

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

450 Civic Center Plaza, Richmond, CA

July 11, 2013

6:30 p.m.

COMMISSION MEMBERS

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

Eduardo Martinez
Andrew Butt
Marilyn Langlois

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, Langlois, Martinez and Willis

Absent: None

INTRODUCTIONS

Staff Present: Hector Rojas, Senior Planner; Hector Lopez, Senior Planner; Lina Velasco, Senior Planner; James Atencio, Assistant City Attorney; Kieron Slaughter, Associate Planner

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, July 22, 2013, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane reported there were 5 items on the Consent Calendar and asked if there were any members of the Commission, staff or public who wished to make and changes or recommendations regarding any of the items on the Consent Calendar. Commissioner Butt requested removal of Item 1. Ms. Velasco reported that staff received new feedback on Item 4 from Commissioner Butt who attended a meeting of the Pt. Richmond Neighborhood Council and Pt. Richmond Business Association and requested the item be held over to the next meeting of the Planning Commission.

Commissioner Reyes asked and Ms. Velasco confirmed that staff would meet with stakeholders before the next meeting and that Commissioners would be notified so that they might attend.

Mr. Rojas noted there were no speakers for 2,3,and 5.

ACTION: It was M/S (Willis/Butt) to remove Item 1 from the Consent Calendar, continue Item 4, and approve the Consent Calendar consisting of Items 2, 3 and 5; unanimously carried.

Consent Calendar Item Approved:

2. **PLN12-287: Gonzalez Mixed-Use Building Parking Variance** - PUBLIC HEARING to consider a Conditional Use Permit for a Variance to reduce the off-street parking requirement for a 4,968 s.f. mixed-use building with commercial space on the ground floor and residential use on the second floor at 761 23rd St. (APN:529-180-006,007). C-2, General Commercial District. Roberto Gonzalez, owner; David Kesler, applicant; Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval
3. **PLN13-153: GEF Donation/Recycling Center** - PUBLIC HEARING to consider a Conditional Use Permit to establish a small recycling collection facility operated by the Green Education Foundation, a 501(c)(3) non-profit organization at 3300 Blume Dr. (APN: 405-290-064). C-3, Regional Commercial District. DDRM Hilltop Plaza LP, owner; Green Education Foundation, applicant; Planner: Hector Rojas; Tentative Recommendation: Conditional Approval
4. **PLN13-154: Formula Restaurant Ordinance** - PUBLIC HEARING to consider making a recommendation to the City Council to adopt an ordinance prohibiting Formula Eating Establishments in the C-1 Neighborhood Commercial District of Point Richmond. C-1, Neighborhood Commercial District. City of Richmond, applicant; Planner: Hector Lopez; Tentative Recommendation: Hold over to August 1, 2013 meeting
5. **PLN11-086: Richmond-Ohlone Greenway Gap Closure MND** - PUBLIC HEARING to consider adopting an Initial Study/Mitigated Negative Declaration (IS/MND) for the Richmond-Ohlone Greenway Gap Closure Project, a multi-use trail connection between the existing Richmond Greenway in the City of Richmond and the Ohlone Greenway in the City of El Cerrito. The Richmond-Ohlone Greenway Gap Closure project includes installation of a new multi-use trail, new crosswalk and traffic signal on San Pablo Avenue, and new bridge over realigned Baxter Creek, as well as associated improvements and landscaping at San Pablo Ave., South of Bissell Avenue and North of BART tracks (APN: 513-340-046 and 513-340-059). C-2, General Commercial Districts. City of Richmond, applicants; Planner: Lina Velasco; Tentative Recommendation: Adopt Final MND

BROWN ACT – PUBLIC FORUM

Mr. Rojas reported there were two speakers.

Andres Soto spoke about the dangers and recent efforts to allow the transport of crude oil via rail sources. He also spoke of efforts in Rodeo to double the capacity of liquid petroleum gas storage and cautioned that the oil industry must be held accountable for its impacts if the community is to remain safe.

Commissioner Reyes asked if Mr. Soto was familiar with a recent plan to construct some sort of pipeline to the local refineries.

