

DESIGN REVIEW BOARD & PLANNING COMMISSION JOINT MEETING
Council Chamber, Community Services Building
440 Civic Center Plaza, Richmond CA 94804
October 9, 2013
6:00 p.m.



DESIGN REVIEW BOARD MEMBERS

Brant Fetter, Chair
Robin Welter
Eileen Whitty
Don Woodrow

Brenda Munoz, Vice Chair
Ray Welter
Mike Woldemar

Chair Fetter called the meeting to order at 6:09 p.m.

ROLL CALL

Present: Chair Brant Fetter, Vice Chair Brenda Munoz, Boardmembers, Robin Welter; Eileen Whitty, Michael Woldemar and Don Woodrow

Absent: Boardmember Ray Welter

Staff Present: Attorney Carlos Privat, Senior Planner Jonelyn Whales, Associate Planner Kieron Slaughter, Director of Planning and Building Services Richard Mitchell

APPROVAL OF MINUTES

July 10, 2013:

Chair Fetter referred to page 11, 5th paragraph, "stable" and not "staple" neighbors. Page 11, 3rd paragraph, "...in 1995 when this was engineered....three different times since."

ACTION: It was M/S (Woldemar/Whitty) to approve the minutes of July 10, 2013, as amended; unanimously approved (Ray Welter absent).

July 24, 2013:

Chair Fetter asked that the minutes reflect a record of the voting for this meeting. Also, Chair Fetter referred to page 5 under "ACTION:" it states that Woldemar and Fetter elicited the comment that 8 foot wide windows should be above the garage doors which is incorrect. He asked to postpone the approval of these minutes until this can be verified.

ACTION: It was M/S (Woldemar/Munoz) to continue approval of the minutes of July 24, 2013; unanimously approved (Ray Welter absent).

Public Forum - Brown Act - None

APPROVAL OF AGENDA

ACTION: It was M/S (Woldemar/Whitty) to approve the Agenda; unanimously approved (Ray Welter absent).

CONSENT CALENDAR:

Chair Fetter noted the agenda consists of two (2) Consent Calendar items. He asked if any members of the Board, staff, or audience wished to remove an item. A request from a member of the was made for removal of Item 1 from the agenda to be heard by the Board.

Chair Fetter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, October 21, 2013 by 5:00 p.m.

ACTION: It was M/S (Woldemar/) to approve the Consent Calendar consisting of Item 2; unanimously approved (Ray Welter absent).

Items Approved on the Consent Calendar:

CC 2. PLN13-192 RICHMOND MEMORIAL AUDITORIUM ADA UPGRADES

Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT FOR ADA UPGRADES AT THE RICHMOND MEMORIAL AUDITORIUM, A CONTRIBUTING STRUCTURE TO THE CIVIC CENTER HISTORIC DISTRICT. <i>(THIS ITEM WAS RECOMMENDED FOR CONDITIONAL APPROVAL BY THE HISTORIC PRESERVATION COMMISSION DESIGN REVIEW SUBCOMMITTEE ON 8/29/2013).</i>	
Location	403 CIVIC CENTER PLAZA	
APN	515-210-001	
Zoning	PC (PUBLIC & CIVIC USES)	
Owner	CITY OF RICHMOND	
Applicant	MARK ALBERTSON, AIA/CITY OF RICHMOND PUBLIC WORKS	
Staff Contact	LINA VELASCO	Recommendation: HOLD OVER TO 10/23/2013

Item Removed from the Consent Calendar:

Public Hearing:

CC 1. PLN13-104 AVILA NEW SINGLE-FAMILY RESIDENCE

Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±2,881 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH A ±484 SQUARE FOOT GARAGE TOTALING ±3,365 SQUARE FEET WITHIN THE POINT RICHMOND HISTORIC DISTRICT. <i>(THIS ITEM WAS RECOMMENDED FOR CONDITIONAL APPROVAL BY THE HISTORIC PRESERVATION COMMISSION DESIGN REVIEW SUBCOMMITTEE ON 6/19/2013).</i>	
Location	MONTANA STREET, BETWEEN NEVADA & BUENA VISTA AVENUES	
APN	556-141-002	
Zoning	SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL)	
Applicant	ENRIQUE AVILA (OWNER)	
Staff Contact	KIERON SLAUGHTER	Recommendation: RECOMMEND CONDITIONAL APPROVAL TO THE PLANNING COMMISSION

Associate Planner Slaughter gave the staff report and a brief description of the project which was submitted in May 2013 and was continued from the last DRB meeting for additional information. This project is a modification of the previous application and the Board requested additional modifications which have been completed. He mentioned previous board actions, noting the project went to the HPDRC on June 19, 2013 where the project was recommended for approval with conditions. On August 14, 2013, at the previous DRB meeting, comments were

received from neighbors about building site, materials, and privacy issues. The Board was unable to come to a decision and therefore the item was continued to allow a DRB subcommittee to meet on August 28th. A new design with several design changes was proposed and suggested which Mr. Slaughter described. He presented the recommended sketch to compare proposed changes to the original plan.

