

**MINUTES APPROVED AT THE DRB MEETING ON FEBRUARY 28, 2024**

**DESIGN REVIEW BOARD REGULAR MEETING**  
**Multi-Purpose Room, Community Services Building, Basement Level**  
**440 Civic Center Plaza, Richmond CA 94804**  
January 24, 2024  
6:00 P.M.

**BOARD MEMBERS**

Kimberly Butt  
Marcus L. Christeson

Brian Carter  
Vita Rey

Chair Brian Carter called the regular meeting to order at 6:00 P.M.

**ROLL CALL**

**Present:** Chair Brian Carter, Vice Chair Marcus Christeson, and Boardmembers Kimberly Butt and Vita Rey

**Absent:** None

**INTRODUCTIONS**

**Staff Present:** Planners Hector Rojas, Hector Lopez, Chris Dykzeul and Kristi Ellerbroek, and Heather McLaughlin from the City Attorney's Office.

**APPROVAL OF MINUTES:** December 13, 2023

**ACTION:** It was M/S/C (Christeson/Butt) to approve the minutes of the December 13, 2023 meeting, as submitted; approved by a voice vote: 4-0 (Ayes: Butt, Christeson, Rey and Carter; Noes: None; Abstain: None; Absent: 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 Tuesday, February 5, 2024.

**PUBLIC HEARINGS**

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|------------------------------------|--|
| <b>1. PLN23-314</b><br>Description | <b>CHEN SINGLE-FAMILY DWELLING</b><br>DESIGN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY |
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Location DWELLING ON A 3,400 SQUARE FOOT VACANT PARCEL.  
ADJACENT TO THE EAST OF 5221 PANAMA AVENUE  
APN 510-092-037  
Zoning RM-1, MEDIUM DENSITY MULTI-FAMILY DISTRICT  
Owner CHEN BEN WEI  
Applicant CAROL TO (ARCHITECT)  
Staff Contact KRISTI ELLERBROEK Recommendation: **CONDITIONAL APPROVAL**

Given that the applicant for PLN23-314 was unavailable, the DRB moved to Item 2 on the agenda at this time.

**2. PLN23-300 VEGA RESIDENTIAL ADDITION**  
Description DESIGN REVIEW TO CONSTRUCT A TWO-STORY ADDITION AND A DETACHED ACCESSORY STRUCTURE IN THE REAR YARD.  
Location 2734 BARNARD STREET  
APN 414-173-007  
Zoning RL-2, SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT  
Applicant JAIME VEGA (OWNER)  
Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Hector Lopez presented the staff report dated January 24, 2024, for a Design Review Permit request to construct a two-story addition in the rear yard. The addition would consist of a family room and laundry room on the first floor and a master bedroom, bathroom and office on the second floor, with each floor level at approximately 720 square feet. A 184 square foot, one-story expansion in the living room and a new porch entry in front of the building had also been proposed along with a new detached 484 square foot accessory structure in the rear. The 1,120 square foot building had been constructed in the 1960's and had a two-car garage.

With the exception of the height of the accessory structure in the rear, the proposal met all requirements of the RL-2 Zoning District on a large 10,000 square foot lot in a neighborhood of one and two-story dwellings with similar roof forms. The height of the accessory structure would have to be reduced by six inches to be able to meet the maximum permitted height of 14 feet. A street tree was recommended to be planted in the front right-of-way.

Mr. Lopez explained that only one comment had been received from the adjacent neighbors in the Fairmede Hilltop neighborhood, a resident who was concerned about the placement of the windows. He reported that resident had been advised that there were no windows of note that would face that resident's property.

Chair Carter opened public comments.

Jaime Vega, the applicant, responded to questions and explained that the color of the stucco would be white, the trim would be black and the roof would be a new roof throughout, in charcoal. The entire building would be repainted. The vents under the new gable would be metal and the belly band would be stucco, with foam trim around the black aluminum windows. The color scheme would carry around to the accessory building in the rear. That building had been proposed to be used for storage. He described landscaping at the base of the house with pavers, grass, and fruit trees.

Boardmember Butt asked the applicant to consider that one of the two doors in the accessory dwelling was very close to the edge and should be moved, if possible.

