

# MINUTES APPROVED AT THE DRB MEETING ON AUGUST 12, 2020

## DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

July 22, 2020  
6:00 P.M.

### All Participation Via Teleconference

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom had issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Newsom had issued executive orders that allowed cities to hold public meetings via teleconferencing. Due to the shelter in place orders, all City of Richmond staff, members of the Design Review Board (DRB), and members of the public participated via teleconference. Public comment was confined to items on the agenda, except as provided for in the public forum, and limited to the specific methods identified on the agenda.

### BOARD MEMBERS

Kimberly Butt  
Jessica Fine  
Macy Leung  
Karlyn Neel

Brian Carter  
Michael Hannah  
Jonathan Livingston

Chair Livingston called the meeting to order at 6:00 P.M.

### ROLL CALL

**Present:** Chair Jonathan Livingston, and Boardmembers Kimberly Butt, Brian Carter, Vice-Chair Michael Hannah, Macy Leung, and Karlyn Neel

**Absent:** Boardmember Jessica Fine

### INTRODUCTIONS

**Staff Present:** Community Development Director Lina Velasco, Planners Hector Lopez, Emily Carroll, and Enzo Cabili, and Senior Assistant City Attorney James Atencio

**APPROVAL OF MINUTES:** June 10, 2020 and July 8, 2020

**ACTION:** It was M/S/C (Butt/Hannah) to approve the minutes of the June 10, 2020 and July 8, 2020 meetings, as submitted; approved by Roll Call vote: 6-0 (Ayes: Butt, Carter, Hannah, Leung, Livingston, and Neel; Noes: None; Abstain: None; Absent: Fine).

Emily Carroll described the format of the web-based meeting and the public's ability to speak during the meeting.

### APPROVAL OF AGENDA

### Public Forum

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CORDELL HINDLER: *Good evening Chair Livingston, Boardmembers and staff, I have a couple of comments to go into the record. 1. The Fairmede Hilltop Council was very disappointed that the applicant did not communicate with the group in regarding the Aspire Academy Project, there was concerns regarding the building size and the traffic impact especially in the afternoon. 2. Also in regarding the approval of the ValMar Laundromat, let me reiterate my opposition for the project. Last Saturday on the Fourth of July, at around 9:20 am, there was an accident at the intersection of Barrett Avenue, this project has a lot of accidents in the last 18 months. In conclusion that anytime when projects come before any appointed body the applicants MUST communicate with the neighborhood councils to provide any additional input. Sincerely, Cordell.*

**City Council Liaison Report:** None

### **CONSENT CALENDAR:**

Chair Livingston advised that the Consent Calendar included items that were considered to be routine and the DRB could approve the item(s) in one motion.

While the DRB took one action to approve the first four items on the agenda, the motions have been shown separately given that a member of the public wished to speak to Item 1 (Garcha New Single Family Residence), three Boardmembers recused themselves from Item 3 (Parkway Commerce Center) due to a potential conflict of interest, and Item 2 (Chevron Convenience Store) and Item 4 (PowerPlant Park Design Review Permit) were both continued to the August 12, 2020 meeting.

Chair Livingston announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, August 3, 2020 by 5:00 P.M. and he announced it after each affected item.

### **PUBLIC HEARINGS:**

<b>CC 1. PLN19-219</b>	<b>GARCHA NEW SINGLE-FAMILY RESIDENCE</b>
Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW $\pm$ 2,170 SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE ON A $\pm$ 10,700 SQUARE FOOT VACANT PARCEL.
Location	ADJACENT TO 3383 BRENTWOOD COURT
APN	433-510-020
Zoning	RH, SINGLE-FAMILY HILLSIDE RESIDENTIAL DISTRICT
Owner	MUKHTAR GARCHA
Applicant	MARIO CIAMAR
Staff Contact	EMILY CARROLL      Recommendation: <b>CONDITIONAL APPROVAL</b>

CAROL and JOSEPH BALL, 155 Mitey Mite Lane, Richmond, advised that their home was located immediately north of the subject property. They asked whether a wood or pellet burning fireplace would be allowed in the home, and whether trees would be allowed to be planted that would obscure their views.

Ms. Carroll reported that the project did not include a wood-burning stove or a fireplace. She added that while fruit trees had been proposed for the property, they would not likely block

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views, and no trees had been proposed to be planted along the property line.

Vice Chair Hannah explained that there was no way a new permit could include a wood-burning stove in California, although an existing wood burning stove would be grandfathered in. He also noted that the City had no view ordinance.

**ACTION: It was M/S/C (Livingston/Neal) to approve PLN19-219, Garcha New Single-Family Residence, subject to the four Findings and Statements of Fact with 10 Conditions of Approval; approved by Roll Call vote: 6-0 (Ayes: Butt, Carter, Hannah, Leung, Livingston, and Neel; Noes: None; Absent: Fine).**

- 2. PLN20-052 CHEVRON CONVENIENCE STORE**
- |               |   |   |
|---------------|---|---|
| Description   | PUBLIC HEARING TO PROVIDE A RECOMMENDATION TO THE PLANNING COMMISSION FOR A CONDITIONAL USE PERMIT AND DESIGN REVIEW PERMIT TO CONSTRUCT A NEW 800 SF CONVENIENCE STORE AND TO INSTALL 3 FUEL TANKS AT AN EXISTING GAS STATION. |   |
| Location      | 901 WEST CUTTING  |   |
| APN           | 550-012-003   |   |
| Zoning        | IL, LIGHT INDUSTRIAL DISTRICT   |   |
| Owner         | CHEVRON USA INC.  |   |
| Applicant     | ROBERT PICARD, STANTEC  |   |
| Staff Contact | EMILY CARROLL   | Recommendation: <b>CONDITIONAL APPROVAL</b> |

