

MINUTES APPROVED AT THE DRB MEETING ON MARCH 22, 2017

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
February 8, 2017
6:00 p.m.

BOARD MEMBERS

Eileen Whitty, Chair
Meredith Benz
Tom Leader
Mike Woldemar

Ray Welter, Vice Chair
Brant Fetter
Jonathan Livingston

Chair Whitty called the meeting to order at 6:02 p.m.

ROLL CALL

Present: Chair Eileen Whitty; Vice Chair Ray Welter; Boardmembers Meredith Benz, Brant Fetter, Tom Leader, Jonathan Livingston and Mike Woldemar

Absent: None

Staff Present: Jonelyn Whales, Hector Lopez, Jonathan Malagon and Attorney Rachel Sommovilla

APPROVAL OF MINUTES

September 28, 2016

ACTION: It was M/S/C (Welter/Livingston) to approve the Minutes of September 28, 2016; approved by voice vote: 5-0-2 (Ayes: Fetter, Leader, Livingston, and Welter; Noes: None; Abstain: Whitty and Woldemar).

October 26, 2016

Chair Whitty requested at the bottom of page 3; "Chair Whitty stated the additional conditions would include painting the public side pale eucalyptus."

ACTION: It was M/S/C (Whitty/Fetter) to approve the Minutes of October 26, 2016; as amended; approved by voice vote: 7-0 (Ayes: Benz, Fetter, Leader, Livingston, Welter, Woldemar and Whitty; Noes: None).

November 9, 2016

- Boardmembers questioned the highlighted text, and Ms. Whales indicated that the transcriber did not know the spelling of the name. Mr. Malagon confirmed it was Steven Roth and the highlighted text can reflect this.
- Boardmember Fetter stated there are areas in the minutes with summary details, but he deliberately was making a concerned statement about these types of projects which related to the following which he wanted to include in the minutes, as follows: "Making

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Waves Academy, like other charter schools, utilizes public playfields and they supposedly have cooperative agreements. But in reality they use public resources instead of actually building them out themselves. Therefore, they get public monies for playfields they do not build which he voiced concerned with."

- Boardmember Woldemar referred to the middle of page 4 he was making note about the size of the plans and was recommending that they be at least half size. He asked that this be included.

ACTION: It was M/S/C (Whitty/Woldemar) to approve the DRB Minutes of November 9, 2016, as amended; approved by voice vote: 6-0-1 (Ayes: Benz, Fetter, Leader, Livingston, Woldemar and Whitty; Noes: None; Abstain: Welter).

January 11, 2017

Boardmember Fetter requested the following amendment on page 3:

- Vice Chair Welter referred to Detail 4 on A-4 and confirmed that the applicant did not include the scabbed on rafter tails because they were not sure if they were going to put that in, but could if the Board wanted it included."

ACTION: It was M/S/C (Fetter/Whitty) to approve the DRB Minutes of January 11, 2017, as amended; approved by voice vote: 5-0-2 (Ayes: Benz, Fetter, Livingston, Welter and Whitty; Noes: None; Abstain: Leader and Woldemar).

APPROVAL OF AGENDA

ACTION: It was M/S/C (Whitty/Fetter) to approve the agenda; approved by voice vote: 5-0-2 (Ayes: Benz, Fetter, Leader, Livingston and Welter; Noes: None; Absent: Whitty and Woldemar).

Public Forum – Brown Act – None

City Council Liaison Report – None

CONSENT CALENDAR:

Chair Whitty announced that there were no Consent Calendar items and asked and confirmed members did not wish to place any items on the Consent Calendar.

She announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, February 20, 2017 by 5:00 p.m.

Public Hearing(s)

- 1. PLN16-286 NEW SINGLE FAMILY RESIDENCE**
Description **(HELD OVER FROM 01/11/2017) PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE ON A VACANT PARCEL**
Location 217 VERNON AVENUE
APN 561-152-015

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Zoning RL-2, SINGLE FAMILY LOW DENSITY RESIDENTIAL
Owner VINTAGE INVESTMENT PROPERTIES
Applicant PANFILO ARMAS
Staff Contact JONATHAN MALAGON Recommendation: **CONDITIONAL APPROVAL**

Jonathan Malagon presented the staff report and described the scope, layout, and key elements of the request for a design review to construct a new single family residence on a vacant parcel.

