

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
August 6, 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.

Vice Chair Rao led in the Pledge of Allegiance.

ROLL CALL

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

Absent: None

INTRODUCTIONS

Staff Present: Janet Harbin, Lori Reese-Brown, Hector Lopez, Carlos Privat and Richard Mitchell

MINUTES

December 7, 2006

Chair Finlay noted that at the time of the meeting, there were three Commissioners; herself, Commissioner Lee and Rao.

ACTION: It was M/S (Lee/Finlay) to approve the minutes of December 7, 2006; unanimously approved (Beckles, Duncan, Lane and Telstchick-Fall abstained).

February 1, 2007

Chair Finlay noted that at the time of the meeting, there were three Commissioners; herself, Commissioner Lee and Rao.

ACTION: It was M/S (Lee/Rao) to approve the minutes of February 1, 2007; unanimously approved (Beckles, Duncan, Lane and Telstchick-Fall abstained).

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, August 17, 2009, by 5:00 p.m. and she read them after each affected item.

Chair Finlay stated that the Consent Calendar consisted of Item 1, and Ms. Harbin said staff had no changes recommended for the Consent Calendar.

Commissioner Duncan reported that three conditions were placed by the DRB and are recommended to be removed for PLN 09-050, and he read them into the record; 1) that the proposed fence surrounding the site shall be another color other than black to be more complimentary to the building; 2) to delete most of the brick on the west wall after the fence and add brick to the full height of the apparatus room and to the ridge of building pop out; and 3) that the existing trees located in the planting strip along Clinton Avenue shall be removed and replaced with new trees. He summarized, stating it is recommended the fence be painted black; the brick is deleted, and that the existing trees remain and not be replaced.

Chair Finlay also noted that those three conditions are not contained in the resolution which City staff has prepared for adoption.

ACTION: It was M/S (Duncan/Rao) to adopt the Consent Calendar consisting of Item 1; unanimously approved.

Items Approved:

- 1. PLN 09-050 – FIRE STATION 66 DESIGN REVIEW AND CONDITIONAL USE PERMIT FOR IMPROVEMENTS** - PUBLIC HEARING to consider a Design Review and Conditional Use Permit for the reconstruction/improvement to Fire Station 66 and the Clinton Playlot located at 4100 Clinton Avenue (APN: 518-061-001). PC (Public & Civic Uses) and CRR (Community and Regional Recreational) District. City of Richmond, owner; City of Richmond Fire Department, applicant. Planner: Lina Velasco. Tentative Recommendation: Conditional Approval.

Brown Act – No speakers

Study Session Item:

- 2. GENERAL PLAN UPDATE PROGRAM – PRESENTATION AND DISCUSSION** - General Plan Update presentation and discussion on the draft plan now available for review and comment. City of Richmond, applicant. Planner: Lori Reese-Brown

Director of Planning and Building Services Richard Mitchell gave the staff report, said Daniel Iacofano of MIG, will introduce the document, its format, its general intent, and staff can receive comments from the community. There will be no decision tonight, but the session simply provides for an opportunity for public comment and input.

Chair Finlay announced that the 60-day noticing period was in error and actually ends on September 16, 2009 (and not August 17, 2009) and comments could be received up until that

date. She asked that written comments also be forwarded to staff, and once comments are reviewed, the public hearing process will begin. At the end of that process, the Planning Commission will make their recommendation to the City Council.

Daniel Iacofano, MIG, said the General Plan is a document able to be edited, the review of the Draft EIR is ahead and he looks forward to everyone's comments and input. He thanked the General Plan Advisory Committee (GPAC) members who helped develop the vision and policy direction, stated that there have been meetings which involved hundreds of Richmond residents and he was privileged to be able to work with staff and community artists, stating the City undertook the creation of 8 Elements beyond the required 7. The 8 Elements were divided into 4 components of economic, physical, social and cultural environment. The General Plan is about 1,025 pages, is user-friendly, has over 39 maps, illustrative graphics, and special features to highlight urban planning, design, and land use.

Some major planning concepts include revitalization of activity centers; the downtown Richmond area by 23rd and MacDonald Avenue which is prime for redevelopment; the 23rd Avenue planning process which will link to communities north, the Hilltop Mall area, which could be made to a mixed use format; and the transit-oriented development which is envisioned where the water transit terminal will be, which is a fantastic opportunity to create various uses along a proposed waterfront.

He highlighted gateways, centers and nodes for enhancement of mixed use possibilities and described land use design examples which address private and public realms, encourages bike, pedestrian and public transit use. He noted that priority conservation areas are places where habitats can be enhanced, particularly along the Richmond Shoreline. Another idea gaining favor is the idea of a place based circulation system where no longer are we looking at level of services, but rather encouraging the quality of street and pedestrian experience, reviewing land use and transportation in a coordinated fashion.

They have also been fortunate to receive a grant for development of a Community Health and Wellness Element, which includes access to quality jobs, medical services, affordable health care, neighborhood completeness, and affordable housing and education. Another element for which they received a grant from the BAAQMD allows funds to develop a greenhouse gas inventory done by ICLEI, work toward LEED certification, and development of the Energy and Climate Change Element. An optional element is an Economic Development Element, which is critical to the community and will encourage new businesses, manufacturing, employment of local residents, and marketing of a green community. He further discussed the eco-tourist opportunity of Richmond's trails, parks, recreation and resources.

Mr. Iacofano said a Historic Resource Element was developed to provide emphasis on efforts undertaken by residents to preserve key landmarks and points of history. A timeline, policies and actions contained in the element will reinforce this context and experiences. They defined a system of parks concept where parks are not stand-alone elements, but link together into a network or hierarchy from community to local to neighborhood. Tying them together is a system of green streets, trails and open space connections.

