

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

450 Civic Center Drive, Richmond, CA

February 4, 2016

6:30 p.m.

**COMMISSION MEMBERS**

Sheryl Lane, Chair  
Nancy Baer  
Ben Choi, Secretary  
Jen Loy

Marilyn Langlois, Vice Chair  
Andrew Butt  
Jeffrey Kilbreth

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:** Vice Chair Marilyn Langlois

**INTRODUCTIONS**

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

**MINUTES**

September 7, 2015

**ACTION:** It was M/S/C (Baer/Loy) to approve the minutes of September 7, 2015; which carried unanimously by the following vote: 5-0-1-1 (Ayes: Baer, Butt, Choi, Kilbreth and Loy; Noes: None; Absent: Langlois; Abstain: Lane).

October 15, 2015

**ACTION:** It was M/S/C (Choi/Butt) to approve the minutes of October 15, 2015; which carried unanimously by the following vote: 6-0-1 (Ayes: Baer, Butt, Choi, Kilbreth, Loy and Lane Noes: None; Absent: Langlois).

December 17, 2015

**ACTION:** It was M/S/C (Choi/Butt) to approve the minutes of December 17, 2015; which carried unanimously by the following vote: 6-0-1 (Ayes: Baer, Butt, Choi, Kilbreth, Loy and Lane; Noes: None; Absent: Langlois).

**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 Tuesday, February 16, 2016, 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. Commissioner Butt requested removal of Item 2.

**Item Approved on the Consent Calendar:**

**NEW ITEMS**

**CC1. PLN15-677: A Better Chance School Conditional Use Permit Modification - PUBLIC HEARING** to consider a request to modify Conditional Use Permit 1100056 to expand an existing educational facility adding two classrooms, four offices and one open activity area at 4136 Lakeside Drive (APN: 405-500-011). M-1, Industrial/Office Flex District; California Autism Foundation, owner/applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval.

**ACTION: It was M/S/C (Baer/Loy) to approve the Consent Calendar consisting of Items 1 and 2; which carried unanimously by the following vote: 7-0-1 (Ayes: Baer, Butt, Choi, Kilbreth, Loy and Lane; Noes: None; Absent: Langlois).**

**Brown Act – Public Forum**

CORDELL HINLDER, Richmond, said he spoke regarding the proposed items for next month's agenda and said he spoke with the Richmore Village Association who continue to voice concerns with 7-Eleven, El Campasino Bar and Grill.

**Item Removed from the Consent Calendar:**

**CC2. PLN15-719: Magallanes Auto Repair Conditional Use Permit - PUBLIC HEARING** to consider a Conditional Use Permit application to operate an auto repair shop with ancillary retail at 500 23rd Street (APN: 515-180-014). C-2, General Commercial District; Joaquin Rodriguez, owner; Javier Magallanes, applicant; Planner: Jonathan Malagon; Tentative Recommendation: Conditional Approval.

Associate Planner Jonathan Malagon gave a brief overview of the request for a Conditional Use Permit, describing the location, zoning, existing and proposed non-conforming use of the property, parking, and he said the project is categorically exempt from CEQA. He stated staff recommends the Planning Commission adopt Resolution 2016-02 approving the CUP to operate an auto repair shop with ancillary retail.

Commissioner Butt said he sees another automobile repair shop across the street which has a CUP and he noticed there were vehicles parked in landscaping, on the sidewalk, and in other areas. He wants to ensure there is a condition included to require that vehicles be restricted from parking anywhere in the exterior of the building and that those being worked on not be stored.

Commissioner Butt said he also thinks it is worthy to require street trees on the property and he asked that a condition be included in the CUP approval.

Ms. Velasco stated the 23<sup>rd</sup> Streetscape Project has street widening requirements, and staff elected to install trees that could potentially be removed in the next few years so it creates a bit of a conflict to install trees now, as the curb will change. She agreed that staff will look at this more closely and determine whether the Parks Department could be contacted to install trees or with the applicant to install trees.

