

MINUTES APPROVED AT THE DRB MEETING ON FEBRUARY 22, 2017

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
440 Civic Center Plaza, Richmond CA 94804
September 14, 2016
6:00 p.m.

BOARD MEMBERS

Eileen Whitty, Chair	Ray Welter, Vice Chair
Meredith Benz	Brant Fetter
Tom Leader	Jonathan Livingston
Mike Woldemar	

Chair Eileen Whitty called the meeting to order at 6:10 p.m.

ROLL CALL

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

Absent: Boardmember Meredith Benz

Staff Present: Jonelyn Whales, Jonathan Malagon and Assistant City Attorney James Atencio

APPROVAL OF MINUTES - None

APPROVAL OF AGENDA

ACTION: It was M/S/C (Woldemar/Livingston) to approve the agenda; approved by voice vote: 6-0-1 (Ayes: Fetter, Leader, Livingston, Welter, Woldemar and Whitty; Noes: None; Absent: Benz).

Public Forum – Brown Act

CORDELL HINDLER, Richmond, requested that the DRB hold a 7-Eleven Study Session.

City Council Liaison Report - None

CONSENT CALENDAR:

There were no Consent Calendar items. Chair Whitty stated that for any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, September 26, 2016 by 5:00 p.m.

Public Hearing(s)

- 1. PLN16-169 ALI SECOND-STORY ADDITION**
Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT FOR A ±990 SQUARE FOOT (SF) ADDITION TO AN EXISTING RESIDENCE, CONSISTING OF A ±610 SF EXTENSION OF THE FIRST FLOOR AND A ±380 SF SECOND FLOOR ADDITION.

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Location 3200 TULARE AVENUE
APN 526-150-001
Zoning RL, SINGLE-FAMILY LOW DENSITY RESIDENTIAL
Owner REHMAT ALI
Applicant IVONNE GOMEZ
Staff Contact JONATHAN MALAGON Recommendation: **HOLD OVER TO
SEPTEMBER 28, 2016**

Chair Whitty announced that this item is held over to September 28, 2016.

2. PLN16-450 AMETHOD PUBLIC SCHOOLS PLAYGROUNDS

Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT FOR A ±24,500 SQUARE FOOT OUTDOOR PLAYGROUND AT BENITO JUAREZ ELEMENTARY SCHOOL ON 1450 MARINA WAY SOUTH, AND A ±7,300 SQUARE FOOT OUTDOOR PLAYGROUND AT THE PROPOSED JOHN HENRY HIGH SCHOOL ON 1402 MARINA WAY SOUTH.
Location 1450 MARINA WAY SOUTH AND 1402 MARINA WAY SOUTH
APNs 560-181-097 AND 560-181-060
Zoning CM-5, COMMERCIAL MIXED USE, ACTIVITY CENTER
Owner MARINA BAY PARTNERS LLC
Applicant AMETHOD PUBLIC SCHOOLS
Staff Contact JONATHAN MALAGON Recommendation: **CONDITIONAL APPROVAL**

Jonathan Malagon gave the staff report and described the scope, layout, and key elements of the request for a design review permit for outdoor school playgrounds.

Boardmembers voiced the following questions and comments:

- Boardmember Livingston referred page L-1.0 and the larger playground restriping of the auto circulation drop-off. There is only 15 feet of back-out at the bollard area which reduces parking by about 7 spaces, and he asked if the drawing has been updated noting it was improperly drawn.
- Boardmember Woldemar said he noticed that the staff report asks for approval of the design. Historically, when a project is being forwarded to the Planning Commission is it usually as a recommendation of the design work and asked if there had been a change in policy, given wording in the staff report does not represent this.

Mr. Atencio explained that this is a unique situation and to avoid confusion, the best approach would be to split the motion in two; one motion on Site 1 to approve the design review permit and secondly, to recommend to the Planning Commission approval for Site 2.

- Boardmember Woldemar asked that Mr. Atencio also note that the next item’s staff report is similar in its requests and said he would bring this up at that time, as well.
- Boardmember Woldemar asked if there will be changes to the exterior appearances of either of the buildings, noting that the DRB did not see Site 1’s building and he asked whether any changes in landscaping, building colors or other items would warrant it to return to the DRB.

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Mr. Malagon said no; the revisions only include interior work. The only changes to the outdoor are to the exterior of the site which are the playgrounds.

