

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
December 9, 2009
7:00 p.m.

COMMISSION MEMBERS

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

Nagarajo Rao
Charles Duncan
Sheryl Lane

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

Vice Chair Lee led in the Pledge of Allegiance.

ROLL CALL

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

Absent: Vice Chair Rao

INTRODUCTIONS

Staff Present: Mary Renfro, Dennis Harrington, Richard Mitchell, Hector Rojas and Lori Reese-Brown

MINUTES

December 4, 2008

ACTION: It was M/S (Duncan/Lee) to approve the minutes of December 4, 2008, as written; unanimously approved (Beckles, Lane and Teltschick-Fall abstained).

July 16, 2009

ACTION: It was M/S (Lane/Beckles) to approve the minutes of July 16, 2009, as written; unanimously approved (Lee, Duncan and Teltschick-Fall abstained).

September 3, 2009

Chair Finlay submitted minor revisions.

ACTION: It was M/S (Lane/Beckles) to approve the minutes of September 3, 2009, with minor corrections; unanimously approved (Lee, Duncan and Teltschick-Fall abstained).

September 17, 2009

Chair Finlay submitted minor revisions.

ACTION: It was M/S (Lane/Beckles) to approve the minutes of September 17, 2009, with minor corrections; unanimously approved.

CONSENT CALENDAR

Chair Finlay noted there were no Consent Calendar items on the agenda.

STUDY SESSION

- 1. GENERAL PLAN UPDATE PROGRAM: PRESENTATION AND DISCUSSION – PRESENTATION** on the General Plan Update, to discuss latest changes to Plan and comments. Applicant: City of Richmond. Planner: Lori Reese-Brown.

Chair Finlay said speakers will be allowed 3 minutes each, due to the large number of speakers on the item.

Planning Director Richard Mitchell said this is a third opportunity for the Planning Commission to hear the updates made to the General Plan. Staff has been working closely with MIG to incorporate as many comments from previous meetings as possible. He encouraged people to read the Plan and make comments through the rest of December and noted cost savings involved in publishing the General Plan electronically instead of producing hard copies. The General Plan includes National Parks, Health and Wellness, and Energy and Climate Change Elements. Tonight, the schedule, key comments, staff recommendations, and other staff recommendations will be discussed in moving forward.

Mr. Mitchell reviewed the calendar schedule. Next Tuesday, the General Plan will be presented to the City Council for comments. That will be their first formal introduction to the Plan and its format, and it will be another opportunity for the community to comment. They will then release the draft EIR in early January, followed by a 45-day review period. They will have a public meeting to receive comments on the draft EIR. The final EIR draft will be in early March, followed by a Planning Commission hearing in April, and adoption of the final draft toward the end of April. The revised plan incorporates comments from the public and from the City's boards and commissions. The policies will remain fairly consistent, but they will make wording changes up to the end of April. All revisions to the draft plan have been underlined in the electronic version so that changes can be easily seen from the previous draft.

Mr. Mitchell reviewed the draft Housing Element and noted it follows a slightly different plan. Previous drafts said housing was always going to be more expensive, and they needed to look for ways to find affordable housing. That underlying principle continues, but they have revised it to include the significant decrease in housing and property values over the past two years. There is quite a bit of unoccupied housing within the City and the City has had houses drop to values of \$35,000 which has a significant impact on how they should plan. He said the earlier plan was to build more, but the new priority will instead be to repair and reoccupy the existing homes in City neighborhoods.

Mr. Mitchell reviewed the changes made based on key comments from the community:

