

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
June 25 2014
6:00 p.m.

BOARD MEMBERS

Brant Fetter, Chair
Robin Welter
Eileen Whitty

Brenda Munoz, Vice Chair
Ray Welter
Mike Woldemar

Chair Fetter called the meeting to order at 6:06 p.m.

ROLL CALL

Present: Chair Brant Fetter; Vice Chair Munoz; Boardmembers Ray Welter, Robin Welter and Michael Woldemar

Absent: Boardmember Eileen Whitty

Staff Present: Kieron Slaughter, Hector Lopez, and Assistant City Attorney James Atencio

Public Forum – No speakers

APPROVAL OF MINUTES:

April 23, 2014:

ACTION: It was M/S/C (Woldemar/Robin Welter) to approve the minutes of April 23, 2014; unanimously approved by voice vote: 4-0-1-1 (Ayes: Fetter, Munoz, Robin Welter and Woldemar; Noes: None; Absent: Whitty; Abstain: Ray Welter).

April 30, 2014:

ACTION: It was M/S/C (Woldemar/Robin Welter) to approve the minutes of April 30, 2014; unanimously approved by voice vote: 4-0-1-1 (Ayes: Fetter, Munoz, Robin Welter and Woldemar; Noes: None; Absent: Whitty; Abstain: Ray Welter).

APPROVAL OF AGENDA

ACTION: It was M/S/C (Woldemar/Robin Welter) to approve the agenda; unanimously approved by voice vote: 5-0-1 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter and Woldemar; Noes: None; Absent: Whitty).

City Council Liaison Report - None

CONSENT CALENDAR:

Chair Fetter noted there is one item on the Consent Calendar and he asked if Boardmembers wished to remove this item from the Consent Calendar.

Boardmember Woldemar referred to age SD1.0 on drawings and the east end of the building, which has been re-dimensioned but not re-drawn. He therefore asked that the item be removed from the Consent Calendar.

Chair Fetter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, July 7, 2014 by 5:00 p.m.

Item Removed from the Consent Calendar:

Public Hearing(s)

CC 1. PLN14-081 JACK IN THE BOX EATING ESTABLISHMENT
Description **(HELD OVER FROM 5/14/2014)** PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±2,662 SQUARE FOOT EATING ESTABLISHMENT (FAST FOOD).
Location 1100 MACDONALD AVE (RICHMOND SHOPPING CENTER)
APN 540-460-048
Zoning OFFICE/RETAIL and/or URBAN HIGH DENSITY RESIDENTIAL
Owner T & T RICHMOND LP
Applicant GREG BORCHARDT C/O PM DESIGN GROUP, INC.
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL APPROVAL**

Boardmember Woldemar referred to page SD1.0 and said there are two dimensions on the eastern end of the building, one of which clearly reads 18' and the second reads 17' but when comparing them, it looks like the plan was not redrawn.

Greg Borchardt, PM Design Group, Inc., said it is 7' and there is a small mark that looks like a "1". Boardmember Woldemar asked if it was expanded for the outdoor seating area, and Mr. Borchardt stated they expanded the walkway to 7' as requested at the last meeting but not the outdoor seating area.

Boardmember Robin Welter said the Board did want to expand this because they wanted seating out there. Boardmember Woldemar said he noticed in the staff report there are comments from the land owner about not wanting to have the seating area there.

Mr. Slaughter stated the applicant reviewed the staff report and conditions of approval and had concerns about Condition Nos. 4, 6 and 9. They addressed all other recommendations. Condition 4 relates to long-term bicycle parking for employees and they just requested to have short-term parking because there are no shower facilities or overnight accommodations. It is typical bicycle parking intended for employees and staff can change the wording on this. They also had a concern about the 4" raised speed table. They felt it would be problematic because of the ADA ramps. Staff is comfortable with allowed this to be demarcated with bumps or different pavement, as there is not enough room to fit the raised ramp without being constrained. He pointed to its location on Exhibit B.