- Boardmember Livingston confirmed that the new zoning ordinance affecting charter school regulations would most likely take effect at the beginning of 2017.
- Chair Whitty noted that on the drawings, Benito Juarez Elementary is listed as 1450 Marina Way South and John Henry High School should be 1402 Marina Way South, which states "1450" on all drawings.

Mr. Malagon apologized and said he received the drawings late. Site 2 should state 1402 Marin Way South.

- Chair Whitty asked if both schools could use both parks and said these should be multi-use parks. Mr. Malagon deferred to the applicant.
- Chair Whitty asked if all outdoor furniture has been ordered and said he was opposed to much of it. Mr. Malagon also deferred to the applicant.

Chair Whitty asked for the applicant's presentation.

JORGE LOPEZ, CEO, Amethod Public Schools, applicant, Oakland, stated his design team is present and they can answer questions of Boardmembers.

- Boardmember Livingston referred to the question about sharing of facilities, and based on California State law, it is a requirement that they be able to share facilities.

Mr. Lopez said this is correct and one of the nice things of having both schools together, as there are multiple siblings attending both schools.

- In response to Boardmember Woldemar, Mr. Lopez referred to the east side sidewalk and said they are committed to developing a continuous sidewalk as part of the 1402 CUP application.
- Boardmember Woldemar noted on the east side of the street there is a large shrub bend which hides the front end noses of cars there. If a sidewalk is installed, there will only be 5-6 feet of planting area there and shrubs will be removed causing a conflict with car noses. Boardmember Fetter noted this goes against the City's guidelines for screening parking lots. He suggested that the public sidewalk possibly be directed closer to the buildings on the other side of the parking driveway.

The architect retained for the project stated this was not included in his scope of work for the project, and Chair Whitty suggested it be added to the list of conditions.

- Boardmember Woldemar said staff makes a recommendation for something other than chain link fencing. He noted that both sites are touching on one of the major public spaces in the City and he was opposed to chain link. He said because of public adjacencies, walkways and the public site, he distributed a picture of alternative fencing examples. One is between the two new charter schools at Hilltop. The other is at the corner of San Pablo Avenue and Barrett Avenue and has a series of vertical pipe at roughly 4" on center standing 6' tall coming out of a concrete band which is very elegant.

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- Boardmember Woldemar asked that more color be added to the site and banners or flags because the two playgrounds adjoin major circulation in the city.
- Boardmember Woldemar said the fence should have some in and out to them and not simply straight. There are examples in the city such as Tech Center II at the foot of Pt. Richmond. This also had a lot to do with the landscape pattern, and he asked that the applicant make both playgrounds exemplary.
- Boardmember Woldemar referred to Boardmember Livingston's comments regarding the access path coming in and reducing the driveway width and temporary bollards. This is answered by moving the access path to the north one parking strip which reduces 4 parking spaces and this is similar to one of the other pathways coming into the other side of the project.
- Boardmember Leader said the site is over-parked and he asked what the decision-making process was in identifying these specific areas as the size they are. He said if the parking is not needed, he suggested making more play area.

Mr. Lopez said the queuing of their traffic flow goes into that. It shortens up the queue but makes it longer to bring more cars onto the street. In terms of the 1402 site, that playground falls between both buildings and this would create a safe zone between both campuses to honor the sharing of playground spaces.

Boardmember Lopez said the playground for Site 2 could be made bigger without sacrificing the school's functionality. Mr. Lopez said right now it is divided by the building and if they push it out further, they will have to build another gate. This is the larger common area which has more space and a café and neighbors.

Chair Whitty said she thinks the drop off area should be back further towards Marina Way South. Mr. Lopez said the main building has a main tenant leased by Chevron. This is one of the reasons they try and consider all of their neighbors for the flow and gating. Had they used the front, it would make sense for a larger playground and use the side as a drop-off, but this is part of their leased space.

- Boardmember Woldemar asked why additional tree landscaping has not been considered in the parking lot, as the zoning ordinance requires 1 tree per 4 cars in the lot. This would reduce the count, but noted the site is fairly vacant and he said he remembered the site being reviewed under the old Marina design review process which the DRB had nothing to do with.
- Chair Whitty asked if the applicant considered other ideas for the drop-off site that would work. Mr. Lopez said part of their due diligence was a traffic survey for both sites. Through various designs with the goal of keeping kids safe, cars queuing off the street, this was the best final draft design.
- Chair Whitty asked what the population is of the 1450 site and Mr. Lopez said it is permitted at 650 students and the other 1402 site is at 1450 students. He said they do not provide busing but they have a safe routes policy and have a very active carpool program, as well as a policy where they offer families Clipper cards.

