referred to Area C-12, the San Pablo Peninsula and Terminal 4 at the end of the peninsula and said TRAC supports the proposal in Option 2 for open space in that area. He referred to a letter from Bruce Beyaert of TRAC and said it is important to maintain open space on San Pablo Peninsula to benefit Bay Trail usage and users. He personally supports higher density in Richmond but emphasized that with higher density options, open space becomes even more important.

MARY JEAN MOORE voiced concerns in two areas: the fragility and importance of the Pt. Isabel nature area, bird flyway, and marshlands, as well as potential liquefaction in case of an earthquake. She opposes high retail in that beautiful natural area and said density, height and an increase in commercial buildings are not consistent with small homes and would change the nature of the community. She also raised the traffic issue on I-80 off Central Avenue.

MEGAN KEELAHAN shared the concerns of her Annex neighbors; however, she felt there was some misunderstanding or miscommunication. They expected a vote tonight on the options and requested email notification about subsets of the change areas.

SHERYL LANE, Urban Habitat, a part of REDI, said they recommend the City analyze the cumulative impact of land use options on net jobs by sector wages, projected impact on parks and open space, transportation and net revenues, additional information on net job creation by sector, future jobs and workforce development opportunities, making the information publicly accessible and she said her comments would be included in a memo.

NICK PERINO, Policy Analyst with EBASE - East Bay Alliance for Sustainable Economy, and a member of REDI stated that REDI recommends 2 simultaneous approaches to industrial land: 1) retain industrial land to balance jobs and to protect future job opportunities, 2) if and when industrial land is converted, the city should establish clear standards for community benefits, e.g., local hiring, job training, environmental remediation and affordable housing. REDI spelled out their industrial land analysis in the memo that was handed in. Mr. Perino cited examples of

acreage loss and percentage loss for Options 1, 2 and 3. He questioned what the city would get in return in terms of net employment or opportunity to expand the green economy. Furthermore, they recommend clear timelines, with clear implementation steps and enhanced community and public participation in the process.

JIM BATES, Executive Director for the Council of Industries, a member of the Economic Development Commission for the City of Richmond and GPAC, requested the Commission continue the item to provide time to review the volume of information. He said EDC spent several months reviewing just the economic aspect of the General Plan to present to GPAC. He believes the Commission is only seeing the surface of it. The "Shaping the New 100 Years" needs the time and consideration of the Planning Commission. He is pleased and hopes the Planning Commission will continue the public meetings to get more input and said he would write the appropriate letters stating their opinion.

LARRY TONG, Interagency Planning Manager with East Bay Regional Park District, said the Park District submitted written comments, commended the City for progress on the General Plan Update and the District has concerns and recommendations regarding land use options by change area. For South of Pachester area, they recommend support of Options 1 & 2. For Campus Bay area, their recommendation is to avoid impacting the environmentally sensitive Hoffman Marsh and portions of East Shore State Park. Regarding the San Pablo Peninsula they recommend supporting the multi-agency San Pablo Peninsula Open Space Study conducted with the City of Richmond and multiple agencies as well as input from Upstream in 2005. For the Central Park Area, development should avoid impacting the Hoffman Marsh area as well as portions of East Shore State Park and the segment of the San Francisco Bay Trail that is adjacent to the area.

Ms. Reese-Brown gave a summation of the staff report, and said the community continues to be engaged as evidenced by community meetings, GPAC meetings that have been held and are anticipated to be held, in addition to other Public hearings with the Planning Commission and with the City Council. She stated that people can phone her or MIG to ensure there concerns are addressed in the General Plan.

Secretary Lee asked and confirmed questions about page 2 of the Staff Report regarding GPAC members vote and all input received will be summarized in a report to the City Council in June. He asked where the Planning Commission fit into that process.

Ms. Reese-Brown said the process for tonight was for the Planning Commission to receive the presentation and to give input so they could communicate that input to the City Council. There was some misunderstanding of the process. The public thought the Planning Commission would vote on a preferred alternative. The objective of this meeting was not to vote, but to prepare the Council to vote on a preferred alternative at a later date, sometime after August. After tonight's meeting it appears it may actually be September or October before reaching a preferred alternative to present to the Council.

Secretary Lee asked if it was expected that they would have recommendations for June, and Ms. Reese-Brown answered they could take input but not a recommendation before the City Council, and they propose study sessions to get more input.

