

**DESIGN REVIEW BOARD MEETING
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL
440 Civic Center Plaza, Richmond, CA
February 9, 2011
6:00 p.m.**

BOARD MEMBERS

Andrew Butt, Chair
Otheree Christian
Michael Woldemar

Raymond Welter, Vice Chair
Eileen Whitty
Don Woodrow

Chair Butt called the meeting to order at 6:05 p.m.

ROLL CALL

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

INTRODUCTIONS

Staff Present: Hector Lopez, Carlos Privat, Mary Renfro, Lamont Thompson, Jonelyn Whales and Michael Williams

APPROVAL OF MINUTES

November 10, 2010:

ACTION: It was M/S (Woldemar/Welter) to approve the minutes of November 10, 2010; unanimously approved.

December 8, 2010:

ACTION: It was M/S (Woldemar/Whitty) to approve the minutes of December 8, 2010; unanimously approved.

Public Forum – No speakers.

CONSENT CALENDAR:

Chair Butt reported the Consent Calendar consisted of Items 3, 4 and 5. He questioned whether a member of the public or Commissioners wished to remove any items. Boardmember Woldemar requested removal of Items 4 and 5.

Boardmember Whitty requested the Agenda be reordered by moving Item 1 to the end of the Agenda.

ACTION: It was M/S (Whitty/Woodrow) to move Item 1 to the end of the Agenda; unanimously approved.

CC 3. PLN10-235 288SF DECK EXPANSION

Description DESIGN REVIEW PERMIT TO RENOVATE AN EXISTING DECK LOCATED IN THE FRONT YARD AND FOR A 288 SQUARE FOOT DECK EXPANSION THAT WILL EXCEED 4 FEET IN HEIGHT.

Location 9 CREST AVENUE

APN 556-170-023

Zoning SFR-2 VERY LOW DENSITY RESIDENTIAL

Owner HALPERN SHARON K

Applicant HALPERN SHARON K

Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

ACTION: It was M/S (Butt/Welter) to move the Consent Calendar consisting of Item 3; approved by voice vote.

Chair Butt noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, February 21, 2011 by 5:00 p.m. and, as needed, read the appeal procedure after the affected item.

Items Removed from the Consent Calendar:

2. PLN11-011 REMODEL AND EXPANSION OF HILLTOP TOYOTA

Description DESIGN REVIEW PERMIT TO REMODEL AND EXPAND THE EXISTING TOYOTA DEALERSHIP FACILITY INCLUDING PARKING LOT IMPROVEMENTS ON A 3 ACRE PARCEL.

Location 3255 AUTO PLAZA

APN 405-330-006

Zoning C-3 REGIONAL COMMERCIAL DISTRICT

Owner LEE DONG KUK & IK

Applicant HANLESS HILLTOP TOYOTA

Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Hector Lopez gave the staff report regarding the proposal to remodel the existing site with slight expansion modifications to the parking field to improve landscaping. During the remodel the applicant proposes to relocate to the property next door. The most controversial aspect includes landscaping that does not meet the zoning ordinance design criteria of landscaping fingers in the parking lots. The applicant proposes to drain the site to the far NW corner and it is unclear whether this is consistent with C3 drainage regulations.

Bob Davidson, Architect/owner R.L. Davidson and Jerry Quinlan, Fixed Operations Officer, Hanley's Hilltop Automotive indicated they were present.

Boardmember Woldemar stated he met with staff and applicant last week and noted that on page 4, the last paragraph of the staff report states that an exemption to the landscaping requirement can be made by the Board and he questioned the part of the landscaping code permitting such an exemption and how nonconformance to zoning ordinances with respect to tree quantity, percentage of landscaping and use of artificial materials would be addressed.

Hector Lopez stated he thought that the codes referenced in the staff report related to variance requests, but upon further review determined the DRB can waive landscape requirements per the municipal code. Assistant City Attorney Mary Renfro clarified that the section states, development review organization and not "Design Review Board" and reasonably, it can be

reviewed by the DRB and at the discretion of the Board. She said it is specific to minimal landscaped area requirements and although there are not specific standards set forth, findings would have to be made based on facts that any exemption or change would be justified under this set of circumstances. Mr. Lopez noted there are no facts or findings contained in the staff report, and Ms Renfro said there would have to be an argument made by the applicant. She noted she was reading from Section 15.04.820.013 which is specific to landscaped requirements, which is page 195; "minimum landscaped areas" and she read the section.

Reading from the last sentence of the code at the request of Boardmember Woldemar, "The Development Review Organization or other designated design review body may approve the inclusion of areas maintained in a native planting or naturalistic state as green growing groundcover in calculating the landscaped area." Ms. Renfro said this is how they came to this interpretation.

Boardmember Woldemar stated that the applicant's request to use artificial plant material which might not allow the DRB to grant the exception, but indicated that it was understandable that the applicant desired minimal landscaping that is conducive to keeping a clean lot and that with the applicant providing tax revenue to the City, it was important to make the project work. He also indicated to the applicant that he liked the overall plan architecture and believed that the frontage between the two driveways needed a visual focus. He was more interested in seeing what the frontage looks like.

