

DESIGN REVIEW BOARD MEETING
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL
440 Civic Center Plaza, Richmond, CA
October 13, 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

Vice Chair Welter called the meeting to order at 6:03 p.m.

ROLL CALL

Present: Vice Chair Welter, and Boardmembers Christian, Whitty, Woldemar, and Woodrow

Absent: Chair Butt

INTRODUCTIONS

Staff Present: Jonelyn Whales, Kieron Slaughter and Carlos Privat

APPROVAL OF MINUTES - None

APPROVAL OF AGENDA

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

Public Forum – No speakers.

CONSENT CALENDAR:

Vice Chair Welter reported that, with the addition of Item 1 as a hold over item to October 27, 2010, the Consent Calendar consisted of Items 1, 2, 3 and 4. He questioned whether the public or Commissioners wished to remove any items. A member of the public requested removal of Item 4 from the Consent Calendar.

Vice Chair Welter then 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 25, 2010 by 5:00 p.m. and, as needed, read the appeal procedure after the affected item.

ACTION: It was M/S (Whitty/Woldemar) to approve the Consent Calendar consisting of Items 1, 2 and 3; unanimously approved.

**CC 1. PLN10-081 HAUSER LIGHT INDUSTRIAL BUILDING AND CARETAKER'S UNIT
ADDITION ON S. 2ND STREET & FLORIDA AVENUE**

Description **(Held Over from 9/22/2010)** 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. 2nd 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 10/27/2010**

CC 2. PLN10-156 SHANLE RESIDENTIAL ADDITION
Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR A ±201 SQUARE FOOT ADDITION ABOVE THE GARAGE OF AN EXISTING SINGLE FAMILY RESIDENCE.
Location 2807 SAN MATEO STREET
APN 510-044-006
Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)
Owner MARIA SHANLE
Applicant BILL ENGELHARDT
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

CC 3. PLN10-166 TREADWAY FOUR NEW BALCONIES
Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR THE CONSTRUCTION OF FOUR NEW BALCONIES AT THE REAR OF A MULTI-FAMILY DWELLING.
Location 620 GOLDEN GATE AVENUE
APN 558-251-006
Zoning MFR-1 (MULTI-FAMILY RESIDENTIAL)
Owner LLOYD DEAN TREADWAY
Applicant LLOYD DEAN TREADWAY
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

Item Removed from the Consent Calendar:

CC 4. PLN10-172 MANDEL WINDOW REPLACEMENT
Description REQUEST FOR DESIGN REVIEW APPROVAL TO REMOVE AN EXISTING WINDOW AND INSTALL A NEW WINDOW IN ATCHISON VILLAGE, A CONTRIBUTING STRUCTURE TO THE POINT RICHMOND NATIONAL REGISTER HISTORIC DISTRICT.
Location 356 WEST MACDONALD AVENUE
APN 538-012-004
Zoning MFR-1 (MULTI-FAMILY RESIDENTIAL)
Owner PHYLLIS MANDEL/ ATCHISON VILLAGE MUTUAL HOMES CORPORATION
Applicant PHYLLIS MANDEL
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

Kieron Slaughter presented the staff report and gave a description of the request by the applicant. He said the neighborhood council issued an approval and a letter was received as Attachment 3 in the packet. Subsequently, he received information that the approval was revoked, but he did not receive an official notification by the neighborhood council. Given that the project is in a National Registered Historic District, the Municipal Code states that the Historic Preservation Advisory Committee (HPAC) must review such projects. The Committee reviewed the project on October 7, 2010, and is in favor of the proposed installation of the new

window; however, they request that no windows be removed. The window can be enclosed from the inside and they also would like it to be painted black to be viewed from the outside as an existing window. This was agreed to by the applicant, and the Committee voted unanimously to recommend approval with a minor modification that has been incorporated into conditions of approval.

Therefore, staff recommends approval with the two statements of fact for the Historic Structures Code in addition to the four statements of fact and findings for the project.

Boardmember Woldemar referred to the handout of conditions of approval and confirmed one additional sentence was added to Condition 2, which related to the window being painted black.

