

# MINUTES APPROVED AT THE DRB MEETING ON JULY 22, 2020

## DESIGN REVIEW BOARD REGULAR MEETING Richmond CA 94804

June 10, 2020  
6:00 P.M.

### All Participation Via Teleconference

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom had issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Newsom had issued executive orders that allowed cities to hold public meetings via teleconferencing. Due to the shelter in place orders, all City of Richmond staff, members of the Design Review Board (DRB), and members of the public participated via teleconference. Public comment was confined to items on the agenda and limited to the specific methods identified on the agenda.

### BOARD MEMBERS

Kimberly Butt  
Jessica Fine  
Macy Leung  
Karlyn Neel

Brian Carter  
Michael Hannah  
Jonathan Livingston

Chair Livingston called the meeting to order at 6:00 P.M.

### ROLL CALL

**Present:** Chair Jonathan Livingston, and Boardmembers Kimberly Butt, Brian Carter, Jessica Fine, Michael Hannah, and Macy Leung

**Absent:** Boardmember Karlyn Neel

### INTRODUCTIONS

**Staff Present:** Community Development Director Lina Velasco, Planners Roberta Feliciano, and Emily Carroll, and Senior Assistant City Attorney James Atencio

**APPROVAL OF MINUTES:** April 22, 2020

<b>ACTION:</b> It was M/S/C (Hannah/Fine) to approve the minutes of the April 22, 2020 meeting, as submitted; approved by Roll Call vote: 6-0 (Ayes: Butt, Carter, Fine, Hannah, Leung, and Livingston; Noes: None; Abstain: None; Absent: Neel).
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### APPROVAL OF AGENDA

#### Public Forum

CORDELL HINDER submitted an email dated June 8, 2020: *Hello Chair Livingston, Board Members, I have a couple of comments to go into the record: 1) In regarding the Aspire*

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Academy item that was approved a few months back, Fairmede Hilltop was not happy that the applicant did not communicate with the council in addressing the concerns with the building's location; 2) also in regarding the El Tapatio restaurant expansion, the applicant needs to communicate with the North and East Neighborhood Council once this virus gets lifted up. In conclusion that before any applicants present their projects to the Board, they have to speak with the Neighborhood Councils. Sincerely Cordell.

Community Development Director Lina Velasco described the process where members of the public could offer public comment during the meeting.

BRUCE BEYAERT, Chair of TRAC (Trails for Richmond Action Committee with a mission to complete the San Francisco Bay Trail in Richmond), advised that construction had started on the Goodrick Avenue section of the Bay Trail to connect the Richmond Parking to the Dotson Family Staging Area, and with the opening of other connections in Albany and Berkeley one could now bicycle from the Point Pinole Regional Shoreline to Yerba Buena Island.

### City Council Liaison Report

**CONSENT CALENDAR:** None

Chair Livingston announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 22, 2020 by 5:00 P.M. and he announced it after each affected item.

### **PUBLIC HEARINGS:**

- |                     |   |
|---------------------|---|
| <b>1. PLN18-219</b> | <b>JURUM TWO-STORY DWELLING</b>   |
| Description         | PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A ±2,240 SQUARE FOOT SINGLE-FAMILY DWELLING IN THE TISCORNIA ESTATES SPECIFIC PLAN AREA. |
| Location            | 525 SANTA FE AVENUE   |
| APN                 | 558-184-005   |
| Zoning              | TISCORNIA ESTATES SPECIFIC PLAN   |
| Owner               | FIRST GROUP INVESTMENTS, LLC  |
| Applicant           | BRAD GUNKEL   |
| Staff Contact       | JONELYN WHALES      Recommendation: <b>CONTINUE TO JUNE 24, 2020</b>  |

Staff advised that the item would be continued to the meeting of June 24, 2020.

