

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
May 22, 2013
6:00 p.m.

BOARD MEMBERS

Ray Welter, Chair	Brenda Munoz, Vice Chair
Robin Welter	Eileen Whitty
Mike Woldemar	Don Woodrow
Brant Fetter	

Chair Ray Welter called the meeting to order at 6:15 p.m.

ROLL CALL

Present: Chair Ray Welter, Vice Chair Brenda Munoz, Boardmembers Brant Fetter, Eileen Whitty, Michael Woldemar, and Don Woodrow

Absent: Boardmember Robin Welter

Staff Present: Lina Velasco, Kieron Slaughter, and James Atencio

APPROVAL OF MINUTES - None

APPROVAL OF AGENDA

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

Public Forum - Brown Act - None

CONSENT CALENDAR: None

STUDY SESSION:

- 1. PLN12-287 GONZALES MIXED-USE BUILDING**

Description	LIVABLE CORRIDORS FORM BASED CODE CONFORMITY STUDY SESSION FOR A ±4,968 SQUARE FOOT MIXED-USE BUILDING WITH COMMERCIAL SPACE ON THE GROUND FLOOR AND RESIDENTIAL USE ON THE SECOND FLOOR.
Location	761 23 RD STREET
APN	529-180-006 & -007
Zoning	C-2, GENERAL COMMERCIAL/FUTURE ZONING T4 MAIN STREET (T4MS)
Owner	ROBERTO GONZALEZ
Applicant	DAVID KESLER
Staff Contact	KIERON SLAUGHTER

Recommendation: **NO ACTION - DISCUSSION ONLY**

Lina Velasco introduced the item and said staff had the opportunity to calibrate the draft Form Based Code which is meant to replace the zoning ordinance along 23rd Street, San Pablo Avenue and Macdonald Avenue. They looked at the administrative draft version and found that

information was easy to find and test it with the architect. She voiced appreciation with the applicant's willingness to work with staff. The Livable Corridors Code will have a similar map, which she presented. The zoning map which is called the transect regulating plan will also identify a zone. Based on that zone, regulations for that zone can be found. In the case of this 23rd Street site, it is in the T-4 Main Street area. There will be 8 zones, but now staff is focusing on 5 zones because the other transects zones do not really apply to the area they are looking for because those are meant more for single family neighborhoods and rural residential neighborhoods. They do have place holder sections in the form based code, so when they do maps, these regulations can be incorporated.

Ms. Velasco said this is meant to illustrate what the intent of the Main Street zone is, along with some typical building types. In this case, it states attached buildings, single wall plane along a street, simple wall planes, small or large footprints, buildings at the right-of-way, small to no side setbacks, up to three stories, a flesh ground floor and primarily with shot fecks.

One of the ideas of the plan is that it is more user-friendly, but illustrations are easier to understand. Sometimes the text does not convey a definition or point one is trying to make. In this case, they look at what are allowed building types within the zone. Most of what people will be doing in terms of architects is identifying a building type once they know what zone they are in. There is more detail in the plan about what building types there are. For example, there are regulations for carriage houses, courtyard buildings, live/work, a Main Street building, and a midrise building. She noted that this particular building is a Main Street building.

In this case, they found that the lot width is a 50 foot minimum and the depth is 100 feet. There are some parcels along San Pablo Avenue only 80 feet deep, so staff has modified that regulation based on staff's experience for 80-foot minimum lots. Chair Raymond Welter asked if they were at least all 50 feet wide, and Ms. Velasco said not all of them. There may be a range and staff will adjust for variations as well.

The main building needs to be at least a 20 foot minimum and 3 stories maximum. They do get bonuses in terms of height when affordable housing is proposed, or when they are proposing a LEED green building. They may get an additional floor in such cases, but in most cases until the market improves, they will not see many people taking that extra story. In this case, they will get up to 4 stories if they did affordable housing or a LEED certified building.

Boardmember Fetter asked about the level of affordable housing and whether it includes mixed use, and Ms. Velasco said it is at least 25% of the total units. The City does not specify the range so it could be very low, low or moderate income and it is really meant to incentivize. She explained further that this would be separate from the inclusionary housing ordinance. If someone built a 10-unit affordable housing development, it would trigger the inclusionary housing ordinance, in addition to those regulations. Right now the inclusionary housing ordinance requires a percentage of the units and it depends on the affordability.

Boardmember Woldemar said this example is a 50x100 foot lot. In thinking about applying this bonus four-story to a 50x100 foot lot, and if this is used as a model, it is roughly 2,500 square foot per floor or a 10,000 square foot building. Presumably, the top three floors with an elevator are residential, but now the parking requirement kicks in at 1:1000 square feet, which is difficult. He wondered if it might not kick in until there is a much larger parcel where they can afford to do a driveway under the building or put in podium parking. He wonders about some of the realism of some of the things in the form based code.

