

# MINUTES APPROVED AT THE DRB MEETING ON JULY 13, 2022

## DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

June 22, 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  
Macy Leung

Brian Carter  
Michelle Hook  
Jonathan Livingston

Vice Chair Carter called the regular meeting to order at 6:02 P.M. and chaired the meeting throughout.

### ROLL CALL

**Present:** Chair Jonathan Livingston, Vice Chair Brian Carter, and Boardmembers Marcus Christeson and Michelle Hook

**Absent:** Boardmembers Kimberly Butt and Macy Leung

### INTRODUCTIONS

**Staff Present:** Planners Roberta Feliciano, Alex Lopez-Vega and Hector Lopez, and Stephanie Vollmer from the City Attorney's Office

**APPROVAL OF MINUTES:** May 25, 2022

**ACTION:** It was M/S/C (Christeson/Hook) to approve the minutes of the May 25, 2022 meeting, as submitted; approved by Roll Call vote: 4-0 (Ayes: Carter, Christeson, Hook, and Livingston; Noes: None; Abstain: None; Absent: Butt and Leung.)

### APPROVAL OF AGENDA

### MEETING PROCEDURES

Alex Lopez-Vega identified the meeting procedures, the format of the web-based meeting and the public's ability to speak during the meeting.

### PUBLIC FORUM

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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 Tuesday, July 5, 2022.

### **PUBLIC HEARINGS**

- |                     |  |
|---------------------|--|
| <b>1. PLN21-365</b> | <b>HENRIQUEZ NEW SINGLE-FAMILY RESIDENCE</b>   |
| Description         | PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A SINGLE-FAMILY DWELLING ON A VACANT PARCEL AND TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A VARIANCE TO THE MINIMUM LOT SIZE. |
| Location            | ADJACENT TO 380 SANFORD AVENUE   |
| APN                 | 561-201-018  |
| Zoning              | RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT   |
| Applicant           | JESUS HENRIQUEZ (OWNER)  |
| Staff Contact       | ALEX LOPEZ-VEGA  |
|                     | Recommendation: <b>RECOMMENDATION TO THE PLANNING COMMISSION</b>   |

Alex Lopez-Vega presented the staff report dated June 22, 2022 for the construction of a 1,600 square foot two-story dwelling on a vacant 2,500 square foot relatively flat parcel on Sanford Avenue within the Shields-Reid neighborhood primarily comprised of one- and two-story single-family homes. The proposed new residence would include three bedrooms, two and a half bathrooms, a living area and kitchen. A one-car garage had been proposed with an additional parking space in the driveway. The applicant also sought a recommendation from the DRB to the Planning Commission for a variance to the minimum lot size.

Mr. Lopez-Vega explained that based on partial property records since 2000, the parcel had changed ownership several times. Currently there was an existing driveway approach in the front of the property that led to a carport structure that had recently been demolished. He noted that the next-door neighbor had been taking care of the property including growing vegetables. There were a significant number of parcels in the neighborhood below the minimum lot area requirement, many of which had been developed with single-family residences, and variances had been approved for minimum lot size to increase the housing stock and economic vitality in the neighborhood and to ensure lots did not remain undeveloped attracting visual blight. As such, a variance and subsequent development would be consistent with the established development pattern in the neighborhood.

Mr. Lopez-Vega described the proposed design as well-balanced and characterized by a hip roof with a gable roof facing the street. To reduce the building scale, a gable roof had been proposed over the garage and a shed roof over the porch. Exterior materials included composite shingle roof and stucco. With respect to the side elevations, the building was characterized by a belly band and a recess element to reduce the scale and mass. The landscape plan included two Eastern Redbud trees in the rear, one Saint Mary's tree on the

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street, and a variety of low water use plants such as Mexican Feather grass and a mixed variety of ornamental flowers and other plantings.

Mr. Lopez-Vega stated the project was consistent with the General Plan designation, and would be constructed in compliance with the Building Code and all zoning requirements with the exception of the minimum lot size. The applicant had applied for a variance to the minimum lot size for approval by the Planning Commission. He recommended approval subject to findings and conditions.

Mr. Lopez-Vega responded to comments from the DRB and noted that the neighborhood had been notified of the hearing and no comments had been received by staff. He verified that the moratorium on sewer connections in the City of Richmond were location dependent and did not apply in this case, and he clarified that the variance would be addressed by the Planning Commission and was not under the purview of the DRB.

While Chair Livingston referred to a prior DRB approval for a 2,500 square foot lot that he suggested had been treated differently, Hector Lopez clarified that situation had involved the Planning Commission's creation of a small lot, which was a different process than the subject situation. He added that there were both one- and two-story homes in the subject neighborhood on 2,500 square foot lots.

Stephanie Vollmer reported that a member of the public was attempting to access the meeting with closed captioning and while staff was attempting to provide that option, she clarified that the public could always request a copy of the meeting from the Planning Department which could provide the recording of the meeting.

It was noted that the applicant was not available at this time to present the project.

Mr. Lopez-Vega identified the public's ability to speak during the meeting.

