

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804

October 8, 2014

6:00 p.m.

BOARD MEMBERS

Eileen Whitty, Chair
Brant Fetter
Ray Welter

Robin Welter, Vice Chair
Brenda Munoz
Mike Woldemar

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

ROLL CALL

Present: Chair Eileen Whitty; Vice Chair Robin Welter (arrived late) and Boardmembers Brant Fetter, Brenda Munoz and Ray Welter

Absent: Boardmember Woldemar

Staff Present: Jonelyn Whales, Hector Rojas, Kieron Slaughter, Hector Lopez, and Assistant City Attorney Rachel Sommovilla

APPROVAL OF MINUTES

May 14, 2014:

ACTION: It was M/S/C (Whitty/Fetter) to approve the minutes of May 14, 2014; unanimously approved by voice vote: 3-0-2-1 (Ayes: Fetter, Munoz and Whitty; Noes: None; Absent: Robin Welter and Woldemar; Abstain: Ray Welter).

May 28, 2014:

ACTION: It was M/S/C (Whitty/Ray Welter) to approve the minutes of May 28, 2014; unanimously approved by voice vote: 4-0-2 (Ayes: Fetter, Munoz, Ray Welter and Whitty; Noes: None; Absent: Robin Welter and Woldemar).

June 25, 2014:

Boardmembers Ray Welter and Fetter requested the following correction:

- Page 3, 3rd paragraph, under the Jack in the Box project: "Boardmember Ray Welter referred to Item 1 which states the residence project shall be built in substantial plans."
- Page 4, last paragraph: "it is unenforceable to have something conditioned when designated for employees."

ACTION: It was M/S/C (Ray Welter/Fetter) to approve the minutes of June 25, 2014, as amended; unanimously approved by voice vote: 3-0-2-1 (Ayes: Fetter, Munoz and Ray Welter; Noes: None; Absent: Robin Welter and Woldemar; Abstain: Whitty).

August 13, 2014:

ACTION: It was M/S/C (Whitty/Fetter) to approve the minutes of August 13, 2014; unanimously approved by voice vote: 4-0-2 (Ayes: Fetter, Munoz, Ray Welter and Whitty; Noes: None; Absent: Robin Welter and Woldemar).

APPROVAL OF AGENDA

ACTION: It was M/S/C (Whitty/Robin Welter) to approve the agenda; unanimously approved by voice vote: 4-0-2 (Ayes: Fetter, Munoz, Ray Welter and Whitty; Noes: None; Absent: Robin Welter and Woldemar).

Public Forum – Brown Act

Bruce Beyaert, Trails for Richmond Action Committee (TRAC), distributed Bay Trail maps to the Board, stating they have 32 miles of trails built in Richmond. On the North Shore south of Pt. Pinole Regional Shoreline, the City just received a \$63,000 grant based on an application from TRAC to prepare bid documents and receive approval for bay trail on the east side of Goodrick Avenue, north of the Richmond Parkway to connect with the new 1.5 mile Breuner Bay Trail segment that EBRPD will be opening next year. By 2016 it will go to the Atlas Road to Hilltop Road area to Albany.

He said also important is the upcoming Council's consideration of a contract to be awarded to complete the Bay Trail gap along Garrard Boulevard between Cutting Boulevard and the Ferry Point Tunnel, entirely funded by grant money. This is the last gap around the loop except the segment around the former Terminal One shoreline project. Lastly, he said there is a lot going on across the Richmond-San Rafael Bridge. The City may have funding for design work to build a Bay Trail from Marine Street to the toll plaza area of the bridge which piggy-backs off of a Marin project. The EBRPD has prepared through a grant from Chevron to continue that trail along the shoreline north of the bridge to the Point Molate Beach Park. Finally, there is controversial project surrounding the top westbound deck of the Richmond-San Rafael Bridge for two-way bike traffic.