- |                     |  |
|---------------------|--|
| <b>2. PLN20-057</b> | <b>POINT MOLATE MIXED-USE DEVELOPMENT PROJECT STUDY SESSION</b>  |
| Description         | STUDY SESSION TO RECEIVE AND PROVIDE INPUT ON THE PROPOSED POINT MOLATE MIXED-USE DEVELOPMENT PROJECT. THE PROJECT WOULD ADD APPROXIMATELY 1,260 RESIDENTIAL UNITS AND 250,000 SF OF MIXED-USE DEVELOPMENT, AS WELL AS ADAPTIVE REUSE OF THE EXISTING HISTORIC STRUCTURES WITHIN THE WINEHAVEN HISTORIC DISTRICT. THE PROJECT INCLUDES A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR), REQUEST FOR A GENERAL PLAN AMENDMENT, REZONING, AND TENTATIVE MAP. |
| Location            | 2100 STENMARK DRIVE  |

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APN	561-100-008
Zoning	PR, PARKS AND RECREATION; CG, COMMERCIAL GENERAL; IL, INDUSTRIAL LIGHT; AND OS, OPEN SPACE
Owner	CITY OF RICHMOND
Applicant	WINEHAVEN LEGACY LLC
Staff Contact	LINA VELASCO AND ROBERTA FELICIANO

Recommendation:  
**PROVIDE AND RECEIVE COMMENTS**

Lina Velasco presented the staff report dated June 10, 2020 for the second study session for the Point Molate Mixed-Use Development Project which included a General Plan Amendment, a Rezone to a Planned Area District, a rezone to modify the Historic Overlay District from a landmark to a district, and a Vesting Tentative Map. She advised that a subcommittee of the DRB comprised of Chair Livingston and Boardmembers Butt and Hannah had been reviewing the project as had a subcommittee of the Historic Preservation Commission (HPC), and comments and responses from those subcommittees had been presented to the DRB.

Ms. Velasco responded to questions and comments and explained that the responses to the SEIR would be made available to the DRB, when available; the deadline for approval of Planned Area District (PAD) development was September 30, 2020 for consideration of the project's discretionary approvals pursuant to the Settlement Agreement; a sewage lift station had been proposed in the area of Point Richmond, as evaluated in the Draft SEIR for the Casino Project, although an alternative site might be possible; and the previous project had contemplated refurbishing the Navy pier for a water taxi service and there was a proposal to refurbish that building for water transit use as part of Phase Three, although there would be no improvements to the pier structure itself. She also explained in response to questions that the widening of Stenmark Drive would also involve repaving given that trunk utilities would be added in the street, which repaving would have to comply with City of Richmond standards for improvements; and the Exclusive Right to Negotiate required that the applicant evaluate the feasibility of a hotel, which had been done and which had shown that the site could support a small 150-room hotel in Winehaven, an allowed use requiring a Conditional Use Permit (CUP).

NICOLE EMMONS, Hart Howerton, explained how the Design Guidelines in the May 4, 2020 edition had responded to the comments offered with respect to some of the site specifics for the development of parks and open space, circulation and access to the Point, and the Loop Road connection. She described a meeting with the Fire Marshal and the City where it had been confirmed that the Loop Road connection could be used as an emergency vehicle access (EVA) and the documents had been updated accordingly. The 26-foot wide EVA would overlap with the Bay Trail to serve emergency access under the control of the Fire Department for fire safety and evacuation purposes. In addition to the access from the EVA to the Point Molate Beach Park, there were 24 existing spaces and the proposed parking area would be designed to be double loaded to accommodate 30 spaces, with on-street public parking on Stenmark Drive to support access to the park. The May 4, 2020 edition also included children's play areas and tot lots as recommended by the DRB, along with guidelines to address public art. The guidelines would also accommodate step backs and a higher level of articulation at Point Molate along with further articulation of building constraints related to building height. In addition, examples of the massing at the Point, pushing it back up against the bluff, and public access to the waterfront had been addressed to allow opportunities for community gathering spaces and the Bay Trail.

Ms. Emmons stated additional articulation had been presented to show how the build-out could happen within the Design Guidelines where three additional layout compositions had been illustrated with respect to building height and density. In response to comments utilities would be screened, and the document had been modified to include the PMPAD subdistricts

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referenced in the zoning document with opportunities for retail and active use, with Winehaven Village to be the center with multiple locations for community serving retail, leaving the opportunity open for neighborhood serving retail at the Point and the Promenade as well. She added that an update would also be provided to the HPC.

PETE KINDEL, SOM, reported that the south end of the district continued to be revised in response to concerns raised for the residential building configurations at the south end called R-1 and R-2. He identified three changes based on comments to move those two residential buildings to the southwest to open up views to Building 6, and pointed out the proposed boardwalk alignment that had been moved to set the view corridor to Building 6. Another major change had been the elimination of two buildings called Live/Work 3 and Live/Work 4, which would have been along Stenmark Drive but which had been taken out to improve the view to Building 6 from Stenmark Drive.