THOMAS SUMMER, Richmond, expressed concern for a two-story home on a 2,500 square foot lot and noted there were only two, two-story homes in the neighborhood on 2,500 square foot lots. He was also concerned for the five-foot setback requirement and recommended some greenery in the backyard to screen the property from adjacent neighbors. He questioned whether the unit would be a rental unit, and he emphasized the need to adhere to the City's construction and noise ordinance during construction to avoid impacting residents. He did not oppose the structure but preferred trees in the backyard.

Given the absence of the applicant, the application was recommended for continuance to the next meeting.

Vice Chair Carter requested that staff create a list of comparable properties in the neighborhood, to be provided with the return of the application.

Boardmember Hook requested that the public comments also be provided to the applicant prior to the next meeting to ensure that the concerns with respect to second-story views, privacy to the adjacent properties, and adherence to the noise ordinance were identified.

**ACTION: It was M/S/C (Carter/Livingston) to continue PLN21-365, Henriquez New Single-Family Residence to the next meeting on July 13, 2022; approved by raised hands: 4-0 (Ayes: Carter, Christeson, Hook and Livingston; Noes: None; Abstain: None; Absent: Butt and Leung.)**

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<b>2. PLN21-141</b>	<b>VON HIPPEL SINGLE-FAMILY RESIDENCE</b>
Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A 2,025 SQUARE-FOOT TWO-STORY SINGLE-FAMILY RESIDENCE ON A VACANT PARCEL.
Location	700 OCEAN AVENUE
APN	558-222-033
Zoning	RL-1, SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL DISTRICT
Owner	ERIC VON HIPPEL
Applicant	JOSHUA HORNE, BAY AREA DESIGN STUDIO
Staff Contact	ROBERTA FELICIANO
	Recommendation: <b>CONDITIONAL APPROVAL</b>

Roberta Feliciano presented the staff report dated June 22, 2022, for design review to construct a 2,025 square-foot two-story single-family residence on a vacant parcel at the corner of Ocean Avenue and Marine Street in the Point Richmond neighborhood. She reported that the DRB had reviewed the application on October 13, 2021 in study session, at which time surrounding neighbors had expressed concern with potential view impacts and had suggested the home be moved to preserve private views. The plans had been updated and now showed the height of the unit relative to surrounding structures at 22 feet where view impacts would not be as significant.

Ms. Feliciano summarized the DRB's comments during the study session to provide better resolution plans and add elevation markers of the maximum height allowed, consider vegetation on the roof and provide a landscape plan that had color differentiation, consider lowering the ceiling height to 8 feet to lower the overall height of the house, adjust the rendering to match the street elevation on Sheet A3.5, provide a grading plan, provide an accurate roof plan, and add trees to the landscape plan and planting along the eastern property line.

Ms. Feliciano identified the applicant's responses to the DRB and reported that the applicant had provided better resolution plans and included a marker to show the maximum height allowed, updated the landscape plan with color differentiation and advised that adding vegetation to the roof may be considered in the future. The applicant preferred to keep the ceiling height at 8 feet 8 inches but brought down the overall height of the house to approximately 22 feet, updated the rendering to align with the elevation on Sheet A3.5, provided a grading plan and updated the roof plan, and added two fruit trees to the back yard and some native grasses along the eastern property line. She explained that the applicant had incorporated most of the recommendations from the DRB with the exception of the ceiling height but had lowered the overall height to 22 feet.

Ms. Feliciano explained that the project was to have returned to the DRB sooner, although a sewer moratorium for the Keller Beach Line had been adopted by the City Council on January 18, 2022, which had impacted the application.

Ms. Feliciano responded to comments and explained that the site had always been vacant and had been created through a lot line adjustment, clarified that the sewer moratorium issue had not been resolved and staff recommended Conditions 2 and 3 stipulated that building permits would not be issued until the City had remediated the sewer connection, although the entitlement approvals impacted by the moratorium would be tolled for the period that the moratorium and any extensions were in place. She also explained that the application had been

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publicly noticed as required.

JOSHUA HORNE, Bay Area Design Studio, advised that the Point Richmond Neighborhood Council had unanimously approved the plans for a three-story house in April 2021, although the size and height of the house had since been reduced.

Mr. Horne referred to the main comments about moving the solar from the rooftop of the residence to the garage, which had been done; to increase the size of the turnaround which had been done; and the existing deer fencing would be retained although a gate would be added to the new driveway; and two coast live oaks had been added to the front of the house with natural grasses along the north property line. He stated the only item left to be addressed was the sewer connection.

Boardmember Christeson asked about the City's plans for the sewer and Mr. Horne noted that an addition to the language of the moratorium exceptions had been proposed with respect to a temporary holding tank to connect to the Keller Beach Line. A temporary sewer holding tank underneath the driveway turnaround had been proposed and the language was currently being written to accommodate that situation. The other option would be to pump the sewer from a private line over the hill to a different sewer interceptor, although that would be more costly and the line would have to be maintained in perpetuity. Something more reasonable was being sought.

Boardmember Hook asked about the new gate and Mr. Horne stated that a post would be installed and the gate would match the existing fence.

Boardmember Hook recommended consideration of a series of native grasses in proportion to the site instead of the grasses that had been proposed since they felt small for the scale of the home. She suggested something at three to four feet would be more appropriate. She also verified that the other fences would be left as is and there was currently landscape screening on the adjacent property.

