

DESIGN REVIEW BOARD MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
November 14, 2007
6:00 p.m.

BOARD MEMBERS

Robert Avellar, Chair
Ted J. Smith
Diane Bloom

Jonathan Livingston, Vice Chair
Don Woodrow
Vacant

The meeting was called to order at 6:05 p.m.

ROLL CALL

Present: Chair Avellar, Boardmembers Bloom, Smith and Woodrow (arrived at 6:40 p.m.)

Absent: Vice Chair Livingston

INTRODUCTIONS

Staff Present: Janet Harbin, Lamont Thompson and Hector Lopez

Chair Avellar gave an overview of the procedures for speaker registration and public hearing functions and procedures. He noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, November 26, 2007 by 5:00 p.m.

APPROVAL OF AGENDA

ACTION: It was M/S (Avellar/Smith) to approve the agenda; unanimously approved.

MINUTES FOR APPROVAL

October 10, 2007:

ACTION: It was M/S (Smith/Bloom) to approve the minutes of October 10; unanimously approved.

CONSENT CALENDAR

Chair Avellar noted the Consent Calendar currently consisted of Items 4, 5 and 7. Items 1 and 2 were requested to be placed on the Consent Calendar due to them being recommended for hold over. **Boardmember Bloom** requested Items 5 and 6 be removed from the Consent Calendar.

ACTION: It was M/S (Avellar/Smith) to approve the Consent Calendar Items 1, 2, 4 and 7; unanimously approved.

Consent Items Approved:

1. **DR 1102306 – Canyon Oaks II Development on San Pablo Dam Road** - PUBLIC HEARING to consider a request for Design Review approval of the proposed residential designs for 32 homes, located on the south side of San Pablo Dam Road at its intersection with Castro Ranch Road within the El Sobrante Valley area (APN: 573-020-009). The project applicant received entitlements for a tentative subdivision map to construct 36 detached single-family dwellings, including 4 custom home sites; associated utilities infrastructure and roadways for the subdivision. The City Council approved a General Plan Amendment and a rezoning for the project. New zoning districts are SFR-1, SFR-3, and CRR (Single-Family Residential and Community and Regional Recreation) Zoning Districts. FRB Inc., owner; Tom Simonson of Eden Bridge Homes, applicant. Staff Contact: Jonelyn Whales. Tentative Recommendation: Hold Over To 12/12/2007.
2. **DR 11103698 – Construct Two-Story Duplex on Carlos Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±3,800 square foot two-story duplex located at 5640 Carlos Avenue (APN: 509-180-008). The proposed project would include provision of five (5) parking spaces, and a maximum building height of 27' – 9". MFR-1 (Multi-Family Residential) Zoning District. Saovanee Singharlangpon, owner; Guy Supawit (Designer), applicant. Staff Contact: Hector Lopez. Tentative Recommendation: Hold Over to a Date Uncertain.
4. **DR 1104378 – Two-Story Addition to Existing Deck at Residence on Dimm Street** - PUBLIC HEARING to consider a request for Design Review approval to construct a split-level deck at the rear of the residence located at 567 Dimm Street (APN: 519-222-003). The project would add a multi-level deck over 6 feet in height. SFR-3 (Single-Family Low Density Residential) Zoning District. Linda Donner, owner: Stan Gina, applicant. Staff Contact: Kieron Slaughter. Tentative Recommendation: Conditional Approval.
7. **DR 1104419 – Richmond Ford Assembly Plant Solar Panels Installation on Harbour Way S.** - PUBLIC HEARING to consider a request for Design Review approval to install solar panels on the Richmond Ford Assembly Plant building located at 1414 - 1422 Harbour Way South (APN: 560-181-103 & -104). Mixed Use (Knox Cutting Specific Plan) Zoning District. Orton Development, Inc., owner/applicant. Staff Contact: Lina Velasco. Tentative Recommendation: Conditional Approval.

Items Discussed:

5. **DR 1104344 – Construct Single-Story Residence on Sanford Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±1,700 square foot single-story single-family residence located on Sanford Avenue between Kelsey and Filbert Streets (APN: 561-192-034). SFR-3 (Single-Family Low Density Residential) Zoning District. Gustavo Perez, owner; Roberto Pena, applicant. Staff Contact: Hector Lopez. Tentative Recommendation: Conditional Approval.

