

DESIGN REVIEW BOARD MEETING
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL
440 Civic Center Plazas, Richmond, CA
June 8, 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 6:09 p.m.

ROLL CALL

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

Absent: Boardmember Christian

Staff Present: Jonelyn Whales, Hector Rojas, Carlos Privat

APPROVAL OF MINUTES

May 11, 2011:

ACTION: It was M/S (Butt/Woldemar) to approve the minutes of May 11, 2011; unanimously approved.

CONSENT CALENDAR:

Chair Butt reported the Consent Calendar consisted of Items 2 and 3. Boardmember Woodrow requested removal of Item 3 from the Consent Calendar.

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

Chair Butt noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 20, 2011 by 5:00 p.m.

AGENDA

Ms. Whales requested that Item 3 be moved ahead of Item 1. At the discretion of the Chair, the agenda was reordered to begin at Item 3.

PUBLIC HEARINGS

- 3. PLN11-055 CONCESSION STAND AT HOME DEPOT ON SAN PABLO AVENUE**
Description RECOMMENDATION TO THE PLANNING COMMISSION ON THE DESIGN REVIEW PERMIT FOR A NEW 347 SQUARE-FOOT CONCESSION STAND LOCATED NEAR THE ENTRANCE OF THE RICHMOND HOME DEPOT.

Location 11939 SAN PABLO AVENUE
APN 513-340-052
Zoning C-2 (GENERAL COMMERCIAL)
Owner ADACHI FLORIST & NURSERY
Applicant SOUTHWEST CONCESSIONS INC.
Staff Contact HECTOR ROJAS

Recommendation: **RECOMMEND APPROVAL
TO THE PLANNING COMMISSION**

Hector Rojas, Associate Planner-Richmond Planning Department, gave the staff report indicating that the proposal by Mark Kelly the owner of Southwest Concessions was actually a request to legalize what has been built so far. He stated that Mr. Kelly had come to the Planning Department months ago to discuss the prospect of having the concession stand built. There was a misunderstanding regarding the permit process, as Staff had indicated a level of comfort to Mr. Kelly regarding the planning and DRB presentation process for approvals. Mr. Kelly mistakenly took that as approval to go ahead and do the project. Mr. Rojas stated that the concession stand has already been built and that Mr. Kelly has obtained Health Department approvals for the concession stand. He also indicated that the concession stand is built in place and everything is built to code with respect to the Health Department. He stated that it is just a matter of going through the City's process for design review and a use permit for the eating establishment. Mr. Rojas indicated that the intent of the concession stand is to replace a prior concession stand that was more mobile and that the newly built concession stand being considered for use is a brick-and-mortar establishment.

Mr. Rojas offered a picture of the previous concession stand that was there for a number of years, noting a different applicant obtained approval for the old stand in 2003. He stated that the newly built stand would provide a greater interior service area that would allow Mr. Kelly to provide a greater level of food amenities and referred to an attached sample menu. Mr. Rojas indicated that the stand is built and that although potential design modifications are limited, they were concerned about how the design ties into the greater building. Staff met with Boardmember Woldemar at the site to get a sense of modifications that could be done. One of the simulations, Exhibit B/Simulation A, refers to a recommendation by Boardmember Woldemar regarding tying the stand into the greater building façade through use of a series of smaller orange awnings instead of one large orange awning on the concession stand. While Mr. Kelly was amenable to Boardmember Woldemar's suggestion, Home Depot indicated that they were not as it would interfere with bays they use to display merchandise. Mr. Rojas stated that Exhibit C presents an option that is agreeable to both Home Depot and Mr. Kelly, showing the stand that is currently painted white repainted to match the teal and off-white background colors of the Home Depot façade and keeping the current orange awning. He indicated that Exhibit D presents the same repainting options but changes the awning to a teal color to match the Home Depot roof façade and outlines planter pots that Mr. Kelly would like to put in the customer pickup area.

