

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
January 22, 2014
6:00 p.m.

BOARD MEMBERS

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

Chair Fetter called the meeting to order at 6:00 p.m.

ROLL CALL

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

Absent: Boardmember Robin Welter

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

APPROVAL OF MINUTES

November 13, 2013:

Chair Fetter requested the following corrections:

- Page 5, 4th paragraph: "Chair Fetter suggested a false lighting sliding door"

ACTION: It was M/S (Whitty/Woldemar) to approve the Minutes of November 13, 2013, as amended; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

December 11, 2013:

ACTION: It was M/S (Whitty/Woldemar) to approve the Minutes of December 11, 2013; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

APPROVAL OF AGENDA

ACTION: It was M/S (Woldemar/Whitty) to approve the Agenda; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

Public Forum - Brown Act

Bruce Beyaert, TRAC, presented the Richmond Bay Trail New Year report, stating the DRB played an important role last year when EBRPD came to the Board for the Atlas Road Bridge and they were asked to widen the Bay Trail by 2 feet and automobile lanes by 2 feet. The City Council supported this and appropriated funds to have that redesign, which should start

construction this summer. He also reported completion of two new Bay Trail sections between Dornan Drive by Ferry Point and Shipyard III Trail leading to the Red Oak Victory.

Boardmember Woldemar asked about the connection from Brickyard Cove to the Bottoms property, and Mr. Beyaert said the trail crosses Seacliff Drive at Brickyard Cove Road. There is a narrow 5 foot sidewalk and 100 feet of trail where they did not have enough grant money to widen, but they are working with Shea Homes in terms of their proposed residential project and they have agreed to incorporate that widening into their trail. Boardmember Woldemar asked and confirmed he was also working with them to make the entrance at the same knuckle into the Bay Trail heading towards Red Oak Victory more gracious than originally shown through Shea Homes.

Council Liaison Report - None

CONSENT CALENDAR:

Chair Fetter noted there are three items on the Consent Calendar. He asked if Boardmembers wished to remove an item from Consent. Boardmember Woldemar asked to remove Items 2 and 3. Chair Fetter then announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, February 3, 2014 by 5:00 p.m.

Boardmember Woldemar commented on Item 1, stating there are two conditions having to do with C3 guidelines, roof water runoff, rain barrels, and the second having to do with daylighting into interiors of the addition. He would like to see these as standard conditions moving forward. Chair Fetter supported this suggestion.

ACTION: It was M/S (Woldemar/Whitty) to remove Items 1, 2 and 3 from the Consent Calendar; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

Items Approved on the Consent Calendar - None

Items Removed from the Consent Calendar:

Public Hearing(s)

CC 1. PLN13-282 STREET RESIDENTIAL ADDITION

Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A ±1,200 SQUARE FOOT, TWO-STORY ADDITION TO THE REAR OF A SINGLE-FAMILY RESIDENCE.

Location 629 KERN STREET

APN 519-100-018

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

Owner TYLDEN STREETT

Applicant TROY WILSON

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

Kieron Slaughter gave the staff report and described the request for a design review permit, current zoning, architectural features, and the owners have agreed to install rain water barrels for water conservation. The applicant visited and attended the Richmond Heights Neighborhood Council meeting on December 2nd and received a unanimous vote of support. The applicant received 2 letters of support from adjacent neighbors and one subsequently removing that support. He stated staff recommends conditional approval of the project, noting it is within all

setback, height and development standards. He referred to letters distributed to and before the Board from neighbors.

Chair Fetter referred to the skylights and he confirmed they were recommended to be located throughout the home in common areas and the bathroom and hallways.

Boardmember Munoz referred to the plans and commented that there is a mistake showing a wrong direction.

Chair Fetter said for most submission of plans, it shows how the project will be painted and landscaped. Mr. Slaughter said landscaping will not be modified and the applicant plans to paint the addition the same color as the existing building. The applicants are interested in converting a portion of the space to a second unit, but restrictions prevent this without a variance. When the City's ordinance changes, they will be able to legally define that space as an interior second dwelling unit. Chair Fetter questioned this timeline, and Mr. Slaughter noted possibly within a year. He said it is proposed in the Livable Corridors study to remove the size and parking restriction. If approved, this same change will be made in a subsequent zoning ordinance update.

Chair Fetter called upon the applicant, but recommended hearing public comment first to be more efficient and address any concerns.

Public Comments:

Marjorie Taylor, said she lives south and next door to the applicant. She said the reason she is withdrawing her approval is because she felt intimidated when the owner and her niece came to her. One thing they discussed were trees near the fence line and all of their leaves fall in her yard. She suggested that they cut that back. There is also a tree in the front that is buckling the sidewalk and they discussed this as well, and she asked that this tree be removed. People visiting her cannot see her address because of this tree, and she agreed to this. She then signed the letter of support and the applicant said she would not cut the tree down, which was surprising, and this is why she removed her support.

Boardmember Woldemar pointed to the photograph of the aerial view. He asked and confirmed that she is the house to the left. The trees are those that are on the left side of their backyard. She noted that the one that obscures her address is the one between the sidewalk and the curb.

Chair Ray Welter asked if the City has any objection to removing street trees. Mr. Slaughter said if they are City planted street trees and is in the planter street along City-owned property, Chris Chamberlain of Parks and Landscaping must be contacted prior to removing any trees.

There were no other public speakers.

