

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

450 Civic Center Drive, Richmond, CA

October 6, 2016

6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair
Nancy Baer
Ben Choi, Secretary
Vacancy

Marilyn Langlois, Vice Chair
Andrew Butt
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; Vice Chair Marilyn Langlois; Secretary Ben Choi; and Commissioner Nancy Baer, Andrew Butt and Jen Loy

Absent: None

INTRODUCTIONS

Staff Present: Planning Staff: Jonelyn Whales, Jonathan Malagon, Director of Planning Services Richard Mitchell and Assistant City Attorney James Atencio

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, October 17, 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 consists of Items 1, 2 and 3. She asked and confirmed that Commissioners, public and staff did not to remove the item from the Consent Calendar.

Commissioner Butt said a memorandum was before the Commission and he questioned and confirmed with Ms. Whales that the revised information from the State updates its previous regulations as provided in the CUP under Condition 7 for Item 3. Applicants would have to go through certain procedures in order to perform extractions in their facility.

Items Approved on the Consent Calendar:

- CC1. PLN15-596: 7-Eleven Convenience Store and Fueling Station** - PUBLIC HEARING to consider a Conditional Use Permit to construct and operate a 7-Eleven convenience store with fueling station and a Variance to allow alcoholic beverages beer and wine off-sale retail (ABC Type 20) at the northwest corner of Harbour Way South and Cutting Boulevard at 925 Cutting Blvd. (APN: 550-301-023 and 550-301-024). CM-4, Commercial Mixed-Use, Gateway/Node District. Surjeet Rattu and Kuldip Singh Rattu, owners; 7 Eleven c/o EBI Consulting, applicant; Planner: Hector Lopez; Tentative Recommendation: Hold Over to 10/20/2016.
- CC2. PLN16-283: Starbucks Coffee** - PUBLIC HEARING to consider a Conditional Use Permit for a new Starbucks Café with drive-thru at the Northwest corner of Meeker Avenue and Marina Way Parkway (APN: 560-150-012 and 560-150-012). CM-3, Commercial Mixed-Use, Commercial Emphasis District. Ron Nahas, owner; Dave Johnson, applicant; Planner: Hector Lopez; Tentative Recommendation: Hold Over to 10/20/2016.
- CC3. PLN16-414: Indigo Marijuana Product Manufacturing** - PUBLIC HEARING to consider a Conditional Use Permit for a marijuana product manufacturing facility within a 5,650 square foot laboratory space inside the Joinn Innovation Business Park located at 2600 Hilltop Drive (APN: 405-050-052). The City Council approved a marijuana permit for this manufacturer in conformance with Chapter 7.102 of the Richmond Municipal Code. IL, Industrial, Light District. Biorichland, LLC, owner; Indigo Therapeutics, applicant; Planner: Jonelyn Whales.

ACTION: It was M/S/C (Langlois/Butt) to approve the Consent Calendar consisting of Items 1, 2 and 3; which carried by the following vote: 6-0 (Ayes: Baer, Butt, Choi, Langlois, Loy and Lane; Noes: None).

BROWN ACT – Public Forum

CORDELL HINDLER welcomed back Commissioner Loy from her maternity leave, supported the new charter school and envisioned new hotels in Richmond which will bring in tourists and revenue for the City.

- 4. PLN13-108: Richmond Bay Specific Plan** - PUBLIC HEARING to receive comments on the Draft Environmental Impact Report (EIR) for the Richmond Bay Specific Plan. Location: The Plan Area is approximately 525 acres located in the City's South Shoreline area. The Plan Area is generally bounded by I-580 on the north, Marina Way South to the east, and the I-580 Bayview off-ramp to the west, with the San Francisco Bay to the south. Project information, including the Final Draft RBSP and Draft EIR are available online at www.ci.richmond.ca.us/rbsp; Planner: Lina Velasco; Tentative Recommendation: Receive Comments.

