

# MINUTES APPROVED AT THE DRB MEETING ON JUNE 23, 2021

## DESIGN REVIEW BOARD REGULAR MEETING Richmond, CA 94804

May 26, 2021  
6:00 P.M.

### All Participation Via Teleconference

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom had issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Newsom had issued executive orders that allowed cities to hold public meetings via teleconferencing. Due to the shelter in place orders, all City of Richmond staff, members of the Design Review Board (DRB), and members of the public participated via teleconference. Public comment was confined to items on the agenda and limited to the specific methods identified on the agenda.

### BOARD MEMBERS

Kimberly Butt  
Jessica Fine  
Macy Leung

Brian Carter  
Michelle Hook  
Jonathan Livingston

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

### ROLL CALL

**Present:** Chair Jonathan Livingston, Vice Chair Brian Carter, and Boardmembers Jessica Fine, and Macy Leung

**Absent:** Boardmembers Kimberly Butt, and Michelle Hook

### INTRODUCTIONS

**Staff Present:** Planners Emily Carroll and Hector Lopez, and City Attorney Shannon Moore

**APPROVAL OF MINUTES:** April 28, 2021

**ACTION:** It was M/S/C (Carter/Fine) to approve the minutes of April 28, 2021, as submitted; approved by voice vote: 3-0 (Ayes: Carter, Fine, and Leung; Noes: None; Abstain: Livingston; Absent: Butt and Hook.)

### APPROVAL OF AGENDA

#### Public Forum

Emily Carroll described the format of the web-based meeting and the public's ability to speak during the meeting.

The following email was read into the record:

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CORDELL HINDLER, Richmond: "Good evening Chair Livingston, Boardmembers and City staff, I have a couple of comments for the record. 1. Anytime when projects are being considered, the applicants must communicate with the appropriate neighborhood council. 2. I think that the public should return to the meetings. Sincerely, Cordell."

**City Council Liaison Report:** None

**CONSENT CALENDAR:** None

### **APPEAL DATE:**

Any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 7, 2021 by 5:00 P.M.

### **PUBLIC HEARINGS:**

- |                     |  |
|---------------------|--|
| <b>1. PLN20-091</b> | <b>LOWERY SINGLE-FAMILY RESIDENCE</b>  |
| Description         | PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±1,700 SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE ON A ±2,500 SQUARE FOOT VACANT PARCEL. |
| Location            | 550 36 <sup>TH</sup> STREET  |
| APN                 | 516-080-018  |
| Zoning              | RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT   |
| Applicant           | DENISE LOWERY (OWNER)  |
| Staff Contact:      | EMILY CARROLL Recommendation: <b>CONDITIONAL APPROVAL</b>  |

Emily Carroll presented the staff report dated May 26, 2021, for a new single-family residence on a vacant lot that had been created and approved by the Planning Commission in 2020 for a small lot subdivision. She described the design of the home as simple with siding and some shingle elements at a maximum height of 22 feet for three-bedrooms and two-and-a-half bathrooms.

Responding to questions, Ms. Carroll stated that while the North and East Neighborhood Council had weighed in when the subdivision had been approved by the Planning Commission and had expressed concern for adding density on the block, she was unaware whether or not the applicant had since met with the Neighborhood Council. She confirmed that with the Planning Commission's approval of the small lot subdivision, the new residence would be assigned a separate address and there would be separate utilities. She added that the new subdivision had already been recorded.

DIANE LOWERY, the applicant, stated that she and her architect had designed the proposed new home and had also made improvements to the existing unit at 550 36<sup>th</sup> Street in an effort to create an attractive asset in the neighborhood.

GIL DOMINGUEZ, Dominguez Design, described the design to break up the mass of the unit using different upper and lower roofs and setting some of the second story back from the front to avoid the appearance of a box on top of a box. He suggested the design complemented the rest of the homes in the neighborhood. He presented the most recent rendering and noted there was a small shed roof over the top of the rear sliding glass door.

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Boardmember Fine commended the applicant's desire to beautify the street and provide curb appeal. Given the rudimentary landscape plan submitted as part of the application, she requested a more formalized landscape plan in terms of species, plantings, legend, and street trees.