Ms. Velasco said parking kicks in at over 2,000 for residential and 5,000 for commercial. This project is 2,000 square feet of residential. Therefore, no residential parking is required. In the past, if a project had one bedroom, applicants had to provide one parking space. Now, they will

be able to build residential without parking. The idea is that if built within one-quarter mile of a transit stop, there should be an additional opportunity to get parking reductions when parking is triggered. She said the zoning ordinance had such a high parking threshold setback open space requirement that it was really not giving them the building form they were looking for, at least on the main corridors. It had more of a suburban style to it.

Ms. Velasco said they first look at the building type and whether the lot complies with the width and depth, and then the building height. There is a 20 foot minimum so a single story building would need to be at least 20 feet. There will be a brand new definition section which will define where height is measured from, a new section and definition of use codes, and also regulations for height. At this point, it may vary. Their goal is to make those consistent. In terms of the building floor, the ground floor finish level for residential is a 24 inch minimum and for retail or service, it is a 6 inch minimum. The City has never in the past specified minimum floor, but part of the idea of making it higher on the residential side is that it creates a separation between the public and private space. Boardmember Woldemar said this probably means floor joists versus concrete slab for residential, and Ms. Velasco agreed.

Ms. Velasco said they will be specifying the ceiling height on the ground floor. For residential it is a 12 foot minimum clear and on the retail or service side, a 14 foot minimum clear. They want to be sure there is adequate height with commercial to accommodate all of the potential needs of a commercial building for ventilation, fanning, etc.

Boardmember Fetter said the ground floor finish level for residential is 24 inch minimum from presumably sidewalk grade. What springs to mind immediately are ramps and lots of them for ADA ramps, and he asked why they are requiring it be a 24 inch minimum, which is in direct conflict with ADA. Boardmember Woldemar said a lobby could be proposed or a landing on the interior. Chair Ray Welter said many multi-family urban projects are being done with stoops and he thinks this is tied into that and depending on the lot size there is a way to accommodate it. Boardmember Fetter said wants to address good design and accessibility. Ms. Velasco said this comment can be provided to the consultant team in terms of ensuring accessibility when opportunity can be taken or when it is triggered. The idea of having the residential separated is to define what the private and public space is on the lot. The main streets are those areas where they are trying to encourage more commercial ground floor. Because 23rd Street, San Pablo and Macdonald are so long, they will focus the Main Street idea around certain nodes and then make the corridor more open where it is less restrictive so there is fluidity to uses within the area. Eventually if they get more density and demand for more commercial, these activities will concentrate the activity.

Boardmember Woldemar referred to the 14 foot retail ceiling heights. He asked about how it was measured, stating it makes the definition very important. Mr. Slaughter said this came up during a review of this project. Ms. Velasco said it is defined as "height from finished floor to finished ceiling of primary rooms, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces." Boardmembers confirmed "finish" was defined as the ceiling, and Mr. Slaughter said they then can drop mechanical and HVAC. Boardmember Fetter said this means that all projects are going to have open ceilings by doing that. Ms. Velasco asked if there is a preference to define it differently. Boardmember Woldemar said he would say "to the underside of the structure" and not to the finished ceiling which would provide several opportunities, while still working with 14 feet. Chair Ray Welter said the only problem is that if they want to hide everything with a T-bar ceiling, then the ceiling is going to be lower than 14 feet which is contrary to what this says. He suggested it state "16 feet to structure" if the purpose is to get high ceilings clear. Boardmember Woldemar relayed a story about creation of a loft in his place of work, and suggested that the idea here may be to allow for a second floor loft to be built inside whatever that height is that still fits head room requirements. Boardmember Fetter said he has used the mezzanine trick to get an extra floor in areas where it was not

intended, and this should be addressed as well. Boardmember Whitty suggested it state “16 feet clear” or something like this.

Ms. Velasco said they need to have a 9 foot minimum clearance for ceiling height on the upper floor, which is a taller ceiling than what the building code requires. She encouraged the Board to look at the plan for the project, Sheet 3.2, where the building sections become a more important deliverable as part of the building packet where they must show the finished floor and finished ceiling height. When looking at it, Opticos suggested they look at the definition to interpret those spaces. Boardmember Woldemar noted it is labeled “14 feet to the underside of the joist” which means it is at least ½ inch or 5/8” short being 14 foot clear because of the sheetrock. Chair Ray Welter said also, the bottom dimension is to grade which does not allow for any floor covering.

