

**DESIGN REVIEW BOARD MEETING**  
**CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL**  
440 Civic Center Plaza, Richmond, CA  
April 27, 2011  
5:30 p.m.

**BOARD MEMBERS**

Andrew Butt, Chair  
Otheree Christian  
Michael Woldemar

Raymond Welter, Vice Chair  
Eileen Whitty  
Don Woodrow

Chair Butt called the meeting to order at 5:30 p.m. He stated that the Board would hear public input on the mitigated negative declaration for the Knobcone Subdivision and later consider the matter which was agendized for the Consent Calendar.

**ROLL CALL**

**Present:** Chair Andrew Butt, Vice Chair Welter; and Boardmembers Christian (arrived 6:30 p.m.), Whitty, Woldemar and Woodrow

**Absent:** None

**Staff Present:** Lamont Thompson; Jonelyn Whales, Mary Renfro

**CC 4. 1100513 KNOBCONE SUBDIVISION OF 4 RESIDENTIAL LOTS**

Description RECEIVE COMMENTS ON THE PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW OF FOUR SINGLE-FAMILY RESIDENTIAL PARCELS WITH A REMAINDER PARCEL.  
Location 5801 KNOBCONE COURT  
APN 435-300-010  
Zoning SFR-1 (SINGLE-FAMILY RESIDENTIAL, 11,000 SQUARE FOOT MINIMUM LOT AREA PER UNIT)  
Owner FANG RONG CHUANG  
Applicant WILLIAM RANDOLPH III  
Staff Contact LAMONT THOMPSON

**Recommendation: RECOMMEND APPROVAL TO PLANNING COMMISSION**

Chair Butt called for public comments:

**Public Comment:**

Eleanor Loynd, President of the May Valley Neighborhood Council and Chair of the El Sobrante Valley Planning and Zoning Advisory Committee, Richmond, referred to page 8 of her submittal to the Design Review Board regarding the negative declaration. She said it states, "Additional parking would be available on project driveways and along Knobcone Court". She called this an error but she noted the Fire Department now indicates they cannot be parked on. The second item; "in addition, 200 truckloads of excavated materials would be off hauled to the Richmond landfill." This is a concern because of when trucks would be hauled off. She said this is a cul-de-sac off of a cul-de-sac with only one entrance off San Pablo Dam Road. She voiced concern

that the City step in and find the best way to move trucks in and out so as not to disrupt the neighborhood. She questioned when the following would occur:

- Page 32, it states they will get “an updated, final geotechnical report.”
- In addition, “a second geotechnical assessment shall be done prior to project acceptance by the City.”
- Page 33; “The applicant’s geotechnical consultant shall provide an updated final geotechnical report.”
- Page 39; “The applicant would be required to prepare and submit a storm water control plan.

Number 7 on page 40, it states “A subsurface drain system must be constructed as part of this project.” She asked how this would work. Since water runoff will go from here to the creek on the other side of San Pablo Dam Road, she questioned if the County would be sent a copy of this plan, as there have been several other properties along the creek that have suffered flooding from downhill water coming over to their side. She questioned if the City requires a yearly review of the system and she asked if the County would also be involved with this.

Number 8; She also had more questions about cul-de-sacs, streets, and said no where does it state that Knobcone Court is attached to Knobcone Drive, which is attached to Thistlecone Drive. She counted the number of homes and there are 45 homes on the 2 cul-de-sacs and not 40 homes. There is one entrance off of San Pablo Dam Road, so the movement of trucks and materials could have a significant effect on neighbors. She suggests that no work start before 9:00 a.m. or beyond 4:00 p.m., and no work on weekends.

Number 9 on page 56, all developments shall be reviewed by the Fire Chief and additional conditions imposed such as with the sprinkler system. She said the 3 new homes will require sprinkler systems, but she questioned what would occur for the applicant’s existing residence situated higher up on the hill. She asked if the Fire Chief should look at this and have a system installed.

Regarding page 61, as a condition of approval, the City of Richmond Engineering Services will require no parking signs and painting the curbs red. It will also be disclosed to the new property owners in their title documents that no parking will be allowed on Knobcone Court. She said it is hard to tell where Knobcone Court starts. Also, the Richmond Police Department should be made aware of this no-parking area.

Her final comment is whether this connection of a cul-de-sac to a cul-de-sac meets all usual City standards. She said this is an area with about 45 homes with only one way in and out. She requested that neighbors on Thistlecone Drive and Torry Pine Court be added to the contact list because some neighbors more than 300 feet from the project were not notified, and they should also be given contact names and numbers when the project begins.

Boardmember Woldemar said staff has made note of these items. There is a response to comments document that must be attached to the final mitigated negative declaration. He clarified with Mr. Thompson said the Planning Commission does the actual final review and approval of the mitigated negative declaration; that this meeting is to collect comments, and at some point, there are responses to comments. Mr. Thompson noted he wanted to provide the DRB with an opportunity to hear neighborhood concerns when considering design of the project.

Boardmember Woldemar said he was surprised Ms. Loynd was the only resident present, and he questioned others’ reactions. Ms. Loynd said when they scheduled their meeting they had little time. The developer and owner came and talked with them. Two members went out and talked with neighbors. She also sent each neighbor a copy of her comments for this meeting

and she was unsure of why they were not present. She said they will agendaize this on the neighborhood council's May 12 meeting and invite neighbors which should allow time to comment prior to the Planning Commission's meeting.

Boardmember Woldemar questioned and confirmed with Mr. Thompson that public comment can be taken up to the time the Planning Commission closes the public hearing.

Boardmember Whitty referred to Item 10 and asked if they considered only painting the curbs red and leaving the signage out so the roadway is not cluttered with "no parking" signs. Or, put one "no parking" sign at the beginning of the court. Ms. Loynd said she was unsure of the number of signs, but she felt there definitely should be more than one sign and also questioned whether the streets would be painted red from the beginning or from the top of the street, which is a good question to ask of engineering.

Vice Chair Welter questioned and confirmed that the curbs were being painted red because the street is so narrow.

