

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
November 13, 2013
6:00 p.m.

BOARD MEMBERS

Brant Fetter, Chair
Robin Welter
Eileen Whitty
Don Woodrow

Brenda Munoz, Vice Chair
Ray Welter
Mike Woldemar

Chair Fetter called the meeting to order at 6:04 p.m.

ROLL CALL

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

Absent: Boardmember Ray Welter

Staff Present: Hector Rojas, Jonelyn Whales, Kieron Slaughter and James Atencio

APPROVAL OF MINUTES - None

APPROVAL OF AGENDA

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

Public Forum - Brown Act

Bruce Beyaert, TRAC, said W.R. Ford has a contract with the City and is making great progress on building a bay trail. It is all compacted and almost ready to pave. They have also started work on the second section west of Brickyard Landing.

CONSENT CALENDAR:

Chair Fetter noted the agenda consists of two (2) Consent Calendar items. He asked if any members of the Board, staff, or audience wished to remove an item. Boardmember Woldemar requested removal of Item 2. Ms. Whales indicated there was a speaker on Item 1 and Boardmember Woldemar asked that this item be removed, as well.

Chair Fetter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, November 25, 2013 by 5:00 p.m.

ACTION: It was M/S (Woldemar/Whitty) to remove Items 1 and 2 from the Consent Calendar; unanimously approved (Ray Welter absent).

Items Approved on the Consent Calendar - None

Items Removed from the Consent Calendar:

Public Hearing(s)

CC 1. PLN13-255 COUNTRY CLUB VILLAS DESIGN MODIFICATION

Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO ALLOW ARCHITECTURAL CHANGES TO AN APPROVED PLAN #2 FOR THE COUNTRY CLUB VILLAS SUBDIVISION. THE CHANGE WILL REDUCE THE HOME DESIGN IN PLAN #2 FROM THREE TO TWO STORIES IN HEIGHT, NO OTHER CHANGES ARE PROPOSED.

Location NIBLICK COURT (BETWEEN LINKS DRIVE & ATLAS ROAD)
APN 405-660-012
Zoning PA (PLANNED AREA)
Owner CASTLE PRINCIPLES LLC
Applicant DAN BOATWRIGHT
Staff Contact HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**

Hector Rojas gave the staff report and a brief description of the 134 detached single family unit subdivision which was approved in 2003. Due to economic conditions beginning in 2007, the applicant ceased construction and in 2009 the applicant was granted design review approval allowing for plan designs to be reduced from 3 to 2 stories. The applicant requested design review permit to allow the originally approved Plan #2 designs to be reduced from 3 to 2 stories. Mr. Rojas discussed approved landscaping, unit placement, revised square footages, and the 9 lots to be affected. He discussed zoning and said the requested change will result in a similar compatible outcome and enable the complete build out of the subdivision. He stated Dan Boatwright, the applicant, is present to answer questions.

Boardmember Woldemar referred to recommended Condition No. 2 regarding construction materials and asked if it guarantees that the design character of the new units will be compatible with and identical. Mr. Rojas said yes. He added that part of Plan 6 approved in 2009 has already been built and they look identical to the remainder of the houses, except for their height.

Dan Boatwright, applicant, Castle Principles, LLC, stated given the downturn of the economy, they were unable to sell the three story houses. They were able to get the reduction for Plan 6 to the two stories and were able to build out the area. They have 27 lots remaining and unless they are able to reduce the number of stories, it is not economically feasible to build here. Reducing it from a 3 to 2 story makes it a more diverse product and they will range from \$320,000 up to \$380,000 and still affordable. The HOA dues can also be spread over a greater number of people as well and the subdivision aesthetically will look complete. They had a meeting with the homeowners and the Board and while they were not thrilled, they wanted the development built versus leaving it as is.

Boardmember Woldemar said this is the first time the Board has reviewed 2-bedroom units for sale, which is interesting. He asked and confirmed with the applicant that they will make very little money on them. He asked if they attempted a 3-bedroom plan and Mr. Boatwright said for a two-story with the footprint, there is just not enough room to make it work for anything larger. They are confined by the Final Map and how these new plans fit in with the other houses.

Public Comments:

Karl Perry stated he is a homeowner in the community and was unable to attend the HOA meeting. He voiced concern that given multiple economic indicators, there will be a price correction in 2014 which will result in a negative correlation associated with this location. Secondly, he feels that the operating expenses associated with developing these smaller units

is actually more profitable for the developer and those with three stories home will negatively affect their equity position. They were told if residents did not agree with their plan, they would not further develop the community, so he is asking for a solution so that current homeowners will be able to somehow recoup their equity position back.

Boardmember Woldemar said he views it interesting that the developer is proposing 2 bedroom houses. He shares the last speaker's view that prices are increasing and what this could do to equity, but at the same time he feels strongly that completing the neighborhood probably outweighs this. Therefore, he would support approval.

Vice Chair Munoz recognized everything will look the same and thinks it will help to have two and not three story homes.

Boardmember Whitty said she remembered looking at the subdivision and empty lot and she supported development of two bedroom homes. She could never afford to purchase anything in this neighborhood but possibly could therefore afford a two bedroom home. She also supported the design.

Boardmember Robin Welter said she does not mind the two-bedroom homes. These are scattered and apart and there will be remaining open space. She assumes the three-story homes would go in between the two story homes and Mr. Boatwright said this is correct. Boardmember Welter suggested clustering them together tighter and thinks it would be awkward to have a small two-story next to a three-story and then a three-story again and it would be more uniform if they were clustered together. If they are not planning on building out the other sites, she suggested offering more temporary green space to make it more attractive. Mr. Boatwright stated they would have to redo the map as the footprints are already set in place. He further explained that the bank has the loan and they will not want to see this changed.

