

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

450 Civic Center Drive, Richmond, CA
October 18, 2012
6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair
Roberto Reyes, Secretary
Ben Choi
Melvin Willis

Andrés Soto, Vice Chair
Andrew Butt
Carol Teltschick-Fall

The regular meeting was called to order by Chair Lane at 6:30 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Lane, Vice Chair Soto; Secretary Reyes, and Commissioners Butt, Choi, and Willis

Absent: Commissioner Teltschick-Fall

INTRODUCTIONS

Staff Present: Hector Rojas, Carlos Privat and Lina Velasco

MINUTES - None

AGENDA

Chair Lane provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, October 29, 2012, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

HOLD OVER ITEM

- 1. 1100513: Knobcone Development of 4 Residential Lots - PUBLIC HEARING** to consider adoption of a Mitigated Negative Declaration and approval of a Tentative Map to subdivide the site at 5801 Knobcone Court (APN: 435-300-010) into four single-family residential parcels and a remainder parcel. One house exists on the site and its parcel would be 22,920 square feet (SF). The subdivision would create three additional residential lots varying from 12,861 SF to 15,310 SF in size. The remainder of the site, a 61,540 sq. ft. (1.41 acres) parcel (referred as the "remainder parcel"), would have a detention basin to control rainwater runoff but would remain undeveloped because of potential geologic hazards. PA, Planned Area District. Rong Fong, owner; William Randolph, applicant; Planner: Jonelyn Whales; Tentative Recommendation: **Hold over to November 1, 2012 Conditional Approval.**

Chair Lane noted that Item EID1100513; the Knobcone Development, was pulled from the agenda. Staff is requesting a two-week hold-over to November 1, 2012 to allow more time, and staff will re-notice the item for the November 1st Planning Commission meeting.

CONSENT CALENDAR

Chair Lane reported there were three Consent Calendar items. Ms. Velasco requested removal of Item 2 for discussion. Chair Lane asked and confirmed there were no members of the Commission or the public who wished to remove any other items from the Consent Calendar.

ACTION: It was M/S (Choi/Reyes) to approve the Consent Calendar consisting of Items 3 and 4; unanimously carried.

Consent Calendar Items Approved:

3. **PLN10-209: Briseno Produce Truck#1** - PUBLIC HEARING to consider renewal of an existing Conditional Use Permit to operate a produce truck at 3700 Macdonald Ave. (APN: 517-330-002). C-2, General Commercial District. Bonnie Gianoli, owner; Mariana Briseno, applicant; Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.
4. **PLN10-210: Briseno Produce Truck#2** - PUBLIC HEARING to consider renewal of an existing Conditional Use Permit to operate a produce truck at 1001 Cutting Blvd. (APN:544-240-016). C-1, Neighborhood Commercial District. George and Susan Young, owners; Mariana Briseno, applicant; Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.

BROWN ACT – PUBLIC FORUM – No speakers

Consent Calendar Items Removed:

2. **PLN12-207: Richmond Hand Carwash and Xtreme Tacos** - PUBLIC HEARING to consider a Conditional Use Permit to establish a new hand carwash and taco truck at 1006 23rd Street (APN: 528-080-019). C-2, General Commercial District. Atta Sardar Mohammad, owner; Sergio Nunoz, applicant. Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.

Associate Planner Hector Rojas gave the staff report and an overview of the request to operate a new hand carwash and taco truck. He said the application meets the zoning and code requirements with the exception of the taco truck. While there is plenty of on street parking on 23rd Street, there is limited off-street parking on the property as well as circulation issues if the taco truck and carwash were to operate together.

Mr. Rojas presented an aerial of the site and explained the potential for stacking on the carwash driveway thereby impacting circulation. Staff's current recommendation is to approve the carwash and deny the taco truck application.

Commissioner Willis asked if it was possible for the taco truck to park along the fence by where the car lot is. Mr. Rojas said this was a location considered. It was forwarded to the City's traffic

engineering department who also did not recommend the option due to circulation and parking issues.

Commissioner Butt asked if there has been any traffic analysis done other than consultation with the traffic engineering department. Mr. Rojas requested a trip generation report from the applicant for the car wash and they did not meet the minimum threshold requirement for requiring a traffic study.

Commissioner Butt commented that there are two conflicting uses and circulation issues coming from a significantly busy street. He said if there were not a taco truck and the building operated as a restaurant, he asked if there still would be a parking shortage, and Mr. Rojas said yes. He added that another point is that there will be customers who just want to patron the taco truck and people may also want to get a taco after their car wash, which would create problems.

Commissioner Butt asked if the employees hand wash the cars, and Mr. Rojas said yes; the business is not an automatic car wash with moving sprayers or rolling brushes.

Commissioner Butt questioned trash pick-up, and Mr. Rojas said trash would be wheeled out to the curb for pick up.

Vice Chair Soto said it seems that one condition is to rehabilitate the existing Bab's Dairy freestanding sign and the people who installed the sign did not maintain it up to the point they sold it to the current owners. He asked why the City was imposing that requirement on the new owners. Mr. Rojas said this is not something the City had to impose; it was a staff recommendation from the standpoint of historic preservation and noted that this particular sign is very iconic and harkens back to a certain era, and there are not too many like this left in existence.