Mr. Soto acknowledged that some news reports had indicated tar sands were already being transported via pipeline and rail into Bay Area refineries. However, the Natural Resources Defense Counsel provided information at a community meeting in Benicia this week which confirmed there are plans but it is not yet underway.

Margaret Jordan, Pt. Richmond Neighborhood Council President, provided some background on the development of the ordinance under Item 4 which is aimed at retaining the historic character of the Pt. Richmond district. She stressed that they are very open to other C-1 districts sharing these protections but that there does not seem to be any interest from others at this time. In response to recent concerns that the ordinance might exclude certain desirable businesses, the council agreed to work with staff to identify a variance procedure that allows each business to be examined on its own merits.

Commissioner Reyes asked what type of outreach was conducted with other stakeholders.

Ms. Jordan stated that Mr. Lopez presented the item at a Richmond Neighborhood Coordinating Council (RNCC) meeting to gauge the interest of other neighborhoods. A summary was also included in the RNCC minutes. She stressed again that the Pt. Richmond Neighborhood Council is not at all opposed to having this also apply to other C-1 districts.

Item Removed from the Consent Calendar:

- 1. PLN13-063: 62-Unit Senior Housing Development On Harbour Way - PUBLIC HEARING** to consider a Conditional Use Permit to allow a 25% increase in density over the maximum allowable density under the General Plan to construct a 62-unit Senior Housing Development of approximately 42,000 s.f. at 20 and 25 Harbour Way (APN: 538-430-014 and 538-430-019). The project proposal includes a request for city concessions related to parking and open space reductions. C-2, General Commercial and MFR-1, Multi-Family Residential Districts. Andre Pessis Tre, owner; AMG and Associate-Gene Broussard, applicants; Planner: Hector Lopez; Tentative Recommendation: Conditional Approval

Senior Planner Hector Lopez gave the staff report, request is a CUP to allow a 25% increase in density over the maximum allowable density under the General Plan to construct a 62-unit Senior Housing Development at 20 and 25 Harbour Way. The building is proposed as a single four story structure totaling approximately 64,000 square feet with 31 open surface parking spaces. The project exceeds the maximum residential density of 46 units by 16 units. The applicant is requesting a 25% increase in density as well as parking and open space concessions under the Density Bonus Law. The project qualifies as affordable under the Density Bonus Law, which requires that at least 12 units be provided for seniors aged 62 and over. The project was presented to the Design Review Board, who conditionally approved the project subject to further design refinements, on April 10, 2013. Following approval by the Planning Commission, the project will return to the Design Review Board for final review.

The state Density Bonus Law requires a city to grant a density bonus and concessions or incentives to a developer who agrees to construct either an affordable or senior housing project. The City may only deny the request through the adoption of specific findings that the incentives are not necessary or would threaten public health or safety. The applicant has submitted information demonstrating that the request is necessary and staff does not believe the request

would have an adverse impact on public health or safety, traffic or parking. The reduction of common open space is mitigated by the project's proximity to the Richmond Greenway as well as amenities provided on site.

The recommended action before the Planning Commission is to hold the public hearing and approve the Conditional Use Permit to allow a 25% increase in density over the maximum allowable density as well as concessions related to parking and open space reductions.

Commissioner Langlois asked if the project proposes rental or for sale units.

Mr. Lopez said rental.

Commissioner Martinez noted the item identifies 20 and 25 Harbour Way, the former of which is a parking lot located across the street, and requested clarification.

Mr. Lopez stated the project application is for 25 Harbour Way.

Commissioner Butt asked if final review of the project would be conducted by the Design Review Board or a subcommittee.

Mr. Lopez said he believed it would be a subcommittee meeting.

Commissioner Butt asked whether any changes have been made to the design since it was submitted and if so, was the Commission viewing the most current design.

Mr. Lopez stated there have been 4 revisions and that the design presented to the Commission is not the most current.

Commissioner Langlois asked if staff received any input from Friends of the Richmond Greenway regarding the project.

Mr. Lopez said "no."

Chair Lane called upon the applicant.