Chair Fetter said the DRB is not supposed to make decisions based directly on the economics of a project like this and it tends to be more a Planning Commission issue. If the Board was basing its recommendations on that, he suggested it be addressed through appeal especially because the design previously approved in 2009 is consistent with the design style of the neighborhood, and he voiced his support for approval.

ACTION: It was M/S (Woldemar/Munoz) to approve PLN13-255 based on the staff's recommended 4 design review findings and the staff's recommended 12 conditions of approval; which carried unanimously (Ray Welter absent).

Chair Fetter announced the appeal period.

CC 2. PLN13-260 ENGEL INDUSTRIAL WAREHOUSE EXPANSION

Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT FOR AN ±8,000 SQUARE-FOOT EXPANSION OF AN EXISTING INDUSTRIAL WAREHOUSE.	
Location	2801 GIANT ROAD	
APN	408-070-012	
Zoning	M-3 (HEAVY INDUSTRIAL)	
Owner	NORTH RICHMOND PROPERTIES INC	
Applicant	COMSTOCK JOHNSON ARCHITECTS	
Staff Contact	HECTOR ROJAS	Recommendation: CONDITIONAL APPROVAL

Mr. Rojas gave a brief description of the project, its location, zoning, surrounding neighborhood and uses, improvements on the property, and access to the site. He stated Dan Erickson of

Comstock Johnson Architects is present and requesting a design review permit to allow an 8,914 square foot expansion of Building F (Exhibit A) which is currently utilized as an automobile warehouse. The purpose is to double the warehouse's capacity and improve the owner's ability to move vehicles in and out. He discussed matching exterior finishes and the proposed project will comply with applicable zoning. He pointed out that the site was developed in the 1960's without any landscaping and therefore considered legal non-conforming. According to Section 15.04940.030, structures on lots with legal non-conforming landscaping may be enlarged, altered, moved or reconstructed if the cost of such change does not exceed the current appraised value of the current buildings. Therefore this does not trigger the City's landscaping requirement and staff recommends conditional approval of the project.

Boardmember Woldemar stated if the Board applies the current zoning to almost any old project in the City where there is some significant value going on and the appraised value is higher, they will never get any changes to any particular project, and he referred to a previous example. He reiterated to staff that when the zoning ordinance is redone, this needs to be fixed. He referred to the many residential units across Giant Road and the railroad tracks from this project and it is his understanding that the applicant desires to do additional landscaping in front of the office building, but he would much rather he spend money on vines for the chain link, barbed wire fence that runs along the railroad tracks.

Boardmember Woldemar said his other comment is that the west elevation of the proposed addition has some windows in it. He would like to see windows or some rhythm on the eastern elevation, which can improve the view of the project from the public side and from the apartments.

Dan Erickson, applicant, Comstock Johnson Architects, stated the use is for a vehicle garage and it has some high value and classic type vehicles. He said the windows and skylights are for natural light so as not to have to use artificial light during the day. They did not want to do anything special that would transmit to the public that there is something different than the rest of the industrial uses out here that are going on. This is the reason why there are no windows on the Giant Road side, and he was available for answering any questions, stating they have enjoyed working with Mr. Rojas on the project.

Boardmember Woldemar stated the issue does not simply involve windows, but some other metal pattern, some kind of trimming, some false columns or any number of different things that could break up the façade which is big. He said there are many residential units looking at these 10 metal buildings and this is his point. Recognizing this, he asked if the owner would be interested in doing any additional landscaping. Mr. Erickson said they have a couple of issues along the edge because there are utilities, a power line, a gas line, and they are up against the railroad right-of-way. They could look into what impact a planter strip could be on circulation around the buildings. He thinks the solution is one that could be achievable.

Chair Fetter asked if the rail spur was in use, and Mr. Erickson said he was not sure, but it would depend on the tenant in the building.

Boardmember Woldemar said he does not believe the Board can require the landscaping because of the way the ordinance is written, but he thinks the Board can require something of the façade. Mr. Erickson said all of the buildings are the beige color to blend with what is there already versus something to call out the new piece to the industrial project. He thinks windows are not desirable but perhaps some other feature, like an attic door. He explained there is not a lot of context given the existing features out there to pull into this building without it being a brand new feature. Chair Fetter said he did not think a new feature would draw much attention, as this is a mundane neighborhood on that side of the tracks.

Boardmember Whitty said if there is no signage and the applicant wants to keep the profile low, and they do not want to do windows, she would think some sort of bright yellow paint could be applied along the new building instead of windows. Mr. Erickson concurred this could be done facing Giant.

Chair Fetter asked the owner to come to the dais and indicate what he might be interested in doing.

Al Engle, owner, introduced himself and said they could probably do something to break up the façade. Initially they had a barn door effect, but unfortunately, they had a problem with a shooting out there. They have had to place covers over the lights out there to protect them from being shot out.

Chair Fetter suggested a false lighting door and briefly described it. Mr. Engle said the railroad abuts right up to their property line, along with a major Chevron high pressure line that goes through that, as well. He has a security beam that goes around the entire perimeter of the fence because they have had numerous break in's where he has lost \$70,000 worth of copper cable over the years. If he put shrubs there, it will break the beam and then he will have security problems. Unfortunately, crime is running rampant out there. He has security control as well as close circuit cameras and this is an unfortunate scenario. Boardmember Whitty noted that starting January 1st a new law will go into effect where any metal scrap dealer will be required to get the information of where copper came from.

