

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
December 2, 2010
7:00 p.m.

COMMISSION MEMBERS

Charles Duncan, Chair	Sheryl Lane, Vice Chair
Jeff Lee, Secretary	Jovanka Beckles
Carol Teltschick-Fall	Ben Choi
Andrés Soto	

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

Vice Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: None

Chair Duncan recognized this would be Commission Beckles' last meeting on the Commission, as she was elected to the City Council.

INTRODUCTIONS

Staff Present: Lamont Thompson, Hector Lopez, Kieron Slaughter, Lina Velasco, Hector Rojas, and Carlos Privat

MINUTES

November 4, 2010

Commissioner Soto referred to page 2, 2nd paragraph, and requested name change of restaurant to read, "Las Americas Taqueria". On page 6, under public comments, under Richard Lompa, 3rd line, replace "pug" with "pub".

Commissioner Teltschick-Fall referred to page 4, 3rd paragraph; "...noted condition 2 is in violation of the previous Planning Commission conditions." She also said she was not in attendance and believes the comment should be attributed to another Commissioner.

Commissioner Lane referred to Page 2, the paragraph above "Hold Over Items", and asked to change Commissioner "Beckles" to "Vice Chair Lane".

Commissioner Choi referred to page 2, 3 paragraphs above "Hold Over Items" and asked to change Commissioner "Choi" to "Soto".

Chair Duncan said he would provide edits to the minutes at a later time.

ACTION: It was M/S (Soto/Teltschick-Fall) to approve the minutes of November 4, 2010, as amended; unanimously approved.

CONSENT CALENDAR

Chair Duncan noted the Consent Calendar included items 3, 4, 5, 6, 7 and 8 on the agenda. Items 3, 4, 5 and 6 were removed from the Consent Calendar as requested by Commissioners.

Secretary Lee questioned why Item 8 was placed on the Consent Calendar, why it was held over and what caused the delay.

Ms. Velasco explained that staff suggested the item be held over due to a comment letter being received from the City of El Cerrito and the neighborhood council requesting additional time to review and comment on the application.

Secretary Lee referred to delays, fairness issues of applicants, and review of timeframes. He asked that when provided with 10 days' notice, interested parties be more proactive in reviewing matters so that projects are not delayed.

ACTION: It was M/S (Beckles/Teltschick-Fall) to adopt the Consent Calendar consisting of Items 7 and 8; unanimously approved.

Chair Duncan said items approved by the Commission may be appealed in writing to the City Clerk by Monday, December 13, 2010, by 5:00 p.m.

Consent Calendar Items Approved:

- 7. PLN 10-200: Eastshore Aikikai Karate School** - PUBLIC HEARING to consider a conditional use permit to operate an educational facility inside a portion of the research and industrial building at 3025 Research Drive (APN: 405-373-023). M-1, Industrial/Office Flex District. D&K Metcalf I Partnership, LP, owner; Elizabeth Lynn, applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.
- 8. PLN 10-204: New Car Wash Facility** - PUBLIC HEARING to consider a conditional use permit to operate an automobile car wash at 5620 Central Avenue (APN: 510-053-032). C-3, Regional Commercial District. Gino Bartalotti, Jr, owner/applicant. Planner: Jonelyn Whales. Tentative Recommendation: Hold Over to 1/20/2011

Brown Act – Public Forum

Lewis Fierru spoke regarding taco trucks affecting his restaurant and other local businesses, asked for one process for approving CUP's. He was not provided with notice, taco trucks are not properly parked, and the area is dangerous. He asked the City to give priority to brick and mortar establishments because they pay utilities, taxes, and shop for supplies and food in town which out-of-town taco trucks do not.

Commissioner Soto said the City and Commission operate by a set of rules and an established process. If specific rules for mobile vendors are followed, businesses should be able to operate successfully. He added there are other impacts that can cause restaurants to succeed or fail.

He felt that to ask that re-evaluation occur as to whether or not taco trucks have an impact on Mr. Fierru's business is not appropriate and would be hard to prove.

Commissioner Teltschick-Fall acknowledged Mr. Fierru's concerns and said she thinks it bears further review. She personally is not a fan of fast food, thinks the City should support its established restaurants and businesses, and also thinks small businesses are also good. She hopes the City could re-review the rules during the General Plan update and try to arrive at a healthier and cleaner community and one that fosters entrepreneurial spirit at the same time.

Commissioner Beckles said she posed the question to the City's legal staff, noted that Mr. Fierru said he and other businesses never received notice, which has happened in the past. She questioned staff as to what would occur in this case.

Ms. Velasco said the ordinance is written as being consistent with State law. Property owners are required to be notified, and if there is a tenant in the building, it is the obligation of the property owner to notify those tenants.

Assistant City Attorney Carlos Privat stated notice is also posted at City Hall and certain locations throughout the City, as well as in the local newspaper, and staff has records to prove proper notice was given.

Chair Duncan said based upon Mr. Fierru's comments at the last hearing he drove by the taqueria and found a large taco truck 125 feet away from his business early in the morning. He can see where the price point associated with the taco truck would undermine Mr. Fierru's business. He suggested revisiting the ordinance because there is nothing in it that talks about the relationship between taco trucks and brick and mortar businesses. In the meantime, the CUP for that taco truck has been issued based upon legal criteria in the ordinance, and nothing can be done until the CUP is up for renewal or there are violations to the CUP which might prompt review. He suggested leaving the matter as is unless any violation is received.

Commissioner Beckles agreed to support a study between mobile vendors and brick and mortar buildings, given potential impacts. She suggested staff look at best practices of other cities.

Secretary Lee asked if notices were posted locally or just at City Hall.

Ms. Velasco responded that most notices are posted at City Hall. Certain notices like street vacations require physical postings on-site, but all others require newspaper advertisement, posting at City Hall, mailings to property owners within 300 feet, and neighborhood councils.

Secretary Lee recognized the groundwork of Hector Rojas about four years ago and said he was doing a good job of sorting out issues surrounding taco trucks.

Commissioner Soto agreed that staff is following what is legally required. He questioned whether there was a legal requirement or was it optional that property owners notify their tenants.

Mr. Privat responded that these are private business decisions between the owners and their tenants. Amending noticing provisions must be universal and would be processed through a recommendation to the City Council by the Commission, as all applicants must be treated the same.

Commissioner Teltschick-Fall said she would support a recommendation to make the notices more effective.

Chair Duncan suggested that under Reports of Officers and Commission Business, a subcommittee be established to review the matter in how the City might make the nexus between mobile vendors and brick and mortar restaurants, and to discuss it directly with the Planning Director, Mr. Rojas, and City Attorney staff due to associated staff time and costs.

He said there are two produce trucks and one taco truck on tonight's agenda. He drove past each site and pointed out the fact that there are nearby competing businesses.