Chair Livingston recalled a previous discussion to eliminate the fence and questioned the appropriateness of the gate design in relation to the home and the need for the gate itself.

Mr. Horne noted his understanding that the chickens proposed to be on the property would not be allowed in the front and there would be no need for the fence.

ERIC VON HIPPEL, the applicant, verified that there had been a discussion about the fence and the chickens could go to the back of the yard where a fence would keep them in at the back of the house instead of at the front. As a result, he agreed there would be no need for the fence down to the corner on their street frontage.

Chair Livingston verified with Mr. Horne the location of a retaining wall in board-form concrete to match the foundation of the house on the uphill side of the driveway at less than two feet in height, with a similarly short retaining wall on the downhill side as well.

Vice Chair Carter clarified with Mr. Horne where the area would remain open with no fence.

Chair Livingston stated the applicant and architect had been very agreeable and he was pleased with the design that fit into the context of the community. He supported approval of the application.

Ms. Feliciano verified that the application had previously been considered in study session but

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not in public hearing format.

Mr. Lopez-Vega identified the public's ability to speak during the meeting.

Vice Chair Carter opened the public hearing.

RICH DOELLSTEDT, Richmond, who lived down the street, referred to a damaged culvert that ran up and down Marine Street parallel to the property and he asked if that culvert would be addressed with the construction or whether it was part of the City and the sewer situation, and Ms. Feliciano stated that would be a question for the Public Works Department.

Mr. Horne reported they were aware of the culvert that appeared to be abandoned and did not serve any drainage purpose. He noted that any sort of remediation would go through the Public Works Department and was not intended to be part of the project.

JOANNA SALSKA, Richmond, questioned why the application was being considered given the sewer moratorium, particularly since the City's requirements could change in two years. She also noted that the applicant had been invited to a neighbor's house to meet those most affected by the proposal to consider the design and to respond to comments, although that meeting had never occurred, which was a concern to the neighbors.

Vice Chair Carter explained that the applicant had the right to move through the process and how the City handled the moratorium was not under the DRB's control.

Chair Livingston added that the DRB had taken much testimony from adjacent neighbors and the applicant had listened to that testimony and everyone had responded. He explained the proposal had been modified to respond to questions and concerns such as moving the solar panels to the garage, eliminating windows on the stairway side to protect privacy, dropping the foundation down along with the plate height, and the sloped roof and one whole story had been eliminated significantly reducing the height of the proposal. He stated that everyone had been working hard to maintain the views as far as reasonable.

Mr. Von Hippel noted that the family had been stuck in Boston because of COVID and had to cancel the meeting referenced by Ms. Salska. He stated that they had tried to contact the neighbors a month ago and no one had responded. He looked forward to meeting all the neighbors.

SUSIE (NO LAST NAME PROVIDED), who lives across the street from the proposed building stated with respect to the culvert that the borders along the property had been paid for and maintained by the neighbors for years. Her concern was that the culvert had not been maintained, had filled up with dirt and overgrowth, and she had indicated to the Von Hippels that drainage flooded and washed away topsoil. She noted that everyone would have to work with the City to create a good clean corner so that drainage did not travel down to the bottom of the hill. She stated the Von Hippels had contacted her recently and wanted to meet with her although that had yet to occur. She had not seen the revised plans and she had not been noticed of the meeting.

MARGARET BERCZYNSKI, 717 Western Drive, Richmond, appreciated the fact that the house was lower but had not been able to get a copy of the plans. She requested a copy of the latest building plans.

Vice Chair Carter closed the public hearing.

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Boardmember Christeson suggested the applicant had gone a long way to respond to questions, acknowledged the difficulty of getting together due to COVID, and asked what the DRB could do at this time given the sewer moratorium and whether another review would be required because of the sewer.

Chair Livingston commented that Ms. Feliciano had clarified that the application could be processed and that a building permit would not be issued pending the lifting of the moratorium.

Ms. Feliciano clarified that legal counsel had recommended proceeding with design review. Conditions 2 and 3 had been imposed to address the sewer moratorium where building permits would not be issued pending the resolution of that issue.

Boardmember Hook stated that the design had been revised to respond to concerns and she was ready to move forward.

**ACTION: It was M/S/C (Carter/Christeson) to approve PLN21-141, Von Hippel Single-Family Residence, subject to the four Findings and Statements of Fact with 12 Conditions of Approval and an additional DRB condition as follows: 13) The fence at the property line shall be removed in front of the house to the southwest property line; approved by a Roll Call vote: 4-0 (Ayes: Carter, Christeson, Hook and Livingston; Noes: None; Abstain: None; Absent: Butt and Leung.)**

<b>3. PLN22-171</b>	<b>TERMINAL ONE LATITUDE RESIDENTIAL REDESIGN</b>
Description	STUDY SESSION TO PROVIDE FEEDBACK ON THE REDESIGN OF A PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT FROM 323 DWELLING UNITS TO 201 DWELLING UNITS.
Location	1500 DORNAN DRIVE
APN	560-420-006, -007, AND -010
Zoning	PA, PLANNED AREA DISTRICT
Owner	CITY OF RICHMOND
Applicant	TERMINAL ONE DEVELOPMENT LLC
Staff Contact	ROBERTA FELICIANO Recommendation: <b>PROVIDE AND RECEIVE COMMENTS</b>

