

**DESIGN REVIEW BOARD MEETING**  
**Multipurpose Room, Civic Center Building, Basement Level**  
**450 Civic Center Plaza, Richmond CA 94804**  
May 23, 2012  
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 6:10 p.m.

**ROLL CALL**

**Present:** Vice Chair Raymond Welter, Boardmembers Brenda Munoz, Robin Welter, Eileen Whitty and Michael Woldemar

**Absent:** Chair Don Woodrow and Boardmember Andrew Butt

**Staff Present:** Jonelyn Whales, Kieron Slaughter and Carlos Privat

**APPROVAL OF AGENDA**

**ACTION: It was M/S (Whitty/Woldemar) to approve the Agenda; unanimously approved.**

**APPROVAL OF MINUTES:**

April 11, 2012

**ACTION: It was M/S (Whitty/Welter) to approve the April 11, 2012 minutes as submitted; unanimously approved.**

April 25, 2012

**ACTION: It was M/S (Whitty/Welter) to approve the April 25, 2012 minutes as submitted; unanimously approved.**

**Public Forum - Brown Act**

Bruce Beyaert, TRAC, stated Richmond has over 31 miles of Bay Trail completed, with 10.8 miles to build. He distributed a map of portions completed and uncompleted, guides to major sections of the trail, and invited the Board and City to a celebration on Saturday, May 26, 2012 recognizing the 2 mile Shipyard III trail.

Boardmember Woldemar reported that according to the Coast Guard, the Iowa is supposed to be departing on Friday and it was too bad they could not hold off one more day. Boardmember Whitty questioned why dogs were not allowed on the landfill loop trail, and Mr. Beyaert stated the Department of Fish and Game wanted to protect this 3 mile loop because of wetlands and wildlife there.

**CONSENT CALENDAR:**

Vice Chair Welter noted the agenda includes an informational item and 4 Consent Calendar items. He asked if any members of the Board, staff, or audience wished to remove any items. A member of the audience requested removal of Item 5. Boardmember R. Welter requested removal of Item 3. A speaker who had a sewer question regarding Item 2 was directed to discuss the matter with Public Works staff.

Vice Chair Welter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 4, 2012 by 5:00 p.m.

**ACTION: It was M/S (Woldemar/Munoz) to approve the Consent Calendar consisting of Items 2 and 4; unanimously approved.**

**Item Approved on the Consent Calendar:**

**CC 2. PLN12-045 GOMEZ RESIDENTIAL ADDITION ON ESMOND AVENUE**

Description ***(Held Over from 4/25/2012)*** REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A ±621 SQUARE FOOT ADDITION TO AN EXISTING RESIDENCE.

Location 3309 ESMOND AVENUE

APN 524-060-016

Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)

Owner YOLANDA GOMEZ

Applicant BAIRD WHEATLEY

Staff Contact JONELYN WHALES

Recommendation:

**CONDITIONAL**

**APPROVAL**

**CC 4. PLN12-118 TANAKA TWO-STORY ADDITION ON MACDONALD AVENUE**

Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR A PROPOSED TWO-STORY, ±533 SQUARE FOOT, ADDITION IN THE REAR OF THE DWELLING AND A VARIANCE TO ENCROACH 2 FEET IN THE REQUIRED 20 FOOT REAR SETBACK.

Location 5224 MACDONALD AVENUE

APN 501-202-008

Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)

Owner GREGORY A & BARBARA L TANAKA

Applicant JASON KALDIS

Staff Contact JONELYN WHALES

Recommendation: **CONDITIONAL APPROVAL TO**

**THE PLANNING COMMISSION**

**Informational Item:**

**1. PRESENTATION ON THE SAN FRANCISCO BAY TRAIL CONNECTION**

Description THE SAN FRANCISCO BAY TRAIL CASTRO STREET TO THE RICHMOND-SAN RAFAEL BRIDGE PROJECT WILL PROVIDE NON-MOTORIZED PUBLIC ACCESS TO THE POINT SAN PABLO PENINSULA, AND A PLANNED BAY TRAIL ROUTE ON THE RICHMOND-SAN RAFAEL BRIDGE.

Staff Contact JONELYN WHALES

Recommendation: **HEAR PRESENTATION**

City Engineer Edric Kwan, stated in 2006 there was a fatality on I-580 when a bicyclist was hit. As a result, the City deemed the stretch of road unsafe which assisted in building a Bay Trail parallel to I-580 and connect to Pt. Richmond and onto Pt. Molate. He noted the project team will discuss the project to date and said they have attended many outreach meetings, with significant support for the project.

Jeff Martin, Quest Engineering, introduced the design team made up of him, Steven Grover, architect, Jeff Peters, Principal, Bruce Beyaert of TRAC Chair, and Charles Redfield, bridge designer.

Because of difficulties with the PowerPoint presentation, Vice Chair Welter suggested moving up Item 3 and thereafter, return to the presentation.

Items Removed from the Consent Calendar:

**CC 3. PLN12-085 CHEN RESIDENTIAL ADDITION ON MONTEREY STREET**

Description	<b><i>(Held Over from 4/25/2012)</i></b> REQUEST FOR DESIGN REVIEW APPROVAL FOR AN ±887 SQUARE FOOT TWO-STORY ADDITION TO AN EXISTING RESIDENCE.	
Location	1542 MONTEREY STREET	
APN	508-180-023	
Zoning	SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)	
Owner	BO CHEN	
Applicant	OSCAR VENTURA	
Staff Contact	JONELYN WHALES	Recommendation: <b>CONDITIONAL APPROVAL</b>

Ms. Whales gave the staff report and a description of the request for an addition which requires DRB approval because it is greater than 15 feet in height. She noted all development requirements are met with regard to setbacks. Comments were received from the Richmond Annex Neighborhood Council who reviewed the addition and expressed support for the project. Staff is recommending approval of the project based on the request.

