

**PLANNING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
July 17, 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 Vice Chair Choi at 6:32 p.m.

Vice Chair Choi led in the Pledge of Allegiance.

ROLL CALL

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

Absent: Chair Lane and Commissioner Willis

INTRODUCTIONS

Staff Present: Planning staff Jonelyn Whales and Kieron Slaughter, Richard Mitchell and Assistant City Attorney Carlos Privat

MINUTES:

January 16, 2014:

ACTION: It was M/S/C (Reyes/Langlois) to approve the Minutes of January 16, 2014; which carried unanimously by the following vote: 5-0-2 (Ayes: Butt, Choi, Langlois, Martinez and Reyes; Noes: None; Absent: Lane and Willis).

AGENDA

Vice Chair Choi provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. He said items approved by the Commission may be appealed in writing to the City Clerk by Monday, July 28, 2014, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Vice Chair Choi reported that the Consent Calendar consists of Items 1, 2, 5 and 6. He asked if there were any members of the Commission, staff or public who wished to remove any of the items on the Consent Calendar.

Commissioner Butt requested removal of Item 1 and he announced a conflict of interest on Item 6, which he will recuse himself from voting on if it remains on the Consent Calendar. Vice Chair Choi confirmed with Mr. Privat that he lived outside of 500 feet from one of the Consent Calendar items, and there were no public members wishing to remove any items.

Items Approved on the Consent Calendar:

CC 2. PLN14-069: Verizon Wireless Facility Modifications - PUBLIC HEARING to consider a Conditional Use Permit to modify an existing wireless facility to include 12 additional antennas, a replacement equipment shelter, and a new diesel generator at 99 South 47th St. (APN: 513-321-001). PA (Planned Area) Zoning District. Sakai Family, Owner; GTE Mobilenet DBA Verizon Wireless, Applicant. Planner: Kieron Slaughter; Tentative Recommendation: Conditional Approval.

CC 5. PLN14-108: Taqueria Los Corros Restaurant - PUBLIC HEARING to consider a Conditional Use Permit for a Type 41 alcohol license (On-site Beer and Wine for Bonafide Public Eating Place) for on-site beer and wine sales at an existing eating establishment at 15501 San Pablo Ave. (APN: 405-050-093). C-3, Regional Commercial District. Araceli Barriguete, Applicant Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

CC 6. PLN14-109: Kaleidoscope Coffee - PUBLIC HEARING to consider a Conditional Use Permit for an eating establishment with a Type 41 alcohol license (On-site Beer and Wine for Bonafide Public Eating Place) for on-site beer and wine sales at 109 Park Place (APN: 558-122-032). The eating establishment use would also include storytelling, open mic, and other performance art activities. C-1, Neighborhood District. Interactive Resources Inc., Owner; Cassandra Cushing, Applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

ACTION: It was M/S/C (Reyes/Butt) to approve Consent Calendar Items 2, 5 and 6; which carried unanimously by the following vote: 5-0-2 (Ayes: Butt (recused on Item 6), Choi, Langlois, Martinez and Reyes; Noes: None; Absent: Lane and Willis).

BROWN ACT – PUBLIC FORUM:

Naomi Williams, Chair of the West County Alcohol Policy Working Group, referred to Item 5 on the Consent Calendar and said she went out and surveyed the area to make sure there were no incidents that would prohibit the business from opening. She discussed the project with the applicant as well and everything went smoothly. There are no parks or churches that would be affected by the Type 41 ABC license and there were no neighbors who were opposed to the business operations.

Commissioner Reyes said he was asked by a market owner with a liquor license who asked about the process to allow extended hours for an ABC license. Ms. Williams suggested contacting the police and planning departments first and thereafter to contact her to arrange a visit.

Items Removed from the Consent Calendar:

CC 1. PLN14-089: Good Luck Catering Truck - PUBLIC HEARING to consider a request for a two-year renewal of a Conditional Use Permit for an existing outdoor food vendor at 915 West Cutting Blvd. (APN: 550-012-006). C-2, General Commercial District. Mt. Zion Enterprises Inc., Owner; Suzanne Jamila Nguyen, Applicant; Planner: Hector Rojas; Tentative Recommendation: Conditional Approval.

Ms. Whales stated staff and the applicant were not present, but she provided a brief staff report and description of the request for a 2-year renewal of a CUP for an existing outdoor food vendor. The applicant was granted renewal of the CUP from the Planning Commission on April 10, 2014. The approved hours of operation are from 9AM to 7PM daily and the applicant would like to continue conducting her operation from 5AM to 9AM daily outside of the hours of operation from the businesses' operations for which the truck is located.

Commissioner Butt stated the reason he removed the item was that the applicant should never presume that something will be automatically adopted on the Consent Calendar. One issue is that he frequents the food truck occasionally and he has noticed there are no recycling facilities or receptacle and he asked that this be added as a condition. Secondly, the parcel is not the Day's Inn any longer. The hotel has been taken over by another entity which is run even more poorly than the Day's Inn. The landscaping, pavement, trees and building have deteriorated and it is a prominent entry point in the City. He asked that as a condition of approval, the owner negotiate a lease agreement with the entity that owns the building as a mechanism to have the landscaping and other items addressed for the site.

Assistant City Attorney Privat said to impose a condition of approval, there will need to be a nexus between the use and the condition. Arguably there is a nexus, but there are proportionality concerns because they are identifying one tenant of two that must address the problem. Commissioner Butt asked if there is a way to retroactively spread the request to both food truck vendors near the area. Mr. Privat said the Commission would be imposing the condition on the owner of the hotel and has available to it revocation of their use permit or their design review permit if they are not complying with their original conditions of approval.