Vice Chair Carter asked about the entry sequence, and Mr. Dominguez reiterated the desire to break up the straight linear, vertical mass and to create a bit more square footage for the actual residence. Vice Chair Carter suggested the use of sun shading devices (shed roofs) that could also break up the mass a bit more on the front elevation.

Boardmember Leung referred to the rear elevation and the sliding door in between the two windows, noted a lack of space between, and asked if the windows could match the height of the sliding door.

Mr. Dominquez explained that furniture spacing was a concern given that area was the dining/kitchen area. He noted the windows were single-hung.

In response to Vice Chair Carter as to whether she had worked with the neighbors to address any privacy issues, Ms. Lowery stated that no one had expressed any concern for privacy to her, and with respect to the existing unit at 550 36<sup>th</sup> Street, she stated it was a one-story unit in the front with three stories in the back so the proposed home to be built would be in front of the three-story portion and there would be no impact to 550 36<sup>th</sup> Street. She added that the existing home on the right side of the proposed unit adjacent to the south side of the new home would be a garage and a six-foot fence and that one-story home would have no bearing on any issue of privacy. She saw no privacy issues and reiterated that no one had raised any privacy concerns at the time of the application.

Ms. Carroll verified that there were no sightline issues.

Chair Livingston opened the public hearing.

Ms. Carroll described the format of the web-based meeting and the public's ability to speak during the meeting.

KIERON SLAUGHTER, an advocate of infill housing projects on small lots wanted to encourage the city to remove the small obstacles that typically impeded applicants from getting variances and the like to build on those small lots. He characterized the current design as cute but noted that the current design had no front windows to allow "eyes on the street," and there were conflicting doors with the entryway. Rather than having the garage dominate the front elevation, he recommended the removal of the garage and encouraged a redesign of the home with windows in the front to create more usable space for intergenerational living, people working from home, or space to rent out, and the ability to add actual visibility from inside the house to the street and vice versa.

STEVEN CRICKISH, who lived diagonally across from the property, quoted some of the applicant's comments from the Planning Commission meeting on April 2, 2020, which had clearly indicated the proposal for a one-story home less than 15 feet in height. He found the proposal to be off the scale of the street where there were one and one-and-a-half story homes, and stated that 550 36<sup>th</sup> Street was not a three-story building in the back. He added that this was the first time that most of the neighbors had seen the plans. He urged the applicant to develop a one-story unit as initially proposed and expressed concern for the size of the unit given the very narrow lot.

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MI CHEN, 540 36<sup>th</sup> Street, agreed that the current house at 550 36<sup>th</sup> Street was not a three-story home and most of the homes in the neighborhood were one and one-and-a-half stories. She had privacy concerns with the proposed two-story home that was inconsistent with the street.

MI TRA NGUYEN, 540 36<sup>th</sup> Street, expressed concern that the two-story unit would significantly reduce the solar access to her home on the east side where there were several windows, and block sunlight from that side. She expressed concern with privacy impacts, stated the width of the home was very narrow, and the driveway of the proposed new home would be adjacent to the driveway of her home and it would be difficult to maneuver in that very tight space.

KEVIN CAMP, 535 36<sup>th</sup> Street, stated the design was completely inappropriate for the street in terms of massing and setback. He asked if the city attorney could defend against some allegations regarding the benefit the applicant had received from the Planning Commission when it had granted the separation of the property into two properties, suggested the testimony offered to the Planning Commission was false and was therefore fraud, and asked if the city attorney could defend from an allegation of fraud in this case.

MICHAEL GRANGER, 550 36<sup>th</sup> Street, requested a community meeting between the property owner and the neighborhood to address some of the concerns that had just been expressed. He had also been told that the new unit would be a single-story home and he urged some further discussion before decisions were made.

ROMICA EDWARDS, 550 36<sup>th</sup> Street, agreed with the comments and expressed concern for the loss of the sun and possibilities for solar, and stated the new unit would impact the entire neighborhood.

CZ, 530 36<sup>th</sup> Street, agreed with the comments with respect to the height and size of the home and the lack of privacy, and concurred this was the first time many had been apprised of the plans. She agreed with the concerns that had been raised.