Oscar Ventura, applicant, referred to page 3, Section 8-2 which describes the existing 1.5 story home and garage. Section 8-3 describes the proposal where they plan to extend the master bedroom, family room, a second half bathroom, and another master bedroom. They will convert one bedroom into an office and are matching all exterior finishes.

Henry Rullier, designer, said he was available to answer questions of the Board.

Boardmember Whitty voiced her support for the design.

Boardmember R. Welter suggested the applicant revise plant materials for the backyard. She said the front plant materials will burn from the sun because of their placement. She asked the applicant to check drainage in the front and rear lot for landscaping. She suggested the back patio be pulled forward a little for more room and asked for clarification of the front edge of the property. She asked if the existing curb is being used as a secondary parking area. She also suggested adding landscaping in this area. She asked that a connecting path be made between the two parking spaces to get to the front door. Mr. Rullier agreed and received a sketch of revisions prepared by Boardmember Welter for these improvements.

Boardmember Munoz referred to the area on top of the staircase and asked the applicant to follow the original design which she marked on the plans. Mr. Ventura referred to page A-2 and said a shed covers the stairs now. They were proposing to remove the shed that slopes down from the upper roof to make it a hip roof and match this shape all around the building. Vice Chair Welter said these improvements are shown on page A-4, on the front elevations.

Vice Chair Welter asked if all windows would be replaced, and Mr. Ventura said they will keep all windows and match the existing style. Vice Chair Welter asked the applicant to ensure that the texture of the new stucco match the existing texture.

The public hearing was closed.

**ACTION: It was M/S (Whitty/Woldemar) to approve PLN12-085 and design review findings 1-4, staff recommendations 1-9, and incorporate comments from Boardmembers; which carried unanimously.**

## RECESS

Vice Chair Welter called for a 5-minute recess at 6:30 p.m. to set up the projector for the presentation, and thereafter, reconvened the regular meeting.

## Informational Item (CONTINUED)...

### 1. PRESENTATION ON THE SAN FRANCISCO BAY TRAIL CONNECTION

Description THE SAN FRANCISCO BAY TRAIL CASTRO STREET TO THE RICHMOND-SAN RAFAEL BRIDGE PROJECT WILL PROVIDE NON-MOTORIZED PUBLIC ACCESS TO THE POINT SAN PABLO PENINSULA, AND A PLANNED BAY TRAIL ROUTE ON THE RICHMOND-SAN RAFAEL BRIDGE.

Staff Contact JONELYN WHALES

Recommendation: **HEAR PRESENTATION**

Jeff Martin, Quest Engineering, gave the PowerPoint presentation, stating the purpose of the project is to close the remaining one-mile gap from the commercial district in Pt. Richmond to the Richmond-San Rafael Bridge. The trail shares Caltrans right-of-way between the Chevron Refinery on both sides and it is an incredibly difficult gap. The goal is to build a multi-use, minimum 10 foot wide pavement which is ADA accessible. He presented a map of the trail, on top of an aerial looking in the southern direction, showing a detail of the existing bus terminal, the trail's pathway along the entrance to the Chevron Refinery and the end of the trail at Pt. Molate. This is where the trail becomes the shoulder of the freeway, which is going to be a challenge.

Mr. Martin cited many constraints such as land use and ownership (Caltrans and Chevron), massing refinery and freeway infrastructure, the shoreline controlled by the Coast Guard, steep slopes and soil conditions, and mature trees, some of which will need to be removed in the process. He described existing trail conditions on the City's land use map which shows Chevron covering the majority of the gap of the trail. The Caltrans right-of-way map shows proposed alignments that have been considered since 2000 and were eliminated from consideration because of security issues at Chevron. They are therefore forced to look at alternative alignments along the freeway. Unfortunately, there is no room on the north side, because it is impossible to have a double-stacked freeway. They are left with their original design contract to build a trail along the top of the retaining walls of the freeway. The consensus from two public meetings is for a trail at grade from Castro to Marine Street along the retaining wall, running

along the Caltrans right-of-way, and then climb above and over a wall, and then along a bridge structure. He presented the actual alignment in a 3-dimensional model. The most important aspect is that it remains less than a 5% slope which is needed for ADA accessibility.

Mr. Martin presented an at grade crossing with new signals, an existing median for the eastbound on and off-ramp which they are planning to move over to build a bike lane with a barrier along the shoulder. They prepared a traffic study to show they can move the median over and this action will require Caltrans approval. He described Charles Redfield's plan to start out with an at-grade structure for the first part of the wall and after a few hundred feet, they will go to an elevated structure until they clear over the wall. The elevated structure touches down on the hillside at the last retaining wall. He discussed and presented a less desirable alignment which is not preferred because they are having difficulties with sloping and grading percentages, and they are currently working with Caltrans on retaining wall requirements.

In moving onto the large bridge over the Chevron refinery, Mr. Martin said that Mr. Redfield looked at many options and is looking at a pre-fab footer concrete girder bridge. They must stay 60 feet away from a Chevron tank; however, it has been removed and they are working with Chevron on this new development. He presented various renderings of the bridge, wall, fencing, and the girder bridge with a translucent roof structure. He presented an example of a fully enclosed structure at Jack London Square, but the concept for this trail is to put in a single pitch clear roof to provide a more dramatic look and feel of an open structure.

Boardmember Woldemar asked how one would get to Western Drive on the other side of the toll plaza. Mr. Martin stated there is an existing segment of trail that goes under the touchdown of the bridge which will be used as a detour during the Shoffield Deck Replacement.

Boardmember Woldemar said back a number of years, Chevron came before the DRB and they went through a discussion of colors for the facility and their tanks. What struck him as odd was that the proposed concrete colors were very harsh and visually strong. He suggested the use of colored concrete, not galvanized metal or painted silver, or the use of something that blends more appropriately with what is on the hillsides. Jeff Peter noted that Steven Grover designed the Berkeley Bridge that crosses I-80 and they are looking carefully at colors, as they do not want to have anything that will stick out like a sore thumb. Mr. Grover added that they will need to go through Caltrans' CEQA and NEPA process as well as work BCDC. Both of these agencies require a visual impact analysis to show what the structure will look like and all perceived impacts. We realize now is the time to receive input on things like a clear cover for the bridge as well as the coloration of concrete. The consultant team briefly described the proposed architecture and cost considerations.

