

**MINUTES APPROVED AT THE DRB MEETING ON OCTOBER 26, 2022**

**DESIGN REVIEW BOARD REGULAR MEETING**

**Richmond, CA 94804**

September 21, 2022

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 and limited to the specific methods identified on the agenda.

**BOARD MEMBERS**

Kimberly Butt  
Marcus Christeson  
Jonathan Livingston

Brian Carter  
Michelle Hook

Chair Jonathan Livingston called the regular meeting to order at 6:02 P.M.

**ROLL CALL**

**Present:** Chair Jonathan Livingston, Vice Chair Brian Carter, and Boardmembers Kimberly Butt and Michelle Hook

**Absent:** Boardmember Marcus Christeson

**INTRODUCTIONS**

**Staff Present:** Planners Lina Velasco, Hector Lopez and Mary Sanchez, and Stephanie Vollmer from the City Attorney's Office

**APPROVAL OF MINUTES:** None

**APPROVAL OF AGENDA**

**MEETING PROCEDURES**

Mary Sanchez identified the meeting procedures, the format of the web-based meeting and the public's ability to speak during the meeting.

**PUBLIC FORUM:** None

**CITY COUNCIL LIAISON REPORT:** None

**CONSENT CALENDAR:** None

**APPEAL DATE**

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The appeal date for actions taken by the Board at this meeting will be no later than 5:00 P.M. on Monday, October 3, 2022.

### **PUBLIC HEARINGS**

<b>1. PLN21-444</b>	<b>BRICKYARD COVE RESIDENTIAL</b>
Description	STUDY SESSION TO PROVIDE AND RECEIVE COMMENTS ON THE PROPOSED DESIGN OF A 94-UNIT MULTIFAMILY RESIDENTIAL PROJECT.
Location	BRICKYARD COVE ROAD, VACANT LOT BETWEEN SEACLIFF ESTATES AND BRICKYARD LANDING
APN	560-340-043, 560-340-039
Zoning	RM1, MULTIFAMILY RESIDENTIAL DISTRICT
Owner	PACIFIC GAS & ELECTRIC CO.
Applicant	REPUBLIC BRICKYARD LLC
Staff Contact	ANDREA VILLARROEL Recommendation: PROVIDE AND RECEIVE COMMENTS

Lina Velasco, Director of Community Development, presented the staff report dated September 21, 2022 for a project situated off of Brickyard Cove Road between Seacliff Estates and Brickyard Landing consisting of two vacant parcels, one of which formerly contained a PG&E natural gas tank. She identified the current land use as Medium-Density Residential and the current zoning as RM1, Multifamily Residential. The applicant proposed 94 residential units in a townhome arrangement where the units would range from 1,300 to 1,700 square feet in size. The project included a proposal to construct a 4,600 square foot resident community building at the front of the site that would consist of a clubhouse, fitness center, and property management office with an outdoor area or amenity space with a pool, spa, barbeques and game tables. The publicly accessible street would not be gated but would be maintained by a Homeowner's Association (HOA) or a rental company if the units were to be rental units. The project would include landscape improvements, a small community garden, public art consistent with the One Percent Public Art Program, and make improvements to the existing Bay Trail segment fronting the site that would include a seating area as well as an information plaque.

In terms of the application, Ms. Velasco stated the entitlements that had been requested included a request to rezone the project site, major design review and a California Environmental Quality Act (CEQA) analysis. A rezone from RM-1 to a Planned Area (PA) District would allow adjustments to certain standards, specifically an increase in the building height from 35 feet to 36.3 feet as well as a massing requirement that restricted the massing on the third floor that could exceed 80 percent of the ground floor footprint. She stated those were initial proposals and the project was still going through the design review process.

The goal for the study session was to receive input on the site plan and project design from the DRB and the public.

Ms. Velasco responded to comments from the DRB and explained how the CEQA process worked for the project, which was in process and which was dependent upon feedback for the final process to evaluate the impacts from development. A consultant had been hired, to be paid by the applicant, to evaluate the environmental impacts, which was a work in progress. She noted that truck trips were being evaluated from a traffic perspective, air quality impacts, noise, odors and the like. The project would have to go to the City Council for approval and the Planning Commission would be asked to make a recommendation but the ultimate decision would sit with the City Council.

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The majority of the purview on the environmental recommendations would be from the Planning Commission but the DRB could ask staff to consider certain things in the evaluation along with comments from staff and the public to ensure coverage of all areas of interest. Staff anticipated that the full environmental report would be available at the time of a public hearing with the DRB.

Ms. Velasco added that the City process had noticed the application related to the study session and specific outreach related to neighborhood councils had not been done, although staff had worked with the applicant and had asked them to reach out to the HOAs and the neighborhood council. Staff had primarily been doing mailings, site postings, and distribution of DRB agendas to those who had subscribed. A project website had been created at the request of the public but outreach had primarily been related to the required noticing of the hearings.

Boardmember Hook recommended that the website be identified in the chat to inform residents.

When asked why the environmental document was not available to the public, Ms. Velasco stated it was still in draft form and the project was subject to change. There was no desire to confuse the public. The document would be made available before the public hearing.

Chair Livingston requested that the environmental document be made available to the public soon.

Ms. Velasco also responded to the discussion about Brickyard Cove Road, which was privately maintained not City maintained, and whether the condition of the road was under the purview of the DRB. Her current understanding was that there were two segments scheduled to be dedicated to the City, although the City had yet to accept those dedications and the road in the meantime was being maintained by the HOAs pending the City's acceptance. She was aware of some ongoing discussions by the Public Works Department (PWD) about what needed to be done for the City to accept the dedication. She would work with the City Attorney's office and the PWD and hoped to have some updated progress for the DRB and the public as to the status of those discussions. She added that the applicant was aware and was working toward a solution to that situation. Her understanding was that the final requirement for the City to accept the designation had been completed in 2005.