Boardmember Woodrow referred to Number 4, and asked if Ms. Loynd understood that one of the needs to be met by having the geotechnical firm return is to watch the progress of the cracks in the street. This is one of the foremost ways to watch for slides. He felt it was very important that the company return a couple of times prior to homes being used. Ms. Loynd questioned when they would consider the final report; after everything is built or a year or so later?

Boardmember Woodrow said the report is final once the occupancy permit is approved. After that, it is up to the homeowners association to address any issues, but he reiterated that cracks on the street are a fingerprint for shifting of land. Ms. Loynd said the homeowners association would normally take in 3 homes, but she questioned the existing 4<sup>th</sup> home and asked whether or not it should be included. Boardmember Woodrow said he would certainly want everybody on the street included.

Boardmember Woldemar thinks it is interesting that there is not just the full soils report, but also peer review of that soils report. Mr. Thompson further stated the soils report is both peer reviewed by staff and the consultant.

Steven D. Chickering, Richmond, said he submitted a packet of information to the Board and staff and he and his partner are one of many residents who have lived in the area for 11 years. He said his home at 5820 Knobcone was the first building at this location and the first to be occupied. He asked the Board to take into consideration the safety of those living in the area and not cause further problems by allowing some additional homes to be built. He highlighted 7 points in his letter which include concerns of drainage, sanitation, lack of water pressure, parking, traffic, and overall safety. Some residents are already experiencing flooding and accumulation of water as a result of rains, and he wants to ensure studies and experiences into consideration before adding homes. The West County Wastewater District will not accept the liability of owning or maintaining the sanitary sewer mains in the development and they have already had problems with sewer drainage last year. Regarding water pressure, it is now minimal and limited at times and adding more homes. Regarding parking and traffic, the road leading up to the area is only 22 feet in width and it is already problematic with parking on the sides. The El Sobrante Zoning and Planning Committee had concerns in the mid-1980's about development. There was an agreement which limited the lots to 8 and they felt there should be no further development. Therefore, there is history and precedent with decisions made in the past regarding this and he asked that this be taken into consideration. Regarding item 7, they are opposing development. While they understand people want to develop their property, he questioned why the City would allow putting people at further risk.

Commissioner Whitty referred to water pressure and asked if Mr. Chickering has worked with their water provider to increase the pressure to the area.

Erez Maoz, 5810 Knobcone, Richmond, said he was the second resident, and noted that they did contact them and the pressure is the highest possible. Once this was done, their water line below them bursts every month, and extensive repairs were made to the road. He said not known is that the parcel had been sold and the owner is one of the first owners, and he bought it from a big developer. They had once wanted to subdivide 15 lots at one point, but they arrived at 8 lots. When the lots were purchased, no one from the City followed up on the owner's execution. He learned that the owner never paid for the street lights, did not do the sewer properly and EBMUD is now not willing to take responsibility, water pressure is wrong because of a smaller diameter pipe, and no one followed up on the execution of the recommended designs. He said there is a lot of history and problems, and currently only 6 of the lots are occupied. When most people are home, there is not enough water pressure. The same history comes up every 5-10 years, and he suggested building to the plan, which is not to build more than 8. He was not sure if the City wanted the liability to have more homes in the hills and this is something the City should consider, as it was designed for very low density. He noted that the prior City planner knew a lot about the development, but the City lost a lot of the paperwork associated with the area, but he has tried to salvage most of it.

Chair Butt thanked the speakers and said the decision of whether or not to approve the project will be by the Planning Commission. Judging by the amount of resistance, it will ultimately be at the City Council level. He said everything the speakers have stated will be reflected in the record and in the updated environmental document. He encouraged the speakers to attend future meetings.

Mr. Maoz added that in the documents, 20 years ago the City recommended that Bill Nakura form a homeowners association because of problems. Boardmember Whitty noted that she remembers she was on the Board during the original review of the house. Mr. Maoz said they are unsure of whether there is an HOA now, the sewer line is questionable, as well as the water pressure.

Boardmember Woldemar said what would be useful in the document is an overall map starting at San Pablo Dam Road and working its way up. Boardmember Whitty agreed and suggested it be color-coded.

Chair Butt called to order the regular Design Review Board meeting at 6:10 p.m. Boardmember Woodrow and Chair Butt both disclosed they will need to leave the meeting at 8:00 p.m. Ms. Whales indicated Boardmember Christian was due to arrive at 6:30 p.m.

**APPROVAL OF MINUTES:** None

### **APPROVAL OF AGENDA**

Boardmember Woldemar asked to move Item 5 forward because the architect is from out of town. Ms. Renfro confirmed Boardmember Woldemar would remove it from the Consent Calendar as well.

Boardmember Whitty asked that Item 4 be moved up, as well. Chair Butt suggested re-arrangement of the agenda as follows: Item 2, Item 5, Item 4, and the remainder of items.

**ACTION: It was M/S (Woldemar/Welter) to approve the agenda, as amended; unanimously approved.**

**MEETING PROCEDURES** – Chair Butt referred to the meeting procedures outlined on the back of the agenda and asked those present to familiarize themselves with the basic meeting procedures.

**Public Forum – Brown Act - No speakers**

**CONSENT CALENDAR:**

Chair Butt reported the Consent Calendar consisted of Items 1, 2, 3, 4 and 5. He questioned whether a member of the public or Commissioners wished to remove any items.

Boardmember Woldemar requested removal of Items 4 and 5. Chair Butt noted Item 1 was recommended for hold over to May 11, 2011. He confirmed that Items 2, 4 and 5 will be removed and discussed, which leaves Item 1 and 3 on the Consent Calendar.

Boardmember Woldemar commented that Item 3; Making Waves Academy Expansion project is one of the best designed and presented projects the Board has seen in months.

Chair Butt noted that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, May 9, 2011 by 5:00 p.m. and, as needed, read the appeal procedure after the affected item.

**CC 1. PLN11-047 ELM PLAY LOT ON 8<sup>TH</sup> AND ELM AVENUE**

Description **(Held Over from 4/13/2011)** STUDY SESSION TO PROVIDE COMMENTS TO STAFF REGARDING DESIGN OF PROPOSED IMPROVEMENTS TO ELM PLAY LOT IN THE IRON TRIANGLE NEIGHBORHOOD.