Commissioner Baer noted she is on the Board of Groundwork Richmond that coordinates this program. There have been discussions with the 23<sup>rd</sup> Street merchants and was not sure this address is part of changes in the street. There is a plan for planting on 23<sup>rd</sup> Street and she could have someone check and ensure the auto repair shop is included in that discussion and point out the need for trees on Barrett Avenue.

Commissioner Butt said his inclination is to include a condition to install street trees along Barrett Avenue in cooperation with City standards.

Mr. Malagon referred to the inoperable vehicles left out in the landscaping, street and sidewalks, and said staff has attempted to address this in Condition No. 17.

Commissioner Kilbreth said in theory, he supports Commissioner Butt's request, but could not imagine there is enough room on the Barrett Avenue side of the building. Commissioner Butt said he based his request on his site visit, noting it is a fairly wide sidewalk. He suggested the condition be worded to be flexible.

Chair Lane called upon the applicant to speak, and thereafter public comment.

JAVIER MAGALLANES, Applicant, clarified that the auto repair shop will provide full services and will operate inside of the building. They have certified technicians, excellent customer service and high quality work, which allows them to be competitive with other auto repair shops. He said they deal with local parts stores, have been operating in Richmond, would like to attend neighborhood meetings, and support installation of street trees. He stated their hours of operation are Monday through Friday 8:00 am to 6:30 pm and Saturdays 8:00 am to 5:30 pm and he thanked the Commission for their consideration.

Public Comments:

JAMES RICKEY "RANDY", Richmond, said he has known the applicant over 20 years and has an exemplary business history, is a good family man and has never had any problems. He thinks his business would be an asset to the neighborhood and highly recommended approval.

HORMES SOTO, Richmond, said he has known the applicant for many years and can provide a good recommendation as a customer. He said he treats people fairly of all cultures and he would like to have this type of business in the community.

PAUL HANSEN said he has a construction company based in Richmond and has taken his vehicles to Mr. Magallanes for over 20 years. He maintains all construction vehicles which provide him with a way of operating older vehicles for a longer period of time. He also takes his personal vehicles to his business, was his neighbor and his business was always well maintained.

NELSON CORREA echoed comments of speakers and said he has been a customer over the last 5-7 years. He most likes the fact that Mr. Magallanes' shop is always kept clean. There is never any oil, garbage inside or outside and he maintains the shop very well.

Mr. Malagon summarized staff's recommendation stating that the Planning Commission is asked to adopt Resolution 2016-02 approving the CUP to operate an auto repair shop and ancillary retail operation.

Commissioner Baer said she was impressed with the quality of business proposed and said a lot of thought has been given to the community. She asked to resolve the issue regarding the street trees through a condition which might state that the business owner will pay for the trees and for them to be consistent with the City's street tree program.

Commissioner Butt suggested the applicant reach out to Richmond Trees who operates in North and East Richmond who can help facilitate the condition. He thinks the business will be a big asset to the area and he simply wants to ensure that the street frontage have landscaping.

Commissioner Baer said the urban forestry effort and tree planting in Richmond is still being formulated. There is an Urban Forestry Advisory Council that has been convened and is discussing a number of public policy issues on tree planting throughout the City. She suggested staff confirm whether this should be referred to the Urban Forestry Advisory Council.

Ms. Velasco stated the UFAC has been appointed by the City Council. She was unsure of their charge and the Council has not adopted the Urban Greening Master Plan which is still under development; however, based on the discussion, she thinks a condition could be added that requires the applicant to provide a minimum of 4 street trees meeting City standards and specifications unless a lesser number is determined to be more appropriate.

Commissioner Butt said he did not want this bogged down and said the City has a program called Adopt a Tree which is something implemented by filling out a form. Staff knows what trees are on the list, and he did not see this as something that needed to be vetted by another group. The City has the parameters to work with the applicant to get the right trees there expeditiously.

The public hearing was closed.

**ACTION: It was M/S/C (Butt/Baer) to approve PLN15-719 with the staff's 4 findings and staff's recommended 25 conditions and an additional condition that there be 4 trees planted along the Barrett Avenue frontage in consultation on tree species and recommendation from the City of Richmond Parks and Recreation Department, and that**

the trees be maintained by the applicant; which carried unanimously by the following vote: 6-0-1 (Ayes: Baer, Butt, Choi, Kilbreth, Loy and Lane; Noes: None; Absent: Langlois).