**ACTION: It was M/S/C (Livingston/Neal) to continue PLN20-052, Chevron Convenience Store, to the meeting of August 12, 2020; approved by Roll Call vote: 6-0 (Ayes: Butt, Carter, Hannah, Leung, Livingston, and Neel; Noes: None; Absent: Fine).**

- CC 3. PLN17-654 PARKWAY COMMERCE CENTER**
- |               |   |   |
|---------------|---|---|
| Description   | PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A ±111,000 SQUARE FOOT LIGHT INDUSTRIAL BUILDING AND FOR SITE IMPROVEMENTS ON A 7.27-ACRE VACANT PARCEL, AND TO CONSIDER THE ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND). |   |
| Location      | COLLINS AVENUE AT RICHMOND PARKWAY (THE SITE IS LOCATED ON THE SOUTH SIDE OF COLLINS AVENUE, WITH THE RICHMOND PARKWAY DEFINING THE WESTERN BOUNDARY OF THE SITE AND A SANTA FE RAILROAD LINE DEFINING THE EASTERN BOUNDARY)  |   |
| APN           | 408-060-028   |   |
| Zoning        | IL, LIGHT INDUSTRIAL DISTRICT   |   |
| Owner         | WANG BROTHERS INVESTMENTS, INC.   |   |
| Applicant     | KATHY TRUONG  |   |
| Staff Contact | HECTOR LOPEZ  | Recommendation: <b>CONDITIONAL APPROVAL</b> |

**ACTION: It was M/S/C (Livingston/Neal) to continue PLN17-654, Parkway Commerce Center to the meeting of August 12, 2020, GIVEN THAT THERE WERE NOT ENOUGH BOARD MEMBERS TO PASS THE ITEM; by Roll Call vote: 3-3 (Ayes: Leung, Livingston, and Neel; RECUSED: Butt, Carter, and Hannah; Noes: None; Absent: Fine).**

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- 4. PLN17-236 POWERPLANT PARK DESIGN REVIEW PERMIT**  
Description PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT FOR A CANNABIS PRODUCTION FACILITY THAT INCLUDES 45 GREENHOUSES, A NURSERY, PROCESSING CENTER, AND SUPPORT FACILITIES.  
Location NORTHWEST CORNER OF GOODRICK AVENUE AND RICHMOND PARKWAY  
APN 408-220-003, -023, -024, -025, -026, -032, -033, -034, -039, -041, -042, -043, -049, AND -050  
Zoning IA, INDUSTRIAL AGRICULTURE DISTRICT  
Owner RICHMOND DEVELOPMENT COMPANY LLC  
Applicant POWERPLANT PARK INC., RICHARD TRIEBER  
Staff Contact ROBERTA FELICIANO Recommendation: **CONTINUE TO AUGUST 12, 2020**

**ACTION: It was M/S/C (Livingston/Neal) to continue PLN17-236, PowerPlant Park Design Review Permit, to the meeting of August 12, 2020; approved by Roll Call vote: 6-0 (Ayes: Butt, Carter, Hannah, Leung, Livingston, and Neel; Noes: None; Absent: Fine).**

- 5. PLN20-057 POINT MOLATE MIXED-USE DEVELOPMENT PROJECT**  
Description PUBLIC HEARING TO CONSIDER A RECOMMENDATION OF A MAJOR DESIGN REVIEW OF THE PLANNED AREA PLAN FOR THE PROPOSED PLANNED AREA REZONING FOR THE POINT MOLATE MIXED-USE DEVELOPMENT PROJECT, WHICH INCLUDES 1,452 RESIDENTIAL UNITS, 453,774 SF OF NON-RESIDENTIAL USES, OPEN SPACE INCLUDING RECREATIONAL AREAS, PARKS, TRAILS (INCLUDING A 1.5 MILE PORTION OF THE SAN FRANCISCO BAY TRAIL), VISTA OVERLOOKS, AND OTHER SIMILAR SPACES OPEN TO THE PUBLIC. THE PROJECT ALSO INCLUDES INFRASTRUCTURE AND ROADWAY IMPROVEMENTS NEEDED TO SUPPORT THE PROPOSED DEVELOPMENT. ADDITIONAL PROJECT INFORMATION IS ONLINE AT <http://www.ci.richmond.ca.us/3757/Point-Molate-Mixed-Use-Project>  
Location 2100 STENMARK DRIVE  
APN 561-100-008  
Zoning PR, PARKS AND RECREATION; CG, COMMERCIAL GENERAL; IL, INDUSTRIAL LIGHT; AND OS, OPEN SPACE DISTRICTS  
Owner CITY OF RICHMOND  
Applicant WINEHAVEN LEGACY LLC  
Staff Contact LINA VELASCO AND ROBERTA FELICIANO Recommendation: **RECOMMEND CONDITIONAL APPROVAL TO PLANNING COMMISSION**

Lina Velasco presented the staff report dated July 22, 2020, for a continued public hearing of the Point Molate Mixed-Use Development Project. She explained that if the DRB approved the item, it would not be appealable given that approval would be a recommendation to the Planning Commission regarding the Major Design Review of the proposed Planned Area Plan and associated Design Guidelines for the Point Molate property on the San Pablo peninsula; and to rezone the property to a Planned Area District (PAD) with two overlays, an H (Historic)-Overlay and an S (Shoreline)-Overlay. She added that the PAD was further subdivided into sub districts with land use programs and standards expressed in the Design Guidelines. The PAD

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included land use tables and development standards, and the Design Guidelines would inform the architecture, the landscape, and the landform for the project. She stated the Richmond Municipal Code (RMC) required a recommendation from the DRB for a PAD.

