

MINUTES APPROVED AT THE DRB MEETING ON JULY 27, 2022

DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

July 13, 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

Chair Jonathan Livingston called the regular meeting to order at 6:00 P.M.

ROLL CALL

Present: Chair Jonathan Livingston, and Boardmembers Kimberly Butt, Marcus Christeson and Macy Leung

Absent: Vice Chair Brian Carter and Boardmember Michelle Hook

INTRODUCTIONS

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

APPROVAL OF MINUTES: June 22, 2022

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| ACTION: It was M/S/C (Livingston/Christeson) to approve the minutes of the June 22, 2022 meeting, as submitted; approved by voice vote: 4-0 (Ayes: Butt, Christeson, Leung, and Livingston; Noes: None; Abstain: None; Absent: Carter and Hook.) |
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APPROVAL OF AGENDA

MEETING PROCEDURES

Hector Lopez advised that there was an item on the Consent Calendar that was considered to be a minor project, and in this case it was for a deck greater than four feet in height from the ground, which required DRB review. He stated the Board may act in one motion to adopt the staff recommendation to approve the two-story deck shown as Item 2.

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

PUBLIC FORUM

Boardmember Butt read an email received from CORDELL HINDLER: "Good evening Chair Livingston, Boardmembers and staff, I have some comments to go into the record. 1. I must remind the Board that any project being considered, the applicant must speak with the Neighborhood Council to receive feedback. 2. The Mayor has mentioned the Design Review Board at the June 28th Council meeting. Sincerely, Cordell."

CITY COUNCIL LIAISON REPORT: None

CONSENT CALENDAR:

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| 2. PLN22-140 CC TWO-STORY DECK | |
| 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 (EIGHT FEET PROPOSED). |
| Location | 1565 MERCED STREET |
| APN | 508-231-011 |
| Zoning | RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT |
| Owner | THUPTEN TSERING |
| Applicant | GUSTAVO OROZCO |
| Staff Contact | LYDIA ELIAS |
| | Recommendation: CONDITIONAL APPROVAL |

CAROLYN GRAVES, Richmond, requested that Item 2 be removed from the Consent Calendar for discussion.

Lydia Elias presented the staff report dated July 13, 2022 for the request for a two-story deck greater than four feet in height from the ground on a 4,500 square foot slightly downsloped parcel located on Merced Street for a one-story residence of approximately 1,200 square feet in size that had been constructed in 1941 in the Richmond Annex neighborhood. The deck would be approximately eight feet above the ground. She reported that the development scheme included a 448 square foot attached accessory dwelling unit (ADU) that would be processed separately and which required a building permit. The ADU was not subject to DRB approval. The proposed deck would be located in the rear of the structure atop the ADU.

Ms. Elias stated the proposed deck would be set back 22 feet from the rear property line, over 5 feet from the side property line with a 15-foot sideyard setback to the east. The proposal complied with the setback requirements of the RL-2 zoning district. She explained that the deck was a simple structure with cable railing and 3.5-foot black metal posts and a cedar guardrail, stained to match the Trex decking. She added that given the topography of the site and the location of the deck it would not likely affect the privacy of adjacent properties. The proposed light fixture would be shielded and face downwards and would not likely impact adjacent properties.

Ms. Elias stated the project would enhance the appearance of the property and increase the livability of the residence and was in compliance with the setback requirements. She recommended approval of the project based on four Findings and Statements of Fact with five conditions of approval.

Ms. Elias responded to comments from staff and clarified that the DRB's charge was only to

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review the deck in that the ADU approval would be a ministerial process.

GUSTAVO OROZCO, the applicant, clarified the scope of the project for an attached ADU with a roof deck on top. The attached ADU was comprised of the kitchen, living room and bathroom and would use an existing attached storage area as a living space. Design review was for the deck only in that the ADU would be ministerially approved. He confirmed that the railing of the deck would be a cable railing with black metal posts and cedar guardrails that would be stained to match the TREX decking. The walls of the ADU would match the existing stucco of the house in both texture and color. The property owner had spoken to the adjacent neighbors and there was no opposition to the project.

