

**PLANNING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
April 10, 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 6:33 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Reyes

INTRODUCTIONS

Staff Present: Lina Velasco, Senior Planner; Hector Rojas, Senior Planner; Carlos Privat, Assistant City Attorney and Richard Mitchell, Director of Planning and Building Services, and 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, April 21, 2014, 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 three items. She asked if there were any members of the Commission, staff or public who wished to remove any of the items on the Consent Calendar. Chair Lane requested removal of Item 2. Mr. Rojas noted there were three speakers for Item 3 and requested it be removed. Ms. Velasco referred to Item 4 and pointed out there was a typographical error in the Statement of Proposal which should notes that the hours of operation are from 9:00 to 7:30 p.m. daily.

Items Approved on the Consent Calendar:

CC 4. PLN14-026: Taqueria El Agricultor - PUBLIC HEARING to consider a Conditional Use Permit for an existing outdoor food vendor at 915 West Cutting Boulevard (APN: 550-012-006). C-2, General Commercial District. Mt. Zion Enterprises, owner; Cornelio Navarro, Applicant; Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval.

ACTION: It was M/S/C (Langlois/Choi) to approve Consent Calendar Item 1; which carried unanimously by the following vote: 5-0-1 (Ayes: Butt, Choi, Langlois, Martinez and Lane; Noes: None; Absent: Reyes).

BROWN ACT – PUBLIC FORUM

Cordell Hindler, Richmond, said he previously proposed a beachfront style hotel in the City and suggested it will bring in revenue and jobs for the City. He also asked for a disco bar in the City.

Items Removed from the Consent Calendar:

CC2. PLN13-318: Lifelong Medical Clinic - PUBLIC HEARING to consider a request for a Design Review Permit and Variances for off-street parking to allow construction of a 4,313 square-foot community medical clinic at 150 Harbour Way (APN: 540-290-001). C-B, Central Business District. Ipco Development Corporation, owner; Lifelong Medical Care, Applicant. Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.

Hector Rojas gave the staff report and a brief description of the request for a Design Review Permit and Variances for parking. He said the applicant is present from SPG Architecture and can provide a presentation of the project and staff recommends approval.

Chair Lane referred to the variances and said they are trying to facilitate more walkable communities, less parking, and she questioned the reduction from 22 spaces to 8 spaces and how people from the clinic and in the neighborhood might be impacted. She asked about the church lot, as well and asked what buildings will be demolished. Mr. Rojas said the church is on a separate property to the south. The project will take up the entire block between Harbour Way and 11th Street along Bissell Avenue. There is a substantial amount of on-street parking not currently utilized, but generally, this is based on the form based code which indicates that any facility under 5,000 square feet would not require parking, including medical services. This location is also proximate to the Richmond BART Station, there is also an AC Transit bus line, and people can walk and bike to the facility. The parking ratio in the ordinance pertains to larger hospitals.

Commissioner Butt asked and confirmed that the project was heard by the DRB on March 26, 2014 with recommended approval. He noted the clinic comprises of trailers and he asked if these would be temporary while a regular clinic building is constructed. Mr. Rojas said these are temporary trailers, and they do plan to construct a building within 7 to 10 years. Commissioner Butt said he realized the cost savings by utilizing trailers, but he suggested the Commission require an additional condition for construction of a permanent building within 10 years. He asked how the form based code applies to temporary portable trailers, and Mr. Rojas said it does promote temporary buildings but there is intent for higher architectural quality and design. Ms. Velasco said certain main street corridors will have prescribed form and architectural guidelines will give discretion to the DRB in approving different types of designs, but from the

western end of McDonald there could be more industrial-looking buildings. However, the code does not speak solely to modular buildings.

Secretary Langlois asked if bike racks were included in the design, and Mr. Rojas said yes, for short and long-term bike parking, as well as lockers. She confirmed that the 8 spaces and on-street parking will be used by staff and patients.

Chair Lane referred to the courtyard which will have good features and she asked if it will be open to the community as well as those visiting the clinic. The applicant responded the courtyard is a public plaza open to the community during daylight hours and it is locked at night.

Mr. Rojas summarized the recommendation and concurred with Commissioner Butt's suggestion for the additional condition.

Chair Lane confirmed there were no speakers, and the public hearing was closed.

Commissioner Butt made a motion to approve the Design Review Permit and variances with the additional condition to require the applicant to replace the modular unit with a permanent facility within 10 years. Commissioner Martinez seconded the motion.

Secretary Langlois disclosed that she had met with representatives of Lifelong Medical Clinic and indicated they have every intention to fundraise to build a permanent structure. She said 10 years sounds like a long time but she would like to ensure the clinic continues to operate. She proposed a substitute motion to approve the project as recommended by staff.

Commissioner Butt said he appreciates this, but he thinks there may be a precedent set with allowing portable buildings. He said he thinks the building location is a prominent street and he noted that schools have indicated they cannot afford permanent structures which he believes eventually cause blight in the community. He thinks providing the applicant an additional 3 years is reasonable and stood by his motion.

Commissioner Willis asked the applicant when she believes the permanent building will be constructed. The applicant said while she works for the architect, she knows it is impossible to determine a date, given fundraising, grants, and the economic climate. She knows it would be detrimental to the community they serve if they would need to leave if they could not build a permanent structure.

Chair Lane said within this 10 year timeframe, if the clinic could not build a permanent structure, she asked if they could return to the Commission. Mr. Mitchell said they could always return to the Commission and request an extension, but he believes the timeframe is reasonable, given the lifespan of these portable buildings.

Secretary Langlois withdrew her substitute motion given that it is clear there are options in the future to ensure the clinic is not closed.

ACTION: It was M/S/C (Butt/Willis) to approve PLN 13-318 with staff's four findings and conditions with an additional condition that the conditional use permit would require the applicant to replace the modular unit with a permanent facility within 10 years; which carried unanimously by the following vote: 5-0-1 (Ayes: Butt, Choi, Langlois, Martinez and Lane; Noes: None; Absent: Reyes).

CC 3. PLN14-004: Agave Azul Restaurant Alcohol Sales - PUBLIC HEARING to consider a Conditional Use Permit to obtain a type-47 ABC license to permit on-sale beer, wine and spirit sales and provide live entertainment at an existing eating establishment at 12955 San Pablo Avenue (APN: 526-040-023). C-2, General Commercial, SFR-3, Single Family Low Density Residential District. Joaquin Rodriguez, owner; Martin Garcia, Applicant. Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval.

Kieron Slaughter gave the staff report and brief description of the request for a Conditional Use Permit to obtain a type-47 ABC license. The applicant currently owns and operates a mobile vending truck at the subject site that has a CUP. The applicant plans on transitioning the business from the mobile food truck to a brick and mortar previous Gonzalez Restaurant along with this request for the type-47 license. He noted the applicant proposes hours of 9AM to 10PM Sunday through Thursday and 9AM to 1AM Fridays and Saturdays. They also intend to host live events such as DJ's and bands approximately once monthly. Given that this is a commercial area with a parking lot that buffers this establishment from other adjacent uses, the hours would be consistent with other like establishments. The application meets all requirements of the zoning ordinance as well as consistency with LU-1.4 of the General Plan. Prior to the meeting, he spoke with the police department who voiced concerns with safety in the parking lot and customers leave the establishment late at night, which the applicant will speak to.

Mr. Slaughter stated that the applicant appeared before the North and East Neighborhood Councils and received a favorable response with a letter of support, which is Attachment 5 of the staff report. In addition, staff added strict conditions of approval to discourage loitering and noise. In conclusion, staff recommends conditional approval.

Commissioner Willis asked if the applicant has considered hiring security staff for the late hours or weekends. Mr. Slaughter said the applicant can speak to this and may be willing to entertain this suggestion.