Mr. Rojas indicated that Staff felt this was very sensitive issue in terms of trying to fit in well with the Home Depot façade, and since the stand is already constructed, they wanted DRB input with respect to potential modifications as they move forward to the Planning Commission. Boardmember Woldemar asked why it goes before the PC and Mr. Rojas answered that in the district where the stand was located, eating establishments are conditional uses. He stated that the previous stand had a conditional use permit in line with the mobile aspect of the stand and this new permanent stand requires a new use permit. He also mentioned that since the jurisdictional line jogs in and out of this property, as a courtesy they forwarded the plans to the city of El Cerrito who looked at the plans and did not have any real suggestions as to how to improve them and were generally okay with the idea of having a concession stand there.

Vice Chair Welter questioned the different materials indicated on the plans, noting there was FRP exterior, wood siding, and painted metal and asked which material was in the structure. Mr. Rojas, referring to Exhibit I, answered that it was mostly T-111 siding built around a base of an 8' x 18' FRP surfaced prefabricated food service unit that is HUD approved and an easy approval by the Health Department.

Boardmember Woldemar asked Mr. Rojas if they were proposing to add FRP over the existing T-111 siding. Mr. Kelly interjected, indicating that there was a typographical error on the documents and that the structure, essentially a trailer, is made out of metal not FRP. He stated that they intend to place metal over the T-111 and the sides so it matches the other metal materials and also paint it to match.

Boardmember Woldemar questioned what would happen to the T-111 material at the base of the building under the windows. Mr. Kelly answered that it would be covered with the metal material and would be flush, stating that the original T-111 material was in that area because of the wheel well. He stated that the T-111 would be trimmed to allow installation of the metal.

Chair Butt questioned what specific portion was the trailer. Mr. Kelly answered that it was 18 feet with a 5 foot extension to fill up to the columns and enclose around the columns so no one can go behind in that area, making for an overall 23 foot length. Chair Butt questioned whether the County Health Department was required to approve this as well. Mr. Kelly answered that this had been to the County Health Department and had been approved. Chair Butt asked if it was required to have a handicapped accessible window. Mr. Kelly answered that it was only required to have five percent of the total counter height be 34 inches.

Boardmember Woodrow asked why they did not build something in place rather than building around a trailer. Mr. Kelly answered that they have built 80 units that are all trailers with 35 units looking exactly like the one before the Board. Boardmember Woodrow questioned why they had not pre-fit the trailer to the allocated spot. Mr. Kelly answered that they had the trailer when Home Depot Corporation called on February 9th wanting him to upgrade the trailer and put it in place in 30. Mr. Kelly stated he spoke with the store manager February 12th, saw Mr. Rojas on February 14th, and spoke with the Health Department the next day. He indicated as there were no objections. H started the process and filed for the health permit.

Boardmember Woodrow asked what the side windows were and Mr. Kelly answered they were emergency exits that HUD required. Boardmember Woodrow questioned staff access and Mr. Kelly answered that there were emergency doors on each end of the unit. Boardmember Woodrow questioned if there was a gap between the structure and Home Depot and Mr. Kelly answered that there was a five foot gap.

Boardmember Woodrow also questioned if the structure was set back far enough as to not interfere with traffic flow and protect customers. Mr. Kelly answered that there is eleven to twelve feet from the front of the trailer to the loading zone with concrete pots placed as traffic buffers.

Boardmember Woodrow indicated that he was stunned to hear that this structure was a trailer, especially after the information provided by Mr. Rojas indicated it was a brick and mortar job. He added that the trailer was something that Mr. Kelly had on hand that did not even fit the allocated pad and required retrofitting. He stated that he felt they had no control over this as it was a done deal, but he felt the design was quite strange. Mr. Kelly indicated that the reason they were copying the materials was so the structure will look continuous and tie into the store

facade. He indicated he had been doing this for twenty one years with eighty locations and he felt this stand is the best one they have ever done, stating that it has the most room, the best cooking equipment, and the most money into the facility. Boardmember Woodrow felt that it did not look half as good as another picture to which he referred. He questioned Mr. Kelly as to whether he plans to have signage. Mr. Kelly referred him to the one 3' x 4' exterior menu sign shown on the drawing, stating that the other signs were interior to the structure. Boardmember Woodrow questioned if there would be a business name sign and Mr. Kelly answered that the Home Depot store manager did not want one-he wanted it to look like the unit in front of the Concord store which is only 17 feet, custom built with a teal awning. Boardmember Woodrow again stated that he felt the unit should be built for the entire 23 foot space and not retrofitted to add on 5 feet to an 18 foot trailer. He stated that he thought the City was not getting the best structure. Mr. Kelly stated that they went with the structural extensions to enclose the wheel wells and build down to the parking lot surface to keep things clean.