Ms. Carroll verified, when asked by the Chair, that there had been no specific conditions imposed by the Planning Commission on the small lot development.

Boardmember Fine emphasized the need for neighborhood engagement prior to submitting plans and commented that it would be difficult to move forward with comments on the design when there was little neighborhood support for the proposal, particularly from those who lived immediately adjacent to the property. She requested that the applicant involve the community more and come up with documents to reflect the fenestrations along the neighboring property at 540 36<sup>th</sup> Street given the concern for solar and the need for a shadow study, along with the need for a more formalized landscape plan to see how plantings could help buffer the two properties. She liked the property owner's impetus to create something beautiful in the neighborhood that had curb appeal but emphasized the need to be sensitive to the neighbors. She stated those issues needed to be addressed before comments on the design could proceed.

Vice Chair Carter concurred that adding more context to the proposal would show how the proposal fit within the neighborhood and help demonstrate the value of the project as far as filling in the site. He supported a shadow study, a street elevation to show the neighboring properties in context, and referred to the prospective rendering towards the end on the materials page that had been helpful as far as better understanding the massing and articulation. He stated it would be useful for the applicant to show how he would be addressing the massing and being cognizant about the neighbors and how the house fit into the neighborhood.

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Vice Chair Carter also suggested that the bedroom over the garage could be reconfigured so that the square footage could be reduced somewhat to reduce the overall mass.

Boardmember Leung encouraged the applicant to look at the impact of the garage itself and how the front entrance impacted the north and south neighbors. She stated the neighbors to the north would be most impacted by a portion of the proposed building and encouraged the applicant to install more landscaping in front with mature trees or small shrubs similar to what had been done by the neighbors on the south side.

Chair Livingston commended the plan for a small lot, noted there was no legal standing to require a one-story home, and suggested the house might be moved back on the lot to allow more light to the adjoining neighbors with less impact on the street, and that a reduction from a three-bedroom to a two-bedroom unit could help with the light issue. He agreed with the need for the applicant to meet with the neighbors to address some of the community concerns.

Ms. Lowery explained that the application before the Planning Commission was to have been for a one-story house with three bedrooms but planning staff had indicated there was no flow and a three-bedroom house would not be possible. She had wanted three bedrooms and had proposed a two-story home. She noted that the one-story houses on 36<sup>th</sup> Street were all on wide lots, which was not the case with the subject lot. She wanted to create an asset where people could have space and she stated that planning staff had indicated that there would have to be at least a one-car garage. She had taken solar into consideration and had been told that a height of 22 feet would not affect solar possibilities to the adjoining neighbors. As far as landscaping, she had tried to squeeze in as many trees as possible but she had not been allowed to have more than one street tree in the front. Currently there were two trees in the front but she had not been allowed to install another tree in the front due to the driveway.

The public hearing remained opened.

Chair Livingston thanked the neighbors for their comments and stated that the application would return after some interaction with the community, a meeting with the neighbors, a shadow study, a formalized landscape plan, a plan to show how trees could mitigate impacts to the neighbors, more context of the proposed home in the community, and siting the house to avoid impacting the neighbors.

Ms. Carroll advised that the neighbors would be notified of the next hearing.

<b>2. PLN21-129</b>	<b>DOLLAR TREE RETAIL STORE</b>
Description	PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION OF A DESIGN REVIEW PERMIT AND CONDITIONAL USE PERMIT FOR EXTERIOR IMPROVEMENTS TO THE EXISTING BUILDING AND PARKING LOT. A CONDITIONAL USE PERMIT IS REQUIRED TO OPERATE AND ESTABLISH A RETAIL STORE GREATER THAN 3,000 SQUARE FEET IN SIZE.
Location	12300 SAN PABLO AVENUE
APN	519-200-018
Zoning	CM-4, COMMERCIAL MIXED-USE, GATEWAY/NODE
Owner	KIM KEVIN
Applicant	TIM MEEHAN
Staff Contact:	HECTOR LOPEZ Recommendation: <b>CONTINUE TO JUNE 23, 2021</b>

The application was continued to the DRB meeting scheduled for June 23, 2021.