Chair Fetter called for public comment.

Public Comments:

Cinna Hunter said she does not live near the area but explored the area and in looking at what she can see, she cannot imagine being a resident and having to look at yet another huge building in what looks like a wasteland. She agrees with comments that it would be respectful to people to at least grow vines, and thinks a false hanger door is not any prettier than a side of a building, which is still an industrial look. She questioned whether residents were contacted at all and thinks the community deserves some input.

Mr. Engle stated when the condos were built, he wanted to know what effect they would have on his development, and he was assured that all window areas are bathrooms and all living area is away from the railroad tracks because of the noise levels from trains. Chair Fetter commented that the City of Richmond is developing new policy that better divides and softens the boundaries of residential and railroad.

The public hearing was closed.

ACTION: It was M/S (Woldemar/Robin Welter) to approve PLN13-260 based on the 4 recommended findings, based on the 17 staff recommended conditions with the following additional 2 conditions; 18) false sliding doors be added to the eastern façade of the proposed addition and that colors for those doors may vary from the body color of the building; and 19) recommend (but not require) that vines be planted along the chain link fence and (as amended/Fetter) that additional tree planting in planters or otherwise where possible on the site; which carried unanimously (Ray Welter absent).

Study Session

3. PLN13-250 BOTTOMS RESIDENTIAL PROJECT BY SHEA HOMES

Description STUDY SESSION TO REVIEW A PROPOSAL FOR A 60-UNIT RESIDENTIAL DEVELOPMENT CONSISTING OF FOUR-STORY TOWNHOMES AND TWO-STORY RESIDENCES.

Location SEACLIFF DRIVE (BETWEEN SANDPIPER SPIT AND CANAL BLVD)

APN 560-340-042, 560-340-033, 560-660-073, 560-320-013

Zoning CC (COASTLINE COMMERCIAL), PA (PLANNED AREA), AND M-4 (MARINE INDUSTRIAL)

Owner BOTTOMS FAMILY

Applicant SHEA HOMES Recommendation: **PROVIDE STAFF DIRECTION**

Staff Contact KIERON SLAUGHTER

Kieron Slaughter gave the staff report, noting that the item is a study session for the Bottoms residential project by Shea Homes. He described the project location, zoning and General Plan designation, and noted that a draft Environmental Impact Report is being prepared to review all impacts associated with the project.

On October 29th a Notice of Preparation Scoping meeting was held for the EIR where staff gathered comments based on feedback from the public on potential environmental impacts. In the meeting, staff also received a number of design related comments. A number of comments were received about the General Plan and he gave a brief outline of how the project relates to the General Plan as denoted in the staff report. He discussed comparisons of height guidelines, displayed visual examples of land use densities which varies by site, topography, and context of development. He presented the closest context to this project site of 26 to 27 units per acre when adjacent to the waterfront.

Mr. Slaughter stated Shea Homes is proposing development of 60 units of market rate condominiums with 6.23 acres of 25.27 acre site, resulting in a density of 9.63 units per net acre. A total of 9 buildings will be developed with a maximum of 46.3 feet and an overall project height of 33.8 feet.

Boardmember Whitty questioned if there were sketches in the packet showing the proposed development as it relates to current housing. Mr. Slaughter noted that the applicant is present to do a presentation and staff provided the Board with preliminary photo-simulations.

Boardmember Whitty asked for the height of each of the 9 buildings. Mr. Slaughter noted the breakdown is in the project plans on page TN-3, as follows:

- Building Type 2100 is 2 stories, 25.83 feet
- Building Type 2200 is 2 stories, 25.83 feet
- Building Type 4100 is 4 stories, 46.35 feet
- Building Type 4200 is 4 stories, 46.35 feet

Boardmember Whitty asked for the heights of Building Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9. She clarified that they are lower heights along the water and they go up 20 more feet in the second row. Mr. Slaughter referred to page TM-5. The section provides a depiction of vertical relief as the project goes from west to east and the building heights are reflected.

Boardmember Woldemar asked staff to iterate what the approval sequence for both the zoning and subdivision of the project, number of public meetings scheduled after this meeting, and whether tonight's meeting is being treated for information for the EIR consultant's input. Mr. Slaughter said the Notice of Preparation public comment period ended November 8th. Staff

received late comments which are being provided to the EIR consultant team. Staff will provide any written submitted comments to the consultant team.

Boardmember Woldemar asked what the zoning will be for this project. Mr. Slaughter stated this is the second meeting and is a study session. The scoping meeting was held earlier. There will be a DRB hearing to approve the design, a Planning Commission hearing to approve the subdivision map and depending on what route the applicant chooses to go with the rezoning, a Planning Commission hearing will be needed for the rezoning. The EIR would also be folded into that approval. There will also be another meeting at the City Council level for approval of the rezoning.

Boardmember Woldemar said if it goes to Planned Area, there is also the development plan which becomes the zoning, and this would have to be folded in. He said he does not understand why there is not an application that has a specific zoning to it. He asked what did the application form state, and Mr. Slaughter responded that it is for a design review permit and a vesting tentative map at this time. Boardmember Woldemar said this means all applicable zoning should be in place. Mr. Slaughter stated staff is aware there are several conflicts with its zoning ordinance and General Plan. They are going to work with the applicant to determine the best plan to move forward. The project was recently formally submitted and they are receiving feedback from the community to help guide that decision. Boardmember Woldemar asked and confirmed that the approval will be many months away and any issues will be resolved and comments taken into account to design a good project for the site.

