

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
July 16, 2009
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Jeff Lee, Secretary
Jovanka Beckles
Carol Teltschick-Fall

Vice Chair Nagarajo Rao
Charles Duncan
Sheryl Lane

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

Chair Finlay led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Finlay, Vice Chair Rao; Acting Secretary Duncan, Commissioners Beckles, Lane and Teltschick-Fall

Absent: Commissioner Lee

INTRODUCTIONS

Staff Present: Janet Harbin, Lina Velasco, Mary Renfro, Patrick Lynch

MINUTES

December 7, 2006: Chair Finlay held over the minutes over to the next meeting due to the lack of a quorum of Commissioners present at that meeting.

February 1, 2007: Chair Finlay held over the minutes over to the next meeting due to the lack of a quorum of Commissioners present at that meeting.

May 7, 2009:

Chair Finlay provided minor corrections to the minutes which she submitted to staff.

ACTION: It was M/S (Rao/Duncan) to approve the minutes of May 7, 2009; unanimously approved.

CONSENT CALENDAR

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 Monday, July 27, 2009, by 5:00 p.m. and she read them after each affected item.

Chair Finlay stated that the Consent Calendar consisted of Items 2 and 3. There were no requests for removal or addition of items to the Consent Calendar.

ACTION: It was M/S (Rao/Duncan) to adopt the Consent Calendar consisting of Items 2 and 3; unanimously approved.

Items Approved:

- 2. PLN09-017 TOBACCO-ORIENTED RETAILER ORDINANCE**
Description Amendments to the City's Zoning Ordinance, Chapter 15.04.010 and 15.04.020 to prohibit tobacco-oriented retail establishments in all zoning districts.
Location Citywide
APN Various
Zoning Various
Owner Various
Applicant City of Richmond
Staff Contact Hector Rojas - Recommendation: **Hold Over To 9/3/2009**
- 3. PLN09-076 TENTATIVE TRACT MAP #9194 EXTENSION**
Description Request to extend an approved Tentative Tract Map #9194 for 2 years beyond the automatic State mandated one-year extension to allow additional time to develop the site.
Location 25 HARBOUR WAY
APN 538430019
Zoning MFR-1 AND C-2
Owner Twenty Five Harbour Way, LLC
Applicant Stephen Hoff
Staff Contact Jonelyn Whales - Recommendation: **Conditional Approval**

Brown Act – No speakers

Items Heard:

- 1. PLN09-026 MIRAFLORES HOUSING DEVELOPMENT PROJECT**
Description Public hearing to receive comments on the Draft Environmental Impact Report for the Miraflores Housing Development project proposed on an approximately 14 acre site.
Location Generally bounded by the BART tracks on the north, South 45th and South 47th Streets on the west, Interstate 1-80 on the east, and Florida and Wall Avenues on the south
APN 513-321-001, 513-321-003, 513-330-001 through -003, -005 through-007, and -012 through -014
Zoning SFR-3/EA
Owner Richmond Redevelopment Agency

Applicant Richmond Redevelopment Agency
Staff Contact Lina Velasco - Recommendation: **Receive & Provide Comments Only**

Chair Finlay provided hearing protocols and confirmed with Ms. Velasco that there were two public speakers on the item. She granted a 15-minute introduction for the lead proponent and opponent speakers on the item.

Ms. Velasco provided an overview of the project, said the request is to hold a public hearing to receive and provide comments on the DEIR, which has been prepared by Design Community & Environment, the City's consultant. A Notice of Completion and Notice of Availability were filed June 15, 2009 to provide notification that the DEIR was completed and available for public comment.

She said the purpose of the hearing is only to receive comments. All comments will be evaluated and responded to by the consultant either as a revision to the DEIR or a separate section in the Final EIR. She noted the public comment period ends July 29th at 5:00 p.m.

Steve Noack, Principal, DC&E, Berkeley, gave a brief presentation on the project and analysis of the DEIR. He described the ±14 acre site, said it includes 226 for sale market rate residences, 110 affordable rental units for seniors, recreation facilities, space for community gardening or agricultural cultivation and rehabilitation and rehabilitation of a component of the historical elements of the property. He described specific site locations, the actions on the project which include the general plan amendment, zoning change, and approval of a Remedial Action Plan done by State Department of Toxic Substances Control, a tentative subdivision map and design review of the housing development.

