

**DESIGN REVIEW BOARD MEETING  
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL  
440 Civic Center Plaza, Richmond, CA  
September 22, 2010  
6:00 p.m.**

**BOARD MEMBERS**

Andrew Butt, Chair  
Diane Bloom  
Otheree Christian  
Michael Woldemar

Raymond Welter, Vice Chair  
Andrew Butt  
Eileen Whitty  
Don Woodrow

Chair Butt called the meeting to order at 6:02 p.m.

**ROLL CALL**

**Present:** Chair Butt, Vice Chair Welter, and Boardmembers, Woldemar, Woodrow, and Whitty

**Absent:** Boardmember Christian

**INTRODUCTIONS**

**Staff Present:** Jonelyn Whales, Hector Rojas and Carlos Privat

**APPROVAL OF MINUTES**

August 25, 2010:

**ACTION: It was M/S (Whitty/Woldemar) to approve the minutes of August 25, 2010; unanimously approved.**

**APPROVAL OF AGENDA**

Boardmember Whitty requested moving Item 2 to the Consent Calendar.

**ACTION: It was M/S (Whitty/Woldemar) to approve the agenda, as amended; unanimously approved.**

**Public Forum** – No speakers.

**CONSENT CALENDAR:**

Boardmember Woldemar requested removal of Item 1 from the Consent Calendar.

Boardmember Butt reviewed the procedure for public speakers. He noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, October 4, 2010 by 5:00 p.m. and, as needed, read the appeal procedure after the affected item.

- 2. PLN10-081 HAUSER LIGHT INDUSTRIAL BUILDING AND CARETAKER'S UNIT ADDITION ON S. 2<sup>ND</sup> STREET & FLORIDA AVENUE**
- Description **(Held Over from 8/25/2010)** REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR AN ADDITION TO AN EXISTING LIGHT-INDUSTRIAL BUILDING INCLUDING A NEW CARETAKER'S RESIDENTIAL UNIT.
- Location 150 S. 2<sup>nd</sup> STREET & 225 FLORIDA AVENUE  
APNs 550-130-013 & 550-130-022  
Zoning M-2 (LIGHT INDUSTRIAL)  
Specific Plan: KCSP (KNOX-CUTTING SPECIFIC PLAN)  
Owner/  
Applicant: KENNETH HAUSER  
Staff Contact HECTOR LOPEZ Recommendation: **HOLD OVER TO 10/13/2010**

**ACTION: It was M/S (Woodrow/Whitty) to approve the Consent Calendar consisting of Item 2; unanimously approved.**

Item Removed from the Consent Calendar:

- 1. PLN09-034 MARITIME CHILD CARE CENTER REHABILITATION ON FLORIDA AVENUE**
- Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR NEW LANDSCAPING AND RELATED SITE IMPROVEMENTS AS PART OF THE MARITIME CHILD DEVELOPMENT CENTER REHABILITATION PROJECT.
- Location 1014 FLORIDA AVENUE  
APN 550-340-005  
Zoning PC (PUBLIC AND CIVIC USES)  
Owner CONTRA COSTA COUNTY  
Applicant CHAD HAMILTON, HAMILTON + AITKEN ARCHITECTS  
Staff Contact: HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**

Boardmember Woldemar questioned the location of the iron picket fences on the site plan, and stated the ordinance mandates that there shall be no spear-pointed pickets which he said looks similar to what is shown on the plans. He also said the fencing matches the school district fencing. When driving out in the area, he saw no other fencing that matched and he requested implementation of a better fence design.

Chad Hamilton, Aitken Architects, said at their last presentation, the DRB asked that, in light of the upcoming project at the Nystrom Elementary School, that they match the fence proposed for that project. Boardmember Woldemar noted that the DRB has no control over that project, as it is a school district project. Mr. Hamilton said they obtained the specs from the project architect, who was present, which would match the school project.

Chair Butt questioned where the fence runs along the site plan, and Mr. Hamilton stated there is no fence in the front; fencing ties into the building at the back gate, cuts across the playground, and ties into the other fencing.

Chair Butt reported that as liaison for the project, met with and provided Mr. Hamilton with the details, and the wrought iron fence is proposed to go along to Nystrom Elementary School.

Boardmember Woldemar suggested convincing the school district's architect to propose something differently, as the City had no control over state architect plans, and he questioned whether rules were being broken by installing wrought iron. Mr. Privat said he interprets the Section 15.04.820.010 for commercial fences as relating to items such as barbed wire and safety fencing, and not ornamental spear fencing. He read a portion of the section into the record, stating that "No fence or wall that adjoins a residential lot, a residential district, or fronting on public thoroughfare, shall incorporate barbed wire or other sharp protruding objects..." He said as a collective Board, the DRB is free to interpret it as it wishes.