Alexis Gevorgian, AMG & Associates, said his organization has worked closely with staff and the Design Review Board to satisfy all design requirements and that the project has progressed considerably in terms of the quality of architecture, elevations and open space. He provided background on AMG & Associates, which owns approximately 70 affordable housing projects throughout the state. AMG & Associates recognizes this as a transitional area and envisions the proposed project having a positive stimulative impact on an area that has not seen new development for a long time. He asked that the Commission approve the CUP so that they may take the next steps in securing investors to partner in the development of the project.

Commissioner Martinez inquired about their property management practices.

Mr. Gevorgian explained that all AMG & Associates projects are managed by an unaffiliated third party professional management company. The management companies are almost always locally based and provide onsite managers.

Commissioner Butt stated that most of his concerns with the project relate to design and acknowledged that the Design Review Board seems to have done considerable work in that regard. He noted that the designs in front of the Commission do not indicate any bicycle storage facilities and asked whether, given its proximity to the Greenway and limited parking, this had been implemented in any of the revisions.

Mr. Gevorgian said “no” but that they could certainly look into it.

Councilmember Butt asked if the current design still calls for fencing the project off from the Greenway.

Mr. Gevorgian said “no.” He explained that they are still trying to reconcile the concepts of making the project open to the Greenway while still providing the level of security that a senior development warrants.

Councilmember Butt asked and received confirmation that the conditions of approval address ongoing landscape maintenance. He reiterated that his concern centered on integrating bicycle friendly accommodations into the project. He stated that while he trusted the Design Review Board would have a positive impact on the overall project, the design presented to the Commission was frankly unattractive. He stressed that the project, with its prominent location on the Greenway, has the potential to be an incredibly positive addition to the community. He stated that he had no issue with the density bonus and trusted that the Design Review Board would ensure that the applicant makes the design enhancements that this sort of project warrants.

Chair Lane inquired about off-street disabled parking facilities.

Mr. Gevorgian stated that the project meets all handicapped parking requirements despite the requested parking concessions.

Mr. Lopez summarized staff’s recommendation; to find that the proposed project enhances the value and appearance of the property and its surroundings and approve the Conditional Use Permit, for the density bonus and related concessions.

Commissioner Willis moved the staff recommendation.

Commissioner Butt asked to add a condition approval requiring the installation of bicycle parking or storage. He recommended leaving a determination on the number of bike stalls to the Design Review Board but thought that 1 stall per residential unit would be reasonable.

Commissioner Langlois acknowledged the point though noted that a 1:1 ratio might be more than is needed. She requested a recommendation from staff.

Ms. Velasco stated that other jurisdictions seem to require 1 stall for every 10 units on average. She suggested that 6 bicycle stalls, with the ability to monitor and perhaps expand those facilities if the need develops, could be suitable.

Commissioner Butt stated that 6 seemed inadequate and said he was thinking at least 20 stalls. He acknowledged space limitations and said he would alternatively be open to the applicant funding bicycle parking along the Greenway adjacent to the complex.

Commissioner Martinez asked and confirmed that the project provides 31 onsite parking spaces. He suggested that converting a portion of the dedicated parking to bicycle storage, especially at the ratio of 1 per unit, would really promote the City's commitment to alternative transportation. He felt it was unfair to have more residential units than there is parking and recommended at the very least offering storage for those units that do not have parking.

Commissioner Butt also acknowledged the reality that this is an area where bicycle theft is a very real problem and suggested that some of the newer storage options like those installed at Bart, as opposed to bicycle racks, might be a better option.

Commissioner Willis agreed and suggested the direction be to ensure that the applicant provides adequate, convenient and usable bicycle parking facilities.

Mr. Lopez explained that the Zoning Ordinance requires ½ a parking stall per unit for senior housing or 31 total spaces for this project. He suggested that staff could look into what is provided by senior developments with a similar setting in other jurisdictions.

Commissioner Martinez said he was more concerned with providing the best possible environment for the project's residents and setting the tone for future development than with what others have done.

Chair Lane expressed uncertainty as to whether she would prefer for the Commission to establish a ratio or offer a broader recommendation to the Design Review Board.

Commissioner Butt stated that he would like to see facilities provided for at least half of the units but could leave the type and placement to the discretion of the Design Review Board. He said bicycle cages would be ideal and acknowledged the higher cost, but thought it might be an equitable tradeoff considering the significant density bonus requested.