Commissioner Butt asked that staff investigate the hotel's conditional use permit and asked that the food truck vendor place a recycling receptacle on site as a condition.

The public hearing was closed.

Commissioner Reyes thanked Commissioner Butt for his attention to detail on the project.

ACTION: It was M/S/C (Butt/Langlois) to approve PLN14-089, with staff's four findings and staff's recommended conditions 1 through 17, with Condition No. 12 amended to require the applicant to provide at least two, 28 gallon minimum trash receptacles on site and additionally one 28-gallon recycling receptacle, which carried unanimously by the following vote: 5-0-2 (Ayes: Butt (recused on Item 6), Choi, Langlois, Martinez and Reyes; Noes: None; Absent: Lane and Willis).

NEW ITEMS:

- 3. PLN14-023: Sign Ordinance Amendments** - PUBLIC HEARING to consider a recommendation to City Council regarding Zoning Text Amendments to Chapter 15.06 of the Richmond Municipal Code relating to Signs to define and establish regulations for digital signs and digital advertising signs. Planner: Kieron Slaughter. Tentative Recommendation: Recommend Zoning Text Amendments to City Council.

Kieron Slaughter gave the staff report, stating the request is for the Commission to make a recommendation to the City Council regarding amendment to the sign ordinance. Staff was directed to revise the ordinance to regulate LED signs, flashing illuminated signs, changeable copy signs, electronic message center and dynamic signs collectively referred to as "digital signs". The proposed zoning text amendment would standardize the review process, provide for public participation, establish development standards and identify corridors and districts where digital signs could be permitted. Mr. Slaughter said he created a new definition of digital signs and digital advertising billboard sign which is spelled out in the staff report and proposed ordinance, and this discussion dates back to late 2007 where the Hilltop Advisory Committee expressed a strong interest in replacing the Hilltop Mall pylon sign that would list the names of major businesses and tenants and include a digital advertising billboard.

Mr. Slaughter said the City held a joint Planning Commission and Design Review Board meeting on February 26 where significant feedback and direction was received. They also held a subcommittee meeting at which time the ordinance was discussed at length and the ordinance before the Commission represents the joint comments as well as best practices in and around the area where jurisdictions already passed the ordinance.

In terms of public outreach, in addition to the joint meeting, staff also presented the framework of the ordinance to the Chamber of Commerce and the Hilltop Improvement and Landscaping District. Staff recently received four letters within an addendum to the fourth which are provided at the dais. One letter in support of the ordinance was from Johns Lang LaSalle which is the owner/operator of the Hilltop Mall. The other letter of support is from MEI Capital, the real estate company and owners of the Vista Del Mar Shopping Center. The center's stores also expressed support of the zoning text amendment as well as CBS Outdoor Signs.

Staff also received a letter from the Richmond Annex Neighborhood Council and staff is in agreement with the majority of their recommendations. He and Mary Selva reviewed suggestions she made which were reasonable. Mr. Slaughter presented a matrix showing the sign types as well as the entitlement review and the updated information reflecting that it is not appropriate for CUP's to be placed on signage. He also recommended a line in the ordinance be switched from conditional use permit to design review permit. The other recommendation from the neighborhood council was not to remove the definition of flashing illuminated signs but to revise it so they still do not allow flashing signs and that it not refer to digital signs. Staff is in agreement with this and can revise the language. There was also a suggestion by an owner of Hilltop Mall that the 1,000 foot radius should only apply to one side of the freeway because Caltrans currently allows them to be on opposite sides on the freeway and not be 1,000 feet from each other. He noted that the Oakland Coliseum allows digital billboards on both sides of the freeway in close proximity to each other. There was also a recommendation to change the flip times from 10 seconds to 8 seconds which is an industry standard. Staff heard from Commissioners that a longer flip time would cause less distraction and this is up to the Planning Commission's discretion as to changing this. The other change was modification from the 660 foot buffer to not permit them on the water or west side of I-580 from Central Avenue to Bay View and staff is in agreement with this, as well.

Mr. Slaughter stated he also included a list of cities that currently permit and regulate digital and LED signs; however, the list needs context because one might believe that the City permits digital signs because there is one at the Pacific East Mall. An intern conducted a windshield survey and made contact with jurisdictions and Ms. Selva did some research and found that some of these are conditionally permitted and some are done through a variance process. The list is included in the staff report and he noted that recently the City of Albany approved a sign ordinance to allow it, but he spoke with the planner who noted they are going through a revision to tighten up their language and that it will be brought to their City Council. He reiterated that staff believes the conditional use permit and variance approaches are not recommended as a mechanism for approval. He explained that it is not necessarily considered a use but an improvement. Staff recommends that they go through design review and if there is any relocation agreement, this would then require City Council approval.

Secretary Langlois said she and Mr. Slaughter spoke earlier today about the updated matrix. The first two examples are indicated that they require City Council review; however, they do not require review for the permit at all but there is an action by the City Council required to approve the relocation agreement after the permit has been issued, and Mr. Slaughter confirmed this is correct.

Secretary Langlois said both letters from the Richmond Annex Neighborhood Council requested that this be held over so there would be more time for reviewing and comments from the public. She asked if it could be held over, given any level of time sensitivity. Mr. Slaughter said this is up to the Commission. The item has been well publicized and it has been discussed at length at City Council meetings who directed staff to proceed expeditiously. It took additional time for outside counsel to review it, and this is why the item did not come before the Commission last month, but there is ample time to make changes and meet with people. The Council will be going on recess and it will not go to them until September 16, 2014 if recommended for approval tonight.

