

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
April 11, 2011
6:00 p.m.

BOARD MEMBERS

Don Woodrow, Chair	Raymond Welter, Vice Chair
Andrew Butt	Brenda Munoz
Eileen Whitty	Robin Welter
Mike Woldemar	

Chair Woodrow called the meeting to order at 6:05 p.m.

ROLL CALL

Present: Chair Don Woodrow, Boardmembers Andrew Butt, Brenda Munoz, Robin Welter, Eileen Whitty and Michael Woldemar

Absent: Vice Chair Raymond Welter

Staff Present: Hector Lopez, Jonelyn Whales, Kieron Slaughter and Carlos Privat

APPROVAL OF MINUTES

February 8, 2012:

ACTION: It was M/S (Whitty/Butt) to approve the minutes of February 8, 2012; approved by majority voice vote (Woldemar abstained).

APPROVAL OF AGENDA

Chair Woodrow stated the agenda consists of one presentation, a public hearing and six Consent Calendar items. He asked for approval of the agenda or asked whether the Board or the public wished to remove any items. Boardmember Butt requested removal of Item 4, 6, 7 and 8.

Boardmember Whitty asked for Item 2 to be moved to the Consent Calendar. Boardmember Woldemar said he had questions relating to the item.

Chair Woodrow announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, April 23, 2012 by 5:00 p.m.

ACTION: It was M/S (Whitty/Woldemar) to approve the Agenda, as amended, to remove Items 4, 6, 7 and 8 from the Consent Calendar; unanimously approved.

CONSENT CALENDAR:

ACTION: It was M/S (Whitty/Woldemar) to approve the Consent Calendar consisting of Items 3 and 5; carried by majority voice vote (Woldemar recused on Item 5).

Items Approved on the Consent Calendar:

- CC 3. PLN12-071 MARINA BAY PARKWAY GRADE SEPARATION TREATMENT PLAN**
 Description REQUEST FOR DESIGN REVIEW APPROVAL OF A PROPOSED TREATMENT PLAN FOR THE MARINA BAY PARKWAY GRADE SEPARATION PROJECT PURSUANT TO THE RICHMOND HISTORIC STRUCTURES CODE.
 Location ALONG MARINA BAY PARKWAY BETWEEN MEEKER AVENUE AND REGATTA BOULEVARD
 APN NOT APPLICABLE (PUBLIC RIGHT-OF-WAY)
 Zoning NOT APPLICABLE (PUBLIC RIGHT-OF-WAY)
 Owner CITY OF RICHMOND
 Applicant CITY OF RICHMOND
 Staff Contact HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**
- CC 5. PLN12-075 SKILLMAN RESIDENTIAL TWO-STORY ADDITION ON CARRIAGE DRIVE**
 Description REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A ±770 SQUARE FOOT TWO-STORY ADDITION TO A SINGLE-FAMILY DWELLING.
 Location 5224 CARRIAGE DRIVE
 APN 432-142-020
 Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT)
 Owner RICHARD & PATRICIA SKILLMAN
 Applicant MICHAEL WOLDEMAR
 Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Public Forum - Brown Act

Presentation

- 1. STAFF PRESENTATION ON THE NEW PARTNERS FOR SMART GROWTH CONFERENCE**
 A PRESENTATION BY STAFF WHO ATTENDED AND PRESENTED AT THE 11TH ANNUAL NEW PARTNERS FOR SMART GROWTH CONFERENCE IN SAN DIEGO, CA ON FEBRUARY 1ST THROUGH THE 5TH, 2012.

Kieron Slaughter said he attended the conference with Gabino Heridondo and Lina Velasco. Ms. Velasco gave a presentation on the Missing Middle which was emailed to the Board this date.

Gabino Heridondo said he is working in the Planning Department on Health and Wellness implementation, specifically with community outreach. He and Mr. Slaughter received a diversity scholarship for the conference. They had Councilmembers attending and participating, as well as Supervisor Gioia. He said they got to see the community, went on a tour in a neighborhood full of safety and blight concerns and how the community gathered to work to address those issues, as well as dealing with environmental issues with the EPA. And now that neighborhood is working closely with the City to remediate a site and a corporation yard to create housing. Much of the work was led by the community and partnerships with the EPA and the City. He noted that the information is posted on the website.

Another aspect was a focus on health. Dr. Richard Jackson from the UCLA Public Health School was a keynote speaker about the importance of health and the built environment, saying everyone is a public health official, should look at all City services through the prism of health and they impact health, walkability, and safety through the built environment and through decisions of agency boards. It brought to mind impacts of obesity, asthma and diabetes in neighborhoods and impacts on decisions made for design and in projects.

Lastly, another positive note was that everybody sees Richmond as a leader. Dr. Jackson was part of a tag that created the Community Health and Wellness Element of the General Plan. Keeping connections with experts is important to continue. Dr. Jackson is now an advocate on KQED on building healthy communities and the City wishes to keep this relationship and national relationships in order to continue to make an impact on Richmond's health.

Mr. Slaughter said he thought the conference was beneficial. It was great to network with people of all walks of life; community advocates, people from the grass roots level as well as local officials. There are many people aware of what Richmond is doing and plans they are creating and adopting, and they will continue to network with them in moving forward.

Items Removed from the Consent Calendar:

CC 8. PLN11-625 SAN PABLO AVENUE SUPERMARKET RENOVATION

Description	REQUEST FOR DESIGN REVIEW APPROVAL TO RENOVATE AN EXISTING COMMERCIAL BUILDING AND PARKING LOT.	
Location	12010 SAN PABLO AVENUE	
APN	501-241-002, -010, -012, -013, -014, & -015	
Zoning	C-2 (GENERAL COMMERCIAL)	
Owner	ANTONIO CARRICO	
Applicant	AMY DY, TAIT DESIGNS	
Staff Contact	KIERON SLAUGHTER	Recommendation: CONDITIONAL APPROVAL TO THE PLANNING COMMISSION

Mr. Slaughter gave the staff report and PowerPoint presentation, described the project, its prior use as Albertson's/Lucky Supermarket which has been vacant for 8 years, and said the site is considered a key corridor intersection. He discussed the proposal to renovate the building, modify the existing parking lot, demolish the vacant 6,100 sq. ft. restaurant, remove a pylon and monument and install storm water treatment swales. Staff feels the C-2 zoning designation, which is specifically intended to enable commercial development could be met, as well as accomplish General Plan land use LU-A which aims to improve the aesthetic and economic value of individual sites in adjacent neighborhoods.

The applicant is also seeking an ABC license for alcohol sales and use of a supermarket requires a Conditional Use Permit. He said the project meets or exceeds development standards of the zoning ordinance. Regarding parking and loading, the applicant proposes having 132 spaces consisting of 5 ADA, 39 compact and 88 standard spaces. Subsequently, staff and the applicant have discussed reducing by 19 spaces the southwest section of the parking lot identified as a satellite parking area to provide additional pedestrian and bicycle amenities and to improve landscaping. The applicant suggested a compromise which is before the Board, as Exhibit C, and staff supports this further reduction by 4 spaces.

Mr. Slaughter noted addendums distributed to the Board include comments received by Chris Chamberlin, Parks Superintendent, a letter from Friends of Five Creeks supporting the project and reduction of spaces adjacent to Baxter Creek, and Exhibit C.

