

MINUTES APPROVED AT THE DRB MEETING ON MARCH 23, 2022

DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

March 4, 2022
2:00 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 and limited to the specific methods identified on the agenda.

BOARD MEMBERS

Kimberly Butt
Michelle Hook
Jonathan Livingston

Brian Carter
Macy Leung

Chair Livingston called the special meeting to order at 2:11 P.M.

ROLL CALL

Present: Chair Jonathan Livingston, Vice Chair Brian Carter, and Boardmembers Kimberly Butt, Michelle Hook*, and Macy Leung
*Arrived after Roll Call

Absent: None

INTRODUCTIONS

Staff Present: Planners Roberta Feliciano and Andrea Villareal and Stephanie Vollmer from the City Attorney's Office

APPROVAL OF MINUTES: None

APPROVAL OF AGENDA

Public Forum

Roberta Feliciano identified the format of the web-based meeting and the public's ability to speak during the meeting.

CORDELL HINDLER, Richmond, stated there would be a new DRB member at some point; the Mayor had mentioned the Design Review Board at the Council meeting on February 2; and he reminded the Board that any time projects came before the DRB the applicant must communicate with the applicable neighborhood council.

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Ms. Feliciano referred to Mr. Hindler's written comments that reiterated the comments he had provided through Zoom.

City Council Liaison Report: None

CONSENT CALENDAR: None

APPEAL DATE: None

PUBLIC HEARING

1. PLN12-248	LIVABLE CORRIDORS FORM-BASED CODE
Description	SPECIAL MEETING TO CONDUCT A STUDY SESSION TO PROVIDE COMMENTS ON THE DRAFT ZONING TEXT AND ZONING MAP AMENDMENTS IMPLEMENTING THE RICHMOND LIVABLE CORRIDORS FORM-BASED CODE (FBC), INCLUDING ARCHITECTURAL STANDARDS. THE DRAFT ZONING TEXT AMENDMENTS AND ZONING MAP AMENDMENTS, INCLUDING ARCHITECTURAL STANDARDS ARE AVAILABLE FOR REVIEW AT WWW.CI.RICHMOND.CA.US/2965/RLC-FBC
Location	VARIOUS
Zoning	VARIOUS
Owner	VARIOUS
Applicant	CITY OF RICHMOND
Staff Contact	ROBERTA FELICIANO Recommendation: PROVIDE/RECEIVE COMMENTS

Roberta Feliciano reported that the special meeting had been scheduled to conduct a study session to provide comments on the Draft Zoning Text and Zoning Map Amendments to implement the Richmond Livable Corridors Form-Based Code (FBC), which included architectural standards, all available for review online. She described the area encompassed by the FBC as primarily along San Pablo Avenue, 23rd Street, MacDonald Avenue and Barrett Avenue, which included some neighborhoods in the north and east and in the downtown area.

Ms. Feliciano stated the proposed amendments to the Richmond Municipal Code would add a new Chapter 15.04.400 Form-Based Code to establish new transect zones that complied with the land use classifications established in the General Plan, amend the Zoning Map to rezone certain properties using the transect zones, and establish new standards and regulations for the transect zones.

Mr. Feliciano explained that the City had received an SB 2 Planning Grant that was funding the consultant team of Opticos Design to assist in the update the FBC, an effort that had started in 2012 or earlier. In 2016, the Zoning Ordinance was updated and while the FBC was recommended by both the DRB and the Planning Commission, it had not been adopted although the City had aimed to include it as part of the zoning.

Ms. Feliciano referred to the focus on building types and the objective design standards and noted that there had been several state laws that have been put into place that required cities to have objective design standards, especially when related to applications pursuant to SB 35 and the Housing Accountability Act. She referred to an annotated slide to identify what portions were standards and what were guidelines. In general, standards were required, and guidelines were suggested.

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In response to the Chair as to the previous comments offered by the Board, Ms. Feliciano referred to the December 8, 2021 DRB meeting, when the Chair had requested additional standards for the California Contemporary architectural style, such as requirements for bay windows, and who had suggested that one component of the Contemporary style was deeply recessed windows. DRB Members had asked that the consultant provide planning staff and applicants with instruction on how to work within the FBC. The Vice Chair had suggested the removal of the architectural styles referring to Hayward and El Cerrito's FBC. DRB Members had also requested that the FBC return to the Board at a future dedicated meeting to discuss this item only.