Roberta Feliciano presented the staff report for the study session to provide feedback on the redesign of a previously approved residential development from 323 dwelling units to 201 dwelling units. The parcel was City-owned and there was a Land Disposition Agreement (LDA) between the City and Terminal One at 1500 Dornan Drive. She provided aerials of the site and explained that in 2016 the DRB, Planning Commission and the City Council had approved a residential development consisting of 323 total units with 302 multi-family condos and 21 detached townhomes. The applicant now requested feedback on the redesign proposal indicating that the previously approved plans were no longer economically viable. The proposed 201 dwelling units were composed of 98 single-family dwellings, 60 duplexes and 43 accessory dwelling units.

Ms. Feliciano reported that the applicant had met with the subcommittee of the DRB and the Planning Commission to present the redesign and some of the comments from the subcommittee requested a better integration of the site into the surrounding community to make the project feel as if it was not a gated subdivision; added paseo connections from the site to the Bay Trail, to Dornan Drive and to Brickyard Cove Road; and that the retail space be relocated to the shoreline to capture views. The applicant had updated Dornan Drive to include first floor flex space for home office, workshop, studio or shopfront, and had removed Shoreline Drive and

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added a parking lot and public greenway.

Boardmember Christeson referred to a short concrete wall up against the Bay Trail on the east and west sides, expressed concern for continuity and asked who owned the wall. He suggested that something better than a concrete wall could be considered such as landscaping. He referred to a second document about the Bay Trail, which had been proposed as a road to a trail of 10 feet and with two feet on each side and suggested since it was adjacent to the water that wind would create dust whorls and accumulated dust would attract dirt bikes and bicycles which would make that situation worse.

Chair Livingston referred to Ms. Feliciano's comments from the subcommittee and stated she had noted that the subcommittee had recommended that the retail be moved down to the corner facing the Bay, which was incorrect in that the subcommittee had encouraged the applicant to include retail facing Dornan Drive, not around the corner. He also disagreed with the staff assertion that the project maintained similar amenities and was consistent with the findings for a superior design in that the redesign included some amenities but did not include a pool, a clubhouse or gym, large outdoor public gathering areas, sightlines through the development (with the exception of one) and was not the same or maintained similar amenities as had the original proposal.

Chair Livingston referred to the prior proposal that had proposed landscaping on a parcel owned by the Burlington-Northern Santa Fe (BNSF) railway across the street from the pump stations, which no longer appeared to be the case with the redesign.

Ms. Feliciano noted in the report that pursuant to the LDA, the applicant may purchase a one-acre parcel, the BNSF property adjacent to the site, and she requested that the applicant verify that situation.

Chair Livingston also asked if the Zoning Ordinance had been reviewed relative to the third-floor areas in that the Design Guidelines in the Zoning Code required that the third stories shall be 80 percent of the second floor.

Boardmember Hook asked about the setback requirement, reported by Ms. Feliciano that according to the PA the applicant would make recommendations on the setbacks for the development dissimilar to standard single-family zones that would be based on the PA Plan, also to be clarified by the applicant.

Vice Chair Carter referred to Dornan Drive and verified that it had been included in the property and would be a public street after the development based on the site plan. As to the setbacks of structures along Dornan Drive, he asked if there were any requirements that crossed over from the PA, and Ms. Feliciano stated there would be sidewalk standards and Public Works/Engineering road width sizing standards. She explained that this was the first set of plans for the redesign and the other city departments had yet to review the plans. The applicant was first submitting the plans to the Board to solicit feedback and direction.

PAUL MENZIES, CEO, Laconia Development LLC, the local development representative of the Terminal One Development LLC, noted that an extensive packet of information had been sent to the DRB.

CLEVE LIVINGSTON, Laconia Development LLC, summarized the changes that had been made to the preliminary conceptual site plan because of the joint DRB/Planning Commission subcommittee and presented an overview of the design of the project and the factors to

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determine whether the redesign was superior in character. He noted that originally a shoreline roadway had been replaced with a greenbelt and a parking lot at the west end of the wharf. He reported that the subcommittee had requested a more compelling community gathering place and the current plan included a retail node with a 5,000 square foot parcel at the west end of the wharf to be reserved for a retail node and a gateway plaza to the wharf park. In addition, there was a desire on the part of the subcommittee to see the homes fronting Dornan Drive be redesigned. Those homes were two-story with garages fronting Dornan Drive and standard detached residential units so that in order to activate the Dornan Drive frontages those detached homes had been replaced with duet (duplex) live/work units with a flex space on the ground floor fronting Dornan Drive.

Those units also had a larger setback from Dornan Drive which would allow an enhanced landscape and pedestrian corridor along Dornan Drive to energize the street frontage. The duplex units also had rear-loaded garages and the front of the home would be all habitable space. The garages would be accessed by an internal roadway.