Boardmember Woldemar said if one came off of the handicapped parking spaces, turned right and then left, he suggested extending it further so the crosswalk portion is further east. He said it does not have to rise up the full 6 inches of the curb, but there could be a differential grade of 2-4 inches and then a slope to get to it. He stressed people first and cars second, and because of the distance from the handicapped parking he would like to see these people protected as much as possible, and this could lead to a different number instead of 7 feet to align with that walkway.

Mr. Slaughter said staff would defer to the Board's discretion on this. Regarding the last Condition 9, outdoor seating, the applicant states that "Jack In the Box is removing outside areas for most of their existing facilities and not installing them on new projects. The outside eating areas have led to safety concerns for employees and patrons. Vagrants usually use the facilities and it becomes the manager's responsibility to police the area." He explained that he heard similar concerns earlier, which is why he made the condition that if it was problematic, they could revisit it later but he thought they could try and make it succeed because there is existing outdoor seating along Macdonald Avenue. After hearing from the applicant, the Board can make a determination.

Chair Fetter referred to the raised pad and he has questioned this. If somebody puts a drink down in a car and in going up over a bump, the drink spills and it is an issue.

Boardmember Ray Welter referred to Item 1 which states the residence shall be built in substantial plans, and Mr. Slaughter apologized and said he will fix this.

Boardmember Ray Welter asked if the first accessible parking space supposed to be a van space which would require an 8' area. Chair Fetter said he thinks this varies among jurisdictions.

Boardmember Woldemar said it looks as though the applicant has done 12, 12 and 5 feet, but he would say the first and most close to the front door has the van space and the unloading zone is supposed to be 8 feet and not 5 feet and he thought this would be caught at plan check. It may mean the 4 foot wide ramp proposed to get on the sidewalk might shift to the east by a few feet, which is better.

Chair Fetter called on the applicant's presentation.

Dave Ladue, PM Design Group, said the new code is the 12 foot for the handicapped spot, 5 feet for the striping and they just followed the new building code for this. They will indicate this is the van accessible space. He stated they have had problems with vagrants with outside seating areas and they are removing them. He would like to have this removed from the conditions, but understand if it is something the Board would require. They would make minor modifications.

Boardmember Woldemar asked if this is a Richmond issue or Walnut Creek issue. Mr. Ladue said it is a system-wide mandate because there have been sites in San Jose that had them previously and they have taken them out. Many franchise stores still have them, but the company has made a decision they are not going to install any new ones unless it is mandated. Boardmember Woldemar said while he understands corporate policies, it seems that many other fast food places are requiring them and it is not very friendly. Mr. Ladue said it is not feasible to fence this area or close it at night, but the manager will have to police it if it becomes a problem. Mr. Slaughter noted the shopping center has armed security, but he does not know their hours of operation and are very visible.

Boardmember Robin Welter said to her the seating would be okay if security does patrol and then if they become a problem, the seating could be taken out. Mr. Ladue agreed to redo the landscaping area so as not to have to return because they have space to do this and the Board agreed.

The public hearing was closed.

Boardmember Woldemar made a motion to approve PLN14-081 based on the staff's recommended 4 design review findings, based on the staff's recommended 19 conditions with the following 2 amendments: Condition No. 4; in the first line "The applicant shall provide 4 ~~long-term~~ employee parking spaces between the refuse area..." and for Condition No. 6, change "4 inches" to "3 to 4 inches" and add a line that "The walkway is to be located further to the east and that the patio adjoining will be 4 to 6 feet wider than as currently shown." Boardmember Ray Welter seconded the motion for discussion purposes.

Chair Fetter asked to amend the motion and asked if the last proposed change to the condition could be done. Mr. Ladue said there would be a weird jog to get to the drive-through with the ramp if they had to slide this to the east because they do not want to eliminate removing a parking space. With 2 to 4 inches, they could taper the edge but when getting up to 3 inches, it will be a longer taper.