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Chair Carter also asked Mr. Vega to be mindful of splash “damage” with landscaping planted at the base of buildings.

Mr. Vega also explained, when asked, that the front doors would be custom metal, and the lighting would be as required by the City, as shown in a staff-recommended condition of approval.

An unidentified speaker expressed a concern for drainage on the property that might impact adjacent residents.

Mr. Vega described how the current drainage worked through a culvert in the rear of the property. He explained that a small retaining wall would be constructed on the side and rear of the property along the property line. He added that he intended to continue to live in the home with his family.

To address the neighbor’s concern, Chair Carter clarified that as part of the plan-check and Building Permit process the applicant would have to comply with a number of site issues, including erosion control and the retaining wall.

Chair Carter closed public comments.

Chair Carter verified the applicant’s intent for the landscaping, to plant rose bushes around the building, and the applicant agreed to plant a small area of grass and to utilize wood chips and concrete.

Boardmember Butt requested a color palette and more details with respect to the colors and the windows. She noted, for instance, that the staff report had identified white vinyl windows while the applicant had proposed black aluminum windows.

Mr. Lopez commented there may have been a miscommunication between the applicant and the architect, although he agreed that the applicant’s proposal for black aluminum windows should be noted on the plans.

The DRB discussed the landscape plan and Boardmember Butt recommended the elimination of the fountain proposed in the front yard while Chair Carter recommended a softening of the landscape plan and the implementation of drought-tolerant native species with ground cover in lieu of grass, at least for the front yard. The DRB also recommended black anodized aluminum windows.

Chair Carter urged the applicant to be mindful of erosion control in the plan-check process.

**ACTION: It was M/S/C (Carter/Rey) to approve PLN23-300, Vega Residential Addition, subject to the four Findings and Statements of Fact with the staff recommended 12 Conditions of Approval along with DRB conditions as follows: 13) The windows shall be black anodized aluminum frames; 14) The stucco color shall be an off-white like Swiss Coffee or similar; and 15) The landscape plan shall include drought tolerant native species with mulch ground cover in lieu of seeded grass; approved by a Roll Call vote: 4-0 (Ayes: Butt, Christeson, Rey and Carter; Noes: None; Abstain: None; Absent: None.)**

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| <b>1. PLN23-314</b> | <b>CHEN SINGLE-FAMILY DWELLING</b>  |
| Description         | DESIGN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING ON A 3,400 SQUARE FOOT VACANT PARCEL. |
| Location            | ADJACENT TO THE EAST OF 5221 PANAMA AVENUE  |
| APN                 | 510-092-037   |

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Zoning	RM-1, MEDIUM DENSITY MULTI-FAMILY DISTRICT	
Owner	CHEN BEN WEI	
Applicant	CAROL TO (ARCHITECT)	
Staff Contact	KRISTI ELLERBROEK	Recommendation: <b>CONDITIONAL APPROVAL</b>

Kristi Ellerbroek presented the staff report dated January 24, 2024, for a Design Review Permit to construct a new 2,295 square-foot single-family dwelling on the vacant site located on Panama Avenue in the Southwest Annex neighborhood, which would include four bedrooms, three and a half bathrooms, living and family rooms, a kitchen, dining room and an attached one-car garage. The site was situated on a hillside that sloped approximately 13 percent downhill from the front to the rear of the property, and contained three trees, some shrubbery and groundcover, and a perimeter fence.

Ms. Ellerbroek explained that a lot-line adjustment had been approved in August 2007 to create the subject parcel out of the abutting parcel to the east, which had created a 3,400 square-foot parcel. In 2008, the former property owner had received approval for a Design Review Permit to construct a single-family residence, although that project had not been constructed. The surrounding area was characterized by single-family and multifamily residences.

Ms. Ellerbroek advised that the Richmond Municipal Code (RMC) required design review for any new residential project greater than 1,200 square feet in size and greater than 15 feet in height. The proposed dwelling ranged in height from 23 to 33.16 feet maximum and would be 2,490 square feet in area, requiring major design review. The project met all the development standards for the RM-1 Zoning District.