The proposed project conforms to SFR-2 zoning requirements except for the side yard encroachment. It also conforms to the requirements of the Hillside Residential General Plan designation. Staff interprets the new style as an American Century four-square with hipped roofs. The applicant has agreed to install conduit to pre-wire the home for installation of solar panels in the future. The applicant is also proposing 33% of interior yard space which exceeds the required 16%. As a result of the previous meeting, staff discussed different window materials and wanted the Board to suggest materials. He then described parking and the owner's intent to install an electrical charging station inside the garage. He concluded that staff recommends that the DRB recommend approval of the project to the Planning Commission for final approval.

Boardmember Whitty questioned the location of the stairway and Mr. Slaughter noted the shortening of the width of the building to modify the stairway, and stated there would be no privacy concerns from the change. Boardmember Whitty questioned if there was the ability to split the lot and build next door. Mr. Slaughter said if a variance is granted, a lot split could occur but he thought it might be difficult given the overall size of the lot.

Boardmember Woldemar questioned how to properly deal with deficiencies in the plans. He worked well with the applicant in the DRB subcommittee meeting but asked if the stairway is not step on grade as it was in the original plan. He also noted that the request for a variance is new tonight and this was not part of the original application. He also stated that in the plans there is no information pertaining to where things were relative to the grades on either side of the property and also to the retaining walls. Lastly, he asked Mr. Slaughter if he checked the garage size, as the requirement is 20x20 clear and he thinks the width is only 18 feet, 4 ½ inches, which he pointed out this error on the plans. Mr. Slaughter said if there is enough information for the DRB to make a decision based on the design of the project, short of corrections in drafting errors, he would still recommend approval. If not, the project can return to the DRB or to the DRB subcommittee. Boardmember Woldemar asked and confirmed that alternatively, the Planning Commission could make a decision on the required variance and then return the project back to the DRB.

Vice Chair Munoz questioned if there was a measurement for the encroachment but she confirmed that the setbacks on both sides are 5'8" which encroaches by about 2 feet.

Chair Fetter said in the rework of the garage, he said if division of the columns and doors was something the subcommittee negotiated. Boardmember Woldemar said this was another item used to reduce the scale and mass of the original application. The two doors always provide better scale than the proposed large, 16 foot wide door.

Chair Fetter asked if there was a clarification of the exact materials of the railing in the front, which states 1x8 pattern railing. The color palette refers to black railing which might imply iron railing. Mr. Slaughter said they agreed to a wooden railing based on the previous application.

Chair Fetter called upon the applicants.

Hector Deviane, designer, apologized for some of the drafting errors. He was asked to take the mass and scale it down. Boardmember Woldemar assisted in the subcommittee process. He reduced the mass and height which posed some problems with the floor plans. They propose a

hardy plank siding with stucco on the bottom and a belly band. They are using aluminum clad windows to keep the house in character with some of the neighborhood homes, which vary a bit. They will look into the grading issues and noted page 5 identifies the heights in terms of floor area dimensions as they relate to the height of the retaining walls. In terms of the volume of earth, it will change, but they will consult with their structural engineer to determine the depth and width of footings and the type of system. They hope to move forward and correct some of the issues and make this a successful project.

Boardmember Woldemar referred to Sheet #5 and the east elevation, the entry door is on the side about midway up. He can translate directly up to the section above. He asked where the two grade lines are taken, and Mr. Deviane said these are on the right side of the property. The lower grade line is on the right at the building and the upper line is at the grade of the property line.

Boardmember Woldemar said if the entry door is translated to the height of the property line retaining wall which is about 5 ½ feet over from the building line, he asked what the vertical height of the retaining wall is and how deep into the ground is the side door. Mr. Deviane said one would be looking down into a cavity which is in the 7 foot range. Boardmember Woldemar asked if there is a fence intended on the east property line, and Mr. Deviane said he believes there is a fence which would be at least 6 feet. Boardmember Woldemar said if he is in the stairway well, he is 13 feet deep, and not much sunlight will get there.