Secretary Lee confirmed with Ms. Reese-Brown that per page 4, next steps indicate GPAC recommendations will be presented in July, and that was different from what would be presented in June.

Commissioner Duncan questioned whether the Planning Commission needs to do analysis before giving input for City Council, and whether the input is not an actionable item for which there's a motion and a vote.

Chair Finlay interjected that they were not voting to sanction options, but were voting to set up public hearings. What was in question was the process--how many areas should be heard, then how many would be voted, e.g., 5 areas in 4 meetings, would they vote in each meeting, or go through all 19 areas, then vote on the total in one evening.

Commissioner Duncan confirmed with Ms. Reese-Brown that the item was not an actionable item; that the Commission would provide comments for her to give the Council for approval.

Chair Finlay said there was confusion about the legal responsibility of the Planning Commission and it is the responsibility of the Planning Commission to do due diligence. City Attorney Renfro said the agenda notice to the public states; "Public Hearings to consider and select a preferred alternative." It gives the impression the Planning Commission would hold a hearing, make a motion and a selection.

Secretary Lee commented that this was why the midnight email notice caused panic.

Chair Finlay said the Planning Commission received 3 different documents: a Staff Report, an Analysis of Land Use Options, and a Summation of votes and comments taken by GPAC. She said reading the documents entailed flipping back and forth between pages, especially when color-coded, and she felt it was impossible to work with what they were given. She recommended putting Existing and Options 1, 2, 3 and the GPAC decision on one page so that the public and Commissioners, and eventually the City Council, can actually read and follow it.

Chair Finlay said in discussing limitations of the analysis, it is clear that there may be other factors such as community priorities that are not identified but are important considerations in selecting the preferred alternative. She questioned how the Commission could take them into consideration if they are not included.

When talking about methodology, assumptions and environment, it goes from high to medium to low. When talking about overall findings, it starts with Option 1 that is low, then goes from medium, then from high. She asked for a decision internally that if we go from high to medium to low or vice versa, that it be done consistently so it is easier to manage.

Chair Finlay said she was delighted to see that Tiscornia Estates was included in the document; however, the Seaport Plan, Knox Freeway and Cutting Boulevard Specific Plan were not mentioned, and she asked if they were dropped from the project. She felt it was remiss that there was no mention of any interfacing between Regional Planning, to raise regional issues such as freeway traffic on I-80 which is now the most congested piece of freeway from Highway 4 to the Bay Bridge.

Lastly, also missing from her perspective was the City as a whole. The map in 2 pages at the beginning of the document was very confusing until explained by Mr. Iacofano.

Assistant City Attorney Renfro asked the Chair to extend the meeting, as it was 11:00 p.m.

EXTEND MEETING

ACTION: It was M/S (Lee/Duncan) to extend the meeting; unanimously approved.

Commissioner Duncan suggested staff develop a methodology for study and questioned Planning staff for ideas. He suggested starting with public input collated by change area basis, then reformat the information in order to grapple with it, and then go through the material in groups of five. If these are actionable, if the Commission votes on them and if the recommendations are hard and firm by an action, then it starts to be a question of logistics; how much could be accomplished in one meeting especially when there are other agenda items to deal with.

Chair Finlay asked Attorneys Renfro or Privat that if the Commission makes a recommendation to staff, does it require a motion. City Attorney Renfro said if the Commission moves to continue it when discussion is concluded, a date certain is needed, but without making a formal motion, you can tell staff what you want to see by the next meeting.

Chair Finlay made a decision that she wanted a formal motion. City Attorney Privat said a date and time was needed to be set for the continued hearing. Ms. Harbin proposed dates and said the consultant would need time to prepare. Chair Finlay said it was important to give as much notice as possible and she confirmed the notice needed to comply fully with the Brown Act.

Attorney Renfro said the only requirement for a continued hearing was to set the date certain for the next continuation; however, the consultant said for planning purposes it would be preferable to project further out, although the only one required to set is the next one.

Secretary Lee said there might be a more logical way to break it up rather than the first five items then the next five. He suggested that items which are similar and geographically together should be put together. Chair Finlay agreed to leave it to staff as to which five and in which order.

ACTION: It was M/S (Duncan/Williams) to hold over the public hearing until July 17, 2008 for reconsideration based on new material and in sections of five, based on geography or subject matter at staff discretion; unanimously approved.

Chair Finlay expressed appreciation for Mr. Iacofano's and Ms. Lori Reese-Brown's work on the project.

