

**DESIGN REVIEW BOARD MEETING**  
**COUNCIL CHAMBERS, RICHMOND CITY HALL**  
1401 Marina Way South, Richmond, CA  
October 24, 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 Bloom, Smith and Woodrow

**Absent:** None

**INTRODUCTIONS**

**Staff Present:** Janet Harbin, Lamont Thompson and Kieron Slaughter

**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, November 5, 2007 by 5:00 p.m.

**APPROVAL OF AGENDA**

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

**CONSENT CALENDAR**

**Chair Avellar** noted the Consent Calendar currently consisted of Items 5, 6 and 7.

**Boardmember Woodrow** requested Items 3 and 4 recommended to be held over to December 12<sup>th</sup> be added to the Consent Calendar. **Vice Chair Livingston** requested removal of Item 7.

**ACTION: It was M/S (Livingston/Smith) to approve the Consent Calendar Items 3, 4, 5 and 6; unanimously approved.**

**Consent Items Approved:**

- 3. DR 1104107 – Addition to the Church on South 43<sup>rd</sup> Street - PUBLIC HEARING** to consider a request for Design Review approval to construct a ±730 square foot second floor addition to the church, renovation of the front façade, and Title 24 handicap accessibility upgrades to the parking lot located at 831 South 43rd Street (APN: 509-380-026). SFR-3 (Single-Family Low Density Residential) Zoning and General Plan Designations. Pilgrim

Rest Missionary Baptist Church, owner; Zachary Hilliard, applicant. Tentative Recommendation: Hold Over To 12/12/2007.

4. **DR 1103979 – Construct Three Dwellings on Espee Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct three proposed dwellings with reduced front setbacks because of an irregularly shaped lot located at 247 Espee Avenue (APN: 540-182-008). The project applicant has also applied for a variance to reduce the front setback to allow development of the dwellings within the City Center Specific Plan Area; Urban High Density Zoning District. Napoleon Diaz, owner; Bill Brobisky, applicant. Tentative Recommendation: Hold Over To 12/12/2007.
5. **DR 1103384 – Construct Industrial Building on Giant Road** - PUBLIC HEARING to consider a request for Design Review approval to construct a new ±48,000 square foot industrial building located at 6501 Giant Road (APN: 405-030-036) as part of the overall development plan approved for the Point Pinole Business Park, including a business park, open space and trail, and residential land uses. PA (Planned Area) Zoning District. Hermann Welm, owner; Stephen Mincey (Architect) applicant. Tentative Recommendation: Conditional Approval.
6. **DR 11103698 – Construct Two-Story Duplex on Carlos Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±3,800 square foot two-story duplex located at 5640 Carlos Avenue (APN: 509-180-008). The proposed project would include provision of five (5) parking spaces, and a maximum building height of 27' – 9". MFR-1 (Multi-Family Residential) Zoning District. Saovanee Singharlangpon, owner; Guy Supawit (Designer), applicant. Tentative Recommendation: Hold Over To 11/14/2007.

## **MINUTES FOR APPROVAL**

September 12, 2007 and September 26, 2007:

<b>ACTION: It was M/S (Smith/Livingston) to approve the minutes of September 12, 2007 and September 27, 2007; unanimously approved.</b>
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### **Items Discussed:**

1. **DR 1103130 – Construct Two-Story Single-Family Residence on Tremont Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±2,400 square foot two-story residence located on Tremont Avenue between Contra Costa Avenue and California Street in the Tiscornia Estates planning area (APN: 558-282-020). SFR-3 (Single-Family Low Density Residential) Zoning District and General Plan designation. Robert Clear, owner; Stuart Littell of Stuart Construction, applicant; L2 Studio of San Francisco, architect. Tentative Recommendation: Conditional Approval.

**Boardmember Woodrow** referred to page 5, 1<sup>st</sup> paragraph in the staff report, 6<sup>th</sup> line down, and said the findings refer to the north wall of the residence. He confirmed with staff that the sentence should be changed to "...of the proposed residence". He referred to page 6, under 2, and said the same word should be included in the final line; "...of the proposed residence." He referred to the top of page 4; the final four words of the sentence should include the word, "proposed".