Vice Chair Choi said he was surprised how little comment there was based upon outreach and he asked if the item could be agendaized for the next meeting. Mr. Slaughter said he was not sure, but reiterated that significant outreach was conducted as well as follow-up with the revisions made. Secretary Langlois suggested hearing from public speakers.

Vice Chair Choi opened the public comment period.

Public Comments:

Mary Selva, President, Richmond Annex Neighborhood Council, said the reason the neighborhood council asked for the item to be held over was because they have not seen the document with the added text changes and the document is fairly comprehensive. She was happy that staff was amenable to making their suggested changes; however, they are concerned about the C3 Regional Commercial districts, noting there are three in their neighborhood area that are separated from one another and there is always a good temptation to put up large digital billboard signs in their area which is centrally located and controversial in their neighborhood, given the Pacific East Mall sign. She said they also contacted all of the cities and talked with the planners and the vast majority of them prohibit digital signs in the commercial industrial areas and they referred them to the section in the ordinance. The supplement includes Vallejo and they are also prohibited in that city, as well.

Vice Chair Choi asked if there has been any discussion around the content of the digital signs. Ms. Selva said they allow readable digital boards for assemblies, civic centers, and public uses. As far as changeable copy signs and advertising signs, they are prohibited unless applying for a variance or exception in which case some cities have allowed this. She spoke to a Pittsburg planner who said they are prohibited but someone was granted a variance by the City Council. Emeryville updated its sign ordinance last year and now prohibits these types of signs in all of their districts, including the freeways. Albany is changing their ordinance that will go before their Council to prohibit those types of signs and she thinks many cities strongly feel this way about digital billboards.

Jerry Yoshida, Richmond Annex Neighborhood Council Boardmember, reiterated that they are against digital billboards and it surprises him to see there is a proliferation with the ordinance change and not just small sections in the code. He said digital signs would be allowed on bus stops with administrative approval anywhere and in all districts. Many things in the update were not underlined and should be underlined because there were actual changes made. He said the council received this last Tuesday and it was not on-line at all but he obtained a copy from Ms. Whales.

Dave Harris, Richmond Annex Neighborhood Council, requested that the Planning Commission wait for Garland Ellis to arrive because he has most of the information about this item.

Cesar Zepeda, President of the Fairways Homeowners Association and a recent member of the new Hilltop District Homeowners and Stakeholders Association, stated some of their members include the Country Club Vista Homeowners Association which has about 800 owners, Fairways HOA with 88 owners, the Lakeview HOA with 44 owners, and they are currently recruiting more associations. They have several businesses, MEI Capital, Hilltop Mall, Hilltop Marriott Hotel, John Lang LaSalle and members of the community in general who have reached out to him who wanted to sign onto a letter. They also have the Richmond Chamber of Commerce, the Richmond Convention and Visitors Bureau, Hilltop Ford Kia and other Hilltop car dealerships who all are in favor of the ordinance. They may not drive by the area, but Hilltop Mall is dead. The failure of having lights or signage is hurting businesses there and also homeowners. His home's value has declined since he purchased it 10 years ago and there is nowhere to shop. Business owners do not want to invest in a place where they cannot promote their business. The current sign for the Hilltop Mall is very outdated and it needs to be upgraded. San Francisco and Oakland have these signs and he asked not to leave Richmond behind and asked to bring prosperity to the City.

Vice Chair Choi asked if Mr. Zepeda was speaking on behalf of Hilltop Mall or was Jones Lang LaSalle present tonight. Mr. Zepeda said both; they are one of the members of the Hilltop District Homeowners and Stakeholders Association so he speaks for them.

Vice Chair Choi referred to the letter dated July 17th which states there would be a direct positive impact for the mall if this sign is approved. He asked if there is any scientific data that supports that. Mr. Zepeda said he does not have the data with him but he could send it to him. Vice Chair Choi asked if there was any outreach to the neighborhood communities who live by the mall, and Mr. Zepeda said yes. They created a successful website geared to promote the Hilltop District and have homeowners signing up for notification every day, is www.hdhsa.com.

Commissioner Butt asked if the group collectively feels that Hilltop Mall is in bad shape and that the sign will be a savior. Mr. Zepeda said he was not sure but they could definitely say it is a good way to start. It will be the light that guides businesses and people back in off of the freeway and shop. He said MEI owns the AM/PM station and businesses there and they are really hurting. They are losing \$3 billion because there are not enough people shopping at Hilltop Mall or in the district. They are shopping in Walnut Creek, Concord, and San Francisco and not in Richmond. He said they also created a survey which is on their website and they found people do not shop at Richmond. People want a grocery store and something there to shop for and the sign would definitely be a good start to help the community.

Secretary Langlois recognized many businesses left and closed down and she said she noticed that a lot of the downhill move came since Wal-Mart came in. Groceries can be purchased at Wal-Mart but she asked what role this has played in people not shopping in the mall. Mr. Zepeda said the problem occurred before Wal-Mart located there. There used to be two movie theaters, high end retail, Capwell's, Express, and a skating rink. The mall was thriving and they left because all stores left and there was no one to sell to. They need to keep homeowners shopping in Richmond and the signs will be a great start. Richmond no longer is at the top of the list for crime and Richmond should be re-marketed as the new City of Pride which has been lost.

Dana Stoehr, General Manager, Orton Entertainment, the Craneway Pavilion, said they would love to advertise events in Richmond and they cannot do this. They must do this in Berkeley or on the Bay Bridge for many events such as wine events and craft fairs. Many want to advertise locally in Richmond and cannot do this. They recommend adoption and she is also a CVB member. LED boards can be done very well and they understand this ordinance provides the ability for LED and they would definitely want to see this body take every application seriously. She has been involved with many LED advertising boards including Solano County Fairgrounds, the Alameda County Fairgrounds and San Mateo Events Center. An LED board at Hilltop will not work near the Annex or on I-580, but getting a signature billboard at Hilltop with the community being able to provide messaging on it generates revenue for the City, creates positioning and welcoming, way finding, emergency messaging, and it also drives revenue directly to businesses. Therefore, she respectfully requests the Commission consider approval to the change in the ordinance and provide that the application process is strict and diligent about what kind of signage is allowable.

