

**Resolution of the City Council of the City of Richmond Providing Policy Direction for
Design Review and Planning Commission Functions**

WHEREAS, On February 20, 2007, the Richmond City Council adopted five policy directives related to the review of construction projects in the City of Richmond:

1. Complete Design Review Guidelines for Central Richmond by March 31, 2007, and provide a schedule and budget for completion of Design Review Guidelines for other areas of Richmond.
2. Provide a staff recommendation for Administrative Design Review of small projects and any budget requirements.
3. Merge the Design Review Board and Planning Commission into a nine-member single body by July 1, 2007.
4. Provide a stipend of \$50 per meeting (maximum \$200/month) for members of the merged Design Review/Planning Commission.
5. Include funding for training members of the new Design Review/Planning Commission in the 2007/2008 budget, and

WHEREAS, as of January 20, 2009, only item 4 has been fully completed, and

WHEREAS, it is appropriate to review and revisit the policy direction provided nearly two years ago to assess its implementation and provide updated direction, and,

WHEREAS, the Chevron Community Benefits Agreement required new plans to ensure implementation of recommendations of the Zucker Report.

THEREFORE BE IT RESOLVED, that the City Council adopts the following policy directives:

1. Continue operation of the Planning Commission and Design Review Board as separate bodies, but also continue to study opportunities to achieve efficiencies without sacrificing an effective level of project review and community participation in the process.
2. Consider reducing the DRB to five persons, all with professional qualifications.
3. Consider forming a joint body made up of planning commissioners and DRB members to process projects that require both design review and planning commission approval. Consider operating this as a pilot project for a finite period of time or for a finite number of projects to evaluate its effectiveness.
4. Update RMC Chapter VI for consistency with CBC 2007.
5. Fully implement recommendations of the Zucker Report.
6. Implement operational strategies that can be effective in satisfying the desires of both applicants and the community while providing better staff accountability, including:
 - a) Tighten up the intake process. Ensure that staff uses the Design Review Permit Application Submittal Checklists already posted on the City's website. Require the intake staff person to sign and date the checklist indicating that he or she has reviewed the application and found it complete. Do not accept any incomplete applications under any

circumstances. Require that the items on the checklist be provided even to determine if the project requires Design Review.

- i) [Non-Residential Development Projects](#)
- ii) [Residential Development Projects](#)
- iii) [Minor Residential Projects](#)
- b) Require the intake staff person to check off and sign a form to determine if the project requires Design Review.
- c) Encourage the mayor to appoint new members to the DRB and Planning Commission, including design professionals, so they are at authorized strength, thus reducing delays due to lack of a quorum and assuring that persons with applicable experience and skills are members.
- d) Encourage the use of a pre-selected list of outside professionals to critique projects while at the same time conducting training sessions for staff to enable them to better evaluate and critique building designs and site plans. To the extent that this has been used by the Planning Department to date, it has been extremely successful.
- e) Consider providing, as a pilot program, a modest fund amount in redevelopment areas, to provide design assistance and permit facilitation for additions and alterations for owners who cannot afford more conventional and comprehensive design services of professional architects.
- f) Continue to develop design guidelines including multi-family housing and the Point Richmond Historic District, with emphasis on sustainability, placemaking and good urban design. Overhaul the city's "Infill Housing Initiative Pattern Book." The designs that are included in the book bear no relation to traditional design in Richmond's neighborhoods (funding for these effort be provided by the Council and can be amortized through planning fees over several years).
- g) Develop a design awards program. Encourage applicants to participate with a simple application form. Create a jury of diverse residents and professionals. Recognize the best in several categories on an annual basis, ranging from small additions to entire residences or buildings, sustainability, urban design, etc.
- h) Develop a list of local designers, architects and engineers (excluding Interactive Resources) to hand out to applicants for information only, not as a recommendation or endorsement, and encourage applicants to take advantage of professional assistance. This will expedite the process for applicants, save staff time and money and result in better projects. In order for these service providers to participate, they would have to attend a workshop where they learn about the process and the design guidelines. Particular encouragement would be to use Richmond service providers.
- i) Ensure that Building Regulations plan checkers and field inspectors enforce the PC and DRB conditions and that what is submitted for plan check is the same thing submitted to planning. Ensure the Planning staff person who reviewed the project signs off on it after it is plan checked, signifying that it still complies. Perform a post-construction evaluation of conformance to discretionary approval conditions, and require a staff member to check off and sign off compliance.
- j) Rigorously enforce a 2-week plan check process.
- k) Raise thresholds for zoning administrator review of minor industrial additions located within large sites.

