

**PLANNING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
1401 Marina Way South, Richmond, CA
July 3, 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.

Vice Chair Rao led in the Pledge of Allegiance.

ROLL CALL

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

Absent: None

INTRODUCTIONS

Staff Present: Director of Building and Planning Richard Mitchell, Assistant City Attorney Carlos Privat, Lina Velasco, Kiernon Slaughter, Hector Rojas, Janet Harbin.

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 Monday, July 14, 2008, by 5:00 p.m. and announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Finlay asked staff for changes or recommendations to the Consent Calendar.

Janet Harbin asked to holdover Item 6 to the next meeting, due to a noticing error.

Chair Finlay clarified confusion between Items numbered 5, 6 and 7 in their packets and on the Agenda, specifically, that Item 5 was missing from their packets. Ms. Harbin confirmed that the Agenda was correct, and Chair Finlay noted that as Item 5 was a holdover there was no issue.

Secretary Lee read the Consent Calendar consisting of Items 4, 5, 6 and 7, with Item 6 as revised to be held over. Secretary Lee then asked whether Items 1, 2 and 3 could be added to the Consent Calendar.

Chair Finlay removed Item 1 because the DRB did not give final approval. She then asked City Attorney Privat whether Item 2 could legally be placed on the Consent Calendar. Secretary Lee interjected that conditional approval was recommended on Items 1, 2 and 3.

Mr. Privat said that if the Commission felt the matter was routine and subject to consent, then it could be placed on the Consent Calendar, and the Commission as a whole could vote to adopt or reject that Consent Calendar. Secretary Lee asked what differentiated Items 1, 2 and 3 from Items 4 or 5.

Ms. Harbin explained that Items 1 and 3 went to DRB: Item 1 included a condition staff did not recommend; the DRB wanted Item 3 to come back to them prior to Planning Commission, but as that would have created a month delay, and the applicant incorporated all requested design changes.

Ms. Harbin stated that the Planning Commission has the authority to approve a Design Review Permit for the item and the Commission could change the condition so that prior to issuance of building permits it would go back to DRB for their concurrence.

Chair Finlay then summarized the procedure as she understood it: Staff reviews the Agenda and considers any items that they feel would raise public comment - such as a gas station/mini mart that would sell alcoholic beverages – which she characterized as a “hot ticket” item.

Mr. Privat clarified the guidance in the rules: The Planning Director may recommend that routine items on the Agenda be placed on the Consent Calendar. The items not on the Consent Calendar might have issues the Director felt needed to be addressed, but that did not preclude the Commission from voting to put such items on the Consent Calendar.

Chair Finlay then polled the Commissioners about adding Item 2 to the Consent Calendar.

Commissioner Duncan expressed concern that Item 2 was missing a roof on the trash enclosure which is required by Water Control, and asked that a Condition N be added.

Mr. Privat said a condition may be added before putting it on the Consent Calendar with the applicant’s consent, and Ms. Harbin confirmed that the applicant was present and in agreement.

ACTION: It was M/S (Duncan/Lee) to adopt the Consent Calendar consisting of Items 4, 5, 6 (as amended) and 7; unanimously approved

Items Approved:

- 4. PLN 08-011 – Addition to Rear Unit, 2716 Cutting Blvd. - PUBLIC HEARING** to consider a Design Review Permit and Variance to legalize an addition to the rear unit at 2716 Cutting Blvd. (APN: 549-150-006). Medium Density Residential (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning District. Jake Sloan, owner/applicant. Planner: Lina Velasco
Tentative Recommendation: Hold Over To 8/7/2008.