Bruce Beyaert, TRAC Chair, provided an update on progress made by the San Francisco Bay Trail in Richmond. He reported on the completion of the Shipyard III Bay Trail, upcoming bid for further enhancement as a National Historic Park, work on the Annual Richmond Bay Trail Report which will include completion of 30 miles of Bay Trail, the expected completion in April 2011 of a 3-mile loop around the former West County Landfill, the completed 28 miles of Bay Trail in Richmond, and also work on a third Trail Guide. He recognized and thanked the Commission for their role in requiring completion of the Bay Trail connections with improvement projects.

STUDY SESSION ITEMS:

- 1. PLN 09-062: City of Richmond Pedestrian Master Plan** - Study Session to consider the proposed Citywide Pedestrian Master Plan. This plan is to improve the safety and convenience of walking throughout the City of Richmond. The focus will be on measures to create street, sidewalks and surroundings that calm traffic, invite people of all ages and abilities to walk, and provide positive places for association and community pride. Local Government Commission & Contra Costa County Health Services, applicant. Planner: Kieron Slaughter.

Kieron Slaughter said both the Pedestrian Master Plan and Bicycle Master Plan were developed on similar timelines, are consistent with each other, and make best efforts in achieving goals of the community as well as the General Plan.

Regarding the Pedestrian Master Plan, Mr. Slaughter stated the City received a Caltrans Environmental Justice Content Sensitive Design Planning Grant in partnership with the Local Government Commission (LGC). The City and LGC have joined with Contra Costa Health Services and the MIG to conduct outreach and prepare the plan. Josh Meyer is present from LGC, and staff's recommended action is to take no formal action, but to receive comments from the community and Planning Commissioners.

Regarding the Richmond Bicycle Master Plan, the City received a Transportation Development Act PDA Grant from the Metropolitan Transportation Commission (MTC) for the development of the Bicycle Master Plan. The City selected Brooke Dubose, Fehr & Peers Transportation Consultants to develop and conduct the outreach for the plan, and the plan will be a roadmap for developing bicycle infrastructure within an emphasis of promoting bicycling as a viable transportation option and fostering practical, safe, and enjoyable environmental for bicycling. The plan focuses on a number of projects, and Brooke Dubose is present to review the plan. Staff's recommended action is to receive the presentation and receive comments.

Lastly, the comment period for the Bicycle Master Plan ended November 19, 2010, and approximately 200 individual comments were received. The last day to comment on the Pedestrian Master Plan is December 17, 2010, and staff will take comments on both plans tonight.

Josh Meyer, LGC, said they worked with Fehr and Peers and there are common threads in both plans, as they see pedestrian and bicycle improvements working hand-in-hand. They focused on disadvantaged neighborhoods most in need and revitalization. The general study area focused on the central core area of Richmond and emphasized that improvements are applicable citywide.

In January they participated in a pedestrian safety assessment with numerous advisory group meetings that City staff arranged with Fehr and Peers which was done through U.C. Berkeley. In May, they conducted an extensive community design charrette over a two-week period to help form the basis of the plan. They held four neighborhood workshops, worked in the field to observe what is and is not working, and spent time going through trainings and sharing ideas of techniques used in other communities to resolve issues. After that, people wrote down their ideas on aerial maps which were combined in field work and research. They spent the next several months forming the draft pedestrian plan which has 4 major elements. He would discuss chapters 2 and 3 which deal with the heart of the plan.

Mr. Meyer said Chapter 2 focused on overall citywide recommendations, but the following are recommendations that improve the pedestrian environment:

- Richmond's wonderful urban grid pattern in the City from the pre-war era. It creates lots of short and direct connections and route options which make the City very walkable. This is something the City should guard and maintain.
- Many interruptions and broken links such as freeways that create lineal barriers, railroad tracks, and the fence along the Union Pacific line which has closed off one of the last connections across Main Street. He said the pedestrian plan includes suggestions to help reconnect and fix these broken links.
- Narrower lanes and "road diets". Lanes have evolved to a 12 foot standard, but many studies show that narrower lane widths on urban streets help calm traffic and reduce the overall width of the roadway to help pedestrians get across the street. Lane reductions or "road diets" are occurring on Macdonald Avenue where there is a 4 lane roadway and one lane can be removed to have a center lane and provide the same capacity.
- Curb extensions or other effects to make curbs more compact. They shorten crossings for pedestrians, improved site lines, moved pedestrians into the line of sight of drivers, all of which help slow cars and provide safety.
- Mini-circles in some situations are a great way to simplify an intersection, reduce conflicts, reduce accidents, create cover for pedestrians, and create an opportunity for no stop controls.
- Roundabouts are larger than mini-circles which can be recommended in certain locations and slow cars, simplify intersections, reducing chances of accidents and collisions, and provide more comfort to pedestrians.
- Crosswalks with high visibility patterns such as longitudinal striping, with non-slip surfaces, pedestrian islands that provide the ability to cross one lane at a time and better chances of cars yielding to pedestrians.
- Sidewalk zone systems with consistent standards.
- Curb and directional ramps. They believe directional ramps are preferable, and while they cannot always work in certain areas, they may soon be a federal ADA requirement.

- Pedestrian scale lighting.
- Street trees. The City has been approved for an Urban Greening Grant, part of which will look at an urban landscape district and provide tools to maintain and properly plant trees.
- Bike lanes which will be discussed later, but bike lanes slow vehicles, calm traffic, provide a safety buffer, and allow for more activity and security for people in the community.
- Promotion and importance of on-street parking which serves to prevent parking that obstructs driveways.
- Back-in angled parking which provides for more parking. Back and reverse parking is seen around the country in places like Seattle, Washington, D.C., Salt Lake City and Chico. Instead of backing out into traffic, cars are facing traffic.

Mr. Meyers then presented site applications, and said areas marked in blue are where they took samples and developed concepts that directly coincide with recommendations in the Bicycle Master Plan. They organized applications into key corridors, wider streets or arterials, local streets, greenway connectivity, and how to get through freeways in a safe manner. He presented an example of Harbour Way and discussed its applicability for being a road diet candidate, Marina Way and the opportunity for a median and a nice walking and bicycling route, South 23rd Street which mirrors what is being done on North 23rd Street, and the need for a road diet and space for a median to serve as a turn lane.

Regarding Cutting Boulevard there is a lot of room and right-of-way with a great redevelopment opportunity. Looking long-term, he proposed fixed transit with loading platform in the middle of the street which would connect Pt. Richmond all the way to the BART station in El Cerrito. This would allow a considerable amount of redevelopment and affordable housing connected to transit. He encouraged the Commission to review this in the plan for the long-term planning but for a short-term plan, suggested putting in a grand median with benches or lighting that would make the street more of a place.

At Cutting Boulevard and Carlson, there is a chaotic intersection and a place they looked at a roundabout. They instead asked Fehr and Peer to do a preliminary engineering analysis. Their configuration would maintain an acceptable LOS of C or better, the space will be easier to cross, would define sidewalks and crossings, help students, and the only challenge is working with the railroad.