Boardmember Woldemar referred to trim around all corners with hardy plank up to the trim and he confirmed that the trim will be at least 1 by 4. He suggested doing 1by 6 and 1by 4 together. Boardmember Woldemar asked what the trim pieces around the windows are, and Mr. Deviane said they are 1by 4's on each side, a redwood apron underneath the sill and a skirt underneath it. The heads will be one inch on each side, but he noted this is not shown in the drawings because they are not blown up. Boardmember Woldemar confirmed the fascia for the gutter is pine or redwood, 1x8 with an OD gutter to resist rot and painted.

Boardmember Woldemar asked if Mr. Deviane is aware of Richmond's dark sky ordinance, and he asked what the light fixtures will be. Mr. Deviane said they did not select a type; only locations.

Boardmember Woldemar said in the staff report there is a recommendation for sola tube skylights above the common area on the roof, and Mr. Deviane said he did not show them on these plans. Boardmember Woldemar noted they are in the conditions of approval. Mr. Deviane said he will include them to satisfy the conditions. Boardmember Woldemar asked and confirmed that the windows to be used would be aluminum clad wood. He asked if Marvin windows could be used, and Mr. Deviane said he would have to ask the client. Mr. Deviane confirmed that the vinyl clad was only available in a couple of colors and the aluminum ones are available in many colors.

Boardmember Woldemar said the color schedule talks about the shingles, and he assumes it will be 40-50 year composition shingles to be black. He asked and confirmed Mr. Deviane would consider any other color such as brown or tan, as the black would be hard on the hillside.

Boardmember Woldemar referred to Sheet A.2 and asked what the implication is of making the garage 20 foot wide clear. Mr. Deviane said he wants to collect some sheer wall and line up the walls for the hallway above in the upper floors and the area off of the foyer. What happens in the upper floor is it shrinks the stairway to below the minimum width for circulation. Boardmember Woldemar said if the garage was not 20 foot wide, it would require a variance. Mr. Slaughter said if this is the case, staff would include the variance with the other variance as part of the action by the Planning Commission.

Boardmember Woldemar referred to the fences, and asked for their design as well as the gate. Mr. Deviane said it would mirror the front railing. Boardmember Woldemar requested painting the fence both sides with a compatible color to the house, and Mr. Deviane said they would not be opposed to this.

Boardmember Woldemar asked what color the stucco would be at the base of the house, and Mr. Deviane said he would propose somewhat of a darker color to call out the base of the house. Boardmember Woldemar noted that he had asked that the windows resemble more of a historical look with vertical sliders and Mr. Deviane said his client likes casement windows and he prefers the vertical look of the building which he thinks is achieved by higher, thinner casement windows as opposed to a smaller casement window.

Boardmember Robin Welter asked and confirmed that three trees will be removed from the back, which are not in good health. She confirmed that the tree labeled as #76 will remain. She asked to see a more detailed landscape plan and Mr. Deviane said they will use the same proposed at the last meeting at a larger scale. She confirmed they will also move the street tree further up so it is not close to the driveway. She also noted that if there are 7 foot walls on the side, she suggested having something grow to hide the height element.

Public Comments:

June Hight said she received a couple of examples from staff of the aluminum clad window and she did not believe that, aesthetically, it was acceptable. It has a nice color and is paintable, but would dispute the claim that aluminum clad is better in this client, as she thinks it promotes rot with the cladding over them. She also disputes that a conductive metal will be insulating. She thinks plastic or vinyl windows are completely unacceptable, as they warp and gap within a few years, which she sees in her neighbor's windows. She believes the three most important window features are that they be paintable, have exterior dividers or muntins, and a full thickness of the wood sash. She presented some pictures of historical windows and the surrounding neighbors.

Susan Glendunning, 34 Montana Street, said she objects to the project as proposed. It is too big, does not conform to the nature of the surrounding community and feels the staff report is disingenuous. Of the 10 homes on Montana, 9 are on lots of 4,000 square feet or less and the average square foot of the house is 1,360 square feet. This house is just massive and 75% density of living space on a substandard lot and she suggested the owner be required to build something closer to 1,300 square feet to be more conforming. The mass will change the natural drainage patterns and aging underground infrastructure could crumble and the community could have sinkholes. She objects to variances to allow it to happen and she objects to the project altogether and asked to completely redesign it.

Hillary Brown, 44 Montana Street, said she is looking forward to having a property developed and having a house built on the lot but she is concerned that the size is out of scale with the other homes on the street and out of scale with the lot size. She appreciates changes made, but is concerned that several neighbors have raised issues on the size and scale and each committee keeps approving the project to move onto the next committee without concerns being addressed.

