

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

450 Civic Center Drive, Richmond, CA

August 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 6:30 p.m.

Chair Lane led in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Chair Sheryl Lane; Secretary Ben Choi; and Commissioner Nancy Baer and Andrew Butt

**Absent:** Vice Chair Marilyn Langlois; Commissioners Jeffrey Kilbreth and Jen Loy

**INTRODUCTIONS**

**Staff Present:** Planning Staff: Lina Velasco; Roberta Feliciano, Director of Planning Services Richard Mitchell and Assistant 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 Tuesday, August 16, 2016 by 5:00 p.m. and announced the appeal process after each affected item, as needed.

**CONSENT CALENDAR**

Chair Lane stated Items 2, 3 and 4 were on the Consent Calendar and she asked if Commissioners, public or staff wished to remove an item from the Consent Calendar. Commissioner Baer requested removal of Item 2. Chair Lane moved Item 1 which is being held over for consideration on the Consent Calendar.

**Items Approved on the Consent Calendar:**

**NEW ITEMS**

**Public Hearing(s):**

- CC3. PLN16-291: Nico's Wood Fired Pizza** - PUBLIC HEARING to consider a Conditional Use Permit for an eating establishment with on-site beer and wine sales in an existing commercial building at 12478 San Pablo Ave. (APN: 519-010-024). CM-3 Commercial Mixed Use, Commercial Emphasis District. Timothy Manhart, owner/applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval.
- CC4. PLN16-366: T-Mobile Wireless Communications Facility Modification** - PUBLIC HEARING to consider a Conditional Use Permit modification to add three new panel antennas and three radio remote units (RRUS) behind a rooftop screen painted to match the exterior of the building at 5221 Central Ave. (APN: 510-081-055). CR, Regional Commercial District; Northern Properties LLC, owner; Greg Davis, applicant; Planner: Jonathan Malagon; Tentative Recommendation: Withdrawn.

**HOLD OVER ITEM**

- 1. PLN16-084: Richmond Wholesale Meat Conditional Use Permit - PUBLIC HEARING** to consider modification or revocation of Conditional Use Permit CU 96-2 pursuant to RMC Section 15.04.990 for Richmond Wholesale Meat at 2920 Regatta Blvd. (APNs: 560-130-010, 011, 012, 013, 014, 015, 016, 017, 018, 021, 560-140-009, 011, 012, 015, 016, 017, 018, 019, 020, 025, 560-111-003, 005, 006, 007, 008). IL, Industrial Light District. PLN LLC, owner; Richmond Wholesale Meat, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Hold Over to 9/1/2016.

**ACTION: It was M/S/C (Butt/Choi) to approve the Consent Calendar consisting of Items 1, 3 and 4; which carried by the following vote: 4-0-3 (Ayes: Baer, Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy).**

**BROWN ACT – Public Forum**

CORDELL HINDLER spoke of new ideas for downtown Richmond involving a hotel and suggested a community center be developed in the Bank of the West building.

**Item Removed from the Consent Calendar:**

- CC2. PLN15-529: Jimi Z Grill** - PUBLIC HEARING to consider a Conditional Use Permit for an eating establishment at the Golden Gate Meat Company Distribution Center at 933 Wright Ave. (APN: 560-231-011). IW, Industrial Water-Related District. Golden Gate Meat, owner; Gary Le, applicant; Planner: Hector Lopez; Tentative Recommendation: Conditional Approval.

Roberta Feliciano, on behalf of Hector Lopez, presented the staff report and described the scope, layout, zoning, and key elements of the request for a Conditional Use Permit (CUP) for an eating establishment at the Golden Gate Meat Company Distribution Center. Staff recommends the Commission adopt Resolution 15-27 approving the requested CUP subject to conditions.

Commissioner Baer commented that her questions were answered from staff's presentation relating to zoning.

Commissioner Butt said the current interim zoning does not allow for eating establishments in this zoning, and he asked staff why it was allowable in this instance.

Ms. Feliciano stated the application was received before the interim zoning was adopted, and there is a provision in the zoning that points back to the previous zoning ordinance regarding accessory uses and an eating establishment is conditionally allowed. If the application was received after the interim zoning ordinance's adoption, the use is accessory and conditionally allowed.

Chair Lane stated a letter was received with two conditions proposed and she asked and Ms. Velasco explained that the application is for a strictly to-go eating facility and no seating is provided. However, there is no specific condition that prohibits on-site consumption. The Commission could add the requested condition. Regarding the second additional condition, she noted this is a meat facility and located in an industrial area. She noted the applicant was not present, but she suggested the Commission determine if such a condition was necessary.

Commissioner Butt asked if a certain amount of parking would be dedicated to this accessory use.

Ms. Velasco stated there are a total of 52 parking spaces. Based upon the ratio, they would need to dedicate a minimum of 4 spaces for the eating establishment and are proposing to provide at least 7 spaces dedicated for that use. There is also a condition to add two bicycle parking spaces that would support the new eating establishment.