He presented one example of local streets; the Iron Triangle by Perry's Elementary School and the four lane roadway that now dead-ends and no longer connects to the Richmond Parkway. He said there is no reason the road needs to be this size, as cars move very fast. Their designers created a drop-off and pick-up area in front of the school which provides a more prominent front, it reduces the lanes to two lanes, and he said it would be a great place to experiment with back in angled parking. There are bike lanes on both sides and they connect all the way to the end of the street which, in turn, connects to the Bay Trail along the Richmond Parkway.

He presented an image of how bulb outs or corner extensions might look and said there has been a lot of work on the "Yellow Brook Road" effort to make connections between the schools and Elm Park. They reviewed 7 streets to widen sidewalks, looked at connections, and ways for children and others to travel back and forth from school and the park such as raised, channelized islands, a round-about, removal of lights, and putting 13th Street on a road diet.

This would result in more room, bike lanes, and a bridge that people will want to use that connects Belding Woods to a place as opposed to an undefined intersection.

- 2. PLN 09-115: City of Richmond Bicycle Master Plan** - Study Session to consider the proposed Citywide Bicycle Master Plan. The Plan is a roadmap for developing infrastructure in the City of Richmond, with an emphasis on promoting bicycling as a viable transportation option and fostering a practical, safe, and enjoyable environment for bicycling. Brooke Dubose, Fehr & Peers Transportation Consultants, applicant. Planner: Kieron Slaughter.

Brooke Dubose, Fehr & Peers Transportation Consultants, reviewed work to date and said the Richmond Bicycle and Pedestrian Advisory Committee (RBPAC) and City staff have been instrumental in guiding the vision and recommendations in the plan. A community workshop was held in May where input was received. They started collecting and recording existing condition information throughout the spring. In the summer, they developed a proposed bicycle network and other support elements. They returned to the RBPAC and to staff to present a preliminary draft network plan and received additional feedback and input.

They also developed design guidelines for bicycle infrastructure within the City to guide the development of those projects once the plan is adopted. In the fall, they brought all recommendations together and developed the draft master plan.

Ms. Dubose reviewed the chapters and appendices of the master plan, prefacing the fact that Richmond is one of the best places for bicycling in the country given its topography, climate, trails and greenways. The plan reflects similar plans throughout California and includes requirements by Caltrans in order to receive funding for bicycle projects. They first looked at all existing plans in the City and throughout the County that have impacts on the bicycling environment. They reviewed the General Plan and the County's Bicycle and Pedestrian Master Plan. They then worked on the policy framework. Many of goals and objectives have been developed in the draft General Plan which was built upon.

They developed a series of specific goals and set some metrics such as expanding the network, increasing the number of bicycle trips, increasing safety for all road users, and ensuring the needs of bicyclists are included in all transportation projects.

The next chapter looks at background conditions of the City to identify where are the places people want to get to by bike and cannot right now. It identifies unique opportunities for bicycling and walking, existing ridership, bicycle infrastructure such as a Class I bike path, an on-street, Class II bike lane, and street shared with motor vehicles or a Class III bike route.

Ms. Dubose then presented the draft proposed bicycle network which she said has been vetted thoroughly with RBPAC, City staff and the public. The area most important is within central Richmond where connections to transit are provided, regional connections, parks and schools, retail, and recreational areas along the waterfront and hills. She said the network focus areas overlap heavily with the Pedestrian Master Plan areas, such as areas where road diets can be done, neighborhood routes, traffic calming opportunities, signing, way finding, and opportunities for bicycle boulevards.

They also focused on Richmond greenway connections, improving safety and accessing along freeways and interchanges, improving access to the Bay Trail and waterfront, short and long-term bicycle parking and their associated design guidelines, review of areas of bicycle collisions to improve safety, engineering which includes education, encouragement and enforcement so

people understand rights and rules of the road, funding and implementation, and about 200 unique projects within the plan. They conducted prioritization analysis on the projects using criteria which was vetted and looks to ensure that the highest priority projects will provide access to transit, adjacent cities, safety, or closing a key gap in the network. Cost estimates have been developed for each project and organized under short-, medium- and long-term or opportunistic projects to implement. In the appendix, they worked with planning staff to develop some detailed design guidelines and she briefly described innovative treatments, stating they heard a lot from the community about bicycle boulevards similar to those in Berkeley.

Chair Duncan thanked presenters for their thorough overview.

Vice Chair Lane referred to projects that can be completed within several months and she questioned whether Barrett Avenue was one. Ms. Dubose said Barrett Avenue is part of a larger design process already underway, is at 60% design, and will most likely happen independently. There are other areas such as Carlson Boulevard where bike lanes could be installed without requiring a traffic study due to non-removal of travel lanes. Also, the City has a re-paving plan and staff could consider installing a bike lane anytime a street is re-paved, such as Marina Way.

Commissioner Soto referred to identification of bikeways and pathways through adjacent jurisdictions, and he asked if there was discussion or analysis of issues in the process. Ms. Dubose said the maps are based from the Countywide Plan's system and there was discussion regarding those facilities during that process. However, during this master planning process there were no conversations with adjacent jurisdictions, but there is an opportunity to do this.

Commissioner Soto questioned if smaller mini-circle installations were envisioned in the north and east neighborhoods. Ms. Dubose responded that the Nevin Avenue Streetscape project is the one most far along and there have been renderings done for an installation between City Hall and the BART station. She has also seen mini-circles on 21st Street and San Pablo Avenue where there was an experimental installation. Ms. Dubose said pilot projects can be extremely low cost and can gauge community interest, and mini-circles have also been recommended for Roosevelt Avenue.

Commissioner Soto said he likes the idea of a bicycle center near the BART station, similar to Berkeley and Fruitvale BART stations. Ms. Dubose added that they heard comments about the projects being put into the hands of Richmond citizens as much as possible throughout the process, and she said things like bicycle parking, fabricating racks, and other opportunities can also generate economic activity.

Commissioner Soto observed steel ring bicycle racks on sidewalks along San Pablo Avenue and questioned if this was something Public Works regularly installs. Staff indicated these were done in El Cerrito and not Richmond.

Secretary Lee thanked both presenters for their overview and questioned specifics about the work of MIG in the process. Mr. Meyer said MIG was included to form continuity; they were involved in the General Plan update, were well positioned, and had a lot of knowledge. They served at a charrette in May and over the summer during workshops to help develop some concepts, and are still working with some of the graphics and ideas.

Secretary Lee said the City passed an ordinance relative to sidewalk dining for restaurants, and he questioned if this was reflected in the pedestrian plan. Mr. Meyer was unaware of the ordinance and agreed to follow-up on it with planning staff.

Vice Chair Lane said she knows Barrett Avenue is undergoing its own design process. She asked if this was the reason it was not included as a key corridor in the pedestrian plan. Mr. Meyer said he cannot recall why he did not include it as a key corridor; it would not be necessarily exhaustive but more of a characteristic. For the site characteristics, there would be roads that they would consider as key corridors and there would be typical treatments to consider. Barrett Avenue could be considered, but he did not list it as one.