Ms. Ellerbroek described the proposed design that would bridge contemporary design with the existing character of the neighborhood, and its light beige color, landscape and hardscape would provide visual compatibility with adjacent residences allowing the building to integrate well into the neighboring environment. The majority of the planting schedule featured drought-tolerant native plants with a few non-native species that were well adapted to the region's climate. One mature tree in the rear of the property would be preserved and the front yard tree would be replaced with a deciduous flowering tree. A condition of approval would require the planting of one additional street tree in the front of the property.

Ms. Ellerbroek responded to questions from the DRB and explained there was no Floor Area Ratio (FAR) requirement in the RM-1 Zoning District.

Chair Carter opened public comments.

CAROL TO, the applicant, described the narrow lot and characterized the design as straight forward. She described the design and explained why a shed roof had been proposed, why the home had been terraced down the hillside, why the house had been designed to keep the plumbing at the same level given the location of the sewer line, and why the house had been designed with two volumes to be more proportional and introduce light to the space. She also explained that there would not be much regrading. The color palette was described as black and white, and clean.

Speaking to the break in the roof and the central peak with respect to drainage, Ms. To stated that the site sloped from the front to the back and was lower on the east side. She explained there was no awning on the side entry in that the roof stuck out a bit at that location, and while awnings had not been proposed they could be considered, if desired. She also clarified that tall bamboo hedges would be planted along the two portions where there were a lot of windows along

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the side yards. She advised that the balcony railing and the handrails for the stairs would be cable type. There would be some concrete at the bottom.

B. Yee, 5230 Dalai Lama Avenue, Richmond, asked about the drainage on the property and how that would affect adjacent properties, and Ms. To described a bioretention area on the property.

Chair Carter explained that the applicant would have to treat the stormwater on the property and could not impact an adjacent property. The plan-check process would address that and other issues prior to the issuance of a Building Permit.

When asked about any response from the Southwest Annex Neighborhood Council, Ms. Ellerbroek explained that the Neighborhood Council was inactive, although there had been a response from the President of the RNCC that had indicated that the proposal was not supported by the Neighborhood Council because of concerns with the height of the project and privacy concerns. She noted that the RNCC’s concern was that they had mistakenly understood that the home would be 76 feet in height as opposed to the reported 76 feet above sea level. She had clarified that situation. She added that there had been another comment from a neighbor at 5221 Panama Avenue that the new house would block the views of that neighbor, block the morning sunlight, affect that neighbor’s property values, and result in a loss of privacy. That neighbor hoped that the applicant would plant tall green plants to address privacy concerns between both households, and she had also identified concerns that construction would add traffic and create noise and dust.

Ms. Ellerbroek explained that the applicant had responded to an email with that neighbor and had provided plans to show the effect of the proposed new windows on that neighbor’s privacy. The complaining neighbor had requested that the applicant’s new bamboo hedge provide privacy and that the applicant would plant approximately 12 to 13 25-gallon trees during construction. The applicant had also agreed to retain the existing plantings facing that neighbor’s windows and to comply with the City’s construction and noise regulations.

Ms. Ellerbroek displayed the exhibit that had been provided to show the effect of the proposed windows onto the adjacent neighbor’s privacy.

Chair Carter closed public comments.

**ACTION: It was M/S/C (Carter/Butt) to approve PLN23-314, Chen Single-Family Dwelling, subject to the four Findings and Statements of Fact with the staff recommended 11 Conditions of Approval; approved by a Roll Call vote: 4-0 (Ayes: Butt, Christeson, Rey and Carter; Noes: None; Abstain: None; Absent: None.)**

<b>3. PLN23-119</b>	<b>IMTT RENEWABLE FUELS PROJECT</b>
Description	DESIGN REVIEW AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF ADDITIONAL TERMINAL INFRASTRUCTURE AT THE EXISTING INTERNATIONAL MATEX TANK TERMINALS-RICHMOND-CA (IMTT) TERMINAL FACILITY, INCLUDING FIVE NEW ABOVEGROUND TANKS FOR ETHANOL AND RENEWABLE DIESEL STORAGE AND FOUR ADDITIONAL RAIL SPURS TO ACCOMMODATE 20 RAILCAR SPOTS.
Location	100 CUTTING BOULEVARD
APN	560-290-005 AND 560-380-005
Zoning	IW, WATER RELATED INDUSTRIAL DISTRICT
Owner	INTERNATIONAL MATEX TANK TERMINALS (IMTT)-RICHMOND-CA