Boardmember Woldemar referred to simulations and photographs in the packet, and he noted around the corner window to remain based on HPAC's there is a trim aspect of it. In the new window, there is no trim simulated. He questioned whether the surround of the new window will match the existing. Mr. Slaughter noted that the additional submittal was added by the applicant. HPAC's recommendation was that it has a similar trim, style, and color to match the existing window, which he said is reflected in conditions of approval.

Boardmember Woldemar asked that the condition be modified to include "a trim surround similar to..."

Vice Chair Welter opened the public hearing.

Public Comments:

David Mandel, representing Phyllis Mandel, applicant, said the process was sped up because the planning department had taken in the application and considered it exempt from design review. After a lot of coordination, they were finally informed they were not exempt and were rushed to the HPAC to move things. The permit from Atchison Village expires October 20th. He said the HPAC viewed the pull out page and was familiar with the window issue. Regarding the trim issue, they simulated what the existing looks like, what the Committee recommends and what Ms. Mandel wants. He referred to Figure 44, and said what Ms. Mandel sees is an iron gate and what she hears is the high speed traffic, screeching tires, and railroad trains at the corner of Richmond Parkway and MacDonald, and this was the reason she wanted to relocate the window; to enjoy her comfort and quietness on her own property . He said this is a crucial element for Ms. Mandel, as she wants to view a garden she worked hard to develop through a new picture window. The HPAC wanted to protect the character by retaining the original window and installing the new picture window to maintain its historic features, which Ms. Mandel is willing to accept.

He also referred to the added item about the height of the new window matching the existing window and said the existing window was made in the 1940's and it cannot be purchased. The new window is about 3/4" higher, and he did not believe anyone would notice it. In conclusion, Ms. Mandel arrived home to find a notice from the Board of Atchison Village claiming to appeal her original permit. He said they plan to sue them over this, noting some of the original members who agreed with the proposal were talked into changing their mind. He objects and noted they are doing this with no notice to the City or to Ms. Mandel, and said a speaker from the neighborhood council will speak.

Phyllis Mandel, applicant, noted the permit was for removing only one window that faces west and not north, and she said the neighborhood council's letter is incorrect in what she requested. She is absolutely willing to move forward with HPAC's recommendation.

Boardmember Woldemar confirmed that the existing historic corner windows are vinyl, double pane and double hung, that when left closed, the noise from uncoupling the trains across the street is particularly loud and wakes her up in the middle of the night.

Boardmember Woldemar noted that Ms. Mandel will add a 6 foot long new window in what appears to be a historic sheer wall. He asked if the contractor go through the mechanisms done for sheer earthquake-proofing. Mr. Mandel said they only drawings anyone has are with the City of Richmond, who provided him with a CD of drawings. At the request from the plan checker who is an engineer, they tried to find framing drawings for that wall and could not. He said Ms. Velasco is going to try to work with the engineer to determine what can be done. The contractor proposed installing a 4x12 as a support with double 2x4's on either side. He imagines they are willing to work with the engineer to do whatever is necessary. So, without using an x-ray machine which most Village residents cannot afford, there is no way to determine what the framing is without doing damage to historic property.

Boardmember Woldemar cautioned Mr. Mandel because while not effective anymore, there is some evidence of bracing as a historic way to earthquake-proof walls. He noted that when the new window is installed, some of the bracing will be removed, and he is concerned that additional wall may need to be removed, which could be done on the inside rather than on the outside to insert some additional sheer wall, which may involve other things. Mr. Mandel acknowledged this fact and thanked the Board.

Boardmember Woodrow asked if comment should be received from the neighborhood group, who he said did not announce what their agenda was going to be, changed their mind, and notified the applicant today of this change, which he said did not bode well with him. Mr. Privat said the Board can take public and written comment from anyone, as they have a right to speak on the matter.

The Board briefly clarified with Mr. Privat the opposition and rebuttal period protocols.

Mitch, General Manager of Atchison Village, presented a letter of objection from the Atchison Neighborhood Council Board which was identified as being on Ms. Mandel's door. The Board would be present, but he said tonight is their regular meeting.

Mr. Privat noted this is a private party matter; however, the Board was free to ask questions of the neighborhood council representative.