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<b>3. PLN21-048</b>	<b>NEW LIGHT-INDUSTRIAL BUILDING</b>
Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A ±40,000 SQUARE FOOT LIGHT INDUSTRIAL BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON A 3.29-ACRE PARCEL.
Location	80-100 WEST OHIO AVENUE
APN	550-050-024
Zoning	L1, LIGHT INDUSTRIAL DISTRICT
Owner	100 WEST OHIO, LLC.
Applicant	MICHAEL HANNAH, INTERACTIVE RESOURCES
Staff Contact:	HECTOR LOPEZ      Recommendation: <b>CONDITIONAL APPROVAL</b>

Hector Lopez presented the staff report dated May 26, 2021, for approval of a design review permit to construct a 40,000 square foot light industrial warehouse building and associated site improvements. The existing three greenhouse structures would be demolished to create a building pad for the new structure. The proposed building would be constructed out of precast reinforced concrete walls and the roof parapet wall would be constructed out of laminate panels. A glass security entry had been proposed facing the street with two roll-up doors along the side. It was anticipated that the building would be used for commercial cannabis cultivation which would be subject to a Conditional Use Permit as a separate application. The existing 32,000 square foot building with three greenhouses and an outdoor plant nursery in the rear of the main building was surrounded by a number of industrial and light industrial warehouse uses. A review of the application had found that the proposed landscaping was short by 3,000 square feet and the parking lot did not provide enough trees. The applicant had agreed to incorporate the appropriate number of trees in the landscape plan to meet the required one tree for each parking stall requirement. Approval of the application was recommended.

MICHAEL HANNAH, Interactive Resources, presented an updated design submitted this date to include more articulation with twice as many reveals to create and articulate a façade, and had also added a simple awning to the entry, as discussed with the DRB Subcommittee. He presented the materials board and stated there were three other warehouses on the campus and the building was 300 feet away from any street, tucked behind one of the buildings. He explained that the owner had warehouses on the campus from the 1970s to the 2000s and the previous color schemes were crème, green and light colored. He had proposed something darker and more receded, with the main body comprised of concrete panels above which would be a flush panel Trespa high pressure laminate panel with a detail at the bottom middle to create a flush condition between the concrete and the panels to create a mechanical screen all the way to the front of the building. He added that the building would be flexible, security was a big issue and all the light would be from above, and the building was intended for cannabis cultivation.

Vice Chair Carter asked about the relationship between the tilt-up panels and the sidewalk, and Mr. Hannah stated he could create a kind of base with some reveals. He wanted the building to be as clean and simple as possible. He would let the concrete tilt up method guide him but would create a base that would go all the way across.

Vice Chair Carter supported that solution and verified with the applicant that the windows would be an aluminum storefront system.

Mr. Hannah described the security system that would be an interline of security with an open lobby and some kind of secure one-hour wall using a curtain wall, double doors, and an open transparent glass façade with a secure lobby.

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Mr. Hannah noted that the Americans with Disabilities Act (ADA) signage would be placed on the building itself, and bollards as a security element would be installed between the parking itself and the exterior walls. There would be a generous plaza-like sidewalk in front with an ability to provide more landscaping and create a clear pathway which would be where the bollard lighting would be with the potential to add some chairs in that area.

Mr. Hannah emphasized that the project was part of a large campus of industrial buildings and the project created a large central landscaped area where even more landscaping had been proposed and where benches and an outdoor break room type arrangement could be included. The idea was that along with the landscaping the design would encourage people from the surrounding warehouses to gravitate to the area.

Boardmember Fine suggested there was an opportunity for public art in the building signage. She also suggested the entry needed to be more defined with a unique design approach.

Mr. Hannah explained how the building had been designed and could accommodate cannabis cultivation, which would require building a building within a building where everything would happen inside the roof. If the ultimate user was indeed a cannabis cultivation operation, the subject building would offer a large secure envelope to allow the creation of a cultivation use inside that envelope.

Mr. Hannah agreed that the area where the building numbers had been proposed could be used for public art and Boardmember Fine encouraged the applicant to take the opportunity to create something interesting, innovative, and intriguing.

Mr. Hannah clarified the discussion that the existing signage, not just for the new building but for the entire campus, needed to be redone with the opportunity to perform the function of labeling the building and potentially freeing up space where something else could be done to create the art.