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Applicant IMTT-RICHMOND-CA  
Staff Contact HECTOR ROJAS Recommendation: **RECOMMEND APPROVAL  
TO PLANNING COMMISSION**

Hector Rojas presented the staff report dated January 24, 2024 for a Design Review Permit and Conditional Use Permit (CUP) Amendment to allow construction of additional terminal infrastructure at the existing International Matex Tank Terminals-Richmond-CA (IMTT) Terminal facility, located along the Santa Fe Channel of the Richmond Inner Harbor to the west of the Lauritzen Channel, a 22-acre onshore bulk-liquids storage and distribution terminal that handled petrochemicals, vegetable oils, fuel oils, caustic soda, and paraffin wax. The facility received petroleum and renewable products by pipeline, barge/ship, rail, and truck and stored and distributed them at the direction of IMTT's customers. The facility operated continuously with a 24/7, 365-days-per-year schedule.

The current facility contained approximately 48 storage tanks along with support facilities including aboveground and underground pipelines, a pumping station, a control station, truck bays, a waterfront dock, a thermal oxidizer, and a perimeter wall. The existing tanks ranged up to 54 feet in height and up to 128 feet in diameter, had the nominal capacity of up to 109,000 barrels, had two truck racks, and an existing railcar loading/unloading facility with appropriate containment. The proposal also included five new aboveground tanks for ethanol and renewable diesel storage, and four additional rail spurs to accommodate up to 20 railcar spots.

Mr. Rojas reported that the area surrounding the facility was characterized by a mix of light and heavy industrial activities as well as maritime operations. He advised that in 2008, the Planning Commission had adopted the IMTT Tank Installation Project Initial Study/Mitigated Negative Declaration (2008 IS/MIND) and had granted approval for a CUP and Design Review Permit that had enabled IMTT to construct three aboveground tanks designated for the storage of petrochemical products such as gasoline, diesel, and jet fuel. In 2015, the City had prepared an Addendum to the 2008 IS/MIND and had approved a CUP Amendment authorizing a modification to the 2008 project. The modification allowed IMTT to replace one of the previously approved 105,000-barrel tanks with a smaller 20,000-barrel tank designated for the containment of caustic soda instead of petrochemical products. To date, only the 105,000-barrel caustic soda tank had been installed under the 2015 CUP Amendment.

Mr. Rojas clarified that DRB approval was required for industrial additions and improvements greater than 1,000 square feet for the proposed project that exceeded that threshold, and Planning Commission approval was required for the new terminal infrastructure not covered by the existing amended CUP. He recommended approval of the application that met all requirements of the IW, Water Related Industrial District development standards. Environmental review had been conducted of the previous project and additional environmental review covering the new improvements found that no further environmental review was required because the potentially significant impacts related to the project had been covered by previous documents.

With respect to comments from the public, Mr. Rojas stated the City had received a letter from Bruce Beyaert of Trails for Richmond Action Committee (TRAC), who had indicated a desire to delay the application to analyze the applicability of the Shoreline Overlay District, although Mr. Rojas explained that he had advised Mr. Beyaert that the Shoreline Overlay District did not apply to that particular part of the Richmond Shoreline or to the Chevron Refinery area. As a result, Mr. Beyaert had retracted his comment.

Mr. Rojas pointed out staff-recommended Condition 6 that had applied to Svendsen's Bay Marine related to a voluntary \$2,000 fair share contribution toward construction of the Ferry to Bridge to

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Greenway Complete Streets Plan (F2B2G), and noted that a nexus study was being prepared to verify a clear methodology for the calculation of that fair share for the subject application. He pointed out some of the other staff-recommended conditions of approval including the One Percent for Public Art requirement.

Mr. Rojas advised that he had reached out to the President of the Marina Bay Neighborhood Council, which had received a summary of the project from the applicant, but there had been no further contact with that Neighborhood Council.