Boardmember Whitty said it looks as though the letter was written before the idea of leaving the old window, painting it black and adding a new window. She questioned and confirmed that this was still being objected to by the Board.

Boardmember Woldemar referred to a photo simulation of leaving the two corner windows and adding beyond this. What he takes as being on the side elevation is a fence, and he asked if it was his opinion that it is highly visible, as it does not appear to be. Mitch said no; it is not highly visible.

Rebuttal – Applicant

David Mandel noted that in the Board's letter, they state specifically at the beginning of page 2; "Please do not let the mistake of erroneously approving a permit that would become permanent change going forward. Let the Village keep our corner windows." He said no legislative body creates the precedent unless they actively state they are creating a precedent and make that part of the record. Therefore, had they decided to retain the permit they originally issued which they are backing out of, that would not have been a precedent, which is what they were arguing.

This is an important issue and he suggested that the DRB look at additional pictures that show various views of the unit from viewpoints around it. He said Boardmember Woldemar is correct in that both the corner as it exists and the new window, by the time the landscaping grows in, will be invisible from the street.

The public hearing was closed.

ACTION: It was M/S (Woldemar/Woodrow) to approve PLN 10-172 with the 2 statements of historic preservation findings, with the 4 findings of design review action, with the 8 recommended conditions of approval and the 2 following changes to conditions, as noted in a handout, Item 2, to add the words “if enclosed, the exterior facing infill wall shall be painted black” and adding words to condition 3 that indicate “there shall be a trim surrounding the new window similar to the existing trim, adjusted slightly (no more than 1 inch) to make up for the differential height of the new window compared to the existing window”; unanimously approved.

Boardmember Woldemar commented that this is one of the reasons why the City created the HPAC, and he thinks it is clear that HPAC felt that this did not have any particular significance to the overall historic nature of the building. Of particular importance is visibility is minimal.

BOARD BUSINESS

A. Staff reports, requests, or announcements

Ms. Whales asked to move up Item 5 for discussion.

Boardmember Woodrow questioned the effect of a homeowner not coming up to green standards. Mr. Slaughter said the green building ordinance incorporates certain thresholds. The majority of projects reviewed by the DRB are voluntary. Staff urges applicants to add green measures, which most are willing to do.

Boardmember Woldemar added that projects less than 1,000 square feet are exempt. He noted that the new Building and Energy Codes will be reflecting this by state law. Vice Chair Welter noted that CalGreen is going into effect in January.

Boardmember Woodrow clarified that the green standards were not in effect when the Port of Richmond was reviewed, and he noted cruise ships now coming into the Port of San Francisco plug into the electrical grid and shut down engines, but the existing ones do not.

5. Presentation – Bioswale and Native Plant Garden

Happy Privert, _____, said they are working on development of a bioswale on the Richmond Greenway between 6th and 8th Streets in front of Ohio, and they have installed a habitat garden. Mr. Thompson submitted to the Board a letter outlining their plans. As ideas for the project develop, there was a lot of flooding occurring in the swales in the lower reaches of the property and a bioswale was determined to be the appropriate application to manage flood waters as well as pollution generated from runoff. He said they are now moving to obtain a grading permit and Mr. Thompson suggested he present this to the Board to ensure it is not under the purview of the DRB. He said the project in general is simple, which he briefly discussed.

Vice Chair Welter confirmed that necessary calculations and analysis had been performed to ensure mitigation of flood waters. He also confirmed that excavating soil would be used for

landscaping for point bars and cut away's in the riparian area, and that willow and dogwood trees and shrubs will be planted.

Boardmember Woldemar questioned if EBMUD was still doing demonstration grants for landscaping. Boardmember Whitty said they are few and far between, and Mr. Privert noted that they received partial funding for the trees, shrubs and native grasses.

Boardmember Woldemar questioned the 30-inch concrete pipe at the eastern end of the bioswale, and Mr. Privert said this is a culvert that drains the storm water from communities north, and he briefly discussed considerations in his calculations. Boardmember Woldemar noted a typical bioswale as a backup outfall, and he asked what was occurring at the west end of the bioswale. Mr. Privert stated this is another corrugated metal pipe coming outbound at a slight gradient across the property that acts as an outfall.