Bob Davidson, applicant, stated that what is existing is several green and growing plants. They do not want trees over cars.

Chair Butt asked that the applicant further address landscaping.

Mr. Davidson said the current building is about 23,000 square feet and they are expanding it up to about 42,000 square feet, increasing the size of the show room, adding service bays, parts and storage and modernizing the entire structure. They are on a small site for required parking, and one of the reasons they are here is they understand there is an ordinance on the 10% landscape issue but also recognize that they will remove all employee parking off site and based on the parking ratio, they are required to have 13 mature drip irrigated trees on site. Their argument is that they already exist on the front set-back and east property line, respectively. The landscaped area runs from almost being flat and runs down to the west side of the property abutting the old Chevrolet building. In moving west, there is a steep slope and there is current landscaping in the entire area. They are proposing the landscaping be taken out and artificial fescue grass be installed, allowing for no water over spray and low maintenance or, alternatively, to leave the current front set-back landscaping of grass with shrubs. Given the nature of their business, this is a rationale argument.

Vice Chair Welter said, aside from the natural versus artificial argument, if the applicant is not meeting 10%, he asked what percentage is proposed. Mr. Davidson said they are at 5.8% of the total lot area which includes the footprint of the building. The total lot area is 130,000 square feet or at 3 acres. However, by taking the building footprint out of the total land area, they are down to 90,000 square feet which increases to 7.8% and close to the requirement. If they included sidewalks around the showroom, the number would most likely be 8% of the remaining land area excluding the building footprint.

Boardmember Woodrow inquired the location of the green turf, which was pointed out by Mr. Davidson as the area from the back of the sidewalk to the back of the curb and into the islands.

Boardmember Whitty questioned the number of street trees, and Mr. Davidson said there are existing street trees but some may be missing. She questioned and confirmed there would be no street trees along Otto Plaza Street in and among the artificial turf, which Mr. Davidson said is similar to the Nissan dealership next door. She asked if a groundcover could be planted instead of the artificial turf, and Mr. Davidson said this is an option. He noted there is a natural mounding with existing shrubs which are well manicured, but any more would block trees and shrubs deteriorate during the winter, as well.

Boardmember Woodrow questioned whether the trees on the east side pose a threat to the 25 cars parked there. Mr. Davidson said the parking stalls are custom parking and generally cars are there for about an hour, whereas inventory cars can sit for two weeks.

The public hearing was opened, and there were no public comments.

Boardmember Whitty said she did not like the idea of artificial plantings, but felt it is a possibility. She referred to Item 1; reduction of 10% landscaping and said she would like to have this maintained and would support no interior landscaping on the parking lot and no trees on the interior lot. She was not quite sure about where she stood on Item 4; artificial turf, but would most likely support it.

Boardmember Woldemar questioned why the C3 drainage compliance/documentation was not in the Board package and indicated that he wanted the C3 requirement stated in the construction documents prior to issuance of any building permits. Mr. Lopez confirmed C3 requirements are incorporated and are a requirement of approval. He suggested a condition be included that C3 requirements be included on construction documents prior to issuance of a building permit.

Boardmember Woldemar supported not doing on-site landscaping in the parking lot and requirements for trees, but he could not support approving a landscape plan tonight because there are no findings to appropriately make those exemptions. He suggested approving the project subject to a more complete landscape plan with findings returning to the Board in the future.

Boardmember Woodrow applauded the plan, and while concerned with the frontage landscaping, he would vote for plan approval.

Vice Chair Welter stated that he had no issues with respect to artificial turf, but he would like to see the landscape coverage closer to the 10% requirement. He indicated he supported the idea of no trees in the interior portion of the parking lot, as it is an outdoor showroom and that the approval should be contingent on the applicant returning with a landscape plan.

Chair Butt supported approval of the building portions of the proposal and the idea of no trees in the interior lot, but wanted to require the 10% landscaping as well. He also felt that Toyota supports green concepts and that working with their landscape architect they should be able to embrace innovative green solutions while also having some trees in the customer parking areas.

Jerry Quinlan, applicant, expressed concern that Toyota has specific dealer standards requiring a certain amount of inventory and that the current site already bordered on being small. Boardmember Woldemar stated the ordinance states "site area" and not building footprint area.

Mr. Quinlan felt that to call for the full 10% landscaping would require an additional 4,000 square feet and eliminate west property stalls, losing more than 22 inventory parking spaces. Mr. Davidson added that they are already short on parking and he felt this would directly affect their business.

Boardmember Whitty referred to the existing landscaping between the dealership and the neighbor to the east which is Nissan, and questioned the property line. Mr. Davidson said there is no real line, concrete barrier or fence. It flows together and is an open hillside with landscaping. Boardmember Whitty referred to page LS.1.0, the dotted line on the right hand side of the plan indicates "irrigation system" and she confirmed the property line is a target icon, which is the trash enclosure and the property line runs down, but is physically imaginary. She suggested adding more landscaping in this area. Mr. Davidson said they will need 4,000 more square feet of land area, which equals the loss of 22 parking stalls.

