

MINUTES APPROVED AT THE DRB MEETING ON SEPTEMBER 22, 2021

DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

August 25, 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 Kimberly Butt and Jessica Fine

Absent: Boardmembers Michelle Hook and Macy Leung

INTRODUCTIONS

Staff Present: Planners Roberta Feliciano, Alex Lopez, and Hector Lopez, and City Attorney Shannon Moore

APPROVAL OF MINUTES: August 11, 2021

ACTION: It was M/S/C (Carter/Livingston) to approve the minutes of the August 11, 2021 meeting, as submitted; approved by voice vote: 4-0 (Ayes: Butt, Carter, Fine, and Livingston; Noes: None; Abstain: None; Absent: Hook and Leung.)

APPROVAL OF AGENDA

Public Forum

The format of the web-based meeting and the public's ability to speak during the meeting was presented.

The following email was received for public comment:

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CORDELL HINDLER, Richmond, had submitted the following email into the public record: “Good evening Chair Livingston, Boardmembers and staff, I have a couple of comments for the record.

1. I must remind the Board that any projects that are being considered, the applicant must speak with the neighborhood council to provide feedback. 2. I am proposing that the public should be allowed to return to the meetings. Sincerely, Cordell.”

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 Tuesday, September 7, 2021, by 5:00 P.M.

PUBLIC HEARINGS:

1. PLN21-129	DOLLAR TREE RETAIL STORE
Description	CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION OF A DESIGN REVIEW AND A CONDITIONAL USE PERMIT FOR EXTERIOR BUILDING RENOVATION AND SITE IMPROVEMENTS. A CONDITIONAL USE PERMIT IS REQUIRED TO OPERATE AND ESTABLISH A RETAIL STORE GREATER THAN 3,000 SQUARE FEET IN SIZE.
Location	12300 SAN PABLO AVENUE
APN	519-200-018
Zoning	CM-4, COMMERCIAL MIXED-USE, GATEWAY/NODE DISTRICT
Owner	KEVIN KIM
Applicant	TIM MEEHAN
Staff Contact:	HECTOR LOPEZ
	Recommendation: RECOMMENDATION TO THE PLANNING COMMISSION

Hector Lopez presented the staff report dated August 25, 2021, for an application requiring Design Review for exterior building renovations and site improvements on a property involving two existing parcels totaling 37,500 square feet at the northeast corner of Barrett and San Pablo Avenues. The parcels contained an existing 15,000 square foot commercial building located at the southern portion of the site with surface parking to the north. The parking area was paved and surrounded by a line of palm trees along the street frontage and rear of the property. A Conditional Use Permit was required to operate and establish a retail store greater than 3,000 square feet in size. As such, the DRB was charged with design review and a recommendation to the Planning Commission.

Mr. Lopez described the zoning surrounding the site with a variety of residential and commercial uses and explained that a parcel to the north, currently vacant, was also owned by the applicant. He reported that the project complied with the applicable development standards. The existing building would be renovated, new signs would be installed, the parking area would be restriped, additional landscaping would be provided, and the interior floor plan would be reduced in size by the removal of the mezzanine space to allow the functional use of a retail store.

Mr. Lopez identified the key location of the site in close proximity to a busy freeway entrance and within a Gateway and Community Node. He recommended preserving the amount of storefront glazing to create transparency to the street corner to meet the intent of that node.

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Mr. Lopez also noted there was existing equipment on the roof and given that it was not clear whether the equipment would be removed, he recommended that all equipment be screened from public view with concealment measures that would match the underlying structure in proportion, architectural style, and finish. Given the potential for traffic concerns due to the location of the site at a busy intersection, he also recommended the installation of a right-only sign at the driveway and the extension of the island in the middle of San Pablo Avenue to avoid cars crossing to the left off the driveway. He also recommended the removal of the existing driveway on Barrett Avenue.

When asked, Roberta Feliciano described a presentation that staff had provided to the Richmond Heights Neighborhood Council on June 24, 2021 with respect to the form-based code, which was expected to be adopted by the end of the year. She noted that retail uses were allowed in the T5/MS Transit zone.