Commissioner Butt stated it looks as though there are 3 to 4 homes adjacent to the parking lot. Mr. Slaughter confirmed there were homes on the north side and one home to the west side, as well as residences across Andrade Avenue, as well. Commissioner Butt asked if there were plans to address nuisances from noise, and Mr. Slaughter said no neighbors have expressed concerns to date and the applicant has met with the neighborhood councils.

John Marcus, representing the applicant, Joaquin Rodriguez, stated they are ready to provide security if needed during late hours, and he referred to other establishments in the City that provide alcohol and serve food. The applicant is trying to provide this same venue in a different area of the City, and he said he was available to address any questions or comments from the Commission and public speakers.

Commissioner Butt said he recalls the applicant came before the Commission for a CUP for the mobile vending unit. He asked if and when they are able to open the restaurant, would the taco truck be eliminated. Mr. Marcus said if required, he would remove it, but his intent is not to remove the mobile vending truck until the business gets up and running.

Chair Lane opened the public comment period.

Public Comments:

Cordell Hindler, Richmond, voiced support for the request stating he loves Mexican food, but voiced some concerns with possible nuisances from noise.

Naomi Williams, Chair, West County Alcohol Policy Working Group, said her problem is not the location because there was a restaurant there that served beer and wine but they closed at a reasonable time. She noted they now would like live music occasionally which may cause problems. She also noted that in front of the building is a C-2 district, but behind it is a C-1 district with many homes. She voiced concern with the type-47 permit and the restaurant operating like a night club. She said since they are not opening for a while, she suggested holding over the item to ensure the hours of the operation are okay.

Commissioner Willis said a few blocks away is a local bar called Jerry's which operates until 1AM or 2AM and he asked Ms. Williams if they ever received any complaints about that establishment. Ms. Williams said the police department would have this information and Jerry's is also not in the same zoning district.

Detective Vega, Richmond Police Department, stated the Regulatory Unit ensures local business compliance and in this case, liquor licenses, to operate within the parameters of ABC. They administer regulation of licenses in a manner that fosters and protects the health, safety, welfare and economic well-being of the people of the state, particularly for the citizens of Richmond. With this in mind, he and other members of the unit and his supervisor have concerns with the opening of a restaurant that would not only serve hard liquor but would also be providing live, amplified music, particularly on Fridays and Saturdays between 10PM and 1AM where there are residential homes in the area. These types of establishments have been a drain on their limited resources, as well as health and safety concerns for residents. After learning of the opening of this business, he recalls several issues they have had in the past of selling alcohol and live music. He named several businesses and said they have had complaints from ABC on El Capicino regarding fighting, noise, loud music and other complaints which occurred in the late evening hours. They have also had problems with La Revolution Restaurant which police received over 800 calls for service in less than one year. ABC has also assisted in this and issued a letter demanding them to cease operations at its location. Police were also asked to investigate activities at another restaurant, La Selva Taqueria. In June 2011, complaints reached a particularly high count which resulted in officers providing direct patrol and projects in order to combat and resolve complaints generated in this area. There were also complaints that the restaurant was serving alcohol to already intoxicated people and this resulted in fights and disturbances and over-crowding inside and outside the establishment. Also, more seriously, Alvarado Bar and Grill at 1289 San Pablo Avenue was a scene of a double homicide in 2009 and another homicide in 2011. At Plaza Giorbaldi they also had a double shooting in 2011 which involved gang members inside and outside the restaurant. There were minors at that time drinking alcohol, as well. He stated police does not have serious concerns with the restaurant opening which serves food and alcohol up to about 10PM, which is reasonable. However, he spoke with several senior police officers and asked them to comment on how alcohol and live music affects the community. They were unanimous in their ongoing concern from patron's unwillingness, drunkenness, and fighting that occurred during late evening hours. They believe allowing businesses to operate between 10PM and 1AM with the provisions to sell both hard liquor and provide live entertainment would unreasonably stretch their already limited resources. He thinks the Commission could reasonably allow and beer and wine license with live music until 10PM and he asked for consideration of a probationary period, beginning with the licensee to only serve beer and wine and not stay open past 10PM. Once a specific time has gone by, the Commission could reconsider a license change to a type-47

which includes the spirits, and possibly extend the operating hours. Until then, he said the business should be restricted to type-41 license in the meantime. Their regulatory unit has worked hard over the years in supporting businesses, but not at the cost of failing to maintain a safe and responsible business for the enjoyment of Richmond residents.

Vice Chair Choi asked if the inclusion of hiring security would change Detective Vega's opinion. Detective Vega said not at this time and suggested the Commission require a probation period with the restaurant closing at 10PM. If they pass such a period of time without incident, they could be allowed to stay open until 1AM with security. His concern is that children may go into the restaurant portion and then wander to where alcohol is served.

Commissioner Martinez asked if Detective Vega would support a proposal that includes security and a 6-month probationary period with a type-47 license, and have it return to the Planning Commission. Detective Vega said their unit discussed this and they are very firm on beer, wine and food being served together and imbalance. His concern over 13 years is restaurants that are open late at night serving spirits and having live music. He thinks the City should set a standard for its neighborhoods and make restaurants do responsible things from the start and the Commission should back this. Commissioner Martinez asked how long the probationary period should be for, and Detective Vega suggested 2 years.

Commissioner Butt confirmed that Detective Vega was speaking on behalf of the Police Department and he asked if there were other related things that could improve the situation and mitigate any risk of events getting out of control. Detective Vega said the regulatory unit works with SEPTED to improve the environment, but he suggested the Commission begin at step 1, which he thinks is reasonable. He said this particular neighborhood, within a one-quarter mile area had over 90 residential burglaries, many stolen vehicles, and other problems, and he suggested being overly cautious with the business. They want them to get a good start and operate successfully.

Chair Lane said when the applicant presented the fact that there are other restaurants with this type of license and nightlife in other areas of the City, she asked if this is a neighborhood or location issue. Detective Vega said the nightclub environment in this neighborhood is of concern to their regulatory unit and it is worth the time to give the nightclub idea more thought. They like to be proactive and protect people.

Commissioner Willis asked if 11PM closing would be acceptable. Detective Vega said no; they discussed this at length and are firm with a closing of 10PM.

Commissioner Butt asked and confirmed that the police department's concern and where they are seeing problems is that this operation is more of a nightclub with amplified music, staying open until 1AM with sales of spirits.

Chair Lane said in terms of who can deem whether ABC licenses are probationary or not, she asked if ABC does this. Mr. Slaughter said staff has never processed a probationary license period. Mr. Mitchell said if the Commission was interested in limiting sales to beer and wine, the applicant could return after some period of time to demonstrate a history of operating without problems.

Jan Mignone, North and East Neighborhood Council, referred to her letter issued in February and they were given information that this was a family friendly restaurant which they all approve of. Having a margarita with dinner is fine to them, but they did not understand that there would

be live music or DJ's, late night closures, and said this backs up to a neighborhood with several nearby homes. She noted that Andrade Avenue is a race track where they run from 29th to San Pablo Avenue. She would love to be able to walk to a restaurant that does not shut down at 8PM, but they are concerned and supported the police department's idea of a probationary period.

Rebuttal – Applicant

John Marcus, applicant, said if the music is the issue, he would hope to be able to stay open until 1AM, as music would only be occasional. His concern is the fact that all businesses mentioned earlier by police were all Latino businesses, which is offensive. He said there are other Latino businesses in the Marina and do well. They also serve hard liquor and have music at times and do very well. He said if the problem is the music, he asked if the Commission could approve the business without the music and he will return later to request music.

Detective Vega said he is Latino and said he does not look at a restaurant as being Latino, Hispanic, Chinese or any other culture. He is a police officer and is fair in his assessment of crime. This happens to be the location and people who visit the location. He made no reference to any nationalities that were victims or suspects and he stands by this. The police department does not believe in discrimination of any time. They fight crime, period.

