

# MINUTES APPROVED AT THE DRB MEETING ON FEBRUARY 22, 2023

## DESIGN REVIEW BOARD REGULAR MEETING

Richmond, CA 94804

January 25, 2023

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 L. Christeson  
Leah Marthinsen

Brian Carter  
Michelle Hook

Vice Chair Brian Carter called the regular meeting to order at 6:01 P.M.

### ROLL CALL

**Present:** Vice Chair Brian Carter, Boardmembers Kimberly Butt, Marcus Christeson, and Michelle Hook\*  
\*Arrived after Roll Call

**Absent:** Boardmember Marthinsen

### INTRODUCTIONS

**Staff Present:** Planners Lydia Elias, Andrea Villarroel, Hector Lopez and Hector Rojas; and James Atencio from the City Attorney's Office

**APPROVAL OF MINUTES:** December 14, 2022

<b>ACTION:</b> It was M/S/C (Christeson/Butt) to approve the minutes of the December 14, 2022 meeting, as submitted; approved by a voice vote: 4-0 (Ayes: Butt, Christeson, Hook and Carter; Noes: None; Abstain: None; Absent: Marthinsen.)
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**APPROVAL OF AGENDA:** No changes

### MEETING PROCEDURES

Hector Lopez took this opportunity to advise that Item 4 on the meeting agenda, PLN21-444 Brickyard Cove Residential, would be continued to the next meeting on February 8, 2023.

Lydia Elias identified the meeting procedures, the format of the web-based meeting and the public's ability to speak during the meeting. She reiterated that Item 4 had been continued.

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**PUBLIC FORUM:**

Ms. Elias identified the public’s ability to speak during the meeting.

ROD SATRE asked if there would be a formal motion to continue Item 4.

James Atencio advised that the item had been removed from the agenda by staff and there was no need to make an official motion to continue the item.

Vice Chair Carter reported that a note had been received from Cordell Hindler, Richmond.

**CITY COUNCIL LIAISON REPORT:** None

**CONSENT CALENDAR**

<b>1. CC PLN22-217</b>	<b>SECOND STORY DECK</b>	
Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A DECK GREATER THAN FOUR FEET IN HEIGHT FROM THE GROUND (NINE FEET PROPOSED).	
Location	495 WESTERN DRIVE	
APN	558-201-008	
Zoning	RL-1, SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL DISTRICT	
Owner	VLADIMIR KORSHIN	
Applicant	JOHN CHO	
Staff Contact	LYDIA ELIAS	Recommendation: CONDITIONAL APPROVAL

No written comments were submitted, or oral comments made, by any member of the public.

**ACTION: It was M/S/C (Carter/Butt) to approve PLN22-217, Second Story Deck, subject to the four Findings and Statements of Fact with five Conditions of Approval; approved by a voice vote: 4-0 (Ayes: Butt, Christeson, Hook and Carter; Noes: None; Abstain: None; Absent: Marthinsen.)**

**APPEAL DATE**

The appeal date for actions taken by the Board at this meeting will be no later than 5:00 P.M. on Monday, February 6, 2023.

**PUBLIC HEARINGS**

<b>2. PLN20-245</b>	<b>ESCOBEDO NEW SINGLE-FAMILY RESIDENCE</b>	
Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE ON A VACANT PARCEL.	
Location	ADJACENT TO THE SOUTH OF 669 4 <sup>TH</sup> STREET	
APN	534-212-029 AND 534-212-030	
Zoning	RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT	
Owner	ISMAEL ESCOBEDO	
Applicant	RAMON SALCIDO	
Staff Contact	ANDREA VILLARROEL	Recommendation: CONTINUE TO FEBRUARY 22, 2023

The application was continued to the February 22, 2023 meeting.