Boardmember Whitty asked for the page number that shows the project build in relation to the current site. Mr. Slaughter said he sent this to the Board electronically and it was a preliminary draft and not included in the packet.

Chair Fetter called upon the applicant to make a presentation.

Rob Wainwright, consultant working with Shea Homes, Introduced Don Hofer with Shea Homes, Lauri Moffet-Fehlberg with Dahlin Group and Phil Vandertoolen with Vandertoolen and Associates Landscape Architects. He displayed a graphic of the site, stating the map was part of the General Plan up until almost April when the General Plan was approved. The map was changed and went to medium density. The area corresponds with the underlying zoning which is currently M-4, Industrial Priority with a 100 foot maximum on building height, so anyone tracking the General Plan would see this area as Industrial Priority and M-4. He displayed Brickyard Landing which is also medium density at 4 stories sitting on podium, the site and site design surrounded by Seacliff Estates, Sandpiper Spit, Brickyard Cove and Brickyard Landing. They began the process towards the end of 2011, were aware that this community is very involved and have had experiences with other proposals. Shea Homes garnered public comments prior to proposing a plan. Over the series of more than 20 meetings and a couple of years involving hundreds of people, the proposed plan was developed. He thinks it reflects the input they had. It has a wonderful location, is stepped back from the shoreline edge about 100 feet, the Bay Trail was a big component, views were also an important component early on, given unobstructed views as enjoyed by Seacliff Place, and disclosures were signed that views were not protected which had been done by Toll Bros. Comments heard from the City was access to Canal Boulevard was important and that it remain a component of their project. The City has an easement to connect Seacliff Drive to Canal Boulevard which was developed at the same time the Bay Trail easement was granted to the City by the owners. He pointed to areas where there is about 10 feet difference in topography which in some cases is the hazardous materials cap underneath the parking lot and they did not want anything to interfere with this.

Regarding site features, Mr. Wainwright describe the plan as two-story buildings along the Bay front, and said they tried to incorporate some of the design work, slope up, shingling, and metal

roofs of Brickyard Landing. The bayside is 4 stories and the inland side is 3 stories so the building is oriented primarily out towards the Bay. One of the constraints they had to deal with is bio retention. They hold drainage water on site using C3 guidelines, which he pointed to on the plan. There are 18 foot driveways, 2-car garages and driveways, and guest parking areas spread through the site. They also worked hard to have pedestrian/resident connectivity throughout the site and there are decomposed granite trails throughout tying through to the Bay Trail. He noted the units are generally townhome style condominiums and stacked flats. He presented a cross section through the site from the middle of Seacliff Place and across the Bay Shore and the setback from the shore complies with the BCDC jurisdictional linings. He then discussed and presented heights of the buildings, parking, BCDC landscape guidelines, protection of views from Seacliff Place using examples of Tiburon and Angel Island view thresholds, the Bay shore buffer, grassland areas, 3 and 4 story buildings, varied rooflines, views from various points from adjacent properties, a bio retention swale area with trails and a bridge feature, the connection to Canal Boulevard, the plaza gathering area, examples of retaining walls, and lighting. He concluded his presentation and said he was available for questions.

Boardmember Woldemar noted that three members as a subcommittee had a preliminary view of the project earlier and their comments have been included in the staff report. He thinks this is an important project and one of what he thinks are only three significant bayside sites left in Richmond. The Board has an obligation to do a thorough review of it and make it the best it can be. He referred to the rock walls and he was not sure they would be able to approve 12 foot high walls, but they could address this. He questioned the wire mesh fence along Canal Boulevard and asked if it was for security and asked if a stronger landscape strip might be better used instead of a wire fence. In his notes and after thinking about it, there are places when driving through the project and there are rows and rows of garage doors. In front of these is a driveway and a lot of concrete along the façade. He suggested in his comments to change this to double doors instead of single doors to break down scale. Also, if they came to the back of the sidewalk and build a trellis-like stand about 6 feet in to get to the garage door, which would help break up the wall. It would not necessarily be on every garage, but it would break up the long vista of asphalt and garages. The other major point is he thinks a model will be needed, or at least a video drive through of the project because there is a lot of change in grade. The Board will need to better understand that and see it. He said he likes the project, thinks it has a long ways to go in terms of details, but overall, it is a good project.

Chair Fetter opened up the public comment period.

Public Comments:

Doug Gilbert, Seaview Drive resident, said generally the project will not directly affect his view, but it will affect his neighbors down the street. He is in favor of the plan but his biggest concern is views. He also wanted to ensure there is more public parking in the development, given use of the Bay Trail and guests of residents. Lastly, he voiced concern with the entryway by Canal Boulevard which is Building 9 and the canyon effect. Most people would want to exit that way and suggested moving the entrance down to where Building 5 is.

Beverly Galloway, Sandpiper Spit resident, said they were appreciative when Shea Homes' representatives met with residence and she believes they have done a terrific job and bent over backwards in trying to incorporate what they heard in design elements. They wanted to have Jonathan Livingston work with them on the design who added a lot to the project. There was a previous plan she really loved and she thinks it is a tragedy that they have found the large boulders that cannot be penetrated. She recognized that while there are constraints, the buildings are attractive, she likes the scale, colors, materials, transition to the trail, and she voiced interest in the development's context to the entire community and how it looks from the

water. She is very sensitive to the loss of views but feels there has been an attempt to break up the view corridors, said she would rather see taller buildings and shorter buildings to break things up, more articulation on the facades, but she is pretty pleased with the project.

Donald Hofer said he has no comment at this time.