Location INTERSECTION OF 8<sup>TH</sup> STREET AND ELM AVENUE  
 APN 534-192-005  
 Zoning CRR (COMMUNITY REGIONAL RECREATIONAL)  
 Owner CITY RICHMOND  
 Applicant CHRIS CHAMBERLAIN  
 Staff Contact HECTOR LOPEZ Recommendation: **HOLD OVER TO 5/11/2011**

**CC 3. PLN09-048 MAKING WAVES ACADEMY EXPANSION ON TECHNOLOGY COURT**

Description RECOMMENDATION TO THE PLANNING COMMISSION ON THE DESIGN REVIEW PERMIT FOR AN EXPANSION OF THE EXISTING MAKING WAVES ACADEMY CHARTER SCHOOL LOCATED AT 4123 LAKESIDE DRIVE. THE PROPOSED EXPANSION INCLUDES CONSTRUCTION OF A NEW 41,400 SQUARE-FOOT TWO-STORY CLASSROOM BUILDING AND SITE IMPROVEMENTS AT 2900 TECHNOLOGY COURT.

Location 4123 LAKESIDE DRIVE & 2900 TECHNOLOGY COURT  
 APN 405-371-012 & 405-371-028  
 Zoning M-1 (INDUSTRIAL/OFFICE FLEX DISTRICT)  
 Owner MAKING WAVES FOUNDATION INC.  
 Applicant DARA YOUNGALE, HKIT ARCHITECTS  
 Staff Contact HECTOR ROJAS Recommendation: **RECOMMEND APPROVAL TO PLANNING COMMISSION**

**ACTION: It was M/S (Whitty/Welter) to approve the Consent Calendar consisting of Items 1 and 3; unanimously approved.**

Items Removed from the Consent Calendar:

**2. PLN10-229 JANDALI NEW SINGLE-FAMILY RESIDENCE ON TERRACE AND VINE AVENUES**

Description: REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A NEW ±2,607 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A VACANT LOT.

Location SOUTHEAST CORNER OF TERRACE AVENUE AND VINE AVENUE

APN 558-082-001

Zoning SFR-2 (VERY LOW DENSITY RESIDENTIAL)

Owner/

Applicant: FIRAS & AMINA JANDALI

Staff Contact LAMONT THOMPSON

Recommendation: **PROVIDE DIRECTION**

Lamont Thompson gave the staff report, stating staff received a letter from Mr. Jandali requesting that the matter be withdrawn from Design Review Board consideration because he stated he was in fact applying for a building permit. He did complete the application, paid the fee and submitted plans to the City and staff has reviewed the plans for compliance and found some of the information on the plans is not to scale and not readily decipherable. Mr. Jandali was asked to submit revised plans. He did not and submitted a letter, which he said will be copied for the Board. Mr. Thompson stated staff is seeking direction from the Board, and he suggested taking public comment while copies of the letter were being made.

Boardmember Woldemar questioned and reviewed the course of events with Mr. Thompson that led to staff's request for the design review application.

The public hearing was opened.

Public Comments:

Kathleen McKinley, Attorney representing Firas and Amina Jandali, stated the project had been through the design review and planning process back in 2006. It received a variance approval and then neighbors appealed the project to the City Council. This was also drawn out, but Mr. Jandali's position was that the way the Council conducted the appeal did not follow the Municipal Code. The Council's failure to actually decide on the appeal from his project is that the variance granted still stood. He attempted to get the City Attorney's office to acknowledge this in order to obtain a building permit. They were resistant and in order to bring this to a head and posture the case so Mr. Jandali could bring a petition for a writ of administrative mandamus, he applied for a building permit based on the fact that the City Council had approved the variance but with "modifications." What they actually approved was the design which was never submitted before the public comment portion of the hearing on the appeal that was closed. So there was never any notice or public hearing on that. They completely ignored the actual application and the design from which the appeal was taken and all the grounds on which the appeal was taken. They voted on this but never actually voted on the appeal. Therefore, under the Municipal Code, failure to grant an appeal amounts to a denial of it. The Council then had 30 days from the date of the hearing to make a decision. On the 30<sup>th</sup> day, having not made a decision on the appeal presented, the variance became final and Mr. Jandali had one year to proceed to obtain a building permit which he did. Mr. Jandali applied for the building permit and

staff was going to issue it. A planner indicated to them what was approved by the Planning Commission but not what the City Council approved, which was a completely different project. They refused to issue the building permit. She said this has now resulted in litigation, and she noted that this is a complicated process and procedurally complex and she said at this point there is nothing for the Design Review Board to do. Mr. Jandali is in litigation to try and get the City to issue a building permit on the original design, to which he is entitled to.

Boardmember Woodrow said if the Board were to hold a hearing tonight, he asked if this puts the Board at risk of being sued. Ms. McKinley said it potentially could; the argument would be there is nothing before the Board due to confusion, and admittedly, this is not a typical situation.

Boardmember Woodrow asked Ms. Renfro to comment on the City's risk by holding a hearing. Ms. Renfro said it was the understanding of staff that when the applicant came to the counter, he paid for a re-design review. As Ms. McKinley has pointed out, he then submitted a letter this week stating it is not what he had meant to do. Therefore, he did not formally withdraw the application.

Chair Butt stated that it sounds like Mr. Thompson asked him directly whether or not he was withdrawing it. Ms. McKinley said Mr. Jandali never intended to file it and there was confusion. She would represent him that he is withdrawing it and would like a refund because he thought he was doing something else.

Ms. Renfro noted there is litigation in place. She is not handling the litigation and she knows nothing of its status. She indicated that the letter does not officially indicate that Mr. Jandali is withdrawing. Her understanding of what occurred is that in November, Mr. Jandali came to the counter. She was not sure what he requested, but in the end, staff received a new application for design review and a fee for that, in addition to plans. Over time, as Mr. Thompson has attempted to contact Mr. Jandali, there has not been responsiveness. If Mr. Jandali did not think he was re-applying, then why would he respond?

Ms. McKinley said terminology could explain some of his reluctance; when you say "withdraw an application", this implies you made the application and there is something to withdraw. In his mind, he did not make anything to withdraw. Therefore, the City needs them to indicate they want to withdraw she would with the understanding that the City would not keep his fee. She agreed to put this in writing.