Boardmember Woldemar said he thinks it is a matter of how the alignment is done. The walkway may be angular or there might be other ways to do the walkway and concrete so it comes together and there is a straight path. Mr. Slaughter suggested one option where the two parking spaces could be compact spaces and they could save 2 feet.

Mr. Ladue said he agreed with this because they would rather have regular parking spaces close to the store. Chair Fetter suggested changing the wording to achieve the applicant's goals while not being too specific about the routing.

Boardmember Robin Welter suggested an alternative to the bump as flashers or something noticeable. Mr. Ladue said he thinks with 2 inches would work best. Boardmember Ray Welter suggested this in addition to a different material, like doing a concrete bumper.

Boardmember Woldemar said the key thing is to slow down traffic and make it obvious that they are crossing a pedestrian area. Mr. Ladue said everybody will be stopped at the drive thru window so they will not speed through, and they could place a stop sign. Boardmember Woldemar said he would like it further east and said wheelchairs could go straight across and then do a 2-4 inch differential.

Chair Fetter asked if there could be a more gradual ramp coming up so cars come up at a more gradual pace.

Boardmember Robin Welter suggested a pedestrian crossing sign. Chair Fetter asked the applicant for a proposal with some better wording. Mr. Ladue said they can definitely have signage to watch out for pedestrians because the exit is so close to the drive-thru. He said the 2 inch raised path is fine, and compact spaces. They can also work with planning staff to achieve what is needed.

Boardmember Woldemar said he thinks staff's wording is fine and he wanted to expand it to get a greater patio and getting further away from cars starting up.

Chair Fetter asked to make an amendment to the motion, which is to remove the word "employee" because they are not going to enforce who uses the bike rack, just not long-term. Mr. Slaughter said he will remove the word "employee" and "long term" bicycle parking. It should state "The applicant shall provide 4 bicycle parking spaces between the refuse containers at the rear."

Mr. Slaughter said his recommendation is that there be 4 in one location and 4 at another location for a total of 8. Boardmember Ray Welter suggested removing “long term and short-term” and “employees.”

ACTION: It was M/S/C (Woldemar/Ray Welter) to approve PLN14-081 based on the staff’s recommended 4 design review findings, based on the staff’s recommended 19 conditions with the following 2 amendments: Condition No. 4 be amended to read “The applicant shall provide 4 bicycle spaces between the refuse containers in the rear of the building and 4 bicycle parking spaces in front of the building...”; Condition No. 6 be amended, changing “4 inches” to “...to be elevated to a 3 to 4 inch” and adding a sentence that indicates that “the pedestrian walkway shall be relocated further east to create an expansion of the patio space from 4 feet to 6 feet in additional space” and for staff to work with the applicant to achieve this condition amendment, unanimously approved by voice vote: 5-0-1 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter and Woldemar; Noes: None; Absent: Whitty).

2. PLN13-192 RICHMOND MEMORIAL AUDITORIUM

Description	PUBLIC HEARING TO CONSIDER CARPET AND PAINT COLOR CHANGES IN THE LOBBY OF THE RICHMOND MEMORIAL AUDITORIUM, A CONTRIBUTING STRUCTURE TO THE CIVIC CENTER HISTORIC DISTRICT.	
Location	403 CIVIC CENTER PLAZA	
APN	515-210-001	
Zoning	PC, PUBLIC AND CIVIC USES	
Owner	CITY OF RICHMOND	
Applicant	MARK ALBERTSON, AIA/CITY OF RICHMOND PUBLIC WORKS	
Staff Contact	HECTOR ROJAS	Recommendation: PROVIDE INPUT TO STAFF

Mark Albertson, AIA/City of Richmond Public Works, stated he provided some 11x17 drawings and distributed them to the Board. Mr. Albertson stated Mr. Rojas wanted him to discuss the elevator finishes because this was an open-ended item from the previous discussion. This also drove their carpet decision and why they chose this as their number one option. He said they looked at other options and one concern he has is that in talking with representatives of materials is cost. He wants to draft the project and put it out to bid as a base bid with the brick around the base and the elevator as just having drywall and then have an add alternate with the intent to ensure in the bid process that bidders look at their price through a different lens than what they would if it was proprietary material for glass.