- There was a proposal to change the land designation at Point Isabel to Commercial, and the community expressed concern about that designation. In this version of the Plan they keep that area in its current designation as Business and Light Industrial, and Point Isabel is no longer considered a change area in the General Plan. The Point Isabel dog park was never considered to be at risk, but they will include language in the Plan that protects that park. Nowhere in the General Plan is there any suggestion to reduce or eliminate any existing parks. Point Isabel is a major asset to Richmond, and they want to keep it.
- Another area of comment was a request to provide additional definition of designation of planned area districts. In this draft they have provided that by stating that proposed land uses will have to come to the Planning Commission for review.
- They have also designated select parcels between railroad lines as industrial. This is an unusual area between two railroad tracks that connects central Richmond to northern Richmond. To the east of the railroad tracks is the City of San Pablo and to the west, it is Contra Costa County. There are no anticipated changes within that area and they left the designation in place.
- The area in Marina Bay was going to be designated as Business and Light Industrial. The intention was to eliminate inconsistency. The buffer zone is the area south of I-580, north of Hall Avenue, east of Harbor Way, and west of Marina Way. Within that area is a small strip of land that has been entitled for a live-work community. Outside of that small space the area has been set aside as a buffer, which means there would be no additional residential or heavy industrial in that area. They have been trying to reconcile the land use map to reflect the live-work entitlement and the buffer zone. The buffer zone cannot include children's schools, but they are allowing for it to include adult vocational schools.
- The tip of the Point Molate area has been another area of discussion. Comments suggested changing it from its current use to open space. This property belongs to the City and is currently under the Court's purview. They are suggesting retaining its waterfront commercial designation but also include interpretive centers, restaurants, conference center, and uses that would be appropriate for the area. They do not want a marine use that inhibits public access to the waterfront. They strengthened the land use designation of areas around the southern parkway at the rail facility and the Chevron facility; those land use designations will be kept at heavy industrial.
- Land use designations around the Santa Fe channel were also discussed. Operators of the Port suggested keeping the height limits at 75 feet, and higher with conditional use. The height limit of 55 feet was going to create problems for current operators. So, the change was to retain the existing height limit of 75 feet and to conditionally allow heights of up to 100 feet. Requests for conditional use would come to the Planning Commission for review.
- Change in land use designation for the Southern Gateway received comments. This area entails all of the property running along I-580 from Point Isabel north to Marina Bay Parkway. Within that area is land owned by the Union Pacific Railroad, Bayview overpass, Campus Bay Remediation Site, UC Field Station, PG&E, and Department of Health Services. The street configuration in that area is not particularly rational; it is an area that needs to be looked at as a whole and they need to recruit the involvement of the University of California in discussions about how their piece of land might be used. They received a

request that this area remain industrial use instead of a planned area district. This area should continue to be looked at as a future plan area, with changes in land use coming to the Planning Commission for discussion and consensus on the future for this area.

- Another staff recommendation was to add a policy on level of service in traffic planning. For the previous 40-50 years they have resolved this by adding more lanes to the roads. However, that runs directly contrary to sustainable development. On the key corridors, such as MacDonald Avenue, 23rd Street, and San Pablo Avenue, they hope to attract more activity and restore the urban landscape. They need to look beyond a standard that may no longer work. They cannot widen San Pablo Avenue. They recently made changes to MacDonald Avenue to widen the sidewalks and do not have plans to widen 23rd Street. All of the key corridor streets will remain where they are for the life of this General Plan. In previous years, traffic designs focused on getting people through Richmond to another location and the urban landscape suffered as a result. The future design for the City calls for bringing life back to the streets. In order to do that, they must look beyond the level of service standard.
- They have taken out the implementing actions matrix from the Plan. The last 2-3 years have shown how difficult it is to predict what will happen in the economy. Many of the time tables that were included in the matrix assumed a completely different set of outside circumstances that were not sustainable. They need to be sure to come up with a Plan that provides people with conceptual guidance and with the most up to date concepts and ideas, but leaves the flexibility of implementation and setting priorities up to the City Council, Planning Commission, and bodies charged with doing that. Tools and links will be provided so that people can refer to more specific timetables when the General Plan is adopted and placed on the City's website.
- They added a broader discussion of the economic development element. There is a much broader discussion of Chevron, and they acknowledge the significance of that facility to their ongoing economy.

Mr. Mitchell said they will incorporate the additional comments and input they receive after tonight's meeting.

Chair Finlay requested hearing public comments prior to Commissioners' comments, and all of the Commissioners agreed.

Public Comment:

Judith Piper, Richmond, spoke about the land use designation at Point Molate. She discussed an additional option which is very attractive to those who work on the shoreline, suggested a sustainable plan that creates an environment that is healthy, both for what exists there now and for job growth and public usage of the space. The proposed plan is very basic and destroys the water, land and air. She referred to the Summit in Copenhagen and believes the Commission has a responsibility to the environment and personal health to create a sustainable environment that invites people to that location for other reasons than a casino. She requested including some of these issues regarding sustainable growth in the General Plan.

Peter Falin, President of Point San Pablo Tennis Association, El Cerrito, said he lives at Point San Pablo Yacht Harbor and is the only community on the Point San Pablo peninsula which consists of 12 floating homes. He requested that any changes at Point Molate keep his

community in mind and suggested an area that might attract a buyer for a small marina. He is concerned about what will happen at Terminal 4 because it is within walking distance of the marina and it will have a direct impact. He would like to see open space, but he also thinks the mixed use area would be a wonderful development in the area.

Wende Heath, Richmond, said she also lives at Point San Pablo Yacht Harbor and urged the Commission to keep the area from Point Molate through Terminal 4 as open space. Currently, it is open space, but almost every inch of the land is fenced in. She has lived there for 19 years and is very concerned that if not fenced in, there would be a lot more people discussing the area tonight. Only a few fishermen can get in the area once in awhile. She voiced concern that the casino will be developed and additional developments will follow at Terminal 4 and beyond.