5. **DR/V 1103830 – New Residential and Commercial Mixed-Use Development, San Joaquin Street between Colusa and Modoc Avenues** - PUBLIC HEARING to consider Variances and a Design Review Permit to construct a mixed-use development consisting of a church and 23 multi-family residential apartment units on a vacant lot located on San Joaquin Street between Colusa and Modoc Avenues (APNs: 507-262-010, -011, -012, -013, 014 and 507-262-030). Mixed-Use (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning District. Tom Vaughn, owner; Jeffrey Supran, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Hold Over To 8/7/2008.
6. **DR/V 1102707 – New Warehouse and Office Building, 2785 Goodrick Avenue** - PUBLIC HEARING to consider Variances and a Design Review Permit to construct a two-story, 58,000 square foot warehouse and office building at 2785 Goodrick Avenue (APN: 408-220-047). M-3, Heavy Industrial (North Richmond Shoreline Specific Plan) Zoning District. Goodrick Parkway Properties, LLC, owner; David Popelka, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Hold Over to 7/17/2008.
7. **PLN 08-014 – Wine and Alcoholic Beverage Distribution, 3701 Collins Avenue, Unit 3N** - PUBLIC HEARING to consider a Conditional Use Permit for wholesale import and distribution of wine and alcoholic beverages sales at 3701 Collins Avenue, Unit 3N(APN: 408-060-001). M-2, Light Industrial District. Jay Rifenton, owner; George Jubran, applicant Planner: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Brown Act – Public Forum – No speakers

Item Discussed:

1. **EA/CU/DR1104464 – IMTT Tank Installation Project, 100 Cutting Blvd** - PUBLIC HEARING to consider a Conditional Use Permit, Design Review Permit, and adoption of the Mitigated Negative Declaration to install three above ground storage tanks, two tanks with a nominal 105,000 barrel capacity and one with a nominal 95,000 barrel capacity, at the existing IMTT facility located at 100 Cutting Blvd. (APN: 560-290-005). Maritime/Industrial/Commercial Mixed Use (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning District. IMTT, owner; TRC Companies Inc., applicant. Planner: Lina Velasco. Tentative Recommendation: Conditional Approval.

Lina Velasco gave a brief description of the project and said it included a request to adopt a draft mitigated negative declaration and a mitigation monitoring and reporting program. The proposed project complied with all the development standards as specified by the Knox Freeway/Cutting Boulevard Specific Plan and met the findings for approval of a Conditional Use Permit and Design Review Permit. She said the applicant and the city's consultant Christopher A. Joseph & Associates who prepared the environmental document were present to respond to any questions.

Chair Finlay commended Ms. Velasco for a straightforward, well done report, then asked Commissioner Duncan to address an outstanding issue.

Commissioner Duncan concurred with the suggestion that the applicant to paint the tanks white and he recalled that DRB had addressed this issue about 7-8 years ago as a matter of precedent. It was concluded that it was important for the color to be as reflective as possible to

eliminate evaporation and loss of the petrochemicals inside. Therefore, he suggested under the recommendation that they eliminate number 4 which said the tanks be painted another color other than white to blend with the background.

Secretary Lee and Chair Finlay agreed.

There were no speakers or discussion, and the Public Hearing was closed.

ACTION: It was M/S (Duncan/Rao) to adopt Draft Mitigated Declaration and Mitigation Monitoring and Reporting Program, the statements of fact in regards to Design Review Findings 1 through 4 and the CUP Findings 1 through 4 approving the CU/DR1104464 and subject to the following conditions, except number 4 from “painting the tank a color other than white” to “ the tank shall be painted white”; unanimously approved.

2. CU/V 1104474 – Redevelopment of Gas Station and Convenience Store, 2230 Barrett Avenue - PUBLIC HEARING to consider a request for a Conditional Use Permit and Design Review Permit to demolish the existing AM/PM Gas Station and construct a new ±2,400 square foot Arco Gas Station, AM/PM at 2230 Barrett Avenue (APNs: 514-100-022 and 514-100-023). MFR-3 High Density Residential and C-2, General Commercial Zoning Districts. BP West Coast Products, LLC, owner; WD Partners, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

Janet Harbin gave the staff report and stated a CUP was needed to sell alcohol at the new gas station/convenience store. There was no prior CUP at that location. She recommended approval of the project subject to the conditions before them, with the additional condition suggested by Commissioner Duncan regarding the roof over the trash enclosure.

Chair Finlay confirmed that the applicant was in agreement.

