

**DESIGN REVIEW BOARD MEETING
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL
440 Civic Center Plaza, Richmond, CA
March 10, 2010
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 6:01 p.m.

ROLL CALL

Present: Acting Chair Whitty, Boardmembers Bloom, Butt, Christian, Welter and Woodrow

Absent: Chair Woldemar

INTRODUCTIONS

Staff Present: Hector Rojas, Kieron Slaughter, Jonelyn Whales, Mary Renfro

APPROVAL OF MINUTES - None

APPROVAL OF AGENDA

Acting Chair Whitty reviewed the procedure for speakers and noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, March 22, 2010 by 5:00 p.m.

PUBLIC FORUM – BROWN ACT - None

CONSENT CALENDAR

Acting Chair Whitty said the Consent Calendar consisted of Items 2 and 3. Boardmember Woodrow requested removal of Item 3 and Item 1 was moved to the Consent Calendar..

ACTION: It was M/S (Woodrow/Bloom) to approve the Consent Calendar Items 1 and 2; unanimously approved.

Items Approved:

1. PLN09-132 - VILLANUEVA WAREHOUSE ON S. 1ST STREET & MAINE AVE

Description	(Held Over from 2/24/2010) REQUEST FOR DESIGN REVIEW BOARD APPROVAL TO CONSTRUCT A NEW ±1,750 SQUARE FOOT WAREHOUSE.
Location	S 1ST ST & MAINE AVE APN 550-081-008

Zoning M-2 (Light Industrial)
Owner VILLANUEVA JOSE A & MARIA
Applicant BRENDA MUNOZ
Staff Contact KIERON SLAUGHTER Recommendation: **Hold Over to 3/24/2010**

- 2. PLN10-017 DECOMBE RESIDENTIAL ADDITION ON MONTANA STREET**
Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL TO CONSTRUCT A ±180 SQUARE FOOT ADDITION AT THE REAR OF THE RESIDENCE, A CONTRIBUTING STRUCTURE TO THE POINT RICHMOND NATIONAL REGISTER DISTRICT.
Location 28 MONTANA STREET
APN 556-153-008
Zoning SFR-2 (Very Low Density Residential)
Owner DECOMBE JEAN-MICHEL & MAUREEN
Applicant SCOTT MCGLASHAN
Staff Contact LAMONT THOMPSON Recommendation: **Hold Over to 3/24/2010**

Item Removed from Consent Calendar:

- 3. PLN09-054 LA SELVA RESTAURANT OUTDOOR BBQ ON 23RD STREET**
Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR VARIOUS SITE IMPROVEMENTS TO ESTABLISH AN OUTDOOR RESTAURANT SEATING AREA FOR LA SELVA RESTAURANT.
Location 1039 23RD STREET
APN 530-210-034
Zoning C-2 (General Commercial)
Owner RABAK DARIO F & ANGELA M
Applicant CESAR SEGURA
Staff Contact HECTOR ROJAS Recommendation: **Conditional Approval**

Hector Rojas gave the staff report, described the applicant's request for a design review permit and CUP to expand restaurant operations which consists of an enclosure for one BBQ grill on the lot adjacent to the restaurant and a patio and an outdoor seating area of 32 seats. He referred to exhibit information on pavement materials, landscaping, irrigation, a mission style fountain, lighting features, and provisions for a leased parking lot from another property owner. He said the project went to the Planning Commission on September 3, 2009, there were several members of the community who expressed opposition to existing operations, serving of alcohol, hours of operation and some of the entertainment uses in the restaurant. Mr. Rojas met with the applicant to work with modifying hours of operation and operational issues which will be dealt with at the Planning Commission level. The Board is being asked to provide feedback and send a recommendation to the Commission regarding the design of the project.

He noted there are two alternative designs, and Exhibit A is the preferred design by the applicant. Exhibit B is the alternate proposed by staff. The difference is the placement of the enclosure as outlined in Exhibit A-1. Exhibit B would place the barbecue enclosure at the property line by the street, with the premise being better advertising and it being moved further from residential area. Staff felt that the actual hood filtering system would address concerns of smoke and odors and hopefully the placement in the middle of the lot would better communicate with the kitchen area. The Planning Commission voiced concerns with staff having to serve from the back to the front of the restaurant. It was also felt that it allows for better symmetry in terms of having the fountain as a focal point and things more equally distributed looking left and right from the street.