Regarding implementation of the plan, MIG will make a special chapter that identifies and delineates all implementing actions, lead responsibilities, timeframes, and identify how and who will implement items in the plan. They have a strategic vision plan which will further tie actions to specific work items, CIP elements, and feed it to the annual operating budget.

Chair Finlay thanked all members of the GPAC for their work. Ms. Reese-Brown thanked the GPAC for their tireless efforts and said she welcomed the public's comments.

Public Comments:

Tom Carey, Woodside, said the City did not have his correct address and provided his email to staff. Mr. Carey said there is no mention of toxics from the chemical company and what will be done to clean it up. There will be a meeting next Thursday to discuss the harbor front property and what the Stauffer/Zeneca site did and determine what can be done.

Chair Finlay suggested he visit the California EPA Department of Toxics Substance Control website and said all reference materials are there and he can obtain a complete understanding of the process. She said the Draft General Plan calls for a Specific Plan to be determined for that area, but it is a work in progress.

Bruce Brubaker, Member of TRAC, said he believes the update did an outstanding job of recognizing the importance of the Bay Trail in Richmond. There were minor definitions incorporated into a letter sent to the Planning Commission and he highlighted the Land Use and Urban Design Element regarding Parks and Recreation for Pt. San Pablo, and said Terminal 4 should be considered as open space. TRAC points out that BCDC has taken Terminal 4 off of its list for active marine port uses, and the Open Space Study done in May 2005 concluded that the 53 acres should stay scenic, publicly accessible and open space in the future. He asked the Commission to consider the Bay Trail's access as one of the prime amenities in the City of Richmond.

Richard Poe, West Palm Beach, Florida, said Marina Bay creates \$5 million a year in tax increment. When they started the process they had 165,000 square feet where it was proposed to have a lot of transit facility, which he noted is part of the State Enterprise Zone. The commitment the City made in that zone was to try and have the ability to put Richmond residents to work and to play into other uses. They have some green energy businesses coming in and they need to keep approved their existing building. The water transit representatives rejected the site because of its cost of over \$70 million, even though they leased the City Hall to the City. He said they fear they will go down the path of litigation; he distributed letters to the Commission from lenders stating it is economically infeasible, they have businesses moved into parcels and they are moving forward with their developments. He requested the City honor their development agreements in place. A building permit requesting a 60,000 square foot building was "kicked back" to them today which he felt was not right, and he asked the Commission to review their documents, maintain their zoning and not have their competitors knock them out of the marketplace that they helped to create. He also felt it was ashamed that the City to have spent so much money renovating their City Hall in a city with such crime and economic impacts.

Quenquen Poe, West Palm Beach, Florida, said she works for Virtual Investment Corporation and introduced additional information about properties in Marina Bay; Marina West Shore is a light industrial park which has 75% of construction completed and occupied as of August 2009. The project is in the Enterprise Zone which achieves their goal of being a cluster and incubator of industry. The cluster has the potential to drive innovation and stimulate new business. The business park also meets other key findings, including being a key location for a diverse employment base. The property was developed under a development agreement and public improvements were done under the Community Facilities District No.1998-1 Special Tax Bond Series issued on October 1, 1998. \$3.6 million in public improvements were done, including Esplanade Park and Shoreline protection. The site was not deemed viable to construct a new

ferry terminal. WTA made the decision that another site on the north shore of Marina Bay would provide land and parking and was the best use of the public trust fund.

Nancy Baer, Contra Costa Health Services Department, spoke about the Health Element which she felt is unique, said they were partners with the City and MIG in crafting the element and thinks it makes a special statement about how important health is to residents. Her work encourages bicycle and pedestrian travel and parks and recreation facilities, there are themes in the Element which are important—1) Neighborhoods be designed so people can get basic goods and services within walking distance. Research shows that the ability to walk everyday is one of the things that help people get regular physical activity. 2) A complete streets theme which is constructed not only for vehicles but all users of the street. 3) Access to parks and recreation services, particularly the access to the shoreline from all neighborhoods.

Andrea Menefee, Contra Costa Health Services Department, said she is a registered dietician and is thrilled to see development of a Health Element, as there are many health problems associated with access to healthy foods in Richmond which arise from being overweight, from obesity, and from diabetes. Problems are not caused from lack of access to grocery stores and other fresh foods outlets, but from high density of fast food outlets in some areas. Her biggest concern is the lack of participation in food assistance programs and said 70% of eligible Richmond residents are not enrolled to receive food stamps or WIC assistance. She supports community gardens, community-supported agriculture, farmers' markets and school agriculture programs which are very important in building a longer term sustainable system in Richmond. She suggested adding more short-term goals to ensure eligible residents are enrolled, which would have a large access to people, suggested the City initiate a food system passport to bring together information about food systems, look at policy issues surrounding marketing of fast food outlets to children, and said their department will be a willing partner to help.

Cedrita Claiborne, Contra Costa Health Services Department, supported the Health Element, said air quality is a concern for their department and their asthma program due to the effect air pollution has on people who suffer from asthma. African American children in Richmond have higher hospitalization rates at four times higher than Asian and Latino children and almost three times that of children overall. The BAAQMD has identified Richmond as one of six priority areas for toxic air contaminant assessment. The Health Department has been active in trying to reduce triggers, especially diesel exhaust. Recently, they completed a project which examines goods movement in West County, land use and planning issues. Residents were very interested in participating in the development of the General Plan and working with the Port of Oakland to reduce emissions. Residents want a clean and green port, trucks routed away from where children play and attend school, buffer zones between residential and industrial areas, and appropriate mitigations. She is pleased to see these issues included in the Health Element, and their department is interested in working with the City and are available as a resource.

