

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

450 Civic Center Drive, Richmond, CA

June 16, 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 6:32 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 and Jeffrey Kilbreth

Absent: Commissioners Andrew Butt and Jen Loy

INTRODUCTIONS

Staff Present: Planning Staff: Lina Velasco; Jonelyn Whales, Director of Planning Services Richard Mitchell and Assistant City Attorney Rachel Sommovilla

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, June 27, 2016 by 5:00 p.m. and announced the appeal process after each affected item, as needed.

CONSENT CALENDAR

Chair Lane stated the Consent Calendar consisted of Item 1, and she asked if Commissioners, public or staff wished to remove that item or add an item to the Consent Calendar. Staff indicated there were speakers for Item 1. Ms. Velasco indicated there were public speakers for Item 1 and the item was removed.

BROWN ACT – PUBLIC FORUM

CORDELL HINDLER spoke of new ideas for business and development in the City.

Removed from the Consent Calendar:

NEW ITEM

1. **PLN16-091: AT&T Wireless Facility Modification** - PUBLIC HEARING to consider a Conditional Use Permit modification to modify an existing AT&T wireless facility by replacing six antennas with six new antennas, installing six new remote radio units, and removing and installing other related equipment on the base station and in the equipment room for the subject facility at 5221 Central Ave. (APN: 510-081-055). C-3, Regional Commercial District. Northern Properties LLC, owner; AT&T, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval.

Senior Planner Lina Velasco gave the staff report and summary of the request to consider a Conditional Use Permit (CUP) to modify an existing wireless facility. She cited federal law surrounding the proposed project which does not constitute a substantial change and staff recommends the Planning Commission adopt the resolution to modify this facility.

Chair Lane called upon the applicant.

Christie Beltran, CVR Group representing AT&T, applicant, described the replacement of 6 antennas and adding 6 RRU's to the facility. She was available for questions or concerns and agreed with staff's recommendation for approval.

Chair Lane and Commissioner Kilbreth said staff recommended screening which could not be done and she asked what prevents this.

Ms. Beltran said screening is not required for the project as part of the project approval, and therefore, they will not be screening the facility. Ms. Velasco added that screening is required for new installations, but because of the new Middle Tax Families Relief, it would not require screening given it is a non-substantial change.

Public Comments:

CORDELL HINDLER, Richmond, voiced opposition to the modification of the facility.

JAMES REEVES, Richmond, distributed a picture of his house on Columbia and said this will be the third time the antennas have been modified. The units are 5 feet away from their fence and he voiced health concerns and real estate values. The antennas tower over their home and the Richmond HOA opposes the project, as well. He asked that the antennas be shielded and noted they will also be 12 feet higher. He works for PG&E and noted that one of the poles on the opposite side of the facility required work and the units had to be de-energized to work on their lines. He voiced concern about being near the facilities when energized and asked that the Planning Commission deny the CUP.

Vice Chair Langlois remembered Mr. Reeves had spoken at the last meeting, and she confirmed construction started late working through the night because AT&T did not want to interfere with businesses in the area. She referred to the existing versus proposed antennas, and verified the neighbors want the shielding done which was supposed to be done at the last installation.

Commissioner Kilbreth asked if there is any reason why antennas that are so close to Mr. Reeves' house could not be moved to the middle of the building and be further away. Mr. Reeves said this would be preferable and they had previously asked for this.

Mr. Mitchell explained that this was not what is before the Planning Commission tonight.

Rebuttal – Applicant

Ken Mintz, AT&T, reminded the Commission that this is considered as less than a substantial modification by the FCC. They have met all requirements for a minor modification which involves switching out of existing equipment and antennas.

Mr. Reeves said he did not believe the request was a minor modification and said antennas will be larger and heavier and structural changes will be made.

Ms. Velasco restated staff's recommendation to approve the request for the CUP.

The public hearing was closed.

Vice Chair Langlois asked about hours of work which should be done during the day so as not to disturb neighbors. Ms. Velasco stated Condition E is included which relates to noise for repairs, maintenance and other activities, and Vice Chair Langlois asked to add "implementation of the work" be added.

ACTION: It was M/S/C (Choi/Langlois) to approve PLN16-091 with staff's four findings and staff recommendations, as amended to add "implementation of the work" be added to Condition E; which carried by the following vote: 4-0-1-2 (Ayes: Baer, Choi, Langlois and Lane; Noes: None; Abstain: Kilbreth; Absent: Butt and Loy).