Vice Chair Soto did not think sign replacement should be a requirement, as it is not part of the operator's business, per se. While he appreciates historic preservation he was not sure it fit into the look of 23rd Street. He also said there is an existing taco truck and they basically want to relocate it, yet the comprehensive mobile vendor ordinance is not yet completed. Therefore, his inclination would be to allow the applicant to operate the taco truck. Also, the carwash operates 9AM to 6PM and the taco truck would operate at least until 11PM, so there would be 5 hours of business opportunity where the carwash would not even come into question.

Commissioner Reyes said he can understand the complications in the application. The City has seen folks come in and invest on that end of 23rd Street and agrees some of the conditions are somewhat burdensome. He also questioned and confirmed the pictures in the packet had been taken some time ago and the situation shows no resemblance.

Chair Lane opened the public comment period and confirmed there were no public speakers.

Commissioner Butt referred to Option 2 for the sign and said he particularly does not like the kind of billboards similar to the CVS billboard along 23rd Street. He asked if, hypothetically, the City could allow the applicants to locate their truck there but require them to remove the billboard, which would be a good balance for the benefit of the community. Mr. Rojas noted that this is a revenue generator for the property owner and not the business owner, so staff would have to contact the property owner to see if he would be willing to do this. In terms of improvements proposed, the applicant for the car wash business is putting those improvements forward and not the property owner.

Commissioner Butt asked if the sign complies with the City's Municipal Code, and Mr. Rojas said the sign is a grandfathered sign as well as the billboard, and the City only allows two billboards per block. Commissioner Butt asked if the application would trigger a question as to whether the sign complies. Ms. Velasco said not at the level of changes proposed. The request is for a conditional use. The sign already exists but if it was a full redevelopment, much of that would be required to be removed. She explained that the sign also represents a period of time which residents in the area would also like to preserve.

Assistant City Attorney Privat stated that in order to impose a condition it must address an impact from the project. This project is a carwash and taco truck and not a design of the buildings or the signs. The Commissioner would get into serious nexus questions to impose that type of condition on either a taco truck or carwash.

Chair Lane asked for the applicant's presentation.

Jonathan Bermudes, owner and operator of Xtreme Tacos, Richmond, said in terms of the economy, both operators contribute towards the rent and they work together. Most business is on the weekends and there is very little on weekdays. He said there was already a taco truck on site and he does not see why there would be a parking issue and if there was an issue, the City did not alert him to it. There have also been businesses on the lot selling Christmas trees, an ice cream cart, and he doubted there would be any circulation issues.

Commissioner Reyes recognized that there have been delays in making the parking work, and he confirmed with Mr. Bermudes that he was involved in review of the various options with staff. Mr. Bermudes said he tried to look at putting the truck in the front which may help circulation. Mr. Rojas said this location is impractical from an aesthetics standpoint and traffic standpoint. Also, what the City is trying to do with the form based code is to enhance the appearance of sites. While the applicant has improved conditions on the site, cars were parking in the previous landscaped area which is now weeds and dirt. He displayed a photo showing an example of what typically happens on the site because of circulation issues. What was previously a landscaped area is being used as parking. The area is also very muddy and not an acceptable situation.

Commissioner Reyes asked if there were any near accidents on the property, and Mr. Bermudes said he has not had any parking or accident problems to date. Commissioner Reyes commented that the fence that goes right up to the driveway and appears very narrow, and he asked if something could be done to open it up for more room.

Mr. Rojas said there is room to do something there, but the site is non-conforming due to parking. Even with the proposed landscaping, it still does not reach the 15% requirement for the lot. Because there was a lack of parking, someone had graveled an area in, so there are torn up areas that used to be landscaping. Staff wants to expand the landscaping area to conform and make a better experience for people walking through the area. He said if the Commission wants to accommodate the taco truck, this is a potential spot as a parking space, although in moving forward with any mixed use project along 23rd Street, staff does not want to encourage parking at the very front of properties like this. He said there was also a proposal on the site plan in Exhibit A. If the landscaping were to expand, this would allow for a pedestrian pathway to connect from the sidewalk to the front of the store. If a parking space were placed there, the pathway would have to be removed and turn to asphalt.

Commissioner Reyes asked and confirmed that the next door parcel is owned by the same property owner, but Mr. Bermudes said he has not approached that owner with the need for accommodation.

Vice Chair Soto said currently, the business model is dependent on both businesses operating there together. Mr. Bermudes said this is the case, but there are slow days without any car wash business when it rains. He said the car wash business needs to survive and it is the busiest on weekends.

Commissioner Butt asked what is the taco truck's most busy part of the day and where do people park that come at the lunch hour. Mr. Bermudes said they basically get about 3-4 customers who park outside along the sidewalk, but he gets a lot of foot traffic, as well.