### **STUDY SESSION ITEM**

3. **PLN16-038: Zoning and Subdivision Ordinance Update** - STUDY SESSION to receive and provide comments on the draft Issues and Options paper for the Zoning and Subdivision Ordinance Update to bring these regulations into conformance with the City's General Plan 2030. The Issues and Options paper (available online at [www.zonerichmond.com](http://www.zonerichmond.com)) includes diagnosis and technical recommendations for the Update. City of Richmond, applicant; Planner: Lina Velasco; Tentative Recommendation: Receive Comments

Senior Planner Lina Velasco said staff is presenting the Issues and Options paper developed by the City's consultant, Michael Dyett of Dyett & Bhatia, who will provide a PowerPoint presentation. Thereafter, staff has questions for the Commission and will take comments and questions from the Commission. Staff will be returning monthly until June to hold study sessions, present preliminary zoning text amendments for discussion and public input. Additionally, open houses will be held for the public so that questions can be taken and answered.

MICHAEL DYETT, Dyett & Bhatia, gave an overview of the Issues and Options paper, stating there are many good things in the General Plan which will enable Richmond to implement and realize its vision. He said it is important to introduce flexibility to make the City an attractive place for new investments and for great projects to come forward and be approved. The City also needs to think of its environment and how they can use zoning to get community benefits to implement all of the City's sound planning ideas.

Mr. Dyett said the City has considered the formed-based code, have been talking with and holding stakeholder interviews on projects and one idea that has emerged is not to have many sets of rules, but one citywide set of procedures or standards for land use regulations, signs, and permitting.

Mr. Dyett then discussed their eight recommendations, as follows:

- They are thinking of a new format that has a logical progression which puts frequently consulted provisions up front and the less frequent toward the end. It has a rich table of contents with graphics and design development standards and if things duplicate or are unnecessary, they can be removed. They also want to continue what the City does in its land use ordinance through its use groups, but these need to be refined, from single room occupancy hotels to health and fitness studios which are not regulated well today. They will be developing tables to see how these regulations fit which is much easier than going through the lists in the current code. Four new districts are needed of the General Plan; mixed use and live/work; hillside development district; the transition and buffer zones in the industrial area; and an expanded historic preservation district by the downtown. They will be doing a web-based ordinance where people will be able to find their way around with hyperlinks and cross references.

- The second topical area is the development review and approval process. The General Plan said streamline it if possible and reduce the number of CUP's, think about when non-conformities may be created in specific plan areas but they may not be created impacts on neighbors. It will make the process work more straight-forward. Also, when understanding what a use is and having clear standards for it, he suggested making it as of right. Using additional standards can protect CUPs as reserved for things where there may be unforeseen conditions because there are standards and the applicants know what they should do. They want a more nuanced approach to non-conformities city-wide.
- Another important area is in the mixed use corridor which is the centerpiece of the new General Plan. Currently the City does not have development standards that are tailored to the mixed use concept or the flexibility in the use regulations. The City may want to have some incentives to help make infill happen which could allow for standards to be relaxed in certain areas or combine them with additional floor area if community benefits are provided such as wider sidewalks, plazas or community facilities. Mixed use needs to offer flexible development standards so the objective is achieved.
- He said the General Plan asks the City to protect existing businesses but also think about ways to bring in new businesses to get job generating, tech generating uses, and there are many ways to do this by having general categories of industrial development so they have a lot of flexibility and are subject to performance standards so they are not creating adverse impacts.
- The General Plan wanted to bring walkable neighborhoods back, given people can walk and meet their daily needs and it is not now allowed by right in the SFR. They think it is important to talk about quality design in the public spaces, gathering areas and neighborhoods and bring into zoning and subdivisions these new ideas in the General Plan such as Complete Streets concepts for the subdivision ordinance and establish standards to get buildings to relate to sidewalks and build a pedestrian environment, think about implementing the height FAR maps in the General Plan and foresighted architecture supported by landscaping outdoor living areas. Standards could really help define an envelope or get more flexibility where the architectures of the buildings are more inviting with upper story step backs along the street, standards that address the down sloped walls that might be over powering to some residents. Front entries in neighborhoods could be enhanced with landscaping and setbacks to the garage doors rather than having the garage door dominate the street.
- Regarding housing variety and choice, they looked at tiny homes and have thoughts about how they can be a valuable long-term asset and not become substandard housing. They want to be sure that land for housing is used at intensities and the General Plan said put minimum densities in place. This density might be set at 80% or the lower end of the range. The City may want to use a FAR as well on some housing types to avoid over-building to address scale. For density bonus programs, many cities are trying to go beyond what Sacramento asks for and get some exciting mixed income projects. They will be looking at what peer cities are doing and this was a Council referral.
- Lastly, The City should make sure that sustainability standards are incorporated into the ordinance and subdivisions and zoning such as Cal Green and other ordinances at the state level. The City wants to do at the local level what is important to implement these.