Bruce Bayaert, TRAC, Richmond, addressed the land use for Terminal 4, and stated page 3.80 of the Draft Plan proposes the area for waterfront commercial uses. However, this flies in the face of public comments on the draft Plan and is inconsistent with existing plans and studies. Point San Pablo is a regional landmark and deserves to be open to the public for recreational and open space enjoyment. The San Pablo Peninsula Open Space Study recommends open space and recreational uses at Point San Pablo. The City's current General Plan recommends an overlook park at Point San Pablo. The commercial designation throws that out, and while it would allow nice uses, it would also allow incompatible uses that would create adverse effects against CEQA. He asked the Commission to choose parks and recreation uses for Terminal 4 rather than commercial uses.

Rudolph Mena, Richmond, (translated from Spanish) said he has lived in Richmond for 17 years and is a member of the Committee for a Better Environment because he wants to make Richmond a better community. He wants to make sure the City's General Plan land use section LU3.1 includes a part that mandates better pollution monitoring and compliance with environmental regulations and said it was included in the last version but removed. In the last 3 years there have been 142 days when Richmond air emissions were higher than the acceptable levels, there were 82 days when it was above a safe level, and they are experiencing health problems such as asthma and cancer. Children in Richmond go to the hospital for asthma at twice the State average. He runs every morning at the Richmond Parkway and there is always a horrible odor. The smoke from Chevron burns his eyes and nose and he wants Chevron to stop hurting the community and the people. They need the City to do more to protect them from this pollution.

Donnell Jones, New Direction Ministries, Richmond, said he is concerned about jobs, community, and safety. The community needs quality jobs for an emerging green economy. The problem is unemployment and poverty in Richmond is at epidemic proportions; 52% of Richmond residents earn less than needed to support their families, and North Richmond residents earn an average of \$24,000 per year compared to Point Richmond's average of \$75,000 per year. The statewide unemployment rate is 11.6% and Richmond's is 17%. The unemployment rate for African-American men aged 16-24 is 36%. They spend 25 times as much to incarcerate youth than to train them for jobs. Every year, 900 people return to Richmond from being incarcerated to little opportunity and a recent Contra-Costa Times issue focused on health disparities and reduced life expectancy for Richmond residents because of factors such as job and financial stress, exposure to violence, and environmental contaminants. He said what people want are jobs and safe streets. They want to ensure that all community stakeholders, including businesses and residents, collaborate on the City's green business strategy plan and he suggested a citizen advisory committee to collaborate with the City on the green business strategy.

Paul Minault, Council for Allied Propane, Mill Valley, said Allied Propane is located in the Harbor Front Tract and has been there since 1967. In the Plan the Harbor Front Tract is now included in the change area. They would like to see the Harbor Front Tract taken out of the change area and ask this because it involves uncertainty for the land owners. The buffer zone concept is dear to Allied Propane and the other industries in the Harbor Front Tract and they would like to see that concept incorporated when the Campus Bay site is developed. They are very concerned that anything can happen in the Campus Bay area and the mixed use idea will require a great deal of sophistication from staff and the Planning Commission in its implementation. They understand the vibrancy mixed-use can create, but said it will result in incompatible uses in the Campus Bay site near the industrial uses that are already there.

Carol Bledsoe, Berkeley, said she is a member of the Audubon Society and Point Isabel dog owners group. She thanked the Planning Department for not rezoning the Point Isabel area.

Gregory Cantrell, American Legion, Brentwood, said his business is in Richmond. The American Legion came back into the City of Richmond because their mission is to provide job training and mentorship to veterans who are being underserved. They are very concerned about the General Plan so they can preserve their facility and serve veterans who need assistance. If something happened to their building and they could not provide the security and safety for homeless veterans, they might not be able to rebuild. They have made a 25 year commitment to the City and have an interest in the City.

Kunkim Poe, Palm Beach Gardens, Florida, said the revised General Plan proposes changing the zoning of her property at the West Shore of Marina Bay. She pointed out many businesses are in trouble currently because of the changing economy, and suggested the General Plan needs to be revisited in light of the current economy. It is unfair to rezone their properties because high intensity mixed use might happen in 100 years. It does not make sense to force the rezoning to happen against the reality of the near future. In the last session Secretary Lee suggested keeping the original land use in the General Plan instead of taking away the owners' hard work and ability to survive.

Richard Poe, Palm Beach Gardens, Florida, questioned why his concerns were not answered regarding Marina Bay. He pointed out there is an alternative energy company and two Fortune 500 companies in the area. Unless the building will be torn down in the next 10 years, he does not see the need for the change in the zoning in the General Plan.