ACTION: It was M/S (Woldemar/Butt) to approve PLN11-011 based on the four Design review findings and the 14 staff recommendations, with the addition of two conditions; Condition #15 requiring that compliance with the Clean Water Act C3 regulations be returned to the staff for review prior to issuance of the building permit; and Condition #16 that the applicant return to the DRB with a landscape plan for live plant material and irrigation in the area between the parking lot curb and the sidewalk; that staff, in addition, provide findings for the DRB to exempt requirements for site landscaping, for parking lot landscaping, and for trees interior to the parking lot or for a true landscape plan, the design of which is up to the applicant. He removed the 10% on-site landscaping requirements, 10% parking lot landscaping and trees interior to the parking lot; unanimously approved.

CC 4. PLN10-221 PORT OF RICHMOND – INDUSTRIAL ADDITION

Description DESIGN REVIEW PERMIT FOR SPECIFIC ARCHITECTURAL FEATURES AND MATERIALS FOR AN APPROVED ADDITION TO THE PORT OF RICHMOND'S ADMINISTRATION BUILDING.

Location 1411 HARBOUR WAY SOUTH

APN 560-270-060

Zoning M-4 MARINE INDUSTRIAL

Specific Plan KCSP

Owner CITY OF RICHMOND

Applicant MICHAEL WILLIAMS, PORT OF RICHMOND

Staff Contact JONELYN WHALES Recommendation: **CONDITIONAL APPROVAL**

Jonelyn Whales gave the staff report indicating this project was reviewed and approved by the board on December 2, 2010. At that time the Board wanted to see several items back at a later date, specifically the fence, exterior siding material, horizontal sun control shades, signage and the building color. The materials were brought back for review, and the architect could further explain problems with changing the location of the fence.

Boardmember Woldemar questioned the fence appearance and Ms. Whales said the fence is being upgraded to a wrought iron fence and located on the east elevation. She suggested the applicant further describe this. Boardmember Woldemar questioned if jogging the fence would create a maintenance problem, and Ms. Whales said she was not sure it would.

Claudia Faulkner, Architect with Marcia Vallier Landscape Architect; and Michael Williams introduced themselves. Ms. Faulkner indicated that the proposed fence was actually tube steel

and not wrought iron, similar to the Berkeley Field Station fence but the siding is quite different from what they have. There is only about 12 feet of landscaping between the sidewalk and building. The Field Station has large stone pylons and a tube steel fence between it, and there is no room for pylons and they are proposing the fence they were referred to. Ms. Faulkner said they held discussion regarding the jogging in and out, and she said Ms. Vallier would explain the reason for non-articulation on the fence.

Ms. Vallier stated there is street frontage, landscaping, parking and additional landscaping in front of the building. She did not feel the fence would be one of the major design elements and thought because it was such a short frontage; it would be disturbing for the fence to come in and jog around a tree and then jog back in. She did not think the articulation would look good and would create areas for trash to collect. She has seen jogs in other areas and it would not provide a clean look. She thinks the tube steel fence similar to the Field Station was a nice option. She proposed a compromise of creating a 12 inch square post every 12 feet on center to punctuate but not articulate it back and forth in these large 5 or 6 deep by 6 or 8 foot tall structures.

Chair Butt questioned if the fence was the same as the fencing at the Pointe, and Ms. Vallier said it is similar but that one curves the street, and they are not proposing these or putting arrows on top. She noted one of the driving forces at Portola Point was that it had to be approved by the U.S. Coast Guard and Homeland Security, and they will need the same approval for this project, so there may be an issue with the design of the fence.

Boardmember Woldemar said the site is secured thoroughly. He questioned if a gate was proposed for the driveway in, as well as a gate. Ms. Vallier said there are gates existing at the guard station, but when there is a tenant there, the guard would direct cars in and out. There is a turn-style at the entry now and they are proposing to move it over. The visitor parking is open without gates, but there is a fence between the parking lot and building, which is a requirement of the Coast Guard.

Boardmember Woldemar questioned the gate on the drawings, and Ms. Vallier pointed vehicular gates to the turnstiles, which is buffered by the landscape strip, a gate that comes to the entry which jogs back to the building and goes back out.

Boardmember Woldemar referred to the fence on the west end of the building keeps people away from the building as opposed to grates on windows. Ms. Vallier noted this is a requirement of the Coast Guard to have two levels of security. He questioned the reasoning to move the fence 4 feet from the sidewalk, and she said this was required by the DRB and she was trying to keep the trees from conflicting with the fence. If moved back, she would lose the trees.

Boardmember Woldemar reiterated his preference for fence jogging, and improvement and the need to upgrade standards, while also voicing his understanding of the need for security.

Boardmember Woodrow said what has been done is so much better than what exists currently, irrespective of the fencing.

The public hearing was opened, and Chair Butt confirmed there were no public speakers.

Boardmember Whitty supported approval of the project.

