

MINUTES APPROVED AT THE DRB MEETING ON OCTOBER 25, 2023

DESIGN REVIEW BOARD REGULAR MEETING
Multi-Purpose Room, Community Services Building, Basement Level
440 Civic Center Plaza, Richmond CA 94804
September 27, 2023
6:00 P.M.

BOARD MEMBERS

Kimberly Butt
Marcus L. Christeson
David Plotkin

Brian Carter
Leah Marthinsen
Vita Rey

Chair Brian Carter called the regular meeting to order at 6:04 P.M.

ROLL CALL

Present: Chair Brian Carter, Vice Chair Marcus Christeson, and Boardmembers Kimberly Butt, Leah Marthinsen, David Plotkin and Vita Rey

Absent: None

INTRODUCTIONS

Staff Present: Planners Hector Lopez and Christie Ellerbach and Heather McLaughlin from the City Attorney's Office.

Mr. Lopez welcomed new Planner Christie Ellerbach.

APPROVAL OF MINUTES: None

APPROVAL OF AGENDA: None

MEETING PROCEDURES: None

PUBLIC FORUM

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

CITY COUNCIL LIAISON REPORT: None

CONSENT CALENDAR: None

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, October 10, 2023.

PUBLIC HEARINGS

- 1. PLN23-099 NEW INDUSTRIAL BUILDINGS AT SVENDSEN'S BAY MARINE**

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Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT TWO NEW INDUSTRIAL BUILDINGS TOTALING ±11,875 SQUARE FEET. THE NEW BUILDINGS WOULD BE USED BY SVENDSEN'S BAY MARINE FOR REPAIR AND REFITTING OF MARINE CRAFT.	
Location	310 WEST CUTTING BOULEVARD	
APN	560-300-004	
Zoning	IW, WATER-RELATED INDUSTRIAL DISTRICT	
Owner	RICHMOND COMMERCIAL PROP LLC	
Applicant	BILL ELLIOTT	
Staff Contact	HECTOR ROJAS	Recommendation: CONDITIONAL APPROVAL

Hector Lopez presented the staff report dated September 27, 2023, for a request for a Design Review Permit to construct two free-standing metal buildings on a 3.04-acre site currently used for the repair of boating and marine craft. The existing facility included a 4,282 square-foot pre-fabricated metal building at the northeast corner of the site that had been approved six years ago; ancillary offices in a 320 square-foot metal office building; and a 1,240 square-foot metal chandlery near the southwest corner of the site as well as several boat loading docks along the Santa Fe Channel. The site was fully paved and used for outdoor storage of marine craft.

Mr. Lopez stated the new project would involve the construction of a new building of 2,450 square feet constructed immediately to the south of the existing pre-engineered metal building and a new 9,425 square-foot shop building to be constructed immediately northeast of the existing facility. The project met all the requirements of the water-related zoning district and the uses were permitted in the zoning district. The project also met the height, setback, floor area, and parking requirements, and approval of the utilitarian structure was recommended. He also recommended that some color scheme changes be considered by the DRB. Photographs of the project site and the facilities on the site were presented to the DRB.

Boardmember Christeson referenced an email that had been received from Trails for Richmond Action Committee (TRAC) requesting that the DRB consider a certain amount of space be added to the Ferry to Bridge to Greenway Complete Streets Plan, and he asked if anyone in the City had looked into that request.

Mr. Lopez noted that most of the projects located adjacent to the Bay Trail had incorporated as a condition of project approval TRAC's request for a fair share contribution to support bicycle trails. When asked if he was aware of the Ferry to Bridge to Greenway Complete Streets Plan, he stated he was unaware of the plan but that a contribution to that plan was not a requirement.

Boardmember Plotkin asked about the color and asked if the applicant had approached staff with options, which Mr. Lopez stated had not been done.

Chair Carter opened the public hearing.