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- Boardmember Livingston said the site is very windy and his critique with the play yard is there is nothing blocking the wind. He thinks the open fencing will let the wind come right into the playgrounds and kids have no refuge. He thinks there needs to be a shift in the design parameters that allows protections and he suggested berming in the dark red areas to provide protection. The mounds would have height and planted with Ceanothus or something dense or possibly cypress. On the bay side, there are some parks with berms and plantings. He sits behind the plantings for warmth at lunchtime. In response to questions regarding types of wood, he suggested Epay on a galvanized frame in some areas.
- Boardmember Livingston noted that a comment letter was received from the Marina Bay neighborhood association regarding noise and a solid fence would be better tools to shield sound and address wind. Mr. Lopez noted that the Fire Department brought up safety issues with an enclosed fence and also with the original design of traffic flow.

Don Perez, former Fire Chief, was recognized by Boardmembers to address the Board. Mr. Perez said it is typically a public safety consideration especially for the police department and suggested police's input as well. He explained they want to be able to see into the site, and Boardmember Livingston said it would not be in the entire area but just some areas to mitigate wind and be spaced wood.

- Boardmember Livingston said there is a soccer field drawn on the plans of about 60x120 and he asked to remove the comment about it being a soccer field and striping which is misleading. Mr. Perez said the plan is for a multi-sport area.
- Boardmember Livingston asked to reposition the seating to get it out of the wind.
- Boardmember Livingston said there are steel benches drawn on the plans in both playgrounds which are very cold and rusts, and he asked that the tables and benches in the seating area be wood and that all steel needs to be stainless or galvanized.
- Boardmember Leader said he feels strongly that the job here is to take office buildings sitting in a sea and asphalt and humanize it for kids and people working here to have places that are not parking. The parking circulation and how decisions were taken should be shown, such as drop-off, pickup, entries, additional landscape areas, and he suggested reducing parking to a minimum needed and everything else go towards campus landscaping and softer areas like additional berming for wind protection, bio swales, areas of inspiration, and he thinks there is a missing site plan and circulation for the entire campus. He asked to be able to see an overall campus plan to understand its function and spaces.
- Chair Whitty referred to Site 1 and asked and confirmed that the area labeled "multi-sport striping" is the oblong, painted asphalt track for multiple sports and she confirmed it was paint on asphalt. She encouraged the applicant not to use asphalt for kids to run on and asked to use gravel or rubberized material.
- Chair Whitty said she sees a couple of trike racks and asked that there be bicycle racks, given the school is TK through 8th grade, and the architect said there is about 20 existing bicycle racks adjacent to the frontage of the building. They are large with perforated metal like those at BART. On the front side of 1402 are the smaller trike racks, and said they encourage students to bike. Chair Whitty asked for more racks given the number of students attending.

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Boardmember Fetter commented that typically there are enclosed bike cages with lockup areas that are opened up during school entry and exit times and then they are closed to be secure. There are great designs and he thinks they need to be secure.

- Chair Whitty referred to benches and asked to add backs to some of them because those without backs are very uncomfortable.
- Chair Whitty referred to the 1402 site and said there are many bolted down tables, benches and chairs which are unwelcoming. She asked that backs be put on at least half of them.
- Chair Whitty referred to Sheet L-1.0 asked and confirmed that the shade structure at the 1402 site is. The architect said the detail is on Sheet L-3.0 which is an umbrella with steel posts. He said the specific request made by the Planning Commission was for a percentage of shade which is part of the CUP. They will use a single post for the 20x22 umbrellas which are rated by DSA and approved for wind load. Chair Whitty suggested using some sort of arbor structure instead of a big steel plate on top of a big steel post. This would provide shade and she asked that at least 3 arbors be installed over the 9 oblong tables.
- Boardmember Woldemar referred to Site 2; eastern fence that looks out to the water and said this is the wind side. He thinks this area would be easy to achieve on and off walled fencing. For the seating area, he confirmed these were grades 9 through 12 and liked the incorporation of tables. He was curious as to where and how children are getting here, as this relates how the design should work.
- Boardmembers Woldemar and Livingston submitted their sketches to the applicant.
- Boardmember Livingston referred to the smaller playground and said he overlaid a full size basketball court and one full size court occupies 5 of the other courts. He was opposed to having high school kids playing on what is essentially less than half, half-sized basketball courts. Boardmember Fetter agreed and said the half courts are even smaller and the courts should be something of legal dimensions.
- Boardmember Livingston said entrances to the handicapped ramps to the west are too constrained, as the ramp interferes with the gates.
- Boardmember Livingston said wind will be coming in from the sides and blowing hard and there is no wind protection to the building, and he asked that this be addressed.
- Boardmember Livingston supported implementation of a canvass shade structure and have them built locally by a sill maker using umbrellas and lashings that are resistant to UV degradation. It should also be a galvanized frame so as not to rust and fall apart or similar comments he had for the steel structures.
- Vice Chair Welter asked and confirmed that the dots represented on the plans were line-up striping on the asphalt.
- Boardmember Fetter said more importantly is how the entire site works from a kids' or user's standpoint. He said if an area is used for ball play, there will be a ball trap zone and eventually, the school will end up putting a fence along the edges so balls are