Mr. Livingston stated the next change recommended by the subcommittee was an enhancement of the circulation network and to improve the connectivity of the project internally and externally paseo connections were to be added, which had been done. Sidewalks and an additional greenway corridor had also been added to help increase the internal connectivity and create a walkable community, and the subcommittee had suggested the creation of a space in the southwest corner of the project to include a retail component and also a community center with a swimming pool, clubhouse, fitness center and other amenities to serve the residential neighborhood. To do that, a 5,000 square foot parcel had been created on the southwest corner of the site to accommodate the retail and create a village green to the east of that retail node to serve the local neighborhood. Ground floor retail had also been recommended along Dornan Drive, although he questioned the viability of retail at the Terminal One site.

Mr. Menzies understood that the DRB was interested in retail but he noted their research had indicated that retail would not be viable given that there were not enough homes adjacent to the site to sustain a retail outlet and not enough passing traffic on Dornan Drive or Brickyard Cove Road to sustain a retail outlet. Their investigation had received written assertions from retail brokers who had indicated there were zero prospects for sustained success with retail or dine-in brands at that location due to a lack of density, lack of retail parking, expensive restaurant infrastructure, lack of access and visibility, the destination nature of the project, lack of interest in mixed use projects, and the fact that the East Bay accounted for 49 percent of the Bay Area's vacant retail shopping space.

Mr. Livingston summarized some of the aspects of the project and noted in order to approve a PA Addendum, the City Council would need to make several findings, one of which was that the project needed to be superior in design. The Municipal Code listed a series of factors to determine whether or not the finding was warranted. He reviewed some of those factors to show why they believed the design of the project could support the necessary findings.

Mr. Livingston identified some of those factors as the mix of land uses, the proposed single-family residential, the public waterfront park and public access to the shoreline. Single-family residential was the designated use under the General Plan and they were producing a project that exceeded 20 units/acre in terms of density, and under the existing PA plan a single-family use was a permitted use. The public waterfront park and public access improvements to the shoreline were priority goals in the General Plan and the Parks Master Plan and were consistent with the City's adopted policies at the shoreline. He pointed out that those land uses were compatible with the surrounding uses which were close and similar in character, complementary

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to the surrounding uses and to the community at large, and the enhanced shoreline access would make those resources more accessible to the entire community.

One of the other factors was the mix of housing proposed to be developed on the site, and in response to the committee the numbers had changed. There would be 202 total residential units; 161 single-family homes and 46 accessory dwelling units (ADUs). Of those, 87 would be single-family detached and 74 would be duplex homes. Forty one of the homes, the larger single-family homes, would have ground floor ADUs with separate units, separate entries, kitchenettes, bathroom, and bedroom operating and functioning like a studio or one-bedroom unit, with 36 live-work homes with ground floor flex space on Dornan Drive and Brickyard Cove Road with 74 homes on greenway corridors within the project, all with rear garage access and 60 inclusionary homes in accordance with the City's Affordable Housing Program.

Mr. Livingston stated the project would provide infrastructure improvements and he pointed out the transportation improvements to be provided including the Dornan Drive Extension, Bay Trail Shoreline Loop, the Bay Trail Commuter Extension, and the intersection improvements at Dornan Drive and Brickyard Cove Road, the improvements to Brickyard Cove Road itself, and the wharf parking lot. Another factor in determining the superiority of the design was the extent to which the project provided open space with public improvements in terms of the Wharf Public Park, the Bay Trail Wayside Park, Bay Trail Greenbelt, the Central Promenade, the Neighborhood Green, the greenway corridors that would provide access to the shoreline and to the exterior resources that served the site and the Bay Tidelands Preserve that would be permanently preserved for marine use.

Another factor was creativity in land use and Mr. Livingston noted they had developed a four-tiered land use plan to celebrate the waterfront setting, capture the opportunities of the site such as access to dramatic and panoramic Bay views, to water front ecological values and recreational opportunities and the land uses to be developed. They would create a sense of engagement with the external environment and proposed to create a project that would have a public/private interface at the edge of the residential neighborhood to allow interpersonal connectivity that created strong communities.

Mr. Livingston stated that many of the points were covered in the narrative to the project that had been distributed to the DRB and he asked the members to take a close look at that narrative to see how they proposed to identify the objective of the project and how they would reach those objectives.

In terms of design, Mr. Livingston stated that contrary to other developments, the proposal was different in that it would have an outward orientation that was explicit and deliberate, exterior edges that created a sense of engagement with the shoreline environment, interfaced with public and private uses, were compact in terms of the residential land use plan which allowed an efficient use of land and which allowed them to make more cost-effective use of the existing infrastructure, and enabled a greater portion of the land within the project to be dedicated to greater public use. Over 30 percent of the land within the project was dedicated to public park, public access or public open space uses. The project also had a pedestrian-oriented circulation plan that featured interconnected walkways within the project, multiple points of access to the exterior/interior of the project, and greenway corridors in place of streets internal to the projects and a central pedestrian promenade.

Mr. Livingston identified the features of the home designs that would make extensive use of windows and glazing to capture the views and natural light; make extensive use of patios, covered decks and roof decks that opened indoor space to the outdoor environment; substitute

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inhabited space in place of garages in front of the homes; had front porches and entry stoops to allow a welcoming and hospitable presence along the frontages; extensive use of greenway corridors; and minimized the paved areas in the projects, and made wide use of alleys and rear-loaded garages to further de-emphasize the automobile.