TRACI JOHNSON, IMTT, Vice President of Environmental Health, Safety & Security, responded to questions from the DRB and explained that every tank in the facility had secondary containment and a subsurface slurry or containment wall to capture anything that leaked into the ground, additional fire protection was required given that ethanol was a flammable product, new fire protection would be installed for the newly installed equipment and the existing fire protection system at the facility would be upgraded consistent with new state requirements.

Mr. Rojas explained with respect to landscaping that the only landscaping required for the IW District would be if the property was situated across the street from mixed-use or residential districts. There was existing landscaping along the frontage area limited on the private side of the property that consisted of lawn, shrubs and trees. He added there were already quick build improvements in place for the Bay Trail along the segment of Cutting Boulevard that constituted a Class 1 trail. He clarified that there was a segment of the site subject to Bay Conservation and Development Commission (BCDC) regulations that would move forward after the DRB's action on the application.

On a discussion of the white color of the tanks, Ms. Johnson explained that the color impacted the volatility of the material and could actually increase emissions from the tank. White had been chosen for volatile products.

Chair Carter opened public comments.

Ms. Johnson identified IMTT's background, having been founded in 1939 in New Orleans, Louisiana, storing a variety of liquid in bulk form with eleven locations throughout North America. She stated that IMTT did not own or manufacture products and was strictly a for-hire company. For the Richmond facility, the ethanol would arrive by marine vessel and go out by tank truck, the renewable diesel would arrive by rail car and go out by barge, and the other products, such as the wax used on milk cartons, would be stored and moved by railcars, tank trucks and marine vessels.

Responding to comments, Ms. Johnson explained that the site for the tanks was vacant land and would involve some grading and drainage improvements, there was an existing truck loading area that would require some modification. No major demolition of existing structures would occur. The existing tanks would remain. There was an existing slurry wall, a subsurface concrete wall, around the facility that had been installed in 2006 so that any contaminated ground water would go through treatment prior to being discharged, and any release would be captured.

Mr. Johnson stated that while she had no conversation with TRAC, another member of the IMTT team had. Given that the TRAC issue involved public access, she clarified that the Department of Homeland Security and the Coast Guard were keen to not let any member of the public access the industrial facility given the Maritime Safety Act. She stated that every employee for similar facilities had to pass a background check the same as those working with the TSA.

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Mr. Rojas stated he had shared the nexus study with Mr. Beyaert and any issues would be fleshed out in the future. When asked, he also clarified the One Percent for Public Art aspect of the conditions of approval. Potential themes and locations were suggested along with the note that there was a precedent for boat sculptures and murals in the area.

Boardmember Butt asked if another color could be considered for some of the tanks, and Ms. Johnson stated that un-insulated tanks would have to be white, although insulated tanks could be silver. Typically, tanks were silver or white and depending on location it was sometimes mandatory that tanks be white. She added that the tanks had a very long lifespan in that some had been built in 1900, and as long as the tanks were inspected and maintained they could last for a very long time.

Chair Carter closed public comments.

Boardmember Butt encouraged the Planning Commission to consider the on-site art requirement or landscaping at the front of the site.

**ACTION: It was M/S/C (Carter/Christeson) to recommend to the Planning Commission the approval of PLN23-119, IMTT Renewable Fuels Project, subject to the four Findings and Statements of Fact with the staff-recommended 11 Conditions of Approval and the DRB's recommendations to 12) Do something cool with art and potentially landscaping at the corner; and 13) Work with TRAC on a fair share contribution toward construction of the Ferry to Bridge to Greenway Complete Streets Plan (F2B2G); approved by a Roll Call vote: 4-0 (Ayes: Butt, Christeson, Rey and Carter; Noes: None; Abstain: None; Absent: None.)**

### **Board Business**

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

Mr. Rojas identified the status of the Library Renovation discussions and proposed a study session with the DRB as an informational session.

#### **B. Boardmember reports, requests, or announcements: None**

### **Adjournment**

The meeting was adjourned at 7:58 P.M. to the regular Design Review Board meeting on Wednesday, February 14, 2024.