Boardmember Butt sought guidance on what residents could do to move that process along with the City.

MELISSA DURKIN, Senior Vice President of Development, Republic Urban Properties, San Jose, presented the development proposal for the PG&E site located along Brickyard Cove Road and stated the project had evolved since its original concept presented a year ago to the DRB Subcommittee, which had resulted in a project that would be a great addition to the community. She described Republic Urban Properties, a real estate development company based in San Jose, which specialized in multifamily and residential along with office, hotels and retail with projects throughout the Bay Area.

Ms. Durkin described the history of the subject site occupied by the Richmond Pressed Brick Company in 1916 until purchased by PG&E in 1949, where a natural gas facility had been situated until 1989. PG&E had put the property up for sale in 2021 and Republic had been chosen to purchase the property after an interview process. The site already had a General Plan and zoning designation and a rezone had been proposed to PA to allow Republic more

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flexibility with respect to building height and massing. Ninety-four residential units had been proposed from 1,300 to 1,700 square feet with a mix of two- and three-bedrooms and a 5,600 square-foot recreation center with leasing office.

Ms. Durkin stated the goal of the project was to build high quality homes compatible with the surrounding communities. Several photo simulations had been done to show what the project would look like from several viewpoints in the City where the project height and density would blend in with the community. The site plan had been refined from the initial proposal with feedback from the community and the layout was now more natural and organic.

Ms. Durkin described the project with a community garden, bulb outs along the main access road to allow additional street trees, enhanced crosswalks, seating and benches to view the Bay, all in collaboration with the DRB Subcommittee. Resident parking would be provided in two car-garages with each unit and with guest parking along the main access road along the recreation building with a few along the end of the private drive. She stated the requirement for 182 stalls would be exceeded and all tenants would be required to park their vehicles in the garages. Off-site parking opportunities would be explored on neighboring commercial sites on an as-needed basis. The project architecture had also improved from input from the DRB Subcommittee meeting.

CINDY TEALE, Project Architect, Bassenian | Lagoni, stated the site plan had gone from a bar design and three building types to seven building types to respect the formation of the land on both sides and to pick up the undulation on the hillside and what Brickyard Landing had in its site. There would be uphill and downhill buildings and the buildings on one side of the street would be two stories while others would be three stories to offer a lot of variety in massing. With respect to the elevations, she noted the initial introduction of a bright, crisp project that had an urban feel that would accentuate itself on the hillside but after discussions they had gone back to something more simplified with earthtone colors. Shingles had been introduced to create a more organic and natural feel similar to Brickyard Landing and roof pitches had been lowered to create a more subtle project to meld in with the landscape to look like something that had been in the community for many years.

Ms. Teale explained that the entire project had been calmed down, a number of gables had been omitted and the entries had been accentuated, the materials had also been kept down with only a couple of different materials and the color palette had been simplified. In addition, the floor plates had been lowered to minimal standard floor-to-floor heights, and canopies had been added on all of the entries. Some accent doors would accentuate the entries and canopies with more covering at all of the entries. A Cementous straight edge panel would be used with shingle and plaster with reglets to give definition to the plaster at the lower levels, and traditional style lighting would be shielded for down lighting.

Ms. Teale explained that after discussions three different options for window systems had been evaluated. The trim would be kept subtle but the desire was that the windows punctuate the building with a white or bronze tone. Vinyl windows had been proposed with Cementous siding to stand up to the environment. The upper level would use the tan color that was more subtle and there would be two other options with white similar to Brickyard Landing and also with the bronze.

Ms. Teale referred to Building A and noted the buildings were similar looking as far as materials and siding to create a cohesive look throughout the site. Building A was three stories on each side with a paseo entry in the front and garage doors in the rear which would be simple and slatted. Vines would be added around the doors with lighting and a sage green color would

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punctuate the doors. After feedback from the DRB Subcommittee changes had been considered to the massing at the back to get the massing as clean and simplified as possible.

Building B would be embedded in the hill with parking at the drive aisle below and with the entry one level up with a combination of two- and three-story massing throughout the site with all B, D and F buildings. Canopies had been added on to each, the roof had been simplified and lowered at the edges with added hips to bring the massing in as much as possible to have the least impact as possible to projects on each side and down the main street. Building C included a combination of horizontal and vertical siding, plaster and brick. There would be three-story buildings on each side and Buildings A, C, E and G would look the same. Building D had the two stories facing the paseo with three stories facing the drive aisle, and there would be two accessible Building Gs right in the front facing Brickyard Cove Road, with added porches along the front of the building and with a couple of columns and the porch extending out to provide definition to the community and to the street, with metal canopies to create a welcome to the community.

Ms. Teale also presented the two-story recreation center entered on the second floor and stepped down to two stories on the pool deck. More color had been added although similar materials of shingles and plaster had been used for consistency. The architecture had been muted to create a more subtle architecture to fit in better with the whole brickyard community. She provided sample floor plans with garages at the ground floor, living and dining areas at the second floor with decks, all two-bedroom units on the third floor but the end units were all three bedroom to appeal to a variety of people with almost a double suite on the second floor. Different color options had been considered with the intent to keep the palette simplified. Slat blue and sage green would be used throughout the community but still tie in with the hillside.