Regarding neighborhood council review, the project was presented to the Richmond Heights Neighborhood Council on March 5th and the applicant provided contact information to other councils in the area, and made attempts to contact the North and East Neighborhood Councils and the Park Plaza Neighborhood Council.

Staff sent letters to the City of El Cerrito; the City received a letter from the Richmond Bicycle and Pedestrian Advisory Committee and Craig Murray from the former RDA which can be found in Attachment 5. Staff also met with the Design Review Board Subcommittee and comments

were taken into consideration by the applicant which is contained within the staff report. Additionally, applicants met with the engineering department to review civil plans and the storm water treatment plan.

In conclusion, the proposed project is in compliance with development standards, staff feels the project will aesthetically improve the property by reusing a commercial space on San Pablo Avenue, and the proposed design and enhancements will result in an attractive, vibrant, safe shopping area in a visually prominent location. Staff recommends approval with 18 conditions of approval, noting the modification to Condition #5.

Chair Woodrow noted that the Board is concerned only with the exterior of the building and greenery.

Boardmember Whitty asked and confirmed that Richmond Heights and Park Plaza Neighborhood Councils did not provide comments. Chair Woodrow clarified that North and East Neighborhood Council plan to hold comments until the Planning Commission meeting. Boardmember Whitty referred to the Friends of Five Creek letter and asked if any additional amenities and landscaping had been discussed, and Mr. Slaughter said yes; Exhibit C was discussed and these are significant amenities which the applicant will address. He then read the letter of support from Friends of Five Creeks.

Boardmember Woldemar asked staff to comment on options relative to needing to make a recommendation in one meeting. Mr. Slaughter stated this is what the zoning ordinance and Municipal Code state. Assistant City Attorney Carlos Privat agreed and he read the section. Boardmember Woldemar said if it would be appropriate, if the Board were to make a recommendation to the Planning Commission, for the design to return to the Board for resolution of certain items after the Commission has taken action on the use permit. Mr. Privat said the Board could make that a condition of approval. The Planning Commission does not have to adopt that recommendation, but often times do give the Board deference.

Boardmember Woldemar referred to page 4, second to the last sentence of the staff report under "Loading" that delivery trucks will be shut off 3 minutes after idling, and he asked how this is known. Mr. Slaughter deferred to the applicant.

Boardmember Woldemar said in looking at potential revisions to the triangular areas, there is no landscape plan. He asked and confirmed that the plan could return to the Board as part of the overall landscape plan, and alternatively, it could be signed off by the Planning Director.

Boardmember Woldemar asked when a sign program is appropriate rather than just signs on a building. Mr. Slaughter said typically a sign program is appropriate for multiple tenants, but the Board may make conditions that when tenants locate in a building, they would follow signage recommendations. However, neighbors will be notified of the signage, and staff could send the notice to the Board, as well.

Boardmember Woldemar referred to landscaping of the parking lot on page 7 of the staff report. He asked if the plan complies with the requirement for landscaping within a parking lot, noting that 50% of that landscaping should occur inside the parking lot and not trees around the edges. Mr. Slaughter said he believes it does comply and will review the ordinance. Boardmember Woldemar noted it is taken from the curb of the parking lot perimeter as a definition. If there is a peninsula and a tree this counts. But, if it is landscaping behind the curb it does not count towards that 50%. He also asked how the trees per 4 parking spaces were determined.

Boardmember Butt referred to Craig Murray's comments and said the 5th comment was to consider site attractive and active mural, artwork, or paint texture design on the rather bland

walls facing San Pablo Avenue. He could not find anything in the staff report that there is any public art. He confirmed there was no stipulation for public art in the project and this was only for City-owned projects. He referred to Comment 15 from staff; "Ready to eat food will be served at the supermarket, provide outdoor seating and dining area." The applicant's comment was "no ready to eat food will be served. All deli products are sold in sealed containers without plates or utensils to be taken from home." His understanding is that this is speculative, given there is no tenant. Mr. Slaughter said there may be discussions with a potential tenant which cannot yet be disclosed. He thought possibly the southwest parking lot might be able to house some park-like benches.

Boardmember Butt said he was contacted by someone from the neighborhood council who expressed general concerns. He said in addition to the San Pablo Avenue Specific Plan, there have been some on-going community meetings about this area and how the community would like to see it developed. Mr. Slaughter said through the Richmond Livable Corridors project, there have been focused week-long design sharettes taking place on different sections of the project area including West Macdonald, East Macdonald, San Pablo and 23rd. The applicant met with consultants and staff at the time. The consultant team walked the site and made similar suggestions to what staff suggested. They did not submit any formal recommendation, but staff explained that this project may result in long-term vision and concepts for the site that in no way inhibited his right to apply but that in the future, there may be opportunities to defer the development, further build out, add some mixture of uses, but staff let the applicant know this was in no way inhibiting him to pursue this application.

Chair Woodrow opened the public hearing.

Henry Englehart, representing owner Antonio Carrico, Colliers Brokerage Company, thanked staff for their work on this project and others in Richmond, to which he provided an historical account. He said the former Bonanza and Lucky's markets have undergone several renovations during the course of its life. He said in May 1995 to June 1998, there was a joint redevelopment agreement between the City of Richmond and the City of El Cerrito; Target Area 8 Redevelopment. They participated on behalf of Lucky's to redevelop the project to a 52,000 square foot Lucky Store with ancillary development. His firm also worked on the Home Depot project across the street and negotiating joint planning agreements between El Cerrito and Richmond. During this exercise, Lucky Stores paid \$56,000 to do a creek study done by Dr. Ann Osborne, and from that was born the Friends of Baxter Creek. Unfortunately, the result of the study determined it was an urban waterway, created by a bad drainage plan. The creek is now under the purview of the Department of Fish and Game. Unfortunately, the investigation cost them that project, and while he understands the Friends' comments, it prevented development and they moved on.

During that same period American Stores was purchased by Albertson's and they closed the store mostly because they missed lease extension dates. From September 2004 to February 2007, the property was master leased to Safeway Stores for the purpose of developing their fuel station, putting their pharmacy in a portion of the existing grocery building and subleasing the rest of that building to Ross Stores and Dee Dee's Discounts. Unfortunately, there were some contamination and timing difficulties with the lease, and Target decided to acquire Montgomery Ward Stores. The rumors were that the El Cerrito Target would become available for re-tenanting. Safeway focused all of their interest in acquiring the Target Store.

In 2007 to 2008, Mr. Carrico was under contract with Landmark Retail Group for subsequent redevelopment of the property for a CVS drug store with an ancillary tenant. Because of the complications of Fish and Game and Baxter Creek, the drive-thru required a CUP which would not be coming because of subsequent development restrictions, and Landmark dropped the

project. In 2009, the project went under contract to a mixed use developer who was not able to make the economics work given the market.

In January 2011, Mr. Carrico re-contacted him and asked him if he would take the property out to market for lease only and not to sell. He conducted marketing, has contacted many retailers and in August 2007, Richmond staff decided that because this building had been vacant for so long, they wanted to overlay a CUP condition to this building so there was another level of entitlement. The retail they were soliciting and negotiating with were talking with staff about conditions and the due diligence efforts were inconsistent because each retailer had their own agenda. After meeting with staff again, rather than guessing what it would take, he convinced Mr. Carrico to take responsibility for his property and work in a collaborative manner with the City and decide what it would take. Then, once they know what the conditions are and costs are, they then will enter into an agreement.