Boardmember Woldemar stated except for the fence, he liked the building and landscaping. Vice Chair Welter voiced support.

Chair Butt indicated he appreciated the changes to date and did not have issues with the fence. His concern for the record was with respect to parking lot tightness and minimum drive aisle widths. Ms. Faulkner said their engineers are currently modeling passenger car turning radius and based upon question by Boardmember Woodrow, she indicated they were insuring that the driveway was widened enough to accommodate UPS delivery trucks, which would accommodate a Ford F250 pick up truck. If needed, they could bring in the isle which is the property line, and she confirmed the drive could not be built on City property.

Ms. Faulkner pointed out that they were 100 square feet over the landscape requirement.

The public hearing was closed.

Boardmember Woldemar expressed his desire to improve the fence by putting 12 foot square posts on center. Mr. Michael Williams said they looked at the Field Station and whatever this dimension is, without confirmation from the Coast Guard, he said it creates line of sight issues. If they can narrow it, keep it tight, and put some spacing in so as not to create a problem. He said they would carry the theme of the brick of the Ford Building and tie it into this. Boardmember Woldemar said he thinks the difference of the pilaster material make all the differences, particularly the 12 foot spacing. He also suggested doing the pilaster so it is 12 inches wide and 24 inches deep, perpendicular to the street which is similar to the Field Station. Mr. Williams said this creates line of sight issues, but if the Coast Guard approves it, he does not have a problem with it.

Boardmember Woldemar said he prefers the correct color of black fence once the pilasters are put in. Ms. Vallier noted the windows on the Ford plant are green that sets off the brick nicely. However, this would throw the blue paint into question. Mr. Michael Willams said they could do the building in something similar to compliment a color scheme to match the Ford Building.

Chair Butt felt the idea of the brick to match the Ford building helps the context and black would be fine.

ACTION: It was M/S (Woldemar/Butt) to approve the latest submittal of PLN 10-221 with the four Design review conditions and staff's recommended 1 condition with an additional condition that the fence incorporate a 12-inch wide pilaster spaced 12 feet on center; that the pilaster material be brick similar to that across the street; and that if approvable by the Coast Guard, the pilasters be 12 inches x 24 inches with the 24 inches perpendicular to the street; unanimously approved.

CC 5. PLN10-208 HYNES – NEW INDUSTRIAL BUILDING

Description DESIGN REVIEW PERMIT FOR A NEW 7,730 SQUARE FOOT INDUSTRIAL BUILDING.
Location 1314 WRIGHT AVE
APN 560-372-002
Zoning M-2 LIGHT INDUSTRIAL
Specific Plan KCSP
Owner GERRY HYNES
Applicant GERRY HYNES
Staff Contact JONELYN WHALES Recommendation: **CONDITIONAL APPROVAL**

Jonelyn Whales gave the staff report stating that the applicant's property is currently a vacant lot with a proposal to build a structure similar to the metal storage building across 580 for offices and shops. The applicant plans to operate his own business from this location and has also submitted landscape plans. The site is currently in the Knox-Cutting Specific Plan II and conflicts exist between this and the zoning ordinance and General Plan. She said one requires a 15% setback on the north elevation, and an exemption is being requested here so the building will not have to jog.

Boardmember Woodrow voiced the need for photographs of the site. He said he drove down the street and said he was not sure he saw the building. He also did not recall a site plan showing all of the other lots on each side was included in the packet. Vice-Chair Welter noted the first page has adjacent structures on it, and Ms. Whales said this is the site plan with Swift Engineering on it.

Boardmember Whitty confirmed adjacent buildings are industrial and are old, one story buildings.

Assistant City Attorney Carlos Privat stated that the later adopted ordinances supersede the Knox-Cutting Specific Plan.

Boardmember Woldemar said because of zoning, he questioned staff's note for an exemption to development standards as applying. Ms. Whales said this is for the Knox-Cutting Specific Plan and no exemption is needed.

Boardmember Woldemar referred to page 3 of 6 under parking and said parking was calculated as if the project were a warehouse, but drawings indicate upper floors as office space. He asked if the parking calculations should have been done accordingly, which would require 14 cars, which requires additional landscaping and other issues. He also questioned if the DRO process has begun because a gravel parking lot is indicated, which are supposed to be paved. Ms. Whales said it will be paved. This is shown in the drawings and a condition will be needed for this. She said several revisions have been submitted and she failed to include it as a condition in the staff report which can be added.

She added that staff calculated parking as if the applicant would occupy all of the office space because below are shops which can be parked by vehicles and trucks. She said staff calculated 7 parking stalls or 1 per 1500 square feet.

Gerry Hynes, applicant, said he has a construction business, plans to move equipment inside the space, and he will only use a portion of the office space.

Boardmember Woldemar said if it is designated as office space above, parking requirements should be calculated this way and the site plan needs to be slightly adjusted. Ms. Whales said in the near future, the office space will not be occupied.

Boardmember Christian said if and when the office is used, there may be a problem, and Ms. Whales said the owner will have no visitors, but she agreed if the business is sold, parking would change.