He thinks they can do solar energy and other renewable and in thinking how they might offer incentives to people who see these state standards and ensure these work together and it is a win/win for the City and developers. There is good experience also with the dark sky association that advises people set a lighting budget and let lighting designers work with architects to determine how to best light a sidewalk or plaza but keep overall lighting shielded down. In the hillside overlay district, they will make suggestions as to how to define them in terms of height restrictions and design standards and they will look carefully at creek corridors to facilitate daylighting of creeks and protect the corridor. Lastly, this past month they looked at streamlining approvals for cell tower improvements. They also are looking at areas that had been industrial that had been downzoned to open space and whether there is a way for those development rights might be transferred into other development areas, which is called the transfer development rights program.

Lastly, Mr. Dyett concluded his presentation with 4 questions for the Commission which are: 1) Will these recommendations do the job they had in mind, 2) are there other issues the Commission wants them to delve into; 3) have they gone too far in some areas or not far enough; and 4) what would be the Commission's priorities for their work.

Chair Lane thanked Mr. Dyett for his presentation and asked for Commission questions. There were none and she opened the public comment period.

Public Comments:

KATHLEEN WIMER said the Housing Element speaks to the urgent need in Richmond for housing of low income people. There is a section on affordable housing and access to housing, and she is active with the Richmond Progressive Alliance Housing Action Team and are concerned that there be stable housing for those poor and marginalized people. This draft Issues and Options paper seems virtually silent on the subject of low income, affordable and socio-economically integrated housing and she asked the Commission and the consultant to address this subject and look at tools such as in-lieu funds and other options.

PAUL MINAULT, counsel for Allied Propane, referred to the non-conforming use provisions in the existing zoning ordinance and said this has been a great concern to businesses and industries in the City and he is pleased that they are being looked at. They have held communications with City staff and consultant and other businesses and are cautiously optimistic that they are moving in the right direction. He said their concerns are that the non-conforming use provisions of the zoning ordinance would be appropriate, as they focus on uses that are an issue for the City and not ones that are not. The current zoning ordinance is a blunt instrument and they are glad it is being refined. They are thinking that in regard to the Richmond Bay Plan, they would also propose phase-in provisions for non-conforming uses because that plan has a 35-40 year development period and some businesses could be kicked out of town too soon decades before their properties are ready to development. They want to also avoid the situation where businesses over-stay their welcome and they impede the City's plans. He suggested an art to crafting the ordinance in such a way to achieve those goals. Lastly, he knows it will take the Commission's work to determine an innovative way to make this work for everybody and thanked the Commission.

MARY SELVA, President, RANC, said RANC submitted a letter and while they did not have time to read through the entire report from the consultant, but they are concerned about building

height in their neighborhood. They want to be sure there is compatible existence given small lots and they submitted an earlier letter on September 20th. The CUP with conditions is extremely important and they have a growing number of massage parlors in their neighborhood that have been trouble. They also have transients causing trouble and crime and they need some way to retain the CUP process in order to be able to request revocation.

