

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
December 17, 2015
6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair	Marilyn Langlois, Vice Chair
Nancy Baer	Andrew Butt
Ben Choi, Secretary	Jeffrey Kilbreth
Jen Loy	

The regular meeting was called to order by Chair Lane at 6:31 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Sheryl Lane; Vice Chair Marilyn Langlois; Secretary Ben Choi; Commissioners Nancy Baer, Andrew Butt, Jeffrey Kilbreth and Jen Loy

Absent: None

INTRODUCTIONS

Staff Present: Planning Staff: Senior Planner Lina Velasco, Associate Planner Hector Lopez, Associate Planner Roberta Feliciano, Director of Planning and Building Services Richard Mitchell and Assistant City Attorney Carlos Privat

MINUTES

July 16, 2015

ACTION: It was M/S/C (Butt/Loy) to approve the minutes of July 16, 2015; which carried unanimously by the following vote: 7-0 (Ayes: Baer, Butt, Choi, Kilbreth, Langlois, Loy and Lane; Noes: None).

August 20, 2015

ACTION: It was M/S/C (Baer/Choi) to approve the minutes of August 20, 2015; which carried unanimously by the following vote: 6-0-1 (Ayes: Baer, Butt, Choi, Langlois, Loy and Lane; Noes: None; Abstain: Kilbreth).

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, December 28, 2015, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane stated currently the Consent Calendar consists of Items 1 and 2. She asked if Commissioners, public or staff wished to remove any item. Vice Chair Langlois requested removal of Item 2, stating she received a letter from the Pt. Richmond Neighborhood Council President. Ms. Velasco stated staff has 6 speakers signed up to speak on Item 2 all of which are in favor.

Item Approved on the Consent Calendar:

CC1. PLN15-555: East Brother Beer Company CUP - PUBLIC HEARING to consider a request for a Conditional Use Permit to allow a small production beer manufacturing facility and taproom at 1001 Canal Blvd., Unit C2 (APN: 560-330-015). M-1, Industrial/Office Flex District; MKD Canal, LLC, owner; Christopher Coomber, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval.

ACTION: It was M/S/C (Langlois/Butt) to approve the Consent Calendar consisting of Item 1; which carried unanimously by the following vote: 7-0 (Ayes: Baer, Butt, Choi, Kilbreth, Langlois, Loy and Lane; Noes: None).

Brown Act – Public Forum

CORDELL HINLDER, Richmond, said he spoke with the Richmore Village Association who did not support El Campasino Bar and Grill, and they appealed the decision on this item. He requested the item be agendized in January so police can discuss the matter. Secondly, he voiced concerns with crime at the 7-Eleven store and asked that their CUP return to the Planning Commission.

Commissioner Baer asked staff to explain the process in where a neighborhood association could register a formal complaint given their concerns about a particular project. She noted that Mr. Hindler has brought up the 7-Eleven store in the past. Ms. Velasco stated if there are complaints of a business operating under a CUP, staff can look into the matter and determine whether a revocation hearing is in order or whether other information needs to be brought forward to the Planning Commission. In some cases, staff will try to resolve it at a staff level and remind the property owner about agreements under their CUP. If not successful, a review of the CUP either for modification or consideration for revocation can be agendized.

JEFF LEE, former Planning Commissioner, commented on the Terminal One project, stating it would be worth the Planning Commission’s consideration to move the project back into the hillside and across the railroad property and park property.

Recusal:

Commissioner Butt recused himself from participating on Item 2, given his conflict of interest due to his business’s proximity to the project site, and he left the meeting for the remainder of the evening.

Item Removed from the Consent Calendar:

2. **PLN15-244: The Point Residential Development** - PUBLIC HEARING to consider adoption of a Mitigated Negative Declaration, a Conditional Use Permit for a parking reduction, and a setback variance for a 27-unit multifamily development with 1,000 square feet of commercial space on a 41,000 square foot parcel located at Northwest of the South Garrard Blvd. and West Cutting Blvd. (APN: 558-450-001) in the Point Richmond neighborhood. Point Richmond Gateway LLC, owner; Todd Whitlock, applicant; Planner: Hector Lopez; Tentative Recommendation: Conditional Approval.

