

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

450 Civic Center Drive, Richmond, CA
December 6, 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 6:33 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Teltschick-Fall and Vice Chair Soto

INTRODUCTIONS

Staff Present: Lina Velasco, Hector Rojas, Kieron Slaughter, Richard Mitchell and Carlos Privat

MINUTES

November 1, 2012:

Chair Lane referred to page 12 of the minutes regarding a quote regarding the just cause for eviction, and she was trying to indicate that some people misinterpret what the just cause for eviction ordinance is and she wanted to make sure this was clarified for the public. She agreed to forward the correction to staff.

ACTION: It was M/S (Reyes/Choi) to approve the November 1, 2012 minutes, as amended; unanimously carried.

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, December 17, 2012, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane reported there is currently one Consent Calendar item which is Item 3 on the agenda. She asked if there were any members of the Commission, staff or the public who wished to remove the item from the Consent Calendar. One speaker wished to remove Item 3 from the Consent Calendar.

Ms. Velasco asked to add Item 1 (PLN12-207: Richmond Hand Carwash and Xtreme Tacos) to the Consent Calendar and Item 2 (PLN12-292: Menlo Energy Biodiesel Facility), since it is a request to remove the item from the calendar. As staff has changed the recommendation for approval, there were 8 speakers all in favor of the item.

ACTION: It was M/S (Reyes/Butt) to add Items 1 and 2 to the Consent Calendar and approved as recommended by staff; unanimously carried.

Consent Calendar Approved:

- 1. 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.
- 2. PLN12-292: Menlo Energy Biodiesel Facility - PUBLIC HEARING** to consider a request for a Conditional Use Permit to establish a new biodiesel production facility at 803 Wright Avenue (APN: 560-231-010). M-4, Marine Industrial District. 803 Wright Avenue Investors, owner; Kim Pfaff, applicant; Planner: Jonelyn Whales; Tentative Recommendation: Remove From Calendar.

BROWN ACT – PUBLIC FORUM

Carol Teltschick-Fall, Richmond, thanked the Commission prior to her resignation, said she learned a lot in her service on the Commission and thanked the Commission for all it has done, and hopes to work on sustainable issues in the future.

Commissioners thanked Commissioner Teltschick-Fall for her service on the Commission, said it has been a pleasure serving with her and wished her luck in her future endeavors.

Items Removed from the Consent Calendar:

- 3. PLN12-338: Grocery Outlet CUP for Beer & Wine Sales - PUBLIC HEARING** to consider a request for a Conditional Use Permit to allow a grocery store to obtain a Type-20 ABC License to permit Off-Sale Beer and Wine Sales in an existing commercial building at 12010 San Pablo Avenue (APN:501-241-012, 002, 013, 014,010). C-2, General Commercial District. Thomas Daley, owner; Patrick Davis, applicant; Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval.

Kieron Slaughter gave the staff report and a brief description relating to the request for a CUP for beer and wine sales under a Type-20 ABC license at 12010 San Pablo Avenue.

Commissioner Butt said at the time the project was approved by the DRB, it was envisioned to be a different supermarket project. There was a lot of effort getting to the point where the

neighborhood liked the design. He asked if this project still envisioned that design being applied to the project. Mr. Slaughter said at this point, the applicant has not indicated their exact design goals for the exterior. They do plan on demolishing the former Hacienda Restaurant building and making modest improvements to the parking lot, but not to the extent of the previous application.

Commissioner Butt asked if the project being implemented requires design review, and Mr. Slaughter said no, it does not and they have no obligation to pursue the DRB permit but can do so if they choose. Commissioner Butt said if they do make modifications to the building, he asked if they would have to go through the DRB again. Mr. Slaughter said if their requests meet the threshold that would require DRB approval, the project would definitely be sent to the DRB; however, staff is not aware of any modifications proposed that would trigger the need for DRB review and approval.

Patrick Davis, applicant, Grocery Outlet Construction Manager, referred to the façade and said the frontage is staying generally the same, with new paint and lighting through conversations with the police department for safety. They are currently working on a color scheme and the Hacienda Restaurant will be demolished and everything will be brought up to code within the parking lot. They spoke with the Richmond Heights Neighborhood. They also attended the North and East Neighborhood Council meeting as well as the Chamber of Commerce meeting, with positive support to bring the store to the neighborhood. They are excited to take the building over and bring something new to the neighborhood.

Commissioner Reyes said many markets have indoor deli sections where people can sit down, will this store have one? Mr. Davis confirmed that Grocery Outlets do not supply an indoor seating area, no deli, but a grab and go market that provides pre-made sandwiches, salads, drinks, etc.