Chair Avellar briefly described the project and confirmed there were no public speakers.

Boardmember Bloom requested the size of the lawn be reduced, that planting beds be added to the side of the driveway in the front and rear yards, a patio be provided in the rear yard, lawn to be removed from the parking strip and replaced with groundcover, and that additional hardscape material be placed along the side yard from the garage side door to provide for trash container storage and access to the front curb. **Chair Avellar** requested that at least an 8x4 foot porch cover be installed over the rear patio door.

ACTION: It was M/S (Bloom/Smith) to approve DR 1104344 per staff's recommended four findings and 8 recommendations, with additional conditions; 9) that the size of the lawn shall be reduced for the front, side and rear yards; 10) that additional hardscape will be provided for easy rolling of trash containers to the driveway from the garage side door; 11) planting beds will be added on the side of the driveway in front yard and in rear yard; 12) patio will be added in the rear yard to provide for sitting space; 13) lawn to be removed from parking strip and replaced with appropriate groundcover; and 14) that a cover be installed over the rear patio door of 8x4 feet; unanimously approved.

Chair Avellar recommended hearing Item 3 ahead of Item 6 due to the fact that Boardmember Woodrow had not yet arrived and there will be no quorum for Item 6 due to one Boardmember needing to recuse himself. He said if Boardmember Woodrow did not arrive, Item 6 would be continued.

ACTION: It was M/S (Avellar/Smith) to move Item 3 ahead of Item 6; unanimously approved.

3. DR 1103503 – Construct Mixed-Use Complex on Humphrey Avenue - PUBLIC HEARING to consider a request for Design Review approval to construct a mixed-use complex, consisting of five (5) apartments on the second and third floors of the proposed building ($\pm 5,592$ square feet) above $\pm 4,072$ square feet of commercial space on a $\pm 9,512$ square foot corner lot located at 2300 Humphrey Avenue (APN: 528-010-005). C-2 (General Commercial) Zoning and General Plan Designations. David Townsend, owner; Darryl Debor (Architect), applicant. Staff Contact: Jonelyn Whales. Tentative Recommendation: Conditional Approval.

Darryl Debor, Architect, gave a brief description of the project, stating they have made 70 item changes to the drawings. **Boardmember Smith** noted 18 conditions were included in the staff report and he confirmed Mr. Debor agreed with those conditions.

Boardmember Bloom said Boardmember Livingston had emailed her a list and she read some of the changes into the record, one of which included: "Site Plan: 1) need a solid fence on the eastern and southern property line; suggest a 6 foot high solid cedar or IPE wood fence". She asked if this was discussed and changed. Mr. Debor said it was changed and was now an IPE wood fence. He said all of the changes requested had been made, he wrote a response letter on each item and sent it to Boardmember Livingston, and noted all items had been changed. Mr. Thompson said the list can be made as part of the record and he suggested the applicant confirm they were all addressed. Mr. Debor said one had to do with blocking out the planting areas in the parking lot so people are not able to drive into them, he suggested pushing the planting areas between the parking spaces so they would move the trees to those spots instead of having the planted areas more or less at the edges. He was focused on the entry to the residential units, so they did a lot of work on the paving in front of that.

Chair Avellar asked staff to include the list into the record and then confirm they are adhered to with approval of the project and said he liked the project.

Boardmember Bloom said the planting plan was one of the most interesting planting plans the Board has ever seen and very unusual. She said there are many edible plants and she was concerned that sufficient attention was not given to what would do well in the area, and she asked if the applicant had help from a plant person. Mr. Debor said he has lived in Alameda for 20 years and has grown all of the identified plants, and he confirmed that the difference between the two cities is the sandy and clay soils in Richmond.

Boardmember Bloom voiced concern with drainage, said most of the plants would be fine, she was not sure about the Capsicum, but plants that come from the Mediterranean should be on mounds so they have some extra root and drain better. She said the Carobs will not fruit and Mr. Debor said they were very common in Alameda as street trees. She has never seen a Chestnut in Richmond, and she asked Mr. Debor to revisit the planting plan. Mr. Debor said he has used Chestnuts in El Sobrante, the Sudden Oak Death was a problem but they seemed to have gotten through. They recovered in the way the Bay trees tend to do, as well. He said it was sort of shocking because he thought he lost them.