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<b>3. PLN22-287</b>	<b>NEW WIRELESS FACILITY FOR DISH WIRELESS</b>
Description	PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION OF A DESIGN REVIEW PERMIT FOR A NEW WIRELESS FACILITY ON THE ROOF OF THE BAY AREA RAPID TRANSIT (BART) DISTRICT GARAGE
Location	350 16 <sup>TH</sup> STREET
APN	540-072-018
Zoning	CM-5, COMMERCIAL MIXED-USE, ACTIVITY CENTER
Owner	SAN FRANCISCO BAY AREA RAPID TRANSIT (BART) DISTRICT
Applicant	RYAN KERSWILL ON BEHALF OF DISH WIRELESS
Staff Contact	ANDREA VILLARROEL
	Recommendation: RECOMMENDATION TO THE PLANNING COMMISSION

Andrea Villarroel presented the staff report dated January 25, 2023, and stated the subject 1.4-acre site was located on the north side of MacDonald Avenue between 15<sup>th</sup> and 16<sup>th</sup> Streets and included a 750-space parking garage for BART, with the BART station to the northeast, the City Center shopping mall to the southwest, and residential developments to the northwest and southeast. She reported that the applicant sought a Design Review Permit to install wireless equipment including six panel antennas, and conduit runs for cabling, equipment cabinets, and other associated equipment on the top of the parking garage's elevator shaft.

Ms. Villarroel reported that the City's wireless consultant, Telecom Law Firm PC (TLF), had been asked to assist in the review of the application. TLF had assisted the City in the development of the current wireless communications facilities regulations in the Zoning Ordinance and had also assisted in the review of wireless facilities projects for the City over the last twelve years. TLF had also provided legal guidance on the federal and state regulations governing the City's authority over those projects including timeframes to act upon the subject applications.

Ms. Villarroel stated the applicant had been given feedback by staff to conceal the antennas and to mount them on the façade in a way to be less visually prominent. TLF had submitted a memorandum that also recommended that the design achieve concealment requirements by architecturally integrating the antennas and associated equipment on the façade and that all equipment must be concealed behind fiberglass reinforced plastic (FRP) screen walls. All future modifications must contain the same concealment tactics. The applicant agreed and had revised the plans to include the decorative FRP to match the rest of the proposed FRP screens and to add additional decorative features to the façade to match the existing architectural features on the garage.

Since wireless facilities were subject to Federal Communications Commission (FCC) rules and regulations, state and local governments were required to act on any request for authorization to place, construct, or modify wireless service facilities within a reasonable amount of time. The FCC had determined that time to be 60, 90 or 150 days dependent upon the type of wireless facility. In this case, the project was subject to a 90-day shot clock. All wireless communications facilities were regulated by the Richmond Municipal Code (RMC), which required that new facilities not proposed within certain preferred locations such as City-owned parcels obtain a Conditional Use Permit by the Planning Commission and Design Review approval by the DRB.

Ms. Villarroel explained that the proposal would not change the height of the garage, it met all setbacks since it was on top of an existing structure, and the design was in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions.

Ms. Villarroel reported that the design would be conceal mounted and follow the conceal

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requirements in the RMC and met the development standards of the zoning district. She recommended that the DRB forward a recommendation of approval for the proposed project to the Planning Commission.

RYAN KERSWILL, representing Dish Wireless, reported that the proposal was for a traditional macro cell tower, the same as any other carrier that sent and received signals, for the Dish Network set to launch June 2023.

Boardmember Butt asked about any outreach to the adjacent residential properties, and Ms. Villarroel stated that public notices had been sent out for the project and no communications had been received as a result of that mailing.

Mr. Kerswill reported that as part of the application process, an electrical magnetic emission (EME) study based on the level of output involved in relation to FCC standards had been prepared for the site, including nearby residences, and was under 19.49 percent for nearest walking and work surfaces for the general public and within 3.9 percent of occupational limits for any employees in and around BART. Both numbers fit within the necessary FCC guidelines for the site to be safe.

Boardmember Hook asked about any public benefit associated with the project and any verification that the parking garage could accommodate the antenna load.

Hector Lopez explained that the expected load would not be significant but the verification of the load would be part of the building permit process. As to public benefit, he stated the project was considered to be an accessory structure, a minor modification that would not require any associated upgrades or amenities.