Commissioner Reyes noted there will be 30-40 employees and hoped people from Richmond will be hired.

Commissioner Willis said he is familiar with the location of the store and is thrilled that something is being done at the location. People have been complaining they have wanted more grocery stores and is happy that something is being done.

Commissioner Butt asked what would replace the Hacienda restaurant once demolished, and Mr. Davis stated it will be paved parking.

Chair Lane opened the public comment period.

Public Comments:

Marc Drasin, VP of Real Estate for Grocery Outlet, said he was available for questions and noted they plan to sell everything typically sold in a grocery store, as well as wine and beer, which is about 3% or 4% of sales. There will be no hard liquor sales, no cigarettes, cigars, rolling papers, and they will close at 10:00 p.m. They met with staff and police to try to address security, will hire 30-40 people full and part time, and said they have been trying to come to Richmond for a long time. The lease is not solid until they get their building permits and beer and wine license approved, which are contingencies to the lease.

Commissioner Reyes said he personally has received a lot of email and dialogue about the location and needs of the community, and he asked who would be served from the community. Mr. Drasin said they also received many emails and occasional phone calls. They call the situation a “food desert” where there are too many people and not enough grocery stores to serve them. The Albertson’s and Safeway closed, and the amount of food sold seems to be less and less, yet there are more people who need and want a full service grocery store. They are from the East Bay and have a store in Berkeley and in Pinole which are the closest. They studied the demographics, traffic counts, and felt there was a void not being served.

Naomi Williams, Chair of the West County Alcohol Policy Working Group (CAPWG), Richmond, said they are supportive of the license; however, they ask for conditions for the Commission to consider. One is to ensure they meet the owners who are running the store prior to approving the Type 20 license. If there are problems, they would like someone to go to. The location of beer and wine in the store should also be in a secure area. She said she visited a Grocery Outlet and an employee indicated to her that people steal things all the time. She suggested having a guard service and cameras for safety’s sake.

Rock Brown, President, Richmond Heights Neighborhood Council, said the neighborhood has voted in favor per their letter. He is supportive of the project, appreciates the neighbors and everybody that has been a part of it, and Planet Fitness getting the benches, and said many people go to San Pablo or El Cerrito but want to spend our money here. He wondered if there was any way that Planet Fitness could work with them to get bicycle cages because a lot of people ride their bikes on the Avenue, will work out at Planet Fitness and promote their image. He supports the project 100%.

Pam Saucer, Richmond, voiced her support for the Grocery Outlet and thanked the planners and applicants for coming to the City of Richmond. She also serves on the alcohol working group and as long as there are safety precautions, she thinks the business would be great in bringing jobs to the City and thanked everybody.

Carol Teltschick-Fall, Richmond, said she is happy Richmond is finally going to welcome a business into the neighborhood, is happy there is a solution that people are open to, and she did go shopping at the Grocery Outlet in Berkeley and is not sure how management perceives the location, and hopes they will accept feedback from patrons and neighbors, as there is a big market for healthy and organic foods in the neighborhood. Williams Natural Grocery is a favorite spot and people come to shop there. Therefore, there is a business model for selling healthy foods and she hoped the applicant will exercise that opportunity. She likes the size of the market, hours of operation, likes that it is locally run and that employees have health benefits and the employee she spoke to lives in Richmond. She feels physical improvements will make a big difference and hopes the community will be taken seriously, and hoped for green options in the parking lot.

Kathleen Sullivan, Richmond, Employment Committee for the Human Rights and Human Relations Commission, said she is happy that a new employer, who will employ 30-40 full and part time people, is coming to the City which is needed. She hoped that Grocery Outlet fills as many open positions with Richmond residents. She is also hopeful that the remaining space in the building will be filled with new business opportunities.

Janet Johnson, Richmond, stated she works for the City Manager’s Office and Office of Economic Development and supports the project as a resident and staff. It is a wonderful opportunity and she thanked Grocery Outlet for wanting to be here and recognizing the huge

void and need for a supermarket. She reviews quarterly sales tax that is generated and the biggest need is food. It is sad that residents must travel far to shop for their food; she applauds Grocery Outlet, cited the stores' cleanliness, supported the license for beer and wine, and asked for Commission approval. She also noted that the location is in an Enterprise Zone and sales tax credits will be borne for hiring Richmond residents, and she provided her card to the applicant.