Julia Hunting, attorney at Birding and Wild, said she represents the Seacliff Estates Homeowners Association and they are tasked with some maintenance responsibilities on this property as well as some of the surrounding roads and utilities. They want to make sure the comments are on the record because they will need to be addressed. The most important issue has to do with the storm water drainage system for Seacliff Estates. She noted the civil engineer the association has hired to do a study of the system which has several faults and is not currently functioning properly, has studied the system and the Shea development is proposing to tie into this system before it lets out into the Bay, which is of primary concern. They want to be sure this is done correctly so the system works and functions correctly and that Seacliff Estates is not impacted by that. She introduced their civil engineer is D.J. Hodson.

D.J. Hodson, civil engineer, Langan Engineering and Environmental Services, representing Seacliff Estates, asked if the City has ownership of the storm drain system in Seacliff Drive. He said this is an important question because it ties into maintenance. He said the plan drains the roads and the storm drain pipe comes down the road, makes a kink, goes to a storm sceptor and goes to the Bay in a 24" outfall. The new project proposes a 24" connection to that same pipe. If the City owns the existing storm drain at Seacliff, then approval of the connection is for the City, as well as maintenance down to the outfall. There have been some issues over the last couple of years relating to flooding and the City has done some maintenance.

Chair Fetter asked if a letter had been sent to the City's Public Works Department or Engineering. Mr. Hodson said he believes the HOA has and they have been contacted by an entity that does maintenance for the City, but he was not positive. He said if the City does not own the storm drain and the developer proposes to connect to it, there would have to be a design change to install a new outfall into the bay as an alternative.

Ms. Hodson continued and said the second issue has to do with maintenance of Seacliff Drive, and Seacliff Estates is currently tasked with maintaining the entire drive. Now that an easement has been granted for Shea Homes and they are going to restructure some of the movement in the area and change some improvements in the Esplanade, the other question from Seacliff is whether now there will be a new agreement where maintenance of this road is shared between Seacliff Estates and the new development. While she recognizes this question does not need to be answered tonight, they wanted this to be on the record. Also, Seacliff Estates HOA also has the responsibility in the future of having to build a bus stop should the density of Seacliff Estates ever reaches a point where a bus stop was necessary. It is their understanding that the City never required them to build a bus stop and with this new development coming in, along with subsequent developments, the question is whether this responsibility can be shifted to some of the newer developments. The density created from Seacliff Estates did not generate the need for the bus stop, so whether this responsibility can be passed onto others that might create that need or be shared amongst development is a question. Lastly, regarding maintenance of the area between the Seacliff property and the new Shea development, which is a very steep cliff, it is overgrown with milk weeds and other grasses that can sometimes require maintenance. Up to this point, the HOA has been able to maintain it by accessing the Cliffside directly. However, with the new development, the HOA's access will be impeded and the question becomes whether Shea development to take on the responsibility of weeding the hillside for fire hazards.

Lee Huo, San Francisco Bay Trail Project, said there is an existing Bay trail that runs along Canal Boulevard all the way to the Old Shipyard III site. There is also existing Bay trail

alignment that runs along Seacliff that turns to Brickyard Landing and continues onward. With this context, he wants to protect the trail investments. The _____ (1:53:52.6) project put forward almost \$500,000 for the planning, design and construction to the Shipyard III section of the Bay Trail and they have almost \$150,000 in addition to other public funding into the part of the Bay Trail currently under construction along the shoreline. Typically the shoreline trail would be acquired as part of development either by the City and/or BCDC and since they are providing this as a public trail which is funded by the public, they would like to see amenities provided by the developer. They are happy with the setback of 100 feet which provides a lot of useful space in an area that does not have a lot of public access. Miller Knox Regional Shoreline is probably the only area that has any facilities for people to stop and enjoy the shoreline. Therefore, they would like the Board to consider locating facilities like picnic areas, benches, overlooks, some drinking fountains, a restroom, and lighting for the trail which will enhance the experience. He also asked that the Board request the developer to look at the sidewalk width and make the connection of less than 100 feet safer for two-way travel for both pedestrians and bicyclists. Lastly, he referred to the secondary access point to Canal Boulevard. Their concern is there the existing off street Bay trail alignment and anytime another interface is created, it is always a safety issue and he asked that the developer to look at the necessity for that access point and consider whether or not there is another opportunity for access that would not cross the Bay trail in that area. If it is absolutely necessary, he asked to look at the interface in terms of signage, line of sight, landscaping and its placement.

Boardmember Woldemar asked why Mr. Huo did not speak about the Bay Trail connection in the lower right hand corner. Mr. Huo said at this point, this is a bridge which is a Class II paved area that is a wide area and will be marked out by lines that leads to Canal Boulevard into a “Y” and connects to a trail on Canal Boulevard. At that “Y”, because of the infrastructure, it was required to cross the other side of Canal Boulevard and this pushes people to the north side.

Boardmember Woldemar asked if Mr. Huo believes this is the right place to make the connection or should the connection move uphill a ways and pull away from the Bay to get across the street, asphalt and concrete. Mr. Huo said they believe this is the location they believe it should be and he described the junctions of cross over, and Boardmember Woldemar suggested that when this returns, the developer should show more detail along the edge, where the connection points are and how this is being handled. Ms. Whales noted the Board reviewed this about 7-8 months ago and funding sources are still being identified but this has been approved.