Rebecca Ross introduced Beth Javens from the Convention and Visitors' Bureau (CVB) and said the CVB Board is excited about having this ordinance adopted and want to say they are on record to promote the auditorium as well and all parts of Richmond. Ms. Ross read Ms. Javens letter into the record: "On behalf of CVB and its Board of Directors, the letter is in unanimous support of new and highly visible signage along the I-80 corridor at Hilltop Drive. The mission of the CVB is promoting economic development through tourism and visitation. They commit their resources to this mission and also support their hospitality and retail partners to enhance the image of Richmond. Throughout the city there is the need for improved signage and way finding. They are fortunate to have many unique destination driven attractions to promote and signage could be used to bridge the divide and improve connectivity for visitors and commuters traveling on I-80 and I-580. Digital signage greatly enhances visibility for their lodging and meeting facilities, restaurants, retail, historic culture and recreational attractions, thus providing a powerful marketing tool to educate residents and visitors to Richmond and they truly believe the current sign there is the worst one from Sacramento to San Jose and appreciate the

Commission's support of the ordinance. She agrees that the ordinance zones areas correctly and instead of doing variances the Commission is doing this correct for the City."

Commissioner Reyes said there is a district and he asked if the theaters behind the mall are part of that district. Mr. Zepeda said they are working on that. The association is new and they are actively recruiting everyone in the district. The theaters know about it and support it. The Hilltop District is broken up into three zones and he discussed investment by an office space tenant which will bring other businesses to the area by the UPS Center.

Commissioner Butt asked Beth Javens if there is any other information from other bureaus that have looked at this. There probably is data and he would be curious to know how the LED signage has improved businesses and bringing people to the area and spend money and spend the night. He thinks there is the potential to do this with improved signage but there is also the potential of adding visual blight to an area which could negatively impact that. Ms. Javens said she was previously the Executive Director for the Fairfield Tourism Association and originally the Fairfield Hotel Association was the owner of the Jelly Belly sign and still is the owner which Ad Art built. When driving down I-80, it is very visible and they had some statistics when the sign went in for Jelly Belly and their business doubled. The Hotel Association in partnership with three other organizations erected the sign and contributed a lot of money to have it built. The challenge that Fairfield ran into was in making sure the structural aesthetics were important, and in this case the sign became obsolete in terms of advertising. They received an off-premise permit from Caltrans but the size of the sign, the amount of advertising done, the rotation of messages for sign revenue purposes are all key things to look at. At the time in 2007 the sign for them drove about \$60,000 worth of revenue into their association to help promote Suisun Valley and Fairfield. She has more knowledge about the sign industry, Caltrans and permitting that she ever thought she would have. Coming here and knowing this is on the agenda is somewhat ironic.

Commissioner Butt confirmed there is direct revenue from advertisers and Ms. Javens added that it is probably similar to what is the case for Pacific East Mall. The goal for freeway signage is to build packaging for signs and there is a revenue opportunity if this is the direction the City wants to go. She would also defer to Dana Stoehr about the Solano County Fairgrounds sign because she was involved in that, but it helps offset the cost of the maintenance of the sign and they had major advertisers who paid for rotational signage. The other great thing is that community events were part of the contract, so if there was available space, anytime there is a local event, it can be advertised.

Commissioner Martinez asked if Ms. Javens was saying that without outside advertising, the sign would not be profitable. Ms. Javens said no; for Fairfield's case, at the time the sign was built it was about \$400,000. But since then, technology has changed and it depends on what the goals are for the sign. From a CVB perspective, they see the sign benefitting the community and educating visitors to the community about what is going on at Hilltop and beyond. She noted there are hotels there that contribute to their business improvement district that would like to see improved visitation and occupancy which helps pay into their district which helps continue the work they are doing, which is promoting a positive image for Richmond. They consider themselves a public relations source for Richmond and they want to get positive word of mouth to people and advertising is one of the ways to do that on the sign.

Commissioner Martinez referred to the Pacific East Mall sign which has advertisements for beer, airlines, and car dealerships not even in Richmond. Without those advertisements, he

asked if they would be able to maintain the sign. If they advertise businesses only in the mall and public announcements for Richmond, he asked if the sign would be profitable or able to be run. Ms. Javens said however, she cannot speak to this, but if there are outside advertisers on the sign they are paying to be on the sign, it depends on whatever their agreement is with the City and advertiser and who is maintaining the sign, upgrading rotations, and doing digital artwork. She said in 2009 based on her experience with the Fairfield sign, it was approximately \$40,000 to maintain. That said this is outdated technology they are working with so the revenue source that could be generated could be upwards of \$100,000 to help offset some of the cost, but every market and neighborhood will be different and will have its unique set of circumstances.

Commissioner Martinez said he is hearing therefore that without outside advertising, the increase of business would have to increase enough to pay for the maintenance and operation of the sign. Ms. Javens said she does not think it should be looked at solely as a revenue generator. It will certainly impact the businesses at Hilltop Mall though and CVB's goals are that they want to be sure they continually keep people in hotels, eating in restaurants and shopping in the area and not going across the street to Pinole or Emeryville. The other piece is obviously spread the word about activities in Richmond and making sure they are able to direct people to these areas.

