

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

450 Civic Center Drive, Richmond, CA

April 4, 2013

6:30 p.m.

COMMISSION MEMBERS

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

Andrés Soto, Vice Chair
Andrew Butt
Marilyn Langlois

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

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: None

INTRODUCTIONS

Staff Present: Kieron Slaughter, Associate Planner; Lina Velasco, Senior Planner; Carlos Privat, Assistant City Attorney

MINUTES

March 7, 2013:

Commissioner Soto requested the following amendments:

- Remove Carol Teltschick-Fall's name from the top of the page.
- On page 2 under Brown Act-Public Forum, he asked to correct Cordell Hendler's last name.
- In the first paragraph of Item 1, correct the following words: "Mr. Fierro, owner of Taqueria Las Americas".
- On page 4, amend the first full paragraph from: "He asked them to substantiate evidence, and nothing was received or had ever occurred" to "He subsequently received police reports indicating that the taco truck had very low crime activity."
- The fifth paragraph states, "Mr. Fierro noted that people from the City came to him and indicated that they will be fixing up the area and he asked that the City give him a chance to operate his taco truck." Vice Chair Soto said he was not aware the City was asking this at any given time and asked that this be deleted.
- Regarding the next sentence: "He discussed a situation with Vice Chair Soto and the applicant and did not believe it was fair" and asked to amend this with: "Mr. Fierro said he saw Mr. Soto speaking with the applicant and apologized to him. He said he thought this was unfair."
- On page 5, the last paragraph before the rebuttal, change "Hindler" to "Hendler";
- On page 5, the last paragraph, add "**Rebuttal – Opponent**" and correct the words

- “Taqueria and Las”
On Page 7, replace “tacqueria” to “taqueria”.

ACTION: It was M/S (Soto/Reyes) to approve the March 7, 2013 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, April 15, 2013, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane reported that the Consent Calendar consists of Items 2 and 3. She asked if there were any members of the Commission, staff or the public who wished to remove any items. Ms. Velasco asked to add Item 1 to the Consent Calendar which is a resolution reflecting the Commission’s actions. Commissioner Butt requested removal of Item 3.

ACTION: It was M/S (Soto/Choi) to add Item 1 to the Consent Calendar, remove Item 3, and approve the Consent Calendar consisting of Items 1 and 2; unanimously carried.

Consent Calendar Approved:

- 1. PLN12-355: La Flor De Jalisco Taco Truck - PUBLIC HEARING** to consider renewal of a Conditional Use Permit to operate an existing mobile vending unit at 12955 San Pablo Ave. (APN: 526-040-023). C-2, General Commercial District. Joaquin Rodriguez, owner/applicant; Planner: Hector Rojas; Tentative Recommendation: Item approved at March 7th PC Meeting - Adopt Resolution with Findings and Conditions of Approval
- 2. PLN13-032: Prepared Food Annex Conditional Use Permit - PUBLIC HEARING** to consider a Conditional Use Permit to allow an eating and drinking establishment, a Type-41 ABC license to permit on-sale beer and wine sales, and a culinary school in an existing commercial building at 10387 San Pablo Ave. (APN: 510-122-020). C-2, General Commercial District. Chou William Hong-Yee c/o Gordon Lu, owner; Robin Valerie Low, applicant; Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval.

Vice Chair Soto indicated that the address for PLN 13-032 is listed as El Cerrito, but he believes it is located in Richmond. Mr. Slaughter said it has a mailing address of El Cerrito but he confirmed it is located in Richmond.

BROWN ACT – PUBLIC FORUM

Cordell Hendler, Richmond, said he previously suggested a hotel be located in Richmond to bring revenue into the City, provide affordable rooms, and hopes to put Richmond on the map and bring positive things into the City. He also suggested a coffee shop at Gonzales Mexican Restaurant, as well.

Vice Chair Soto said Richmond has three hotels and he clarified that his point is he would like additional hotels in town.

Bill Kuhlman, El Cerrito, member of the El Cerrito Planning Commission, said he wanted to introduce himself and thank them for their service. He looks forward to working together on projects in the cities of Richmond and El Cerrito.

Commissioner Reyes recognized some issues along the border of both cities, most recently the proposed big box store on Macdonald and San Pablo Avenues. He hoped to break down barriers between the two communities.