He said Mr. Carrico agreed with that strategy. He brought Amy Dy of Tait Designs in as an expert to work with staff and to understand what they need to do to get the building approved and then they will determine who they will make their deal with.

Amy Dy, Tait Designs, presented a PowerPoint presentation and displayed the existing site. She said constraints include lack of parking stalls, landscaping, and a vacant restaurant they want to demolish to add towards parking. She presented the façade and view from Macdonald. They have some street trees, old parking lot lighting, but because of the site's vacancy, everything inside has been gutted out including wiring for parking lot lighting. She noted they will do minor exterior renovations, but most renovations will be on the inside as well as site improvements as shown on the site plan.

Ms. Dy then presented the site plan, stating they are creating a completely new parking lot, they have added a lot of landscaping, new ADA stalls, and they had to remove the 4 stalls in the parking lot adjacent to Baxter Creek. She presented an updated plan with the current revision, adding a bike trail along the creek view to serve as amenities to residents. They also have bio-swale treatments for their storm water along the landscaping along San Pablo, and towards the rear of the property, there is existing drainage and they will put a storm water treatment on the catch basin as well.

Ms. Dy then presented the landscape plan, stating they are amenable to additional amenities they can agree on through a condition of approval. She described the trail's, bench and table location, said they could have outdoor dining although the area is somewhat secluded, but it could serve the purpose voiced for outdoor dining.

Chair Woodrow referred to the Baxter Creek and asked how long does the proposed area of concern extend. Mr. Englehart said there is a 6 foot headwall and this is a zero lot line building. The creek runs just besides the building and there is no bank encroachment on the creek property. He clarified that Fish and Game would not be involved in anything the applicant is doing on the property, as long as they do not demolish and rebuild.

Boardmember Woldemar questioned and confirmed that no drainage goes back to Baxter Creek, but drains into an invert pump which is pumped into the storm sewers on Key Boulevard, including the service area. Ms. Dy noted that everything that gets treated in the bio swale and landscape area goes out to the public storm water system.

Chair Woodrow referred to the area being torn down and asked if it was in the triangular end of the lot. Ms. Dy said the corner is a Chinese restaurant which is not part of the project and pointed to the referred area. Chair Woodrow asked if there were underground tanks in the location, and Ms. Dy said no.

Boardmember Woodrow asked if the corner property is owned by the City, and Mr. Englehart said the property is owned by the family who has no interest in selling it. Mr. Carrico offered three times since 1995 to buy it and redo the building inside the parameters of the project, and there has been no interest whatsoever.

Ms. Dy presented the last slide showing the proposed elevation. Most of the façade will remain as is. It will be cleaned up and painted. The front building will have a new wall, a new contemporary canopy.

Boardmember Butt referred to the rough stone applied to the tilt up of the façade, confirmed it was part of the structure, and noted that if someone were to graffiti the wall, it would be difficult to remove. Ms. Dy said it can be cleaned off. Boardmember Woldemar believed this would all be painted the same color, and Mr. Slaughter passed around the color and materials board. Ms. Dy said they will clean it up as best they can and if it is not sufficient, paint will be applied over it.

Mr. Englehart said they need to reach agreement with what would satisfy both the DRB and Planning Commission and then they can discuss it further. He reiterated the frustration with planning for development and hoping the deal comes through. Mr. Carrico is 92 and he needs to take control of the project. Once he knows what the entitlement agencies will agree to, they will then go to the retailer and provide conditions.

Boardmember Woldemar said most needed is not design review comments, but the use permit and what is allowed under what conditions. Mr. Englehart agreed. Boardmember Woldemar noted there is a drug store included in the proposed footprint, and Mr. Englehart said it is shown because multiple tenants have informed them of this desire. If one of the tenants do not want to operate a pharmacy, they can go back and amend it. His goal is to design a grocery store, get as much in there as they know people want, and if people do not want it, it can be removed.

Boardmember R. Welter asked and verified property lines with Mr. Englehart. He said the City of El Cerrito is hosting their Street Play event on April 29th and they have agreed to allow them to use the parking lot for volleyball and soccer and place port-a-potties.

Chair Woodrow opened the public comment period.

Public Comments:

Charles T. Smith, Richmond, said he has lived 4 blocks from the project for 26 years, is a member of the Richmond Heights Neighborhood Council and was present during the presentation. One concern expressed was the design. They asked to see an artist's rendition which is presented tonight, and they never got to see it. Many people were concerned about what the project would look like. Some people at the meeting were very concerned with how the front façade would look and who would be attracted to the store. They are of the opinion that the applicant is requesting a CUP which scares them because they want to have input into what goes into the store. They will go before the Planning Commission and state their position. Also, a sign is very important as the Target sign affects many people several blocks away. He does not want another sign in competition with it that he lives 3-4 blocks away from. He was also opposed to painting the stone.

Dennis Hicks, Richmond, said he has lived about 300 feet from the store for 25 years. It has been miserable over the last 8 years during the store's closure. It is an eyesore, it has been neglected, the owner has not given any concern to the area and he asked not to approve the project because he is concerned that it will continue that way with the current owner even if it has tenants in it. There is a good opportunity at the southern entrance to the City to bring in

some new, fresh buildings and development and before the City locks itself into painting the building, they should look at it seriously and see what can be done to make that entrance to the City more inviting. Regarding parking, there is perpendicular parking which is ineffective and felt it was easier to back out of diagonal stalls. He also said the barriers around the building that hide the roof HVAC equipment is in shabby condition and nothing in the plan addresses this to cover it, replace it, or improving the roofline. He also agrees that painting the stone would take away from its natural look. He also asked when people would find out who the tenants are.

Through the Chair, Mr. Englehart said they conducted analysis and the following were approached: 24 Hour Superstore, 99 Cents, Aaron Rents, ACE Hardware, Ashley Furniture, CVS Pharmacy, Valley Pool and Fitness, Big Lots, City Trends, Dee Dee Discounts, Dick's Sporting Goods, Fresh N' Easy Grocery, Golds Gym, Goodwill, Grocery Outlet, Guitar Center, Harbor Freight, Henry's Farmer's Markets aka Sprouts and Fresh Markets, JoAnn Superstores, LA Fitness, Les Schwab Tires, Michael's Arts, Northern Tool and Equipment, Office Depot, Office Max, Party City, Pep Boys, PetCo, PetSmart, Planet Fitness, Rainbow Fitness, Ross Dress for Less, Smart N' Final, Sport Chalet, Sports Authority, Steinmart, TJ Max, Tractor Supply, U-Haul, Walmart Neighborhood Center, Safeway Stores, Nob Hill/Raleys, B. Pueblo, Rancho San Miguel, El Superior, Trader Joe's, and Whole Foods.

Mr. Hicks continued and asked at what point public input will be allowed regarding what tenants go into the center. Mr. Privat noted that if the CUP is for a supermarket, a gym could not go into the center. Chair Woodrow noted that about one-third of the companies were not stores that sold food, and Mr. Englehart said in the process of marketing, soliciting interest and negotiating, it is very obvious that the unrepresented grocery component represents the best return to Mr. Carrico. Tenants that have offered the most rent are the fitness groups; however, this requires Mr. Carrico to put a significant amount of capital into the building and he is not willing to do that.

