

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
January 16, 2014
6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair	Eduardo Martinez
Roberto Reyes	Andrew Butt
Ben Choi	Marilyn Langlois
Melvin Willis	

The regular meeting was called to order by Chair Lane at 6:35 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: None

INTRODUCTIONS

Staff Present: Jonelyn Whales, Senior Planner; Carlos Privat, Assistant City Attorney

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, January 27, 2014, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

- 1. PLN13-277: AT&T Wireless Facility Upgrades** - PUBLIC HEARING to consider a Conditional Use Permit to allow 4G LTE upgrades for an existing AT&T Wireless facility located at 5221 Central Avenue (APN: 510-081-055). The proposed project consists of replacing six existing antennas and adding three new antennas. C-3, Regional Commercial District. Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.

Chair Lane explained that the staff recommendation is for this item to be continued to the February 6, 2014 meeting.

ACTION: It was M/S/C (Willis/Choi) to hold over PLN13-277 to February 6, 2014; which carried unanimously by the following vote: 7-0 (Ayes: Butt, Choi, Langlois, Martinez, Reyes and Lane; Noes: None; Absent: None).

BROWN ACT – PUBLIC FORUM – No speakers

NEW ITEMS

- 2. PLN13-131: Proposed Changes to the Municipal Code Regarding Cash for Gold Businesses in Commercial Zoning Districts within the City of Richmond - PUBLIC HEARING** to consider Zoning Text Changes amending Chapter 15.04 Sections 15.04.013 Use Types; 15.04.020 Definitions; 15.04.220.040 C-2 Conditional Uses; 15.04.230.040 C-3 Conditional Uses; and 15.04.910.080 Requirements for Specific Uses or Districts, of the Richmond Municipal Code to permit Cash for Gold businesses and services with a Conditional Use Permit. Planner: Jonelyn Whales; Tentative Recommendation: Recommend Approval to the City Council.

Jonelyn Whales gave the staff report, and said staff would ask that the Commission recommend adoption of the draft ordinance to regulate second hand dealers, which includes cash for gold businesses as well as pawn shops and pawn brokers. She noted a typographical error in the staff report where staff indicated the date of November instead of September 5, which is when the study session was previously held, at which time the Commission directed staff to return with a draft ordinance. Staff restricted uses in the C2 General Commercial as well as C3 Regional Commercial zoning districts. They also included some standard conditions of approval they thought would be fitting for these businesses as far as their distance between churches, schools and other secondary uses. Staff also recommends that they not be within 25 feet of a residentially zoned property so it could not abut the residential uses on the opposite street. Staff would like to expand the area to go across jurisdictional lines so where they have 1,000 feet between those, they would like for that to go across jurisdictional lines as well. Therefore, if San Pablo approved one of the businesses on San Pablo Avenue and the City had an application for a Cash-for-Gold business, they would not be able to operate within 1,000 feet of the adjacent business in the City of San Pablo. However, staff is able to make modifications based upon input from the Commission.

Secretary Langlois voiced support of the item, and noted she was absent for the study session. She referred to Page 4 of the draft ordinance and there is a general use type for second hand dealers and it excludes jewelry stores. Under Section 5; exemptions, it states that “Jewelry stores, coin dealers and antique stores are exempt from these conditions.” She questioned where the exemptions derived from, as people can bring these items to businesses and engage in second-hand business. Ms. Whales noted they stem from the State Business Code. The jewelry stores would not have to apply for a second hand dealer’s license and this is why they would be exempt. If a jewelry store was an accessory use, this is something different, but as long as they have to apply for a second hand dealer’s license, they are regulated by this ordinance. But if they are a jewelry shop that may take something in as a pawn, then they are classified as a pawn shop.

Secretary Langlois said one of the reasons this came to people’s attention in San Pablo and Richmond was because many cash for gold places were opening and there was a perception with the correlation of home burglaries and people’s things being stolen and being sold. She asked if there is a correlation or not. Ms. Whales referred to the retail services, under section 2

of the ordinance where she provided a definition for coin dealer it states any person, firm or principle business as the buying, selling and trading of coins. They are just trading these coins and not offering cash for them, which is a distinction.

Secretary Langlois said if a person had rings or necklaces and they took them to a jewelry store to sell them for cash, she asked if that store would be deemed to be engaging in cash for gold business. Ms. Whales replied that they would be in violation of this ordinance and they would not have a second-hand dealer's license.

Secretary Langlois said her other question is on page 8 which has to do with the state regulations for second hand dealerships for security purposes. On page 8 under #4, she asked about "items purchased from a customer shall be stored and maintained by the business for 30 days prior to disposition." She asked if this means if a second hand dealer purchases something they have to hold that item for 30 days before they can display it for sale to the public. Ms. Whales said this is correct and this is part of the state regulations.

Commissioner Reyes questioned the 1,000 foot radius because it is nice to cross those borders. He hopes it was done for the benefit of the community. He asked if it will regulate competition with the other like stores. Ms. Whales said primarily, they were hoping they did not over concentrate some of the City's corridors with Cash-for-Gold stores, and this is why the 1,000 foot radius was specified. Commissioner Reyes asked and confirmed that the City Attorney's office was consulted in San Pablo.