Marla Miyashiro, San Pablo, represented the Point Isabel dog owners association, thanked the Planning Department for their responsiveness regarding their concerns about Point Isabel. They strongly support staff's recommendation that the Point Isabel be protected as a park in the Plan. However, the draft General Plan contains few specific guidelines and policies for the protection of wildlife. She asked that the Planning Department roll over the policies from the 1994 General Plan to the new General Plan, requested that the floor access ratio which is 0.50 be retained as in the previous General Plan, and requested that the proposed height limit be reduced to 45 feet in keeping with the highest building already in the area. She agreed with the Richmond Annex Neighborhood Council that level of service is not acceptable and creates a hardship for visitors to Point Isabel. Several guidelines and policies from the 1994 General Plan could be rolled over into the new General Plan to address these issues. Any residential development in the Point Isabel area should be limited. No uses should be allowed that affect public access to the shoreline.

Preston Martin, Vice President Operations of the American Legion, Richmond, said they are in the process of constructing a 32,000 square foot area to train veterans to work for Comcast. When they decided to come to Richmond, a lot of people questioned why they chose Richmond. Richmond has a need and a lot of people coming back from the wars need assistance. They found a beautiful facility and received a notification that if anything goes wrong with the facility they would not be able to rebuild it. He grew up in Richmond and he has seen all of the negative things in the City. This is an opportunity to build something spectacular and really help veterans. He is concerned they made the wrong choice if they cannot rebuild if something goes wrong. It is important to preserve the things that are currently in place in that location.

Dr. Eddie Welrow, Richmond, said he supports the World War II Waterfront Military Museum and are working with Congressman George Miller to preserve military history. They want to be sure the history of Port Chicago is preserved. The military was integrated because of Port Chicago. One of the things the Planning Commission can do is make sure the history of Port Chicago is displayed in the City of Richmond. It would be educational and they could expand the facility and use technology to teach people about the incident at Port Chicago.

Alex Schafran, Oakland, said he is an urban planner and has been working as a planner with the Richmond Development Initiative. He has participated in this process for the last 3 ½ years and has seen a lot of interesting and innovative ideas make their way into the draft of the General Plan. He felt the current version of the Plan has lost some of the things that he liked. First, there are no longer any specifics about what needs to be done and who is accountable regarding environmentally sensitive development. Second, new language has been put into the draft regarding working with heavy industry which he thinks belongs in a plan for the 1970s and not for 2010. Third, he was upset about how they moved from a fairly decent General Plan in July to this draft in December. There was no public notification of any of these changes, and systems that had been set up for public input were not used. He urged the Commission to look at the July version of the Plan and put back some of that which has been taken out.

Jim Cannon, Walnut Creek, said he works at the Richmond Terminal. He was also on the General Plan Advisory Committee and worked on this Plan for many months. He gave thanks to Richard Mitchell and his staff for the great job they did in revising the Plan, is happy with what has been done, but said there is still a lot to do. The maps sometimes do not match what is in the land use portions of the Plan, the buffer zone is on the map but is not defined in the land use portion, and he would like to have seen strike outs of the things that were taken out of the Plan in addition to the underlining of the added items. Other than those items, he is happy with the Plan and how the process is going.

Menbere Aklilu, Richmond, said she came to the United States and worked at her restaurant for \$7 an hour, and now owns it. She has 33 people working for her and 28 of them live in Richmond. If the restaurant ever burned down she has been told she cannot build it again. If that happened, all 33 people working for her would panic. People come from all over the Bay Area to have lunch or dinner at her restaurant because Marina Bay is a nice destination. If the name is changed, she will lose all of her customers and there will be a lot of confusion. She requested keeping the name as Marina Bay, and she would like to be able to build again if something happens to the building.

Sophia Loh, Alameda, said she works in Richmond. She is concerned with the proposed land use change at the Marina Bay business park area. Her understanding is that it will become high density mixed use which will present some harsh economic conditions for office buildings because it will label the office buildings as nonconforming use. Lenders will not want to give

loans to businesses in these buildings. If there were any event such as fire to any of these office buildings, they will not be able to rebuild. Businesses in the area such as the American Legion and Comcast have all become a vital part of the City of Richmond and have provided stability, employment, and name recognition, and they would be unable to continue. She urged the Commission to zone the area as Business Light Industrial and Medium Density Mixed Use for Commercial zoning.

Abdulamid Amini, Richmond, said he has lived in Richmond for the past 20 years. When he arrived 20 years ago to Marina Bay, there were only 2 sets of buildings. The rest was open land. He is concerned about the changes happening in that area. The City is about the people and not about the construction of buildings. He asked the Commissioners to consider the impact of these decisions on people, rather than only considering buildings. They need the zoning to remain the same to be able to continue to have hope for the future. He is not in favor of the name change because he cannot afford the advertising that would be necessary. It has been Marina Bay for 25 years and it has a reputation they are proud of.