Mr. Menzies stated the project had history and he had pointed out those things to the City Council and presented them to the DRB at this time. A soils condition analysis prepared by a geotechnical engineer found that the site was seismically unstable with a significant risk of liquefaction, a danger of lateral spreading, the wharf was substantially deteriorated and structurally deficient and the environmental contamination remained from the early 2000s when the City had started but did not complete a clean-up, which would now be more extensive. All were hazardous to public health and safety and must be fully remediated before the site could be put to any public or private use. Without remediation the site and the wharf would remain blighted and fenced off and the Bayfront would not be available for public use.

Mr. Menzies stated the cost of seismic stabilization of the site would be approximately \$5 million, the cost of the wharf approximately \$3.5 million, the clean-up of site contamination approximately \$2 million, demolition of the lead paint contaminated warehouse \$1.5 million, and the waterfront public park approximately \$6 million. That \$18 million would be just to prepare the site for development. The current challenge was to build an economically viable project to pay for that \$18 million and the current design could support those costs.

Mr. Menzies offered illustrations of the waterfront public park to give an idea of what it would be like. He highlighted the many community benefits of the project and urged the DRB to keep in mind that for 30 years the City had wanted the site to be developed but given the many challenges that had not occurred. He commented that if additional conditions were imposed on the development the development would not likely occur.

Boardmember Christeson asked if there was any alternative to the concrete wall he had earlier referenced, and he reiterated that if made bigger from a safety standpoint more people not following the rules would be on the Bay Trail, which would negatively impact trail use, and Mr. Menzies stated that other kinds of gentle options could be explored.

Mr. Menzies also clarified the proposed ADUs that could be situated adjacent to a single-family home as a separate structure or as an ADU within the structure with separate access from the home. He noted that ADUs were sometimes rented.

Mr. Livingston advised that all of the units lining the Bay Trail on the eastern side of the project would have ADUs, which would occupy the entire first floor of the homes other than the garage space, with separate entrances. The entrances would be off the rear of the homes and the ADU would front on the Bay Trail. He added that ADUs were heavily favored by the State of California and the Department of Housing and Community Development as a means of providing additional housing to groups that typically might have trouble finding housing.

Chair Livingston stated in the approvals of the entitlements for the prior project he had understood that the BNSF parcel directly across the road would be landscaped and he asked the status of that situation. He noted that if nothing was done it would be a serious nuisance given the current nuisances in the area.

Mr. Menzies stated that was a volunteer thing since they did not own the land and it had been difficult to deal with the railroad.

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Mr. Livingston advised that he would have to conduct some research on that situation but he remembered previously looking into the issue and the problem of acquiring the property was that it was no longer owned by the BNSF and was owned by the East Bay Regional Park District (EBRPD), which had considered doing landscaping north of the Bay Trail as part of the extension of the trail north of Brickyard Cove Road. He could look into that situation and report whether or not that would be something that would be possible for them to do.

Mr. Livingston added there was a lift station at that location that needed to be replaced and it was his understanding that if the project was approved and the intersection was reconfigured the new lift station would be built adjacent to the existing lift station in that area. He suggested it would be interesting to see what landscape treatment could be included with the redevelopment of the lift station.

Chair Livingston commented that as a resident of the area, he disagreed with the opinions of the consultants who had indicated that retail would not be viable in the area. He noted the adjacent park was busy all the time and he suggested that retail could succeed.

Boardmember Hook asked about the setbacks, how they had been determined, and the recommendations for the setbacks.

ROBERT LEE, WHA Architects and Planning, stated with respect to setbacks that there was 17.8 feet from the property line to the edge of the Bay Trail, which would be 10 feet wide with a two-foot shoulder on each side, and the building would be about 17 feet from that 17.8 feet or about 34 feet from the edge of the property line. A low wall three feet high to create a sense of privacy had been proposed with a gate to exit out through the Bay Trail and for friends to come into the property. With living space on the ground floor facing the Bay Trail, the second level would be living room and kitchen, and the third level the primary bedrooms for the homes. Given that much of the development looked toward the Bay Trail, he wanted to keep that in mind and be safe for both the residents and the public and not create a tunnel effect. There were five points of entry from inside the project back out to the Bay Trail. The idea was to create an open community. No walls would be added around the project. Everything faced outward towards Brickyard Cove Road, the Bay Trail and Dornan Drive. Some small fences would create private space but there would be no six- or eight-foot wall to close the project in from the outside.

Mr. Lee pointed out that every six or seven homes there would be a pedestrian access into the community and back out to the Bay Trail, with pedestrian breaks in between to lead into the community or back out to the Bay Trail. He noted that other homes would have a low wall to provide protection to personal belongings in the backyards, with a shoreline greenbelt as an open space area and with C.3 stormwater areas and a buffer between the Bay Trail and residences where there would be a low wall to look out towards the Bay. The intent was to maintain a semi-private zone with opportunities for homeowners to feel safe in what was intended to be a bayside beach community. He walked through the development and pointed out the areas that would be open to the views. The only wall that existed would be the wall on the east side that currently existed.

Boardmember Hook questioned whether there were sufficient gathering places, opportunity for play, or seating for families.