7. MS1104237 – Sutherland Minor Subdivision, 1526 Barth Avenue - PUBLIC HEARING to consider a Minor Subdivision request to subdivide an existing 12,782 square foot parcel into two lots (Parcel A of 6,007 SF and Parcel B of 6,775 SF) located at 1526 Barth Avenue (APN: 419-192-007). SFR-2, Single-Family Very Low Density Residential District. Bob Sutherland, owner/applicant. Planner: Hector Lopez. Tentative Recommendation: Conditional Approval

Janet Harbin gave a summary of the application and parcel location.

Bob Sutherland, owner/applicant said he was the resident of 1526 Barth Avenue, resides on the property with his family and was trying to create an additional lot. He said he has complied with laws and regulations and he is in conversation and has received support from the Fire District, Sewer District, PG&E and the Water Company.

Public Comment:

LISA NANCE, said she is representing herself and her 91 year old father, said they live in a house over 50 years old and her parents watched houses built on surrounding lots. They have seen houses sink, slide and move off of foundations because precautionary measures were never considered by contractors to take accountability for long lasting affects. In more recent years she watched erosion of land and road, causing severe water drainage problems for surrounding lots. She and her father believe it would be hazardous to existing properties to further disrupt the already faulty landscape on a lot not legally able to be accessed by a private road on which she lives at 6228 North Arlington.

DIANE BULLOCK, San Pablo, voiced concern with any changes, development, grading or building on 1526 Barth. She lived in her residence over 35 years, when the hill containing the plot slid. Neighbors at 6198 North Arlington moved out for fear of the slide. The City and County graded and terraced Barth Avenue, but from the pictures she brought with her, Barth Avenue dropped several inches just above the area of the minor subdivision request. She requests that when granting changes to the land, a soil expert should be called in to analyze the effects of any changes or building or grading to the land. This would be part of the subdivision process and paid for by the person requesting the subdivision. This report would then be made available to the Planning Commission and the neighbors surrounding the site to protect their safety and security.

LINDA NEASE, San Pablo, said she lives in a house where the land behind slid into the back yard. It was re-engineered before she moved there and there are signs of Barth Street dropping again. She voiced concerns with stability, construction, and the maintenance of their small road, said North Arlington is a short block, privately owned and construction could cause problems.

Ms. Harbin gave staff's recommendation which is to adopt Resolution 08-9 in Attachment 1 of the report granting approval of Tentative Parcel Map 1104237 subject to conditions of approval contained in the resolution. The conditions include several project specific conditions such as soils and geotechnical reports that are required prior to issuance of any building permits for the site, as well as standard conditions of approval. The City engineer approved the minor subdivision to go forward as shown on the map.

Chair Finlay questioned if the intent was to create a flat lot and Ms. Harbin replied no; it would have direct access off Arlington Boulevard as shown on the map.

Secretary Lee asked about an opponent's comment that it is a private road, and whether there were encroachment issues. Ms. Harbin noted part of the street is within the County limits and part in the City limits, and she confirmed with Chair Finlay that it does not make it private.

Secretary Lee questioned whether it precludes access and he confirmed with Ms. Harbin that the decision is simply whether or not the applicant can create a lot.

ACTION: It was M/S (Duncan/Lee) to close public hearing and adopt Resolution 08-09 granting approval of the requested Tentative Parcel Map subject to the conditions of approval contained in the resolution as it meets all the requirements of the subdivision zoning ordinance and the

General Plan; and to delete the 4th whereas regarding Development Review Committee approval (Finlay); unanimously approved.

8. CU 1104689 – Ford Point, Conditional Use Permit for an eating establishment with alcoholic beverage service, 1414 Harbour Way South - PUBLIC HEARING to consider a Conditional Use Permit to allow an eating establishment with alcoholic beverage sales, and an entertainment venue with alcoholic beverage sales in the ±40,000 square foot Craneway area, as well as, the ±5,000 square foot Boilerhouse area of the historic Ford building at 1414 Harbour Way South (APNs: 560-181-103, 560-181-104). Mixed Use District of the Knox/Cutting Specific Plan. Ford Point, LLC, owner; Orton Development Inc., J.R. Orton, III, applicant. Planner: Lina Velasco. Tentative Recommendation: Conditional Approval.