Torm Nompraseurt, Richmond, said he has lived in Richmond for 34 years. He was concerned about the changes made from the July Plan. After 4 years of work and input from the public, he is concerned how the City staff struck so much from the Plan in a few weeks to arrive at the December Plan. He was concerned the Plan does not include enough of a commitment to create changes in the City of Richmond over the next 20 years.

Lipo Chanthanasack, Richmond, (translated from foreign language) said he has lived in Richmond for 19 years. He discussed the attractiveness of Richmond for industries and companies. He would like the City to regulate companies such as Chevron that function in the community and monitor the pollution to protect the people. Regulations and the enforcement of them need to be in the General Plan and he said everyone in his family has experienced health problems from the pollution such as coughing, sneezing, rashes, and they are hardly able to get out of the house because they are afraid of the pollution.

Katrinka Ruk, Executive Director of the Council of Industries, Richmond, said they appreciate the time and effort the Planning Commission and staff took to look at the concerns they presented at previous meetings, but there are some issues that still need work. They are concerned that action items should be removed from the General Plan and put into a separate plan in conjunction with the General Plan. They also believe ordinances that have not been approved by City Council should be removed from the General Plan. Ordinances are under the purview of the City Council. There are still ordinances in the action items that are being recommended, and they think those should be pulled out. The General Plan and resulting zoning plan should be created so there is a minimal need to establish Specific Plans. They questioned the need for so many specific plans and said she would be submitting language and recommendations to the Planning Commissioner and City Council next week. Some of the definitions have been changed and she suggested correcting the land use compatibility and southern shoreline. They also have concerns with industrial use buffers. If the changes are made to the Harbor Front Tract area, it would result in nonconforming use, and she is not sure that was the intent of the General Plan.

Lena Phan, Richmond, suggested improved access and opportunities to parks and recreation facilities, clean bathrooms, and an affordable swimming area. Youth programs, sports leagues, equipment, city sponsored after school programs, and youth jobs with employers in the City of Richmond are also needed. It is important to focus on youth because they are the future, and

the changes from the July to December version of the General Plan significantly lessen the action plan for the City of Richmond.

Bryan Grunwald, Oakland, spoke about the wetlands in the South of Parchester area. The parcel originally was 238 acres and is now 20 acres. Those 20 acres was in the redevelopment area and supported bonds for the redevelopment area. He is specifically concerned about maps 3.4 and 7.1; Open Space Overlay and Priority Open Space which are not defined in the General Plan and appear to be left over from an incorrect wetland delineation that was in the North Richmond Shoreline Specific Plan. He would like that Open Space Overlay removed or better defined in the Plan. He would also like to see the 1994 General Plan provided online along with all of its supporting documents since the current General Plan refers to it. The property to the west of the Port is indicated as being Residential, but it should be Maritime Commercial. The Port has tremendous value to the City in terms of jobs and tax revenue and he thinks the City should have a policy to develop a Port master plan to protect right of ways and transportation corridors into the Port for a container terminal.

Jennifer Lin, Oakland, echoed the comments made previously about accountability and said comments already submitted to the City about the General Plan have not been incorporated. She thinks it is unfortunate that industry and business interests are trumping low income communities and environmental health. She recognized that Richmond has a very rich industrial past that is important for the economic growth of the City; however, this cannot come at the expense of low income communities of color and environmental impacts. She said eleven different companies and industries are mentioned, which at the same time key items have been stripped from the element that deals with environmental health and opportunities for local Richmond residents. Action ED1.H used to say “establish a city-wide monitoring and recording program to assess the cumulative impact on environmental health”, but this has been completely removed. Action ED2.D used to say “prepare the local workforce for emerging industries”, but that has also been completely removed. There is a key difference in what has been added and what has been taken away.

Robert Herbst, San Rafael, owns residential and commercial property in Richmond. He owns a portion of the industrial park at Goodrich. He provided comments in September at the first round of public comment on the General Plan regarding an open space overlay and his comments on this issue are identical to Mr. Grunwald’s comments. The three properties all have sections that contain open space overlays that came from a 1993 Specific Plan. There was a note on those maps that those areas were to be confirmed by actual future delineations. They have done that and provided it to Lori Reese-Brown in September. The areas shown in maps 3.4 and 7.1 as open space are filled industrial approved lots. That open space overlay needs to be removed to reflect the current information of those parcels.

Daniel B. Murray, Jr., Mill Valley, representing Murray Parkway Partners, agreed with Mr. Grunwald and Mr. Herbst. Maps 3.4 and 7.1 include open space overlays taken from a 1993 Specific Plan that states they are conceptual areas subject to the policies of the plan and are to be verified by regulatory agencies. The General Plan needs to be adjusted to include the precise delineation of wetlands, rather than conceptual delineation, on their properties in all future drafts and final drafts of the General Plan.