Commissioner Butt noted the location is across from the Bay Trail and he suggested conditioning more bicycle parking.

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

Ms. Feliciano summarized staff's recommendation for approval of the CUP.

The public hearing was closed.

Commissioner Butt referred to the letter from the Sims attorney and recommendation to include an acknowledgement that the area is industrial, and he asked how this would serve as a condition.

Ms. Velasco suggested that by issuance of the CUP, it is acknowledgement of accepting the conditions. Attorney Privat stated this is not a requirement of the applicant but simply a statement and did not need to be included.

**ACTION: It was M/S/C (Butt/Baer) to approve PLN15-529, with the recommended 4 findings and staff's recommended 12 conditions of approval, and to revise the condition to require accommodation for a minimum of 8 bicycle parking spaces; which carried by the following vote: 4-0-3 (Ayes: Baer, Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy).**

**STUDY SESSION ITEM**

- 5. PLN16-431: Junior Accessory Dwelling Unit Ordinance** - STUDY SESSION to receive comments on the preliminary draft Junior Accessory Dwelling Unit proposed to be added to Richmond Municipal Code Article XV, Zoning and Subdivisions. Planner: Lina Velasco; Tentative Recommendation: Provide Comments.

Senior Planner Lina Velasco stated the item is a study session as a referral from the City Council to receive the Commission's comments on the draft Junior Accessory Dwelling Unit (JADU) ordinance. The draft ordinance is included as well as AB 2406 which was introduced by Assemblymember Thurman which would authorize a local agency to provide the creation of a JADU and would require the ordinance include standards, a deed restriction and also identify occupancy requirements. It would prohibit an ordinance from requiring as a condition of granting a permit, water and sewer connection fees or additional off-street parking.

Ms. Velasco discussed development standards, limitation of size to 500 square feet and minimum size of 150 square feet, that it meet setbacks established for the primary dwelling, require owner occupancy of either the primary residence or JADU, prohibit the sale of the JADU independent of the primary unit which would be recorded, require a separate entrance from the primary dwelling and have limitations on the kitchen, allow for a shared bathroom configuration, specify no additional off-street parking, restrict the creation of a JADU to the existing living space of the residence and include the conversion of an existing bedroom.

She noted AB 2406 has experienced some amendments as follows:

- It requires a separate entrance from the main residence, but also requires there be a connection between the primary residence and JADU. This allows for a double-door configuration to provide for additional noise attenuation similar to a hotel room door.
- The deed restriction specifies it needs to include the attribute restrictions, specifically the limitations on the efficiency kitchen or a certain electrical voltage limitation.
- It also eliminates the owner occupancy requirement if the JADU and primary residence are owned by a governmental agency.

She displayed photographs of example efficiency kitchens and said staff is seeking direction on policy questions:

- Does the Planning Commission recommend the ordinance be included in the City's zoning ordinance?
- If so, should the City align it with AB 2406?
- Should the City restrict separate bathroom facilities or a shared configuration?
- Are the size requirement limits sufficient?
- Whether water and sewer assessments should be required?
- Whether potential conversion of attic space or basement space which is not an existing bedroom to accommodate a JADU's creation, or should it be limited to an existing bedroom conversion?

Staff would then share the feedback with the zoning update consultant and the new ordinance would be introduced in the draft update expected to be released on August 18, 2016.

Chair Lane opened the public comment period.

Public Comments:

JANIS MARA, Richmond, stated she would like to build a junior dwelling unit in the first floor of her home and requested a waiver, as her lot is not 5,000 square feet. She lives next door to a 4-plex apartment building and she would be happy to obtain support from neighbors.

CORDELL HINDLER, Richmond, supported the creation of JADUs in Richmond.

ROCK BROWN thinks the parking and bathroom configurations can be taken into account by the Commission. There is great need in Richmond for JADUs and said employees try to live closer to jobs and be able to afford rents. He thinks it is time to develop JADU's and a strong need for this type of housing.

Chair Lane said the concept is new to her and she asked if a double door would be required. Ms. Velasco stated the draft specifies there needs to be a separate entrance, but the Assembly Bill requires that it have a separate entrance from the dwelling and also include access to the other living portions to the main house. A double door could be added for noise attenuation, but this is not a requirement. She clarified that if the bathroom is shared in the home, there would need to be interior access to the home. If AB 2406, she asked how this would affect local ordinances.

Ms. Velasco stated the way it is being drafted cities may adopt ordinances or not. If cities do adopt ordinances, there are restrictions which relate to no off-street parking and sewer or water connection fees.

Chair Lane asked if there were occupancy limits for JADUs. Ms. Velasco clarified that both the ordinance and Assembly Bill are silent, but it does restrict it to allowing one JADU per parcel which is zoned for single family containing a single family residence.