Ms. Velasco presented the staff report, stating the building was rehabilitated in 2004. The permits were approved for mixed used including a jazz club, restaurant and culinary school, with proposed revisions consistent with Type 47 alcoholic beverage control license: beer and wine for a restaurant, with on-site consumption. Per Condition 4, hours of operation for alcohol would be 7 to 2 AM, Sunday through Saturday. Condition 5 emphasizes the requirement for an eating establishment associated with uses for Craneway. Items 6 and 10 were removed. There are copies of Options 1 and 2 regarding noise.

The applicant agrees to Option 2 with new conditions citing compliance with the City zoning ordinance. If substantiated complaints are made regarding noise levels, the property owner would pay for noise analysis by qualified acoustical consultant to determine suitable mitigation, and that mitigation would be implemented.

James Madsen and Troy Peterson, Orton Development, presented a map of Marina Bay showing the area where food and beverage would be served. They pointed out changes to the Craneway and Boiler House areas, stating the kitchen would move to the Boiler House area and seating would be flexible. The revised map was given to Ms. Velasco.

Further discussion with Commission members highlighted Marina Bay Neighborhood Council concerns about hours of operation and noise.

Ms. Velasco gave staff summation stating the recommendation is to adopt the Conditional Use Permit findings subject to modified conditions with the addition of Option 2 condition and the modified floor plan, which would become Condition 15.

Chair Finlay commented that she was supportive of the proposal, but had concerns about the operator of the entertainment venue and specifically the conditional use permit for music until 2AM, Monday through Sunday. She voiced concern about noise attenuation in an area where water carries sound.

Mr. Peterson expressed concerns about additional costs for a study of sound travel that might inhibit upgrades as planned and cause retrofit. Mr. Madsen said they had spoken with a professional acoustician and voiced concern about a lengthy process with no resolution increasing investment risk.

Chair Finlay, Secretary Lee and Commissioner Duncan all discussed the issue of resolving noise limits upfront rather than having to retrofit after the fact, and City Attorney Privat suggested a revision to Option A to delete “their” from “their operation”.

The public hearing was closed.

ACTION: It was M/S (Duncan/Williams) to approve CU 1104689 and adopt Findings 1 through 4 with the addition of staff recommended conditions, including an additional condition 15 which incorporates a changed drawing of the Craneway showing the kitchen relocated to the boiler house and the possibility of dining seating scattered throughout, with the inclusion of Option 1 with a change in wording removing “their” in the second sentence; unanimously approved.

Chair Finlay confirmed that the conditions the Commission was voting on would be the conditions in the revised staff recommendation which is the salmon-colored document dated May 15 distributed to the Commission. The conditions are Conditions 1 through 15; Condition 15 as Option 1.

EXTEND MEETING

ACTION: It was M/S (Duncan/Lee) to extend the meeting to midnight; unanimously approved.

9. CU 1104547 – Conditional Use Permit Modification for Therapeutic Massage Establishment, 10281 San Pablo Avenue - PUBLIC HEARING to consider a Conditional Use Permit to modify an approved Conditional Use Permit for a massage establishment in an existing commercial building at 10281 San Pablo Avenue (APN: 510-113-007). C-2, General Commercial Zoning District. Jane Yoon, owner; Jianpei Wang, applicant Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Kieron Slaughter presented the staff analysis and recommendation, stating the applicant would like to amend Condition #5 of the Conditional Use Permit approved April 3rd, to allow 2 additional certified massage employees, specifically Ki-ann Li and Mun-ching Long, both of whom have submitted the required documentation. He said staff recommended conditional approval for the modification of Condition #5.

Jianpei Wang, Applicant, Oakland, spoke through a translator; Phillip Chang of Richmond. She wished to add 2 employees for 3 reasons: to provide treatment based on patient needs, to expand services such as stone massage, and for safety of operation and to prevent interruption of treatment in an unlocked, open door facility. The majority of customers are elderly, and she would like to provide easier access than the 20 plus steps.

Public Comments:

GARLAND ELLIS, RANC, expressed concern that by expanding employees, clientele would expand too. At a previous meeting 100 objected to the facility and they also object to the expansion for several reasons--parking overflows into residential neighborhoods; there are a number of massage parlors concentrated in that area, the type of business invites crime, employee certification documents are questionable. He raised the issue that the C.U.P. goes with the property without giving the community any say in future change of business.

CURT THAYER said his main concern was parking on Van Fleet and San Pablo Ave. The original building was Gianotti’s Furniture Store, and there was a 10-15 car parking lot which has disappeared. The building was sub-divided into 5 areas and parking now spills onto Columbia Avenue and Van Fleet.