ARIELLE HARRIS, Miller Starr Regalia, representing the landowners Kevin Kim and Jennifer Yu, advised that the public comments that had been submitted had been reviewed. She identified the development team present via Zoom to present the application and noted that the architect, H. Weston Drumheller, was not present due to a timing conflict. She clarified the latest plans submitted to staff and stated the applicant was amenable to the right-turn only movement on the driveway. She also clarified that the application conformed to all applicable General Plan, Zoning and Design Standards and the review at this time was limited to exterior design and landscaping. She added that comments concerning the specific retail brand or the desire for a different type of use was not applicable to the design review portion of the application, and community interest in modifying design standards in the future was also not applicable to the design aspect of the application. With respect to the extension of the median that was controlled by Caltrans, she explained that any requirement to deal with Caltrans would add a substantial amount of delay to the project and she asked that the applicant not be required to modify that portion of the median.

JENNIFER YU and KEVIN KIM, the property owners, described the difficulties securing a tenant for the space that had been vacant since 2016, explained that significant investment had been proposed for the property, and they had been working with Dollar Tree to occupy the space since 2019. The renderings for the proposed project were presented to the DRB.

MARK SPENCER, Senior Principal/VP with W-Trans, reported that W-Trans had evaluated the site, which was over 13,000 square feet, for a discount store for local serving retail that would not be a high trip generator and was exempt from the California Environmental Quality Act (CEQA) analysis in terms of vehicle miles traveled. He referred to the concerns raised by the public with respect to the adequacy, safety, and position of the driveway and the on-ramp to I-80 north of the site. He explained that the driveway was at the same location as it had been for the prior uses and site distance was compliant with Caltrans requirements. The right-turn restriction out of the driveway would help address concerns because of the distance to Barrett Avenue, and the traffic light at Barrett would help meter the traffic.

Chair Livingston asked if the analysis had included consideration of the AC Transit bus stop which might block the view of traffic, and Mr. Spencer stated when there was a bus or truck passing by the visual sightlines could be temporarily blocked, and with respect to the bus stop it would depend whether the bus stop remained at its current location. Because there was a right-only out drivers would have to look left, which would be a factor in the key locations of bus stops. He stated that issue had not been analyzed separately but the site plan in its current alignment had been analyzed. He also noted the concern with the eastbound I-80 on-ramp and vehicles backing up from the on-ramp was an ongoing concern in Richmond.

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Mr. Spencer stated the area became congested during the afternoon and the project would not change that situation but could add 28 vehicles during the afternoon peak hour and could slow traffic and cause congestion on San Pablo Avenue. He added that part of the City's challenge was that I-80 and San Pablo Avenue up to the point of the freeway was controlled by Caltrans and any changes to those facilities were more challenging as a result. The project would not change anything materially in the area.

In response to the Chair as to whether the delivery truck entrance was safe, SCOTT KIPNESS, outside counsel for Dollar Tree, stated the logistics problem had determined that deliveries could be made to the store. While W-Trans had not evaluated that issue, BUD DAVIS, the General Contractor stated it had been evaluated with the truck study. The logistics team believed they could operate with the normal equipment, although if there was a concern smaller equipment could be considered. The timing of deliveries could also be changed to address any concerns related to deliveries.

Chair Livingston opened the public hearing.

Ms. Feliciano identified the ability for the public to speak to the application.

JIM HANSON, Richmond, noted that a number of residents had submitted comments related to the location of the site and traffic slowing down to access the driveway. He spoke to heavy traffic towards the freeway, particularly during the afternoon, and expressed fear for rear end collisions at that location. He also noted a concern around saturating communities with multiple dollar stores and stated that research had been done on that issue.

HEATHER BRISTOW, Richmond, referred to specific resident concerns in the comments submitted to the City, understood the City's interest in filling a vacant building and generate additional revenue, but explained there was a food desert in the City and there was a need for more access to fresh nutritious fruits, vegetables and foods. Her concern was that when the dollar store moved in there would be fewer opportunities to access healthy food, and the dollar store would directly impact local grocery stores. She referenced the fact that lower income areas were often targeted by the dollar store industry and requested a temporary moratorium on any dollar store in Richmond to allow residents to speak to those issues and to slow down the process. She added that most neighbors had just found out about the meeting to consider the application and she sought more openness to hear directly from residents in in-person sessions.