Mr. Peter stated they realize that this is a very long enclosed tunnel trail, preceded by a very long downgrade. This downgrade is twice as long as simple pedestrian ramps viewed in the Bay Area. They are acutely aware of how it is shaped and treated architecturally which will have some type of an impact on how much people will want to use it. We know an active, well used space is a safer space. Equally we know that collision safety is a concern and just meeting ADA requirements will simply not be enough. He referred to the recent fatality with a bicyclist and driver in the City of San Francisco.

Boardmember Woldemar asked how they would deal with someone in a wheelchair where every 30 inches they need a pause point. Mr. Martin stated this will not be needed if the grade is 5% or less. Anything greater than 5% requires pause points. Mr. Grover added that many guidelines still require some stop points and there are proposed vista points along the trail in the planning stages.

Boardmember Woldemar said they had in the past tried to figure out how westbound traffic was going to get out to Pt. Molate. He asked if any of this affects those various alternatives. Mr. Kwan said no; it is used as an existing crossing underneath I-580 and it will not impact any new access points for traffic along this route. It would also be required as a condition of approval for the developer to pay for a portion of this project once they develop it. Mr. Martin noted Chevron has granted additional easements for a shoreline trail all the way to the Point San Pablo Marina, and if Western Drive was widened it would not be impacted by the trail. He noted that Caltrans needs to meet the minimum shoulders requirements for the trail.

Public Comments:

Bruce Beyaert, TRAC, said TRAC has worked on this project for 13 years. He voiced appreciation for the work of the City Engineer, and spoke of the project's importance to the the San Francisco Bay trail.

Bruce Brubaker, TRAC, said TRAC supports closure of the gap for this important piece of Bay Trail, and stressed that the bridge should be designed in a way that makes users want to use it. The more people who want to use it, the safer it will be.

**CC 5. 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**

Mr. Slaughter gave the staff report on the request for final design review approval. He described the project and proposed modifications made since the Board's last review of the project. These improvements include three bike racks to fit 20 bicycle parking spaces on the site, and an enhanced façade for the 'hot' corner. He said there will be change to the satellite parking area by Baxter Creek as recommended by the Board and staff. There is no signage proposed for the site at this time. The Board had requested a sign program; however, these are typically reserved for multi-tenants, and the Board could make recommendations to the applicant and/or schedule a subcommittee meeting in the future to discuss this matter.

Mr. Slaughter stated the applicant attended the Richmond Heights Neighborhood Council on March 5<sup>th</sup> and the North and East Neighborhood Council on April 25<sup>th</sup>. Representatives from both councils spoke at the Planning Commission meeting and pledged to work with the applicant to create a great project. At the Planning Commission meeting, public comments were received regarding opposition to a specific tenant. Staff received a petition signed by 60 Richmond and El Cerrito residents opposing this specific tenant, but there were no comments on the proposed design of the project. Staff received subsequent emails and is in agreement with the basic suggestions for improvement of the site.

The Planning Commission was informed by the City Attorney that approvals could not take into consideration a specific tenant and the project had to be based upon the merits of the application. This standard holds true for the DRB. Based upon the April 11<sup>th</sup> meeting, there were 40 recommendations by the DRB and the applicant has proposed to implement 36 of the proposed revisions. This is further discussed in the staff report for the project.

Staff recommends approval of PLN11-625 with the attached 15 conditions. He pointed out that the difference between this action and the previous action by the Board is that they are action to approve a design review permit and not a recommendation to the Planning Commission.

Boardmember Whitty referred to the analysis, and asked for explanation on the proposed use of the supermarket is a conditionally permitted use. Mr. Slaughter said it was a previously permitted use and in operation for 8 years. Since that time, the zoning ordinance changed and supermarkets became a conditional use. The applicants are seeking a CUP from the Planning Commission for this use, with alcohol sales and this is what triggers the requirement.

Boardmember Woldemar referred to parking and said if satellite parking were eliminated; it removes 14 spaces, which would reduce the ratio to a 3.6 per 1,000. He noted that the applicant has striped street curbside spaces, which added 18 spaces to the project, which makes it in excess parking area. While these curbside spaces are not typically counted, the Zoning Ordinance allows the Planning Director to reduce the parking requirement by 10% if it can be shown there are other means of transportation. He would argue that AC Transit buses stop along this area. He also remembers that the Planning Commission was in favor of as much as a 25% reduction. Mr. Slaughter clarified they were in favor of removing the 14 spaces which equaled 15%.

Boardmember Woldemar said in the DRB's motion, one motion item specifically said to delete the parking. He asked how the Commission voted relative to sending it back to the DRB, and asked if they included this specific condition. Mr. Slaughter said the Commission did not include the specific condition and only added to encourage the applicant to work with the community, staff and stakeholders. The Commission provided the flexibility for the DRB to request removal of additional spaces near Baxter Creek for landscaping and open space. The Planning Commission would be the body approving any parking reduction. Boardmember Woldemar questioned whether an allowable use could go on the site tomorrow based on a set of design review approvals. Mr. Slaughter said yes this is possible based on previous approvals, in 10 days. The 14 spaces would have to remain because the DRB would not have the power to remove these spaces.

Boardmember Woldemar said a statement was made about people not having enough parking based on the prior Safeway store. He asked if staff conducted research on supermarket parking, as it seems 14 spaces is a minimal amount for the amount of benefit that may well come out of it. Mr. Slaughter said he did not do any secondary research and relied on Mr. Englehart's expertise. He shares the same viewpoint in that the City should be looking at parking district-wide, but in the reality of leasing, tenants may not share the same viewpoint.

Boardmember Woldemar referred to landscaping, the number of trees which is 1 tree per 4 parking spaces which would result in 33 trees. He only counts 16 trees in the parking lot and the ordinance explicitly states not to include those around the site. Mr. Slaughter agreed to specifically review the actual number of trees inside the parking lot.

