

**DESIGN REVIEW BOARD MEETING**  
**Multipurpose Room, Civic Center Building, Basement Level**  
**450 Civic Center Plaza, Richmond CA 94804**  
September 11, 2013  
6:00 p.m.

**BOARD MEMBERS**

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

Vice Chair Fetter called the meeting to order at 6:09 p.m.

**ROLL CALL**

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

**Absent:** Boardmember Ray Welter

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

**APPROVAL OF MINUTES - None**

**Public Forum - Brown Act - None**

**APPROVAL OF AGENDA**

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

**CONSENT CALENDAR:**

Chair Fetter noted the agenda consists of three (3) Consent Calendar items. . He asked if any members of the Board, staff, or audience wished to remove an item.

Boardmember Woldemar requested removal of Item 2 in order to add conditions of approval for landscaping.

Chair Fetter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, September 23, 2013 by 5:00 p.m.

**ACTION: It was M/S (Woldemar/Whitty) to approve the Consent Calendar consisting of Items 1 and 3; unanimously approved (Ray Welter absent).**

**Items Approved on the Consent Calendar:**

**Public Hearing(s)**

**CC 1. PLN13-104 AVILA NEW SINGLE-FAMILY RESIDENCE**

Description **(Held Over from 8/14/2013)** PUBLIC HEARING TO CONSTRUCT A NEW ±2,881 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH A ±484 SQUARE FOOT GARAGE TOTALING ±3,365 SQUARE FEET WITHIN THE POINT RICHMOND HISTORIC DISTRICT. *(THIS ITEM WAS HEARD BY THE HISTORIC PRESERVATION DESIGN REVIEW SUBCOMMITTEE ON 6/19/2013).*

Location MONTANA STREET, BETWEEN NEVADA & BUENA VISTA AVENUE  
APN 556-141-002  
Zoning SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL)  
Applicant ENRIQUE AVILA (OWNER)  
Staff Contact KIERON SLAUGHTER Recommendation: **HOLD OVER TO 9/25/2013**

**CC 3. PLN13-191 STANDARD OIL ADMINISTRATION BUILDING SEISMIC & ADA UPGRADES**

Description PUBLIC HEARING FOR SEISMIC AND ADA UPGRADES AT THE FORMER STANDARD OIL ADMINISTRATION BUILDING, A LOCALLY LISTED HISTORIC RESOURCE. *(APPROVAL RECOMMENDED BY THE HISTORIC PRESERVATION DESIGN REVIEW SUBCOMMITTEE ON 8/29/2013).*

Location 100 CHEVRON WAY  
APN 561-100-040  
Zoning M-3 (HEAVY INDUSTRIAL)  
Owner CHEVRON USA INC  
Applicant ELENA LINARES  
Staff Contact HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**

**Items Removed from the Consent Calendar:**

**CC 2. PLN13-186 J.T. THORPE & SON INC. COMMERCIAL ADDITION**

Description PUBLIC HEARING TO CONSTRUCT A ±3,083 SQUARE FOOT TWO-STORY ADDITION TO AN EXISTING OFFICE BUILDING AND WAREHOUSE.

Location 1060 HENSLEY STREET  
APN 561-319-017  
Zoning M-2 (LIGHT INDUSTRIAL)  
Owner RICH GIARAMITA  
Applicant KIRK VORAL  
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

Boardmember Woldemar referred to the last sentence on page 3 of 7 in the staff report, which indicates that the applicant proposes to remove approximately 500 square feet of landscaping on the right side of the property to install 3 additional parking spaces. Staff concluded that the landscaping is more beneficial and useful than the 3 spaces and recommended that landscaping remain. He proposed that the 500 square feet on the right side remain as landscaping and be added as condition #14. He questioned whether the applicant had any comment on this.

Chair Fetter said additionally, on the left side on the property landscaping is shown on the plans but it is obvious that it does not exist. He asked if this comes into play in staff's calculations.

Kirk Voral, Voral Construction, applicant, said he is the contractor and also working with San Joaquin Design Group on plans, stated that the back area was very messy and they poured concrete. The tree still exists and the landscaping still wraps around the area. Boardmember Woldemar asked staff to present the aerial photograph to confirm the tree and landscaping still exists.