Mr. Noack described a host of environmental items which underwent review and analysis, said a number of significant impacts were identified relating primarily to air quality, biological resources, cultural resources, geology, seismicity and soils, hydrology and water quality, and noise. All except for cultural resources were found to be mitigatable to less than significant levels by implementation of mitigation measures. It was determined that the project would result in demolition of other contributing structures on site and would cause a significant adverse impact to historical resources.

Mr. Noack discussed and described four project alternatives and said that the most environmentally sensitive project is the one proposed. Mr. Noack said comments are to be received tonight and he will return with the Final EIR at which time a full presentation and discussion of the findings and mitigations measures will be discussed. Next steps are to receive all comments by the close of the comment period; they will prepare a final EIR, a mitigation monitoring and reporting program, and then hold final hearings.

Chair Finlay disclosed that she met with Norma Thompson, Director of Real Estate Development and Joanna Griffith, Assistant Director, both of Community Housing Development Corporation in Richmond, Katie Lamont, Associate Director of Real Estate Development and Linda Mandolini, Executive Director, both of Eden Housing, and Steve Duran, Director of Richmond's Community and Economic Development Agency.

Commissioner Teltschick-Fall disclosed her visit to the site with Patrick Lynch of Community Housing Development Corporation.

Public Comments:

Tom Panas, El Cerrito, member of El Cerrito Historical Society, commended staff and consultants on the tremendous job on the DEIR, said the nursery properties are unique pieces of history, many buildings are considered to be eligible for the National Register, they represent one of the longest standing indigenous industries in Richmond before 1900. We don't have a lot of those in Richmond or in El Cerrito. In addition, these resources uniquely represent a story of an immigrant community that came in, built itself up, was shipped out of town in a very unfortunate manner, and came back and rebuilt an industry as vital as it had been before. The historical society has a number of comments on the document that we'll be forwarding to the planning staff, but we'd like to suggest that there are a couple of other buildings that probably we should consider for preservation. In particular, there's one greenhouse that was started before the war and after the war, in our opinion, that uniquely represents the story that we're trying to record here.

Acting Secretary Duncan confirmed with Mr. Panas that the referenced greenhouses were either 8, 9 or 10 of the Oishi property.

Paula Shiu, Richmond, said she is the owner at 4901 Wall which is the remaining agricultural property at the end of the greenhouse. As an Asian American, she thinks the history of the greenhouses is very important and applauds and appreciates any efforts to preserve any part of that heritage on site. As a concerned community member, she is concerned that this project move forward expediently, as they have been waiting a long time and the property in its present state is not something they like to see.

Katie Lamont, Associate Director of Real Estate Development, Eden Housing, said they have been working closely with staff over the last six years to assess the environmental conditions of the site and to develop a reuse plan that cleans up the property, address the environmental concerns and develop a sensitive response to those. The property is located in the Park Plaza Neighborhood and she said they have been meeting since 2004 with folks at the Park Plaza, Laurel Park, and Pullman neighborhood councils. A resident advisory committee was developed in 2006 when the Redevelopment Agency bought the property. In addition to Paula Shiu, Madalyn Law and Annie Johnson were also in the audience who are members of the resident advisory committee, as well as Eva Hills from the Park Plaza Neighborhood Council. She thanked them for the time they have shared to develop a plan that meets their needs as well as respects some of the environmental concerns, particularly, the historic.

Ms. Lamont then spoke of a creek they are also restoring, acknowledged and thanked Larry Oishi and his family for all the help, noted receipt of their letter of support for the development, noted the property is in escrow, and she looks forward to returning over the next couple of months.

Acting Secretary Duncan congratulated Mr. Noack for the completeness of the DEIR and said he would center his comments in the cultural resources section. In reference to the historic resources on the site and the narrative, he believes there is a real disconnection between the narrative and Mr. Noack's graphics. The Oishi house and the Sakai house are not figured in the graphics in any way. All the greenhouses are numbered, but for this uninitiated reader to sort of slog through the narrative and try to peg which of the resources were going to be saved and then tie this back to the schematic plan was pretty difficult. He asked that the connections be made clearer in the final EIR.