Ms. Emmons stated that comments had also been received with respect to stormwater strategies. She presented a diagram to show the strategies for incorporating low impact development to limit the footprints of the stormwater measures to meet all City and state regulatory requirements. She explained that the bio-retention basins would be planted, would not have permanent standing water or fencing, and would be integrated into the park design.

Ms. Emmons added that the DRB had offered comments related to capturing, acknowledging, elevating, broadcasting, and revealing the site's history, and locations for interpretive signage and naming had been included in the plan. The DRB had also commented on the overall design principles and Hart Howerton had reviewed the goals of the project as well as addressing opportunities for sustainability and climate action to be within the guidelines to reinforce the City's documents and the SEIR mitigation measures. A memo had been prepared and presented to the DRB with the detail of responses to the DRB's comments.

### **PUBLIC COMMENTS:**

BRUCE BEYAERT, TRAC, expressed his appreciation for the elimination of the Loop Road on the shoreline and requested a requirement for the completion of the entire Bay Trail on the entire shoreline as part of Phase One. He stated that East Bay Regional Park District (EBRPD) was essentially shovel ready to build the section of the Bay Trail from the Beach Park to the Richmond/San Rafael Bridge, potentially by the end of the year. He expressed his disappointment that there were two big losses in shoreline parks as part of this proposal; the installation of water and sewer handling facilities at the existing shoreline park taking up a third of the park, and the 270-unit residential development at the headlands currently designated for park and recreation in the Richmond General Plan. He stated that eliminating the shoreline park space made it a challenge to meet the 70 percent open space requirement in the Settlement Agreement. He urged the City not to count tot lots and neighborhood parks in residential areas as equivalent open space to a shoreline park; urged adequate parking for shoreline parks for the hillside open space trailheads; and recommended that the open space areas be more user friendly for visitors with trailhead staging areas to be outside of residential areas, and include restrooms.

PAUL CARMAN, Richmond, questioned the appropriateness of the design review process prior to the availability of a certified EIR and noted in this case there had been a Draft EIR with multiple comments about the weakness of the DEIR from scientists, engineers, non-profits, and community members regarding the unsustainability of the project that was oversized for what he characterized as a fragile piece of land. He disagreed with some Board comments that the project was climate responsible which the documentation contradicted; stated the grading would

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require 300,000 cubic yards of clean soil to be hauled out of Point Molate; and noted that the City had made a decision not to clean up another project along the shoreline to move out 500,000 cubic yards of unclean soil in that case. He objected to the intention to place infrastructure where a beach park had been located to exclude residents from participating in the beach park, and objected to the design of the trailheads that would keep those who did not live in the area from using the trails.

Mr. Carman stated the 70 percent open space was a legal judgment and the City had to make sure that what SunCal defined as open space would legally be open space to avoid a lawsuit. He stated the project was oversized, and he reminded the DRB to use its professional judgment to do its due diligence to evaluate the proposal independent of Town officials.

CAROL TELTSCHICK, a former Richmond Planning Commissioner, stated that removing the Point Molate parking lot to make space for sewer treatment facilities would be privatizing existing access to natural places while the General Plan's intent was to increase access to natural places. She had deep and vigorous objections to the use of that land, as proposed.

In response to Ms. Teltschick as to who would own and maintain the park, Ms. Velasco advised that the City was only required to sell the developable areas and the City would retain ownership and was in early discussions about assigning ownership to the EBRPD. She stated that ownership would either be the City or the EBRPD. She clarified that what had been proposed at the Beach Park was not a water treatment facility but a lift station. It was also clarified that retention ponds would be occupying a part of Beach Park.

SALLY TOBIN, Richmond, spoke to the sewer situation and noted that the onsite sewer treatment was labeled as Phase One Treatment Plant. Given the three phases to the project, she asked if that would only address Phase One while the line in the residential areas would address Phases Two and Three. She suggested it appeared that the plants would eliminate specific parcels, involve eminent domain, and destroy homes, a huge step to sacrifice one neighborhood for the building of another. She also commented that the original WRT drawings of the hiking trails came off of Stenmark Drive where a parking area could be provided to accommodate hikers at the various trailheads, although those trailheads were now coming off of dense residential areas which she suggested could make hikers feel unwelcome or have a hard time finding the trails. She urged making sure that the community would be able to take advantage of the open space. She also expressed concern there was no plan to protect the eel grass from recreational users who did not know the fragility of eel grass.