Associate Planner Hector Lopez gave the staff report, describing the property's location, zoning, and request from the applicant for a CUP for a 27-unit multifamily development which would include 1,000 square feet of commercial space. The applicant requests entitlements for reduction of parking up to 25% and a variance for a reduced front yard setback.

The project was presented at the November 18th DRB meeting and was approved by a vote of 5-1, subject to further changes to the design which incorporated changes to the circulation of the parking lot, increasing the size of the commercial space and changing the landscape to include a view corridor from South Garrard all the way to the historic district.

Staff recommends approval of the project based on the fact that the site is located in close proximity to downtown Pt. Richmond where services and transportation are provided. Staff is recommending approval of the variance because it would allow the building to be moved to the front to create a more visual icon at the corner of South Garrard Boulevard and West Cutting Boulevard.

Vice Chair Langlois stated she reviewed the project, stating she has heard a lot of positive feedback about it. She said her question is based on an email she received from the President of the Point Richmond Neighborhood Council who voted with unanimous support on the project. The council requested inclusion of single bedroom ground floor units for seniors and those with disabilities and that rather than be a 24-hour gated complex, that gates be locked from 8PM to 8AM, leaving the complex accessible during the day. She said the architect and developer accepted both of these recommendations. She did not see any mention of this in the documentation and she asked if these revisions will be included.

Mr. Lopez said yes, this is his understanding and these are part of the scope of the project and not contained in conditions. He said the applicant is present.

Chair Lane called upon the applicant to provide a presentation and respond.

TODD WHITLOCK, applicant, confirmed that these revisions have been incorporated into the project. He said he was happy to be before the Commission and said he hopes to receive approval.

DAVID TRACHTENBERG, Trachtenberg Architects, said they are present to discuss two issues to ensure they are covered properly. He introduced Mauricio De la Pena, project architect. He displayed the site which is odd-shaped and with a very small amount of street frontage. Additionally, it is bounded on its two largest edges by railroad spurs and it is at the intersection of an unusual and complex intersection. When their client purchased the site, it came with an entrance easement through Mechanics Bank parking lot to enter and they have designed the project around the notion that the site will be accessed at that location.

Mr. Trachtenberg said the site has many challenges, given it is a Brownsfield site with noise around its edges. They have turned the project inward to face an interior courtyard which serves as common area for the 27 apartments. They placed a 30-car parking lot on one edge.

On a positive note, the site is in wonderful proximity to historic Point Richmond, with good transit services, bike parking and nearby services. He said their request is not to observe a 25 foot front yard setback which was required per the M-1 zone. He presented the commercial piece of the project which is the only piece that fronts a public sidewalk. A sidewalk is placed through the Mechanics Bank property which leads one to the downtown.

Mr. Trachtenberg stated on October 5, 2014 the Point Richmond Land Use Committee approved the scheme overwhelmingly and on the same evening they received a 4-1 vote from the neighborhood council. They held a study session with the DRB on October 14, 2015 and one month later received DRB approval with a 5-1 vote.

He noted that they are required to apply for a variance; however, the General Plan is the governing document and it does not specify any setback or parking requirements, and therefore the General Plan is in conflict with the zoning. Additionally, the CUP asks for a 25% parking reduction. He said the justification for the front yard setback is that the 25 foot setback is required for projects in the M-1 Industrial Office Flex zone. The General Plan designates the site as Neighborhood Mixed Use. In this designation, there is no stipulation for front yard setback requirements, and their commercial space would suffer if setback significantly from the sidewalk. Therefore, they believe there is justification to maintain the minimal setback.

He said the Planning Commission has the ability to grant the 25% parking reductions of up to 25% where findings are made that indicate several uses share common parking areas and the demand for parking occurs over different time periods. He said they have an agreement in place with Mechanics Bank to mutually share their on-grade parking lot after business hours, and these 4 spaces will satisfy the guest parking requirement for the project. He again stated that the site is well-served by public transit, is in the Point Richmond commercial zone, the project proposes secured covered parking for 36 bicycles for residents and visitors, and the project is located within ½ mile of 4, Tier 1 and Tier 2 community services as defined in the Green Point rating system.