**Vice Chair Livingston** asked Ms. Harbin to provide a brief summary of the subcommittee and applicant's meeting. Ms. Harbin reported the last time the applicant was before the Board, there was some concern – about drainage on the property and on the street. Since that time the

applicant met with the City Engineer, they discussed how to improve drainage on the property, which includes a drainage ditch that would run from the rear of the property to around the front which would drain water to the storm drain. In addition, there were concerns regarding the City's noticing procedures which she included in the staff report. The item was properly noticed the first time, staff re-noticed again and a radius map and listing of property owners was included in the staff report. Also, the applicant has held two meetings with Vice Chair Livingston and herself on improvements to the design of the building and site, which included revised windows and other items. There is still work to be done; however, the applicant is aware what needs to be done to refine the plan.

**Boardmember Woodrow** said the drainage plan shown on drawing A.1.2. is shown with two symbols--dashed arrow lines which would be the ditch and a solid line that carries down the hill. He questioned what the symbols meant.

Ms. Harbin said the solid line would be the direction of the drainage and the dashed arrow lines would be the parameter of the area excavated, which would follow the same route.

**Boardmember Smith** questioned the result of the subcommittee meeting held, and Ms. Harbin said Vice Chair Livingston presented a sketch of site plan modifications to the design of the building and also revised windows which are different than what was identified on the current plans. If the Board is not comfortable with moving forward with conditions of approval and approving it based on what is shown in the sketch, the item should return once the plans are revised.

Stuart Littell, Stuart Construction, applicant, echoed Ms. Harbin's comments, said the dotted arrows indicate where the alleyway is located, the City Engineer has indicated the City had previously cleaned out the ditch to make drainage on the hillside and through the public service easement that goes through the lot. The first longer arrow shows existing drainage and they are intending to clear the entire area that connects to the alleyway so that water can run unobstructed.

Robert Clear, owner, said they very much want to hear now about further changes the Board may want. He said there was an issue regarding the planting of trees on the north side of the property and they were told there was not enough room in the area for tree planting. Instead, they would offer trees on the neighbor's property for privacy. They also held a meeting with Vice Chair Livingston who provided them with many changes.

Mr. Clear said attended a DRB meeting last month wherein an architect voiced his opinions that the design review process was broken and this is not an isolated one, as they have similar feelings. He noted they submitted original plans in June of 2006 and they did not get to the DRB process until 2007. They did not receive approval in August and after the meeting they received a note regarding many changes which they felt were significantly delayed. He felt a well-defined set of criteria should be developed so that applicants understand what is needed and expected. He also said there had also been many changes in board membership and staff and he suggested a procedure be put into place so those new on the board or on staff are aware of the process. In summary, he felt a finite process should be as explicit as possible in order for applicants to address comments and changes in a reasonable amount of time.

**Vice Chair Livingston** asked Mr. Littell if the City Engineer discussed with him what would happen with the water once it comes onto Tremont. Mr. Littell said it was his understanding that the City of Richmond had finished its work on the drainage on the hillside. He asked the City Engineer to provide a written response which has not been received to date, but it is his understanding that the City had completed its work on the ditch. They would ensure the ditch

was working as originally intended and if any pipes needed to be installed in the area they would be completely liable.

**Boardmember Woodrow** asked that Mr. Clear's letter be forwarded to the Planning Department because they are the entity that sets the planning rules, and as of today, there are no rules. He said the DRB has been functioning while seeking guidelines for a number of years and only now are those guidelines being developed. Secondly, he did not believe any response was provided from the applicant regarding Vice Chair Livingston's questions as to what happens to the drainage when it is on the street. Mr. Littell said the City Engineer did discuss this with them and he basically said it is the City's responsibility because they were not altering the area and that any water drains would come down through the public service easement.

**Boardmember Woodrow** also noted the applicants had referred to the Design Review Board as the Planning Commission, and he confirmed with Mr. Littell and Mr. Clear they were not the same in one.

#### Public Comments:

Constance Finley felt the drainage issue had been resolved. She referred to the top of page 4 where the one of the conditions was crossed out having to do with "3 evergreen/shrubs to be planted". This is replaced with "a tree to be purchased for the adjacent neighbor and installed according to her direction." She did not feel this was equivalent and asked that more than just one tree was needed and felt the original recommendation was more in keeping for addressing privacy from the proposed 11 windows facing her property. She said she was willing to work with the applicant and owner to make the situation more reasonable. She also confirmed with Vice Chair Livingston that she had an existing Coastal Live Oak on her property.

**Boardmember Bloom** asked the number of feet between her home and the proposed home. Ms. Finley said there was an entire second lot she owns next door to her home with numerous native plantings, fruit trees and other landscaping, and she confirmed something larger than a Pittosporum shrub could be planted on the property, as it was only one-story high.

