

**DESIGN REVIEW BOARD MEETING  
COUNCIL CHAMBERS, RICHMOND CITY HALL  
1401 Marina Way South, Richmond, CA  
November 28, 2007  
6:00 p.m.**

**BOARD MEMBERS**

Robert Avellar, Chair  
Ted J. Smith  
Diane Bloom

Jonathan Livingston, Vice Chair  
Don Woodrow  
Vacant

The meeting was called to order at 6:00 p.m.

**ROLL CALL**

**Present:** Chair Avellar, Vice Chair Livingston, Boardmembers Smith and Woodrow

**Absent:** Boardmember Bloom

**INTRODUCTIONS**

**Staff Present:** Lamont Thompson, Lina Velasco and Mary Renfro

**Chair Avellar** gave an overview of the procedures for speaker registration and public hearing functions and procedures. He noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, December 10, 2007 by 5:00 p.m.

**APPROVAL OF AGENDA**

**ACTION: It was M/S (Avellar/Smith) to approve the agenda; unanimously approved.**

**MINUTES FOR APPROVAL** - None

**CONSENT CALENDAR**

**Chair Avellar** noted the Consent Calendar currently consisted of Items 1, 2 and 3. Item 2 was requested for removal.

**ACTION: It was M/S (Livingston/Woodrow) to approve the Consent Calendar Items 1 and 3; unanimously approved.**

**Consent Items Approved:**

- 1. DR 1104388 – Replace Church Steeple on Hilltop Drive - PUBLIC HEARING** to consider a request for Design Review approval to construct a fiberglass steeple on top of the church located at 4555 Hilltop Drive (APN: 426-330-002). The project would replace the damaged steeple. SFR-3 (Single-Family Low Density Residential) Zoning District. First Baptist Church of El Sobrante, owner; Milton Clem, applicant. *Staff Contact: Kieron Slaughter.* Tentative Recommendation: Conditional Approval.

3. **DR 1104442 – Study Session for Mixed-Use Building on Garrity Way** - STUDY SESSION for a proposed mixed-use building consisting of 100 residences and ±1,500 square feet of commercial space, on the vacant lot, located at 3151 Garrity Way (APN: 405-290-069). C-3 (Regional Commercial) Zoning District. Wasatch Advantage Group, owner; Tony Hladek, applicant. *Staff Contact: Hector Lopez*. Tentative Recommendation: Hold Over to a Date Uncertain.

**Items Discussed:**

2. **DR 1104277 – Two-Story Addition to the Residence on Thunderhead Court** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±2,034 square foot two-story addition to the 2,100 square foot residence located at 4917 Thunderhead Court (APN: 431-411-018). SFR-3 (Single-Family Low Density Residential) Zoning District. Sal Russo, owner; Doug Davis, applicant. *Staff Contact: Hector Lopez*. Tentative Recommendation: Conditional Approval.

**Chair Avellar** gave a brief description of the project and opened the public hearing.

**Vice Chair Livingston** questioned the applicant on requirements for stairway tread width for widening and said 10 inches out was the minimum required by the Code. He referred to the exterior and said there were no guard rails on the top by the widow's walk, and Mr. Davis said he had a cross section which he could provide to staff.

**Public Comment:**

Chris Anderson, Anderson Construction, said he supported the request and asked for its approval.

Matthew Davis, Davis Construction, said having worked for Doug Davis for 8 years his attitude and approach toward construction was of the highest caliber. He has worked with the cities of Richmond and El Cerrito securing plans and permits for many years and said the view in opposition was a 38-degree radius as one is looking at the house to the left side. The only view there is a hillside and more residential structures. The main primary views are fully intact by all adjacent structures and will not be affected by the addition in any way. He worked diligently with staff and the applicant to ensure they adhere to the Code and asked for approval.