Ms. Velasco explained the City was to consider the initial entitlements with a General Plan Amendment (GPA), Rezoning, Design Review of the Master Plan, and a Use Permit for the shoreline park as well as a Vesting Tentative Map (VTM) and certification of the Supplemental Environmental Impact Report (SEIR). If approved, the project would be subject to subsequent entitlements with Development Plan Review by the DRB or the Planning Commission as well as the Historic Preservation Commission (HPC) depending on the area of the project and scope of work. Ultimately, before building, the project would be subject to building permits, improvement drawings and final maps. The current review was the initial review.

Ms. Velasco also explained that the PAD had now been included as Appendix C of the Design Guidelines, which would serve as a Master Plan vision for the project, and the RMC required that individual projects proposed for a PAD would be subject to discretionary Development Plan review. She identified the components of the PAD and stated the Design Guidelines would describe the character of the proposed sub districts within the project site including circulation, parks and open space, land uses, streetscapes, maximum height, as well as architectural standards, landscape standards, and historic conservation.

Ms. Velasco described some of the key DRB issues related to re-evaluating the language in both the Design Guidelines and illustrative drawings to ensure a strong framework for public open space, a shoreline park to be unencumbered by infrastructure components, the Point neighborhood to be pulled back from the shoreline, adequate parking for trail users and visitors to the beach park and other open space areas, new development and layout to be sensitive to topography and environmental constraints of the project site, and the amount of grading being proposed for the hillside area to be reduced.

In response to those comments, edits to the PA Plan text had been made with language describing the relationship of the PAD and Design Guidelines, clarification of the intent and purpose of each sub-district, language reinforcing that public access to the shoreline areas must be provided, and clarifications and revisions to address setbacks, building height, building use, parking and the like in the development standards. There had also been edits to the General Plan maps to expand the park space for the buildings at the Point and in the Winehaven district; edits to Design Guidelines diagrams and narrative to establish an ecological and open space framework to inform the extent of developable land; to diagrams and guidelines to describe the development approach in response to riparian corridors, publicly accessible trailheads, and creation of new views; to the Point's concept site plan to move buildings closer to the bluff, and the addition of cross-sections through east-west greenways/paseos on the promenade.

Ms. Velasco identified the required findings for the Planned Area Plan related to design-related issues, and advised that the Planning Commission and City Council would look at the other findings. She also identified the required findings for Major Design Review, and advised that staff had provided some recommended findings for the DRB's consideration. The recommended action was to adopt the required findings with supporting statement of facts for design review and recommending the Planning Commission approve the Planned Area Plan and Design Guidelines, subject to recommended conditions.

Chair Livingston thanked the citizens of Richmond for their trust in the DRB and for their interest in Point Molate, thanked everyone for all the letters and emails which had been made part of the public record and which had been provided to all DRB members. He identified the role of the

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DRB, described the multiple meetings of the DRB Subcommittee and those of the full DRB that had already been held to evaluate the plan and to solicit public comment. He added that the final staff summary was a result of the public's engagement and he thanked planning staff for working so hard. He also introduced the development team and staff consultants and explained that the applicant would be allowed to rebut statements from the public, if desired.

PETER KINDEL, Skidmore, Owings & Merrill (SOM), consultants to Orton Development which had been working in partnership with SunCal to form the applicant team in close cooperation with the HPC and the DRB, identified the adjustments to the Winehaven Historic District and stated those adjustments were to the south end of the district and included the access from the Bay Trail to the public shoreline. He described the further refinements to the gateway area and the modifications to the pier, presented drawings to illustrate the modifications, acknowledged the receipt of a sketch from the DRB that illustrated some initial concepts around stormwater management for a naturalized low-impact development bio-swale system, and stated the sketch had been incorporated into the design. He identified the technical changes to the plan and described those changes along with the remainder of the modifications that had been made in response to comments from the public and the DRB. He added that the Design Guidelines related to the Winehaven Historic District had been made in response to the HPC and the DRB where 80 requests and changes had been made.

NICOLE EMMONS, Hart Howerton, described what had been done since the last meeting and highlighted some of the additional information that had been provided including a series of additional graphics that could supplement the Design Guidelines. She walked through those additional graphics for the benefit of the public and stated the illustrative plan that identified the potential for Point Molate had been updated to represent the goals for the property and to meet the expectations of the DRB. She also highlighted some of the steps that had been taken to address the DRB's concerns and those expressed by the public, identified the sketches provided by the DRB related to a more natural layout of buildings, the potential for multi-family, and the Point allowing for breaks for potential development to connect to the bluff and to the beach park as well as to prioritize the park for pedestrian public access, removing vehicular access from the shoreline park alongside the Bay Trail, and providing access for the public in parking areas which included expanded beach park parking and opportunities for parking at trailheads as on-street public parking. With respect to phasing, she advised that the historic renovation could proceed as the infrastructure became available as part of Phase One.

