

A G E N D A
HISTORIC PRESERVATION ADVISORY COMMITTEE MEETING
CITY OF RICHMOND
PLANNING CONFERENCE ROOM
1401 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, February 13, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
David Blackburn

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Kimberly Butt
David Blackburn
Charles Duncan

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. **PUBLIC HEARING** to consider a request to recommend to the Richmond City Council the designation of the Winters Building, located at 339 - 11th Street (APN: 540-091-011), as a Richmond Historic Resource. Office/Retail/Institutional (City Center Specific Plan) Zoning District.
Richmond Community Redevelopment Agency (RCRA), owner/applicant
Staff Contact: Lina Velasco
Tentative Recommendation: Recommend Approval to City Council

COMMITTEE BUSINESS

5. Reports of Officers, Committee Members, and Staff:
 - a. Annual HPAC Report
 - b. Oishi and Sakai Nurseries
 - c. HPAC Terms
 - d. Preserve America Grant
 - e. CLG Application
 - f. Design Review Sub-Committee
 - 146 Washington Avenue
 - Winters Building
 - g. Schedule Future 2007 HPAC Meetings

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE MEETING

MARINA BAY YACHT HARBOR
HARBOR MASTER'S ROOM
1340 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, April 10, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
David Blackburn

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Kimberly Butt
David Blackburn
Charles Duncan

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. **PRESENTATION (6pm-7pm)** updating the Historic Preservation Advisory Committee on the General Plan visioning process, including the discussion of land use phototypes and development alternatives for the General Plan Update program. (No staff report).
Staff Contact: Lori Reese-Brown
Tentative Recommendation: No Formal Action – Provide Comments Only
5. **PUBLIC HEARING** to consider amendments to the Historic Structures Code (RMC Chapter 6.06). The proposed amendments include: 1) increasing the committee’s membership from seven to eight; 2) requiring review of all infill projects within designated historic districts; and, 3) clarifying requirements for designated historic resources.
Staff Contact: Lina Velasco
Tentative Recommendation: Recommend Approval to City Council
6. **PUBLIC HEARING** to consider recommending to the City Council the designation of a Civic Center Historic District. The proposed district boundaries would generally be Macdonald and Nevin Avenues to the south, 25th Street to the west, 27th Street and Civic Center Plaza to the east, and Barrett Avenue to the north (APNs: 515-210-001 & 515-251-001). PC (Public & Civic Uses) Zoning District.
Staff Contact: Lina Velasco
Tentative Recommendation: Recommend Approval to City Council

COMMITTEE BUSINESS

7. Reports of Officers, Committee Members, and Staff
 - a. Update on City Council Items

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee’s purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE MEETING

CITY OF RICHMOND
PLANNING CONFERENCE ROOM
1401 MARINA WAY SOUTH, RICHMOND, CA

Thursday, July 19, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
David Blackburn
Ethel Dotson

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Kimberly Butt
David Blackburn
Charles Duncan

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes – April 10, 2007

COMMITTEE BUSINESS

4. Reports of Officers, Committee Members, and Staff
 - a. Welcome new member Ethel Dotson
 - b. Update on Richmond Register Database
 - c. Update on Preserve America Grant
 - d. State Historical Resources Commission – August 3, 2007
 - e. Update on Council Items – HPAC Annual Report & Civic Center Historic District
 - f. Update on Re-appointment applications/new member applications
 - g. Training Opportunities – National Preservation Conference
 - h. Items for next meeting – August 14, 2007
 - i. Farewell to Member David Blackburn

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE MEETING

PLANNING LOBBY
1401 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, August 14, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
Ethel Dotson
Vacant
Vacant

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Kimberly Butt
Charles Duncan
Vacant

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

1. **Roll Call**

2. **Approval of Agenda**

3. **Approval of Minutes**

4. **9900019 – Designation of the Trainmaster’s Building in Point Richmond**

PUBLIC HEARING to consider a request to recommend to the City Council the designation of the Santa Fe Trainmaster’s Building, located at the northwest corner of Garrard Boulevard and West Richmond Avenue (APN: N/A), as a Richmond Historic Resource. Public & Civic Uses (PC) Zoning District.

Point Richmond Gateway Foundation Inc., owner

Staff Contact: Lina Velasco

Tentative Recommendation: Recommend Approval
To City Council

5. **9900020 – Potential Nystrom Neighborhood Historic District**

STUDY SESSION to discuss to the potential designation of a Nystrom Neighborhood Historic District. The proposed district boundaries would generally be defined by Ohio Avenue to the north, Marina Way South to the east, Harbour Way to the west, and Cutting Boulevard to the South (APNs: Various). Various Zoning Districts.