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caught so kids are not continuing to run into the landscaping. The placement of the fence, how it relates to the activity in the area and what it fronts on is a very important aspect, and he asked to show this.

Chair Whitty opened the public comment period.

Public Comments:

FERNANDA REYES said she is a 5th grade student and voiced support for development of a playground and said students need it to get energy out and stay healthy.

ROSIO GONZALEZ, Site Director, Benito Juarez Elementary School, shared her vision for a playground with balls bouncing, kids laughing and playing with each other. Kids are doing many things on playgrounds but also developing their social and emotional skills, cognitive abilities and getting healthy. She looks forward to the completion of the playground and said they have not had one for many years, appreciates comments of the Board and said some of the design ideas were her and thanked the Board for focusing and wanting the best for students.

Boardmember Livingston said if the school is up to 650 students, he asked how many students use the playground at any one time. Ms. Gonzalez replied that they rotate recesses and lunch periods so about 100-150 students are there at the same time.

CORDELL HINDLER, Richmond, agreed with all comments and supported development of the playgrounds for the benefit of students.

Boardmember Leader asked for professional efforts be dedicated towards overall campus planning as well as accurate drawings.

Vice Chair Welter asked the applicant to identify parking requirements for both buildings given the amount of hardscape in an effort to identify additional outdoor play and green space.

Chair Whitty said she does not see the drop-off in front of the park as being the place for kids to be dropped off, and Boardmembers reminded her of the inability for this, given Chevron's leased space upstairs.

ACTION: It was M/S/C (Woldemar/Whitty) to hold over PLN16-450 to October 12, 2016 to revise the plans per comments and the sketches of Boardmembers; approved by voice vote: 6-0-1 (Ayes: Fetter, Leader, Livingston, Welter, Woldemar and Whitty; Noes: None; Absent: Benz).

- 3. PLN16-313 ACCURATE AUTO BODY**
- Description (HELD OVER FROM 08/24/2016) PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A ±24,600 SQUARE FOOT AUTO BODY REPAIR FACILITY.
- Location 3033 RICHMOND PARKWAY
- APN 405-372-001
- Zoning IL, INDUSTRIAL LIGHT
- Owner WANG BROTHERS INVESTMENTS, LLC
- Applicant STEVE ROTH, RICHMOND PARKWAY PROPERTIES, LLC
- Staff Contact JONELYN WHALES Recommendation: **CONDITIONAL APPROVAL**

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Jonelyn Whales gave the staff report and described the scope, layout, and key elements of the request for a design review permit to construct a 24,600 square foot auto body repair facility and noted that the item was held over from August 24, 2016 and Boardmember Woldemar had provided comments.

Boardmember Woldemar referred to the staff report which state some of the comments have been incorporated into the revised design. He noted there is still a need for trees for every 4 parking spaces as well as the roof slope of the one-story building which should mirror other buildings in the adjacent complex. His marked up drawings and comments were about 6-8 pages long and many of those items were accounted for.

Boardmember Livingston referred to "Environmental Review" which states "The applicant has submitted a noise, geotechnical and traffic report and other environmental studies for staff review and analysis to determine the appropriate conditions to mitigate any unforeseen impacts of the businesses in the area." He asked if an MND was done. Ms. Whales stated staff determined there would be a categorical exemption due to infill of less than a 5 acre site.

Mr. Atencio added that in order to qualify for that particular exemption under Section 15332 for infill development, it is unique and it requires the other studies referenced in the statement to show there are no traffic, noise or other impacts.

Boardmember Livingston asked if there were any less than significant impacts and whether the study was available, specifically for air quality. Ms. Whales stated there were none and the reports were on file. Ms. Whales stated the air quality study was Ramboll Environ, Inc. and she distributed the study for Boardmembers to review.