Boardmember Woldemar referred to signage and said in the design review enabling ordinance, specifically the applicability statement, and a section states that the project signage included as part of new building construction or as part of building modifications shall be reviewed for design consistency along with the design review of the structure. Mr. Slaughter said this would pertain if there were a sign proposed and requested further explanation by the Assistant City Attorney. Assistant City Attorney, Privat, said when discussed earlier, signage would be part of the DRB's normal review. It was brought to his attention the use of the word "included" and here, signage

is not included as part of the application so this section would not apply and it would go through the normal signage process. Boardmember Woldemar noted that the drawings indicate 3 large locations for signage. The Board should know what will go there to determine its compatibility and design, and there should be criteria so that the future tenant has some direction.

Boardmember Woldemar referred to Condition #6 on page 11 of the staff report, and asked staff to explain the condition. Mr. Slaughter said this provides some visual sight lines, avoiding hiding spaces for safety. Boardmember Woldemar suggested the condition be more explicit.

Boardmember Welter clarified the location of the 'hot corner' with Mr. Slaughter. She asked and confirmed the location where Baxter Creek goes underneath the roadway and confirmed with Mr. Slaughter that a bridge connection is not allowed to be done. According to the Department of Fish and Game, restrictions on development within 200 feet of the creek bed need to be reviewed by this agency. He said staff could review this in the future with El Cerrito and Fish and Game, given the availability of grant funds.

The public hearing was opened.

Henry Englehart, Collier's International, representing Mr. Carrico and his efforts to re-tenant the building, introduced Amy Dy of Hates Design. He understands the community's desire for an attractive and successful building, and they will market the building such that an economically feasible project can locate there. He just returned from the International Council of Shopping Centers' four day convention and he spoke with people about the project. There is interest as well as concern, and there will come a point to determine what the best course of action is for an equitable return on the owner's investment.

Amy Dy, Hates and Associates, gave a brief PowerPoint presentation displaying the building site, satellite parking area, hot corner of the building, site photographs, examples of enhancements to landscaping, access ways for pedestrians, an colored overlay of the landscape plan, revised elevations, and a new rendering with a view of the hot corner.

Boardmember Whitty referred to entrances from the two streets and asked for details of the pedestrian walkway. Ms. Dy said they were instructed by Boardmember Woldemar to do a taper and they have boulders adjacent to them, which is displayed on Sheet L-1 of the landscape plans. Boardmember Whitty asked if the applicant considered putting any benches in front of the store, and Ms. Dy pointed two of them out on the plans which are adjacent to the bicycle racks. Boardmember Whitty asked why they were not located to the right of the front door rather than off on the side, and Ms. Dy said the previous comment was to put as much activity in the designated area they expect bicyclists and pedestrians will travel. This is why most elements are on the one side. They also have the area designated for cart storage as well. Boardmember Whitty felt it would be messy if people are waiting to be picked up and suggested the benches be located in the front more to make them easily accessible to vehicles. Ms. Dy agreed to consider relocating the benches to be more accessible to vehicle pick up and taxis.

Boardmember Whitty referred to the park near Baxter Creek and said if the parking spaces are kept, she does not know why there is no building access near the area. She suggested an entrance door going into the store to be placed on the park side. Ms. Dy said they are restricted with the structure. To put a main entrance or opening along this wall would undermine the structure. She clarified one door exists in this area for the fire room and one door exists.

Boardmember Woldemar stated Mr. Englehart has experience in other tilt up buildings when 10x8 foot holes have been cut in between the column supports, and a simple steel frame needed to be added, which can be done efficiently. Ms. Dy said there are underground utilities and the main concern is the integrity of the structure. Boardmember Whitty said if putting parking on that side, it should be easier to get inside the store. Mr. Slaughter said this issue was discussed in the past and there are certain constraints. If this is a serious request, he hoped that a balance could be identified elsewhere given the added costs.

Vice Chair Welter called for public comments and reminded speakers to focus their comments on design of the project and not on the prospective tenant or hours of operation, as the DRB has no say into who goes into the space.

Public Comments:

Ryan Houk, said his comments focus on his opposition for Wal-Mart or a giant retailer going into the facility which seems to appear to be redundant in the area.

Linda Moran, Richmond, said she lives ½ mile from the site and said she would love to have a grocery store in the location, which is needed in the area. She liked the design improvements but suggested signage is reviewed and considered by the Board, noting that it would impact residents. She also hoped that neighbors are involved as stakeholders in the process. Another concern is the tenant, operating hours, and parking.

Mitchel Evan, Richmond, thanked the applicant for improvements to the design such as bike racks, landscaping, and hopes to make this consistent with the neighborhood. All these improvements will raise the bar for San Pablo Avenue businesses. He urged the DRB to put a hold on the project unless items 10 and 36 relating to parking and green space is required. To get the maximum allowable parking will enable a real grocery store to succeed. He voiced opposition to big box stores, asked that neighbors be involved in communications and urged a local grocer to be recruited.

Tony Sustak, Richmond, said he frequently travels by the store and would be in favor of reducing parking, given on-street parking, the applicant should make the area more pedestrian-friendly. Most neighbors want a grocery store that will work. He also asked that the design be held to the highest standard for a good project.

Michelle Itagaki, Pittsburg, Chair of the Economic Development Commission for Richmond, said Commissioners has watched this site for many years. They missed the Planning Commission meeting, and are excited to have a grocery store locate on the site and urged the Board to approve the request.

Michael Peritz, Richmond, said his family as well as his children all live nearby the site, agrees there is a need for a grocery store but do not want it to be a Wal-Mart. Aesthetically, he believes the residents deserve more than what is proposed. He also wants to ensure the DRB accepts something that does not limit what could locate on the site, voiced the need for walkability and bike ability to the site.