Ms. Dubose said for the pedestrian plan, Barrett Avenue is building on the existing and on-going efforts of the development, planning, and public works, and this may have been the reason.

Ms. Velasco said many key corridors identified in the General Plan have a commercial component. Depending upon which side of Barrett Avenue, there might not be as wide as sidewalks, but there are still amenities for pedestrians. She said staff can work with the consultants on this to clarify, as there may be areas around Kaiser where an extra-wide sidewalk might be needed, given activity.

Vice Chair Lane said the BART station also fronts Barrett and she recommended this be considered, as well.

Vice Chair Lane asked if the pedestrian plan has a project prioritization plan similar to the bicycle plan. If not, she asked how projects would be recommended. Mr. Meyer replied there is a prioritization methodology in the appendix which is very similar to the bicycle prioritization methodology which helps identify things in terms of short, medium and long-term projects and resources.

Ms. Dubose added that the prioritization for the pedestrian plan is actually two-pronged; one for capital projects and one for on-going Citywide maintenance and improvements to the existing pedestrian network.

Commissioner Teltschick-Fall referred to the bicycle plan and congratulated the design team for their work. She commented that the plan looks and feels like it has input from bicycle riders and likes the fact that the team prioritized and made sure they consulted with other plans. She questioned if a pedestrian plan was included for Barrett Avenue. Mr. Meyer identified some of the key streetscape improvement projects that are happening now that are planned and confirmed Barrett Avenue is identified in the pedestrian plan.

Commissioner Teltschick-Fall agreed with Vice Chair Lane in that it is a major thoroughfare with a lot of traffic and pedestrians, and it will be great to see changes implemented. She questioned why there was resistance to roundabouts and heard they were considered to be more accident-prone in other states. Mr. Meyer said people may think that but they are not. People view them as very large merging, European traffic circles with lots of merging, and this might be where the resistance comes into play. Once installed, people are very accepting of them. They can reduce delay and also outperform a signal. They slow people down, but do not necessarily cause accidents.

Commissioner Teltschick-Fall said roundabouts look nice and she commended the design team for bringing in functional aesthetics throughout the plans. She thinks the entire City will be brightened by them, as well as the greenery. She questioned who pays for sidewalk installation and maintenance and asked if property owners would be asked to do this.

Ms. Dubose replied that a regulation in the Municipal Code requires property owners to maintain sidewalks adjacent to their property. However, there is capital improvement funds allocated annually towards improving the worst sidewalks. There may be an educational component as part of the plan and as grants are applied for and provided, hopefully projects will be expanded based on prioritization identified.

Commissioner Teltschick-Fall referred to numerous trees and grants to green the City. She asked if those grants would also be remedial because there are many trees that are not healthy. Ms. Dubose said there is a grant to prepare a Citywide urban greening plan that would look at these issues.

Commissioner Teltschick-Fall said she thinks freeway interchanges are still very problematic and hoped more could be done with solutions. She cited those as being San Pablo Avenue/I-80, a tunnel area that gets one off of the freeway and onto San Pablo Avenue above Barrett Avenue, the 44th Street, the Marina Way, and Harbour Way.

Lastly, she loves the way the team thought about lighting and trying to soften it. She strongly recommended choosing softer lighting. Also, the overhead flashing lights as one possibility to remediate problematic pedestrian intersections is one treatment that she thinks adds a chaotic and cluttered look to the street, and asked to use other solutions. Mr. Meyer noted the flashing lights were identified as being used a last resort and would not move forward.

Chair Duncan questioned and confirmed with Ms. Dubose that a letter was received from TRAC dated November 21, 2010. He congratulated both presenters on an excellent report and said he thinks the content breeds something very hopeful for the City.

Commissioner Soto referred to reverse angled parking. He knows it was a challenge and resisted on the 23rd Street redevelopment. He heard comments about possible experiment on the western end of Pennsylvania, but it struck him that if they were really trying to impact a more heavily trafficked area, this might not be the best place to experiment. He asked if other areas were considered for reverse angled parking.

Ms. Dubose said one place would be 37th Street where there is a lot of opportunity for many pilot projects; between Barrett and Roosevelt. Mr. Meyer said angled parking is an excellent use for any road where there is a lot of excess right-of-way and there is need for traffic calming. It improves property values, is a tool that can allow density to increase, as some of the requirements can be waived for parking which is often a deal breaker for redevelopment projects. He said Roosevelt volumes are not so high and it is right in the open for people to learn from it.

Chair Duncan called for public comments.

Public Comments:

Catalin Kaser, Richmond, said she is a bicyclist and pedestrian and supported both plans, cited the consultant's amazing work on some very tricky intersections such as Carlson and Cutting, the Pennsylvania Bridge, the greenway at 23rd and Carlson and the solution to involve crossings, and the fact that they looked at rain gardens or planters to absorb rainwater. She said the plan is for all types of riders and pedestrians and voiced support.

Nancy Baer, Program Manager, Contra Costa Health Services, said part of her work is to work with cities to create environments where people can be physically active in a safe way. She was involved with the pedestrian plan input and outreach, provided technical assistance to RBPAC and said the two plans bring vision to the General Plan. She is pleased with the work of the consultants, the concepts put forth, and for getting the streets right for smart development. There will be a need for planning, community engagement, and education on roundabouts, and hoped the plans move forward quickly.

Commissioner Soto asked if Ms. Baer had any comments regarding the Greenway such as connectivity issues. Ms. Baer said she and Commissioner Soto are both on the Board of Groundwork Richmond and she has been involved with Friends of the Richmond Greenway for many years. In terms of the plans, it has been mentioned that the greenway is a special place for off-street bicycle travel. One big obstacle is the fact that there is no crossing from the western to the eastern end of the Greenway. In terms of making it continuous, there is a plan being finalized to link the Ohlone Greenway with the Richmond Greenway. Once connected, riders will be able to travel from Berkeley, to El Cerrito, around Richmond to the Bay Trail and back again.

Regarding pedestrians, Ms. Baer said the 16th Street crossing is very critical. There is a cyclone fence repeatedly broken down from those wanting to cross to get to BART. There has been an application by the City Parks Department to purchase those properties so 16th Street can be a connection between the south and north side and access point to BART.

Bill Pinkham, Richmond, said he is on the Board of Directors of the East Bay Bicycle Coalition, the Contra Costa Advisory Committee, the RBPAC and Friends of Richmond Greenway, said the most important feature of the plan is safety, is happy about all proposed measures, said accidents are reduced on road diet streets by 25% to 40%, and supported bicycle policing.