Michael Kent, Contra Costa Health Services Department, commented specifically on the environmental quality of the Health Element, is happy to see items emphasized in the element, and said he hopes those priorities get carried out. Regarding the overall policy; 9.1-Improving Air Quality, he asked that the element include buffer zones (which are mentioned elsewhere in the General Plan such as the Land Use Element). Regarding action items; 9-A, Air Monitoring, he said the Health Department would assist in designing and interpreting the data, and felt it could fill in some of the gaps from the BAAQMD's air monitoring program. He said currently, there is not a particulate matter station for collecting data on fine particulate matter, which is an important indicator of health in Richmond. Regarding Item 9-C; Retrofitting, the Health Department has worked to educate businesses about the BAAQMD's Carl Moyer Program

which provides funding for truck retrofits. Regarding Item 9-D; Port Reduction Plan, they spoke with the Port Director and they will help residents understand the health benefits of an emissions reduction plan. He said there are a number of elements involving the control of hazardous materials; the County has an extensive hazardous materials program and the plan should clarify whether you want to add additional hazardous materials rules and regulations for the City to implement or just work more closely with the county's program on implementing those.

Charles T. Smith said on August 3rd the California Natural Resources Agency released a report on how climate change will affect California. The report encourages local communities to re-think future development along low lying coastal areas, recommends cities and counties offer incentives to encourage property owners in high risk areas to relocate and limit future development in places that might be affected by flooding, coastal erosion and sea level rise. He felt this was an opportune time to preserve shorelines and wetlands and suggested developers establish businesses on 23rd Street, MacDonald, and Cutting Boulevard. Residents want clean air, are concerned about global warming, and suggested the Commission read the report and act in accordance with it. He said in this day of overdevelopment, the only thing priceless is open space.

Nina Smith agreed with keeping the shoreline as open space and asked that increased development cease. Regarding amending land use for the Pt. Isabel/Central Avenue area to Regional Commercial District, she said she visits the area often and the traffic situation now is untenable. To increase the amount of development makes no sense and she thinks sea levels will rise and much of the development will end up being flooded. She urged the Commission to consider the reality of the environmental situation in planning for future years.

Eleanor Loynd, Member of GPAC and President of the Richmond Neighborhood Council, pointed out an error referenced on page 12; "human-caused hazards such as earthquakes, flooding, fires and noise" and said humans do not cause earthquakes. On page 29, "Carriage Ridge South" should be changed to "Carriage Hills South". On page 25, a listing of the Public Safety Division leaves off the Office of Public Safety. There is also a lack of information on housing; the recent information was published about the definite level of bay water rising, and this will affect Richmond. She said it is hard to find information on the Richmond part of El Sobrante Valley, and it would be helpful to residents to have a change map for each part of town to reflect what was and is now planned. She said three weeks ago she requested neighborhood councils hold a meeting with the Planning staff to review changes in their respective areas and no response has been given to date. They also requested that various Richmond residents meet with staff to specifically review their questions on the General Plan and this also was without response.

Fred Glueck, Alamo, business owner on Harbour Way, said there are many complexities and inconsistencies in the existing General Plan. His business is located on the buffer zone on Harbour Way and in the draft General Plan under the Land Use and Urban Design component, Figure 3.17 gives a cross section of Harbour Way, which is an industrial area. There is a road with 20 feet of proposed two-way traffic. When he hauls heavy machinery which is 12 feet wide, the situation will be dangerous for cross traffic, as well as for pedestrian and bikeways.

Jim Cannon, Levine-Richmond Terminal, Richmond Pacific Railway, and a member of GPAC, referred to the Land Use section of the General Plan, LU3.26 regarding the height of 55 feet in the Port. This height limitation, if adopted, will leave the Port of Richmond in a weak position relative to other ports in Northern California. Competing ports all have building height limits well

above this limit, the Port of Oakland and Stockton have no height restrictions, the Port of Redwood City has a restriction of 100 feet, and the Port of West Sacramento is 85 feet plus 35 feet for appurtenances or higher given the discretion of the Planning Commission. He said if the City wishes to encourage the economic viability and modernization for the Port as in Policy ED8.6 and ED1.58, then it must allow an increase in the building height. Currently it exists at 75 feet and they would like it set at 100 feet, or at least 75 feet. He referred also to the inconsistency of Harbour Way/Marina Way South Industrial Buffer Zone ordinance, the plan of which proposes new land designations in the area south of I-580. Land Use map 3.2 immediately east of Harbour Way South will add business, light industrial and the land immediately west of Marina Way South has both medium and high intensity use and high intensity mixed use which is in the existing buffer zone. All three of these include designations for residential use, live/work uses, commercial and allows development to be completely residential.

Katrinka Ruk, Council of Industries, said five Elements of the General Plan were not create nor reviewed by the GPAC, and she said the Housing Element is not even included in the General Plan. The number of action items is astronomical and the timeframes to address them are very aggressive and realistically unattainable. Timeframes should be deleted and the items determined and prioritized by the City Council, as well as staff recommendations changing City names and staffing support and availability. There is duplication of actions already under the responsibilities of regulatory agencies and should be removed. There are many ordinances listed in the General Plan and she does not believe these are places they should show up in because ordinances are under the purview of the City Council, and this circumvents the City review process. She also questioned the need for the multitude of specific plans listed in the General Plan. Regarding the land use element, the Sea Port Plan has been updated and should be included in the General Plan, as well as the Industrial Buffer Zone which should remain in the southern shoreline area through the Campus Bay area. They feel this is a great place for the green jobs to be further developed in incubators and the currently occupied and developed industrial and light industrial commercial business property should not be rezoned.