Boardmember Woodrow questioned what good the Board could do tonight, and Mr. Thompson and Ms. Renfro said staff only asks that clarity be provided, which has been accomplished. Chair Butt questioned if the design review of the process has stopped. Ms. McKinley said if they win their case, the Board will not have to see it because it has already been through the process, and Mr. Thompson agreed.

Mr. Thompson noted that if the letter of withdrawal is signed, the matter is closed and there is no application, and therefore no need for public comment.

Boardmember Woldemar said if this ever returns he did not believe the Board should hear about the legal side of it. He said when there have been appeals of actions the City Council wants to find a solution which is sometimes good and sometimes bad, and this is clearly a case. Ms. McKinley agreed the Council should not attempt to be planners.

Chair Butt agreed to allow public comment.

Ross Provance, Richmond, said he would like to address principally the basis for the Board’s original decision. He said when the applicant made his application for approval of a variance he overstated the lot size by 25%. This approval was based on that lot size. The error was detected in planning after the Board’s approval. The reason it went to a hearing was because of this discrepancy. He said this is stated in the staff report to the Council; “Whereas, on 27 May 2008, the appeal was filed of the Planning Commission’s approval by the TF Group stating in the opinion that this decision was in error”. He said when the Board looks at plans and the numbers on the plans are incorrectly stated and approval is based on that, a review is deserved. He said this has not been openly discussed. The plan by the Opticos Group was agreed to by him not because they cared for it, but as a basis for discussion. What it dealt with were issues of massing, elevation, access and setback. He said this design gave neighbors a view and the other design removed views. At the Council meeting, Mr. Jandali was given an opportunity to submit a design more appropriate to the lot size. He vigorously turned this down and showed no interest in discussing the issue. He felt they were not dealing with a legal issue but one that by fact or design, Mr. Jandali misrepresented his plan. The Board approved that misrepresented plan and the process was then set into place.

Ms. McKinley noted that Mr. Provance was concerned that the Planning Commission approved a plan on the basis of incorrect information about the lot size. She said there was some confusion about the lot size at some point, but before the Commission made its final approval for the variance, the actual lot size was determined. The Jandali’s have paid a tax assessment for certain square footage and the actual lot size was smaller which was known before the Commission’s final approval and then the project was appealed. Chair Butt noted this was completely not relevant to the Board and thanked everyone for their comments.

**5. PLN11-011 FINAL LANDSCAPING PLAN FOR HANLESS HILLTOP TOYOTA**

Description APPROVE EXCEPTIONS TO THE LANDSCAPE REQUIREMENT FOR THE APPROVED EXPANSION OF HANLESS HILLTOP TOYOTA DEALERSHIP FACILITY.

Location 3255 AUTO PLAZA

APN 405-330-006

Zoning C-3 (REGIONAL COMMERCIAL DISTRICT)

Owner LEE DONG KUK & IK

Applicant HANLESS HILLTOP TOYOTA

Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Hector Lopez gave the staff report and a brief description of the request. He stated the Board must approve findings for exceptions, stating one exception involves a number of automobile dealerships which do not conform to existing landscape requirements.

Boardmember Whitty clarified that all 8 dealerships are all non-conforming.

Boardmember Woldemar referred to condition 15 which talks about a storm water management plan, for review and approval. He confirmed with Mr. Lopez that this has been done and therefore, the condition is no longer applicable. Boardmember Woldemar said similarly, condition 16 speaks to live plant material and irrigation along the street frontage and findings. He said findings are included for the deviation. He suggested this be cleared up eventually by removal of “DRO” from the Zoning Ordinance.

Boardmember Woldemar asked if the application satisfies the beginning part of condition 16 for a full landscaping plan. Mr. Lopez said at the February 9<sup>th</sup> meeting, the Board required live plant landscaping in the front of the lot. Boardmember Woldemar noted that he spoke with Mr. Lopez today and while there is a significant amount of shrub materials, there is also a significant amount of dirt and virtually no groundcover at all. There is none spelled out to be included and in addition, the existing irrigation system is above grade. He asked that the applicant speak to this and distributed photographs to Boardmembers which depicted this situation.

Bob Davidson, Architect/owner R.L. Davidson, said at the last meeting, they proposed using artificial fescue grass in the front. Boardmember Woldemar stated the Board reminded Mr. Davidson at that time that the ordinance requires specifically live plant material. Mr. Davidson said he indicated that they would leave what they have there, which are existing plantings. The direction to him in writing was that they were to provide a landscape plan. They spoke with Mr. Lopez and indicated they would leave what is present, which is mature landscaping.

Boardmember Woldemar questioned if Mr. Davidson would be opposed to installing groundcover, and said the Board could take an action that requires it. Mr. Davidson questioned whether the Board is indicating that the landscaping is not acceptable. Boardmember Woldemar said yes, he is, and said a landscape plan includes plant material, groundcover and irrigation, which is standard for design review. Mr. Davidson said a landscape plan by definition does not require groundcover.

Chair Butt agreed with the need for groundcover and said the dirt area is very stark. He felt it would serve the Toyota dealership well. Mr. Davidson said discussed at the last meeting was that because the Nissan dealership has fescue grass in the 5 foot landscape area, they would change it to grass, and there was talk about shrubs and plants. Chair Butt cited the need for something other than bare dirt.

Boardmember Woodrow said the Board approved the field of mulch in front of the Plunge, and he questioned how the Board could hold someone else to a different standard. Chair Butt said the Board approved grass in the center medians and it was never done. Boardmember Woodrow suggested a poll be taken as to whether or not people believe this to be sub-standard.

Chair Butt said he thinks the Board is trying to compromise; they see this as a car lot and they will not require the installation of trees that will have droppings, but they would like to see nice landscaping in the front, which is not unreasonable. It provides a balance to what the Board and the applicant both want to ensure the street frontage looks nice. He personally likes the low, drought-resistant bunch grasses. Boardmember Woldemar said he had no preference as long as it is groundcover and something other than dirt.

Vice Chair Welter said at the very least, he would like to see mulch or decomposed granite covering the dirt. He does not have an objection to the shrubs there, but the bare dirt looks bad. However, he also understands that the Board has given concessions on landscape coverage for this lot and he believes the applicant should give something back for those concessions, so each side gets something they want.

