

**DESIGN REVIEW BOARD MEETING  
COUNCIL CHAMBERS, RICHMOND CITY HALL  
1401 Marina Way South, Richmond, CA  
September 14, 2009  
6:00 p.m.**

**BOARD MEMBERS**

Michael Woldemar, Chair	Eileen Whitty, Vice Chair
Diane Bloom	Andrew Butt
Otheree Christian	Raymond Welter
Don Woodrow	

The meeting was called to order at 6:03 p.m.

**ROLL CALL**

**Present:** Chair Woldemar, Boardmembers Butt, Christian, Welter and Woodrow

**Absent:** Vice Chair Whitty and Boardmember Bloom

**INTRODUCTIONS**

**Staff Present:** Janet Harbin, Richard Mitchell, Kieron Slaughter and Mary Renfro

**APPROVAL OF AGENDA**

Chair Woldemar noted that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Thursday, September 24, 2009 by 5:00 p.m.

**CONSENT CALENDAR**

Chair Woldemar said the Consent Calendar consisted of Item 1, and Boardmember Woodrow requested its removal.

**PUBLIC HEARING**

- 1. 1104434 – PORT OF RICHMOND, HONDA PORT OF ENTRY PROJECT LANDSCAPING**  
– DESIGN REVIEW APPROVAL of the Final Landscaping< gateway Sign, and San Francisco Bay Trail located at 1317 Canal Boulevard (Port of Richmond) (APNS: 560-320-002, -016, -017). M-3 (Heavy Industry), M-4 (Marine Industry) Zoning District. Owner: Surplus Property Authority of Richmond; Applicant: Ari G. Niemi. Staff Contact: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Chair Woldemar said this project has some history and there are conditions that carry over from a City Council appeal and approval in the past.

Assistant Planner Slaughter reviewed the project. AWC and Trans-Development is proposing changes in the marine terminal which will facilitate dissemination of Honda automobiles throughout the United States. To facilitate loading of automobiles onto railroad cars, tracks along Canal Boulevard will be extended into the Port. A new railway car storage yard will be created, new railcar loading terminal, new parking facility, and realignment of the Port's access

road. There is also extension and improvement of sections of the Bay Trail, and new landscaping and gateway sign.

At the October 8, 2008 DRB meeting, the Board considered the project and voted to approve it along with the environmental impact report. One of the conditions was for the applicant to return to the DRB after consulting with Boardmembers regarding the landscaping and members of the Bay Trail advocacy group. The item was appealed and was heard at City Council on November 18<sup>th</sup>. That appeal was denied and a lawsuit was filed.

Tonight, the project team is in attendance and is prepared to go over the final details of the project. They will describe at length some of the measures that are being taken to accommodate the Board's requests. Staff's recommendation is for approval of final landscaping, gateway sign, and parking layout. Staff received some correspondence from other Boardmembers; Boardmembers Whitty and Bloom were in favor of the project, as proposed.

Boardmember Woodrow said he thinks the comments received from Boardmembers Bloom and Whitty pertained only to the items that were at issue at the time, and only Boardmember Bloom was in attendance at the hearings.

Chair Woldemar questioned the materials being used in the overhead sign, and asked if staff or the Board had received documents describing the materials. Mr. Slaughter answered staff did receive some information about materials and the overhead gateway sign would be made of steel with cement footings.

Boardmember Woodrow asked for a summary of the results of the legal suit. Mr. Slaughter said the result was that an advisory board will be formed to monitor the project and to provide feedback on the court's obligations to pursue alternate forms of power for the vessel, and how they were to apply for grants and additional funding. That board has been formed and is active at this time.

The public hearing was opened.

Norman Chan, Port of Richmond, said the advisory board is comprised of members of the community. They had their first meeting in June, it is ongoing, and they are currently meeting twice a month. The purpose of the group is to come up with a plan to be sure the air is clean and emissions are reduced from vessels. This includes the entire Port of Richmond and not just the entry.

Bill Robbins, TransDevelopment, showed an image of the facility as envisioned by the original project plans. There is a parking area next to the cafeteria building, a truck entrance and security gate with landscaping, and a new roadway. They met Condition 1 by meeting with Boardmember Bloom and Bay Trail staff on October 29<sup>th</sup>.

Boardmember Woodrow asked for clarification of the current eucalyptus reduction. Mr. Robbins clarified the request was to not use eucalyptus in the parking lot. They are continuing to utilize eucalyptus, but the variety is straighter and flowering.