Commissioner Willis asked how many bicycles can a cage accommodate. Associate planner, Slaughter confirmed most bike lockers accommodate 2 bicycles.

Commissioner Choi questioned whether cages are a cost effective and feasible solution for a residential project, particularly when there are less expensive alternatives that would be just as effective.

Commissioner Butt concurred and said he was more concerned with providing covered and secure bicycle storage for 31 units.

Commissioner Reyes suggested that staff reach out to local bicycle organizations advocacy groups for data and recommendations on what number would reasonably be needed to serve a senior development of this size.

Commissioner Langlois stated that the Bicycle Pedestrian Advisory Committee could also provide valuable input.

Ms. Velasco stated that staff would be happy to invite such participation, particularly in regards to location, design and an adequate number. She suggested the condition be drafted such that they recommended approximately 31 bicycle spaces, noting that the site constraints are such that accommodating this requirement could mean the loss of community open space.

Commissioner Willis accepted the amended motion to direct that the Design Review Board ensure the provision of adequate bicycle parking for the units on the site, following staff consultation with various local bicycle groups and organizations.

Commissioner Langlois stated that she felt the project would be a wonderful enhancement to the Greenway and a wonderful opportunity for seniors.

Commissioner Martinez noted that the project is located immediately across from Pogo Park, who is excited for the opportunity to have youth and seniors interacting with one another. He reiterated that he was not concerned with what the limited requirements for a situation are but rather with what will meet the needs of its users.

Chair Lane restated the proposed condition of approval as requiring that the applicant provide adequate bicycle parking for the units on site, the type and quantity to be determined by the Design Review Board in consultation with various bicycle advocacy groups and organizations.

The public hearing was closed.

ACTION: It was M/S (Willis/Choi) to approve PLN 13-063, with the findings and conditions noted by staff and the Commission; unanimously carried.

COMMISSION BUSINESS

6. ADOPT a resolution expressing concerns about hazardous conditions at the Chevron Richmond refinery and calling on the Building Official and Planning staff for a formal determination of whether portions of the Chevron Richmond Refinery constitute dangerous building conditions.

Chair Lane stated that a subcommittee, consisting of Commissioners Butt, Willis and Langlois, was created at the last Commission meeting to study this item and requested a summary report.

Commissioner Langlois stated that the item relates to efforts which began when Communities for a Better Environment (CBE) and the Asian Pacific Environmental Network (APEN) submitted a petition to the Commission requesting that it make a determination of hazardous building conditions at the Richmond Chevron Refinery. CBE subsequently presented a draft resolution for the Commission's consideration at the June 6, 2013 meeting. While the City Attorney advised that it is not within the purview of the Commission, rather that authority lies with the Building Official and Fire Marshal, the Commission nonetheless felt it was imperative that they examine the findings presented by the Chemical Safety Board and Cal/OSHA.

Commissioner Langlois stated that the subcommittee met with staff, acknowledged the role of the Building Official and crafted a resolution requesting that the Building Official make a determination on whether or not the evidence provided substantiates a finding of hazardous building conditions. The resolution is intended as a constructive measure to identify and abate corrosion and other hazardous conditions, not to shut down the refinery.

In correspondence dated July 10, 2013, which was provided to all Commissioners, CBE listed all findings and recommendations from the Chemical Safety Board and Cal/OSHA reports and includes annotations referencing the source of the findings as well as background documents. These findings include specific examples of corrosion that were identified but not abated by Chevron as well as multiple fires and a long history of failure to address other known hazards

that pose a threat to both Chevron employees and the larger community.

Commissioner Langlois acknowledged that the City Council provided direction regarding updates to the City's Industrial Safety Ordinance but said these findings represent a clear and present danger that must be addressed before another disaster strikes. The resolution expresses the Commission's concern, requests that the Planning Director and staff assess the accuracy of the findings provided within 10 days following enactment of the resolution, and requests that the Building Official subsequently make a formal determination as to whether portions of the Chevron refinery constitute dangerous building conditions. She noted that the City's own ordinance grants the Commission with the power to engage the public regarding problems and solutions relating to the physical environment and to call on the Planning Director and staff of the city for research and advice on matters of a technical nature.