SHAWN TAYLOR, Project Manager, HMM, Landscape Architecture, stated the goal of the landscape plan was to integrate the architecture into the greater community and reinforce the overall coastal theme and create an aesthetic solution combining amenity areas and circulation for the residents achieved through the use of a climate-appropriate plant palette taking into account tolerance for salt, wind and the cooler local temperatures of the site. Tree-lined streets and garden paseos helped define circulation and add scale to the site. A specimen tree and turnaround would be provided in front of the site for site entry and to control circulation. A small gathering plaza would be at the top of the hill to take advantage of the best views on the site. The clubhouse offered a pool, spa, pool deck with clear view glass fencing and gates, along with spaces for gathering, lounging, dining and gaming. Other amenities included barbecues and other seating options and adjacent to the pool deck was a separate secured community garden where a tot lot playground had been proposed for two to five olds.

Mr. Taylor described the landscape site materials which included railings and fences to allow clear non-obstructed views and safety, benches and walls with neutral colors and natural textures to blend in with native landscape. There would be decorative pedestrian crosswalks at all intersections for safety and place marking and a terraced retaining wall system with cascading plants and vertical plant coverage to break up wall runs. At the terminus of the main drive aisle and at the highest point of the developed site a common open space had been created out of the emergency vehicle access area with a pervious greenspace plaza to take advantage of the views on the site with additional flex space with arbors, cascading plants, seating options, decomposed granite paths surrounded by cultural pottery and accent plants. An entry monument at the front of the site opposite the clubhouse and clearly visible from Brickyard Cove Road would celebrate the materials chosen for the site with neutral warm colors and natural textures on the walls combined with a contrasting metal sculpture and raised lettering. A terraced wall planting scheme tied the monument together visually and set the

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project theme in a prominent location. Landscape lighting fixtures included post lights, bollards and festoon lighting to highlight the landscape features and illuminate but not serve as architectural accents standing on their own. The project would follow night sky requirements and non-trespass lighting measures and meet all safety and code requirements.

Ms. Durkin advised that the project would include improvements to the section of the Bay Trail across the project frontage and meet current Bay-Trail-Design-Guidelines-and-Toolkit requirements. A new seating area, bike repair station and interpretive signs about the site's history would be provided along the trail. To comply with the public art requirement, the applicant envisioned installing art on site and within the surrounding community and art could be provided along the Bay Trail, in the project entry signage, on fencing used to screen utilities and crosswalk striping. She looked forward to working with the Richmond Arts and Culture Commission on that effort. She added that the Tentative Map would subdivide each building on its own lot and would be designed to be either for-sale condominiums or rental housing, to be determined prior to the recordation of the Final Map to comply with the City's Inclusionary Housing Ordinance.

Ms. Durkin reported the site would import approximately 88,000 cubic yards of soil to help restore the natural hillside slope from the original grade where the site had essentially been flattened by PG&E, and to create more usable area for development and help match the existing character of the adjacent residential project. It would also create stability along the existing retaining walls on the eastern property line and the extreme cut slope on the rear of the site and create a significant buffer between the new residences and the contamination from prior site uses. The Regional Water Quality Control Board (RWQCB) had permitted the project contingent upon 15 to 20 feet of clean soil to act as a barrier between the townhomes and remaining soil contaminants. It was estimated that the soil import and grading activities would take four to six months to complete with vertical construction at 16 to 20 months. A pre-and post-construction survey of Brickyard Cove Road would ensure the repair of any damage.

Ms. Durkin added that the City required a Construction Traffic Plan that would outline noise mitigation, traffic control, traffic routes and dust control measures. Hours of construction would be consistent with City codes. Trucks would use Seacliff Drive to Brickyard Cove Road and no trucks would be allowed to drive west on the project site, which would be written into all construction contracts. The frontage along Brickyard Cove Road would be improved across project frontage with new striping and there would be a contribution of a fair share needed for improvements west of the project site to allow the City to take over the road. A community meeting would be hosted on September 29, 2022 and there would be additional meetings if needed. The goal was to have all public hearings completed by the end of the year.

Chair Livingston asked the civil engineer to walk the community through the western portion and the edge between Brickyard Landing and the proposed development where there was a series of walls.

DAVID TERHUNE, RJA, Ruggeri-Jensen Azar, described the terraced wall conditions and had planned to do some planting at those walls to soften the edges while some walls would be screened by the existing landscaping. He explained that coming off of Brickyard Cove Road the site was effectively at grade. There would be a sunken water quality treatment area as required for the site by the RWQCB and moving up the site the buildings started to climb up to match the natural grade. PG&E had cut down 40-50 feet from the natural grade, which would have to be restored. He noted that driving on Old Kiln Way the site had historically been flat after PG&E had flattened it. Climbing up the site wall heights gradually increased and terraced to minimize the visual impacts which climbed up to 9- to 11-foot walls when entering garages on Brickyard

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Landing where there were three terraced walls, each 9 feet in height, spaced far apart and graded to soften the edges.

Mr. Terhune noted that Old Kiln Way had fairly mature shrubbery and bushes at two to potentially five feet tall and the trees were mature and grown and appeared to be 30 to 40 feet tall, if not taller.

The site would come in on the PG&E property behind that existing landscaping with a 17-18 foot landscape buffer along Old Kiln Way. Mr. Terhune pointed out two 11-foot walls and noted the ideal to get back down to the three-wall step condition, although the top of the tree canopy would be higher than the finished floor of the buildings and the visual impact from Old Kiln Way might view some of the walls sticking up from behind the top of the tree canopy, which should be higher than the actual ground elevation of the buildings and higher than the top of the wall.

Mr. Taylor stated that the wall had been envisioned as a combination of keystone gravity block and on the taller walls a split-faced block with the same color and finish. On some of the areas with a drop off there would be a clear view fence for safety on top of that, to be planted.

