

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

450 Civic Center Drive, Richmond, CA

April 23, 2015

6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair
Nancy Baer
Jeffrey Kilbreth
Roberto Reyes

Ben Choi, Vice Chair
Andrew Butt
Marilyn Langlois

The regular meeting was called to order by Chair Lane at 6:30 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Sheryl Lane; Vice Chair Ben Choi; Secretary Marilyn Langlois, Commissioners Nancy Baer, Jeffrey Kilbreth

Absent: Commissioner Andrew Butt

INTRODUCTIONS

Staff Present: Planning staff: Lina Velasco, Jonelyn Whales, Richard Mitchell, and City Attorney Carlos Privat

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, May 4, 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 Item 1, which is a hold over item to May 7, 2015. She asked and confirmed that no Commissioners, staff or the audience wished to remove that item.

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: Baer, Choi, Kilbreth, Langlois and Lane; Noes: None; Absent: Butt).

Items Approved on the Consent Calendar:

CC1. PLN15-201: Housing Element Update 2014-2022 - Planning Commission recommendation to the City Council on the adoption of the General Plan Housing Element Update for the current 2014-2022 planning period. The Housing Element is a state mandated element of the General Plan which assesses a jurisdiction's housing needs and provides goals and policies to address those needs. City of Richmond; applicant; Planner: Lina Velasco. Tentative Recommendation: Hold Over to 5/7/2015

Brown Act – Public Forum – No speakers

NEW ITEMS

2. PLN12-098: Zoning Text Changes Related To Emergency Shelters And Transitional And Supportive Housing - Planning Commission recommendation to the City Council on Proposed Zoning Text Amendments to modify Richmond Municipal Code Section 15.04.020 Definitions, Uses Listed In Sections 15.04.100 through 15.04.250; and Section 15.04.810.040 Homeless Shelters and Transitional Housing to bring the City's land use regulations into compliance with adopted amendments (Senate Bill (SB) 2 and SB 745) to Government Code Sections 65582, 65583 and 65589.5. City of Richmond, applicant; Planner: Lina Velasco. Tentative Recommendation: Recommend Adoption.

Ms. Velasco said before the Commission is proposed amendments to the zoning ordinance relating to emergency shelters and transitional and supportive housing. Specifically, SB 2 and SB 745 are mandates by the state to be implemented by cities and are required in order for the City to certify its Housing Element.

Ms. Velasco gave a comprehensive overview of the purpose and objectives of SB 2 and SB 745, zoning districts affected, specific requirements of zoning text changes, permit procedures, state development standards as outlined in the staff report, definitions specific to housing element law, emergency shelter and transitional and supportive housing definitions, and target populations.

She said staff has added new definitions to the definition section of the zoning ordinance for transitional housing, supportive housing and emergency shelters that are consistent with state law. They are deleting the definition for recovery facility since this use will now fall under the supportive housing definition. They are also listing transitional and supportive housing as a permitted residential use in all zones where residential use is allowed. They are also deleting recovery facility limited from a permitted uses list from those zoning districts and also recovery facility general from the conditional uses list since they will no longer be defined in the zoning ordinance. They will also replace reference to public shelters with emergency shelters. They are proposing to continue to allow emergency shelters with a 10-bed limit in all residential districts. They are adding emergency shelters as a permitted use in the Central Business District given the availability of land, and putting a 15-bed limit on that, given it would be difficult to finding residential housing to accommodate the sum of all homeless needs. The last change would be to modify the current requirement standards for homeless shelters by providing more written objective standards that would apply in emergency shelters, and staff included standards for all those permitted by law.

Within the Housing Element, the City has two specific programs the proposed amendments would implement, specifically Program H-1.4 which is a goal for a program to constantly monitor

HCD's website to ensure the city is in compliance with state law. They also have Program H-3.6.2 which was to actually amend the zoning ordinance to comply with SB2 and they are going a step forward to ensure they comply with SB745 as well.

In terms of CEQA compliance, the proposed amendments are exempt from CEQA per Section 15061B.3, and it is staff's recommendation that the Commission hold a public hearing, take public comment, consideration adoption of the draft resolution recommending that the City Council adopt the zoning text amendments.

Chair Lane invited questions and comments from the Commission.

Secretary Langlois recognized Councilmember Pimplé for attending the meeting and said she believes the request is a good move to ensure it is possible to have emergency and transitional housing for those who need it.