Commissioner Reyes said he has always been a big believer in signage and billboard signs to help the people and small businesses which has not been happening around Richmond. Basically one refinery company has bought up signage at bus stops campaigning for something and he asked if there were protections to keep one company from monopolizing advertising. Ms. Javens said Caltrans provides for certain messaging that can be on a digital billboard and this prohibits political advertising. Dana Stoehr said much of this is done at the agreement phase and without restricting free speech, these things can be provisioned for in the agreement. The City is in the driver's seat in how the sign is used, how much must be allocated to community resource purposes, advertisers and all of this would be in negotiation with CBS Outdoor.

Secretary Langlois said her understanding is that the City must be absolutely content neutral on these signs. Since the City is not in contract with CBS Outdoor to build the signs, it is CBS Outdoor who gets the permit and they are in contract with the property owner and can put up whatever advertisers want that pay them. Mr. Slaughter stated for digital advertising signs proposed on City-owned land, the City can negotiate content, flips, community and emergency services, or displays. When on private property, the City does not have the same power to regulate content and this is similar to what is done now.

Secretary Langlois asked if Mr. Garland Ellis could speak, stating he had just arrived.

Garland Ellis, Vice President, Richmond Annex Neighborhood Council and Board, said he is disappointed with the Planning Department. They asked for this information weeks ago and it was not available. The listing of the topic was only found out by the agenda. It was taken off of the project list and they had to go to City Hall to get information about the sign ordinance which should have been on-line. They have only had 3-4 days to review all changes made since its initial discussion a few months ago. He suggested the matter be carried over to another meeting for proper discussion. With regards to the big display signs which are the most controversial, the City has in the past declared I-80, I-580, Richmond Parkway, San Pablo Avenue, Barrett Avenue, Macdonald Avenue and other streets as scenic highways and roadways and landscaped highways. When making this designation, it greatly restricts what can be done on

those streets with signs. Furthermore, they missed out on a great opportunity. The state and federal government would have paid to get rid of a lot of signage along the highways because of this designation, but it was not done. They can restrict signage, but they must be careful of what is allowed. Once the City allows a certain tier, it continues throughout the entire area. The City can restrict information on the sign and for example, a display sign can list only the stores that are within that property or that sales area. As a compromise, the City may want to have one site, the Pacific East Mall that covers that entire C-3 area which is Jacuzzi Street, Pacific East Mall and adjoining businesses. They may want to do the same thing at Hilltop, but if the City goes beyond that, they will not be able to cover what they end up with because it will be worse than Las Vegas.

Commissioner Reyes asked if Mr. Ellis was referring to the 1994 General Plan which is number 3 from the RANC's July 16th letter. Mr. Ellis said that is only part of it. There was also Resolution No 172-75 passed in 1975 which goes along with a plan made by the City designating scenic routes. There was also a preliminary plan the year before in 1974 which listed the scenic views, some streets, and areas because some of the Hoffman freeway was not built yet. They recognized this area to be covered, as well as the area going around Pt. Richmond from the San Rafael Bridge around what is Marina Bay and coming back, the area on the other side of the Richmond/San Rafael Bridge going out along the Point towards San Pablo Marina, and the resolution in 1975 listed all of the streets in Richmond, El Sobrante, and El Cerrito. Then in the General Plan for the County 2005-2020, it lists the segment of part of Richmond Parkway and the entire length of I-580. So there is precedence for the listing of it and the problem is nobody has completely paid attention to it and nobody has followed through with the parameters of what this really means and what can be done with it and what cannot be done.

Mr. Ellis referred to the Caltrans website and search outdoor advertising or displays, there is an entire section. The first thing that will show is the brand new ordinance they updated in 2014. It lists distances away from the freeway, sign types, different tiering which identifies restrictions, guidelines to buy up signs and get them off of the highways, and it goes into every piece of California law in the business code section. It lists definitions, laws that the legislature has passed since then and this is up to date as of January 2014.

The public hearing was closed.

Commissioner Butt said since this has come up a few times regarding the quantity of signs which would be allowed by this ordinance, he asked for more information about this. Mr. Slaughter said the way the ordinance is proposed is that a digital advertising billboard would be permitted with a design review permit and relocation agreement in the C-3 Regional Commercial Shopping Districts; Pacific East Mall, Hilltop Mall and Hilltop Plaza. The Target center is also a C-3 district but the other provision that would keep proliferation and numbers down is there is a 1,000 foot buffer required between each of them.

Commissioner Butt asked what the maximum total signage could be. Mr. Slaughter said they were not able to do a pin map scenario because it would be difficult to identify every location, but they assume there is interest at Hilltop and Pacific East Mall, but other than those two, they have not heard of interest for other areas. The Hilltop Mall and Hilltop District has been advocating and requesting an update to their sign since 2007.

Commissioner Butt said relative to the scenic highway designation, he asked for an explanation of this. Mr. Slaughter stated Mr. Ellis is correct; the previous General Plan indicated a host of

scenic corridors and highways, but unfortunately that list was not carried over to the current General Plan and the sign ordinance has scenic provisions separate from the General Plan which is what staff respected in this ordinance proposal so there would be no digital advertising billboards permitted between Central Avenue and Bay view, nor would there be any allowed along the Richmond Parkway start to the top of the hill. Commissioner Butt asked about the Craneway Building area, and Mr. Slaughter said staff felt this was an area where they could take one digital outdoor billboard because it is a heavy and light industrial area, areas where there is not much residential housing and it is close to the Craneway, which could possibly benefit the City. He said billboards would be allowed in the M-1, M-2, M-3 and M-4 districts and Commissioner Butt said it looks as though there might be as many as 8 or 10 billboards, and Mr. Slaughter agreed.