Boardmember Christian said he would like to see something to cover up the dirt to make it look presentable.

Boardmember Whitty questioned how long Toyota has been on the site. Mr. Davidson said he was not sure how long Mr. Lee has owned the dealership and believes it was a Ford dealership

in the past. Mr. Davidson said he is the architect for the project. Boardmember Whitty said the business has been on the site for at least 25 years, and at the least, there should be groundcover. She suggested fescue grasses, no water pink blossoms groundcover, or any number of items on the list, which takes very little care. She would not vote for mulch or bark, but only plants.

Chair Butt said he agrees with this and said boardmembers do not have any specific plant choice but all agree there should be something other than bare dirt. He thinks this is a fair compromise for not requiring any landscaping at the other side of the dealership.

Boardmember Woodrow questioned what Mr. Davidson is prepared to do to address this. Mr. Davidson read condition 16 which states, "The applicant shall provide live plant material and irrigation on the entire street frontage of the property. No artificial materials shall be provided at this location. There should be facts supporting findings for any deviation from the requirement that the 10%..." Further, "A landscape plan shall return to the DRB for final approval." He said no where in the language did he ascertain groundcover or that the landscaping they had was inadequate. He said this is a subjective ruling by the Board and he said he will not indicate what he will do because the owner wants to build the building and sell cars. He noted that all 8 dealerships are non-conforming.

Boardmember Woldemar said immediately across the street is a shrub that virtually fills in the entire ground area and looks handsome. Further up to the Jeep dealership, they have done a good job with groundcover as well. The point is that irrespective, the idea is to make the street frontage visually appealing so it reinforces the invitation to look at cars. Mr. Davidson said one thing that could be done is to enforce the no parking zone for some of the cars using that street. Dealers are losing auto sales there because of transit on the hill, and nothing can be seen when driving by the area. Boardmember Woldemar said the City could make note of this but it is specifically not related to design. He concurred there are no parking spaces along the street.

Mr. Davidson asked the Board what it wants him to do because he did what he was instructed to do as outlined in the language.

Chair Butt said this is a small item in the approval tonight, and he said the Board could approve this tonight with the caveat that there is some groundcover yet to be determined from the list. Boardmember Woldemar noted the language is from an excerpt from what the City prepared about 8 years ago, and the groundcover and acceptable lawn substitute was pulled out. He said most regular groundcovers are usually planted 24" on center each way, are planted from flats, they grow and cover within one year and have flowers on them. Mr. Davidson questioned if groundcover itself was adequate by itself without the shrubs. Boardmember Woldemar said no; it is not acceptable in his mind.

Boardmember Whitty said generally landscaping plans have mounding of planting so it is not just all flat. Chair Butt questioned if there was a landscape architect involved, and Mr. Davidson said they specified all plants and shrubs and had a landscape architect identify everything they had out there that exists without adding anything.

Chair Butt said it is evident that Mr. Davidson does not want to act as landscape architect, and he suggested having one so as to go through the EBMUD book and choose some nice plants because he said frankly, the dirt looks ugly. It would behoove Toyota to do this for its patrons' to arrive at a nice looking frontage. He said the Board asked for a landscape plan and all existing plants were drawn up and labeled as a landscaping plan, but this is not what the Board's

intention was. He said the Board is clear with what it wants and would be willing to approve it with the caveat to go back and do a legitimate landscape design for the area or perhaps just pick out 2-3 ground coverings and add them to the plants already there. If rejected by the applicant, then he could meet with his client again and see what they come up with; however, he did not see this as a good approach.

Mr. Davidson said if he had his druthers, he would take out all shrubs and put in a groundcover, but he asked if this was acceptable or not. Chair Butt said almost every project the Board sees has a landscape architect that does some sort of landscape design, which is not unusual or a burden to ask this of an applicant. Mr. Davidson said this is not the issue. The Nissan dealership next door has fescue and nothing else which was done three years ago. He said he did not want to do something and then have to return, stating this is a very subjective realm. Chair Butt said the Board does not now have a landscape architect, but the previous member was and she would have indicated her preference. But this Board can provide the direction and leave it to staff to provide details. Mr. Davidson asked that it be specific.

The public hearing was closed.

Boardmembers briefly discussed specific direction for the applicant to follow, and Boardmember Woldemar suggested a motion that the applicant be required to add clusters of groundcover spaced at 24" on center each way, using a minimum of 3 types of groundcover including Gazania from the City's list. Either side of each of the two entrances could easily be Gazania. Stretching down to the west it gets steeper and it might be appropriate to have a slightly different type of ground cover, and in the middle ground it could be another type. He noted adjustments will need to be done to the irrigation to ensure watering. The existing shrubs should remain.

He said he will not require that the irrigation be undergrounded right now, as it is currently above grade. There have been so many exceptions made for the project already, and he did not think it was asking too much for something specific.

Boardmember Whitty said she would not plant the west with one groundcover, the middle with another and this end with another. Boardmember Woldemar said he was rather suggesting using a total of three types clustered.

Ms. Renfro read aloud the proposed condition: "The landscape plans are approved subject to installation of clusters of at least three types of groundcover, one of which shall be Gazania, and from the list presented to the applicant on April 27, 2011 and appropriate irrigation, planted 24" inches on center each way in the area underneath, in, and around the existing shrubbery on the street frontage." This would substitute for Condition 16, which would be stricken.

Chair Butt said he had found a City in Illinois that had very descriptive landscape guidelines which discussed specific applications to auto dealerships where there are concerns about trees overhanging cars. He thinks it would be worthwhile for Richmond to review this, because these things put the Board in tricky positions, where they are being asked to provide certain waivers. And, just because businesses in the past have not been mandated to install similar landscaping is not an excuse for not installing any groundcover.

**ACTION: It was M/S (Woldemar/Whitty) to approve PLN11-011 based on the staff's recommended findings for exemptions to the ordinance that require landscaping and based on staff's recommended conditions 1 through 14, deleting Condition 15, and**

modifying Condition 16 to read, "The landscape plans are approved subject to installation of clusters of at least three types of groundcover, one of which shall be *Gazania*, and from the list presented to the applicant on April 27, 2011 and appropriate irrigation, planted 24" inches on center each way in the area underneath, in, and around the existing shrubbery on the street frontage." The motion carried by unanimous voice vote.

