

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

450 Civic Center Drive, Richmond, CA
September 1, 2016
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; 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; Jonathan Malagon, Director of Planning Services Richard Mitchell and Assistant City Attorney Carlos Privat

MINUTES

March 17, 2016

ACTION: It was M/S/C (Butt/Baer) to approve the minutes of March 17, 2016, as submitted; which carried by the following vote: 4-0-3 (Ayes: Baer, Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy).

April 7, 2016

ACTION: It was M/S/C (Butt/Lane) to approve the minutes of April 7, 2016, as submitted; which carried by the following vote: 3-0-3-1 (Ayes: Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy; Abstain: Baer)

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, September 12, 2016 by 5:00 p.m. and announced the appeal process after each affected item, as needed.

CONSENT CALENDAR

Chair Lane stated Item 2 is on the Consent Calendar and she asked and confirmed that Commissioners, public and staff did not to remove the item from the Consent Calendar.

Items Approved on the Consent Calendar:

CC 2. PLN16-121: Enigami New Single-Family Dwelling - PUBLIC HEARING to consider a variance for minimum lot size and design review permit to construct a new two-story single family dwelling on a 2,500 square-foot vacant parcel on 37th street, adjacent to 530 37th Street (APN: 517-010-011). RL/SFR-3, Single Family Low Density Residential District. Enigami Global Investment LLC, owner; Robert Avellar, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval

ACTION: It was M/S/C (Baer/Butt) to approve the Consent Calendar consisting of Item 1; 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 suggested a beachside hotel in Richmond.

BRUCE BEYAERT, Chair of TRAC, Richmond, provided an update on the Bay Trail project, stating they expect to add another 6 miles by the end of next year. He distributed a map showing trail projects and briefly described them.

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 10/20/2016.

This item was held over to October 20, 2016.

NEW ITEMS

3. PLN16-475: Amendment to Interim Zoning Regulations - PUBLIC HEARING to consider a recommendation to the City Council of an Ordinance amending Table 15.03.230-B of the RMC to conditionally allow marijuana cultivation and marijuana product manufacturing in the Industrial Water-Related district. IW, Industrial Water-Related District. Planner: Jonelyn Whales Tentative Recommendation: Recommend Adoption to the City Council.

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 regarding a zoning text amendment to the interim ordinance which was recently adopted by the Council to allow as a conditional use marijuana cultivation and product manufacturing in the IW District. Staff is seeking a recommendation to replace the “prohibited” to “conditional use” in this zoning district.

Chair Lane opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, said he spoke with the Santa Fe HOA President who opposes the conditional use, given it is near a school and support for a medical marijuana clinic by Marina Bay neighbors.

KATRINKA RUK, Council of Industries, Richmond, said she worked on the Seaport Plan with BCDC which states the Port area is a Port Priority Area and therefore, it needs to be kept for port business. However, language exists in the plan for interim uses, which states that three points must be considered with the interim use period. She spoke with the regulatory representative for BCDC who said a 5 or less year lease is an interim use and a 20 year lease is not. She wanted to bring this up because the point is to make use of the buildings for a short term period until they are able to be used for Port business.

Ms. Velasco thanked Ms. Ruk’s comments and said staff considered this wherein a term could be placed in the CUP similar to what is in place for wireless facilities, and staff plans to review this if the Planning Commission decides to make its recommendation to the Council.

Commissioner Butt asked if staff has held discussion with BCDC or other agencies regarding comments this zoning change. Ms. Velasco stated staff has not discussed the matter with BCDC but she could make contact with them prior to the matter moving onto the City Council.

The public hearing was closed.

Commissioner Butt thanked Ms. Ruk for her comments, recognized no major issues with current occupants of the Port area, and felt this was partially out of a desire to see utilization of some of the buildings. While hypothetical, his only concern is that the value of major industrial grow operations in these buildings become higher than the value of a Port priority use and that there may be the potential to displace that use.

Chair Lane suggested staff include information regarding current leases relating to Port priority area and making contact with BCDC prior to the matter going to the City Council.