Al Engel said he has a property in North Richmond at 2801 Giant Road and never has been noticed on any of the General Plan changes. They have 18-20 businesses there, are currently heavy industrial use and the proposed change would be business mix which would make them a non-conforming use. This would put many people out of work and it would be impossible for him to get replacement tenants. He said they also have an area called Site ARB, formerly the Cooper Chemical site which is designated heavy industrial use. It cannot be used for housing, restaurants or any congregation of people which would be a conflict with the proposed change, and he asked to leave the zoning as is.

Eleanor Yuckel, Albany, said she is present with people who represent 4,000 members of the Pt. Isabel Dog Owners and they protest the item that designates a rezoning of Pt. Isabel. She said this is not appropriate, the area is a special recreational area surrounded with bird sanctuaries, and City bodies are supposed to represent the people and adhere to their desires, not personal desires or those of wealthy corporations. She suggested redeveloping the existing shopping centers in town and does not want a mall at Pt. Isabel. Any changes in the zoning requires an EIR and she believes the City has a responsibility to preserve the natural environment for future generations, to preserve and save the shoreline and a responsibility to ensure the safety of migrating birds in the Hoffman Marsh and the Albany mud flats.

Silvia Falcon hoped to be able to display maps to explain their concerns, referred to Element 3; Land Use and Urban Design, 3.2, and said it is scary to think that the entire area including Pt.

Isabel and the areas of Riden Way and Central Avenue now zoned light industrial would be zoned regional commercial. She said whoever prepared the map included Pt. Isabel Dog Park in red, which would be zoned regional commercial. She said the dog park is owned by the U.S. government, and she therefore questioned how the City could designate it. She said the marsh is East Shore State Park which is green, and pointed out that the color coding of the map needs to be corrected. Under Element 7, Conservation, Natural Resources and Open Space the plan lists the Pt. Isabel area on map 7.1 as a priority conservation area. Policy CN 2.1 under Open Space and Conservation area states, "preserve, enhance and restore open space areas along the shoreline to protect natural habitat and provide recreational opportunities." However, the DGP recommends changing the land use designations to regional commercial which would permit movie theaters, auto dealers, supermarkets, religious assemblies, and do not fit in the middle of the most popular recreational site and bird sanctuaries in the Bay Area.

Mary Selva, Richmond Annex Neighborhood Council Board and community, said she attended many GPAC meetings, and at the last meeting members from the Hilltop area arrived at a vote on zoning designations that not all are truly happy with. She said they have been involved with planning and zoning issues for the last 35 years and adjustments need to be made for the Richmond Annex area. There are several goals and policies in the current General Plan that they need to have included in the new General Plan. She said the Richmond Annex includes 28 existing units, are on sloped areas which have views of the Golden Gate Bridge and want to protect them. For the San Joaquin corridor proposal, it aligns along the majority of Richmond Annex homes and projects are conditioned along San Joaquin and the shoreline that the building and tree heights not exceed 35 feet. She said part of the corridor will be commercial at 55 feet and they want this lowered to 35 feet.

Patricia Jones, Citizens for East Shore Park and the North Richmond Shoreline Open Space Alliance, said they support open space along shorelines, public access to the Richmond shoreline, are concerned that given all of the money, time and community input that has gone into the process, no land use designations have been assigned to key shoreline parcels, particularly the Zeneca property, much of San Pablo Peninsula and the North Richmond shoreline between Pt. Pinole and Wildcat Creek. She asked what is meant by Planned Area District, suggested a moratorium be placed on parcels until a specific plan is conducted or that the current zoning be left in place and shorelines with commercial designations be given low intensity zoning. They do not want to see an uncontrolled free for all for development of areas and other parts of the General Plan suggest that there be balance. Specifically, she said in the open space land use designation, page 3.7, it states "public access should be limited". She asked that this be deleted and state that, "public access shall not be limited unless necessary for habitat." They support many of the land use policies and actions such as conserve, protect and enhance natural, cultural resources along the Richmond Shoreline, would not recommend active industrial use as stated in line 3, questioned what is meant by north of Pt. San Pablo and questioned whether this was Terminal 4 or did it mean the North Richmond shoreline from the landfill to the Pt. Pinole Regional Park. They support protection and restoration of wetlands, native habitats and open space and while they do appreciate various references requiring mitigation of parcels and impacts to sensitive species, they would not like this used as a tool to approve inappropriate projects. They also concur with TRAC and said in the working waterfront section, Terminal 4 should be designated as parks and recreation.

Wende Heaton, former Arts and Cultural Commissioner, said she lives at Pt. San Pablo Yacht Harbor and the area is a gem but will now presumably have a large casino and hotel and a lot of commercial activity. She would prefer it be left as open space or a more modest endeavor. They would hate to see the commercialization of the shoreline bleed out into the park and Terminal 4,

felt the area should be open to people, hopes to work with TRAC to make the park and Terminal 4 be open again. She asked the Commission to remember that once open space is taken away and pristine shorelines, it will never return.

Stephen Clark said he also lives at Pt. San Pablo Park Yacht Harbor, representing the Pt. San Pablo Preservation Society, appreciates how the Draft General Plan indicates that the City should encourage development for sports and recreation activities along Richmond's waterfront, felt the shoreline from the bridge to the Chevron harbor is a historic area and they are trying to gather information and create a museum. They would also like to see preservation of open space for the enjoyment of all people, especially Terminal 4, which would be great for kayaking, restaurant or concessions, beach, barbecues and public use.