In response to Boardmember Leung as to the use of surveillance cameras, Mr. Hannah stated there would be cameras along the exterior and most importantly in the interior of the facility. There would be a series of cameras, particularly on every façade of the building with not only cameras but security lighting, and pursuant to state regulations there could be no views into the facility. There would be a secure lobby and every door would be access controlled beyond that point. In addition, all drainage would be internal and there would be no downspouts or collectors.

Chair Livingston referred to the landscaping and emphasized the need to do the planting right. He referred to the palm trees, and Mr. Hannah stated there were a number of palm trees on the property that punctuated the entrances. He stated that more landscaping was preferred and some parking would be lost.

Chair Livingston emphasized the need to keep the palm trees away from the line of sight to the front door.

With respect to the color selection, Mr. Hannah clarified that the colors shown on the renderings were fairly accurate. He preferred a matte finish and would go a bit darker than shown.

Vice Chair Carter referred to the rendering and the lobby space where the roof had been dropped and skylights had been included. He commented that how the lobby wall was treated would be as important as to how the exterior would be handled.

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Mr. Hannah stated that the exterior concrete would fold in and the lobby space would be semi-outside making the inside/outside powerful.

Boardmember Fine wanted to see the landscape plan in multiple zooms and in larger plans and Mr. Hannah stated the landscape plan would have to be updated with the new requirements and once finished would be resubmitted.

Chair Livingston opened the public hearing.

No written comments were submitted or oral comments made, by any member of the public.

Chair Livingston closed the public hearing.

Chair Livingston supported the application and a resubmitted landscape plan.

Vice Chair Carter did not support the handicap signs on the building.

**ACTION: It was M/S/C (Livingston/Carter) to approve PLN21-048, New Light-Industrial Building; subject to the four Findings and Statements of Fact with 12 Conditions of Approval and additional DRB conditions as follows: 13) The staff report and plans submitted with the date of 5/26/21 with the noted revisions “revised plans” that show the new façade articulations and entry canopy design as shown on architectural sheets A4.0, A4.1, and A4.3 that show an attractive asymmetrical random two-inch reveal and reduced mass; 14) For the landscape plan, the trees to be kept out of direct view of the entry and the applicant is encouraged to go with the palm trees with the bottom of the canopy at 20 feet high to avoid blocking the view or moving the palm trees out of the line of sight; 15) Add a reveal to the bottom of the tilt-ups; 16) Add bollards with lighting in the front entry plaza; 17) The entry to be more unique in design with perhaps adding murals, playful colors and texture; 18) Signage needs to be unique and revisited; and 19) Integrate bike parking and benches in the plaza and do not place handicap parking signs on the building façade; approved by voice vote: 4-0 (Ayes: Carter, Fine, Leung, and Livingston; Noes: None; Abstain: None; Absent: Butt and Hook.)**

### Board Business

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

#### B. Boardmember reports, requests, or announcements:

- City Attorney's Report on Nexus and Proportionality

City Attorney Shannon Moore presented a report on nexus and proportionality and explained that this presentation should have been included in the recent Planning Commission training session. She referred to conditions imposed on development that had to be reasonable and there had to be a nexus between the conditions imposed and the burden on development. With respect to proportionality, she explained that conditions had to be roughly proportional to the impacts on development. She advised that she would send out her PowerPoint on the issue to provide more detail.



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Chair Livingston referred to a prior suggestion that if the Planning Commission was to hear anything having to do with a DRB decision, such as an appeal, a DRB member must be present at the Planning Commission meeting to respond to questions.

Mr. Lopez was unaware of the suggestion but supported a discussion of the idea, which would first have to be considered at a staff meeting.

Chair Livingston requested that the item be placed on a future meeting agenda for discussion.

Boardmember Leung requested that staff obtain checklists from other cities to learn what other cities were doing with respect to SB 35.

Chair Livingston stated that the Terminal One developer had completely eliminated the high-density project and had now proposed a single-family subdivision.

### **Adjournment**

The meeting was adjourned at 8:05 P.M. to the next regular Design Review Board meeting on Wednesday, June 9, 2021.