Ms. Elias identified the public's ability to speak to the item.

Chair Livingston opened the public hearing.

CAROLYN GRAVES, a nearby resident to the subject application stated she lived across the street and a couple of houses down, had not been approached by the applicant or the property owner, and here was currently an unshielded bright light on a post in the middle of the lawn on the property that impacted her bedroom at night. She wanted to make sure that the roofline of the main property would not be raised since that would block her views of the San Francisco area.

ROBERTA SCHUTZ, 1568 Merced Street, Richmond, an across-the-street neighbor slightly to the south asked for clarity as to whether the proposal would change her view to the west.

Chair Livingston clarified that the deck was at the street level and only three feet off the floor and would not block views.

When asked, staff offered illustrations of the deck that were also available on the City's website.

THOMAS SUMNER, Richmond, expressed concern for fire sprinklers for the proposal and was advised that the Building Department would address those types of issues.

Ms. Schutz questioned how the proposal would affect her line of sight and requested that information prior to the approval of the project. Members of the DRB commented that it did not appear that there would be any view concerns.

Chair Livingston closed the public hearing.

ACTION: It was M/S/C (Livingston/Butt) to approve PLN22-140CC, Two-Story Deck, subject to the four Findings and Statements of Fact with five Conditions of Approval and an additional DRB condition as follows: 6) The bright light in the front yard that is on the six-foot post shall be replaced with a no-brighter-than 3,000k light with a shield; approved by a Roll Call vote: 4-0 (Ayes: Butt, Christeson, Leung and Livingston; Noes: None; Abstain: None; Absent: Carter and Hook.)

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, July 25, 2022.

PUBLIC HEARINGS

1. PLN21-365 HENRIQUEZ NEW SINGLE-FAMILY RESIDENCE

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| Description | (CONTINUED FROM JUNE 22, 2022) 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: RECOMMENDATION TO THE PLANNING COMMISSION |

Alex Lopez-Vega presented the staff report dated July 13, 2022 for a project that had previously been considered by the DRB on June 22, 2022, and which had been continued to respond to requests for information. That information included an identification of similar types of dwellings approved in the neighborhood for two-story single-family buildings on 2,500 square-foot lots in a single-family neighborhood, further clarification as to whether the findings for a variance to the minimum lot size could be made, and to address privacy issues raised by a neighbor abutting to the rear of the subject site.

Mr. Lopez-Vega reported there were several two-story single-family dwellings on 2,500 square-foot lots near the site and several existing 2,500 square-foot parcels which could potentially be developed and which could require approval of a variance for lot size. Multiple variances had historically been approved for minimum lot size and those had been identified in Exhibit B to the staff report. He explained the common reason for approval of a variance had been due to special circumstances applicable to the property including size, shape, topography, location surroundings, and that the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. In this case, there were several 2,500 square-foot lots that had been developed within a half-mile radius of the subject site.

Mr. Lopez-Vega added the project was consistent with the Low Density Residential General Plan designation, would be constructed in compliance with the current California Building Code, and consistent with all zoning requirements with the exception of minimum lot size. The applicant had applied for a variance with the Planning Commission. He recommended approval based on four Findings and Statements of Fact with 11 conditions of approval.

BRENDA MUNOZ, the project architect, described the proposal for a 1,599 square-foot single-family residence with three bedrooms and three bathrooms. She explained she had worked with the planners to accommodate the roof. The setbacks were 20 feet minimum in the front, 22 feet in the rear and three feet on each side of the lot.

Chair Livingston commended the complete set plans that had been submitted for the project.

Boardmember Butt asked about the colors of the building and Ms. Munoz stated the colors had been submitted as shown on Sheet A2.0 of the plans. She also clarified that there was a glass sliding door on the rear elevation from the kitchen and living area to the outside.

Boardmember Leung complimented the landscaping that had been chosen for the project.

Ms. Elias identified the public's ability to speak to the item.