Ms. Velasco asked and confirmed that the Planning Commission’s recommendation is that if BCDC determines the use needs to be interim that this limit be integrated into the ordinance which is recommended to the City Council.

ACTION: It was M/S/C (Butt/Choi) to forward a recommendation to the City Council an ordinance amending Table 15.03.230-B of the RMC to conditionally allow marijuana cultivation and marijuana product manufacturing in the Industrial Water-Related district. IW, Industrial Water-Related District; and that if BCDC determines the use needs to be interim that this limit be integrated into the ordinance; 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

4. PLN16-038: Draft Zoning and Subdivision Ordinance Update - STUDY SESSION to present the Draft Zoning and Subdivision Ordinance Update that is being considered for adoption to bring these regulations into conformance with the City's General Plan 2030. The Draft Zoning and Subdivision Ordinance Update are available online at www.zonerichmond.com). Planner: Lina Velasco; Tentative Recommendation: Receive Presentation and Provide Comments.

Ms. Velasco announced that the City has released the comprehensive draft zoning update which has been available as of August 18, 2016. Comments have been received and staff anticipates that following this presentation and community outreach, staff will bring forward an addendum clarifying certain sections of the update. Staff hopes tonight to provide a general overview to the Commission and public of major changes to the zoning update and the map and receive feedback. She introduced Michael Dyett of Bhatia and Dyett.

Michael Dyett, Bhatia and Dyett, thanked the many agencies, individuals, staff and Commission for providing the significant input on the modules and said they are at a point where refinements will be made. They will hold community meetings prior to returning in October, and he stated the document is in seven parts, pulls into one code all regulations for base districts, overlay districts, with a placeholder for the form based code the Commission has separately recommended to the Council, a placeholder for the Richmond Bay Specific Plan, and other specific plans. Citywide and special purpose regulations are brought into the 500 series. The 700 series is for subdivision regulations and they close with permits and procedures.

They have introduced one new district called the Industrial Business District, set single family minimum and maximum densities, have rules on garages, setbacks, height limits and they distinguished up slopes and down slopes in the hillside district and how houses can be regulated through FAR. They similarly reviewed the multi-family districts and brought in standards, and comments were received regarding refinements for regulations which will be placed in an addendum. New in the document is how height is measured on slopes.

The mixed use districts are new ideas that the General Plan put in place and a lot of time was spent on how they would work in the corridors, that there would be enough space on the ground floor for shops, flexible space and upper stories to accommodate a range of housing or offices with a range of standards.

Many drawings were developed to provide details so attractive frontages can be in place with views into storefronts and active spaces. They also have requirements for landscaping improvements, building entries, moving parking on the sides and rear areas and recognizing shopping centers are unique and have more flexibility with parking.

They maintained general commercial districts, as some areas of the City are not yet ready for the mixed use vision of the General Plan. These are active uses with employment for the community and it makes sense to retain this zoning. The industrial districts maintain ideas for an industrial buffer, transition areas, light landscaping around facilities and building and service

corridors. They recognized the Council of Industries' comments and they will continue to refine the code going forward.

There are new districts on creek protection and daylighting concepts to open creeks to their natural condition. They have mapped major and minor creeks and where daylighting will occur. They moved forward regulations on historic districts and landmarks to include them with all other zoning, met with the HPAC and received input and have been refining drafts. This will bolster the City's efforts in preservation efforts and workable rules for the Mills Act for Tax Relief. A new neighborhood conservation district is in the ordinance which allows neighborhood councils come to the City for fine-tuning of areas. It is a procedure modeled which has been successful in communities around the state.

They took shoreline ideas from the Resource Management District and put them in place to protect shoreline areas. There is signage, limits on structures, a strong commitment for public access including links with the Bay Trail which TRAC and others have put in place, as well as legal instruments to ensure public access is in perpetuity.