Ms. Feliciano also reported on the comments from the Planning Commission's January 6, 2022 meeting when Commission comments had recommended considering the removal of styles, having enough flexibility to accommodate the changing retail trends, reducing the complexity of the architectural standards, and adding flexibility to encourage innovative architecture.

Based on the comments from the DRB and the Planning Commission, an annotated version of the California Contemporary style had been provided. This annotated document indicated the standards that were regulated by the FBC along with options and examples.

PUBLIC COMMENTS OPENED

CORDELL HINDLER, Richmond, was sorry to have missed the January study session but reported that he liked the design concepts under the Richmond Livable Corridors Form-Based Code. He had to look into the archives for the input from the applicable neighborhood councils.

CARRIE MORIARITY, a resident of Richmore Village, noted that several people had a meeting with the developer and there was a concern for the number of social services agencies that had been included in her neighborhood, more than in any other. She did not know where in the review and approval process that would be addressed.

BRYCE ALLEMANN, also a resident of Richmore Village, stated that area had traditionally been for industrial use and he asked about the environmental studies that had been done on the grounds of that space given the likelihood of hazardous materials over the years. He noted a lack of services, such as grocery stores and things of that nature, in the community and the challenges of the site because the area had one of the largest numbers of social services facilities in their area. He added that the project would present one of the tallest buildings in Richmond at five stories.

Chair Livingston did not believe that the FBC would apply to the areas referenced.

MARK, also a resident of Richmore Village, noted that the scale of the project was not the issue for him in that the usage was his concern, as was the significant number of social services facilities in the area. Having worked in and for the City of San Francisco and being familiar with some of the navigation centers in that city, he stated the ratio of client to applicant was inappropriate and he did not think the area where he lived would be appropriate to handle some of the potential issues around the navigation center in terms of law enforcement.

Chair Livingston noted that the comments from Richmore Village residents appeared to relate to an item that was not on the current meeting agenda.

Ms. Feliciano reiterated that the agenda item was to discuss the Form-Based Code in study

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session and did not relate to any specific application.

L.Z. Zephyr, Richmond, was also present to speak to the item that was not actually on the agenda but took this opportunity to urge that when the navigation center or any application that would impact a neighborhood was before the DRB for review there be a comprehensive mailing to appropriately advise the neighborhood of the hearings.

Chair Livingston stated that notice of future items would be through a posting on the City's website, a mailing to those living within 300 feet of the application site, and there would be a posting on the site itself for the public to see, and Ms. Feliciano added that the hearing would also be published in the newspaper.

In response to the number of speakers who had called to offer comments related to a specific project that was not being considered by the DRB at this time, Ms. Feliciano included her email address on chat and invited listeners to email her to be notified of the specific project when it has been scheduled for DRB consideration.

With respect to the FBC, Boardmember Leung offered some points for consideration given her extensive experience working with other cities on objective design standards. In that process of review, she reported that she typically reviewed a city's adopted objective design standards and looked at the adopted General Plan, specific zoning, planning and design guidelines, and also reviewed specific proposed development projects to determine consistency or inconsistency with SB 35 requirements.

With the City of Richmond's review of its objective design standards, Boardmember Leung stated it would be helpful for any project coming to the City to determine whether the project would meet Richmond's objective design standards. She described that as a tool the state had come up with to help streamline the production of affordable housing in a ministerial process in terms of production but there would still need to be a determination from the City's perspective in terms of the type of design standards to be implemented on all developments and not just housing itself. She stated that she had worked on project in the cities of San Jose, Hayward and others in the Bay Area, and had found their objective standards to be clear. Some cities have objective standards that are much clearer than others with respect to specific zoning, setback requirements, planning guidelines, height, character of the building with specific distance, and specific requirements in terms of the character of the development. Some standards were up to interpretation, which could be more interpretive from the design team which required more back and forth from the planning department, and because the process was ministerial it would not go to the Design Review Board.

Chair Livingston asked whether in her experience if Boardmember Leung had found that ground floor retail or commercial have been dealing with the lack of market for that type of space or whether city standards had changed with respect to ground floor retail that seemed to be disappearing.