Bruce Beyaert, Richmond, TRAC, commended the consultant team and is excited with many of the concepts. He said the pedestrian plan includes connectivity with the Greenway but it does not connect the Bay Trail, and they would like to see the connectivity built within the plan. He is surprised how low the Bay Trail projects rank on the bicycle plan. Regarding potential connections, he said the adopted General Plan shows a trail through the BN&SF railroad tunnel between Keller Beach and the Plunge which is rarely used, and this might be an exciting new gap piece of the Bay Trail. There is also a nice cut-off potential between the Bay Trail on Canal and Garrard Avenue along East Richmond. They also support right-sizing of streets and compact intersection which helps address improved bicycle safety, Class I trails and landscaping.

Gerald Rasmussen, Richmond, cited dangerous experiences when he used to ride along Carlson Boulevard. He said it is worse today and hoped for a safe way to improve Carlson. Regarding the Greenway, the crossing at 23rd and Carlson might be a good project for an architecture class to brainstorm. He said at the east end of the Greenway, this did not go far enough and it should have expanded just beyond I-80 to include a connection to the north and east neighborhood. At the west end, the current plan shows jogging over to Ohio on-street at 2nd Street, and he suggested continuing it on past the existing businesses fronting Ohio and trading an easement with either the last property owner or, in the best of worlds, with Burlington-Northern Santa Fe to get an easement north/south to meet west of those businesses.

Pam Stello, Richmond, Citizens for Sustainable Pt. Molate, said their membership congratulated everyone who worked on the plan which is exciting and changing Richmond from the ground up.

She said many members are cyclists and the plan has taken a lot of input from riders and pedestrians, and they are building a community authored plan for Pt. Molate and will be holding a public forum to talk about their plan.

Chair Duncan thanked the consultants for their great work and concluded the presentation, stating many speakers had specific opinions which can be replayed and seen on the City's streaming video.

NEW ITEMS:

Chair Duncan provided an overview of meeting procedures for speaker registration and public hearing functions and procedures.

- 3. PLN 10-136: Subway Sandwich Shop Conditional Use Permit - PUBLIC HEARING** to consider a conditional use permit to operate and establish a Subway eating establishment (fast food) at an existing commercial space at 213 Tewksbury Avenue (APN: 558-312-002). C-1, Neighborhood Commercial District. Douglas Pryne, owner; Manoj Trpathi, applicant. Planner: Hector Lopez. Tentative Recommendation: Conditional Approval.

Hector Lopez gave the staff report and described the request for a conditional use permit, franchises and zoning among businesses, conformance with standards, compatibility with the existing area, and staff's recommendation for approval of the request with conditions.

Commissioner Soto said Chair Duncan forwarded a correspondence from the President of the Pt. Richmond Neighborhood Council that indicated they had scheduled a time for the applicant to present the item to them. The applicant failed to appear and they are requesting a continuation.

Chair Duncan said a request was received to hold over the item after the agenda was set and, therefore, it is common practice for the Commission to ask the applicant if it would be possible to hold over the item until the neighborhood council can review it. He asked for the applicant and owner to come forward.

Kevin Pryne, Trustee of his father's trust and manager of the property, said he scheduled a hearing with the Land Use Subcommittee of the Pt. Richmond Neighborhood Council in September and he was present but there was no quorum to make a decision. However; they did decide on two other projects at that meeting and asked that the item be rescheduled to return in October, which was done. He found at that meeting a consensus of disapproval had already been reached by the Committee who were less than cordial and not positive about the proposal. They voted 3-3 and were deadlocked and advised him to seek approval from the overall neighborhood council. He spoke with the President prior to the meeting and he indicated that the meeting agenda was already full, and he would be required to again reschedule and be delayed another month.

Mr. Pryne said that given the lack of cordiality and extensive time involved in seeking approval, as well as the understanding that the neighborhood council is not an essential element of the approval process, he decided to forego any further discussions.

Chair Duncan said Mr. Pryne is correct that the process serves as a courtesy. However, there is a long tradition that boards and commissions prefer to listen to the opinions prior to hearing an application. This gives information that they might not otherwise receive and it is another layer

to making an educated decision that benefits the community. He is willing to make a motion to hold it over with his permission.

Mr. Pryne said he would prefer to resolve the matter more expeditiously. He has already been extensively delayed and his income from the property is contingent upon approval of the CUP.

Secretary Lee said it is unfortunate that Mr. Pryne did not have knowledge about how the Pt. Richmond Neighborhood Council works. The first night the applicant came to the Land Use Subcommittee, there was no quorum. He said the council is merely advisory to the main neighborhood council and they did speak to the neighborhood council after the access to the land use committee process was no longer available.

Manoj Trpathi, applicant, said they did speak before the neighborhood council with at least 40 people present. They presented their case, got good suggestions, and incorporated those suggestions.

Mr. Pryne agreed with the applicant and said they presented the item three times now without achieving a result. He is confident that if they went any further, they would find no more success.

Commissioner Soto said when the item was presented in September, he asked if it was agendized on their agenda or did the item fall under public comment. Mr. Pryne said they were on the agenda of the Land Use and Design Review Subcommittee and he was advised to meet with the overall neighborhood council as a whole, but he did not believe their item was officially agendized.

Public Comments:

Peter Minkwitz, President of the Pt. Richmond Neighborhood Council, referred to his letter requesting the item be held over in order that it be properly reviewed by their Land Use Design Review Committee. He said it is very unfortunate they did not have a quorum, but the applicant was allowed to speak under open forum at the end of the meeting. The applicant was agendized for the following meeting in October to present the item to the Land Use Design Review Committee's, but they did not attend that meeting.

Mr. Trpathi interjected and said they did attend the October meeting and the committee was deadlocked in their vote of 3-3. Mr. Minkwitz clarified that he was told that the applicants were on the agenda but did not attend the meeting.

Chair Duncan asked for clarification and said he would prefer having the matter agendized on the neighborhood council as requested in the letter, at which point the Commission could then act on the item.

Commissioner Beckles said it would be helpful to receive a clarification on processes on how the neighborhood council makes decisions so that everyone is clear. Mr. Minkwitz said the council agendizes the item, it is announced in the neighborhood, it is brought to the Land Use Design Review Committee which is an advisory committee to the main neighborhood council for review and recommendation, and the council then votes to accept or deny the recommendation. It does not mean they always agree with the recommendation of the Committee. The matter is then typically reviewed by the Commission.

Chair Duncan said the neighborhood council meeting requires an agenda and vote, and the agenda is distributed to the community prior to the council meeting. Those interested can attend, and he confirmed with Mr. Minkwitz that this had not occurred.

Secretary Lee pointed out a similar situation that occurred with a previous matter that returned to the Land Use Design Review Committee and was delayed.

Mr. Minkwitz felt there would be less confusion if staff could contact the neighborhood council President to determine if the process has been followed.

Commissioner Beckles said if held over, there should be a conversation between the applicant and the neighborhood council about clarity with the process and dates reviewed when the project would go before the subcommittee and the full neighborhood council so that when moving to the Commission, there are no issues involving process.

Mr. Minkwitz stated their next meeting is scheduled for December 29, 2010.

Chair Duncan questioned if information could be exchanged between the applicant, owner and neighborhood council.