Maureen Decombe, 28 Montana Street, said she lives directly across the street in a one-story Craftsman style home. She reiterated her desire that if a large structure is to be built on the lot, she does not have objection if a large structure is built at the top of the lot, along with all of the large structures off of Buena Vista which is functionally a separate neighborhood from the lower Montana Street area. While this may not be realistic, she hopes this could come into

consideration. Regarding the tree in question she is concerned about is about mid-way into the lot and on the neighbor's property. It is a large Monterey Pine which is already dying back at the top. At least half of the root mass would be on the lot in question but it is not shown on the site plan. She recognized everyone to try to make the mass less imposing but there is a lot of work still to do, and she commended the work of the new architect.

Rebuttal – Applicant

Enrique Avila, owner, said the first time he approached the City when he bought the lot, he asked about the size required for the lot. Staff told him there was no coverage limit and that the lot was buildable. He said he has gone through several hearings, and the last time changes were made, there were additional questions requested about brands of products used. He said he reduced the size and mass of the house and at each hearing a person comes with another opinion. He also cannot cut down a tree that belongs to another property owner.

Boardmember Whitty referred to page A.2 and size and mass. On the left hand side at the bottom is the street elevation view and the mass of the other two houses nearest the new house. Going up one line of the previously proposed building, the applicant has lowered the house and moved it slightly to the right, giving the neighbor more space, and she pointed to the roof massing as well. She pointed out that the applicant complies with all regulations.

Boardmember Robin Welter said she was involved in the subcommittee meeting and the client and applicant revised the plan quite a bit based on their suggestions. She appreciates the fact that they flipped the bedrooms to the top which allowed less excavation for the patio area in the back, and they reduced the walls down to 6 feet which is much more reasonable.

Chair Fetter asked what the neighborhood council input was, and Mr. Slaughter said there is an attachment from the Point Richmond Neighborhood Council. The land use committee approved it and the overall board had a 14-11 vote. He has been sending them the updated plans but has not received response to date.

Boardmember Woldemar complimented the applicant for having made the changes. He is sorry the Board did not get a complete application tonight, but when discussion is completed, he will be prepared to make a motion.

Chair Fetter said he thinks it is very important that the community realize that the entire process has been to integrate community input and the Board takes this seriously. Because the applicant fully has every right to develop the lot and the design has been modified many times to address community comments, he thinks the design has progressed. Moving it to the top of the lot would create difficulty in that it would loom over the neighborhood further and this was addressed in previous meetings. There are homes that are definitely very dominant and have a transition up the hill in massing which is acceptable and something the Board was supporting in its review of the overall neighborhood. He suggested the garage shingle being a non-black color, a simulated divided light spacer for windows, an aluminum clad wood window, and return to the DRB to resolve the new landscape plan and grading.

Boardmember Woldemar said he was prepared to make a motion and said he thinks it is up to the applicant to deal with the garage width and variance. In order to move this on, he thinks the project can move on with the remainder subject to staff approval.

Vice Chair Munoz thanked the applicant for making the many changes to reduce the scale and mass of the project and addressing the concerns of the neighbors.

The public hearing was closed.

ACTION: It was M/S (Woldemar/Munoz) to approve PLN 13-104 with a recommendation to the Planning Commission for their consideration that the motion include the four staff design review findings, staff's recommended 18 conditions of approval with the following revisions and/or additions; that Condition #8 be removed as being only applicable to the previous application, that the dark sky light fixtures are covered and that the stormwater C3 guidebook is included. Add the following conditions: 1) all trim material for both windows and openings shall be a minimum of 2x material and not 1x material and shall be redwood or other rot resistant material; 2) that the lap siding be hardy plank and it be in a non-fake wood grain material; 3) that windows shall be aluminum clad wooden windows the color of which shall be compatible with the other house colors (preferably green); 4) that there be fences on the property designed in a good neighbor fashion and that both sides of the fence be painted in a color also compatible with the house colors; 5) that the stucco color at the base of the house shall be a medium dark color compatible with the house colors; 6) that the windows be single hung rather than casement windows in all conditions except for sliding glass doors and the one sliding window over the kitchen sink; 7) that there ultimately be a complete and full grading plan as part of the final application to the City for building permit, specifically related to the heights of all various retaining walls and widths of walkways, including whether or not the entry stairway is in fact on grade or on structure which should be cleared up before going to the Planning Commission; 8) that there be a more detailed site plan that is more easily understandable and one that includes quantities and sizes of plant materials; and 9) mitigation of tree removal at a one to one basis; unanimously approved.