Boardmember Bloom asked the applicant to discuss those areas in the home where people hang out and whether it provides for a good focal point with plantings. Mr. Debor said one big variable is what happens on the second floor podium level courtyard area. He felt it would depend a lot on who the tenants become for the units. He questioned if it was a place more for kids or adults, who might want to have raised planter beds and picnic tables, so he wanted to see what the area would demand prior to committing to it. He agreed it definitely wants to be something other than just an open space. So, he did the planting around the edges and bamboos along the south side to provide some shade coming into the courtyard, but what happens in the center was still up in the air.

NOTED PRESENT

Boardmember Woodrow was noted present at 6:40 p.m.

Boardmember Bloom asked how he would deal with the situation once the clientele was identified, and Mr. Debor asked if staff could review the landscaping once the project is built and tenants are in place to determine what is best for that area. Mr. Lopez said the Board could give advice. If the applicant plants something that does not work, it doesn't work. He would address the item today and not have it return to staff or to the Board in the future.

Mr. Debor discussed the planting of perennials in the parking area, and **Boardmember Bloom** suggested planting something different due to exhaust from cars, such as ornamental rosemary or something. She also said Rhubarbs are poisonous and asked for structural shrub material to be planted in the parking lot.

Boardmember Bloom discussed the bamboo and runners, and Mr. Debor said the bamboo is all enclosed on second story planters. She said she would prefer to have a little more indicated underplantings in the tree areas and suggested some edibles and evergreens.

Boardmember Woodrow apologized for being late, thanked the applicant for making the changes, but asked the applicant how he arrived at the gray color scheme. Mr. Debor said there is a block in Pacific Heights which is one of his favorite neighborhoods, they tend to be shingled but the color schemes on all of them are black and dark gray. As a texture over a large area, he really likes it. **Boardmember Woodrow** said most of the things on the street are bright colors and he wondered whether the applicant wanted to transpose a high end of San Francisco onto the neighborhood. Mr. Debor said he photographed all facades of nine blocks in all directions, there is not much of a context, but if the Board had other suggestions he could consider them. **Boardmember Woodrow** said on the west and north drawings, there is something on the wall to the left side of the doorway; a vertical dark line, and Mr. Debor said this is the light fixture called lighting number one in the packet shown on the 4th to the last page. He said it is a twin cylinder, an LED light, and it would shine light up and down.

Boardmember Bloom said there is a green screen on the gate and Mr. Debor said it was for the roof of the trash enclosure, which is the only other color. **Chair Avellar** noted the color indicates Kodiak Brown and Mr. Debor said the original plans were in color and he presented them to the Board, which was black, gray, green tile, tube steel for the trellises which would

allow for vines to grow up. **Boardmember Bloom** said she personally disliked the black and would rather see a dark forest green with the gray. She noted it was very unusual and bold, and while it might work, she felt people might really strongly dislike it. Mr. Debor said it was not quite as stark as it looks in the packet, said there were light gray, dark gray and black, and the whole tradition in the arts and crafts movement of the dark trim is a rich, beautiful thing. If it feels like it is overwhelming, he agreed to re-think it, but he felt it was nice.

Boardmember Woodrow asked audience members what they thought about it and one audience member really liked it. Mr. Debor said they have met with the neighborhood group twice, but they have not seen the current version and he agreed this could be done.

There were no public speakers on the item.

Boardmember Smith met with Mr. Debor many times, confirmed Boardmember Livingston saw the color scheme and did add some lighter grays, and the Board agreed with the current colors, which were contained in the packet.

The public hearing was closed.

Chair Avellar said he liked the project and has seen similar colors in Berkeley on College.

Boardmember Woodrow said there are homes that are done in their own color schemes, but this is not the case here. He hoped the colors would have a big influence on other things that could be built in the area, and the hope is not to duplicate a block in Berkeley or to carry over here the kind of home sites that exist in some other city.

ACTION: It was M/S (Avellar/Smith) to approve DR 1103503 with staff's four findings and 7 recommendations, with the additional planting suggestions per Boardmember Bloom, and that the colors match what is proposed in the original color board in the Planning Department; unanimously approved.

