

JOINT DESIGN REVIEW BOARD AND PLANNING COMMISSION MEETING
Council Chambers, Community Services Building
1st Floor, 440 Civic Center Plaza, Richmond CA 94804
February 26, 2014
6:00 p.m.

DESIGN REVIEW BOARD MEETING:

BOARD MEMBERS

Brant Fetter, Chair
Robin Welter
Eileen Whitty
Don Woodrow

Brenda Munoz, Vice Chair
Ray Welter
Mike Woldemar

Chair Fetter called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Chair Brant Fetter; Vice Chair Munoz; Boardmembers Robin Welter; Eileen Whitty, Michael Woldemar, and Don Woodrow

Absent: Boardmember Ray Welter

Staff Present: City Planners Kieron Slaughter, Hector Lopez, Hector Rojas; Director Richard Mitchell, and Attorney Carlos Privat

APPROVAL OF MINUTES

January 22, 2014:

ACTION: It was M/S (Woldemar/Whitty) to approve the Minutes of January 22, 2014; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Ray Welter).

APPROVAL OF AGENDA

ACTION: It was M/S (Woldemar/Robin Welter) to approve the Agenda; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Ray Welter).

Public Forum - Brown Act:

Cordell Hindler, Richmond, suggested a combined hotel and condominium for those with disabilities in Richmond.

Council Liaison Report - None

CONSENT CALENDAR:

Chair Fetter noted there are three items on the Consent Calendar. He asked if Boardmembers wished to remove an item from the Consent Calendar. Boardmember Whitty requested removal of Item 1.

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

ACTION: It was M/S (Whitty/Robin Welter) to approve Consent Calendar Items 2 and 3; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Munoz, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Ray Welter).

Items Approved on the Consent Calendar:

CC 2. PLN13-266 ADAMS SINGLE-FAMILY RESIDENCE

Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW ±2,445 SQUARE FOOT SINGLE FAMILY RESIDENCE ON A ±14,000 SQUARE FOOT SITE.

Location 6333 JERILYNN AVENUE
APN 419-195-009
Zoning SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL)
Applicant CARL ADAMS (OWNER)
Staff Contact HECTOR LOPEZ Recommendation: **HOLD OVER TO 3/12/2014**

CC 3. PLN13-222 LUMBER BARON SIGN

Description PUBLIC HEARING TO CONSIDER A SIGN VARIANCE TO EXCEED THE ALLOWABLE SIGN AREA FOR WALL SIGNS.

Location 1140 HARBOUR WAY SOUTH
APN 560-260-033
Zoning M-2 (LIGHT INDUSTRIAL DISTRICT)
Owner COGNIS CORPORATION
Applicant MAX SLENDEBROEK

Items Removed from the Consent Calendar:

CC 1. PLN13-318 LIFELONG MEDICAL CLINIC

Description PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT AND ZONING VARIANCES TO ALLOW CONSTRUCTION OF A ±4,313 SQUARE FOOT COMMUNITY MEDICAL CLINIC.

Location 150 HARBOUR WAY
APN 540-290-001
Zoning C-B (CENTRAL BUSINESS DISTRICT)
Owner IPCO DEVELOPMENT CORPORATION
Applicant LIFELONG MEDICAL CARE
Staff Contact HECTOR ROJAS Recommendation: **RECOMMEND APPROVAL TO THE PLANNING COMMISSION**

Hector Rojas gave the staff report, stated the project applicant, Nance Rosencrance will provide an overview of Lifelong Medical Care as well as Alexis Burke from SPGA Architecture who will discuss the project plans. He distributed a handout to the Boardmembers which provides visual simulations of the project. He said Berkeley-based Lifelong Medical Care operates 13 health centers in Novato, Berkeley, Oakland and Richmond. They recently purchased the site at 150 Harbour Way in the Iron Triangle neighborhood and are requesting approval of design review and variances to allow construction of a 4300 sq. ft. medical clinic. He described the zoning, uses, location, its compliance with development standards with the exception of the setback

standard along Bissell Avenue and the off-street parking standard. The variances will need to be granted by the Planning Commission in order to approve the proposed project. Staff is recommending approval of the design review permit and variances based on the project's design quality and its alignment with the goals and policies of the General Plan's Community and Health and Wellness Element.

Nance Rosencrance, Director of Strategic Planning, said she is excited about the project and she gave an overview of Lifelong Medical Care, stating they are a 20-year community health center and they ensure that people of low income or disadvantaged have access to health care. They began serving seniors, have a clinic in Berkeley called the Over 60 Health Center which is a nationally known model for seniors. In Richmond and San Pablo they are known as Brookside Community Health Center. They have 4 sites; one in San Pablo and three small sites in Richmond. Their goal with this project is to take the William Jenkins Pediatric Center on Broadway and move it to this new site to better serve children in the community.

Alexis Burke, SPGA Architecture, spoke about the variance requirement, given how buildings are set back from the street edge. To accommodate the construction of a permanent facility they need a variance for this as well as to allow the clinic to function during construction of a permanent building. She noted that Lifelong has purchased the site and are the current owners and in an effort to make sure the public face of the property is still pleasing, they pushed a public space to the corner and made a plaza area for the community that includes two container gardens, several street trees along Harbour and Bissell, trees in the interior plaza, a children's play area and a smaller parking lot pushed to the rear of the site to emphasize public transit and pedestrian-oriented options for entry.

Ms. Burke then displayed the view from Bissell which is the main pedestrian entrance to the property, the corner of Harbour and Bissell, the view from Harbour within the public courtyard, the landscape plan and plant legend showing proposed plantings. Planting along the edge of the property is per Police Department requirements, there will be several trees on the interior of the plaza, and street trees would remain beyond the temporary facility and be part of the permanent construction. They are all drought tolerant native plants, as well. She presented the demolition plan, exam and administrative buildings, the deck that connects them, the roof plan, elevations through the site, trellis structures, the trash enclosure, signage elevations, an elevation of a proposed low security fence that would close and lock the plaza at night, and the color and materials board.

Boardmember Woldemar asked and confirmed with Mr. Rojas that the DRB subcommittee did not review the project due to not being able to work out a date for the meeting.

Boardmember Woldemar said he believes this is one of the best presented projects the Board has seen and asked if the buildings were on permanent foundations. Ms. Burke said yes, they will have to be on permanent foundations. He said these buildings have a shallow sloping roof to each side and he confirmed there were no gutters. Ms. Burke stated that they could add gutters. Boardmember Woldemar asked about C3 requirements, and Ms. Burke said because of the amount of hardscape being disturbed, they are not obligated to do the stormwater control plan. Currently, the site sheet sheds to all street frontages evenly which act as swales which will work well.

Boardmember Woldemar asked about air conditioning boxes and Ms. Burke confirmed there will be HVAC and it will be concealed by a panel. She agreed that this screening could be included in conditions. Regarding color, Boardmember Woldemar asked about fencing, the columns supporting the trellis structures, and Ms. Burke said it is on the material board; it is a painted tube steel and is a dove grey color, similar to the planters. Boardmember Woldemar confirmed

the benches are proposed to be black. Ms. Burke said they propose black benches, bike racks and lockers, and Boardmember Woldemar suggested these be changed to the awning color which is rusty red. Ms. Burke said they would be open to this color, and felt the color works well.

Boardmember Whitty stated the address of the project is 150 Harbour Way and she asked where this would be displayed. Ms. Burke said they would need to place it on the monument sign at the corner of Bissell and Harbour Way. Boardmember Whitty encouraged Ms. Burke to provide directional signage inside the business and outside. Ms. Burke said there are actually two entrances to the plaza; one on Harbour and one on Bissell so one can get into the central courtyard from either entry point, and directional signage to parking will be important. Boardmember Whitty suggested indicating "entrance to the right, parking to the rear" so it is clear.

Regarding air conditioning units, Ms. Burke confirmed with Boardmember Whitty that some will be on the roof and she was not sure about the administrative building details. The examination building will have some HVAC on the roof and they can screen it.

Boardmember Whitty asked and confirmed that parking gates will be open in the morning, left open during business hours and closed and locked at dusk. Regarding trash facilities, Ms. Burke stated one can be located at each gate. Boardmember Whitty asked why they are not taking the small building and putting it parallel to the long building so there could be more parking. Ms. Burke said this was partly at the request of the planning department. They wanted to minimize the parking further and to make a more generous public space at the corner.

Boardmember Whitty asked where the public space on Bissell is located, and Ms. Burke presented the site plan and said currently, the public space is within the "L" the buildings make and it is open during the day. People from the public will be able to come and sit and it will essentially be a public park. Boardmember Whitty said if the small building was moved over, it would not take up a lot of that space. Ms. Rosencrance commented that what they are trying to do is build the temporary buildings so when they are ready to build a permanent clinic, they can do so without disrupting services. Boardmember Whitty asked if extensive landscaping would be done and then move the building. Ms. Burke said if they move the small building, they will have to disrupt clinic services, and they are thinking about 5 to 10 years. Ms. Rosencrance added that they want to develop it over time because the existing building is too small for them. This plan gets them through the next 5 years but not the next 25 years.