There are general site regulations on accessory structures, mechanical equipment on tops of building rules, new provisions for solar equipment, stormwater management, swimming pools, truck loading docks, refined affordable housing requirements with incentives and cost reductions, responded to some of the new court cases to achieve more affordable housing and to remove screening away from developers and in the hands of the Housing Authority, best practices for lighting and noise, and set requirements for parking below the demand which is based on surveys in auto-oriented communities, given Richmond's transit structure. They want to encourage shared parking, common area parking, and have parking lots to have canopy trees and well landscaped, safe and secure. They dealt with standards for special uses at the last meeting and have authority for a transfer of development rights.

They carried out the transportation demand management requirements of Measure C and J which would apply to all new multi-family and residential development which is a flexible program. This gets people to be sensitive to promoting all transportation modes and meeting climate action goals. The state has proposed water-efficient landscaping requirements. There is a zoning atlas where, instead of having a citywide map, they broke the city up in 17 sections, which he briefly described.

They expanded and refined standards for schools after holding meetings, and they will continue to keep dialogue going. Microbreweries and brewpubs were added, given interest, added and refined language for Junior Dwelling Units (JDUs) which are smaller units within existing homes, have been working with staff on refining medical marijuana regulations, refined wireless communication facilities regulations per FCC rules, removed termination provisions for non-conforming uses, expanded the bike parking standards and ADA parking, adjusted noise standards, refined the permit requirements for accessory uses, created regulations for cottage food operations as home occupations, clarified sequencing for the DRB versus the Planning Commission and have refined design criteria, clarified when Bay Trail connections and dedications for public access are required, have sea level obligations for PA districts, and edited what are grandfathered projects.

They will continue to work with stakeholders and the community between now and October and will have Open Houses, briefings, and responses to issues raised and revisions can be processed via amendments.

Comments have been received regarding site development standards for the industrial areas, whether to require bundling or making options for parking and whether to keep trip reduction standard for TDM at 15%, and the Climate Action Plan points out the importance of reducing solo commuting and getting people to carpool and use other modes of transportation so staff is therefore reluctant to remove that from the TDM requirement. They were asked to expand the administrative use permit, CUP provisions for schools to the CR and IB, were asked to provide flexibility for design and noise standards for schools, were asked to give the Zoning Administrator authority on certain non-conformities if the only issue was that they did not have an administrative use permit, were asked for more specificity on how to support completion of the Bay Trail, were asked in the Pt. Molate area to not allow industrial uses on inland of Stenmark Drive but the General Plan designates industrial uses on both sides of this street so this would require a GPA, and this can be undertaken in a separate effort.

In conclusion, they will make any necessary changes, address comments and refine the document, and return these for consideration at the next meeting.

Chair Lane asked if Commissioners had any questions or comments, and there were none. She then opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, relayed comments from various neighborhood associations who support revisions, new charter schools and new restaurants in Richmond.

KATHRYN DIENST, Richmond, asked to change the General Plan residential classifications from five back to three, spoke about height revisions of 45 feet in RL2 and 7 stories identified in RM2 which exceeds the plan, said six mixed use categories are proposed and mixed use emphasis should not be added in residential, said Coastline Commercial has a maximum height of 35 feet and the plan shows 100 feet and she asked to amend the plan to bring this down. There was emphasis on .25 parking spaces for senior housing which is too little given seniors depend on their cars and for services. She welcomed the creek overlay but thinks the 20 foot setback is too little, given flooding around Parchester Village. She thinks the shoreline overlay is welcomed, but 100 foot setback may not be enough given rising sea level. She thanked the City for revising General Plan wording that reflects California law more accurately and requires CEQA. Lastly, she thanked Ms. Velasco and Mr. Dyett and they are hopeful they will have a new zoning ordinance by the end of the year.

JEFF VINES, Richmond, spoke about the PG&E site located between Brickyard Landing and Sea Cliff which was changed for much higher density with the potential of going from 35 feet and 3 stories up to 7 stories with a CUP which is inappropriate for the site. He asked the Commission support their request to change this zoning back to RM or RM1 with no ability to build above 35 feet. This would make the zoning designation consistent with the General Plan at a 35 feet limit for any building next to a residential location.