Mr. Voral said it is not completely gone, and he said there is no power to the light pole. Mr. Slaughter confirmed that the intent of the area being paved was not for vehicular access, but simply to clean it up. He confirmed there is currently partial landscaping and the area paved over was mulch only.

Boardmember Woldemar questioned and confirmed that the photo provided in the staff report still looks like what currently exists, but it would mean that the mulch would be removed. Mr. Slaughter noted that the Board's recommendation is to leave the mulch as well as the existing tree.

Vice Chair Munoz asked to ensure that the tree be maintained.

Boardmember Woldemar suggested an additional condition as Condition #14, indicating that "Existing landscaping shall remain and that the three cars shown on the plans shall be deleted."

**ACTION: It was M/S (Woldemar/Robin Welter) to approve PLN 13-186 with the staff's recommended 4 findings, staff's recommended 13 conditions with the additional 14<sup>th</sup> condition that "Existing landscaping shall remain and that the three cars shown on the plans shall be deleted"; unanimously approved (Ray Welter absent).**

- Board Business**
- A. Staff reports, requests, or announcements – None.
  - B. Board member reports, requests, or announcements
    - 1. Master signage plans and policy discussion

Jonelyn Whales noted that Boardmember Woldemar prepared a memorandum on the sign program and she suggested entertaining the highlights of it for discussion. Staff could return and present the Board with master sign programs that have passed, but would like to open up the dialogue and continue the matter to another meeting.

Boardmember Woldemar stated that he came away frustrated from the Hilltop Plaza sign discussion. It was one of the few times he voted no on any action of the Board. His hope was to trigger discussion among the Board to provide staff with direction or guidance so that perhaps changes could be implemented to the process. He thinks one of the biggest problems as a Board is getting consistency from staff and from the zoning ordinance. He suggested going through 6 major topics and discuss them.

Boardmember Woldemar said the first has to do with sign programs, the Board's right to review signage as it relates to architectural projects and the most recent case was the Volkswagen dealership. Signage on the building was clear but there was reference to a pylon sign which the Board has no idea of what it looks like, whether it is consistent with the architecture and ordinance, and he thinks the Board should see these signs as part of the approval process. Language in the ordinance relates to signage being compatible with the architecture of the building. He said a recent example was the Wal-Mart at San Pablo and Macdonald and its signage.

Ms. Whales said the planner was Hector Lopez and she believes the sign program was complete. Chair Fetter said he believed staff assured the Board that it would be approved by staff and he thinks the Board should go over this process, as this is where the confusion lies. He said it is important to understand how the process should work.

Boardmember Woldemar read an excerpt from the zoning ordinance and said it is clear that this should be included in staff's report, include particular colors and construction of signage.

Chair Fetter said it seems that in previous meetings, staff has treated signs as a separate piece. Ms. Whales said if an applicant has a new tenant in an existing building, the signage would be reviewed by staff and determine whether it is consistent with the current sign ordinance unless they had a sign program. Boardmember Woldemar said the Board should see signs that are associated with storefront remodeling, and Ms. Whales agreed. When the sign ordinance was written, she believes it pertained to new buildings; however, staff can get an interpretation of this from the Planning Director.

Boardmember Woldemar referred to El Cerrito Natural Foods and said they have done a major remodeling to the exterior of what was the paint store including signage. He asked and confirmed it did not come to the DRB because he was told it was less than the threshold of 1,000 square feet. However, he calculated it and it was over 1,000 square feet. The store actually got some great signage and he suggested using it as a model for other applicants, but the Board never reviewed it. He said this is his point about consistency.

Chair Fetter said delineating what comes before the DRB and what staff reviews needs to be consistent.

Boardmember Whitty questioned what is exempt and how is administrative design review determined. Ms. Whales said staff has the design review ordinance, and there is a section that deals with what projects are exempt. She said anything less than 1,000 square feet for commercial or industrial buildings is handled by staff. Anything that is 250 square feet or less is usually handled by staff over the planning counter.

Chair Fetter questioned why there is such inconsistency and asked for another example. Boardmember Woldemar said there is a sign ordinance specifically dealing with more specifically one-only kinds of signs. This is clearly staff's prerogative. There are some provisions that allow administrative design review to approve certain signs, and everything else comes to the Board. However, if the Board comes back to discuss this, it would be important for staff to define each of those increments so everybody has a clear understanding of what the Zoning Administrator is able to approve and not approve. He said in his view, as soon as it is more than one tenant, it falls into a category that returns to the Board and ultimately falls under a master sign program because of multiple signage.