- l) Require that the Planning Director have discretion to require a DRB/PC study session on large projects rather than require a DRB approval before submittal to the Planning Commission (this has been a major issue with large developers. They don't want to spend money on design without some assurance that the project is approvable.) DRB/PC study sessions seem to effectively address this problem by giving both groups the opportunity to provide direction.
- m) Increase thresholds for administrative design review to include additions within 'Heritage neighborhoods' that conform to design guidelines, but conduct administrative design reviews as public hearings.
- n) Consider making the Historic Preservation Advisory Committee the Design Review Board for historic projects, thus eliminating one layer of review.

Appendix – Contextual Information

Introduction

With a different City Council being seated as of January 13, 2009, the issue of the role of the Planning Commission and the Design Review Board will be among items of business that must be resolved.

The outgoing City Council directed a merger nearly two years ago, but that has not happened, largely, I believe, because of the complexity of making that change and the controversy it has generated. Appointments to the Planning Commission and the Design Review Board have not occurred sufficient to bring them to authorized strength, and meetings have sometimes been canceled due to lack of a quorum.

Currently, projects that only require design review go only to the Design Review Board, and for projects that require design review and Planning Commission action, the Design Review Board makes recommendations to the Planning Commission.

With the right people serving and logistical impediments eliminated to the extent possible, the model of a separate planning commission and design review board is the right one for the City of Richmond for now, but other models should continue to be explored. Merging the two bodies cannot be done cleanly and quickly, and without other reforms, it is not favored by the community.

There may be a time when internal staff design review becomes more effective or when recruitment of experienced design professional to the Planning Commission becomes easier that a different model could be considered, but not immediately. However, there are many changes that can be made and procedures that can be improved to make the process work better for everyone.

Following is a more detailed analysis of what constitutes the planning and design review process, both generally and in Richmond, and how other cities typically handle the process.

Planning Commission

The Richmond Municipal Code describes the function of the Planning Commission as follows:

3.20.080 Powers and duties.

The Commission shall have all the powers and shall perform all the duties conferred and imposed upon City Planning Commissions by the applicable provisions of Chapter 3 of Title 7 of the Government Code of the state and, in addition, the Commission shall:

- (a) Prepare, adopt and maintain a long-range, comprehensive general plan for the physical growth and development of the City and areas related directly to the City. The general plan shall reflect the future goals of the City and after its adoption by the City Council shall represent the City's policy on matters of physical development. It shall serve to guide the general location of future public facilities and improvements and to aid in the encouragement and regulation of private development;
- (b) Prepare and adopt plans for the conservation or clearance, rebuilding and redevelopment of those areas of the City suffering from blighted conditions;
- (c) Serve as an advisory body to the City Council on matters related to the City growth and development and on such other matters as may be requested by the Council;
- (d) Promote public interest in planning and encourage citizen participation in the formulation of the general plan;
- (e) Engage in a program of acquainting the public with the problems and alternate solutions relating to the local physical environment;
- (f) Call on the Planning Director and the Planning Staff of the City for research and advice in matters of a technical nature.

(Source: Ordinance No. 54 N.S.)

In addition, various sections of the zoning Code (RMC Chapter 15) assign to the Planning Commission the following:

- Appeals of decisions of the planning director.
- Rejection of Research and Development uses that "... which in the opinion of the planning commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms."
- Rejection of Light Manufacturing uses that "...in the opinion of the Planning Commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration, or the storage of hazardous materials or products."
- Determination of boundaries of zoning districts where unclear from maps ("where uncertainty exists, the district boundary line shall be determined by the Planning Commission by written decision.")
- Discretion to allow conditional uses and impose conditions.
- Discretion to extend height limits with conditional use permits.
- "Planned residential group" means two or more grouped residential dwellings that may deviate from standard area, yard, height, parking or fencing requirements, whose design

and site layout have been approved through a conditional use permit process by the Planning Commission. (See Section 15.04.910.080D for description of approval process.)