Ms. Velasco referred to the footprint and said it depends on the building type. The minimum depth for ground floor space on the retail side for the front of the property is 50 feet. This means in this case, it would be half the lot. The idea is trying to make the spaces built usable for more than just an office or commercial, but also be able to have storage in the back for retail and potentially a restaurant with seating inside. Boardmember Fetter referred to the 14 foot height on the first floor there is almost never a ceiling this high in a restroom. Ms. Velasco pointed out that secondary rooms are exempt. She said for residential, the minimum depth is not as deep and on a side building, it would be 30 feet deep.

Chair Ray Welter said on a mixed use project like this, he confirmed that what drives it is the ground floor use. If this was residential on the ground floor, it would be the residential portion. Ms. Velasco said in some cases where the intensity is going to get higher, they do require the applicants to step the building back as floors go up.

Boardmember Woldemar said the BART parking structure is about to be occupied and asked and confirmed that retail spaces on the ground are more than 20 feet deep, and Ms. Velasco noted that this does create challenges as far as what can move there. The idea for the form base code is to not give people a lot of wiggle room as it is pretty prescriptive. Some people will find that challenging, but the idea is to create more intense corridors that meet the intent of the General Plan which is to create more walkable areas.

Ms. Velasco referred to distance between entries which requires not having more than 50 feet of distance between doors. The idea here is to create multiple entry points along a space so there is not just a blank wall. Chair Ray Welter said if this project gets built and it has an entry point. If the next door neighbor decides to build something new, he asked if they would have to use the adjacent neighbor’s door as a point. Ms. Velasco said no, it is parcel by parcel. It is going to apply with a larger frontage, but it does provide the City with a mechanism to require more than one door.

Boardmember Fetter asked what the purpose is if the doors are going to be plastered over. Mr. Slaughter said certain jurisdictions make it a condition of approval that they keep both doors operable. Ms. Velasco said much will depend on sites and in most cases sites will be 50 feet wide. The idea is that people could assemble properties to do larger developments and get that incentive to build one more story. She suspects people can get around the requirement by providing secondary exits on the back or sides, as it does not necessarily require the doors to be in the front. What the City is trying to regulate is street frontage. On the upper floors, you cannot have more than 100 feet distance between doors. The language as written did not seem to require this, but it does state that doors must be no more than 50 feet apart, and the language will be made clearer. It also states that upper floors shall have a primary entrance on the front as well, so in this case, on the ground floor is a lobby that takes people up to the second floor. They were able to recess it slightly back so as to point out the difference of the retail frontage and more of the residential entrance.

Ms. Velasco said there are also regulations for loading docks, overhead doors and other service entries by saying they cannot be located on street facing facades. For buildings wider than 75 feet, they shall be designed to read as a series of buildings no wider than 50 feet each. Boardmember Woldemar said this is puzzling to him. One of the things he has observed about this form based code is that it has a very old timey character or nostalgic approach to it. In looking at a lot of old towns, they had beautiful brick buildings 3 and 4 stories high. They had different storefronts but the building itself was 100 feet long. Here the City is saying it cannot visually be any longer than 75 feet. If he had a 100 foot parcel, he would have to divide it up into thirds or some geometric rhythm and he used El Cerrito Plaza as an example. Ms. Velasco said this is where the architectural guidelines will be important to illustrate it in a way that the interpretation is clear as to what is the intent. There is not meant to differentiate building types or building look by color and possibly even material. Boardmember Woldemar commented that Opticos' illustrations seem to present buildings that are more than 100 feet long. He felt the emphasis is on the walking and pedestrian side of the story or the human scale.

Boardmember Fetter asked if they were trying to prevent ingenuity. Boardmember Woldemar said some of the illustrations used by the consultants are pretty well done. Chair Ray Welter said Ms. Velasco is right in that when the architectural guidelines are coupled with this, it will be critical. Ms. Velasco said the design of the building has a contemporary flavor to it. She thinks it has been more prescriptive for the architect in terms of the building form, but they did not prescribe a Spanish architectural style versus a modern take to it which is what they wanted. She thinks the architectural guidelines are meant to provide that opportunity for architects and designers and not really choose one specific style.

Boardmember Woodrow said he is concerned they are far away from the agenda tonight. While comments are good, people have sat in the audience for some time and they have not talked about the work they have done. Ms. Velasco said the idea was to use the architectural proposal here to illustrate how the code has prescribed a building form for this project, and then get the Board's feedback on the design. Once the code is adopted, this project would actually be a staff level approval, so it would not come back to the DRB. Staff will be checking all details and then what are left are the architectural guidelines. Once staff has buy-in from the DRB and Council, this will guide the architecture. There will still be larger projects which would be reviewed by the DRB, but some of the smaller infill developments will be at a staff level approval.