Boardmember Livingston noted that the Board must make Finding #2 which is that the project will not be detrimental to the public health, safety or welfare. Mr. Atencio stated the Board could ensure this is conditionally satisfied by the Planning Commission based on approval of the CEQA exemption.

Chair Whitty asked for the applicant's presentation.

DOUG GIFFIN, Campus LLC, applicant representing Accurate Auto Body, thanked Ms. Whales and Boardmember Woldemar for their time and assistance in working through design details and said they are seeking the Board's approval to move forward. He said the entire design team was present tonight, provided a brief overview of their company background and project elements, and introduced the project architect, Thomas Lumikko with Studio Bondy Architects.

Thomas, Lumikko, Partner, Studio Bondy Architecture, said they collaborated with staff and Boardmember Woldemar and noted that some of the updates did not make their way to the refreshed package which he discussed. He gave an overview of the project and asked for questions of the Board.

Boardmember Woldemar confirmed staff provided his list of comments and questions to the applicant, as follows:

- He referred to the stacked block walls in the corner where the transformer is in total is 11' tall, and he asked to know more about its design which needs to be incorporated into the documents, given the fact that the project ultimately is inspected by Planning staff.

Regarding easements and rights:

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- The project is dependent on someone else's driveway and he asked what gives the auto body facility the right to use that driveway. On Sheet #2, he provided an example, stating the storm drainage for the project attaches to the far eastern corner, through an easement out to the other entrance, and he asked for proof of this easement, given it affects drainage.
- Along the western driveway access, they are removing several existing parking spaces and he asked what gives them the right to do this.
- On page 3, there is the requirement for one tree per every four parking spaces. He was not sure this should apply to the entire project, but at least on this project's side of the drive aisle, trees might well be required.
- At the center of the existing building, there is a triangular wedge area shown as asphalt. This should be a larger area of landscaping in order to break up the scale of this building.
- At the front underneath the canopy there is a ground cover #6 labeled "decomposed granite", which he thinks is a strange location for the customer parking area.
- The long strip of real property that runs towards San Pablo Avenue is now indicated as fully completely landscaped, but the rest of it in front to the sidewalk is usually the applicant's requirement for landscaping as well. He asked that this be included and incorporated with the City street trees.
- He could not find the type of fence proposed. He saw locations of chain link fences with slats and others, and he asked that these be delineated.
- In the landscape plan, there was no indication for vines in the fences or hanging over the block walls which soften the site.
- Notes also talk about using a seed company's particular wildflower mix. This is fine but he asked what happens when the plantings look like weeds. He asked that these areas be changed to an all-year groundcover.
- The trees are listed as 24" box now; however, most of the shrubs were listed as 5 gallon cans and he believes the City usually requires 15 gallons and asked for confirmation from staff.
- Item G.1 is a groundcover which is Hahn's Ivy. Ivy has not been used in many years because it attracts rats and he asked that this be changed. Chair Whitty noted former Boardmember Diane Bloom banned ivy from all plans. Ms. Whales said they might have been trying to match what exists in the area.
- On page 4, he asked what kinds of fences exist. Some include the black picket fence and chain link with slats. He has a strong feeling about the quality of fences, and his opinion is this is the least expensive picket fence that could be proposed. Particularly along the driveway side of the storage lot, it should be much more screened.
- On page 5, in his notes they were able to eliminate what was a sail cloth type of canopy over the front drive with built forms and the red element. He said essentially, this is still a tilt-up box. Adjacent to this is a huge project of some flat and some sloping roofs with much more variety. His notes indicate that this project might have some sloping roofs and the architect did not agree because it is different from the original proposal. In looking at it and trying to understand the red elements which are referred to as towers. He understands they are hiding mechanical equipment on the roof which make sense, but in the back, he suggested a two bay solution. He asked that the one closest to the Richmond Parkway not be one bay wide but three bays long. This would help break up the linear aspect of the project.
- He suggested there be a color band that might work better on the top of the building 4-6' high. He pointed to the color board and asked if the building be brighter. He thinks the

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red is a good color but the P2 is too much grey and the whole building should be brighter and more fun.

- There are some areas around the perimeter of the buildings that have doors on the face of the building and asked that they have rain protection. He heard that the architect note that there are recesses around the building, but he could not find any. He suggested some of the openings be made of frame and stucco and recess 8" back to help break up the strong mass of the building.
- He thought it was interesting that the use of the greys for the building looked like they created a shadow of a recessed panel.