NEW ITEM

2. PLN14-316: Terminal One Residential Project - PUBLIC HEARING to consider a recommendation to the City Council on the certification of the Final Environmental Impact Report, Rezoning from C-C to a Planned Area (PA) district, and Vesting Tentative Map for the proposed Terminal 1 residential project which includes 334 residential units, commercial space, a waterfront park, as well as road, bay trail and other site and infrastructure improvements at 1500 Dornan Drive (Southeast of the Intersection of Dornan Drive and Brickyard Cove Road) (APNs: 560-420-010, 560-420-007, 561-010-007). C-C, Coastline Commercial with a Special Features Overlay (District No. 1, Brickyard Cove area). Project information is available online at www.ci.richmond.ca.us/terminalone. City of Richmond, owner; Terminal One Development LLC, applicant; Planner: Lina Velasco; Tentative Recommendation: Conditional Approval.

Senior Planner Lina Velasco gave the staff report and brief summary of the request of the Planning Commission to make a recommendation to the City Council on the certification of the FEIR, rezoning, and Vesting Tentative Map for the project.

Chair Lane opened the public hearing and called upon speakers.

The following speakers provided comments regarding the project:

Public Comments:

Brian Mulry, Victoria G. Cowen, Jacob Adiarte, Christopher Paul Rederick, Tony Sustak, Jim Fouche, Christina Lederer, Mike Lederer, Kay Franco, Paul O'Sullivan, Gene Scott, Ornaith Keane, Brian Lewis, Johanna Sistik, Simon Winer, Kathryn Dienst, Susan Hubbard, Jeffrey Vines, Leisa Johnson, Malcolm Bury, Cordell Hindler, and Larry Lewis.

Discussion returned to the Planning Commission.

In response to Commissioner Kilbreth's comments regarding wind impacts, Mr. Mitchell noted that EBRPD had an opportunity to respond to the FEIR and Ms. Velasco confirmed that any areas lacking or those thought by the Commission as having concerns could specifically be presented to the City Council. The applicant also briefly discussed their approach to studying wind which was deemed as appropriate.

Vice Chair Langlois agreed with identifying certain areas as specific recommendations to the City Council and asked for more simulation for Brickyard Cove Road, more information on wind impacts, sea level rise, views relating to Brickyard Cove Road, and financial impacts related to building a sea wall. She would leave out peer stability and EBRPD for the EIR, and suggested 4 conditions: 1) The roundabout should be included, 2) include turn lanes on Brickyard Cove Road; 3) include the request regarding working with local contractors, 4) that the total square footage of living space not exceed total square footage of the Toll Bros. 258 unit settlement amount.

Commissioner Baer echoed concerns of others and is still concerned with the project's height. She supported Vice Chair Langlois' suggestion that the square footage be kept to what was the earlier proposal, voiced support for the roundabout, asked that Fehr and Peers or another traffic engineering firm study its design, emphasized the need of bicycles there, concerns with sea level rise and financial concerns of having to build a sea wall, as well.

Commissioner Choi discussed his wavering position on the project and echoed concerns of fellow Commissioners in the project's square footage, noted the project's experiences with compromises, and cited the need for certain housing densities for the city.

Chair Lane agreed this is a difficult position in accommodating a new way of living, new building types while adhering to a General Plan which is flexible. She noted concerns with the 65 unit difference from the previous project and the project's scale.

Vice Chair Langlois cite concerns as the project not being different in square footage than the previous project, wind impacts and views.

Commissioner Kilbreth referred to Exhibit C and conditions of approval, stating he supports the developer's request to remove the 4 conditions, thinks Condition No. 3 for the applicant to meet with EBRPD regarding the trail link connecting to the ridgeline makes no sense, Condition No. 22 for the EV car strategy, suggested Condition No. 16 have some real teeth or omit it for wind screening to be 'considered' at the northwest entry plaza and Terminal One pier. For Condition No. 14, the site plan shall be modified to show garbage collection in the dog park location, he thinks the Richmond Yacht Club would prefer it be in its original location on Brickyard Cove Road.

He was unclear about the meaning of Condition No. 37; access roads “with a minimum unobstructed width of 20 feet shall be provided to the front and rear of structures. A minimum vertical clearance of 13’6” shall be provided.” Ms. Velasco clarified the vertical height relates to the fact they will have the north/south pedestrian bikeway. It will also serve as an emergency vehicle access and because of the bridge, this is needed, and staff can add an explanation about this. Commissioner Kilbreth said items like the sea wall as a cap on the columns from the deep soil mixing and waterproofing of the basement are analogous to conditions.

Chair Lane stated she thinks the Commission was close to a recommendation to the City Council. She referred to the design review recommendations, conditions in Exhibit C, voiced concern that the project be exactly comparable to the previous project, and was supportive of other comments for conditions by Commissioners.