- Approve subdivision tentative maps.

The California Government Code does not require a Planning Commission, but when a city establishes a Planning Commission, the Government Code requires the Planning Commission to:

- Hear appeals involving exempt solar energy systems.
- Review zoning ordinance and general plan changes, including variances.
- Conduct public hearings on residential density reductions
- Make reports on proposed open space easement grants.

Design Review

Design review for building projects is widely used in the United States. Virtually all cities in the Bay Area have some version of Design Review.

The purpose of design review is typically described by each city both similarly and differently. For example, Walnut Creek:

The focus of Design Review is to enhance the community character and create an individual identity for Walnut Creek. The Design Review process is intended to promote quality architectural design, site planning, and landscape development. The process is aimed at improving and augmenting other development controls included in the Walnut Creek Planning and Building Ordinances. The process seeks to promote diversity and creativity in the development of building structures, site relationships and other aesthetic considerations. Further, the process specifically seeks to preserve property values throughout the community.

In Richmond;

The purpose of this section is to promote orderly, attractive, and harmonious development; to recognize environmental limitations on development; to enhance land values and investments; to maintain and enhance the character of existing residential, commercial, and industrial areas; and, to promote the general welfare by preventing development having qualities that would not meet the specific intent, clauses, or performance standards of this chapter or that are not properly related to their sites, surroundings, or their environmental setting.

In Concord:

The City Council hereby finds that poor or inappropriate exterior design of improvements to real property adversely affects the health, safety, and welfare of the residents of the city by having one or more of the following effects:

- (1) The desirability of other properties within the vicinity for the uses for which they are zoned is adversely affected;
- (2) The benefits of occupancy of other property in the vicinity are impaired;
- (3) Property values within the vicinity do not retain their stability;
- (4) The most appropriate development of other properties within the vicinity is impaired;
- (5) The maintenance or improvement, or both, of surrounding properties is discouraged with the result that these properties degenerate and there is an accompanying deterioration of conditions which affect the health, safety, comfort, and general welfare of the inhabitants of the area and the inhabitants of the city at large;
- (6) The proper relationship between the taxable value of real property in the vicinity and the cost of municipal services to these properties is destroyed;
- (7) The unsightliness which exists causes a decrease in the value of surrounding properties.

Sec. 122-103. Purpose.

The purpose of this division is to recognize the interdependence of land values and aesthetics and to provide a method by which the following goals can be achieved:

- (1) Promotion of sound land use development;
- (2) Assist in establishing high standards for the development of buildings, landscaping, and other improvements in the city.

There are several common models for design review. If one model were clearly superior , it probably would have emerged as the prevailing one, but this has not happened.

- Stand alone design review board conducts design review independent of a planning commission or board of zoning adjustment.
- Design Review Board makes recommendations to planning commission
- Planning Commission or board of zoning adjustment conducts design review.
- A separate committee consisting of some planning commissioners, or zoning adjustment board members, and some additional members is advisory to the planning commission.

All of these common models result in multiple hearings except the one where the planning commission or board of zoning adjustment conducts design review.

El Cerrito, Pinole, Lafayette, Walnut Creek and Concord all have separate Design Review Boards.

In Hercules, Albany and Orinda, design review is conducted by the Planning Commission.

Antioch augments its Planning Commission with additional persons with design backgrounds to form a “Design Review Committee.”

In Berkeley, similar to Antioch, design review is conducted by a third body that is advisory to the Zoning Adjustments Board (ZAB), the Design Review Committee, which consists of “...seven persons: two members of the Zoning Adjustments Board, one member of the Landmarks Preservation Commission, one member of the Civic Arts Commission (each member appointed by that Commission); and three members of the public who are appointed by the Zoning Adjustments Board. The membership shall include a minimum of two licensed architects, one licensed landscape architect, and two laypersons.”

Cities typically have threshold of review that exempt certain projects based on size or type. Exempting single family homes is common, although a form of design review is typically performed at a staff level for all projects.