Boardmember Whitty asked for the reasoning behind 5 spaces versus 22 spaces. Mr. Rojas noted the total amount is 8 spaces and he pointed out that the project will take almost the entire block. There are also on-street parking spaces available, and planning staff is in support of the amount of parking proposed. This happens to be a transit corridor and it is in the City's bike and pedestrian plan and considered a bicycle lane corridor.

Boardmember Whitty stated at the Richmond Health Center at 2600 Macdonald, she asked for the amount of square footage and number of parking spots. Ms. Burke said she would estimate that to be 1,500 square feet and there is a parking lot that has 30 spots but they are sharing it with 4-5 other tenants. She said there is zero parking on Nevin Avenue, two handicapped spaces, and at the third site they have 5 parking spaces. They serve 47,000 patients a year throughout Liferlong. In Contra Costa County, they serve about 17,000 patients. About 2/3 are in San Pablo. Mr. Rojas reminded the Board that this is the variance which will be the purview of the Planning Commission in terms of land use.

Boardmember Whitty asked if they have had problems with congestion in the other facilities and Ms. Burke said no, they have not. Many patients take public transportation.

Boardmember Robin Welter asked how flexible is the southern building for moving 5 foot north to allow access to get in to maintain bamboo trees. Ms. Burke said this is flexible but they are trying to keep it as far south as they can to maximize the footprint for construction. They also need to provide the 5 feet for building code compliance on the south side. Boardmember Robin Welter asked if there is any plan to reuse the plants in the courtyard, and Ms. Burke said yes, the plan would be to reuse them on the site. Also, when they build a permanent building they will want to comply with the downtown planning guidelines and push it as much into the urban sphere as possible onto Harbour and Bissell.

Vice Chair Munoz asked if it is possible to move the trash enclosure forward towards Bissell Avenue. Ms. Burke said it is very tight right now because of allowing cars to back out into that space; however, they can push it a couple of feet.

Chair Fetter said he appreciates the materials submitted, but noted there are parts missing which are the air conditioning and mechanical equipment. He noticed there is access space in the back to the south behind the larger building near the water heater. They most likely have a forced air system which has a lot of equipment on the top regardless, so he would want to discuss a condition for this.

Chair Fetter opened the public comment period and there were no speakers.

The public hearing was closed.

Boardmember Woldemar stated that since the Board's action is a recommendation to the Planning Commission, he prepared the following conditions he would like considered:

- If there are gutters, that they be painted a consistent color and not grey;
- If there are downspouts, that they be painted to match the adjacent walls;
- That the ultimate design drawings include foundation vents and crawlspace access hatches so people can see where they will be and where they will not be;
- If there are rooftop mechanical units, per the City's ordinance, they shall be screened from public view, and the secondary screening would need to be something compatible with the design character of the building and the color of the screening be compatible with the buildings, per staff's discretion. If they are wall mounted mechanical units, secondary screening and the same conditions be applied, or painting to match adjacent wall colors would be appropriate, particularly if they were on the back side of the project;
- That fences, trellis supports and all other site furniture except raised planters be a brighter color and not grey and not galvanized. He indicated he prefers the awning color;
- That there be included a site refuse or trash cans located in several spots where most appropriate;
- That trim details be included for the staff's review, particularly fascia board details, handicap ramp wall caps, and hand rails;
- Keep enough access behind the southern building, possibly having to remove some of the bamboo (Robin Welter);
- Additional benches along Bissell Avenue inside the fence (Whitty); and

- Signage at the corner of Bissell Avenue and Harbour Way to include the address of 150 Harbour Way and directional arrows to side gate entrances and parking, as well as signage inside.

ACTION: It was M/S (Woldemar/Robin Welter) to recommend approval of PLN 13-318 to the Planning Commission, based upon the staff's recommended 4 findings, on staff's recommended 19 conditions, with the following additional conditions as stated in the record; unanimously approved by voice vote: 7-0 (Ayes: Fetter, Munoz, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Absent: Ray Welter).

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

Boardmember Woldemar stated the Board has a current vacancy and he asked for interested parties to contact staff if they would like to serve on the Board. He stated that he and Boardmember Whitty term out next year.

Adjournment/Break:

The Board adjourned its meeting at 6:50 p.m. and took a 10 minute break.

PLANNING COMMISSION MEETING

COMMISSIONERS

Sheryl E. Lane, Chair
Andrew Butt
Eduardo Martinez
Melvin Willis

Ben Choi, Vice Chair
Marilyn Langlois, Secretary
Robert Reyes

Chair Lane called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chair Sheryl Lane; Vice Chair Ben Choi, Secretary Marilyn Langlois, and Commissioners Andrew Butt and Eduardo Martinez

Absent: Commissioners Robert Reyes and Melvin Willis

Staff Present: Jonelyn Whales, Kieron Slaughter, Hector Lopez and Carlos Privat

APPROVAL OF MINUTES

November 7, 2013:

Chair Lane stated there are references attributed to Vice Chair Reyes and it should be changed to read Commissioner Reyes.

ACTION: It was M/S (Choi/Butt) to approve the minutes of November 7, 2013, as amended; unanimously approved by voice vote: 5-0-2 (Ayes: Butt, Choi, Langlois, Martinez and Lane; Noes: None; Absent: Reyes and Willis).

December 5, 2013:

Chair Lane noted that the minutes state that the meeting was adjourned at 6:48 p.m. to the next regular meeting on December 19, 2013, and she asked that “to the next regular meeting on December 19, 2013” be deleted.

ACTION: It was M/S (Butt/Martinez) to approve the Minutes of December 5, 2013, as amended; unanimously approved by voice vote: 4-0-1-2 (Ayes: Butt, Choi, Martinez and Lane; Noes: None; Absent: Reyes and Willis; Abstain: Langlois).

Chair Lane briefly reviewed meeting protocols, and called for public speakers under the Brown Act, and there were no speakers.

Brown Act – Public Forum: None

CONSENT CALENDAR:

Chair Lane noted there are two items on the Consent Calendar. She asked if Commissioners or any member of the public wished to remove Items from the Consent Calendar. Mr. Rojas stated staff requests removal of Item 6 from the Consent Calendar. Commissioner Langlois requested removal of Item 5.

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

Items Approved on the Consent Calendar: None

Items Removed from the Consent Calendar:

Public Hearing(s)

CC 5. PLN13-298 METRO PCS WIRELESS FACILITY MODIFICATION

Description	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW MODIFICATION TO AN EXISTING WIRELESS FACILITY AND THE ADDITION OF EQUIPMENT ON THE EXISTING MONOPOLE/SIGN.
Location	423 46 TH STREET
APN	517-122-009
Zoning	MEDIUM INTENSITY MIXED-USE (COMMERCIAL EMPHASIS)
Owner	CONTRA COSTA ASSOCIATION OF REALTORS
Applicant	ALYSE MATHIS C/O STREAMLINE ENGINEERING & DESIGN
Staff Contact	KIERON SLAUGHTER Recommendation: CONDITIONAL APPROVAL

Kieron Slaughter gave the staff report and brief description of the request for a Conditional Use Permit to allow modification to an existing wireless facility and the addition of equipment on the existing monopole/sign.

Commissioner Langlois thanked staff for the report and aerial photograph. She referred to the photograph showing the current three-panel tower and asked if the replacement of a 6 panel tower will look any different. Mr. Slaughter said it should look the same and will be painted the same as the sign. Commissioner Langlois asked if this was entirely within a commercial district,

and Mr. Slaughter said there are quite a few residential homes, but the zone is commercial. Commissioner Langlois stated she believes that when changes are made or when a new wireless facility is installed, it needs to be at least 100 feet away from residences, and she asked if this request met that requirement. Mr. Slaughter said since it exists, this is a request for modification, so it is treated differently.

Assistant City Attorney Privat stated the 100 foot setback has to do with whether the item goes to the Zoning Administrator versus the Planning Commission, but he would have to further research the second question. Commissioner Langlois referred to the next item and on page 2 of the staff report it states "In all residential zones and commercially zoned property which is contiguous to a residential zone, any wireless communications facility shall be set back from a property line by a minimum distance of 100 feet or 150% of the maximum height of the antenna and freestanding support structure, whichever is greater" and it provides the reference for the ordinance.

Mr. Rojas referred to Zoning Ordinance Section 15.04.890.050 (a) (15). What Commissioner Langlois stated is true; however, the section does allow the Planning Commission to make a determination that the lesser distance will not have perceivably greater noise, visual or aesthetic impact with respect to properties within the abutting zone, and further provided that there not be less than 10 feet of separation between the property line which is contiguous to the residential zone and the proposed wireless communications facility. In this case, the facility is adequately screened and under the Code, the Planning Commission has an ability to approve it within what otherwise would be the 100 foot setback.

Commissioner Langlois said the facility itself is very unobtrusive and as long as this is not substantially changed, she sees no problem with that.

Commissioner Martinez said he noticed the number is increasing from 3 to 6 panels. He asked how much more RF will be produced. Mr. Slaughter said he will let the applicant speak to this, and Mr. Privat said the Commission cannot regulate RF as long as the facility meets the federal requirements.