ANTHONY TABACCO, the architect representing Bill Elliott for Svendsen's Bay Marine, explained that the industrial project was to add two buildings to match existing buildings. The project scope was straight forward, the buildings would not be particularly visible from West Cutting Boulevard, and the purpose of the project was to be able to do some things better in the repair of boats inside instead of outside. The staff report had recommended a couple of color changes to the doors and they had no problem with that. The proposed buildings would match existing buildings and the entrance to the site would be down an alley shared with an adjacent

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lumber yard. He identified the location and uses of the proposed buildings in the context of the existing buildings that would be retained on the site.

Boardmember Plotkin wanted to know what the architect had put towards the project to add to the context of Richmond beyond simply a pre-engineered metal building, and Mr. Tabacco clarified that the structure was a straight forward industrial building. Having considered a number of variations of the building on the site, the ultimate proposal submitted for consideration had been the most doable.

Mr. Tabacco added that originally Bay Marine had considered a very architectural building, although the building did not do what it needed to do and he had then come into the project to provide a simple industrial building.

Boardmember Butt asked about a lighting plan and Mr. Tabacco stated the only lighting was on the west face and had a cutoff. No lighting would be seen off site. There would be lighting at every exit door below the fence line.

Chair Carter asked if there was a work plan for the existing building in the sense of paint or maintenance and Mr. Tabacco stated the only structure that was not good, a trailer, would be removed.

Chair Carter noted that the existing building was the public facing building and he asked if there would be a facelift to that existing building, and Mr. Tabacco explained that he had attempted to get the applicant to paint that building gray to match the new building but that had not been approved. He reiterated that he would comply with the staff recommendation to paint the doors. He noted the importance that all of the buildings be of one piece on the site, and he clarified that there would be no glazing on the building other than for the employee areas, although there would be skylights.

Mr. Tabacco responded to the question of canopies over the doors and stated there would be no need for them in that they would do no good. If canopies were provided, they would have to be cantilevered.

Boardmember Plotkin recommended that Mr. Tabacco consider some of the DRB's suggestions to improve the appearance of the buildings.

Chair Carter referred to a green building requirement in the code that required at least a four-foot overhang over the entry doors and suggested that would be required over the office door.

AIMEE FLYNN-CURRAN, representing Bruce Beyaert of TRAC, referred to TRAC's request for payment toward maintaining the protected bike lanes of the Bay Trail. She explained that over the past two years TRAC had received anywhere from \$93K to \$424K for the Bay Trail, and for this project TRAC was looking to maintain both bike paths on either side of the street for the ongoing Ferry to Bridge to Greenway Complete Streets Plan and the fair share payment for the subject project was \$16K based on what had been established with the other projects of \$166 per foot street frontages. She noted that six different groups had paid their fair share and it was important to continue that to maintain the protected bike paths, especially since that section was used for commuting and there was such a high volume of construction in the area.

Boardmember Christeson verified with Ms. Flynn-Curran that there had been no agreement in

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this case for that requested contribution.

Ms. Flynn-Curran described the process that when a project situated adjacent to the Bay Trail was submitted for a Design Review Permit there would be assurance that the fair share agreement was in place.

Boardmember Christeson suggested this was not the place to hash this out and if the applicant had just learned of the fair share request and had not agreed to it, he did not see how it could be approved.

City Attorney Heather McLaughlin stated she was also not aware of the situation with respect to TRAC to be able to advise on it at this time.

Mr. Lopez explained that would be an agreement between the applicant and TRAC that had previously been imposed elsewhere. The precedent had been set although it had not been codified, was not specific, and was a rule of thumb in terms of linear footage. He described some of the projects that had already paid their fair share but stated the applicant had to agree to that contribution. With no agreement, he suggested TRAC could appeal the conditions.

Boardmember Marthinsen noted her understanding there was an ongoing approved construction project for the City of Richmond with a current cost of \$915,000 for protected bike lanes and TRAC, as a non-governmental entity, was negotiating on behalf of the City but not officially representing the City to get contributions from the affected or benefitting landowners. She understood that had been done before and there had been a precedent where the design review process offered an opportunity to negotiate a financial benefit for a collective project.