Secretary Lee asked for clarification about the CUP to sell alcohol which was not needed previously as it was grandfathered in. Ms. Harbin referred to ABC code provisions that a license was needed from ABC, but ABC would not approve the license if the city ordinance required a CUP or other permit to sell alcoholic beverages.

Mr. Privat clarified that although they could not prohibit the application to ABC for a license to sell alcohol, there are Police powers to control hours and other local concerns addressed in the CUP. ABC would not issue a license if they did not have the local authority, so without the CUP they wouldn't get the license. The City has limited control over, e.g., *how* they sell but not *can* they sell.

Chair Finlay confirmed there were no speakers, then asked Commissioner Duncan for his comments.

Commissioner Duncan added to Conditions A through M, a Condition N, stating that the trash enclosure shall be roofed in compliance with Bay Area Water Control requirements. There was no further discussion, and the Public Hearing was closed.

Secretary Lee asked whether conditions for selling retail alcohol were included. Ms. Harbin said there were no specific conditions and suggested they could add one to limit either operational hours or hours when alcohol could be sold.

Chair Finlay commented that normally they would add a condition, but the new facility would operate in the same manner as the existing facility, and they had been operating trouble-free for a number of years. She referenced the staff report at the bottom of page 2.

ACTION: It was M/S (Duncan/Williams) to approve the Design Review and CUP subject to conditions A – M with the additional Condition N; Vote: 4-1 (Ayes: Rao, Williams, Finlay, Duncan. Abstain: Lee)

3. DR/V1104619 – Hampton Inn & Suites, 2020 Meeker Avenue - PUBLIC HEARING to consider a Design Review Permit, Variance, and adoption of the Mitigated Negative Declaration to construct a four-story, 125 room hotel on the vacant lots located at 2020 Meeker Avenue (APNs: 560-170-003 & 560-170-017). R&D/Business and Commercial Office (Knox Freeway/Cutting Boulevard Corridor Specific Plan) Zoning Districts. Harbour Gate Partners, L.P., owner; HBF Holdings, LLC, applicant. Planner: Lina Velasco. Tentative Recommendation: Various.

Lina Velasco gave the staff report and brought attention to a memo handed out earlier at the meeting. She summarized two comment letters received after the staff report was submitted; the first was a comment from DTSC to revise language for mitigation measure HM-2 to be consistent with land use covenants and restrictions already recorded against the property, and that revision was done.

In addition, CALTRANS sent a letter identifying that one of the maps included in the environmental document was in error; the revised map was attached. CALTRANS also requested raw traffic volume counts for this project specifically relating to the I-580 On/Off ramps, and staff responded that a traffic study was not triggered from this report because it did not meet the threshold for peak trips which is 100 AM and 100 PM peak trips, and this fell in about the 70 range for both. They relied on data collected in the project vicinity specifically the Department of Health Services building, the Ford Assembly Plant building and also some residential projects in the area. In terms of the development standards the project requested one exception to the floor area ratio: the Knox/Cutting Specific Plan allows only .35, but most developments in the area exceed that, and the zoning also allows a greater floor area ratio. Therefore, staff believed the Knox/Cutting Specific Plan to be outdated for the density required for commercial uses in the area.

Staff also attended the DRB meeting on the 11th where some minor comments were raised in terms of the design and others related more to land use and mitigation measures that are part of the environmental document that were under purview of this Commission. She said the applicant was there to summarize those comments and specifically address what those changes were using some slides. Staff believed the comments had been addressed and recommended the DRB approve the Design Review Permit as part of the variance and the adoption of the environmental document.

Ms. Velasco then briefly summarized several comments and concerns from the DRB: 1) their desire to see a restaurant included within the floor plan of the building as well as increased meeting space; 2) adding lighting at the panhandle of the parking lot and the walkway between the proposed hotel and the shopping center. Also there was concern about potential of bio-soil contamination, an environment issue which was addressed in document. They wanted to see a roof element to breakdown the roofline, and attention to a portion of the façade of the porte-

cochere to which some design changes were proposed. One outstanding item was the landscape plan, but staff had spoken to DRB Member Bloom who agreed to work with staff during the permit review and prior to the installation to come up with a plan approved both by her and the Planning Director. Chair Finlay confirmed that this was a condition. Ms. Velasco then said the applicant was present and would address the DRB comments.