Secretary Langlois said the plan states that the applicant would like to stay open until 10PM on Sunday through Thursday and until 1AM on Fridays and Saturdays. She asked and confirmed with Mr. Marcus that they would have the kitchen open during the entire time they are open. She said one requirement was that the gross receipts of alcohol could not exceed the gross receipts of food sales, and she asked how this is monitored.

Mr. Slaughter referred to conditions of approval and reiterated the request is for a type-47 for a bona fide eating place. The applicant, upon request, would have to provide receipts showing sales of liquor and food. In addition, Condition number 4 states that "Businesses that engage in retail alcoholic beverage sales shall be subject to inspection by City staff anytime. If the Chief of Police or his/her designee suspects that any criminal or nuisance activities occurs on or near the site, the owner/operator shall be invoiced for the cost of inspection and necessary re-inspection and enforcement costs in accordance with the City's adopted fee schedule". Lastly, he entered very strong conditions of approval for loitering which is reflected in Condition number 9; "The applicant shall regularly police the parking area and grounds under their control in an effort to prevent loitering, and the applicant/operator shall request loiterers leave after 10 minutes. If said loiterer does not comply, the applicant shall contact the police department for response and cooperate with the police action up to and including arrest or prosecution."

Mr. Marcus said the applicant states that if he is not given the permit to stay open late even without the music he is ready to close the project because he has invested too much money into it and would not get a return on it.

Commissioner Martinez asked what part of the building the music would take place. Mr. Marcus said the music would occur occasionally only and would be located in the back area in the building.

Mr. Slaughter summarized the project, and suggested adding one condition to not allow any amplified music and there could be DJ's and dancing. The applicant is interested in having Mariachi bands play as they go around tables. In addition, the Commission could also condition

the frequency of bands if concerned. Based upon testimony, staff still does recommend approval of PLN14-004 with the findings and listed conditions of approval.

Commissioner Martinez asked if the applicant will have music for family functions or does he plan to have professional groups come to perform for pay. Mr. Marcus said music would be for family settings, not amplified, and only occasionally played.

Commissioner Willis said it sounds like the concern from the police department is how late alcohol is being served and not necessarily how late the business is open for. Detective Vega said it is the alcohol as well as the music. The request is for DJ and amplified music and their concerns are still valid and they worry about late night music and alcohol. Commissioner Willis asked if they could stop serving alcohol at 10PM but still run the establishment, and Detective Vega said this may be a consideration.

Commissioner Butt suggested they not play music after 10PM but continue to serve alcohol. He asked whether concerns would be relieved if the applicant agrees to no amplified music or DJ. He said he does not to operate as a nightclub but wants to stay open late. He suggested limiting alcohol to 11PM and limiting the music to 10PM. Detective Vega said he knows the neighborhood well and he suggested the Commission require shutting down of the music and alcohol at 10PM.

The public hearing was closed.

Commissioner Willis moved to approve PLN14-004 with staff's findings and conditions, with the additional conditions that they provide on-site security and stop selling alcohol after 10PM. Commissioner Martinez suggested an amendment to stop selling spirits after 10PM, to which Commissioner Willis concurred.

Mr. Privat asked for specificity with on-site security, stating that the condition of approval is for 9AM to 10PM. Commissioner Willis suggested security start at 8PM until closing. Secretary Langlois seconded the motion, thinks it is good the restaurant will be open as a great addition to the neighborhood. She said she thinks some of the potential problems can be mitigated with having security in the evening hours and also to remember that the condition already specifies that if there are additional nuisance complaints, the restaurant is liable for this under Condition number 4. She supported the motion because she thinks that eliminating all alcohol until 1AM is unrealistic, as people like to drink alcohol with their meals. It will also be nice having a venue for weddings, Quinceanera's and other family events.

Vice Chair Choi said he reads from the applicant that it is rather important to him to have full liquor service for weekend hours and he does not personally feel it is unreasonable, given the fact there are other restaurants that operate the same. He thinks these are onerous conditions and thinks the applicant has expressed how important this is to his business. He grew up in an alcohol-related business and two hours on the weekends are very important to success of the business.

Commissioner Willis said he would like to add a 2-year probation period to determine if there are any concerns during this time. Mr. Privat said there cannot be a probationary period as a condition of approval. He suggested conditioning it one way or the other. If it is less than the applicant wants, after a certain amount of time they can come forward and seek an amendment.

Chair Lane questioned how, from a regulatory standpoint, the owner would control or enforce the stopping of sales of spirits after 10PM. Mr. Slaughter said this would be very difficult to enforce by planning staff. Another option would be to give the applicant the benefit of the doubt, as Mr. Rodriguez has several businesses which operate in good faith. He suggested allowing him to operate as proposed and return for a review in one year. If there were any issues or complaints, the Commission can add stricter conditions.

Commissioner Martinez said in taking Vice Chair Choi's concerns, he asked if the Commission would need to vote on Commissioner Willis' motion. Chair Lane said the Commission can vote or there could be a substitute motion.

Commissioner Martinez made a substitute motion to approve the request as proposed by staff. Vice Chair Choi suggested a friendly amendment to maintain the requirement not to have amplified music. Chair Lane said she supported requiring on-site security. Commissioners Martinez and Choi supported requiring on-site security from 10PM until closing, and Commissioner Butt stated another friendly amendment that the mobile vending unit remain for up to one year and after that time, be removed. Mr. Slaughter noted that this expires December 2014.

Commissioner Butt asked for a friendly amendment, stating that there is the condition that there be 4 bike racks for employees and the public. He asked to add an additional 2 bike racks for the public. He asked that landscaping be redone in the parking lot, since there is presently only dirt.

Commissioner Martinez and Vice Chair Choi withdrew their original motion and second.

Secretary Langlois said she favors the amendments and asked that the project be returned for review in one year. Commissioner Butt asked and confirmed with the Assistant City Attorney that the review could be viewed as a check of the business operations, and that if there are complaints, the Planning Commission has the right to hold a revocation hearing. Secretary Langlois withdrew her request for the one year review.

Commissioner Martinez commented that Richmond does need more places that stay open late and serve food.

ACTION: It was M/S/C (Martinez/Choi) to approve PLN14-004 with staff's findings and conditions, with an amendment that only unamplified music be allowed; that on-site security be provided from 10PM until closing; to add 2 additional bike racks for the public to total 6 bike racks (4 for public and 2 for employees); and install parking lot landscaping; which carried unanimously by the following vote: 5-0-1 (Ayes: Butt, Choi, Langlois, Martinez and Lane; Noes: None; Absent: Reyes).

STUDY SESSION

- 1. PLN13-108: Richmond South Shoreline Specific Plan** – PRESENTATION of the recommended Land Use Map to be used as the basis for completion of the Draft Richmond South Shoreline Specific Plan (SSSP). The SSSP is a long-term planning document intended to facilitate the creation of a sustainable shoreline district providing jobs, housing, transportation options, entertainment, and recreation in the Plan Area. The Plan Area consists of 220 acres located in the City of Richmond, south of Interstate 580. City of Richmond, Applicant; Planner: Hector Rojas

Mr. Rojas stated Stephan Pelligrini, Christopher Jansen, and Mayla West are present from Opticos who are the lead consulting firm on the Richmond South Shoreline Specific Plan. The purpose of the meeting is to provide the Commission and community with an update on the plan and receive the Commission's comments on the draft recommended land use plan. The Commission's comments will be provided to the City Council tentatively scheduled for May 6th. After this, the project team may revise the draft recommended land use map and will begin preparation of the draft specific plan document that will contain planning policies, zoning regulations and urban design guidelines to implement the community's vision for the area in preparation of the Program EIR.