Boardmember Woldemar referred to the drawings which show a single line and a double line, and he noted that the reveals is a very elegant and a nice detail. Mr. Albertson noted there is another corner detail.

Boardmember Woldemar asked what the elevator tower finish and Mr. Albertson said it would be plaster or drywall finished to match what is there now but there is no need to finesse that out until they know where they are heading.

Mr. Albertson said the reason he broke it up with a wider band than the band at the base is that what he originally thought was to take 8” aluminum plate, put it on the wall and start and stop where they want to get the clear anodized finish and it picks up again. This is what the two bands would be. He said the reason they did not wrap it around to the back by the elevator doors is because the entire system gets interrupted by the floor plate and elevator and it gets cut up and as the elevator shaft goes to the roof and ceiling plane, it is 2 feet off of that current

dark blue fascia there now, and no one will get to appreciate that material. They are basically doing three sides all the way up to the roof. One the fourth side it would be drywall with a plaster finish.

Boardmember Woldemar said he noticed many things that are not up to code, and Mr. Albertson recognized there are historic preservation items they cannot touch. He went to the historic subcommittee and they asked him to go to the California Historical Code and seek out the exception for leaving that system as an existing historically significant handrail system even though they did through HDI come up with a design solution that brought it up to code and moved it from aluminum and glass to stainless steel and glass and they did not want to do that. The City has now accepted the responsibility of the fact that it is not code compliant.

Boardmember Woldemar said it is the scratching of the glass people have done which is very troublesome, and Mr. Albertson noted the guardrail condition is only 30 inches high. This was \$120,000 worth of handrails that did not have to get replaced.

Boardmember Ray Welter said he would still reiterate what he and Boardmember Woldemar were talking about in treating this as a whole lobby and not having that line separating it. When in the space and on the ground floor level, it reads as one space and he would still encourage bringing the banding along and continue it.

Mr. Albertson said they already looked at it and it is very doable. Boardmember Woldemar said there have been functions in the lobby and one end was the bar, one area was the food and another the awards area and it very nicely ends around the corner at the corridor at the double doors. Mr. Albertson said if they were to continue banding down the hallway with the dark blue, he asked and confirmed that Boardmembers wanted it in a tile and continuing it to the main entry.

Chair Fetter concluded the informational item and confirmed there was no motion needed, except that the design move forward.

3. PLN14-068 HILLTOP DRIVE PAVILION MODIFICATIONS

Description PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE CONDITIONS OF APPROVAL FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A ±1,800 SQUARE FOOT PICNIC PAVILION STRUCTURE.

Location 4351 HILLTOP DRIVE

APN 426-330-006

Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)

Owner CHURCH OF LATTER DAY SAINTS

Applicant KYLE HARRIS

Staff Contact HECTOR LOPEZ

Recommendation: **NONE**

Hector Lopez gave the staff report, stating the project was approved on May 14, 2014 subject to three additional conditions of approval. Mr. Kyle Harris is present and is requesting formal approval.

Kyle Harris, applicant, said they received comments from Boardmembers Woldemar and Robin Welter about planting up and secluding the pavilion in and of itself and this is not what they are wanting to do. They want to keep it as open and as visible as possible for security reasons. In the past every time they have planted them up, they have had issues with security and he asked for next steps from the Board. He presented a series of pictures of what recent finished pavilions look like and said they attractive structures and they do not want to hide them. The use

of the pavilion is not a primary facility for the church but something used on a weekend evening for a few hours here and there. He said taking out parking and putting in additional landscaping really impacts their limited budget.

Chair Fetter said one of the problems at the last meeting was a limited landscape plan. He appreciates their consideration to hide the structure from neighbors, but said his issue is that in the past, the Board could see that there are other trees and he does not see them as representative as before. If people say they are going to plant something, the Board needs to know what is being planted. Mr. Harris said he will provide a revised planting plan to staff showing additional trees along the property line as well as the species, location, sizes, etc.