Boardmember Woodrow complimented Mr. Privert on the plan and he was happy with point bars, cutbacks and he asked to what depth the clays under the sand would be broken up. Mr. Privert said he would determine this the next day; the engineers recommend a 12 inch deep channel, with infill of sand and 6 inches on the side, and he wants to amend the soil and dig a little deeper.

Boardmember Woodrow asked if some cloth would be installed along the walls of the channel, and Mr. Privert said there is an erosion control fabric and the plan is to lay down newspaper as a weed barrier and they would seek donations for fabric, and then do flood planting with native plants.

Boardmember Woodrow said the first good rain is the true test of this because the sand is porous, will fill quickly, and someone could say part of the plan is to get water through quickly and not have it trapped in plants, but this is not the plan. The plan is to absorb it into the swale which ideally will percolate into the clay. Mr. Privert discussed calculations relating to annual rainfall and adjustment factors to be as close to C3 as possible, and he then discussed comments received in support of the project.

Boardmember Woldemar then confirmed plant symbols on the landscape plans and proposed work with Mr. Privert. He commented that this is not unlike what is occurring in front of City Hall along Barrett Avenue and said it appears to be flooding, and asked him to re-look at recommended plants. Mr. Privert said the plans were developed by Restoration Design Group who is expert in the field, and he briefly discussed characteristics of plants.

Mr. Privert asked for any additional steps before moving forward with the project. Boardmember Woldemar said his understanding is that with some minor exceptions, anything permitted for grading will need to return to the DRB unless there was an administrative design review or City Council review, but it could come back as a Consent Calendar item. Mr. Privat said generally, items that require a permit are subject to the DRB, but he has not analyzed whether exceptions apply in this case and staff would determine this.

Mr. Privert voiced a need to quickly move due to the rainy season, said they are expecting to expedite the grading permit process, apply erosion control and soil materials, and they would like to develop the project as soon as the next week. The longer prolonged, the greater the chances for a rain event.

Mr. Privat read from the ordinance and noted that a grading permit is outside the purview of the DRB. Boardmember Woldemar said he went to the Municipal Code under building structures and service equipment and exempted items. Mr. Privat said the design review ordinance has an

applicability section which calls out building and zoning permits specifically, and by implication, leaving out grading permits would mean it was not in the purview of the DRB.

Boardmembers thanked Mr. Privert for his presentation, and Ms. Whales asked to move up Item 4 on the agenda.

4. Richmond Ave - Discuss and recommend staff take appropriate administrative action for alleged violation of Design Review Permit Number PLN09-120

Ms. Whales suggested discussion of the actual condition placed on the project and referred to HPAC conditions, which she read into the record, regarding removal of the eagle statue. She said there have been several members of the public who have contacted staff regarding the Up and Under Club and the condition. Staff believed it would be best to return the item back to the DRB.

Mr. Privat stated, per Section 15.09.030.130(c) states that the DRB can exercise its rights when there is violation of a condition of approval per provisions set forth in Section 15.04.990, which he said prescribes the procedures for revoking or modifying a permit. The body that calls for this is the Planning Commission. The DRB can recommend that the Planning Commission take whatever action to revoke or modify the permit, or do nothing, or recommend that the Planning Director issue an administrative citation for violation of the code.

Boardmember Woldemar said the DRB, in its conditions of approval, mandated that the eagle be removed, and he confirmed with Ms. Whales that it was removed for a period of time and then repainted a different color and placed back onto the structure. He noted the recommendation also came from the HPAC, noting several layers of approval and review.

Ms. Whales stated Mr. Lompa and his son, Ernest are present.

Richard Lompa stated he purchased the building more than two years ago in complete derelict condition. He said he owns the original firehouse and jail in Pt. Richmond which has also had alterations made to it when he purchased it. He discussed the work to renovate the building, an expert color consultant was hired, said the addition to Pt. Richmond is an extremely positive statement and viable business, and he questioned why there was complaint with the eagle, which is not a permanent addition to the building. He is extremely patriotic and this is the only reason the eagle is kept up on the building.