Boardmember Butt asked if there was a point to align with the Brickyard Landing area grade, and Mr. Terhune reported that would be when reaching toward the rear of the site when the last four to eight buildings would match the grade and the walls would disappear into the hillside. He added with respect to wall height that in some places the project would actually bury the existing 20-30 foot wall on the Seacliff Estates site. As such, the visual impact of that wall would be removed.

### **PUBLIC COMMENTS OPENED**

Mary Sanchez identified the meeting procedures, the format of the web-based meeting and the public's ability to speak during the meeting.

DAVE BLECKINGER, who lived at 101 Seaview Court adjacent to the development, expressed concern for the trucks, dust and the 88,000 cubic yards of imported fill that would take away three quarters of his view given that there would be 15 feet of fill above the existing grade with plantings above which could go up to 130 feet adjacent to the property line and above the General Plan limit of 35 feet. He requested that the height of the infill be brought down to the existing maximum height on the side of the property next to Seacliff Estates and follow the 35-foot limit and bring the plantings down next to Buildings 13, 11 and 9 to 20 to 25 feet maximum. If that could not be guaranteed he asked that the CC&R's ensure that the HOA would maintain that height in perpetuity. He added that the project had yet to be considered by the neighborhood council and he requested story poles to allow an understanding of how the height would affect the community. He also supported an EIR to identify the impacts involved.

MELODY GONZALVES expressed support for the proposal and asked that the application be approved to provide needed housing in Richmond, and because the project would provide 94 new homes would contribute more than \$1.7 million to the City's housing fund to help create additional homes affordable to low-income families throughout Richmond. The design was appropriate and fit in with the nearby communities at Brickyard Landing and Seacliff Estates. It would restore a hole on the property with clean soil and require the applicant to improve the road to an equal or higher standard. No similar residential communities had been created in Richmond in decades. The proposal was a quality architectural design with high-quality materials that would be good for the environment because it cut carbon emissions so that residents would not have to travel long distances to get to Bay Area job centers, and the solar panels, energy saving technology and water-saving features should be supported by the Board.

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She urged approval of the project.

BRUCE BEYAERT, Richmond, Chair of TRAC (Trails for Richmond Action Committee), explained that the existing old trail in front of the property was badly buckled by tree roots and he was pleased to see that the trail would be replaced with a new trail to meet the current Bay-Trail-Design-Guidelines-and-Toolkit requirements.

Mr. Beyaert referred to detailed comments included in his email sent on September 19, 2022, most related to signage and their placement and specific comments related to traffic safety signs where the trail crossed the entry road to the Quarry Project along with interpretive signs telling the history of the site. He would work with the applicant to help design the signs as he had with other developers. He recommended adding a water bottle filler station integrated with the bike repair station, and asked the DRB to incorporate the specific conditions of approval identified in his email into the staff report for the public hearing for the project related to phasing the Bay Trail frontage, landscaping to be completed prior to the first certificate of occupancy, the Bay Trail improvements to be maintained by the HOA, specifics on traffic control signs for entries, crossings and approaches to the Bay Trail and interpretive signage.

Chair Livingston asked if Mr. Beyaert would be amenable to removing the bike repair station since there was a station half a block away, and Mr. Beyaert agreed.

RICK WILLIS, President of the Seacliff HOA Board and speaking on behalf of the HOA which shared responsibility for the maintenance of the section of Brickyard Cove Road that ran in front of the Seacliff Estates with the new owners of the Boardwalk Marina, emphasized the issue of the roadway with respect to cost and liability. He stated that section of the road was in good condition and he suggested the City should accept the dedication as it had agreed to do 17 years ago and accept it prior to any work on the project so that the subject developer could take care of restoring the road to its current condition once the work had been done. Seacliff HOA shared the same maintenance responsibility with Boardwalk Landing HOA 1 and 2 and the marina for the section of Brickyard Cove Road west of the development. He urged that the City also accept dedication of that section, also 17 years overdue, to relieve the affected community members from the continued responsibility and cost of that roadway. He also had concern for the fill that would have to be brought to the site and for the trucks associated with that effort.

SILVIA LEDESMA, Richmond, speaking on behalf of fellow Hispanic brothers and sisters in the carpenter trade stated that Brickyard Cove had been involved in the community, had listened to residents, and had allowed residents to be involved in the project. She believed the project would benefit the community and she supported the design and the commitment to the work force, and urged the DRB to also support the project.

KYLE SWARENS read a letter he had submitted on August 19, 2022 that had not made it into the DRB packets and stated on behalf of Carpenters Union Local #152 members strongly supported the Brickyard Cove Multifamily LLC in that it had made a commitment to use union general contractors on the project that ensured that construction workers working on the project would be a diverse workforce that promoted an inclusive environment with local residents paid standard wages and received healthcare and retirement benefits and participated in a joint labor/management program. The members wanted to be part of the community before, during and after construction of the project. It was his desire to protect the wages, benefits, working conditions and job opportunities for local construction workers who depended on the livelihood in Richmond and Northern California. He encouraged the DRB's support of the project

GERALDO VERDIN, Richmond, stated he was able to raise his family in Richmond by being a

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union carpenter and he supported the project that would help the community, and a commitment to allow his union brothers and sisters to be able to work in a local environment without having to travel long distances to work.

JEFF VINES, Chairman of the Brickyard Landing Community Affairs Committee, and speaking for himself and the Board, was anxious to have the site developed and he supported the general designs that had been presented. His key concern was the amount of cut and fill required on the site in order to build.