Jonathan Malagon stated the Commission will receive a presentation on the Richmond Bay Specific Plan and DEIR which was released on September 2nd and under the 45 day review process, the hearing is an opportunity to provide comments. All comments will be evaluated and responded to either as revisions to the EIR or as a separate section as a Responses to Comments document in the FEIR. The comment period will close on October 18, 2016. He

introduced Stefan Pellegrini of Opticos Design and Christy Herron from ESA who will provide an overview of the specific plan in the DEIR.

Stefan Pellegrini, Opticos Design, provided an overview of the specific plan, described and presented the project area as described in the context of the South Richmond Priority Development Area of 360 acres surrounding the existing Richmond Field Station and Regatta Properties owned by the University of California. He said the process began in March 2013 and a series of community workshops were held. Alternatives were developed and eventually a preferred land use alternative was brought to the Commission and Council starting in May 2014. Once the program was solidified, the EIR's Notice of Preparation was prepared in September and work began on the DEIR and final version of the specific plan. A public review draft of the specific plan was provided in October 2015 and tonight the Commission is being asked to review the specific plan and DEIR.

Four primary goals of the specific plan include:

- Development of complete pedestrian-oriented mixed use neighborhoods in the South Shoreline area;
- Increase access to open space along the shoreline;
- To improve and make more efficient multi-modal connections and connectivity in coordination with other plans for South Richmond; and
- To increase community and economic development opportunities within the project area.

The program includes 5.7 million square feet of office, R&D and business space, 720,000 square feet of retail, 4,000 residential units, and 145 acres of open space. The program was analyzed in the EIR was slightly more intense than that described in the specific plan to which Ms. Heron can provide additional information.

Mr. Pellegrini stated the specific plan has 7 chapters, which he described along with key changes from the public review draft:

- Chapter 1: Provides introduction, a summary of objectives and the process.
- Chapter 2: Background and setting in an historic context, challenges and opportunities with existing conditions.
- Chapter 3: An illustrative vision for the plan area which was a direct result of community input provided during the process. It provides framework for open space and principles guiding the design and information on the four key sub-areas of the plan area and how development might occur and be phased.

Key design principles include:

- 1) Organizing complete neighborhoods;
 - 2) Strengthening connectivity;
 - 3) Develop a relationship with the Richmond Bay Campus; and
 - 4) Encourage flexibility that accommodates incremental development patterns.
- Chapter 4: Development standards for the plan area intended to supplement or replace the zoning standards for the specific plan area, which includes standards for the layout and design of streets and public spaces, development standards for new blocks and new buildings, land uses, etc.

He then presented a regulatory zoning map for the project area reflecting different mixes of land uses for each sub-area and related intensities envisioned, which he briefly described. Chapter 4 additionally provides standards relating to landscaping, lighting, performance standards relating to noise, hazards, and other related activities in a mixed use environment. It provides provisions for non-conforming uses and structures, parking and transportation demand management, green building standards, environmental conditions for the buildout of the plan and review procedures.

Mr. Pellegrini then presented a snapshot display of the civic and open space vision as regulated in Chapter 4. The plan includes 35 acres of open space within the neighborhoods and would open access to about 112 acres of open space along the shoreline. He presented the vision for new and existing thoroughfares as presented in Chapter 4 for an interconnected neighborhood of streets and blocks merging over time as the site develops. Provisions in the chapter provide bike and pedestrian facilities integrated into the thoroughfare network.

Chapter 5: Focuses on infrastructure systems and public services that would be necessary to support the development described in the plan. It provides insight into water supply and distribution, wastewater collection and treatment, storm drainage, telecommunications, solid waste disposal, energy and shoreline protection, preliminary considerations for sea level rise which will impact portions of the project area.

Chapter 6: The specific plan includes a detailed implementation program included in the chapter including cost estimates for infrastructure, financing strategies and potential funding sources that can help pay for infrastructure improvements.