Chair Butt confirmed that with M2 zoning, the side yard is a 15 foot requirement with the side yard abutting and a rear yard is 15 foot abutting; however, Ms. Whales said it did not apply due to the M-2 and not residential zoning.

Vice Chair Welter inquired whether the existing chain link fence on Wright Avenue would remain, and Ms. Whales indicated that the applicant recently improved the fence to include vinyl slats for better security. Vice Chair Welter questioned whether this complies with the ordinance for improved property fencing and Ms. Whales stated that the code is written to allow existing fences.

Boardmember Woldemar referred to a code section that requires that any outside storage areas to be screened from public streets by a painted board fence or other masonry wall of uniform material, and he said this is why it appears this is not a parking lot but a storage area. Ms. Whales said there would be no outdoor storage and everything will be enclosed. It is more for security reasons, debris, trash, and graffiti.

Vice Chair Welter questioned the fence location, and Mr. Hynes said he has neighbors to the west installed the fence and gate.

Chair Butt confirmed in entering the lot, one would drive down 13th Street and drive east into the lot. He questioned if the applicant wanted to make any other statements and Mr. Hynes verified that the idea of roll up doors would be for storing his equipment inside the building, which would include pick-up trucks.

Boardmember Woldemar noticed that the plans were prepared by a non-licensed individual and reminded the applicant that final plans would require a stamped and licensed architectural engineer. Mr. Hynes said his surveyor was checking with the City on requirements, and the Board verified that commercial buildings would require approval by a licensed architectural or civil engineer.

Boardmember Woldemar referred to landscaping requirements. The site is about 14,500 square feet, there is only 2,200 square feet of landscaping, which is more than 10% and clarified its location which is around the perimeter. The hope is also to install landscaping near parking which could be returned.

The public hearing was opened and there were no public comments.

Chair Butt noted that the building design is the same as the building across from it on I-580, said he regretted being in-between the Knox-Cutting Specific Plan which and the new General Plan which calls for better design. He cited concern is that the parking should be calculated based on multiple tenants, with the upper floors as office space and the lower are warehouse space. He also voiced concern with the fence and asked to see something else than the chain link, as well as the need for more landscaping with parking.

Boardmember Woldemar clarified that the fence does not run along the vacated portion of 13th Street. Mr. Hynes said along the vacant alleyway, there is an existing fence put up by the adjacent owner. He said they would put privacy slats to upgrade it to match the fence on the adjacent property. They have an easement on 13th Street for access to each other's lots.

The public hearing was closed.

ACTION: It was M/S (Woldemar/Butt) to approve PLN10-208 with the staff's recommended four design review findings and also with the staff's recommended 15 conditions of approval, with the addition of the following conditions: 1) That the parking lot be hard surface paved; 2) that additive cars be shown as parking spaces on the site plan based on the use of the second floor as office space; 3) that staff verify the existing fence design is legal within the context of the ordinance and within setbacks and landscaping requirements; 4) that staff require C3 storm water management plan compliance prior to issuance of building permit; and 5) that a landscape plan is returned to the Board that include responses to all items; unanimously approved.

BREAK

Chair Butt called for a 5-minute break at 7:45 p.m., and thereafter reconvened the regular meeting.

1. PLN10-179 CHEVRON TANK REPLACEMENTS

Description RECOMMENDATION TO PLANNING COMMISSION FOR CONDITIONAL USE PERMIT (CUP) TO REPLACE FIVE EXISTING PETROLEUM STORAGE TANKS WITH FIVE NEWLY CONSTRUCTED TANKS, AND TO CONSTRUCT A NEW FIREWATER TANK IN THE QUARRY TANK FIELD. A MITIGATED NEGATIVE DECLARATION (MND) HAS BEEN PREPARED FOR THE PROJECT; THE COMMENT PERIOD ENDS FEBRUARY 18, 2011

Location 841 CHEVRON WAY

APN (561-040-016; 561-100-003, -001, -003, -008, -009, -010, -011, -012, -013, -017, -020, -025, -026, -029, -034, -035, -036, -036, -037, -038, -040; 561-400-008; 561-410-002; 561-410-003)

Zoning M-2, LIGHT INDUSTRY; M-3, HEAVY INDUSTRY; AND CRR, COMMUNITY AND REGIONAL RECREATION

Owner CHEVRON PRODUCTS COMPANY (CHEVRON)

Applicant CHEVRON PRODUCTS COMPANY (CHEVRON)

Staff Contact LAMONT THOMPSON

Recommendation: **PROVIDE COMMENTS ON MND; RECOMMEND APPROVAL**

Lamont Thompson gave the staff report stating that Chevron was prepared to do a thorough presentation. The Chevron proposal includes replacing five existing storage tanks with five newly constructed tanks and to construct a new fire water tank. The proposed five new tanks will be field fabricated within the existing refinery tank field. The fire water tank will be situated on the Point Molate site of the refinery facing the bay. Staff prepared a Mitigated Negative Declaration (MND) using an Initial Study checklist for the project in accordance with CEQA, as amended by the City of Richmond guidelines and procedures for implementation of CEQA. The review period for this MND will continue until February 18, 2011. The basis for proposing a MND was the finding that although the proposed project could have a significant effect on the environment, implementation of the proposed mitigation measures will reduce all impacts to a less than significant level.