Boardmember Woldemar asked if Mr. Huo believes that the connection by the sidewalk is the right kind of connection to make at what he thinks is an important place. Chair Fetter commented that there is a real transition to height in the paved area, and the Canal Boulevard area was simply maximized for parking of the new revitalization projects at the Port. The point is that the Bay Trail there is a bit awkward because parking is trying to be accommodated, there is a strange shape of the street, and there are safety issues with pedestrians and bicyclists to cross that. Mr. Huo said unfortunately, they work with what they have and if the Board has the ability to improve the facility, they would be very happy. Regarding whether they are satisfied with the connection, they are not and they would see it improved in a manner that creates better flow and appearance, given topography in the area. Whatever the crossing from the shoreline to the Bay Trail which is across the street on Seacliff Boulevard, they would want it widened and making it more consistent with the appearance of the trail that is currently being built. He discussed similar changes of a bike emblem project of the cities of Albany and Berkeley to make the point to drivers that they need to watch out for both pedestrians and bicyclists.

Boardmember Woldemar referred to activities along the trail and he noted the developer has their pedestrian connections coming down the hill out to the Bay Trail and these would be great nodes along the way. In getting back to the site plan, the edge pops out a ways and gets wider,

and this seems to be a good place for another activity like picnicking. Mr. Huo concurred, and Mr. Wainwright noted they are incorporating some of this and have selected the same area for seating or something more active, given the land volume.

Mark Hathaway, Seacliff homeowner, said his view is affected and said he is pretty happy with the plan and Shea's ability to incorporate residents' input. His major concerns are more for the City and this requirement for a connector from Canal over onto Seacliff Drive. He likes watching the Port traffic but what comes along with that are the workers who leave and come home every night. He jogs along the trail and there is a lot of reckless driving from those commuting back and forth to work. Canal winds all the way around the hillside before getting over to where Seacliff connects with it. He said drivers will start using this as a shortcut because it is quicker.

Chair Fetter said the EIR has a traffic component and study being done. This will show the traffic loads and exactly the possibilities of shortcuts. Mr. Hathaway reiterated the seriousness of reckless and drunk drivers and it is a safety issue for their neighborhood. He said he also thinks it would be nice for Shea to show good will and work with the Port to mitigate some of their lighting issues, noting that 100 foot light poles shine directly into homes, and this will be an issue for the Shea development, as well as noise pollution.

Chris Holmes agreed that Shea Homes has held many meetings with the opportunity to vent. Much of the venting relates to the height of buildings and this has not changed. He thinks it is important to look at 35 feet. He noted that the Pt. Richmond Neighborhood Council meeting vote was 38-0, with 12 conditions and one being that the project be 35 feet in height and not 48 feet, 10 inches. He noted that the buildings down at the Marina had to be reduced down 12 feet in order to comply with height requirements. In addition, he thinks the plan designs did not show a layout from a side view with their homes in comparison to Building 9, which is important. Also, they have not put up the view from his home looking directly into Building 9 which is probably the most impacted view. Disappointing for his is that when his family purchased their home, they were lied to by the City who indicated that any building height would not be above 35 feet and they spent \$50,000 more based on the fact that the height was going to be 35 feet maximum instead of buying another home less expensive. This is an important factor and a 49 foot building does make a big impact to their home. He referred to a notation on L.5 or L.1 of the plan which talks about the height of the plantings and trees. When looking at side views, they are talking about heights up to about 50 feet. So this would additionally obstruct their views. Regarding the access, it will be very disruptive and he suggested having something located further down. He thinks there is parking, but the plans indicate that 60 public or guest parking is required and there are actually 27 spaces. He urged the Board to look at the 35 foot height requirement which is important and it still leaves enough for the plan to be a better plan. Also, as far as models, they should look at the proximity to Seacliff and the overall size of the units.

Robert Lane, Land Use Committee member, Pt. Richmond Neighborhood Council, said when the project came to them the 35 foot height was a big issue. The City Council and Planning Commission will most likely have to decide whether a 35 foot height is a standard or guideline subject to the Planning Director's interpretation. He lives in the old Pt. Richmond and he was not sure the project was in scale with the rest of Brickyard Cove. He is a lawyer but has some architecture education, but when this came to the land use committee, he was not sure why there were 4 stories in front of 3 stories on the south side. The 3 stories will never have any sun except in the morning for a small amount of time. Their yards will all be in shade, as well as their rooms. Regarding public access and parking for public access, it is inadequate. Richmond also does not have a view ordinance but it should, as many other cities in the East Bay do and they all work.

Dennis Shusterman said he lives in Seacliff but not in a view house but they do access a pocket park and it is his understanding that the EIR will consider the impact of this project on views

from that park as a shared area. He has seen renderings from standing position on the deck between 510 and 512 which show that as a 6 foot tall adult, one could see beyond the break water and onto San Francisco. Unfortunately, the park is 3 feet lower and its view which is a major attraction will be largely obliterated if the project is allowed to exceed the 35 foot limit, and he knows shared space has a special status. He complimented those involved with TRAC and the Bay Trail, and he would like to see some stairs along Marina Bay which could be done without much expense. BCDC is amenable to this and an amendment to the permit.