Boardmember Butt questioned and confirmed with Mr. Rojas that the applicant's preferred approach was close to the street and staff encouraged them to locate seating closer to the middle of the plaza. He asked how this project relates to proposed 23rd Street Specific Plan. Mr. Rojas said there is a streetscape plan for 23rd Street which specifically deals with street and sidewalk improvements. Another plan is the Form Base Code for 23rd Street dealing with the land uses and development on the private property side. However, none of the two plans have been formally adopted. Specifically, Redevelopment Agency lost quite a bit of their funding and staff is currently moving forward with the EIR for the streetscape plan and there are still modifications proposed for the Form Base Code. The Form Based Code proposal calls for a lot more open space through the provisions of plazas, and this project is consistent with the intent of the Form Based Code which encourages gathering spaces in a community that does not necessary have a gathering space like a park nearby.

Boardmember Woodrow referred to the hood and grill and proposed sign. Mr. Rojas said they currently have existing signs on the restaurant and he was not aware of any signage above the grill, nor were additional signs being proposed by the applicant. Any additional signs would have to be reviewed by the Zoning Administrator. He said the applicants are present and could further address the question.

Boardmember Woodrow said it is troubling to find parking along the street, and 23rd Street is being reduced from four lanes to two lanes, which means that traffic flow will increase per lane. While fencing is shown, it is not clear to him how someone goes in and out of the new space. He questioned if fencing would swing open like a gate and he asked if people would come off of 23rd Street from the new space, as shown on Exhibit A-1. Mr. Rojas confirmed with the applicant that the fence would be a swinging gate.

Boardmember Woodrow said if the gate swings in, the grill cannot be located out front because it would swing into the grill. Mr. Segura, Applicant, said if the gate swings in, it will end up adjacent to one of the walls. The other side will be a landscaped area.

Boardmember Woodrow questioned if BBQ food would be carried out on trays, and Mr. Rojas said most of the restaurant operations is located in the actual restaurant and the applicant could answer as to whether more service would be provided outdoors. Boardmember Woodrow said in thinking about people on foot, servers would travel out from the gate, walk down the walk, dart out toward the street, and he felt this comes up when there is remote parking. He felt that walking out by Humphrey's and 23rd made sense, and suggested there be a crosswalk there.

Mr. Rojas said this issue was addressed with the Engineering Department who said it is possible to paint another crosswalk with a zebra pattern; however, as more people see this happening, there may be other businesses that may want it as well.

Acting Chair Whitty said 19 parking spaces are required and 23 are proposed, one of which is for off loading located in Sheet A. Mr. Rojas referred to Sheet A.5, upper left corner.

Acting Chair Whitty said since there is only one way in and out on 23rd Street, she asked why there is not an "in" on 23rd Street and an "out" on Humphreys. Mr. Rojas said functionally this makes sense, but staff prefers to have it on this side because staff was trying to discourage driveways on main arterial roads. Moving forward with the streetscape plan, every driveway limits them in terms of street trees that can be located on sidewalks. So, they try to emphasize the entrance on Humphreys intentionally for that reason.

Acting Chair Whitty questioned if staff heard from the North, East or Belding Woods neighborhood councils. Mr. Rojas said there were representatives at the Planning Commission

hearing, staff did not receive any letters from the neighborhood councils, but strongly recommended the applicant to attend the Belding Woods and North and East neighborhood councils, and they assured staff they had completed this after the Planning Commission meeting.

The public hearing was opened.

Hector Orosco, designer, said staff was very specific in describing the project. The general idea is to open up a plaza to enjoy outdoor space and provide food and he was available to answer questions.

Boardmember Butt noted that the road narrows and he asked staff if a median and bulb outs would go in. Mr. Rojas said each lane in each direction would have a sharrow for a combined road and bike lane. The sidewalks will get wider and the crosswalks shorter. Boardmember Butt asked if the City was far along with the Specific Plan to look at lamps. Mr. Rojas said the City has a preferred lamp type, but there is no specific illumination level identified, and the lamp type does correspond to it; however, the proposed color is a red powder coat. The one proposed for the street is a bronze, golden color with a rustic feel. Boardmember Butt felt it would be nice to see the lamps correspond to one another, and he was happy with the crosswalks getting shorter.