**Boardmember Bloom** suggested meeting with Ms. Finley to discuss options and confirmed that Ms. Finley's request was for more than one tree to be planted.

#### *Rebuttal – Applicant*

Mr. Clear said he would be happy to meet with Ms. Finley and Boardmember Bloom on site at their convenience to discuss the final location and types of plantings. Mr. Littell noted that only two windows and one bedroom would be seen from the property, the hedge is about 12 feet tall but the second floor is not well blocked, and he would be able to meet with Ms. Finley and Boardmember Bloom.

**Boardmember Bloom** referred to the landscape plan, noted there were no flowering plants. Mr. Clear said most of the trees and bushes do have seasonal flowers as well as wildflower patches. He noted the main part of the lot was left to native plantings. **Boardmember Bloom** encouraged Mr. Clear to use some perennials by the house, noted the Holly Leaf Cherry was not flowering and also produced messy seeds.

**Boardmember Bloom** questioned the slope which she felt had very little landscaping on it, and Mr. Clear said they hoped to plant dogwood, native strawberry and other plants that like the wet area. She suggested getting materials from wholesale suppliers who grow things especially for reforestation for the slope's plantings. She asked the applicant to also think about shrubs such as monkey flowers, and to have clear preparation instructions for the wildflower areas. She felt

the plan otherwise needed some refinement, agreed there were some interesting plants and suggested adding perennials and spreading out groupings a little more.

**Vice Chair Livingston** said after their subcommittee meeting the applicant was willing to take the suggestions and make all necessary changes. He felt they could return at the next meeting, they could revise landscaping and suggested holding over the item to the next meeting.

**Boardmember Bloom** agreed a landscaping meeting could also be held independent of the tree screening issue.

Mr. Thompson suggested the item be continued to December 12, 2007 and confirmed with the applicant that he would be ready to return with revisions.

**ACTION: It was M/S (Smith/Livingston) to hold over DR 1103130 to December 12, 2007; unanimously approved.**

**2. DR 1104193 – Building Façade and Site Improvements on San Pablo Avenue - PUBLIC HEARING** to consider a request for Design Review approval of building façade and site improvements to the shared parking lot at the properties located at 12432 and 12440 San Pablo Avenue (APNs: 519-010-014 & -015). C-2 (General Commercial) Zoning District. David Bailey, owner; Thomas E. Wright, applicant. Tentative Recommendation: Conditional Approval.

**Vice Chair Livingston** said the staff report describes the item as requiring approval for building façade and site improvements, and he could not find anything in the submittal that included these. Mr. Slaughter noted this was an error and there were only site improvements requiring approval.

Zachary Harris, engineer for applicant Thomas Wright, said Mr. Wright operates his business as a mobile vendor at 12432 San Pablo Avenue. He would like to move in next door into the existing building at 12440 San Pablo Avenue. Currently the building is divided by two occupancies; Smog Check Express in the front of the building and a private garage in the rear of the building operated by the property owner. What is intended is to divide the Smog Check Express' 1750 square feet building into two areas; 900 square feet for Smog Check Express and 850 square feet for Mississippi Catfish. In order to provide enough parking, they have worked on a shared parking agreement with 12432 San Pablo Avenue along with Smog Check Express and requirements for Mississippi Catfish. Therefore, the site plan shows both properties. The new parking layout includes locations for a couple of signs denoting parking for the two buildings as well as landscape boxes, with plants to be specified.

**Vice Chair Livingston** referred to the 45-gallon trash can located close to the street, and he asked how this was to be screened. Mr. Harris said there is a large enclosure toward the upper right portion of the property which will be screened but the 45 gallon trash can is not proposed to be screened and would only serve the new restaurant.

**Boardmember Woodrow** referred to the site plan drawing and he confirmed there was a proposed ramp coming off the front of the Catfish business across the front of Smog Check Express. Mr. Slaughter said there is a 4-6 inch curb that already extends across the frontage of the building and they would add a ramp for wheelchair accessibility and for an easier pedestrian pathway to both businesses, and Mr. Harris said the ramp would not encroach into the Smog Check Express driveway.

**Boardmember Woodrow** suggested having the ramp stop at the wall between Catfish and Smog Check Express. Mr. Harris agreed it could be revised; however, with an extended ramp on both sides of the walkway, both of the businesses' doors would be served by the ramp.