DAVE HARRIS, RANC Boardmember, said without realistic input on these zoning issues the RANC has not had sufficient time to evaluate or respond adequately to all bad concepts delineated in this report which was just released to the public 6 days ago. They only received notification on Monday. Apparently the City does not expect residents of Richmond to evaluate, understand or agree to all zoning concepts. It is not reasonable to expect residents to provide sufficient input to change or reject these concepts in just a few workshops and community meetings. One very bad concept is the 'by right' incentive allowance for any mixed use and infill development which permits outright approval of increased density, building heights and FAR bonuses as well as reduction of setbacks and on-site open space all without a public hearing and discretionary permit process. This recommendation by the consultant is like applying a state density bonus law to any mixed use development which is also by right. Development companies routinely misuse the density bonus law by enticing cities into over-building a project and then leaving town. This is unacceptable for Richmond and he asked that the Planning Commission reject the report and send the zoning ordinance back to the drawing board.

JERRY YOSHIDA, RANC Boardmember, many points made by the consultant were good but there were many bad points and it is troubling that RANC has not had a lot of input along with other neighborhood councils. He asked for more opportunity to review it before it proceeds on and referred to page 6 quotes which state, "Residents must be treated justly in the process, assure fairness to all, be clearly defined and usable, high quality and well-designed development." However, he thinks the stakeholder comments are of concern. Residents were not properly represented, did not have time to thoroughly review and comment on this and RANC does not agree with the direction of this zoning ordinance. Some examples include fast track approval by staff without review for infill development which affects most of the developed city.

GARLAND ELLIS, Vice President, RANC, said there are several troubling issues that are going to come up with commercial properties and on page 18 it talks about commercial and mixed use, but it does not list commercial separately. In other words, the City is promoting the "European model". The problem is that this does not fit for most commercial entities these days. He only know of one instance where an owner lives above the business. They all live elsewhere and most often do not want to live above their business.

He said what is being used as formed based code is brand new and made up. Many concepts are going to be ambiguous, open to interpretation, very difficult for residents and commercial builders as to what to expect in the future. There are things like mandated requirements for windows and displays on all commercial buildings, but in some instances this is not appropriate. There are incentive programs such as cultural based retail, healthy food stores, liquor store conversion, neighborhood serving corner stores, retail attraction programs which are all for smaller businesses. There is nothing here to promote industry or larger commercial entities and he asked how Richmond is going to have jobs for the people of this city if there is none of this. All smaller businesses cannot support the amount of business in the City.

CORDELL HINDLER, Richmond, echoed comments of the RANC speakers. He has been to DRB meetings and thinks that the Central Avenue project buildings are too high which he did not support. He thinks there needs to be more businesses in Richmond which will produce jobs.

KATHRYN DIENST said if there is any area she feels is preliminary speculative is faulted on is definitely flexibility over certainty and density over height. Our plan for 2012 has two criteria for all land use categories in Section 3; height, which the planning department and Mr. Mitchell categorically ignore, and density which they try to raise and enforce through a variety of techniques. She said she would like to have the consultant talk with the neighbors. She also feels that in proceeding down this path the only resort citizens may have would be to try to put something on the ballot which reduces density in the plan. If there really is an inconsistency and they are going to run with it in the direction citizens do not want, they may have to open up the planning process again.

She also said she feels like there are shoreline areas that should be protected citywide and also sections in the hillside part of the zoning which are quite good that say density can be reduced to protect views, protect vistas and minimize bulk should be extended citywide and not just hillsides. She also feels like the role of the DRB needs to be clarified. The planning department staff keep telling the DRB that they cannot consider height when in fact as written in the plan today, they can consider the size and height which then results in significant funds spent on the developer's side and citizens when they find in fact they are not compliant with the General Plan. She said she hopes the consultant will listen to citizens and not just go with the bias given.

LEISA JOHNSON thanked the Commission for the opportunity to speak, although she said there was very short notice and many people did not have enough time to go through the documentation and provide sufficient commentary. She has become more actively involved in this process because she has been very disheartened and disillusioned about the process which is extremely unclear. The community has expressed this over 6 meetings just with respect to Terminal One. The DRB does not know their roles, the public does not know their roles, they are told they cannot focus on height and it is backwards. The project should know its height and density guidelines from the very beginning before it progresses down the DRB stage. It is a waste of taxpayer dollars, committee's time, developer and architect's time and it is inefficient and giving Richmond a horrible reputation. She has talked with developers, builders and architects on her own outside of the City and Richmond has a horrible reputation. The development height on the shoreline needs to be protected and the City is violating that to the point where the Bottoms property went through the DRB, Planning Commission and the City Council with a General Plan Amendment to the point where the City's offices could not even agree it should be a General Plan Amendment. They finally have it in writing from the City Attorney's office to the DRB on January 8<sup>th</sup>.