Boardmember Whitty questioned and clarified the eagle's size and color and the color of the building. She said originally when the project was approved, part of it was that the eagle was to be removed and she questioned Mr. Lompa's reason for keeping it on the building. Mr. Lompa said he was simply in love with his country and the eagle is a symbol of this, and likened it to an American flag. She questioned why the condition was agreed upon at the time if he did not agree to it. Mr. Lompa said he never signed anything indicating that the eagle would be removed and felt the situation was one of common sense.

Boardmember Whitty questioned the number of complaints received, and Ms. Whales was not sure of the number.

Boardmember Woodrow said the eagle is very much enjoyed by Mr. Lompa but he agreed to take it down as part of the DRB approval, which is final. He chose to wait awhile after it was removed to paint it and put it up again. He said someone would say this is a situation where someone does not want to abide by the law or the HPAC's recommendation and the DRB's decision. Boardmember Woodrow said there seems to be no ground for the issue to return and he noted the eagle is supposed to be removed.

Boardmember Woodrow questioned what was in the window above the entry door, and Mr. Lompa said it was called a naked mannequin and was still in the window. He voiced opposition to removal of the eagle, stating there was a large peace sign nearby that is allowed to be present.

Boardmember Woodrow said the Board asked to move the naked woman down into the bar where it would be more appropriate and to put the eagle in the window and be able to express the patriotic aspect and not do what the Department of the Interior Standards says about trying to recreate history that was not in place. He remembers explicitly the conversation, and asked and confirmed that Mr. Lompa was pleased with the way the painting scheme turned out. He said the City is trying to conform to its laws and rules as well as federal rules having to do with standards.

Boardmember Woodrow recused himself further participation, noting the location of his residence.

Boardmember Whitty asked if a recommendation was ready to be made on the matter and did not want to hear

Mr. Privat suggested and outlined the Board's purview as a recommendation to the Planning Commission to allow the eagle to remain or not to remain. He noted the DRB could recommend the design review permit could be revoked, which is separate from the approved CUP for the restaurant which does not reference the eagle at all, and the restaurant would still operate. The Commission could alternatively recommend that the Planning Director issue an administrative citation, the remedies of which would involve a fine, removal of the eagle forcibly and charge Mr. Lompa for the removal.

Boardmember Whitty supported recommending to the Planning Commission that the eagle remain. Boardmember Woldemar stated the DRB struggled a lot with the matter. The conditions of approval were not appealed and accepted by Mr. Lompa and therefore, they became a condition of approval, which he sees as the law. The owner is in violation of those conditions and he thinks it makes a travesty of the design review process. He does not see what would be wrong with a compromise to locate the eagle in the window instead of on top of the building, which would satisfy the condition of approval.

Mr. Privat noted that the DRB could not modify conditions of approval, but only offer a recommendation to staff or the Planning Commission or do nothing; however, there may not be 3 votes in agreement to do anything.

Mr. Lompa said America would not half of what it is today if this group existed a year ago, and nothing would have been accomplished. He noted the Catholic Church has a 30 foot cross on top of it, the Richmond Auditorium has about 20 cell phone towers towering over the top of the building, and the issue is a national symbol which is a historic icon of America.

Boardmember Woldemar recommended that the matter be sent to the Planning Commission with a recommendation that the eagle be allowed to remain so long as it is placed in the window and removed from the rooftop. Mr. Privat confirmed that the DRB recommends that staff place the recommendation on the Planning Commission's agenda to determine whether they would like to go through a formal hearing or not and forward the Commission's recommendation.

3. Review and discuss DRB Union Pacific fencing within railroad right of way along Carlson Boulevard

Ms. Whales said the planner just returned and she asked that the item could be heard at the next meeting so pictures could be taken of the proposed fence.