Boardmember Leung agreed that ground floor retail was disappearing and noted that in the past there was a requirement for some sort of mixed-use programming (residential and commercial) as part of the zoning requirements. The City of San Jose, for instance, had taken that off the table as a requirement. The affordable housing or housing production side was sometimes a challenge in terms of the type of programming and land use requirement given the background funding requirements needed for both housing and commercial. She stated that cities recognized that requirement oftentimes posed a challenge in terms of housing production and streamlining process and now have flexibility to the types of uses allowed on the ground floor.

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When asked by the Chair if she had a recommendation to Opticos as to how to handle a whole city block of retail space being allocated for commercial, Boardmember Leung stated some cities had specific guidelines with respect to mixed use.

Boardmember Leung suggested that the City of Richmond could come up with some scenarios to impose design guidelines and standards on mixed-use types of projects.

Boardmember Butt asked Boardmember Leung what she had been found to be the most effective standard as opposed to those that had been more problematic, to which Boardmember Leung stated from her experience if the City established succinct requirements, i.e. specific design standards such as front entries with minimum recesses or square footage minimum of entry, the design for garage doors and include those elements as objective standards that was more effective. She emphasized the need for very specific design standards. The challenge without that specificity would be that projects would come through and claim that objective standards were being met when they were not. She emphasized the need for clear diagrams, square footage and distance requirements in different scenarios.

Vice Chair Carter asked about the most common waivers requested and Boardmember Leung stated in her experience height and density, open space, and parking were the most frequently requested waivers. Sometimes off-site requirements such as upgrading curb and traffic signal modifications were also frequent waiver requests.

Vice Chair Carter suggested therefore that a solid FBC with clearly defined standards was preferred. He asked how overarching the waivers were in Boardmember Leung's experience and she stated that not everything qualified to be a waiver.

Boardmember Leung explained that when it came to setbacks there could still be a determination as to what related to the General Plan as opposed to what related to zoning. Some were easier than others in terms of what constituted a waiver request. She commented that no parking requirements or less open space could be granted more easily than other issues. The burden was on the applicant to explain why the waivers proposed should be granted as long as the objective standard had been met.

Vice Chair Carter asked if the public art requirements were waiverable, and Boardmember Leung noted that public art could be an objective design standard requirement. She had not personally sought such a waiver and could not answer that question since it would not pose the biggest hindrance in terms of development.

In response to Boardmember Hook who asked her to define an example of a waiver in terms of open space and setbacks, Boardmember Leung referred to an urban infill site where the height and density had to be more compact than for a large flat site, a specific open space requirement that would preclude the open space from easily being met on the rooftop or balcony, or parking, which requirements could be difficult to meet. She also referred to examples of a site near transit where there was easy access and where one waiver to be sought could be anything having to do with parking requirements depending upon the location.

Boardmember Leung explained that her line of work was providing housing for the homeless and permanent supportive housing, and that population was different from affordable housing and multiple housing and there were other safety issues that had to be addressed.

Ms. Feliciano shared another section of the FBC that described how an application would be

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reviewed. She noted the FBC document was 200 pages in length but explained that all the standards that needed to be identified would be once the transect zone, the building type, the frontage type and the architectural style had been identified. If looking at the map and at the T4N transect zone, for instance, that would contain all the development standards that Boardmember Leung had highlighted with front setbacks, minimum and maximum stories, with a range provided for flexibility. She stated T4N was in more of a neighborhood/residential zone.

Ms. Feliciano stated there were also side setbacks. She outlined the types of buildings that would be allowed in the T4N zone. In that zone, the type of building desired would be identified which types varied in density and which included transect zones where the building types would be allowed. She clarified that there was a map that showed the transect zones which she displayed for the DRB. She stated the request to remove the styles had been taken into account, and noted the importance of the styles in the lower density neighborhood nodes, and commented that instead of having a code with standards more specific to the California Contemporary style seen primarily along main street, she referred to an area across from City Hall that could include a similar Spanish Revival style building in the area.

As to the process that staff would take when using the FBC to analyze a project, Ms. Feliciano explained that staff would first look at the zone, then select the building type and the frontage type with enough specificity in the code to know what those frontages should be. She referred to building types and setback and the type of frontages in the FBC and noted all the frontage types allowed to be considered. While the FBC appeared to be complicated, she explained that once a component had been selected it would be the only component to consider in that section. With respect to single-family homes, she commented that the applicability would also have to be considered. For now, the FBC would be used for projects under the Housing Accountability Act and SB 35, which are for higher density housing developments. For a single-family home application, the standard design review process would be utilized unless some other state law, such as SB 9 were to apply.