Mr. Rojas introduced the consultant team.

Christopher Jansen, Opticos, thanked the Commission for the opportunity to report on the process, stating they have held three public workshops, several meetings with the advisory group and City. They are present tonight to receive feedback and the goal is to move onto development of a specific plan. He gave a PowerPoint presentation showing the project area submitted for the grant, which shows the South Richmond PDA and the project area. The boundary change is slightly moved to the south to include a larger area of open space. He noted an Existing Conditions Analysis report is available from the project webpage and he spoke about the barriers to connectivity. The site is cut off from the rest of Richmond in terms of I-580, existing railroad tracks, and switching yards.

He presented a historic image of the Richmond Shipyards and what the site looked like many years ago. The first workshop focused on receiving feedback from the community. They did a series of vision no cards to help people talk about what their vision was for the community. They also conducted a series of dot exercises where people would identify assets, constraints, and opportunities within the project area. From there, they generated some framework concepts. Two items are north and south connectivity as well as east/west connectivity, identifying activity nodes, where there are locations that could serve as the center of a community, looked at how this project interfaces with the Richmond Bay Campus, preliminary land use concepts, and connectivity maps within the project area.

The third workshop was held in August and they looked at developing some preferred development alternatives, presented refined frameworks, development intensity, land use and level of infrastructure improvements. They also looked at a flexible framework, tried to identify a standard block size that was based off two of the blocks and the Seaport business area, looked at low intensity single story buildings all the way up to higher intensity mixed use buildings with structured parking. They were looking to interchange intensities across the blocks to generate program numbers for the project area. They also looked at development by building types which he briefly described which include low to high intensity residential, mixed use, and commercial, and then developed the recommended land use map.

Additional meetings occurred with stakeholders and an issue that arose was consideration of the existing rail lines. The original plan proposed eliminating rail lines completely within the project area to improve connectivity. In further discussions, they realized the complete elimination of rail lines was not feasible. The Y connection at the eastern end is important and something not likely to be given up. They are now looking at continuation of a single line that would go through the project area and relocation of switching yards elsewhere, which is a long-term vision and would require much more study.

Another change was the Richmond Bay Campus. It had a clearly identified Phase I located in the southern corner of the project. Due to changes, funding and sequestration, there is not a current phase I identified. Their current LRDP gives them the flexibility to develop any portion of the campus and there is also not a set timeline when this development will occur. This led to them thinking about how each sides of the campus could function more as independent neighborhoods and neighborhoods not facing onto the campus.

They also looked at an analysis of the proposed intensities. Lisa Wise Consulting reviewed this as compared to what was proposed at UCSF Mission Bay and they found the high intensity schemes proposed were too high and not feasible. Mission Bay has a total of 7.5 million square feet and the high intensity schemes they were coming up with were between 11 and 12 million square feet, which was too high. Taking these into consideration, they revised the plan and he presented the recommended land use map showing four colors: Yellow = multi-family residential; blue = R&D Business Service; Dark Red = Mixed Use Employment; and Light Red = Mixed Use Residential. All categories will be tightened up with more detailed regulations as part of the Specific Plan, but they are presenting these four categories tonight.

Mr. Jansen said the LRPD is a 40 year plan and they want to be clear there has to be a short term implementation. There are existing rail lines, business users, and they want existing uses to continue while allowing for development area them. There are large areas of the Zeneca site, the PG&E site as an opportunity site, and the area around the switching yard. They have identified 4 sub-areas which are located in the northwest by the switching yard and locations west, north and east of the Richmond Bay Campus.

Open space is also an important piece of the plan. WRT is on their consulting team who is looking at landscape and open space. Mr. Jansen highlighted 5 issues that have been coming up; 1) residential land uses because of connectivity constraints and amount of jobs being created, different product types that could be provided through residential and ensuring they create complete neighborhoods; 2) proximity of shipping yards and residential being closer to the Bay Trail; 3) the Union Pacific parcel which was designated as open space. Development rights being lost for the parcel. Currently, they are showing this remaining as R&D Business Service on the upper portion with the lower portion dedicated as open space; 4) Lark Drive which runs through the campus and connectivity it provides. There is a prairie issue there and with unknown timing, they need the two sides of the campus to function as independent neighborhoods, so the project is not reliant on that connection. It becomes an issue for transit, which wants to run a loop. It is an important connection for bicyclists and pedestrians and having a middle connection made sense; and 5) rail lines and existing uses. They want to be proactive for the vision of the area rather than being reactive if there is a situation that the rail goes away. They want a strategy to allow the rail lines to remain in the short term and continue the policy of allowing non-conforming uses to remain.

Regarding next steps, Mr. Jansen said they will be taking this information and presentation to the City Council along with the Commission's comments and recommendations at the beginning of May. At the end of April, they are looking to prepare a Notice of Preparation for the program EIR. In June 2014, they will release the public draft Specific Plan, the Final Program EIR in September 2014 and looking at adoption the following spring in 2015.

Mr. Rojas thanked Mr. Jansen for his presentation and said with respect to the Conn Mortimer Associates letter dated April 3rd, he clarified that as far as inconsistencies identified with the adopted General Plan specifically as it relates to Change Area 16, he stated that as part of this project, staff is proposing General Plan amendments to allow the plan to be consistent with

General Plan 23. The reason they are doing this is because General Plan Change Area 16 is the second purple area and it was designated for business light industrial use. The recommended land use map before the Commission tonight is not consistent with this land use map. The reason is because staff knew back when it was adopting the General Plan that it may be the site for the Richmond Bay Campus. Now they have been selected as the preferred site and obviously there is tremendous opportunity, they have taken a look at the concept of developing complete neighborhoods and allowing Marina Bay, which is an isolated neighborhood, to benefit from commercial amenities that may be developed. The residential component becomes very important in attracting that type of developing.

In summary, Mr. Rojas said after the General Plan has been adopted, they identified a different type of vision specifically for this area and they want to make the plan consistent and the General Plan amendment will have its own environmental analysis as part of the Program EIR.

Chair Lane opened the public comment period.

Public Comments:

Norman LaForce, Sierra Club, stated the area south of Bay View is an issue but it should not be left as R&D. People want this as open space and protected and he thinks there should be a way to figure out how to deal with that rather than creating further development that sticks out like a sore thumb and the wetlands need to be protected. Secondly, he asked to have the entire Zeneca site cleaned up to the highest possible level. Lastly, regarding Lark Drive, it is clear it is not necessary for any east/west connectivity. Lark Drive does not currently go all the way through on the campus. It stops because the prairie stops. The coastal prairie needs to be protected and he suggested routing go around up to Regatta which is already an existing boulevard to carry traffic up near the major Bay View and Regatta on and off ramps to the freeway. This will add a minute to travel, but it is important. The idea that buses will run between east and west for AC Transit on a Lark Drive thoroughfare turns it into a throughway. They should push to protect the prairie and he said a testament from the California Native Plant Society will provide an analysis of why the prairie should be protected.

Commissioner Butt referred to the throughway to the coastal prairie, and he asked what Mr. LaForce would think if it were an elevated trail that would allow pedestrian, bicycle use and maybe light utility vehicle usage. Mr. LaForce said they would have to evaluate that and he was not sure it is something that could be done from an aesthetic or environmental standpoint. He said he did not believe anyone was against having a pedestrian or bicycle path through what is on the existing Lark Drive now, but they would have to evaluate this.