Rosalie Streett, applicant, apologized for upsetting Ms. Taylor and said she and her husband Peter are the owners of the house. Her brother in law, Tylden Streett moved to California one year ago to live with them and he is 91. They love their house and neighborhood and were very excited when he moved in and wanted to make their kitchen larger and give Tylden a sitting room downstairs. She said that her niece also moved here and they want to provide her with a studio. Troy Wilson is the designer and Jason McDermott is the builder, who was utilized in the successful remodeling of her neighbor's home. They have every intention of cutting down the trees which she pointed out between the two properties. She said they were not aware of the need to cut down the tree in the front but her husband trimmed it. She said she was available for questions.

Chair Fetter asked about the tree in the front south corner and Ms. Streett said it is a fine tree and they will make it smaller or the City can cut it down if it is a City tree.

Boardmember Woldemar asked and confirmed Ms. Streett read and agrees with all 13 conditions staff is recommending. He asked and confirmed that Ms. Taylor was amenable to the following additional conditions:

- To contact City staff regarding tree damage to the sidewalk and agree with any alternatives that may arise as a result.
- If the tree continues to block Ms. Taylor's address on her house, the applicant would be willing to install another address so it was visible from the street; and
- The applicant would agree to have a condition added that states she will remove the side-lined trees adjoining the south property line.

Boardmember Woldemar asked to add those three conditions to staff's recommendations which would satisfy neighbor's concerns, and Boardmembers concurred.

ACTION: It was M/S/C (Woldemar/Whitty) to approve PLN 13-282 based on staff's recommended 4 findings, based on staff's recommended 13 conditions of approval with the following three conditions: 14) that the applicant will contact City staff regarding the tree adjacent to the public right-of-way and any damage that may be occurring to the sidewalk; 15) that the applicant would consider installing a new visible address to the adjacent neighbor's residence; and 16) that the applicant agrees to remove the sideline trees adjoining the south property line; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

CC 2. PLN13-222 THE LUMBER BARON CONSTRUCTION OF 3 NEW BUILDINGS

Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO DEVELOP A VACANT PROPERTY, INCLUDING SITE IMPROVEMENTS AND CONSTRUCTION OF 3 NEW BUILDINGS TO ESTABLISH A RETAIL SHOWROOM FOR WOOD PRODUCTS.	
Location	1140 HARBOUR WAY SOUTH	
APN	560-260-033	
Zoning	M-2 (LIGHT INDUSTRIAL DISTRICT)	
Owner	COGNIS CORPORATION	
Applicant	MAX SLENDEBROEK, THE LUMBER BARON	
Staff Contact	HECTOR LOPEZ	Recommendation: CONDITIONAL APPROVAL

Hector Lopez gave the staff report and described the request for a design review permit, current zoning, size, location, and description of the Lumber Baron buildings and stated staff is recommending conditional approval of the project.

Boardmember Whitty said she understands the sign is going to be 2,400 square feet and only 600 square foot signage is allowed on that site. Mr. Lopez acknowledged the sign must be reduced but otherwise a variance must be granted on the grounds that it is a unique design feature.

Boardmember Woldemar said this was heard at a subcommittee meeting a couple of months ago and they made note of the sign at that time and the requirement for a variance. There is no variance that has been applied for nor do we have findings in support or against a variance. Therefore, the sign proposed could not be approved tonight. Mr. Lopez agreed. Boardmember Woldemar said there is something called "super-graphics" that started in the 1960's where signs

were painted on buildings. He liked very much this sign because it becomes part of the architecture because the building itself is fairly innocuous. If the Board decided that the sign was appropriate, it could not be approved tonight, and would have to continue until a variance application were submitted. Such a variance would come only to the DRB, and he said if the Board concurs that the sign is a good thing, the item would need to be continued. Mr. Lopez said it would need continuance unless the applicant reduced the sign to 600 square feet. Boardmember Woldemar said this would then raise a discussion about what the sign looks like and what it does to the building.

Boardmember Ray Welter asked and confirmed with Mr. Lopez that the applicant was notified of the variance only after the staff report was prepared and the hearing scheduled.

Boardmember Woldemar said a letter was received from Bruce Beyaert from TRAC having to do with a Class I trail. He asked if Mr. Lopez could provide history about what is going on from the Ford Building to through the freeway in terms of future planning. Mr. Lopez said his understanding is that the trail will be on the east and west side which has been established but superseded by the General Plan and Bicycle plan.

Boardmember Woldemar noted that while there is a huge sidewalk from the property line out to the curb. The right-of-way for the street is 100 feet wide, and the existing condition has a 5 foot sidewalk right up against the curb and the rest of it back to the fence looks like asphalt or broken up concrete. He questioned if staff discussed this property line out to the curb strip. Mr. Lopez said there have been emails back and forth as to whether or not the City should require the applicant to extend the trail not just in front of his property but also along the sides to the railroad. He believes the applicant has expressed a willingness to do that in front of the property and not along the entire segment.

Boardmember Ray Welter confirmed with Mr. Lopez that the General Plan calls for the east side of Harbour Way to be designated as a Class II and Class III on the west side.

Chair Fetter called upon the applicant for a presentation.