Chair Whitty stated the Board reviewed this project on January 11th and the applicant did everything the Board asked of him.

Boardmember Woldemar said he apologized he was not in attendance at the meeting and had the following comments which he said could be incorporated into conditions:

- Condition No. 3 talks about an 8" wide fascia board on all elevations. On the construction details, Number 4 over A-4, a 2x8 will not work in this detail and he asked that no more than a 2x6 be used. Because there are additional elements laid in on the bottom, the fascia board should come over the top of the elements that are coming in.
- On the drawing page, there is a detail for horizontal boards on the fence and it indicated that those boards would go 8' on center. They will warp and he suggested there be a mid-spaced vertical 2x4 with stops to hold in the boards, which is an easy fence detail to use.
- He asked whatever happened to the Portland Principles or the Ahwahnee Principles and he asked if they should apply to some of these. He specifically remembers that the garage in the front of the house shall not be on the same plane as one another and there was a discussion about 4-6 feet offsets. Many of the homes coming before the Board are not compliant with that.
- Lastly, there was a wonderful sketch he believes Boardmember Livingston may have done and on the front face on the columns on the front entry was a stepped projection with a nice planter sitting on top which is not reflected on the new drawings. He suggested something like that be incorporated because this makes the entryway better.

Chair Whitty questioned if these would be amenable to the applicant.

PANFILO ARMAS, applicant, stated they did project a small pedestal that comes out which is in the plan. Regarding the fence, originally, the fence was vertical but staff recommended changing the first 20 feet to horizontal and they can put the posts 4' on center to provide the additional support, and Boardmember Woldemar confirmed.

Mr. Armas stated he agrees with the 2x6 fascia board which is more reasonable because trusses are 2 x 4.

Boardmember Livingston voiced the following comments:

- On the exterior elevations, the eave detail on the roof element over the entry seems exceptionally fat and he asked that on a condition they should Detail 4. Mr. Armas confirmed.
- He suggested another condition that the stucco stone or manufactured stone should go around the base of the building and return to a fence on either side, but it should also go around the corner and end at the entry door wall, and he provided a drawing to Mr. Armas.

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- What is not implied in the drawings is how the stucco stone is applied and there is an implication that there is a cap on top of it on the elevations, but it does not show in side profile, and he provided Mr. Armas with a detail of it.

Boardmember Woldemar referred to Condition No. 1 and said the last sentence indicates that “annotations by the applicant as to where the conditions of approval shall be indicated in the drawings.”

The public hearing was closed.

ACTION: It was M/S/C (Livingston/Woldemar) to approve PLN16-286 with 4 design review findings and staff’s 17 conditions, plus the following revisions and additional conditions: Condition No. 3 to be changed from 8” to 6”; to revise fencing per Boardmember Woldemar’s comments for a mid-spaced vertical 2x4 with stops to hold in the boards or for the applicant to put post 4’ on center; amend Condition No. 1 for the last sentence to indicate that “annotations by the applicant as to where the conditions of approval shall be indicated in the drawings”; to add Condition No. 18 that the entry roof eave details shall match Detail 4; add Condition No. 19 that the stucco stone shall return to entry door wall and to fences on either side (see diagram); approved by voice vote: 7-0 (Ayes: Benz, Fetter, Leader, Livingston, Welter, Woldemar and Whitty; Noes: None).

2. **PLN16-385 MAKING WAVES ACADEMY EXPANSION**

Description PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT TO EXPAND THE MAKING WAVES ACADEMY CAMPUS. THE PROJECT CONSISTS OF RENOVATION OF EXISTING CLASSROOM FACILITIES; EXPANSION INTO ADJACENT PARCELS TO BE INCORPORATED AS PART OF THE MASTER PLAN; AND CONSTRUCTION OF THREE NEW CLASSROOM BUILDINGS, TWO GYMNASIUMS, OUTDOOR RECREATIONAL AREAS, ASSOCIATED PARKING, AND INFRASTRUCTURE IMPROVEMENTS.

Location 4075, 4123, 4131, 4175, AND 4301 LAKESIDE DRIVE, AND 2900, 2925, AND 2975 TECHNOLOGY COURT

APNs 405-371-034, 405-371-035, 405-371-010, 405-371-032, 405-371-033, 405-371-025, 405-371-013, AND 405-371-014

Zoning IL, INDUSTRIAL, LIGHT

Applicant MAKING WAVES FOUNDATION, INC. (OWNER)

Staff Contact JONATHAN MALAGON Recommendation: **HOLD OVER TO FEBRUARY 22, 2017**

Chair Whitty announced that this item was being held over to February 22, 2017.