Mr. Lee stated that a more detailed landscape plan would be provided to each area and a blowup of the courtyard areas would be provided. He referred to the green space between the units and stated each of those areas could be defined with seating areas. The next step would

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be to develop some of the paseo courts a bit more.

Boardmember Hook asked if the intent was to conceptually carry the planting plan of the Miller/Knox Regional Shoreline native planting palette into that area of the proposed plan, and Mr. Lee confirmed that the plantings would be Bay Area sensitive and drought tolerant.

Boardmember Hook questioned the wharf design and suggested it could be made something special to activate the area. She referred to the Brooklyn Basin in Oakland as an example of something that had been activated by a retail space and which had a number of other features that promoted activity and created opportunities.

Vice Chair Carter raised the issue with respect to a lack of retail, especially groceries, and Mr. Livingston noted in general that the Brickyard Cove area was not well served by retail and he suggested the reasons were the same as earlier noted, although Vice Chair Carter encouraged the applicant to look at that again, particularly given the closeness to the Bay Trail.

Vice Chair Carter referred to the efficient use of land, which was a scarce resource, and he asked if another denser, taller building type had been considered to be added to the mix to add units, take advantage of the scarcity of land, and accommodate the valuable views.

Mr. Menzies stated that had been considered and there was a certain harmony to what had been proposed. He suggested that mixing multifamily could produce the worst of both types and they had tried to get the maximum density possible to maximize the scarce resource and to pay the \$18 million costs that came with the site. He added that there was complete compliance with the City's affordable housing requirements on site and the proposal complied with market affordability in Bay Area terms. He noted the 18.8 percent increase in home prices last year at the same time that construction costs had drastically increased along with supply chain, material and labor issues was a concern and the units had been proposed to be in the middle range. To be built as affordable, the units would have to be subsidized by the government. He stated the units would be kept as affordable as possible.

Vice Chair Carter referred to the central promenade and asked how that worked from a landscape perspective, and Mr. Menzies stated that the promenade would access the Bay Trail from Brickyard Cove Road. He stated the project was very accessible and that would be just another way to access the project.

Mr. Lee added that had been the suggestion of a member of the Planning Commission who wanted to see a hierarchy of the road system coming into the project. The road would go a little way into the community and would terminate at the greenbelt coming down. The road coming in would be a tree-lined street with sidewalks on both sides and there would be no cars parked on the street creating a clean line of sight coming into the project, terminate at "B" street turning left or right, where a focal point yet to be identified would be situated. There would be more connectivity going back out to the Bay Trail. Sidewalks had been added into the project in response to comments and the development had been balanced for how to circulate cars to garages and create spaces for pedestrians. There would be no through traffic from the outside. The community would be a pedestrian-friendly activated community, no garage doors would be visible from the outside and everything would be hidden within the community, which would not be a gated community. He noted that more detail could be created in the entry feature. Only 166 homes and 41 ADUs had been proposed and traffic would be relatively low.

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### **PUBLIC COMMENTS OPENED**

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

BRUCE BEYAERT, Chair of TRAC (Trails for Richmond Action Committee), was pleased that the project included the closure of the half mile gap in the Bay Trail at the Shoreline Loop along three sides, and extend the current transportation route on the north side of Dornan Drive. TRAC's primary concern was the width of the Bay Trail and the separation from roadways and residential areas. With no cross sections provided he asked to see the cross sections and noted that the current Bay Trail design guidelines called for a 12-foot wide paved area with three-foot DG (decomposed granite) shoulders on each side, which would not create dust. He disagreed with the applicant's proposal for a 10-foot wide trail with two-foot gravel shoulders and wanted to see the greater width of the trail consistent with the rest of the Bay Trail maintaining a good distance from the road and residential areas. He noted it appeared that the realignment of the Bay Trail on the northern side of Dornan Drive was not a Class 1 trail and he wanted to see that with landscaping. He also had great ideas for interpretative signs to be included with the project.

LEISA JOHNSON, Richmond, stated she had a number of comments and would send those comments via email. She asked if there would be dedicated parking for patrons of the businesses in the live/work units and how they would be protected from residents and their guests along with the public using Ferry Point, the Bay Trail and the public park. She requested that dot bots be installed to protect from "donuts" and side shows in the work parking lot, if appropriate. She noted that only 20 percent of the units were allowed to be rented and since the ADUs represented 20.3 percent of the project she asked if the CC&R's would clearly state that only the ADUs could be used as rental units, and she asked how that would be regulated. She explained there used to be a café in the Brickyard Cove Business Park which had done well and she suggested that a café could survive in the development and she asked the applicant to check to see if that could be a possibility. She referred to an April 22, 2022 email from Councilmember Bates regarding an emergency vehicle access (EVA) route on Wareham property at Cutting and Canal Boulevards, noted that Wareham and other property owners in that area had agreed to move forward with the EVA, and asked if the applicant would be willing to contribute and share in the cost of that EVA. She would send an email to clarify the request.