Items Removed from the Consent Calendar:

- 3. PLN13-052: Unity Park MND Addendum** - PUBLIC HEARING to consider adopting an addendum to the 2004 IS/MND prepared for the Richmond Greenway to consider refinements made to the Unity Park design proposed on the Richmond Greenway, between 2nd and 8th Streets and between Marina Way and 20th Street, including property located at 1605 Ohio Avenue (APN: 540-360-022). CRR, Community and Regional Recreation District. FHA, LLC, owner; City of Richmond Parks Division, applicant; Planner: Lina Velasco; Tentative Recommendation: Adopt Addendum

Senior Planner Lina Velasco gave the staff report and said before the Commission is considering of the addendum to the original Initial Study and Mitigated Negative Declaration (IS/MNG) prepared for the Richmond Greenway. She introduced Chris Chamberlain, Parks and Landscaping Superintendent, Laura Lafler from LSA and Toody Maher, Executive Director of Pogo Park.

The addendum was prepared to complete the CEQA analysis which would assist the City in completing the requirements to receive the \$5 million grant awarded from the California State Parks to implement and construct Unity Park.

Laura Lafler, LSA, said they discussed various ways to handle the documentation and compliance. It seemed most appropriate to pursue an addendum in that the previous 2004 document had evaluated the entire greenway and the Community Unity Park was part of that with a few changes.

She gave a historical overview, stating the Greenway Master Plan was developed between 2000 and 2003 and at the time the community expressed a desire for a park facility at Marina Way and 20th Street. In 2004 the City adopted the IS/MND for the Greenway which included this proposed park. In 2010 the City and community began a community planning process to refine the park design. In 2012, the City received notice of the award of the \$5 million grant and late in 2012, the City contracted with LSA to prepare an addendum to the 2004 IS/MND in compliance with CEQA. She described the original project, which is a 3 mile park, bike and pedestrian route from Garrard Boulevard to I-80/San Pablo Avenue, with the proposed park between Marina Way and 20th Street. She displayed an illustration of the park which is to include educational exhibits, exercise equipment, sports courts, an enclosed tot lot, a playground, picnic and barbecue areas and seating and board game areas. The park would have two nodes; a community node between Marina Way and 20th Street and a community garden node between 2nd and 8th Street. The key difference between the original and proposed project is the acquisition of the parcel at 1605 Ohio Avenue which will be used for the Community Plaza, the

extension of the park area to include a second node, and the refinement of park design including additional park amenities.

The findings of the addendum are that the proposed project would result in similar effects to those of the original project, that it would not result in new significant effects that would be substantially more severe, that no new mitigation measures would be required, and that the analysis and conclusions of the 2004 IS/MND remain current and valid.

The recommended action before the Planning Commission is to open and close the public hearing and adopt the resolution adopting the addendum, for the acquisition of the parcel on Ohio Avenue, and to implement the new design of Community Park.

Commissioner Langlois said this is a very exciting development along the Greenway. She referred to page 15 of the staff report regarding the vegetation cover. She asked if the report is reflective of the current status of the areas, particularly 6th Street. It talks about native plantings along the north and south sides of the bike trail to the east and west of 6th Street. Currently on the north side of the bike trail, east of 6th Street there are many plantings now, a medicinal garden, and berry land berries. Also on the site around 16th and 17th Street it mentions 9 landscape trees planted and a large number of fruit trees have been already planted. The report acknowledges that the community gardens already exist on the site and she questioned to what extent they will be preserved and maintained. Ms. Lafler said the intent is to keep the community gardens. She apologized in terms of how it is described and said they are fully aware of what exists and what is to be implemented.

Commissioner Reyes said this is a wonderful project and he asked what is planned to introduce the project to the public. Chris Chamberlain said efforts have been taking place over the last year since the City received the grant award. A step in the process is completion of the environmental review and negotiating an agreement with the Ohio Street property owner, and once the agreement is approved with the state, they will engage with all community groups and hold an open planning and design process, expanding on what is already happening in the area and receiving input.

Vice Chair Soto acknowledged the team for their work. He is on the Board of Ground Work Richmond and he thanked Mr. Chamberlain for working with all community groups. He questioned and confirmed the name of the property owner of the Ohio Street property.

Commissioner Willis questioned if they plan to bring any structures in the development process, and Mr. Chamberlain said a restroom facility will be built in the Community Plaza, a gazebo for community events, a storage facility for Urban Tilth and possibly more storage facilities near the berry land area, and they will have to vet this through the design process.