6. DR 1104032 – Easterhill Senior Housing Mixed-Use Development on Cutting Blvd. - PUBLIC HEARING to consider a request for Design Review approval to construct a mixed-use development consisting of 24 low-income senior restricted dwelling units and ±6,350 square feet of ground floor commercial space at the properties located at 3601-3627 Cutting Boulevard (APNs: 513-152-001 & 513-152-002). Neighborhood Commercial (Knox Cutting Specific Plan) Zoning District. Eastbay Community Development Corp., owner/applicant. Staff Contact: Lina Velasco. Tentative Recommendation: Conditional Approval.

Boardmember Smith recused himself from participating on Item 6.

Durrell Ali, Project Manager, said they are requesting approval for a building of 24 units of senior housing, there are 22 one-bedroom and 2 two-bedroom units in the facility, the building is three-stories, with two stories of residential units on top of the ground floor above commercial uses on the ground floor, which have not yet been determined. The project has been reviewed by the Board in the past, they received a recommendation of approval for the project to the Planning Commission with a series of conditions and the recommendation requested that the project return to the Design Review Board to resolve some details. The Planning Commission did not wish to act on the recommendation that was not a final recommendation. Since that time, they met with Boardmember Livingston and Chair Avellar and City staff and addressed a number of outstanding issues.

The staff report requests the number of units change from 24 to 23 units. The density is not specifically part of the actions taken necessarily by the DRB but they are asking that the project be recommended as a 24-unit project and that they resolve some of the issues concerning staff's feelings about whether the Planning Commission has the authority to approve the 24th unit with the density bonus they are requesting. She deferred to the architect to describe items discussed during the Planning Commission meeting. She said the 24th unit has to do with the affordability of the project; it does not expand the existing building but rather locates a unit across a hallway. She discussed rents, incomes, and affordability of the units. **Chair Avellar** noted there were two different color schemes and Ms. Ali said the color is one of a sage design and others are also proposed and included and address concerns of Chair Avellar and Boardmember Livingston.

Christine Vargas, Kodama Diseno Architects, presented the previous design and changes incorporated such as cut back of the entry way to have an angled design, added an awning that has the address and/or signage depending on the commercial use, they have added scored paving to the entry and to the driveway, they re-arranged the garbage enclosure, added an area of refuse and two stairways, changed the elevation colors, the awning is cut back to enter at an angle, added an awning similar to the other awning, added double columns, revised the color scheme so the residential entry is brighter, on the Cutting Boulevard side they revised the stair tower which was not in the packet so the band is continuous, they added a belly band with an accent, they propose to use the IPE product depending on budget constraints or another wood product which is a renewable source of wood and she presented a perspective of the trim work.

Boardmember Bloom questioned the accuracy of the colors of green and brown on the guardrail. Ms. Vargas said they submitted a color board with the actual ICI colors and they do come through as more yellow than brown. If they use the IPE product, it is a clear wood and would not require any stain or paint according to Boardmember Livingston. **Boardmember Bloom** said she preferred the IPE product.

Chair Avellar questioned trim on the siding on the corner. Ms. Vargas said there is a GSM cap over the corners and is painted. **Boardmember Woodrow** asked Ms. Vargas to attach certain paint chips to the plans, and Ms. Vargas explained where each of the colors would be used.

Boardmember Woodrow felt the project would add so much in the area of Cutting Boulevard and praised the applicant team.

Boardmember Bloom questioned if there are some plants missing in certain areas, and Ms. Vargas noted the areas proposed were actually existing concrete. **Boardmember Bloom** voiced concern with drainage for plants, questioned groupings of plantings that need shade versus sun, noted several situations of this in the plans and asked for a review of this in terms of sun and shade exposures. She said some of the plants may be prone to disease, noted there were many misspellings and suggested the firm use a botanical spell check. She also questioned locations of certain plantings in play areas due to their being delicate.

Chair Avellar confirmed the roof was lowered to a 4:12 pitch.

Public Comments:

Naomi Williams, President of the Pullman Neighborhood Council, felt the project is too large for the space, she confirmed the roof pitch had been lowered which she felt was an improvement, she felt it would not be wise to build 24 units and suggested using the added room for a sitting area. She said she sent an e-mail to the Planning Department with questions; 1) will they leave an open option for the off-street parking and cited problems of inoperable vehicles; 2) will units

just be for seniors or those disabled under age 55; 3) before any business is established on the first floor, she suggest they first be mandated to come to the neighborhood council meeting.