Chair Livingston referred to an email he had received from a sanitary engineer who had stated that consistent with the Vesting Tentative Map drawings, the lift station had been proposed on the Ocean Western Marine Street neighborhood and the sewage would be stopped there and pumped over the hill, and odors and toxic gases would build up and be treated with chemicals, a burden that would be placed on the Point Richmond neighborhoods.

When asked, Ms. Velasco stated that the City would like to locate the sewage lift station in the public right-of-way, did not anticipate a pursuit of eminent domain, and was working with the applicant to find other viable alternatives.

JULIE ALEXANDER, asked about the 70 percent open space requirement and asked if some of that open space was under water. With respect to parking, she noted the bridge had just been opened up to pedestrian traffic and there was a need for more parking beyond the 30 spaces that had been proposed. She questioned the proposed sewage treatment plant, commented that the morning commute getting on the bridge was already dangerous, asked where the

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children in the development would go to school, and questioned the tax basis to be generated and whether it would exceed expenses.

JIM HANSON, representing the California Native Plant Society, referred to the Grading and Planning Map (Figure 3-10) from the EIR that he had sent to the Board. He suggested it was critical to see the comments from the EIR, emphasized that form followed function, and when looking at the function of the site stated there were a number of policies that were being violated by the size of the plan for Point Molate.

Mr. Hanson stated the Native Plant Society had specified its concerns in a letter and noted serious issues with respect to biologic resources and how they were being handled under the plan, along with the extensive level of grading that would completely remake the site inconsistent with over 20 policies and goals in the General Plan. He also noted that a Planned Area Development had to work within the General Plan's policies and goals. When Figure 3-10 from the EIR was displayed, he pointed out areas of concern, questioned the appropriateness of the design, and requested a recommendation for a more appropriate sized plan alternative. He also urged that all Councilmembers be provided with all the information to make sure that everyone was informed and that the material being presented was also made available online.

GAYLE McLAUGHLIN, former Mayor of Richmond, emphasized the need for the DRB to remain independent in its analysis of the project. She stated the City's General Plan was based on health, sustainability, equity, and history among other visions and goals and that the proposed Point Molate plan appeared to violate those visions and goals. She added it was important to protect the natural spaces of the site, the Bay Trail, there needed to be more access to nature, and there was a need to protect the Ohlone Shell Mound and the Chinese Shrimp Camp. She stated that the Point Molate Beach Park was never to have been privatized, the shoreline was to be preserved, there was a need to fulfill social and environmental justice, and truly affordable housing was to be in the urban core with easy access to schools, transportation and shopping and not right next to an oil refinery. She added that other major concerns, as noted in the EIR, related to the destruction of the Ohlone sacred sites, habitat destruction, safety, and traffic issues, which were all major concerns in the community.

[NAME INAUDIBLE] stated that the proposal was not community friendly. As a community resident and Native American activist, she emphasized the need to recognize the Ohlone land and the Ohlone culture, provide space for festivities, and provide free access to allow children to be able to enjoy the area. She objected to privatizing the beach, expressed concern with the public use and experience of the Bay Trail, and sought another option to the initial draft to make it more in balance with the culture.

Vice Chair Hannah, who had been working on the cultural aspect of the proposal, emphasized the importance of the area for the Ohlone and noted that the bluff would be a perfect location for a cultural center.

While staff was ready to read the public comments received by mail and email into the record, given the number and length of the comments, and after discussion, the DRB made all the comments part of the public record without reading each one into the record. Members of the DRB had received copies of all of the comments electronically. The comments were received from:

Katrinka Ruk, Executive Director, West Contra Costa County Council of Business & Industries  
Albert Reinhardt, Albany  
Austin McInerney, Advocacy Director, Bicycle Trails Council of the East Bay

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Bradley and Susan Justice  
Brian Brown, Albany  
Cheryl Longinotti, Marin County  
Donald Bastin, Chair, TRAC Interpretive Subcommittee  
Craig Flax, Youth Transportation Organization  
Elia Racah  
Gay Timmons and Stephen Jarvis, Richmond  
J.A. Zaitlin, Kensington  
JM Enjuto, Kensington  
Lauren Schiffman, Richmond  
Margaret Murray, Pinole  
Melanie Clark, Richmond  
Miriam Joscelyn, Richmond  
Marsha Lowry, El Sobrante  
Natalie Crowley, Richmond  
Paul Fogel, Berkeley  
Phyllis Orrick  
Sandy Zirulnik  
Sara Goolsby, Richmond  
Scott Amundson, Oakland  
Scott Harris, Richmond  
Shanna O'Hare, Albany  
Steve Goldfinger  
Sue Estey, El Cerrito  
Tom Guldman, Larkspur  
Bruce Beyaert, TRAC Chair  
Bill Hesel  
Mary Griffith  
Alix Mazuet, Richmond  
Sally Tobin, Richmond