**4. 1100513 KNOBCONE SUBDIVISION OF 4 RESIDENTIAL LOTS**

Description THE APPLICANT REQUESTS DESIGN REVIEW OF A TENTATIVE MAP FOR SUBDIVISION OF THE SITE AND DESIGN REVIEW OF FOUR SINGLE-FAMILY RESIDENTIAL PARCELS WITH A REMAINDER PARCEL. ONE HOUSE EXISTS ON THE SITE; THE THREE NEW SPLIT-LEVEL RESIDENCES WOULD RANGE IN SIZE FROM 2,400 TO 3,600 SQUARE FEET. THE REMAINDER OF THE SITE, A 61,540 SQUARE FOOT PARCEL, WOULD HAVE A DETENTION BASIN TO CONTROL RAINWATER RUNOFF AND WOULD REMAIN UNDEVELOPED. THE DESIGN REVIEW BOARD WILL RECEIVE COMMENTS ON THE PROPOSED MITIGATED NEGATIVE DECLARATION.

Location 5801 KNOBCONE COURT

APN 435-300-010

Zoning SFR-1 (SINGLE-FAMILY RESIDENTIAL, 11,000 SQUARE FOOT MINIMUM LOT AREA PER UNIT)

Owner FANG RONG CHUANG

Applicant WILLIAM RANDOLPH III

Staff Contact LAMONT THOMPSON Recommendation: **RECOMMEND APPROVAL TO PLANNING COMMISSION**

Mr. Thompson gave the staff report and a description of the request for a 4 lot subdivision with a remainder parcel. He said the applicant is requesting the DRB recommend approval of the parcel map to the Planning Commission. The DRB should take into consideration that this property is located in the Fire Physical Constraints Area and the Hillside Physical Constraint Area and there is a Resource Management Overlay District on this property. Staff has worked with the applicant to address some of the issues like drainage and grading.

Mr. Thompson said the DRB should also consider the proposed design of the houses that would be improved on the site which would address some of the hillside constraint issues, such as grading and placement on the site, preserving natural features, and environmental issues. Staff is also requesting the DRB provide feedback to the applicant about the housing design as they relate to the hillside. Staff has made some recommendations for conditions and that the design, if the map is approved, should return back to the DRB for final consideration, along with landscaping, solar orientation, and hours of construction, and truck trips.

Boardmember Woldemar questioned the reason for the DRB to review truck traffic and hours of operation, as they are not typically design-related items. Mr. Thompson said this is true, but it is within the DRB's and Planning Commission's purview. As condition 1 in the staff report included hours of construction.

Boardmember Woldemar referred to Condition 7, noting a conflict. On one hand there is clay tile and on the other; asphalt shingles. Mr. Thompson noted it should be reflected to state clay tile. Boardmember Woldemar also suggested deleting the 30 year wear rating number, noting it is a 30 year guarantee. Mr. Thompson noted this is a topographical error.

Boardmember Woldemar said while not reading through the entire packet, he asked if this project as currently designed, meet the hillside ordinance requirements. Mr. Thompson said this is tough to answer, as it is subjective. In staff's opinion, it does meet the hillside ordinance requirements. The design steps the houses taking out most of the retaining inside of the house between the finish floor of the garage and the first floor of the main residence. The exterior walls visible from the outside would be limited to 6 feet in height from finish grade to the top. They looked to minimize grading and address drainage issues. They also reviewed the preservation of more hazardous land features, but he agreed that the devil is in the details.

Boardmember Whitty asked how to ensure an HOA is formed for this area. Mr. Thompson noted this would be a condition of the parcel map's approval. He pointed out that there is one property already developed, with 3 to be developed. The 5<sup>th</sup> parcel is the remaining parcel. Staff is recommending only the 3 proposed new homes be part of the HOA and that the HOA would be responsible for maintaining the remainder parcel. The primary reason why the existing residence is not proposed to be included in the HOA is because that residence has a sewer line that hooks to existing residences. It would drain and is shared by existing property owners now. This proposed development will have its own sewer lateral that will go to the sewer main on Knobcone Drive and will be maintained by those three proposed residences. Furthermore, the drainage for the 3 proposed homes will have a retention basin to address not only storm water runoff but also C3 requirements. The HOA would be responsible for maintaining that retention basin to ensure drainage is taken care of, weeds on the remaining parcel are cut down, and also there is a defensible fire perimeter.

Boardmember Whitty asked if staff considered that the home already built connect to the new sewer line that would be put in to combine the 4 homes together. Mr. Thompson said it was considered the opposite way; having the 3 proposed homes tie into the existing private sewer line, but it serves the 5 homes there now and neighbors were opposed. He referred to Tentative Parcel Map 2 of 8 showing the main house, sanitary sewer line that comes off the hill and connects to the existing residences, and he described how they are connected. He noted the sewer line cannot handle any more. He agreed there is nothing to prevent the existing owner from hooking up to the new sewer line, and the Board could condition this.

Boardmember Whitty said it seems there is a major water pressure problem. Mr. Thompson said in thinking about this, he takes issue that there is a fire hydrant up at the top of the hill. It is part of the water main that goes down Knobcone Drive. There is a lateral that comes off the main line that will be unaffected by this project that serves these homes. The line flows slightly less than 1,000 gallons per minute, so if there is a problem, it would be in the private water lateral that serves the 5 homes which may be undersized.

Boardmember Whitty questioned if staff has discussed this with the EBMUD, and Mr. Thompson said he can, but the Water District was given an opportunity to comment on this and he sent them letters, emailed them, and provided a link to the site and they did not comment.

Boardmember Whitty said if there is a water pressure problem after the homes are built and connected to the water line, she questioned what would occur. Mr. Thompson said he believes the proposed new homes are not a part of the existing lateral that serves the residences. Therefore, there should not be a significant drop in pressure.