In response to a question of Boardmember Ray Welter, Mr. Beyaert reported that a team of MTC and Richmond representatives are working with Caltrans with regard to the bridge. Regarding getting to the toll plaza from the Point Molate trail, it is looking positive and less problematic than the bridge project. Regarding the section from Garrard to the toll plaza along I-580, Mr. Beyaert said this was the City's preferred route south of I-580 apart from the freeway and while attractive, it was very expensive. They are now compromising and the Bay Area Toll Authority (BATA) wants to put the trail entirely on the Caltrans right-of-way on the north side of the bridge. They are trying to get the trail as wide as they can so it will be attractive for bicycles and pedestrians.

Chair Whitty suggested changing "western" on the master plan and identify it with its new name of "Stenmark Drive."

Noted Present:

Vice Chair Robin Welter was noted present at 6:12 p.m.

City Council Liaison Report - None

CONSENT CALENDAR:

Chair Whitty stated there are two items on the Consent Calendar and she asked if Boardmembers or the public wished to remove any items from the Consent Calendar. Boardmember Ray Welter requested removal of Item 2.

ACTION: It was M/S/C (Whitty/Ray Welter) to approve the Consent Calendar consisting of Item 1; unanimously approved by voice vote: 5-0-1 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter and Whitty; Noes: None; Absent: Woldemar).

Chair Whitty announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, October 20, 2014 by 5:00 p.m.

Item Approved on the Consent Calendar:

Public Hearing(s)

CC 1. PLN14-164	CHEVRON REFINERY INDUSTRIAL BUILDING	
Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±120,000 SQUARE FOOT INDUSTRIAL BUILDING FOR MAINTENANCE AND OPERATIONS AT THE CHEVRON REFINERY.	
Location	841 CHEVRON WAY	
APN	561-100-043	
Zoning	M-3 (HEAVY INDUSTRIAL DISTRICT)	
Owner	CHEVRON USA, INC	
Applicant	ELENA LINARES	
Staff Contact	HECTOR LOPEZ	Recommendation: CONDITIONAL APPROVAL

Item Removed from the Consent Calendar:

CC 2. PLN14-122	JIMENEZ NEW SINGLE-FAMILY RESIDENCE	
Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±1,700 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A VACANT PARCEL AND TO ALLOW TWO UNCOVERED PARKING SPACES IN THE FRONT YARD.	
Location	DUBOCE AVENUE	
APN	561-262-009	
Zoning	SFR -3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT)	
Applicant	ADILENE JIMENEZ (OWNER)	
Designer	ROBERTO PENA	
Staff Contact	HECTOR LOPEZ	Recommendation: CONDITIONAL APPROVAL

Mr. Lopez gave an overview of the request, stating the project consists of construction of a new home. There are two lots involved; one at 3,400 square feet and the other at 2,100 square feet. In order to construct a single family dwelling the two lots must be merged into one lot so the square footage is at least 5,000 square feet and the lot will be merged as part of the design review permit. Subsequently, another application for design review will be sought for the second dwelling which will be limited in size to 640 square feet.

Chair Whitty asked if there were any setback, parking, or zoning concerns. Mr. Lopez said no; however, he noted the site is a bit awkward. A subcommittee meeting with Boardmembers Robin Welter and Mike Woldemar was held a couple of months ago and a number of comments and suggestions were made to the applicant, which have been incorporated.

Roberto Pena, designer, Vacaville, stated he met with the subcommittee and said he was available for questions.

Vice Chair Robin Welter commented that it looks like Mr. Pena captured landscaping requirements nicely. She said the plant materials are drought-tolerant, look great and are hardy, and they blend together much better.

Boardmember Munoz commented that the windows were changed in response to her suggestions.

Boardmember Ray Welter referred to the site plan and asked for the material of the front fence, stating that only the side fence is called out as a 4 foot maximum height front fence “designed with others”. Mr. Pena clarified the fence material and design will be the same as the wooden side fence but lower at 4 feet. Boardmember Ray Welter suggested this clarification be added as a condition.