DEBBIE BAYER explained that the public was currently listening to the meeting and emphasized the need for the public to be aware of the process. She commented that while the community engagement process had been described as “the most inclusive comprehensive community engagement project in recent history,” she disagreed that was the case, noted that she had participated, and stated that WRT had been hired by the City to reach out to people and touch about 4,000 Richmond residents, but reported that they had engaged with only 500 people. She also commented that in the hype WRT had acted as if it had engaged with the public and all had participated in the communal project. She again disagreed and stated that the public who had participated had expressed a desire for no housing in the project. She stated in one place in the responses the response had stated that a multifaceted hazardous response plan had been completed and in another that it had been drafted, and she asked for verification and if that response plan was available to the public.

Chair Livingston stated that the document and all the responses would be available on the City's website.

JOHN GARLAND, Richmond, asked if there was a way that the citizenry could be made aware of the reported 35 comments that had not been read into the record.

Ms. Velasco stated that all the comments could be posted on the City's website on the project page.

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Mr. Garland commented that he had received two mailers from SunCal which had, in his opinion, misrepresented what had been discussed. He sought the facts separate from the PR mailer that had been sent out. The DRB urged Mr. Garland to keep doing what he was doing by showing up and becoming aware and sharing the information with his neighbors. The DRB reiterated that all the comments would be posted on the City's website.

KATHLEEN [no last name given] commended the DRB for a job well done in reviewing the Point Molate plan. She stated that the City's General Plan had been a comprehensive planning exercise with the entire City and the proposal was inconsistent with the General Plan. She objected to the fact that the Point Molate plan did not discuss infill and affordable housing, asked where the City's priorities were represented, and suggested that the proposal was not intended for Richmond residents.

### **PUBLIC COMMENTS CLOSED**

A three-minute break was taken at this time and after the break all DRB members were present with the exception of Boardmember Neel who was absent.

Vice Chair Hannah thanked the public for the comments and for helping the DRB understand the impacts involved with the proposal. Referring to Figure 3-10 from the EIR and the 70 percent requirement for open space, he commented that the open space had been carefully shoved to the back of the property and was leftover space that was less usable. He explained that the DRB would have to fight for the premium public coastline open space for the community, and would have to think about the quality and location of the open space. He reiterated that the development had been shoved to the coastline and he shared the public's concern for what counted as the 70 percent required open space.

Vice Chair Hannah noted that the community wanted to preserve the open space at the coastline as opposed to the developer's desire to push all development to the coastline. He recommended that the development be pulled back from the coastline and not let any form of private development, infrastructure, underlying bio-swales or otherwise be used to serve the development. Referring to Section 2.0 where the three additional layout compositions had been presented with respect to building height and density, he expressed concern that a non-site specific design could get dumped in Planning Area A (The Promenade) and he noted that the Design Guidelines were flexible enough to allow for a development that did not require 300,000 cubic yards of soil removal. He suggested there were advantages taken by the private side of things and none of the premium areas were dedicated to public use.

Vice Chair Hannah supported pulling back the Loop Road, recommended densifying the buildings to reduce the footprint to increase the open space and at the same time, for example at the Point, push the buildings way off the Point and create as big a park as possible in the tsunami area and push the buildings up against the bluff, and on top of the bluff and in the Design Guidelines prevent flat pad suburban type development. He referred to 2.0 Design Guidelines and recommended removing the two examples that showed a grid layout. He preferred language to prevent the easy-flat-pad-top-of-the-hillside implication. He stated there could be an overall effort to tighten the design and not give the developer carte blanche of the precious resources. Again referring to 2.0 Design Guidelines, he stated that if looking at the Winehaven district all the buildings followed the line of the road and the road followed the natural contours and the drainage patterns of the hillside, and that formal daisy-chain development of Winehaven would be violated if allowing grid type designs. He recommended coming up with language to stipulate that the main living space of every unit must face a specific

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portion of the water, which he suggested also led into hiding the trailheads behind the developed community and the effect it would have on the public. He emphasized the need to be aggressive and clear on the design guideline level to keep Point Molate clear of development infrastructure and allow it to remain public.