Boardmember Woldemar confirmed staff has seen the fence and noted it was mostly completed. He described it as 8 foot tall black, chain link type fence poles 8 foot on center, top, bottom and middle rails, with fabric on the northern end of it which looks like an expanded metal mesh. The mesh sticks up above the top rail by about 6 inches. It is a dark colored fabric and goes for over a mile and in some places straight, and others not. In some places it blocks off where the railroad put crossings. At least 25 trees have been removed as well as that many shrubs, and some of the fences on the south end are 3-4 feet above the pavement grade. All of it is set back 3-4 feet from the curb and all dirt, as well as dirt behind it from shrubs and trees removed. He does not understand how it got approved and went forward, as it is something that required a building permit. It specifically states there are exemptions not over 6 feet high, and this needs a permit and then review by the DRB unless there is an administrative approval.

He hopes for significant landscaping and maintenance, but noted the point of the installation was for safety, and they could have easily moved the fence back and forth to break up long runs, changed the design in parts of it, put in pilasters, but it is very poorly executed and not the intent of the ordinance. He voiced frustration with the City following its own rules and noted the DRB has had a lot of discussion on this in the past.

Boardmember Woodrow questioned and confirmed that the land the fence sits on belongs to the railroad. He said he has been amazed at their adherence to the law in every state and city. Mr. Privat said staff reviewed this and it was not done in a vacuum. Because it is a commercial area and right-of-way and characteristics of the fence and its location in a right-of-way, it did not need a fence permit or other discretionary approval and determined that the matter did not need to go before the DRB. Also reviewed was that there were several pre-emptive issues in the railroad right-of-way, and it was determined that the ICC Termination Act pre-empted application of municipal codes in the railroad right-of-way. He said; however, the question is whether the fence is placed in the right-of-way and this will be determined.

Boardmember Woldemar noted that the fence is only 3-4 feet behind the curb. Typically a property line is at least 5-10 feet behind the back of curb. He also noted that when he reviewed the zoning map on the website, the area looks like it is all zoned industrial. It states in the design guidelines book, "industrial zoned areas adjacent to residential areas, a solid wall as described below is required unless alternative plan is approved by the development review organization (DRO) or other designated design review body." He felt the City violated its own requirements. He also questioned why fences with "dark colored, durable matt finish, wire and post are permitted if also planted with trees, hedge plant, shrubs or vines and used in combination with green growing groundcover or low hedge landscaping." He felt that if nothing else, a landscape plan is also needed, and he questioned where it is. He also felt that the project needs a building permit because there is irrigation and it is something for the DRB to review. He asked how this type of situation can be made not to happen again.

Mr. Privat noted that the Interim Director is Lina Velasco. She looked at the application, compared it to the commercial/industrial fence ordinance and deemed it did not trigger design review. Boardmember Woldemar acknowledged that the ordinance does say the fence needs to be 6-8 feet, but he asked to determine what can be done in the future, and he requested the City develop a tree replacement ordinance which most other cities do. Mr. Privat said he believes there is a landscaping plan that still falls within the right-of-way and it could pre-empt everything.

Boardmember Woodrow said the reverse is happening along another CalTrans line coming up the bay from San Jose, which is used as a suicide track. The towns along it want CalTrans to

put up a chain link fence, and they refuse because it costs too much. He said the City actually wants to pay for fencing. Boardmember Woldemar said his issue is not so much there is fencing, but it is designed, which is the role of the DRB. Mr. Privat said staff believes they followed the correct course of action, and it was not done without some analysis by staff.

Vice Chair Welter asked to hear from Ms. Velasco on her opinion on it. Mr. Privat questioned the reference to residential property, and Boardmember Woldemar noted it was Section 8.20.013; "requirements applicable to commercial and industrial properties". Boardmember Whitty said she has never seen a solid wall along a railroad track, and Vice Chair Welter said the "and/or" is that it can be transparent like it is, but it requires landscaping. Boardmembers supported the need for landscaping.

Mr. Privat said he believes Ms. Velasco did not indicate that the railroad was adjacent to residential uses. Boardmember Woodrow stated Carlson has hundreds of homes; however, Mr. Privat stated there is a street in-between them and he reiterated there was analysis done by staff. Boardmembers asked for Ms. Velasco's response to the analysis.