Except when the design review function is conducted by a planning commission, design review bodies are typically required to have a substantial proportion of their membership composed of design professionals, usually architects and landscape architects.

There are good reasons for this that include:

- Design professionals are generally familiar with technical aspects of building and can “cut to the chase” with minimal review time.
- Design professionals are less likely to be influenced by claims that changes or missed opportunities are technically or economically infeasible.
- Design professionals may have a wide knowledge of examples of successful projects and design strategies in other locations that can be applied.

Design Review in Richmond

In Richmond, the concept of design review began in the 1970s initiated by complaints about view blockages in Point Richmond. The response was a “Controlled Development” overlay that gave the Planning Commission certain subjective discretions over design, including building height.

In the 1980s, other neighborhoods in Richmond, notably the Richmond annex, demanded similar protection. The response was to create a more comprehensive process called “Site Development Review” and establish a “Public Development review Board” that was essentially a design review board.

With the adoption of a new general plan and zoning ordinance in the 1990s, the process was relabeled as “Design Review,” and a Design Review Board was created.

In Richmond, the advocacy for design review from neighborhood organizations is strong. Neighborhood organizations cherish the opportunity for public disclosure and public hearings for all but the smallest projects. The Richmond Neighborhood Coordinating Council has repeatedly resisted the proposed merger of the Planning Commission and design Review Board, and neighborhood councils have resisted increasing the type and size of projects that are exempt from design review.

There are several factors, possibly unique to Richmond, that drive this advocacy:

- Compared to other cities, Richmond has lower property values and lower rental rates, which often attracts “bottom feeders,” developers with less sophistication, lower standards and less motivation to be innovative or site sensitive. For single-family residential projects, for example, licensed architects are not required by California law, and they are less likely to be utilized in Richmond than in more affluent cities.
- Residents have not yet developed a trust in Planning staff to perform the design review function. Public policy in Richmond has been driven for many years by a “pro-development” City Council that looks askance at too many impediments to any kind of development. Attracting any project has been more of a priority than forcing projects to represent the best and most appropriate design. Planning staff has picked up on this and has developed a reluctance to be too critical.
- Richmond has a population that is less affluent than most other cities. Project applications, particularly for small projects, are often prepared by amateurs to save money. Imposing rigorous, and sometimes expensive, design and enforcement requirements on economically challenged individuals is sometimes seen as burdensome by some city council members. Staff has also picked up on this, but what may benefit these individuals is sometimes resented by neighbors who expect a more rigorous protection of their own rights.

In Richmond, the Planning Commission has authority over general plans and zoning ordinances, including changes, as well as variances, conditional use permits and subdivisions.

The Design Review Board reviews site plans, landscaping and exterior design of projects, with smaller projects of every type being exempt or requiring only administrative design review. For projects involving historic buildings or contributing structures in historic districts, a subcommittee of the Historic Preservation Advisory Committee provides recommendations to the Design Review Board.

For projects that require both Planning Commission and Design Review Board review, the Design Review Board first reviews the project and then makes recommendations to the Planning Commission.

The Richmond Design Review Board membership is described in RMC 15.04.930.070:

Membership. The DRB shall consist of at least three (3) and no more than seven (7) persons who live or work in the City of Richmond. At least a majority of the currently serving members shall be persons who reside in the City of Richmond. To the extent practicable, membership of the board shall consist of 1 architect, 2 lay persons, 1 person from the business community, 1 landscape architect or expert in a wide range of design/construction fields, the remainder (2 positions) shall be persons who are qualified to analyze and interpret architectural and design plans. A majority of the currently serving members of the Board shall constitute a quorum for the conduct of business, provided however, that a quorum shall never be fewer than three (3) members. If a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion, provided however that at least three (3) affirmative votes shall be required for the adoption of a motion.

Richmond's Design Review Board currently consists of only four individuals. None is a California licensed architect or landscape architect, although one is a landscape designer and contractor, and one has architectural training. The terms of all four members have expired.

The Richmond Planning Commission is described in RMC 3.20.010.

(a) Under the authority contained in Section 65300 of the Government Code of the state, there is hereby created in the City a Planning Commission consisting of nine members and designated the "Planning Commission of the City of Richmond."