Boardmember Ray Welter encouraged Mr. Pena to use a finer stucco finish such as a dash finish and not a rough finish which he said would look a lot better with the other materials. He asked if the subcommittee discussed the porch at all, and said it seems like it is not part of the house, is small, and if kept at the same proportion the drawing shows the brick base as higher than the rest of the house base. While it may be a drafting error, he suggested the porch be wider and more inviting. Mr. Pena stated Boardmember Woldemar commented that he should try to keep it all within the roof and keep it small. Boardmember Ray Welter suggested lowering it a bit because it may not work well with the window. He explained that the roof needs flashing and it is right up against the bottom of the window. He asked to keep 4-5 inches between the two.

Boardmember Ray Welter then pointed out a drafting error at the base, stating on the side elevation it looks as though the water table line is at the same elevation as the side level. On the right elevation, he said the Board usually wants to see the base die into something vertical. On the left, it dies into the door, and he suggested this might be a strategic place for a downspout or something vertical for the base to die into. Otherwise, it looks like it is tacked on. While not in the Board’s purview, he also encouraged Mr. Pena to find space for a powder room or half bathroom on the ground floor.

Chair Whitty referred to the left and right elevations where the brickwork ends, and she asked if this would be extended. Boardmember Ray Welter noted that the brickwork does not have to be all the way around but it typically dies into something vertical. On the left it dies into the door, but on the right side it stops, and he suggested a downspout or something vertical be added. Pena provided a sketch which Boardmembers supported.

Boardmember Fetter said the columns on the porch seem awkward because they are long and thin, and he strongly recommended having wider square columns. Boardmember Ray Welter suggested keeping the depth and make it 1’4” or 1’6” square, or 1’ square, keeping in mind that the base will be larger.

Chair Whitty referred to the left side door and asked that it have a cover over it; however, Mr. Pena clarified that the door is recessed by 3 inches. Chair Whitty referred to the rear and confirmed there is no bedroom on the first floor. She asked if there were windows or doors from the kitchen. Mr. Pena said these are French doors from the kitchen.

Chair Whitty asked if the plans include a wood pergola, and Boardmember Ray Welter directed her to a photo of the pergola.

Boardmember Munoz confirmed the side fencing will be 6 feet and the front fencing across will be 4 feet and a section from the first 20 feet of the property line. She noted that double doors are proposed, but not shown on the right elevation. Mr. Pena apologized and added this to the plan. Boardmember Munoz also suggested aligning the windows on the bottom with the top windows. Mr. Pena stated he tried to align the window in the dining room with the room itself.

Boardmember Ray Welter suggested making one larger window instead of two small windows, and Mr. Pena agreed.

The public hearing was closed.

ACTION: It was M/S/C (Whitty/Ray Welter) to approve PLN14-122, with the staff's four findings and with staff's 15 conditions, with the following additional conditions: 1) stucco finish shall be a finer texture; 2) the front columns should be approximately 1'6" square; 3) the front area of the roof shall either be lowered or the window above be made smaller; 4) the brick face on the right shall extend to the right hand side of the dining room windows; 5) replace the two windows with one large window and center it; and 6) the 4 foot front fence will match the style of the 6 foot side fences and the drawing should be corrected to reflect the correct arrow direction; unanimously approved by voice vote: 5-0-1 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter and Whitty; Noes: None; Absent: Woldemar).

Report/Public Hearing

3. PLN14-030 VERLING-LAWSON RESIDENCE

Description RECEIVE A REPORT ON COMPLIANCE WITH CONDITIONS OF APPROVAL #2 THROUGH #5 OF DESIGN REVIEW PERMIT PLN14-030 RELATIVE TO PROPOSED DRIVEWAY GRADES, A CONSTRUCTION OPERATIONS WORK PLAN, AND LANDSCAPE BARRIER ALONG BELVEDERE AVENUE. THE DESIGN REVIEW BOARD APPROVED PLN14-030, A NEW 2,820 SQUARE-FOOT RESIDENCE AT 70 BELVEDERE AVENUE, ON APRIL 30, 2014. THE BOARD'S DECISION WAS APPEALED ON MAY 12, 2014 AND UPHeld BY THE CITY COUNCIL ON JUNE 3, 2014.