Boardmember Woldemar asked staff to read the second line under "b"; no fence or wall that adjoins a residential lot, residential district, or fronting on a public thoroughfare or highway shall incorporate barbed wire or other sharp, protruding objects." He said the top of the fence is sharp and protruding. Boardmember Woldemar suggested further clarity of the revised zoning ordinance when revised.

2. Review and discuss landscape bond procedures

Ms. Whales stated staff is formatting the procedures based upon samples provided at the last meeting and hopes to bring the procedures back at the next meeting.

Boardmember Woldemar commented that he received a draft; however, other boardmembers did not. He referred to a number of instances where City Landscape Consultant, and he questioned if such a person exists. Also, on the page discussing releasing a landscape bond, it states, "the planner will be required to pull the original file, which contains the stamped, approved conceptual landscape plans", and he hoped staff has checked the final landscaping against the DRB conceptual plans. He said other than that, he was satisfied with the procedures. He likes the fact that there is a cost estimate, there is a question of ratifying the contractor's cost estimate, and he suggested an administrative fee involved that serves to pay for the person checking the final landscaping, unless this is absorbed in planning fees separately.

1. Review and discuss DRB packet checklists

Ms. Whales stated that at the last meeting, staff distributed the checklist and was hoping to receive comments this evening.

Vice Chair Welter thanked staff, and said when something is crossed out, he questioned why, and asked for an explanation or footnote.

Boardmember Woldemar said he does not understand the offsetting check-off boxes and he suggested there be two sets of check-off boxes; one that would be done early for staff to require the items, and secondly, the box would be checked off when the applicant submitted so that it was clear all items were included. He also suggests there be an acknowledgement on the first column by the applicant so they acknowledge the fact that items need to be submitted.

Under planning and environmental review fees, Boardmember Woldemar asked to indicate what those items are and their cost. Ms. Whales stated when the checklist is issued, a sheet on planning fees is also provided to the applicant; however, she agreed that the staff planner could indicate which ones apply.

Boardmember Woldemar questioned the fourth line; "submittal plans required for initial review", and he asked, as opposed to what? Ms. Whales stated as opposed to the ones that go into the DRB packet, which are the initial review or schematic plans.

Boardmember Woldemar said over the years, staff could go back and find good models as an attachment so people know what is expected.

Boardmember Woldemar referred to site planning and said there is later a grading plan, but no where does it talk about a topography map. In certain projects, these become very important, such as the Point. Ms. Whales said this issue came up and a presentation was provided by Mr. Butt who said a topography map would be appropriate for some projects. Vice Chair Welter agreed a topography map was important, and site sections are even more desirable.

Boardmember Woldemar referred to the tentative parcel map or tentative map, under the section called "map", it states it is prepared by a licensed or civil surveyor, and he said architects can also prepare parcel map, and added that an architect can do everything a civil can do and vice versa.

Boardmember Woldemar said he could not find commercial projects, multi-family, or industrial on the website. Ms. Whales stated they are still in draft form, and only single-family are on the website.

Ms. Whales thanked the DRB for their comments and hoped for a quick turnaround.

B. Board member reports, requests, or announcements

Boardmember Woodrow said he was speaking with a Planning Commissioner who indicated that they had not heard from the neighborhood council, and that the Commission had the right to withhold the case for some time until the neighborhood council heard the matter. Boardmember Woodrow indicated that the neighborhood councils only advise, they are not formal, and the City should not hold up planning or require the report, and he asked if this was correct.

Ms. Whales noted that a section in the zoning ordinance states specifically that neighborhood councils are advisory boards only. Mr. Privat agreed and said if there is a legitimate reason to continue a matter, the body can do this, but there is no such provision that states the matter should be held up because the neighborhood council has not reviewed the item.

Boardmember Woldemar noted that the DRB is required to act in one meeting, and if a meeting was continued, it was categorically the same meeting, which would give the applicant an opportunity to collect neighbor's comments, but items were only continued when there was an instance of strong neighborhood contention.

Vice Chair Welter noted there is a vacancy on the Board. His wife, who is a landscape architect, is considering applying for it. He questioned whether there were legal restrictions relating to this, and Mr. Privat stated there were not.

Adjournment:

The Board adjourned the meeting at 8:15 p.m. to the next meeting on October 27, 2010.