Mr. Thompson stated that the report issued to the Board on February 4, 2011 included some inconsistencies and he apologized for his oversight. With the help of Assistant City Attorney Mary Renfro, the staff report was revised and he believes the proposal is back on track with the supplemental staff report issued which the Board has in place.

Boardmember Whitty questioned and Mr. Thompson clarified that the revised staff report included the corrected conditions, superseding the old conditions, that will go before the Planning Commission, and that the Design Review Board will only make recommendations to the Planning Commission.

Mark Cosanti and Bob Chamberlain, Consultants to Chevron Products Company introduced themselves and began their presentation stating that the scope of the project was to replace five existing storage tanks within the refinery with new field constructed tanks in existing tank fields and one fire water storage tank near the quarry tank field. In addition, there would be a few pumps and minor amounts of piping to connect these tanks to process units.

Mr. Cosanti displayed a map showing the proposed locations of the tanks, with number 6 being the fire water tank in the quarry area and numbers 1-5 being the storage tanks in existing fields. He provided background stating that the refinery currently operates about 300 storage tanks. In the past, they have operated as many as 500 storage tanks, with current total capacity of approximately 16 million barrels, with a barrel being 42 gallons.

Since 2001 the refinery has demolished 163 tanks equating to about 1.6 million barrels, roughly a 10% reduction in storage capacity. Historically the refinery builds or replaces about one new tank per year as they either reach the end of their useful life or require inspection or maintenance, with the process of inspecting and repairing a tank taking approximately one year.

Mr. Cosanti stated Chevron was behind in their normal building schedule with no tanks having been built in the refinery since 2005, behind about five or six tanks. He provided a list of the six tanks with identification, service type of material, capacity, and the type of tank roof. He also provided photographs of a typical tank showing tank features and the proposed iron brown color per the city approved coating manual. He highlighted areas of the MND including air quality, biological resources, geology and soil, hazards and hazardous materials, transportation and traffic, and other sections required by CEQA. The initial study showed there were no significant impacts from the storage tank replacements with some mitigation measures added.

Mr. Cosanti then reviewed the design considerations of most interest including time limits for driving piles due to noise considerations, air quality analysis requirements of best available control technologies for the tanks in accordance with air district requirements, and that low emission paints and coatings be used on the tanks to reduce VOC's. With respect to the visual analysis, they are proposing landscaping to screen the fire water tank. The proposed landscaping plan includes greater than 6,000 square feet of landscaped area, calculated by using 10% of the total area occupied by the six tanks (60,000 square feet). He then showed photographs of the existing viewpoints followed by computer simulation of the viewpoints after the tanks were in place. He noted that the top domes of the tanks were white because they were new and that the color would darken with age.

Boardmember Woldemar asked what the dome tops were made out of. Mr. Cosanti indicated they were aluminum or steel frames with fiberglass coated panels to protect from UV damage on the exterior and vapor damage on the interior.

Boardmember Woldemar then asked why the white color was used. Mr. Cosanti said the white keeps emission numbers down and this is the industry standard. Mr. Cosanti then showed various views of current viewpoints comparing them to computer simulations with the new tanks and noting that the landscaped trees would grow over time to provide greater screening.

Boardmember Christian questioned specifically what the trees would cover and Mr. Cosanti indicated that the trees would be planted in front and around the tank.

Boardmember Whitty questioned whether the Health Risk Assessment of 2007 was up to date with 2011 standards and whether the results were within current Bay Area Quality Management District acceptable standards. Mr. Cosanti answered they meet current standards.

Boardmember Whitty questioned if the air emissions could be lowered further and Mr. Cosanti stated that the result of replacing the five tanks would be a net decrease in emissions and that the threshold of significance would be 10 tons per year. Under CEQA, a 10 ton increase would not have a significant effect. Mr. Cosanti also stated that project would result in a 0.1 ton per year emission reduction over the five tanks being replaced.

Chair Butt questioned whether this type of dome technology was on other existing tanks in the refinery and Mr. Cosanti answered no, that most of the tanks in the refinery are floating roof tanks. Chair Butt also asked whether the dome was manufactured in any color other than white and Mr. Cosanti stated that they had exhaustively researched this issue a couple of years ago and no one manufactures another color. In one instance where the tank dome had been painted a different color, the ongoing maintenance was prohibitive. Mr. Cosanti referred to other domed tanks in the marketing terminal and canal area to view the aged color.

Boardmember Woldermar referred back to the tank emissions, reading that one of the tanks is labeled as an external floating roof and questioned what part of the design kept emissions from being released at the edges. Mr. Cosanti answered that there are two interior seals, the uppermost a flexible seal that is tight against the side of the tank and attached to the roof allowing for vertical sliding with the tank level. Boardmember Woldermar questioned whether this design provides 100% emission containment and Mr. Cosanti stated that he did not know the percentage but that it was very high and that the Air District required that the gap be measured frequently.