Ms. Emmons explained that they had also been asked to look more specifically as to how an expanded beach park could accommodate programs; opportunities for daylighting streams and riparian areas out to the Bay; opportunities to use an integrated stormwater management approach; provide retention basins from natural drainage areas; and a potential location for an interpretation center, restrooms, bus parking and a turnaround. She identified the options that had been explored with an expanded beach park and described them. She also identified the request to modify General Plan maps, highlighted the east/west connections that varied in width, and highlighted the hydrology of the site. She provided an east-west section through the greenway from the hillside to the shore, the continuous open space connection and the relationship to the neighborhood, a cross section of the paseo, and referred to the alley experience and the concept of planting and widening the alley. Instead of widening the alley, she recommended the creation of an opportunity at the townhouse frontage to create larger breaks in the building and create additional east-west nodes and passageways with more robust landscaping to vary the alley experience.

Ms. Emmons added that the transition zones between private lots and public park paseos had been evaluated, more information had been provided with respect to screening, potential opportunities for retail and the opportunity for a market and ground floor retail on the east side of

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Stenmark Drive, and how parking and access would be organized. On-street public parking at Stenmark Drive and on neighboring streets had also been reconsidered as had the gateway signage given the significance of the Winehaven Historic District, and additional guidelines had been added to the Design Guidelines. The illustrative drawings had established the expectation for the development in the text and in the graphics.

DAVID SOYKA, Winehaven LLC, SunCal, thanked the members of the DRB for the time and effort put into the evaluation of the proposal which had become better as a result.

Chair Livingston opened the public hearing.

Ms. Carroll again described the process for providing public comment.

PAM STELLO, Richmond, referred to the green space above the development area which was much smaller in actuality than represented in the plans, and she urged the DRB to visit the site to see the actual space. She also spoke to the watershed above the beach park which was part of the ecosystem of the eel grass beds which would be destroyed as a result of the development, and because of that questioned what the interpretative center would represent. She noted that the beach park had been eroding a foot a year, which would have to be addressed since it was all fill. She asked whether Boardmember Butt would be recusing herself from any action on the project given a supposed conflict of interest.

BRUCE BEYAERT, Chair of TRAC (Trails for Richmond Action Committee) noted that he had sent a letter on July 20 recommending specific conditions of approval, along with an email this date to add another recommended condition. He questioned the open space designations and sought a definition of the open space used to fill the 70 percent open space requirement of the reuse plan. He recommended a specific definition of open space to be included in the PAD and in the Design Guidelines. He wanted to see Area E retain its original General Plan designation of parks and recreational areas, and he highlighted the other suggestions that had been included in his email as part of the public record. He requested that the DRB adopt TRAC's recommended conditions of approval.

DEBBIE [no last name given], also questioned and requested a definition of public open space and asked what had been included in the open space designation. She requested that the square footage of each area of open space be identified. She also asked that Alternatives A and B be evaluated.

Chair Livingston noted that the DRB was also interested in the definition and size of the open space and noted that a development area/open space graphic map had been requested to clearly show in graphic form which spaces were deemed to be open space as opposed to those deemed to be development space.

TARNEL ABBOTT read a statement from GAIL SEYMOUR, a senior environmental scientist from the California Department of Fish & Game who had indicated that the proposed project sat on hazardous waste and should be considered a hazardous waste site. She asked if the developer would fully remediate the site, urged the DRB to evaluate the responses to comments to the SEIR, when available, and urged a delay of any decision until the DRB had been fully apprised.

JOHN DALRIMPLE, speaking for 150 families and Richmond residents of electricians, plumbers, sheet metal workers, and sprinkler fitters, supported the Point Molate project and stated his group promoted sustainable principles and the creation of more equity in the

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community. He applauded the DRB for the dozens of changes that had been made to the project, and wanted the project he described as the only viable alternative available, to move forward to create benefits for the community.

SALLY TOBIN, Richmond, recognized that the VTM had not yet been submitted and the DRB had no access to it or to the SEIR. She suggested that the plans for stormwater management involved a “wing-it” philosophy with a balancing or rebalancing in one area or another and she encouraged everyone to look at what that would do to the eel grass offshore. She also noted the drainage pattern off of the beach park would go through an area with a toxic plume and did not think that area had been released by the Regional Water Quality Control Board (RWQCB) order. She wanted to maintain ecological communities.

KATRINKA RETT, Richmond, West Contra Costa County Council of Business & Industries, thanked the DRB, HPC, and staff for their in-depth review, volunteerism and commitment to promote a multi-faceted development within the timeline of the agreement for a project that would project millions of dollars of economic impact, provide housing (some affordable), preserve 70 percent of the site as open space, provide parks and trails, and preserve the historic site. She supported the project and the applicants’ efforts to work with the DRB.

MICHELE RAPPAPORT, Richmond, had heard nothing about acknowledging the Ohlone Indians who had lived at the site. She referred to a community plan that had been developed over time and of which she had participated, and suggested that more information should be provided. She did not support a rushed plan, particularly given the need to see the SEIR, and suggested the cost would be greater than the return to the City. She urged a continuance to solicit the public’s views.