BARBARA TANAKA, Richmond, spoke to the traffic impact on San Pablo Avenue and asked if the impact of traffic from Barrett Avenue from the Civic Center making the turn to I-80 going to Sacramento had been evaluated, along with the impact the in and out traffic from the parking lot would have on that traffic flow.

The City received an email from BUZZ VANDERSCHOOT in support of the application, and emails from MIKE WARREN, DIANE ADAMS, LEW MILLIGAN, MARJORIE McANENY, SANDRA TARBET, NEL BENNINGSHOF, TRISH CLIFFORD, SAMANTHA ANDONIAN, JANETTE RUSSEY, RHIANNON CASEY, JUSTIN CASEY, CORDELL HINDLER, JENNIFER MILLS, KIELD PEDERSEN, MARIA GANIARIS, ERIC PAGE, ELIZABETH REIMER, AND H. DOW TUNIS in opposition to the application.

Boardmember Fine stated it was not the DRB's purview to discuss the use of the project which represented the bulk of the comments received. With respect to the design, she spoke to the landscape and inclusivity and noted a difference between the sidewalk, the street, and the project itself. Because that portion of the site was surrounded by wrought iron, she encouraged the

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removal of the wrought iron and sought ways to engage the sidewalk.

In terms of food, food deserts and healthiness, Boardmember Fine encouraged the applicants to join the CSA [Community Supported Agriculture] at Urban Tilth to find a way to connect with the community in terms of agriculture and landscape, to embrace the sidewalk with the community, and not to put up a wrought iron barrier. In terms of looking at where the site was now and what it could be, she suggested it was an important lesson for the public in terms of what was vacant as opposed to what was not activated. She noted the proposal would be an aesthetic and contextual improvement to the community, and emphasized that the DRB had read all the comments from the public.

Mr. Davis explained in response to the Vice Chair that some part of the building was not seismically reinforced to current codes and part of the building would have to be removed and rebuilt. The storefront on San Pablo Avenue would have new storefront windows across the front, and the entrance to the parking lot to the entry to the store would be opened up by removing a low wall and adding more glazing as well. He added that the design had to comply with the glazing required by code.

Vice Chair Carter suggested that the proposed design would eliminate the sense of arrival at the corner, and while he understood the need for more sheer wall for seismic purposes at the corner midway on the east elevation, he expressed concern with that design and urged some consideration to retain the quality of the design.

Mr. Davis reported that there would be a new transformer on site, to be 600 amp service, 4.5 feet high, and set inside the property on the other side of the wall by the bus stop on the northwestern corner of the building. He also reported that PG&E had recommended an above-ground transformer.

Mr. Davis explained that the trees to be installed would be 15 gallon in size as specified on the landscape plan. New parking lot lights would be added as well as landscape, and there would be compliance with the number of parking spaces required. He described the lighting proposal for the total surround of the building and the parking lot. He added that the building would be repainted in all new colors and the green stripe and green parapet cap was part of Dollar Tree's branding.

Chair Livingston commented that the landscape plan on Sheet L-2 showed trees at 24-inch box size, which would likely translate to 10 to 12 feet in height.

Vice Chair Carter verified that the metal fence along San Pablo Avenue would remain although other options could be considered.

Mr. Kipness confirmed that the green stripe and signage was the registered national trademark for Dollar Store. The signage would be either internally lit or gooseneck down lit depending on the DRB's recommendation, to be tied into Dollar Tree's corporate National Energy Management Program where the lights would be turned off at a set time, which would be controlled by corporate and which could not be overridden by the store. He added that the signage requested was code compliant and would be located on the front of the building, on San Pablo Avenue, and on the back of the building on Barrett Avenue. He did not believe they were allowed any other signage.

The DRB recommended the elimination of the Barrett Avenue signage.

Vice Chair Carter requested that the monument sign in the front include the Dollar Tree tree logo

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shown over the entry overhang.

JEFF FORMAN, Dollar Tree, explained that the tree was part of Dollar Tree's national logo package and it could be included on the monument sign. He advised that Dollar Tree would work with the City on the recommendation for the monument sign and the elimination of the sign on Barrett Avenue. As to the rooftop equipment, he stated their refrigeration equipment did not require rooftop placement, although he was not familiar where the AC equipment would be located. He noted that staff had indicated that if there was rooftop equipment it would have to be screened.

