

**DESIGN REVIEW BOARD MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
August 27, 2008
6:00 p.m.**

BOARD MEMBERS

Robert Avellar, Chair	Vacant, Vice Chair
Ted J. Smith	Don Woodrow
Diane Bloom	Vacant

The meeting was called to order at 6:09 p.m.

ROLL CALL

Present: Chair Avellar and Boardmembers Woodrow, Bloom and Smith

Absent: None

INTRODUCTIONS

Staff Present: Jonelyn Whales and Mary Renfro

APPROVAL OF MINUTES

July 23, 2008:

ACTION: It was M/S (Smith/Woodrow) to approve the minutes of July 23, 2008; unanimously approved.

APPROVAL OF AGENDA

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, September 8, 2008 by 5:00 p.m. and repeated the appeal period after each affected item.

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

CONSENT CALENDAR

Chair Avellar noted the Consent Calendar currently consisted of Items 1 and 2. Item 1 was requested for removal by the public.

ACTION: It was M/S (Woodrow/Bloom) to approve the Consent Calendar as Item 2; unanimously approved.

Consent Items Approved:

- 2. PLN 08-019 – Landscape Improvements at Contractor Yard on Goodrick Avenue - PUBLIC HEARING** to consider a request for Design Review permit

approval for landscape improvements to a property intended for use as a heavy civil contractor yard. The project site is located at the northeast intersection of Goodrick Avenue and the Richmond Parkway (APN: 408-100-027. M-3 (Heavy Industrial) Zoning District. Gary & Debbie Ghilotti, owners; Maggiora & Jim Ghilotti, applicants. Staff Contact: Hector Rojas. Tentative Recommendation: Conditional Approval.

Items Heard:

- 1. PLN 08-022 – Alter Siding & Add Deck Railings & Trellises to Residence on Western Drive** - PUBLIC HEARING to consider a request for Design Review permit approval to alter the siding on the east wing of the single-family residence located at 8 Western Drive (APN: 558-012-010) and add deck railings and trellises to the north and south sides plus miscellaneous alterations. SFR-2 (Single-Family Very Low Density Residential) Zoning District. Margo Peters, owner/applicant. Staff Contact: Joe Light. Tentative Recommendation: Conditional Approval.

Boardmember Woodrow questioned the Ms. Whales provided clarification of the description of the title of the agenda item.

Margo Peters, Owner/Applicant, said she was not changing the footprint of the house, she replaced rotted decks, added trellises which are planted with grape vines, said she removed the hot tub from an addition, and hoped to have a bedroom and a small bathroom within the confines of the original house. The work entails replacing the shower with a handicapped shower, replacing windows and a door which leads out to a deck which has been increased and joists added. She said eventually they will replace all redwood siding with hardy panels.

Boardmember Smith questioned and confirmed with Ms. Peters that she did not go before the Pt. Richmond Neighborhood Council and this was not a requirement for Design Review Board approval per the ordinance. Ms. Peters said she also had a six month delay, people were on vacation and she never knew when the project would be approved. Secondly, the neighbors who have complained about the project are present tonight.

Public Comments:

Richard Katz said the property owner does not require a permit to change out the siding or to paint it, and believed the public hearing was scheduled more than simply to review of the siding and trellis, voiced inaccuracy and determination of the property line and fencing by 40 feet, voiced concern in cutting off public access once enjoyed to the beach, and presented to staff a petition to restore historic access and a pathway.

Boardmember Woodrow questioned if the drawings before the Board were wrong. Chair Avellar believed that dimensions were surveyed by a State-certified surveyor; however, Boardmember Woodrow questioned the accuracy of the plans and setbacks.

City Attorney Renfro noted the project's footprint is not changing and setbacks are not in question. Chair Avellar believed that if the exterior of the property is changing which is on a 3-foot setback, additional fireproofing might be needed in the materials, as well as windows which may affect neighbors. Ms. Peters believed neighbors are complaining about things that she is not planning to do, and acknowledged that the railroad has not complained to her.

Boardmember Woodrow cited the need for accurate drawings, careful assessment of setbacks, and said nothing can be done with the submitted drawings. Ms. Peters said she has the original survey and noted at the time the hot tub was put in, she was required to buy an extra 10 feet of railroad property.