TIFFANY HARRIS, Chair of the Richmond Chamber of Commerce, stated the Chamber Board was in support of the project given the long history of Point Molate as a key economic engine for Richmond from Winehaven to the fuel depot, which had sat idle since the naval closure. The City now had the opportunity to create thousands of local jobs and generate millions of dollars of impact. She stated the range of homes proposed for Point Molate would bring new customers to local businesses and allow people to live closer to local job centers.

GAYLE McLAUGHLIN, Richmond, referred to her email and expressed concern that the responses to comments in the SEIR had not yet been released and urged that no decision be made until that document had been fully reviewed. She was concerned that the overall project disregarded the nature and spirit of the General Plan based on health, equity and sustainability, and that the project would destroy the sensitive eco-systems such as the eel grass beds, create a threat to public health by exposing residents to contamination in areas still being monitored, the narrow road was problematic given potential emergencies, the close proximity of the Chevron refinery, effective high end housing at the site that did not present a welcoming area for the diverse community, the financial aspects that could cost the general fund between \$15 and \$25 million within one to 12 years, and no surety the homes would be sold.

PAUL CARMAN, Richmond, stated the plan did not meet any of the major goals, was inconsistent with the General Plan for many reasons, was not physically suitable for the land, there was no adequate transportation, and the project would adversely affect the surrounding land. He suggested the earlier public comments had not yet been addressed, there was still no utility plan, location of water tanks or the lift station, the grading plan had not been introduced, and the comments on the SEIR had not been provided, many of which addressed the natural resources of Point Molate that would be destroyed by the plan. He noted that all open space

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had been treated equal as all equally beneficial although some of the open space in the plan was not equal and natural habitat open space would be destroyed.

JACK SCHEINMANN, Richmond, questioned whether SunCal could be trusted given its Facebook page called Point Molate for All, which claimed to be a non-profit, although after contact the non-profit used had been unaware of its use for Point Molate for All and had pulled its support.

JOE FISHER, Richmond, supported the mixed use development project and suggested that all the components of the development would benefit Richmond. He described his history with Point Molate over many years and described his pride of place and the many jobs that would benefit the community as a result of the project.

CAROL TELTSCHICK, Richmond, referred to the letter she had submitted and her urging that the DRB maintain its professional standards and perform the review with full due diligence which would mean that the SEIR analyses and proposed mitigations and public comments would have to be considered prior to making a decision on the plans. She pointed out that many of the comments in the SEIR were made by scientists and engineers and that expertise should be considered in a thoughtful manner. She challenged the City to do its own financial analyses to ensure the project would not end up costing the City significant money.

ROBERT CHEASTY, General Counsel for Citizens for East Shore Parks, had submitted a letter along with two other lawyers dealing with the project (Point Molate Alliance and the Sierra Club), and expressed a concern for a lack of specificity as identified by Mr. Beyaert in that it appeared that private space between the project was being considered as open space. He suggested the DRB had time to analyze the proposal properly. Referring to prior comments, he did not think the DRB could move forward without the responses to comments to the SEIR. He also noted that Hatch Co. had performed a financial analysis and by its analysis the City would lose millions of dollars each year.

AMANDA [no last name given] appreciated the changes from the last meeting and agreed that putting in lawn that required irrigation and maintenance was not necessarily sustainable and wanted to retain some of the natural surroundings as part of the landscaping. She understood the need to fill jobs but wanted to make sure that the development would serve in the long term and not just offer near term relief. She expressed concern that what had happened in the Great Recession of 2008 could again occur and the development could sit idle as a result.

SANDRA GRACIA expressed concern for the Chevron Oil tanks, and was concerned about traffic congestion on Stenmark Drive and leading off of I-580 to Stenmark. She suggested there would be tremendous congestion and it would be difficult for people to get through. Commute times would be increased and any emergency situation requiring an access to that road would be problematic. She was also concerned about the financial impact and that the Hatch Report had considered the City could lose significant money as a result of the project further impacting local taxpayers. She also noted there were no soccer fields for children in Richmond.

There was no rebuttal to the public comment.

Boardmember Butt reported in response to a suggestion that she recuse herself, that she had no legal reason to recuse herself in that she was not financially tied to the project and neither were any members of her family.

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Boardmember Leung appreciated the progress of the project to date related to public art, affordable housing, the relationship between the shoreline and the building at the Point area, moving the buildings further back from the shoreline and the building height relationship to the shore, along with the conservative effort to include compact parks and tot lots. She asked about the depth of the natural drainage way and bio-swale and its relationship to the pedestrian walkway along the natural drainage way.

JACOB NGUYEN, BKF Engineers, stated the typical depth of bio-swale basins was 30 inches to three feet deep from the top of where the water touched the soil all the way down to the thickness of the soil.

In response to Boardmember Leung, Peter Kindel added that the drainage way was approximately 30 feet wide; the actual area where the water may flow would be 10 feet wide with 5 feet of spillover area on either side, leaving 5 to 10 feet minimum for a walkway of some type within that corridor, which would be adjacent and parallel to the natural drainage way.

Ms. Velasco also explained in response to Boardmember Leung as to whether the City would require future applicants or individual developers to conduct Phase One and Phase Two geotechnical reports/soils reports, that the Point Molate site was currently under an order from the Regional Water Quality Control Board so the City and the applicant would work with the RWQCB as it looked at specific development proposals, as described in the environmental document in terms of hazards, and additional studies might be required, which would be typical of any earth moving requirement. While some clean up might be required that work had been evaluated in the environmental documents.