Mr. Robbins discussed Conditions 2 and 3. There was a request that the lettering on the sign be changed from the original and those changes were made. They also received feedback that the use of the numeral III is not appropriate, and they devised a new title for the sign that is more appropriate. They are also prepared to discuss the materials in the sign and Boardmember Butt's request to review the illumination of the sign. The sign now says, "Historic Richmond Shipyard Number Three."

Boardmember Woodrow questioned the reason to spell out numbers 1, 2, and 3. Chair Woldemar noted that this was written in a letter and he did not know why it was suggested. Mr. Robbins explained that the site lighting along Canal Boulevard will be that of historic LED lighting.

Boardmember Butt said the company located there wanted the lighting to fit with what is there. The Board itself was hoping that the lights would be about the same size as on Canal Boulevard.

Chair Woldemar asked for a new site plan that shows where the new lighting will go. Mr. Robbins showed the portion of lighting currently in place and the new area to be lit. The idea is to build the same style of high mast light, but to use a cut off fixture and downward directed technology to dramatically control the glare and spill of the light off of the site. The EIR requested this, and the EIR study showed there was no significant impact on glare and spillover. There were two settings for the light: one is operational and one is security. The security lighting setting is appropriate for cameras used throughout the site to monitor activity.

Boardmember Woldemar questioned the location of the homes, and Mr. Robbins displayed their location and pointed out that the light is directed downward; there is very little glare but an ability also to control the glare from the site. If you were to try to have a similar illumination level with a 30-foot fixture, it would take 5 or 6 times as many poles. Within all of their submittals to the City and the EIR, the plan was to have this type of lighting and be able to control it as much as possible.

Boardmember Woodrow pointed out that the type of streetlight is inconsistent with the conditions of approval. He asked how the Board could accept anything other than what is presented in Condition #4. Assistant City Attorney Mary Renfro reviewed the terminology in Condition #4: "The street lighting on Canal Boulevard should be of a historic style of LED lighting." She said the applicant is simply saying there will be no street lighting on Canal Boulevard and she noted that there is not a requirement for it. Mr. Robbins agreed that it is not street lighting. Boardmember Woodrow questioned and confirmed with Mr. Robbins and Boardmembers that a parking area was 125 feet away from the street.

Boardmember Woodrow asked about the style of the new light fixture compared to the old one, and Mr. Robbins said it would look different and not have as much glare.

Mr. Robbins said Condition 5 requires all fencing to be black coated to resist tarnish and rust. Their intent has been to go back to the planning staff and convince them it would be better to have a galvanized finish on all of the fencing than to have black. It is an industrial shipyard setting and there are two different kinds of fence to be used in the project. One is going to be a palisades style fence, and the other is going to be chain link fence, 9 feet tall with barbed wire. In its entirety, industrial fence and galvanized finish is superior to the black coats.

Chair Woldemar questioned the definition of a palisades fence, and Mr. Robbins said it is picketed with a curved top, and displayed location of the fences on the site plan. In many places the chain link fence is replacing existing fence in poor condition. In other places, like in front of BP Arco and adjacent to the rail yard, it is brand new fence.

Ms. Renfro recalled the black coated term had been introduced by former Boardmember Robert Avellar. The aim of the person who made the motion to add Condition 5 was for resistance to tarnish and rust. It is always considered consistent with a condition of approval if the applicant comes in with something that a decision-making body considers to be an upgrade. If the Board considers the galvanized fence to be an upgrade to the black coated fence, then it is okay to approve it without altering the condition.

Boardmember Woodrow questioned what discretion staff has within the zoning ordinance to allow minor changes, and Ms. Renfro responded, stating that ultimately it is the Board's decision, as specific matters on this project were to come before the Design Review Board.

Boardmember Woodrow asked if the Bay Trail extended on the inside or outside of the fence, and Mr. Robbins answered that the trail goes on the outside of the fence and then the fence ends before the trail winds up the hill.

Boardmember Woodrow questioned why the palisades fence is occurring further than the sign and only on one side of the road and not on the other. Mr. Robbins said the logic was to provide a nice replacement fence when entering the facility to replace the old, existing fence, but to only have it on one side because of budget constraints. Lengthening the palisades fence would cost about \$100-\$125 per foot. Boardmember Woodrow suggested removing some of the palisades fence after the sign, so that it only covers the parts that can be seen coming into the facility. Chair Woldemar agreed that the palisades fence should cover the areas seen by the public as they enter the facility and there is no need beyond that.