Eleanor Loynd, President of the May Valley Neighborhood Council and El Sobrante Valley Planning and Zoning Advisory Committee, said work was done without permits, a stop work order was issued, the outside walls are completely gone, questioned whether staff evaluated the property as to determine if it meets standards or should an outside person be hired to make the decision because they have been working on it for quite awhile. She questioned whether the structure was capable of holding up a second story and said they wanted drawings done by an architect and evaluated by an engineer. She referred to Attachment 1 which shows the proposed second story addition would be out of character with the neighborhood. Attachment 2 shows that 2/3 of the 36 homes were single story, about 1/3 were 1.5 stories. There are no full two-story homes in the area. If a full two-story addition is approved, the second story windows will look directly into the single story home in the upper adjacent property, the design needs to be changed to maintain privacy, and she voiced concerns over the 400 square foot roof deck which is described in words without drawings. She suggested the decision on the application be delayed in order to review all details, asked that the proposed roof deck should be removed from the plan and the applicant should submit plans for a 1.5 story home drawn by an architect and reviewed by an engineer.

Victoria Martin, said they are located above the proposal and most affected, said they have serious concerns about the project because of privacy loss, the proposed windows would be able to look directly into the dining room, kitchen and backyard, they will lose their view of the hills and bay from their dining room and kitchen windows and felt the addition would reduce the value of their home.

Jeffrey Martin, presented a photograph which shows the view of Mt. Tamalpais from his home, said the proposed addition would block the entire view of the addition they had just built, those residents living below the proposal were not noticed, and said he would appeal the matter if approved.

**Vice Chair Livingston** confirmed that Mr. Martin lived next door, he was approximately 8 feet above the applicant's pad and their kitchen window used to look over the top of the applicant's roof.

John Lisenko, said he lives one block away, said much thought went into the architecture of the subdivision of one-story and 1.5 story homes and slanted rooflines. He felt the design of the proposal was totally out of character with the entire subdivision and said the house and deck proposed will look right into the neighbor's yard and windows.

#### *Rebuttal – Applicant*

Doug Davis, applicant, said he had all engineering done for the entire house, said there was no way to avoid the placement of windows on second story homes, said the view to the left looking at Mt. Tamalpais would not be affected and other neighbor's views were covered by trees and shrubs. He felt all of the homes in the subdivision also looked custom and different from one another, did not think the house would stick out and would most likely increase property values.

**Boardmember Smith** asked if Mr. Davis met with the neighbors, and Mr. Davis said he personally did not.

Sal Russo, owner, said he did meet with neighbors, presented a computerized drawing of what the house would look like, and everyone he spoke to were all in favor. He left a letter and drawings with those he did not speak to directly and asked them to contact him with questions or concerns. He went out again three weeks ago and asked for comments prior to the public hearing. He felt the issue regarding the view was disturbing to him, said Mr. Martin had just built the extension to his home, did not have a window on the side of the home in the past and has Italian Cypress trees blocking any view he may have. He reduced the height of his fence to 5'7" and did not install lattice to accommodate Mr. Martin, which now allows him to look into his yard and he did not complain.

**Vice Chair Livingston** confirmed with Mr. Russo the Italian Cypress were located on Mr. Martin's property and were not shown on the photograph.

**Chair Avellar** questioned setbacks and roof height, and Mr. Thompson said they conformed to code. He said the City's ordinance does not emphasize view preservation; however, people raise privacy issues from time to time and there is a finding regarding privacy. Over the year, the Board has been able to resolve view issues with design, such as repositioning windows or the use of translucent glass.

The public hearing was closed.

**Vice Chair Livingston** felt the owner should be allowed to expand his house; however, the letter from the El Sobrante Valley Planning and Zoning Advisory Committee incorporates his

comments regarding the character of the neighborhood and the proposal being out of context with the neighborhood. He reviewed the plans and felt there was a solution while also achieving the square footage, incorporating a two-story function with a single story profile, and he presented a sketch. He said the applicant may not like the suggestion, but he felt it was necessary, as he could not make finding number 1 to approve the project.

