

**PLANNING COMMISSION MEETING**  
**COUNCIL CHAMBERS, RICHMOND CITY HALL**  
1401 Marina Way South, Richmond, CA  
June 22, 2006  
7:00 p.m.

**COMMISSION MEMBERS**

Virginia Finlay, Chair  
Ludmyrna Lopez, Secretary  
Nagaraja Rao  
William H. Coleman  
Vacant

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

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

**Vice Chair Williams** led in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Chair Finlay, Vice Chair Williams, Secretary Lopez and Commissioners, Harris, Rao, and Winston

**Absent:** Coleman

**INTRODUCTIONS**

**Staff Present:** Janet Harbin, Hector Rojas, Mary Renfro, Richard Mitchell, Steve Duran, Allen Wolken

**Chair Finlay** gave an overview of the procedures for speaker registration and public hearing functions and procedures.

**MINUTES** – There were no minutes for approval.

**CONSENT CALENDAR**

**Chair Finlay** noted there was no Consent Calendar.

## **HELD OVER ITEM**

- 1. EID/TM/GPA/RZ 1101112 – Point Richmond Shores at Dornan Drive and Brickyard Cove Road** - PUBLIC HEARING to consider the Point Richmond Shores project, also known as Terminal One, proposed by Toll Brothers, consisting of an Environmental Impact Report (EIR) with Mitigation Monitoring and Reporting Program; a General Plan Amendment; Rezoning to Planned Area District, Vesting Tentative Map; and, Design Review. The project site is located at Dornan Drive and Brickyard Cove Road and is proposed for construction of the following: a) approximately 330 residential condominium units contained within two-5 story buildings constructed over a parking podium; and, b) an approximately 1.9-acre public park. Coastline Commercial Zoning District. Redevelopment Agency, owner; Toll Brothers, applicant.

**Janet Harbin** gave the staff report and introduction of the project, said the applicant revised the plan to move back some of the buildings based on feedback, staff has not had time to analyze the differences between the old and new proposal and whether the EIR was adequate or not for the project.

**Commissioner Harris** reported the DRC had met and recommended the item be continued to the planned DRC meeting for July 31, 2006.

Ben Helber, applicant, Toll Bros., described the project revisions, highlighted the fiscal benefits of the project to the City, site conditions and constraints, revised setbacks, a position summary which outlines conditions of approval and their request.

**Commissioners** questioned comments of the neighborhood council, modifications to Ferry Point Way and traffic concerns.

### **Public Comments:**

Beverly Galloway, voiced concerns of proposed road configuration, building mass, their scheduling of a meeting for a compromise design, proposed design changes and opposition to the compromise, said the project was 99% the same as the past, and asked that the Planning Commission facilitate more discussion in order to more closely match what the community seeks and what Toll Bros. is willing to offer.

Martha Bielawski, felt community groups work with City officials and Commissions to assist in the City's vision and make it a desirable place and asked the Commission to keep in mind all regulations in place which make Richmond what it is.

Bruce Beyaert, TRAC, said the General Plan requires all new developments to provide public access where a local or regional trail is planned, said the project includes the plan along the perimeter but does not include the adopted Bay Trail plan provision for a trail along the south side of Brickyard Cove Road, felt the plan was important, that it should have a safe crossing, asked for connection of the trail at the City's 50 foot wide Brickyard Cove right-of-way, recommended that Phase I include the Bay trail and all public park facilities.

Dr. Henry Clark, West County Toxics Coalition, voiced concern with the sewer system and the project's impact.

Ethel Dotson, was opposed to the project and asked that no new development be approved until the City's sewage issues are addressed.

Lee Huo, Bay Trail Project, echoed Mr. Bayaert's comments, voiced concerns about the commuter alignment along the southern portion of Brickyard Landing Road, phasing, felt there was adequate nexus to re-designate the area to high density residential and water related commerce and commercial recreation, said the project would increase Richmond's population by 2%, and felt there was good reason to provide alternative trail facilities.

Rita Gardner, felt the Commission had a responsibility to look at how developments are integrated with their surroundings and land, questioned the validity of the EIR and the effect of future projects, asked for a reduced height and density and wanted the project to fit more in harmony with its surroundings.

John T. Knox, felt Toll Bros. really were not listening to the community's concerns, felt it changed the nature of Pt. Richmond and added tremendous crowding, and felt the money received from Toll Bros. will not come easy, would not be received in cash and does not solve the City's problems.

*Rebuttal:*

Ben Helber, Toll Bros., said the parking ratio for the project was 2.22 spaces per unit, said they exceed the parking requirement by 149 spaces, said the DEIR does adequately study all projects proposed within the project site area, said they have revised the site plan 3 times, included a shoreline loop road and continuous bay trail loop, said they revised the setbacks of the project, and look forward bringing the project back to the Commission as soon as possible.