Staff Contact: Lina Velasco

Tentative Recommendation: No Action – Comments Only

COMMITTEE BUSINESS

6. **Reports of Officers, Committee Members, and Staff**

a. **Welcome New Members**

b. **State Historical Resources Commission Update**

c. **Update on Council Items**

d. **Nomination of Officers / Subcommittee Members / PAC**

e. **Items for Next Meeting – October 9, 2007**

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee’s purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE MEETING

PLANNING CONFERENCE ROOM
1401 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, October 9, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
Ethel Dotson
Steven Cabella
Lucy Lawliss

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Charles Duncan
Kimberly Butt
Sandi Genser-Maack (interim)

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

1. Roll Call

2. Approval of Agenda

3. Approval of Minutes

4. General Plan Historic Resources Element Working Draft

PRESENTATION (6pm-7pm) of the preliminary goals and policies for the General Plan Historic Resources Element for committee members feedback, input, and direction.

Staff Contact: Lori Reese-Brown

Tentative Recommendation: No Action – Comments Only

5. Demolition Permit Process

STUDY SESSION to discuss potential changes to the City's demolition permit process.

Staff Contact: Lina Velasco

Tentative Recommendation: No Action – Comments Only

COMMITTEE BUSINESS

6. Reports of Officers, Committee Members, and Staff

a. Update on Council Items

b. Nomination of Chair, Vice Chair, and Design Review Subcommittee

c. National Preservation Conference – St. Paul, Minnesota

d. Items for Next Meeting – December 11, 2007

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE
SPECIAL MEETING

PLANNING CONFERENCE ROOM
1401 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, November 13, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
Steven Cabella
Lucy Lawliss
Vacant

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Charles Duncan
Kimberly Butt
Sandi Genser-Maack (interim)

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Minutes**
- 4. General Plan Historic Resources Element Working Draft**
PRESENTATION of the preliminary goals and policies for the General Plan Historic Resources Element for committee feedback, input, and direction.
Staff Contact: Lori Reese-Brown
Tentative Recommendation: No Action – Comments Only

COMMITTEE BUSINESS

- 5. Reports of Officers, Committee Members, and Staff**
 - a. Election of Chair, Vice Chair, and Design Review Subcommittee**
 - b. Items for Next Meeting – December 11, 2007**

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.

A G E N D A
CITY OF RICHMOND
HISTORIC PRESERVATION ADVISORY COMMITTEE

PLANNING CONFERENCE ROOM
1401 MARINA WAY SOUTH, RICHMOND, CA

Tuesday, December 11, 2007, 6:00 p.m.

Officers

Rosemary M. Corbin, Chair
Judith Morgan, Vice Chair

Members

Christopher Bowen
Kimberly Butt
Charles Duncan
Sandi Genser-Maack
Steven Cabella
Lucy Lawliss
Vacant

City Council Liaison

Tom K. Butt

Design Review Subcommittee

Charles Duncan
Kimberly Butt
Lucy Lawliss
Steven Cabella (alternate)

MEETING INFORMATION

Function of a Public Meeting: A public meeting is intended to inform the public of proposals and to enable members of the public to present relevant information and viewpoints before Historic Preservation Advisory Committee action. When the Committee reviews a specific development proposal, the Committee will hear public comments before voting on a recommendation to the Design Review Board or Planning Commission.

Speaker Registration: Persons wishing to speak on a particular item on the agenda shall file a speaker form with Planning staff **PRIOR** to the Committee's consideration of the item. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms will be permitted to speak on the item. Speakers will be called to address the Committee after the project applicant has made a presentation. Anyone who wishes to address the Committee on a topic that is not on the agenda and is relevant to the Committee's purpose may file a speaker form with Planning Department staff at any time during the meeting and will be called to address the Committee during the Public Forum portion of the meeting.

Agenda Order: At the discretion of the Committee, items on the agenda may not be heard in the order they appear on the agenda.

Public Meeting Procedure:

- (1) Chair opens the meeting;
- (2) City staff identifies project being reviewed and presents a preliminary analysis;
- (3) Applicant explains proposal for up to five minutes;
- (4) Members of the Public wishing to speak have up to two minutes each to express their viewpoint;
- (5) Applicant may respond to specific allegations made for up to two minutes;
- (6) The Committee may ask follow-up questions of any of the speakers;
- (7) Hearing is closed;
- (8) City staff presents its summary and recommendations;
- (9) The Committee discusses the application and votes to recommend approval, approval in modified form, or denial of the application;
- (10) The Chair informs the audience of the Committee's action.

If all items are not completed by 9:00 pm, the items remaining will be continued to the next meeting unless the Committee votes to extend the meeting.

(Continued on Reverse Side)

BROWN ACT (see Public Forum note at the end of Agenda)

AGENDA ITEMS

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Minutes**
- 4. Mapping Richmond's World War II Home Front**
PRESENTATION of the Historical Report prepared by Donna Graves identifying the social landscape of the World War II home front story in Richmond for committee feedback, input, and comments.
Staff Contact: Lina Velasco
Tentative Recommendation: No Action – Comments Only

COMMITTEE BUSINESS

- 5. Reports of Officers, Committee Members, and Staff**
 - a. Meeting Times & Dates for 2008**
 - b. Items for Next Meeting**

Public Forum - Brown Act: Anyone who wishes to address the Committee on a topic that is not already on the agenda and is relevant to the Committee's purpose may submit a speaker form to Planning Department staff. A three-minutes-per-speaker time limit shall apply.