

# MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021

## DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

July 28, 2021  
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

Brian Carter  
Michelle Hook  
Jonathan Livingston

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

### ROLL CALL

**Present:** Chair Jonathan Livingston, Vice Chair Brian Carter, and Boardmembers Michelle Hook, and Macy Leung

**Absent:** Boardmembers Kimberly Butt, and Jessica Fine

### INTRODUCTIONS

**Staff Present:** Planners Roberta Feliciano and Hector Lopez, and City Attorneys Shannon Moore and James Atencio

**APPROVAL OF MINUTES:** July 14, 2021

**ACTION:** It was M/S/C (Hook/Livingston) to approve the minutes of the July 14, 2021 meeting, as submitted; approved by voice vote: 4-0 (Ayes: Carter, Hook, Leung, Livingston; Noes: None; Abstain: None; Absent: Butt and Fine.)

### APPROVAL OF AGENDA

#### Public Forum

Roberta Feliciano described the format of the web-based meeting and the public's ability to speak during the meeting.

The following email was received for public comment:

# MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021

CORDELL HINDLER, Richmond, reported that he had submitted the following comments by e-mail which Ms. Feliciano read into the record: "Good evening Chair Livingston, Boardmembers and City staff, I have some comments for the record. 1. I have someone in mind to fill the last vacancy, a college graduate with a major in design. 2. As a reminder, when projects are being considered the applicant MUST communicate with the correct Neighborhood Council. Sincerely, Cordell," and Mr. Hindler reiterated those comments directly.

**City Council Liaison Report:** None

**CONSENT CALENDAR:** None

**APPEAL DATE:**

Any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, August 9, 2021 by 5:00 P.M.

**PUBLIC HEARINGS:**

- |                                    |  |
|------------------------------------|--|
| <b>1. PLN21-147</b><br>Description | <b>NEW SINGLE-FAMILY DWELLING</b><br>PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A 2,200 SQUARE FOOT TWO-STORY SINGLE-FAMILY DWELLING ON A VACANT PARCEL 100 FEET NORTH FROM THE ORCHARD AVENUE AND SOUTH 59 <sup>TH</sup> STREETS. |
| Location                           | SOUTH 59 <sup>TH</sup> STREET  |
| APN                                | 508-371-016  |
| Zoning                             | RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT   |
| Owner                              | PRABHJOT SINGH   |
| Applicant                          | ROBERT AVELLAR   |
| Staff Contact:                     | JONELYN WHALES      Recommendation: CONTINUE TO AUGUST 11, 2021  |

The item was continued to the meeting scheduled for August 11, 2021.

- |                                    |   |
|------------------------------------|---|
| <b>2. PLN19-229</b><br>Description | <b>NEW TWO-STORY ACCESSORY DWELLING UNIT (ADU)</b><br>PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT AN ±800 SQUARE FOOT TWO-STORY ACCESSORY DWELLING UNIT. |
| Location                           | 5943 CAPITOL HILL AVENUE  |
| APN                                | 419-191-002   |
| Zoning                             | SINGLE-FAMILY HILLSIDE RESIDENTIAL DISTRICT   |
| GP                                 | HILLSIDE RESIDENTIAL  |
| Applicant                          | SANDEEP GAHLA (OWNER)   |
| Staff Contact:                     | JONELYN WHALES      Recommendation: CONTINUE TO FUTURE MEETING  |

The item was continued to a future meeting.

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|------------------------------------|--|
| <b>3. PLN20-331</b><br>Description | <b>CHERRY BLOSSOM ROW TOWNHOME PROJECT</b><br><b>(CONTINUED FROM JULY 14, 2021)</b> PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT TO CONSTRUCT |
|------------------------------------|--|

## MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021

100 RESIDENTIAL DWELLING UNITS ON PARCELS TOTALING 4.7 ACRES. THE PROJECT INCLUDES RE-ZONING FROM CG (GENERAL COMMERCIAL) TO RM-1 (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL) AND A VESTING TENTATIVE MAP, WHICH MUST BE APPROVED BY THE PLANNING COMMISSION AND CITY COUNCIL.

Location	2301 COLUMBIA AVENUE	
APN	507-251-015, -020, AND -021	
Zoning	CG, GENERAL COMMERCIAL DISTRICT	
Owner	ABS-CBN INTERNATIONAL	
Applicant	CITY VENTURES	
Staff Contact:	EMILY CARROLL	Recommendation: RECOMMENDATION TO THE PLANNING COMMISSION

Roberta Feliciano presented the staff report dated July 28, 2021, for the development of a 4.7-acre site with 100 townhomes and related subdivision improvements. The DRB was being asked to make a recommendation to the Planning Commission. The application had also been submitted under SB 330 and the State Density Bonus Law. She recommended that the DRB adopt the design review findings and supporting statements of fact and recommend approval of a Design Review Permit to the Planning Commission. She added that the DRB had reviewed the plan in study session at its March 10, 2021, meeting.