Rosemary Corbin, member of the GPAC, said her copy of the General Plan includes the Housing Element and she seemed to remember discussing it. She is a member of the Bay Trail Board, strong supporter of TRAC, and expressed strong support for Bruce Baeyer's letter. She is the Chair of the Historic Preservation Advisory Committee and said the comments were not voted on by the Committee but they did have input into the plan. On page 14.12, paragraph 2, where it talks about Rosey the Riveter Worldwide II National Historic Park, it talks about what the park encompasses which should be reworded—it stresses that the resources are along the shoreline. She said as the home front story expands, it will expand inland. On page 14.33, under the marketing campaign, Action HR 3.B, it talks about collaborating to promote arts and culture. It is under the historic element but it leaves out the fact that we want to promote historical resources, which should be added. On the same page under Action HR 3.C, they talk about staff training workshops and it only talks about training staff on local policies and codes. Staff should also be trained in the State and federal laws, particularly the Secretary of the Interior Standards. On page 3.140, policy LU4.2, Open Space and Conservation areas, in the implementing actions, Discornia Estates Specific Plan, it is referenced on page 3.158 but it needs to be added to page 3.140 as an implementing action of the open space and conservation area.

Donald Nicholls, Marina Bay resident, said he was involved with a homeowner committee; EL DAC, relating to the landscape and lighting district recently formed by the City Council. In that process they evoked an intense interest by residents in what goes on in the community. They have an interest in landscaping as well as what is proposed for the north shore of the Marina Bay area. He recently became aware of the proposal which would include intensification of land use which would essentially change the existing concept of a village development. They are at a preliminary point but expected further involvement. He anticipates great concern from residents in the area regarding anything that would intensify uses and looks forward to working with staff.

Stan Teaderman, Allied Propane Corporation, Napa, said they have a facility at Campus Bay and for many years he has been engaged in the community. He is a former president of the Richmond Chamber of Commerce, former president of the Council of Industries, was engaged in the 1970's of the General Plan review and in the 1980's with the Knox Corridor Freeway facilities which concerned buffer zones. Those in the industrial, heavy manufacturing businesses see that some of the areas have continued to recede. They want to be a contributor to Richmond, said one element does not provide notification or memorialization of buffer zones, which was a concern in the 80's, 90's and over the last 6 or 7 years. They have worked with staff as a charrette, they are in the LP gas business, run 24 hours a day, they have areas that have been identified with Stauffer Chemical and UC Berkeley and other businesses that are very key. In the proposal, the Campus Bay is identified as high density industrial usage, and he agreed to put further comments in writing regarding comments in the Urban Design Element.

Garland Ellis, Vice President, Richmond Annex Neighborhood Council, said while the Planning Commission has held hearings they have not always found this to be true with other elements of the plan. There is very little time to respond to the document given the fact that there is San Pablo Specific Plan hearings, as well as the Richmond Draft Plan, and the Pt. Molate EIR all at the same time and due at the same time, which is unfair to citizens of the City. He referred to the southern section of the San Pablo corridor and the height limit of 45 feet for residential and 55 feet for commercial elements, and said these would be directly abutting a single family residential area. The differential between single family homes and larger buildings is inappropriate. This is also proposed for Central Avenue, the area around the Pacific East Mall, Pt. Isabel and for the commercial area between I-580 and I-80. There will be traffic issues, there is no Measure J money or other County monies, and to continue to overdevelop the area when traffic issues cannot be fixed is not good planning. He also said the street models in the draft plan do not meet most of the City streets in the Annex area, with the exception of San Pablo and Carlson. Also, the area of the City is lightly patrolled by fire and police and to overdevelop it will more seriously impact the area.

Adrienne Harris, Vice Chair of the Recreation and Parks Commission, Chair of the Richmond Bicycle Advisory Committee, said as a bicyclist, the Circulation, Health, and Parks Elements are of interest but she wanted to speak on the Circulation Element. The Bicycle Advisory Committee was formed in 2008 to act as a resource to the City to seek funding for projects for the City. Funding was sought first for a Bike Plan which was approved as part of the TDP funding by the MTC on July 22nd and they are hopeful that \$100,000 check will arrive at the City soon. She is glad bikes have been included in the element, but they feel the treatment is inadequate. She referred to Section 4.18; San Pablo Avenue/23rd Street intersection which is not in the city of Richmond, but in San Pablo. She asked the Commission to change Goal CR.2 to say, "promote walkable, bike able neighborhoods and livable streets." On 4.63, she asked to add as a table, Safe trips to transit which is a funding source. On Goal CR.1, they want stability as listed in Public Works and they need to know who to deal with on bike issues because they will be receiving a strategic bike plan that deals with safe transit throughout the City. On 4.56, CR3b, she asked to add traffic light timing as a traffic calming measure.

Jerrold L. Hatchett, Division Manager at Sims Mountain Management which is a recycling company, said he has reviewed the plan and it seems like discussion of the past is not included in the new document. The buffer zone has not been included and he asked for something more substantial. He said the zoning is all industry and should be M3 like it was before.

Commissioner Lane questioned the General Plan Update process, stating it was great to see the chart in the presentation and questioned what time the public can expect updates on the chart. She referred to the Housing Element and said she understood that this element was included in the draft released to the public. She asked staff to provide an update on the timeline for the element's update for the public's clarification so they can engage in the update process.