Ms. Flynn-Curran explained that the project was not yet complete with full protection and required signs, and the previous contributions, while voluntary, had been made. She asked the DRB to support the request and offer conditional approval of the application with a fair share contribution within 30 days, which had previously been done with other applications.

When asked if he had agreed with the request for a contribution to the project, Mr. Elliott stated he had not agreed to anything and had not heard about it but he was familiar with the Bay Trail because it endangered the life of everyone who drove out of his yard in that it was a major safety hazard for pedestrians, for bicyclists and for motorists. He added that there were no working people in the boatyard who were happy with the Bay Trail and that when built they had never been consulted nor informed about it. The trail was on public right of way but when driving out of the yard it was dangerous and badly engineered.

Chair Carter asked if Mr. Elliott was open to moving his fence/gate line back to improve visibility, and Mr. Elliott stated the problem was not the fence line, it was all the cars parked in the area outside the 10-foot-wide path for bicycles so that when driving out of the driveway oncoming traffic was not visible and one had to get into the traffic lane to see the traffic. He reiterated that the impediment was the cars and not the fence. He did not support the improvements and while he would do as directed, the Bay Trail was not a popular feature on Cutting Boulevard.

Chair Carter asked the City Attorney about the intent of the TRAC contribution and the City Attorney noted that TRAC usually negotiated the amount with the applicant and the amount was determined by them so that the City did not designate an amount.

Boardmember Butt suggested that a condition could be that the applicant work with TRAC to

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determine a fair share amount acceptable to the project.

Boardmember Marthinsen noted that the bike lane was for the common good in the public realm but City Attorney McLaughlin advised that normally with a public project a study would have been conducted and adopted with Engineering Estimates to identify the potential cost with an amount proportioned to a specific area. She stated it would be helpful for TRAC to provide more information on their request for a fair share contribution.

A continuance of the application to the next meeting was recommended so that the applicant and TRAC could work together to negotiate a potential contribution.

Boardmember Plotkin also requested some options because he suggested there needed to be some investigation on designs, even for color studies, and he asked that some options be presented. He liked the colorful boats on the site, for instance, and recommended that color options be studied to give some oomph to the site. He recommended studying something that popped. He urged the architect to get bold and consider color options that would not add money but to think outside the box, consider an entry canopy, and study colors for the doors.

Boardmember Marthinsen agreed with the need to create some interest in the buildings and for the applicant to identify the site sequence and identify the visuals from the street and document that information. Noting that most of the views were from the water, it was recommended that visuals from the water be provided as well. She supported a full elevation of all of the buildings to submit a design that the DRB could evaluate.

Boardmember Rey agreed with the need for a few more elevations in the context to be added to the submittal.

Boardmember Butt added that the City was interested in what the buildings looked like and she recommended a couple of color studies be added to the submittal.

Boardmember Christeson commented that when the applicant returned, he would expect that the applicant had negotiated with TRAC to address the request for contribution and that the DRB could add a condition without identifying any specific monetary contribution. It was recommended that the applicant discuss the TRAC issue with Bruce Beyaert of TRAC.

ACTION: It was M/S/C (Plotkin/Christeson) to continue PLN23-099, New Industrial Buildings at Svendsen’s Bay Marine to the Design Review Board meeting on October 11, 2023; approved by a Roll Call vote: 6-0 (Ayes: Butt, Christeson, Marthinsen, Plotkin, Rey and Carter; Noes: None; Abstain: None; Absent: None.)