VICKIE DIAZ of Columbia Ave reiterated parking problems, stating she also spoke on April 14 when she presented a petition with 101 signatures opposing the business and voiced concern about the clientele posing potential risk to an adjacent dance school for young girls.

NANEARL TOUSON stated that the massage establishment is not in compliance with the zoning ordinance. Per staff reports dated April 3 and April 15, 2008, the requirements are not met to provide 4 off-street parking spots.

MARY SELVA, RANC, voiced concerns that there is no oversight or monitoring of the business.

Rebuttal-Applicant

Ms. Wang, through interpretation, said there is parking, she is not hiding and there are no illegal activities, said the establishment is transparent and can be seen from the street, and the City has authority to regulate any business.

Rebuttal – Opponent

GARLAND ELLIS, RANC, reiterated the parking problem, stating the building owner has used the parking area for another business, which is not good for the neighborhood, as the new business does not have adequate parking. There are two sensitive businesses in the area: a dance studio and assisted living. They do not feel the massage element is acceptable or compatible with the neighborhood. As it grows, they cannot limit signage. They would like a limit on the CUP to protect the neighborhood from future change of business.

Secretary Lee questioned and confirmed with staff that the refrigerator storage land was owned by the building owner and parking for the building could be restored.

Mr. Slaughter gave staff summation and recommended conditional approval of the request to modify Condition #5 to allow 2 additional employees.

Secretary Lee questioned staff as to parking abatement by the owner and Mr. Slaughter referred to photos of the property where expansion of the building projects into the former parking lot. The overall gross square footage is over 5,000 sq. feet, but he felt the issue was not of impact, as the site uses only 1250 square feet.

Commissions and staff further discussed requirements for parking based on square footage and whether the required 4 parking spaces of the originally single use building are still in effect.

Chair Finlay directed the abatement issues to the Abatement program of the City or to the Police Department. Ms. Harbin discussed and clarified parking for the existing shopping center.

Commissioner Duncan questioned the mechanism for limiting a Conditional Use Permit such as a timeframe or sunset and the mechanism for a moratorium on massage parlors.

Commissioner Duncan said he would vote in favor of extending the business to 2 more employees, however, he agreed with those concerned to pursue a moratorium, as CUP's will expire for two other massage parlors in the City.

Secretary Lee said he would like this CUP to be limited to the applicant and not go with the establishment and make it conditional that 4 parking spaces be added by the owner at the back of the building and would like to limit signage.

Mr. Private and Ms. Harbin confirmed that the CUP can be limited to the applicant but it could not be limited by time. Requiring the 4 parking spaces could not be mandated and the City's sign ordinance would dictate rules for signage.

The public hearing was closed.

ACTION: It was M/S (Duncan/Lee) to approve CU 1104547; that the CUP be limited to the owner of the business and not go with neither the establishment nor the land; unanimously approved.

12. CU 1104591 – Anka Behavioral Health, Inc., Conditional Use Permit to Continue to Operate a Congregate Care Facility, 3215/3221 Nevin Avenue - PUBLIC HEARING to consider a Conditional Use Permit to continue to operate a congregate care facility with a minor expansion at 3215/3221 Nevin Avenue (APN: 516-130-010, -009). MFR-3, Multi-family High Density Residential District. Anka Behavioral Health, Inc., owner/applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

Mr. Rojas presented the staff report, stating approval would allow the applicant to demolish an existing accessory structure and replace it with an 1820 square foot addition to allow modernization of the facility. As background on the Nevin House, Mr. Rojas referred to Exhibit E in the staff report, stating the facility is a 24 x 7 residential treatment center for persons with dual diagnosis. The facility has and is licensed for a 16 bed capacity and is funded by Contra Costa Mental Health Department. Transportation at the site does not involve residents, but is impacted by employees. A major concern of the staff is there is no off street parking. The 1982 zoning ordinance permitted this. In 1990 there was a garage conversion on the site from a 2 car garage to a bedroom and office and this eliminated off street parking.

Staff drafted 4 conditions of approval and Mr. Rojas said Condition 1 grants the C.U.P. and limits the number of beds to the current amount of licensed beds, which is 16. It limits the number of employees permitted during any shift to 3 which is the current amount. The goal of the conditions was to formalize the current legal but non-conforming use, but freeze the operational characteristics in time to the current characteristics which include 16 beds, 3 employees and the area of square footage.