Commissioner Reyes asked if staff has experienced the situation of not being able to get involved with private property signage and Mr. Slaughter said cities and jurisdictions have failed to be able to get involved with private property, but he said the only way the City can eliminate certain billboards legally is through a re-location agreement and to get advertisers a new digital billboard. He is suggesting 10 existing static billboards for one new digital billboard. If the City is not happy with the proliferation of billboards mostly on vacant lots or as a less desirable use and the only way to remove them is a negotiation between the City Council and/or City Manager. He said in the past, advertisers have come with a pre-selected list and usually they are under-performing signs located in areas that have heavy traffic. Through this ordinance is the only way these can be removed and the re-location agreement is part of this and this is where content can be changed.

Secretary Langlois thanked all residents, businesses, CVB, and said she spoke with representatives about the Hilltop community and heard of their concerns. Since there has been a request to hold over for more study of the proposal, she would not object to this, and also noting two Commissioners were absent tonight. She said she has a lot of difficulty in approving this proposal as she continues to have grave concerns about it. While she realizes this is the trend in moving towards digital, to her it does not mean it is a good thing. She finds digital advertising signs to be glaring, distracting, and unsafe when near freeways because of changing images. In terms of the three kinds of signs, there is a bus stop shelter and digital advertising, digital signs which refer to the business on site, and then digital advertising billboard sign. She thinks the real question is digital advertising billboards where the sign will likely contain advertising content that do not have any relation to their location. It appears that one sign company would put up the money to erect a big static sign for local businesses at the Hilltop Mall, but they would want the billboard with changing images as this is where the money is. The cost of erecting the sign seems to be prohibitive for the Hilltop businesses themselves. It is possible that this would increase the value of the mall which might be the reason the current owner of the mall supports this, but she is not convinced this will be the solution to the problem of bringing more business to the mall in terms of local residents.

She believes among the many factors, one of which is Wal-Mart being there, does play a role and unfortunately, they have seen this happen in many shopping areas when a Wal-Mart moves in. She thinks it is important about holding conversation about what can be done to revitalize the mall. Having a big glaring sign constantly changing and advertising products is not necessarily going to solve the mall's problem, so she would like to look for other ways of doing that. In terms of the Jelly Belly sign, this is on-site for the business and having nice static signs is not a problem and she would support this. The speaker who wants to have signs letting people know what is going on at the Craneway, she has never seen a sign mentioning the Craneway on any

static billboards which is surprising. She would think they could use a static sign on an occasional basis to highlight monthly events and would recommend continuance of the item and would not recommend digital advertising billboards.

Commissioner Butt said he shares many of these concerns, but at the same time he wants to keep an open mind about this. Given that this would not go to the City Council until September, there is no reason to approve or deny this tonight. He thanked staff and business representatives for their work into the matter, sympathizes with what has gone on at Hilltop, although he does not think this sign is going to save it. The problems are deep rooted and malls all over the country are struggling. He thinks to some degree, he can understand how this would be one way to draw a buyer to the mall and maybe saving it, but he would not want to see this as written now where this could potentially open the flood gates to 6, 8 or 10 LED billboards all over Richmond, which would be very unfortunate. Even 2 or 3 might be too many. Some cities that did jump in early are pulling back and rethinking their ordinances. Therefore, he will cautiously continue to evaluate this, encourage more people in Richmond to get engaged and see what they think. He was researching San Jose today and it looks like their rules are stringent, but on the other hand, there are some areas where it might make sense and he is open to continuing to look at that.

On a similar note, Commissioner Butt said since they are going to be modifying the sign ordinance, he has a concern that there is a proliferation of vinyl signs going up all over Richmond. He had lunch on 23rd Street and there are advertisements for all kinds of things and this is blight and something he would like to see staff look into in addressing it through the ordinance. It may be that it is not allowed but not enforced, and he asked staff to take the time to address this topic in the meantime as well.

Commissioner Martinez referred to the relocation agreement and asked if someone wanted to put up a sign and they had no billboards to tear down, would they be able to do so. Mr. Slaughter said if they purchased the billboards they would be able to do so or some other mechanism to get the signs removed. He said currently CBS and Clear Channel are the two billboard companies and combined they own 77 billboards in the City.

Commissioner Reyes said for billboards on vacant lots he asked and confirmed those will become the user who negotiates the agreements with the owner. Mr. Slaughter said if staff was approached by someone to place a billboard on City property then this would be directly negotiated with the City and would include all provisions of revenue sharing, financial considerations as well as removing old, non-conforming billboards.

Commissioner Butt asked if Mr. Slaughter has looked at the potential revenue generation for a City property. Mr. Slaughter said yes; it is quite significant. He used the Rohnert Park example where they are getting no less than \$15,000 monthly for advertising next to the freeway. The closer one gets to Emeryville and the Bay Bridge, the more people there are on the freeway and I-80 is an attractive place to locate. This is why they are willing to pay such a high premium to cities. Commissioner Butt asked if the Hilltop Mall is on City property. Mr. Slaughter said there is an easement and the City would need to look further as to whether or not this would constitute the City generating revenue from that. The latest news article he could find is from Chicago; "Digital signs – a turn-on for cash strapped city." They approved a deal for 34 LED signs and the City got \$15 million last year for making the deal. Mr. Mitchell cautioned the discussion relating to money, as it varies on the market and this should not be the basis of the Commission's decision.