Don Logan, architect, thanked the Board for holding a subcommittee meeting which helped them develop the project. After hearing the discussion tonight, they would like approval tonight and must solve the signage issue. He also said Mr. Lopez let him know that they were missing landscaping information, but he said he has the sizes, types, and species, which he brought on a board. As has been said, the whole idea of what has been turned super-graphic is that they want this building to have a presence on the street and they have limited ways of doing this both financially and aesthetically. The sign was a way as has been said to make something out of this building that would make it distinctive, interesting and important. He referred to Condition No. 2 which makes the windows larger. When put together with the signage issue, the alternative could be pulling the sign down to 600 square feet and enlarging the windows. He thinks it is within their budget to do that and offer that as another idea which they all support. Mr. Logan said on the issue of the landscape plan, he presented the plan and described tree and plant species and sizes, mulch, and stone.

Boardmember Woldemar asked what are labeled as "existing property line fences". Mr. Logan confirmed they were chain link. Some have razor wire because they have had a problem, but this will be deleted.

Boardmember Woldemar referred to the site plan and said he sees where future parking is accommodated, but what are not shown were the peninsulas on the ends of each parking aisle. Mr. Logan said this is what is present now which would include the peninsulas. Boardmember Woldemar asked if those areas should be included in part of the first phase landscaping pattern.

Mr. Logan clarified what was in the first phase, and the remaining property will look like rough graded dirt with some agri-seed. Chair Ray Welter said they discussed this in the subcommittee meeting and it was said they would use hydro seed, and Mr. Logan agreed.

Boardmember Whitty asked if the perimeter trees would be installed in the first phase. Mr. Logan said they would go in during the first phase, but not the rest of them, and there would have to be a fence in the middle. Mr. Logan said during the first phase they are removing all concrete, rolling topography so the hydro seeding works.

Boardmember Woldemar said the drawing shows from property line out to curb line as existing concrete. When looking at photos of what is out there, there is 5 feet of sidewalk and the rest looks like broken up asphalt. There is a recommended condition to work with Public Works Engineering to fix the sidewalks. He suspects they will require something be done with the remainder strip and he asked if the applicant would be willing to extend the landscaping out to the back of sidewalk. Mr. Logan said he is used to the notion that they must repair sidewalks and he assumes the City will tell him what they want there that is still within their budget parameters for a sidewalk. He believes it could be landscaping, gravel, or any number of things. Boardmember Woldemar noted the Cannery is immediately to the south. From back of sidewalk to front of building is landscaped there with native grasses. He suggested a commonality be affected between both parcels, and Mr. Logan said if the City wants the landscaping extended, they are willing to do this and simply need instructions.

Boardmember Woldemar said further to the south there is a big open area directly across from the Port Authority building and a row of street trees. There are some random street trees across the street but no other pattern along the freeway including the Ford Building. There is a discussion about whether street trees would be appropriate or not, but clearly he thinks there should be landscaping in front and not just broken up asphalt.

Boardmember Whitty said if they reduced the sign's size to 600 feet, she asked what kind of lighting would be incorporated. Chair Ray Welter pointed to the lighting specification. Mr. Logan said they are shown on the drawing but are small. He explained they went for performance and found an LED light that will last forever that has an unusually wide throw and it eliminates all sky lighting, and will illuminate the sign.

Boardmember Whitty asked for the applicant to discuss the new windows and what they will be made of, and asked if they are on the east and west sides. Mr. Logan said they are clear glass windows, aluminum frame, they have a projecting fin, roller shades, and they will be aluminum or black painted. He presented the east elevation which match with those on the other side.

Boardmember Whitty said she was interested and happy to hear they might be using recycled lumber, which is great. She asked if there will be any of the business operations in the signage anywhere. Mr. Logan said he does not believe they will place it on the building, but marketing on the website will incorporate what they have and do. Boardmember Whitty said they are going to be doing milling in the first phase and she asked and confirmed that they will install air quality control systems that will be installed for sawdust control. The material will be collected and often landscapers use the recycled material for mulch.

Boardmember Whitty asked about noise pollution from milling, and Mr. Logan explained that they currently run saws outside and there are no problems with noise.

Boardmember Ray Welter said in the subcommittee meeting they talked about the monitor only being on the first phase and it is not clear in here. If this is their intent, he asked that it be identified that it will be on the first building and not subsequent buildings unless they will be going on all three buildings. Mr. Logan clarified that they show them on all three buildings.

Chair Fetter asked what improvements they could get if they were to look at the huge swath of concrete and replace it with landscaping. If existing is being used, it is not in quite a good condition, so there is an odd conflict of pulling up some and keeping the other. Mr. Logan suggested matching the line of the landscape front next door and to continue it.

Boardmember Woldemar referred back to the large sign and elevation, stating there is a rhythm started by the monitors and there are vertical columns of 4 and 6 feet. The two windows down low on the left and north end appear to be just straight strips of glass. With the way the monitor is working as a strong element, he questioned if the applicant could bust those strips with vertical mullions into the same kind of rhythm that is up on the monitors. Mr. Logan said they did this with the other ones, and he believes this is an oversight.

Boardmember Munoz asked if the first phase is completed, how long it will be before the second phase. Mr. Slendebroek said it depends how business is. Ideally he wants separate rooms for each material they carry. The cedar is the first phase, the next one may be redwood, and then have all of the reclaimed materials. He would like an easy access and shopping experience for the customer. Boardmember Munoz asked if redwood trees could go under phase 1 all the way around, and Mr. Slendebroek said they could make this happen and he agreed to a condition for this.

Chair Fetter called for public comments.

Public Comments:

Jerrold Hatchett confirmed with the applicant that they may have one large truck a week and ship out one to two per day on a 15 foot long truck and do deliveries with that. Mr. Hatchett confirmed that it is not a retail business and ancillary to the wholesale business, primarily for contractors.