As to the opaque film over the windows, Mr. Foreman stated it was a linear footage issue and a safety issue, separate and apart, related to the linear feet of merchandising that Dollar Tree required and whether or not merchandize could be kept at a lower elevation to keep the linear footage that was needed. With respect to safety, people could walk in and see who was in the store for monitoring purposes, an issue with most retailers. He added that there could be a discussion for a design to the opaque windows and what could be done to both engage the community and ensure employee safety.

Vice Chair Carter recommended engaging with the community to consider Richmond themes that might activate the front in the event that some of the windows had to be blanked out for operational needs.

Additional PUBLIC COMMENT

DANIELLE SCIOCCHETTI, Richmond, noted that there had been a lot of concerns about the crime rates that dollar stores seemed to invite given the cash transactions, and she questioned whether that had been considered. She referred to the many comments from residents who had questioned whether a dollar store was compatible with the area.

Chair Livingston explained that those questions would be more appropriately presented to the Planning Commission, which would consider the merits of the use as part of the Conditional Use Permit. For the benefit of the public, he described the noticing that would be associated with the Planning Commission's review of the Conditional Use Permit application when public comments would be solicited.

Boardmember Butt was disappointed to see the storefront windows be reduced in that she preferred that the windows be stretched across the front. She also referred to the cornice put back at the parapet and was unsure whether it would have the current depth. She supported that depth when "rebuilt." She did not see an awning over the entry and recommended a metal awning over the entry with lights, recommended screening on the rooftop to screen any equipment with an identification of what the screening material might be, supported the inclusion of the tree in the Dollar Tree logo on the monument sign, did not support the maintenance of the existing fence which appeared to be worn down, and with respect to the comments questioning the safety of the vehicle entry, asked if the entry could be moved farther down to the north or into the adjacent parking lot.

Chair Livingston agreed with the suggestion to move the entry and proposed a 100-foot move. He encouraged the applicant to include an awning over the entry as had been shown in one set of plans. He objected to another transformer on the sidewalk, agreed with the need to maintain the glazing of the existing architectural style, stated that the steel doors on the elevation needed to be filled in and that the CMU block be blended in with the existing CMU block. He also expressed the need for a roof plan and specification of roofing material, the screening details,

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clarification of the colors for the garbage enclosure, and replacement of the lamps shown on the plan as 4,000 K to 3,000 K maximum.

The Chair also sought framing details and colors for the storefront windows as well as the details for the cornice on the façade, when rebuilt, along with the quality of crisp and bold roof flashing and edge details consistent with the mid-century modern styles along San Pablo Avenue. In addition, the sidewalks on Barrett Avenue needed to be removed and replaced, the patchwork quilt of concrete on the sidewalk from the intersection going both ways needed to be addressed, with attention to paving at that corner. The fence needed to be moved back to engage the public, and the issue of the opaque film needed to be resolved.

Vice Chair Carter requested details of how the back property line along McLaughlin Street, including the fence, would be addressed.

Chair Livingston urged attention to both gates, and noted a potential stacking problem if the gates were closed. He expressed a willingness to work with the applicants to address the issues.

ACTION: It was M/S/C (Livingston/Carter) to continue PLN21-129, Dollar Tree Retail Store to the September 22, 2021 meeting; approved by voice vote: 4-0 (Ayes: Butt, Carter, Fine, Livingston; Noes: None; Abstain: None; Absent: Hook and Leung.)

Board Business

A. Staff reports, requests, or announcements:

It was announced that Emily Carroll was no longer with the City and she had been replaced by Alex Lopez, who described his background to the DRB.

The DRB welcomed Mr. Lopez to the City of Richmond.

B. Boardmember reports, requests, or announcements

Chair Livingston referred to some sewer issues in Point Richmond that had yet to be resolved and which had resulted in a moratorium of sewer hookups in that area.

Adjournment

The meeting was adjourned at 7:45 P.M. to the next regular Design Review Board meeting on Wednesday, September 8, 2021.