Boardmember Leung appreciated the style of the residential architecture and the small and medium lot subdivisions, as well as the setbacks and distance between buildings, the signage and effort being made for wayfinding interpretative signage, but referred to the east-west section and the shoreline to the mountain which had buildings of uniform height. She asked why that was and whether that was dependent upon future projects.

Ms. Emmons stated there was a height allowance in that neighborhood which could accommodate 3- and 4-story buildings, and the section was cut through the greenway which showed the gradual slope of the site within the promenade taking upon the potential to integrate the stormwater drainage, and the potential for additional grading or level adjustments as a plan developed. The opportunity for roof decks had been indicated in the Design Guidelines with attention to roof forms to vary the skylines and to seek additional view opportunities.

Vice Chair Hannah verified that the specifics of the designs would come to the DRB.

Boardmember Leung referred to the parking condition and pointed out a bike lane and two-lane road near the bluff, and asked if that was the general parking condition to be incorporated in the plan, and Mr. Kindel stated the section where parking was indicated was the only place (10 or so spaces) where that type of parking occurred in that the parking would generally be parallel parking along the road.

Boardmember Leung referred to the fiscal impact, explained she had reviewed the Hatch and EPS Reports in detail, had spoken to the economist, and believed the EPS report, had taken into account the land use and had done due diligence in terms of the services required for the open spaces along with City services, although she had not seen the peer review document. As a result, she suggested if the projects could be built out in the given timeframe based on the assumptions that the homes would be at the market price of over \$1 million, and if the project was not absorbed within a certain timeframe, there might or might not be a shortfall in between

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the development and the fiscal impact buildout. When asked, she had no comments related to the parks which she stated looked great.

Boardmember Carter asked about the toxic clean-up efforts, and Ms. Velasco stated the open space areas would be considered as part of the clean-up. There was a soils management plan and drainage areas created to support stormwater runoff would be considered. There were also some takes in the hillside that were still open and the applicant would work with the City to get those closed under the RWQCB order to make that hillside open and available for public use, whatever the RWQCB determined was appropriate for the land use. She clarified that would be part of the development cost as part of the Disposition and Development Agreement (DDA).

Boardmember Carter agreed with the suggestion that something be provided to more clearly define the definitions of open space areas to increase the community and City's level of comfort. He liked the illustrative plans and wanted to memorialize such things as community gardens, interpretative space, and tot lots to be a bridge between the public shoreline park and the public open space to stitch together the public and private communities. Having pushed the idea of an eco-district and integrating the built environment with a natural ecology, which he had seen in the natural diagrams and sections, he wanted the supplemental information provided by the applicant to be included in the Design Guidelines.

Boardmember Neel had a number of themes to address based on her review and the comments from the public such as landscaping and preserving the natural environment, and suggested the proposed landscaping was a bit too groomed and there was no desire to lose the natural landscaping, particularly the eel grass. She supported a condition of approval to address those two things. In addition, the community wanted an honest understanding of the 70 percent open space that did not include residential courtyards or space between buildings. Wellness was a big part of the General Plan, and with respect to the comment about a soccer field, she agreed with the need to include that component. She also wanted to have a kayak launch included in the design along with a bike parking area.

With respect to safety and the need for an evacuation plan, Boardmember Neel was disappointed with the two-lane road and traffic, would love to see the pier be reinvigorated, and with respect to the clean-up wanted to make sure that the developer's responsibility for cleanup would not end up being the City's responsibility. With respect to branding, she suggested something other than the Point given the confusion with Point Richmond and other similarly named places in the community, and given the distinctness and history of Point Molate, she supported signage like that for the Bay Trail where its history was featured. She recommended that color palettes for the larger buildings be muted and blend in seamlessly with the hillside and avoid white massing or things that were hard to clean given the diesel particulates in the air. She also asked where the EV charging would be provided.

Boardmember Butt also supported the placement of EV charging stations, which she understood was now a City requirement. She agreed with the confusion with the use of the Point and suggested that could be worked out. She asked about the phasing plan and confirmed with Marc Magstadt and Nicole Emmons that the infrastructure to serve the area would be built as part of Phase One, with the ability to proceed with the historic area after the infrastructure had been provided.

Mr. Magstadt stated the paving plan would be for how the development built up but also for the infrastructure, and the historic buildings could proceed with rehabilitation and development of the area when the infrastructure for Phase One had been installed. He did not believe that Phase One had to be built out before the Winehaven Historic District moved forward.

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Boardmember Butt sought some clarifying language to that effect, and Mr. Magstadt clarified that the scheduled performance was being negotiated as part of the DDA, which would identify when the Phase One work would begin, be completed, and when Phase Two would commence. He also clarified that all the infrastructure would be installed essentially through Stenmark Drive all the way through the site to the northern boundary given the requirement to have the police and fire station brought on line as part of the first phase, which was in the middle of the historic core where the current fire station was located, and which would allow for the rest of the historic district to be brought on at the same time.

Vice Chair Hannah stated the DRB Subcommittee, the applicant, designers, City and staff had worked tirelessly to address a lot of the concerns that the general public had brought to bear. Vice Chair Hannah noted that he had been frustrated and disappointed at the last meeting that a lot of the commentary and articulation of everyone involved had not been put into the process. He wanted to make sure the document was strong enough to address the public's environmental, cultural, and economic concerns, had been pleased with the amount of work that had been done to address those concerns, and was now confident that the document was strong and the community could use it to maintain potentially a world-class level of development. As to the SEIR responses to comments that were not yet available, he understood that much of what was impacted by that report would affect the later design parcels. He suggested the questions of hazardous material remediation and the like would be addressed through the permitting process and he was satisfied that the concerns of the community were being carried forward.