Chapter 7: Appendices for the plan which he said he would not go into detail about this evening.

Since the public review draft, approximately 200 comments were received assembled into 30 separate comment letters from agencies and interested parties. They incorporated comments either in the specific plan or to ensure they were reflected in the EIR. They made sure the plan aligned with mitigation measures identified in the EIR, either in the project area or off-site as referenced in other plans for the South Richmond area such.

Updates were made to the regulating plans and to the structure of allowed land uses. Much of the work was to align with work done to update the zoning ordinance. Refinement was made to procedures, particularly those unique to the specific plan area and also updates to reflect changes in the project area, such as the fact that the Berkeley Global Campus has been discontinued and also that there are projects that have been entitled in the project area like the Bay Walk project in Sub-area 1 which had not been entitled at the start of the process.

Christie Herron, ESA, discussed the purpose of the DEIR to comply with CEQA, public engagement in the process, with the goal of avoiding and reducing potential impacts of projects or plans through alternatives and mitigation measures. The City is the lead agency for the EIR and tonight the Commission will listen to comments on the DEIR and these will be included in the FEIR along with Responses to Comments document.

Ms. Herron provided a brief overview of the CEQA process. They are calling the program in the DEIR the maximum theoretical buildout under the specific plan and Sub-area 4 project, and this

scenario is somewhat more intense with more dwelling units assumed for Sub-areas 1 and 4 for a total of 5,700 units versus 4,080 units. She presented a map showing acreages of sub-areas and project sites. She then presented resource topics in the DEIR per requirements of CEQA which include things from aesthetics to utilities and service systems.

They concluded that development under the specific plan would generate less than significant impacts with mitigation on aesthetics, biological resources, geology, soils and seismicity, hazards and hazardous materials, hydrology and water quality, public services and utilities and service systems.

They also determined development under the specific plan would generate significant and unavoidable impacts on air quality, historic resources, climate change and GHGs, noise and transportation and traffic. She explained the EIR combines an analysis of the specific plan on a programmatic level and a more project level analysis for the Sub-area 4 project which is seen as a potentially foreseeable development so this analysis is less general and more specific in nature. The air quality impacts were found for both and plan and Sub-area 4 project as well as climate change and GHGs and transportation and traffic.

Ms. Herron displayed examples of impacts and mitigation measures. In reading through the EIR, Chapter 2 has a short description of the specific plan and Sub-area 4 project and a description of some of the findings in the EIR and alternatives, and the primary part of the chapter is the impact and mitigation table.

She discussed one impact on biological resources found was that new structures would increase the level of nighttime artificial illumination and building density. To address this, mitigation includes building design and lighting strategies. Another impact was on the coastal terrace prairie and a mitigation measure is included for restoration.

For hazard and hazardous materials, an impact was identified such that construction and demolition from development under the specific plan could disturb existing sites that are in some state of contamination clean-up within the plan area. Two mitigation measures address this impact which is protection of human health from environmental contamination whereby the City would ensure that new projects would be developed under the supervision of an environmental agency with applicable jurisdiction and the preparation of a health and safety plan.

Regarding hydrology and water quality, they identified an impact relating to sea level rise. Two mitigation measures include one that would ensure installation of stormwater inlet infrastructure and another that requires all proposed projects to have an adaptive flood risk management plan.

Regarding alternatives, the DEIR includes a discussion of 9 alternatives, 4 of which were not carried forward for analysis and 5 of which were carried forward; 3 for the specific plan itself and 2 specifically for the Sub-area 4 project. Part of CEQA is to include a "No Project Alternative" which is included, as well.

Lastly, she presented a slide with information about submitting written comments to Lina Velasco at the City of Richmond and public comments will be received tonight and included and responded to in the FEIR. Comments are due by 5:00 p.m. on October 18, 2016 and documents can be found by Googling Richmond Bay Specific Plan.

Chair Lane opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, spoke of his support of the DEIR's opportunity for hotel sites, commercial, housing, etc. which he felt was good for Richmond.