Secondly, he understands that the Sakai house and the outbuildings associated with it will be moved about 30 feet and he questioned if it was due to a road alignment. Mr. Noack said he believed so, but could not speak specifically to the merits of the project or design. He believed it was to bring it into a cluster of historical features and also to be able to design around it in terms of the site design itself.

Acting Secretary Duncan said tandem to that question, it is not clear, based on the existing site plan and the proposed site plan, where the Oishi house will wind up. Ms. Velasco said regarding the moving of the ensemble of the Sakai house, the water tower, and the greenhouse, they currently exist approximately where Endo Way is shown because of the road alignment. She confirmed they will retain the same relationship and proportion to each other as they exist today. Regarding the Oishi house, Ms. Velasco said it is currently shown on the east side of Oishi Drive, the most northern house, closest to the creek, which is on page 3-14 of the concept plan.

Acting Secretary Duncan supported the small move of the Sakai complex in terms of preservation because it is essentially the same site. In doing this for a housing development, one of the things that maintain the historic character of the building is to not relocate it. He questioned if it was not possible to leave the Oishi house where it is and develop around it, because from the interpretive point of view, what you want to do is build up layers of the new stuff over the old that is undisturbed to maintain its integrity.

Patrick Lynch, Director of Housing, City of Richmond, said these are some of the challenges that the Redevelopment Agency is facing in developing the site. They have a more complete site plan that the Commission will see next time, because on parallel tracks happening simultaneously, staff is developing the documents. They are also working with nonprofits in trying to determine a way in which we can create the relationship between some of the structures and how those structures are to be maintained on site and try to get as many eyes on the site and then how the nonprofits may act in terms of their program oversight. They are working with the service providers to create the environment that works best for that.

Acting Secretary Duncan acknowledged that they are still in a schematic phase and things are still moving, but the source of his comment has to do with good preservation practice and suggested not moving things unless absolutely necessary and commented that this be done as a mitigation measure; something that maintains the site's historic integrity.

Acting Secretary Duncan also noted a statement in Chapter 4 having to do with the pro forma and the ability to retain some of the buildings, and he quoted from page 4.5-24; "Miraflores Historic Preservation Feasibility Assessment conducted by Connolly Consulting Group and Architectural Resources Group evaluated the financial feasibility of multiple preservation scenarios. It analyzed rehabilitation costs of historic structures, potential eligibility for historic preservation tax credits, and potential retail income from adaptive reuse of historic structures to determine financial feasibility. The report concluded that all scenarios analyzed, including the preferred alternative and the in-place low density alternative, were economically infeasible because they would require subsidies beyond the historic preservation tax credit to cover rehabilitation costs."

Acting Secretary Duncan questioned the implication of the commitment to saving the Sakai complex and the Oishi house. Mr. Lynch said they have many layers of financing on this particular project and this was just one particular that members of the public were well aware of. They have been asked in a number of community meetings over the years to pursue this line of possible financing, and it does not work for the historical tax credits.

Acting Secretary Duncan suggested that in addition, despite the pro forma difficulties, if the Sakai house is sort of a complex that includes a greenhouse, then the Oishi house should include one greenhouse, as well.

Acting Secretary Duncan said finally, because we are losing so much of the site that is potential historic resources, he suggested photographing the site as a matter of documentation. The pre-war Japanese American community and the cultural landscape are disappearing very quickly. He said he would go to a greater length to document the site and suggested doing a Level I HABS documentation with complete drawings as well as photographs because the landscape plan is very important. He also suggested drawing that as well as photographing it, as it would make an excellent record that would wind up in the Library of Congress.

In terms of development costs, he said the costs of a HAB set of drawings is small compared to the other things to deal with, and he believes the cultural benefit is very large. He suggested as a line item in the EIR, as a mitigation, to include full set of HAB (inaudible) and photographs.