Boardmember Butt said he agrees functionally that it makes sense to have traffic come off of 23rd to the other parking lot, but for the street it works better as indicated on the plans. He wished that the project could be more informed with the streetscape plan, but he believed the project is an improvement to what is a bad lot.

Acting Chair Whitty questioned if Boardmember Butt had a preference for alternate A or B. Boardmember Butt preferred Alternate B, although it does break up the plaza in an unfortunate way and does not give the applicant as much space to use. Mr. Rojas said mainly driving this was the concern from the Planning Commission, and he described the operations.

Acting Chair Whitty questioned why the structure was not moved from the preparation wall. Mr. Rojas said the two parcels are actually owned by separate people. The way this will work is that Mr. Segura has arranged for a five year lease, and the request is really considered an interim use. He said about a year ago, Mr. Spatz brought a project before the DRB and had an approval for a two-story office retail building. The idea was to have a door that would open and have everything happen indoors. Since there is a property line there, they cannot actually put an opening, but a one-hour fire rated wall per the Building Department. He said they cannot have an interior connection—they literally have to go outside the enclosure and back into the preparation area and cross properties. He confirmed the only setback requirements that apply are 10 feet at the rear of the property where there is a residential property.

Boardmember Butt said it is unfortunate that the alternate divides the area, and Mr. Rojas said he likes the middle placement because it front loads the activity. As one is walking down the street, one is more likely to see the activity versus if there is a building in front of it which is Exhibit A.

Boardmember Butt said he preferred Exhibit B.

Boardmember Woodrow questioned if the grill could be located to be flush with the wall and running a vent up the wall driven by a fan so that fumes could be exited 15 feet off of the ground surface with the wind to carry it away. Mr. Orosco said they thought of this, contacted the manufacturer of the hood, and they assured them that this particular type 2 hood would address any fumes.

Boardmember Woodrow said there have been complaints of fumes without a grill outside, and those who built the grill will not be on site when the restaurant starts receiving calls. He asked the location of the fountain on Exhibit A-2, which Mr. Orosco pointed out.

Boardmember Woodrow questioned trash enclosures. Mr. Orosco said they have a trash enclosure which is located on Exhibit A-1. They are not shown in the landscape plan, but they will provide garbage receptacles. Boardmember Woodrow said garbage trucks could only pick up trash when cars are not parked. Mr. Orosco said the garbage trucks pick up trash at 3:30 a.m.

Boardmember Woodrow questioned signage and confirmed that there will be no added signs on the premises. He noted the grill is coated black.

Acting Chair Whitty referred to the garbage enclosure and photo, and confirmed that the garbage truck currently comes off 23rd Avenue, into the parking lot and to the trash cans.

Boardmember Bloom said in the past, a restaurant came before the Board, they had used a hood many times in many locations. There was still an odor and still some complaints, and she encouraged the applicant to go visit where one has been installed. It was either KFC or something else, and it was on San Pablo and Barrett Avenue. To clarify, when there is outdoor trash, she asked if there was a recycling requirement for bottles. Mr. Rojas said he was not aware of an ordinance for restaurants to have recycling bins plus a regular receptacle, but the City has an ordinance for food ware containers that requires them not to be Styrofoam.

Mr. Orosco said they have recycling for bottles, cans, plastic containers and she asked that it is clear to the public that recycling is available.

Boardmember Welter referred to the "P" on notes and plans, which he confirmed with Mr. Orosco that it means "proposed". Boardmember Welter supported moving the grill off of 23rd Street. He said they are trying to have varying storefronts, and having plazas that set back a bit make for visual interest. He encouraged the current recommended scheme or moving it to the side.

Boardmember Welter questioned what the gravel area in the rear of the lot used for. Mr. Orosco said it is not used for anything. Boardmember Welter said if there is a landscape solution to buffer some noise from the neighbors, this is an ideal place to do it, with planting or trees or something that absorbs the noise. He said aside from the landscaping along the perimeter, there are many hard surfaces including the buildings on either side. The acoustics will travel and the more buffering used to absorb noise, he encouraged the applicant to do this. Mr. Orosco said they can definitely increase plantings.