Commissioner Butt stated that the Commission's goal is to use whatever authority and power it might have to ensure that the issue is taken seriously. He expressed regret that the resolution does not make an actual declaration regarding dangerous building conditions but said it does put the onus on the City to take action and report back to the Commission and public.

Mr. Rojas stated there are 10 speakers for the item.

Chair Lane invited comments from CBE representatives.

Roger Lin, CBE legal counsel, gave a slide presentation. He stressed CBE's concern that another disaster at the refinery is imminent and, while both the industrial safety ordinance amendments and county's corrosion audit are promising solutions, they are not timely. CBE and the Chemical Safety Board have identified the city's authority to remedy the urgent safety conditions and the Richmond Municipal Code stipulates that all unsafe or dangerous building conditions shall be abated by repair or special procedure as may be adopted by the city. He referred dangerous building conditions as defined by the California Building Code and cited evidence that supports such a claim at the Chevron refinery. He acknowledged the authority of the Building Official, noted his distinct absence from this important hearing, and asked that the Commission expedite the process by making such a declaration itself.

Commissioner Martinez asked Mr. Lin to substantiate his position that it is within the purview of the Commission to make the declaration.

Mr. Lin stated that the Municipal Code grants the Commission all powers to perform all duties conferred and imposed by the City and as described by Chapter 3, Title 7 of the California Government Code. The Government Code tasks the Commission with implementation of the General Plan, of which Goals SN1, SN1.3, and SN1.B speak to minimizing physical risk, in some cases related to the use of hazardous materials and operations, and ensuring the protection of people and property from hazards.

Commissioner Willis asked Mr. Lin to comment on the authority of the Fire Marshal.

Mr. Lin summarized his assumption, stating that the Building Official possesses the authority to address all building conditions whereas the Fire Marshal's authority is limited to issues related to the Fire Code.

Commissioner Reyes asked what progress the city has made since the August 2012 fire.

Mr. Lin stated that the City Council adopted Resolution 37-13 resolving that the Council directs the City Manager and City Attorney take steps to implement the urgent recommendations of the Chemical Safety Board. He agreed with Commissioner Reyes that more could have been done; specifically, the City had the authority to remediate any situation it declared as dangerous. He acknowledged the Commission's dilemma with respect to the recommendation of the City Attorney but said that the Building Official's inaction and unwillingness to even respond to CBE's petition is unacceptable.

Commissioner Reyes said that inaction has been the culture of the City for too long and thanked those present for attempting to change that culture.

Commissioner Martinez recalled that the Chemical Safety Board report stipulated that Richmond has both the responsibility and ability to ensure that the Chevron refinery is a safe building, and asked what Mr. Lin thought the cause for inaction was.

Mr. Lin could offer no answer.

Commissioner Martinez noted a letter from Chevron's legal counsel, which labeled the Commission's efforts as a disservice to the public based on its erroneous foundation. He also noted that this correspondence contained no direct rebuttal nor was anyone from Chevron present tonight and asked whether Mr. Lin had any additional information to offer regarding this lack of communication.

Mr. Lin said the letter, which he just received at this meeting, is the first and only contact made by Chevron.

Greg Karras, CBE Senior Scientist, stated that following Chevron's appeal of Cal OSHA's fines and abatement orders, he called and emailed the refinery's then manager Nigel Hearne to request more information. He subsequently repeated that request and to date has received no response from any representative of Chevron.

Public Comment:

Andres Soto, resident of Benicia, stated that the real onus is on the Planning Director and City Manager and that the Council must be asked why it has not held either accountable for failing to implement City Council policy. He questioned the individuals' professional interest, competence, and ethics. He asked that the Commission, absent of making the declaration itself, send a public message to the Council demanding action to prevent any future catastrophe that will likely have a devastating effect on the Richmond community.

Bill Pinkham, resident of Richmond, concurred with previous speakers. He stated that Chevron, in its pursuit of incredible profits, has demonstrated a pattern of willful negligence and disregard for public safety.