PAUL MINAULT, legal counsel for Allied Propane, stated currently the DEIR does not have an adequate description of existing employment conditions in the plan area. CEQA requires a baseline of existing conditions given analysis must start with current conditions. He said there may be a couple of thousand employment opportunities and one aspect of the plan will erase many employment opportunities. In Sub-area 3 the plan explicitly contemplates that approximately 1,000 employees will be removed and the area is targeted for R&D. Realistically, in considering the maximum theoretical buildout, there are less new employees minus old employees which will be displaced.

He said the social end of this is that the plan could result in elimination of at least 1,000 jobs in one of the four sub-areas and perhaps many in others. While CEQA does not look at social aspects, these often have indirect impacts on the physical environment and Richmond will see this. He thinks the issue is very important and suggested figures be well-generated, well-thought out and well disclosed.

GARLAND ELLIS, Vice President of RANC, questioned why the DEIR was not it prepared prior to approval of the specific plan and thought the City did not want people to know what the real evidence was for the entire area that they might use to change the plan. When the General Plan was adopted, the concept for this area was to go up to the edge of the Bayview overpass and at that time the area on other side of the Bayview overpass towards the Hoffman Marsh was considered and voted on by the City Council to be open space.

Since that time, money has been spent to clean up the Railroad Gun Range property which is their obligation and choice, and developers want to develop it with a high rise hotel which he opposes, as it is right next to the Hoffman Marsh. He said there are other examples where this same process has occurred and he believes it is unreasonable to come after the fact to change it.

Also, within the EIR, because this is a large area, it will be responsible for the state highway system for that area. This means if and when there is expansion of I-580 and/or change in off-ramps, the City of Richmond will have to pay for a major portion of funds for this and this is not considered in the EIR.

Chair Lane asked for comments of Commissioners.

Commissioner Baer asked Mr. Mitchell to comment on the jobs issue raised as well as Mr. Ellis' assertions that the specific plan had been adopted prior to the EIR.

Director of Planning and Building Services Richard Mitchell clarified that the specific plan has not yet been adopted and regarding loss of jobs, the baseline in the EIR accurately reflects current employment activity.

Commissioner Butt thanked consultants and staff for their comprehensive work and for those providing input. He did not believe any changes in the area would not occur very soon, such as Blue Apron and PG&E, but he thinks the plan sets a good precedent for the area. Regarding what is designated as a special planning area owned by the Railroad Gun Range, he said his understanding was this was being addressed where light development would be allowed on this site, but in fact, it is being addressed similar to an R&D which does allow very high density and height.

Mr. Mitchell noted the Council debated this during adoption of the General Plan. The property owner at that time was asking for a designation change. Staff explained why the designation was showing on the General Plan as it was and the Council asked staff to undertake a specific plan process and return with a recommendation for that area. Therefore, it is being left as a study area which is consistent with Council direction at that time.

Commissioner Butt asked and confirmed that the effective zoning remains open for future review. It will not be open space forever, but is reserved as a plan area and further discussion for a use for that site.

Commissioner Butt commented that this is ambiguous, and he suggested spending time to determine how to refine what is envisioned for that area. Secondly, he said once both documents are finalized he asked what this does to the process of entitlement. He recognized it minimizes the amount an individual project would have to go through in terms of CEQA.

Mr. Mitchell agreed it provides a head start and serves as a base from which to tier. Specific projects that come in will require a determination as to whether or not they generate impacts over and above what has been covered.

Commissioner Butt referred to the Bay Walk project and discussion with the freeway and trains through the area and impacts on housing. His understanding is that there have been rulings under CEQA that the evaluation is on the project and its impacts rather than the existing environment and its impacts on a potential project. He asked if this is correct and how it relates to significant trains and traffic, as well as resultant pollutants.