Boardmember Woldemar pointed to a sentence on page 3 of 5 in the staff report; "Once the form based code is adopted, this project and others of similar size will stay on the administrative level." He can understand it for this project, particularly it will be thoroughly reviewed and checked, but he voiced concern with the rest of it. The prescriptive things are great, such as setbacks, parking, etc., but there is still the design and architectural guidelines and not prescriptions. This City is strongly involved in neighborhood review and it is the entire reason this board exists; as long ago, there was distrust of staff making these kinds of judgments. He is concerned that in the future this administrative review stays in place. Today, certain sized things being exempted or subject to a ZA review as long as it still has the possibility of public review.

Mr. Slaughter gave a staff report of the project, providing a description of the design review approval to construct a 4,968 square foot mixed use building, with 2,454 square feet of commercial on the ground floor and 2,460 square feet of residential on the second floor. He described the project's land use classification and said the project is within the Livable Corridors form based code which is in its draft form. The applicant previously applied and was approved for a similar project on August 23, 2006 which was commercial only and was evaluated based on the current zoning ordinance. In 2012, the applicant discussed reapplying and retitling the project when staff presented the option under the form based code. Regarding design, the project meets all requirements for the current draft form based code and conforms to the

requirement of the medium intensity mixed use commercial designation. The project is in the Belding Woods Neighborhood Council and staff contacted the President who has not returned inquiries. In conclusion, the project will aesthetically improve the property by creating an active commercial and residential site on 23rd Street and replacing an inactive vacant lot on a visible commercial corridor. Staff recommends that the DRB provide feedback on the design and usability of the code.

Boardmember Whitty confirmed that no parking is required with Mr. Slaughter who referred to Section F page 19 at the very bottom. The project has just less than 2,000 square feet of residential and no parking is required for ground floor retail services using less than 5,000 square feet.

Boardmember Whitty referred to deliveries on the street, and Mr. Slaughter said an option would be to contact Engineering to determine whether it is reasonable to put a yellow loading zone for certain times or lower the time limits for parking during the daytime as far as creation of available space in front of the project. A common theme in planning is to make parking requirements more flexible. Many jurisdictions put parking maximums on projects so they do not become over-parked with large fields not used. A number of businesses that do very well and currently exist on 23rd Street have no off-street parking, which Boardmember Whitty disagreed with this. Boardmember Fetter commented that Mill Valley had many parking issues along Miller Avenue for this same reason and they learned that people park next door, but when the next door areas evaporated, they had a crisis. Mr. Slaughter said many people would say that parking problems only exist between 5:15 and 5:45 a.m. daily.

Ms. Velasco said if the City is able to get the concentration around nodes, people will only have to park once and visit multiple locations. In thinking about Solano Avenue, they are able to operate a lot of activity. Boardmember Whitty disagreed and said she does not visit there any longer because there is no place to park. The only people who go there live one or two blocks away. Mr. Slaughter disagreed and said they visit there for lunch often and said there are different things that appeal to different people with parking.

Chair Ray Welter said he seems to remember there have been many traffic studies for 23rd Street and assumes this is tied to those studies. Ms. Velasco said she thinks the idea behind the charette summary document was that they looked at travel demand management and how to begin to incentivize. They will be also trying to build the infrastructure for biking and making sure the City is accommodating sufficient sidewalk space for people who walk. They also understand there needs to be a level of safety and walkability, but the City will not get much more building than this with no parking requirement.

Boardmember Whitty commented that each side street is completely parked in at this time of night. Ms. Velasco noted that most residential has a couple of vehicles in the residential area that tend to park along the street. The City is trying to also discourage people from owning 5 or 6 cars. Boardmember Woldemar commented that this project is also very walkable from the BART station, but the group questioned whether they would walk the street during certain times of day. Mr. Slaughter reminded everybody that the City is slowly addressing improvements along Nevin and soon Barrett Avenue to facilitate more walking and biking.

Boardmember Woldemar said what he thinks will happen in the future is that side lots will be used as parking for rent, and Ms. Velasco said the City may also look at parking lifts in the future. She thinks the idea is that they will look at regional parking facilities for these corridors. They want to also convert some of the small parking by closing wide driveways on the street and create a more pedestrian-friendly environment.

Boardmember Fetter said other jurisdictions use a combination of elements having to do with delivery and trash, but this does not make for an accommodating experience. He asked how trash functions which he does not see being addressed. Mr. Slaughter suggested the applicant address this.

Boardmember Woodrow asked when the form based code will actually become law. Ms. Velasco said the target is November or December 2013. He asked if this will play out the same as the General Plan. Ms. Velasco said staff received many good comments on the administrative draft and if they get the public draft in June, then her plan is to spend June, July and August doing a mini-review before neighborhood councils that are most impacted by the form based code, along with the RNCC, then hold a study session at DRB and Planning Commission to talk about the details of it, then take a 60-day comment period and present something to the City Council in October.