Marco Gonzales said he does not think this is really the right project for this location and that it actually detracts from the character of the community because of the height and size of the buildings. He could not find anywhere in the zoning codes that talked about averaging of heights. He is disappointed in the document today by Mr. Mitchell that talks about averaging and its meaning, which is confusing. He said the buildings closest to their house will be 48'10" within very close proximity. He doubts whether the computer simulations what the impact of their view will be and the view of his neighbors. Regarding size, there is no residential building in the immediate area comparable to what is being proposed. Staff can say Brickyard Landing condos are comparable but they were built and designed to be nestled against a cliff and not in front of existing homes. It appears that the biggest building has a footprint of 24,232 feet as compared to the footprint of his entire lot of 3,416 feet. The built in front of his home has a footprint of 19,000 feet. So the largest building proposed appears to be the equivalent of 10 Seacliff homes placed side by side and these buildings will change the character of the community. In reviewing the October 10th document which was prior to the scoping meeting, on page 5 there was reference to historical use. It seems to him that this project proposes building on two parcels that say the DTSE placed a covenant to restrict use of property on two parcels, two of which are named on the plans and that are located along Seacliff Drive and along the bay. No residential uses are proposed for either parcel, and he thinks the proposal is on two of those parcels. He said references of zoning code sections have been inconsistently prepared and he asked which zoning code sections of the 3-4 mentioning documents prepared by the City will be applied; the Planned Area, the Commercial, Community Regional Recreation, and Marine Industrial. While he is a school administrator, he reads for a living and he believes none of the designations are appropriate for this area, but rather the multiple family residential zoning, which calls for 35 foot maximum building heights. He hopes the issues can be worked out and thinks this is a jewel of a location and the monstrous buildings do not fit in the location, and the neighborhood council voted unanimously to maintain the 35 foot height limit.

Jenny Balick said she was one of the homeowners who called the City of Richmond prior to purchasing their property and she had no illusion that she would have a beautiful view forever. She did her homework and she was told that the maximum height, and not an average height of one building being 2,000 feet and one being one inch, was 35 feet. For her, from Shea Homes' website, they are the largest, privately owned new building for mid-to high priced homes. On their website it states, "When you care, it shows." She comes to the conclusion that there either did not have that knowledge of the 35 foot height limit or they either completely disregarded it. It is not respecting the community if this rule is disregarded. She followed rules in buying her property knowing that that was the rule she was told.

Jim Zahradka said he was at the scoping session and heard Shea Homes give a presentation and his concern he voiced was who was watching the carrying capacity for Brickyard Cove. There is a lot going on there and more planned. He was at a meeting last night for Lavonia which was interesting, but he is looking for the City to assist. There was a charette process when citizens wanted their views protected where their view of Mt. Tam was going to be interfered with, and they were reduced and moved closer to Miller Knox. There is a precedent of people who have built their homes in front of other people in the spit have built them low enough so they will have a view. The second precedent is that those residents living in Brickyard Landing condos voiced concerns about protection of views and the building came down 12 feet

by the developer and no one else. He said when his family bought their home in February they brought it because of the intrinsic value of looking at the Bay Bridge, the Marin Headlands, Oakland, and the City lights. He was not sure how to quantify that, but it seems like a City who is trying to protect their tax base would have a vested interest in making sure this value is preserved.

Kathryn Dierist said she lives in the middle of the development and moved in knowing that there would be a residential development. While she is not opposed to a residential development below her, she is opposed to anything over 35 feet and this is a discussion she has been having with Shea Homes over the last year and one half, but they have not quite heard it. She feels like the General Plan should be considered in full as a 35 foot height maximum limit because in the case of having a plan and zoning having any conflicts, the General Plan is really the compelling document. Also, that plan had a multiple year public process and it was fully vetted with the public. She thinks the will was voiced, codified, printed, and everybody had an agreement. When she saw the memo today about how to calculate averages, she was appalled. For a building with 4 units at 25 feet and she tries to average it with 2 buildings that have 8 units and are at 48 feet maximum heights, this makes no sense. She is a member of the Land Use Committee and the Board should have received a note from Rod Satre who is their Land Use Committee Chairman, which was sent November 10th, but this packet was assembled before that. There was a very serious warning from him that if the Land Use Committee and Planning Department were to take an arbitrary approach to this. She read one part of the letter, stating "The CEQA-defined plan is to be administratively followed. In order to follow that plan a full environmental impact report is required in order to show that the General Plan and the restrictions to that plan are not applicable. Please note that should the Design Review Board and Planning Commission ignore civic guidelines without full discourse on the impact and the alternatives considered the City of Richmond is opening itself up to a suit to stop this development." She said the point is that there is a plan which has a maximum height which should be followed. She said in the Shea Homes Plan, she pointed to the cross section of the 48 foot homes. From the beginning of their meetings with Shea, they kept asking what the height of the buildings was and there was a funny dance that went on. Her concern is that they are talking about 45 and 48 feet, but the point is that she pointed to the current land level and they are digging down to lower it a bit on the 4-story side, but adding fill to the other side. When they saw some initial drawings, the dig down was 7-10 feet and the addition was 2 feet, which was coming up to their 1st floor which have amazing views. Now, as they are digging less and adding more, the buildings have gone up 5 feet and they now fully cover their first floors. She asked for an excavation plan and existing ground heights have to be fully disclosed, as residents are feeling very uncomfortable. Regarding what the zoning would be, one approach is a variance request and the other is a Planned Area Development which part of the site is currently zoned. Either approach does not get them out of the question of how this relates to the General Plan. In fact, it states in the zoning, "Approval of the plan, the Planning Commission shall consider an application....1) the Planned Area is consistent with the Richmond General Plan or other applicable policies and is compatible with surrounding development. Therefore, she thinks the 35 foot height aligns with what the General Plan states. Another question that comes up is, "the Planned Area plan includes adequate provision for utilities, public services, emergency vehicle access and will not exceed the capacity of existing and planned public services and infrastructure." She thinks this must be solved before the project can be considered seriously.