Commissioner Lane referred to the Economic Development Element and Action ED2.2 was to talk about the Green Business Strategic Plan. There were two stakeholders included, but the East Bay Green Corridor was not mentioned and she asked to include them. As an implementation action, she asked that goals and timelines should address green jobs creation, collaboration with industries, community, base organization and workforce development agencies. Action ED.1.D, Community Facilities Assessment, which is missing in many places, states continue, and she was not sure if it was currently being done. She asked what the vehicle is for implementing the assessment, which she said was not stated, how and when should it be

regularly updated should be included, do we currently have an assessment and whether it is needed which should be included, as well as assessment as far as upgrades to facilities which should be included.

Regarding Action ED1.G, Site Remediation Plan, she asked if the City has a plan, felt the action should be more specific and include location and status of contaminated sites. Action ED3.H, Economic Development Element which talks about mobile hire and she suggested inclusion of the language already written into the current ordinance, such as “monitoring and tracking of the program’s effectiveness and quarterly reports that are available for public review.” This would align with the current ordinance. Regarding Policy ED3.2, Workforce Training and Recruitment, she asked to include labor unions and their programs, potential collaborators and others. Action ED3.A talks about workforce development strategy and she suggested a label that includes the need to address those populations with barriers to employment and recommends language that links this to the core programs training in ED2.B and linked to the Green Business Strategic Plan so trainings will extend to industries.

Regarding Policy ED4.1, Higher Density and Infill Development, Commissioner Lane believes this should be linked to Policy ED1.5 which talks about the housing types so we are looking at issues of affordability. There were also groups specified in there and seniors should be included as a group. She said there are two specific plans; ED7.A, the Richmond Parkway Specific Plan, Action ED8.A which is the Southern Shoreline Specific Plan and both do not currently include the engagement of workers and residents. In the spirit of inclusion, those groups should be specified, and she said this also corresponds to the land use element specific plans.

Regarding Implementation Action on the Local First Hire Minimum Wage and the Economic Development Commission, Commissioner Lane thinks this is appropriate but recommends the inclusion of the Human Relations Commission because they were actively involved in that ordinance and they have City staff report out on those issues.

Regarding the Land Use, the community engagement piece on the southern Shoreline, Hilltop Specific Plan, Commissioner Lane said she would look for any specific plan that excludes community and resident engagement to be included. She thinks buffer zones can be improved to provide more specificity in the General Plan. LU3.5, Clean and Green Ports, is great but she questioned how to clean the Port and felt there is room to specify this. She asked to look at assessed cumulative human health impacts and include how the Port can address impacts from truck traffic.

Regarding the number of specific plans in the General Plan, Commissioner Lane suggested addressing how the various plans work together in line and asked that this be included. The word “equitable” is mentioned a lot in the General Plan; she thinks there is room in the introduction to define or specify what the City means by the word, and lastly, she asked for inclusion as her name as a Commissioner.

Ms. Brown said the working draft is now in the possession of City staff and they are currently reviewing it. The draft will tentatively be released in October and they hope to have the Housing Element ready with the rest of the General Plan by the second meeting of the Planning Commission.

Commissioner Lane questioned the public review period for the Housing Element, and Ms. Brown said staff wants to align it with the General Plan. Depending upon comments received at the next meeting, it may be adopted at a later date, but it had already been adopted

approximately two years ago. Chair Finlay suggested that Commissioner Lane's comments be put in writing and submitted to staff.

Vice Chair Rao said the Commissioners were fortunate to speak with and share thoughts with consultants during interviews to arrive at the draft plan. One of the main things he indicated was not to make the Hilltop Mall area too crowded because there is significant residential development present. He felt open space needed to be left available for the City to enjoy which he thought was also important. Green corridors, solar energy and power are great for the City and he hoped for further development of those areas. He supported the Health Element and stores within walking distance, a complete street policy, access to BART, and preservation, enhancement and restoration of the shoreline. Lastly, he felt changes to high density and industrial and commercial zoning should be reviewed.

Secretary Lee said he is a little concerned about the multitude of aggressively timed implementation items included in the plan. It would help to understand whether staff can accommodate the items and referred to Item 3.153 on Land Use. He said there have been many comments about incorrectness and he questioned whether staff or the consultants will restructure comments. He referred to the proposed change areas which seem to cause the most controversy and said it would help to have an idea of what percentage of the City land is actually in a proposed change area.

Director of Planning Richard Mitchell said some timeframes will change because the economy has changed. The work has been done over the last several years and staff will review the implementation items again. They have been working with other departments as well and staff will return with updated information. Regarding the percentage of land changed, he said he can also provide that information, but noted that it is an overall small percentage.

Commissioner Duncan said he would put his specific comments in writing, but reiterated comments about what proposed land use changes versus what the City has now. He said the analysis in seeing the then and the proposed needs to be made more clearly which he said would be helpful. Procedurally, the EIR associated with the General Plan will be a daunting task. He asked how the General Plan completion will dovetail with the EIR and asked if there will be a moment when the General Plan work stops and a point in which the EIR picks up and responds.

Mr. Iacofano said the EIR process has been initiated, background studies are underway and the preferred land use alternative described in the Draft General Plan will be used as the basis for the traffic modeling and impact analyses which are standard operating procedures in small CEQA documents. They will have a draft public review version of the EIR in advance of the public hearing so that both documents will be considered simultaneously. The Commission approves the EIR before it approves the General Plan, which he said was per State law.

Commissioner Duncan questioned and confirmed that the changes in the General Plan will be tracked laterally and together.

Commissioner Beckles questioned who would be responsible for the land use designation and when could the public expect to have that information, as there have been concerns as it will be an important factor in terms of building. Secondly, she questioned if it was possible for the City to widen the timeframe as the document is huge and requires additional time in order for review.