3. **PLN16-618 HENSLEY AUTO REPAIR SHOP**

Description **(HELD OVER FROM 01/25/2017)** PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT FOR A NEW ±9,500 SQUARE FOOT AUTO REPAIR SHOP AT 1080 HENSLEY STREET.

Location 1080 HENSLEY STREET

APN 561-319-009

Zoning LI, LIGHT INDUSTRIAL

Owner MMJR, LLC

Applicant BRIDGET HERDMAN, TRIO HOLDINGS, LLC

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Staff Contact JONELYN WHALES

Recommendation: **CONDITIONAL APPROVAL**

Jonelyn Whales presented the staff report and said the project will be forwarded to the Planning Commission as a Board recommendation for a CUP. She noted that the applicant owns the 1 ½ acre corner lot which has been vacant for years and wishes to develop a new 9,500 square foot auto repair shop. He will subdivide the lot, sell the front half of it and this project will be closer to the railroad tracks in the back off of 7th Street.

She suggested the applicant described the scope of the request, said there will be some office space there and 20% of the applicant's business will be cleaning tanks and storing chemicals on site and this is the reason for the CUP. She stated the neighboring property conducts a similar business next door and a fire station is located across the street, with Chevron further down on Hensley Street. She commented that the design is somewhat residential in design which is a nice transition given the next area is the Iron Triangle which has all residential development.

Boardmembers voiced the following comments, questions and concerns:

- Boardmember Livingston referred to the 8 ½ x 11 sheets and said they are dated the same but are different than the 11x17 larger sheets. He noted that A-2 in the small set are site general conditions, A-1.1, A-1.2, A-3.1, A-3.2 and A-6 are not in the larger set, and he noted there are differences. Some of the key notes did not make sense and it looks as though they have been corrected in the 8 ½ x 11 set as well as additional details. The Board decided to review the 8 ½ x 11 set.
- Boardmember Woldemar noted that two past Boardmembers are part of this project; Brenda Munoz and Diane Bloom.
- Boardmember Woldemar stated the Board reviewed this project at its last Board meeting, but there is nothing in the staff report that indicates what changes have been made. Ms. Whales stated the item was held over without discussion. She clarified there was a change in the notation for the recommendation to the Planning Commission for a CUP because of the chemical storage, as well as information added to the CEQA exemption.
- Boardmember Woldemar referred to Condition No. 2 and asked to insert the paragraph about annotations on the conditions of approval in the drawings so that they can be found.
- Boardmember Livingston referred to CEQA guidelines and said he did not believe the project was categorically exempt from CEQA because he read in the CEQA guidelines that if there are any hazardous chemicals that pose a public health issue, they cannot be categorically exempt.

Attorney Rachel Sommovilla stated the Board can find comments regarding this in the staff report under Environmental Review, which states "The structure is not less than 10,000 square feet and will not involve the use or storage of a significant amount of hazardous materials." When dealing with such an exemption, staff works with consultants and the fire department to provide documentation regarding the exemption and there is a letter from the fire department about that exemption which was not attached.

Boardmember Livingston said there is a letter that tries to justify that from BAAQMD; however, it is an invalid document because it was made for SI-1 at Pycon, Inc. shop located on San Pablo Avenue so it is like going to DMV with a smog certificate from some other car, and he did not believe it has been properly reviewed to arrive at a CEQA exemption.

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Ms. Whales explained that the reason why this example was attached to the staff report is because they are currently operating in San Pablo and it is affiliated with his business operation. Boardmember Livingston stressed that it is not to the site and it will be invalidated before they even start construction and he did not think this should be in the staff report.

Ms. Whales said the applicant wanted to show that he currently has a permit for the same type of chemicals that he is going to bring to this site. Boardmember Livingston said they need to come up with metrics as to whether this is going to be harmful to the public and by putting in another document that has nothing to do with this site is irrelevant.

Ms. Sommovilla commented that the Planning Commission will make the ultimate determination for CEQA and she suggested staff look for additional documentation to provide the CEQA exemption for the Planning Commission.