Boardmember Woldemar said it is clear that the ordinance addresses remodeled buildings and therefore, the Volkswagen signage should be reviewed as part of that remodeled structure. Signage and architecture in his mind should come together. Ms. Whales said however, when Whole Foods came to Richmond, staff did not know what signage they would present. The only reason why that did not come to the Board for review is because the Board approved signage for that building about two years before. They indicated they could build within the approved specifications and all signage was allocated based on the Point Pinole Business Park master sign program.

Boardmember Woldemar said he knows there is a two-year cap on design review approvals, and it seems to him that after that time, the Board should review new signage. Ms. Whales noted also some tenants and businesses have development agreements in place, but any other

type of permit approved would have to apply for a one year extension as approved by the Planning Director.

Boardmember Whitty questioned and confirmed that the Hilltop signage was paid for through assessment of homeowners, and Boardmember Whitty said she did not pay for it and she lives there. She asked how the design review of the signage was done. Ms. Whales stated the Planning Director, Public Works and the actual homeowner associations. Ms. Whales said just like Atchison Village, they have stringent guidelines on improvements, but this was based on recommendations of their Homeowners Association board. Boardmember Whitty questioned why it did not get agendaized anywhere, and Ms. Whales said their signage was approved years ago. Boardmember Whitty said, however, they replaced it. Boardmember Woldemar asked where it states in the sign ordinance that it is not required to come before the Board. Ms. Whales said whenever a PA is done, sometimes development guidelines are exempted from the Municipal codes.

Chair Fetter said in his experience with working on PUD's in other jurisdictions, he has had to go before DRB's for projects. He did a school in San Rafael on a PUD and he had to go in front of the DRB for those changes and for signage. Ms. Whales said possibly because of the City's code is written. However, the City of Richmond is different, and she will bring a copy of the PA section in the Zoning Ordinance. She clarified that the signage code before the Board was a copy of the City of Sunnyvale's ordinance.

Boardmember Woldemar suggested that there are a couple of items less than consistent, but if in fact the PUD ordinance says the Board does not have to review signage, it should be changed because depending on the signs coming forward, it may affect major populations. There should be a public hearing involved.

Boardmember Whitty suggested returning with information on what is exempt and why. Also, who approves the exempt signage, how and why?

Chair Fetter said the question is how signage is separated out between staff review, board review, and master programs and how member elements relate to the overall scheme and the order in which they are approved. He said it seems there needs to be better guidelines established about visual representation of sign programs so that when it comes back, staff has something to compare for each element. So far, they are being approved as if they are a stand-alone sign.

Boardmember Whitty stated the only official exempted signs in Richmond now are notices posted by public officers in performance of their duty, traffic control and danger signs. Ms. Whales said a couple of years, the City was sued in 2009 by sign developers because of their sign code and Mary Renfro re-wrote the sign code. The new code is not language specific as to what a tenant could place on their sign. Litigation is still on-going and this is one reason they have not updated the sign code.

Boardmember Woldemar said what would be appropriate is a spreadsheet of two columns where staff can describe the issues raised, and in the second column, identify responses and copies from the zoning ordinance. He thinks it needs to involve more than Ms. Whales. The Board should discuss this because they are getting closer in adopting a new zoning ordinance for the major part of town which is the specific Livable Corridors plan with the form based code.

Boardmember Woldemar said his next item described relates specifically to Hilltop Plaza. He noted that all the Board had to approve was words and they did not get graphic representation of what the words meant. He included a couple of photos on page 1 and 2 simply to ask and direct the staff to say, this application should not have even been accepted without graphics

involved. The words were fine. The applicant discussed the 99 Cent Store and what got approved was up to 78" tall from what was originally 48" in the master sign program. His question to the Board and staff was, what would a 78" tall logo look like anywhere on their façade. If it were 78" what proportion would it have been to the façade, as in that particular façade, the top of the "99" is adjacent to the top of the fascia to the left? He questioned what it would look like from the view from the parking lot where part of it was lined up below the front fascia. This has to do with architecture and signage, and the same issue applies to the ends of building signs, which was a new topic in their sign program. The south end was discussed specifically and he asked where would they put a "Party City" sign at 78" high on the façade, and he thinks the Board should have been given an opportunity to see the graphics. He did not believe there was enough information in the staff report to make a proper decision, the application was not complete nor the staff report, and these are the things that bother him.