Chair Lane called upon the applicant.

David Alameda, Arnold, representing Metro PCS, stated they are requesting to modify the site by removing the 3 existing antennas with 6 new antennas and he was available for questions. In this particular case, the existing antennas that are there, the new EMF report comes in about the same, so it does not double and he confirmed they are well within the federal guidelines.

Chair Lane opened the public comment period and there were no public speakers. Mr. Slaughter then summarized the recommendation for approval.

The public hearing was closed.

Commissioner Langlois commented that she will support this item and reminded the Commissioners that according to federal law, the Commission is not able to take into consideration any potential negative health impacts of wireless facilities. Many residents are convinced they have had health impacts from them, but federal law has determined otherwise.

Commissioner Martinez stated he will abstain because at times, some laws overstep the boundaries of common sense. He believes federal law is

ACTION: It was M/S (Choi/Butt) to approve PLN 13-298 with staff recommended conditions and findings; unanimously approved by voice vote: 4-0-2-1 (Ayes: Butt, Choi, Langlois and Lane; Noes: None; Absent: Reyes and Willis; Abstain: Martinez).

CC 6. PLN13-277 AT&T WIRELESS FACILITY MODIFICATION

Description	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW MODIFICATION (REPLACE SIX EXISTING ANTENNAS AND ADD THREE NEW ANTENNAS) TO AN EXISTING AT&T WIRELESS FACILITY.	
Location	5221 CENTRAL AVENUE	
APN	510-081-055	
Zoning	C-3 (REGIONAL COMMERCIAL DISTRICT)	
Owner	NORTHERN PROPERTIES LLC	
Applicant	CHRISTY ROBERTS	
Staff Contact	HECTOR ROJAS	Recommendation: CONDITIONAL APPROVAL

Hector Rojas gave the staff report and a brief summary of the request for a Conditional Use Permit to allow modification to replace 6 existing antennas and adding 3 new antennas to an existing AT&T wireless facility in the Southwest Annex neighborhood. He said Christie Roberts from CBR is present to answer any questions. The project does not meet the wireless ordinance requirements, particularly having to do with screening and setback. The applicant had agreed to a condition that would require the northern antennas to be removed or relocated to the southern end of the building to maintain a 108 foot setback requirement. After additional review by the applicant and analysis, they have found this will increasingly impact their ability to provide service in the northern direction and they are now asking for an exception to the setback requirement. Staff's position is that the Commission can make this condition as far as a setback; however, the requirement would be similar to the last item, where antennas would have to be camouflaged or screened. Therefore, staff's recommendation would be to hold over the item until staff receives revised plans that would meet that requirement.

Commissioner Langlois stated it was frustrating to her in reading the packet. She referred to a section entitled, "Photographic simulation" and she does not see any simulation of what the structure would look like. She sees photographs of the existing appearance only. She asked that if the Commission held over the item, she asked that the applicant provide photographs of what it would look like.

Chair Lane echoed Commissioner Langlois' comments.

Commissioner Butt asked what the history of this was relative to any previous review or approval by the Planning Commission, as there was some question as to whether it was ever permitted in the past. Mr. Rojas said he did not review the permitting history, and he assumed it was a permitted facility. He agreed to obtain the project approval number and history of the item when it returns.

Christie Beltrans Roberts, CBR Group representing AT&T, introduced **Bill Hammet** to address technical issues, and she was also available for questions. Today there are conditions that require AT&T to replace the antenna. Staff is recommending they set back two of the sectors of antennas 108 feet back from the northern edge of the building's property line. As of today, they

received information from AT&T engineering that this distance will not meet the coverage objective. She indicated she has information that shows how this does not meet the coverage objective which she distributed to Commissioners. The second to the last page shows the existing coverage and the last page shows that if AT&T was to move those antennas set back 108 feet the degradation in signal quality would be impacted to the point where it would not be able to serve effectively to its customers, emergency service providers and the area. AT&T is not opposed to moving the antennas back a certain distance and camouflaging them and putting a stealth screen around them; however 108 feet is too significant. She said there are 6 antennas located at the edge of the building and one sector can be moved back, but a set of 3 antennas will need to stay as close to the building edge as possible.

Commissioner Butt asked for further explanation of the graphic.

Ms. Roberts referred to the second to the last page which states "indoor LTE 4G service coverage area at the current antenna location". The green circle and the star represent the site itself. The blue represents the signal coverage area. The next page shows that same site location and there is not as much blue to the north because of the degradation in signal. So again, AT&T is not opposed to moving those antennas back a certain distance, but the signal quality is reduced. They are not also opposed to screening it and can work with the color blocking scheme of the building, and Bill Hammet can address any health and safety questions in terms of the transmissions of the antennas.

Commissioner Langlois referred to the 2nd to the last page showing the coverage at the "current antenna location", and asked if this is current coverage, and Ms. Roberts said yes. By replacing these, they will have additional indoor coverage and capacity. She explained AT&T provides a variety of services and they are trying to improve indoor coverage and the much needed capacity for customers and emergency service providers.

Commissioner Langlois referred to the next page and said staff is recommending the 108 foot setback. It looks as though the current setback is 30 feet and the requirement would mean moving it 78 feet altogether. She said this seems like a small amount relative to the area and she asked how this has such a huge impact on coverage area. Ms. Roberts said while 78 feet is not a significant amount to move, it does provide added coverage and capacity, and without it, the signal is compromised.

Commissioner Butt said aside from technical nuances, it looks like the only real difference is ½ mile of coverage down the I-80 corridor, and Ms. Roberts said this is correct, but it could cause a dropped call and it would compromise the network.

Bill Hammet, registered professional engineer, Sonoma, part of their practice is the calculation, measurement and mitigation of radio frequency exposure conditions. He has been in the business 25 years. They do not design the networks, but can explain how they can perform. He said Ms. Roberts is correct in that they do not want the signal to go too far because it will cause interference with the next cell. They are improving the service by adding a band they now have available to them to carry the new LTE 4G service and this will allow them to do this. Rather than go up the freeway, they put a down tilt on the antennas so they do not interfere with the next cell site down. They will just serve this area. When pulling the antennas back from the edge of the roof, the signal is degraded. They can be back a bit, but if too far the signal degrades as it goes across the roof.

Commissioner Langlois asked what it hits now, and Mr. Hammet said there is nothing in front of it now. They have a clear shot out to the neighborhood and if it is pulled back 78 feet, it will not launch the signal well into those areas.

Commissioner Langlois thanked Mr. Hammet for his explanation but said she was still not convinced. Mr. Hammet explained they have down tilt which pushes it down to serve the area nearby and not necessarily up the hill. If it were looking up or straight, it probably would not make much difference, but if they did that, it would cause interference to the next site down. Their goal is to contain the signal and this is why they put a down tilt.

Commissioner Martinez questioned if something could be done with the tilt to reach the end of the tower envelope while still providing better bandwidth. Mr. Hammet said the solution is to raise the antennas because then they can have the tilt they need without causing interference to the next site down. They need to be 50 feet up in order not to impact the signal as it leaves.

Chair Lane suggested setting the antenna back to what is recommended and to go higher. Mr. Rojas said it looks like the options are A) leave the northern array where it is. Under the code it would need to be completely screened; B) set it back but in order to reach AT&T's goals with angles, the structure would need to go up higher. It sounds like AT&T's designers found that in addition to the 33 foot roof height, they would have to go another 30 feet. Therefore, the antenna heights would have to go up an additional 30 feet, so the question is whether this creates a visual impact.

Commissioner Martinez asked and confirmed AT&T if they are getting larger antennas to narrow the range. He asked if it was possible to go more than 6 feet and narrow the range further so they could have the setback. Mr. Hammet said there are diminishing returns in getting them taller and taller. The trade-off is height.

Assistant City Attorney Privat said a lot of new information came up tonight and there are exception findings that could be made as set forth in 150489100, but staff would need time to analyze that and he suggested the item be held over based on new information.

Chair Lane called for public comment.

Public Comments:

Garland Ellis, Vice President, RANC, stated they also support the Southwest Annex neighborhood and noted they jointly review projects in each other's area. The roof shown in the staff report is taken from the side. He presented pictures and said the antennas in question are directly on the corner of the building. Next to the building are railroad tracks and industrial in the other direction, but the antennas are right next to residences and they can be seen from front and back yards of all homes. He did not believe people were notified prior to putting up the original structure which has now grown. There are other ways of accomplishing this, but they would cost more money, and they would simply prefer not going that route. There are also different ways of screening antennas from installing them as an artificial tree, putting them in bell towers, and like the State of Indiana did, they allowed groupings at certain intervals and required the antenna maker be the same. He asked that the City require the carriers to work together. Also mentioned by the carrier was that they support emergency services, but they have their own radio bands and only fall back on cell phones if their radios do not work. In a big emergency cell phones get cut out and land lines are used as a backup. The main thing AT&T is telling the Commission is that they need more capacity. For years he has received calls from AT&T for internet, but they will not run T-lines through the area. Other cities have wired the entire city so coverage can go right into the cable. They want to limit the service to a wireless system. They want to do what is economically feasible for them but not the City. Regarding whether the antenna should be moved back, he thinks it should. No one wants to look out their bedroom window at an array of antennas. People will debate safety and FCC regulations, but

this is not conclusive. Cities cannot regulate the power, but they can regulate where they are located, what they look like and at least how many they want. The City needs to require carriers to place them strategically so it is not a nuisance to everybody. He suggested asking AT&T how many customers they have and how many they expect to expand, how many problems they have with cell phone service and other types of service and ask them to relocate them so they are unobtrusive to neighbors. There are other ways of making this come out better.