Ms. Feliciano reported that the site consisted of three vacant parcels located on Columbia Avenue, which had since been renamed Dalai Lama Avenue. The subject parcels were separated by two existing multi-family residences on Napa Street, mature eucalyptus lined the western boundary of the small parcel to the east, and San Joaquin Street and I-80 were located to the east of the smaller parcel with single-family homes beyond the interstate. The western L-shaped parcel was bound by Dalai Lama Avenue and the American Soil Co. to the rear and the I-580 freeway to the west. There were PG&E and sanitary sewer easements in the northwest corner of the larger site and a branch of the Union Pacific Railroad adjacent to the larger parcel's western boundary along with the Tibetan Association of Northern California to the south of the larger parcel in addition to single-family and multi-family residences.

The design scheme entailed construction of 15 buildings separated by interior roads, pedestrian circulation paths, and landscape areas. A mix of three bedroom/three bathroom and four bedroom/four bathroom units with attached garages had been proposed. The units would range from 1,300 to 1,900 square feet, proposed to be three stories with two residential levels and ground floor garages. The units also provided second story balconies and ground floor private open space. The western L-shaped parcel included an 8-foot high masonry sound wall with vine wells on both sides on the western and northern property lines. The landscape plan included a community garden and bicycle amenities on the L-shaped parcel. The community garden space would have 11 garden beds that would be open and accessible from the street.

Ms. Feliciano explained that the project embraced a traditional architectural style characterized by mansard roofs accentuated with gable accents created by alternating projecting second and third floor bays defined by individual townhome units. The bays would provide spatial articulation that would be further emphasized by alternating colors and finishes. The exterior cladding would include fiber cement siding with a scored stucco finish, with the projecting bays clad in vertical board-and-batten Hardie board siding. The color scheme was designed to reflect the colors in the surrounding neighborhood, especially the nearby Stege Marsh.

## **MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021**

During the study session the DRB had provided recommendations and the applicant had made modifications to the site plan as shown in the staff report. For the public art, a monument would be included, and a public art element would be added in front of the street.

The applicant had revised the landscape plan to include a children's play feature, had incorporated more trees and shrubs along San Joaquin Street, and while decks were not feasible due to rooftop equipment, balconies would be provided on the third floor of Buildings 8, 13, 14 and 15 with west facing views.

With respect to the environmental review, Ms. Feliciano stated that the public comment period had opened on July 12, 2021, and would close on August 12, 2021. The project would include an 8-foot CMU sound wall along the western and northern boundaries of the parcel. Americans with Disabilities Act (ADA) compliant curb ramps would be provided to create an accessible pathway, Class III bikeways would be developed in the uphill direction and Class III bike signage and striping on San Joaquin Street would create a bike route pursuant to the City of Richmond's Bicycle and Pedestrian Plan.

Ms. Feliciano recommended the DRB recommend approval of the Design Review Permit to the Planning Commission. She added that she had sent a memo recommending that Condition 8 be amended to state that each of the units shall have either a 10-foot by 10-foot ground floor patio or a 6-foot by 12.5-foot second story balcony.

Chair Livingston thanked the development team for working with the DRB and for being responsive to the DRB's comments, concerns, and recommendations.

SAMANTHA HAUSER, City Ventures, explained that they were a sustainable in-fill developer, and the project was solar/all electric with no gas to the site, and with low-impact landscaping, low-flow water fixtures, all garages were ready for electric vehicles (EV), designed creatively to use less lumber, fewer thermostats and included lots of amenities. As an in-fill developer, she stated that all projects were different and in this case, they had worked to tie everything together with the Southwest Annex neighborhood, had worked with staff, conducted outreach, came to the DRB in March and had gotten feedback on the style and colors. The project was deemed to be complete in June and City Ventures had worked with the DRB Subcommittee to bring forward the current iteration of the project. She requested a recommendation of approval to the Planning Commission.

Ms. Hauser characterized the project as a true transit-oriented site and had worked with staff to upgrade bicycle and pedestrian facilities and ensure access to transportation, schools, amenities, and the core commercial sites. She explained that the former satellite farm had been removed although the bollards and pads had been left behind along with other materials including those that had been dumped creating a blighted area. It was her hope to energize the area and move things forward, activate the public street and create a grand entry. She displayed the current site plan and described the changes that had been made in response to the DRB's recommendations such as the creation of a community garden that would be open to the public; a pocket amenity on the smaller parcel; the reorganization of the site and the layout of the grand entry; additional street trees and new lighting on Napa Avenue, San Joaquin Street and Dalai Lama Avenue; activated unit frontages; interspersed parking throughout; flexible office space on the ground floor; a redesign of some of the buildings with front doors coming off of the street; vine trellises on the rear for sound attenuation and on some of the front of the units; capitalized Bay views on the north and west property lines by adding third floor view

## MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021

balconies; more traditional architecture; added seating around the central lawn areas; and a bike repair station and bike storage facility. She added that they were working with two local artists to include public art.