Condition 2 specifically involves taking the current square footage and the 1820 square foot addition and capping the future square footage to that amount.

Mariano Daniel Aloof, Applicant and Vice President of Community Development for Anka Behavioral Health, headquartered in Concord, briefly described the project stating Contra Costa County allocated \$100,000 for improvements and this is dependent on approval of the C.U.P.

Public Comments:

CORKY BOOZÉ, said he and the Neighborhood Council are opposed to the application, complained specifically about beer cans and trash dropped in front of his house, his newspaper being taken, a blocked driveway, and frequent police presence. He gave pictures of the trash to Mr. Rojas, and he referred to the garage conversion which resulted in garbage put out in front.

He felt [Anka] should have gone to the neighborhood council first. Furthermore, he feels that facility people are not from Richmond, but establish this type of facility away from their own cities.

EXTEND MEETING

ACTION: It was M/S (Duncan/Lee) to extend the meeting at 11:59 p.m. to 12:15 a.m. unanimously approved.

Commissioners and Mr. Rojas discussed the process of the Planning Department to notify the Neighborhood Council and whether this is required or encouraged.

DAN ALOOT, Applicant, said their Program Administrator twice attempted to attend Neighborhood Council meetings but the location changed for one meeting, and another was cancelled. He said the facility would like to be a good neighbor and would take responsibility for garbage clean up.

Chair Finlay requested garbage be moved from a City street, for example, to a side yard.

Secretary Lee questioned whether the grant could include additional improvements to the façade in front to remediate the garbage.

Jenny Dillingham, Concord, said the grant is not limited and agreed to research what they will be allowed to do.

CORKY BOOZÉ suggested a neighborly agreement between the applicant and Jim Jenkins, President of the Neighborhood Council, and recommended continuing the hearing.

Mr. Aloof noted the grant has a June 30 deadline to get permits and hire a contractor, and County dollars can be encumbered when the contractor is hired.

Mr. Rojas reminded the Commissioners that there will be an administrative design review and that process would most likely include notification to the RANC.

Secretary Lee asked about making that review the avenue for resolution with RANC of the garbage issue. Mr. Rojas said he contacted code enforcement about the trash issue which is an enforceable action. He committed to ensuring that both parties connect and are in agreement and that Mr. Booze commits to assist him in contacting Mr. Jenkins, President of the RANC

EXTEND MEETING

ACTION: It was M/S (Duncan/Williams) to extend the meeting at 12:13 a.m.; unanimously approved.

Mr. Rojas summarized and recommended approval subject to conditions listed in the staff report.

Discussion ensued as to whether or not to continue the item to June 5, 2008. Mr. Rojas presented options available to follow-up on the outstanding issue and work with Ms. Harbin. He

said the item would also be presented to the Design Review Board and reminded the Commission that a CUP is revocable.

Mr. Booze asked for a continuance to the June 5 meeting to ensure the Planning Commission is able to review it. Ms. Harbin noted June 5 is the date of the Chevron hearing which will not allow for other items. Also, the ordinance requires refuse areas to be in the back behind screening, and she said the applicants have not met the requirements of the ordinance regardless of the CUP.

The public hearing was closed.

ACTION: It was M/S (Duncan/Williams) to approve CU 1104591 based on 4 findings and conditions, understanding that an agreement has to be brokered using Planning Department staff, and the applicant must meet with the Neighborhood Council President; with an additional condition of approval for an adequate storage area for all garbage collection devices to be incorporated in the process and located in the back part of the property or the side yard; unanimously approved.

COMMISSION BUSINESS

14. Reports of Officers, Commissioners and Staff

City Attorney Private asked that future agendas limit the number of items in view of the lateness of the hour.

Chair Finlay requested Ms. Harbin for agenda notations to be made consistent. She also asked Ms. Harbin and the City Attorney to resolve the issue of giving proper notice for the DRC meetings, as this week's meeting did not take place due to improper noticing.

Ms. Harbin said the venue for the Chevron hearing will be a meeting at Kennedy High School on Cutting Boulevard, a re-notice will be posted tomorrow subject to review of the notice by Chair Finlay, and the hearing will be taped.

Chair Finlay asked that Commissioners Williams, Lee and Duncan form a nominating committee to elect officers for the coming year and to present a slate of officers on June 5; Officers will be elected in the July meeting.

Public Forum - None

Adjournment

The meeting was adjourned at 12:26 a.m.