Mary Selva, President, RANC, echoed Mr. Ellis' comments and said there are other ways of designing this. She opposed the antennas abutting the homes and said the request does not meet Finding #3. Aside from the public health and safety, it does not meet the location, size, design and operating characteristics that the proposed use will be compatible with the neighborhood. It requires a Conditional Use Permit and the Planning Commission does not have to approve it. She believes the antenna can be relocated to somewhere away from the homes and shielded from public view.

Jerry Yoshida, RANC, said he has reviewed many cell phone antenna requests and thinks there are alternatives available. He can understand why they want it taller, but they have wall packs which are effective and a combination of both the tower with these would be better and reach the desired areas. The site is very ugly and hovers over the entire neighborhood. It must be shielded and screened. He said there is plastic material that can be used which does not block reception.

Alejandro Navarro, Southwest Annex Neighborhood Council, said he received the public hearing notice late and he said the requirement is 100 feet and he asked that the antenna be removed as it currently stands because it is non-compliant. None of the neighbors know about this and he asked that it be pushed out into the future so neighbors can be alerted. The antenna also does not match the building, has no screens, and it must be set back. He asked that working hours of 8AM to 5PM be respected as well.

James Reeves said he lives in the home right below the tower. He provided photographs to the Commission showing the towers and antennas which are unsightly. He was not sure they were permitted when installed, but they have lived in their home for 25 years and they were there when they purchased the house. One late night, additional antennas were being installed and the entire neighborhood objects to this. There is only a 5 foot setback to the building next door and the antennas are straight up above. He said radios are their primary source of communication during emergencies as well and for some engineer to tell him they are going to add 6 foot antennas and point them down at his house is unacceptable. AT&T has not spoken with neighbors at all and he voiced opposition to the request.

Rebuttal – Applicant

Ms. Roberts said she wrote down all comments and would like to meet with neighbors to see if they can come up with a solution to meet AT&T's objective as well as the neighbors' objectives. She reminded neighbors that the site is a permitted site. The application is not for relocation but to modify it so it meets the coverage and capacity objectives. They can improve the aesthetics, move antennas back to something other than 108 feet, screen them back, and come up with a compromised solution. As far as grouping antennas along the freeway, it already is a group situation and she would like to reach out to neighbors and meet with them.

Garland Ellis stated one option in looking at the aerial photos is that all of the equipment is placed on a roof, yet in the industrial complex it is set back a ways. He suggested running the pole up the building a little ways away, further back down their building so it is out of view of neighbors. This way there is not as much conflict with the other antennas. They would make

sure that the radiation from the power lines does not affect antennas. He suggested running a pole them between the power lines and building which is out of sight of residences and still within coverage area and he thinks there are other options to look at.

Commissioner Martinez said he was approached last week by someone from AT&T indicating that Ti-lines had been put into the Richmond Annex, and if so, he asked what streets are covered with T-lines and he asked how they interact with the cell towers.

Ms. Roberts said this project is a separate project that serves wireless telecommunications and devices. Commissioner Martinez asked if there are T-lines and Ms. Roberts said yes. Commissioner Reyes asked why wireless service would be needed when there are T-lines. Ms. Roberts said some people like to watch programs on their wireless devices and use their cell phones. Not everybody has land line telephones. She thinks people are evolving into a more wireless life than land line. Commissioner Martinez said wireless in the house could be run to a T-line, which means no transmission would need to be through towers. Ms. Roberts said they provide additional capacity so people have that option. Mr. Rojas stated that staff could provide a list of streets where T-lines are located.

Chair Lane asked Mr. Rojas to summarize staffs' recommendation, and Mr. Rojas said staff's recommendation is to hold over the item to a date certain. For the benefit of the community he would re-notice the item.

The public hearing was closed.

Chair Lane cited the various concerns that need to be addressed, as setback and spacing issues, work hours, aesthetics, AT&T to reach out and meet with the neighborhood, sharing of concerns and staff to work with AT&T to arrive at a solution that will work with everybody.

Commissioner Langlois stated she appreciated the neighbors bringing their concerns and concurs with Chair Lane that the applicants should work with the neighbors and address concerns with aesthetics and look at alternatives. Since the public hearing was closed, it will be re-noticed and she confirmed public comment will be allowed to be taken at the public hearing.

Commissioner Butt said it is interesting to see two examples of how cell towers or antennas are being proposed. The swiftness with which they approved unanimously the first one goes to show this body generally does not have a problem with them. He believes it will behoove AT&T to meet with the neighbors. This proposal could not be more of a contrast to the other proposal, and in general, it looks like the building owner does not care for the aesthetics of his building, as there is graffiti all over the bottom of it and unpermitted freeway signs on the building. He thinks as they get more requests that affect the built environment, the next subject should be to address aesthetics for residents. He is happy that both parties are amenable to working together and he hoped issues will be resolved.

ACTION: It was M/S (Lane/Langlois) to hold over the public hearing to April 17, 2014 Planning Commission meeting; unanimously approved by voice vote: 5-0-2 (Ayes: Butt, Choi, Langlois, Martinez and Lane; Noes: None; Absent: Reyes and Willis).

JOINT STUDY SESSION – DESIGN REVIEW BOARD AND PLANNING COMMISSION

4. PLN14-023 STUDY SESSION TO DISCUSS REGULATION OF LED SIGNS

Description STUDY SESSION TO DISCUSS ZONING TEXT CHANGES TO REGULATE LED/CHANGEABLE COPY/ELECTRONIC MESSAGE CENTER SIGNS.

Location CITY WIDE
Zoning C-2 (GENERAL COMMERCIAL) AND C-3 (REGIONAL COMMERCIAL)
Applicant CITY OF RICHMOND PLANNING DIVISION
Staff Contact KIERON SLAUGHTER Recommendation: **PROVIDE COMMENTS ONLY
NO FORMAL ACTION**

Kieron Slaughter stated staff has been directed to recommend options to amend the sign ordinance to regulate flashing and illuminated signs, otherwise known as LED signs. As background, planning staff has received two applications for new LED signs at existing locations and those applications are incomplete. Currently, the sign ordinance prohibits LED signs and staff is not acting on those applications and they are not before the Commission/DRB this evening. The intent of the study session is to standardize the review process and public participation process and establish clear development standards for future LED signs if the City intends on permitting these.

Staff had a DRB and Planning Commission subcommittee meeting on January 28, 2014 and discussed a proposed framework for an ordinance which is reflected in what will be presented this evening, and it was recommended a joint meeting be held. He displayed a PowerPoint presentation and noted the existing sign ordinance's purpose is:

1. To implement the purpose, policies and programs of Richmond's General Plan and specific plan;
2. Promote and maintain strong commercial and industrial centers and property values, regulate size, location, design and illumination of signs thereby avoiding unsightly signs that are incompatible in design and as a result, detract from aesthetics of these commercial and industrial centers;
3. Enhance the character of residential neighborhoods, open views and vistas, and property values and by avoiding directional signage that are grossly incompatible with their surroundings;
4. The purpose is to improve the visual appearance of City streets and the image of the City by residents and visitors;
5. To protect public safety by ensuring that signs are not constructed, located, erected and maintained in a hazardous manner;
6. To protect public safety by ensuring the property location and design of these signs, and not to distract motorists and other users of streets and highways;
7. Protect the rights of residents and businesses to communicate messages through signage as guaranteed by the U.S. Constitution;
8. Direct the public to available activities, goods and services, and
9. Provide clear objective guidelines for minimizing the visual clutter of signs and maintaining the aesthetic integrity of Richmond's neighborhoods. Currently, advertising signs are almost prohibited in every district except for C-2, C-3, CB and PC, and flashing illuminated signs are defined in the ordinance and are prohibited as well.

In the staff report, Mr. Slaughter said he provided a list of typical differences between on premise and off premise signs, which he summarized. He displayed examples of LED signs, stating some schools currently have hybrid LED signs with static signs which are one color advertising current events and he presented other examples of other on premise LED signs that are around the United States and California. Staff is seeing more gas station signs converting to LED as a means to communicate pricing. Many pharmacies like changeable copy signs and will put up a letter by letter style. As far as hybrid signs, he displayed those like the one by the Coliseum, an on premise LED sign for a shopping center with static signs, and a message board sign in Walnut Creek, the Safeway market in San Jose. He then presented examples of off-premise LED signs at the foot of the Bay Bridge, along I-80 corridor, and on I-80 near Gilman where CBS Outdoors local headquarters is located which is most familiar, and the other ones on

Port property in Oakland. He presented more extravagant designs in other countries. He presented other hybrid signs in Petaluma and Fairfield.