Ms. Hauser described the neighborhood, the different styles and types of buildings, and the effort to integrate with the Tibetan Association of Northern California's main entry by tying the entry into the subject site.

Ms. Hauser sought feedback from the DRB on the preferred color scheme.

Chair Livingston opened the public hearing.

LOREN RUSSO, an attorney with the Eviction Defense Center, commented that the predominant issue she encountered in her work was a lack of new attainable housing in the Bay Area, and specifically in the City of Richmond. She supported the application as sustainable, visually appealing, and suggested the property was designed to be affordable for all incomes, meant for locals who wanted to remain in Richmond and transition from renting to owning. She supported the project and encouraged more of this type of development.

PJ SINGH was excited about the improvements that the project would bring to the Southwest Annex neighborhood. He supported the project to clean up the neighborhood and to improve property values in the area as well as provide much needed housing in the community.

DARIEN KEY, Adams Broadwell Joseph & Cardozo, speaking on behalf of Contra Costa Residents for Responsible Development, stated that any discussion was premature since the California Environmental Quality Act (CEQA) environmental review process had just begun, and the Mitigated Negative Declaration (MND) public review period would not end until August 12, 2021. He also noted that the Richmond Municipal Code (RMC) required the DRB to consider all environmental concerns related to the project, which were subject to change during the environmental review process. He urged the DRB to postpone its recommendation until the Environmental Impact Report (EIR) was complete to allow for an informed decision on the project.

Boardmember Hook verified with Ms. Hauser that geotechnical and hazardous soil testing had been conducted as part of the MND and there was no agency oversight required. She also asked about the landscaping, exterior zones, and communal spaces, as well as the tree and plant species that would be planted, particularly related to the cherry blossom theme.

CHRIS FORTUNATO, the Landscape Architect, described the flowering plum tree species that would do well in the region. He referenced the *prunus serrulata* and *prunus caroliniana*, and others that were like true cherry trees that could be included in the planting plan.

Boardmember Hook urged Mr. Fortunato to check out the City of Richmond Urban Forestry Master Plan as a resource to understand the tree species that did well in the region. She wanted to see more native and durable grasses and potentially some culinary species in the community garden zone.

Mr. Fortunato stated they would use as many bullet-proof natives as possible.

Boardmember Hook also asked if there was an opportunity to plant more trees along the edge of I-580, and Mr. Fortunato stated that more could be considered beyond the birch trees that had been proposed.

## **MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021**

Boardmember Hook wanted closer spacing and supported 36-inch box size. She also asked about lighting along the CMU walls and Ms. Hauser stated that lighting would be installed not only due to the adjacent freeway but for safety purposes due to the clustered parking in that area.

Boardmember Hook supported the various passive and active areas in the central paseo area and encouraged City Ventures to allow the nature play area to be for children and adults.

Boardmember Hook requested more information on the bike area, and Ms. Hauser stated that each home would have a dedicated bike storage space in the garage and the community at large would have bike facilities throughout, but the bike facilities in front of the community garden would be for anyone who wanted to bike in and fix their bike.

Boardmember Hook also asked about the pomegranate trees that had been called out in the plan and recommended Meyer lemon trees in the community garden area.

Chair Livingston stated it was important to have something actionable and specific in terms of planting and asked specifically where the trees would be planted, and Mr. Fortunato identified the *prunus sp.* that would be planted and stated that ten could be planted; six at the entry and two each in the paseo and the community garden where Boardmember Hook recommended the akebono variety and additional plantings along Dalai Lama Avenue to confirm the cherry blossom theme of the development.

Ms. Hauser sought flexibility where the trees could be placed consistent with the grading plan.

Vice Chair Carter supported the application and the applicants' willingness to respond to the recommendations from the DRB. He liked the colors and endorsed the scheme with the natural tones. He asked if a stop sign might be possible on San Joaquin Street, and Ms. Hauser stated the City of Richmond had hired the CEQA consultant who in turn had hired Fehr & Peers to conduct a traffic study, which had been analyzed in detail with no need or condition for a stop sign, although speed bumps had been recommended within the site along with conditions to make sure that pedestrians were protected in the crosswalks. The City had opined that the Class II and III bicycle facilities and ADA ramps, while not part of the CEQA requirements, were important along with a new pedestrian walkway over San Joaquin Street over the bridge to I-80. The applicant had agreed to those conditions.