Boardmember Whitty questioned what the serving windows would be like. Mr. Kelly answered that they are shown on the drawing and are required by the Health Department with a maximum size of 144 square inches with a screened opening. Boardmember Whitty questioned if there were three fixed windows or one big window. Mr. Kelly answered that Contra Costa County Health Department had strict regulations and the specific configurations of windows shown in some of the examples would not work in Contra Costa County, that they wanted small screened openings. Boardmember Whitty clarified that it was a larger window split into sections, two fixed one moveable. Boardmember Whitty asked whether the structure would have flip down pieces to close up at night and Mr. Kelly confirmed that it would.

Boardmember Whitty asked whether Mr. Kelly considered putting one of the counters lower and he answered that one would be lowered to 34 inches to meet the ADA requirement.

Boardmember Woldemar stated that the drawings indicate there is a stainless steel fold down counter in front of the regular counter at 34 inches. Mr. Kelly clarified that the counters do fold for transportation and that they will make one of the counters a 34 inch height.

Boardmember Whitty also questioned whether the garbage cans were substantial enough, similar to the Concord ones. Mr. Kelly answered that the cans in the documentation are just what are there currently and that they will be using a standard Home Depot square garbage can weighted with 300 pounds of concrete so they cannot be moved. Boardmember Whitty indicated she thought the planters should be more substantial in a shape that cannot be easily overturned if a truck were to hit it, not urn shaped. Mr. Kelly agreed and stated they would be in a more round shape and again weighted with concrete.

Boardmember Whitty thought flowers in the planters might be somewhat optimistic and suggested a palm. Mr. Kelly stated that they had tried palms with not much success and also stated that home Depot maintains the planters for them, using them to market what is in season. Boardmember Whitty noted the business hours of 7:00 a.m. to 7:00 p.m. and questioned what the winter lighting would be. Mr. Kelly answered that there was under and over awning lighting. Boardmember Whitty stated that she would really push for some type of jazzy deli sign that was bolder marketing. Mr. Kelly indicated that he likes the orange color because it ties into Home Depot colors, stating that the sign design before them was a result of a more generic design. He indicated that the Home Depot store manager did not want a sign, but if the DRB wanted a nice sign, he would oblige.

Boardmember Woldemar stated that he still liked the design he suggested with several smaller orange awnings instead of the one large orange awning and would continue to advocate for that

design. He also commented that the planters struck him as strange and questioned the drainage, advocating solid bollards along the façade instead to tie in with the other bollards on the property. He questioned the lack of consistency with the different shelf heights, stating that he thought they should all be at 34 inches.

Boardmember Woldemar also questioned how why there was no interior ADA accessibility. Mr. Kelly answered that they were not opened to the general public; they were under HUD inspection, and that in the food industry you cannot have wheelchair bound employees in a food service area because of the safety issues with respect to hot food.

Boardmember Woldemar stated that the T-111 siding needs to be lifted off the ground with a moisture protected base. Referring back to the awnings, he felt they could be column supported establishing corners to each of the bays like the corners of the buildings.

Boardmember Woldemar questioned Mr. Rojas about the right Home Depot had to display their products in front of the building. Mr. Rojas answered that he could not find the original conditional use permit in the City records. He also asked the City of El Cerrito to take a cursory look at theirs. Referring to the joint powers body formed between the City of Richmond and the City of El Cerrito and the general policy reviewing Home Depot applications, he could not find information specific to allowing the exterior displays.

Boardmember Woldemar reiterated that the front façade tends to get much cluttered and this would be an opportunity to tie things together. He felt that the three smaller orange awnings were more desirable and would work well. He also suggested putting the sign on the 5-foot panel on the far west end with a nice logo at eye level. Mr. Kelly stated that he thought that Boardmember Woldemar's sign idea might be more amenable to the store manager since it would not be competing with home Depot signage. Boardmember Woldemar also emphasized the importance of consistent colors and materials.