Boardmember Welter said he agrees with the concerns about putting parking across at 23rd Street, but there could be a signage solution. He knows there is a sign called for "customer parking only" but he was thinking more of directional signage for pedestrians for crossing, and encouraging people to use the crosswalk. He agrees nothing will keep people from running across 23rd Street, but some directional signage may help.

Boardmember Welter referred to the metal work, fences and light fixtures, he asked to have them finished or powder coated in the factory and not painted in the field because they never last. He said there is a sample plaster and stucco colors for the unit, but the Board received no color chips. Mr. Orosco said they are going to match the existing building.

Boardmember Welter noted the tile roof would be matched as well, but he questioned if there were two colors, stating it looks like there is a dark color in the center.. Mr. Orosco said they hired someone to paint the front and he painted some of the trim black to match it.

Boardmember Welter noted there is no spec on the roll up door, and Mr. Orosco said there are two and they are basic, grated doors.

Boardmember Christian questioned whether most people who live in the area feel good about the improvement. Mr. Orosco said yes; they met with Belding Woods, the North and East neighborhood councils once. He has communicated updates and the final draft plans via email.

Boardmember Woodrow questioned if the polka dot giraffe and elephant would remain on the roof and hoped they would be removed, as they are not part of the 23rd Street improvements. Mr. Orosco said the name of the restaurant means “the jungle” and most of the Mexican restaurants name it authentic names, and this is why they wanted to do something different. He said the inside of the restaurant is painted jungle-like as well.

Acting Chair Whitty referred to the far wall in the new patio area, and she asked if a jungle mural would be done. Mr. Orosco said it is not included in the plan but they could do this. Mr. Rojas added that in the original conditions of approval, he had the applicant put an 8 foot concrete wall where the property line is between the vacant lot and residential district. The Planning Commission stated that for the other people on the other side of the wall to the west, it would deafen noise, but have a sound increasing effect for everyone east of the wall. As far as putting a mural on the vacant lot, the applicant can talk with the property owner and put it on the wall for the restaurant.

Acting Chair Whitty asked to have it painted Terra Rosa and putting the mural on the far side; however, she acknowledged that the applicant did not own that wall.

Acting Chair Whitty referred to Exhibit B, where it shows the grill room in the center, the fountain is not drawn in behind the gates, and she asked this to be added. She confirmed the gates swing in and open during operating hours. Mr. Rojas said the existing hours of operation will be modified due to the public concern. The hours of operation for the plaza area will be different than the restaurant. He believed that the closing time for the plaza will be no later than 8:00 p.m. The restaurant will have hours no later than 10:00 p.m.

Acting Chair Whitty supported Alternative B.

Boardmember Bloom felt the applicant has a real opportunity for landscaping and she suggested the use of little statues of animals peeking out from the landscaping as public art.

Boardmember Bloom said what is proposed is basic landscaping, and suggested putting the actual dimensions of the beds. She referred to the scale to understand the actual dimensions of the beds, and Mr. Orosco said it should be 4-5 feet by the column. She said it is not very wide, and she suggested doing the mural on one side and widen the other side, not having a planting on the mural side. She felt the vines would be better for noise absorption. She questioned how much of the area is proposed for planting, and referred next to the Mela Luca tree, which states gravel surface and lawn. She suggested working with someone who could help choose plants. Mr. Orosco said they are choosing plants with minimal water usage, reduce run off, and if they are allowed to change it, they can improve and refine the beds.

Regarding water usage, Boardmember Bloom said the water table is very high in Richmond. Therefore, not a lot of watering is needed and plants are needed to be chosen that thrive in wet conditions. She questioned if restaurants could use grey water for landscaping. Acting Chair

Whitty said each City must adopt their own grey water ordinance by January 2011, and the State's ordinance or a more stringent one can be adopted. Boardmember Bloom also suggested catching rainwater, and Mr. Orosco said the idea was to have beds out in the open which would receive rainwater; however, they also have irrigation. Boardmember Bloom cited a system that catches rainwater and minimizes the need for irrigation. Mr. Orosco said they could look at this.