Mr. Slaughter commented that the project will move to the Planning Commission and a notice will be provided as to the project's hearing date.

Adjournment:

The Board adjourned at 7:14 p.m. to convene jointly with the Planning Commission.

BREAK

The DRB and Planning Commission took a brief break and thereafter reconvened in joint session at 7:21 p.m.

PLANNING COMMISSION

ROLL CALL:

Chair Lane called the Planning Commission meeting to order.

Present: Chair Sheryl E. Lane, Vice Chair Ben Choi, and Planning Commissioners, Marilyn Langlois, Eduardo Martinez and Melvin Willis

Absent: Commissioners Andrew Butt and Robert Reyes

MINUTES:

June 6, 2013:

Chair Lane referred to page 3, second sentence: "Commissioner Choi Martinez requested that CB provide copy of the timeline reviewed by...."

ACTION: It was M/S (Willis/Martinez) to approve the minutes of June 6, 2013, as amended; unanimously approved (Butt and Reyes absent).

July 11, 2013:

ACTION: It was M/S (Willis/Martinez) to approve the minutes of July 11, 2013, as submitted; unanimously approved (Butt and Reyes absent).

August 1, 2013:

ACTION: It was M/S (Willis/Martinez) to approve the minutes of August 1, 2013, as submitted; unanimously approved (Butt and Reyes absent).

September 5, 2013:

ACTION: It was M/S (Choi/Martinez) to approve the minutes of September 5, 2013 as submitted; unanimously approved (Butt and Reyes absent; Langlois and Willis abstained).

AGENDA

Chair Lane provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, October 21, 2013, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

ACTION: It was M/S (Choi/Martinez/) to approve the Consent Calendar consisting of Items 4 and 5; unanimously approved (Butt and Reyes absent).

CC 4. PLN13-148 SPRINT WIRELESS MODIFICATION TO AN EXISTING WIRELESS FACILITY

Description PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AT AN EXISTING WIRELESS FACILITY TO ALLOW THE REPLACEMENT OF THE THREE (3) EXISTING PANEL ANTENNAS WITH THREE (3) NEW 6-FOOT PANEL ANTENNAS AND SIX (6) NEW REMOTE RADIO UNITS (RRUs) WITH FILTERS.

Location 1001 MACDONALD AVENUE

APN 540-091-016

Zoning OFFICE/RETAIL/INSTITUTIONAL (CITY CENTER SPECIFIC PLAN)

Owner ERNESTINE MARTIN

Applicant KEVIN CHUBB C/O SPRINT

Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

CC 5. PLN13-181 510 CROSSFIT FITNESS CONDITIONAL USE PERMIT

Description PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO OPERATE AND ESTABLISH A FITNESS CENTER AND PERSONAL TRAINING FACILITY IN A ±3,715 SQUARE FOOT TENANT SPACE.

Location 3033 RICHMOND PKWY

APN 405-372-001
Zoning M-1 (INDUSTRIAL/OFFICE FLEX DISTRICT)
Owner PACIFIC RICHMOND LP
Applicant ALEXANDER MARION
Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Brown Act – Public Forum – None

Chair Lane called upon the joint boards to hear the following item:

PLN12-248 LIVABLE CORRIDORS FORM BASED CODE STUDY SESSION

Roll Call: Design Review Board: Chair Fetter, Vice Chair Munoz, Boardmember Whitty, Woldemar, Robin Welter

Planning Commission: Chair Lane, Vice Chair Choi, Secretary Langlois, Commissioners Willis and Martinez

Lina Velasco said staff is excited to bring forward the public draft Form Based Code (FBC) which began with a grant application the City submitted in 2010 to the California Strategic Group Council and then began a strong outreach process in 2012 to today, where a public draft will be presented. This will be the first phase of the zoning ordinance amendments that will implement the vision of the General Plan 2030 which was adopted by the City Council in 2012. She introduced Chris Jansen, Opticos Design, who will provide an overview of the form based code. They will hear a brief overview of what is a form based code and discuss the process of how the code was developed, as well as an overview of the draft and step by step walk-through of a project on how they would use the code. The City will seek public comments over the next 60 days after which time the item will be presented to the DRB and Planning Commission for recommendations to the City Council for consideration of adoption.

Chris Jansen, Opticos Design, said this has been a long process, they held significant community outreach and they are excited to be at the draft stage of the form based code. He stated they had a very large team for the project. The Local Government Commission assisted with outreach and logistics, Fehr and Peers worked on circulation, parking and transportation, Sherwood Design looked at sustainability and infrastructure, Lisa Wise Consulting looked at planning and form based code integration, Urban Advisors looked at market and fiscal analysis and Contra Costa Health Services looked at health impact assessment of the document.