Boardmember Whitty asked how the bollards would be handled, and Boardmember Woldemar indicated he would make them permanent, as it was important to keep the cars and the people separated. He stated he would set them 11 feet on center and put the trash containers up against the columns.

Mr. Kelly addressed the three awnings issue, stating that he had his architect draw something so he could take it to the store manager the following day. The store manager not only did not want a large portion of the store front inaccessible for store equipment and displays but he strongly felt awnings in those areas would be a safety issue with respect to the store's forklifts. The store manager indicated that a couple tables in the second bay were okay, but that was about it. Mr. Kelly stated that he returned to Mr. Rojas and told him that the manager was not amenable to the three awnings idea but as an option, suggested that they make the awning teal colored to blend in with store. Mr. Kelly also indicated that he would prefer not to go the bollard route, as concrete filled planters can be moved if necessary. Chair Butt indicated that he liked the planter idea so long as they are heavy with concrete.

Vice Chair Welter stated that he liked cylindrical planters. There was discussion regarding the watering of planters, and the general consensus was that Home Depot will water out front anyway with their garden product displays, so water run-off will always be present.

Chair Butt stated that in general he agreed with the other boardmembers but he felt the overall structure was ugly with cheap T-111 white siding. Mr. Kelly stated that the white color was a

primer, waiting for color definition. Chair Butt stated that even though it is technically a mobile trailer, it has been added to the building, falling under the DRB's purview. Given that it is in front of the building, he asked to make it more aesthetic pleasing with tile on the lower areas or similar materials that Home Depot has on stock. Mr. Kelly liked the tile idea. Chair Butt continued to flush out the wainscoting tile idea discussing burgundy and teal colors to match the building. Chair Butt also stated that the Home Depot manager should be told that the DRB strongly suggests the use of Kelly's logo.

The public hearing was closed.

Prior to completing the motion there was much discussion regarding the specifications for the planters/bollards. Boardmember Woldemar felt that it was very important to be specific, so as not to have an inappropriate barrier. Mr. Rojas stated that it was important to specify a durable material like concrete and match the gray stucco color of the building.

ACTION: It was M/S (Welter/Whitty) to recommend conditional approval to the Planning Commission of PLN11-055 with the 4 staff findings and 10 conditions of approval and the following additional conditions: 1) utilization of matching burgundy colored tile wainscot that is aligned with the height of the existing inset stucco base of the columns; 2) both counters moved to 34 inches' 3) five cylindrical minimum 24 inch diameter x 36 inch high, non urn shaped, concrete planters acting as bollards or another concrete bollard configuration, gray in color, on no greater than 11-foot centers, fixed with heavy concrete to be used as pedestrian/traffic barriers; 4) the DRB strongly encourages brand signage on the orange awning; and 5) that all T-111 will be covered with metal panels; Vote: 4-1 (Woldemar voted no).

1. PLN09-161	NEW SINGLE-FAMILY RESIDENCE ON TREMONT AVENUE	
Description	(Held Over from 5/25/2011) REQUEST FOR DESIGN REVIEW APPROVAL FOR A ±2,400 SQUARE FOOT, TWO-STORY, RESIDENCE IN THE TISCORNIA ESTATE PLAN AREA.	
Location	500 TREMONT AVENUE	
APN	558-282-020	
Zoning	TISCORNIA ESTATE SPECIFIC PLAN AREA	
Owner	ROBERT CLEAR	
Applicant	TUAN LE	
Staff Contact	JONELYN WHALES	Recommendation: CONDITIONAL APPROVAL

Jonelyn Whales gave the staff report, indicating that in the interest of time she would let the architect present all architectural features and she would only present the background features of the site. She stated it was a 6,500 square foot vacant lot in the Tiscornia Estates Specific Plan Area developed in the 1980's.

Boardmember Whitty interjected that the lot size was 7,940 square feet and the house was 2,560 square feet according to the first page of the plan. Ms. Whales stated she would have the architect verify the specific dimensions, as there are gross and net area numbers related to the 15-foot easement adjacent to the site.