Vice Chair Hannah commented the more the project could be brought eco-friendly working with the landscape type development, the hillside and the heights, a lot of the different concerns would be mitigated along the way. He offered the following statement: *Point Molate has no history of a gridiron urban fabric, on the contrary all the existing buildings follow the many undulations of the landscape. The historic Winehaven buildings follow the roads which follow the natural contours and riparian flows of the thing and that's what creates a view-oriented organization.*

Vice Chair Hannah added that when developing and daylighting natural drainage and opening up buildings to it, with some angling there could be views down to the Bay offering a win-win-win situation that could be achieved by just a little bit more thought. He suggested the project could not handle the usual developer approach and needed to be done by thoughtful people, or the Design Guidelines and master plan area needed to be coded in such a way as to produce a view-oriented urban fabric that followed the natural contours of the project. Once more dense, the amount of open space could increase dramatically.

Referring to a section off Stenmark Drive and a cut proposed for a building to be located adjacent to Stenmark, Chair Livingston used a map displayed to indicate the Vice Chair's recommendations.

Vice Chair Hannah supported a more finely grained responsiveness to the landscape given that the proposal felt oversized, cramming too much onto non-flat areas. He thanked the public for the input and requested that staff send DRB Members the public comments on the EIR when the Response to Comments document was available.

James Atencio clarified as part of the discussion that the EIR was not within the purview of the DRB.

Boardmember Butt commented that much of the EIR was available on the City's website. She referred to the General Plan goals related to the project. Speaking to language for the Point Molate Historic Districts, she recommended a change to Section 1.010 (b)(f) Provide for the restoration and reuse. She recommended "restoration" be changed to *rehabilitation*, which was the correct terminology, and to change "complementary new construction" to *compatible* new construction, also the correct terminology. On Page 6 of the zoning text, Section B(5) Conditions of Approval, she referred to the statement that "No condition of approval can impose further discretionary review of the project by the Zoning Administrator, Design Review Board or Historic Preservation Commission," and wanted to be sure that would not eliminate the DRB's ability for discretionary review.

Ms. Velasco clarified the language, which was existing language, and advised that the individual projects would still require DRB review and approval.

In response to Boardmember Butt as to whether the proposed phasing related to the overall project, MARC MAGSTADT, SunCal, expounded on a response from Jacob Nguyen with BKF Engineers that many of the infrastructure elements, sanitary sewage stations, and water pumps would be built as part of Phase One to the historic area where Howerton Hart would be developing. It had been envisioned that the infrastructure elements would be built to activate

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the historic area simultaneous with Phase One.

Boardmember Butt sought assurance that the Historic District would be developed. She commented that while the water tanks were sited well, she suggested the proposed siting of a sanitary lift, a generator, and a potential water treatment plant at the entrance to the development would be a huge misstep. She urged the design team to pull that out of the public space and stated the entry was a concern to her as were the density levels at The Promenade. She thanked the designers for showing the three different layouts for the Promenade and suggested the density and height might need to be reduced or that it be stepped back and be more organic with the site. She was alarmed by the bio-detention facility and emphasized the need for the park, the open space and the parking, particularly the parking for the trailheads to ensure that the trails could be used by the public. She also emphasized the need to differentiate the references to the Point and Point Molate. As to the lift stations, she asked for an understanding of their size.

JACOB NGUYEN, BKF Engineers, explained that the lift stations would have to be above or at grade and did not have to be a big above grade structure. He suggested a footprint with a 15 by 25- to 30-foot long structure. Currently there was one in the Phase One area and another in the Phase Three area. Off-site by Ocean Western Marine there would be a lift station but that one might be able to be relocated or eliminated.

In response to the Chair, Ms. Velasco explained that a Disposition and Development Agreement (DDA) was being negotiated with the City as property owner, which would describe that should the Winehaven Legacy LLC property be sold, the buyers would assume all the responsibilities and requirements in the Agreement, which document would be considered by the Richmond City Council at the same time as the other approval documents. Additional information on the DDA language could be provided to the DRB to address its concerns and to clarify the requirements.