Mr. Trpathi, applicant, questioned the minutes of the neighborhood council meeting and said he knows for a fact that a 3-3 tie vote occurred. Chair Duncan asked that those minutes be forwarded to the applicant and owner.

Mr. Privat said staff was able to download a copy of the agenda for the September 29, 2010 neighborhood council meeting during discussions, and it appears that the Land Use Design Review Subcommittee, chaired by Rod Satre, presented their findings of the Subway Sandwich franchise matter to the neighborhood council as a whole.

Mr. Pryne noted that a quorum was present at the council's October meeting where the proposal was aired thoroughly. A vote was taken by the Committee and it was deadlocked 3-3. He was advised to seek approval from the overall neighborhood council. He noted there was no place on the agenda for the presentation, and Mr. Minkwitz advised him to reschedule the next month. He felt ambushed by the subcommittee, feels he will not achieve further success with the council as a whole, and he asked if approval of the neighborhood council is required in order for the CUP to be approved.

Chair Duncan said approval by the neighborhood council is not required. Secretary Lee added that at this time there has been no communication from the neighborhood council as to their opinion of the project. He would not want to move forward without a position statement from them; however, the applicant can choose to present or not present to them.

Commissioner Soto said he sympathizes with what has occurred, trying to get the space occupied, and recognizes that the neighborhood council does not "green light" or "red light" a project, but their input is essential. Whether they approve or disapprove, he thinks the tradition of the Commission has to obtain the input from the group. He could also empathize with the applicant with not wanting to present again, but suggested doing so and documenting what occurs in order to move forward.

Chair Duncan thinks it is important to develop trust amongst neighbors when opening a new business. An unfortunate chain of events has occurred some of which cannot be tracked to

make the most rational decision. He suggested starting over the process correctly and then bringing the matter to the Commission.

Mr. Trpathi said the subcommittee has already voted 3-3, but he agreed with the hold over and go before the full neighborhood council. The Commission and neighborhood council both agreed.

Commissioner Teltschick-Fall said because of the confusion and because the applicants have made an effort to present their plan, she asked if it would be possible to assure them that if they reschedule for December 29th, they could be assured it would occur. Mr. Minkwitz said this should be possible.

Chair Duncan asked staff if they could agendaize the matter for the January 20, 2011 Planning Commission meeting, as the earlier January meeting was canceled. Mr. Thompson said often what the City does in order to get businesses up and running is poll Commissioners for their availability for a special meeting. He suggested holding a meeting on January 6, 13, or 20th. Ms. Velasco noted the City has a mandatory closure the week between Christmas and New Year's and in order to achieve noticing, staff must calculate those dates. Mr. Thompson said the item could be continued to a date certain if all agrees and a staff report can be written.

Chair Duncan suggested holding a special meeting on January 13, 2011. Secretary Lee questioned why the January 4th meeting was canceled, and Ms. Velasco said this was due to the weeklong closure of City Hall over the holidays and not being able to put together packets and provide legal noticing.

Chair Duncan confirmed with Mr. Thompson that the matter could be placed on the January 20, 2011 agenda and the item could be placed as the first item on the agenda with the public hearing to remain open. The applicants agreed with the hold over the matter to January 20, 2011.

Commissioner Soto brought up the concept of limiting chain franchise businesses in Pt. Richmond. He said that while the ordinance is not in existence, it gets to the general public health issue. It would not apply to Subway, but if the City begins to discuss these issues and put land use policies and findings into place, he could easily see the Commission making a case to limit fast food businesses in areas where there is over-concentration due to health related issues.

Chair Duncan suggested addressing this at the hearing on January 20, 2011.

ACTION: It was M/S (Soto/Beckles) to hold over PLN 10-136 to January 20, 2011; unanimously approved.

BREAK

Chair Duncan called for a 10-minute break at 9:45 p.m. and thereafter, reconvened the meeting at 9:55 p.m.

- 4. PLN 10-209: Briseno Produce Truck#1 - PUBLIC HEARING** to consider a conditional use permit to legalize an existing produce truck at 3700 Macdonald Avenue (APN: 517-330-002). C-2, General Commercial District. Bonnie Gianoli, owner; Mariana Briseno, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

Hector Lopez gave the staff report, a description of the request for a conditional use permit for Truck #1 to sell seasonable produce from 10:00 a.m. to 6:00 p.m. daily during certain seasons. He said a taco truck had previously been proposed for the same location and the results of the public hearing were that not more than one mobile vendor could locate per site. He noted that the request is not for a new truck but for the legalization of an existing produce truck, and the applicant has applied through the CUP process.

The project meets parking requirements and Health and Wellness ordinance requirements. The application for Truck #2 will come to the Commission separately and be proposed in a location that has little access to fresh produce. He said staff recommends approval of the request. He noted the site has already been improved but the applicant has volunteered to paint striping for parking in the area.

Secretary Lee noted he spoke with Mr. Lopez earlier and said most of his questions involve the actual number of parking bays. Mr. Rojas confirmed in the drawing there are 4 bays, but these are not bays but 4 openings, and 2 of the 4 are considered roll up doors. The others are roll up windows from a prior business, and these were not factored into the parking requirement. The business there only utilizes the 2 roll up doors. The other 2 are more of an entrance to storage areas for an auto repair shop.

Secretary Lee thanked Mr. Rojas for his clarification and supported approval of the request. Chair Duncan confirmed there were no public speakers on the item.

ACTION: It was M/S (Soto/Teltschick-Fall) to approve PLN 10-209; unanimously approved.

5. PLN 10-210: Briseno Produce Truck#2 - -PUBLIC HEARING to consider a conditional use permit to operate a new produce truck at 1001 Cutting Boulevard (APN: 544-240-016). Neighborhood Retail (Knox-Cutting Specific Plan). George and Susan Young, owners; Mariana Briseno, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

Mr. Rojas noted the similar situation as the previous item, except that the business is a gas station as opposed to an auto repair shop and is in dilapidated shape. There are sign and light posts in disrepair and landscaping and planter strips not planted and dead. This application proposes landscape, circulation and parking improvements and repairs to existing light structures, which is a requirement. The work will be driven by the applicant and the owner would contribute towards funding the improvements. He confirmed the hours of operation are 10:00 a.m. to 6:00 p.m. daily, as well.

Secretary Lee referred to the health and wellness issue, noting he attended a Contra Costa County Leadership Academy course where they discussed the availability and benefits of fresh vegetables and fruit. He agrees that the Truck #1 augments the availability in that location. Unfortunately, however, in discussing the notification process and impacts on neighbors, there is a two-year old Latino grocery store 4 blocks away. He visited the store today and they have a very nice produce department in front and he inquired as to the project. The operators of the store had not heard of it, and they indicated the truck would be a detriment to their business. He felt that these types of businesses have no or lower overhead and he said the other issue has to

do with guaranteeing that landscape improvements would be done, as often times they are not enforced.