Location 70 BELVEDERE AVENUE

APN 558-012-015

Zoning SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL DISTRICT)

Owner MARK ASHFAR

Applicant BRANT FETTER

Staff Contact HECTOR ROJAS

Recommendation: **RECEIVE REPORT**

Boardmember Fetter stepped down from the dais and participated as the applicant in the report.

Mr. Rojas stated when this item came before the Board in April 2014, the Board adopted conditions of approval that required three specific items to return to the DRB to receive a report. These conditions were also upheld by the City Council when the appeal was heard in June. The items include:

- 1) A drawing that shows that the driveway will be designed in a fashion that would not allow cars to scrape the driveway. The drawing was reviewed by the Building Division and found to be acceptable;

- 2) A construction operations work plan which is included as Exhibit C. This details some methodologies of the applicant and contractor will employ to complete various phases of construction, staging, blockages of the street, hours of construction, etc.; and
- 3) To receive an update on the physical barrier requested by the DRB for the public parking spot to the side of the house. The applicant requested that the Board consider a Japanese Maple tree plantings to be acceptable for purposes of that physical barrier, and staff is including this as part of the report under conditions of approval as adopted by the City Council. He noted there are three public speakers wishing to comment on the item.

Chair Whitty confirmed that the item was noticed as a public hearing and public testimony can be taken. She opened the public comment period.

Public Comments:

Bruce Beyaert noted that Katherine Burr wanted to speak, but she was unable to make the meeting and he confirmed copies of her email were before the Board at the dais. Mr. Beyaert said he lives across the street at 73 Belvedere Avenue and none of the three homes built on Belvedere block the road, yet the work plan would allow the street to be blocked between 8 and 9 a.m. without limitation or frequency for up to 16 minutes. It also allows the street to be blocked with notice to the neighbors for up to 23 hours. He questioned why the City would allow the street to be blocked, as Belvedere Avenue is one lane, 10 foot wide, a dead-end street, and two cars cannot pass between Crest Avenue and this construction site. A 5 to 16-minute delay can make a life threatening difference in the case of fire or medical emergencies. Neighbors will also not be able to get mail deliveries, garbage service, or get to and from appointments. He therefore asked that the Board impose a condition on the project to exclude blockage of Belvedere Avenue. He also thinks the work plan is vague and asked what would be done to enforce the street not to be blocked during construction. In addition, he asked where the porta potty would be located as well as the temporary utility pole, and as far as permanent installation for power, he hoped that power would come from across the street to the residence rather than one further down the street.

Chair Whitty commented that in specific areas of the City, lattice is used to shield porta potties. Mr. Beyaert reinforced his main concern as blockage of the street. Mr. Rojas stated that in reality this is not how any blockage would function, as contractors typically work from 7:00 a.m. to 6:00 p.m.

Brant Fetter, Studio Fetter, stated that adjustments were made based on requests of the Public Works Department. He said if an emergency vehicle is trying to get through, contractors will be required to open access, and he noted this is nothing unusual in current construction practices. In addressing Mr. Beyaert's written concerns about larger vehicles making deliveries, truck drivers can deliver materials via forklifts and the City does not normally tell them how to do this.

Mr. Beyaert stated his concerns are not only deliveries, but those involving concrete trucks, drilling for pilings and roofing installation. As far as emergency access, the work plan states it shall be reviewed and approved by the Fire Department. According to Inspector Munson, he said the Fire Department did not see this and fully sympathizes with the neighbors' concerns. He suggested a site be staged up from Bishop Avenue and he asked not to put neighbors' lives and property in danger by blocking their only access.

Mr. Rojas noted that he spoke with Eric Munson this morning. He reviewed the plan and had a suggestion, but no conditions to add. City departments have reviewed the work plan and none of them have concerns. He said the project is within the jurisdiction of those departments and

suggested any comments go directly to staff in those departments. The item is returning as an informational item and the DRB does not have the ability to add additional restrictions.