Joanne Gomes, Richmond, said she has lived in the neighborhood for 23 years and was excited about improvements. She voiced concern and asked what triggers review of signage so that there is future input.

Mr. Slaughter stated any proposed signage would be reviewed by the Zoning Administrator. All neighbors within 300 feet would get noticed for the sign to participate in the process.

Ms. Gomes asked that her name be added to the notification list. She said traffic has increased in the neighborhood because people use this as an alternative route to get to the Del Norte BART Station. There used to be issues with the trucks loading, unloading and turning radiuses and she asked that traffic be addressed. She suggested a friendlier parking configuration, maintaining the number of parking spaces, and asked that greening be continued along San Pablo Avenue.

Gerald Rasmussen, Acting Chair of the North and East Neighborhood Council Design Review Committee, said the project did not come before them for design review, but he agreed this is a 1950's generic student level design and Richmond deserves something higher in quality. He believed that signage review should be approved by the DRB and not staff. He asked that signage be reviewed now and not in the future, and felt the project should go through the Conditional Use Permit review process given that the building has been unoccupied for 8 years, and questioned whether El Cerrito had any jurisdiction in the matter.

Mr. Slaughter responded, stating the City of El Cerrito was notified and they had no comments. Richmond has jurisdictional rights and the project is going through the Conditional Use Permit review process. A meeting is scheduled for a second review by the Planning Commission on June 7<sup>th</sup>. Also, since there is no tenant, signage would be reviewed under administrative approval, similar to other empty centers. He noted staff also wants to see a high quality sign for the center.

#### Applicant – Rebuttal

Ms. Dy referred to the satellite parking comments. They do not disagree that parking is awkward in that location, but in order for the center to be marketable, the number of spaces need to remain. The amount of improvements going into the site is already a cost constraint for a future tenant. Mr. Englehart agreed parking is of utmost importance and potential tenants look at how much on-site parking is available for customers and they do not want to put them in the position of competing for street parking. He encouraged the DRB to consider this in light of the business operations and competing with the Safeway Store that has well over 5 per 1,000 parking ratios.

Boardmember Whitty said she is at the Safeway at Del Norte daily and has never seen the lot full. Mr. Englehart said strong national retailers require a certain amount of parking when considering the site.

Ms. Dy said regarding architecture and expansion of entry on the side, they are restricted with the tilt up construction. They need to first bring the building up to code and they are trying to work within budget to get a tenant on the site.

Boardmember Whitty stated the outdoor LED lighting ideas are wonderful. She noted that Yerba Buena Park lighting in San Francisco is wonderful and state of the art, which will bring people in after dark to shop at the store.

Boardmember Woldemar said he saw the design that went to the Planning Commission which was different than what came to the DRB. He then made a series of written comments that the applicant received and responded to, for which he expressed appreciation. Remaining comments relate to what he thinks is an urban design focus. This is an important place for the

cities of Richmond and El Cerrito and it will set standards for the future. He still strongly believes that Richmond can do better and said he believes further comments should be allowed to be made and suggested the applicant return and respond to them. The responses received to date have been rigorous and the format has been good for tracking purposes. He suggested not closing the public hearing and to be able to provide written and verbal comments to the applicants.

He referred to Attachment 3 and had the following comments:

1. He likes the colors now. He proposed putting back part of the 7 inches of fascia board back as a different color. He wants to see the addition of a lid or cap to the building. It could be the same terra cotta color as the arcade band below.
2. The extension of the arcade around the corner helps a lot to make it a 'hot corner.' He voiced concern with column rhythm which got to be about half the size as proposed. He suggested taking it to the next level, what is the structural rhythm of the tilt up wall, which would have been 3 equals at the arcade.
3. He also thinks that the width of the arcade on the west side should be the same as it is on the north side.
4. Regarding Item 3, bicycle parking, the City wants to be a bicycle-friendly City and the more that can be done toward that end, the better.
5. Regarding landscaping adjacent to the Chinese Restaurant, there has been a proposal for a living wall and he asked to see details on it. He hoped that it is not simply be wire and asked the applicant to prepare an elevation and to illustrate what the wall would look like with the landscaping and wall treatment. He is particularly interested in the bigger picture of vehicles driving northbound on San Pablo Avenue.
6. Regarding number 5, there is a short-cut path and he suggested seeing more stepping stones for people coming through the C3 areas.
7. Regarding adding screening to San Pablo Avenue, the landscape plan simply lists the generic plants and some are not the taller ones. He asked that the final landscape plan return to the DRB, to show exact plants. There are also gaps along San Pablo Avenue.
8. The new pedestrian entrances are much nicer. The one coming off of Macdonald Avenue could be stronger. It is wider and this will tend to be the store's main entrance.
9. He continues to believe that the cart corrals are permanent structures, and the design should include something more specific. It is reasonable to defer construction of those until there is a tenant, and if they do not like the design, they can come before the DRB.
10. He continues to believe that the satellite parking should be deleted. There are 14 spaces, it is a dead-end parking area, and he also asked where police parking would be located on the site.
11. He agrees with a second entry into the building and he felt it would be nicer to have another way in and out of the site. He could imagine an outdoor or enclosed dining area, deli, in these areas and he thinks the Planning Director could make the finding for the 10% reduction, particularly when thinking about the cart corral, police parking, and the AC Transit bus stops along San Pablo Avenue. The Planning Commission basically gave the DRB direction to delete the spaces. Regarding interior improvements, he questioned if some things could be flipped to allow for another entrance, like a deli with doors leading to a covered arcade, etc.
12. The entrance off of San Pablo Avenue is great. He asked to include the "right turn only" sign because there is a median break off center of the road.
13. Regarding details of sidewalks, he likes the polly paving proposed. He is also interested in what the color, surface, and texture would be of the other walkways and pathways.
14. He supported removal of vending machines. He suggested that there be restriction against any outdoor sales occurring without Planning Commission review. He felt this

could be dealt within the Conditional Use permit conditions rather than a design review condition.