Greg Karras, CBE, asked the Commission to accept CBE's petition and make a declaration of dangerous building conditions. He stressed that the only question before the Commission is whether portions of the refinery represent an imminent hazard. He noted that the City Attorney's letter to the Commission speaks to enforcement and in fact provides no evidence questioning the Commission's ability to make such a declaration.

Commissioner Reyes asked why the declaration itself is so important.

Mr. Karras stated that a declaration is the first legal step in invoking the City's authority to abate. It provides the basis to compel essential disclosure of current conditions at the refinery.

Commissioner Martinez asked how long it would take to verify the findings of the resolution.

Mr. Karras estimated that, using reports from the Chemical Safety Board, Cal OSHA and Chevron, a competent professional should need approximately 1 working day. If one were to question the accuracy of those reports, it could take longer.

Stephanie Herves, a Richmond resident, stated that in addition to the findings of the Chemical Safety Board and Cal OSHA, the Bay Air Quality Management District is working with the Environmental Protection Agency on an investigation of the refinery. Pending the outcome of this and other investigations, she asked the Commission to make a declaration of dangerous conditions.

Sylvia Gray White, a resident of Richmond, strongly urged the Commission to adopt the resolution and to hold the City Manager, who oversees the Planning and Building Services Director, accountable for the lack of action to date. She described the events of August 6, 2012 as well as the subsequent involvement of numerous state and federal agencies.

Vivian Huang, APEN, stated that the August 6, 2012 explosion is only the latest in a number of explosions the Laotian community has witnessed at the Chevron refinery since 1999. The investigative findings by the Chemical Safety Board and Cal OSHA demonstrate a pattern of negligence and willful disregard for safety. She asked how many more times this will be allowed to happen before the City takes action.

Commissioner Reyes stated that the letter received from Chevron singled out APEN as "trouble makers." He noted, however that one of their members was recently recognized with a national award.

Ms. Huang confirmed that one of APEN's community leaders was recently honored by the White House as a Champion of Change for Climate Resilience.

Laiseng Saechao, a Richmond resident, said the repeated explosions at the Chevron refinery have greatly affected the comfort, safety and health of her family and those she loves.

Kae Lin Saechao, through a translator, expressed her deep concern for her own wellbeing and that of her family. She urged the Commission to investigate safety conditions at the refinery and make the repairs needed to ensure the safety of the entire community.

Mey Chiam Saechao, through a translator, described personal health conditions that she felt might be attributed to refinery pollution and urged the Commission to make the declaration of unsafe conditions.

The public hearing was closed.

Commissioner Langlois thanked the public for sharing their concerns. She moved to adopt the resolution and asked that CBE's letter dated July 10, 2013 be included as Appendix C.

Commissioner Martinez requested and Commissioner Langlois accepted an amendment to the

motion requesting that staff provide a report describing the evidence used to make a false determination on any of the findings.

Commissioner Willis offered a second to the amended motion. He said he struggled to separate his personal feelings, which are that the Chevron refinery is a dangerous facility and represents a serious public safety concern, with his role as a Commissioner. He said he remained unclear regarding the Commission's authority to make the requested declaration but that the resolution seemed to be a reasonable step in the right direction.

Commissioner Reyes said he was rather disappointed by the resolution because it failed to address the continued inaction and unresponsiveness of the City. He said he would like such language included in the resolution and the responsibility for immediate action placed in the hands of the City Manager, who should have been present at this hearing.

Commissioner Martinez said the only true way to determine the Commission's authority is to take action and see whether or not it is contested. He stated that the Commission should do what is right, stand up for the safety of this community and its citizens by making a declaration of unsafe conditions, and take the hits if and as they come.

ACTION: It was M/S (Langlois/Willis) to adopt the resolution, as amended; unanimously carried.

7. Election of the New Officers

Chair Lane stated that the nominating subcommittee, consisting of Commissioners Butt, Reyes and herself has prepared nominations for the positions of Chair, Vice Chair and Secretary. She invited any others who wished to put their names forth to please do so.

Commissioner Reyes and Langlois requested clarification on the number of consecutive terms any one Commissioner may hold a position.

Mr. Atencio said traditional practice is to rotate after one year, though there is nothing in the code to suggest that they cannot repeat a term or be reelected indefinitely.