Mary Selva, Richmond Annex Neighborhood Council, Richmond, said there are still some deficiencies in the General Plan. They are pleased with the change of land use for the Point Isabel area. However, the specific guidelines, goals, and policies that are in the current General Plan are critical to include in the new General Plan. These were very well-thought out at the

time and the Richmond Annex Neighborhood Council was involved with that plan. There are no specific guidelines for the Point Isabel area. They also would like to see several goals and policies for the local school in the Richmond Annex. They want to be sure the goals and policies in the current General Plan are rolled over into the new General Plan so they can retain the underlying land use designation either for a park or a school. Without that protection in the General Plan it puts their school at risk. They already lost Balboa School and they want to be sure they do not end up with a land use change and convert the school to residential units. They also want the height lowered from 55 feet for the San Joaquin view corridor. This was mentioned at the last meeting and it has not been changed. The Richmond Annex community is extremely opposed to the height limit and would like it changed to not exceed 35 feet.

Garland Ellis, Richmond Annex Neighborhood Council, Richmond, said he was alarmed to see the new addition in level of service for traffic in the revised draft General Plan. It now says level E and F would be acceptable throughout the city as a regular standard. He knows of no city or county traffic plan that encourages that level of service as a blanket approach. It becomes something that is acceptable in certain intersections where huge amounts of traffic cannot be avoided, for example around the Del Norte BART station. Level of service F means that traffic does not move. The problems that come with that are EPA standards cannot be met, traffic moves from major streets into neighborhoods, and impedes safety vehicles. The City needs to be proactive in its development approach to reach a level of service of D, not E and F.

Michael Katz, Oakland, reiterated the importance of a series of articles recently published in the newspaper suggesting Richmond residents expect a shortened life and compromised health. The General Plan is an opportunity to mitigate and change those outcomes. The current draft of the General Plan is too broad and will make it difficult to hold the city accountable. It does not include which public bodies are held accountable for implementing the action steps. Between the July draft and December draft, they have lost this accountability through the omission of language. Public Safety Design used to include guidelines to deter criminal activities in neighborhoods, streets, and public areas. It included guidelines in the design of play areas, parks, plazas, etc. It included the integration of crime prevention strategies in new developments, including the involvement of the police department. All of that language has been removed and the current version only says "deter criminal activity in neighborhoods, streets, and public areas." There is no specificity. The specific language must be included to hold the City accountable. Another example is in the land use policy. The December version is stripped of any concept of well-paying jobs and requiring the City to work with businesses to protect the community from environmental hazards. Development of vacant and under-utilized sites is given much more specificity in the July version.

Commissioner Lane thanked the public for their comments and staff and consultants for working hard to create a General Plan that represents three years of comments. She categorized her comments into three areas: process, direction, and key issues. The process of changing the July 2009 version to the December 2009 version was not transparent enough. She said that it would have been nice to see what was taken out so they could comment on what changed. The alert that went out to the public only spoke to the key changes that were summarized at the beginning of this meeting, but did not speak to the many changes that were made in the December version of the General Plan. She requested that these concerns be remedied as the process continues.

Regarding direction, Commissioner Lane said she is concerned about what was taken out of the Plan since the July meeting. She was not happy with the changes made in the economic development and land use elements where some important things were removed, and

suggested a compromise between those who want specificity and action items and the December version which is stripped of those action items. She would like to include which bodies are responsible for the action and policy items. The timing of those action items is flexible and she would like that flexibility represented in the Plan.

She noted that the following items were in the previous Plan and have been removed: Any action items, assessments and inventories. Those key actions are now gone from the plan and more specificity is needed. She voiced concern with specific policies such as Policy LU3.1. Stripped out of this policy are references to well-paying jobs and conflicts between industrial and non-industrial uses. Policy ED1.3 has been stripped of promoting the cleanup of environmental sites to protect health. Action ED1.8 has been stripped of establishing a city-wide monitoring and reporting program to assess the impact of environmental toxins on human and environmental health. Action ED2.D has been stripped of preparing the local workforce for emerging green industries. Key changes have been made with no understanding of why they were made.

Commissioner Lee thanked and congratulated Mr. Mitchell and Ms. Reese-Brown on the changes they have implemented since the last meeting. He heard the concerns expressed by residents of Point San Pablo Yacht Harbor and suggested linking those comments to what happens at Terminal 4. He clarified that he does not want businesses to lose their zoning in Marina Bay, but suggested dual zoning applicable to that area. He suggested supporting changes on pages 3.37, 3.42, 3.64, 3.65, 3.77 and 3.89. He also thinks the name change at Marina Bay should be re-thought given what the businesses will need to go through in that area. In the Richmond Annex neighborhood, he supports the changes in their letter on pages 2, 6, 9 and 10. Regarding the open space overlay issue, he thinks the owners in that area deserve better clarity and definition of the land area.