Fred Glueck, Plant Reclamation, said he owns the property at 912 Harbor Way South operating since 1975. They are north of the railroad tracks. He does not understand in the General Plan the retail component is being allowed to have the walk in business aspect transpire there. Secondly, having been there a long time, there is tremendous traffic up and down that road from the Ford Building and other businesses, excessive speed and he voiced egress and ingress safety concerns. When the ferry service goes into play there it is another concern. He has concern with the bicycle traffic there and said about 50% of the bicyclists will not abide by rules. They have complained about it for years with the prospect of road changes on Harbour Way and asked how traffic issues would be addressed, as well as the retail authority within the buffer zone area.

Mr. Lopez said the buffer zone is basically a prohibition of residential uses along Harbour Way South. It has nothing to do with retail. It is the understanding of staff that the retail aspect of this business is very small, less than 5%, and is considered incidental.

Chair Fetter agreed that Harbour Way is industrial and the street was built that wide for the Ford Plant for some very heavy traffic and the Port. When staff reviews it, it can trigger a traffic study if there is a high enough trip count load. Mr. Lopez agreed there is speeding but this is a different issue.

Mr. Slendebroek said given the nature of this sight and its zoning, if traffic they expect is too much for the site, it cannot be developed. Obviously no one wants housing there, but if there was a proposal there could be 60 units there. This is the most benign use for the site and he thinks it is the right thing. He confirmed the Albany site was slightly below one acre, and Mr. Lopez said in comparison, this will be about 80 trips more or less.

Katrinka Ruk, Richmond, Council of Industries, said she spoke with Mr. Slendebroek and Mr. Logan and said the Council of Industries is happy that the City has reached out to other businesses to bring them into Richmond. They support a lumber business in that buffer zone area and are trying to work out the details to ensure they are compatible with all other businesses. The buffer zone is to ensure that the industrial, port and maritime businesses along the Santa Fe channel are preserved. It was created as a way to move into light industrial and then commercial, and then on the other side of Marina, residential. She said the zone is an odd area and is not part of the General Plan. This is why they brought up the question of retail and whether it can exist and whether it requires a conditional use permit. In the future, should other businesses come in they want to understand better as to the regulations, and they ask that the Planning Commission put this in writing. Channel Lumber is different and in a Port area and has a small retail, but she questioned if they have a CUP. Regarding traffic, they are looking at a goods movement plan within that whole area, and hopefully with growth, there will be added traffic. Putting the lumber company aside, ferry traffic will also come there. So they will need to look at that and bike trails, the trail going down Harbour Way and the safety of the area. She asked if site mirrors will be put up to ensure there are not building corners or trees, and Mr. Slendebroek said they are pretty far back.

Bruce Beyaert, TRAC, distributed copies of an email that TRAC sent that explains their recommendation that a Class I Bay Trail section be put in the City's 28 foot wide strip in front of this property. The Council, in satisfying the condition of a \$400,000 Bay Trail grant committed to a Class I trail all the way around Harbour Way South waterfront to Hawthorne. This did not happen but the redevelopment agency did install a Class I trail from the foot of Harbour Way South to Hall Avenue as part of the Ford assembly project. He noted the trail is built one segment at a time and this project offers a 28 foot section and the opportunity to install a trail in the front of the property one piece at a time, as well as landscaping which will improve safety. He pointed to the map, figure 4.1 that shows an existing Class III trail in the front of the property, meaning there are no bike lanes on the western side. The General Plan does not show Class I upgrades where there are Class II/III trails, but it is obvious that when there is an opportunity to improve safety, developing a Class I trail is the right thing to do. When an application comes for the adjacent property, the City could require a Class I built there and there may be opportunities to install a trail in front of the existing cannery building.

Boardmember Woldemar referred to a Google map and said if a Class I trail were built in front of the applicant's property, it would go nowhere to nowhere. If it was extended to the south, he confirmed it would mean tearing up existing improvements leading to the cannery. Further down is the big open parking area north of the Ford building. He recalled not much width between

their fence and the sidewalk there. He confirmed with Mr. Beyaert that there is a Class I trail in front of the Ford building, which Mr. Beyaert explained that this was extended up to Hall Avenue. It is narrower to the standards because of historic considerations, but it is a 10 foot sidewalk. Boardmember Woldemar asked why this couldn't be done to expand the sidewalk from 5 to 10 feet and leave in the remaining landscaping. He commented that there is a consistency issue that does not work and it strikes him as a piecemeal process. The bike plan pre-empted some of this and it strikes him that this would be a good solution along Harbour Way.

Mr. Beyaert presented the map and said it would not be a big stretch to do a trail from Hall Avenue north. There was a constraint by the Ford building, and they can work out the pinch point at the railroad tracks, but it would not be hard to widen it out.

Boardmember Woldemar said it is within the Board's purview as to whether or not it should be required. Mr. Beyaert commented that it happens all the time where there are pinch points and then they go back to the minimum standards for trail connections.

Chair Fetter said it is difficult that the Bay Trail comes up to the Ford plant and around most of the bay and people can cycle all the way around the SF bay. But when getting to the inlet, it just stops. There is a fairly large traffic contingent that comes from Berkeley, and Richmond has done many improvements but people stop at Harbour Way because of the large trucks and no way across the waterway. For Richmond as a destination for cyclists and pedestrians, he is seeing this as an opportunity to fix that and make a safe corridor to get around the waterway.