Mr. Trachtenberg stated the parking is being requested to be reduced from 40 spaces to 30 spaces or a 25% reduction. He said the guest parking they want to share are in Mechanics Bank and they believe that given the site's proximity to other parking sources, its proximity to bus stops and BART, the project makes sense. He then referred and read a citation contained in the staff report regarding relaxing parking requirements and said they were available for questions.

Commissioner Kilbreth said he lives in Point Richmond and he has heard comments of residents there who are unhappy about the timeline. He noted that the presentation identified two major segments; one from when the applicant went to the neighborhood council and taking it to the DRB which he confirmed was approximately 7 months, and then 7 months from going to the DRB to attaining DRB approval which occurred in October. He said if there was a problem, it was either the time it took to get to the DRB or it would be that the DRB did not process the application timely, and he asked if Mr. Trachtenberg could comment.

Mauricio De la Pena, project architect, said he thinks the biggest reason why the project took so long was because of the site's odd shape, which causes people to look at it differently and they all try to come up with passionate solutions. His office is directly across the street from the site and it is very important to him. The biggest challenge was that people cared a lot and were passionate and fought for their visions, as was the applicant team. They held a study session or DRB informal review which led to a plethora of alternate solutions and discussions. At the end of the day, the applicant team always believed in the site plan before the Planning Commission which will add value to the neighborhood. The neighborhood council agreed and he thinks the project will be great for the neighborhood.

Commissioner Kilbreth noted that some people have asserted that the applicants were held up and things that should have been done quickly were not. He asked if there were any lessons learned or processes to be examined, noting that people complain a lot.

Mr. Whitlock agreed that the review took longer than they had hoped, and he thinks that if the project team's vision was more aligned with staff's and resident's thoughts, the project would have moved forward more quickly. While not able to predict this, they were able to work their way through it and he agreed it definitely took too long. He was not an expert in how projects are processed by the City and said it would have been nice to have the units available this spring, but they will not be able to be built by then.

Commissioner Baer thanked the applicant team for their presentation, voiced her interest in the project and agreed the site is challenging. She referred to the project's gates and she asked what the community feedback was about these and the applicant's solutions.

Mr. Trachtenberg stated the community did not want a "walled" or gated community. The agreement which the ownership has made with the neighborhood is that the gates will remain open during the day and closed at night. Given this location and police reports about break-ins in the nearby neighborhoods, it makes sense for residents to have a secure residence at night, and the neighborhood council accepted this compromise. He also pointed out there was a lot of discussion about the nature of the gates, the degree to which there would be visibility from the sidewalk into the site, and these issues were agreed upon finally to everyone's satisfaction.

Commissioner Baer said she had the same reaction and noted she would not want to have another gated community in Richmond, but it sounds as if it has been properly vetted with a good solution. Mr. Trachtenberg clarified that this is a condition of approval.

Commissioner Baer referred to the discussion about architecture, noting that the look of the development does not seem to fit the neighborhood character. She said she would have expected it to have a more historic look or mirror the Plunge and/or fit in with something architecturally more compatible in the neighborhood. She said she saw one reference to the similarity of the project's bike roof to Mechanics Bank and she asked the applicant to discuss this further.

Mr. De la Pena explained that the project is a market rate apartment building and not a civic building or the Plunge. It is across the street from the Plunge and in their minds, it strongly relates to the Plunge in its massing. He presented a picture of the Plunge and said the massing of head pieces borrows strongly from this. Their building is rendered in stucco, has similar proportions to the Plunge which it faces and he believes the two facades are in dialogue with each other, given the classical proportions at the top, the gable set back behind the box, and the

vertical element similar to the Plunge. He said they did not think it was appropriate to make the building look like a 19th century building, given the needs of the market and they believe its contemporary architecture is perfectly compatible with historic architecture when done well.

Commissioner Baer said this concern would not cause her to block the project, but she noted that she did see this in the renderings. Regarding input on the selection of trees, there is an urban forest master plan which is still pending approval with the City Council. In that plan is an updated tree list. She noticed that in reviewing landscape selections, the London Plane tree and the Chinese Pistache tree are not on the current list and she asked if the applicant would be willing to talk with staff and review the approved list and update the project's selection of trees.