(b) Effective January 1, 2008, the number of Planning Commissioners shall be reduced from nine members to seven members. (Amended by Ordinance No. 10-05 N.S.)

The Richmond Planning Commission currently consists of only five persons, all of whom except one have expired terms. None of the current planning commissioners is a California licensed architect.

Merging the Planning Commission and Design Review

The case for merging the Planning Commission and Design Review Board in Richmond is largely built on the proposition that two separate public hearings are overly burdensome for the project applicant.

Three of the four common models of design review require separate hearings, whether the design review function is conducted by a separate body or a committee of the Planning Commission. The most recent draft of the proposed merger is this model.

The fourth model where a planning commission provides design review depends on having members who have the technical expertise to provide useful design review. This means that the planning commission should include at least a couple of architects and at least one landscape architect.

Architects and landscape architects are difficult to recruit. There are 64 California licensed architects listed by the California Architects Board with Richmond addresses. Only two have ever served on the Richmond Design Review Board.

There are 15 California licensed landscape architects listed by the Landscape Architects Technical Committee of the California Architects Board. None have ever served on the Richmond Design Review Board or the Richmond Planning Commission.

Currently, there are no California licensed architects or landscape architects serving on either the Planning Commission or the Design Review Board. Recruiting architects and landscape architects is already difficult, but it is easier to recruit for the Design Review Board than the Planning Commission where issues of design take up only a fraction of the deliberations.

Requiring design professionals to sit through and participate in hearings on use permits that have no significant design issues may make recruitment of professionally qualified members for a combined planning commission and design review board difficult. This, in turn, can make the approval process even more risky for applicants, particularly for large and complex projects.

Recommendations

I recommend that for the time being, the City Council postpone the merger proposal. It should continue to be explored, and at some future date it could be resurrected and may make sense, but for now there are many other strategies that can be more effective in satisfying the desires of both applicants and the community while providing better staff accountability.

Appendix 2 – California Licensed Landscape Architects Residing in Richmond

4677 BARTEL DAVID W 10 4 2002 11 30 2009 RICHMOND CA 94804
4445 BURKE SUSAN M 9 12 2000 5 31 2009 RICHMOND CA 94805
1612 CHU EDWARD M 6 3 1977 12 31 2010 RICHMOND CA 94803
4582 MAYES ANDREW B 11 20 2001 11 30 2010 RICHMOND CA 94804
124 NISHITA SATORU 6 1 1954 7 31 2009 RICHMOND CA 94805

3121 RYERSON ROBERT E 10 12 1989 8 31 2010 RICHMOND CA 94803
4219 SUTTON SARAH C 1 28 1997 1 30 2010 RICHMOND CA 94804
4726 TIERNAN MEGHAN 12 19 2002 7 30 2010 RICHMOND CA 94803-2791
5277 WELTER ROBIN S 3 29 2007 9 30 2009 RICHMOND CA 94805
2727 PETERS JOHN E 3 19 1987 2 28 2009 RIDGWAY CO 81432
3767 MC GLYNN CRAIG S 11 6 1992 5 31 2009 POINT RICHMOND CA 94807
5107 MILLER JOHN C 10 11 2005 11 30 2009 POINT RICHMOND CA 94807
3293 VALLIER MARCIA D 1 31 1990 3 31 2010 POINT RICHMOND CA 94801
4953 GRONQUIST SARAH L 8 4 2004 3 31 2009 EL SOBRANTE CA 94803
2625 PAINE ROBERT G 4 29 1986 8 31 2009 EL SOBRANTE CA 94803