BRUCE BEYAERT, Chair of TRAC, Richmond, said of the 20 miles of new trail built in the last 17 years, 7 miles has been built by the private sector as conditions of approval for new projects. They are hopeful that the General Plan requires new development and redevelopment to be pedestrian and bike friendly and to provide adequate connections to the existing proposed

pedestrian and bike network, and to complete the Bay Trail as part of any project approval process.

He said the draft ordinance is a disappointment in that it does not require developers to construct the Bay Trail as part of projects, does not require operation of the Bay Trail maintenance as has been the case in the past, and all it requires is conveyance of an easement and no building of the trail. He asked that this be corrected and referred to the map he previously distributed, stating most of the development is not in the shoreline overlay district but in the south Richmond area along Harbour Way South, Hoffman, Marina Way South which is covered in the South Richmond Transportation Connectivity Plan. He asked that any development occurring in south Richmond adhere to the connectivity plan as part of the project, as the Bay Walk project did on Marina Way South, which he described.

PAUL MINAULT, Legal Counsel to Allied Propane, called attention to one of the provisions of the non-conforming use section that requires a non-conforming use that wants to expand their facilities to bring their entire facility up to the current Building Code. While well intentioned, it is a costly boondoggle, as most everything would have to be upgraded or essentially demolishing a building and rebuilding it which is illogical and unfair.

There is also a requirement that a business that handles hazardous materials not be able to expand, but many of these affect daily life and are used today by many people, which is another unfair provision. He therefore asked that this be addressed.

PATRICK SOLARI, Sacramento, on behalf of Sims Metal Management, referred to his letter regarding performance standards for recycling operations and said he was unsure as to whether the intent of such a facility is intended to cover salvage and scrap operations similar to Sims. They are troubled with the requirement to include all outdoor storage to be in an enclosed structure, given their unloading operations unless put in a 50-60 foot building which they oppose.

Another concern relates to screening, and while they completely agree with the need to screen industrial operations from the public right-of-way, they believe a brick wall is too prescriptive and ties the hands of the City, given neighbors may not want a brick wall but something else. There are technologies to screen noise and visual objects, and given these types of operations will be subject to future discretionary action by the City, it does not make sense to specify any particular technology, material or screening at this time. In closing, he asked to ensure that the 2008 ordinance for the Industrial Transition zone is memorialized in the code, as it did not appear to be included.

Chair Lane thanked all speakers and those submitting correspondence, as well as staff and Mr. Dyett and she asked for questions and comments of the Commission.

Commissioner Baer echoed thanks and noted the quality of work and questions raised. She relayed the following comments and questions:

- She voiced her support for the Bay Trail recommendations.
- She recognized the East Bay Bicycle Coalition letter and supported inclusion of their recommendations.
- She referred to tiny houses and asked how they would be categorized, stating she did not see them specifically called out.

Mr. Dyett stated small lot subdivisions are allowed and while tiny houses are not included as a separate section, they can be proposed. There are concerns about whether this should be encouraged as a type of housing stock in Richmond as seen in some communities. There is a question on a policy basis about whether standards should be set once proposals are received. He noted these units are typically on wheels and not solid foundations. The cottage house concept is in the form-based code which is similar but they are not quite the same.

Commissioner Baer suggested more detailed discussions occur for tiny homes and include a section with size limitations, whether it must be stationary or on wheels, etc. Mr. Mitchell stated staff is studying this and this will undergo a study session so staff can receive some direction, but this cannot be resolved in the zoning update. He said they can be included later through an amendment, given more study and input is needed.

- She referred to Sectional Map #1 and said her understanding is that the zoning map is supposed to conform to the General Plan. The first map there is M3 right out by Giant Road and Atlas Road, and on the corresponding zoning map, it is identified as IL. One is heavy industrial and the other light industrial.