**Boardmember Woodrow** did not agree that the proposal fits within the neighborhood character and said it is a large house, with straight walls and it stands up higher on all sides. He noted a paint strip sample was also submitted in lieu of a required color and materials board. He said the top floor deck was also not shown in the plans, which is depressed below the line of the roof and felt it was needed as part of a complete application.

**Chair Avellar** noted the windows did not line up, felt the proposal might be somewhat scaled back but said it was within the City's guidelines, and noted the main issues were blockage of views and privacy into yards. He also suggested story poles be erected to evaluate mass and privacy issues.

**Vice Chair Livingston** described the proposed sketch to the applicant and owner, which opens up the view corridor, eliminates the deck on the side of the house, bringing it around to the back, and reducing the second story massing.

Mr. Davis was not sure how to approach the project given the suggested changes, did not feel the changes would appease the neighbors or the owner, and questioned next steps.

The public hearing was re-opened.

**Vice Chair Livingston** recommended a subcommittee meeting be held with the applicant to review suggested changes, and Mr. Davis reluctantly agreed to meet, said he had met with staff three times on the proposal and hoped the matter could be approved expeditiously at the next meeting.

Mr. Thompson discussed the holiday schedule, whether there would be a quorum of the Board on December 26<sup>th</sup>, and asked that the subcommittee meeting occur as soon as possible. **Vice Chair Livingston** and **Boardmember Woodrow** said they were available the next day and Mr. Russo agreed to meet at City offices with subcommittee members.

<b>ACTION: It as M/S (Livingston/Woodrow) to hold over DR 1104277 to December 12, 2007; unanimously approved.</b>
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## **BOARD BUSINESS**

### **4. Reports of Officers, Board Members, and Staff**

Mr. Thompson said staff published a notice stating the Chevron project would be heard for the November 28<sup>th</sup> meeting, staff does not have another date scheduled as of yet and were working on items requiring completion for the application.

**Boardmember Woodrow** asked for staff to work on resolving issues with applicants prior to scheduling them before the Board. Mr. Thompson noted this was one of the reasons why Chevron project was not scheduled.

**Boardmember Smith** discussed occurrences of projects under construction without approval or permits and the issuance of Stop Work orders.

Ms. Velasco announced on Monday, December 3, 2007 at 6:00 p.m., Opticos Design will be hosting a community meeting to discuss the design standards for the heritage homes and welcomed the Board's attendance. She said a reminder notice would be sent. She said staff is proposing pattern books for the heritage styles and will also include a section of principles for other architectural styles that staff cannot address.

Ms. Velasco reported the City of Richmond, the Rosie the Riveter Trust Foundation, the National Parks Service, Contra Costa County and the Richmond History Library all received recognition by the State, receiving the Statewide Governor's Preservation Award for Rosie the Riveter Park.

**Vice Chair Livingston** questioned whether there was a procedure for design review guidelines to incorporate a requirement or recommendation for applicants to hire outside consultants in assisting with their plans and applications. Mr. Thompson agreed, said at times the Board does not have all of the expertise it needs to make a decision and the City Attorney agreed she could review this and return to the Board.

**Chair Avellar** asked for an update of the new Planning and Design Review Commission ordinance. Ms. Renfro said the ordinance was drafted in August, sent to the Director of Building and Planning Services and to the City Manager, and Janet Harbin put together a team of planners to review what had been drafted and will provide a recommendation and take further action.

Ms. Renfro also reported that Attorney Carlos Privat would attend both Design Review Board and Planning Commission meetings in the future.

Ms. Renfro also said in response to Boardmember Smith's comment about people building without approval, bi-weekly code enforcement meetings are attended by the Director of Planning, Chief of Police, Building Official and the City Prosecutor, and she suggested Boardmembers contact Tom Minn, who is in charge of Code Enforcement. In addition, Police Sergeant Monahan is also getting a larger staff with building inspectors.

**Boardmember Woodrow** confirmed with Mr. Thompson that he could forward a copy of the Zucker Report to him.

**Public Forum – Brown Act - None**

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The Board adjourned the meeting at 7:20 p.m.