Chair Woodrow asked if there are plans for roof screening of the HVAC. Ms. Dy said yes. Mr. Englehart added that parking will come in at 4 spaces per 1,000 square feet of gross salable area, or probably less. The Safeway in El Cerrito parks at 5.2+ spaces and it has 65,000 square feet of grocery store with a full component of parking. The parking is 90 degrees which is 14% more efficient than 60 degree parking.

Boardmember Woldemar said when the project goes to the Planning Commission it is for a use permit for a supermarket. If in the future some other tenant comes along such as a tire store, he confirmed that if it is a permitted use, they will be able to go right in. If a conditionally permitted use, they would need to modify the use permit.

Gina Swirsching, Richmond Heights Neighborhood Council Board member, said she is very encouraged by the fact something will be done with the property, but voiced concern with crime, blight, insufficient lighting especially on the south side, shrubbery height so as not to hide crime occurring, and said she did not want the stone painted but also did not want graffiti.

Rebuttal – Applicant

Mr. Englehart said he attended a meeting of Code Enforcement and the Neighborhood Council's watch commander. The police department has asked him to reconsider the vegetation at Baxter Creek because criminals get in the underbrush and are living there. There is a lot of criminal activity in that area. During the field trip, they pointed out to police where they have concerns.

Boardmember Whitty voiced one main concern, stating the paint is very bland. She suggested adding the festival green highlighting to the building, suggested doubling the number of bike

racks, Felt the parapet should be extended past the flag and around the side of the building, the green can be incorporated into signage.

Boardmember Woldemar noted he has two pages of comments and he requested staff take clear notes on what is discussed because some of the information may go to the Planning Commission in some form, whether it be conditions or as recommendations to return to the Board.

Mr. Slaughter summarized the following comments he has heard:

- Diagonal parking
- Don't paint the stone
- Lack of lighting on Key Boulevard
- Thin out the shrubbery
- Safety issues
- Paint is bland
- Add more green highlights; it should wrap around the building, add to signage
- Double the bike parking

Chair Woodrow closed the public hearing.

Boardmember Woldemar indicated the following notes he made on the north end of the site plan working his way south:

- The existing restaurant will be torn down. He asked what the remaining wall against the Chinese Restaurant look like and what will happen to it. Mr. Englehart said Mr. Carrico has not looked at this, and Ms. Dy said there are some trees and shrubs. Boardmember Woldemar suggested making an agreement with the property owner to paint it or something to improve its character.
- People walking south on San Pablo Avenue will want to cut across the parking lot to get into the store. He suggested there be a path coming in from San Pablo Avenue coming into the parking lot.
- In common practice, a significant setback has been left for the public right-of-way and parking area. He asked that an additional screening be done to hide the nose of the cars, such as a 3.5 foot high hedge.
- Regarding the two pedestrian entrances coming into Macdonald Avenue, he suggested doing something more inviting to invite pedestrians to come into the system as they are walking, such as flares or special paving/pedestrian lighting.
- He referred to the entrance along Macdonald Avenue being too close to the intersection, and he confirmed engineering was okay with the location. Mr. Slaughter added that the previous entrance was closer to corner of Key Boulevard and this one brings it further west and consolidates the two to the one. Boardmember Woldemar suggested it make more sense to have it come in at the middle drive isle. Mr. Slaughter noted that Mr. Tam has agreed to a condition for striping a crosswalk from one side of Macdonald to the other, and this is not shown yet on the plan.
- Boardmember Woldemar questioned the amount of landscaping inside of the parking lot. From a tree point of view, there is possibly 5 small trees and 4 large trees inside the lot, which is undercount. There are few interior planted areas that are very small. He said it

appears the parking spaces are 9x18.5 and, as done in other projects, the City can make them 16.5 with a 2 foot bumper overhand with landscaping. He said the one in front of Lucky's at the El Cerrito Plaza as an example.

- He questioned what the cart corrals look like. They should be permanent, fixed in their location, and more convenient than what is shown on the plan. Mr. Englehart said this will be specific to the retailer, and he agreed there could be a proposed condition to carry forward with this.
- He referred to pedestrian entrances along Macdonald and said the same thing about the east/west pedestrian path that runs from San Pablo Avenue to Key Boulevard. Each could be much more invitational with some raised walls, bench or seat walls, recall and reflect what has gone on in the other side of Baxter Creek on the El Cerrito side. He noted the triangular area discussed and asked that it be green. There is the opportunity to stripe the parking in all three streets to make up for part of the parking count lost by dropping the spaces off.
- There is a tree immediately south of the San Pablo Avenue entrance that should be removed because of sight lines. He also recommended the entryway in on that direction be wider and that perhaps there be right-turn striping on San Pablo Avenue.
- The northwest corner of the building is the 'hot corner' and he asked that something be done more to express it.
- What is not covered on the plan is anything having to do with pavement, pavement textures, and he questioned if it was hard concrete, stamped concrete, scoring patterns, or nice troweled edges.
- There is some vending machines on the outside of the building on the eastern end of the front walkway. He asked not to plan on any kinds of those machines because they make the storefront look bad.
- While not completely delineated, the cart storage underneath the canopy needs to be more organized. He noted that the Albertson's on the south end in El Cerrito put all cart storage in the interior; however, they have a larger store, but he asked to do something to organize it that does not end up blocking the pedestrian path.
- As shown some lighting for the front lot, there should be lighting included along the Key Boulevard side. There are street lights out there but he could not find them.
- He has never understood how delivery works with the loading dock turned around. He is surprised that it was not being re-proposed and asked how trucks get in and how deliveries work.
- Along the Baxter Creek side, there is a concrete retaining wall along the side. He asked what keeps someone from falling over the edge, and Mr. Englehart said there is a 6 foot cyclone fence and staff is asking them to reduce it to 5 feet.

Boardmember Woldemar said with respect to the building:

- At the south delivery area on top of the existing precast stone wall, there is some form of additional screening that appears to be coming off. He asked that the applicant provide details on what is being proposed.

- New rooftop screening is shown, but in the roof plan there is also new rooftop equipment in other locations. Given the size of the units, they will stand up high. He suggested secondary screening. He suggested the proposed screening on the south end of the building somehow be better integrated into the building. He suggested it backset a little way from the building.
- He referred to the northwest corner or “hot” corner of the building, he really likes the green stripe, but now when looking at the Macdonald Avenue elevation, it is token, and he strongly suggested that the arcade with its column and green color be extended onto San Pablo Avenue and turn the corner and run around the corner so there is emphasis. He will ultimately suggest there be a sign program to return to the DRB and that there be significant signs on the corner as an emphasis both to Macdonald and San Pablo Avenue and in both directions. He asked to consider clock tower elements out on the corner that could make something special. He understands the need to put entry doors where they are proposed, but he asked to move them over a little ways and find a way to put dot like 18” square windows up high along the edges so it makes the corner much more interesting.
- Regarding signage, he thinks the project should return with a specific sign program and a specific retailer and the emphasis on the program should integrate itself with the architecture.
- Regarding taking the arcade around, he would also take the new wainscot so it is all pedestrian-related. As it comes to the San Pablo Avenue side, it makes a lot of sense to become part of the green area of the triangle.
- Regarding colors, he knows that when he first saw the project in subcommittee review, he asked for some strong colors. The colors to him seem monolithic, and he asked to make the building more lively with the use of color. For example, by taking the top band of the precast area which is 12” tall, he asked to make it a different darker color. As it comes across the façade of the building in the lighter grey areas, they now become 2.5 feet tall as a stripe of a darker color, and put a lid or hat on the roof of the building, and selection of the color would be important for the lid. The lid could repeat and return around to the pre-cast areas of the building. He also suggested taking the color down the pre-cast columns on the Key and San Pablo Avenue sides so there is a much stronger articulation of building forms. Unless there is a strong reason to paint the pre-cast wall stone, he suggested spending the money elsewhere.
- When looking at the existing building aside from arches, what was nice about that element is that it popped forward. The fact that there was a mass that comes forward is nice. He was not sure what to suggest that is different, but it is a nice thing. The walls on either end return into the roof and when looking at it from the side views, it looks like the walls are integrated into the building by the way they are perceived from the street side. He asked if it is possible to salvage the box that was up there by taking off the funny arches, support it and then do the new columns.