2. PLN23-110	DA SILVA LIVE-WORK BUILDING
Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW AND ADMINISTRATIVE USE PERMIT TO CONSTRUCT A NEW TWO-STORY 2,800 SQUARE-FOOT TWO UNIT LIVE-WORK BUILDING ON A VACANT PARCEL. THE PROJECT WOULD ALSO INCLUDE SITE IMPROVEMENTS SUCH AS PARKING, LANDSCAPING, AND HARDSCAPE AREAS.
Location	NORTHEAST CORNER OF SOUTH 50 TH STREET AND EAST MONTGOMERY AVENUE
APN	560-033-049
Zoning	TRANSECT ZONE: SD; R+D (RICHMOND BAY SPECIFIC PLAN)

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Owner JOSE DA SILVA
Applicant GARY GUENTHER
Staff Contact HECTOR LOPEZ

Recommendation: **CONDITIONAL APPROVAL**

Hector Lopez presented the staff report dated September 27, 2023, to consider a request for a Design Review Permit and an Administrative Use Permit to construct a 2,800 square-foot building on a 5,000 square-foot relatively flat vacant parcel at the northeast corner of South 50th Street and East Montgomery Avenue. The site is currently used for parking trucks and storage of construction materials, and equipment. Several existing structures were currently on the property, although most appeared to be freestanding roof covers.

The site had predominately been industrial, although those uses had transitioned to a Transect Zone to allow a wide range of commercial and hybrid types of uses. The new building would be sited at the western location of the site and the parking area had been proposed at the eastern location (the rear of the site) to be accessible from East Montgomery Avenue. The live-work component would be on the second floor and would consist of a living area, bathroom and kitchen for a total floor area of 580 square feet. The work component would be on the first floor and consist of approximately 600 square feet with an entry hall, open-floor flex space and a bathroom. The exterior of the building would be corrugated galvanized siding and black aluminum frame windows with black rails on balconies and the primary entry on South 50th Street would provide a steel roof under each entry door. The rear of the building would provide two garage doors facing the parking lot, a secondary entry and balconies on the second floor. A total of five off-street parking spaces had been proposed at the rear of the site and would be accessible by a metal entry gate on East Montgomery Avenue.

Mr. Lopez reported that the proposal met the zoning code and specific plan requirements for the area in terms of height, floor area, setbacks, and number of parking spaces and the design was compatible with the character of the neighborhood characterized by a wide range of light industrial warehouses. The overall composition was harmonious and related well to the surroundings and to the site itself, and the design embraced an industrial style with simple forms and a combination of exterior materials.

Mr. Lopez stated the only issue had to do with landscaping. While New Zealand flax had been proposed for the entire site, he suggested that was too uniform and recommended at least two trees per street frontage for a total of four trees on the property to make it more harmonious. Approval was recommended with that condition and the other staff recommended conditions.

When asked, Mr. Lopez reported that live-work units could be placed in other zoning districts, although they would be allowed only with a Conditional Use Permit approved by the Planning Commission. Given the new Transect Zone in which the subject proposal was located, only an Administrative Use Permit would be required with the Design Review Permit in this case.

GARY GUENTHER, the Project Applicant had nothing further to add to the staff report at this time other than to explain that he had inherited the project from another architect and had massaged it quite a bit to get it to this point but the basic location on the site and the size of the project remained the same. He had developed the elevations and the rest of the building.

In further response to the DRB, Mr. Guenther stated he had designed the building to be industrial to be in context with the area; had started with stucco but had switched to metal siding at the suggestion of planning staff; and had started out with a flat parapet arrangement which had then been made more interesting at the recommendation of staff. He noted that the colors in the staff report were not accurate in that the proposal was a gray color. With respect to the

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windows, he explained that the windows would be nail flange aluminum and at the suggestion of the DRB Chair he expressed a willingness to consider All Weather Architectural Aluminum profiles that offered the appearance of a deeper frame.

Boardmember Butt asked staff to encourage applicants to submit sample color and material boards now that meetings were again in-person. With respect to the application, she liked the industrial look of the elevations and noted one of her favorite industrial buildings in Richmond was right across the street that was simple, with depth in the windows, the depth of the wall, and was simple and industrial. She suggested there were opportunities such as with the windows to offer an honest, modern look. She questioned the use of the square windows and was told by Mr. Guenther that the square windows were the bathroom windows and that all windows were operable.

