

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

450 Civic Center Plaza, Richmond, CA  
February 16, 2012  
6:30 p.m.

**COMMISSION MEMBERS**

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

The regular meeting was called to order by Chair Duncan at 6:32 p.m.

Vice Chair Lane led in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Chair Duncan, Vice Chair Lane, Secretary Lee; Commissioners Choi, Reyes, and Soto

**Absent:** Commissioner Teltschick-Fall

**INTRODUCTIONS**

Chair Duncan announced that long-time activist and good friend Peter Minkwitz passed away recently.

**Staff Present:** Hector Rojas, Jonelyn Whales, Mary Renfro, Carlos Privat, and Richard Mitchell

**MINUTES**

January 5, 2012:

Commissioner Soto made a correction to the name of speaker, Cordell Hendler, under agenda Item 2 and throughout the minutes regarding the Veterinary Clinic and Martial Arts School.

Commissioner Soto offered a point of information that the lights still operate at a three second interval at Hilltop.

**ACTION: It was M/S (Soto/Reyes) to approve the Minutes of January 5, 2012 as amended; unanimously carried (Teltschick-Fall absent).**

**CONSENT CALENDAR**

Chair Duncan provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. He said items approved by the Commission may be

appealed in writing to the City Clerk by Monday, February 27, 2012, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

Chair Duncan stated there are no Consent Calendar Items.

**Brown Act – Public Forum – No Speakers**

1. **PLN09-137: Richmond General Plan 2030 - PUBLIC HEARING** to consider a recommendation by the Planning Commission on the appropriate land use designations for General Plan Change Area 12 (Northshore). Planner: Hector Rojas. Tentative Recommendation: Recommend Amendments to City Council.

Chair Duncan explained that the hearing for the consideration of the Northshore Area 12 Land Use Designation would be conducted differently in that there is no application; however, discussion will take place and a recommendation made to City Council.

Associate Planner Hector Rojas presented the staff report and stated that staff met independently with representatives of all affected private property owners and with open-space advocates. Based on those meetings and follow-up discussions Rojas relayed three recommended land use options to the Commission.

Commissioner Soto referred to the Public Hearing held in October 2011 and said that he did not recall having discussed all three land use designation options as indicated in the staff report. He said that the fact that Council referred this item back to the Planning Commission indicated to him that there was no substantive change from the original Planning Commission recommendation to Council. Commissioner Soto stated that this land should be zoned Open Space, and therefore was not prepared to support the recommendation. He also noted that East Bay Regional Parks District made no comment on the proposal.

Planning Director Mitchell replied that it was his understanding that the East Bay Regional Parks District was comfortable with whatever decision came from the Planning Commission and City Council.

Secretary Lee asked for clarification on the definitions as they related to shorelines and natural resources. Assistant City Attorney Renfro replied there are similar terms in the 1994 General Plan and in the North Shoreline Specific Plan, which would be “delineated wetlands, marshlands and such things as potential habitat for protected species or known native plant colonies to be protected”. The definition was taken from California case law and what BCDC uses to define shoreline.

Secretary Lee said he agreed with Commissioner Soto regarding discussion of three land use designation options but noted that the Commission did not make any recommendations to Council.

Commissioner Reyes pointed out that a few months ago the East Bay Regional Parks District was supportive of the recommendation to Council and now, with new recommendations, they are supportive without any comment at all. Commissioner Reyes said that he identified changes in the new proposal noteworthy of comment.

Chair Duncan opened the public hearing.

Pubic Comment:

Daniel Murray, Mill Valley resident, said his family owned more than half of the land within Change Area 12, and spoke in support of staff's recommended land use option.

Commissioner Reyes asked if Mr. Murray had any meetings or discussions with Commissioners and/or Councilmembers. Mr. Murray said that since the City Council meeting, their only contact was with staff.

Mack Casterman, San Mateo resident, California Native Plant Society, said he appreciates the proposed shoreline setbacks and asked that the habitat for native plants continue to be considered in the development planning of this area.

Commissioner Reyes asked about the types of native plants Mr. Casterman was referring to. Mr. Casterman said their main concern was for Coastal Prairie Grasslands; as it is private property, no biological surveys had been conducted; however, the General Plan draft EIR indicates the presence of several native species.

Patricia Jones, El Cerrito resident, represents CESP Citizens for Eastshore Park, asked that the Commission support staff's most recent recommendation in an effort to close the city's General Plan. Once finalized, there will be better opportunity to protect these lands and provide access to the people of Richmond. She added that while it is a compromised position, the CESP Board voted in favor of this recommendation, and in answer to Commissioner Reyes' question, Ms. Jones said that the majority of their Board members were not Richmond residents.

Katrinka Ruk, Richmond resident, representing The Council of Industries, asked that the Commission support staff recommendations.

Bob Herbst, San Rafael resident, said his family owns 10 of the parcels in the Industrial Park. Mr. Herbst said that in the spirit of compromise, his family agreed to support staff's proposed Low-Intensity Business Light Industrial General Plan designation.

Commissioner Choi asked for clarification between this proposal and that of the 1994 General Plan designation. Assistant City Attorney Renfro noted that the major changes included a 100 foot set-back from the shoreline; the definition of shoreline; a building height restriction; public access; and a lower density range.