Mr. Vines noted that 88,000 cubic yards would require 6,500 to 8,500 trucks over Seacliff Drive and Brickyard Cove Road. He stated the grade was the same as the site starting from 275 feet from Brickyard Cove Road where it was pretty level and the sites went up from there. With the addition of the proposed fill, the differential between the two sites were much different and started out at two feet higher and then went to over 30 feet, and with a 36-foot building on top of that would create a canyon effect for the two lower buildings cutting natural light and views to the adjacent property. He suggested following the original line of the property would be more appropriate and he requested a significant reduction in fill of at least 50 percent. He suggested there was also insufficient guest parking in the development and he questioned appropriate access for emergency service vehicles. He asked that the DRB request that the design be modified to capture the concerns raised before returning for formal review.

TJ REESE suggested that the product should be for-sale condominiums and not rentals. He objected to the amount of fill involved, pointed out a certain arrogance that the public would not be able to understand the EIR, and stated the public needed to see the EIR now. He suggested a comparison with Brickyard Landing was inappropriate since it had been built prior to the development of the General Plan which had meant to prevent the situation where Brickyard Landing had gone as high as it had. He also objected to the height of the proposed buildings that were inappropriate to the neighborhood and did not understand the need to rezone and build higher. He had no objection to development but wanted something to match the existing development and he had a problem of building on sites that within 10 to 50 years would largely be flooded by sea rise, storm surge and rise in ground water.

LISA JOHNSON, Richmond, speaking as a resident of Brickyard Cove, stated that CEQA law required that significant impacts and proposed mitigations be reviewed although that could not be done without knowing the significant impacts of the project to inform the property's design and viability, and while an Initial Study was currently underway to identify impacts requiring mitigation she emphasized that an Initial Study and an EIR were two different things. She stated an EIR should have been prepared for the project to identify how the project would significantly impact the community in that the 88,000 cubic yards of fill translated to 20 trucks an hour, one every three minutes, over an 11 percent grade on Seacliff Drive, which must then drive back down the hill five days a week for nine weeks if allowed to transport eight hours a day, which did not include the 40,000 cubic yards of fill from the Laconia development (Terminal 1) to truck in over the same route.

Ms. Johnson stressed the need to mitigate traffic impacts, dust, noise, air quality and the cleanliness of soil being trucked in, with no mitigation to address the damage to Seacliff Drive and Brickyard Cove Road, which was still private. She asked how residents and workers were to get in and out of that area added to which trains routinely blocked the track for 20-30 minutes at a time several times a day. She also questioned what would happen in an emergency requiring evacuation and noted that the Ferry Point Tunnel was the only other exit. She urged the preparation of an EIR to analyze the significant impacts and then propose mitigations to those significant impacts that affected the health and safety of the residents.

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An unidentified speaker commented that one of the proposed buildings for the subject site was almost right on top of her building in the adjacent development. She wanted to confirm how the proposal would impact natural light, particularly from the east side and she requested story poles to get a sense of impacts that were unclear from the plans. She was also concerned for the noise and commented that each unit was to have 75 square feet of open space and she expressed concern for the potential noise from all that area. She also sought a better sense of the lighting, any decks on the east and west sides of the buildings that would increase noise on those two sides, and the 88,000 cubic feet of soil, and asked how dust would be mitigated.

GERARDO VERDIN, Richmond, a union carpenter who had lived in the City for 25 years expressed a desire to purchase a home in the proposed project, especially if it became a rent-to-own project, and stated it was important for members of the community to be able to live and work in the community and important for local carpenters to be able to build the development.

BRIAN LEWIS, a 25-year resident of Brickyard Cove and a member of the Brickyard Cove Alliance for Responsible Development (BCARD), expressed concern that the units may be rentals in that Brickyard Landing and Terminal 1 had a restriction of no more than 20 percent rentals in a lawsuit filed by BCARD. He asked for story poles for the site consistent with the requirement at Terminal 1, expressed concern with the amount of fill that had been proposed that would bring the height of the development higher than the original landscaping, and the truck traffic and need for an EIR. He added that Brickyard Cove Road to the west of the project was privately owned and maintained and was a posted private street. As such, the right of passage was by permission only subject to Section 1008 of the Civil Code posted at both ends of the roadway. He stated that the City needed to take over the road now prior to the project so that the two privately maintained actually restricted roads could be taken over by the city with a fair share plan to repave Brickyard Cove Road, and so that a plan to address dust, traffic mitigation, post construction inspection, restoration and speed mitigation, striping, signage and electrified crosswalks could be pursued. He sought restrictions and a penalty clause to be able to come through the Ferry Point Tunnel to access Brickyard Cove Road.

Mary Sanchez again identified the meeting procedures, the format of the web-based meeting and the public's ability to speak during the meeting.

BEVERLY GALLOWAY stated that the developer had done some nice things and had responded to the DRB in a commendable way. As the past president of HOA 2, Sand Piper Spit right off of Brickyard Cove Road, she stated it was incumbent upon the developer to work with the Terminal 1 development to resolve the road issue which was an open sore in the community that had been paying for the right of passage by the general public because the City had refused to take over the road. She emphasized that should be resolved with the new developments.

Vice Chair Carter asked if any balconies had been planned on either side to Brickyard Landing and Brickyard Cove and Ms. Durkin stated some balconies wrapped around the corners of those areas. As to the 75 square feet of balcony, she explained that was a minimum requirement imposed by the City of Richmond. For the most part, a number of balconies had been omitted; the third floor balconies on both of the ends and those in the back alley. Some of the balconies had been increased and porches had been added to the end of the buildings and on the front of the buildings based on feedback from the DRB to give that living environment to the residents and to embrace the neighborhood.

As to the soil and grading issue and any ability to reduce the amount of soil, Ms. Durkin stated

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the reason for the import was the residual soil contamination on site and a minimum of 15 feet was required to provide a substantial buffer to encapsulate that soil, what the RWQCB had approved for the project. It was also important to keep the unit count which helped to expand the developable area. Since it would be costly, it was in their best interest to keep the soil import to a minimum to get the project where it needed to be and what had been proposed would be the minimum amount to get the project where it needed to be.