Chair Fetter said he was hoping the Board would be done with this and for the applicant not to have to submit another revision.

Boardmember Woldemar said he thinks the idea of what is a very nice structure with the picnic benches underneath, the classes and youth activities is great, that it has a band of concrete outside of the building which is a nice edge and two or three of the sides it has some beginnings of green. On the fourth side or east side, there is asphalt. The applicant has done everything to remove all but one handicapped space and in his mind, what is missing is the green space on that eastern edge. Further, they are adding new plant material and thinks they are proposing two new Japanese Maple trees with no information on their size. They are beautiful trees but are slow to grow. So the idea of trying to accomplish a green edge is not successful. He suggested putting in a band of shrubs that grows 30 inches high that creates a fence or edge, put trees in that will grow with a canopy of +8 feet. All of this takes time to grow and he asked to pick the right tree material. The applicant made the comment before that they cannot go behind their handicapped parking space, but this is not true. The section from the building code says they can, and he asked to move them around the corner, and plant a row of trees and a row of shrubs which will work nicely. The building is a nice building, but when looking at it from out in the street, it is a sea of asphalt in front of it.

Mr. Harris asked how is this different from what there is now because right now there is dirt with shrubs. Trees are there and are not being removed. He said there are some existing shrubs and when coming on the street by Hilltop Drive, there are some trees and shrubs already there in front and not a solid wall. Boardmember Woldemar said they are not very big. Mr. Harris asked how suddenly putting a pavilion in changes the entire feel or look.

Boardmember Woldemar said most of this will get removed, and Mr. Harris said there are no trees being removed and the field is simply a dirt field. Chair Fetter asked the applicant to explain where the photo is taken from, and Mr. Harris noted that the fence runs parallel with Hilltop Drive and approximately 70 yards from Hilltop Drive. Chair Fetter said the only reason the Board cares about what is there now is what will be taken out and what it will look like when finished. Mr. Harris said there are not shrubs or trees being removed, and Mr. Lopez added there are existing trees around the perimeter.

Mr. Harris said there is a substantial amount of existing greenery between the church lot and adjacent condominiums. Boardmembers discussed what currently exists and what does not exist. They confirmed sizes, species, shrubs and trees, fencing, the parking lot, and adjacent properties. Mr. Harris said people will not be able to be seen in the pavilion from a wall of shrubbery and as a parent this is difficult and it is a safety problem. He explained that they have youth accessing the pavilion for activities and they do not want vagrants lying on the benches with children accessing the pavilion.

Boardmember Woldemar suggested lower shrubs and trees and a zone from 30 inches to 8 feet that is open. He said he cannot respond to this sort of argument that there is good design, bad design and security design which does not necessarily mean wide open space. He said he has expressed his opinions in the past and he will leave it to the rest of the Board.

Mr. Harris said even with a 30 inch high shrub, someone could be passed out or sitting down and leaning at a table and if they wanted to hide behind that they could. Even if kids wanted to get into trouble out there they could, but he is willing to work with some pockets of greenery which Boardmember Robin Welter discussed around the ADA access.

Chair Fetter said he thinks it depends on the way shrubs are spaced out. Boardmember Ray Welter said he does not see it necessary to have big shrubs and asked for some green areas with low groundcover, some grasses to give some relief from the asphalt. Boardmember Robin Welter suggested putting a planter strip in the middle of the concrete section maybe 4 feet where you need access, and maybe 4 or 5 smaller trees with color could be put in. Lawn will probably not work well under the redwood trees and there is also a drought issue.

Boardmember Ray Welter said his design comment is not necessarily what it looks like from the street, but even if the existing shrubs were not present, he finds it hard to believe that you would be able to see anybody there currently with the fence and tables that will be there. He thinks the edge needs some pockets of greenery and like Boardmember Robin Welter he would like something to break up the asphalt area.

