

RESOLUTION NO. 26-22 (REVISED)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING
COMMISSION'S CONDITIONAL APPROVAL OF A CONDITIONAL USE PERMIT
AND DESIGN REVIEW (WITH ADDITIONAL CONDITIONS) TO OPERATE AND
ESTABLISH A RETAIL STORE GREATER THAN 3,000 SQUARE FEET IN SIZE
(10,000 SF PROPOSED), INCLUDING BUILDING RENOVATIONS AND SITE
IMPROVEMENTS WITHIN THE CM-4, COMMERCIAL MIXED-USE,
GATEWAY/NODE AT 12300 SAN PABLO AVENUE (PLN21-129)**

WHEREAS, Kim Kevin and Jennifer Yu (the “applicant”) request approval of a Conditional Use Permit and Design Review to operate and establish a retail store greater than 3,000 square feet (SF) in size (10,000 SF proposed), including making building renovations and site improvements. (“Project”) at 12300 San Pablo Avenue (APN: 519-200-018 and 519-200-013) (“subject site”) within CM-4, Commercial Mixed-Use, Gateway/Node; and

WHEREAS, on January 6, 2022, at a public hearing the Planning Commission reviewed the Project and voted to approve the Conditional Use Permit and Design Review, subject to conditions to be incorporated in the attached plans (see Project Plans); and

WHEREAS, on January 18, 2022, an appeal was filed by Jim Hanson on behalf of Richmond Heights Neighborhood Council (RHNC), objecting to the Planning Commission approval of the Conditional Use Permit and Design Review (PLN21-129); and

WHEREAS, on March 1, 2022, the City Council conducted a properly noticed public hearing pursuant to California Government Code Section 65090 and has duly considered all written and verbal testimony presented before or during the hearing, including the staff report; and

WHEREAS, the proposed project is categorically exempt under Section 15301 and 15332 of the California Environmental Quality Act (CEQA) consisting of projects involving minor alterations to existing commercial structures and facilities that will not result in an increase in floor area and infill development projects of less than 5 acres surrounded by urban uses; and

NOW, THEREFORE, BE IT RESOLVED, on the basis of the written appeal, plans, materials, agenda report, and testimony received at or before the public hearing, the City Council does hereby deny the appeal and affirms the Planning Commission’s conditional approval of the Conditional Use Permit and Design Review for the Project with the following modified and new conditions:

1. New Condition No.32 shall be added as follows: Permittee shall prepare an analysis focused on studying traffic safety concerns on the segment of San Pablo Avenue, adjacent to the project site. Recommendations of the study shall be shared with the Richmond Heights Neighborhood Council for comment; however, the improvement measures to be implemented shall be at the full discretion of the Director of Community Development. Any recommendation required by the Director of Community Development shall be implemented prior to store opening.
2. Condition No. 29 shall be modified to include the following: Signage shall be installed to minimize traffic onto adjacent neighborhood streets. As part of the Traffic Safety analysis, measures will be designed and implemented to effectively control added traffic onto adjacent neighborhood streets.
3. Condition No. 20 shall be modified to have the store closing time as 8 p.m., throughout the year.
4. Condition No. 19 shall be modified to have delivery trucks leave the site by 9:00 p.m.

5. Condition No. 26 shall be modified to include the following: Noise attenuation for the neighbor adjacent to the loading zone shall be provided at the loading dock as needed to ensure Project consistency with Zoning Code requirements, and will include a commercial sound absorbing wall at the loading dock that meets the zoning code noise limits.
6. Condition No.31 shall be modified to have the lettering size for the signage facing San Pablo Avenue not to exceed 24" in height. The lettering size for the signage facing the parking lot shall not exceed 30" in height. . Signage facing Barrett Avenue shall be an unilluminated Dollar Tree logo with a green stripe at the top left corner of the building.
7. Condition No.3 shall be modified to include the following: Lighting, including brightness, shall be consistent with International Dark-Sky Association guidelines and include any shielding necessary to limit the amount of light spill over to adjacent residences pursuant to Zoning Code Standards.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held March 1, 2022, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Johnson III, McLaughlin, and Vice Mayor Martinez.
NOES:	Mayor Butt.
ABSTENTIONS:	None.
ABSENT:	Councilmember Willis.

PAMELA CHRISTIAN

 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

THOMAS K. BUTT
 Mayor

Approved as to form:

DAVE ALESHIRE
 Interim City Attorney

State of California }
 County of Contra Costa } : ss.
 City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 26-22**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 1, 2022.



 Pamela Christian, Clerk of the City of Richmond