Boardmember Woodrow questioned the definition of a node. Mr. Slaughter said it is typically formulated around the old train stops where there are clusters of businesses and activities, some semi-major thoroughfares intersecting, additional amenities, higher density, and they are usually ¼ to ½ mile apart. It is seen in Berkeley along Gilman. Staff realizes they cannot make all of San Pablo or all of 23rd Street a vibrant commercial area, but would focus on some key intersections. He confirmed that this project is in a node, and the nodes are circled on the plan. Ms. Velasco said a node would be 23rd and Macdonald and another would be San Pablo Avenue and McBride where there is already a concentration of uses, plus freeway access.

Boardmember Woodrow asked if this site is the first being judged under the form based code, and Ms. Velasco said it is the first being presented, although staff has been working on others on Macdonald and San Pablo to test the code. This is the first where the architect has been able to draw a design using the code regulations.

Boardmember Woodrow asked if the City has done anything to put out an incentive to companies that want to get something built. Ms. Velasco said not for the code adoption. The City has enterprise zones where people do open businesses and employ local residents where they can get tax credits. What staff has worked with the applicant in this case is that the application fee went up to \$5,000 to resubmit for design review. They agreed to work with staff and be patient and the City would waive the fee. The idea is the City will get a building it wants to see.

Boardmember Woodrow asked if people are interested in developing the many empty lots along 23rd Street. Mr. Slaughter said this is the hope; the reason many people are not developing lots is because the code requires so much parking, open space, or the City has minimum lot sizes. They are forced to apply for a \$4,000 variance just to build something. He thinks the form based code might provide more opportunity to kick start development.

Boardmember Woodrow asked if it is staff's guess that the fact that there is not a great number of companies coming in and asking for space has anything to do with crime on 23rd Street. He provided an example of he and his wife buying ice cream in the evening and about one third of the time, potential criminals are walking the streets and there are gun shots, and he asked if the thinking is tied into reducing crime so people coming into the stores are not going to be subjected to it. Mr. Slaughter said the design guidelines are driven for crime prevention through environmental design, providing for a lot of visibility, safety, defensible space, but he was not sure this was affecting development along 23rd Street. They are seeing larger developers coming in and applying for projects out in Marina Bay and Pt. Richmond.

Boardmember Fetter said there has been a true decrease in crime in Richmond; however, Boardmember Woodrow said there has been a spike in shootings and it is frequent to see people on 23rd Street causing problems.

Boardmember Woldemar referred to the front cover in the Intent section where the first word is “attached”. It talks about “simple wall plane along the street.” When he looks at the project, the ground floor is straight but the upstairs goes back and forth and up and down. He is wondering how staff viewed the design being compliant with the proposed ordinance in terms of a simple wall plane along the street. It comes to interpretation of the words and how to translate them into the design. Boardmember Fetter said he likes the proposal more than what is in the code, but this is the reason they are looking at the code—to allow a bit of variance and better define the intent. Chair Ray Welter asked if it was just a simple plane at the street level, and suggested it be made clearer.

Boardmember Woldemar said in the descriptive items on Section G of the last page of the Transit Zone. Subsection 9, it talks about “Encroachments into the right-of-way require approval of an encroachment permit. Encroachments are not allowed in an alley right-of-way or across a lot line.” When looking at the cross section of the project, there is about 9.5 feet of encroachment. He asked how this is being interpreted. Ms. Velasco said she thinks it means the lot lines on the side and the rear versus into the public right-of-way, and Boardmember Woldemar said this is not what it states and asked that it be clearer.

Boardmember Woldemar asked if this is really what the City wants, and referred to page A, 3.2 and 3.3. On 3.3, it shows a 9’4.6” cantilever across the front in the center of the building. The two sides of the building upstairs are different. The property line there is dashed in so it appears as if the encroachment is almost out to the curb line. He asked if anyone ran this by Public Works, and Mr. Slaughter said yes, through Engineering; they need to define “across a lot line” does not mean “across the City’s property line.” We are encouraging looking at encroaching over the City’s right-of-way by an arcade or gallery but not encroaching into somebody’s private property.

Chair Ray Welter asked and confirmed that “allowed encroachment front 14 foot maximum” is what this means, which Boardmembers thought was an amazing amount. Mr. Slaughter noted that this would need Engineering’s approval. Ms. Velasco said this might change because there was a building type called an “arcade” which actually allowed living space to go over and this is the one thing Engineering said no to. In this case, the only portion of the building over the property line is the balcony; however, they tried to correct the section. If the Board looks at the floor plan, the encroachment now is only the balcony. Because 23rd Street is not fully developed in terms of the streetscape, they wanted to leave the ability to redo the streetscape in the future without these major encroachments. Ms. Velasco said they didn’t also want the doors to swing out in the public right-of-way so they ended up pushing the building a bit.