Mr. Robbins suggested that the area against the bluff did not need to be palisades style. Mr. Chan believed that it makes more sense not to have the palisades fence in that area because of the creek and the bluff.

Mr. Robbins noted that one of the tenants who runs the rowing area was incensed that he would be moved out and appealed to the DRB to help him keep him in his building, and negotiation was struck to allow him to keep his facility.

Mr. Robbins reviewed Condition 7 which required ships to plug into a facility to run off of electricity instead of diesel. They have studied this issue carefully and looked into different possibilities for funding. A grant application was submitted for the American Recover Investment Act Clean Diesel Funding Assistance Program. In June they received a letter stating they were not selected for this grant. They are continuing to attempt to get funding. The BAAQMD Board is looking at the Clean Air Action Plan and funding opportunities and the Port can continue to apply for grant monies.

Boardmember Woodrow asked if they are seeking money to make the Port greener and pointed out that Chevron is doing this. Mr. Robbins said there is a big difference between an oil tanker and the other types of ships which have completely different costs and fuel. The container ships and passenger ships are the ones that need to be plugged in to save fuel. However, many of these ships are being designed differently so that they are low polluters. Most of the new tug boats have incredibly sophisticated motors.

Ms. Renfro clarified the differences between what is in the mitigation measures and what is in the lawsuit. There are clean air measures in the mitigation measures that have been developed and approved. In the lawsuit, the BAAQMD looks at ongoing ways to reduce overall emissions of the whole Port, not specific to this project. There is a Clean Air Action Plan already in place for this project.

Chair Woldemar questioned whether the applicant has met the condition of best efforts by applying for the grant, and Ms. Renfro said she thinks they have satisfied the condition. Under the lawsuit, however, they are required to continue to try to reduce overall emissions at the Port.

Boardmember Woodrow questioned the number of cars coming into the Port, and Mr. Robbins said about 135,000 vehicles will come in by ship on an annual basis. Of those 135,000 vehicles, about 30,000 will go out by truck. About 100,000 will go on multi-level rail cars and be

shipped to the southwest. In addition, there are approximately 70,000 Honda vehicles produced domestically in the Honda plants in the United States which come in by rail to Richmond. Those will continue to come in but will come all the way down to the Port instead of the facility on the street. This is traffic that is guaranteed under a minimum annual guarantee to the Port of the City of Richmond for 15 years. The Honda lot at the end of Canal Boulevard will be less busy than it is today, and the Honda business is about 80% of the total business. They will also build improvements; a small rail yard to manage the rail car switching movements that occur down to the Port. This yard is being established to reduce the switching movements across Canal Boulevard, it will allow them to load the rail cars from the yard from the lower part of Canal rather than across Canal and Cutting Boulevard, and they will be moved in groups down to the Port.

Boardmember Woodrow brought up the issue of noise and voiced concern about it getting worse. They have ensured that there will be fewer trains of greater length. However, the EIR was written by a company that had not taken into account the fact that a large number of days of the year, noise comes from the bay and he is still not comfortable with it. Mr. Robbins said the City Council added final conditions to this project to address those specific issues regarding noise, squealing, going through tight radius curves, and blowing horns. There is a very specific condition written about the quiet zone, and it is an ongoing process.

Gerald Rasmussen spoke on behalf of the Trails for Richmond Action Committee. He spoke in favor of the improvements to the Bay Trail that are part of this project and read an email sent to Norman Lassen that stated the design is consistent with the Bay Trail project. The plan includes a silhouette of Rosie the Riveter and three Bay Trail signs that will be fabricated as part of the Bay Trail project using grant funds awarded from the City. He recommended that the NIC be revised to clarify these items will be supplied by others and supplied as part of the Honda Port of Entry project and installed at the same time as other landscaping improvements in the cafeteria.

Chair Woldemar questioned who would build the trail around the lot, and Mr. Robbins said there will be a positive barrier between the street and the marked trail because it involves truck traffic and there are some blind corners. Chair Woldemar questioned if TRAC has funding, and Mr. Robbins said they expect a condition to be developed that funding will be financed by the Port or future Port tenants.

The public hearing was closed.