Boardmember Ray Welter said he agrees that the work plan is vaguely written. He does not believe the road will be closed for 23 hours and asked if there is a way to estimate the longest closure.

Mr. Fetter commented that in looking at the project, there are two pieces of steel that need to be delivered. Even if there was an adjustment to the work plan, the truck would have to crane in the material and then leave which would take about 2-3 hours. He thinks this is reasonable. While there are other deliveries, the garage pad can be used for most of those. The lower parking space will be used for storage, and there will be parking for deliveries and much of the material could be forklifted down.

Vice Chair Robin Welter said she likes the neighborhood notice, and suggested that the daily supervisor provide a phone number as a contact for neighbors.

Richard Katz, 20 Belvedere Avenue, said the neighbors feel the same and asked for no closure of the street because it is just not done. He explained that the reason this is called a street closure is that when people park on that street, it is one lane. The parking rule is part of the California Vehicle Code and states that drivers will park parallel to the direction of traffic 18" or less from the curb. The only exception to that rule is that if one is actively loading or unloading freight, which includes construction materials where one can park more than 18" from the curb, or double-park. This is a one-lane road which is different. The entire right-of-way cannot be blocked. He said if the coordination of the 16 minutes and the 8:00 a.m. to 9:00 a.m. period is on the plans he believes that the Fire Department will review this and red-tag it. Therefore, he suggested asking Studio Fetter to put this on the plans.

Mr. Fetter stated the Fire Department reviewed the work plan and made no modifications. The plan is to be used by the contractor as an outline for what they are doing. He did not see any reason to include this on the plans and did not believe it correlated to the project getting red-tagged or breaking the law.

Chair Whitty asked Mr. Rojas to alert the Fire Department that this is a sensitive project site and that this is an extremely narrow road. Mr. Rojas noted that the Fire Department is aware of this and has received several calls and emails. They did not believe changes were necessary but suggested unloading materials upwards of the crest and forklifting materials to the site, and it sounds as if this is included in the plan already.

Chair Whitty asked for landscaping comments. Vice Chair Robin Welter said the maples are aesthetically pleasing but she was not sure they would necessarily provide a physical barrier. She suggested layering a 2 foot shrub right in front of the maples which would satisfy this concern.

Mr. Fetter said he could not find the correct hedge species and asked that Vice Chair Robin Welter email him. He also did not support putting up any kind of fence which would block views and not provide any sort of barrier from people walking along the street, noting there has not been a curb there for years and it is an established condition. Vice Chair Robin Welter agreed to email Mr. Fetter the name of a species that grows to about 2 feet.

Chair Whitty reiterated that the project is sensitive and thanked speakers for their comments.

Board Business

A. Staff reports, requests, or announcements

Ms. Whales reported that staff will be releasing the Mitigated Negative Declaration for the Bay Walk Mixed Use Project. Boardmembers Whitty, Woldemar and Munoz held a DRB subcommittee meeting and the design has not yet been completed, but they wanted to get the environmental document moving forward which has a 45-day review period.

B. Board member reports, requests, or announcements

Chair Whitty announced that she will be absent at the October 22, 2014 meeting. She stated she received the South Shoreline Specific Plan Notice of Preparation for an EIR. Mr. Rojas noted the name of the project got changed to Berkeley Global Campus at Richmond Bay, and staff is considering changing the name of the specific plan. Chair Whitty said when going to presentations, she thought they would combine the Walnut Creek, Berkeley and Emeryville into Richmond, but it looks as though they left out one of the research arms. Mr. Rojas said the specific plan is for the areas adjacent to the Richmond Bay Campus. The long range plan was already approved by the U.C. Regents in May, and the City is planning the 220 acres.

Chair Whitty asked and confirmed there is a scoping meeting on October 16th on the South Shoreline Specific Plan.

Vice Chair Robin Welter said she saw something on Richmond Confidential website where Pogo Park received an award. Chair Whitty stated the San Francisco Bay Trail received an APA Award for a landmark project.

Adjournment:

The Board adjourned at 7:20 p.m. to the next meeting on October 22, 2014.