Boardmember Bloom referred to the shape of the planting bed, and questioned if the Mela Luca provided a large screen. Mr. Orosco said the tree does provide screening, they prune it every year, and he said generally, the idea was to have a playground in the back, but then the noise issue came up. They discarded that idea and as opposed to adding concrete, they propose to use gravel to discourage people.

Boardmember Bloom felt a small number of plants that will spread as groundcover would work well. Mr. Orosco questioned what types of shrubs she would suggest, and Boardmember Bloom said he would have to determine the water table and she would plant something that would go up to 12 feet high, and suggested using the East Bay MUD book. She suggested incorporating some edible plants, which could be used for the restaurant as well as flowers that could be used for the tables, without getting too fancy.

Acting Chair Whitty questioned if the landscape plan should return, and Boardmember Bloom agreed to make a small list of suggestions. However, to get a jungle look, he should choose large colorful shrubs and some trees.

Acting Chair Whitty questioned the parking area, and Boardmember Bloom suggested using some small palms for both the parking lot and the rear area.

Boardmember Woodrow questioned the type of fencing planned between the restaurant space and the flooring company's property line. He also asked if the applicant plans to fence off the lot they currently share with owners on Ellings.

Mr. Orosco said there is an existing cyclone fence between the shared lots and it will be repaired or replaced as necessary. It currently has a rolling gate, but does not function currently. Regarding Humphrey Avenue, they are proposing to use the lot and put in a cyclone fence. Regarding fencing between the flooring company property line, there is a 6 foot high wooden fence which will remain. There is also an existing 6 foot wooden fence at the rear of the lot which will remain. Boardmember Woodrow asked if they would propose a theme for the fences, and he was not sure if they were owned or shared with the other owners.

Boardmember Woodrow noted that the property is leased for five years, with a five year option, and the Board may be asked to approve something that will not be in existence for five years. He hoped that the fencing would endure and not collapse. Mr. Orosco said they could paint the wooden fence, but if shrubs and trees are planted, they would hide the painted fence, but he agreed to paint them as necessary. The fences are in good condition and are about 4-5 years old.

Boardmember Woodrow noted there is possibly City funding for public art and he suggested the applicants check with Michelle Seville at the City.

Boardmember Butt said the project seems to need a bicycle rack inside the fence off to the left or right of the swinging gate, as 23rd Street is getting bike-friendly. He asked that this be included, and the applicant agreed.

Public Comments:

Angela Cox, North and East Neighborhood, said the neighborhood council did speak with the applicant twice, and she wanted to know what would be going on, particularly since there is activity going on with the grill and noise. She is glad to hear the hours of operation changed because currently the hours are longer than 10:00 p.m. She likes the recommendations she is hearing, she patronizes the restaurant and looks forward to the improvements.

Boardmembers discussed whether requiring the applicant to return with landscaping, and Boardmember Bloom agreed to provide suggestions to the applicant. Boardmember Butt supported landscaping over gravel, which would provide a buffer and enhance the feel of the area. He supported approval with conditions to finalize the landscaping.

The public hearing was closed.

Boardmember Woodrow said since there is great interest in Plan B and he asked for an explanation of the differences between Plan A and B. Acting Chair Whitty noted it differs with the placement of the grill house which will be located behind the foundation.

ACTION: It was M/S (Whitty/Woodrow) to recommend approval of PLN 09-054 to the Planning Commission meeting; with the design review findings 1-4, with the project specific conditions of approval of Exhibit B, add condition #12, add signage in the parking lot to direct patrons to use the crosswalk, add condition #13 to powder coat fencing at the factory and not on site, add condition #14 to paint the side of the existing building Terra Rosa to match the new grill house and consider a mural painting, add condition #15 for one or two bicycle racks to the inside of the front gate on the right or left side(s), lighting should match the color and style standards for the 23rd Street improvements, the applicant shall improve the landscape plan per Boardmember Bloom's suggestions, and that the wooden fence on the north side and west side be painted to conform with the other walls of the restaurant; unanimously approved.

BOARD BUSINESS

- A. Staff reports, requests, or announcements - None
- B. Board member reports, requests, or announcements - None

The Board adjourned the meeting at 7:29 p.m. to March 24, 2010.