Mr. Glueck indicated that he has nothing against cyclists and he sees them on Harbour Way on a regular basis. Where there is pavement, it appears they prefer to use a width swath on public streets rather than sidewalk areas. He said if the applicant put a trail on his property sidewalk and it went to the railroad tracks, someone would need to acquire 1,000 feet along his property to keep the street corridor consistent, and it would juncture into the property next to him where there are sidewalks and landscaping. While it is piecemeal, cyclists really prefer to use the paved road and are in the direct line of traffic.

Kieron Slaughter said he is very aware of all issues. His opinion is that the new Bicycle Master Plan superseded this; however, he said it is totally reasonable to request the applicant to provide bicycle and pedestrian amenities. If this means adding a 10 foot wide sidewalk with 2 feet of decomposed granite or landscaping, this would be reasonable. The majority of bikers would ride on the street and jog and walk on the sidewalk, but this could be considered part of the Bay Trail to accommodate everybody's needs. Also, if the 2 feet on the street side or the other side is eliminated, the pavement could be 12 to 14 feet wide. He explained Bay Trail specifications, which is for 2 feet, 10 feet and 2 feet, but this can vary depending on individual situations.

Boardmember Whitty referred to the sign issue and proposed that the Board accept the applicant's Plan B because it is a harmonious design.

Boardmember Ray Welter said the Board has approved items before and has had applicants return with signage separately to be approved and he suggested this be done, although he would approve either plan. He really loves the big sign as does Boardmember Whitty and he was trying to figure out a way to approve the project with a condition for the signage coming back. Chair Fetter suggested approving both and having the applicant return with a variance.

Assistant City Attorney Atencio suggested that the Board could approve the project tonight with the alternative sign, and a condition to require the applicant to take steps to apply for a variance for the signage that was originally presented to the subcommittee.

Boardmember Woldemar commented that unfortunately for this location, a metal building is probably not the best thing going there. If the DRB had a choice, they would do something permanent and more substantial. The applicant has taken a couple of steps to make it a better metal building, but it is still 200 foot long in total of 3 metal buildings. He said his thought is that when he saw the large sign in the application it made the project special and worthwhile. Otherwise, he thinks the Board could hold out for something better. He proposes that the application not be approved tonight but about one month from now with a variance to return. The findings to grant the variance could be based along the fact that it becomes part of the architecture and makes it something special. He thinks there are other things the Board could discuss and make notes to the applicant for their return. He noted that variances to signs are granted by the DRB.

Mr. Lopez said the applicant's proposal met requirements and this was why they did not apply for a variance, but he also pointed out that variances cost \$4,000. Mr. Slendebroek noted they also have current time constraints with the real estate deal as well as the bank not finishing the loan paperwork unless they have drawings in place. At some point the project may fail because they cannot operate.

Boardmember Woldemar summarized a series of conditions to be incorporated in the project:

1. Any razor wire or barbed wire that exists around the north, south and eastern perimeters shall be removed.
2. The property line trees surrounding the entire project be put in as part of the first phase.
3. That there shall be a fence with two gates separating the first phase from future phases, which ensures there will not be any additional outside storage.
4. That the entire area of the later phases will be hydro seeded with native grasses or similar systems.
5. That a complete landscape plan be provided for staff approval.
6. That the cedar fencing will be sealed with a clear stain.
7. That the concrete base will be a natural concrete with a lamp black tint similar to a public sidewalk.
8. That the existing 5 foot sidewalk adjacent to the concrete curb be expanded to a total of 12 feet with an additional 2 foot decomposed granite edge that from that point back to the building face shall be consistently landscaped in a similar pattern.
9. That the applicant shall make inquiries with the BAAQMD as necessary for any additional permitting, such as exhaust from saw dust, etc.
10. That the color of the window mullions on the lower floor be the same as the color of the window mullions on the upper rooftop monitors or throughout.
11. That the windows below the sign as proposed be divided in a similar pattern to the rooftop monitors.

Chair Fetter said considering it was just paperwork that needs to be filled out to apply for a variance with the DRB approving it, he questioned why they couldn't approve the design with provisions for that large sign. Mr. Atencio said assuming the applicant would be amenable to apply for the variance, a condition of approval could be that the applicant agrees to apply for a variance. The applicant agreed to this condition.

Mr. Atencio said another option would be that the building permit not be issued until a variance is applied for and approved, but another option is that if the variance is not approved, then the project would be approved so as not to hold up the building permit. He suggested stating that if the variance is not approved by the DRB, the project can revert back to the alternative approved design.

Chair Fetter wants to be sure that the approval has a confident result. Mr. Lopez also noted that the decision for the variance can be appealed to the City Council. Mr. Atencio suggested conditioning that the applicant apply for the variance, and they already have agreed to do this. If the variance is denied, the signage would revert back to the alternative design or whatever is compliant with the ordinance.

The public hearing was closed.