He said the question discussed at the subcommittee is if the City were to permit these, where they would be located. Staff has provided broad options in the packet, along with proposed review processes. What they have heard is that the most controversial type is the large format billboard style. Most people appear to be comfortable with the time and date, gas station or civic style signs. Staff would recommend when looking at the shopping center pylon signs, that they would be considered in C-3 commercial districts. If they were to consider digital billboards, staff would recommend they not be located along the Richmond Parkway or portions of I-80.

Mr. Slaughter then presented a map of the city showing C3 commercial zones, potential locations such as M-1 industrial office, light industrial and industrial zones, and he highlighted inappropriate locations which would be scenic portions of I-580 and the Richmond Parkway where there are clear views of water and San Rafael and San Francisco. He presented existing digital billboards in the Bay Area, most being located along the major freeway corridors.

Other considerations to think about include spacing requirements, limited numbers of digital billboards in the City, should there be aesthetic and architectural considerations, should the size of the LED portion versus the static portion be something regulated, minimum display times, brightness levels, incentives for encouraging the removal of existing off-premise non-conforming billboards they have on some streets, revenue sharing opportunities, and environmental review and photometric studies on proposed LED signs.

Next steps would be to gather comments from the Planning Commission and DRB, stakeholder groups, the public, conduct additional outreach and continue to poll neighboring municipalities, and make recommendations based on input. Lastly, staff contacted Berkeley, Oakland, Union City, and Fairfield and there are sign regulations for LED signs in Petaluma, San Jose and Rohnert Park.

Boardmember Woldemar referred to the staff report, page 2 of 5 under legal considerations, 2nd sentence which reads, "Furthermore, it is not possible to regulate sign content" which he understands, but it goes onto say "...or allow certain kinds of signs to be dynamic while prohibiting others." He asked what a dynamic sign is. On page 3 in the matrix, "in residential zones" and he questioned any kind of LED sign in a residential zone, but if not allowed, he asked if it contradicts the first statement. Mr. Slaughter said he was attempting to convey that a business identification sign could be LED but a wall sign could not be. From he has heard and read, the City has to be somewhat consistent on that. Boardmember Woldemar asked how this applies to residential zones. Mr. Slaughter said this has nothing to do with residential zones. He was providing a broad set of options to consider as far as potential locations for these. There may be some that are residentially zoned, but adjacent to the freeway which may be appropriate.

Boardmember Whitty referred to Attachment 1-LED Sign Types and said she has many edits to make to this so wording is consistent and so it makes sense and she provided this to staff. She also noted that on this page, the items could be numbered, but one out of fifteen is about public safety. She thinks it is important to note that. She confirmed that Emeryville and Berkeley do not prohibit LED signs on I-80. She confirmed that Richmond has one non-conforming which is in legal litigation, several outside of their jurisdiction owned and operated by the schools, one at the Civic Center that was process through the DRB but staff feels there is a better way to process these now. He said there are locations outside of the City's jurisdiction such as the school district and state architect where the City cannot control the LED signs.

Boardmember Whitty questioned verbiage under legal consideration and Mr. Mitchell said this is intended to state that cities do not have the authority to say someone may advertise one thing or the other. Obviously certain signage is illegal, but given constitutional rights, the City is barred from not allowing certain wording.

Boardmember Whitty referred to selling of advertising, and said schools could sell advertising space on their signs and they would not be regulated by the City. Mr. Slaughter said currently this is done in the basketball arenas and billboards at football games.

Boardmember Whitty said she thought it was interesting that the Electronic Message Center (EMC) type LED signs are small and all of the digital billboard signs are not regulated. She noted "digital billboards have standardized rectangular dimensions. EMC's are available in a wide range of sizes and shapes. Jurisdictions may limit allowable height and size." She confirmed the City could regulate this. Mr. Slaughter said staff typically sees two sizes of billboard signs.

Boardmember Robin Welter asked if Hilltop Plaza and Hilltop Mall already have an overlay sign district. Mr. Slaughter said Hilltop Plaza has a rooftop sign that the DRB recently modified and permitted them to install a new pylon sign, but it did not include LED technology. Hilltop Mall has an off-site sign that now has the names of certain tenants. If any new LED signs were proposed for either they would not be permitted to move forward until some modification to the ordinance were to happen.

Boardmember Robin Welter referred to the zoning matrix and the off-premise LED signs, public and civic, and asked if the DRB would see those. Mr. Slaughter said he left this to the Zoning Administrator as it is now for regular signs. However, the Zoning Administrator could move up any project to the DRB.

Chair Fetter referred to the subcommittee's review of the LED sign types and distinctions and said he is troubled because of the fact that it is either on-site or off-site is not enough of a distinction. It does not do a decent job of making divisions that are useable. He said it might be useful for revenue generation or how contracts are written between a property owner and those who are paying for the signage but it does not work for making sure it is compatible with the landscaping. The difficult part is that the DRB does not want to control what is said on an LED or digital sign because it is freedom of speech, but even small signs like schools can have all kinds of advertising which is visual clutter and serves no other purpose, yet they have the right to do this if the sign is there.

He stated the Board has seen examples of a streetscape that has many digital signs and it is definitely not an improvement over static signs, but a degradation. He said he wants to ensure a decent job is done for all of them. To say the City might have revenue sharing and be able to advertise on one of their signs is a bit hypocritical where regulations are in place where others cannot advertise. During their subcommittee meetings, they wanted to restrict businesses to hours of operation, name, logo and a size limit. Gas station LED's are useful and a good example of technology, but he questioned where to draw the line for other types.

Mr. Slaughter said they are typically referred to as electronic message centers because they are one color. Moving onto the one outside, he considers this an LED sign just like any other. The reason he did not go through an elaborate list of definitions is because it is lengthy so he wanted to be broad and they could hammer out the details as far as development standards, heights, etc.

Vice Chair Munoz asked how the City will be regulating a commercial area sign but next to commercial is residential. On the matrix there is not any classification that indicates mixed use. Mr. Slaughter said this is the question for the Board and Commission to consider—is there an appropriate distance or setback it should be from residential zones or uses. There are residential uses in commercial zones and vice versa and non-conforming uses in both zones, so it is tricky to add buffers but something they look at.

Commissioner Butt said he is glad they are having this conversation. He is also concerned that before long, the City could be inundated with these types of signs and he would imagine every business would want one. He is having trouble grasping how to deal with the types and definitions of signs and appreciates staff's research. The approach of looking at specific geographic locations where they could go to get ahead of the wave coming in, he thinks there are specific places up at Hilltop that would be of benefit and would probably not have many negative factors. He found there was an NPR interview recently which talks about how in Los Angeles, they have reached a saturation point with LED signs and billboards, and there are too many bright, changing lights along the landscape. He was just starting to digest all of the information and he hopes they can come up with something that works for the City that does allow some signage to occur in appropriate places and they are able to get ahead of businesses wanting the LED signs all over the City. He looks forward to discussing this more.

Vice Chair Choi said he is glad they are having this conversation. Depending upon which side of the issue one is on, every argument will be presented and there are many philosophical issues. It is difficult to regulate, it is a black and white issue, he agrees with everything said and thinks the City is in its beginning stages and it will be important to keep in mind that the other side is worth listening to as well.

Commissioner Martinez said he believes this is a very important conversation and thinks there are some considerations that make it a black and white issue such as legal considerations and protection of speech. Once a sign goes up, the City will not have control over it. He questioned whether or not they want to give up public space which is the view, to advertisers the City has no control over. This is a very important question that needs to be considered before getting too far. He also knows that in the City of Tucson they have a no light law, so at night, even street lights are dim so people can see the stars at night. They will need to decide if they want to live in an environment where they can appreciate the natural amenities or do people want to live in a hyper urban environment with lots of light and glitz. He also has problems with the LED sign ordinance zoning matrix. He does not understand why the on premise LED signs would be the purview of the DRB and the off-premises which mean advertising would be under the jurisdiction of the Zoning Administrator as opposed to the DRB and the Planning Commission. He thinks the off-premise signs would be something even more important to consider because they are not advertising the City but things it has no control over.

Commissioner Langlois said she was on the ad-hoc committee along with Boardmembers Woldemar and Chair Fetter. They met with staff and Commissioner Butt could not attend, but there was some email contact afterwards with him. She came away from the meeting with concern about LED signs coming to Richmond and they were not happy at all about the off-premises LED signs period. They had some discussion about the on premise signs, such as if they give information, the name of the business or directions, but it was questionable. They had many serious concerns and the more she thinks about it, she has more concerns. It appears that the presentation from staff is that it is almost as if this is the sign of the times and it will come whether people like it or not so they need to regulate it in a way that works, whereas she has heard from many residents who do not want LED signs at all and there are many questions about safety and objective studies of safety. Staff has heard from cities that allow them, but there are also many that do not allow them. She has huge concerns about LED signs, their

aesthetics and she thinks they are an eyesore and safety hazard. Her basic question is whether they have the option to not allow LED signs in Richmond.