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THOMAS SUMNER, Richmond, expressed concern for the proposed setbacks and for the tree planting plan for screening purposes, particularly if trees were to be removed from 380 Sanford Avenue. He commented that the lot at 380 Sanford Avenue was full of weeds and he expressed concern for a potential fire hazard. He also expressed concern for the development of a two-story home on a 2,500 square-foot lot and stated there were no two-story homes on a 2,500 square-foot lot on the block. He expressed concern for a situation where there could be an absentee owner of the proposed new unit who would not maintain the site or address problems in the neighborhood.

Chair Livingston closed the public hearing.

Chair Livingston commented that he liked the proposal which he characterized as well done.

Boardmember Butt stated the proposal would be a nice addition to the block.

Boardmember Christeson noted that once the site was developed the weeds on the property would not be a problem. He commented it was not easy to design something on such a small lot. He commended the design and the proposal.

Boardmember Leung liked the landscaping and stated the proposal was fine.

ACTION: It was M/S/C (Butt/Christeson) to recommend approval of PLN21-365, Henriquez New Single-Family Residence to the Planning Commission for approval subject to four Findings and Statements of Fact with 11 Conditions of Approval; approved by a Roll Call vote: 4-0 (Ayes: Butt, Christeson, Leung and Livingston; Noes: None; Abstain: None; Absent: Carter and Hook.)

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| 3. PLN22-194 | TARGET EXPANSION |
| Description | PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A DRIVE-UP SERVICE AREA AND EXPAND AN EMPLOYEE AREA IN THE GARDEN CENTER SPACE THAT WILL BE DEMOLISHED. |
| Location | 4500 MACDONALD AVENUE |
| APN | 517-280-015-2 |
| Zoning | CM-3, COMMERCIAL MIXED-USE, COMMERCIAL EMPHASIS |
| Owner | BOULDER BRIDGE III DEVELOPMENT CORPORATION |
| Applicant | JOHN DIETRICH, TARGET STORES |
| Staff Contact | JONELYN WHALES Recommendation: CONTINUE TO FUTURE MEETING |

The application was continued to a future meeting.

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| 4. PLN21-023 | SUPPORTIVE AND FAMILY APARTMENTS |
| Description | PUBLIC HEARING TO CONSIDER DESIGN REVIEW PERMIT TO REHABILITATE AN EXISTING TWO-STORY PUBLIC OFFICE BUILDING AND TO CONSTRUCT A NEW FIVE-STORY BUILDING FOR A TOTAL OF 135 AFFORDABLE RESIDENTIAL UNITS. THE PROJECT WOULD INVOLVE A REQUEST FOR A GENERAL PLAN AMENDMENT AND REZONING FROM PCI (PUBLIC, CULTURAL, AND INSTITUTIONAL) TO CM-3 (COMMERCIAL MIXED-USE), AND A CONDITIONAL USE PERMIT FOR CONCESSIONS AND INCENTIVES UNDER THE STATE DENSITY BONUS LAW. |
| Location | 100 38 TH STREET |

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| APN | 517-340-004 |
| Zoning | PCI (PUBLIC, CULTURAL, AND INSTITUTIONAL) |
| Owner | CONTRA COSTA COUNTY |
| Applicant | EDEN HOUSING, INC. |
| Staff Contact | HECTOR LOPEZ |

Recommendation: **CONTINUE TO JULY 27, 2022**

The application was continued to the meeting of July 27, 2022.

Board Business

A. Staff reports, requests, or announcements:

Mr. Lopez advised that there could be some substantial projects on the next DRB meeting agenda.

B. Boardmember reports, requests, or announcements:

Chair Livingston reported that the Terminal One project was still in process; drawings had been submitted for the PG&E site in the Brickyard Cove area; a project at Terminal Three could be submitted to the DRB soon; and some big projects were expected at the next DRB meeting and DRB members were urged to attend.

Adjournment

The meeting was adjourned at approximately 6:55 P.M. to the next regular Design Review Board meeting on Wednesday, July 27, 2022.