Boardmember Woldemar asked whether there was headspace and Mr. Cosanti answered no, except when the tank is very low at shutdown. Mr. Cosanti also indicated that the fixed roof tanks are exempt service tanks not requiring floating roofs, producing no real emissions because the lubricating oil contained within does not produce hydrocarbons.

Boardmember Woodrow questioned the specific design of the domed roofs and whether the dome itself could be recessed so as not to be so noticeable and mitigate the white color. Mr. Cosanti stated that he had never seen that done and thought that it might compromise safety and tank design.

Boardmember Woodrow inquired as to why the two domed tanks could not be fixed roof shaped and noted that these were the only two tanks that contained gasoline. Mr. Cosanti answered that these are the highest emission tanks. The cone roof referred to have physical internal column supports and the dome effect is self-supporting.

Boardmember Whitty noted that they are increasing the storage capacity by 1.1% and questioned whether all the tanks would be at capacity all the time. Mr. Cosanti said there was no one answer for every tank, but generally, the tanks that replace smaller tanks allow for different gas with different specifications of product. Boardmember Whitty also asked how Chevron managed to date without the capacity increase, and Mr. Cosanti answered that it has been quite difficult.

Boardmember Whitty questioned whether the quarry fire tank was on City or Chevron property and Mr. Cosanti stated it is on Chevron property and for Homeland Security, they will need to construct an access road extension which would feed down to this and he pointed it out on the slide. He said the tanks would be managed from the interior of the refinery. He also answered questions regarding the position of the fire water tank, stating that it provides additional water to interior portions of the refinery, as the perimeter of the refinery has access to ocean water.

Boardmember Whitty also had questions regarding the delivery system for the fire tank water and the issue of recycled water. Mr. Cosanti stated that the water would be piped throughout the plant and in case of fire would be used with foam to fight any potential fires. He also indicated that the recycled water is deep water out-fall and comes from storm water that has been treated and will not have adverse environmental effects.

Boardmember Woldemar questioned and confirmed the applicants received and agree to the revised conditions of approval. Boardmember Woldemar asked staff: A) why Condition 2 references a three-page set of landscape documents with a January 18, 2011 date when none of the Board material has that date referenced, and B) they seem to have conflicting documentation regarding the landscape plan and which landscape plan is the correct plan.

Mr. Thompson answered that this was part of his initial confusion and error with the landscape plan, but noted the correct plan was dated January 13, 2011 and will be submitted to the Planning Commission.

Boardmember Woldemar questioned Marcia Vallier about the landscaping plan for Castro Street. Ms. Vallier indicated that the Castro Street plan had been withdrawn and they are only landscaping around the tanks.

Boardmember Woldemar requested clarification of the landscaping documentation package so there was no further confusion. He revisited whether there could be a flatter dome and Mr. Cosanti answered that the dome height was a function of the dome diameter, in this case upwards of 100 feet, and that they are proposing a low profile dome.

Boardmember Woodrow questioned why the fire water tank was so far from the tanks it is meant to serve and why the tank site is not further east above the quarry tank field. Mr. Cosanti answered that there is not enough elevation to place it there and other areas have too steep of topography. Boardmember Woodrow also questioned how fire water was currently provided to the quarry tanks, and Mr. Cosanti indicated that there is currently a network of pipes and fire hydrants fueled by the rest of the refinery. Mr. Cosanti assured the board that the fire water tank was designed to earthquake standards.

Boardmember Woodrow questioned how long it would take the screening to grow to mask the tanks and Marcia Vallier stated that it would take approximately ten years. Boardmember Woodrow also expressed concern that from different views it would appear that installation of this fire water tank might give the impression to the public that Chevron was expanding, not necessarily the impression Chevron would like to give the public.

Vice Chair Welter questioned how many tanks will be in the same location and Mr. Cosanti answered three. Vice Chair Welter questioned the height differential on the three tanks being replaced and Mr. Cosanti referred him to Table 1-1 in the MND.

Chair Butt also expressed concerned regarding the ten year period for tree growth to screen the fire water tank and questioned whether an underground tank might be an option. He also confirmed that the 10% landscaping requirement related to the trees around the fire water tank and that there would be no landscaping around the other tanks. He also commented on the previous recommendation that there was a plan to mitigate the invasive species from the tank sites.

Boardmember Woldermar stated that he wanted to see clarification as to whether the mitigation would be just at the tank site or on other area of the refinery. Ms. Renfro stated that the verbiage was a carryover and that Chevron could clarify as to the tank footprint.

Boardmember Woldermar questioned the specific size of the plant material and Ms. Vallier stated that 15 gallon tree size was specified and 15- and 5-gallon size was specified for shrubs. Boardmember Woldermar stated that he thought larger trees and plants would be more desirable, and even with the cost differential, should be pursued.

The public hearing was opened.