Mr. Harris said Boardmember Robin Welter described 4 foot wide pockets of greenery and Boardmember Robin Welter said 4 feet could fit smaller trees and it is a substantial amount of space for plantings. She suggested native bank grass because it could be cut down, but even if they let it go, it would look great. It is located on Hilltop by the movie theater which is on a hill. It is drought tolerant and looks great.

Chair Fetter said along the fence, they could propose groundcover and do planting so this does not serve as a hiding spot. But the Board is saying that the view of the asphalt needs to be broken up, and this can be done without compromising security.

Mr. Lopez said the other issue is the disabled parking stall location and Mr. Harris said this could be moved around the corner. Chair Fetter asked what is the Board approving tonight. Boardmember Ray Welter suggested the applicant provide the landscape submittal to Mr. Lopez and it could come back to the Board to ensure it meets everything discussed tonight.

Mr. Harris said their concern is that they did not want to have to remove the asphalt and Boardmember Woldemar said this might be part of the basic problem; there is the strip of asphalt where the applicant has said they can move the handicapped parking space around the corner on the end, but what does the strip of asphalt represent. He suggested some of it come out and become planting pockets. Some of it could become a plaza like entry space so there are good site lines into the area. This could make it a much more special place other than a pavilion sitting around a sea of asphalt, and he asked to be more creative.

Mr. Harris said their hands are somewhat tied as they have a very limited budget. They will return with what they can afford. Boardmember Woldemar recognized this is a church group and other churches have gone to their congregation for a pledge program to raise funds. He suggested making the pavilion 20 feet shorter at this time and to use this money to create some of the site improvements that should go along with the building. He reiterated that the Board does not approve buildings in a vacuum but those set in an environment with people using them and he asked that the two come together.

Mr. Harris said if there is no roof over the pavilion, he asked if they even needed to come before the Board. Mr. Lopez said this is a structure, yes, and if they just pour cement, it depends on whether or not the actual area exceeds a certain threshold.

Mr. Harris said they are now talking about cutting the parking lot up and creating the pods in the parking lot, and Boardmember Ray Welter said this is just an option. The concept is that there be some pockets of greenery somewhere along that edge.

Chair Fetter asked and confirmed that the item could return one month from this date.

Boardmember Woldemar suggested a subcommittee meeting be held and discuss something that could be agreed upon by all parties. Mr. Harris asked to have his landscape architect work with Mr. Lopez for a meeting in the next couple of weeks and the Board concurred.

ACTION: It was M/S/C (Fetter/Robin Welter) to continue PLN14-068 to the July 23, 2014 Board meeting; unanimously approved by voice vote: 5-0-1 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter and Woldemar; Noes: None; Absent: Whitty).

Board Business

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

Chair Fetter said the idea of his emailing staff is to agendize items which are requested by Boardmembers. Mr. Atencio suggested working through Jonelyn Whales on this.

Boardmember Woldemar said he saw a note late this afternoon about potential discussion on the proposed resolution, and Mr. Atencio said the Board could talk about scheduling of the resolution but nothing about the resolution's content.

Boardmember Woldemar suggested Boardmembers read the resolution, send their comments to Ms. Whales and for the resolution to be agendized for discussion on July 23rd.

Boardmember Woldemar said he still has not yet heard about the Board's request for a discussion on complete applications and submittal requirements. Mr. Lopez said he was going to coordinate a meeting during the afternoon, and staff would like the Director involved but he was on vacation and not available until August 7th.

Boardmember Woldemar also stated that he received a note from Sabrina Lundy that the Chair needs to appoint a nominating committee. On July 23rd, new officers must be elected and Chair Fetter asked for interest. Boardmember Robin Welter volunteered to serve on the nominations committee. Boardmembers were asked to contact Ms. Whales as to their interest on serving on the committee prior to the July meeting.

Adjournment:

The Board adjourned at 7:36 p.m. to the next meeting on July 23, 2014.