Boardmember Livingston referred to Boardmember Woldemar's comments about the towers and stretching them out. He said typically this is a wayfinding method and to him he thinks they are appropriately sized to single bays if only in the sense where people walk in. This also says there is another entrance further down, but there is not.

Boardmember Woldemar agreed with the use as a wayfinding tool, but thought about those on the opposite sides of the drive aisle and said this has to do as much with what else is going on and he suggested keeping in mind how variegated the opposite side of the street was.

- Regarding fencing, he suggested one version of it might include pilasters at 16' on center instead of a continuous fence. The other version has to do with the in's and out's. There was nothing included in the plans about color of the fences and he suggested something other than grey and black.
- He referred to the lighting submittal which did not include any color for the fixture, pole or base. He said this ties back to trying to understand what should be a comprehensive and complete project.
- He really likes the graphics, the sign proposed in the front and up on the building which is nice to be included in the package.

Vice Chair Welter echoed most of Boardmember Woldemar's comments but said he agrees with Boardmember Fetter about the size of the towers in that they should not be any bigger. He thinks it serves an appropriate purpose of wayfinding but also it breaks up the façade in the back enough.

Boardmember Woldemar questioned whether it breaks up the wall enough and relate enough to the rest of the wall of grey.

Vice Chair Welter said he thinks if anything gets enlarged it would be at the corner and it would go to one more bay which he thinks would be more than enough to break up the façade. He agrees that the colors are a little grey and it would be nice to have more color, but he thinks they should be careful with the focus color of red and not get too crazy with the other color.

Boardmember Woldemar noted there are roll up doors and said the door by the front red entry appears to be glass and all others are white sectional doors, and he asked how this fits in with all greys. He asked about the man doors which is part of properly breaking up a mass of a tilt-up concrete building.

Vice Chair Welter said he also would like to see where the recesses are. Other than that, he was confused with fencing types and their locations, as well.

He asked also to know more about the elevation relationship of the apartments which are northeast which are higher up and will have a view down and how the applicant is mitigating

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their views from mechanical equipment. Other than those items, he voiced his support of the project.

Boardmember Leader had the following comments:

- The slope behind the walls is irrigated with the wildflower mix that is typically not a good germination rate and it will turn back into weeds fairly quickly. He suggested amending the soil and installing drought tolerant groundcover and do that uniformly around the upper side by Walgreens.
- He referred to the area labeled "existing City land" which is already landscaped. He asked if this was currently irrigated and in good condition. Chair Whitty stated it is brand new and has been addressed. It includes a path and trees.

Mr. Giffin noted there is a Hilltop Landscape District and the neighborhood council representative contacted him and said they finished that project and asked if they could supplement the area with some shrubs and trees, which he wanted to confirm with the Board. He said there is a DG path and Boardmember Leader suggested adding groundcover.

- He agreed there should be vines growing up at the base of the block wall other than Hahn's Ivy and encouraged something more drought-tolerant.
- He suggested addressing the irrigation, improved soils and drought-tolerant landscaping.
- He agreed with putting a curb on the piece of paint sticking out so people can drive properly.
- He did not understand the small tongues when driving back to the lot and asked if there should be a curve so people do not park there.
- He thinks there are 18 different kinds of shrubs and this seems a bit too fussy given the type of building. He suggested cutting the list in half and simplifying it by creating larger masses.
- He said Boardmember Woldemar's suggestion of sloped roof elements and he was not sure about this.

Chair Whitty asked the applicant if they were going to turn the old development into condos and asked if there would be an added story.

Mr. Giffin clarified that this is not their project and explained that the owner of the Parkway Business Center; the Wine Brothers are parcel-izing this 2 ½ acre piece for Accurate Auto Body. They are purchasing this parcel from them. At the same time they are creating this parcel for the auto body facility, they are placing a condo map on the existing 3 industrial office buildings. They will take this multi-tenant park and sell each suite separately to existing tenants and other buyers, but it is a separate project.

Boardmember Woldemar said this touches on how design review relates from a contextual point of view to its surroundings and this is the biggest issue for him for this project.

Boardmember Livingston said he supports the project given comments, but he looked from above the project at the housing behind it and said he used to spray paint boats in the past. He spoke about the 3M Company having trained employees and at the time, they were spraying odorless compounds called *Isocyanates* which are concentrated clear coats and said 3M at the time did not make a filter to take them out of the air. Employees had to have suits to spray the compounds which had to be pressurized to give painters fresh air and the homes did not have filters to remove them, hence the reason he asked about details regarding the air quality study.