15. Cart storage - there is a double row of cart storage under the arcade that appeared to block pedestrian access. Ms. Dy said they now have a 5 foot area to walk. Boardmember Woldemar said it would not work if it rained and he suggested making it one row of carts wide outside and one row of carts inside.
16. He likes the new lighting on the Key Boulevard side and west side. There is literature on the lighting and while not LED, it is a nice fixture. He questioned what lighting is going under the arcade, and how it will tie in with parking lot lights.
17. Regarding mechanical screening, it sets right on the edge of the building but a very dissimilar material from everything else. He wondered if it could be backset just enough to get behind the parapet so it distinctly read as a different element. There are also new units on the roof and he voiced concern of uphill neighbors and what their views will be, and he suggested the new units be screened as well as existing units.
18. He loves the "hot corner"; however, the walls should return back onto the roof located on the second drawing, right hand edge of the rice grain wall and on the lower drawing's left hand edge near the flagpole. They should look like they are part of the building and not a false front. This will have a permanent, rather than additive appearance.
19. The addition of windows is a good idea, but he assumes they are within the width of the box of the building. What would make them more special is recessing them into the box. He also suggested they be illuminated at night and asked for details on their assembly. And, it may be appropriate to take a couple more around the corner which also may have something to do with how signage works.
20. Regarding signage, the section says something about compatibility. While there is no tenant, the applicant could indicate something about the font size, what the content of signs could be, and the Board should know something about the illumination. He also believes that because of the arcade, there is a great opportunity to do some arcade signs instead of signs being up high on the building, which would add to the pedestrian character.
21. He likes the stone veneer around the building, but it did not look like the stone veneer returned around the building, but he suspects it would.
22. He asked if some of the living walls couldn't be just vines on the wall instead of having lattice work. They will take maintenance, but the walls are high enough and it will take a while for it to fill out.
23. Regarding comment 27 regarding skylights, he sees this as a day lighting item and not a design review issue.
24. Regarding comment 29, if the parking is removed, the park/plaza that gets created should have a fair amount of C3 area and the final landscape plan should return to the Board.
25. Comment 31 raises the issue about whether or not the landscape ordinance was being satisfied.
26. Comment 32 related to the plaza patio area.
27. Comment 33 relates to wanting to see more details around the paving areas, and should the paving at the two front doors be a different color or material.
28. Regarding lighting, his only remaining question is the location of lighting on the north side of the building.
29. Comment 35 related to the landscape plan and benches.
30. Comments 38 through 41, he wrote notes to say to defer to Boardmember Robin Welter for landscaping.

31. Additional comments he would add is to do some special striping, such as different colors, a checkerboard, or something to make the area more pedestrian inviting leading to the store.
32. To staff, he asked if some of the curbside planters along Macdonald and Key Avenue couldn't be converted into C3 rainwater areas.
33. He likes the idea of the additional redwood trees on the south side of the delivery area. He asked and confirmed the applicant owns the property to the south of this, and he asked what would happen with this property other than weed cutting. Mr. Englehart said they have not yet thought through this and will address that property later.
34. There is a new proposed chain-link fence on the south side of the delivery area. He asked whether or not it would have slats and it should, or he questioned if it should be more permanent to keep people from climbing over. Ms. Dy noted the likelihood of graffiti. Boardmember Woldemar noticed there is barbed wire on the Baxter Creek side, which should be removed.
35. On the east side of the delivery area, there is an element built on top of the stone wall which was painted. He felt it was dissimilar materials and looked like an add-on. He asked if it was necessary or suggested some other solution for it with paint to make it look more integrated into the building and looking less like a delivery area. He also questioned why the loading dock is located in this area. Mr. Englehart said this was a 1960's design and the area became untouchable, given the creek. Lucky's tried and was unable to get approvals. He has indicated to tenants to get in there and operate and then return to the City based on operational experience.
36. In the parking lot, some spaces do not use the 2 foot overhang, and he asked to have the architecture be consistent.
37. He thinks there is opportunity to add a 4 foot planting strip along the center row of parking, and an opportunity to add 2 more feet on the west side by the pedestrian path. Some of the compact spaces are too long and should be reduced to 14.5 feet to discourage full size car parking.
38. He asked how they would illuminate the flag pole at night. He suggested making the pedestrian entry at San Pablo more elaborate such that the flagpole could be planted in the middle with up lights. This becomes part of the pedestrian entry into the whole center.

Boardmember Robin Welter echoed comments about having a landscape plan that illustrates what is proposed. She suggested more detail when the applicants return and had the following comments:

1. She said she likes the fact that they greened up the bio swale and said she wanted to do some research on the plant proposed, as it is typically an erosion control plant. To get any additional bio swales, the applicant will need to re-grade the parking lot. Boardmember Woldemar said some of it has to do with collecting street curb water. Boardmember Welter said these; however, are very expensive, and she would rather put money in other areas.
2. She would love to see reduced parking in the "hot spot" area and in the center, but she recognized the tenant would want to keep some.
3. Putting benches in the hot spot is not that attractive, and she suggested taking 2-3 parking spots and pointing them towards the back to leave enough room for vehicles turning.
4. She suggested taking the picnic area and putting it in the hot spot corner. She would be reluctant to go back into the Baxter Creek area, and suggested flipping parking spaces over.

5. She suggested also making a pergola for shoppers to sit under. She loves the green screen and suggested flipping the trees to the other side. She commented that she has had to maintain them which results in bloody hands, and she likes the idea of a trellis instead. Mr. Slaughter noted the vegetation creeps far into the site and pushing it further might be a safety issue. Mr. Slaughter discussed reasons for staff's recommendations and the group discussed the future greenway connection.
6. The hot spot needs to be something more, and if some of it can be transferred more to the park, it will become a nicer corner and attract more people.
7. She would like to see more shrubs along Macdonald Avenue instead of the groundcover.
8. In the staff report, it mentioned a sculpture piece, and Mr. Slaughter noted this will be an interpretive sign.
9. Regarding the pathway, she thought decomposed granite is accessible if a binder is put in it. Ms. Dy said their landscape architect advised her that it will erode. She recommended the polly paving for the site which will last longer.