Rebuttal – Applicant

Ms. Ali said they have a strong property manager who enforces strict regulations to handle non-operable vehicles and extremely low income residency does not typically produce more than one car per unit and she said there likely will be units with no cars. For any additional commercial parking needs, they expect to acquire contract parking from other businesses, they believe there is sufficient parking numbers for the number of units, the property will be for seniors, people with special needs, all individuals will be 62 and older; however, there is some provision under HUD where they will allow individuals under 62 if they are disabled. Any business would be expected to meet with the neighborhood council, the project is not a project of Easterhill Methodist Church but of a community organization sponsored by Easterhill. Regarding the 24 units, the application was originally submitted with 23 units. The 24th unit became an imperative when they were notified by funders that they did not have sufficient income for the project. The owners wanted to maintain a multiple use project, they did not want to have all-senior housing, and smaller properties have a greater difficulty with affordable housing. They strongly believe that under State law and State Court of Appeals actions that the City has the ability to approve the 24th unit and they expect to work with staff to approve that 24th unit prior to the next Planning Commission meeting.

Chair Avellar asked if parking is provided for the 24th unit, and Ms. Ali said the parking would not increase for the additional unit; the parking on-site encompasses all 24 units.

Boardmember Woodrow said the Planning staff has advised the Planning Commission to delete the 24th unit because it conflicts with the current General Plan and he asked for a response from Ms. Ali. Ms. Ali said the conflict exists primarily with the zoning ordinance, which has a 35% density bonus requirement within it unless you add day care facilities. They are requesting 41%. There is, however, a recent State of Court Appeals decision affecting the City of Vacaville which has a 25% density bonus in their zoning ordinance, and where an applicant requested 40% density bonus, and the State Court of Appeals found that the City acted properly in approving a higher density bonus than that called for in the zoning ordinance. Because the State's density bonus law specifically encourages going above those minimum percentages because of the tremendous burdens shouldered by those trying to accomplish affordable housing. Those density bonuses generally top out at 50% of the number of affordable units, with various levels of affordability, or 50% for senior units. They are going with all senior units, at risk of being homeless and targeting the lowest income. Therefore, there are many bases for them to request the 24 units with a 41% density bonus.

Mr. Thompson said the issue is specifically being addressed by their counsel and the City's counsel. The Vacaville ordinance actually permitted a 50% density bonus. As he understands it, whether there are 24 or 23 units, the exterior of the building will not change, and the Design Review Board can approve this design and does not need to weigh in on whether 23 or 24 units is appropriate or not, as this will be handled by either the Planning Commission or City Council.

Chair Avellar confirmed any businesses locating in the building must adhere to the City's zoning regulations.

The public hearing was closed.

ACTION: It was M/S (Woodrow/Bloom) to recommend to the Planning Commission DR 1104032, subject to the staff's 4 findings and 27 conditions, with the additional

recommendation that the landscape consultant and staff re-examine and make some adjustments to the planting plan prior to planting in relationships to the plant spacing, sunlight and shade, disease resistance, and drainage issues, which is subject to the approval of the Planning Director or his designee; unanimously approved.

BOARD BUSINESS

8. Reports of Officers, Board Members, and Staff

Mr. Thompson said on November 28, 2007, two items will be presented to the DRB on the Chevron project; one is a utility building for an electrical sub-station and the other a mechanical and design features of the process units, control room and supporting equipment. He recommended the DRB review the copy of the draft EIR and technical appendix contained in the this meeting's packet.

Boardmember Woodrow asked that the public be made aware that this will not be a hearing dealing with smells and what Chevron does, and Mr. Thompson said the public can come and speak on anything relating to the project such as smells, odors, environment and design. In response to a question regarding landscaping by **Boardmember Bloom** as she was going to be out of the state. Mr. Thompson said nothing has been submitted regarding landscaping; that the items are machinery items in the unit. **Boardmember Woodrow** suggested the DRB be provided with a tour and noted plants do not grow there due to the many pipes. Mr. Thompson agreed to provide a contact for boardmembers to call and make individual appointments for a tour.

Boardmember Woodrow said he was sorry to have arrived late and wanted to hear Item 7, stating this is the largest solar project planned for the City. He felt it would have been a good thing to hear about the project and showcase Richmond being green.

Public Forum – Brown Act - None

The Board adjourned the meeting at 8:00 p.m.