Mr. Mitchell said yes. He added that schools, churches, and civic centers have started using this technology as a way to advertise public events. With the Councils and Commissions, there is no chance that Pepsi will be advertising on the Richmond Civic Center sign. School Districts are different and they have had their own debates about whether or not to allow commercial advertising. What happens is Pepsi will offer to do their scoreboard to have a logo at the bottom, but they generally do not have a big ad, but the City does not control this. In that environment, staff does not see it too much of a major issues, but the intent is pretty much set to advertise public events. Then for shopping centers up and down the highway, what they see are typical signs at shopping centers that have a board for each of the major anchors. Some of the smaller stores that were not major anchors felt they should have an LED sign to get some sort of rotation to make the public aware they are there. It then began to evolve where since they have that space anyway they want to put advertisers on there. These tend to be smaller which are incorporated into an existing sign.

Mr. Mitchell stated that a couple of years ago when the City had money, there was an effort to try and change the existing sign at Hilltop from a generic shopping sign to a sign similar to what is there now and it would be more of a style shown on the boards. There was a problem where no one could pay for it so they invited advertisers to use the panel for general advertising and Hilltop would get a brand new sign. A good deal of debate occurred in going to that level. The very large ones come from a different direction. About every year or two Clear Channel or CBS would approach a councilmember and say they will do revenue sharing and they want to put one in where it is good for advertising but no one else. This was a common practice until there was a modification of the sign ordinance about two years ago that was based on legal issues. At the time the big retailers were not interested in this hybrid style. They wanted to have approval to put in big wide screen signs. Thus far, the City's scenic corridors have prohibited them along the Parkway. So it came back to the City and they needed to get the DRB and Planning Commission's input as to regulation. He thinks the speakers will bring their perspective on it, but this is the history of it.

Commissioner Langlois referred to Hilltop and an improved sign. She was driving to Sacramento on Tuesday and thinking about it in preparation of this meeting. There are many centers along that corridor and she found there were a few that were digital that were not attractive at all. Many were large, had the names of the businesses, were static signs and got the information across and were well-designed, and she wondered if Hilltop would have the option of having a building construct a nicely-designed large sign with the names of all businesses. The businesses would have to kick in and pay for it and they would benefit from it. She wonders if this would be an option rather than selling outside advertising and having the businesses located there contribute towards a beautiful static sign. Mr. Slaughter said this is a possibility right now; however, what they have heard is that without the LED portion, they could not afford it.

Chair Lane called for public comment.

Public Comments:

Amit Patel, General Manager of the Courtyard Marriott at Hilltop Mall and President of the Hilltop Landscape and Maintenance District, Richmond resident, said in answering how they have gotten here, going back in time, they had proposed various signs throughout the timeline going back to the mid 1990's. They went through red tape, some money and design issues, and in 2008 they were to jointly develop a sign where the City's Redevelopment Agency was going

to pay part of the bill as part of their redevelopment commission. This was designed with static panels for the businesses as well as an LED portion to feature the other tenants. This fell through when the funding dried up and the redevelopment agencies were dissolved in the state. The District has discussed putting up with a sign without an LED portion, but they have lost major tenants and they cannot get out of the ditch they are in. They must rely on some sort of external funding. As they continue to discuss the issue, they are all in agreement to get Hilltop out of this ditch. The static billboards already have a right to free speech and the visual billboard does not change anything along those lines, but they are proposing specifying the districts the visual signs are allowed in and hopefully cleaning up some of the static billboards and consolidating them to a single digital billboard and hopefully beautifying the City more.

Commissioner Langlois said one of the largest tenants at Hilltop Mall is Walmart which is one of the wealthiest corporations in the world, so she is surprised Walmart would not be more than willing to pay its share and then some for the cost of erecting a beautifully designed static pylon sign. Mr. Patel said he cannot speak for Walmart and only represents Courtyard Marriott, but it is not fair for a single business to foot the entire bill.

Mark Gastineau, International Sign Association and the California Sign Association, said he is surprised with the discussion and thinks the workshops need to continue. LED is a type of lighting and not an electronic message center. Right now the technology can be high voltage, wedge based, plasma, and other systems, so they are simply talking about changeable message centers. They are regulated by the Federal government, Caltrans, and by cities where they go. Spacing is how to control them on a freeway. Caltrans specs require 800 feet of spacing and they can oppose each other opposite sides of the freeway. Brightness, speed, flips of the message is all controlled on a federal level or by Caltrans, and cities can impose more limits. The standard for Caltrans is 4 seconds on and 1 second off. LED signs do not flash or scroll and California does not allow this on a freeway. This is controlled by the federal government and highway department. The state of California has to have so much landscape along the freeways or else they will be in jeopardy of losing highway funds from the federal government. People cannot protest a section of landscaped freeway and have that re-designated to not landscape if it does not meet the criteria. The state would have to have that in another location, so this is a very technical background, and he thinks the information has not been presented completely properly, as there is a lot of regulation. There are regulations for Amber alerts, public safety, non-profit messages, AIDS and alcohol awareness, drunk driving reporting, etc.

Boardmember Whitty confirmed Mr. Gastineau lives in Sacramento and is also the sales manager for Arrow Sign Company in Oakland.

Terrance Marshall, Richmond resident, said he has some strong concerns about the idea that the City cannot control the content of signs. He has lived in Hilltop for several years and they are not winning as far as commerce is concerned. They have a missed opportunity there and he knows there will be a transaction soon with that mall. He does not think they are presenting the greatest view to help Hilltop and as Mr. Patel said, he is watching businesses he would love to have at Hilltop now open up in Pinole. He thinks having better signage would help them and as the City considers how it wants to control this, he suggested an outside advertiser control it as opposed to residents and revitalization is needed. He said the Barnes and Noble space has been empty for 3 years now and he thinks Hilltop is missing a good opportunity not having LED signs.

Michael Piazzola, Napa resident, General Manager of Hilltop Mall, said his company was retained by the Contra Costa Superior Court in August of 2012 to manage the receivership and foreclosure of Hilltop Mall. The mall was foreclosed upon in June 2013. His company was

retained to manage the property by the bank who now owns it and it will be up for sale sometime this year. His background is shopping center development and one of the main things that has to happen to re-energize that project is attracting tenants, some of whom were there before and new ones. One thing to help will be having highway visibility. Of the many things offered to tenants will be some sort of visibility on I-80 and not just the Walmart and J.C. Penney's of the world.

Mary Selva, President of the RANC, referred to the letter their association sent to the DRB, Commission and staff, which she read into the record. She said LED signs do not have to be approved. After doing significant research, there are many cities in the Bay Area that do not allow LED signs. LED signs will be very controversial for residents because complaints will flourish. They want to preserve the coastline corridor much of which is zoned light industrial and for years, their city and residents have worked to achieve and preserve this area up to Marina Bay in a balanced, environmentally sound light industrial and public recreational area. The area does not need LED lights. There are a lot of marshlands and wetlands intertwined there and it would be inappropriate to allow LED signs in that area. The area is zoned regional commercial next to residential and if LED signs are allowed, they can go in another area. They recommend all signs go to the DRB and the Planning Commission and she suggested referring further to her letter.

Garland Ellis, Vice President of the RANC, said he has seen all kinds of signs come and go. This report from staff is so biased and one-sided. If the City goes to the state website on billboards, they provide all regulations about signs along freeways which should have been mentioned in the staff report. Signage must be 660 feet away from the freeway, you must go through Caltrans to get the sign, and the City has to zone it commercial or industrial first, and the City can say they want them or they do not want them. They have all kinds of regulations about them, however, if they are there and he asked staff to look at these and know what they are. In 1975 in the General Plan, it listed I-80, I-580 and almost every major street in Richmond as a scenic corridor, with San Pablo Avenue included. In the Contra Costa General Plan 2005-2020, the entire length of I-580 is designated as a scenic highway. He asked that the City do more research. LED's are a type of light and there are all kinds of considerations in how they are lit, where they are located, how they operate and all of this information needs to be included in the ordinance and considered.

Commissioner Martinez referred to Mr. Ellis' comment about staff's presentation being one-sided. He asked Mr. Ellis to provide cities that do not allow LED signs. Mr. Ellis said there is a list of them in the packet. He said Emeryville has two and will not allow any more. Berkeley has one or two along the freeway and because they only have one major one there is because it is in the parking lot of a longtime sign company and this is how they could get the exclusion. Pinole does not allow LED signs. Most cities in Contra Costa County do not allow them with the exception of one or two in Concord. Dublin he believes is allowed one. The signs shown in front of the Oakland Coliseum had to get a special exemption from the State legislature to go in, and so there are some that have been allowed only because they have been there so long or because the state saw a financial interest because it was a major draw where exceptions were made. But primarily, most cities do not allow them.