Mr. De la Pena agreed and said this will be done at the plan check period, and all trees will be reviewed by the City's forester and any corrections can be addressed at that time.

Commissioner Baer referred to the Paris Climate Summit and thinks it is incumbent upon the City to maximize its carbon sequestration as much as possible, and Mr. De la Pena concurred.

Chair Lane opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, said he attended the last two DRB meetings and supported the project. He also reviewed the project last year at the neighborhood council meeting, thinks the project sets the tone for the historic district and asked for the project's approval.

MARTIN MCNAIR, Point Richmond, said he was responsible for many years in identifying the current bank building as a building that should be preserved. They moved it 1 ¼ mile from its previous location and while it was not their intent to house Mechanics Bank which occurred 6 months after they moved it, it has become an asset to the community. He concurred that the project underwent many meetings and many opinions as to its design. He thinks the project will be a huge asset for the community and asked that the Planning Commission approve it tonight.

JOHN GLOVER, Brickyard Cove, stated this project popped up in conversation one year ago and he is an architect and transportation engineer, spent 16 years as the Director of Planning for the Port of Oakland and the applicant team asked him to review the project for comment. He attended one DRB meeting in where there was great debate and alternative ideas. From his perspective, the plan tonight was the correct answer to every concern relating to the driveway, the setback, location of buildings on the site and he urged the Commission to approve the project so it can move forward.

JEFF LEE, former Planning Commissioner, said he attended the meeting to provide an historical perspective of how he thinks the project fits in the General Plan, but this is contained in the staff report. He thinks the project is a thoroughly vetted project that took a long time to get to the Planning Commission and he asked that the Commission approve it tonight.

HILARY BROWN, Point Richmond, said she works with Margaret Jordan, President of the Point Richmond Neighborhood Council (PRNC) who sent an email which she read into the record which indicated the almost unanimous support of the neighborhood council, request for the two revisions for ground floor one bedroom units and gate hour recommendations, and that the

project is nearby transit and services. Ms. Brown stated she has a view of the property from her house and very much likes the plans and urged for its approval.

JORDAN DESTAEBLEN, Vice President of the PRNC, said he has a master's degree in landscape architecture and environmental planning and also served on the City of Berkeley's Planning Commission. He thinks the project as designed is a wonderful addition to the community. The Mayor had DRB Commissioners Livingston and Woldemar present alternative designs and in his opinion, while well-intentioned, they were inferior in quality and not in keeping with what he believes is a superior design by the applicant team. As stated, the City needs development and a project of this caliber and he urged the Commission to approve it tonight. In responding to process comments, he believes the DRB is a necessary Commission but it seems to overstep its boundaries and it seemed to design the project at a point in time which was premature. He therefore urged the Planning Commission to work with the DRB to determine their boundaries, which he thinks might address project delays.

ROBERT LANE, Point Richmond, said the closed community gate is necessary in the evening because along Railroad Avenue there is constant broken glass from break-ins from the night before. The neighborhood blog yesterday indicated there was an individual casing that stretch of Railroad Avenue and he thinks the security solution is correct. Regarding trees, the site thanked to Jeff Lee, already has a perimeter of trees and to the extent these are still viable, they should remain. As to the delay, he is a member of the PRNC Land Use Subcommittee and what has happened is that there was a rolling objection and this could be compartmentalized by the Planning Department moving forward with a group of objections or concerns and deal with it at one time and be done with it rather than allowing it to continue.

MARGI CELLUCCI, Point Richmond and real estate broker, member of the Point Richmond Business Association and PRNC. She said she has seen the need for rentals especially over the last few years. She has also seen vacancies in Point Richmond and other areas, but rental units will support businesses and she appreciates the Commission's service and asked for approval of the project.

Chair Lane asked and confirmed there were no further questions of the Commission, and she asked staff to summarize the recommendation.

Mr. Lopez stated staff recommends approval of the CUP and variance, subject to conditions stipulated in the attached resolution.

The public hearing was closed.

Commissioner Loy commented that she also lives in Point Richmond, has walked, biked and driven by this lot over the last 9 years. She is excited to see the project developed and applauded everyone for participating in a very inclusive process which sometimes make things take longer than expected, and she hoped for a way to make processes more efficient.

