

MEETING NOT RECORDED IN THE BEGINNING

**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

1401 Marina Way South, Richmond, CA

November 2, 2006

7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Ludmyrna Lopez, Secretary
Nagaraja Rao
Jeff Lee
Vacant

Vice Chair Stephen A. Williams
Zachary Harris
Vicki L. Winston
Vacant

The meeting was called to order by **Chair Finlay** at 7:10 p.m.

Chair Finlay led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Finlay, Vice Chair Williams, Secretary Lopez and Commissioners, Harris, Lee and Winston

Absent: Rao

INTRODUCTIONS

Staff Present: Janet Harbin, Hector Rojas, Mary Renfro, Jonelyn Whales, Richard Mitchell, Lamont Thompson

MINUTES:

March 3, 2005

ACTION: It was M/S (Woldemar/Lopez) to approve the minutes of March 3, 2005; unanimously approved.

April 7, 2005

ACTION: It was M/S (Woldemar/Lopez) to approve the minutes of April 7, 2005; unanimously approved.

May 19, 2005

ACTION: It was M/S (Woldemar/Lopez) to approve the minutes of May 19, 2005; unanimously approved.

February 2, 2006

ACTION: It was M/S (Woldemar/Lopez) to approve the minutes of February 2, 2006; unanimously approved.

March 2, 2006

ACTION: It was M/S (Woldemar/Lopez) to approve the minutes of March 2, 2006; unanimously approved.

Chair Finlay gave an overview of the procedures for speaker registration and public hearing functions and procedures. She said any decision approved may be appealed in writing to the City Clerk by Monday, September 18, 2006 by 5:00 p.m.

CONSENT CALENDAR

Chair Finlay noted the Consent Calendar consisted of Items 3, 4, 6, 7 and 8.

ACTION: It was M/S (Winston/Rao) to approve the Consent Calendar consisting of Items 3, 7 and 8; unanimously approved.

ITEMS 4, 5, 6 REMOVED

Brown Act – There were no speakers.

Consent Items Approved:

- 3. EID 1102584 – Civic Center Phase I Renovation at 2600 Barrett Avenue** - PUBLIC HEARING to review the Phase I plan for revitalization of the Richmond Civic Center buildings located at 2600 Barrett Avenue (APN: 515-210-001). The City has formulated a master plan concept for the phased renovation, retrofit and expansion of the Civic Center complex in order to accommodate future civic functions. The proposed project before the Planning Commission is the Phase I conceptual plan including renovation, seismic retrofit and expansion of the existing City Hall building; construction of a new Hall of Justice building; and improvements to the Auditorium and improved landscaping to the Civic Center plaza; PC (Public and Civic Uses) Zoning District and Public and Institutional/964. City of Richmond, owner; Richmond Community Redevelopment Agency, applicant. Tentative Recommendation: Hold Over To 11/16/2006.
- 4. PA 1103462 – An Amendment To An Agreement at 12020 San Pablo Avenue** - PUBLIC HEARING to consider an application PA 1103462 for an amendment to an Agreement between the Planning Commission and property owner (Carrico) to nullify the requirement for the dedication of and/or improvements to the property frontage located at 12020 San Pablo Avenue. C-2, General Commercial Zoning District. Carrico, owner; Norma Simmons, applicant. Tentative Recommendation: Hold Over To 12/7/2006.
- 6. CU 1103251 – Fast-Food Mobile Vendor at 417 23rd Street** - PUBLIC HEARING to consider a request for a temporary Conditional Use Permit for a fast-food mobile vendor at 417 23rd Street (APN: 514-100-025). C-2, General Commercial Zoning District. Rafael Cartagena, owner; Pedro Andrade, applicant. Tentative Recommendation: Conditional Approval.

7. **CU 1103339 – Alcoholic Beverage Control Off-Sale License at 544 Harbour Way** - PUBLIC HEARING to consider a proposal to relocate an Alcoholic Beverage Control Off-Sale License Type 21 from the convenience store located at 564 Harbour Way to the grocery store located next door at 544 Harbour Way (APN: 534-340-023). C-1, Neighborhood Commercial District. Nagi Almag, owner; Mazen Elmashni, applicant. Tentative Recommendation: Hold Over To 12/7/2006.
8. **CU 1103364 – Dog and Cat Boarding, Daycare & Training Facility at 3117 Pierce Street** - PUBLIC HEARING to consider a request for a Conditional Use Permit to establish a dog and cat boarding, daycare and training facility at 3117 Pierce Street (APN: 510-052-015). C-3, Regional Commercial District. Norma Borgeson, owner; Alison Smith, applicant. Tentative Recommendation: Hold Over To 11/16/2006.