Commissioner Martinez asked how the sign at the Pacific East Mall got erected as it seems to be in a dangerous spot in terms of where the highways come together. Mr. Ellis said it never went before the DRB and they were upset about it at the time. Supposedly an individual in the City issued a permit for it and allowed it. Technically it is illegal on these points. Per California's outdoor advertising laws, it would not be permitted because it is an LED type that advertises. Secondly, it was moved from its original place as a static sign and a few feet closer to the freeway and made as a digital sign which was a problem. The area along the freeway is

landscaped so it qualifies as a landscaped freeway in that area, besides the City calling it a scenic route, which would also be illegal. So there are 4-5 major reasons why it should not have gone there, but now to consider is the state has laws. Even though a City allows a sign to go in, they have lawfully erected and unlawfully erected signs. As a City, it has 5 years to let them know it is unlawfully erected; otherwise, they can keep it there. If they are alerted to this, they must do something about it and the state will assist the City in doing something about it if that is what the City wants.

Commissioner Martinez asked how long is left to make such a decision. Mr. Ellis said it has been there about 3 years. Also, the permit could still be rescinded and not "grandfathered in."

Commissioner Langlois said she appreciates the thorough report Mr. Ellis sent the City which was very, very helpful. She referred to the safety studies cited. They received many studies from staff that were paid for by the sign industry which seemed a bit one-sided. She asked if it was true that the study mentioned in the Journal Traffic Injury Prevention, concluded that digital billboards attract and hold the gazes of drivers longer than what previous studies have shown and it could be up to 2 seconds or longer. According to the study also there were large concerns for significant risks of accidents. In Sweden they had allowed digital billboards in 2009 but as a result of this, the government ordered the removal of all digital billboards. Mr. Ellis said this is an independent report. He said the state of California did a safety study on their own in 2009 and they have problems with some of these issues but none of them were conclusive. They also mentioned studies that have gone on in other states and there are problems but they did not reach a final conclusion but they want all states to continue to study this and come to good scientific evidence to prove one way or the other. He suggested visiting the website and looking at the pros and cons of the report he mentioned. He thinks information should be presented from both sides. When overloaded with information driving, people will not be safe.

Commissioner Langlois said at the end of the report provided, it looks like the following cities do not allow LED signs: Los Altos, Los Altos Hills, Los Gatos, Saratoga, Sunnyvale, Palo Alto, Mountain View, Monte Serrano, Concord, Livermore, Pleasanton, San Ramon, Dublin, Berkeley and Emeryville. Mr. Ellis said Ms. Selva may know of more, but he reiterated there are many different types of signs given their illumination, brightness, operation, etc. LED technology is changing very quickly and will probably change in 5 years. The City cannot just indicate parameters and expect this to be covered for many years. He would recommend that the City have a CUP on every single type of sign until it can grasp what is currently going on.

Jerry Yoshida, RANC, said he is not a fan of digital billboards, stating they fought 25 years ago to address the proliferation of billboards in the City with alcohol and tobacco advertisements and blighted images. Now they are reverting back and once this is done, the sign companies can contend freedom of speech rights apply and sign images and content will not be regulated. The City will have to be very careful as San Jose only allows in certain districts. They allow alternatives to signage, not only billboards and LED's but images on sides of walls as well for public and semi-public use like directional signage. He was not sure if regulating it by districts was the best way, and he suggested restricting it from residential, industrial, historic, neighborhood general commercial zones except in certain circumstances. He asked that the Board just not approve LED signs for on and off-site signs, especially on historic buildings.

Boardmember Woldemar said the last joint study session was on the upcoming livable corridors and more specifically signage in those livable corridors recommendations. It is much more creative than the City has seen in the past and collectively, including speakers, he thinks there is an injustice to staff for not allowing them to go through the whole process to understand what is coming even technology beyond LED. He questioned projection on the sides of buildings, projections from up above the roadways, and he questioned how the City will deal with this. He

suggested the City should not necessarily make up its mind about this yet. For example, when going through the slides, regardless of LED sign or not, one was a very terrible sign. He asked that signs be simpler. When it comes to Hilltop, he suggested three pylons each one having its own identity and each one having a small LED sign that could change for auto dealers, one for the shopping center itself and another one for Hilltop Plaza. When it comes to the other side, he suggested setting up some design criteria that could make signage more acceptable. He suggested making sure signs are not like lollipops on sticks because most examples are like that which are terrible and add to visual blight. Those that tend to be more slab-like, he wanted to use them but do a percentage of LED to the overall structure of the sign. He asked to test it first before going through the whole process. Clearly, they should be looking at exception design and for years the City has not.

Boardmember Woldemar referred to the sign at the I-580 Bayview interchange as well as the one by Angelo's on San Pablo Avenue. He asked if it is unreasonable to think that a better designed sign such as something smaller than down by the coliseum but having some of the nice design characteristics, vertical rather than horizontal, and use that idea as an incentive to remove some of the old time signs and make it smaller but more useful for advertisers. He would also note that as they start talking about a process that under the current ordinance, the DRB is the only one that has the authority to grant variances. This probably should be changed. Lastly, they should be worrying about future technology and more information is needed.

Boardmember Whitty referred to Hilltop and said she would like to see one large pylon with Hilltop Mall, the auto plaza and the Hilltop Plaza all on one sign. The real problem there with everyone going to Pinole to shop is that the Pinole Shopping Center is right along the freeway. It is a circulation and geographic problem to get to Hilltop Mall and to get to the auto plaza. It is losing money and perhaps one large combined sign would be a good idea.

Boardmember Whitty referred to the EMC signs and said they are a hodgepodge of color and letter or font type. They are very difficult to read and she thinks the colors and font types should be matched for a cleaner look and asked to limit the colors.

Boardmember Robin Welter said she thinks Boardmember Woldemar's comments about technology changing. She thinks they will find this more with EMC signs which are actually becoming more physically interactive, which is fascinating and important for the next generation. They can play games with other people at bus stops and the technology and psychology of it is being tested which will be very critical for the City to review. She is curious as to whether any studies have been done about the financial impact if a City has not permitted LED signs to happen and what alternatives have they come up with for signage. Mr. Slaughter said someone from the industry could probably answer that.

Chair Fetter said he thinks it comes down to signage that is changeable, whether LED or any number of lighting systems. The problem is that controlling the font is not something that can be done. As soon as it is changeable, it gets into freedom of speech issues. Therefore, the only thing you can control is how bright it is and how big it is and where it is located. He said there has been talk that the parameters the City writes up would be extensive but currently they are looking very simple, and he agrees, once the door is opened, anything can be put on signs. Brand development through other means in driving business to locations is developing in ways of integrated navigation in cars and phones, and other devices completely override usefulness. He notes that Stanford Shopping Center has no advertising along the highway and they have an amazing line up of stores. Therefore, he pointed out that there are many successful examples if done the right way and they do not have to have terrible examples. Therefore, he encouraged the City to especially consider future technology.

Chair Fetter also asked about light pollution levels which were not addressed in materials. He also agrees that the Board and Commission should review any public LED sign or changeable signs and not the Zoning Administrator. He asked for a list from staff of those signs that would be considered to be LED, electronic or changeable signs which are illegally erected, as well. Lastly, better data is needed and more review by the Board and Commission.

Commissioner Butt concurred with colleagues and said it is a misnomer to call some of these LED signs because LED signs are somewhat antiquated. Technology is moving fast and to the degree they can anticipate it and do more research on it, they will be able to keep up or get ahead of it. Regarding regulation, there was a wave of vinyl signs everywhere on Richmond buildings. They are inexpensive to make and the sign ordinance did not specifically address them, but his concern is that the same thing will happen with digital signage in that they will be everywhere. He thinks Chair Fetter said there is a demand for changeable signage at shopping malls and he referred to each side of Highway 101 in Corte Madera where signs are simply on buildings without any signage. He concurs with most of the Board and audience in that there is a lot more work to be done and an extensive discussion to be had. His suggestion is a form based approach to signage in general and also encompassing changeable signage so they do not end up with horrible looking signs that are everywhere. Also, the sign at the Hilltop Mall should be designed aesthetically well to its landscape.

Commissioner Choi said earlier, Mr. Ellis talked about making it so every LED sign would have to get a conditional use permit and he asked if this was feasible. Mr. Privat said yes; currently no LED signs are allowed and a CUP is what planning staff is contemplating. Commissioner Choi said he would support this level of control.

Commissioner Martinez said since he has been on the Planning Commission, even though they have a City Plan, there is no proactive movement from the City to enforce the plan and to make the plan dynamic. What happens here is what happens in Los Angeles. Nothing happens until a developer or business comes up with an idea and presents it to the City, and the City adopts it because there is nothing else that occurs. This seems to be what is happening to Richmond. The Planning Department needs to come up with a vision of what the City should be and work towards that. If this is done, issues like LED signs would be part of that vision. What he sees here is that the idea of LED signs comes up because there are business interests that would like to have them. The Board and Commission is considering it and where to put it without really having a plan as to how these signs will affect Richmond as an entity. He thinks this is something they need to consider before approving various signs. In addition, the Pacific East Mall sign seems to be something that came up because someone decided it would be a good idea and they did it without the City actually being part of the process. He thinks it is important for the City to start envisioning what they want Richmond to be and to start working towards being one entity as opposed to being a Los Angeles hodgepodge type of City.