Boardmember Whitty suggested that instead of proposing the "Classic" which has the spear point, she asked that the "Majestic" be proposed which is contained in the spec sheet. Mr. Hamilton said the school district has a site on the adjacent lot and the perimeter is lined with the "Classic" wrought iron fencing.

Chair Butt said he would be open to switching to the "Genesis" fencing, which did not have a spear tip, and he suggested changing the elementary school fencing to match this.

Boardmember Woldemar said in looking at metal fencing, there is a lot more creativity than just choosing pickets with rails which have spear points or arch at the top. They are basically all in black, and he suggested something more attractive such as wrought iron fencing with mesh, powder coating, galvanized, vertical grooves, or other solutions as ideas. He said the proposed fencing strikes him as the least expensive, and the City should be asking for something better.

Boardmember Woodrow referred to fencing at Florida and 1<sup>st</sup> Street, and said there is 100 feet of fencing that looks like constantine wiring on the top of it. The fencing proposed for this project is nothing like it, and he believed the Board had no grounds to question it. He said if the Board chose to pick something that did not match the school's fencing, it would stand out, but since the Board has no control over the school he suggested going along with the school's fencing and recognize that it is a great improvement on the street. He said he is pleased with what he sees in the plans, urged the Board to agree with the proposal, and noted that the applicant did reject several more projected tops for the fences, such as Triad. The one chosen is decorative fencing, which he felt was fine.

Chair Butt said to him it is not the most beautiful or elegant fencing, but it does not stand out and serves its purpose. He said almost every apartment building within a three block radius of the site has some sort of seriously high and ugly fencing. It would be interesting to get an official interpretation of the design element aspect of the ordinance and he tended to agree with Mr. Privat.

Vice Chair Welter said he is not typically a fan of such fencing, but it does not run the entire property. Chair Butt agreed that it runs about 50 feet and then a parking lot, a playground, and then the school fence is set back a bit. Vice Chair Welter said in reviewing this project, the Board needs to be careful on how it relates to adjacent properties, but not having any control over that, he agrees with Boardmember Woodrow and supports what is proposed.

Boardmember Woodrow asked the Board to consider what was done at Campus Bay off of South 51<sup>st</sup> or 52<sup>nd</sup> Street. They used a black wrought iron picket fence, which has pilasters; fins, nice landscaping, and he said it is very well done.

Vice Chair Welter asked if there was a way to propose a different fence and disassociate it with the elementary school fence. Chair Butt referred to the landscape plan and he asked Mr. Hamilton to explain where the fence runs and ends, which he described. Chair Butt said his concern is that it would end and then there would be a chain link fence.

Boardmember Woldemar said the fence at Harbour Way is right at the back of the sidewalk, there is no planting in front of it, and it creates a prison wall.

Boardmembers and Mr. Hamilton took a brief break to review the school's plans as to how they relate to the project's plans.

Chair Butt noted the neighborhood is one where crime is a serious problem. The project for the new multi-purpose room for Nystrom Elementary School has been broken into, vandalized and everything out there stolen. This is why the school district ends up going with somewhat impenetrable selections of fencing.

Mr. Hamilton said he thinks there are fences that are designed with buttresses, but as a designer, this is not that kind of a project, but rather about restoring a building that is important to Richmond's and California's history. They are trying to do a fence that disappears. He said there are mature trees along the line and even though the fence is tall, it will not be seen, and he confirmed that the black will look better, even over dark green. When it is done, the planting behind it will make the fence disappear.

Boardmember Woldemar said he was more concerned with the planting in front of it and suggested planting that incorporates something sticky and thorny to help with security along it. He said he has voiced his concerns and suggested the Board made the decision.

Mr. Rojas confirmed with Mr. Hamilton that the semi circular element was not part of the historic landscape, and he suggested it be re-designed or moved away due to the fence moving back 3 feet, which the Board concurred with.

An audience member asked not to decrease the semi-circle storybook circle area which has been planned for 30 children. She suggested undulating the circle or segmenting it by the fence in one area, and in another area planting some aggressive vines and moving it back and forth. Boardmember Woldemar suggested also moving the sidewalk out in certain areas, but the audience member noted there were some trees in the area. He said the Board has argued in many other projects to break up the straight lines of fencing, which the Board said could also happen.

Chair Butt questioned whether anything would be done with the planted area between the sidewalk and the street. Mr. Hamilton said it could remain as turf, but there are areas of existing concrete which are being removed and those will be re-turf'd.

Boardmember Woodrow questioned and confirmed that the total width from the sidewalk edge to the edge of the plantings on the inside would be approximately 6 feet on one side.

The public hearing was closed.