Mr. Terhune stated if treating the site as a flat site development it would not do justice to the hillside nature of the community and if bringing in no soil at all there would be a loss of six to eight buildings which represented 40 units of the 94-unit residential project, and which would not make the project viable.

One of the things done based on preliminary direction from the DRB was that the grade had already been dropped by 15 feet, and while the buildings had almost matched the existing grades to the east and many alleys were much closer to the easterly neighbor that grade had been dropped below the height of Seacliff Estates by about 20 feet and was already causing a wall condition on the easterly side which reduced the wall condition on the westerly side. He also pointed out with respect to views from Seacliff Estates that finished floors were intentionally lower than that development and the subject project had a three-story product while Brickyard Landing went up to five to six stories. The existing Seacliff Estates was also three stories so the top of the height of the Seacliff buildings would be 10-20-30 feet higher than the proposed units further up the hill.

Mr. Terhune added, when asked, that they were utilizing a cross slope and end conditions matched the existing grade east while the west sloped back to the main center spine road resulting in a lower elevation than the edges. They were keeping the center spine road lower for overland release and drained those alleys back to the main road. He stated that all rainwater would be collected on site.

Vice Chair Carter liked the massing and the material composition, the canopies, the glass railings and encouraged as many windows as would be appropriate. He personally liked the bronze window finish for the exterior. As far as the color variation, he was struck by the cover sheet rendering which seemed to show a bit of variation of the tans and browns and he wanted to see it kept in that family with a different saturation of browns. He recognized the concerns about the fill and encouraged the applicant to keep it to a minimum wherever possible. He also recognized the right intentions and commended the applicant for the development so far.

Chair Livingston also expressed support for the variation of tans on the color sheet consistent with nature.

Boardmember Butt agreed that the design had come a long way and the site plan was a big improvement and overall the material palette was working much better with the landscape and with the site. She clarified that no action would be taken at this meeting in that the meeting was a study session only and the EIR would actually be reviewed by the Planning Commission. The proposal was still in the discussion stage.

Ms. Velasco reiterated that an Initial Study was being prepared and any significant impact that could not be mitigated could trigger an EIR but they were not there yet. She added, when asked, that typically the review period for a Mitigated Negative Declaration would be 30 days while an EIR would require 45 days. If a public comment period was not triggered, the Initial Study would be posted on the City's webpage. She urged people to go to the City's webpage and sign up for notifications if interested.

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Boardmember Butt appreciated the comments on grading and drainage on the subject site. She did not know if there was any tolerance to lowering the grade/fill of Building 2 and 4 and still allow them to drain. She referred to the three really long retaining walls at the top of the site, did not like the fact they were split face and suggested board form concrete. With respect to the color palette, she asked about the theme or style that had been proposed and suggested a lot of it had been reflective of a brickyard. She supported the bronze windows, suggested a natural wood stain might be preferable to the green doors but was intrigued by the blue, and suggested a Sea Ranch look although the proposed roof type fit better with Brickyard Landing. She referred to the AC units by the front doors as shown on Sheet A2.1, and Ms. Durkin stated they would be well screened, although Chair Livingston stated that AC units by the front doors would not be acceptable.

Boardmember Butt added that if placed on the ground the AC units would have to be screened. She was not sold on the canopies or awnings and compared to Building B expressed a preference for the recesses on Building A and suggested that the applicant look at the Building B elevation again.

Ms. Durkin stated those would be done out of metal roof and be more contemporary than suggested by the plans, which could be done in a champagne color, and Boardmember Butt stated it worked better when the entry was naturally recessed.

With respect to the monument sign, Boardmember Butt asked about the development of the sign and if the design was complete and whether it would incorporate art, and Ms. Durkin stated that part of the sign had been built in to the required retaining walls and a fun entry monument sign had been considered to incorporate entry art on those walls.

Boardmember Butt referred to the sign options that had been displayed and expressed a preference for the one shown "on the bottom right." She liked the turn in the plan and the organic feel it offered and sought a clean, modern aesthetic where the doors would be recessed and be stained wood, with clean lines without pursuing the Craftsman look. Ms. Durkin stated that other door options could be considered.

Boardmember Butt wanted to see a section going north to south with the edge of the Brickyard Landing buildings to help visualize the height differential and to address the public's concerns that the building would block light. She wanted to know how close they would be to the lowest Brickyard Landing building.

Ms. Durkin stated that the sketch-up model had been used to show perspective from the adjacent properties which had been a useful tool when conducting outreach to the neighbors.

Chair Livingston emphasized the need for accurate models and requested that the applicant ensure that any models presented to the public were accurate. He also explained how to create an accurate model.

Boardmember Hook referred to the public comments and asked about the availability for parking, particularly for guest parking and the sufficiency of that parking.

Ms. Durkin stated that the required parking would be provided consistent with code, which had been included in the plan. Guest parking would be provided along the main access road with the majority of the parking in front of the recreation building, and some at the end of the private alleys. The applicant would also pursue the use of some excess parking on surrounding

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commercial sites that might be able to be utilized during off hours.

Boardmember Hook referred to Alley J and suggested there might be some space along with other alleys for guest parking and asked that every opportunity to add guest parking be considered. With respect to design, she stated the architecture had come a long way and she commented that the doors did not feel right and she too supported a natural wood stain as her preference. She agreed with the bronze and the recessed entries, and referred to the community recreation building. She suggested the recreation building was a bit of a departure from the feel of the other buildings in that the white that had been proposed was very white.

Ms. Durkin explained that the vibrant white had been eliminated and there were now more subtle colors on the building with the tower piece to announce the project and speak as a recreation center.