ACTION: It was M/S/C (Woldemar/Welter) to approve PLN 13-222 based on staff's recommended four (4) findings, subject to staff's recommended fifteen (15) conditions of approval with the deletion of Condition No. 2 and to clarify that the doggie waste bag station is in the front yard but all other items are not in Condition No. 3; that the following additional conditions be incorporated for staff review, as follows:

1. Any razor wire or barbed wire that exists around the north, south and eastern perimeters be removed.
2. The property line trees surrounding the entire project be put in as part of the first phase.
3. That there be a fence with two gates separating the first phase from future phases, which ensures there will not be any additional outside storage.
4. That the entire area of the later phases will be hydro seeded with native grasses or similar systems.
5. That a complete landscape plan be provided for staff approval.
6. That the cedar fencing will be sealed with a clear stain.
7. That the concrete base will be a natural concrete with a lamp black tint similar to a public sidewalk.
8. That the existing 5 foot sidewalk adjacent to the concrete curb be expanded to a total of 12 feet with an additional 2 foot decomposed granite edge that from that point back to the building face shall be consistently landscaped in a similar pattern.
9. That the applicant shall make inquiries with the BAAQMD as necessary for any additional permitting, such as exhaust from saw dust, etc.
10. That the color of the window mullions on the lower floor be the same as the color of the window mullions on the upper rooftop monitors or throughout.
11. That the windows below the sign as proposed be divided in a similar pattern to the rooftop monitors.
12. That the applicant should apply for a variance for the signage indicated in tonight's application based on Sheet A2.

The motion/second was unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

CC 3. PLN13-315 WET WEATHER STORAGE FACILITY

Description PUBLIC HEARING TO CONSIDER ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR A WET WEATHER STORAGE FACILITY PROJECT TO PREVENT WET

WEATHER SANITARY SEWER OVERFLOWS FROM OCCURRING ON SITE, AND A DESIGN REVIEW PERMIT TO CONSTRUCT A DIVERSION BOX, PUMP STATION, STORAGE TANK AND PIPELINE.

Location 601 CANAL BLVD
APN 560-33-0011
Zoning INDUSTRIAL
Owner CITY OF RICHMOND
Applicant CHAD DAVISSON, WASTEWATER AND STORMWATER DIVISION
MANAGER

Staff Contact JONELYN WHALES
Recommendation:

**ADOPT AN INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION AND CONDITIONALLY
APPROVE A DESIGN REVIEW PERMIT**

Chad Davisson, Wastewater and Stormwater Division Manager introduced representatives from Carollo Engineering who designed the facility; Mike Britton, Project Manager; Becky Garrini, Project Engineer, and Laura Laffert, LSA . He said he would give an overview of the project, the basis for it, and they will answer questions of the Board. He said there has been an issue over time with the ability to keep wastewater in the pipes, especially during wet weather, which is due to the age and condition of the sewer pipelines and infrastructure. What happens during wet weather is there is a lot of infiltration of storm water and saturated groundwater into the pipes. With their proximity to the bay, they get tide influence and intrusion of Bay water and so when you have the “perfect storm”, their dry water flows average around 6 million gallons per day and their wet weather can be as much as 70 million gallons per day, and this is what makes it to the treatment plant at 601 Canal Boulevard.

For this reason, they were sued by Bay Keeper in 2006. One of the requirements Bay Keeper has is that by September of this year they had to eliminate all wet weather-related sanitary sewer overflows. They have about \$250,000 worth of infrastructure improvements that must be done in the collection system. This is ratepayer-funded and they do not have the capacity to fund projects like that which would be necessary to address the problem from fixing the entire collection system.

This project was approved in the 2010 bond as a project that needed to be addressed conceptually as a peak wet weather storage facility. Essentially, it is a very large, 5 million tank. During the peak wet weather events, water that would not normally spill out to the Bay untreated which is dilute wastewater that has been diluted by stormwater, would be stored for a short time until such time that rain decreased and they would feed this back into the treatment plan.

The project is anticipated to be roughly \$16.5 to \$17 million and it is going to be located on City property adjacent to what is currently the plant at 601 Canal Boulevard. If approved, the facility will be constructed there, set back on the street from Canal Boulevard and it will allow them to effectively handle peak wet weather events and allow them to make improvements to the collection system over a 30 year period rather than having to do it in one year, which would be necessary if they did not do this project.

As far as the design, the project is in an industrial area. It is essentially a pump station, with piping underground and a very large tank above ground. He referred to Exhibit C showing the proposed project area, the Port, Levin Terminal, tank farms, and they do not anticipate the tank will change the nature of that industrial area. They want to make sure; however, that any impacts are addressed.

Boardmember Whitty said the project will serve 65,000 residents and she asked about the other 40,000. She asked and confirmed they are served by West County and Stege. Mr. Davisson

said there are three sewer districts within incorporated Richmond City limits; the West County Wastewater District, Stege Sanitary District and the Richmond Municipal Sewer District, which he briefly described. He noted there was a rate increase in 2010 which allowed the City to bond \$40 million and allowed enough revenue to pay the debt service on the bond. The \$17 million is still available in the bond proceeds and money the City currently has.

Boardmember Whitty said when not in use, she asked and confirmed the tank will sit there. Its intended purpose is to store 4 million gallons that would normally be spilling out during a peak rain event. There are opportunities that will arise during the dry weather season, such as storage or cleaning and maintenance, but its design is for wet weather storage.

Boardmember Whitty questioned odor control which is the main problem with sewage plants. She asked why not go and spent the extra \$330,000 and put in the top of the line odor control. Mr. Davisson said it can be dealt with later, and he agreed odor control is the biggest issue, as there is history that Pt. Richmond is negatively impacted. For this to be a palatable project, they will have adequate odor control facilities for this.

Mike Britton, Project Manager, said they are providing odor control on the part they are most concerned about which is shown in the cluster of boxes at the top of Exhibit C. This is a tank connected to the sewer and it will be open to the sewer all the time. Boardmember Whitty asked him why they did not go with the scrubbing plus choice and Mr. Britton said it does not necessarily work better which he explained.