- She referred to page 10 under definition of emergency shelter, third line, and asked to correct it to read "6 months or less".
- She referred to Page 20 and she asked and confirmed with Ms. Velasco that by definition, there is no limit; however, the operator of the shelter may impose a limit.
- In terms of the C-3 regional commercial district and the Central Business Districts, they allow more mixed use housing and would be eligible for these types of developments. She confirmed with Ms. Velasco that 15 beds would be allowed in the Central Business District, and also in the C-3 regional commercial district.
- She asked what zones the Bay Area Rescue Mission, the GRIP Shelter and the Brookside Shelter are in. Ms. Velasco said she believes the Brookside Shelter is in the M-2 zone district, the GRIP Shelter is in the C-2 District, and Bay Area Rescue Mission is in the C-1 District, and these would be grandfathered in.
- She asked if the City could add the C-3 district as a potential zoning district for an emergency shelter. Ms. Velasco said during the Housing Element community process, there was a lot of concern about uses and potential impacts on property values and neighborhood character. Through the comprehensive update of the zoning ordinance process, staff will hold discussion about General Plan consistency and other zones, and at that time more information will come forward about this.
- She referred to the second bullet point on page 3 of the staff report; and she asked if the City can accommodate three year-round emergency shelters to serve the community. She noted on page 7 and 8 of SB2, it addresses how to ascertain the needs and resources. She asked if an inventory has been done for the City of Richmond which would provide data as to whether or not they can provide capacity for its homeless population.

Ms. Velasco said currently the City of Housing and Community Development is updating their consolidated plan as well as the Housing Element which includes special needs population. According to the County's Inter-jurisdictional Council on Homelessness, the homeless count for 2013's sheltered homeless number is 142 in Richmond and 13 in North Richmond. New counts will be done in 2015, and she noted however, that the

numbers tend to change. Based on these numbers, Richmond has up to 155 beds and she believes the City can demonstrate its accommodation for additional homelessness.

- Secretary Langlois said for the smaller shelters there is no use permit required in residential neighborhoods. For the emergency shelters, supportive and transitional housing, there are requirements on the number of beds, length of stay, etc. and she asked if there are changes needed to operate those types of shelters.

Ms. Velasco said for new construction the shelters would not be exempt from design review and as part of the change of use for an existing building, this would be monitored as part of their plan check process. The operational standards will be applied to emergency shelters, but not for transitional and supportive housing.

- Secretary Langlois asked if she would need a permit to convert her home to transitional housing and Ms. Velasco said there would need to be licensing requirements issued through the state. She confirmed the City has emergency shelters and she referred to Table 5.39 in the Housing Element. They currently have the Bay Area Rescue Mission, the Brookside Shelter, the Contra Costa Crisis Center for Homeless, the Deliverance House, and the Greater Richmond Interfaith Program services, and most are in commercial areas. There is one on 9th Street called Richmond Endeavor, and one on 12th Street called the Richmond House, and those are in residential districts.

Chair Lane asked if there are agreements with those neighbors housing the homeless about how must accommodate the need for the homeless. Ms. Velasco said the Community and Housing Development Department works with other cities that are part of a consortium and together, they may come up with a funding strategy. Some areas do county wide homeless shelter plans and at one time the Red Cross was looking to develop a large facility in Richmond to serve multi-jurisdictional needs, but this would be under the consortium. She was not aware of those conversations.

Commissioner Baer confirmed that there will be a comprehensive update which is part of the zoning ordinance update process.

Chair Lane opened the public comment period, and there were no speakers.

The public hearing was closed.

ACTION: It was M/S/C (Kilbreth/Langlois) to recommend to the City Council PLN 12-098; Zoning Text Changes Related To Emergency Shelters And Transitional And Supportive Housing; which carried unanimously by the following vote: 5-0-1 (Ayes:, Choi, Langlois, Reyes, Baer and Lane; Noes: None; Absent: Butt.

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Planning and Building Services Director Richard Mitchell said Secretary Langlois attended the previous Council meeting and heard appeals for the 156 unit Central Avenue project from the developer and the Council voted to deny both appeals. The project was approved as it stands

and the next step is for the developer to work with the envelope allowed and then the project will move onto the DRB.

Commissioners briefly discussed the appeal process associated with the Central Avenue project, and they thanked Secretary Langlois for relaying the Planning Commission's position. Mr. Mitchell explained the de novo hearing process and noted that at that point, the project is governed by actions of the City Council. He said staff does its best to accurately represent the Planning Commission's position.

Ms. Velasco noted that staff anticipates posting the Housing Element on the website and said she appreciates all of the public input the City received.

Vice Chair Choi reported that beginning in May, MCE Clean Energy will be enrolling the cities of San Pablo, El Cerrito and Richmond as members and residents will have a choice of their energy provider.

Secretary Langlois reported briefly on the Central Avenue project and said she urged staff to review information brought by a community member. She said they did adopt conditions to issue a CUP for this project by the Planning Commission and the CUP was presented to the City Council and included changes. The applicant's appeal did not have much detail to it and was vague, but the City Council did not uphold either appeal, hence the Commission's vote stands. She suggested reading the wording of the motion which is on page 575 of the City Council agenda packet and be clear on the rationale and asked staff to ensure this is how the CUP is presented to the applicant.

Secretary Langlois asked for an update from staff on timing for the form based code map zoning designations. Ms. Velasco said due to staffing constraints and other priorities, it has been pushed out further than they had anticipated. Once the draft amendments have been prepared and completed, staff hopes that in May a community meeting can be held.

4. Adjournment - The meeting was adjourned at 7:19 p.m. to the next regular meeting on May 7, 2015.