Bonita Satre Daley said she is married to Rod Satre who could not attend but there are two parts of these problems and both parts do not care. She does not see the developers caring sufficiently and she certainly does not see City staff who is providing mis-information about how averaging happens when it clearly is not legal. She said CEQA states it is not legal to do this. The developer must follow the rules and staff should not all of a sudden start averaging things. Also mentioned was that there was never a height restriction, but there have always been. She

built a house in Pt. Richmond, lived in Richmond for 37 years and the restrictions are ruled out so people can have a reasonable way of developing and people preserving views. The City has no view ordinance but she thinks it should. The land use committee suggested the DRB and the Planning Department looks carefully at how the City of Richmond is going about administratively following a properly vetted and approved program of development in Richmond. Failing that, all controls for development in Richmond are tossed aside and a free-for-all can be based upon precedent set for ignoring the plan language and rules that appear to be broken. They will have another developer coming who has already started talking about the fact that there will be another development down by Ferry Point. She questioned whether the City will let them get away with what it is allowing Shea Homes to do, and this is to the detriment of the community. Houses cost money for cities and what is left is the general feeling of the City. She questioned whether Richmond needs something so disrespectful. The developers will have their buildings built but they should be in response to the rules of their town. They will leave town and people will be stuck taking care of all of the infrastructure and things not generally covered by property taxes. The least they can do is to have a development that speaks to what people are claiming is such a beautiful jewel, because it will not be if and when this project is built against the rules. Residents should not be ignored and should not have to argue with City staff about creating something because they are "cozying up" to the developers and she has seen this before in the City of Richmond and should not happen again.

Bruce Beyaert, Chair of TRAC, distributed information about connectivity to trails. He said TRAC's October 28th letter is in the DRB packet which sets forth their recommendations on the General Plan requirements for new shoreline projects that provide connectivity to the Bay Trail and maximum feasible access to the shoreline. This letter was embraced and recommended by resolution by the Pt. Richmond Neighborhood Council. He summarized the contents of the TRAC letter which relate to recommendations as previously identified by Mr. Huo, safe access to the shoreline, maintenance of the shoreline, public shoreline parking, specific recommendations for stop signs for cars leaving the project and crossing the Shipyard III trail and appropriate signage for crosswalks. He referred to a handout which showed crosswalks, a 5 foot sidewalk which they hope to widen to a 14 foot wide bay trail. He also suggested there be access and connection for bicyclists from the side access road to the Bay trail.

Boardmember Woldemar said when he made a comment about the connection he was trying to react to a sharp angle that the trail is hitting on Seacliff Drive. He would like to be able to develop something a little more special at the entry to the project and to the trail. Secondly, the City is putting in the trail but it has nothing else but the trail and TRAC is looking to the developer to install street furniture, lighting, etc., and he asked if this was normal. Mr. Beyaert said normally, the developer builds the trail and BCDC would require it even if the City or County did not. Boardmember Woldemar commented and confirmed with Mr. Beyaert that the DRB will need to review all of the site amenities. He confirmed that the City has a 22 foot wide trail easement that has been cleared, graded, and hydro-seeded. Boardmember Woldemar commented that north of this area is an area needed for landscaping, which is the dune part.

Chair Fetter stated the Assistant City Attorney left, but he said the DRB is independent of the Director of Planning which is important for the developer to realize. This is difficult because it has a lot to do with legal precedence and how code is generally interpreted in the Bay Area and California. He reminded people that the Planning Director does have the authority to make clarification of interpretation, if not make accommodation, which is more flexible than the rules seem to be, and the DRB cannot remove this as a Board. The Board can advise on design and they are considered quasi-judicial. Any neighborhood subcommittee is purely advisable and he wants people to understand what leeway the Director has and what authority each body has.

Chair Fetter referred to contamination mitigation and he asked staff about this. Mr. Wainwright noted there are two parcels as part of the clean-up that have not been released for residential

use; the Shoreline Parcel and the Roadway Parcel. He said one is underneath the roadway and is also called the Trench Parcel. There is rip rap along the edge and it follows the extent of the Trench Parcel, which he pointed to. He explained that material from the site was placed underneath the Port cap and they could not get this cleaned up without daylighting into the Bay so they left it alone and did not receive a quit claim and release of restriction. The restriction was released and quit claimed by the Department of Toxics Substance Control.

Chair Fetter said he agrees with some of the public comments about getting better views, especially over Building 9. Mr. Wainwright noted they have these and have views from further up Seacliff and the view from the park, which they did not show.

Boardmember Whitty said she is sure Shea Homes considered more buildings at lower heights, and she asked what that project looked like. Mr. Hofer said when they first looked at the project they looked at standard, single-family detached subdivision for the site. It had 55 homes and was a site plan that was similar to what Seacliff Estates looks like. They had General Plan density issues because the site plan would fall way below the 10 units per acre and closer to 4-5 units per acre.

Boardmember Whitty stated Shea is proposing 9 units per acre and she asked what 12 units per acre would look like. She is specifically looking at lowering the 48 foot buildings and putting in one or two L shaped buildings that pick up those upper levels in unit count to lower the entire complex down to 35 foot heights or lower. Mr. Hofer stated it is not feasible for them to do that and looked at a number of options.

Chair Fetter said since this was considered, he asked what was restricting this. Mr. Hofer said it is primarily a density issue on site, to be able to get circulation patterns through the site, to achieve the market targets they are trying to achieve on the project, and it is a matter of site constraint. If the buildings are lowered, units counts are lowered, which does not meet the General Plan density goals. They wanted to try and find a project that tries to thread the needle on density, building height, economics, aesthetics, views and something that works fiscally for them to build.

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

Adjournment:

The Board adjourned at 9:35 p.m. to the next meeting on December 11, 2013.