Vice Chair Welter asked if this item was the item that was on the agenda about a month ago that they did not have plans for. Ms. Whales answered that she did not think so, as they have been working with the architect over the past year and a half, since 2009. She also stated that they have done a lot of work refining the plan because the Tiscornia Estates Specific Plan has

specific development guidelines with respect to heights and rear yard set-backs. She also indicated that this project complies with all the specific development guidelines, even taking extra steps such as increasing the front set-back. Ms. Whales noted that a lot of grading will be done on the site with approximately 700 cubic yards of fill excavated.

Tuan Le, applicant, confirmed that the civil engineer calculates 700 cubic yards of excavation and they are still working on determining how to utilize the excavated dirt by compacting what they can on the site, but he imagines they will still need to haul dirt away from the site.

Boardmember Whitty questioned how many truckloads 700 cubic yards equated to, and Mr. Le answered that a truck can hold roughly 50 cubic yards so it would be approximately 15 truck loads.

Boardmember Woodrow inquired if they needed to dig into rock. Mr. Le answered that their soils engineer indicated they will cut to the bedrock as indicated on the drawing, where they will place their bottom spread footing, but they will not cut into the rock as the slab will be above that.

Chair Butt requested that the Board hold other detailed questions, deferring to the applicant for his presentation.

Mr. Le, applicant/designer, stated that he was hired two years ago to design the three-bedroom family home for Mr. Clear. He stated that Mr. Clear has two specific considerations regarding the design; capturing the view of the lot and green design items that will have minimum impact on neighbors and the environment. With that in mind, Mr. Le stated that the first time he visited the lot he stopped at an intersection close to the property and saw a beautiful view of the Golden Gate Bridge that he knew he needed to capture in the layout and design of the house. However, when he got to the site he realized that it only had one quarter to one half of that view. Coupling that with the request of the north neighbor to not have livable windows on the side overlooking her hot tub, design ten was generated and he indicated where the utility space and livable space of the home was on the plans.

Referring to the floor plan, Mr. Le walked the Board through the plan first showing the entry, living room, and dining room. He noted that he treated the mechanical room, pantry, stairs, and half bath as utility space on the one side and other living spaces on the other side. He moved on to discuss the second floor, showing the laundry room, bonus room, bath, bedrooms, and deck. Mr. Le indicated that at a neighborhood meeting design ten was unanimously favored by the neighbors, one of the reasons being that the tallest point of the roof was at the footprint of the unoccupied space. Another design consideration is that all of the window sills on the north side where the neighbor requested no direct view into her backyard are at six feet height, except for one low egress window at the bottom of a bush area where one cannot see out or in. He also noted the cathedral window that gives north light is frosted. Mr. Le stated that the trash/recycle chute goes directly from the pantry into the garage. His structural engineer proposed two systems; one that the owner Mr. Clear would like to use, foam concrete ICF for the livable areas and for the garage (cut back without violating safety issues) a shotcrete structure system where the pipe is placed prior to cutting. Mr. Le stated that the civil engineer has a detail that he considers 85% finished in terms of the design. He indicated that the design utilizes stepping into the topography to appear less massive and utilizes earth-like materials to appear more natural. He then presented material/color samples to the Board including the roof deck material and the skin of the ICF.

Chair Butt questioned whether fasteners in the ICF panels would be visible, and Mr. Le replied in the affirmative.

Vice Chair Welter asked about the panel joints and Mr. Le answered that the joints would reveal a ¼ inch dark blue waterproof membrane.

Boardmember Woldemar questioned whether the horizontal and vertical open joints would create a waterproofing problem, and Mr. Le answered that they addressing that material issue in the next step but that sustainability was obviously a prime desire.

Boardmember Woldemar noted that the blue colors were delightful. Mr. Le noted the roofing consisted of two techniques, built up for the flats and shingle for the other and showed the colors of the roofing materials.

Chair Butt questioned the pedestal roof/deck system, and Mr. Le showed the pedestal spacing on the drawings of every 12 inch on center below the deck and every 24 inch in the other direction, dependent on the efficiency calculations to be done by the structural engineer.