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He noted that he contacted the BAAQMD staff and they indicated they had not analyzed this. The MSDS sheet for *Isocyanates* indicates not to spray this in a confined area, as it is extremely toxic and questioned whether this compound could be used.

He pointed out that the exhaust parameters for the paint booth at the time the consultant conducted their study were not available. Table 4 shows PM 2.5 trigger levels and potential emissions and it states that the proposed *Ethylbenzene* emissions are above the 2.5 chronic trigger levels and proposed copper compound emissions are above 3.5 at acute trigger levels. Therefore, a short and long term health risk analysis is warranted.

Having been in the business he said BAAQMD has not yet come up with anything to address this, but he thinks there needs to be a condition that stated, "A signed statement from the BAAQMD be received indicating that airborne *Isocyanates* that are the result of automotive painting cannot pose a health problem for adjoining neighbors." This would settle the matter, but BAAQMD admitted they had not studied *Isocyanates* and they think it is a problem, and that their Enforcement Division was being alerted and then they would write a rule on it.

Boardmember Fetter and other Boardmembers stated that given the DRB must make a finding related to health this condition should be included with what is forwarded onto the Planning Commission.

Chair Whitty confirmed with (female owner of shop) Tiffany Silva that the BAAQMD is one of the strictest agencies in the United States. They went with water based paints before it was even a requirement. In many parts of California it is not a requirement and their project meets and exceeds requirements of all other districts in California.

Ms. Silva said she agreed there are *Isocyanates* in the clear coat. The filtration system stays in the booths they have and it is above and beyond what 99% of the shops are spraying at. They spent about \$200,000 on the booth and filtration system to protect not only employees, the environment and the school, but she noted there are auto body shops all over next to schools and residential areas and they do not have this equipment. She must report to the BAAQMD each year the quantity, types of materials sprayed and they analyze how much is being emitted into the air, and this is how they develop their permit. They have reviewed the new location and sent out a notice to the public and technically, tomorrow she would receive her air quality permit, but she was unsure of what (they) would determine now. However, she said the filters that are now developed are compliant for OSHA standards, as well as BAAQMD requirements.

Mr. Giffin said he was happy to get more detail on this for the Planning Commission, but opposed the Board creating language to control another agency's regulations.

Chair Whitty suggested the Board indicate that it has concerns with this compound and the Planning Commission can consider it.

Boardmember Fetter voiced the following comments:

- He returned to the tower discussion and said he would suggest that the back tower be a slight tone change from the main building as a solution. Other than that, he would keep this area the same.
- He was very happy with the design but thinks it would be better with more of a reveal in the windows and insets, but he was happy with the form without the sloped roofs.
- The landscaping is an incredibly important portion for the industrial building. He voiced concerns with site lines and being able to see the fence design and the back storage lot

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from other businesses. He can see revisions to the landscape are a big improvement but he asked that there be balance between the landscaping and the fencing.

- He deferred to Boardmember Leader as far as how far landscaping goes towards screening because otherwise, the fence should make up for this. Boardmember Leader said what is proposed will sufficiently screen.

Chair Whitty opened the public comment period.

Public Comments:

AREZOU SHADABADI, Richmond, Making Waves, reiterated that Accurate Auto Body has been great neighbors and does not have a problem with their location now or if they move.

The public hearing was closed.

After a motion by Chair Whitty and a second by Vice Chair Welter, and Boardmember Woldemar abstaining on the final vote for reasons that the drawings are not complete, the following additional conditions were discussed and confirmed:

- Boardmember Woldemar asked that 1 tree per every 4 parking spaces be an added condition. Ms. Whales noted that there are 4 trees in the parking area. Any additional trees would impede the operations of the auto body facility and this is the reason staff asked the applicant to add planting elsewhere on site which has been accomplished. She clarified that this would not require a CUP. Boardmembers briefly discussed this issue with the Hilltop parking lot and the way in which businesses operate, which is sometimes hard to impose.
- Boardmember Woldemar pointed to an area labeled as a striped, no parking area. Boardmember Leader said he could suggest landscaping in this area. Mr. Gippin noted that they do not own this property. It is currently paved and it is required for back up distance. Boardmember Woldemar clarified that parking spaces were deleted and the angled line is the back of those car spaces. Mr. Gippin said the bigger issue is that they do not own the land and there will be a combined easement with the sale of the property. Boardmember Woldemar asked that some negotiations be made such that this area be landscaped, and Mr. Gippin said the negotiations are already confirmed and this could not be accomplished.
- Boardmember Woldemar asked about the City owned area and added groundcover, and Mr. Gippin said they are happy to work with and supplement the Hilltop District's landscaping and confirmed that all sloped areas should have proper irrigation, soil amendment and a shrubbery type of drought-tolerant groundcover versus hydro seed. The shrub palette should also be simplified and made more consistent.
- Boardmember Fetter asked if it was that important to simplify it as opposed to the other conditions being required of the applicant, and he suggested this simply be a recommendation. Chair Whitty noted that the applicant is amenable to simplifying it and asked that it remain.
- Vice Chair Welter asked to replace the square curbs to be curved at the entry to the storage lot so people cannot park and block that location. The applicant confirmed this could be.

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- Boardmembers questioned fencing as a condition and Mr. Gippin presented the proposed fencing for the project, stating the fence at the front is a vertical picket aluminum fence. At the top of the terrace wall in the back, the rest of the security fencing around the back lot is black chain link screened with landscaping.
- Boardmember Woldemar asked and confirmed the location where the chain link fencing starts beyond the gate and continues at the top of the wall to the building. He pointed to the last edge which he said is viewable from the public access to the adjoining property and suggested it be different. Boardmember Fetter said he got the impression that the landscaping would obscure this. Boardmember Leader said given the dedication to planting, it is okay to have a black chain link fence and he did not believe it was reasonable to require additional fencing.
- Vice Chair Welter referred to PL-1 and said a portion of the fencing is clearly on the Walgreen's lot, and Mr. Gippin said the only fence proposed is on their property. Boardmember Livingston suggested triggering a conversation with Walgreen's that the fencing is on their property and hopefully they can do something about it.
- Boardmember Woldemar said there is landscaping on the outbound side of the fence along the eastern edge to the yard area facing onto the road and it is a series of manzanita and a lemonade berry, which Boardmember Leader said is a 4-5' high shrub planted tightly as well as others planted in between and he thinks it is adequately handled.
- Boardmember Woldemar confirmed that the fencing is proposed with slats, but Mr. Gippin said they can go to a black vinyl coated fence, and Vice Chair Welter suggested implementing a tighter weave and Ms. Silva said currently, someone could cut the chain link fence and enter their property. Boardmembers noted slats are no less secure, and Vice Chair Welter said with a tighter 1" weave mesh they cannot climb over it, which is a benefit and he and Ms. Silva agreed would look nicer than slats.
- Boardmember Woldemar asked if vines should be required to grow up the chain link fence, and Boardmember Leader and Boardmembers agreed.

ACTION: It was M/S/C (Whitty/Welter) to recommend approval of PLN16-313 to the Planning Commission, with staff's 4 findings with particular emphasis on Finding #2 that the condition is conditionally satisfied dependent upon the Planning Commission's determination of public health and safety; and with staff's recommended 15 conditions with the following additions: add Condition No. 16 to require a signed statement from BAAQMD that airborne Isocyanates in automotive painting cannot pose a health problem to adjoining neighbors; add Condition No. 17 regarding the following landscaping items: that the City-owned Hilltop Landscape District sloped areas have proper irrigation, soil amendment and a shrubbery type of drought-tolerant groundcover versus hydro seed and that the shrub palette should also be simplified and made more consistent, and that no wildflower seeds be used and instead replace with drought-tolerant groundcover; add vines to walls, simplify the shrub types; Condition No. 18 that the current square curbs be curved at the entry to the storage lot so people cannot park and block the location; Condition No. 19 to indicate and coordinate colors of light fixtures, poles and base to conform as natural aluminum; Condition No. 20 that the proposed fencing be tightly black vinyl chain link fence on the east side with vines and dedicated irrigation;

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approved by voice vote: 5-0-1-1 (Ayes: Fetter, Leader, Livingston, Welter and Whitty; Noes: None; Absent: Benz; Abstain: Woldemar).

Board Business

- A. Staff reports, requests, or announcements** – None.
- B. Board member reports, requests, or announcements** – Chair Whitty reported that she was walking the landfill area and saw a bus load of people there. She announced that she will not be present on September 28th due to her attendance at a conference. Lastly, the City lost the UC Berkeley development due to recent events.

The Board adjourned at 9:30 p.m. to the next meeting on September 28, 2016.