In response to questions of Commissioners, Mr. Helber noted their original proposal was for 289 units and there was no upper limit on their agreement with the City. He discussed Toll Bros.' responses as a result of the DRC meeting, the condition of Toll Bros. for the trail's completion, negotiations with the City, construction standards, setback changes, and affordable housing fees.

Beverly Galloway, said changes to the site plan were largely the result of BCDC's requirements, the LDA states that the zoning ordinance limits from 232 to 289 units and questioned why it was being re-negotiated and felt there was not room for the Bay Trail because it was not owned by the City.

**Janet Harbin** gave the staff summary, noted the applicant requests direction as to whether or not the Commission agrees with project stepping back up to 50 feet, she noted the public hearing would be continued to August 3rd with the DRC meeting on July 31<sup>st</sup>.

**Commissioner Harris:** Asked staff to respond to the issue of the re-classification of Brickyard Cove Road on the north side of the property as an EDA, requested clarification as to the owner of the property and if the road were converted to an EDA, he asked how difficult would it be to incorporate a bike trail along the road.

**Commissioner Winston:** Based on the scope of the original project's RFP, she questioned how a project expanded to 330 units, given the original RFP. She felt as re-designed the proposed terracing was not adequate to change the look and feel, urged the applicant to work out the Bay Trail issues especially Class I standards, and was opposed to increasing the bulk of

the buildings to make up for the lost square footage from the terracing. She felt the information received currently would not go into the DEIR because the comment period was expired, and confirmed that if the new information was significant, CEQA requires that the DEIR be re-circulated for public comment for 30 days.

**Steve Duran** said the LDA did not have a cap on the number of units, felt 289 units was the maximum Toll Bros. thought they could develop under the current zoning without a general plan amendment, noted the original RFP requested a medium/high density project, and discussed Council policy and the competitive process.

**Chair Finlay:** Acknowledged there was more devotion of public use on the site and that 6.76 acres would be developed, the developer was paying \$13 million for one half of the site they were negotiating on with an additional 10% set aside, confirmed there was on-going negotiations, and confirmed that LSA would be providing more information for the DEIR. She requested the Bay Trail issue be settled, questioned what would be accomplished from additional setbacks for the building and felt they were currently appropriate, did not agree with moving the project back, felt the back road required safety measures at the two intersections, and disagreed with asking the City and the developer to purchase land that has never been part of the equation because it was simply there.

**Commissioner Rao:** Acknowledged the project density preference of the City in the RFP process and voiced concerns about sewer system capacity and impacts of the project.

**Commissioner Williams:** Voiced concerns with the ability of the City relating to sewage, waste and garbage removal, confirmed there was on-going litigation, said he was fascinated with discussion as it applied to the spirit of the law and the letter of the law, and voiced concerns with the Bay Trail issues.

**Commissioner Lopez:** Requested information on sewage treatment and capacity needs and impact of the project, felt the spirit was to create new affordable housing, recommended a higher percentage be required in the Toll Bros. project, and voiced concerns about the Bay Trail commuter lanes.

ACTION: It was M/S (Harris/Rao) to continue the public hearing for **EID/TM 1101112** to August 3, 2006; unanimously approved.

## **COMMISSION BUSINESS**

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

**Chair Finlay** noted the Council re-appointed Commissioners Rao, Lopez and herself to the Planning Commission.

**Commissioner Rao** gave the Nomination report, stating that he, Commissioners Coleman and Lopez met and recommended continuation of officers Finlay, Lopez and Williams for another term.

ACTION: It was M/S (Winston/Harris) to close the Nomination report; unanimously approved.

**ACTION:** It was M/S (Winston/Harris) to accept the recommendations of the Nominating Committee for Commissioner Finlay to act as Chair, Commissioner Lopez to continue as Secretary and Commission Williams to act as Vice Chair; unanimously approved.

**Richard Mitchell:** Reported Zucker and Associates was retained by the Planning and Building Department to interview commissioners, community members, developers, gather information and report back on current operations and make recommendations related to best practices for updating their operations, automation and software systems.

**Commissioner Lopez:** Invited everyone on Saturday to Point Isabel at the Dog Park at 1:00 p.m. where the Plan Van would be stationed to solicit feedback from residents for its General Plan update.

**Commissioner Williams:** Asked that the Commission adjourn in memory of the children who lost their lives in the fire two weeks ago.

**Commissioner Winston:** Noted the importance of the City's general plan and zoning ordinance, discussed the amount of time the Commission spends addressing requests for general plan amendments and asked that fellow Commissioners contemplate on Richmond's vision.

**Chair Finlay** thanked all Commissioners for their time and work, asked that Ms. Harbin coordinate a dinner be held in honor of Commissioner Coleman for his efforts.

**Public Forum – Brown Act - None**

The meeting was adjourned at 9:25 p.m. in memory of those children who lost their lives in a recent fire.

---