Items Discussed:

1. **CU 1102797 – Live/Work Units at 431 First Street** - PUBLIC HEARING to consider conversion of a vacant industrial building into 11 live/work units at 431 First Street (APN 538-042-029). M-2, Light Industrial District. MSH Properties, owner/applicant. Tentative Recommendation: Denial.

The public hearing was opened. **Chair Whitty** gave a brief discussion of the request.

ACTION: It was M/S () to deny **CU 1102797** based on staff's four findings to support denial of the request; unanimously approved.

5. **V 1102963 – Variance for Side Yard and Front Yard at 759 Wilson Avenue** - PUBLIC HEARING to consider a Variance to reduce the side (south) yard setback from 3 feet 10 inches to 4 inches and the front yard from 10 feet to 5 feet for the purpose of constructing exterior staircases to the proposed second floor at 759 Wilson Avenue (APN: 524-230-004). The proposal also includes a deviation from the minimum interior-yard space. SFR-3, Single Family Residential District. Michael Stanley, owner/applicant. Tentative Recommendation: Denial.

ACTION: It was M/S () to deny **V 1102963** based on staff's recommendation; unanimously approved.

2. **EID 1102306 – Canyon Oaks II Residential Subdivision at Castro Ranch Road** - PUBLIC HEARING to hear public comments on a Draft Environmental Impact Report for a project located on the south side of San Pablo Dam Road at its intersection within the El Sobrante Valley area. The proposed project consists of a request for approval of a tentative subdivision map for construction of 36 detached single-family dwellings, including 4 custom home sites; associated utilities infrastructure and roadways; improvements to the intersection of San Pablo Dam and Castro Ranch Roads (APN: 573-020-009); a lot line adjustment; General Plan Amendment; and a change in zoning district. The project also includes the transfer of a portion of the project site and other lands to a land conservation bank. SFR-1, C2 and EA (Single-family Residential, General Commercial and Exclusive Agricultural) Zoning Districts. This is not a public hearing for adoption of the project, and is for comments on the environmental document, only at this time. FRB Inc., owner; John Zentner, applicant. Tentative Recommendation: Receive Public Comments On a Draft Environmental Impact Report.

The public hearing was opened.

John Zenter, Zentner and Zentner, briefly described the project.

Public Comments:

Joanne Spalding,

Eleanor Loynd,

David Tucker/Yevett Tucker, voiced opposition to the project with noise and dust, said residents have not had an opportunity to review the request

Brenda Laplante, said she met with the applicant and neighbors regarding the impact of the proposed development, felt neighbors would be severely impacted, the project did not adhere to the hillside ordinance, voiced concerns with grading, backyard pooling/flooding and drainage, impacts to wildlife, views, noise, dirt, debris, potential damage to rear yards, removal of trees in the open space area, questioned the 60 foot landscape buffer on page 4.5.16, asked to include a large greenbelt, consider a one-way street, mandate a homeowners association and reduce the probability of an estate lot.

Commissioner Harris:

- Referred to page 2.7 of the EIR and mitigation measures, and asked that appropriate excerpts from the soil/hydrology mitigation measure 1-L be provided as an appendix, asked that sketches and examples be provided describing the excavation that occurs;
- Asked that mitigation measure 2-B be further explained as to how the wall would be set;
- Asked what quantities were involved of the oils and fuels on site listed on page 2-11 to 2-13, mitigation measure 5-B and secondary containment issues required;
- Regarding mitigation measure 6-B and 6-C--getting guidance from the County Mosquito and Vector Control District and questioned if the County could simply be used to address both requirements;
- Regarding page 2-13, mitigation measure infrastructure and services-1, he requested knowing that EBMUD was able to provide adequate service to the site;
- Regarding page 2-14, mitigation measure 2-B, asked that a tree survey be provided;
- Regarding mitigation measure biological resources-3 on page 2-17, he felt construction would take place during the nesting season and asked that a survey be performed prior to planning approval;
- Referred to an abbreviation; "dbh" relative to trees and received an explanation, and **Ms. Renfro** noted it stood for "diameter of breast height", which should be spelled out.
- Referred to mitigation measure noise-1, asked that noise practices are stated as part of project approval in the EIR and that the noise study be prepared during the architectural design phase and that it be stated as part of planning approval;
- He referred to page 4.5-16 and the landscape buffer planting, noted this conflicted with the applicant's remarks, and asked for clarification.

Commissioner Winston:

- Referred to page 4.1-27, circulation, parking and tree preservation, and asked whether removal of mature trees was consistent with the hillside ordinance, voiced concern about the number of trees to be removed;

- Regarding Section 3.A.5.A, there was a comment about the existing left turn movements at Canyon Oaks Drive and impacts to the new intersection and she requested review of more current traffic studies;
- Regarding grading and drainage on page 4.1-28, the same situation occurred in Carriage Hills development and various phases and asked for conditions for the existing site that may affect the adjacent site;
- She voiced concerns over the pictures taken of view impacts and asked that new pictures be taken from a car;
- She was opposed to the in lieu fees, felt the money simply goes into the general fund and did not improve schools or parks.