Boardmember Butt said he agrees with much of what Boardmember Woldemar said and noted the significant amount of time spent on the San Pablo Avenue Specific Plan, he thinks the project is a vast improvement from what is there and having a store that is used, having it well-landscaped, is good, but it is ashamed they cannot see the project that was envisioned as part of that process, but hopefully one day it will happen. He had the following comments:

- Personally, he does not like the stone wall, but he does not know that painting would be the best thing either. He anticipates there will be an on-going graffiti problem and is not

sure coating it will remediate that. He asked to consider a vegetative wall, such as the product called Green Screen. There are also some creeping ivies that could look nice to give a lively wall.

- There were skylights mentioned and this is something not seen but thinks this would save a lot of money for the tenant.
- The material on the palette calls out Eephus, a construction material, for the reconstructed front. Eephus with the thumb backing and thin stucco shell is horrible if used anywhere below 6 feet where people can poke it with a knife and he highly recommended that eephus not be used below 6-8 feet and suggested taking the stone veneer and applying it to the new entry building façade and bring it up to the same height of about 8 feet that is on the columns in front. At a minimum, he suggested going with free coat stucco or bringing the split faced block up 6-8 feet. Personally, from an aesthetic standpoint, it would be best to take the manufactured stone and apply it to the building façade there.
- Regarding site items, there is a concrete path along the southwestern portion of the project, a better use of permeable material such as decomposed granite. At the Plaza they used recycled glass pavers, but there were issues with them, but he encouraged decomposed granite or other material there.
- He encouraged the applicant to raise the entry canopy. It is shown at 9 feet which is low. From a design aesthetic and design standpoint, it discourages kids to climb on it. He suggested taking it up to 10-12 feet.
- He echoed comments for more trees in the parking lot.
- There was some mention in the staff report and response regarding outdoor seating and dining area and the way to resolve it is that there would be nothing sold in the store. Not knowing who will go in, he would like to see a small token area for a few tables, a trash can, and a landscaped patio area for people to go in and dine outside.

Boardmember Munoz had the following comments:

- Suggested a strong parapet at the entrance.
- Asked for a lighting plan. Ms. Dy said they did submit a photometric plan and there will be plenty of lighting. Boardmember Munoz emphasized accent lighting on building and up lights on pillars.

Boardmember Whitty echoed comments made of Boardmembers.

- Boardmember R. Welter said she appreciates the fact that landscaping is increased by 5%. She agrees with Boardmember Woldemar that if parking spots were taken out and then use what is on Key and Macdonald. If not, she suggested eliminating a corner to relocate parking and use street parking.
- She supports the ideas for the benches and suggested not putting them in such a tucked away area and put them closer to draw people more into the store.
- She likes the bike path and suggested wrapping the path around. Mr. Slaughter distributed the plans which show the path wrapping around. She likes the amount of bicycle parking.

- She does not like the idea of the cobble in the storm drain system and it can be achieved similarly with plantings in the bio swale. She also asked that it be wrapped around the pathway. Ms. Dy said cobble was suggested by staff.
- She thinks the larger trees will be competing with the existing street trees. She suggested removing them and tucking them in the corrals. She also asked for more trees in the middle because it feels stark as to what is going on the outside. Mr. Slaughter noted that the consultant agreed with the comment about the trees competing with the street trees and he suggested that trees going into the parking lot have tree wells. Boardmember Woldemar suggested either using the 2 foot bumper overhang and also combine that with compact spaces, which will leave 4 feet to plant a tree and still get the pedestrian path to work.
- She suggested doing something special on the 'hot' corner, and suggested doing a green screen so as not to deal with the neighbors. She suggested using Creeping Fig which is hearty.
- She suggested putting some bigger trees in and said she could do without the Strawberry tree and the deer grass, which does not do much aesthetically and does not get as high for screening.
- She agrees with Boardmembers Butt and Woldemar that the facades need to be broken up more by using higher planters, green screen, especially along San Pablo. This look will help tie into Baxter Creek without adding tall vegetation which has safety concerns.
- She suggested double checking fire lines.
- Regarding the photometrics, she asked if there were lights on the Key Boulevard building side and said she did not want to make it too light for residents. Ms. Dy said they do have lights installed on the building.

Chair Woodrow had the following comments:

- He asked how the existing stone blocks affixed on the wall, as they are about ¼ mile away from an earthquake fault zone. He asked if they are part of the concrete in the tip up slab or are they glued on. Mr. Englehart said this is pour-in-place pre-cast and are part of the structure. If taken off, they would need to jackhammer about 4 inches off of the wall.

MOTION: It was M/S (Woldemar/Butt) to recommend approval of PLN11-625, based on the staff's recommended design review findings (which are generic enough to cover a revised design); that the staff's recommended conditions of approval be included in the DRB's recommendation, to include Condition #5 which deletes the 19 parking spaces, and that Condition #19 be added that upon approval of the CUP for a supermarket by the Planning Commission, the entire project be returned to the DRB for response and changes to the comments made by DRB members as summarized in the attached list as created by staff.

DISCUSSION: Boardmember Butt said the applicant indicated that if they develop a supermarket but something else it will require a CUP and staff would notify the DRB. If it was an allowed use but not require a CUP, he asked if it would return to the Board for design review. Mr. Slaughter clarified that the only thing that requires the DRB's review is if alterations are done over 1,000 square feet or more and there is a CUP because of use. He said the Board has one meeting to give advice to the Planning Commission; however, if there was a situation

where the Planning Commission was not need to review the project, he clarified that the applicants would still have to return for design review as long as it was exceeding the exemption they are allowed for commercial buildings. Mr. Privat noted that the DRB would treat it as a new project and staff would analyze whether that project requires design review approval. Mr. Slaughter said other examples that would require CUP that would bring it to the Planning Commission include anything having to do with alcohol sales, amusement and recreation, dance studios, domestic animal sales, commercial filmings, colleges, universities, hotels, gas stations.

Other uses like general merchandise, personal services, automotive dealers, automotive supply, furniture store and hardware store are all permitted uses. If they did not voluntarily want to do these improvements, they would not be required to do so.

Mr. Slaughter clarified that the project has been scheduled for the May 3rd Planning Commission. The owner is attempting to maximize the application pool of tenants. Boardmember Woldemar said in order to know what the conditions are the applicant really would need to bring it back to the Board in order to have a marketable project.