In response to Boardmember Leung, Ms. Velasco explained that what was being discussed in the DDA was the phasing and if for some reason the developer was unable to complete the project the City could get the land back and find someone to complete the project. She emphasized that the City wanted to make sure that the project would be completed, and if not, the City would have the right to take the property back.

Boardmember Leung expressed her appreciation for the progress that had been made and the inclusion of public art and the history of the site, although no areas focusing on family or playgrounds had yet been shown and should be included in the open spaces. Her two primary concerns were that the community outreach needed to be more robust and there needed to be affordable housing and inclusivity in housing. She referred to the housing types that had been shown in the documents, such as supportive housing, accessory dwelling units (ADUs), and multi-housing dwellings, but noted that no income categories had been shown. Having reviewed the Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation (RHNA) numbers to try to determine why so much market rate housing had been proposed, she asked why some component of affordable housing had not been included in the goal and recommended language to identify affordable housing of some sort. To one of the comments from the public as to the tax impacts with the development, she did not see any fiscal impact study to identify the impacts of the development and she recommended that an applicant-funded study be done to show what the development would actually bring to the City in terms of tax revenue at full capacity on a long-term basis. With respect to the planting plan, she asked about a conservative effort to preserve native plants.

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Ms. Velasco reported that a fiscal impact study was in process.

On the discussion of affordable housing, Mr. Magstadt reported that ten percent of the units would be affordable housing, all proposed in Phase One, to be a mix of units spread within the market rate units in an inclusionary type situation and some in their own building, with the balance to either be somewhere else on site or through an in-lieu fee to provide affordable housing at another location in the City with access to services. Of the affordable units, a minimum of 67 units would be on site and be built in Phase One.

Boardmember Leung stated that was a great start but it would be great to have more.

Boardmember Fine commented that the downtown density was ideal and she appreciated tactical urbanism and transit-oriented design but suggested that was not an argument for not building housing at Point Molate given that the housing crises was so severe.

Boardmember Fine noted that the parks and open space approaches to ecology and site specificity were better but it still needed major help, in particular the shoreline park reductions were not human or ecology focused or include wayfinding for inclusivity within the City and beyond, and public access still needed to be addressed. As to access to the site, she commented that the documentation about interpretative signage felt limited to the constraints of the site itself and did not express a Bay Area experience.

Referring to the 2.2 illustrative plan for the trailhead access, Boardmember Fine suggested as integrated into the neighborhood it was the most unsuccessful design both for limited public access and for providing a buffer for the residents. She asked that that example be omitted given that there were two others that would be more successful. In response to the EVA Loop Road amendments, she sought clarity as to the “design to be upgraded” and whether that was just a fire and access upgrade or a user experience upgrade, and asked how that segment could be more cohesive with the rest of the Bay Trail. She appreciated the open space programming and community gathering but asked how to ensure those were maintained to evolve as the community changed and how the success would be measured. She wanted to make sure that as the process moved forward there was a clear path about what community engagement was, what it did, and how it was measured.

Boardmember Fine commented that the renderings were still predominately bird's eye views and she sought more human scale and experiential representation. She called the Stenmark Drive view to the Bay a mixed opportunity for such a critical viewpoint and encouraged the façade to be broken up more. She valued the idea of the community design principles but wanted them to provide a sense of a value system in building the road map.

Boardmember Carter stated that the site was so special that it had value as a park and natural environment for people to enjoy, but agreed that housing was also needed and he suggested there could be an equitable nexus of both. He noted that he had talked about equi-districts at the last meeting and stated there was 70 percent declared as open space but the community was concerned about that open space and what was to be public and what was to be private open space, which would have to be clarified. From the perspective of embracing what the community had commented on, he suggested it would be beneficial to look at it from the landscape, with the structures to fit within the landscape and be augmented to reinforce the topography and beauty of the site. To that point, he liked the clustered density which allowed more open space and agreed that flattening out the area was not conducive to the goal of the community plan.

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Boardmember Carter stated the paseos and paths between buildings needed to be defined as public and be made safe and be maintained. One of the biggest disconnects he had noticed was that in the allowable height diagram on 2-32, there were a number of areas at 55 feet and higher up to 105 feet which had not been reflected in any of the illustrations or sections. He recommended that those two be married more cohesively. He thought that the front loaded housing types were a suburban thing and recommended alley-loaded garages for single-family homes; suggested that 450 feet for a block as shown in the Design Guidelines was too long for a walkable block unless broken up by a paseo or riparian corridor; recommended the relocation of sewer lifts, booster pumps, or retention ponds that would encroach on the shoreline park; the trailheads (open spaces) needed to be more cohesively woven together so that one who had never been to the site would be comfortable traversing the area with clear wayfinding; and more full site sections going away from the water all the way through the development were needed to better inform the massing of the developments.