Vice Chair Welter said Boardmember Woldemar handled most of his questions and concerns. He noted there is a precast cap for the veneer on the wall at the corral underneath the entry. He asked if the intent is that the column capitals are precast as well to match. There is nothing that indicates what the material is. Ms. Dy said she did not have the detail sheet, but thinks it is the same material. Vice Chair Welter recommended detailing it as the same material.

Vice Chair Welter said he loves the pedestrian walkway in between the parking spaces because it keeps congestion down in the parking aisles and is safer. He agrees with the mechanical screens and to get them inside the parapet. Regarding color, he thinks they have improved in their selection of colors.

Ms. Dy commented that if they need to come back, they are scheduled for a Planning Commission meeting. Boardmember Whitty said they could return with a landscape plan. Ms. Whales questioned if the Board could conditionally approve this and not hold up the project, given the numerous revisions done already, and return later with a landscape plan.

Boardmember Woldemar thinks there are many design issues not related to landscaping such as the two rows of carts. He said the Planning Commission made a decision to deal with the neighbors and then leave the design to the DRB. If the City was treating this like any other project, he has raised enough issues that the applicant would be sent back with an opportunity to return to a specific date and respond to the design issues raised irrespective of the Planning Commission.

Mr. Slaughter said this is correct; the Planning Commission may have concerns about approving a project that the DRB still has not approved. He thinks the other issue is that the applicant has engaged with staff and the DRB, has responded to three rounds of comments and three meetings and there were 40 comments last time and many at this meeting. He is concerned there is no end in sight if they are not able to reach a conclusion.

Boardmember Woldemar said there have also been three designs of the project, only of which the DRB Subcommittee has seen the first, the DRB has seen the second and third one, and Boardmember Woldemar said he is inclined to continue it, but it is up to the majority of the Board.

Mr. Slaughter discussed the extensive discussion and process and feels at some point, the applicants need a decision. Mr. Englehart also said they must determine what the building will

cost him, as many more comments add to the expense of the project, which he described, and said it is not fair to Mr. Carrico.

Vice Chair Welter asked Boardmember Woldemar to narrow down conditions and approve the project tonight? Boardmember Woldemar said he has spent a considerable amount of time reviewing the project, and each time there are comments that return that are not responsive. There are comments in the list when they held the first subcommittee meeting and have never been responded to, such as the "hot corner", and it has taken until today to get there.

Mr. Englehart recognized this and said they want to have a good project that Richmond and El Cerrito can be proud of, but when it is all said and done, it will be a contemporary retail facility that needs to compete in today's world. Boardmember Woldemar said the majority of items are not costly, but rather telling the Board what they will do so they know what they are getting.

Boardmember Whitty felt half of the comments voiced were drawing errors, texture and details, and missing information. Ms. Dy said they look at these kinds of details in construction drawings, but if they are clarifications, she can go on record to indicate them. Once they get a tenant in, they usually leave certain decisions such as pavement to them, but if there are certain types of material that the DRB wishes for them to use, they could condition them to have it.

Ms. Whales suggested a compromise by conditioning the project tonight and returning later in the future when there is a tenant. This way they can get more into the colors scheme, materials, signage, etc. The applicant needs some sort of approval so they will have a marketing tool to take to various prospective tenants. Staff can always bring the project back for review by the Board. There has been a lot of time and efforts spent on the project to date and everyone understands the frustration, but suggested compromising. She suggested staff do a matrix of comments to compare where the similarities and differences prior to going to the Planning Commission, which she agreed is out of the ordinary.

Boardmember Woldemar suggested a motion to deny the project and the applicant could appeal it to the City Council. Mr. Slaughter said staff wants the project to be as best it can be based on the constraints of the site. The Planning Commission said they were fine with the design, which is why it is back in front of the DRB for final approval. Boardmember Woldemar said he suggested a subcommittee meeting which could not be scheduled. Some of the suggestions could have been responded to at that time. Mr. Slaughter suggested the Board could approve the project and have the landscape and signage return to a subcommittee. Mr. Englehart noted that Ms. Dy responded to a majority of comments already submitted. Boardmember Woldemar said many items were not responded to, such as paving materials, light fixtures for the parking lot, and many others. His point is that the DRB needs to know what they are approving and getting for the project.

Boardmember Robin Welter said she likes the idea of looking at the landscaping especially at the hot corner and it has not been resolved. Vice Chair Welter said it is common that landscaping return afterwards to the DRB, and while he agrees with much of what Boardmember Woldemar is saying about its incompleteness, he asked what the action would be if the Board asked for this information at a later date. Mr. Slaughter said in the past the DRB has added conditions that the final landscape plan or signage return to the Design Review Subcommittee. Vice Chair Welter said although many items include lighting and paving, and Mr. Slaughter said these items could be added to a list that will return with more details. Mr. Privat said if the Board does not have enough information on which to base its decision tonight, they can continue the item. Mr. Englehart said he thinks this is a better way.

Mr. Slaughter said the Board could also condition that once a tenant comes in for a business license, they can come before the DRB with their cart return, signage, final landscape plan, trim and concrete materials, which also gives the community the ability to engage with the tenant. This allows the process to move forward.

Boardmember Woldemar asked if it was the owner's intent to do a lot of what is proposed to make the building more marketable. Mr. Englehart said no; they are going to get a complete set of improvements, understand what the budget is, what the conditions of the use permit are, and then they will make a decision on how to craft the deal which will require the retailer and owner to both bring a certain amount of capital to the deal. He spent four days meeting with tenants and he knows where economically some will go. He suggested they can continue the item, have Ms. Dy work with a subcommittee or staff, and did not want to go to the Planning Commission unprepared.

Boardmember Woldemar suggested reviewing the comments and determining a straw poll of the Board. Vice Chair Welter said he also was under the impression that this was going to be completed and presented to a tenant, but this is not the case. He said instead of conditioning this and telling the applicants how to design the building, with the idea that the tenant will come in and then design review specificity will occur, to him it makes it easier to condition the project and have it return to the Board when a tenant is chosen.