Mr. Slaughter asked if the motion was for the applicant to return to the DRB after they have found a tenant so the Board could speak directly to the tenant, and Boardmembers said they believed that this would be the ideal situation.

Mr. Englehart said Boardmember Woldemar has proposed that after the CUP is granted, that the project return to the DRB with comments each of the Boardmembers made. He asked if there could be another way of doing this. He has a list of the requests and if they go to the Planning Commission with the requests of the Board duly noted and/or incorporated. Instead of returning to the DRB, he asked if they could go to the Director and have him implement the comments into the project. He explained that all retailers have a slightly different formula. What he would like to do is to show the potential retailers the conditions of approval, they will estimate the cost of the conditions, and then wait which retailer is amenable. Boardmember Woldemar said with some exceptions or minor tweaking of an approved design project is by ordinance allowed by the Planning Director and staff. Just as important, many comments were made are not mandated as much as they are to consider redesigning items to something else. He does not think staff should be placed in this position to interpret the DRB comments. If there were less items conditions could be written but he felt this is difficult. He said the best approach is to return to the DRB and if they do not agree on all things, some can be then tweaked out at the meeting and worked out with staff.

ACTION: It was M/S (Woldemar/Butt) to recommend approval of PLN11-625, based on the staff's recommended design review findings (which are generic enough to cover a revised design); that the staff's recommended conditions of approval be included in the DRB's recommendation, to include Condition #5 which deletes the 19 parking spaces, and that Condition #19 be added that upon approval of the CUP for a supermarket by the Planning Commission, the entire project be returned to the DRB for response and changes to the comments made by DRB members as summarized in the attached list as created by staff; which carried unanimously (Welter absent).

BREAK

Chair Woodrow called for a 5-minute break at 8:15 p.m. and thereafter reconvened the regular meeting at 8:30 p.m.

CC 7. PLN12-076 UNION PACIFIC RAILROAD FENCE FROM WILLARD TO CHESLEY AVENUE

Description REQUEST FOR DESIGN REVIEW APPROVAL OF AN 8-FOOT METAL FENCE.

Location ADJACENT TO THE UNION PACIFIC RAILROAD TRACKS FROM WILLARD TO CHELSEY AVENUE

APN 561-270-003 (CLOSEST APN)

Zoning M-2 (LIGHT INDUSTRIAL)

Owner UNION PACIFIC RAILROAD

Applicant CITY OF RICHMOND CODE ENFORCEMENT DEPARTMENT

Staff Contact KIERON SLAUGHTER Recommendation: **CONDITION APPROVAL**

Mr. Slaughter gave the staff report, and described the proposal to construct an 8-foot metal fence along the Union Pacific Railroad right-of-way from Willard to Chelsey Avenue. The site presents safety concerns for residents and the railroad. Currently, the only barriers from those crossing the tracks are K rails. He said neighborhoods would like the construction of a fence or require a solid wall as described in Section 15.04.20.13 unless than alternate plan is approved by the DRB. The proposed fence conforms to the requirements of the Light Industrial zoning district designation. Additionally, it would accomplish General Plan Land Use Goal LU-A which aims to improve aesthetic and economic value of the individual sites in adjacent neighborhoods, as well as Goal LU-O which aims to provide areas with light and heavy industrial and industrial office like uses that are attractive and well maintained and provide convenience access.

He stated the site is located in the Shield Street Neighborhood Council area and staff did not hear from that council. After the writing of the report, there was a fatality on the railroad tracks one week ago which was unfortunate and underscores the need for protection and barriers. The newspaper article is contained in the back of the staff report. He summarized staff's recommendation for approval with conditions.

Boardmember Woldemar clarified that the fence is being funded with \$100,000 by Union Pacific Railroad. Some of the public speakers were instrumental in encouraging them to do so. Code Enforcement staff is also present and they are in support of the fence and have been working closely with Union Pacific to facilitate the construction of it.

Boardmember Woldemar confirmed that this fence is identical to the couple of miles of the same fence along Carlson Boulevard. He previously disagreed with the design of the fence and a certain precedence has been established for what goes along railroad tracks. He also noted the need for requiring landscaping, and said there is none proposed. Mr. Slaughter agreed and said staff made the comment about landscaping to Code Enforcement staff. Mr. Chamberlin, Parks Superintendent was contacted and he has pledged to provide vines, similar to what was done on the Carlson fence.

Boardmember Woldemar said the Carlson fence in certain areas it is doing well, but in other areas landscaping is dead. He asked if it would be appropriate to add a condition that when installed, the fence includes landscaping within a certain period of time, like one year. Mr. Slaughter agreed with the condition and suggested hearing from speakers and staff, as needed.

Boardmember Welter asked and confirmed the fence was going on the railroad right-of-way, and the landscaping would be on the property line and planted on the City side.

Dave Rogowski, Code Enforcement Officer, said he was in contact with Union Pacific and they measured 50 feet from the property line. They will put the fence on the property line and the vegetation would be facing the residential area similar to the Carlson fence.

Chair Woodrow asked why the fence is not going to extend from 7th Street, as there are several homes between Chelsea and 7th. Mr. Slaughter suggested it was most likely due to budgetary issues which add on a couple of hundred feet.

Chair Woodrow referred to the photograph on Attachment 1 and asked what the large gray pile of rock was for. Mr. Slaughter said there was an old factory that was demolished and he was not aware of what it is.

Chair Woodrow opened the public hearing.

Tim Higerison, Code Enforcement, said Mr. Rogowski and Donna have been working on the matter, as well, said Union Pacific has been a good partner with the City. They install not very aesthetically pleasing fences all over the state and nation. They hear what the community wants, they are willing to put up the fence if the City can maintain it. Regarding the issue of landscaping, the Recreation Superintendent said they could install landscaping; however, there is an irrigation issue and it was extremely expensive for what was done at Carlson. While in good faith, they are willing to do something, but budgetary constraints may confine them from doing it. He would hate to condition this on the landscaping and the City not have funds to install it.

Chair Woodrow urged the company to extend the fence down to 7th and also perhaps further north to Market so that more homes are separated from the tracks. He asked if anyone was present from Union Pacific. An audience member said he was not the owner, but was in charge of running the railroad. Mr. Rogowski said he was informed that Union Pacific has a very heavy schedule and was unable to make the meeting.

Boardmember Butt said if it obvious the project is not driven by Union Pacific, but this is in response to a demand. He really thinks the fence is very ugly along Carlson. It is rusty, the paint is flaking off, and he agrees there is a functional need but questioned if another option like a one inch chain link with black vinyl would be better. Mr. Rogowski said the extension of fence is black powder coated so there is no rust that could form on it and he noted that this is what the railroad installs throughout the state and what they provide.

Boardmember Woldemar said in a sense, a precedent has been established and by virtue of the Carlson fence greening up, it is getting better. He questioned what would happen if the City cannot put the landscaping in within the year and he asked to determine how the Board can require landscaping be installed within one or two years so that they can be assured it will be done. Their irrigation method is very simple and least expensive, but it works.

Public Comments:

Marena Brown, Shield Neighborhood Council President, voiced support for having the fence, appreciates recommendations for landscaping and safety is an issue. She also thanked the Board for their suggestion that the fence got further down. Often when she travels to go over the track, the train was coming and if not for the railroad cross guard, there could have been an incident. She indicated that the Plan number is Plan 12076.