Boardmember Smith read from the report that a copy of the survey shall be submitted prior to issuance of a building permit. Boardmember Bloom believed the City's legal and building departments should deal with the survey issue.

Clair Brown said this is the first chance the neighborhood has been able to provide any input to some of the work that impacts their historic access between properties, believed the use of the historic pathway was critical from Belvedere, and another historic path to get up to the park. They met with the planner regarding the project, said when the planner looked at the plans, he believed a survey was needed to ensure everything met the Code and for the inspection to be correct. She discussed parkland that Ms. Peters has also infringed upon, said she has excavated, moved property lines, is using land for parking her car, and said a lot of work has infringed upon the use of the land by the public.

Bruce Beyaert, said he has lived on Belvedere Avenue for more than 40 years, said he and his wife have enjoyed taking the path to the beach, noted construction has been going on for years by the Peter's and this is the first time it has come to the Board. He asked the Board to require removal of the wire fence in order to access the existing path and discussed railroad liabilities and regulations.

Rebuttal – Applicant

Margo Peters, said building has been going on for several years, said when she bought the property the fence was falling down due to erosion. The trail being used daily is something she built, and neighbors complained because the street washed out part of the upper trail, so she put gravel there and then they did not like it. She said neighbors cannot stop complaining, she acknowledged the fence was not on the property line and said she would purchase the land if necessary. She cannot park on Western, one neighbor does not want her to park on Belvedere anywhere, she has one carport and she confirmed the trail is the extension of an old turn-around.

Chair Avellar confirmed with staff that the only request for the Board to consider is for extension of living area, materials of certain items, and modifying the exterior of the dwelling. He noted the fence is not part of the request and the property is within the proper setback area.

Boardmember Woodrow questioned if the work was started on the project, and Ms. Peters said yes and they were red-flagged for the bedroom and bath. She said the neighbors most likely contacted the City and she has been trying to get the house earthquake proof. She said she had to get a permit for repair of the carport and construction of a shed 3 feet from the property line. Ms. Whales noted Exhibit B shows a summation of the materials being used.

Boardmembers reviewed the applicant's plans, and Boardmember Woodrow said the applicant did not have plans that show the walls prior to the work and drawing of the walls after completion with the proposed windows, along with materials to be replaced or deleted.

Boardmember Bloom confirmed the trellises were finished and the reason the Board needed to review them was because there was no original permit. The Board asked that more accurate drawings, entire elevations of each wall of what exists and what is new, clarification of changes of before and after work be submitted and the hearing be continued.

ACTION: It was M/S (Woodrow/Smith) to continue PLN 08-022 to September 24, 2008; unanimously approved.

3. Reports of Officers, Board Members, and Staff

City Attorney Renfro reported that the owner for the Toll Bros. project to build condominiums at the end of this street is not moving forward. Currently, the property owner is asserting his rights to build a commercial project, stating he had a valid design review approval and is trying to get staff to issue building permits.

Staff has contacted the applicant for the Sea Cliff Marina project to determine whether they want to withdraw the application, but they are no longer paying on their Option and they are now willing to comply with the settlement agreement of 4 years ago. The family has offered to dedicate a stretch of Bay Trail, staff walked it, a legal description will be written and the trail should be accepted by the Council through an easement.

Regarding Terminal One and CEQA and project approvals for the Point Richmond Shores design review approval, the City was to make good faith efforts to help Toll Bros. to acquire some B&NFF rights to move the trash receptacle per plans. The acquisition of the right has stalled somewhere. But meanwhile, the lawsuit anticipated was filed but not yet served and now a public document. Tolls Bros. has sued the City of Richmond/RDA for failure to comply with the land disposition agreement in cleaning up that property to sell it to them. Since Toll Bros. has sued on the contract for sale, it indicates that they do not indicate moving forward of building anything.

Boardmember Woodrow said the City has had crews in the Terminal One project, and Ms. Renfro said part of the agreement for sale was that the Redevelopment Agency would clean it up, so the City has been doing mitigation while Toll Bros. never quite reached an agreement on building the condos.

Boardmember Woodrow questioned the disposition of the combination of the Design Review Board with the Planning Commission, and Ms. Renfro said the ordinance is moving forward. In July, an ordinance was brought forward but had not been reviewed which would have created a subcommittee, the City Council gave direction to staff, and it remains in limbo.

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