Commissioner Williams:

- Said he has not had adequate time to review the document in its entirety, but was familiar with the area;
- Voiced concerns with excavation, erosion and flooding and asked that hydrology issues be addressed in detail;
- He asked the applicant to take pictures of everything in its current form because nearby structures could be damaged.

Commissioner Lopez:

- Emphasized the importance of the hillside ordinance;
- Asked for further clarification on the land bank on page 4.1-11 and how this could be used in other parts of the Bay area and how it can be used more directly at home in Richmond;
- Questioned the in-lieu fees, how the project applies to the inclusion of affordable housing, and what the in-lieu fees would be used for.

Commissioner Lee:

- Said he did not have adequate time to review the document;
- He was completely confused on the buffer designation issues;
- Voiced concerns with traffic flows;
- Agrees with the significance of the project in its relationship to the hillside ordinance;
- He liked the approach of having large units up the hill rather than construction of smaller units.

Chair Finlay:

- Asked that EIR documents be made available to the Commission immediately in order for adequate review time;
- Referred to page 2.3 and 5.8 and the discussion of “no custom home lot alternative”, which she actually found attractive;
- She felt there were significant mitigations for the project;
- Requested that hours of construction not exceed the hours in the City’s zoning ordinance;
- Wanted more technical information about the construction of retaining walls and adequacy of the buffer zone and fencing between the current Canyon Oaks I and anything adjacent to it. She was not sure whether the document could create the appropriate nexus;
- Regarding page 2.13 and disagreed with the statement that there were no significant impacts to traffic and circulation;

- Regarding page 2.16; the land bank issue, felt it raises questions and asked for the discussion during construction of Canyon Oaks I;
- Regarding pages 2.18 and 2.19; the demolition of trees required to build the additional subdivision, and questioned the progression of varying ratios of tree replacements;
- Requested clarification on the buffer zone question;
- Asked why the Fry Lane site was being orphaned and felt it was a natural extension of Canyon Oaks I and II;
- Regarding the bulb out with four additional lots, she felt it was an intrusion into preserved areas, voiced concern with the dichotomy between zoning and land that cannot be used and the whole land bank credit issue;
- Requested knowing if there were sidewalks on both sides of the streets;
- Referred to page 4.1-4, said there was an Area Specific Guideline for the El Sobrante Valley and she wanted to see background documents on this reference, as well as for the Resource Management Overlay District and Hillside Physical Constraint Area;
- She asked that no wooden fences be proposed;
- Requested nicer lighting throughout the project.

Chair Finlay reminded everyone that the project required a general plan amendment, that discussion and comments would be taken until November 28, 2006 and additional statements could be submitted to Jonelyn Whales for inclusion into the record.

Commissioner Williams felt a critical item to the decision process was a memorandum by Everett Jenkins, Assistant City Attorney, dated May 13, 2003 located about 4 pages into Appendix A that talks about the hillside ordinance interpretation. He asked staff to provide the Commission direction as to how they are to interpret with the hillside ordinance. **Ms. Renfro** said she would request an updated opinion from the City Attorney.

COMMISSION BUSINESS

9. Reports of Officers, Commissioners and Staff

Hector Rojas noted that staff would bring forth the mobile vendor ordinance for review in January.

Janet Harbin questioned a change in dates for the Commission's January meetings due to holidays, and agreed to bring back suggested dates.

Mary Renfro said she would be absent for the December 7th Commission meeting, acknowledged discussion held previously for development standards and ordinances changes, and noted there had been discussion about the procedure for Agenda Review. She said as currently written there was provision for an Agenda Review meeting on the Mondays before the Thursday meetings. Such meetings needed to be agendaized and discussion and action could only be conducted with a quorum. She asked the Commission to consider how they would like to amend their Planning Commission procedural rules to address the issue of Agenda Review because it was cumbersome.

Chair Finlay asked Ms. Renfro to re-send the outline of the Brown Act, guidelines of the Development Review Committee and guidelines for the Agenda Review. She asked that the ordinance relating to parking standards and bicycles be updated, and **Ms. Harbin** said planning staff would be working on what other cities were currently doing and bringing back information.

Jonelyn Whales reminded the Commission of their special meeting on November 16, 2006 regarding the Civic Center project.

Chair Finlay thanked staff, the DRC and Planning Commission members for attending the retreat and felt it was valuable. She confirmed with Ms. Renfro that she would determine whether or not a representative from the City Attorney's office could attend December's Monday meeting.

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