**ACTION: It was M/S (Woldemar/Woodrow) to approve the final landscaping, employee/visitor parking layout, Port of Richmond gateway sign, and San Francisco Bay Trail alignment based on Exhibit A, with reference to the conditions of approval in the City Council's action dated November 18, 2008, and with the following amendments: Amend Condition 2 to strike the symbol number and add the word number. Amend Condition 4 to state that if street lighting on Canal Boulevard is installed then it shall be of historic type with LED lighting. Amend Condition 5 to allow for a high quality galvanized chain link fence that is designed to resist tarnish and rust and is of a higher and better quality than a black vinyl chain link fence. Amend Condition 5 to allow for a black picket palisades fence to be included only in the areas diagrammed on Exhibit A: Along the frontage of parcel 7, extending around the new parking lot, into the BP access road, around the throat of the loading yard, and extending to the limits of the asphalt loading pad; unanimously approved.**

**BOARD BUSINESS**

Boardmember Woodrow questioned the project involving a building being painted bright red. Ms. Renfro said there has been some email traffic regarding this; the building owner did not have approval for the color, a City Building Inspector visited the site and got into an argument with the owner, and she learned today that the owner painted it anyway after being told to stop the painting. Regarding next steps, she said this is a historic building in the Point that was approved to be beige but is fire engine red. Staff is aware of it and action will be taken. The Building Inspector on the case is a specialist in violations of the building code, but she has not yet had a chance to talk to him today regarding the status.

Chair Woldemar said they received an email with 100 pages of minutes from a testimony hearing and questioned whether the Board needed to formally approve the testimony. Ms. Renfro said they should check to be sure they are quoted correctly, but that the Board does not need to formally approve them; they are purely informational. Chair Woldemar questioned whether staff could email members of the Board to clarify that they do not need to formally approve those minutes, and Ms. Renfro agreed to do so.

Chair Woldemar said they had requested a report for the next meeting about handicapped parking, curbside handicapped parking, and why curbside handicapped parking is legal. He said a fire station with required handicapped parking at the curbside was approved, and he asked staff if he could start using curbside handicapped parking spaces in all projects. Ms. Renfro agreed to follow-up.

Chair Woldemar said the Board received an email response about a Council liaison attending DRB meetings when something important was discussed, and requested that an email be put into the record so that people will remember that a liaison is supposed to attend DRB meetings. Boardmember Woodrow questioned if the Planning Commission has a Council person attending their meetings, and Ms. Renfro said they do not; this is a decision for the Mayor, and the Mayor has the ability to appoint a liaison to every Commission. Chair Woldemar said the email indicated Tom Butt had been appointed as the liaison to the Council, but that attendance was not mandatory. He believed that for special events, the person should be requested to attend meetings, and asked to put the discussion into the record for future reference.

Chair Woldemar said the Board had asked for a report regarding the reader board that has appeared at the Pacific East Mall. Ms. Renfro said the night of that meeting she was working on the sign ordinance to get one in place as quickly as possible, and the entire planning team worked very hard to get the ordinance in place. She said the reader board is the result of a project approved years ago to change the copy. She does not know if this is the final sign. Chair Woldemar said the signage was part of the design review approval of that project because it had been grandfathered in. However, its design character needed to remain similar to the way it was. He asked why it did not come back to the DRB as part of the approval and felt it would be appropriate for the Board to know information about the sign ordinance so they can react, if needed.

Ms. Renfro said the measurements were exactly what the Mall already had up, but what they put in may be slightly different and this is what staff is checking now. The Mall owners also received their building permits long before the moratorium on signs and issue of legality of signs came up. There were several months in-between when they received the sign and put it up. She said Mr. Mitchell is preparing that report and it will come to the DRB. Chair Woldemar noted it is now a two-sided sign instead of a three-sided sign.

Chair Woldemar announced that the next meeting will be on Thursday, September 24<sup>th</sup>. He believed the agenda items include the San Pablo Avenue Specific Plan and consultants will be

in attendance to describe the plan. It is a fairly comprehensive document, but one of his questions is whether it is specific enough, and there are a lot of land use and parking discussion in the document. He noted that all Boardmembers received copies of the General Plan, and it is interesting to compare what is in the Specific Plan to what is in the General Plan, and felt there are some consistency issues to be addressed.

The other item on the agenda is the corner of Broadway and Carlson, which was continued from a previous meeting.

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The Board adjourned the meeting at 7:35 p.m.