Boardmember Woldemar asked whether the roof shape, specifically going from level to sudden incline, was design dependent based on the solar panels. Mr. Le answered that although stylistically he likes a flat roof profile, Mr. Clear was set on solar panel capability and the roof was required to have the angle for the sun. Boardmember Woldemar asked if they had considered newer panels that work in a level profile, although there is some efficiency loss. Chair Butt, Boardmember Whitty, and Ms. Whales indicated that they liked the bump in the roof profile, as it provided structural interest.

Mr. Le also mentioned the sustainable garden on the second floor, noting that the porch was a very simple design blending utility, support, and living. Chair Butt asked if he was inspired by Lewis Kahn and Mr. Le answered that he was a student of Mr. Kahn when he first came to the United States.

Boardmember Woldemar stated that some of the drawings indicated that some of the windows seem to project out. Mr. Le answered that originally they thought the master bedroom corner window would be a projection configuration, but his structural engineer has recommended that the window pop in, given the budget. Boardmember Woldemar questioned whether all the windows were aluminum frames, and Mr. Le answered that Mr. Clear would like to use fiberglass and even push the envelope by using serious windows, but the serious windows are very expensive. Boardmember Woldemar noted that whether the windows were aluminum or fiberglass, the dark bronze anodized color would contrast strongly with the lighter stucco color. Mr. Le indicated he could revisit the various colors available for the two window alternatives.

Boardmember Woldemar asked Mr. Le to describe the detail of the fascia edge, wondering whether it was a standard fascia board with a strip and then the flat roof detail and Mr. Le affirmed that yes, it was standard. Boardmember Woldemar questioned if it was painted a different color, and Mr. Le answered that it had not yet been decided.

Vice Chair Welter asked Mr. Le to clarify where each of the materials apply. Mr. Le indicated that wherever they see a strip it is the hardy panel and wherever there is a smooth surface it represents stucco.

Chair Butt asked about the dimensions of the hardy board, and Mr. Le answered that they were actually planks that came in the dimensions of 4"x8", 4"x10", and 4"x12" and that they would try to minimize the cuts and joints.

Vice Chair Welter questioned whether the railing material would be glass or steel, and Mr. Le answered that if the budget allowed he would like to use glass but it was currently specified for Boston cable with a rectangular steel top or wood cap.

Boardmember Woodrow suggested they use a wood cap with the Boston cable because it was facing west and it would get hot. Mr. Le agreed, stating that they would like to use a structural glass but the budget may not allow that option and they probably would go with the Boston cable and wood cap.

Vice Chair Welter questioned whether they had considered a metal roof with a low slope and integral photovoltaic thin cells between the battens, thinking that the look of two different roof details is odd. Chair Butt wondered if the roof was steep enough for a shingle configuration and Mr. Le answered that it is qualified for shingle. Vice Chair Welter stated that low slope standing seam roofs were available with the same metal materials and good reflectivity and excellent durability.

Vice Chair Welter also wondered whether they had looked at doing a net zero or passive house. Mr. Clear answered that the bottom floor with the ICF is R25, the upstairs is R19, the serious windows range from R4.5-R6, and there is south facing glass in the courtyard making for a pretty tight building. He stated that the ventilation was going to be a bit of an issue because the California standard required some mechanical ventilation. He stated that he has not done all the calculations but felt he was below 500 BTU/hour/°F thermal loss and that the house should be fairly close to net zero. He referred to the southeast corner being 7 feet under seeing ground temperatures. He also joked that he considered a level two charging station in the garage for an electric vehicle might ruin the net zero aspect. Mr. Le added that there is a series of small louvers to remove heated air.

Vice Chair Welter indicated that the roof could be tweaked to a butterfly configuration. Chair Butt indicated that having just renovated a house with a similar siding situation he envied the below ground cooling and wished he could have harvested cooler air from his basement and bring it to the upper living areas. Mr. Clear stated that they also tried to have enough of an overhang on the sides and that he does not expect that they will get a lot of summer cooling. He noted that Mr. Le put a wooden lattice on the large west facing window for cooling. Vice Chair Welter stated that he thought it was all a very nice design.