**ACTION: It was M/S (Butt/Whitty) to approve PLN09-034 with staff findings 1 and 2, design review findings 1-4, and with the following additional conditions that: 1) the fence be arranged in such a way that it allows for at least 3 feet of planting between the sidewalk and the site in most of the area adjacent to the semi-circular storybook area; 2) where the fence encroaches on the storybook area, that it follow as closely as possible the contour of the hardscape; 3) that fencing continues at the same distance of 3 feet or more from the sidewalk in a straight line down to the end of the property; and 4) that the planting area be planted with thorny vegetation to deter people from climbing the fence; unanimously approved.**

**BOARD BUSINESS**

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

Ms. Whales said an ordinance was distributed via email by the City Clerk's Office and staff is requesting comment on it from boardmembers.

Landscape Bond Procedures:

Staff has been busy working on the landscape bond procedures, and noted that Boardmember Woldemar had distributed samples of other cities.

Boardmember Woldemar requested that staff copy and send materials out to the entire Board in order for review and comment on them, and then formally schedule it for discussion at the next meeting.

Design Review Checklist:

Ms. Whales said there was also a question about the proposed checklist for review and comment, which will be agendized on an upcoming meeting. Mr. Rojas said there are currently 7 or 8 different checklists the Planning Department currently uses and that are on-line. He did not include conditional use permit, variances, and wireless facilities because they are not necessarily things common to the DRB. He included only relevant checklists for single family residential projects, commercial projects, and he was thinking of incorporating ones for tentative maps and parcel maps. He asked that they be reviewed to see if they are inclusive of what the Board thinks should be in a submittal package.

Mr. Rojas asked the Board to keep in mind that the checklist identifies minimum requirements for any plan, with the idea being that if an application does not meet all criteria, it does not get scheduled to come before the Board. Within residential projects, there might be a second dwelling unit, an addition, a new house, and he asked that the checklist be comprehensive enough so that a planner could go down the list and check off the appropriate items.

Chair Butt asked that regardless of what the final checklist is, boardmembers want to see it in their packets and said it would be helpful to always include it in the packet.

Boardmember Woldemar asked that an acknowledgement be on the checklist which requires the applicant to check off whether or not there was neighborhood council discussion or not. Mr. Rojas said he moved this up to the beginning of the checklist and it has always been identified.

Mr. Rojas said staff is requiring applicants to bring in a copy of the checklist so staff knows what the last planner did in reviewing the project with the applicant.

**B. Board member reports, requests, or announcements**

Boardmember Woldemar referred to the eagle at the top of a recently approved bar/restaurant at Railroad Avenue, and asked that something be done about it as it was in violation of the use permit and design review approval. Ms. Whales noted staff was working with the Legal Department on how to provide a nexus between the actual act and the conditional use permit. Staff's interpretation of it is that it is the owner and not the proprietor of the actual pub. The owner is not the applicant, but rather the actual restaurant owner. She said conditions were not placed on the top-story of the restaurant, and the applicant is only renting the first floor, and staff was awaiting a legal opinion.

Ms. Whales confirmed the matter could be placed on the October 13, 2010 agenda for a report. Mr. Privat said the Board would possibly be reviewing a recommendation for the Conditional

Use Permit to be revoked, and then the project could go on to the Planning Commission for further review.

Boardmember Woldemar said he has requested a report on the applicability of specific plans, and he noted that he shared the opinion received back from the Legal Department with other boardmembers.

Boardmember Woldemar referred to a fence being constructed along Carlson Boulevard for approximately 1.5 miles from the BART tracks where it crosses Carlson down to the Bayview on-ramp. There are poles in place. The landscaping along the strip is as if they shot a laser line and cut everything on the east side of the line straight through. He suspects an arborist would provide the opinion that anything in the area would die, but his question is what the area would look like and more importantly, does it have sharp, protruding objects, which would be against the ordinance. He asked whether or not a building permit was issued and if so, where does it say this was exempt from design review, particularly because it is directly across from residentially zoned properties.

Boardmember Whitty said there were actual streets removed and crosswalks, which was surprising. Boardmember Woldemar said there were wooden barricades falling apart, bus stops on that side of the street with no crosswalks leading to them, and a series of things. He said the newspaper article indicated that the City Engineering Department was involved, as well as the Capital Corridor.

Chair Butt said there is another project is Pt. Richmond where retaining walls are being redone and neighbors have heard that a chain link fence was being installed. No one in the neighborhood or the DRB had any notice of it, and he asked to add this to the review.

Mr. Privat said a full report can return to the Design Review Board on the items brought up by the Board.

**Adjournment:**

The Board adjourned the meeting at 7:05 p.m. to the next meeting on October 13, 2010.