They are focusing on three primary commercial corridors within Richmond; Macdonald Avenue, 23rd Street and San Pablo Avenue. The development of the code was a three-step process by documenting and understanding the character of Richmond, then began a visioning process, and looking at regulations to determine what regulations were required to implement that vision. A constant theme they had was that places evolve and that every place has a story. They wanted to make sure they understood the story of Richmond and what it would become, and he presented a photo of what San Pablo Avenue looked like at one time.

They analyzed the big issues such as connectivity, creating edges and barriers, commercial areas to focus on and what is that walk ability and how can they promote that. They had a lot of community participation. They held a series of stakeholder interviews, had a walking tour and table map exercise and a series of three community charettes focusing on different areas of the project.

Through the community exercise, a list of assets was developed, as well as constraints and opportunities. During the charette process they looked at the different corridor areas, created vision statements, focused on thinking small and thinking big. They also identified key numbers as far as jobs housing balance, what 1,000 new residential units in the downtown could generate, what is the density required to promote walkable activities along these corridors and what a single point in the walk score would translate as far as increasing property values.

Regarding what is a form based code, they are not necessarily new. At a recent New Partners for Smart Growth conference, they talked about 20 ways of making cities green and smart, and replacing and replacing outdated zoning with form based code was the number two item to make cities a green smart city. The official definition of a form based code is: Form based codes foster predictable built results in a high quality public realm by using physical form rather than separation of uses as an organizing principle for the code. They are regulations, not mere guidelines. They are adopted in the City or County law. Form based codes are an alternative to conventional zoning.” One key in form based codes is that they look at regulating places and not uses. They focus on the character of the place they are trying to create. FBC focuses on establishing a hierarchy of form and intensity. He presented a before and after commercial core picture.

Another principle the code builds upon is the world to urban transect. This looks at the nature ranging from un-built land to the downtown core and the type of development across that transects, which he briefly described. He presented a slide of a commercial area in San Francisco that reflects the historical Victorian period of San Francisco, along with commercial uses within it.

Mr. Jansen discussed the various components of the Richmond code. It has an Intent article that talks about how the code would apply to different locations around the city. He described the various standards in transect zones, which include the building form standards article, the supplemental standards, the supplemental general standards, the thoroughfare standards, the civic and open space standards, the application of the form based code additional sites article, and permits and approval article. They are currently in the process of reviewing the design guidelines and will likely go through a separate approval process.

Within Richmond they created the Richmond Transect and at this time, they are focusing on T-3 neighborhood through T-6 core. The higher the transect number, the more intense. The form based code also contains a kit of building types ranging from duplexes and single family homes all the way up to high rise buildings. It also contains a series of frontage types ranging from a common yard up to shop fronts and galleries more appropriate for commercial uses. In the supplemental standards, they created standards for signage which range in various intensities.

The thoroughfare standards are a section of the code which will largely only apply to new development. There are a few areas in the form based code which could have new streets created. They created civic spaces which could be on larger sites and introducing new streets, in some small areas such as pocket parks that could be introduced on a lot by lot basis. The traditional community neighborhood plans talks about how to map an area not already mapped as far as percentages of the different transect zones and distribution of building types. Regarding permits and approvals, this section still relies on the existing zoning code for certain elements. In the definition section, they have a section that talks about general terms used in the form based code, as well as a definition for all uses.

For a walk through of a project, Mr. Jansen said it was requested they look at this to understand how the code would be used for a select project. He picked a T-4 Main Street project after listening to the DRB. One of the most common along the corridor is the T-4 Main Street, which is a general intensity or similar to a three-story commercial building along San Pablo Avenue.

He discussed the various steps toward identifying a transect zone for a project. They talk about building height, form, ground floor finish level and retail ceiling height, building placement and build to lines, parking, location and parking, encroachment and allowed frontage types, use standards, minor use permits and conditional use permits. The next step is identifying building types and he spoke about an example using a T-4 Main Street building type. The next step is selecting frontage type and complying with specific standards for it, then complying with any pertinent general supplemental standards such as landscaping, fencing, screening, parking and signage, and lastly, to comply with procedures and comply with requirements for permits and approvals.

Mr. Jansen lastly addressed the larger community scale project which is where the thoroughfare and civic and open space standards kick in. The only site this applies to is the Target site, with the Public Health building and the old Toys R Us which is a special planning area and this is where these standards would specifically kick in.