Boardmember Woodrow questioned how they planned on draining the roofs. Mr. Le answered that they have four downspouts. Referring to the drawing, he indicated each downspout/gutter configuration. Boardmember Woodrow asked if the downspout collection was coming into the house, and Mr. Le answered that it is going to the neighborhood storm drain; that they were not capturing rainwater but relying on zero-scaping. Chair Butt asked if they had considered collecting for gray water use and Mr. Le said they it was not a viable option because the gray water needed to be immediately used. Mr. Clear told the story of his father having one of the first gray water system houses in Marin County, telling that he carefully used phosphorus based soaps and would collect the water in a tank and treat the water prior to use.

Boardmember Woodrow asked if they had anything in the house that required venting, such as sewer lines or gas coming off heater sources. Mr. Le answered that they do have vents and Mr.

Clear referred to the fireplace. Boardmember Woodrow asked where the chimney was and Mr. Clear answered that it was directly off the side as it was a gas fireplace. He also mentioned the water heater vent, the washer/dryer vents, and the plumbing vents. Boardmember Woodrow asked where the plumbing vents came out and Mr. Le referred to the drawing stating that they grouped the vents into two roof vents.

Boardmember Woodrow asked about the height and configuration of the vents and Mr. Le answered that they will be pipes about 6 or 8 inches high. Mr. Clear reiterated that all the combustion vents come out the side. Boardmember Woodrow stated that it appears that the adjacent lots are not being used and Mr. Clear indicated that the north neighbor owns the north lot and has a natural garden on it and the lot on the south is very steep.

Boardmember Woodrow questioned what was in the sewer coming down the hill and Mr. Le answered that it is a sanitary drain and pointed out the manholes.

The public hearing was closed.

Boardmember Woldemar commented that it this was really a super project with an excellent staff report outlining the conditions for approval. Prior to completing the motion he asked the City Attorney what happens to Tiscornia Estates Specific Plan when the General Plan is approved. Mr. Privat answered that there is some treatment of all the Specific Plans in the General Plan, but he did not specifically know.

ACTION: It was M/S (Woldemar/Welter) to approve PLN09-161 with the 5 staff recommended findings and the 29 staff conditions of approval; unanimously approved.

Chair Butt noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 20, 2011 by 5:00 p.m.

There was a side discussion between Mr. Clear and some Boardmembers regarding the problem with the Title 24 active ventilation requirement and how it is a problem with respect to residential because of fan noise and fans as they age. Mr. Clear also stated he was building this as a spec home, hoping that the square footage cost would come in under \$300/square foot to allow him to go ahead with the project and that he wanted to build a home he would be proud of. They all agreed the earthwork would be costly.

CORRECTIONS TO THE PREVIOUSLY APPROVED MAY 11, 2011 MINUTES

Boardmember Woodrow, referring to page 5 and the last paragraph ending with the words “when he retired”, stated that the minutes should reflect that they found bones in a bag or a box below George Cole’s desk when he finished up his career and he was not sure whether he actually took them home and they found them at his home.

Boardmember Woodrow, referring to page 6 and the paragraph “Boardmember Whitty wondered if the mounds the raising of the sea level.” He asked to strike the last sentence, “Boardmember Woodrow stated that the ice was a thousand miles away so he thought the influence of uplift and soil compaction were more prominent factors in the raising of the sea level.”, as he felt it does not help anything and it has nothing to do with sea level rise. Boardmember Woodrow also stated that he did not understand the comment ascribed to him because he believes he said that isostatic uplift doesn’t have anything to do with sea level rise. The ice was a long way off.

Boardmember Woodrow, referred to page 7 and the paragraph “Boardmember Woodrow asked how many for thousands of years.” The specific statement that “there were over 500 mounds recorded”, should be clarified to state that there were over 500 mounds recorded in the Bay Area.

ACTION: It was M/S (Woodrow/Welter) to re-approve the minutes of May 11, 2011 with the above noted corrections; unanimously approved with Boardmember Woldemar abstaining due to his absence.

BOARD BUSINESS:

Chair Butt inquired as to the status of the signage ordinance that was being revised many moons ago. Ms. Whales answered that this was underway.