Chair Fetter said the applicant was very resistant and he knows from other design projects where a graphic could represent several different positions. He would like to know why the request is unreasonable request, and Ms. Whales said staff feels it is a reasonable request. He suggested graphic representation of different scenarios that do not violate second amendment rules. Ms. Whales said they deliver the packets on Friday and if there are questions, she asked that Boardmembers contact staff on Monday or Tuesday. Boardmember Whitty clarified that the Board would like a graphic representation of every sign.

Regarding master sign programs, Boardmember Woldemar said when he went through the City's sign ordinance, he found only one reference to master sign program under definitions, which is "signage included as part of a new building or part of building modifications subject to design review by the Zoning Administrator or Design Review Board." He asked that the City institute zoning revisions, and Ms. Whales said staff is open to modifications because the City is currently updating its zoning ordinance. Boardmember Woldemar stated the master sign programs he reviewed were that they usually applied with buildings with two or more tenants, which makes sense. The Hilltop Shopping Center did have a master sign program and he came across the exact same sign program for a shopping center in Antioch. He asked that staff follow-up with the applicant and ensures that all requirements are met when applications are brought to the Board. Chair Fetter questioned the validity of the information brought forth by applicants and he questioned whether staff has checked this. He noted additional items are changed in documents which are not flagged, and he worries about applications coming to the Board if information is not accurate or complete. Boardmember Woldemar stated this usually is due to the fact that the applicant rushes the process, yet the Board is trying to be professional and he reiterated the need for sticking up for good and communicated design, and this is what he believes is the bottom line is that staff should spend some time ensuring information is complete.

Regarding freeway proximity signs, Boardmember Woldemar stated the Board included in the Board action for the Hilltop Plaza the inclusion of a pylon sign without knowing anything about it. Chair Fetter said the applicant presented some comments about it, its height above the freeway, and Boardmembers questioned specificity on it. Boardmember Woldemar said freeway proximity regulations require signs to be 660 feet away from centerline of freeways, under the Business and Professionals Code. Ms. Whales noted this is in the public right-of-way of Caltrans and their jurisdiction. Boardmember Woldemar said when going past the Hilltop Shopping Center and said for example, the chain link fence is the 660 foot point, and the sign will be made 50 feet taller than the right-of-way. The service area below is at least 50 feet down from the freeway elevation and in the master sign approval, the Board approved a 100 foot tall pylon sign, and he questioned what this would look like. Chair Fetter stated this is going to be approved by staff. Ms. Whales said she believes it will return to the Board, and Chair Fetter supported this. Boardmember Woldemar said his point is that at the time the project was approved, there was a different ordinance called the freeway proximity ordinance, and this is



why there are no Honda Store graphics on the Richmond portion of the Honda store, as half of the store sits in Richmond and half in El Cerrito.

Boardmember Woldemar said in essence, he asked that if the Board approves a sign, he thinks the Board should know how it is to be approved, and he asked that the applicant be put on notice about this. He noted the Board did not approve the design, but he read, "amendments included the following additional allowed sign: C.1: Double faced illuminated, multi-tenant pylon sign to be allowed 400 square foot maximum at 50 feet above the freeway grade perpendicular to Interstate 80." He said the one on the existing building is parallel, so this was a completely new sign. So, this is in the master sign program and the question is how it gets approved from a design point of view if and when they elect to do it.

Regarding Item 5, the freestanding monument signs, Boardmember Woldemar said again there is no graphic representation, but they did sketch which was ultimately redone in a real drawing that Mr. Slaughter shared with the Board. He noted that the sketch was approved and staff is going to approve the drawing. Three-quarters of the material and colors listed in their drawing are to be determined. He asked staff what they are approving. Ms. Whales said she did not have an answer on this project.

Boardmember Woldemar said beyond that, there are specific requirements in the ordinance, one of which is, "The base of the supporting members of each freestanding sign shall be located in a planted landscape area. The landscape area shall be differentiated from adjoining paved areas by a border at least 4" above ground level. All planted landscape areas shall be irrigated and maintained on a regular basis." He said the Board received nothing about landscaping. Ms. Whales said the Board should be asking those questions of staff. Chair Fetter noted that Mr. Slaughter indicated to the Board that this will be approved or reviewed later, and he thinks it skirts what the Board is asking for and does not satisfy the Board's need to clarify the master program. Ms. Whales agreed.