Vice Chair Carter asked about the view and appearance of the structure, and Mr. Kerswill explained that the antennas would be mounted on the façade of the elevator shaft, match architecturally the color and texture of the surrounding building and would look like an extension to the building using FRP, a radio frequency (RF) permeable material that would neither shield nor block signals from the antenna and could be covered and be functional. It would be painted and textured, as necessary. He presented photographs of the proposed structure.

Boardmember Christeson suggested the majority of the public would be unaware of the structure which had been integrated nicely.

Vice Chair Carter opened the public hearing.

Ms. Elias identified the public's ability to speak during the meeting.

No written comments were submitted, or oral comments made, by any member of the public.

Vice Chair Carter closed the public hearing.

<p><b>ACTION: It was M/S/C (Butt/Christeson) to recommend approval of PLN22-287, New Wireless Facility for Dish Wireless to the Planning Commission for approval, subject to the four Findings and Statements of Fact with 15 Conditions of Approval; approved by a voice vote: 4-0 (Ayes: Butt, Christeson, Hook and Carter; Noes: None; Abstain: None; Absent: Marthinsen.)</b></p>
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### 4. PLN21-444 BRICKYARD COVE RESIDENTIAL

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Description	PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION OF A MAJOR DESIGN REVIEW TO CONSTRUCT NINETEEN, 3-STORY TOWNHOME BUILDINGS, FOR A TOTAL OF 94 UNITS, AND DENSITY BONUS FOR WAIVERS TO CERTAIN DEVELOPMENT STANDARDS, INCLUDING BUILDING HEIGHT, SETBACKS, UPPER STORY MASSING, AND OPEN SPACE. THE REQUEST WOULD ALSO INVOLVE APPROVAL OF A VESTING TENTATIVE MAP BY THE PLANNING COMMISSION TO SUBDIVIDE THE EXISTING 5.9-ACRE PARCEL OF LAND INTO 23 PARCELS.
Location	BRICKYARD COVE ROAD, VACANT LOT BETWEEN SEACLIFF ESTATES AND BRICKYARD LANDING
APN	560-340-043 AND 560-340-039
Zoning	RM-1, MULTIFAMILY RESIDENTIAL, PA PLANNED AREA
Owner	PACIFIC GAS & ELECTRIC CO.
Applicant	REPUBLIC BRICKYARD LLC
Staff Contact	ANDREA VILLARROEL Recommendation: CONTINUE TO FEBRUARY 8, 2023

As earlier reported, the application was continued to the February 8, 2023 meeting.

### Board Business

#### A. Staff reports, requests, or announcements

- Selection of Chair and Vice Chair

Hector Lopez advised of the prior nominations to select Brian Carter as Chair and Marcus Christeson as Vice Chair. There were no other nominations at this time.

**ACTION: It was M/S/C (Butt/Hook) to select *Brian Carter* as Chair and *Marcus Christeson* as Vice Chair of the Design Review Board for 2023; approved by a voice vote: 4-0 (Ayes: Butt, Christeson, Hook and Carter; Noes: None; Abstain: None; Absent: Marthinsen.)**

Hector Lopez advised that Jonathan Livingston had left the DRB after having served as a member and as Chair of the Board for eight years. He pointed out the many projects where the DRB and Mr. Livingston had played a major role and thanked him for making Richmond a better place. The members of the DRB concurred and thanked Mr. Livingston for his energy and for his efforts. A formal thank you was recommended.

As to when the DRB would again hold in-person meetings, Mr. Atencio stated that the Governor's State of Emergency would end in February 2023. Public bodies would have to meet in-person in some hybrid fashion that had yet to be determined by March 2023.

#### B. Boardmember reports, requests, or announcements

Boardmember Butt reported she would not be available for the February 8, 2023 meeting.

### Adjournment

The meeting was adjourned at 6:44 P.M. to the regular Design Review Board meeting on Wednesday, February 8, 2023.