Commissioner Duncan thanked staff for their work on the Plan. He understands the idea of making streets wider to accommodate traffic but questioned what supplants the lost system.

Mr. Mitchell replied that staff is looking at their ability to respond to traffic problems and determining what can be done. Money is available to upgrade public transit systems such as Amtrak, bike lanes, and pedestrian access. When environmental law is reviewed, how they approach the analysis will change. People complain about traffic in certain areas, but they keep going there. When people want to go somewhere they figure out a way of going there. The mission is to figure out how to repair Richmond rather than serve traffic that is driving through.

Bikrant Sood, Project Manager for Consulting Team, concurred with Mr. Mitchell's comments.

Commissioner Beckles thanked staff and commented on the difficulty of the task of incorporating all of the comments from the public. She agreed wholeheartedly with Commissioner Lane's comments. She would like to see more comments from members of the public incorporated into the Plan from members of TRAC and the Richmond Annex Neighborhood Council. After hearing the comments from people with businesses in Marina Bay, she wondered if it is true that they would not be able to rebuild their business if it were destroyed.

Mr. Mitchell said this is not correct; the reference to the Ford Peninsula area was only a way to loop in the change in building and make it a western anchor. It does not mean they will change the names of the different areas of the City. It specifically deals with land use issues and is a district. Also, changing the land use designation does not wipe out the rights of existing

landowners. The purpose of the General Plan is to provide a guide for the future and does not mean that suddenly the property owners lose their rights.

Mary Renfro, Assistant City Attorney, said what they are trying to do with the General Plan is provide an opportunity for contextually sensitive development in certain areas at a grander scale and certain areas at a reduced scale. They are not trying to downscale or create any nonconforming uses. She has not yet seen the legal specificities of the language in those areas, but it may be written in a way that gives the impression to the landowners that their property would become nonconforming, and she thinks every effort should be made in refining the document to be sure the language correctly reflects that. They will not lose whatever entitlements they currently have.

Commissioner Beckles requested confirmation that they would be able to rebuild if their businesses were damaged, and Ms. Renfro answered that the current State of the law is that if you are in a legally nonconforming use you may continue to operate but you may not expand, and it is a grey area regarding rebuilding. They will avoid making them nonconforming by writing the language in the Plan so they will be provided the right to rebuild. They are aiming for land use designations that permit development if desired but does not force anyone to do anything.

Commissioner Beckles said she would like to see language in the Plan that protects these business owners, and Ms. Renfro noted that staff is listening to the comments from the public and are continuing to work on the language in the Plan.

Commissioner Beckles said she is greatly concerned about the revisions already mentioned in the changes from the July to December versions, which do not seem to protect the interest of the public and small businesses, but rather appear to protect the interests of heavy industry and developers. LU3.1 is an example of moving from protecting the public to protecting heavy industry. The July version encouraged environmentally responsible businesses that made positive contributions to the community, and the city should actively work with local industries to ensure they are in compliance with environmental regulations and protect the community from environmental hazards. She said the last part was deleted in the December version, there is no more language involving accountability of businesses, and she questioned why this change in the language was made.

Mr. Mitchell said General Plans should provide an overarching policy under which the Council and Commissions can begin to make decisions and guide activity. A General Plan cannot take the City beyond existing regulations and laws. They are bound and rely on the agency that regulates those laws. There are also State rules and regulations changing daily. Staff is trying to tie this document to the regulatory authorities that do the specific tasks that were called out specifically in the General Plan. Staff tried to retain the essence of policies in the revision without stating the specific things because those will change depending on what is important at the time. There are also limits on municipal authority and staff needed to bring many of the ideas in the previous version and bring them back within municipal authority. Some of the things that were referred to are not land use related. A policy for encouraging local hiring already exists. They need to connect the General Plan to the group that is responsible for that.

Commissioner Beckles said she understands the point Mr. Mitchell is making, but it causes more confusion about the new policy in LU3.7 about retaining heavy industry. This is a new policy that was added in the December version and it discusses modernization of heavy industry. It says the City will work to modernize heavy industry to ensure the continuance of Richmond's industrial base. She questioned why this specificity is included in the General Plan

for heavy industry but not for other policies that protect residences such as promoting clean and green industries. Mr. Mitchell said this is a good comment and there was no intent to eliminate green industry. Modernization of existing industries includes working on making these industries better than they already are. Richmond has industrial facilities, they have the resources to become better facilities, and he thinks that is a sound policy. The General Plan needs to recognize that they are here and the City should encourage improving them through consolidation, modernization, and beautification. He acknowledged they may have removed too much language regarding encouraging green businesses, and they will look at adding that language back into the Plan.