Boardmember Woldemar said the second floor line is out forward of the ground floor line which appears to be 3 feet back of sidewalk or property line. He said the residential entry is all one plane and there is very little distinction to what amounts to 2 commercial doors and 1 residential door. He questioned if there is a better expression of where the residential door is in the design character. He said another expression might be in pavement, in canopy, awning, or something else that could get this to work better.

Boardmember Woldemar said his last comment is an observation and thinks it would be very appropriate to hire consultants to go out and design on other lots in other zones so they could be reviewed to see how they are doing against this code and test it. Ms. Velasco said they talked to Cal and there is a summer class where they will look at vacant sites. It would be helpful to do a side-by-side comparison of what the zoning ordinance gets to versus what the

form based code gets to so they can see the differences in the regulations in terms of the built environment. Staff hopes to have these examples to present in September.

Boardmember Fetter asked staff as to whether or not Engineering had considered the crown of the road because it is not flat. Larger ones like 23rd have a crown. If there is a truck on the side, it will lean and if right up against the curb and they are making deliveries, they will take out a portion of the building because it is leaning. He is surprised Engineering would agree to this considering there is a crown to the road. Boardmember Woodrow said this is because crowns are very low and drainage is poor.

Boardmember Fetter also referred to street plantings and asked what the ambition is of the City to green the streets. The illustrations do not match what the rules say and in some ways, the City is not getting what the code asks for and he asked that this be rectified.

Vice Chair Munoz said in this particular project, the ground floor is on the property line and asked how they would achieve access to the building. Ms. Velasco said it states a 6" maximum so the applicants could not go any higher than that. Staff had the applicants identify the finished floor.

Chair Ray Welter said he was not sure why a retailer would even want to do 6 inches as a maximum, or any other change other than waterproofing. He said ADA only allows ½ and it is an odd thing to put in there. Ms. Velasco asked if it should not be specified. Chair Ray Welter said he has done tons of retail and commercial and he would never want this because then they are putting in these short ramps for older buildings where they did have a step or two up. To him, it is an odd thing to put in there. Ms. Velasco said it probably is not as relevant for construction today and said they will take this into account when they present the draft. Boardmember Fetter said he would ask the person who put this in their motivation for this, as they might have a good reason. However, if there is a significant slope, he asked where the 6" is measured from because somewhere they will be in violation. Ms. Velasco said she can look at the definition.

Vice Chair Munoz asked and confirmed that the lot is 5,500 square feet.

Chair Ray Welter referred to landscape questions. The City has landscape requirements for lot coverage. For this type of project, it is mixed use, and he asked where the landscape requirements kick in. He noted that Boardmember Robin Welter's main question is that it looks like lot coverage for landscaping is pretty slim. She had commented that the backyard needs a lot more landscaping as it has a lot of hard surfaces. There is no landscape detail and he asked for the landscape requirement. Ms. Velasco said it is going to be minimal for lots of this size, but one of the challenges is that C3 requirements has now decreased to 5,000 square feet. Assuming they are creating 5,000 square feet of permeable space which they are based on the paving in the back, they will have to deal with the storm water filtration which will end up dictating. Because it is not a formal application, they did not go through the whole C3 process. A lot of landscape requirements will be triggered when it is residential. Chair Ray Welter said one of the concerns is that if they have a lot of zero lot line properties, where is all of the storm water going, especially if a yard is created. Speaking to more permeability will allow the applicant a lot more flexibility as far as the storm collection.

Boardmember Woldemar asked if there was any reason why there could not have been two residential units on the upper floor instead of one. Mr. Slaughter said the architect played around with it, but it squeezed it down so tight, the rooms got really small. He clarified there was no code reason, but Ms. Velasco said one potential reason is that they would be limited to 2,000 square feet before they trigger parking. They were looking to get larger sized rooms. Boardmember Woldemar asked if there was any reason in the code that indicated that the

building had to be rectangular in the back, for example. Mr. Slaughter said no, but a chamfered corner or diagonal entrance is required on buildings on corner lots. Boardmember Woldemar said it is because it triggers sight distance issues. He noted that in the subdivision ordinance there is also a carved corner site angle thing and it has come back a couple of times for corner buildings. Chair Ray Welter asked and confirmed that the requirement is for a 45 degree angle versus something else, and he would not want to be specific at all. To him when he hears this, the intent is they do not want a sharp corner there. He wants a treatment regardless of whether it is reducing it or it is round or taking a notch out of it. Chamfer to him is telling them that they must cut the 45 degrees off that corner, which is unfortunate. It is carved or describing that we do not want sharp corners or some relief at the corner and Opticos should be aware of this.