Commissioner Soto said that looking at the aerial map of the new Low-Intensity Business Light Industrial zoning designation did not identify where the 100 foot building set back was. Ms. Renfro said that that the map showed only the general layout of the area. She said that the setback is written as a policy that accompanies the proposed Land Use Designation LU.5D.

Norman LaForce, El Cerrito resident, former El Cerrito Mayor, representing several environmental clubs, said that they preferred the area be designated for open space and recreation, although each of the clubs supports this compromise. He urged the Commission to vote in support of this designation as a compromise position and move the City forward. Discussion took place as to how club members contact city staff and elected officials.

Commissioner Soto asked if Mr. LaForce could offer insight, stating he recalled January 2010 within the Richmond Progressive Alliance, they voted on the open space issue and it was 27-0-

1. He has not heard an explanation of the abstaining vote by Jeff Ritterman, and questioned his position. Mr. LaForce said he has offered no explanation on his position.

Jeremiah Dean, El Cerrito resident, Conservation Organizer for the Bay Area Chapter of the Sierra Club, urged the Commission to support the compromise position for this land use designation.

Commissioner Choi stated he believed it is not fair to say the City of Richmond is placed in a compromised position, and clarified that it is Richmond residents who are being compromised.

Joshua Genser, Richmond resident and owner of 9 lots within Change Area 12, spoke regarding the compromise in order to achieve a constructive proposal going forward and voiced support of the proposed land use designation.

Commissioner Choi commented on the number of emails and correspondence from the environmental clubs. He said that the substance of the proposed land use designation made sense and did not see it as a compromise.

Vice-Chair Lane outlined the key differences and found that there are very few. She said she was not comfortable with the compromise but believes the General Plan is sound and wants to move forward.

Secretary Lee said that although there is not a big change from status quo, certainly there is indication of a significant enough move from dead center to move the ball to fall to one side or the other. He reiterated that staff and the Commission take comments from our residents and not to get steamrolled from groups from other cities. Secretary Lee asked staff if Change Area 12 could become public park land. Mr. Mitchell said that if the Parks District or some coastal conservancy wanted to buy the property, they could turn it into public park land.

Commissioner Soto pointed out that in addition to changing the zoning designation, the Commission is asked to recommend adoption of a new policy in Land Use and Urban Development within the General Plan. Further, he said that a new zoning designation was designed specifically to work out this kind of compromise. Soto said that the creation of the Low-Intensity Business Light Industrial Land Use Policy had not been discussed. He felt that it was their responsibility to return much of the bay lands to their natural habitat as possible.

Commissioner Reyes said that the process was flawed and the information was incorrect. He did not recall substantive discussion of the proposed options and agreed with Commissioner Soto in that a strong message from the Commission for open space should be taken back to City Council where it belongs.

Chair Duncan stated that before them was a resolution in the form of Exhibit A recommending that the City Council adopt Land Use Designation Low-Intensity Business Light Industrial for the currently undeveloped private property in General Plan Change Area 12 (Northshore); to add General Plan Policy LU5.4 North Richmond Shoreline Development to General Plan 2030; and add General Plan Action LU5-D Design Guidelines for the North Richmond Shoreline Development.

The public hearing was closed.

**MOTION: It was M/S (Lee/Duncan) to recommend to City Council PLN09-137 as recommended by staff, which failed by the following roll call Vote (2-3-1-1): Ayes: Duncan and Lee; Noes: Choi, Soto, Reyes. Absent: Teltschick-Fall; Abstain: Lane.**

**MOTION: It was M/S (Soto/Reyes) to adopt the original recommendation of Change Area 12 as Open Space, which failed by a vote of 3-2-1-1: Ayes: Choi, Reyes, Soto; Noes: Duncan, Lee; Absent: Teltschick-Fall; Abstain: Lane.**

Vice Chair Lane explained her reasoning for abstaining on the vote. Mr. Privat announced that 4 votes were needed to carry the motion.

Commissioner Reyes asked whether Vice-Chair Lane would be able to craft a motion from her position on something that may appease everybody. Chair Duncan said that the Commission is completely irresolute; however, must act one way or the other. It is very important to make a decision. Duncan asked Vice Chair Lane to craft a motion.

Secretary Lee said that it was not incumbent to put pressure on someone who has abstained and he believes it is somewhat disrespectful. He said there are times when abstinence is appropriate.

Assistant City Attorney Carlos Privat said in this case, the process dictates there will be no recommendation to City Council.

## **2. Reports of Officers, Commissioners and Staff**

Secretary Lee put a shout out to the Richmond Rockets who are playing tomorrow night.

Commissioner Reyes recommended a pamphlet called, *An Ounce of Prevention*, which was made available to new Planning Commissioners, saying he felt it very beneficial in the decision making process.

Chair Duncan reminded the Commission to fill out their Form 700 Statement of Economic Interest and turn them into the City Clerk. Secondly, the 2012 Historic Preservation Awards is open for nominations. Entries are due March 30th.

Commissioner Soto said he was interviewed by the consultant for the Livable Corridors project and felt it is an important project in which to participate. He added that it was unfortunate that 23<sup>rd</sup> Street north of Macdonald' was not included in the process due to politics. Soto encouraged anyone with input to submit it to the consultant and their team. Secretary Lee concurred that it has potential to be a really good program.

**Adjournment** - The meeting was adjourned at 7:53 p.m.