Demetrio Barragan (through English translation by Jovana Vasquez, Alliance of California for Community Empowerment) said he lives on Cherry Street and very close to the railroad, is very grateful for having the fence and project approved, and is very happy there will be some safety added. He wants to see this project happen because of security issues. Two years ago people broke into his house and robbed him and within the same year, they robbed him at point blank with a gun at his work.

Salvador Franco Navarro (through English translation by Jovana Vasquez) said he is a neighbor of Mr. Barragan and is also grateful to see the fence project. He echoed that there is a lot of trespassing in the neighborhood and it is a safety issue. Ms. Vasquez presented pictures of 7 people coming across the tracks and trespassing into the neighborhood during her half hour lunch break and the homes across the tracks are vulnerable to criminals.

Zeralyn Ina Mason said she lives on Alamo, looks out her backyard and sees the railroad. She had a neighbor who was killed and people who shot him ran across the railroad tracks. Her neighbor next door's dog was found decapitated and dumped in the trash along the railroad tracks. Trash is dumped regularly and people would camp out and steal copper and burn insulation off of it in 50 gallon containers. There is drug action, people use the area for restrooms, and it is discouraging. She works with organizations that work to try and remedy the situation and will not move and she hopes something can be done as soon as possible.

Chair Woodrow asked and confirmed that Ms. Mason's house shakes when the trains go by. Ms. Mason also noted that a picture window once blew out and it tossed the owner across the floor, breaking her ankle.

Boardmember Whitty noted the fence would keep the people from North Richmond from coming over the tracks and also to protect people from the trains.

Maximo Rivera said he lives very close to the tracks and has had problems since moving to his home. He asked to have the fence installed as soon as possible and thanked the Board.

Deborah Price, Chairman, Richmond Chapter, ACE, said they appreciate the fact that finally something will happen. They prefer a wall, but need the fence now. They appreciate the Board's work, loves the community, has seen a lot of death and violence in the community and asked that the area be made safe not just at the railroad crossing but further along the line. She closed stating that a young man was killed two years ago and his body was dumped close to the tracks.

Joel Torres, Richmond Pacific Railroad, said they run the blue and black trains and he attended tonight not knowing whether the fence is proposed along the area they run on, but is glad it is proposed to be installed. They see a lot of trespassing, garbage dumping, a shooting, and they actually run trains on the Union Pacific line and want to be involved. He said last week, they met with the CPUC about taking down the crossing gates from Marina Bay Parkway and noted it is an unprotected crossway. He felt there was money through TSA for them to do fencing because they serve Chevron and he will make contact with the City. They are more accessible locally than Union Pacific and is willing to discuss options with staff.

Chair Woodrow noted that the applicant is not present.

Boardmember Woldemar asked when the fence would be installed once approved. Mr. Rogowski said they predict it will begin mid-May. They have already met with Union Pacific and the City Manager and they are ready to draft up the paperwork and he felt it would be about 30 days.

Chair Woodrow asked if this could include the added fence length, and Mr. Rogowski said they have been very receptive, did not know why this was not included, but he will contact representatives the next day to request this. He questioned whether the landscaping was conditional and, if conditioned, what the ramifications would be if the City did not meet the recommendation. Mr. Privat said the design review permit could be revoked and code enforcement could be called to address it.

The public hearing was closed.

Boardmember Whitty said it would seem that a cement wall with a fence on top would be a much better solution, which the neighborhood has expressed. She said in the debris recycling business, it would seem that in the future this could be made into these types of fences, such as a 2 foot cement recycled fence with fencing on top.

ACTION: It was M/S (Woldemar/Woodrow) to approve PLN12-076, the Union Pacific Railroad Fence, based on the staff recommended four design review findings, based on staff’s recommended nine conditions with a request that condition number 9 be amended where the City is not indemnifying the Code Enforcement Department who are the applicants, and condition number 10 be added; that the landscaping similar to that which was done for Carlson Boulevard be installed within one year of the installation of the fence, and Condition 11 be added that the applicant also explore adding additional length to the overall project to help the security and safety of the area; which carried unanimously (Welter absent).

CC 4. PLN12-081 RICHMOND TRANSIT VILLAGE PHASE II ADA IMPROVEMENTS

Description REQUEST FOR DESIGN REVIEW APPROVAL TO INSTALL A NEW ADA WALKWAY, ELEVATOR, CANOPY AND PEDESTRIAN PLAZA AS PART OF THE RICHMOND TRANSIT VILLAGE, PHASE II IMPROVEMENTS. THESE PROPOSED IMPROVEMENTS ARE SIMILAR TO WORK COMPLETED ON THE WEST ENTRANCE OF THE RICHMOND BART STATION.

Location NEVIN AVENUE BETWEEN BART AND 19TH STREET

APN 514-151-005

Zoning C-1 (GENERAL COMMERCIAL)

Owner CITY OF RICHMOND, SAN FRANCISCO BART DISTRICT

Applicant CITY OF RICHMOND SUCCESSOR AGENCY

Staff Contact CHADRICK SMALLEY, PROJ. MGR.

Recommendation: **CONDITIONAL APPROVAL**

Chadrick Smalley, Project Manager, Richmond Successor Agency to the Richmond Community Redevelopment Agency (RDA), said they were disbanded on February 1, 2012 through action of the State Supreme Court. He said they are responsible to disband obligations which the former RDA has incurred. One is this project, which he described as the public improvements component of Phase II of the Richmond Transit Village. The parking structure is 85% complete. The project’s goal is to tee up the surface lots east of the station for Phase II residential development. It effectively extends Nevins Avenue by removing the existing slope walkway, terminates the new extension of Nevins into a cul-de-sac, installs a stairway and elevator, and those elements are defined by the Disposition and Development Agreement that the former RDA has with BART and with the developer. They are obligated to do this as an enforceable obligation.

Mr. Smalley said what has occurred is that with the economy, they have been forced to try and leverage limited funds and securing grants to complete the obligation. They have been very successful in securing funds, but there are many challenges for the project, which include:

- They need a high quality project;
- They need funding fast because it is subject to deprogramming if they do not get the project to a 90% design level and approved by Caltrans by the end of April;
- The team led by Questa has been charged with designing this to the 90% level in two months;

- They have tried to get funds reprogrammed to a future year to allow for more time which cannot be done because of things occurring at the federal level;
- In order for them to make a good showing, they must meet many milestones extremely aggressively and shovel ready;

Mr. Smalley said the design is moving at a clip and it is changing day to day. They have met with the Meadowlark Homeowners Association, BART staff, BART Accessibility Task Force, and the result is the program of what is before the Board. They need to have the cul-de-sac, stairway, elevator and ramp. He said they are not happy with the elevator design and are trying to keep it within the funding bounds of \$1 million, and some of the opportunities they have are reducing the canopy sizes, finishes and they would like to see something that was not a curvilinear elevator tower using aesthetic materials because of its expense. They would like the Board's constructive input in a problem-solving spirit, recognizing they are under the gun with time and money.

Boardmember Whitty clarified with Mr. Smalley that they are not happy with the aesthetics of the squared off tower, the stucco finish which does not resonate well.