Chair Duncan observed this becomes a dilemma for the Commission because dimensions and distances are not codified in the ordinance. He did not see this location would confound another business 4 blocks away, but perhaps it would, and yet there is nothing in the ordinance that states this would be a burden on an existing business. He suggested revisiting this at some point and asked staff if there were any practices in other cities where there are mobile versus brick and mortar businesses with the same base.

Mr. Rojas said he worked on this issue for quite awhile and brought it to the Commission twice. Not only is it a divisive issue for the public but also for the Commission at the time. He presented pro's and con's of having these types of business and whether promotion should be placed on the brick and mortar businesses. He said mobile vendors have much lower overhead costs, but with this particular application, he would want to speak with Fiesta Latina and make clear that the mobile vendor's sales are seasonal, much lower in volume, and would never be able to compete with the services provided by the Fiesta Latina market. However, the subject is politically divisive and staff would want to bring the issue back to the Commission at some point. A point he would want to make in the ordinance is that although there are not distance requirements, the intent of the ordinance is for business incubation. A discretionary issue is how many renewals mobile vendors have had in the past and take this under consideration as to whether this has allowed enough time for incubation. An example is the Mississippi Catfish operation that became a brick and mortar operation after time.

Commissioner Beckles said she agrees with Mr. Rojas' comments on differences between the two businesses and is aware of the type of limited seasonal produce the mobile vendor sells. She suggested the current Commission bring back discussion of the issue and made a motion for approval.

Commissioner Soto said a couple of years back when he worked for the West County Heal Project an assessment was done of food access in specific targeted neighborhoods. The area at Harbour Way and Cutting is part of a broader food desert that exists throughout the Iron Triangle, many parts of the south side, and as has been commented, product offerings by mobile vendors is different than store offerings and can only help that neighborhood.

Secretary Lee agreed and said in this case, the conflict is not great enough to warrant a denial of the project, and he asked that proposed improvements identified on page 2 are completed prior to commencing business. Mr. Rojas noted this is how the condition is written, and read the condition out loud.

ACTION: It was M/S (Beckles/Soto) to approve PLN 10-210; unanimously approved.

6. PLN 10-213: La Perla Taco Truck - PUBLIC HEARING to consider a conditional use permit to operate a new taco truck at 12277 San Pablo Avenue (APN: 517-100-001). C-2, General Commercial District. David & Leslie Vallerga, owner; Maria Arechiga, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

Mr. Rojas gave the staff report and description of the request for a conditional use permit for a new taco truck, operating from 9:00 a.m. to 9:00 p.m. daily. He said the site includes a home

remodeling showroom and there is adequate circulation and parking. The applicant has also volunteered to restripe the parking lot. In the past, one issue has been whether this type of business would impact a brick and mortar business, and he conducted an extended survey of nearby restaurants. He found there was not a Mexican restaurant within a 2-block radius, but a mix of several restaurants in the area.

Commissioner Beckles questioned and confirmed with Mr. Rojas that the LaBamba Restaurant was outside of the 2 block radius and outside the 300 foot radius.

Commissioner Beckles questioned if a copy of the email was provided to the Commission from the neighborhood council President asking that this item be held over. Chair Duncan said there were two requests; one from a member who notified the President and one email from the President, as well. They asked specifically that this be held over until they can hear it, and Chair Duncan suggested holding the item over.

Mr. Rojas asked the Commission to take into account that Ms. Arechiga, the applicant, had originally applied for the 3700 Macdonald Avenue location. She has come to the planning department a couple of times regarding sites that would satisfy conditions of the City and they finally arrived at the location as eligible, which has taken months. He also said staff notifies neighborhood councils, there is a project list on the City's website, and to a certain extent, he noted the previous applicant went through the exact process; there was no communication with the neighborhood councils, which he felt was unbalanced.

Chair Duncan agreed, but said most important thing the Commission can bring is consistency. He read the email out loud from Mr. Owen L. Martin who found an envelope mailed from the City on November 24, 2010 and their next meeting is December 6, 2010 which is next Monday. While he appreciates the applicant has been looking for a site, it is not the Commission's problem and respecting neighborhood councils and their request would benefit the matter.

Commissioner Teltschick-Fall supported the hold over and said the LaBamba Restaurant is a thriving local neighborhood restaurant and differs from the prior matter which deals with selling of seasonal fruits and vegetables.

Secretary Lee said the neighborhood council was notified on November 24, 2010. The City cannot expect the neighborhood council to be able to provide input by letting them know 8 days prior to the Commission meeting. Therefore, the process of bringing items should be made more effective so that delays are not incurred.

Chair Duncan said there was no communication from neighborhood councils at all in the previous matter regarding Truck #1 or #2. However, in this case, there is a formal request and he supported holding over the item.

Commissioner Soto questioned whether the applicant may have a problem with hold over of the item, and Mr. Rojas suggested letting the applicant speak to this. Commissioner Soto said the legal requirement in terms of notice does not necessarily link up with neighborhood council meeting schedules. The Commission is constantly running into this problem and he questioned what the solution might be. He said he would be supportive of having the applicant be able to start her business; however, on the other hand, the tradition of the Commission is not to move forward.

Mr. Privat said it is planning staff's policy to tell the applicant to go to the neighborhood council well in advance of the meeting.

Maria Arechiga, applicant, Vallejo, said her mother is the owner of the truck and she helps her by working there. They have looked for a place to locate for some time and it has been tough. They found a location and hoped for approval soon.

Commissioner Soto questioned what it was about this particular site that attracted them. Ms. Arechiga said she felt that each small business could bring customers to each business.

Commissioner Soto questioned and confirmed that the menu was strictly Mexican, and it does not compete with other businesses in the immediate area.

Commissioner Teltschick-Fall said the hours do not coincide with the hours of the remodeling showroom business, and she questioned the need for expansion to 9:00 p.m. The corner is an odd cul-de-sac and she was not sure it was particularly safe when operation late into the evenings.

Ms. Arechiga said they are looking at starting out and determining whether they have a lot of clientele. If they do and there are people out late at night, they would install lights as needed to make the area more secure.

In response to Commissioner Teltschick-Fall, Ms. Arechiga clarified that they have cooperatively discussed use of the restrooms with the remodeling business. They have agreed with access up to four hours after their closure. Regarding lighting, she said it is sufficient now and the truck provides lighting. Regarding the parking area, there is easy access, except for striping, which they will do. She clarified that the truck would face out to the street. Mr. Rojas added that there are wall lights behind the taco truck, and he could visit the location to ensure adequate lighting exists.

Commissioner Soto questioned and confirmed with Mr. Rojas that operating hours of Long John Silver's and KFC across the street stay open to approximately 10:00 p.m. He said a positive impact of mobile vendors has been the fact that their uses bring life at night and eyes on the street.