Mr. Iacofano said the Zeneca site is classified as a Planned Development Area; they will not have land uses for that in the lifetime of the General Plan adoption. If they waited for this, they

would not have a General Plan for the City. They will ascertain some type of development there for the purpose of determining an environmental impact, but when there is finally a plan established, it will be an EIR specific to that project which will be considered at that time.

Regarding the timeframe for public comment, this is up to the City Council to provide direction to schedule it for review. The draft came out July 15th and no formal decision-making is scheduled before October and it most likely will go into November or December. Chair Finlay noted that the public comment period is open through September 16th.

Commissioner Beckles said she was very concerned about the Zeneca site and any development on that site without an appropriate clean up of the area. She was also concerned about any kind of high density development along any of the shorelines in Richmond because she also read the report from the State that issued warnings to all cities to limit or not consider development along shorelines because of sea level rise that is imminent, as well as health of residents. She is proud the City has a Health Element as Richmond has a high rate of asthma.

Mr. Iacofano clarified there was reference to Map 8.1 on page 8.69 which is the potential sea level rise and this is in the Energy Element. He suggested that Commissioner Beckles may want to refer to when she provides written comments.

Chair Finlay questioned whether the City has 3,000 acres of parks in the City currently, and Mr. Mitchell said the acreage is in the open space area. The City has both city operated and regional parks within City limits. He said the Pt. Pinole Regional Park is almost 2,000 acres within its own boundaries, and the 3,000 acres may actually be the number of regional park acres and not counting City park acreage.

Commissioner Teltschick-Fall said she is very pleased with the Health Element, echoed support for shoreline preservation, said she found it hard to understand and relate to the Visionary Section to the Land Use Section, asked that cross-checking be done of how the land use description can support the vision, and suggested a matrix be provided. She also felt it would be useful to have a summary listing of the changed areas at the beginning of the chapter with a description and how soon they will be occurring. She said on page 3.6 there is a pie chart figure of residential, parks, industrial, commercial and other zoning and she was surprised by the percentages. She also questioned how Richmond measures up to other model cities that represent what our vision represents. Commissioner Teltschick-Fall also noted a lot of discussion about the shoreline and said she has been asked if the City was working on a plan to come up with specific zoning or category for all of the Richmond shoreline and if so, how does that work in with the plans.

Mr. Iacofano said regarding land use distribution, page 3.6, he said this is somewhat unusual in that industrial and Port lands take up a fairly large portion of Richmond, and other cities would not be comparable. Similarly, because of the large amount of regional parks that surround Richmond, it is debatable as to whether they should be included in calculations because they are not city-owned, but to varying degrees, residents have access to those facilities which has to be considered. For clarification, the Pt. Isabel map does not include the dog park, and depending on how one includes those regional or state park facilities near Richmond will affect how the city compares in the number of park acres per thousand in population, and he provided examples of cities with parks with and without regional parks. He said the National Recreation and Parks Association sets a standard of 2.5 acres in parks per thousand in population. Chair Finlay felt that the age of the City or the neighborhood plays a huge part in this.

Mr. Iacofano compared and discussed green space in Portland, Oregon where they used street and right-of-way areas which is something specific to their urban development pattern. Regarding the question about shorelines, they do not have a separate category for shoreline land use because they feel the categories provided are sufficient to give direction. He said the zoning ordinance must still be adopted which implements the land use diagram of the General Plan and they will be able to be more specific in designating districts within land use categories.

Commissioner Teltschick-Fall said she was on GPAC she knows they had discussed options for each of the land use areas, but there is confusion over the options in the General Plan versus options in the EIR, which people generally feel somewhat confused over. She asked that it be explained at a future session and wondered where the options went in the draft.

Mr. Iacofano said they took and designated a preferred land use which was essentially the maximum potential development from looking at all three alternatives that GPAC studied and the community reviewed and provided input on. This is so that they have an EIR process that brackets the maximum amount of potential impacts compared to the policies contained in the existing General Plan moving forward. This allows the Commission and the City Council the opportunity to make the land use approvals and have the EIR information they need to base those decisions on. If they choose to reduce the density of land use, they will be within the envelope of development studied by the EIR. They are not anticipating that the Council would necessarily ask for higher intensity, and if there were radical changes there would be changes in the EIR analysis and they may need to go back and look at the impacts. Ultimately, the two documents must be synchronized and the EIR certified before the General Plan can be approved.

Commissioner Teltschick-Fall said with the emphasis on health and recreation, she wondered why they could not have a recreational node. She thinks it is a great idea as they have talked about inter-linking parks and she asked that it be added to the land use description.

Mr. Iacofano said it could be a matter of how specific master plans for open space or recreational park land would be designed. They could give policy direction in the General Plan that asks for concentration of activities and uses, and this could be considered in future master plans for those particular sites. The General Plan would not lay out the exact specification for a node but it could be a generalized characterization.

Commissioner Lane referred to the Historic Resource Section and said she loves Richmond's rich history and diverse culture. She asked if it was possible to include some of the African American influences and history as many of the war houses were demolished, and Parchester Village was one of the first African American communities in the Bay Area which is important for people to understand, as well as the civil rights movement started by one of the families who were not given an opportunity to buy homes.

Chair Finlay agreed and said this is already a very strong component of the Rosey the Riveter WWII National Homefront Park, and includes Asian culture and families in the area. She said the stories are formulated as being told and this is something very exciting about the Rosey the Riveter monument. Commissioner Lane said she did not see language in the document and suggested it be included in the plan, as well as Rosey the Riveter.