Ms. Feliciano stated the challenge would be to get comments on the level of detail for the objective standards. She noted it was cumbersome to ask the DRB to go through a 200-page document and she presented a potential simulation and an exercise as to how to apply the FBC. She clarified that after a frontage type was chosen the architectural standards would be considered.

She noted that the California Contemporary style had been annotated because it was likely to be the most common style used and those cities that did not have a style had deferred to more contemporary architecture. She pointed out some of the standards included in the proposed FBC with respect to window size and proportion.

Chair Livingston referred to such things as control joints and the location of control joints when stucco finishes were selected, and DREW FINKE, Opticos Design, stated that had not been included in the draft standards at this point but could be if desired.

Ms. Feliciano pointed out that a bay window was not a requirement but if a bay window had been proposed the standards for form, height, width, and dimension would have to be met along with whether or not there could be waivers for those elements. She explained that the developer would have to provide justification for how that standard would reduce density to allow a waiver.

On the discussion of waivers, Vice Chair Carter commented on his understanding that the number of waivers might be based on the percentage of affordable units in a particular development, and if the development was 100 percent affordable there could be unlimited waivers, and he noted his understanding was that there were different tiers involved.

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Stephanie Vollmer advised that she could assist in the research of that question related to the number of waivers allowed for any development.

Ms. Feliciano referred to some of the standards related to roofs, eaves, windows, window frame insets, and the options available. While someone might propose something innovative, it might likely have a more civic use such as a museum or a library.

Ms. Feliciano stated there was a desire to have sufficient standards to ensure a good design outcome in that staff would be evaluating those elements, which would not go to the DRB, and which was why it was important to create standards that would produce a good design.

Vice Chair Carter asked if the DRB had the ability to avoid enforcing a particular aspect that might not be the same for every applicant, and Ms. Feliciano noted her understanding that the DRB could impose conditions to a project as long as those conditions did not reduce the density or deny the project. Some design issues might require agreement from the developer. She urged caution with a situation that could set a precedent where another applicant might want the same consideration, which would be challenging to staff given the desire to give the DRB and the developer flexibility while ensuring there were sufficient standards to ensure the production of a good design.

Ms. Feliciano clarified that shopfront frontage type did not necessarily mean a retail use in that there could be a community center, day care or office, although Chair Livingston referred to the example in the document which represented a fairly traditional window fenestration pattern for a residence.

Mr. Finke referred to another portion of the FBC document specific to standards for a storefront or shopfront condition. He clarified that the objective items being regulated were the items in the table and not the diagrams that were illustrative. The numbers in the table represented the standards and not the diagrams. As such, he suggested that the diagrams could be simplified to show the most basic condition.

Chair Livingston commented that the information was confusing and he noted there had never been trouble with storefront designs. He questioned whether that element needed to be regulated. He referred to a minimum of transparency desired and beyond that suggested it should be left to what needed to be done.

Vice Chair Carter agreed and stated the storefront limitations were imposed by wind loads or limitations in manufacturer's capabilities. He asked if there was an effort to prevent narrow window mullion configurations.

Mr. Finke stated that the attempt was to focus on the proportionality to make sure that a storefront was not squat, and additional standards such as minimum recess had been proposed to avoid it from appearing too flat. He noted concerns regularly heard that buildings were really flat and oftentimes the response was a push in/pull out articulation of buildings that could sometimes be heavy-handed.

Chair Livingston suggested the illustration provided was successful and was needed but it was different from the elevation with window proportion guidelines. He suggested that a 2-inch recess depth for a residential window should be standard.

Ms. Feliciano suggested for a storefront there should be 6 inches. She explained that in a number

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of the building types one of the things where developers sought waivers was for open space and if there was a balcony, which was private open space, she stated those were optional but in the case of a balcony the standards were as presented which looked at the type of material.

Chair Livingston supported balconies, particularly in a dense urban environment and he asked why balconies were disappearing. He mentioned the Nevin Plaza application where he suggested balconies should have been provided. He asked if there was a state law involved.

Ms. Feliciano stated that waivers could probably be issued for balconies, although she noted that balconies were often used for storage, which made them undesirable. The open space requirement was not per unit and if a developer could provide common open space, then they would probably do that.