Jan Mignone, President of the North and East Neighborhood Council, said their meeting was held last Wednesday and apologized for not submitting a letter in time. They are supportive of any business where people can take their money and shop in Richmond. Many people are happy about the fact that the applicants will take comments about what people want to see in the grocery and there is an urge for incorporating organic foods and milk. There has been a lot of excitement about the opening of the store which will bring money into Richmond and be good for all residents. She said Trader Joe's was not interested because people will shop at Trader Joe's outside of Richmond; however, she felt sooner or later they will want to locate in Richmond. She also suggested that Kinder's possibly coming to Richmond which was previously located at the 13th Street market before moving to Hercules.

Applicant – Rebuttal

Patrick Davis, applicant, Grocery Outlet Construction Manager, said they will bring in a standard set of items when they open their stores, and then operators have the option to change that based on the neighborhoods desires. Therefore, as suggestions are obtained from the neighborhood, natural and organic foods can be brought in which they often in all of their markets. Regarding security, they have cameras in their stores to target areas of beer and wine and health and beauty items. They will also work to place additional cameras outside. They have designation signs in their store in what is called a canopy over produce, one in front of the wine and beer, and he knows that no visible signs can be put in front of the store which has been eliminated from the application and it has been addressed. Once everything goes through and they have a signed lease and operators are chosen for the store, they can set up a time during a Planning Commission meeting to bring the operators to the meeting so questions or concerns can be voiced. This has been done in the past and this gives a chance for people to meet who is managing the store.

Commissioner Willis asked where the beer and wine would be located in the store. Mr. Davis said in all stores they set is up identically. When coming into the store, one direction goes through the store and the opposite side furthest from the entrance across all check stands is where they have the beer and wine section. Therefore, patrons must travel past all check stands and come back where there are about 12 cameras before getting back to the front door. This is as secure as they can get without blocking off the entrance.

Chair Lane asked if there are security guards at the stores, and Mr. Davis said generally they do not. They talked to the Richmond Police about it, but at this point, they have none established for this store. However, they do have 2 stores out of 185 stores up and down the west coast that have a security guard.

Commissioner Reyes referred to the signage and asked about vendor signs, such as Budweiser, Coors, as well as outside signage and Mr. Davis said no. Commissioner Reyes asked and confirmed that they have talked about parking lot cameras and cameras around the exterior of the store based upon feedback from police and the West County Alcohol Working group, and they will walk the store and make suggestions.

Commissioner Reyes stated the Safeway in El Cerrito experienced a lot of shoplifting and police calls during its first year of operation. They then began putting undercover people in the store, and he confirmed that they train their employees to pay attention, be aware and be customer-friendly. Everyone who comes in the store is on their camera. Corporate people are also in the store early on to mentor the training of employees. Also, they have one door in and one door out, so everything must funnel in and out of the front door.

Commissioner Reyes noted there were several comments from the community about what they wanted and did not want. He lives in the area and always believed there is a wide array of neighbors and they are demanding that the store have fresh food, organic products, and he hopes that the store will carry these and hoped the operator will establish a positive relationship with customers.

Commissioner Willis asked if they will have a person monitoring the cameras to ensure no one is doing anything. He has come across many people where there are cameras in place and they sometimes get away with stealing items from grocery stores. Mr. Davis said their cameras are in their main office and there is always someone in the office to monitor them.

Mr. Slaughter gave the staff summary, stating that staff encourages the applicant to review and utilize the previous plans because there was hard work developing it as the best possible project it could be, and staff recommends approval of PLN12-338 with conditions of approval listed in the resolution.

Commissioner Butt said staff has encouraged the applicant to review and utilize the design plans and he wholly supports the project which is a win/win for everybody, but he has some concerns about things discussed relating to nice paving, lighting and consultation with the police, but design review adds another layer of aesthetic issues relating to lighting, their location, landscaping, and he feels it begs to have this consideration and the DRB would be the best body to bounce ideas off of. Signage as well will be important for the building, and presumably they may go back for sign review. Mr. Slaughter said this would only be needed if a sign variance was needed. If the sign is 30% of the building frontage on one side or 60 square feet per side, it is a Zoning Administrator review. Commissioner Butt asked if the project includes demolition of the Hacienda restaurant, and Mr. Slaughter said the project is for a CUP for wine and beer sales. Commissioner Butt said, however, this is almost a 10,000 square foot building which will be replaced with parking which he thinks would trigger design review, and he would be concerned that it does not just end up being an addition to the asphalt; and that there is consideration of plants, trees and paving, and that it looks nice. Mr. Slaughter stated that all minutes from the previous DRB meetings provided them with specifications of design, conditions of approval. If C3 requirements are triggered, they will have to abide and will have to do storm water control management; possibly permeable surfaces or bioswales depending on the square footage of the parking lot. If they scrape up everything, they will be required to submit a C3 plan but if they are resealing the lot, it would not apply. But as soon as their project is submitted for design and façade improvement, staff can refer them to a subcommittee of the DRB to review it to provide guidance. Commissioner Butt entertained this as an additional condition.