Chair Finlay said her comments include several pages of corrections or statements which she agreed to put in writing. She would appreciate staff including a statement in the plan about what is a General Plan and what does it do, what is a zoning ordinance and what does it do, as well

as an overview of what a specific plan accomplishes. She also asked for a discussion about all of the goals in the General Plan and the implementation of zoning and the reality of the specific plan which is based on the economic reality of the time. The goals are over-reaching, but all of them will not occur if the economy is not functioning, the City is not thriving, and jobs are not present. She also asked everybody to remember that the economic vitality is also a huge resource and she finds that duplication of services called for in the General Plan is irresponsible, as the City does not have staff to administer additional regulatory functions which the County and State agencies are already supposed to be handling.

Chair Finlay also asked to take some consideration of what is the purview of a General Plan and what is the purview of the City Council. She believed the plan should not move into the domain of policy making that the Council has and said the Council giving enhanced funding to three City festivals does not belong in a General Plan. Completion dates also should not be included in a General Plan, but in a strategic business plan and/or a CIP, and she asked for specific dates pulled out. She asked that planning and legal staff prepare some type of an opinion paper of the implication of changing zoning in some areas of change and what it does to the rights of the property owner. She questioned what non-conforming use means, the ramifications of what happens if there is something catastrophic like a fire or earthquake for homeowners, and the relationship of housing near jobs.

Chair Finlay said some things she thought were not fully addressed and includes legal settlements and issues about buffer zones which are not incorporated into the document, as well as current development agreements in place. She is also concerned about how the City will financially incorporate the changes of the General Plan, and said she will put her comments in writing.

Commissioner Lane stated that the close of the comment period is September 16, 2009. She said there is another Planning Commission meeting in October regarding the General Plan. She questioned timing issues, and Mr. Mitchell said public comment is being sent via email, correspondence, and in person, they will be recorded. Many changes raised tonight can be fixed administratively and the City will also meet with some of the neighborhood councils to take input and answer questions.

Commissioner Lane suggested that the timeline be outlined so the public can know exactly how much time they have to prepare and plan.

Vice Chair Rao questioned and confirmed that what would come before the Planning Commission at its October 16th meeting will be a response or incorporation of comments into the General Plan document, and Chair Finlay said she was not sure further comment would be provided for.

COMMISSION BUSINESS

3. Election of Vice Chair, current Nominees are Nagaraja Rao and Jeff Lee. Nominations are still opened.

Chair Finlay said there was a motion from the floor to consider the nomination of Commissioners Lee and Rao. She called for additional nominations for Vice Chair.

Commissioner Lane nominated Commissioner Beckles.

Chair Finlay asked for a short statement from each Commissioner as to their interest in serving.

Vice Chair Rao noted that Commissioner Lee was not present at the last meeting, but he and Commissioner Lee both served on the nominating committee. Both Commissioners Lee and Beckles accepted the nomination for Vice Chair.

Vice Chair Rao said he was happy to have served as the Vice Chair and said he will be retiring next June and would like to retire as such. Commissioner Lee said today, if the Commission needed someone to step in for Chair Finlay, he felt Commissioner Rao had the most experience to do this. The only reason he would be considering moving into the position would be due to movement into the next term, some learning, and he cited his experience.

Commissioner Beckles said she believes the Planning Commission has an established group, she is new to the Commission and brings a fresh perspective but also believes the Commission could benefit from new leadership. She agreed it would take some learning but she is eager to learn and feels she has the ability to serve as Vice Chair.

Assistant City Attorney suggested conducting individual motions on nominations and said nominees are able to vote.

Chair Finlay thanked Vice Chair Rao for his excellent leadership and service, voiced concern with leadership going forward with both him and her being termed out. She felt Commissioner Beckles is extremely talented and bright, but would also grow as a Commissioner given more time.

Appoint Commissioner Beckles As Vice Chair:

Vote: Ayes: Lane, Beckles;
Noes: Finlay, Duncan, Lee;
Abstain: Rao and Teltschick-Fall.
The motion failed due to the requirement for three votes.

Appoint Commissioner Lee as Vice Chair:

Vote: Ayes: Teltschick-Fall, Duncan, Lee, Finlay
Noes: Rao
Abstain: Beckles, Lane
The motion passed.

Appoint Commissioner Rao as Vice Chair:

Vote: Ayes: Rao, Lee;
Noes: Finlay, Duncan, Beckles;
Abstain: Lane and Teltschick-Fall
The motion failed due to the requirement for three votes.

Chair Finlay congratulated Commissioner Lee in becoming the Commission's next Vice Chair.

4. Reports of Officers, Commissioners and Staff

Vice Chair Lee and Commissioner Rao both gave well wishes to former Commissioner Williams who began medical treatment on Monday.

Chair Finlay announced that the first Pt. Molate charrette would be held this Monday in the Auditorium at 6:00 p.m., and the Mira Flores EIR discussion would occur on August 20, 2009. Commissioner Teltschick-Fall reported that Ms. Velasco sent her an email stating that she expected the agenda for the August 20th meeting to be changed and Mira Flores will not be discussed. Ms. Harbin agreed, noting there were several other items scheduled for that meeting.

Chair Finlay announced that on August 27, 2009 the second charrette will be held regarding Pt. Molate. On September 17, 2009, the hearing on Pt. Molate Draft EIR will be held and that she and Ms. Harbin did not have dates for the 23rd Street Renewal project discussion.

Chair Finlay sent Happy Birthday wishes to Richard Lee of KCRT.

Public Forum - None

Adjournment

The meeting was adjourned at 10:15 p.m.