Ms. Feliciano added that if looking at the building types some of them would require open space, hypothetically for townhomes on a porch but some only required common open space (not a porch or a balcony). She displayed a building type that was more residential, a carriage house where there would be a private open space requirement based on the principal building and that open space could be a balcony, a stoop, or something else. With respect to the higher density building types, for a stacked flat, for instance, there was no private open space requirement and no balcony or porch would be required. She suggested that balconies could be included as a requirement where it made sense for that building type to have private open space.

Vice Chair Carter suggested that for multifamily there should be a private open space requirement.

Ms. Feliciano referred to a high-rise building type that did not require private open space and in that case a developer would not likely build balconies. At its densest, Richmond was in the mid-range 4 to 8 stories. She suggested that balconies could be provided for a specified percentage of units and asked the DRB to advise of its preference.

DRB Members supported balconies however they could be achieved without making it onerous on developers and suggested that a private open space requirement should be included even though waivers would likely follow and could be used as a bargaining chip.

Ms. Feliciano stated that balconies could be added and waivers would be possible but suggested an issue would result of who would get the balconies and who would not. In the meantime, staff would look at the building types where it made sense and add that open space requirement. She asked if a percentage was preferred or if open space should be required for everyone. In the City's current Medium Density Residential District, 75 square feet of open space per unit was required.

Vice Chair Carter asked if there was some other formula to determine open space, which could be based on lot size, building type, usage and the number of units provided, to then come up with what could be required.

Mr. Finke explained that typically the City of Richmond's current code stipulated a minimum square footage per unit and one item to consider was the concern over disincentivizing the smaller units given the ability to get more rent for larger units. He suggested a minimum square footage of balcony per percentage of units could be a way to avoid disincentivizing the smaller units.

Ms. Feliciano stated she would work with Opticos to recommend a percentage and a square footage for balconies and return to the DRB with a recommendation. She asked about regulating

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materials and referred to decks.

Chair Livingston noted the references to columns supporting a deck and clarified that if just supporting the top rail for the balcony guard rail those supports should be called “posts.”

Ms. Feliciano pointed out the various styles included in the FBC, which could be used as guidelines, and Chair Livingston suggested that industrial and contemporary were the only styles that were relevant.

With respect to the styles shown, Boardmember Butt expressed concern for the style shown as Main Street that included the illustration of an actual historic building. She noted that while what could be built could include some fundamental basics in a historic context that had bricks, a historical building could not be built. She expressed concern with the menu approach.

Vice Chair Carter asked about the main differences between the industrial and contemporary standards and asked if there could be a way to condense those standards into an overarching standard that was not identified by a particular style.

Chair Livingston referred to the awnings on the California Contemporary and asked if that was a design standard in the proposed code, and Ms. Feliciano stated there were no standards for awnings, which could be added as optional or required, at the direction of the DRB.

Boardmember Butt clarified that type of inclusion would be a guideline and not a standard.

On the discussion, DRB Members suggested there be a guide on how to develop given all the specific standards related to height, setback, window depths and the like, which would lead to a style that fit the massing based on the FBC.

Ms. Feliciano stated that with no style the default would be contemporary, which was what most developers were building. She questioned whether base requirements for a building could be provided after which the guidelines, which would be the styles, could be provided potentially as recommended by the Vice Chair as an appendix to the standards.

Chair Livingston agreed.

Ms. Feliciano stated next steps would be to schedule a working session with a couple of Planning Commissioners and Boardmembers. She noted the Commission had some of the same concerns the DRB expressed. From there, Opticos would make the updates, which would then be presented to the DRB and Planning Commission.

Chair Livingston asked Opticos to address the question of how ground floor residential would work in an urban edge. He also asked if there should be any plaza or gathering standard to ensure there were public spaces, and potential standards to preclude public spaces from being walled or fenced off.

Ms. Feliciano stated that depending on the size of the lot civic and urban spaces had to be provided. She would have Opticos look at that and provide a standard.

Board Business

A. Staff reports, requests, or announcements:

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There were none.

B. Boardmember reports, requests, or announcements

There were none.

Adjournment

The meeting was adjourned at 4:06 P.M. to the next regular Design Review Board meeting on Wednesday, March 9, 2022.