ARTO RINTELLA echoed comments of other speakers regarding short notice provided to comment on the matter.

CEZAR ZEPEDA asked the Commission who the stakeholders were, noting that it sounds as if none of the major stakeholders were considered. He invited the Commission to attend the Richmond Neighborhood Coordinating Council to meet with all of the councils at once and receive input from everybody. He said Hilltop is very different from the rest of the city and not everything always applies. He echoed previous speaker comments regarding the height restriction, low income and affordable housing in the City, opposition to fast tracking the process, and they want to be sure they have a say in what happens moving forward.

Mr. Zepeda said they also want to ensure that the horse is not put in front of the cart when it comes to infrastructure. Many projects often come through such as the school at Hilltop, but there is not enough parking, kids are running across the street at the mall and the infrastructure is not there. They want to be sure people can get to and from the different areas being developed. Parking, sidewalks, lighting and all of these things must be taken into consideration in Hilltop as there are many areas without sidewalks and lighting.

Chair Lane closed the public comment period and returned discussion to the Commission.

Commissioner Kilbreth said he would like to review the schedule of the decision-making process.

Michael Dyett of Dyett & Bhatia, said the current thinking is to prepare modules of regulations, to also continue to hold meetings with people and continue to have a process of input. They were going to have three packages of regulations; preliminary regulations at the second meeting in March, April and May and then from the Commission's and public's comments on those packages they would assemble a draft. They will hold at least 6 outreach meetings to introduce the draft to neighborhood councils and others. Based on the Commission's public comments, they will make revisions to that and then have a public hearing draft.

Commissioner Kilbreth referred to the slide in order to understand when decisions are going to be made and by whom. Mr. Dyett said the Commission will hear preliminary regulations and provide direction at meetings in March, April and May. Prior to each meeting they have suggested holding an hour long period of time for speakers to converse prior to each of the Planning Commission meetings. They also will be talking with staff about additional outreach to receive input. This was the process where in June, everything is put together, re-written and there is then a first complete draft. When the Commission is comfortable in making a recommendation to the City Council in the fall, it would do so. There may need to be additional hearings and they do not know at this point how many hearings will be needed because a lot will depend on how effective they are in listening to comments and possibly changing direction. They want to be sure people can be heard and also get documents posted early on the website.

Ms. Velasco stated there was a desired expressed by the Planning Commission that a zoning update is needed. Staff is trying to respond to stakeholders and address issues that planning, the Planning Commission and the DRB are bringing up. There are conflicts, development demand is high now and staff wants to be sure the rules are reflective of the General Plan priorities and policies. Staff does not want to create three classes of land use definitions and because all of these things are converging at the same they are trying to align that and will be looking through this process to complete that so there are one set of land use definitions where the visioning and set of permitting processes. There is not a lot of vision that goes into the zoning update. It is how they translate those policies and goals into regulations. They are simply updating it, integrating new ideas that were not in the previous General Plan into the new zoning. Staff feels comfortable they can achieve getting a draft out by June with public input through this process, having study sessions before the Planning Commission and once the draft is out, staff will plan to hold a community meeting focused on the Housing Element implementation, looking at second dwelling unit ordinances, tiny houses and mixed use development. The City has already received a lot of feedback and the Council is giving direction. They will be able to get public input in that process once the full draft is out and they will be focusing on regulations in more detail. And, some of the ideas being used in other

communities may not be something the public here may want to pursue and they may need to pull back a bit.