Boardmember Woldemar asked why staff, on every project, recommends Consent Calendar approval, and Ms. Whales said they do this to move things along. In the past, they used to have 13-14 items. Some items will be pulled, but she could suggest to staff that some projects not be placed on the consent calendar. Chair Fetter noted he has done many projects in San Francisco, Marin, Napa and Sonoma and he is ecstatic if he gets on the Consent Calendar; however, typically, where everybody loves the project, it will still normally not be placed on it. Boardmember Woldemar said before Ms. Whales was liaison, he was Chair and he and Dan Cortland used to have a Wednesday morning conversation where they would go through each item and project before the meeting. Ms. Whales suggested contacting Sabrina Lundy in the planning department to arrange to have a similar discussion meeting between staff and the chair of the Design Review Board.

Boardmember Woldemar said last on his list was calculation of sign area. He said he has never heard the term 12 side maximum from an applicant and he went back and looked and there are a dozen different ways to measure. The City's ordinance does not describe it, and Ms. Whales said yes there is no reference in the City's ordinance. She said they would like to include graphics. Boardmember Woldemar noted that the corridor study provided great graphics, but he also noted that if the Board goes by the rules of the applicant for the 12 side maximum, they could do a 20 foot long, 10 foot high tan sign with a big colored graphic in it, not including the can, all illuminated, and they could do just the size lettering that meets the ordinance, and it would comply with the City's ordinance. So, this is not design but throwing cans on a wall and putting numbers on it, and this was why he was trying to understand the method. He did find what some people use and it does not make any sense. He said there are good graphics and bad graphics, and good signs and terrible signs. It is a function of high quality design and sometimes some of the signs where they ultimately are located on buildings are terrible.

Boardmember Whitty said the Board should consider when looking at Item 6, this is how the sign companies make their money and the Board needs to acknowledge what the sign will actually look like.

Chair Fetter said why is it so convoluted; the sign representatives may not have covered the alternative scenario that Boardmember Woldemar thought of only because the whole purpose is to build cans that fit the letters and not one with a single sheet with an applied face. The reason they did not pay attention was that it is just an omission due to industry standard and something described in a condition is counter to the logic for the purpose of this, yet for the Board's purposes, it encompasses the need to address it.

Boardmember Woldemar said in using the Fremont Tech Center sign as an example, they come up with decently designed signs and they set it up. In this case, it is easier because they are doing office tenants and not individual tenants with branding and logos. He does not think this is the Board's job, but he thinks they should be able to clarify things with the Board. But, he has never heard of a 12 side maximum sign, and Boardmembers agreed they hadn't either.

Boardmember Woldemar said in form based zoning, there is a lot of sign information that was very clearly illustrated and how to do it, so a document like this would be explicit. He noted Ms. Whales provided Sunnyvale's sign code and they recently undertook revisions and had their attorneys review it, as well as sent it out to a special attorney. Their code went from 12,500 words to 9,900 words, where staff had it at 8,500 words. She was trying to provide a straight-forward example of a sign code; however, there are problems with it. They only have a commercial district along El Camino. Boardmember Woldemar said what is important is the graphics that go along with the text. He thinks the example has a lot of things covered, but it helps with communication, and he confirmed that staff is including graphics in the City's revision.

Chair Fetter asked Boardmember Woldemar if there is a specific request of staff going forward, and Boardmember Woldemar thinks staff should come up with a set of rules that everybody can understand and communicate. He would like to see something more about it in a month or so.

Chair Fetter closed discussion on signage and Boardmembers thanked Ms. Whales. He asked Ms. Whales to let him know whether the pylon sign for the Hilltop Plaza Center will be returning to the DRB, and Ms. Whales agreed.

Boardmember Woldemar asked Ms. Whales to ask Ms. Lundy who will prepare an amended membership list. He wanted to know how many more terms he has, or when he was initially appointed.

Boardmember Whitty noted her absence at the next DRB meeting.

Chair Fetter questioned if there were any candidates for potential boardmembers, and Ms. Whales noted that those who have an interest submit their applications directly to the Mayor's office.

**Adjournment:**

The Board adjourned at 7:40 p.m. to the next meeting on September 25, 2013.