Chair Lane said because this is a permit for the Type 20 ABC license, she asked if the DRB subcommittee review could be a recommendation from the Commission. Mr. Slaughter said yes; this is within the scope or purview of the Commission. He added that the back side of the

building is not owned by this property owner, so they could put up green screening or lattice which has been discussed by the DRB.

Mr. Davis questioned what the suggested condition would entail which he said may affect moving forward on the lease. Mr. Slaughter said once approved and moved forward, that any design team representatives should meet with the DRB subcommittee on any façade improvement or replacement of the Hacienda building. Mr. Davis said they are not demolishing the Hacienda Building, but the owner of the shopping center is intending to demolish it as soon as they go firm on the lease which has not happened. Once this is done, they will propose to demolish it according to the rules and regulations of the City. They would love to continue to consult with the DRB. Commissioner Butt suggested stating that demolition of that building and any future development of that parcel are separate from this request.

Assistant City Attorney Privat clarified it is separate and distinct from the action the Planning Commission is taking tonight, which is approval of the Type 20 license.

Commissioner Reyes asked for Ms. Williams' thoughts on restrictions on the beer and wine sales. Ms. Williams voiced support for approval, but she would like for West County Alcohol Policy Working Group to go to the store, identify the location and security of beer and wine, and meet with the operator.

Mr. Slaughter noted that Exhibit A outlines the floor plan of where the proposed beer and wine would be located in the store, and agreed to facilitate that meeting in the future with Ms. Williams, the WCAPWG and the operator.

The public hearing was closed.

ACTION: It was M/S (Reyes/Choi) to approve PLN12-338, with a recommendation for staff to coordinate informal discussions with the applicant and DRB subcommittee on design recommendations and the West County Alcohol Policy Working Group to discuss identity and security of beer and wine in the store; which carried by unanimous voice vote.

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff

Hector Rojas provided the Commission with an update on the Housing Element, stating they will hold a study session before the City Council on December 18, 2012. No action will be taken at that time, and on January 15th, staff will return for a public hearing to consider adoption of the element along with the CEQA document.

Lina Velasco reminded the Commission and the public that City Hall will be closed from December 24, 2012 through January 2, 2013.

Director Mitchell thanked the Commission for their service in 2012 and staff looks forward to a good deal of activity in the coming year. The Whole Foods Warehouse is well under construction, Netiva Foods has opened on Cutting Boulevard, Restoration Hardware is relocating a portion of their warehousing facility to Richmond in the area of Atlas and Giant Road, and he invited the Commissioners for treats after the meeting.

Commissioner Choi wished everybody a happy holiday and New Year.

Commissioner Butt stated he attended an interesting presentation by an author of a study done by the Milken Institute; A Blueprint for Growth, which includes Richmond. It talks about projections, concepts for growing the jobs and economy and the area in the County. He believes it is available on-line as well as the Chamber of Commerce. He was excited to see the story about the identity of a 2-foot long Chinook Salmon that had spawned up in a creek in Berkeley which was one creek a group had worked hard to restore. He hoped for salmon in the creeks of Richmond, as well. He wished everybody a happy holiday and Happy New Year.

Commissioner Willis wished everybody a happy holiday and said this Commission is losing a great asset, Carol Teltschick-Fall and thanked her for her service to the Commission.

Commissioner Reyes thanked Vice Chair Soto last month for being diligent on his oversight of the Chevron explosion and fire repair regarding the permits. He spoke about an idea about creating a hub of non-profit service providers, but now that the RPB is refurbishing the old county building on 21st Street to service families, it is even more important and vital there is a place for people to go that is accessible. He asked people to be aware and look into opportunities when there is public money to get people to services such as seniors.

Chair Lane wished everyone happy holidays and said as a Commission, they have had great input on projects, citing that she was glad to see the Richmond Hand Carwash and Xtreme Tacos project work, the Commission's work and City Council's approval of the General Plan, and the Housing Element as a work in progress. She recognized City staff and thanked them for their assistance.

Adjournment - The meeting was adjourned at 7:50 p.m.