Boardmember Whitty said she thinks it should be one HOA for the proposed homes and the existing home. She thinks the parking signs and red curbs are overkill. She questioned and confirmed with Mr. Thompson there was no other alternative proposed for access other than the 22 foot wide road. Lastly, she voiced concern about the crumbling hillside, and asked if there has been any slippage or cracking since the first house was built. Mr. Thompson said he could not say; he has seen cracks in the roadway which is an indicator for slides. He walked the site

and it is clear to him there are slide scars on the undeveloped portion of the site and cracks in the roadway. They had two peer review geotechnical engineers consider the slide movement possibly impinging on the street and causing street failure or possible problems with drainage and utilities, and they concluded that there was not a problem at this time. There is no guarantee there will not be problems in the future. Staff included conditions for repairing the slide scar and also monitoring the effects of the project on that roadway. Staff believes the homes are positioned outside the path of the debris flow.

Boardmember Woodrow voiced the need for more information on pipe flows during various times throughout the day and night, and he thought one test does not verify problems. He also said drill sites P1-4 are all right on the road or close to it. The others done are not on the sites where the homes are going to go. Only B3 comes close to it, and it would seem he recommended having one hole drilled per home site, noting that the area has been subject to slides for a long time. Mr. Thompson questioned the location for the proposed hole to be drilled, and Boardmember Woodrow referred to Cover Map Sheet 1 of 8. He suggested putting down a hole on lot 1, 2, and 3. He said B3 looks as if it could be off 1, but he was not sure. The simplest way to see if things are going to move is to do an accurate search and then a GPS check on one or two points per lot once a year, which could be done in an hour, as people want to know whether their house is sliding and not so much the road. Also, in looking at the drawings provided for the homes proposed for lots 2 and 3, they both have at least one to three walls on the uphill side of the lot. He asked if those walls would be drained or perforated, which he said is common.

Boardmember Woldemar referred to the sections of the drawings and noted the walls are shown as drained, and water would be drained to the detention basin. Boardmember Woodrow questioned if thought had been given to putting a drain below each of the slabs so it drains away from the homes. If homeowners were to do this, it could be carried down slope. He said he did not see sewer lines and confirmed that there were none shown, and the City received a will serve letter from the Sanitary District. Boardmember Woodrow suggested that they be shown at some point.

Finally, Boardmember Woodrow asked for an explanation as to whether there is a plan in the home designs that would show up as something purposely done to handle stress that might be suffering sheer slippage, which he said is a big issue in the Berkeley hills. The Crock Company has been the lead on this, as they are showing several active slides. Homes show it through cracked walls and driveways.

Chair Butt questioned and confirmed with Mr. Thompson he knew nothing about comments made earlier that a previous body had recommended homes be limited to 8.

Chair Butt asked for the applicant's presentation.

William Randolph III, applicant, said the process has been arduous. They wanted to divide the property into 8 lots which had opposition. In addition to being the applicant, he is the survey project manager for the project, as well and has surveyed numerous lots in the area. He knows some of the history. Allan Crop's organization did all of the geotechnical work and they have been there 3 times and bored all over the hill. What staff has in terms of a recommendation is based upon all of those different findings. He agrees that their organization does very good work in determining slides and where they are. Many slides are caused by faults, but while he was unsure the property was in an earthquake fault area, he said there are water issues with the hill. They have done everything they can to reduce the number of homes and although designs are not the finished product, they provide some idea of what could be there. They would like to help out the existing homeowners, as there is one situation where there is water coming into someone's backyard. This is caused by the adjacent lot where water is present. They can do

nothing but stabilize the hill by building on it and fixing existing problems which will help and not hinder. He said he was available for questions of the applicant.

Boardmember Whitty said she believes that an HOA should be established with the existing home and the 3 proposed homes, as well as the empty lot, and she asked if Mr. Randolph would be amenable to this. Mr. Randolph said in looking at the entire project with staff over time, this has always been the plan.

Boardmember Whitty said with one HOA, the sewer, water, lighting standards, and other items should fall under one body and coordinated, and Mr. Randolph agreed, but he said the problem is that the existing home is already built. The owner purchased it in a rough frame and finished the home off. In so doing, the City and sewer district had already approved the existing location of the sewer line. He agreed it could be changed and he did not believe this was a hindrance. Hypothetically, in the formation of the HOA, if they were all working together with the exception of that one sewer line, he questioned if this would be a problem for the Board.

Boardmember Whitty said it would not be for her. She simply wants to make it work and make people responsible. She said there right now there is separation between the 5 houses down below. There will be 3 houses in the middle, and it is getting chopped up with no one organizing the neighborhood. Mr. Randolph said the subdivision is altogether. There is some land that is unbuildable. Given the fact there is water in someone's backyard, he can understand not wanting to have a house in that location or on unstable land. The land suggested being built on has been looked at by Allan Crop three times and it has been peer reviewed as well.

Boardmember Whitty questioned and confirmed with Mr. Randolph that the existing home, the 3 proposed homes and the remainder parcel are proposed to be in the HOA.

Boardmember Whitty questioned how the drainage from the project will be conveyed into the pond in the open space land area and what this will look like. Mr. Randolph said he is not the engineer, but he said the information is available.

Boardmember Whitty questioned if he considered putting in a drainage basin on each property. Mr. Randolph said there were a number of different scenarios throughout the process. Some decisions were based on information they had at the time or after information that had returned from peer review, so this was the best plan so far. The pond design proposed would allow a time-released system and they would want to minimize the amount of water flow that rushes out so the system is not overwhelmed. When the pond is filled up to a certain level, a valve would release water incrementally not down the street, but to a pipe running into the V-ditch.

Boardmember Woodrow questioned if the pond would be lined, and Mr. Randolph said he was not sure. Mr. Thompson said when the pond was conceived, it was like a swimming size hole that would meter out the water. The purpose was to try and get as much water away from the houses and into the detention basin without overwhelming the gutter on the sidewalk and get it directly into the creek as quickly as possible, while complying with C3 at the same time. He confirmed the pond would be lined.

**Noted Absent:**

Chair Butt and Boardmember Woodrow were noted absent at 8:00 p.m.