Mr. Harris asked for the Board's direction for the plant selection, lighting, as well as signage details. Mr. Thompson said signage would be handled at staff level.

**Boardmember Woodrow** asked that one of the planter boxes be placed at the edge of the ramp and the street, which could serve as the curb. Mr. Harris said there were three parking spaces in front of the Muffler businesses, one is an ADA space, and they had planned to locate a couple of planter boxes in the small strip of 3 feet in that area, along with the street sign and trash can.

**Boardmember Bloom** said there was a nearby coffee house which was a good opportunity for Mississippi Catfish to attract more people. Mr. Thompson also noted this was one of the first successful transitions from a mobile vendor business to a permanent site and commended the applicant.

**ACTION: It was M/S (Avellar/Livingston) to approve DR 1104193 with staff's four findings and 32 recommendations; unanimously approved.**

**7. DR 1104136 – Construct Accessory Structure on Roosevelt Avenue - PUBLIC HEARING** to consider a request for Design Review approval to construct a ±576 square foot accessory structure that would include a garage and a hobby room located at 4323 Roosevelt Avenue (APN: 518-370-012). SFR-3 (Single-Family Low Density Residential) Zoning District. Michael Stanley, owner/applicant. Tentative Recommendation: Conditional Approval.

Michael Stanley, owner/applicant, said he is proposing to build a garage in the backyard for the new home he purchased.

**Boardmember Smith** asked how many cars would be housed in the garage, and Mr. Stanley said only one because some grinders and other equipment would take up room in the garage. He has requested a taller than normal building because he would eventually like to install a loft for storage. **Boardmember Smith** voiced concerns over grinding noise and Mr. Stanley agreed not to make late night noise.

**Vice Chair Livingston** said accessory structures were always a gray area and he questioned if it was more a shop. In the accessory structure standards and applicability of the zoning ordinance reads, "...applies to all those which are clearly incidental and subordinate to the main building on the same lot. Typical structures include garages, garden sheds, greenhouses, storage shelters and dish antenna...." He felt the applicant would be working similarly to a shop in a light industrial area, the height is maxed out and it would be located just one foot from the property line. He noted this can be done, but it is up to the Board to think about neighbors. He questioned if this clearly was an incidental use or subordinate structure. He questioned if it was possible to achieve the same goals and not have the structure so large.

Mr. Stanley said they actually reduced the size from what was originally proposed to conform to building codes. He said it is not a body shop, he has a grinder for incidental grinding, he has some classic cars that he collects and tinkers with.

**Vice Chair Livingston** asked if the applicant would be amenable to a 9.5 foot high plate line on the property line. Mr. Stanley said he wanted the height due to his future plans for a loft for storage in the building and said it was within the code.

**Vice Chair Livingston** read from the ordinance, "accessory structures must be located within the building envelope or rear yard. Accessory structures not occupied by a second dwelling unit may also be built to the side property line provided that no portion of such structure exceeds 9.5 feet in height within the required side yard of the property." He interprets this as, if building on the property line, one should try not to encroach on other neighbors by setting a standard of 9.5 feet. He said there is 75-80% of the building at 12 feet on the property line and then at 14 feet on the rear property line and felt it would be overpowering.

**Chair Avellar** referred to the front elevation, a note indicates a 5 foot side yard at 9.5 feet to the shed part of the roof, and he questioned why it was important to show the roofline and then make it higher at the back. He said he used to build engines in his garages in the past and he understood the use of it. Mr. Stanley added that there is a vacant lot on the east side which is overgrown, not paved, it is large enough to build on, but it is used to park SUV's on it.

Mr. Thompson said he was not familiar with the lot next door, said it was about a 50 foot lot, and he referred to it being similar to a key lot.

**Vice Chair Livingston** confirmed with the applicant that the size of the garage door was 7 feet tall by 9 feet wide; there was a one foot side yard setback. He asked the applicant if it was possible to achieve 3 feet on the front and back yard without impacting the floor plan or function of the garage. Mr. Stanley said there is a large tree on the west side of where the building will be located and the approach to the garage door is very tight as it is.

**Vice Chair Livingston** suggested reducing the 2 foot area on the side of the 7 x 9 foot door to 1 foot, which would provide enough room to get behind the building and paint/maintain it, because 1 foot does not allow for this. Mr. Stanley said the reason for its location is due to the very large tree he would like to keep, which is 12 feet away and he confirmed the roots would not be damaged during construction.