Ms. Velasco clarified that this is existing zoning and the important part for staff's work was the color which is the grey representing Business Light Industrial. This is an area in conflict with the new General Plan so the new zoning proposes to align it.

- In looking at maps and trying to go back and forth between categories in the General Plan and those in the zoning code, she questioned whether it would make sense to amend the General Plan after adoption of the zoning code so terms correspond with one another.

Commissioner Butt echoed thanks as well, and posed the following questions and comments:

- He implored staff to include the Commission and the public in assessing responses to letters, particularly when involving legal aspects. One example is the Bay Trail and thinks language should be included that would reinforce completion of the Bay Trail, but recognizes there are potential legal implications.
- He referred to signage and still sees many non-compliant signage without enforcement such as along 3rd Street. He asked if language could be included in the code to give the City more teeth for things like an automatic fine after notice is provided. The City has many mobile vending trucks and there is now moving LED signage on all sides of these trucks, and asked staff to look into this.
- He would like staff and Mr. Dyett to explain the timeline, identify what further opportunities there would be for additional public input, next steps of adoption.

Secretary Choi similarly asked for next steps.

Chair Lane posed the following questions and comments:

- She similarly asked for next steps.
- She asked what specific incentives would be relating to affordable housing. All projects that had come to the Planning Commission proposed in-lieu fees and not building on

site. She asked what the percentage of the fee is and how it is utilized to create affordable housing in the City.

Mr. Dyett explained that he did not have all of the incentives identified in the code, but they are trying to enable someone to come in and receive more adjustments in other standards that might limit them from accomplishing what they want. This would require applicants pay a fee program, build on or off-site affordable housing and the funds would be directed to the Housing Authority.

- She referred to unbundled parking for multi-family development and asked what this means.

Mr. Dyett explained that in the case where two parking spaces are required for a unit, unbundling is rent at one cost and parking at an optional cost. By separating the parking price from the housing price (rental or sale), someone can opt not having the need to have parking. This has worked in San Francisco and other cities as a way of getting better parking utilization and efficiency.

Commissioner Baer added to her comments and asked under what circumstances creek assessments would be done. Mr. Dyett said he was not aware of this issue and suggested adding language to require additional setback where flooding might occur.

Regarding next steps, Mr. Dyett stated they will continue to set up stakeholder meetings, respond to all comments and either create an addendum with redline/strike-out changes, and return to the Planning Commission at its October 20th meeting with an addendum that responds to all comments and response to comments heard tonight. After the Commission acts, the matter would be forwarded to the City Council who will hold a first reading and second or final reading, with community input occurring during this time. The Council may wish to have a 6 month check-in period to monitor how the ordinance is working. This could be where tiny houses and/or refinements in Bay Trail implementation are reviewed. Their hope is that the Council could act on the document by the end of the year.

Chair Lane clarified that noticing of meetings is posted to the www.zonerichmond.com website as well as announcements in the City Manager's Weekly Report.

COMMISSION BUSINESS

5. Election of Officers

Commissioner Baer stated the Nominating Committee met, discussed Chair Lane, Secretary Choi and Vice Chair Langlois who all agreed to continue to serve in their current positions. They forwarded this recommendation to Mr. Privat and this is here for the Commission's consideration.

Chair Lane asked and confirmed no one wished to nominate themselves or another Commission for any of the positions.

ACTION: It was M/S/C (Butt/Baer) to approve the Slate of Officers and re-elect Chair Lane, Vice Chair Langlois, and Secretary Choi; which carried by the following vote: 4-0-3 (Ayes: Baer, Butt, Choi, and Lane; Noes: None; Absent: Kilbreth, Langlois and Loy).

6. Reports of Officers, Commissioners and Staff

Commissioner Baer reported she attended the community meeting on the Urban Greening Plan two weeks ago.

Commissioner Butt reported there was a CEQA lawsuit on the Terminal One project and it will be interesting to see the results of this.

8. Adjournment - The meeting was adjourned at 8:00 p.m. to the regular meeting on October 6, 2016.