Chair Lane said given the housing crisis she could see how this could be challenging with the potential for entire families living in a unit. In terms of permit fees and inspection costs, she asked and clarified that this will depend on the scope of an overall project, but it is meant to be less costly than creating a second unit.

Commissioner Baer asked if there was a lot size limitation and referred to Ms. Mara's concerns. Ms. Velasco stated as long as the lot has a primary residence, a bedroom can be converted. Ms. Mara may have basement space which is not currently living area that she would want to convert, and the ordinance requires including an existing bedroom to establish the unit.

In response to Commissioner Choi, if someone is creating an additional bedroom, staff would look at parking requirements.

Commissioner Baer said she would favor being flexible in terms of what portion of the house could be converted. She questioned garage, attic or basement space, noting she did not see why other spaces should not be included.

Ms. Velasco explained that AB 2406 would not limit only bedrooms but it would require that a bedroom be included in establishment of the JADU. Part of the argument is that by converting

an existing bedroom, it should offset the need for additional off-street parking. However, the Commission does not have to adopt it in this manner.

Commissioner Butt said his concern is that if a garage were converted one or two parking spaces could be lost while potentially creating more parking. Also, parking is a problem in some neighborhoods and depending upon the number of people living in a JADU, this would be a concern. His understanding is that the City of Novato first adopted an ordinance for JADUs and he asked if they were contacted.

Ms. Velasco stated Novato adopted the JADU ordinance in lieu of a second dwelling unit ordinance to satisfy the state's obligations. The City of Richmond already has an ADU ordinance and therefore, an owner cannot have both an ADU and a JADU.

Commissioner Butt supported JADUs but he was unsure about the potential for overcrowding in smaller units. While he was not sure it was allowed, he suggested a certain amount of square footage be included per persons living in a JADU in an effort to address this.

Ms. Velasco stated initially, this most likely would not be a problem, but over time the occupancy number would be hard for the City to enforce. The Building Code is silent but there is guidance from the Fire Code in terms of how many square feet per people could live in a room, and it does tend to be 2 people but it allows for a child or baby.

Chair Lane referred to conversion of other parts of the home such as an attic, basement or garage. She agrees removal of a garage would be impactful. The basement or attic is already a part of a home so she thought this might be allowed.

Ms. Velasco said in this case, the basement is not part of the main house where people are sleeping, and by introducing the conversion of other spaces this increases the number of people sleeping at the home which could trigger additional parking.

Commissioner Choi discussed parking requirements and JADUs and customizing the ordinance to the needs of Richmond.

Ms. Velasco suggested that the unit must be within the existing walls of the existing residence, and not have the requirement that it include a bedroom which may address comments. Staff can explore options for this and present them again in a revised draft that would come out in the zoning update process.

Commissioner Choi discussed the separate door issue, but he did not understand why there would be a requirement for the adjoining door as well. Ms. Velasco stated she believes that part of the intent might have been to allow access to other parts of the house that could expand the space of the JADU if it contains more people. But this was left as general in case there were shared sanitation facilities. She stated staff could revise it not require the additional door if there were completely independent facilities.

Chair Lane concluded the study session.

## **COMMISSION BUSINESS**

6. i) **Vote to suspend Section 6.2 of the Procedural Rules of the Commission providing for the election of officers at the regular meeting of the Commission in July of each year; and**

**ACTION: It was M/S/C (Choi/Butt) to vote to suspend Section 6.2 of the Procedural Rules of the Commission providing for the election of officers at the regular meeting of the Commission in July of each year; which carried by the following vote: 4-0-3 (Ayes: Baer, Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy).**

- ii) **Vote to hold the election of officers at the Commission's first meeting in September 2016.**

Chair Lane asked for volunteers to be on the Nominating Committee. She noted that 10 days prior to the meeting, the committee must provide slate of names of those it wants to have nominated to staff, as well as Commissioners can self-nominate at the Commission meeting.

Commissioners Baer and Butt agreed to serve on the Nominating Committee.

- 7. Reports of Officers, Commissioners and Staff** – Ms. Velasco reported that the Richmond Wellness Trail is doing their charette next week on Monday, August 8<sup>th</sup> in the evening and concluding with the closing presentation on Thursday, August 11<sup>th</sup>. It will be held at Rich City Rides at their bike shop and staff encourages the Commission to join them.

Commissioner Choi reported that on Saturday, the Soil Not Oil group will hold an event in the morning at Richmond Auditorium. Later in the day there is also an Our Power Event in Nicholl Park.

Commissioner Butt stated on Friday, August 5<sup>th</sup>, Richmond will be 100 years old and a celebration will take place at the Rigger's Loft at 5:30 p.m. The attempt at breaking the Rosie the Riveter is next weekend, August 13<sup>th</sup> at the Memorial at Marina Bay.

- 8. Adjournment** - The meeting was adjourned at 7:35 p.m. to the regular meeting on September 1, 2016.