Guy Carrie stated he has been a property owner in Subarea 1; Union Street Glass, since 1997. He feels the specific plan in concept has great elements, but some are in direct contradiction. He supports reducing traffic, pollution, greenhouse gas, adding affordable housing as thoughtful goals. He also believes that the repurposing of under-utilized properties to achieve these goals is the correct course. However, rezoning properties that are fully utilized by active, small businesses which employ over 100 people seems in direct conflict with the stated goals. There are under-utilized properties to the east and west of them that are perfectly suited for infill development. They can provide housing opportunities for workers already in the area who would love to give up their commute to walk or ride their bikes to work. But restrictive zoning will eventually lead to many businesses relocating and taking their workers with them. Their company has produced hand-blown glass designs in the East Bay since 1980. They share their building with sculptors, glass blowers, wood workers, metal workers, all makers of objects and

services created here locally. He read policies from the General Plan; 1) Community revitalization-promote arts and culture as a key component of community revitalization, building a foundation in context for arts and culture is an important aspect of growing arts related activities in the area. The following types of uses may help to achieve this—greater mix of building, public space uses, high density housing, live/work artist studios and others.

Secretary Langlois confirmed Mr. Carrie was located in subarea 1 at South 19th Street between Meeker and Wright. She asked staff how businesses currently in any of these areas would be affected by changes in zoning, as there were letters that mentioned this issue. Mr. Rojas said there are some uses that may potentially become non-conforming; however, they would want to go further into the development of the specific plan to flush out the particular uses allowed within each designation. At this time, they are looking at broader land use designations so he could not specifically identify each and every land use that would become non-conforming or not. The idea is that in the short term, existing uses would not be affected. They would be limited to expanding their businesses, but they are not at the point now to identify which specific uses would become non-conforming.

Secretary Langlois asked that in the long term there could be the possibility for non-conforming uses to be grandfathered in as long as they are not expanded. Mr. Rojas said this is a potential issue staff could look into.

Commissioner Butt asked and confirmed with Mr. Rojas that non-conforming businesses are allowed to stay but simply cannot double their size or build a new building.

Don Sneff, Richmond, said he is generally in favor of this plan and proposals. There is a crossing over I-580 that almost goes to Crescent Park near South 47th Street and he asked what this is.

Mr. Jansen said one thing they are looking for in a long-term plan is the possibility of a pedestrian connection across I-580. They saw this could land at the Booker T. Anderson Park at that side as another location that could provide pedestrian connection. Coming from the west, they identified Bay View is a big connection and they thought this was an opportunity for connection. Mr. Jansen noted that the discussion during the community process was to provide a more direct access route to the El Cerrito BART station between the project area. If a pedestrian overpass could be created at I-580, it could be part of a direct route for bicyclists and pedestrians to travel to and from the BART station and the Richmond Bay Campus.

Richard Goach, Director of Real Estate, Union Pacific Railroad, said he is present to specifically speak on the plan and how it affects the 57 acres Union Pacific owns along the Hoffman marsh area. The City Council re-designated this area as open space and this project correctly re-designates this northern portion. They are looking at 10 acres of the 57 acres being re-designated to light industrial which is in keeping with some of the adjacent designations within this plan. He looks forward to working with the City on the redevelopment of the 10 acre parcel.

Carolyn Graves said she is a 30 year resident of Richmond and lives very close to this site. She is also a member of the Richmond Southeast Shoreline Area CAG so she has familiarity with this area and its challenges. She supports the specific plan and its incorporation of the vision of what could be here rather than what was here. To this end, she applauds the plan's acknowledgement of the shoreline area's attraction to the community and not just as an industrial income-generation area. In addition, it sees the value of improving the connectivity of this area with the surrounding residential areas already in place and removing the blight

imposed on it by the barren Zeneca site with its high level of toxins including radioactive compounds. The site must be cleaned to the highest standards so all restrictions on future use can be removed. These higher standards would also support the environmental goals of the City's General Plan.

Paul Minault, Counsel for Allied Propane, said Allied is one of the businesses in the Harbor Front Business District east of the Zeneca site and on the east side of the specific plan area. Harbor Front consists of about one half dozen blocks with 24 buildings and has a daytime working population of several hundred people. Allied has been on this site for over 50 years. It is now managed by the second and third generation of the Tiedemann family, who employ 35 people and all trucks are fueled by propane. To them, this is the kind of business the City has decided its economic future on; green businesses run by families that hire local residents and serve as good employers. However, they propose to wipe off Harbour Front from the map and replace it with residential, commercial and perhaps R&D uses. They are strongly opposed to this and ask for the Commission's support in preventing this from happening. Three times in the General Plan calls for uses in the plan area to be Business Light Industrial and the specific plan is supposed to be a community-supported planning effort but what is seen is a top down effort to bring San Francisco's Mission Bay project to Richmond.

Christine Firstenberg, property owner of an industrial building at 867 South 19th Street, spoke against the recommended land use alternative submitted for consideration in the March 2014 South Shoreline Specific Plan. Their building sits on land identified in sub-area 1. It is adjacent to the rail line that runs along Meeker. They have been zoned fully residential in this proposed plan and the area is home to quite a few artisan tenants, and she spoke of one who was awarded the contract with a large national retail company to do the dinnerware for them across the country who is in their building. They have four stores in the Bay Area; Walnut Creek, Corte Madera, and one on 4th Street. The non-conforming use issue is a problem with them in that their building was vacant for more than 6 months waiting to get this tenant in. Owners will no longer be grandfathered in with non-conforming uses. Therefore, in phasing in new development and letting non-conforming uses there for a while will not work.

Vivian Kahn, partner in Kahn Mortimer and Associates, Oakland, said she has been engaged by Zeneca to review the proposed plan. She appreciates the fact that staff agrees with her conclusion that the proposed land use alternative is inconsistent with the General Plan. They do however have concerns about rezoning and re-designating the Zeneca property to residential. She submitted an 8-page letter that indicates in detail the reasons why this is inappropriate. The short term plan will continue to isolate the area. She lives in the Jack London District that still does not have a grocery store with several thousand residents there and the area is much better connected than this will be in the short and long term. She referred to the letter sent to the Commission and asked for an opportunity to meet to discuss concerns and legal constraints for designating the property for residential use. They recommend non-residential use proposed in the low intensity minimal infrastructure alternative in August.

Sherry Padgett said she owns a home on the southwest border of the South Shoreline Specific Plan area, a business that employs 9 people in the middle of the Specific Plan area, and for 10 years she has been involved in the South Shoreline historical industrial waste contamination issues from Pt. Isabel to the Richmond Port. She is on the South Shoreline Specific Plan Advisory Committee and a member of the Richmond Southeast Shoreline Area Community Advisory Group. She said she supports the plan as the best draft of thousands of large and small compromises among residents, property owners, businesses and many special interests. The proposed specific plan sets the stage for our regulators at Cal EPA to order and enforce a

more robust cleanup of site hazards. The plan does not include many of the visionary changes that would have been required for a more complete clean-up. It does include a range of site uses that give hazardous waste regulators the legal horsepower to mandate a clean-up that is better than minimal industrial standards. She recommended that more emphasis be given to the San Francisco Bay Conservation Development Commission sea level rise map. She applauded the entire City and its bodies for completion of the General Plan. The three year process allowed them to reach out, embrace and welcome the University of California and the Berkeley National Labs new campus plans with confidence. They recognize that the development of this type and scale represents a once in a lifetime opportunity.

Patricia Jones, Executive Director, Citizens for East Shore Parks, said they are an environmental, non-profit organization that was instrumental in creating McLaughlin East Shore State Park which is on the west side of the South Shoreline. Because the property is adjacent to what is left of an undeveloped South San Francisco Bay Shoreline, it is important that the City strives to see that the specific plan sets a high standard as a public and natural resource for generations to come. While past generations have thought nothing of trashing our Bay and shoreline, they now know they can do much better. They look forward to a plan that respects the park and shoreline in terms of habitat conservation, public access and community health. In looking at the plan, she still sees intensive development in the southern portion which had been designated as open space in the April 24, 2012 General Plan use map. This does not seem consistent with the community's desire and CESP urges the Commission for no development between Bayview Avenue and Hoffman Marsh and the expansive wetlands on the west side, as was approved by the City Council in 2012. CESP also urges the Commission to protect the quickly disappearing and sensitive coastal prairie, specifically, not to extend Lark Drive through the prairie as was mentioned by the Sierra Club. She questioned how much consideration has been given to sea level rise in an area that is so close to the Bay, Hoffman Marsh and Baxter Creek.