Gerald Rasmussen, Richmond, said he was surprised that this is not in his neighborhood council, said it is hard to conceive this is the highest and best use for one of the busiest intersections in the City. There is no off-street parking and while 5-6 spaces on site are adequate, circulation is awkward in terms of traffic with a right turn out to Barrett Avenue, and he feels the use will worsen the traffic situation. He also felt LaBamba Restaurant is also clearly within 300 feet and located just off the aerial photograph map beyond the Goodwill Store.

Commissioner Lane said Williams Natural Grocery has a drive-through parking and access running right behind the site. She shops at the store and people come from all over, and she recognized there is a lot of traffic. She asked staff to review traffic and the proximity of the truck to LaBamba restaurant.

Mr. Rojas said traffic was taken into consideration in review of the application. There are no designated spaces, there is an existing business but they do not have parking and people access the site. Through his observations, people park in an odd fashion, and he pointed out the circulation issue and she indicated there is parking and access on both corners of the

property. He said staff considered canceling one of the driveways on the corners and introduce a new circulation pattern by entering through the driveway on San Pablo with an exit only on Barrett Avenue. He pointed out that to the business the circulation might be a problem and they are in agreement with the proposed circulation pattern.

Commissioner Soto questioned the level of interest by businesses before the site was used by the showroom. Mr. Rojas said less than a year ago, there was an auto dealership which had a much worse parking situation. Through the General Plan process, staff hopes interest is raised on sites like these. They anticipate future mixed use residential and retail development to locate on the parcel, but given the economy, it will be a long time coming. In terms of highest and best use of the parcel, this is definitely considered an interim, two-year permit and the Commission can reconsider it and other uses in the future. Commissioner Soto said he supported Mr. Rojas' point about safety and eyes on the street at night.

Mr. Rasmussen continued and said if the Commission is inclined to approve the request, planning staff look at circulation opposite the way it is shown and have back-in diagonal parking which he thinks would work better with a right turn in off Barrett and right turn out onto San Pablo Avenue.

Rebuttal-Applicant

Ms. Arechiga had no rebuttal.

Mr. Rojas summarized and said there are conditions for improvement to the site, as well as neighborhood council review and additional confirmation of noticing requirements, and staff would maintain its recommendation for approval.

Commissioner Soto supported the request as straight-forward. If the applicant is willing to wait for neighborhood council review and confirmation of noticing requirements, he would recommend conditional approval.

Secretary Lee questioned and confirmed that the applicant did not have to spend another \$900 for the application and staff assisted the applicant with the plans. Secretary Lee voiced his support for the project unless there is objection from the neighborhood council or objection from the applicant, but would make a motion to hold over the project and not approve the request given outstanding issues involving noticing, lighting, circulation and parking.

Commissioner Teltschick-Fall seconded the motion.

Commissioner Choi questioned if there was a sense of urgency on the matter. Ms. Arechiga said she was amenable to holding over the item in order to be heard by the neighborhood council. She also asked what date the item would return to the Commission. Chair Duncan said the item could be held over to the January 20, 2011 meeting.

Chair Duncan provided a list of contacts of the neighborhood council for the applicant and asked her to contact them immediately and be put on their January 6, 2011 meeting.

Vice Chair Lane thanked Mr. Rojas for continuing to work with the applicant.

ACTION: It was M/S (Lee/Teltschick-Fall) to hold over PLN 2010-213 to January 20, 2011; unanimously approved.

COMMISSION BUSINESS

9. Reports of Officers, Commissioners and Staff

Mr. Privat said if the Commission does not feel it has enough information upon which to base its decision, including information from neighborhood councils, it can continue the meeting on its own volition and does not need permission from the applicant. When projects require both Design Review Board and Commission approval, the items must be heard in one hearing, and this is when the applicant is asked if they are amenable to holding over items.

Ms. Velasco announced staff applied for a Strategic Growth Council grant to do form based codes for the commercial corridors, which includes San Pablo Avenue, Macdonald Avenue and the South end of 23rd Street. Tomorrow staff will learn whether or not funding is secured which this should address some of the issues raised tonight, and the form based codes can be adopted as part of the General Plan process.

Vice Chair Lane said she attended the Housing Element public community meeting where staff facilitated the meeting along with MIG. There were many people in attendance that provided detailed comments, and the item will come to the Commission at its January 20, 2011 meeting. She said there were multiple meetings where Planning Commission meetings were canceled in 2010 because of a lack of items, and this would provide opportunities to hold study sessions. She asked to hold a study session on the mobile vendors and their proximity to brick and mortar businesses and clarification on the notification process to include the legal process to business owners and the neighborhood councils.

Secretary Lee supported establishing protocols for notification to neighborhood councils prior to Commission meetings, and suggested a study session or subcommittee be scheduled. He said the Commission has also discussed a subcommittee process to change the Commission's meeting start time. Chair Duncan suggested getting a consensus opinion that meetings should start at 6:00 p.m. Mr. Privat noted that staff will agendaize amendments to the Commission meeting start and end times for the next meeting.

Secretary Lee voiced appreciation of Ms. Velasco forwarding the Commission the forecasting calendar, and he confirmed that the Commission no longer hears street vacations. He attended a leadership academy and thanked those who coordinated the event.

Commissioner Teltschick-Fall echoed comments on the leadership academy which she also attended.

Commissioner Beckles said this is her last meeting with the Commission. It has been a pleasure serving and she recognized the level of service of staff and the Commissioners have brought, and looks forward in serving on the City Council.

Commissioner Soto announced that a presentation would be given at the City Council on Tuesday by the developer who wants to put a casino at Pt. Molate of public alternatives. He said the report is in draft form, and the most viable recommended alternative was a medical

marijuana farm within the Wine Haven Building. He pointed out that there are many other viable sites within the City to grow medical marijuana besides Wine Haven.

He announced that on Friday, December 10, 2010, the Richmond Progressive Alliance is having an Election 2010 victory celebration at the Unity Church, 351 28th Street from 7:00 to 11:00 p.m. with refreshments and entertainment. He also reported the Junior Scorpion Big Band was also playing at the Senior Winter Ball next Saturday, January 11, 2011 as well as Yoshi's in Oakland on December 21, 2010.

EXTEND MEETING

<p>ACTION: It was M/S (Beckles/Teltschick-Fall) to extend the meeting at 11:00 p.m. to 11:15 p.m.; unanimously approved.</p>

Chair Duncan reported the Commission discussed forming a subcommittee on the mobile vendor ordinance and asked Mr. Rojas to coordinate the effort. Ms. Velasco stated that Mr. Rojas is currently working on the General Plan, but staff is working on a healthy vendors cart ordinance and can assign a staff member for the process.

Commissioners Soto and Lane volunteered and were appointed to serve on the mobile vendor ordinance subcommittee.

Chair Duncan said years ago there were combined DRB and Planning Commission Retreats where many ideas were raised on coordination, notification, decision-making, and similar difficulties each body has experienced. He asked staff to review the schedule in the next three months to possibly schedule a retreat after the General Plan adoption.

Adjournment

The meeting was adjourned at 11:10 p.m