Ms. Herron agreed there have been recent developments that CEQA is supposed to require analysis of impacts of the project on the environment and not vice versa. A health risk analysis is usually associated with vehicle emissions that residents of a project would be exposed to. She said there are still uncertainties and the included information about those types of impacts for disclosure purposes.

Commissioner Butt said lastly, the Council of Industries mentioned the entire UC Berkeley plan which will change and to a large degree, part of the impetus of doing the specific plan impacts how the plan was developed. There was a previous plan prior to any specific plans for the UC property, and he asked if the document needed to be adjusted to address this change.

Mr. Mitchell stated there are two enduring institutions; the City of Richmond and the UC, which has to grow. They have run out of space and there is pressure to build. It is not unusual for the definition of the development to change so staff does not feel the changes the university is going through has any impact on the long-term planning for the area except to say what is likely will be more intense development. The projects are far more intense than the original visions

were of them, so he is comfortable that the plan will be flexible enough to respond to whatever happens on the campus, but it is not likely to be less than what they were anticipating over time.

Vice Chair Langlois referred to the Sub-area 4 project and that it would have significant and unavoidable impacts in air quality, GHGs and transportation. She asked for clarification and the cause of these impacts.

Ms. Herron said GHG impacts have been evaluated for the specific plan and for the large Sub-area 4 project site according to existing thresholds and standards from the BAAQMD. For one standard it was over the limit and for one it was under the limit. They reviewed emissions, the project and specific plan as a whole in terms of consistency with adopted policies in the General Plan. They found on a programmatic level, the plan and the project were consistent; however, they identified those impacts as significant and unavoidable because of uncertainties inherent in assumptions which have to do with State policies and regulations which are not under the control of the City. Air quality emissions are similar and she said they identified total emissions and compared it to BAAQMD's thresholds.

Vice Chair Langlois asked and confirmed this takes into account construction as well as foreseen operations. Ms. Herron stated operations are captured through vehicle emissions as the primary component.

Vice Chair Langlois asked and confirmed that they reviewed existing and planned programs for public transportation and transit. Regarding health impacts and hazardous materials and contamination, Vice Mayor Langlois stated Sub-areas 1, 2 and 4 all include residential and all three areas have toxicity from hazardous waste. Once housing is constructed, unless fully mitigated, there will be health impacts on those who live there, particularly the Zeneca site and Bio-Rad sites.

She asked and confirmed with Ms. Herron that this is covered under the impact in the Hazards section, and this process is addressed over the oversight of the Department of Toxics and Substances Control, the Regional Water Quality Control Board and other agencies having active cleanup site jurisdiction. There is language to state that the City is required to ensure that any project would be developed under the supervision of that applicable agency such that the health based goals are appropriate for the proposed new use are achieved before occupancy.

Commissioner Baer said she was very concerned with the number of significant and unavoidable impacts. Most involve traffic, and even after mitigation, they are still significant and unavoidable, and she questioned whether that makes the project untenable. Mr. Mitchell discussed CEQA and maximum buildout, intense development environments and traffic impacts, and the City can either choose to accept this and participate with the rest of the Bay area or not. He believed the State was in a transportation revolution given technology of autonomous automobiles and other factors.

Commissioner Baer commented on the stated delays of over an hour at some intersections and she voiced concern that this would not change with electric vehicles, and said it puts pressure on the City to become part of the 21st century and the transportation revolution.

Ms. Herron thanked all community members who helped provide input into the DEIR and specific plan. She voiced appreciation for comments regarding the Zeneca site and the Berkeley

campus. She thinks anyone paying attention to the process will feel relieved that while there will be development it is unknown as to when it will occur in that area.

Chair Lane did not have additional comments, and cited next steps as October 18th as the close of comment period for the DEIR, Planning Commission review in November and Council review and consideration for approval in December.

COMMISSION BUSINESS

5. Reports of Officers, Commissioners and Staff

6. Adjournment - The meeting was adjourned at 7:39 p.m. to the regular meeting on October 20, 2016.