Commissioner Butt said he removed the item primarily to get a glimpse of what is a wonderful project. He applauded the team for their work and said it has the potential of being a jewel in Central Richmond. Part of the reason the City was able to secure the grant was that it was intended to be planned where community groups and people would get together and discuss elements of the park which will lead to a phenomenal project here. He asked about the timeframe for a finished plan, community engagement and final opening of the park. Mr. Chamberlain said once they secure funding from the state, they should have their first meeting of the collective non-profits to determine a plan of action and they will then create a flow chart and move through the concept which will unfold. But he did not have a specific timeline

established due to the uniqueness of the project. They do envision a kick-off meeting in the next couple of months.

Chair Lane called for public comment and there was none.

Ms. Lafler thanked everybody involved in the process. She referred to the vegetation cover and said it states that it does not appreciably change except for the addition of native landscape plantings along the north and east in some of the areas. What might have been confusing is that this is basically berry land and raised beds were made from large trees cut down from other parks. They are not exactly the native plantings because they are berries. Additionally, in terms of the aesthetics for the area, so much of it is the huge growth in the public art and murals there which is greatly expanding. She hopes the existing murals will be retained and more added, as well as the mosaics on the garbage cans, and they look forward to growing and developing the plan and having it become a reality.

Ms. Velasco summarized staff's recommendation; to adopt the resolution approving the Addendum to the 2004 Richmond Greenway IS/MND for the acquisition of 1605 Ohio Avenue and implementation of Unity Park.

The public hearing was closed.

ACTION: It was M/S (Soto/Willis) to adopt Resolution 13-07 adopting the Addendum to the Addendum to the 2004 Richmond Greenway IS/MND for the acquisition of 1605 Ohio Avenue and implementation of Community Park; unanimously carried.

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

Ms. Velasco confirmed that the Retreat will be held on May 11, 2013 from 9 am to 1 pm. Staff will provide details regarding location and agenda items. If Commissioners have specific items to be covered, she asked that they be emailed to her.

Mr. Slaughter indicated that staff has a few zoning interpretation updates, clarifications, and definitions to provide for the Commission and asked if the Commission wished to receive them via email, hard copy or insertion into agenda packets. The Commission preferred they be sent out in an agenda packet.

Commissioner Reyes thanked the Natural Foods Store for their generous donation of fruits and vegetables to the GRIP Family Shelter.

Vice Chair Soto reported that on Saturday March 23rd, he met with Communities for a Better Environment. They had a bus full of people and toured various locations in North Richmond to educate people on pollution and toxic industry as well as strategies to turn the community around.

He announced that tomorrow Senator Loni Hancock and Assembly member Nancy Skinner are holding a hearing in the Richmond Council Chambers at 1:30-3:30 p.m. regarding legislation dealing with the aftermath of the Chevron fire. One of the bills seeks to increase the fines assessed by the BAAQMD for violations and the other bill would force Chevron to make the repairs after CAL-OSHA inspection, as there is no compulsion by Chevron to correct those

problems while they engage in the appeal process which could last up to 4 years. On April 19, 2013, the U.S. Chemical Safety Board will be coming to Richmond and holding a public hearing at the Richmond Auditorium from 6:00 to 8:30 p.m. They will be presenting their preliminary finding report which shows significant corrosion throughout the Chevron Refinery. The findings are being used for examples in the entire industry.

On April 24, 2013 the BAAQMD will be holding a Workshop on the proposed Refinery Emissions Rule at the East Bay Center for the Performing Arts from 6:00 to 8:00 p.m. The workshop will review limitation of sulfur content of crude oil.

Vice Chair Soto said he will be moving to Benicia and this may be his last Planning Commission meeting. He said it has been a pleasure working with everybody.

Commissioner Willis reported that on April 11, 2013 at 12 noon at 622 24th Street, there will be a press conference highlighting the underwater homeowner issue. A member of ACCE will be talking about the idea of a new program to help certain homeowners with debt.

Commissioner Langlois said she will be sorry to see Vice Chair Soto leave the Planning Commission and recognized his contributions. She hopes he will continue to come to Richmond in his active capacities. She reminded everyone that today is April 4, 2013 and the 45th anniversary of the assassination of Dr. Martin Luther King, Jr. She asked everybody to hold his legacy in their hearts in promoting non-violence, eradicate poverty and building a loving community.

Commissioner Reyes, Butt, Willis and Choi thanked Vice Chair Soto for his service and wished him well.

Chair Lane recognized Vice Chair Soto's dedication and continued advocacy.

Adjournment - The meeting was adjourned at 7:20 p.m. to the next regular meeting on April 18, 2013.