Commissioner Martinez stated there are two issues: one is the on premise, on-site signs and the off premise and off-premise signs. It seems most of the conversation has been around the on premise sign which seems to have more buy in. He thinks the two should be considered separately and if this is done, they will be able to move much faster when considering off premise and on premise together because it doesn't seem there is much movement for off premise signs.

Commissioner Langlois said from hearing speakers from the Hilltop Mall area, especially the speaker handling the receivership of the mall, it sounds like one of the reasons for this entire discussion is because they are desperate to do whatever they can to save the mall and obtain some sort of reasonable sales price. If the City would allow digital signage, it might increase the property value and the receivership folks would get a little more money for the mall's sale. She

was not sure it would necessarily improve the mall but if they want to increase business there, it is a different issue which needs review. If sold for a lower price, it might allow for slightly lower rents and make it possible for more businesses to go there. It has been mentioned by other speakers that other shopping malls that are successful have no regular or LED signs. So improving the viability of stores at the Hilltop Mall area goes well beyond this discussion and they should look for ways to do this. She thinks what the LED sign allowance would do is it might increase the property value for the sale and it certainly will allow advertising agencies to make a lot of money by selling advertising space on a changing basis. She thinks this is a huge money-maker for that industry and she sees it happening at the expense of the aesthetic of Richmond's public air space. Once this is let out of the bag, it will be a slippery slope. They are on the verge of potentially giving up control of public air space to constantly changing images, which she is very much opposed to. Many people who wrote to the Board and Commission are completely opposed. Many residents are not happy at all and she thinks this should be kept in mind. Kaiser Permanente's health education department used to sponsor an event in April called "turn off TV week". The idea was to encourage children to not spend so much time in front of the TV and to get out and do healthy activities. They recently changed it to "Screen Free Week" because they recognize it is the TV, video games, iPhones, and iPads. Being exposed to constantly distracting images is not healthy.

In terms of drivers, they have all of these distractions and the changing signs are yet another distraction. They are out there in a way they cannot get away with them. She was okay with people wanting to be distracted individually, but she asked not to impose it on the public air space which is there for everybody to look at. Drivers already have so many distractions and advertising images will only distract drivers more. She thinks it is dangerous moving forward to LED signs and many cities have survived without LED signs. She suggested taking new technology with a grain of salt and while she is happy with people using their own technology, but not in public air space. Rather than staff bringing forward a draft model ordinance, she suggested having a discussion of whether or not they want to go there or not. She suggested having some community meetings to receive input, because she does not see people in the community wanting this. If it becomes clear that the community and the City's commissions and boards want, then they should discuss creating an ordinance that will protect all of the things that need protection. But, she asked to slow down the process.

Chair Lane said she does feel there should be limitations on where digital signage should be located. Her concern is that they be allowed everywhere. If the City cannot control messages, the City may want to consider not allowing them. She is not opposed to having them in the C-3 districts at the Hilltop Mall or Target. While not an expert in design or aesthetics, she thinks there are ways for them to be integrated into signs. She has driven past signs in other locations and to her they are not bothersome. She thinks the City should have design criteria for them. In terms of the large billboard signs, she was not sure there was a need to have them anywhere in the City. They have discussed economics and she does not think these are an economic generator for any area. She thinks it is apples and oranges to compare Richmond Hilltop to Corte Madera, Palo Alto or any other affluent community. She was raised at Hilltop and no one had problems finding the mall which used to be full. She thinks the issue of Hilltop Mall goes way beyond signage. In terms of those key areas, she would not be opposed to a sign that is aesthetically pleasing that the DRB and Commission would have oversight on. She thinks there does need to be more discussion in terms of what all of this means. More discussion on off and on premise signs is needed, and in terms of community input, she is open to having more, but she would want a more comprehensive outreach. It may be that the model San Jose used could be one that the City could use to receive more input. Lastly, regarding a comment about the vision, it is not in City staff's realm to provide a vision for the City, but the process of the General Plan by the community. On next steps, she asked staff what would be done.

Mr. Mitchell stated comments have been received. Clearly there is more work to do and the City is not yet in a position to craft a recommended modification to the ordinance. Staff needs time to gather additional information and staff needs to determine policies of other cities and Caltrans policies. He noted that Caltrans defers a lot to cities in terms of what they do. The big wide screen signs tend to be located in industrial and semi-industrial areas well away from residential areas, but there is still a groundswell of people who are not happy with them. Staff will return with information requested, may return in another study session, but not an outline for an ordinance.

Chair Lane suggested the subcommittee member continue to work with staff and return after more is learned.

Commissioner Martinez, in response to Chair Fetter's request, asked to bring back the issue of the Pacific Mall East signage which was done without permission. He said he respects the DRB and at times he disagrees with their aesthetic sense, but the difference is that they are on the Board and he is not. As a member of the Planning Commission he was not saying staff should come up with a vision as this has already been done through the General Plan. He was trying to say they need to make that vision real and proactively instead of waiting for developers or businesses to come and propose something on their terms as opposed to the City's terms.

Chair Lane noted that it was 10:20 p.m. and the Commission still had business to conduct.

Commissioner Martinez said he agrees with the lollipop sign comment and he suggested rather incorporating signs into the architecture of the buildings themselves so they do not stick out.

Mr. Slaughter said because staff received a wide variety of comments and feedback, he asked how to narrow this and he asked if there was a straw poll of the DRB and Commissioners to move forward on those that need more discussion. He suggested discussing on premise or off premise signs depending on what is more pressing.

Chair Fetter said he thinks there is consensus on the off premise signs which could be tabled. He is not hearing any support for these. He asked to focus more on the on premise signs and in addition, he suggested considering other categories besides these. There is also the issue of the size of on premise signs, whether they are a slab or integrated into the architecture. But even them, images shown as examples do not show how the Laugh Factory signs look over a period of 2 minutes. He has seen examples of where this can go horribly wrong because of freedom of speech issues.

Chair Lane summarized that the first step of focus will be on premise signs as well as the size and scope of those signs. Mr. Slaughter noted that he will meet with the subcommittee and determine whether or not to bring it back to the DRB and Commission or just one or the other.

Board Business

- A. Staff reports, requests, or announcements
- B. Board member reports, requests, or announcements

Mr. Rojas stated Ms. Velasco apologized for being absent, but communicated that the Commission wanted an update of items in the pipeline. He said he most recently worked on the South Shoreline Specific Plan, the South Richmond Transportation Connectivity Plan, and the Housing Element. The Shoreline plan will be taken to the advisory group tomorrow night and staff will present the recommended land use map from community workshops and work of the consultant over the last few months. Staff plans to take back the feedback and provide it to the Commission when it considers its recommendation to the City Council.

Regarding the South Richmond Connectivity Plan, staff scheduled a second community meeting on March 27, 2014 and they will bring forward a draft plan for capital improvements to several corridors that will improve connectivity between downtown Richmond and the southern Shoreline area.

There is also a lot happening around the Richmond Bay Campus. Tonight in the Richmond Auditorium, a community partnership discussion is being hosted which centers around taking the long range plan to the UC Regents for approval in May. What they would like to is create agreement that would resemble a community development or benefits agreement to look at things that the community might want to see in terms of job creation, procurement, benefits the community might see as a result of the Richmond Bay Campus located in the City.

Regarding the Housing Element update, it will be due on December 31, 2014 and the City has three additional months to submit and have it certified by the state so as to fall under the streamline procedure. Staff will be issuing an RFP for the completion of this next month.

Chair Lane noted there were a few items taken to the Council on the Housing Element and a few outstanding items and she asked for a status report on those. Mr. Rojas said they would like to conduct a nexus study to see how feasible it would be to increase the in lieu fee and other options which will affect development in Richmond. It is timely because once staff gets into a discussion about the land use map for the South Shoreline Specific Plan they will propose an ambitious land use map that looks at constructing around 4,000 new housing units in the southern shoreline area. This will provide a huge opportunity to create affordable housing in the area.

Commissioner Langlois noted that the Chevron Draft EIR project is coming up in April and she asked for a CEQA timeline of different meetings and presentations of the Planning Commission and DRB, various CEQA steps and comment period before the Draft EIR comes out.

Mr. Mitchell stated the release of that document is imminent and staff will provide the Commission with a schedule. For the rest of the year there are entitlements the Planning Commission will look at. There are three pending projects on the waterfront that will be heard by the Commission, several distribution facilities which will need Commission review, and he thinks the market has begun to recover. One thing he hoped to do once getting the Chevron project started is to hold one study session on urban design and how staff deals with new projects. For development proposals, staff tries to offer as flexible an approach as possible in the interest of getting superior urban design and this will be in late March, early April. This will provide the Commission with additional tools in responding to what they might hear from developers.

Chair Lane reminded Commissioners that the Form 700 Statement of Economic Interests is due by April 1, 2014.

Adjournment:

The Board adjourned at 10:30 p.m. to the next meeting on March 12, 2014.