Mr. Englehart said when alcohol sales came up at the Planning Commission meeting, Mr. Carrico said if this is a big issue, they can make it a tenant-specific issue, as well as others like hours, signage, landscaping, etc. Vice Chair Welter advocated that there be some sort of parameters for signage and he voiced support for approval with the condition that prior to the tenant applying for a permit, they must come before the DRB.

Boardmember Woldemar asked what kind of motion would approve the design review, subject to it returning to the DRB with many items with the proposed tenant in the future. He asked what is therefore being approved. Mr. Slaughter said the building can either be with minimal improvements or done with what is proposed, given minor or major details once the tenant comes in. He thinks allowing the applicant to work with tenants and instruct them what would be needed to return is fair, the list of which can be worked out with staff.

Mr. Englehart discussed the various conversations he had with prospective tenants for leasing a 20,000 square foot tenant for a building as is, or a total renovation to get a 31,500 square foot operating tenant. Boardmember Whitty said she thinks this was never articulated enough in the beginning, but Mr. Englehart said he never knew this was the case in the beginning.

Boardmember Whitty said she thinks the Board should approve it in some way and have the tenant return, and to let them know there are a lot of conditions which need to be adhered in a CUP for the project. She confirmed that staff assumed that the Board would close the public hearing, approve the project, and the applicants would take the decision to the Planning Commission.

The public hearing was closed (Woldemar abstained).

Boardmember Whitty said the item can be pulled from the Planning Commission's agenda and it can be continued to the next DRB meeting, or the DRB could approve it tonight with a few conditions and forward it onto the Planning Commission. She voiced concern over what the DRB would be sending to the Commission.

Vice Chair Welter felt that if the DRB sent to the Planning Commission with a few conditions, it would not be a complete package. But, if the DRB sent it with the condition that it must return to the DRB with a tenant improvement plan, the DRB would be able to review it again and establish conditions based upon the new tenant. He thinks everything has been covered and the outstanding items can be made into a definitive list.

Mr. Slaughter asked as to whether or not the DRB wished to remove the satellite parking area because this will be a final decision. He said staff recommended initially that it be removed and after a year if the tenant thought it was a major issue, they could re-apply. But, he could also see the benefit of maintaining the parking spaces, given industry standards, marketability, and public comments of parking spilling over into the neighborhood.

Vice Chair Welter asked what is the opposition to parking being there, and Mr. Slaughter said people want more landscaping, open space, or it could be an opportunity site. He said after driving the site and seeing it from the San Pablo Avenue side, it was clearly not visible until walking into the site. Therefore, staff recommended a compromise by reducing it to 4 spaces and pushing more landscaping. Boardmember Whitty also noted that the Board's discussion focused on safety.

Vice Chair Welter said El Cerrito has redone San Pablo Avenue. He attended those meetings. It is the entrance to both cities and there are specific ideas about what should happen at this intersection. He asked what, if anything was considered when going a half of a block down. He would be interested in what the corridor was supposed to look like in that area. Mr. Slaughter said there are similarities such as street trees, drought tolerant plants, rainwater harvesting, and streetscape improvements. El Cerrito attended the Livable Corridor meetings and met with the consultant Opticos and exchanged ideas.

Boardmember Welter questioned that if the parking is not used, she asked if this could be returned to more landscaping. Mr. Slaughter said he was not sure a tenant would want to remove parking once it was placed there.

Vice Chair Welter said he thinks part of the solution might be when the landscape plan returns to the DRB. He would also offer that a lot of the pathway material is part of that submittal as well.

Boardmember Woldemar said if the Board recommends parking be deleted, the entire project must return for landscape approval because it is unknown what will go there. His assumption is that a lot of the work would be done to market the site, but this is not going to happen if we do not condition the project. Boardmember Whitty said they also do not want to put a tenant into a precarious situation, and they should know that they will need to address these conditions. Mr. Englehart agreed and said the tenant will be instructed that they will have to present the walkways, stamping of concrete, landscaping, signage, building colors, and parking. He would rather know what the DRB wants the building to look like so that when it goes to the Commission, they will know what the DRB wants. Right now, he cannot make any of those representations.

Vice Chair Welter stated the item therefore should be continued, a subcommittee meeting should be held to work out all details and then return to the DRB. The DRB can approve it and then it would go to the Planning Commission.

Boardmember Woldemar added that, in order to move things along, sometimes the subcommittee makes the decision so it does not need to come to the Board, but it gets done and documented prior to going to the Planning Commission. He said some of the items must come down to real design and not just words, and he guessed that the subcommittee meeting would be about 3-4 hours long, and it would involve the architect, landscaper, applicant, staff and 3 subcommittee members. He said it means also that the applicant gets the revised drawings into the plans and the package is ready for the Planning Commission. Thereafter, Mr. Englehart can market the site. He also felt that most items were not costly, but they needed to be specified for clarity.

**ACTION: It was M/S (Whitty/Welter) to approve PLN11-625 based on the staff's design review findings 1-4 and the staff's conditions 1-15, editing Condition 6 to delete the words "to the parking lot"; and to establish a DRB Subcommittee to meet and finalize the design; unanimously approved (Woodrow and Butt absent).**

Boardmember Woldemar suggested meeting dates for the subcommittee, staff, applicant and his team to meet. The tentative meeting date was set for Friday, June 1<sup>st</sup> at 9:00 a.m.

**BOARD BUSINESS:**

**A. Staff reports, requests, or announcements**

1. Discuss the definition of a "meeting" and "hearing" as referenced in the Richmond Municipal Code §15.04.930.070 (B1 and B3) and §15.04.930.120 (C).

This item was held over to June 13, 2012.

**B. Board member reports, requests, or announcements - None**

**Adjournment:**

The Board adjourned at 10:30 p.m. to the next meeting on Wednesday, June 13, 2012.