Commissioner Butt asked if it would be possible to allow these but only on City property. Therefore, the City would have full control of what is displayed and they can be removed. Mr. Mitchell said they would have to do an analysis if there is any City-owned real estate that would fall into a market and staff will have to determine whether they can limit it to this or if it is a zoning-based limitation. Mr. Slaughter reiterated that money is not the main driver of the ordinance. It is to update the existing ordinance with current evolving technology and facilitate removal of existing blighted conditions. Commissioner Butt asked staff to look into his request, and Mr. Slaughter confirmed.

Commissioner Martinez suggested it might be possible for organizations interested in a sign could sell a portion of the property to the City so that the City could erect the sign and have control of the content. Mr. Mitchell said these are all possibilities and case by case circumstances that can be considered after there is a modification that allows the City to consider them.

Vice Chair Choi suggested a motion to continue the hearing to a date certain.

ACTION: It was M/S/C (Martinez/Langlois) to continue PLN14-023 to the Planning Commission meeting to September 4, 2014, which carried unanimously by the following vote: 5-0-2 (Ayes: Butt, Choi, Langlois, Martinez and Reyes; Noes: None; Absent: Lane and Willis).

- 4. PLN14-098: Anchorage at Marina Bay Phase 2 - PUBLIC HEARING** to consider a Conditional Use Permit to complete Phase 2 of the Anchorage at Marina Bay subdivision and consider a recommendation to the City Council to rezone the site at 1689 Regatta Blvd (APN: 560-181-106), from M-1(Industrial/Office Flex) Zoning District to PA (Planned Area) Zoning District. Pulte Homes, Inc., Owner; Nick Kosla, Applicant. Planner: Jonelyn Whales. Tentative Recommendation: Conditional Approval and Recommend Approval of Rezone to City Council.

Ms. Whales gave the staff report and a brief description of the request for a conditional use permit to allow Pulte Homes to finish Phase 2 of the Anchorage at Marina Bay subdivision. She noted that the APN used to notice this used the 1689 Regatta Boulevard address and Jetty Drive; however, there are new streets for this subdivision, as approved back in 2006. The site is an 11.42 acre site and there was 1.7 acres of it never developed because of the fact that staff placed a condition on page 2 which states this was the M-1 portion of the site and it would have to be rezoned to allow conditional uses on that section of the site. Given the market has changed and the new General Plan has been adopted which allows a higher density, Pulte Homes is requesting removal of the condition and rezone the section to a PA; Planned Area District, to match the remainder of the site.

Commissioner Butt confirmed that the request is consistent with the General Plan and he asked if the PA request will come back to the Planning Commission. Ms. Whales said no, it will match what exists on the project, remove the condition, and the PA will be considered by the City Council.

Nick Kosla, Applicant, Pulte Homes, Pleasanton, said this project began almost a decade ago and they completed more than half of the project and economic conditions changed. The project was put on hold and during that time there was an undercrossing project and now that this

project is nearing completion, he is hoping to take advantage of the market, go to the City Council and start building homes. They would look to begin construction after completion of the under crossing, hopefully in March 2015. He requested the Commission approve Resolution 14-17 and he said he was available for questions.

Commissioner Reyes asked when the project would be complete. Mr. Kosla said all infrastructure has been completed and Pulte Homes would start building housing as quickly as they can build them, or about 5-10 per month. If they start in April, they expect to be sold out by next year.

Commissioner Martinez asked what community benefits are being provided to the City for the development. Mr. Kosla said they provided over \$2 million towards the under crossing project, are paying affordable housing fees, development fees, they have a trail connection through the site, there is a small park in the site in the northwest corner, and less noise with the under crossing constructed. There is also a nice ingress and egress to the site which connects to trails.

Commissioner Reyes said there are plans for ferry service near the site and he asked if Pulte Homes has had discussions regarding this. Mr. Kosla said his father talks about it as he lives in Richmond and would hope to use it. He thinks their sales department will talk about it, but it is not expected to be built until 2017, but he thinks it would be a great thing for the entire region.

Commissioner Martinez asked if Pulte Homes is doing anything to help schools given the added student population. Mr. Kosla said yes, they have paid all school fees as required by the state.

Secretary Langlois said she is glad the project is moving forward and referred to Exhibit A which is an aerial view. She clarified the project area will be built out with homes and trail connections.

Commissioner Butt confirmed that the original project was entitled and approved back in 2004, it has been through the DRB and Planning Commission and he asked and confirmed that due to economic conditions, sales of homes slowed significantly and this is why the last part of the project was not built out. Ms. Whales added that when the project was approved by the City Council there were a host of community benefits. After the sale of any one unit at Marina Bay at Anchorage, the City will get \$2,000 towards its Youth Development Program, and this is the last phase of the project. She noted it is also in the Knox-Cutting Specific Plan and it is just outside the South Shoreline Specific Plan. Mr. Mitchell said there is no inclination to modify any land uses currently designated for housing in the South Shoreline Specific Plan.

Commissioner Butt said the property is wedged between a major railroad and a police station and he asked if the developer has effectively mitigated noise for this plan. Mr. Kosla said homes closest to the rail have undergone a study to mitigate noise. Pulte Homes commissioned a more recent noise study due to the undercrossing making a quiet zone, but there is a staging area for trains in the northwest corner of the site and they still must practice blowing their horns and they must look at the peak and average noise. Because this noise hits them, they will be overbuilding to the noise requirement because of this.

Vice Chair Choi asked if the previous use is not as lucrative as what exists for the rest of the build out. Mr. Kosla said if the police station had gone a different direction to more pedestrian or mixed use, there might have been a reason for different building. However, there is now a sound wall that separates the uses.

Vice Chair Choi opened the public comment period.