While a redesign had been considered for the recreation building, Ms. Durkin commented that building was thought to be a jewel of the project. The same materials used elsewhere had now been proposed; the brown shingles on the tower and the same plaster with the reglets being used on the rest of the project. It was the blue color that was a departure and there would be a storefront to make it look more like a clubhouse than a residential house.

Boardmember Hook suggested it was dark while the other buildings felt more relaxed. She referred to the pool, spa and other amenities adjacent to the recreation building and spoke to the seating, lounge and asked about the size of the pool and the spa, reportedly 8 x 8 feet. With respect to the community garden and natural play area, she referred to the townhomes adjacent to the project and noted that development had a celebrated community garden. She suggested the proposed community garden space was a bit forced and enclosed and she suggested an enclosed play space would be more appropriate for the site. She also suggested there was opportunity to place one or two beds on the other side of the street but did not know that it needed to be enclosed. Of the play space, she was a big fan of natural play elements and recommended, logs or rope and other natural materiality.

Referring to the full site plan, Boardmember Hook asked about the pavement material and Mr. Taylor expressed the desire that the turnabout stand out and the initial idea was for modular pavers with the potential to be pervious and pull in a classic brick pattern and have the brick tie-in. There was a desire to differentiate the crosswalks and pull in art, pattern and something else other than traditional classic brick for the crosswalks and help the turnabout pop in the front.

Boardmember Hook commented that she was not always a fan of brick but it was appropriate in this case given the name. She appreciated the crosswalks and the material proposed, asked about the pedestrian overhead lights and liked the architecture. She also liked the simple bollards but suggested that the post lights felt modern and she supported a simpler light fixture.

Ms. Durkin stated there was another option that matched the traditional design that had been proposed on the building.

Boardmember Hook urged that alternative fixtures be considered and Mr. Taylor stated that would be done.

Boardmember Hook referred to the upper plaza space where the fire turnaround was located and stated it was an improvement over what had originally been proposed. She asked if there was an opportunity to offer the retaining wall in that area a punch or step it down to offer a human scale where two as opposed to one central wall could be considered. With the

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suggestion that a tasteful mural as public art could be one consideration for the split-faced CMU wall, she requested that the applicant consider that option.

Mr. Taylor presented a rendering with two options with ground cover planted on the top with vines on the bottom and with a rhythmic planting scheme.

Mr. Terhune stated with respect to the upper wall that the height and position had been required to provide the grade needed to get down to the street. He stated the top of the wall popped out due to the staircase and the wall under discussion had been added to provide the Emergency Vehicle Access (EVA) and the usable area and space for pedestrians. There was some opportunity to play with the bottom wall and put in some gabion wall at the toe to break it up a bit and add more interest. Currently the rendering showed an independent bench but he agreed it could be studied more.

Boardmember Hook stated the planting palette was very detailed and she had a few questions about the tree species. Because she lived in Richmond under similar conditions she referred to the proposed jacaranda and did not think it would do well around the waterfront. She recommended adding a quercus agrifolia and adding more marina madrone (arbutus marina). She questioned the potential success of the madrone (arbutus menziesii). She felt strongly about using the quercus in place of the madrone (arbutus menziesii).

Boardmember Hook also referred to the proposed use of bottle brush along the street frontage with the Chinese pistache,, she stated that it was messy and questioned its placement along the Bay Trail. She would prefer something that was not so ornamental in its place. She supported the groundcover, the natives and suggested adding some rhamnus caliifornica with the oak along the edges. She pointed out other species that were durable and appropriate, and stated the plant palette was great but she suggested adding more native plantings with muhlenbergia rigens, or muhlenbergia capillaris, salvia clevelandii, which would do great along the waterfront, and, woolly bush, California red fescue, artemisia and others that she knew would do well.

Boardmember Hook thanked the applicant for incorporating the recommended TRAC width for the Bay Trail and the signage, and appreciated the design and the collaboration with the DRB.

Chair Livingston appreciated more attention to the native plantings and stated there were native plants on the hill such as quercus agrifolia, heteromeles arbutifolia and baccharis pillularis as well as buckeye and toyon, which should be included in the planting palette, especially where it transitioned into the native hillside to "hide" the property line. He added that a successful plant at the landing for groundcover was the low growing evergreen baccharis estrada.

Mr. Taylor stated he would incorporate some of the recommended plantings.

Boardmember Hook stated that adding more of the native plantings within the inner spaces of the buildings would offer the natural feel, and Chair Livingston stated the proposed upper garden did not include native plantings, did not have an organic feel and was out of context and he recommended a buckeye coming over the retaining wall with more of an English garden feel than what had been proposed.

Boardmember Hook agreed.

Chair Livingston referred to the walls adjacent to Brickyard Landing and would love for the public to see a section cut through that because that was a huge impact. He referred to the civil engineering plans where there were two 12-foot high walls and another 36 feet of building,

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which building was 60 feet above Old Kiln Way. Having visited the site, he had discovered a telephone pole that was situated where Building 4 would be. He stated the pole was about 40 feet high, which could be turned into the datum point to identify the height of the proposed building. He had worked with the possibilities but had come to the same conclusion as the design team. To solve the problem, he encouraged the applicant to drop the end unit of Building G to mitigate the intrusion into the view corridor, which seemed out of context and not sensitive to the environment and those losing their views, particularly given the public testimony and in order to be consistent with the PA requirement for superior design from the base district.

Mr. Terhune stated the end of that brickyard landing building was 60 feet tall, four stories above a parking garage and Old Kiln Way, and comparing the elevations for their site plan versus the building on the adjacent property the subject finish floor would be mid-level of the Brickyard Landing building and the top building height on the subject site would actually be lower by 10 feet. He would prepare a section through that area to visually identify that situation.