Commissioner Butt said he supports the ordinance as it is a proactive step and it does not look like there is much resistance to it. He assumes the City did not receive any letters from this. He does not see anything about signage and he asked if hypothetically, the exempted stores are jewelry stores, coin dealers and antique stores. What is to prevent someone from getting creative and say they are opening an antique store and they put a big Cash-for-Gold sign out front.

Ms. Whales referred to signage on page 6 of the ordinance, #5 and #6 and said signage will be part of it. All businesses will have to come before the Commission to request a CUP to operate. Regarding preventing someone from operating illegally she said regulatory agencies would be apprised of it and would investigate. Once businesses agree to have a second hand dealer's license, they open themselves up to inspections by police. Ms. Whales commented that she feels the ordinance has the teeth the City is looking for without being very specific, as it will be on a case-by-case basis.

Commissioner Martinez referred to the question regarding signage on attachment 2, Item H, which states "A separate sign permit approval shall be required for any new sign related to the use permitted pursuant to this conditional use permit." He would imagine that code enforcement would spot any unapproved signs. Commissioner Butt acknowledged this requirement.

Commissioner Reyes said when a business opens up under this he asked if it will go before the DRB. Ms. Whales said yes, especially if they exceed the signage ordinance.

Ms. Whales summarized by stating staff recommends approval of the ordinance with modifications to be forwarded to the City Council.

ACTION: It was M/S/C (Reyes/Martinez) to close the public hearing; which carried unanimously by the following vote: 7-0 (Ayes: Butt, Choi, Langlois, Martinez, Reyes and Lane; Noes: None; Absent: None).

ACTION: It was M/S/C (Langlois/Martinez) to recommend to the City Council PLN13-131; which carried unanimously by the following vote: 7-0 (Ayes: Butt, Choi, Langlois, Martinez, Reyes and Lane; Noes: None; Absent: None).

BROWN ACT – PUBLIC FORUM – No speakers

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Commissioner Reyes acknowledged the good work of the Vice Mayor in presenting the minimum wage ordinance along with the City Council. He reported that the McTernan family will be moving out of Richmond and wished them well.

Commissioner Martinez reported on the meeting last night on the Chemical Safety Board and their recommendations for a safety regime. He believes it is a policy that the Planning Commission should look into and learn about it.

Commissioner Willis asked if Commissioners were required to complete a Form 700 Annual statement this year, and Mr. Privat said yes, and reminded Commissioners they are due April 1, 2014.

Vice Chair Choi wished everybody a Happy New Year and asked everybody to come out to the Greenway on Monday for the Martin Luther King Day of Service event.

Secretary Langlois echoed Commissioner Martinez in his comments about last night's hearing with the U.S. Chemical Safety Board. It was very informative to hear about the recommendations of the staff. She thinks it would be great to receive more information so the Planning Commission is better informed, particularly when they get to the time for review of the Chevron's Hydrogen Renewal Project next month.

She invited everybody out on Monday to the 7th Annual Martin Luther King Day of Service on the Greenway in Richmond. Lastly, she noted she is also a member of Richmond's Bicycle Pedestrian Advisory committee and at their last meeting there was talk of updating the City ordinances regarding bike parking beyond what the Livable Corridor envisions. Any substantial improvements made to a property or new construction would require that high quality bike parking be included. Ms. Whales said she believes there will be a presentation to the City Council on January 28th and this will be a topic.

Commissioner Butt also invited people out to MLK Day of Service on the Greenway. He noted at 6:00 p.m. tonight, the first public input meeting was held for the South Richmond Transportation Connectivity Plan was held. He also learned and found very exciting that a new, 90 employee company is relocating to Richmond from San Rafael, which is a tissue bank. He also referred to trains which have been on his mind, given weekly disasters in the news, and on his way to this meeting, a 100-car long tank train went right through the grade crossing at Pt. Richmond by businesses, kids, and this is something he has been worrying about. He voiced

interest into the Commission discussing these topics, train horns, expanded service, and safety and health hazards. He also stated that as an architect, most of his clients are public clients. He recently took on a project in Richmond and had difficulty with knowing what steps and process to follow in the planning department, but said he will talk with the Planning Director about this.

Commissioner Martinez stated he substitutes as a teacher part-time and when he was at Grant, there is a major traffic problem in front of the school. Downer Avenue is a very narrow street. The Principal suggested making it a one-way street, but something should be done given the hazardous situation. He voiced another concern that major intersections or points of entry in Richmond, like Harbour Way, are not very attractive. He suggested the City work on improving the aesthetics of the intersections and hoped this could be discussed by the DRB or Planning Commission.

Chair Lane cited the many ideas of the Commission and she thinks 2014 will be a busy year. She wished everybody a happy 2014 and adjourned the meeting.

Adjournment - The meeting was adjourned at 7:05 p.m. to the next regular meeting on February 6, 2014.