David Kesler, architect, San Francisco, said Mr. Slaughter gave a very nice review of the project. This is really the second building design for the site. It is quite similar to the first building and general feel from the street. The basic design idea is to modulate the front façade so it captures light. This would be his critique of the form based code; where people are walking down a street and people shopping, and depth is captured in the building through framing, balconies and modulation of the front. While he understands on the lower ground floor level there would be a concern about making it too deep, but some modulation of the ground floor is recommended to get the shadows to move so it is not a blank, featureless site. For the LEED owner and making something environmentally sensitive if taken to the furthest degree can get expensive. He is sensitive to making whatever energy efficient standards he could bring to the building. Making a singular roof that is overhanging that is going to provide shade in the middle of the day is very concerning, and it will make it more comfortable. The idea of being on the second floor and getting some fresh air and looking down the street, security issues and others is the reason for the balconies and sun shading.

Boardmember Woldemar asked for the location of the trash, fire sprinkler risers, and utilities. Mr. Kesler said he is taking notes and will indicate these on the plans.

Boardmember Woldemar referred to the two side elevations if the building were built today has a single story building perched on each side of it. All of a sudden, there is 16 feet or more above the 2 side buildings up and down 23rd Street he will see sticking up there. He asked what can be done to not make the building look like a box, with color and shape. Mr. Kesler said the square lines and adding reveal lines will allow them at the very least to get color differentiation. Boardmember Woldemar suggested framing those walls with 2x6 and frame pockets of them with 2x4 to get some recess even though it is a firewall. In the old times, there would be a big mural or sign painted on it. Over time, he said the side buildings that are fairly narrow could be framed over the top, adding another floor to them.

Boardmember Woldemar referred to the symbolism of a front door to the residential and he does not have a good picture of it. In the elevations, there are floating graphics on top of the canopy but it sort of says it is the address for the entire place, which he suggested adding some symbol that talks about residential versus commercial. He thinks the form based code has a lot of sign information and he asked for a good representation of this.

Boardmember Woodrow said the City is currently painting walls with art, and he suggested finding something like this to provide temporary cover on one wall that would fulfill a design which is paid for by the City.

Boardmember Fetter stressed treatments for proper delivery and trash as most important for the project and spoke about examples where problems exist. Ms. Velasco said in this case, they will have totes versus trash dumpsters. Boardmember Fetter questioned where the totes would be located, and Ms. Velasco said they would be located in the rear and rolled out front through the side and lobby. Ms. Velasco noted that soon Richmond Sanitary Service will be offering

composting for commercial service. Boardmember Woldemar said it will be important to hear Opticos' response on this. He said this is a tough building to screen them from the public view. He suggested what other cities do which put closets on the street, and Chair Ray Welter said this will be a big eye on the building, and Mr. Slaughter noted that residents would have to go outside their security zone and go out on the street. Mr. Kesler said they do have room under the stairs. Boardmember Woldemar said in describing some of the ordinance items, this may come into play as a building code issue with exits. Mr. Kesler noted that a side yard is a means of egress.

Boardmember Woldemar asked why the stairway was brought down from above and asked if it was for use of the rear yard. Mr. Kesler said the second story provides a second means of egress for the apartment. He said the initial discussions from the old building required a second means of egress for any retail or office above. Chair Ray Welter said if there is a yard, it would be important to provide the stairway to get to it. Boardmember Woldemar said this raises issues relating to the proposed ordinance. With a 14' clear it means every stairway will have an intermediate landing and it will always be stretched and it consumes more raw square footage. This is expensive and uses up a lot of rentable square footage.

Boardmember Fetter referred to the overhang. He is happy with the design, but the problem is practical concerns. He asked if it could be pulled back a little so a risk is not run of getting hit. Mr. Kesler said they did this based on staff's interaction. He thinks an overhang in front of the window is a nice feature and they can do this for functionality. Ms. Velasco explained that it was a redevelopment project to do a road diet, so they were going to go from two lanes to one lane with widened sidewalks, bulb-outs at intersections, enhanced bus stops, and along with that would come a tree canopy, street furniture, and garbage cans. The whole idea was to get a 10 foot sidewalk versus the 5 foot sidewalk there now, but with the dissolution of redevelopment, the funding was impacted for those types of projects. She thinks in the future they can work together as a more livable corridor. Ms. Kesler said the idea of a streetscape that has some type of protection reminds him of Europe and old towns in general.

Boardmember Woldemar asked what to do about early projects on the public improvements side. There are a lot of public landscaping, trees, and he asked what the City will do with a new project that supposedly complies with something in the future. Ms. Velasco said staff may take in a bond for maintenance and future improvements. Chair Ray Welter said if applicants are required to plant a street tree or two, there is nowhere for them to go at least on that end of the building. Ms. Velasco said the reality is that with power lines, they will have different tree heights in most cases. She thinks in looking back at the question about landscaping is that the area that the building is set back would require frontage landscaping where door entries were not happening, so one of the things they will need to provide is landscaping possibly in pots, and staff will get clarification from Opticos. She confirmed that no private green space would be required, but the frontage landscaping is required when the building is set back.