Boardmember Whitty asked what additional benefits that the Pactel odor scrubber would do. Mr. Britton said none, and also there is a risk of chlorine odor smell from that type of scrubber. It also sends up a plume of mist. In this application, the best odor scrubber would be the soil bed filter type. Boardmember Whitty asked if the soil bed filter type would still be chosen if it cost \$530,000 and Mr. Britton said yes, this is the one he would recommend. The City has one at the plant site now that is being used and it depends on where the air is drawn from. Boardmember Whitty said she supported spending more money and get better odor control now rather than dealing with complaints later. Mr. Britton said odors are funny and it only takes one part that has not been scrubbed to overpower everything else.

Boardmember Whitty asked and confirmed that effluent goes into the Bay. Mr. Davisson said they have an outfall line that they share with the West County Wastewater District and it goes through the hillside and is a deep water outfall, which is out the end of Pt. Richmond, over the Brickyard Cove area and Mill Knox Park, then out 1500 feet out and deep into the bay. Boardmember Whitty said if there is a 10-year drought and the Bay has shrunk down, she wanted to be sure it goes way out there, and Mr. Davisson said it is.

Boardmember Whitty asked if there were noise impacts, and Mr. Davisson said all equipment is electric pumps and there is very little noise over what the facility has. Engineer Becky Garrini added that there will be an emergency diesel stand-by generator associated with the facility with a sound enclosure around it to meet limits of 60 and 70 dB. The environmental document deals with the noise of the entire project, including construction. Mr. Davisson noted the generator serves as a backup for power outages and not normally utilized, except for monthly testing.

Boardmember Whitty said along Canal Boulevard, there will be a multi-million townhouse-condominium project soon which is one mile away and she said this is why odor control will be very critical. Mr. Davisson then reviewed the improvements made to the plant over the years.

Boardmember Whitty said lastly, if people will continue to minimize water use and flushings, odor control will be more important as well. Mr. Davisson said if there is something he can follow up with, he is happy to provide more information.

Chair Fetter said typically with a design review application, everything visible from the outside is shown. He said none of this was in the drawings, especially given that the tank is large. Mr. Davisson pointed to the section drawing, but he indicated that these were forwarded to the Board. Chair Fetter said the landscape plan is also not present and he said the application is incomplete, which he is surprised about, given that it is a City application. Mr. Davisson apologized and wondered if there was any way to salvage the situation. Attorney Atencio noted that the project is critical in addressing the settlement with Bay Keeper.

Boardmember Woldemar said he has a series of items that he has questions on that he did not find in the drawings:

- There is existing chain link fence out front with slats and he confirmed there was no barbed wire on top of it. There is a new fence and he confirmed that it will also not have barbed wire on top of it.
- The tank on the south end is 53 feet high and concrete, and he asked what is its color. Mr. Davisson said he does not believe there is any intent to paint it. It is a pre stressed concrete tank which he believes is the preferred color because it fits in with the industrial nature of the plant. Boardmember Woldemar suggested it be light tan and Mr. Davisson said this could be conditioned and accommodated.
- The new pipeline going from north to south is going across or under the entry road which also has a beautiful stand of trees on both sides of it. The pipe is going right through and is taking out 2 or 3 trees. There is nothing on the drawings that indicates any kind of front yard landscaping and he suggested there be landscaping in front of the new area and that the existing weeds be replaced with new landscaping for the entire project front.
- In looking at the project from Canal to the new tank, he asked if there is any reason that a row of trees could not be planted along the front face of it to help screen the color of the tanks.
- He asked for the location of the enclosure to the emergency generator in the packet of materials.

Boardmember Woldemar said the project could move forward and these items could be conditioned and brought back to the Board. He said they should be budgeted for, given the settlement agreement. Chair Fetter suggested they return once they address all missing items. Mr. Britton said the project is critically important and they have not kept up with their obligations with Bay Keepers. His understanding is that this action is past due.

Ms. Garrini said what they have here is the plan approval as well as the mitigated negative declaration. From a contractual perspective and a construction schedule perspective, for the City to hire a contractor or for somebody to begin constructing the work, the environmental document needs to be approved which is the Board's authority, and construction takes about a year. The settlement agreement names September of this year to have the project operational. They are less than one year away and every month counts.

Boardmember Woldemar said this could move forward easily, but certain things will need to return so they can do their job to ensure the public that this is something that will look good. Mr. Davisson apologized that this was not complete enough for the Board to confidently approve it. There were many factors and said he takes full responsibility. He said the landscaping element and the visual aesthetics are as critical as the odor issues and the Board is correct in that they did not provide a landscape plan. It has always been assumed there will be trees around the tank and they are also looking at the entire plant from a landscaping and aesthetic perspective as well. There is an element specific to this project and they will provide this to the Board and ensure it has the opportunity to condition or approve that, as well as landscaping on a much larger scale.

Chair Fetter agreed it boils down to segmenting it out to work properly and that there be proper review of elements that are not included. He asked the Assistant City Attorney how to work this. Mr. Atencio suggested adding conditions with the motion.

Boardmember Woldemar said on one of the sheets, it is labeled an electric building, and he asked if it were actually a building. Mr. Britton stated this will be a prefabricated enclosure and dropped onto a pad. Boardmember Woldemar said more details are needed regarding this building. Mr. Garrini said this building will be approximately 10 feet high and agreed there is no drawing of it. It has a painted metal sides and roof painted light grey to match the industrial facility, but the color can be changed. Mr. Fetter suggested a manufacturer's cut sheet be provided.