Chair Lane asked for questions or comments.

Boardmember Woldemar said he sat on an advisory committee and they are in the process of reviewing the beginning recommendations for architectural guidelines as part of design review. The two very positive things he sees is 1) sign information. He said this is a great beginning to address signage for the City, and this is one of the most elaborate sections in the book. 2) Landscape maintenance bonds. He said hopefully the City will be able to implement this.

Regarding concerns he has, Boardmember Woldemar voiced concerns that the City will end up with many ordinances for different parts of the City. They will end up with the current zoning and then revised zoning. The rest of the other parts of the City must be updated to be in compliance with the General Plan. Then, on top of this will be form based code, which will be another zoning ordinance. They are working on the South Shoreline Specific Plan which is an overlay and often there is conflicting information which he wants to avoid. San Pablo Avenue South was done as a specific plan with El Cerrito, and he last heard that El Cerrito was moving forward, but not Richmond. He suggested merging north and south San Pablo Avenue. Then, he said there is historic preservation which applies in various places within the city with different approval processes. His concern is that from an applicant's point of view, which path would apply to him.

Boardmember Woldemar said many items are being left to the discretion of the Planning Director and he worries that they are taking some of the public hearing process out of the system, and he discussed the Design Review Board as an example. He is somewhat concerned about some pieces of the code being too design-specific and other parts too general. Lastly, he voiced concern that this will be a new process and there needs to be an education process for everybody to understand how to use it.

DRB Chair Fetter said there might be a question of why are we just dealing with commercial zones and residential or industrial are being left out. Mr. Jansen said they are still searching for a way to find a full zoning code update. They have applied in the past to expand the grant to cover citywide. They feel fortunate that they got this portion, but they started looking at North 23rd Street in 2008 or 2009, used the remaining budget to apply for a matching grant to expand the area. Both of those processes focused on the commercial area because Richmond has a strong historic residential neighborhood in its downtown. A lot of existing WWII era housing is a great example. Form based codes have their benefits in making it easy for developers. They look to match what is there or try and get the new buildings go in a different direction. They felt Richmond had such a strong residential character in this area; they did not need to address it in the form based code at this time as far as it being a priority. They discussed the industrial areas during the South 23rd Street charette. They chose to leave that out of the code to allow it to evolve over time rather than being very prescriptive about what had to happen there.

DRB Chair Fetter asked Mr. Jansen to describe what the "walk score" is. Mr. Jansen said it is a newer planning tool where you can type in your address on the Internet and it tells you how walkable your neighborhood is. It is based upon proximity to restaurants, shopping, parks and schools. Chair Fetter asked if this includes public safety concerns, and Mr. Jansen said he thinks they are trying to revise their algorithm and looking at amenities based.

Chair Fetter said many people know why the City is moving to a form based code, but he asked for an example of where form based codes resolves issues whereas classic zoning runs into trouble. Mr. Jansen said one of the biggest items is that classic zoning relies on FAR and land use. Chair Fetter said an example shown was the build-to line, and he wants to include the fact that the form based code includes habitable space along that face in these higher densities. Mr. Jansen said the frontage types are intended to address the private interface between what is the public realm and what the property owner is doing at the edge of the building. Therefore, in a commercial area, buildings are not stepping back and forth, but you are able to read the commercial corridor as a pedestrian walking along or in a vehicle driving through.

Chair Fetter said he noticed the current new thoroughfare models and said some of the new ones used in San Francisco and around the world have traffic corridor, parking, and then the bike lane and now the door opening areas and sidewalk. He is curious as to why they wouldn't be utilizing the most current successful model such as that. Mr. Jansen said they are trying to make sure this stays current. They try and reference outside documents in some of these sections so the City would not have to go through a code amendment to come up with something for the bicycle lane. The buffered bicycle lane is something they talked about trying to address. In the Richmond commercial corridor, it is more challenging because there are no alley-loaded conditions or adjacency to a park. They could consider looking at these and they try to provide widths they know work, but it might not be the zoning code where they put all the dimensions.

Commissioner Martinez referred to 110-3 and said there is a map of the corridors divided into transect zones. He asked if these are the only areas that will be following the form based code and will the rest of the City follow the rest of the code. Mr. Jansen said a long term goal would be to map it out; however, they have yet to find funding to do so. At this time, it is just the colored areas on the map that the form based code would be applied to. If it is white, the existing zoning would apply.