**Boardmember Woodrow** said often times when engines are pulled from cars, he questioned why the ceiling is proposed to be so high and asked if it would be used to store the frame used to hold the engine. Mr. Stanley said the height was more for storage and a future hobby hoist so as he ages, he does not need to roll around on the concrete floor.

The public hearing was closed.

**Vice Chair Livingston** questioned and confirmed the Board agreed with shifting the side yard setbacks.

The public hearing was re-opened by unanimous voice vote.

**Vice Chair Livingston** provided a sketch to the applicant showing a 2 foot side setback. Mr. Stanley said the Board's issue is accessibility to the sides of the building because it is on the property line. He asked if the Board would be satisfied if he received approval for access from the property owners. He said he was concerned with saving the tree, the room to work with in the yard, and the distance between the house and garage is already minimal. Mr. Thompson said he would not want to encourage any agreement with the property owner, felt there were many options available to the Board such as reducing the size of the garage, lower the structure floor two feet and have a 5 foot separation between the main house and garage, and by shrinking the building 1 foot, the setback can be achieved to the rear for access.

The public hearing was closed.

**ACTION: It was M/S (Livingston/Smith) to approve DR 1104136 with staff's four findings and five recommendations with an additional condition that the side setback be increased to 2.5 feet and that the rear setback be increased from 1 foot to be 2 feet in total; unanimously approved.**

Mr. Stanley verified with the Board that the Board did not reduce the length of the building of 24 x 24 feet.

## **BOARD BUSINESS**

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

#### **A. Report from Board Member Woodrow and discussion to finalize letter from Board to Planning Director**

**Vice Chair Livingston** reported that yesterday there was another meeting with developer for the Canyon Oaks project, they are addressing a lot of the architectural concerns and are doing a good job.

**Chair Avellar** and **Vice Chair Livingston** reported on the Cutting Boulevard project, said the applicants were somewhat stern about some issues, the architect and project manager discussed the entry, the corner element, they were going to clearly make the bottom element more commercial than the top half, they were going to adjust the colors, work on the entry off 37<sup>th</sup> Street more prominent, they tackled the issue of off-loading seniors, they re-drew the plans to indicate the considerations on the slope of the lot and addressed some steps that were not included in previous plans, and they moved the trash enclosures.

**Boardmember Woodrow** said last weekend he attended a solar tour in Richmond which was quite interesting. They finally got the BART terminal opened; it looks great, but does not have a moving stairway and they will have an 800-space garage. He got off BART with someone who said BART was the reason he moved to Richmond because he could walk and take public transportation.

**Boardmember Woodrow** also reviewed the draft memorandum from Chair Avellar and if further comments were needed, **Vice Chair Livingston** agreed to update it. **Boardmember Smith** asked to highlight the fact that a City Architect is needed.

**Boardmember Bloom** read the memorandum into the record to Mr. Richard Mitchell from the Design Review Board. She suggested requested the memorandum letter be followed up upon and she confirmed with the Board that the Mayor, Members of the City Council, the City Manager and the Planning Commission should be copied.

**ACTION: It was M/S (Livingston/Bloom) for Boardmember Woodrow to finalize the memorandum and forward it to Planning and Building Services Director Richard Mitchell, with copies provided to the Mayor, City Council members, the Planning Commission, the City Manager; unanimously approved.**

Attorney Mary Renfro suggested the memorandum be initiated by either the Chair or boardmembers prior to it being sent to Mr. Mitchell. **Boardmember Woodrow** said he will finalize the letter and provide it to Mr. Thompson tomorrow afternoon and he asked

boardmembers to stop by and initial it. He confirmed with Mr. Thompson he could make copies of the memorandum and distribute them.

**Vice Chair Livingston** said at the Monterey Conference, one thing that struck him in addressing projects that are genuinely Richmond, a person suggested thinking about the one thing that was unique to a town that could be weaved into a lot of the building and architecture. He felt there were many great things about Richmond such as the artwork on buildings and he asked fellow Boardmembers to think about it.

**Boardmember Woodrow** suggested talking with representatives from BART or someone who is not from Richmond on their thoughts. **Vice Chair Livingston** said Richmond has ships, industry, a huge diversity of people and Napa has done art work on their parking structures as well as along the peninsula.

**Public Forum – Brown Act - None**

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The Board adjourned the meeting at 7:45 p.m.