With respect to the native history and the Ohlone aspect, Vice Chair Hannah stated it was important that as part of conditions of approval the Native American cultural center be made as important as the market and the entire Winehaven Historic District itself. He proposed as part of the lower bluff area that it be a designated soccer field for kids, and that branding identify the Point as *Ohlone Point*, and the bluff as *Ohlone Bluff*, and that the Native American cultural center be placed on the top of the bluff.

Boardmember Neel envisioned some kind of museum or visitor center with educational content about the history of Winehaven, the Chinese shrimp camp, the naval fuel depot, the old train, the Ohlone Indians, Rancho San Pablo, and that the cultural learning center for youth teach the history of the Point Molate area, similar to Rosie the Riveter storytelling.

Chair Livingston closed the public hearing.

Chair Livingston highlighted the DRB's recommendation to move the item to the Planning Commission with additional conditions and recommendations, as follows:

*Condition A: That a Native American cultural center be integrated into the top of the bluff on this plan with the Point to be renamed Ohlone Point and the bluff Ohlone Bluff.*

*Condition 7: (Supplemental Information) - Condition D, in addition to the lighting guide in the Design Guidelines, add the words: No light shall be brighter than 3,000K and all path and landscape lighting shall be directed downward, and all exterior sconces be shielded and the light bulbs shall not be visible. All lighting shall be screened and downward directed.*

*Condition 8: (Public/Private Buffer Zone) - When a public park and a public space interfaces with a private residential zone a buffer zone shall be established. The dimension of this zone will vary with the site but at no time shall it be less than 20 feet. A visual break consisting of landscape berms or dense landscaping shall be considered. (This condition*

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would apply to the diagram presented by Peter Kindel of Skidmore Owings & Merrill at the July 22, 2020 DRB meeting).

Condition 9: (Page 2-23, Section A of the Design Guidelines) - A fill bank is shown and it is not right and shall not occur. The section is misleading and is not the intent of the developer.

Condition 10: (Pages 2-27, 2-21, 2-19 plus) - Shows the Bay Trail on top of a proposed wildlife sanctuary bounded by the remaining sections of the original rock as part of the Point before it was graded flat. *The Bay Trail or any part of the public trail shall not encroach on this wildlife area.* Also recommended the osprey be protected and the nesting habitat be moved to a protected area.

Condition 11: Section 7 correction on Page 2-50 is incorrect and should reflect what Mr. Kindel had presented at the July 22, 2020 DRB meeting.

Condition 12: (Page 2-52, an alley section) - The section is a similar section seen in high density development and is too dense and tight for this big open natural environment and is not appropriate for Point Molate. See supplemental section for clarification. *The DRB is open to other reasonable alternatives that achieve the same or similar result.*

Condition 13: (Block Structure) - In addition to the description of building placement and allowable height on Page 2-53, add *Eco-district Higher Density Alternative. Shall include eco-district higher density alternative in regards to the SEIR's grading mitigation recommendations in an effort to limit the mass grading needed to allow a block structured grid community that is proposed, a higher density building typology consisting of view-oriented flats or townhomes organized around the natural topography and naturalized riparian corridor is the preferred community pattern. This type of pattern would integrate community gardens and internal views of riparian and wildlife corridors into a more holistic and unique Point Molate experience. Encourage a diverse mix of unit types that will allow all income groups to live in this area.*

Condition 14: (Page 2-64 Stormwater System) - The language of Condition 2 in the staff report supersedes this section. The intent is to naturalize the existing patterns.

Condition 15: (Page 2-67, include historic preservation as a side note) - Understood that Phase One is for infrastructure but sought assurance that the preservation component of the project is part of the Phase One buildout.

Architectural Guidelines: Comments intended to shift restrictive and compacted building setback standards into a more relaxed pattern language to respond to a more natural and open environment given the unique environment, to also be reflected in the PAD zoning text.

Condition 16: (Page 3-5) - *Maximum lot coverage to go from 70 percent to 65 percent, maximum building height 28 feet for two story and 35 feet for three story, front yard setback from 5 feet to 10 feet, 5-foot setback on front porches, and front garage setbacks from 5 feet to 10 feet to allow cars to park in the driveway without impeding traffic.*

Condition 17: (Page 3-7) - *Maximum lot coverage from 70 percent to 65 percent, maximum building height 28 feet for two story and 35 feet for three story, front yard setback from 5 feet to 10 feet, 5-foot setback for front porches, alley setback (see diagram in supplemental).*

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Condition 18: (Page 3-9) - *Maximum lot coverage from 65 percent to 60 percent, rear yard setback from 10 feet to 15 feet.*

Condition 19: (Page 3-11) - *Maximum lot coverage from 80 percent to 75 percent, maximum building height 28 feet for two story and 35 feet for three story, front yard setback from 5 feet to 10 feet, 5-foot setback for porches, front garage setback from 5 feet to 10 feet, rear setback from 10 feet to 15 feet, and alley setback (see diagram on supplemental).*