Chair Lane identified the nominees as follows: Secretary – Langlois; Vice Chair – Choi; Chair – Lane, and noted no additional nominations. The Commission accepted the nominations.

8. Reports of Officers, Commissioners and Staff

Receive an update from staff about the status of the Chevron refinery's CUP 93-40.

Ms. Velasco stated that the Commission requested information about compliance reporting related to a Conditional Use Permit that was approved in 1994 after being appealed to the City Council. Staff has provided the Commission with the resolution which considered the appeal and identified the action by the Council. Staff has identified several compliance reports, specifically those completed in 1995, 1996, 2001, 2006 and 2008 and notes that all but the most recent two were brought forward to the Commission. Staff has also determined that an additional report, which will be brought forward to the Commission for review, is due by the end of 2013.

Commissioner Butt noted that the Condition 11.2 speaks to a citizens' advisory panel and requested more information regarding its status.

Ms. Velasco explained that additional time is needed to research and fully understand the file but that several references were made in the compliance reports to citizens' advisory panel. Staff understands but has not verified that the panel was disbanded by action of its own board and requests additional time to review the reports in greater detail.

Commissioner Langlois noted that the use permit requires review by the Commission every 5 years. She felt that a review should consist of more than simple receipt of the document, noted the reports are fairly voluminous, and requested that staff prepare the Commission for the next review with a presentation on both the permit and the most recent report.

Ms. Velasco said staff would prepare to return with a study session item once it has acquainted itself with the original project and subsequent compliance reports.

Commissioner Choi said he would be very interested to learn most about what happened with the advisory board and whether it is something that can be resurrected.

Commissioner Butt stated that this was clearly a contentious project, as evidenced by the broad reaching conditions imposed by the Commission and ultimately rejected by the Council. He noted conditions related to safety measures and fence line monitoring that seems to have never been implemented and wondered how this all fell through the cracks. He questioned the Planning Department's process for monitoring this type of thing and said the lack oversight calls for a thorough review of each condition by the Commission.

Ms. Velasco explained that the limitations of electronic recording keeping at the time this CUP was approved presents a challenge. While there are considerable files related to the item, their contents are typically in paper logs. Planning staff is in the process of reviewing older use permits and their reporting requirements, has identified additional permits related to the refinery and will be bringing forward a more accurate list with descriptions that are responsive to the Commission's comments.

Commissioner Butt suggested that, given the breadth of the facility, a map denoting which facilities within the refinery are subject to which permit would be extremely helpful.

Mr. Rojas provided an update regarding the South Shoreline Specific Plan and thanked those Commissioners who participated in last month's stakeholder interviews. He stated that staff held a well-attended kickoff meeting June 24th, at which it received good feedback from the community, and will present the initial development concept for the plan area on July 24, 2013. The workshop will be held in Building 445 at the Richmond Field Station conference center from 6 to 8 pm. The public is also urged to follow the project on the city's website at www.ci.richmond.ca.us/sssp.

Commissioner Reyes stated that in his interview with staff, he stressed his appreciation over the lab moving to Richmond but also noted the amount of community outreach and engagement that would be required to ensure they make good neighbors.

Chair Lane requested Commissioner reports.

Commissioner Willis reported that ACCE, in collaboration with the city, is hosting a workshop for health advocacy groups to provide the public with information on the Affordable Care Act and what it means for the future of healthcare. The workshop is scheduled for July 24, 2013 at 6:30 p.m. in Council chambers.

Commissioner Choi wished his lifelong friend Adam Werner a happy birthday.

Commissioner Langlois said she was both upset and disheartened to hear comments at the last City Council meeting that were viciously homophobic. She expressed her support for the vast majority of Richmond residents who are welcoming to the gay, lesbian and two spirit community. She stated that Richmond is a community that embraces everyone regardless of race, ethnicity, age or sexual orientation and urged its members to call out those who say hurtful things.

Commissioner Butt concurred that Richmond's strength is in its diversity. He reminded the community that the next summer concert series event is July 12th at 5 p.m.

Adjournment - The meeting was adjourned at 8:46 p.m. to the next regular meeting on August 1, 2013.