Commissioner Rao asked for a description of the major contaminants in the soil and how they are being addressed. Mr. Noack said that over the many years of use on the property as for floriculture, there was a significant amount of pesticides and herbicides that were used. One very important component of this project is implementation of the Remedial Action Plan, which is actually a document that's approved by DTSC. It is a comprehensive description of the existing contaminants on the site, the process by which clean up will occur, as well as what the final acceptable clean up levels are on the site before it can be occupied for residential use. A summary is provided in the DEIR and it is a separate action, but will be approved by the State DTSC as part of the project. He noted that the summary is Appendix D and he offered that the full document can be accessed in their offices.

Chair Finlay noted that the document was also available on CD and the summation of available chemicals at the site is located in 4.8, hazards and hazardous material.

Commissioner Rao confirmed that the Park Plaza Neighborhood Council and Laurel Park Neighborhood Council are in support of this project. Chair Finlay commented that the Pullman Neighborhood Council was also involved in the discussions and she thanked Mr. Noack for the outreach into the adjacent communities.

Commissioner Beckles referred to the problem of rodents and questioned if there is a strategy in place or in development to deal with it once the site is disturbed. Mr. Noack said rodents will be exterminated from the site as part of the preparation of the remediation process of ground disturbance.

Mr. Lynch added that funds available to clean this site are derived from State of California CALReUSE funds. Responses will be prepared as quickly as possible so as to begin to draw down on those dollars, and he noted that staff has already begun to contact extermination firms in order to move quickly.

Commissioner Teltschick-Fall referred to different economic possibilities and the prospect of making a job-producing use out of the greenhouses. Mr. Lynch said not only have they looked at the reuse of the greenhouses in terms of the historical use for flowering plants, but in addition to that, vegetables. They have discussed with different horticulture societies how to maintain the both but have not reached any conclusions.

Commissioner Teltschick-Fall said she believes the idea for flowers and/or vegetables would bring vitality to the housing development and asked to stay open minded about it. She thanked the consultant for making the document very readable, and also questioned and confirmed with Mr. Lynch they are planning to include the original stock roses in the landscaping.

Commissioner Lane said she thinks the project's affordable housing is great for seniors and asked if there were options explored for affordable housing for the for-sale units. Mr. Lynch said yes, but they have not yet determined the exact mix, and a more detailed site plan with elevations will be prepared.

Commissioner Lane questioned if the inclusionary housing ordinance is satisfied for the rentals or will it have to be satisfied through the homes for sale. Mr. Lynch said it is their intent to greatly exceed the inclusionary housing ordinance numbers.

Commissioner Lane referred to the community gardens on site and the safety of growing vegetables on remediated soils. Mr. Noack said although soil will be cleaned up to levels that are considered safe, the proposal is for plantings in raised beds.

Chair Finlay noted and confirmed with Mr. Lynch the two different types of community gardens; the raised bed vegetable garden in the courtyard of the senior complex and those in the actual greenhouse which will also be in raised beds. Mr. Lynch also discussed the hold-and-haul type of a process where the soil is taken away and the other way where soil is removed and encapsulated under streets.

Chair Finlay referred to the testing of soils a year later to ascertain whether it will be necessary to continue on-going testing, and Mr. Noack confirmed this would occur.

Commissioner Teltschick-Fall referred to alternatives in the back of the document and asked if, for example, a lower density option or more historical preservation could be economically viable. Mr. Noack said CEQA requires an EIR look at alternatives that could mitigate any potentially significant impacts of a project. Those alternatives were developed to compare potential impacts and to see if any of the alternatives would result in fewer impacts. He said his job is to report on the impacts themselves and determining their economic viability was not in his purview as the environmental planner on the project.

Chair Finlay said she visited the site, agrees with Acting Secretary Duncan's statements in not being able to locate items in the document and suggested better explanations to make the document easier to read. An unanswered question in the report is who is going to operate the senior housing component. She said she knows it will be Eden but someone reading the document will not know. The rest of the site will be developed by a developer still to be determined.

She also cited discussion of the bike easement outside the project, as well as the Greenway project, which are both not located in the document. She questioned who will pay for the bike easement and its maintenance and said the areas of the walkways versus the creek path are not clearly delineated.