Mr. Terhune added that Building G helped them meet their Americans with Disabilities Act (ADA) requirement in that every unit in there was ADA and if that unit was dropped from the plan there might be some compliance issues.

Chair Livingston suggested that a single story as opposed to a three story could be a mitigation measure to help mitigate that impact. He stated the only anomaly in the setbacks was that Building G stuck out and affected everyone's view.

Mr. Terhune stated they would take a look at it and provide more detail. He also clarified that the two 12-foot walls were now 11-foot walls. They understood the concerns and would provide renderings and views from those positions.

Chair Livingston referred to the gateway design and stated it looked a bit 70-ish with the sailboat and noted that the Brickyard Landing had a nice clean contemporary looking design. He suggested the proposal should reconsider its sign. He was a fan of the bronze windows and suggested it helped to articulate the fenestration better.

Chair Livingston expressed his biggest concern to staff and stated the proposal needed an EIR or something close to it. He added that he had sworn a vow when he had taken the position on the DRB to protect the health, safety and welfare of the people of Richmond and to follow the Zoning Code. He urged that the City investigate all the environmental impacts related to dust, noise, traffic issues, views, sensitive receptors, diesel smoke, safety and other environmental issues the public needed to see. He was disappointed that the staff had only called out an Initial Study, currently underway, to determine whether the project may result in impacts requiring mitigation. He would not be happy looking at the project without a more intense environmental document that would protect the public interest.

Vice Chair Carter stated it was always helpful to hear about precedence or other examples of projects that had undertaken similar acts to have a better idea of how it's been done and if it had to be done better. He referred to projects in Marin County and asked about other strategies that had been used to add the kind of fill under consideration, whether there were issues and how those issues had been mitigated.

Chair Livingston asked about the commercial space that might be used for guest parking and Ms. Durkin stated that Kelly Moriarity had preliminary conversations with one member of the Richmond Boardwalk LLC, and given the concern of the community they would further those discussions with both of the owners to draft an agreement to allow overflow parking, if needed,

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for special events. She confirmed they would look at every option.

KELLEY MORIARITY stated that he had spoken with Steven Hines who had indicated they had excess parking and Mr. Hines had given his permission to work out an agreement to share that parking during off hours.

Boardmember Butt suggested that removing Building G would allow more parking on the subject site.

For the next hearing, Boardmember Hook stated it would be nice to see the planting palette with more natives and that a landscape materials palette would be helpful as well.

Chair Livingston referred to extra bricks at Brickyard Landing and asked Ms. Durkin if she had discussed the use of those bricks for the entry. Ms. Durkin commented that she had spoken with Brickyard Landing and would look into that possibility.

Vice Chair Carter knew that AC units could not be put on the gable roofs and he asked for a more detailed drawing as to how those units would be handled.

Chair Livingston referred to a 10-foot retaining wall below the front door that went down to the garage and suggested an AC unit could be dropped down into a hole with a grate over it. He added that no one would see it and the noise and visual issue would go away if underground.

The applicant stated that could be considered for the two- and three-story buildings.

Chair Livingston commented that the project had evolved nicely, fit in with its context, and the applicant should be commended for working with the DRB and coming up with a nice project, with some housework still to be done on the environmental side to satisfy the concerns of the community.

Boardmember Hook referred to the series of items that had been submitted by TRAC and wanted to make sure it had been folded into the conditions, and Chair Livingston explained that the letter submitted by Mr. Beyaert of TRAC had been submitted to staff.

Chair Livingston asked what could be done about the environmental issues, and Ms. Velasco stated the environmental analysis would not be finished until the project had been firmed up and this was the first study session. She added that staff had heard the comments from the DRB and the public and would make sure that what was prepared was made available prior to the DRB's decision at a public hearing.

Chair Livingston emphasized the need for the environmental analyses to be stepped up in its intensity, to include an analysis of the fill and every part of that discussion related to the dozers, compactors, water trucks, dump trucks, exhaust, dust and all associated issues and cumulative impacts related to that fill, which would be ongoing for potentially six months.

Ms. Velasco explained it was typical to run a CalEEMod Air Quality Analysis to look at construction vehicles and consider standards for engines and equipment and the analysis would include air quality related to construction and operational factors. The public would be able to comment on all environmental analyses as would the decision makers who would have to accept that analyses. She clarified that staff was still in the process of evaluating a determination for a Mitigated Negative Declaration and if thresholds were exceeded mitigations to reduce impacts to a less than significant level would inform whether or not an EIR would be

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prepared. She confirmed that would also include a view analysis from public spaces but not private views. She added that the CEQA Checklist had standard questions and evidence would have to be included in the record as to the impacts that had been determined. While the City had no view protection ordinance, views would be analyzed from public spaces and issues had been raised at this meeting to identify any view impacts.

Chair Livingston also asked about trucks backed up at the train crossing which could affect other parts of Richmond, and Ms. Velasco stated that a traffic study would look at truck routes and associated impacts and a truck route would be established.

### **Board Business**

- A. Staff reports, requests, or announcements:** None
- B. Boardmember reports, requests, or announcements**

Chair Livingston thanked the members of the Board for attending the special meeting to help staff move the application forward. Ms. Velasco agreed.

Chair Livingston explained that he had put in several requests for a legal opinion on some procedural issues and he had yet to get answers, and Ms. Vollmer was asked to follow up on that situation. He also clarified that the next meeting of the DRB, a regular meeting scheduled for September 28, 2022 would discuss Terminal 3, the Port property.

### **Adjournment**

The meeting was adjourned at 9:15 P.M. to the regular Design Review Board meeting on Wednesday, September 28, 2022.