Boardmember Livingston said his point is this did go through an environmental review and the public was not noticed correctly, and he asked that this process be undertaken properly. He said styrene and the off gassing of these chemicals is an air quality issue and the person who quoted that the fiberglass resin and catalyst used in their potential air pollutants, before they are used they are hazardous but not after they are mixed is completely wrong. As soon as someone mixes styrene and methyl ethyl ketone peroxide, it starts the catalyzing process and it off gasses and is dangerous. The MSDS sheet identifies this and there is a lot of misleading information and he did not believe it was categorically exempt.

Ms. Whales explained that the document came from the BAAQMD and Boardmember Livingston stated his point is that the CEQA exemption is not for the proposed project address but the former address, the noticing was not done and that those living in the Iron Triangle should be noticed that there will be styrene and methyl ethyl ketone peroxide. Ms. Whales confirmed that the applicant will be applying for a new permit and this is a condition of approval as well. While she is not attempting to make any determination, she noted there is a railroad track there and a pipeline separates their properties from his property. This is the reason why the City has the opportunity to use some of the exemption so these projects are not flooded with CEQA documentation.

Chair Whitty asked the City Attorney if the project should be removed from the agenda and re-noticed.

Ms. Sommovilla said no; it can go to the Planning Commission and the DRB can state its concerns with the recommendation and if the Planning Commission believes it needs additional review they can determine this, as she confirmed that the DRB is not the reviewing body for CEQA.

Boardmember Fetter stated it will need to be noticed properly for the Planning Commission, and Ms. Sommovilla stated she thinks staff believes the exemption is correct, the noticing is correct for the exemption and the Planning Commission will make a decision on the CEQA and decide if that exemption is correct and determine whether further environmental review is required.

The public hearing was opened.

The applicant stated currently they operate in San Pablo and do mostly field repairs for Chevron Refinery, Shell and other refineries and 80% of their work is conducted out in the field, but they have the shop in San Pablo where they store chemicals, pickup trucks and the fiberglass material they need, pipe fittings, etc. and stored in San Pablo. They are renting their shop now

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and wish to move to Richmond. They own the property and are right next to them. He explained their operations stating they come to the shop in the morning, load their trucks and do all work inside refinery tanks at the sites. At times, they carry chemicals in trailers but then they are washed but they are usually pre-scheduled and their crew consists of only 3 people who are mostly out in the field.

Chair Whitty asked if the applicant has received comments or concerns from neighbors. The applicant said they are in an industrial area but across the fence are residential single family homes and to the west is an apartment complex. The chemical storage unit is in their parking lot which has its fire suppression system, alarms, inspections by the county and state and BAAQMD permits.

Boardmember Woldemar posed the following questions and comments:

- He referred to sheet A-1.1 which is the site and plan and he asked where the refuse area will be included. Vice Chair Welter pointed out that number 18 is the refuse area.
- He confirmed with the applicant that there is no gate to the entry to the project. Ms. Munoz said in working with staff, they wanted to leave this area open for landscaping.
- He asked Ms. Munoz to show the fence detail. Ms. Munoz described it and said it will extend from each side of the property. There is an existing fence in the back of the property.
- He referred to sheet A-1.2 and confirmed the color board was before the Board. He supported the burgundy color which is a nice visual base to the building, but thinks the white roof will be too bright. He suggested the roof be the same green as the fascia boards and gutters.
- He referred to sheet A-3.1, detail #7 and noted that there is a detail showing the transition from the metal siding to the stucco base. He did not think this would work as water will run down metal siding and run right in behind the stucco. He pointed to Sheet A-4 in the upper corner and said there is no flashing treatment at the stucco wall. He suggested installing flashing here and Ms. Munoz agreed.
- He referred to the larger drawings on Sheet L-3 and noted there are 4 different trees that are labeled 50 gallon trees which he thinks should be changed to 24" box.
- He asked that Condition #2 be adjusted to indicate where to find the conditions of approval as satisfied. Other than these comments, he supported the design and said it would seem like a nice place to work.

Vice Chair Welter referred to the elevations and he confirmed the stucco base goes all the way around the building and he asked to slightly adjust the notes on the plans a bit which he explained to Ms. Munoz.

Chair Whitty asked and confirmed that the straw waddle will only be in place during construction. She thanked Ms. Munoz for providing photographs and details and asked that the empty lot be kept mowed and garbage-free.