Boardmember Marthinsen commented that she liked the parapet and suggested that the combination of the parapet should be the one thing, with everything else to be simple. She wanted the windows in the same proportions, although the little square windows looked fussy or decorative to her. She recommended more of a strip, translucent or something more integrated with the panel. She was curious about the decking since everything was horizontal and she asked if there was a way to have a vertical seal on the deck.

When Mr. Guenther explained that the fencing was wire mesh, Boardmember Marthinsen retracted her concern for that particular item.

Boardmember Butt recommended an alternative to flatten the peak of the parapet to present two levels.

Boardmember Marthinsen expressed concern for the placement of the refrigerator adjacent to the front door and recommended a modification, and Mr. Guenther commented that he could rearrange the kitchen and put the refrigerator at the other end.

Boardmember Butt verified the color scheme in gray and black with a galvanized awning and a galvanized vent with galvanized gutters and downspouts.

Boardmember Rey recommended a couple of trees in the plan and Mr. Guenther explained that staff had recommended conditions with respect to landscaping and he pointed out where the four trees recommended by staff could be located in the public right of way.

Mr. Lopez clarified that street trees had been included as a condition of approval but also that he had recommended another condition for additional trees and shrubs on the site.

Chair Carter noted the need for a condition for a couple of shrubs and small trees, diversified, and Mr. Lopez recommended some Brazilian native like the prince flower. He stated that the City's Parks and Recreation Department had a list of preferred street trees.

Boardmember Butt liked the big north and south windows on the first floor that offered an industrial feel.

Boardmember Marthinsen referred to the windows on the west elevation and asked if there was a way to change the proportion of the mullions to a third or related to the door, and whether the bathroom windows could be made more horizontal as opposed to being square.

On the discussion, it was recommended that the two bathroom windows be combined visually

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by installing a piece of break metal in between the two bathroom windows, painted to match the frames, and Mr. Guenther was amenable to that change.

Boardmember Marthinsen referred to the east elevation and recommended that the refrigerator be moved around the corner, and with respect to the entry door, she referred to the two big windows, and suggested that those two windows be combined in the same way as the square windows to read as a big opening parallel with the edge of the door below, which could offer the feel of a central entry.

The windows at the decks were also recommended to be modified to double the size to a double-hung window.

Chair Carter closed the public hearing.

ACTION: It was M/S/C (Marthinsen/Rey) to approve PLN23-110, Da Silva Live-Work Building, subject to the four Findings and Statements of Fact with 13 Conditions of Approval and additional DRB conditions as follows: 14) Revise the proportions of the square windows so that they are a minimum of two panels high or wide; 15) Reorganize the kitchen so there is a window entry element aligned with the front entry below; 16) Provide a diversified range of landscape plantings of various height and character with all native plantings; and 17) Straighten out the parapet to eliminate the faux gable and have two levels; approved by a Roll Call vote: 6-0 (Ayes: Butt, Christeson, Marthinsen, Plotkin, Rey and Carter; Noes: None; Abstain: None; Absent: None.)

Board Business

A. Staff reports, requests, or announcements:

Mr. Lopez announced that Planner Roberta Feliciano would be leaving the City of Richmond for a new position in Marin County. He reported that the City had three new planners.

City Attorney McLaughlin stated in response to a question that she would research the issue with respect to TRAC and the Ferry to Bridge to Greenway Complete Streets Plan.

In response to Boardmember Plotkin's request for a Planning Department checklist of requested submittal information, Mr. Lopez stated that the Planning Department had a submittal requirement checklist and advised that he would submit the link to that information to the DRB given that there was a lot of information requested of applicants.

Boardmember Butt sought assurance that the submittal of a colors and materials board was on that list.

City Attorney McLaughlin stated that the discussion should be agendaized after a review of the Planning Department's checklist, which could include a review of the Design Review Board Ordinance.

B. Boardmember reports, requests, or announcements: None

Adjournment

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The meeting was adjourned at 7:58 P.M. to the regular Design Review Board meeting on Wednesday, October 11, 2023.