NOEL HELLER of San Diego, complimented Ms. Velasco for relaying out the issues. He then reviewed the project, and to address the issues and changes, he said he would skip to some of the 30 slides in the presentation, as he said the Commission had already seen many of the before-and-after's. The first slide was a colored site plan, as the site plan presented at the DRB was not colored. The next slide addressed a request for a restaurant and additional meeting space in the hotel, but Hilton – the franchisor for Hampton Inn - precluded putting in an outside restaurant or a paid for dining restaurant in the hotel, which is a light continental breakfast. Then he showed on the floor plan where the electrical room was relocated to the SW corner, and 350 square feet were added to the meeting space.

Chair Finlay said she could not read the screen and asked Mr. Heller to refer to the page and Exhibit A.

Mr. Heller clarified that it was Plan A-2 in the package, and referred to the bottom right of the floor plan; the meeting space was on the first floor plan in the middle of the hotel on the north side of the corridor running east-west. The meeting space had grown by about 50% in response to that question.

Chair Finlay confirmed the increase was from 700 feet to 1000, and asked how many people it would hold. Mr. Heller replied from 120 to 140 people in a theater configuration, or 50 people in 8 to 10 top rounds. Next he spoke to the additional lighting comment on the walkway between the hotel and the shopping center, and showed the slide where they added 3 additional bollard lights and he referred to the photometric study on the next page showing the better lighting in that location. On a subsequent slide he also pointed out the revised meeting space diagram.

Next, he showed slides that addressed the comment about the elevation on the property: double windows were added to some of the rooms to the left of the porte-cochere as well as a different stucco color around the windows.

Chair Finlay expressed her appreciation for the work of the DRB and agreed that what they had requested gave more articulation to facade of the building.

Mr. Heller said that addressed the majority of the concerns, but he deferred from addressing the bio-soils as that was not his area of expertise. However, he said in lay terms they felt comfortable due to the location and distance from the restricted area that there would be no groundwater contamination, especially as the restricted area on the site would be encapsulated by the parking lot. He then offered to respond to any questions.

Commissioner Duncan confirmed that the windows were operable.

Chair Finlay asked Mr. Heller whether he had responded to other items in the staff report, e.g., in response to the DRB comment about a roof element to break up the long roof line. Mr. Heller said it had not been addressed, because they could not find a way to do so. He then showed a slide of the model which illustrated that it was not as long as on the drawing. Secondly, looking at the top of the building (roof plan slide) the way the building comes back from the middle and

its proximity to the street it would not give the same impression. And they did not know how to do it with a metal standing seam roof and could not arrive at a good idea.

Commissioner Duncan said he had no objection and thought it worked well.

Chair Finlay then asked about dust control measures during construction and the impact on adjacent businesses in response to a concern. Mr. Heller said he reached out to the gentleman who called and they traded voice mails in which the gentleman requested they work together to make sure there is not a lot of dust created on the project. Mr. Heller said he discussed with Ms. Velasco that there are measures condition on the project on how and when to water, and he assumed that the Building Department would monitor it and control it, especially as they were only 3 blocks away.

Commissioner Duncan noted that in the mitigated negative declaration under hazardous materials there's always a statement about watering dusty conditions and mitigating diesel fumes on construction sites. Ms. Velasco confirmed that was correct.

Mr. Williams commented that if those issues arose, the Air Quality District would deal with them. Chair Finlay remarked that Marina Bay had three major construction projects going on, and there seemed to be no wonderful solution to the dust problem.

Ms. Velasco gave the staff summation and said the proposed project furthers the goals of the Knox/Cutting Specific Plan and would upgrade the existing streetscape and support the businesses in the area. Staff believed it was compatible with the usage, so staff recommended adoption of the statements of fact in support of Design Review findings 1 through 4 and exception variance findings 1 through 5 and approve the mitigated negative declaration which would include the responses to comments and the mitigation monitoring and reporting program and the variance and design review program for the project.