Commissioner Martinez referred to the South Shore which is being reviewed, and said in planning for this, he asked if this would be reviewed with the form based code. Mr. Jansen said they are still determining this. Right now they are still working on the visioning process, but he would say that this particular area is very different from here because it is an industrial area. They think they can pull some of the standards from the form based code, but he is not sure it will work because the transect zones are easy to map to commercial and residential, but not industrial. The goal is to pull some of the positive elements from the form based code that can be applied there, but it might not be a form based code in that specific project area.

Commissioner Langlois said she thinks this is very important and the three corridors are right in the heart of the City. One street not there she wishes they could do sooner rather than later is to add Cutting Boulevard. She asked and confirmed with Mr. Jansen that the introductory slides could be placed on the website because they were interesting, but were presented very quickly.

Commissioner Langlois asked if building standards would apply to newly constructed buildings only or those that already exist where a new type of business would come in. Mr. Jansen said there is a section for non-conforming uses. The intent of the code is that it is focused on new buildings. They would apply; however, to existing buildings, so there would be transformation

triggers as far as how much improvement is being made to the building. Their intent was to figure out what existing buildings were doing and which were working well and reinforcing the character.

Commissioner Langlois said in looking through the document, it is very technical and the specifications are somewhat overwhelming. She wonders if somebody were to build something across from Nevin Park she asked what would the features look like. She suggested doing this better to visualize for the public. Mr. Jansen said they tried to touch on the transect area and identify key elements and he agreed to do a better job for ease of understanding.

Commissioner Langlois referred to the thoroughfare standards, and the assemblies look like most do not have bike lanes, which she was concerned about. They have the Bike Plan and the City wants to get it implemented. She remembers going to the community meetings about the San Pablo section, north of Barrett Avenue, and she remembers the point was made that that street is very wide proportional to the amount of cars traveling on it. So that section has a lot of opportunities to configure traffic and good pedestrian and bicycle usage. She wonders if the form based code standards would apply to improving the bike accessibility of these streets, or only apply to new development. Mr. Jansen said the issue they encountered with that is that they ended up with three alternatives. They were concerned with putting that in the zoning code because some amendments would require a zoning code amendment versus just working through it with AC Transit. The streets primarily are for new streets and these standards are intended to be integrated into the City's engineering standards for streets. This would be outside of the zoning code. They feel that by doing this, they would have the tools to make the changes, but not necessarily create existing streets not conforming with this zoning code.

Commissioner Langlois referred to multiple levels of regulations and said she noticed something about when there are multiple levels of regulations that the form based code would take precedence over the Bicycle Pedestrian Master Plans, and she was concerned about this. A lot of work went into both plans. She would like the form based code to compliment the Bicycle Master Plan rather than supersede them in any way. Mr. Jansen said the zoning code have to override the exterior plans because they are legal documents. They try in other sections to reference the Bicycle Plan in terms of where those bike lanes should go. He does not anticipate that being a big problem and Fehr and Peers reviewed the regulations.

Commissioner Langlois said she was also very pleased to see the section on bicycle parking. She noted a slide that showed types of retail and drive-through, whether they have alcohol, whether they operate at certain times of the day, whether they would require a CUP or an MUP. Mr. Jansen displayed the slide, and she asked what it means if there is a dash, and asked whether these uses are not allowed. Mr. Jansen confirmed these are prohibited uses. The others would require a CUP or an MUP.

Commissioner Langlois said lastly, she questioned when this would come back for adoption, and Ms. Velasco said staff had planned the schedule but there are more items to address. The current plan is by December 9th, staff would collect public comments, would provide those to Opticos and the consultant team to address. They are hoping to reintroduce a final draft in February 2014. The architectural guidelines are still at a DRB subcommittee and staff has not yet released a public version of that. In March 2014 staff believes it would be ready for Council consideration.

Chair Lane asked if there were any other cities in the region that have implemented a form based code, and Mr. Jansen said Petaluma adopted a smart code about 10 years ago, which is a template form based code, and they were the first city in the United States to adopt this. Opticos worked with them to do some updating to that code.

Chair Lane asked how the public will comment on this draft. Ms. Velasco said staff has currently made the staff report available to the RNCC. They would also go back to the RNCC and do a presentation in the next month. It is available on-line as well as at the Library and a physical copy at the Planning counter. Staff would like to receive written comments. She is documenting any phone comments. Staff is available at the counter also to address specific questions in terms of understanding the code.

Chair Lane asked if there were any public speakers, and there were none. She confirmed there were no other comments from the DRB or Planning Commissioners.

Board Business A. Staff reports, requests, or announcements - None

 B. Board member reports, requests, or announcements - None

Adjournment:

The Board adjourned at 8:30 p.m. to the next meeting on November 13, 2013.