Commissioner Baer said she wants to understand the process that the community is going to be going through over the next year and in thinking about it differently, in taking what would be the March 17<sup>th</sup> date, it looked like there was going to be a community meeting on that day prior to the Commission meeting. She asked if there would also be a vote taken on that day. She said they talked previously about the second dwelling unit being folded into this zoning update. When she read the materials she had a hard time figuring out where that fit. She thinks there is a fair amount of community consensus on things like second dwelling units and recognized the staff work done, and therefore, she suggested moving forward.

Mr. Dyett said they also had a request from the City Attorney, given the recent Supreme Court decision, and this is why signs in March and there was some interim zoning. The second meeting would be in May. Regarding the open house and Commission conversation about the modules, the way it has worked effectively in other communities is that Commissioners would raise questions, suggest concerns, and discuss things. They would not; however, take any formal action. What works better is they would share concerns, ask questions, ask for more detail and their firm would take this back and refine the ordinance.

Chair Lane said she knows there is the issue relating to discretionary zoning and this poses concern from community members. She also recognizes the comments made relating to affordable housing which is a crisis throughout the Bay Area and we would want to ensure that other neighborhoods seen as unique neighborhoods are also looked to as possibly being distinct.

In terms of public education and outreach related to this update, she thanked everybody for coming to the meeting and speaking, but she is also concerned about those that do not attend meetings and she questioned how to get those people to understand what this is. During the formed based code process there were concerns and she thinks the City needs to do a better job to make people understand and how it will change the community. She also said small groups met during the General Plan process and this might be less overwhelming.

Commissioner Butt thanked everybody for participating in the process. Regarding the schedule, he thinks this strikes a good balance between public participation, Commission discussion and expediency. As Ms. Velasco mentioned, it is critically important that it happens soon because in the interim there is a void of comprehension about current zoning and conflicts that need to be resolved. The City will continue to hold public forums to receive public input through June in addition to additional Commission and Council meetings in the fall.

He understands Commissioner Baer's question and response relating to whether the changes will be implemented on a piecemeal basis versus discussion and implemented all at once, which makes sense. He was not sure whether it matters what the chronological order of what is implemented first or not.

The following items are things he would like to see discussed as this process continues:

- Hybrid zoning and the idea to encourage mixed use, walkable neighborhoods.
- Incentive zoning and looking at things such as having inclusion of parks, open spaces, historic preservation, affordable housing and sustainable design in projects.

- He is concerned with the state density bonus and the City tried to make a stand regarding appropriate levels of density, but state law prevails.
- They will be looking at marijuana legalization in the state and there are many existing illegal grow operations. The Council passed a ban on these and the City needs to get ahead of this for the inevitability of it coming both in terms of sales and in terms of the agricultural aspect of it.
- Urban agriculture is successful in Richmond and they would want to encourage that and get it into the City's zoning.
- SRO's: It would be wise to encourage where appropriate. There are many aging populations that do not necessarily need or use cars and the kind of space a typical apartment has. There may be places where smaller, denser rental units could be allowed.
- Reduction of parking requirements and doing away completely with parking around transit centers. Also reducing parking lots and costs to projects for providing parking in a development could have positive aspects.
- Cell towers going up all over Richmond and he was told the City effectively cannot do anything about it, but he would like zoning to address it when possible.
- Effectively reducing ambiguity in zoning and making sure the City's zoning matches the General Plan and that it is not ambiguous about height and density.
- Common sense zoning: he had a friend who opened a business and he was trying to help her through the hurdles of requirements for a CUP. He thinks the City needs to reduce the red tape and fees residents must go through.
- By right bonus for mixed use goes back to his comments on incentive zoning. He thinks this needs to be vetted and it may be ways to word it to work.
- There are many charter schools going into Richmond and they do not necessarily go into places that are appropriate for them.
- Conflicting land use adjacencies: A vote on a recent dense housing project was tight because of concerns about pollution and the City should encourage business but at the same time not put people in danger.

Commissioner Butt thanked staff and the consultant and speakers for their participation and work in the process.

Commissioner Loy said she would like to know more about what the powers of the Planning Commission are around incentivizing affordable housing and local hire issues and other community benefit issues. As well, it is very important they see a meaningful community process so people can feel like they are being heard. She appreciated suggestions made by Chair Lane as some people felt hurt in the process. She was happy to see healthy food outlets were identified as community nodes and corner stores, as well as bike/pedestrian issues, and she looks forward with learning more.