Chair Livingston referred to the Point Molate plan that he had marked up to identify the developer's vested right to develop in the Vesting Tentative Map and recommended that the development team reanalyze the boundary lines. He suggested there could be a buffer between a public park and the residential area to better separate the two visually, which concept could be included in the Design Guidelines. He pointed out the critical view corridor on the map and the crucial experiential zone for the public and suggested a wetland or berm could be utilized to hide the buildings and separate the natural from the manmade, a critical concept to discuss with the development team and be included in the Design Guidelines.

Vice Chair Hannah suggested the challenge was to aggressively keep everything man-made off the hundred foot shoreline and everything up to the road. He agreed that a berm could be utilized to do that; and Boardmember Fine suggested that more strict rules as opposed to design guidelines be imposed to ensure a strong landscaped natural ecology component versus strong building components and clear boundaries.

Chair Livingston referred to other diagrams he had analyzed and the recommendations he had made to each, such as reintroducing more natural drainage so that the building forms around those features would become more natural, the storm drainage concept for the Promenade area that was recommended for relocation recommending natural passive solutions and not engineered solutions, and the natural bowl area with the recommendation to pursue natural drainage and a more natural, responsible, thoughtful development for each of the areas referenced.

Chair Livingston stated that all the documents in the zoning document starting from Exhibit 3B-1 and the General Land Use Map Figures 32-A, 32-B and 3.15, all needed to be amended to show more accurate zoning land use classifications. Referring to 1.010 PMRD the PMPAD zoning text, Page 1, which talked about the district, a general residential district conforming to the Promenade area, he requested an amendment to the last sentence in the paragraph: *Parks and recreation facilities, civic and institutional uses, and community gardens*, and he added *These clusters are characterized by being planned around recreated natural drainage corridors and riparian planting*.

Chair Livingston also referred to 1.010 PMMUD and the last sentence, recommended striking the word "preferred" and added language to read: *For temporary mixed use portions of the building all residential parking shall be underground*. To 1.010 A Purpose, he added a note: *Note D. To create a community centered around natural land forms and create a random massing of forms in an ecologically integrated land plan*. To 1.040.B-1C which talked about

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major design review in the Historic District and the need to talk about the Historic Preservation Commission in the final plan, and on No. C, he suggested the following wording that: Minor and major development plan review is conducted by the Historic Preservation Commission *in joint session with the Design Review Board in order to maintain a harmonious consistency in the application of design standards and to ensure public comments are not lost or overlooked.*

Chair Livingston added that he had problems with the development standards in general such as the building height and form in the residential area where there was a townhouse height of 40 feet and the developer wanted exemptions to go even higher for parapet and other features. He suggested there were poor setbacks, such as three feet on the alley which left no room for plantings, and he stated the guidelines were too restrictive in terms of planting. He added that he would forward his written comments to staff for submittal to the DRB to address his concerns for height, industrial buffer zones, comments on towers, and the like.

Vice Chair Hannah agreed with the need to tighten up the Design Guidelines appropriate to the area.

Ms. Emmons thanked the DRB and the public for the comments.

Ms. Velasco stated that WRT, the City's consultant whose staff was present on Zoom, would assist staff who would work with the applicant team to provide some additional information and feedback. She asked that any other specific comments from the DRB be submitted to staff. WRT had been reviewing the application materials and would compile the comments and help draft conditions of approval for the project.

Chair Livingston stated that the Vesting Tentative Map and the distribution of development and grading was way off and he hoped the applicant understood that and he hoped not to see the grading plan again. He sought more responsive site specific attempts by the civil engineer to sculpt the site in a more natural way.

Vice Chair Hannah agreed with the need for a strategy to maintain the natural environment.

Chair Livingston thanked staff and the development team for their efforts.

### **Board Business**

#### **A. Staff reports, requests, or announcements:**

There was no report from staff.

#### **B. Boardmember reports, requests, or announcements:**

### **Adjournment**

The meeting was adjourned at 9:53 P.M. to the next regular Design Review Board meeting on Wednesday, June 24, 2020.