ACTION: It was M/S/C (Langlois/Choi) to approve PLN15-244 with staff's findings and conditions of approval as recommended by staff; which carried unanimously by the following vote: 6-0-1 (Ayes: Baer, Choi, Kilbreth, Langlois, Loy and Lane; Noes: None; Absent/Recused: Butt).

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Ms. Velasco reminded the Commission and the public that City offices will be closed from Thursday, December 24th and reopening on January 4, 2016. She distributed copies of the Issues and Option papers for Commissioners which outlines what the zoning code update recommendations are which will be discussed at a meeting early next year.

Assistant City Attorney Privat and Ms. Velasco wished the Commission a happy holiday. Mr. Mitchell thanked the Commission again for another year of distinguished volunteer service.

Commissioner Baer said she had no report, but asked staff for the status of the second dwelling unit ordinance. Ms. Velasco reported that much of this work is wrapping up in the zoning update. At the Commission's February meeting, staff will be outlining the procedures and she said they anticipate dedicating the second meeting each month to presentations, receiving direction and providing opportunities for public input on the zoning update. Some key areas will include the creek ordinance, the bike and pedestrian ordinance, as well as the second dwelling unit ordinance.

Commissioner Kilbreth referred to the feedback Commissioners have been receiving via email on the South Shore Specific Plan, covering things like hotels and whether the City has a plan for protecting existing City businesses. He asked when the Commission plays this role in finalizing the specific plan. Ms. Velasco stated the public comment period on the draft specific plan closed on Tuesday. Staff received about 20 letters and in general, staff will review these and determine what additional revisions need to be done. They are also working on the EIR in the hopes to address comments and for the EIR to reflect changes staff may propose. They anticipate holding a public comment hearing on the EIR by the Planning Commission as well as presenting an additional draft specific plan, explicitly describing revisions in response to feedback, which could be done during presentation of the EIR. She estimated this to occur sometime in March.

Commissioner Kilbreth announced that the BAAQMD is steadily working its way toward creating new refinery emission rules. He reported that based on a meeting held yesterday, there are still many arguments and contention about the governing framework rules that describe reporting requirements, health risk thresholds and limits, and mitigation responses to health risk violations and these issues are still not resolved. The BAAQMD staff failed to satisfy the stakeholders and as a result, staff is back at work trying to produce things that will satisfy stakeholders, given the seriousness of the rules. While not done, the new timeline replacing December 15th is to get reporting rules and possibly limit rules in March and the mitigation rules done by June.

Commissioner Kilbreth said one of the BAAQMD Board's goals was to reduce cap emissions by 20% by 2020 and three rules were just approved yesterday dealing with cooling towers, FCC cracker units and leaks throughout the pipeline system. Those changes will result in 3 years in a 14%-15% reduction in emissions at all refineries, which is a significant achievement. The cost across all 5 refineries was only under \$10 million, and he thinks the matter involves significant contention, attorneys and important changes. He stated he will provide an update after the March deadline.

Secretary Choi recognized how long and how much the refinery system has been broken, and he asked that before March, he wants to be sure he is aware of whether he will need to recuse

himself because he lives fairly close to the borders of a refinery. Commissioner Loy stated she may need to know as well.

Secretary Choi announced that his friend Dusty Honer's birthday is today. He said Dusty is from the Mission District in San Francisco and he walks around town wearing a gold crown.

Vice Chair Langlois wished everybody a very happy and healthy winter holiday break. She announced that on Monday, January 18, 2016 the Friends of the Richmond Greenway will co-sponsor the 9th Annual Martin Luther King Day of Service on the Richmond Greenway between 6th and 16th Streets from 9AM to 2PM. The event will include volunteer activities, music, food and sharing reflections about Martin Luther King.

Chair Lane reminded the public that if they wish to send correspondence to send them to all Commissioners to check with staff to provide their email addresses, as necessary. She thanked all planning staff for their hard work and support of the Planning Commission, especially this year given transitions in staff, especially David Brosky who has served as an Intern. She also thanked Commissioners for their work and for remaining a cohesive body. She lastly recognized the diversity of projects which will keep staff and the Commission busy.

4. Adjournment - The meeting was adjourned at 7:40 p.m. to the next regular meeting on January 21, 2016.