Boardmember Leader posed the following comments and questions:

- The landscape plan symbols are small and difficult to read.
- He asked that a row of red maples be placed along the front and that they be spread further apart at 15 or 20 feet.
- He asked to move the Tristania to the inboard side and limit these to 2 or 3, at 15 gallon sizes which will make a clean line at the front.

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- Along the sides he suggested running the Escallonia shrub all the way from one end to the other.
- Along the back he asked to run a row of red maples the same way.
- He noted that the vines growing on the metal trellises will experience issues with growing well and he suggested removing these or put up Bougainvillea that will grow well without the need for much maintenance.
- He asked that automatic irrigation be required, that plants grow out of the ground and to remove the planters.
- Lastly, he referred to areas on the plans that look white and confirmed this represented bark.

Boardmember Livingston posed the following questions and comments:

- He referred to refuse at building #2 and asked if Richmond Sanitary Service approved this. Ms. Munoz pointed to the location of the dumpster and Boardmember Woldemar suggested placing it on the warehouse side for ease of use, and Ms. Munoz agreed.
- He referred to the detailing on the trellises and said there are no details for the overhang. He drew a sketch and suggested using wide flange beams and not putting a stucco base on it but instead a wide flange beam vertical and horizontal support. Ms. Munoz stated the details were provided by the manufacture and she was amenable to his suggestion. He referred to the arbors on the sides and the sloped roof which should be the same detail, and he distributed the sketch to staff.
- He referred to 5,000 Kelvin lighting and asked to change this to 3,000 Kelvin which will be a warmer light.

Boardmember Benz and Boardmember Fetter voiced their support of the project and agreed with comments made thus far.

Boardmember Livingston voiced concerns with proper noticing and CEQA requirements.

Ms. Whales said many of the noticed owners are industrially zoned and the residential neighborhood was not within the 300 foot radius. Also, BAAQMD has already issued permits for the business to operate. Boardmember Livingston asked and Ms. Whales confirmed that staff will increase the noticing radius to 1,000 feet and/or whatever is needed to include the residential neighborhood, and that the noticing indicate the specific chemicals used.

Ms. Sommovilla suggested that when the item is heard by the Planning Commission, staff provide documentation about the permit issued from BAAQMD for the San Pablo site and a statement that if the operation does not change from the previous location, that the permit would be issued for the new location.

The public hearing was closed.

ACTION: It was M/S/C (Whitty/Welter) to forward a recommendation to the Planning Commission to approve PLN16-618 based on staff's recommended 4 findings and staff's 15 recommended conditions; with the following additional conditions: 1) the color of the roof will be green; 2) ensure flashing is added to be between metal siding as it connects to the stucco base; 3) change the 5,000 kelvin lights to 3,000 kelvin lights; 4) use wide flange beams vertical and horizontal supports for the arbor and roof; 5) change 50 gallon boxes to 24" box; 6) remove center planter row and install plants along building edges; 7) along the front set the red maples at 20 feet on center and use 24" box; 8) use

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Escallonia on both sides from front to rear; 9) plant red maples in the back from end to end; 9) consider bougainvillea or other hardy vine for the trellis; 10) use 2 or 3 15 gallon box size for the Tristania; approved by voice vote: 7-0 (Ayes: Benz, Fetter, Leader, Livingston, Welter, Woldemar and Whitty; Noes: None).

Board Business

A. Staff reports, requests, or announcements - None

B. Board member reports, requests, or announcements

Boardmember Woldemar referred to a stainless steel building by the Bayview off-ramp off of I-580 and said it looks to be complete and used inside. He believed they were also going to need to paint the existing building to match the new building. They also need to paint a couple of bright white doors and landscaping.

He said these issues may be due to weather, but he asked that the staff person responsible for that project, to write a memo for the next meeting to provide an update. He asked whether the conditions will be met and on all projects moving forward, he asked to receive a memo that tells the Board that all conditions have been met and instituted.

Secondly, Boardmember Woldemar said as of revision date 11/4/15, there was a DRB contact information list of Boardmembers and dates of their terms of expiration. Whoever authored the list indicated that all boardmember terms expire on the 17th of March 2017. This is on the City's website as well, and he asked that staff coordinate with boardmembers wishing to continue to re-apply.

He said he and Chair Whitty are termed out given they have served 8 years and because of adjustments in the zoning ordinance, he also said they can continue to serve another 6 months to provide the Mayor with the ability to find new applicants.

The Board adjourned at 7:30 p.m. to the next meeting on February 22, 2017.