Condition 20: (Page 3-13) - *Maximum lot coverage from 80 percent to 75 percent, maximum building height 28 feet for two story and 35 feet for three story, front yard setback from 5 feet to 10 feet, 5-foot setback for porches, front garage setback from 5 feet to 10 feet, and rear yard setback from 10 feet to 15 feet.*

Condition 21: (Page 3-15) - *Maximum lot coverage from 80 percent to 75 percent, building height 28 feet for two story and 35 feet for three story, front yard setback from 5 feet to 10 feet, 5-foot setback for porches, front garage setback from 5 feet to 10 feet, and alley setback (see diagram on supplemental).*

Condition 22: (Page 3-17) - *Abutting a residential district recommended front yard setback from 0 feet to 15 feet.*

Condition 23: (Page 3-19) - *Step backs. Proposed step backs to occur at Floor 3 and above subject to design review consideration.*

Condition 24: (Page 3-25) - *A glass façade shown might be too reflective on the water and it should be deleted.*

Condition 25: (Page 3-33) - *Elements Requiring Screening. All ground mounted AC and heat pump mechanical equipment must be totally screened from view and constructed out of sturdy sound attenuating material that is complementary to adjacent exterior material and not adjacent to other bedroom windows or located in the front yard.*

Condition 26: (Page 5-23) - *Trailheads. A continuation of the trail above Ohlone Point on Ohlone Bluff to be continued to a ridge so as not to be a dead end.*

Condition 27: (Page 5-23) - *Trailheads. Alternative B park plan in the supplemental supersedes this park layout.*

Condition 28: (Page 5-27) - *The extra-large monument gateway sign as illustrated is discouraged.*

Condition 29: (Page 5-37) - *Outfall of bio-retention diagrams are obsolete (see Condition No. 2 in the staff report dated July 22, 2020 which shall govern).*

Condition 30: (Page 5-42) - *Invasive species. It shall be the responsibility of Winehaven LLC and not the parks department or the City of Richmond to remove the eucalyptus west of Stenmark Drive and replant per the SEIR's recommendations.*

Condition 31: (Page 5-49) - *Exterior Utilities. All ground mounted AC and heat pump mechanical equipment must be totally and physically screened from view and be constructed of sturdy materials. (Delete the words screen with plant materials) Exterior utilities to be accessible to service (delete service vehicles).*

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Condition 32. Open Space Definitions and Bay Trail Improvements:

1. Phasing: *The Bay Trail and shoreline park facilities shall be substantially constructed as part of initial development phase prior to the issuance of the first condition of occupancy.*
2. Map Area: *For purposes of informing the public and city staff a development area/open space area graphic map shall be established to clearly show the Planning Commission in graphic form which spaces are deemed open space and which areas are deemed developed. The public and city staff shall then clearly see and calculate open space and development area and clearly see if the open space is indeed within the developed area.*
3. Parking and Open Space in Shoreline Parklands: *At least 250 (cumulative) public parking spaces for motor vehicles shall be considered for the public access to the shoreline park in open space lands. The final count shall be presented at the Planning Commission hearing.*

Condition 33: Wayfinding and Signage: *Well-designed signage that integrates into the environment well and in harmony with the Design Guidelines to help people find where they are going and to not get lost. Evacuation plan signage for safety.*

Condition 34: Color Palette and Materials: *Colors should be muted and blend into the hillside seamlessly and need to work well with the possibility of particulate coating from the marine industry.*

Condition 35: Natural Planting. *Less green lawn and more natural planting.*

Condition 36: Under the Introduction or Community Guidelines Section and Section 1.6.2 Point Molate Vision plan: *Housing for multiple income levels is desired.*

Boardmember Neel verified that electric vehicle (EV) stations were covered in the City's code, issues such as bike parking racks would come later, eel grass would be covered under the SEIR, and the Design Guidelines would cover the natural and drought-tolerant comments.

Boardmember Carter spoke to Page 3 of the supplemental document and appreciated that no more than seven townhomes should be placed without a building separation but suggested that building separation distance be defined. On the DRB's discussion and the desire to integrate a planting scheme to break up the mass, Condition 12 was amended to state that *The DRB is open to other reasonable alternatives that achieve the same or similar result.*

To address Boardmember Leung's desire to identify affordable housing in the document, Condition 36 was added to state that *Housing for multiple income levels is desired.* On the continued discussion, Ms. Velasco explained that a below market rate (BMR) unit was considered to be affordable housing and the DRB could add something to the community vision statement to note that *All of the unit types could be BMR units.*

**ACTION: It was M/S/C (Livingston/Hannah) to adopt the required findings with supporting statement of facts for design review and recommend to the Planning Commission the approval of the Planned Area Plan and Design Guidelines for PLN20-057, Point Molate Mixed-Use Development Project, subject to the six staff recommended conditions of approval and the 31 additional conditions recommended by the DRB above along with the supplemental Design Guidelines pages issued July 21, 2020;**

## **MINUTES APPROVED AT THE DRB MEETING ON AUGUST 12, 2020**

approved by a Roll Call vote: 6-0 (Ayes: Butt, Carter, Hannah, Leung, Livingston, and Neel; Noes: None; Absent: Fine).

### **Board Business**

**A. Staff reports, requests, or announcements:** None

**B. Boardmember reports, requests, or announcements:** None

### **Adjournment**

The meeting was adjourned at 9:39 P.M. to the next regular Design Review Board meeting on Wednesday, August 12, 2020.