Boardmember Woldemar referred to Condition #7 and asked if the City was indemnifying itself, and he asked that this be removed. Regarding the same condition which talks about the design review approval, he believes the "3 years" should be changed to "2 years". Ms. Whales said this is correct; however, in Section 15.04 of the zoning ordinance, staff can extend it out one year without the applicant having to make an application to do this. Staff felt that since it was a City project and the second phase, staff would extend it further if need be.

Boardmember Whitty referred to page 4 under public comment and she asked to delete a sentence that is from a template, and Ms. Whales agreed to do so.

Chair Woodrow asked what will happen with the parking lot. Mr. Smalley said the existing surface parking lot is to be conveyed to the developer. The parking structure under construction accommodates all replacement parking plus 120 spaces. Chair Woodrow questioned why the color red was used, as it does not fit with Amtrak, Caltrans, BART, and Mr. Smalley said red was used on the other side of the project which is a strong visual and serves as a way finding element. Chair Woodrow questioned the location of the tower, and Mr. Smalley noted it was located north of the canopy and it is red.

Elli Naora, Principal with PBN Architects, said this is the third project they have worked on in the location, which he briefly described. He spoke about the design challenges in such an incremental project and he thanked the City for initiating a process to move the project forward. They now have a footprint, but Olsen has commitments relative to their space they will develop, BART is not flexible on their property, and by the time they are done, the footprint is what it is. To add to it, they included a ramp. They are in all respects doing the right thing—serving transit, adding transit-oriented development, adding more to the community, are replacing parking with housing, and these are all good things. They are working as fast as possible to get the project to Caltrans, have submitted materials to the Board, and said this is intended to be a subtle project that has pieces that fit together harmoniously. In working with PGA on landscaping, the intent of the project is to be harmonious. It shrunk to meet budget but is stable and in a good place, while still being wildly flexible. They are prepared to discuss the color red as it may be there is enough red in the project already.

Boardmember Woldemar suggested moving forward and recognized the good work of consultants. He felt this was another piece of the Nevin Avenue spine that leads from City Hall

down to Kaiser and the red popping up are identifiers and he supported doing more in the future. He felt his was part of the sequence of space and he very much likes the design.

Chair Woodrow suggested cutting the top of the tower a bit and keeping the base red like it is on the other side. Mr. Naora said the landmarking in an urban environment is an essential component in helping people identify where they are in space. Landmarks are well associated with transit facilities. They are taking the bits and pieces and molding them into small but big things. He said the tower may look big in the picture, but when on the street, half of it will be invisible because it will be in a hole and half will be sticking up the canopy. He explained the reasons of bringing a sense of shipping history into the architecture.

Chair Woodrow said the canopy to him is a giant shell which was a dominant feature of the Bay Area long before people came to Richmond and ships, and he agrees it works.

Boardmember Woldemar referred to L-2.1, stating in the rain garden in the middle of the turnaround, there is a circle in the planting plan with a "C" in it. He could not find the "C" in the legend. The consultant said everything is under 3 feet cannot be seen over the canopy. They do not want to block the way finding at all.

Boardmember Woldemar referred to L-1.1, starting at the turnaround area, when coming into the street, there is a curb and gutter but when getting to the circle dotted line, the curb and gutter stops, and he asked why it does not continue around. The consultant said he thinks it is part of the drafting and it runs all the way around. He confirmed the same curb and gutter band will be an 18 inch small wall, but only 6 inches above the top of paving. The same gutter band will work around it.

Boardmember Woldemar questioned further discussion about the public art location or tentative location, noting that they have been talking with the Art Commission. Mr. Naora said they put this on the plans as a possibility. The other possibility could be in the middle of a cul-de-sac or other place, but an easy thing would be to place a tile mosaic in the wall similar to what was done on the other side.

Boardmember Woldemar referred to further down on Nevin and said there are 4 crosshatch areas and he asked what these are? The consultant said those are intended as getting across the planting area but not trampling over it, so they are lined up where the cars are. They line up with the car doors, and they will actually have two parking spots and there should be two crossing areas. Boardmember Woldemar noted these show up on the planting plan, and the consultant said they are also trying to line them up with the street lights and paved area.

Boardmember Woldemar asked what a BFS pylon sign, and the consultant said this is a BART facility standard, which he presented which is about 15 feet tall. Mr. Naora noted that they are still exploring with the design team the potential of breaking this pattern at 23rd Street and changing over to something else. Boardmember Woldemar questioned whether the light fixtures would match those on the west end of Nevin between Social Security and Kaiser, and Mr. Naora said yes; these are those used on the west side of the residential portion of the transit village now. There is another version that they have internally discussed using in proximity to the plazas, but not necessarily extending all the way down, which are down by the post office.

Boardmember Woldemar said lastly, he sees natural grey concrete paving, integral color paving, and asked that at some point they will identify where all this is and where score lines are and how textures are working. Mr. Naora said they are trying to match the other side and they are still working out the score patterns. Boardmember Woldemar questioned fencing, and Mr. Naora pointed to the fence, stating the red line shows where the temporary fence goes. They

could put fabric over it with a graphic which does not allow one to see what is going on the other side. They have no say over the BART fence.

Boardmember Woldemar asked everyone to look at the fence that went around the new Kaiser on-grade parking lot which he said turned out nice.

Boardmember R. Welter said there is a 16 inch drop by the handicap area and she said it seems like they are diving into a hole and asked if they would consider terracing. Mr. Naora said this was one of their biggest challenges, and they could possibly push it over or increase its width. They want to make sure the fence is transparent but they could pull it over a bit so it does not feel so confined.

Boardmember R. Welter asked if there were opportunities to plant smaller trees, stating they are removing 40 trees.

ACTION: It was M/S (Whitty/Butt) to approve PLN 12-081, with staff's 12 recommended conditions and staff's 4 findings; which carried unanimously (Welter absent).

Public Hearing(s)

2. PLN11-629 LEWIS RESIDENTIAL PATIO ENCLOSURE OVER GARAGE ON 37TH STREET

Description **(Held Over from 2/8/2012)** REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A ±395 SQUARE FOOT PATIO ENCLOSURE OVER AN EXISTING GARAGE AND LIVING AREA.

Location 665 37TH STREET
 APN 518-112-004
 Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)
 Owner BRIAN P & NANCY J LEWIS
 Applicant GLENN GARRY CONSTRUCTION
 Staff Contact JONELYN WHALES Recommendation: **CONDITIONAL APPROVAL**

ACTION: It was M/S (Woldemar/Butt) to approve PLN11-629 with staff's 12 recommended conditions and 4 findings; which carried unanimously (Welter absent).

CC 6. PLN12-061 CALIFORNIA OILS NEW STORAGE TANKS ON HARBOUR WAY SOUTH

Description REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT AND INSTALL 17 NEW TANKS FOR THE STORAGE OF UNPROCESSED VEGETABLE OILS.

Location 1145 HARBOUR WAY SOUTH
 APN 560-260-040
 Zoning M-4 (MARINE INDUSTRIAL)
 Owner CALIFORNIA OILS INC.
 Applicant WILLIAM SEIDEL
 Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

ACTION: It was M/S (Butt/Woodrow) to approve PLN12-061 with staff's 8 recommended conditions and 4 findings; which carried unanimously (Welter absent).

BOARD BUSINESS:

- A. Staff reports, requests, or announcements
- B. Board member reports, requests, or announcements

Adjournment:

The Board adjourned at 10:25 p.m. to the next meeting on Wednesday, April 25, 2012.