Katrinka Ruk, Council of Industries, thanked the Commission and staff for all past meetings with this plan and the General Plan. She emailed a letter to the Commission today and referred to the rail line and switching areas as well as the re-designation of subarea 4 that re-designates light industrial to residential and R&D commercial. Richmond Pacific Railroad operates daily through this area, connecting with BNSF and UP Railroad, and they play a very important role in terms of distribution of goods and restoration of economic development in Richmond. They want to maintain the rail lines and switching yards. Regarding the Harbour Front land use issue, this is not in compliance with the General Plan and will require an amendment because it states on page 3.41 and 3.61 that it is light industrial and not residential and not R&D. They would like to see the Harbour Front area remain light industrial because there are many very interesting businesses there such as a music recording studio, solar hot water systems building and manufacturer, production and restoration of bronze sculptures and reliefs and others. She hopes the City will look at visioning and working with groups that are there to create a better light industrial area.

Curtis Savoye, Richmond Pacific Railroad, thanked staff and the City for recognizing them and for making changes to the original plans. They still must oppose this plan in its present form as it needs modifications. Richmond Pacific has operated through this area for 75 years and plan to continue. They have a legal obligation to serve their customers and they have seen increases in their business year over year. The suggested relocation of the rail lines on page 6 is not realistic or possible due to all of the activity in this area. He recommended the Commission keep the residential areas separate from rail and if this is done, they could possibly support the plan.

Mack Casterman, Conservation Analyst, California Native Plants Society East Bay Chapter, stated he is present to speak on the proposed Regatta Boulevard and Lark Drive connection that would bisect and have lasting impacts on the highest quality native grassland areas at the Richmond Field Station site. In Section 4.3.2 of the DEIR for the Richmond Bay Campus' long range development plan, the native grassland section quotes a study from 1993 which found the remnant coastal prairie grassland areas to be scientifically and ecologically invaluable and virtually impossible to recreate. Also, the community at the site is considered to be a sensitive, natural community of limited distribution under protocols prepared by the California Department of Fish and Wildlife. The prairie habitat is so valuable that in 2010, their organization listed the Field Station as one of only 15 botanical priority protection areas in Alameda and Contra Costa Counties. Due to the potential for future further damage, they recommend that Lark Drive, also known as Commodore Drive, not be extended westward to Regatta Boulevard and that Lark Drive not be widened or improved to carry more modes of traffic. By refraining from connecting Lark Drive to Regatta Boulevard as a thru-way to the outside of the campus, it allows for maintenance and enhancement of the connection between the west and northwest meadows of the site. If the connection was enhanced and the connection from northwest meadow to big meadow was achieved, the result would be a large and interconnected prairie grassland ecosystem as an educational research center piece, providing an environmental context for the campus. They recommend an alternate proposal to route the traffic around the perimeters near the existing edges of the site, thus avoiding unnecessary impacts.

Mary Selva, President, RANC, said their group has been trying to protect the Hoffman Marsh for many years, going back to 1974. They want to protect the area, particularly the area between the Bayview overpass and Hoffman Marsh, which is an extremely fragile area. They submitted a letter to all Commissioners and to staff to be on public record with their recommendations to protect it and keep it green the way it was designated and approved by the City Council. It was almost a split vote and based on a lot of community support to designate this as open space. Secondly, the Commission should carefully review the design which has never been done at any of their advisory committee meetings for the Shoreline Plan. One of their recommendations is to have the buildings graduated from their horizontal grid pattern to provide visual access to the Bay and this was very thoughtful of them to do this. This way, lower buildings are close to the shore and graduated as they go back towards the freeway which makes more sense. They also do not think it is necessary to bisect the coastal prairie lands there because they are extremely rare.

Tarnel Abbott, said she is also a member of the CAG and a homeowner/resident living very near the area in question. Under normal circumstances the Commission would never have her support to put housing so close to the Bay; however, in order for the regulatory entity; the DTSC, to order a comprehensive cleanup of this terribly polluted site, she is willing to compromise on this. If the City does not take proactive measures, Zeneca, the multi-national pharmaceutical corporation will never clean up the toxic waste which they are responsible for. This chemical soup is polluting Baxter Creek, Stege Marsh, Meeker's Slough, San Francisco Bay and neighboring properties. The longer this situation is allowed to go on, the worst the environmental damage will be. The April 3rd letter from Khan Mortimer Associates is particularly odious in the part where they use environmental arguments in order to avoid cleaning up one of the most polluted areas in Northern California. Paving over and leaving currently levels of contamination in the specific plan sites will be a hindrance for many lifetimes. Without robust cleanup, they are doomed to contamination under concrete caps extending right up to the San Francisco Bay waters.

Dave Harris, Richmond Annex Neighborhood Council, said he is opposed to any development south of Bayview, stating it should remain as open space. However, if the area between Baxter Creek and Hoffman Marsh is not kept as open space, there needs to be definite and substantial buffer zones between these areas and any areas of development. The buffer zones provide a critical transition area between the wetlands and the upland areas. They are recognized as "separation zones between a body of water and a land use activity" such as commercial/residential development. Buffer zones protect the ecological processes and wildlife. For hibernation and nesting of wildlife, the minimum buffer width needed to preserve at least 80% effectiveness is 571 feet. For 90% effectiveness, it is 811 feet and 902 feet to achieve 100% effectiveness. He said these figures are from review of scientific literature on the effectiveness of buffer zones. He spoke of the benefits of buffer zones which provide a high level of protection for ecological functions, habitat components to more species, reduce impacts from human activity, increased water quality protection, restore and conserve wetland vegetation which helps stabilize soils which filters out pollutants and sediments, and protect against adverse effects of public health.

Garland Ellis, Vice President, RANC and boardmember on the RNCC Board, said he has lived in Richmond over 50 years and has seen many changes along this area. The first thing the LB&L stated when it was proposed was that they could not mitigate the traffic they would bring to this area. Now, since that time, they have wanted to double the size and bring in twice as many workers. Now, even more development is being proposed on both sides when there is already a project that cannot mitigate traffic. He said people will have a double problem of affecting the entire area with bicyclists, pedestrians, cars and traffic issues. The main access proposed routes are Harbour, South 23rd, Cutting, Carlson, and currently every one of these streets is restricted with bicycle lanes, reducing access for vehicles. He said a lot of truck traffic will be needed to serve this area because it is industrial and R&D. If the area is overbuilt, it will not be fixed. He suggested going with slower development of the area. This way, when the City revisits its General Plan again in 16 years, it can correct what is needed and built it up even more or make adjustments, but right now there is not enough infrastructure to support anything there.

Eric Blum, Chair of the Citizens Advisory Group to the Department of Toxic Substances Control. The CAG has been referred to several times and he said for over 10 years, they have worked on getting the Harbour/Zeneca site area cleaned up. It is a horrific toxic brew there and in that time, they have had no serious engagement from Zeneca ever. Through one of their proxy organizations, they put a ridiculous proposal out to build 18 story apartment buildings on top of a toxic waste dump and put fans in the basement to blow away the VOC's that came out, which was thankfully shut down. He is sure the Commission will get a letter from Zeneca as to why the development proposed is impossible. Their interest is clear. They are the responsible party for cleaning up the toxics there. The Department of Toxic Substance Control can order them to do it, and this is Richmond's chance to get some development there and he urged the City not to be scared away by claims that it cannot be done. He congratulated everybody who worked on the plan, as it takes a lot of courage to envision something new and different for an area that has been blighted for so long. The only area that needs to be addressed is that of the existing businesses so people do not fear they will be pushed out, and he asked that cleanup move forward.