Chair Finlay said an additional frustration is the DEIR providing percentages for units and suggested they be formulated into true numbers, level of affordable and/or market rate, and descriptions of units. She referred to the lack of setbacks in the project and the lack of parking

standards, noting that the project would require approximately 507 spaces if the City did not allow density bonuses, senior housing and PAD determination. Market rate housing would require 452 spaces and being recommended is 260, a net loss of 192 spaces. Senior housing would require 55 spaces and recommended is 36 for a net loss of 19 spaces. She noted the streets are only 36 feet wide, acknowledged what the City is trying to accomplish with the type of housing, but felt parking would be disastrous for the community.

Chair Finlay then referred to reports that discuss trips that are going to be generated and said it took her hours to determine that the calculations were based on 1.2 spaces per unit. She did not believe it makes sense for a four-bedroom house to have 1.2 parking spaces per unit and believed traffic and parking on Cutting and San Pablo will deteriorate.

She then referred to a notice on 3-19 and discussion of an interpretive exhibit, and she voiced concern that a place on site cannot be found to place the exhibit on, which makes her nervous. She asked that the location be identified or that someone will specifically pay "x" amount of dollars to put it someplace else.

She voiced safety concerns for children in the daylighting of Baxter Creek, said she enjoyed seeing the results of the risk assessment done on 4.3-27, and voiced significant concern about the lack of information on the attenuation of noise.

She met with some people today to whom she gave out misinformation, referred to 14.11-15, and clarified that the EIR indicates that daily traffic values forecasted are an increase up to 60% on I-80 between the years 2000 and 2025.

Regarding educational facilities, Chair Finlay said the document states King Elementary School and Kennedy High School are going to be closest to the facility and she asked that someone check to see if the schools are on the closure list.

Regarding project trip generation on 14.14-21, she could not find information on if it is always trips generated; how many cars are used for the base calculation for the trips, because this would correlate them back to me to the whole parking issue.

Lastly, Chair Finlay said she was distressed to read that the CEQA amendments due out at the end of 2009 would possibly remove consideration for parking capacity from the CEQA standards of significance. She then thanked all participants in the DEIR process and staff.

Ms. Velasco summarized by noting that the public comment period closes on the 29th and people could submit written comments up to that date to the planning department, 450 Civic Center Plaza, PO Box 4046, Richmond, CA 94804. The phone number is 510-620-6841. The EIR and Notice of Availability are available online.

Commissioner Rao stated that August 20, 2009 is scheduled as the Planning Commission hearing to consider recommending certification of the EIR to the City Council. He questioned what is expected between now and August 20th of the applicant in terms of entitlements and modifications to the DEIR.

Ms. Velasco said at the close of the public comment period, the consultant will work with the planning department to prepare responses to those comments, which will be incorporated into the final document that is submitted for consideration for certification. Staff is working closely with the applicant on finalizing their development plan, which will be considered for the general

plan amendment as well as the rezoning by the City Council. In the past staff has heard from the Commission and other boards that they like that these two things be separated out, which is what staff anticipates in moving forward. Consideration of the EIR will be first, followed up by entitlements, and right now what they will be considering the general plan amendment and the rezoning, and the design review permit for the actual housing will be considered separately.

Mr. Lynch thanked the Chair and members of the Commission and asked to share additional thoughts and comments with staff. He said they will explain the design element, noted that the three- and four-bedroom units have garages, said they were thinking of trying to create a more bike-friendly community, given the proximity to Del Norte and Richmond BART stations. One way to do this is to take away garages on some units and increase them on others and he acknowledged they need to do a better job in explaining this and providing back some design elements. He said this was not an oversight on their part, but they were thinking about how to take some smart growth design elements and creating a neighborhood of walking and biking, and they are open to comments.

Chair Finlay said she understands the concept, but Target is one-half mile away, BART is one-quarter mile away, there is no access to AC Transit and the spot is somewhat isolated, and she asked that this be taken into consideration.

COMMISSION BUSINESS

4. Nomination Committee nominated Virginia Finlay (Chair), Nagarajo Rao (Vice-Chair) and Charles Duncan (Secretary)

Chair Finlay was elected as Chair, Acting Secretary Duncan was elected as Secretary, and the election of Vice Chair will be held at the next meeting, with Commissioners Lee and Rao nominated.

5. Reports of Officers, Commissioners and Staff

Public Forum - None

Adjournment

The meeting was adjourned at 8:45 p.m.