Ms. Velasco stated the project is already planning for 3 feet of sea level rise and is being designed to adapt. It includes a monitoring program as well, and in talking about sea wall costs, she questioned its inclusion into the motion.

Commissioner Kilbreth stated it is a question of responsibility if sea level rise is greater than 3, 4, 5 or 6 feet, a sea wall will be necessary which is stated in the EIR. Mr. Mitchell agreed sea level rise was a world-wide issue, and he thinks the Planning Commission should simply recommend there be sufficient and on-going studies of sea level rise.

Commissioner Kilbreth stated he would like a clear understanding of how the HOA of the project would be able to handle the cost of a sea wall if sea level rise is greater than 3 feet. Vice Mayor Langlois agreed and said the City Council can consider this but this was the Commission’s concern and she wanted it included in the motion.

EXTEND MEETING

ACTION: It was M/S/C (Langlois/Choi) to extend the meeting for 10 minutes p.m.; which carried by the following vote: 4-0-1-2 (Ayes: Baer, Choi, Langlois and Lane; Noes: None; Abstain: Kilbreth; Absent: Butt and Loy).

Chair Lane suggested a motion.

ACTION: It was M/S/C (Langlois/Choi) to recommend PLN14-316 to the City Council with the following areas of concerns: 1) lack of simulation of the walking experience on Brickyard Cove Road; 2) need for increased information about wind impacts, particularly how the height of the buildings would affect the Richmond Yacht Club Junior Sailing Program; 3) provide more analysis on the impacts of sea level rise including waterproofing of the podium level and to determine the financial impacts and responsibility for eventual necessity to build a sea wall; which carried by the following vote: 4-0-1-2 (Ayes: Baer, Choi, Langlois and Lane; Noes: None; Abstain: Kilbreth; Absent: Butt and Loy).

Chair Lane stated the next motion is to consider the roundabout, turn lanes, wording in the LDA relating to carpenters union that “the developer agrees it will not utilize any general contractor or subcontractors that are currently or have been engaged in a labor dispute with the State of California”, and total square footage of the project.

Vice Chair Langlois stated because Toll Bros. went through a process, the previous project had a certain amount of living space, and the Commission's recommendation to the City Council is that this project not be any more than that. She also asked to make sure the Bay Trail's width is safe and Ms. Velasco stated it includes the additional barrier.

PLN14-316: Terminal One Residential Project - PUBLIC HEARING to consider a recommendation to the City Council on the certification of the Final Environmental Impact Report, Rezoning from C-C to a Planned Area (PA) district, and Vesting Tentative Map for the proposed Terminal 1 residential project which includes 334 residential units, commercial space, a waterfront park, as well as road, bay trail and other site and infrastructure improvements

ACTION: It was M/S/C (Langlois/Choi) to recommend PLN14-316 to the City Council that if they approve the Planned Area rezoning, it should include the following additional conditions: 1) turn lanes on westbound Brickyard Cove Road; 2) provide a roundabout at Brickyard Cove Road and Dornan Drive; 3) include the statement of the Carpenter's Union: "The developer agrees it will not utilize any general contractor or subcontractors that are currently or have been engaged in a labor dispute with the State of California in the past 4 years. For the purposes of this paragraph, a labor dispute holds the same meaning as set forth in California Code of Civil Procedures Section 527.3b4ii and iii."; and 4) that the total square footage of living space for the project shall not exceed the total square footage of the living space of the Toll Bros. project after it had been reduced to 258 units; 5) request that the developer negotiate an agreement with the Richmond Yacht Club that during the construction phase to provide cleaning of the boats and docks, add a retaining wall and fence separation of mutual agreement; 6) consider increasing over time the number of EV stations for vehicles; which carried by the following vote: 4-0-1-2 (Ayes: Baer, Choi, Langlois and Lane; Noes: None; Abstain: Kilbreth; Absent: Butt and Loy).

STUDY SESSION

3. PLN16-038: Regulations for Base and Overlay Zoning Districts and Standards for Specific Uses - STUDY SESSION to receive comments on the draft amendments for new Base and Overlay Zoning Districts, including development standards and regulations for specific uses and activities being considered as part of the Zoning Update, to bring these regulations into conformance with the City's General Plan 2030. Various, owner; City of Richmond, applicant; Planner: Lina Velasco; Tentative Recommendation: Hold Over To 7/21/2016.

ACTION: It was M/S/C (Langlois/Choi) to hold over the item to July 21, 2016; which carried by the following vote: 4-0-1-2 (Ayes: Baer, Choi, Langlois and Lane; Noes: None; Abstain: Kilbreth; Absent: Butt and Loy).

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff - None

5. Adjournment - The meeting was adjourned at 11:20 p.m. to the regular meeting on July 21, 2016.