Boardmember Whitty asked if there is an idea to do any kind of mitigation bank or landscaping bank which means that buildings like this which cannot put in landscaping along the front would work with others and put in a corner parklet where it would fit, or create funding to use it elsewhere. Ms. Velasco said she will get clarification from Opticos if her interpretation of how she read the code was right, and if not, it may become more paved space which becomes an extension of the sidewalk.

Boardmember Munoz asked and confirmed that there will be a wide variety of use in the area. Under the use table on the last page, Mr. Slaughter said he included all ranges of uses permitted there, beginning in Section H. Ms. Velasco noted that in this case, the applicant is proposing office, but they would not be prohibited from coming in with a restaurant.

Boardmember Munoz suggested they be flexible enough so that if space allows, they can put in tables and chairs outside, as well as planters. Ms. Velasco said the challenge is that staff also does not want them to set back the building too far. There is a maximum setback of 20 feet, and they do not want to create a parking lot feel to the building. In some cases, they will have a build-to line where it has to be on the property line, but that will be likely in the activity nodes staff is looking at, as well as making sure there is adequate space. They are also checking on certain intersections where they might want to create an exception when there is conflict with utilities. Mr. Slaughter said they have discussed with engineering parklets and bike corrals to create some outdoor seating space that does not interfere with the sidewalk.

Boardmember Woldemar referred to the last page of the staff report and land uses; the bottom of the first column is "Office Professional" and "Administrative" and less than/equal to 5,000 square feet. There is a lower case p2, and he asked if the 2 is the footnote that states "not allowed on the ground floor unless behind a ground floor use." He said if he was a lawyer, he could not put a storefront office there. Mr. Slaughter said staff discussed this requirement with Opticos and indicated staff is concerned with some of their requirements in that certain uses are not permitted to be the front, ground floor units, and they will be revisiting that. Ms. Velasco said the Board is seeing two transect zones; the T4MS which is the main street and then the T4MS Open which is meant to be that area on 23rd Street that is meant to accommodate those uses that maybe are not as high traffic generating and do not have that storefront frontage. There were other ones also that did not allow ground floor street frontage.

The Board concluded the study session and thanked the speakers.

Boardmember Woldemar said given this is the first project, he asked that the drawings be complete, accurate and be improved. He asked and confirmed with Ms. Velasco that Opticos reviewed it to understand how certain things are gauged. The architectural guidelines are a major component and Opticos really wants to work with the DRB to get those to a level. Boardmember Woldemar asked if the architectural guidelines will go with the regular information, and Ms. Velasco suggested doing this as a study session first, but she was not sure Chris Jansen from Opticos would be available at the first meeting in June. If he is, he could walk through it with the Board and then return in July with details. She noted the June 26th meeting is most likely canceled because staff will do an advisory group for a specific plan.

Boardmember Woldemar said the reason he asked for this is because the DRB has always been asking for architectural guidelines since the Board started. Ms. Velasco said she will pass on comments.

Boardmember Woodrow said one of the things staff has assumed with a date is that Council will agree with this and he did not believe it would return in July. Ms. Velasco agrees there is a lot of community education and buy-in needed from neighborhood councils and organizations. The devil is in the details and once the code is written, the question is whether people will accept it as written. Staff has been working with the neighborhood councils and has received a lot of input.

Boardmember Fetter asked what is the threshold of what is reviewed by the DRB and what is reviewed by staff. Ms. Velasco said the procedures vary. If less than 5,000 s.f. it will only be staff and right now they are still planning to go to the Commission for alcohol sales, as well as wireless facilities. The idea is that the large community scale plan and projects asking for exceptions from the code would all come to the DRB and not necessarily Planning Commission. This is where staff must determine the correct balance. She said a lot of 50x100 infill lots will likely all be at staff level if they comply with the code.

BOARD BUSINESS:

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

Boardmember Woodrow said going down 23rd one block, there is a wonderful corner lot and he is surprised someone has not purchased it. Ms. Velasco said this is a large site and great opportunity.

Boardmembers discussed with staff the new store openings.

Boardmember Woldemar asked about the senior housing project on Harbour Way, and Mr. Slaughter noted Hector Lopez is still working on it and it will go to the Commission in June.

Boardmember Woldemar asked procedurally, the Chair's term as Chair is about to expire, and he asked staff that this be agendaized for a future meeting.

Boardmember Fetters referred to letters and house numbers in the code and said he notices that these not be lit. He has had to deal with so many situations where the Fire Department is having them back lit. He asked that this be resolved.

Adjournment:

The Board adjourned at 8:22 p.m. to the next meeting on June 12, 2013.