Appendix 2 – California Licensed Architects Residing in Richmond

1. [BEAVERS CHARLES LC](#)9601CURRENT
2. [BELL DEE SAMANTHAC](#)19448CURRENT
3. [BETTS JAY WILLIAMC](#)9573CURRENT
4. [BRUBAKER BRUCE RICHARD](#)22756CURRENT
5. [BUTT THOMAS KINGC](#)7389CURRENT
6. [CHISHOLM BRUCE CHARLESC](#)23257CURRENT
7. [CLINTON JOHN EDWARD](#)8505CURRENT
8. [HUERTAS MANUEL J JRC](#)5717CURRENT
9. [JANES DAVID BENJAMIN JRC](#)24629CURRENT
10. [MALONE NANCY LC](#)25636CURRENT
11. [PETERSON DAN LEE](#)6166CURRENT
12. [ADAMS ANDREW GREGORYC](#)29929CURRENT
13. [ANZIANI JOSE RAULC](#)13307CURRENT
14. [ASERCION ARNOLD JAYC](#)15413CURRENT
15. [BATEMAN JOSEPH ROBERTC](#)12946CURRENT
16. [BENDEZU FELIX JC](#)18793CURRENT
17. [BLYHOLDER ANDREW GEORGE](#)19823CURRENT
18. [BULLER CAROL ELIZABETHBURNSIDE](#)22380CURRENT
19. [BUTT ANDREW MARTINC](#)29669CURRENT
20. [BUTT KIMBERLY JEANETTEC](#)30301CURRENT
21. [CLEMENT FRED JAMES](#)14151CURRENT
22. [DAVALOS THEODORE PC](#)10181CURRENT
23. [DOWNEY MICHAEL RANEC](#)19329CURRENT
24. [GAMMILL RONALD EUGENEC](#)6285CURRENT
25. [GLOVER JOHN BC](#)10444CURRENT
26. [HARVEY JAMES WILLIAMC](#)13922CURRENT
27. [HAYASHI HAROLD TC](#)2501CURRENT
28. [HOWARD ROY EARLEC](#)5489CURRENT
29. [JAEGER JOSEPH DOUGLASC](#)13457CURRENT
30. [KAVANAGH TERESA MARIEC](#)30907CURRENT
31. [KERR ASHOKEC](#)18950CURRENT
32. [KIRKISH STEPHEN JC](#)28440CURRENT
33. [KLUMB LORI RAEC](#)19230CURRENT
34. [LEE CLIFFORD DEWAYNEC](#)24443CURRENT
35. [LUPINSKY PAUL PESACHC](#)13927CURRENT
36. [MARTIN WILLIAM P JRC](#)9735CURRENT
37. [MEASE DAVID HC](#)14277CURRENT

38. [MILL DONALD ROBERTSONC](#)14706CURRENT
39. [MOORE ANDREW BOYDC](#)29583CURRENT
40. [NIKOLAEV DENNIS VC](#)31050CURRENT
41. [PAO BRUCE MANUEL RODRIGUESC](#)23437CURRENT
42. [ROY AJITC](#)26024CURRENT
43. [RUSIN DOREK JAMIEC](#)16951CURRENT
44. [SEKIGUCHI KENNETH MASARUC](#)12206CURRENT
45. [SHEN EVAN TSUNGHANC](#)31307CURRENT
46. [TAKAHASHI LAWRENCE MASARUC](#)6574CURRENT
47. [THEIS ROBERT GIBSONC](#)21938CURRENT
48. [THOMAS MICHAEL DEANC](#)5924CURRENT
49. [TONG MILTON EDWARD C](#)29254CURRENT
50. [VAN GELDER LAURIE BC](#)23927CURRENT
51. [WATERMAN SHARON MARIEC](#)15118CURRENT
52. [WELTER RAYMOND DEANC](#)30904CURRENT
53. [WOLDEMAR MICHAEL WALTERC](#)6772CURRENT
54. [WORKMON SHERMONC](#)16389CURRENT
55. [YAMAMOTO TAKESHI KC](#)3829CURRENT
56. [ZUKE GARY WC](#)9367CURRENT
57. [CHRISTIENSEN CARL THEODOREC](#)9240CURRENT
58. [DEBOER DUANE DARREL JRC](#)21673CURRENT
59. [DEBOER SHARI ANNC](#)21284CURRENT
60. [KOTZEBUE DAVID RUSSELLC](#)17056CURRENT
61. [NG GARY WINGC](#)14577CURRENT
62. [PEREZ VERONICA MARINAC](#)23668CURRENT
63. [SEMPLE MICHAEL WILLIAMC](#)17967CURRENT
64. [WONG STANLEIGH LIN HOOKC](#)18280CURRENT