Jim Hanson, Conservation Committee of the California Native Grass Association and Richmond resident, echoed comments from the Sierra Club, State Parks and the California Native Plants Society has said in terms of the fact that this is a wonderful prairie and do not extend Lark Drive. Personally, he said he works in the area. He uses the Bay Trail which is already heavily used. If

one sees the intensity of the lower level plans envisioned, Richmond should have places of openness that preserve its heritage rare coastal prairie and provide an open space area. There is already a lot of pavement and buildings in the area and he asked to keep the prairie open, as it is a wonderful part of this plan.

Nancy Baer, past Chair of the Richmond Bicycle Pedestrian Advisory Committee, said she represented issues on the Specific Plan Advisory Committee and even though the subject is primarily about land use tonight, she underscored the importance of the bicycle pedestrian and other transportation issues. These have been reviewed during the planning process, and she believes they are important to acknowledge that all alternatives, whether transit, shuttle, bicycle or pedestrian, they need to be looked at in this plan because there will be many employees in this area. The issues have been largely incorporated by the shape of the grid network proposed, and she congratulated the City and the consultants on this and urged continued vigilance on those issues.

Chair Lane thanked speakers for their input and correspondence. She asked the Commission to provide comments and/or questions.

Commissioner Butt suggested that either staff or Opticos could respond to some of the more controversial points such as residential uses in subarea 3, the Union Pacific parcel, the connection to the coastal prairie and the rail line issues.

Christopher Jansen, Opticos, acknowledged the underlying concern relating to existing uses and how they relate to the long-term vision and said it is something they will be very careful with as they get into more detail about what uses are and are not allowed. It is live/work in certain areas, and the residential designation needs to be fine-tuned to ensure they are promoting this. In terms of the light industrial area and non-conformance, much of it comes down to long-term vision for this project area which is maintaining the light industrial or transitioning it to something else, which is part of their advisory group meetings, as well. In terms of residential, they are looking for ways to reduce trip generation in a project area. The connectivity is an issue and jobs and housing should go hand in hand. With the potential ferry terminal, they are looking at more residential in the northwest area because this could not only service industries for R&D but could also provide housing nearby a ferry terminal. He recognized it is challenging to talk about a high level development without talking about residential there. It is long-term implementation of residential, and the short-term shows much less. In terms of Lark Drive, they outlined where they are on their position of what it is needed for. He is encouraged it could still be bicycle and pedestrian and wanted clarification on whether there is any connection through there versus whether it is by bike or autos causing the issue. In terms of the Union Pacific parcel, there is a conflict between zoning and land use. The existing property owner feels strongly about their development rights and the open space representatives feel differently. If it is development, he feels there are ways to tuck this closer in up closer to the Bayview overpass that could mitigate some impacts, but there is a conflict between the General Plan and zoning on that site.

Secretary Langlois said she was not on the Planning Commission at the time, but she remembered when the General Plan came to the City for the final vote. As she recalled, there were a couple of areas where there was some disagreement and lack of resolution, one being in Pt. Molate and the South Shoreline. Something had to be in the plan, but this was questionable. Mr. Rojas stated this is correct; as part of the resolution, the Council did adopt the open space designation for this specific area, but there is language in the resolution that reserves this for

future follow-up and study. Therefore, obviously this is the venue for which that conversation is going to happen.

Secretary Langlois referred to the site west of Bayview and she asked whether there were issues with this. Mr. Rojas said they are primarily looking at south of Bayview.

Secretary Langlois said with existing businesses and owners, she does not want to chase any out of the City. She understands that as long as they stay within the same size, they can continue as a non-conforming business. She asked staff to address concerns from the one speaker about the 6 month limit on leased space and non-grandfathering clause. Mr. Rojas said the land use would be triggered if there were to be redevelopment but they would not force a residential land use to go in there and inhabit the use. Even in the existing, non-conforming standards there are conditions under which a non-conforming land use goes away, then another non-conforming land use can take its place.

Secretary Langlois said she sees this as a long-range plan, but there may be businesses that decide to leave for other reasons and the new property owner would be subject and bound by the new land use designation. In terms of the rail switching yards, she likes the long-term vision of having them moved and she asked how that works.

Mr. Mitchell stated that should conditions change to the point that the rail yards need to go away, the resources for causing changes will emerge. He said this has occurred all over the United States. When land value changes, some can offer the property at a better price and he likened the idea to Ford Company building cars and said Emeryville is an example of this.

Secretary Langlois said she is reminded of the former railroad line that went right through Richmond. It was vacant land for a long time and was developed as the Richmond Greenway. Regarding the plan, overall she thinks it is a good plan. She concurs with residents who have said the City should keep the area south of the Bayview open space between Bayview and the Hoffman Marsh which is a very delicate region. In terms of the Zeneca site area, this needs to be completely cleaned up to the highest possible standard. Having some residential development in there is fine and it should have an affordable component in it. As has been said, it will reduce trip miles, given the addition of jobs in the region. In terms of Lark Drive, while she supports a low impact, bicycle path going through it, she fully concurs there should not be any vehicle traffic going through the coastal prairie. In terms of infrastructure, this plan is not going to be implemented overnight and as it gets built up, the City will be able to absorb the additional residents, workers and various forms of transportation. Sea level rise is a reality and she asked to make the requirements closer to the coastline.

In terms of process, Secretary Langlois asked if it is the role of the Planning Commission to make a formal recommendation to the City Council. Mr. Rojas said no; staff is seeking comments which will be forwarded to the Council.

Commissioner Willis referred to the marsh wetlands and prairie and requested that these lands be preserved as natural open space. He said along this process, if there is a chance that the process could affect existing businesses that there be efforts to reach out to those businesses and be accommodating to them so they do not feel chased or pushed out. He also emphasized clean-up of any contaminated area. He understands the General Plan was a process that took years to get adopted so before moving into making any real amendments to it, many community residents stay until late hours to provide support and input. Therefore, he suggested being cautious before making any amendments to it.

Commissioner Martinez said he was curious about the document from Khan Mortimer Associates, stating it looks like a lot of time and money went into creating this document. It states Zeneca has been conducting investigations and remediation activities at this site and he asked what sort of remediation has been done. It states development of this site for residential use would create undue economic hardship on neighboring properties, but he does not see any rationale for this.

In response, Ms. (2:58:48) _____ referred to the letter from John Edgecomb which refers to the feasibility study remedial action plan that was submitted to the City in December 2013 and said she was not prepared to speak about this, but the City has received it. The firm would have to speak about this and she said she was looking at this from the standpoint as a professional planner with a lot of experience in developing specific plans, General Plans and development regulations. Her comments regarding the economic impact on surrounding businesses go to the issue of non-conformance. In reality, while businesses may be able to remain as non-conforming businesses, she is well aware of the fact that those businesses will be severely hampered if they try to get any kind of financing. They will not be able to expand, have difficulty maintaining their properties, and this was a major issue in South San Francisco where many businesses were left non-conforming with potential severe economic impacts.

Commissioner Martinez said it seems that if the residential zoning only applied to the Zeneca site, he asked if she would have objections. Ms. _____ said she does not believe this is appropriate for a variety of reasons. With respect to dealing with the contamination, Zeneca has made a proposal and this will be dealt with and addressed separately. She is looking at this from a lack of connectivity of subarea 4. It will continue to be isolated and is not the kind of area that will ever become pedestrian-oriented and self-supporting. People will have to continue to drive to services and there will not be a grocery store there. She does not think that area as a whole is appropriate for residential development.