Public Comments:

Dr. Henry Clark, Executive Director of West County Toxics Coalition, stated that he was not opposed to replacing the older tanks with the five new ones. His issues come from a perspective of environmental justice for the community which is a violation of the intent of the law and a violation of human rights. He expressed that mitigation of emissions to insignificant numbers is not clear and that the community deserves to see actual numbers. He also discussed the color of the tanks and that the brown color did not really hide the tanks. He reiterated that he wanted to see specific numbers and data for public review.

Greg Karras, CBE, Oakland questioned whether this is a good project that will reduce pollution or a bad project that will increase pollution and stated that the needed information to confirm either has not yet been provided. His letter of January 28, 2011 to Chevron requested six types of information and he noted that Chevron has begun to provide some information and he is still waiting for the rest of the information to confirm what type of project this is. He also indicated there were some real emission numbers. There is also information relating to odors as well as health impacts that they need from the City as part of this process; specifically; 1) Will the City ensure the promised emission reductions from replacing the old tanks by requiring that they be taken out of service when the new tanks are built? Will they be demolished? Will they be removed from service? The City could add that removal from service requirement to the existing staff recommendation 17; 2) Will the City require the least emitting tank design? Why not require a dome on the recovered oil tank? The City could add a recommendation 18 to require least emitting tank designs. He believes addition of these two recommendations would allow determination of the pollution potential of this project.

Boardmember Woodrow questioned whether Chevron ever installed the air sensor to test quality of emissions and Mr. Chamberlin said this was a condition of the renewal project which has been tied up in litigation, placing it on hold until resolved. The sensor has not been installed.

Chair Butt questioned if it was true that there are lesser emitting tank designs and would it be feasible to put a dome on the tank that Mr. Karras mentioned. Mr. Cosanti stated that it is already essentially a dome type tank with very little volatility and hydrocarbon escape.

Boardmember Woldemar posed a question to Mary Renfro with respect to process/procedure. He stated that all comments are on the MND are on public record and that the DRB is being asked for recommend and approval of the design. He stated that many design questions have yet to be answered and questioned whether the DRB could pass on comments to the Planning Commission where they could accept the MND and refer it back to the board for design approval. Mary stated that process has been used before so there is precedent.

Boardmember Woldemar stated that he was not ready to approve the design, needing more information and felt it would be appropriate to summarize the comments of record for the Planning Commission to refer back for formal design.

Boardmember Woodrow questioned why not drop the fire water tank into a cut bench on the hillside with a berm planted with trees.

Chair Butt closed the public hearing.

Boardmember Woldemar summarized the board's comments as follows: 1) Concerns regarding the white domes, are he asked if other colors are possible, and whether it is possible to build the dome behind a higher wall tank height; 2) Bookkeeping with respect to landscape drawings, two sheets instead of three; noting that the Castro Street landscaping has been excluded; 3) The fire water tank have additional screening whether by larger plant materials, partial or complete undergrounding; 4) Condition 15 be amended to elaborate on tank site wording; 5) Additional simulation be done for driving east on San Rafael bridge view. 6) Condition 12 regarding the annual report for floating roofs and evidence of compliance be identified as to who will review said report. He asked should it be an independent consultant and questioned if this situation also applies to any of the other conditions.

Chair Butt added the following comments: 1) Consideration of other dome colors; 2) Recommend Condition 15 be amended to elaborate on hillside invasive exotics; 3) Address removal of service of old tanks when new ones come on line; and 4) Identify and require the least emitting tanks for these applications.

ACTION: It was M/S (Woldemar/Woodrow) to recommend that the visual design of the project return to the DRB after the MND is accepted and the conditional use permit is issued by the Planning Commission; unanimously approved.

BOARD BUSINESS:

Ms. Whales said staff is nearing completion on the landscape bonds. She said the timetable for the General Plan is tentatively in June, and subsequent meetings with the public will be held, as well. She noted the City has new districts and the City will implement and require an overlay of formed based codes, which will be included and will change many designs. She said staff is hoping to hold a retreat with the Planning Commission, and hopes to have another member join the Board as well as on the Planning Commission.

Board member reports, requests, or announcements

Chair Butt questioned whether the City plans to train people on the new green building code and staff indicated they are working on this and existing codes need to be amended with the hope of having it return on March 3, 2011.

Boardmember Woldemar cited that individuals applying for a new single family home are now required to have fire sprinkler requirements. He stated that he wanted to add a shopping list that gets rid of all the DRO parts of the ordinance as it is an old holdover from the very old ordinance.

Boardmember Woldemar had two other issues: 1) At the December meeting the Board “beat up” on two residential projects that were continued to January meetings and he asked to know the status of those projects. Ms. Whales said one was withdrawn and the other staff was still waiting to hear from the applicant. 2) The nomination forms for the historic preservation awards are available on the website. The award ceremony is slated for May, with nominations due March 31, 2011. He noted that Andrew Butt’s photograph is on the cover of the awards ceremony.

Chair Butt closed the meeting in memory of their long-time colleague, Ted Smith.

Adjournment:

The Board adjourned the meeting at 9:10 p.m. to the next meeting on February 23, 2011.