Chair Finlay confirmed that the document before them supported all those decisions that were just incorporated.

Commissioner Duncan commented that DRB action suggested addition of a restaurant, but Mr. Heller said by policy they could not have that. So, in the course of adopting DRB recommendations, he asked whether the Commission formally reject that.

Ms. Velasco confirmed that was not incorporated into the document as a condition.

The public hearing was closed.

Secretary Lee complimented Planner Velasco on a thorough document. Chair Finlay also thanked the applicant; she said it went smoothly because the applicant spent time in meetings, three of which she attended, and she also thanked Commissioner Duncan and DRB member Diane Bloom for attending them. She said the detailed pre-meeting consultation was very effective in this case, and the DRB work was very effective. She expressed appreciation to the applicant for working with them to achieve a better project.

ACTION: It was M/S Duncan/Williams to adopt the statements of fact in support of Design Review findings 1 through 4 and the exception and variance findings 1 through 5

approving the mitigated negative declaration DR/V 1104619 subject to conditions 1 through 15; unanimously approved.

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

Richard Mitchell referred to the General Plan update, stating that based on discussion and review, staff did not believe a tentatively scheduled meeting on the 17th was appropriate at this point, the reasons being that during the City Council Budget Review they spent a good deal of time discussing the General Plan and its status. As a part of that discussion they had placed an item for additional funds for additional meetings. The Council felt it was premature to start an additional series of meetings because there was not yet an EIR or a document for the Planning Commission to review. The budget was increased, but the direction was to begin to put the whole process in writing, and have both the EIR consultant and MIG produce a document, and then to begin the series of meetings that the Commission requested.

At issue at previous meetings was how to define what an EIR consultant was supposed to do. In a General Plan Update, as opposed to a development project, there is no particular or specific project, so the term “preferred land use option” did not work. Instead, through all the community meetings and General Plan Advisory meetings held, 3 options were identified: more or less low growth, medium growth and high/medium growth. There was no option developed that was hyper-growth. The community established the upper limit of growth they would be willing to consider during the next general plan update. The EIR consultant needed to study the impacts of that level of growth so they would have an upper limit to look at as they evaluate the documents to follow: both the environmental document as well as the plan itself. Given the time and budget available, the thought was to try to retain capacity for the Commission to review very specific material, not to essentially go back through the discussion about land use options on which the Council had given direction some months ago. He said that was the status based on the direction from Council through the budget process.

Chair Finlay asked Mr. Mitchell to clarify some points; whether this would not take away from the eventual public comment period that would happen when this item came back to this body in a draft EIR form. Mr. Mitchell confirmed this was correct. Everyone would have an opportunity for comment. She then asked for the timing of the draft EIR, and Mr. Mitchell said the target was the fall – optimistically early fall, but it could be the late fall.

Chair Finlay then asked for clarification that the General Plan is the vision, but the zoning ordinance sets the specifics. They have to work in tandem, but there is some concern that the General Plan acts as the zoning ordinance – and it does not. Mr. Mitchell concurred.

Chair Finlay added that no matter the plan, it is all market-driven. It was not the blueprint that would happen in the next year and a half, but it allows it to happen if the economy would bring us there.

Commissioner Williams also expressed appreciation to Ms. Velasco for her work which streamlined the process.

Commission Duncan echoed his appreciation in particular with the exceptions findings which were very well crafted, and that gave him a comfort level.

Secretary Lee, Chair of the Nomination Committee, then stated the slate to be considered was: Chair Virginia Finlay, Vice Chair Nagarajo Rao, Secretary Jeff Lee.

Chair Finlay requested nominations from the floor.

ACTION: It was M/S (Rao/Lee) to close the nomination process; unanimously approved.

ACTION: It was M/S (Rao/Lee) to vote for the following slate of officers: Chair Virginia Finlay, Vice Chair Nagarajo Rao, Secretary Jeff Lee; unanimously approved.

Chair Finlay expressed her appreciation for the last year and her anticipation of the next year.

Public Forum - None

Adjournment

The meeting was adjourned at 8:00 p.m.