Boardmember Leung verified that all garages would have EV charging facilities and an EV charging station and ADA parking had been proposed on the western portion of the community garden. While she liked the Option 2 color scheme, she suggested that something could be done as part of the art component to tie into the Tibetan Association of Northern California across the street.

Ms. Hauser explained that the name Cherry Blossom Row had been chosen because of a Tibetan cherry tree and she had recommended that the public artists involved make a connection to the cherry blossom and the Dalai Lama facility across the street.

Boardmember Hook also supported the Option 2 color scheme and given that the name was an ode to the Tibetan cherry tree, she suggested the akebono tree be incorporated using 24- or 36-inch box size.

## MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021

Chair Livingston noted the exterior steel on the detail was not galvanized and he recommended it be galvanized or painted with an approved primer in a practice that limited corrosion. He also stated the ladder from the roof was a major element that should be painted to the surrounding architecture, and with respect to the eave detail on Sheet AD-1 identified a roof eave with 2x sheeting that switched to half-inch plywood. He wanted to make sure that the plans were corrected in that case. He asked about the garage doors and Ms. Hauser stated the Wayne Dalton roll up garage door had been proposed.

Chair Livingston asked if the public art would be moved to the gardens, and Ms. Hauser noted that there were two locations that were being considered after the DRB Subcommittee's discussion; the community garden and Note 3 on Sheet A-1 and Note 18 on Sheet L-3. Views of the garage doors were presented to the DRB at this time and the DRB noted that the proposed garage doors were appropriate as proposed gray in color consistent with Option 2. The applicant also clarified the eave detail and stated it would be corrected on the plans.

Boardmember Hook asked about storm water plantings and Ms. Hauser stated the storm water design was an infiltration system and the water collected would go through the detention pipe and infiltrate back into the soil for a drywall.

Chair Livingston closed the public hearing.

**ACTION: It was M/S/C (Livingston/Carter) to recommend to the Planning Commission the approval of PLN20-331, Cherry Blossom Row Townhome Project; subject to the four Findings and Statements of Fact with 23 Conditions of Approval and additional DRB conditions as follows: 24) The applicant will be required to install STC rated windows and glass doors to reduce exterior noise levels to acceptable interior noise levels of 45 dBA CNEL or less in all interior habitable rooms. Additionally, during construction, the project will be required to implement measures to ensure compliance with the Richmond Noise Ordinance, Richmond Municipal Code Section 15.04.605, and reduce temporary impacts of construction noise to both onsite receptors and nearby sensitive uses. Conditions of approval are included to limit the hours of construction activities and strategies to reduce noise, including selecting appropriate construction equipment; 25) All exterior steel (see Sheet AD-2) to be galvanized steel or approved primed and painted practices that would limit corrosion; 26) The ladder access per the Mechanical Code should be painted to match the adjacent surfaces in which it goes up; 27) Metal guard railings shall also be galvanized or primed as noted in Condition 25; 28) Eave detail AD-1 should be changed to avoid a one-inch deviation between the roof and the eave; 29) Sectional garage doors to be as noted - Wayne Dalton Metal Roll Up Garage Doors; 30) Include public art component near the garden; 31) Install minimum of 12 *prunus sp.* or *prunus akibono* in 24-inch box placed as discussed; 32) More trees along the I-580 edge if possible; 33) Vine spacing to be six feet on center at the base of masonry wall if not already noted; 34) The marsh scheme color is preferred; 35) The public art component to reflect the Dalai Lama center's symbolism colors per Boardmember Leung's comments and as encouraged by the applicant; and 36) Create more native plantings in the community garden to help with that productive landscape; approved by voice vote: 4-0 (Ayes: Carter, Hook, Leung, Livingston; Noes: None; Abstain: None; Absent: Butt and Fine.)**

### Board Business

A. Staff reports, requests, or announcements: None

## **MINUTES APPROVED AT THE DRB MEETING ON AUGUST 11, 2021**

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

Boardmember Hook requested a copy of the Public Art Ordinance.

- City Attorney's Report on Nexus and Proportionality

City Attorney Shannon Moore provided some context for the discussion by explaining the Constitutional principal that no private property could be taken for public use without the payment of just compensation. The DRB could impose conditions on development as long as the conditions were reasonable and there was a sufficient nexus between the conditions imposed and the projected burden of the proposed development. It was incumbent on cities to prove the proportionality of the conditions to the impact.

Ms. Moore referred to the specific case law involved and described the type of discussion that would have to occur to meet the burden of the nexus and proportionality requirement.

City Attorney James Atencio explained that the issue was fact specific, and any conditions imposed would have to have some substance or proof to withstand judicial scrutiny if it was ever challenged. He offered examples of conditions that could not withstand judicial scrutiny.

### **Adjournment**

The meeting was adjourned at 7:56 P.M. to the next regular Design Review Board meeting on Wednesday, August 11, 2021.