Chair Butt indicated that he was seeing many huge, vinyl banners that become somewhat permanent building fixtures and felt that businesses were using these as cheap and unsightly alternatives to proper signage. He wondered whether any sign issues were being put on hold until the ordinance was crafted. Ms. Whales stated that an ordinance had been drafted, but she thought it came from the Legal Department and they took out content specific aspects. She agreed to confer with Legal staff again.

Vice Chair Welter asked if there are provisions in the ordinance for murals painted on the side of a building. Ms. Whales answered that there were not, but questioned whether the Board wanted to modify this. Vice Chair Welter stated that he was asking, as his neighbor John Worley, a muralist, was advocating for that to be in the ordinance. He also stated he was asking because an urban clothing store around the corner from his house had done a really nice graffiti mural on the side of the store that had recently been painted over, and he suspects that someone complained that it was not to code.

Chair Butt mentioned that on a related note he read recently that there is a company that offers to pay your mortgage if you let them paint a billboard on the side of your house that you keep there for a year or so. Vice Chair Welter also stated that he had a friend that bought a new Volkswagen beetle and a company paid his car payments in exchange for placing screen ads all over his car.

Chair Butt requested an update on the sign ordinance and Ms. Whales indicated that staff was hoping to address this with the Art Committee and having them come to a DRB meeting. They had thought it could be agendized for the June 22 meeting, but that meeting has been canceled because there are no items to bring forward. She stated the next meeting will be July 6.

Mr. Privat indicated that the sign ordinance was still in place and being enforced, referring to the recent enforcement with respect to the graffiti mural that Vice Chair Welter had cited earlier. This was a prime example of the art, versus graffiti, issue.

Several members mentioned they have seen huge, vinyl signs touting various things, with Boardmember Whitty saying she saw one that was an advertisement for a tattoo expo and wrestling match. Chair Butt indicated he thought it was a combination of inexpensive mass availability and the general economy, but that it has gotten out of hand.

Chair Butt asked if new signage used to come in front of the Board and Ms. Whales answered that it is still supposed to, but if businesses erect noncompliant signs, Code Enforcement should handle it.

Boardmember Woldemar stated that along those same lines, the DRB goes to great lengths to approve a project with specific colors and then buildings are sometimes repainted a year later. He questioned where the enforcement aspect for this situation is. Chair Butt said that people do not have to go through the DRB to repaint a building and Boardmember Woldemar questioned why they spend so much time on this part of the process. All agreed that it was a good question.

Chair Butt indicated that he and Boardmember Woldemar had looked at Keefe Kaplan Maritime Incorporated (KKMI) earlier in the day to assess whether the DRB had a role in this area. They looked at 30 foot and higher movable fabric/tent structures originally permitted as temporary and wondered when does art become part of a building and when does a temporary structure become architecture under their purview. Boardmember Woldemar indicated they went out to KKMI because of a series of code violations to review the facility and see what the DRB might suggest.

Chair Butt questioned whether or not the DRB should have jurisdiction if a business proposes to bring in a large movable fabric structure or container in an industrial area. Boardmember Woldemar indicated that at some point down the road the zoning ordinance will be rewritten and part of zoning ordinance is the enabling ordinance for the DRB. This all had to do with the question of the DRB reviewing public projects and whether it should include the review of on-site industrial projects. He cited the spherical tanks out in the middle of Chevron as an example. Chair Butt indicated that ideally the DBR should be a part of the zoning ordinance discussions to clarify the situation.

A. Staff reports, requests, or announcements

1. Continue discussion on landscape bond procedures – staff is working with Parks and Recreation on finalizing bond procedures;
2. Review and discuss possible amendments to RMC 15.04.810.030 (Fencing and Landscaping Standards, Residential Properties) and RMC 15.04.820.010 (Fencing and Landscaping Standards, Commercial Properties) – staff is currently setting up a DRB meeting in July with members of the Parks and Recreation Commission, Redevelopment, Arts and Culture Commission, and Planning;
3. Review and discuss possible amendments to RMC 15.04.930 (Design Review) to include DRB jurisdiction over City projects – Planning staff and the Legal Department are researching the City's charter to review past procedure.

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

Adjournment:

The meeting adjourned at 8:00 p.m.