KATHRYN DIENST, Richmond, expressed support for the project. She liked the height, the mix of ADU and live/work and the alley-serving garages along with the front park-like areas to allow for socialization and a safe place for children and families to play and connect. She also supported the proposed wharf park, a mini Tiburon, supported the mix of parking along Brickyard Cove Road internal to the development and suggested that retail was fairly unrealistic using the example of the mixed development retail efforts in Hercules that appeared to be failing. She did support some small store or coffee shop to offer some refreshments. She also asked about the separation from the Richmond Yacht Club.

BRIAN LEWIS, Richmond Yacht Club, noted that notices had been sent out within 300 feet of the project and the Richmond Yacht Club was 600 feet wide with no residences within 300 feet of the project. He asked if notices could be sent to Richmond Yacht Club property. He had sent the Chair a copy of the Brickyard Cove Road Settlement Agreement from 2016 and noted the restriction on the number of rental units and asked how that would fit in with the ADUs. There was also a retaining wall that was to be built between the Yacht Club and the project, and they looked forward to working with the City and Laconia and had offered a number of comments on the clean-up of the site.

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JEFF FINES, Richmond, stated the design was a significant improvement over the earlier concepts. A number of his concerns had been discussed but he emphasized that a single entrance to 200 units off of Brickyard Cove Road would require a left lane turnout in the westerly direction. He asked if there would be two parking spaces for every home unit and one spot for every ADU, as required, and was disappointed there was no clubhouse, gym or pool proposed given the large development. He stated the DRB should be pressing hard for a community-oriented gathering site for children and adults on the property.

SCOTT McELHANEY, a resident of Brickyard Landing, Richmond, stated the proposal was the best by far of the three proposals he had been aware of on the Terminal One site. He suggested a café could succeed with coffee, baked goods, simple lunch items and outdoor seating. He urged Laconia to use wood or faux wood on the exterior of the buildings which was the primary construction material in the neighborhood. He also asked how liquefaction would be mitigated in an earthquake.

Chair Livingston explained that Laconia would put in a series of auger drilled cast piles between the wharf and the buildings which would create an underground wall and address the issue of liquefaction. He thanked Laconia for trying to address some of the subcommittee's comments, and emphasized that the site required something special and some issues remained.

Chair Livingston addressed a general landscape site plan critique and stated the drive alleys were not compliant with the Point Molate Design Guidelines, which encouraged enough room for some trees in the alley designs to mitigate the mass of side wall and asphalt. There were also no trees on the view side of the Bay Trail, on the Dornan Drive view side, and the main circulation drives within the development were also non-compliant with very few trees. He added that the corner of Brickyard Cove Road and Dornan Drive needed to be vacant or include some sort of sculptural focal point, the retail space presented was where a community building had initially been proposed and something more active along Dornan Drive had been preferred, the public amenity lot was not encouraged in that a sense of community had been preferred, and there was a lost opportunity and the proposal should include a great public amenity space for Homeowner Association (HOA) gathering, parties, or private uses. He also suggested the guest parking was way under what should be provided.

In general, Chair Livingston stated he was more discouraged now than he had been before when the subcommittee had met and he stated the applicant must do better. He was saddened by the overall design in that the entire middle of the project had zero views, the units were almost all three stories tall, densely packed with the top floors larger than the lower floors with the result of creating a wall-to-wall building mass, bulky forms and little room for trees. The Dornan Drive waterfront edge was still the wrong solution for the waterfront public/private esplanade and he suggested the design team needed to reevaluate the proposed building typology. He had concern for the unit types in general and specifically for Plan 6, a duet, which while decent did not evoke a sense of live/work and needed to accommodate signage, a more distinctive entry, and a distinctness for live/work. He added there were too many in a row for all the unit types that would result in a repetition of exact forms.

Chair Livingston stated he would forward most of his comments on the other units. He noted that Elevation B was unfortunate in composition in all the different iterations and every building needed at least three iterations and not just one. He did not like Elevation B, stated it was too bulky, and suggested it be eliminated. He noted that the City's Zoning Code restricted the top floor of three-story units to 80 percent of the bottom floor and in the case of the proposal the top floor was in some cases 110 percent of the lower floors and created a top heavy, bulky massive unit. He emphasized the need to be superior to the base zoning. He noted that many units

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looked into other units in the middle of the project. For the units facing the Bay, he suggested the backyards should be screened for privacy. He added the development had come short of a superior design.

Boardmember Hook also expressed concern that the proposal did not offer a superior product required in the PA zone. She noted that the goals and priority were spot on, although there was no visual to support that through renderings and she wanted to know what the interior spaces looked like and an identification of the connections involved. She stated there was a need and a desire for some sort of clubhouse or community room. She suggested that retail could be successful and she sought some play area for children and areas for adults to gather in activities. She suggested that the wharf park could speak to the historical nature of the site within the City of Richmond. She also suggested that the width of the Bay Trail should remain within the established guidelines and she supported a wider Bay Trail.

Boardmember Christeson had no additional comments.

Given that Chair Livingston had dropped off because his cell phone had died, Stephanie Vollmer advised that there was no longer a quorum of DRB members available to continue the meeting.

Ms. Feliciano stated that the members of the Board could forward their comments to staff or the study session could be adjourned until the next meeting of the DRB.

### **Board Business**

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

### **Adjournment**

The meeting was adjourned at approximately 9:30 P.M. to the next regular Design Review Board meeting on Wednesday, July 13, 2022.