Mr. Atencio said the key is to add conditions with respect to each element the Board believes is unresolved tonight. In order to expedite the project, the Board would be approving the project and addressing the incomplete items in the conditions of approval which would return.

Boardmember Whitty indicated that ensure fencing does not have barbed wire, color of the metal building, color of the tank, landscaping, and the electrical enclosure diagram.

The public hearing was closed.

ACTION: It was M/S/C (Woldemar/Whitty) to approve staff's recommendation to approve the Final Mitigated Negative Declaration and the Mitigated Monitoring Reporting Program, based on the staff's recommended CEQA findings 1-4, with conditions as recommended by staff 1-5 applying to the Mitigated Negative Declaration. The motion/second was unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

Boardmember Woldemar asked if it was possible to do a ring row of trees in front such as redwoods. Mr. Davisson said he did not think there was enough room because of the girth of the trees. Boardmember Woldemar suggested the City hire a landscape architect who has worked with the City before.

Ms. Garrini said in front of the wastewater treatment plant is a nursery with a fair amount of plants. They have fencing that is opaque with green slats. As the parcel map and facility is laid out, the treatment plant does not have extensive street front property. There are other parcels and businesses there.

Boardmember Woldemar suggested that to the south is a project that has a marvelous row of street trees and shrubs already planted, and if this could be repeated, it would make a significant difference.

Ms. Garrini confirmed that the Board's intention is to plant trees along the street and not necessarily along the parcel boundary that might be set back. Boardmember Woldemar suggested they be planted street side of the fence.

Chair Fetter said a landscape plan will address this along with other visual aspects of the elevations from the street view. Mr. Davisson commented that the nursery will be temporarily impacted by the construction and he suggested that as part of the entire project and landscaping, they look at accommodating the nursery at a different location. They will review this and come up with what makes the most sense for landscaping the facility access and for

the nursery. He is confident that what they will bring back will work and address the Board's aesthetic concerns, as well as accommodate the nursery.

ACTION: It was M/S/C (Woldemar/Whitty) to approve PLN 13-315 based on the staff's recommended 4 design review findings and conditions recommended by staff's 6 through 13, with the following additional conditions: 14) that the applicant return to the DRB with a complete landscape plan for the entire frontage of the treatment facility, and not just the new portion, as well as a method of treating the existing landscaping along the entry driveway where the new pipe is going, along with additional trees to be planted in front of the new proposed tank, and that those trees be tall-growing; 15) that the applicant return to the DRB with illustrations and colors of any above grade improvements; 16) that the applicant return to the DRB with potential alternatives for painting both the new tank and the existing tank, and 17) that the landscape plans include fencing details and with those trees specified, that if there is a long trunk type, that the understory be addressed (Fetter). The motion/second was unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Ray Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Robin Welter).

- Board Business**
- A. Staff reports, requests, or announcements – None.
 - B. Board member reports, requests, or announcements
 - 1. Discuss Proposed Policy Resolution: "All projects funded by the City that affect the visual environment shall be brought before the Design Review Board for review and approval."

Boardmember Woldemar said this came up in a subcommittee meeting having to do with Mira Flores and the creek improvements against the freeway. In that particular meeting, they were told and were briefly shown a new plan for the other side of the freeway next to Taco Bell and deli. The plan the subcommittee saw looked like it was far down the road and significant. It triggered a thought that the Board needs to make it more evident to all City staff that there is a Design Review Board and that it specifically made reference to the ordinance section that states that numerous items shall come before the DRB. The idea of this was to create a resolution that the Board could agree upon that could be circulated by Richard Mitchell to all other department managers.

The resolution simply reiterates what is in the ordinance already. He suggested including in it something that talks about the City bringing projects to the Board early so they do not get into the position of something which happens similar to that of the previous item. He noted that the tank project only gets reviewed by the DRB.

Boardmember Whitty suggested including the ordinance section in the resolution as well to remind people. Mr. Atencio said she learned of this item this evening and changes were due to his input which may not be relevant. He said he can work with Ms. Whales and develop a resolution based on comments tonight which should be straight forward.

Boardmember Woldemar said it is a matter of informing people that this process exists. Chair Fetter said it sounds like what they are proclaiming is that there shall be a change in internal policy in how designs are brought forward, rather than just a general acknowledgement of following the code. Mr. Atencio recognized this comment as being more about the practice of those submitting designs, and he can work with staff to draft the resolution.

Boardmember Whitty suggested revising the resolution statement to state “All projects funded by the City that affect ANY ~~the~~ visual environment shall be brought before the Design Review Board for review and approval.”

Boardmember Woldemar asked and confirmed that the Livable Corridors is returning in approximately two months, after Ms. Velasco’s return.

Boardmember Woldemar said he was unable to attend a subcommittee meeting last Friday and asked if the project worked out. Chair Fetter said he was happy with what was brought back, but they did miss a few things like electrical boxes were not put in, drainage aspects were not addressed, but most all other items were addressed.

Boardmember Woldemar announced an upcoming joint subcommittee with the Planning Commission to discuss revisions to the sign ordinance having to do with LED signage. He reported that a subcommittee meeting was also held on some homes on Key Boulevard, which the Board briefly discussed.

Adjournment:

The Board adjourned at 9:30 p.m. to the next meeting on February 12, 2014.