Commissioner Choi said he thinks much of the concerns voiced is the sense of urgency and he stressed the Commission is at the beginning of this process and he thinks there will be plenty of time for education and input. He thinks the City has struggled with right-sizing the schedule. The form based code was a half dozen years in the making and he thinks that the City is processing it thoughtfully with many opportunities for the public to provide comment.

Commissioner Kilbreth said he thinks there is an important opportunity here to build trust in the community. There has been a lot of contention around many issues ranging from the way developers behave and their attitudes to the way the City Council has chosen to use General

Plans. He thinks the compromise they need to be looking for or the balance is how to find the flexibility the City needs to support development and to get quality development.

He supports streamlining the process but the only way to do that well is to figure out a way to talk about limits on flexibility because if flexibility is unlimited and in fact projects get approved and through the process, it sometimes leaves some people being bitter and mad about feeling like they were not heard. This means the City has failed in that they have not protected residents' opinions about how to preserve or develop neighborhoods and they created bad will.

He had suggested putting an actual project through the new zoning and explaining how it would be processed so it makes it real for people. He would recommend the Central Avenue project in that regard because it touches on affordable housing, height, density, and the state-mandated density bonus.

It would be great that in the interest of providing predictability and clarity for everybody, zoning should talk about degrees of flexibility and limits on flexibility. The other is how does the City manage the discussion with the citizens of Richmond in a way that results in what people and the City want to achieve. He wants to make sure that the meetings held spend their time on the really important issues that residents really care about. There is a lot of detail and information and some things are 'small potatoes', but for the public in particular he thinks the City should focus time on the issues the residents really care about.

## **COMMISSION BUSINESS**

### **4. Reports of Officers, Commissioners and Staff**

Ms. Velasco announced that the Historic Preservation Commission has released the 2016 award nomination forms for the Historic Preservation Awards which are planned to be awarded in May. The nomination form is available on-line as well as at the planning counter. Nominations are due March 24<sup>th</sup> and she welcomed nominations.

Mr. Mitchell gave the following update:

- Staff will be providing a brief presentation for the Richmond Neighborhood Coordinating Council where they will go over development projects, and this will be coming to the Commission, as well, to provide an update.
- In terms of the market, there appears to be a great deal of interest in distribution facilities.
- The City Attorney's Office is working through the cannabis issue.
- Staff is receiving inquiries from various developers interested in Hilltop Mall which is up for sale, and staff is using the General Plan to inform potential buyers about that project.
- Housing remains a challenge and the process for producing it is too long and the cost too high. In the absence of the tools redevelopment had once provided for cities like Richmond, they are having a difficult time competing with Dublin and other cities where the market is providing energy to support housing costs. In infill sites the City needs very expensive and efficient buildings. These are the right buildings for many of their infill sites but it is a struggle to get these buildings pencil out and residents must be supportive of them.

Commissioner Kilbreth asked Mr. Mitchell to provide a periodic email as a development update, and Mr. Mitchell stated staff can include this in the Commission packets as background information.

Commissioner Kilbreth said someone said the City Council provided input to the zoning changes, and he would like to know what they have provided. Mr. Mitchell clarified the consultant met with some Councilmembers to get initial input and also with some Commissioners.

Ms. Velasco said the Council direction Commissioner Kilbreth is referring to is that the Council requested staff work on a creek ordinance and bike facilities. These were resolutions that were passed and she will provide these. They have also held study sessions on affordable housing and second dwelling units.

Commissioner Loy extended a welcome to her former classmate Jonathan Malagon who is now a planner for Richmond.

Commissioner Baer welcomed Mr. Malagon as well. She announced that there will be a workshop called Tackling Affordable Housing and Displacement Challenge which is relevant to issues discussed tonight. It will be hosted by MTC and ABAG on February 20<sup>th</sup> from 9AM to 1:30PM at the Oakland Marriott Center.

Chair Lane welcomed Mr. Malagon to City staff and noted this was his first meeting.

**5. Adjournment** - The meeting was adjourned at 8:43 p.m. to the next regular meeting on March 17, 2016.