Public Comments:

Cecil Ronald Hicks said he and his wife reside at 3106 Jetty Drive and were one of the first residents to move in over 5 years ago. He said there were 133 homes built at that time and this is a request to complete the other 75 homes and they look forward to those added families to share the cost of the association. He said they had the Marina Bay entrance and Regatta entrance but during construction, the residents use the front entrance and construction vehicles primarily used the back entrance which worked well. At this time the front entrance is closed down for the foreseeable future and the Jetty Drive into Regatta has been somewhat improved, but most lighting on Jetty Drive does not work and there is no lighting until where the new housing begins. His concern is that construction vehicles will only use the one entrance into Jetty Drive that does not even have a street sign or lighting. This is dangerous because FedEx, bicyclists and pedestrians use this and he asked that this be addressed.

Ernesto Guzman said he lives at 1507 Jetty Drive and one issue they have is the amount of parking. The units are 3 bedroom units and have 2 car garages. They have about 131 units and with another 75 units built for a total of 206 units. The amount of parking for guests is 73 spaces and for non-guests, 23 spaces, and 6 handicapped spaces. At least half of the 3 bedroom units have a third driver and the parking is inadequate. The second issue is that there is not enough open green area for all of the residents who live there. Their community does not have gates and they have a problem with people coming and parking in their area to catch the bus.

Commissioner Butt asked and confirmed that because the project is already entitled, there is no plan of what is being proposed in the packet. Ms. Whales said at the time it was approved, it met all parking requirements for a PA zoning which allows for flexible spaces, given density. Ms. Whales said the Commission is being asked to recommend to the City Council to remove the condition placed on the project to allow the 1.7 acre portion of the site to mirror what currently exists today and rezone to PA. Ms. Whales said even if they were to construct live/work, it would still be built and elevations would not change. Commissioner Butt said 2/3 of the development has been built and they know what potential concerns exist there and there is an opportunity to place conditions on the area the Commission is recommending to City Council to rezone. In evaluating that, it would be useful to see the plan and the PA language. Ms. Whales said the resolution states the development standards, and in the new General Plan there are no gated communities in certain areas and this is one of the areas. Regarding parking, the zoning has not changed for medium density and the developer has met all parking requirements. Nowadays, people have more than one car and there may be three people living in a unit that would have a car. However, the parking ratios are based on the number of bedrooms and sizes of units which have been met. She said she was the project planner that took the project through the entitlement phase and they went through an extensive process with this application given it was a new process of having residential uses next to a railroad.

Commissioner Butt said this may be the case, but he was inclined to abstain from recommending it to the City Council.

Commissioner Reyes asked and confirmed with Mr. Privat that a quorum would be 3 members for the vote according to the Brown Act.

The public hearing was closed.

Secretary Langlois supported approval of the request, appreciates residents' comments and she confirmed construction vehicles and residents will be regulated through a construction plan. In terms of parking, she did not see how parking would be any different and would support the project tonight.

Commissioner Butt said he would be inclined to abstain due to the lack of materials provided. Mr. Privat said what was approved in 2005 was live/work at the M-1 site and this most likely required more parking. Ms. Whales reiterated that guidelines for parking have not changed.

Commissioner Martinez echoed Commissioner Butt's comments and said from what he sees it is a good project, and if he had enough information to approve it, he would do so, but the information has not been provided and he said he would have to abstain.

Vice Chair Choi said he would say that if the plan mirrors the existing project, it is good and seeing support of the existing residents is a good indicator of the quality of the development. He is also inclined towards voting tonight and moving it forward to the City Council. He lives in the general neighborhood and drives by the development.

Commissioner Reyes said he is finding himself wanting to move on and he wants to be sure concerns are addressed as voiced by residents. He trusts City staff in that they are moving this forward and he supports recommending it to the City Council.

ACTION: It was M/S/C (Langlois/Reyes) to recommend approval to the City Council of PLN14-098: Anchorage at Marina Bay Phase 2, which carried unanimously by the following vote: 3-0-2-2 (Ayes: Choi, Langlois and Reyes; Noes: None; Absent: Lane and Willis; Abstain: Butt and Martinez).

COMMISSION BUSINESS

2. Reports of Officers, Commissioners and Staff

Mr. Mitchell thanked the Commission for the intense work in managing two meetings last week where they heard over 130 speakers and moved their decision forward. Chevron has appealed certain elements of the recommendation to the City Council and the Council will take public comment on July 22, 2014 at 6:30 p.m. They will either make a decision or continue the item until their last meeting of July.

Mr. Mitchel also announced that a field trip will be held at 9:00 a.m. in looking at the next phase of work the Commission having to do with buildings, plazas and projects. The City Council approved the land development agreement for the Terminal One site at their last meeting, and they will visit Oakland, Emeryville and Berkeley and review some of their newer projects.

Secretary Langlois thanked Mr. Mitchell for mentioning the City Council meeting, as the Planning Commission last Thursday approved a CUP for the Chevron project with added conditions they felt would make the project cleaner, safer and more modern. Since Chevron has chosen to file an appeal, she urged everybody to attend the meeting at 6:30 p.m. on Tuesday in the Richmond Auditorium.

Commissioner Martinez said at the City Council hearing, he asked if Planning Commissioners could speak as Commissioners or as residents. Mr. Privat said while they can indicate they are a Commission, they should identify themselves as speaking as residents.

Commissioner Reyes thanked Commissioners and staff for their work. He referred to the Doctors Medical Center and Chevron Refinery and said he thinks these bodies need to meet with the City and talk, and said his biggest fear is that there is a major catastrophe without medical needs.

Vice Chair Choi thanked staff and Commissioners for their patience with him serving as Chair and said he truly respects Chair Lane's work.

Adjournment - The meeting was adjourned at 9:06 p.m. to the next regular meeting on August 7, 2014.