Commissioner Martinez said another concern he had was with regard to the propane facility. He understands that a radius of ½ mile needs to be designated as a safety zone and this plan does not make any allowances for that. Mr. Mitchell said the propane facility is there as of this date and the City has no idea of what will be there in 15 years or what the market will be for that product. There are alternative locations in the City that are heavy industrial that may eventually be appropriate for certain uses that were okay in certain areas in past conditions. As of now, should that business remain profitable, it will remain there. The moment it is not profitable, they will close and leave. Much of the infrastructure that was put out in that area was to support industries that left, such as Safeway United Grocers and now all that remains is the bakery.

Commissioner Martinez said the plan calls for expanding the industrial section into what is now open space. He asked for the logic behind this, and Mr. Mitchell provided a brief history. Commissioner Martinez said he still believes this should remain open space and he also believes that the coastal prairie land needs to be preserved, so he would not support the Lark Drive extension. He asked to make sure that Lark Drive did not become a thru-way in the development on the Zeneca or other side. He also said Zeneca needs to clean up the site to the highest quality standards. Regarding the other site where Bio-Rad still is located, he has been walking back there and looking at the land. There is a gated community on the other side of the creek and no way to connect this community with the Bio-Rad site. There are bike paths going from that site to the other side, but he was not sure Bio-Rad plans to stay there or not, but this seems like a good place for a commercial development, given further study and input.

Chair Lane said she would like a better understanding of the Lark Drive proposal. She asked what is the alternative or implications if it is left as a less developed thoroughfare. Mr. Jansen said their scope looks at ferry terminal connections to the campus. In talking to AC Transit and getting buses from the ferry terminal to Campus, they would prefer being able to do a loop around Campus rather than a dead-end and double back on the same route. The bicycle and pedestrian connection is important because of the distance between the Bay Trail and Regatta Boulevard, as well as for UC and LB&L and how they are developed on both sides of the coastal prairie.

Chair Lane said she was not opposed to AC Transit's not being able to loop back and is open to seeing it as pedestrian and bicycle friendly use. In terms of the preservation and protection between Baxter Creek and Hoffman Marsh, it is proposed as a gateway for R&D business services which could generate more revenue, but she was also not in opposition to it staying as open space. In looking at the plan there are other opportunities for those uses, such as subarea 3 and 4 that provide those uses. In terms of subarea 4 and the development of residential, she was not in opposition of that with it being completely cleaned up.

Chair Lane said she would like to understand the options for especially the light industrial businesses in the plan in terms of potential displacement. Subarea 1 will primarily be mixed use and residential and some R&D and business services. From a land use point, she asked if there were options to leave the R&D as is and build around that. She has been to some of those businesses and they provide great goods for the City. In terms of transit, much of it speaks to an influx of workers outside the City and points of connection, and she would like to make sure it is reviewed in terms of those trying to get into the area from BART and other transit. In terms of visionary statements around affordable housing, this is critical and she knows there is additional inclusionary housing, and as these projects are built, the City should be mindful to provide a mix use of affordability. In previous plans, especially around the Ford peninsula and the ferry site, there are projections for how many units need to support the eventual implementation of the site and she asked people to be mindful of this. In reality, the various planning agencies have stated there are 1700 new units and the City needs to be mindful of design in terms of what this looks like and siting a ferry. She thanked the consultants for their work.

Commissioner Butt said he did not have much to add to what has already been said. He commended the efforts of staff and the consultants. He echoed Mr. Mitchell's comments, as it is important to remember this is a long-term plan and one that allows all uses to remain unless there are changes in economic conditions of those businesses. He is hopeful that what is in the plan will align and thinks Richmond needs to plan for better utilization of its shoreline and amenities and a plan that includes neighborhoods and a mix of uses is probably the best for the City and allows for both the influx of workers and jobs. He also thinks it is important to look at the Lark Drive connection and doing something that is less impactful than what is proposed, given this connector was largely driven by AC Transit. With regard to the 57 acre UP parcel, he shares the concern about backtracking on the General Plan, especially given the effort of community partnering with that. He asked if there are some allowable developable projects that could happen on open space zoning like community centers.

Mr. Mitchell said there are recreation related uses, pathways through and over sensitive areas, and as time goes on there will be many opportunities to revisit these contentious points.

Vice Chair Choi commended staff and the consultant for their work and said many of the issues that have been brought up will be addressed in the environmental process, but supported what has been presented.

Commissioner Martinez said he likes what he sees in the short term implementation, but it is when they go to the recommended land use map is where he has a problem. He asked if it would be possible to stay with the short term implementation and revisit the recommended land use map in its entirety at a later date. There are some contentious issues here and it would be better to deal with these when they have more time to investigate impacts of the proposals, such as addressing south of the Bayshore Freeway and the residential area next to the railroad track which is seen as being gone when development occurs. It seems they are planning with things happening in the future which they do not know will happen for sure.

Chair Lane asked about next steps, noting that some of these things will be evaluated. Mr. Jansen said one thing the specific plan will need to do is provide a program of implementation measures which will look carefully at the phasing of the plan and what goals, actions and policies would be relevant at any given stage. In a plan like this where big moves would need to occur before land use change could be considered, the plan will provide an opportunity to discuss this and look at actions that the City and other parties might need to undertake when moving toward that goal. They would hope that the plan can retain an ability to move forward with a long term vision, but it will require a description of many incremental steps along the way in years that would make the short term vision the priority before anything further could be enacted.

Commissioner Martinez said he still does not see the necessity of making plans that are unsure of being viable. They may have other ideas of how the land should be used and things do change.

Chair Lane said they have to start somewhere and if they wait until something significant happens, it will result in a more piecemeal development. She recognized the benefits of looking at a long term plan knowing that this is a 40 year plan, that environments change and she supported moving forward, knowing further evaluation, transition and planning will be needed.

Commissioner Butt noted that because there was a discussion about transportation and connectivity related to this plan, he knows the City is in the process of an aligned plan of this area and extended area, and he asked for a brief update on where that is and how it aligns with this. Mr. Rojas stated the plan is to bring both the connectivity plan and specific plan for adoption to the Planning Commission and City Council at the same time. Their subconsultant, Nelson/Nygaard, who is working on the specific plan is the main consultant on the connectivity plan, so there has been overlap in terms of expertise and community engagements. They have had two community meetings thus far and their consultants have developed preliminary recommendations for primary corridors in and outside the area to better connect the BART station and transportation hubs. These are posted online and staff is accepting comments. They are circling back with staff to ensure there are no fatal flaws with those preliminary recommendations and as soon as those recommendations are final, they will have a broader discussion with the Planning Commission and City Council.

Vice Chair Choi said it seems as though AC Transit wanted Lark Drive for a turnaround and asked if they just considered having a line from the ferry building to the BART station. If this was done, they would not need a turnaround. Mr. Rojas said he thinks both options could be accommodated. Ideally one would work with their operations a little better, but they will circle

back with AC Transit. Mr. Jansen said AC Transit is more involved in the transportation connectivity plan. This project looks at the much larger region and now AC Transit has shifted their focus to this, so he would encourage this issue to be brought back as part of that discussion as well.

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

Ms. Velasco reported that staff distributed the packet for next week at this meeting. Staff will be polling the Planning Commission about a possible meeting on the 8th and in checking availability, they have a full agenda on the 1st and there is a subdivision project that wants a recommendation from the Planning Commission in May.

Mr. Mitchell said staff would like to schedule a field trip at some point, which may be held in June. They will go out and look at examples of how some of these conflicts are being resolved right now in the Bay Area.

Commissioner Martinez reported that Pt. Molate Park opening is scheduled for April 19th.

Adjournment - The meeting was adjourned at 10:00 p.m. to the next regular meeting on April 17, 2014.