Commissioner Teltschick-Fall said Mr. Mitchell talked a lot about making industries better, but the language people are worried about is whom they are making them better for. She acknowledged it would be extremely foolish to restate every County and State law in the General Plan, but does not understand why policies cannot be included with action in them that allow the public to feel there is some responsibility for them. She suggested including language stating that industry should be modernized to make them greener, more sustainable, and better for the people with whom they coexist. She agreed with other Commissioners that the way the language has been changed in the December version of the Plan shifts it from the policies and goals that people worked very hard to put together. She asked to include some action, implementation, and policies with backbone, wants the Health Element to be very strong and to actually be implemented rather than ignored, and said there are no excuses for creating an unhealthy environment.

She also voiced concern about existing businesses in the Marina Bay area, stating that she feels comfortable with the solution to find a way to keep the business owners protected and looks forward to seeing the changes. She asked for a matrix that shows all of the comments; the matrix of changes was useful but it does not show a tally of the comments. The rezoning of Point Isabel is also a great thing and she is happy about that change. She hopes staff will continue in that vein and listen to the comments made tonight.

She questioned why the level of service is being used in planning, and pointed to traffic congestion being a huge quality of life issue for Richmond. The new commercial description of what is proposed at Terminal 4 was disappointing to her because the description of this land use area has changed a lot. The language in the previous version that said there would be open space has been changed to say "there could be open space." She does not believe high density belongs on the shoreline. They should be working on reoccupying areas rather than building new construction. They should not be increasing the density of recreational areas that will in the long term bring more value to the City.

Chair Finlay suggested going back to the purpose of the General Plan. She thought Mr. Mitchell gave a good overview of what the General Plan should be, but he did not discuss the reason for many of the deletions in this version of the General Plan. If a General Plan is a vision, then one must question what the role of the City Council is. Unfortunately, many of the City Council changes were brought into the General Plan. She stated that the City Council has the obligation to set the policy, and the General Plan sets the vision and is not a policy. The City Council sets policy on the City Strategic Business 5-year Plan and the Capital Improvement Plan. If cities were run by General Plans they would not need a City Council.

During the last hearing, Chair Finlay was adamant that the timeframes be removed from the General Plan. Every time the City Council misses a deadline, the City can be sued because they are in nonconformance with the General Plan. The General Plan therefore needs to be as

broad a vision as possible without taking away the prerogatives of the City Council and without spending money that the City does not even know if they will have. The General Plan should not allocate specific bodies to be responsible for a policy decision that has not been made by the City Council because staff is being cut and it is unknown how the City will survive the tough economic times that are forthcoming. Unfortunately, many of the ideas that came forth in the first revision were done without consideration of the economic realities of the future are no longer sustainable today. The language must become less restrictive because of the economic realities of today.

Chair Finlay referred to Map 5 and said she does not believe it is correctly drawn and needs to be redrawn. Marina Bay is a neighborhood and the Ford Peninsula is not a neighborhood. The Ford Peninsula should not take precedence over the neighborhood of Marina Bay, which has been branded for 30 years. The Redevelopment Agency has Marina Bay over everything it does out there. There is no acknowledgement of the Signature Properties contract, and she said it is not appropriate to give them a legal nonconforming status. If the people who invest in Richmond are treated poorly, no other investors will come. She thinks the changes that have been incorporated are appropriate changes.

Chair Finlay thanked staff for all of their work to hear the community, said it is not a complete document but is better and more appropriate, and she thanked Mr. Mitchell for his hard work.

Commissioner Lane said because many people were very passionate about their comments tonight, she thinks it would be helpful to understand the legal reasons why certain items were removed. She requested a chart showing the removed items along with the reasons why they were removed. She agreed this should be a visionary document, but if it is only looking at what is happening today then it is not visionary. Visionary is 10 years out and it should not be based on what is happening today only.

Ms. Renfro commented that some of the items in the Plan were amended because they were instances of deferred planning, and she stated that this is not a legally sufficient General Plan document. It is more powerful to include guidelines for developers so they can see if they are in compliance with the General Plan.

The public hearing was closed.

COMMISSION BUSINESS

2. Reports of Officers, Commissioners and Staff

Commissioner Lee acknowledged that Mr. Mitchell was on a public radio program and was well spoken.

Mr. Mitchell thanked the Commission and the community for comments. They will take the comments to heart and do their best on the next revision.

Chair Finlay wished everyone a happy holiday and noted the Commission will not be meeting again until January. She announced that the next Planning Commission meeting will be on Thursday, January 7, 2010.

Adjournment

The meeting was adjourned at 10:19 p.m.