Commissioner Reyes said he noticed that Exhibit A is considerably different than how he perceives the actual layout to be. He asked and confirmed with Mr. Rojas that customer spaces were meant to be identified as employee parking. The taco truck would be in the very back where ice cream trucks are located in the photos, with parking spaces in front and some collapsible bollards to be able to move the truck in and out of the site at night. Therefore, there is no customer parking on-site.

Commissioner Reyes asked what the minimum number of hours the taco truck or the carwash could be open to meet revenue without incurring traffic or parking problems. He said he is looking for ways to offset the parking issues. Mr. Bermudes said he opens at 10AM and opening later could be possible.

Vice Chair Soto asked and confirmed the current hours for the taco truck are 10AM to about 8:30PM.

Benjamin Nunoz, interpreter for Sergio Nunoz, applicant, said they are willing to work with the taco truck and City requirements, and he was available to answer questions about the car wash's operations.

Vice Chair Soto said according to staff's comments, the conflict is trying to make the two businesses work on the same site. It appears that the taco truck business is actually making more money than the carwash business. Mr. Nunoz said they are making about the same as far as he knows.

Vice Chair Soto said if the taco truck is at risk of not locating on the site, he asked if the applicant still wanted to do this. Mr. Nunoz said the idea was for the two businesses to combine, but now because of City requirements they are somewhat conflicted. He described how cars are washed which takes about 15 minutes. There are most likely 1 or 2 cars waiting to be washed which creates a little traffic but customers can back out to let customers get out of the car wash if they do not want to wait.

Vice Chair Soto said his understanding is not with the taco truck customers per se, because there is no parking in the plan. It is the car wash employee parking plus any customers, which is where they run into trouble.

Mr. Rojas said if the Commission would want to move forward and approve both operations. Staff's opinion is that a variance would be required because the parking requirements are not fulfilled. The applicant would have to pay an extra fee for that and the matter would have to

return to rule on the variance. The way the taco truck is parked now, people park on site, come up to the truck's window and they are exposed to people driving into the driveways, as well. Therefore, there is also a pedestrian safety issue involved with that proposal.

Vice Chair Soto said having gone to the taco truck he always parked on 23rd Street which seemed more convenient. Mr. Rojas said one potential solution he would offer is that there is a lot of street parking. If there would be a way to have the employee parking on the sidewalk and then having customer parking be the three parking spaces in front of the truck. However, a variance would still be required. He thinks some of the policies in the new General Plan Circulation Element could support this, but the applicant would have to return with a variance.

Vice Chair Soto said he thinks the car lot next door is fenced off and even though there are a couple of driveway entrances, he questioned the flow there. Mr. Rojas said the ideal location if he were asked for customer parking would be along the stretch of street because there is little parking there. Variances are meant for hardships on the site because of topographical issues or other issues, but they could use this vehicle.

Ms. Velasco suggested keeping the public hearing open, hold the item over to the next meeting and try to work out some additional options. If the property is jointly owned by the car dealership next door, it might make more sense for the truck to relocate to the dealership next door because they would meet the distance requirements from another mobile vendor that has been permitted.

Commissioner Reyes said he appreciates the suggestion and did not want to see two businesses fail.

Commissioner Willis said he was at the site for years and he has seen the site get jam packed not only at the drive-thru dairy but also at the taco truck and traffic flowed without any issues or problems. He asked if the truck could be moved up more forward in-between the corner where the fence is and the car lot, and Mr. Rojas said this may be possible.

Chair Lane asked if there were any further questions for the applicants.

Commissioner Butt asked and confirmed there were a total of four employees between the two businesses.

ACTION: It was M/S (Soto/Reyes) to continue PLN12-207 to the next meeting on Thursday, November 1, 2012; unanimously carried.

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

Ms. Velasco reported that in response to a discussion regarding the repair of the Chevron crude unit, on October 2, 2012, the City Council adopted Resolution 113-12 directing staff to ensure that Chevron uses the highest standards and best technology in the repair of their crude unit and expressed the City Council's expectations from Chevron subsequent to the fire. Staff has been working with Chevron and the City Attorney's Office and the City has begun issuing removal and replacement permits related to the repair and are coordinating efforts with other reviewing agencies including the Air District.

Vice Chair Soto asked if the determination has been made that no further review is needed and that it is simply a re-authorization of the existing permit. Ms. Velasco said correct; staff has been advised by the City Attorney's office that this is a ministerial action requiring building permit only. Vice Chair Soto asked for a written opinion of this from staff, and Ms. Velasco agreed to follow-up.

Mr. Rojas reported staff just released the second revised draft of the Housing Element for the 2007-2014 period and submitted it to HCD yesterday. It is posted on the City's website and the Commission will consider it at their November 1st Planning Commission meeting for recommendation to the City Council.

Commissioner Reyes announced that the GRIP Harmony 3.5 mile Walk/Run will be held on Saturday at 8AM where money is raised for their souper center.

Vice Chair Soto reported that on October 6th, the North Richmond Shoreline Festival was held at Pt. Pinole Park and it was a great day with a lot of music, education and family events. He encouraged people to attend next year on October 12th.

Adjournment - The meeting was adjourned at 7:30 p.m.