Public Comments:

Eleanor Loynd, President of the May Valley Neighborhood Council and Chair of the El Sobrante Valley Planning and Zoning Advisory Committee, Richmond, distributed a report to the Board, stating they had two representatives walk the property. They got the impression that the existing

drainage ditch would be removed and now this is not the case. The report provides comments on excess water runoff, concerns of bulging and upwards of soil, and pictures. She then distributed a second document of comments, and described the makeup of their council who meet monthly. She requested a written statement from a Richmond planner or attorney be required on the status of the cul-de-sac. The Knobcone cul-de-sac was added to another cul-de-sac at Thistlecone Drive, which was about 1,000 feet wide and contains more than 20 homes. Therefore, this is 45 homes in the area with one way in and out. They request the City require a neighborhood traffic report to review traffic patterns so construction time could be set to allow for resident thoroughfare during the morning and peak times. She said there is only one streetlight on Knobcone Court and they would like at least one more on the other side of the street. In addition, there has been flooding areas lining the creek on San Pablo Dam Road, and she questioned if this has been shared with the County for feedback. She asked if the water will run off from the project into the creek or into pipes that go under the San Pablo Dam Road and then into the creek. They also request that the HOA be required to submit information on the status of its drainage system every year or two to Richmond Public Works so they can check it to ensure it is working. The Mitigated Negative Declaration listed endangered animals and she questioned if some comments should be made for deer, such as no spiked metal fences should be allowed. Also, new residents should receive information about wild turkeys in the area. In addition, the three homes should be equipped with sprinklers as well as the existing home. She added a number 8 which were words repeated 4 times in the Mitigated Negative Declaration, "because the 2005 and 2007 geotechnical reports review different lot plans and lot numbering than currently proposed, the applicant's geotechnical consultant shall provide an updated final geotechnical report with current lots and lot numbers integrated into their analysis, conclusions, and recommendations." She questioned when this would happen and hoped it would before the project could be approved by the Planning Commission or City Council.

Erez Maoz, Richmond, questioned why no one refers to the work that was done in the past that created a beautiful neighborhood. He asked not to create the original plan of a group of 8 lots, which was the main plan 20-30 years ago.

Steven D. Chickering, Richmond, said he appreciates the discussion and concerns stated thus far, but offered additional thoughts. There was mention about the main access road to the existing current home. No one has lived in it since it has been built, which raises some question. There were comments relating to cracks in the road, concerns about maintaining it, water pressure concerns, and he hopes that when tests are made regarding peaks and use of the water, to consider the fact that there is an existing home to consider average uses of water for it.

Tom Wright, Richmond, said his wife was a former City planner and was involved with the early development with Bill Nakur and Bill Oliver. The area was limited to no more than 8 homes. The original soils report did analysis of the road and based on their recommendation, it should be reduced to 6 homes. Not only is the road bending and cracking, but the sidewalk is buckling. The sidewalk is disconnected and is in pieces because of erosion. Everybody who lives on Knobcone Court has water in their backyard that goes until July which is all coming from springs. When they did their 2005 soils analysis, they drilled 25 feet down by his house and returned with buckets of water and stopped the drilling. The reason there is so much water is there is a creek which is fed by the land before this. When Bill Nakur and Bill Oliver went up there, they brought in tons of dirt, graded it, and covered the entrance to the creek. The creek in 1986 had water in it during the summer and is now bone dry. All the water coming down from the house that is empty was crossing Lot 1 and feeds into the creek. It is going somewhere and not likely down into people's backyards. Everyone on Knobcone Court has drainage systems. He has a 4 foot drainage system that goes through his whole yard. He has a sump pump and he pumps water into the gutter until July. He said the house on top of the hill was abandoned for two years and a friend of his was going to buy it and Lot 1. He spoke with Tanya Boyce , a

Planner, at the time who said there is no building allowed to be built on Lot 1. Bill Nakura and Bill Oliver walked away from Lot 1 who also wanted to put homes there because they were told by the City they could not build on the lot because it is unstable. His neighbor is a hydro-geologist and he will come and talk further to this. Therefore, there is opposition of 40 people for this. He added that 3 years ago, all of the water lines sheered because there is so much activity with the water. EBMUD tried to increase the water pressure and Bristlecone pipes blow up all the time because they cannot get enough water pressure up there. There are a lot of concerns and he understands the applicant wants to build and make money, but they agreed to the original development of 8 homes. They all moved to the area because it was a dead-end street and rural environment, and each year, people come and want to build. Also, the reason there is a private sewer line is because West County Wastewater refused to put a line in there, and he has a letter from them stating they will not take responsibility because they know it will fail. They had a major problem two years ago and they did not realize it was a private line, which was an oversight which should have been addressed at that point. He said there are only three people at the meeting tonight, but there are 40 others ready to come in and voice similar concerns.

Mr. Thompson commented that there is one thing very confusing about this project. Lot 1 is not a buildable lot; it was not proposed for construction based on the old subdivision map. When a parcel map was created, the numbers were reversed, which should be made a point of clarification. He said the map the Board has is the correct map, but what Mr. White was referring to is a different map.

Vice Chair Welter confirmed there were no further public comments and closed the public hearing.

Boardmember Woldemar said there are two parts to this; the first relates to the subdivision and whether or not there are going to be 3 homes up on the property and all of the issues that go along with that, such as utilities, soil reports, etc. He said basically this can almost be left up to the technicians to solve it. He said all of the drainage problems can be solved with money. With no discussion at all this evening is the other topic—architecture and what the project looks like. He said the plans are very informative and massive houses. They are not properly designed to conform to the hillside. They have almost 3 retaining walls, almost 2,000 cubic yards of dirt to be hauled off and he said this is not a project that conforms to the grade and Hillside Overlay Ordinance.

He suggested that in moving forward, the graphics of the Mitigated Negative Declaration be increased not only to include other property lines but also Google Aerial photographs and better visual aids in order to figure out what is Lot 1. He also heard some discussion about parking and two car garages and two extra cars per lot. The big houses could support big parties, and he questioned where would guests park. He questioned what happened with ideas the Board used to talk about parking pockets along the way. He recognized the downhill portion of the site is not buildable, but this does not mean parallel parking spaces could not be put along the roadway. He said only recently he understood there is a sidewalk on the opposite side of the subdivision, which is not referenced on the plans. In this kind of project in this day and age, he wondered if it shouldn't be a bit more contemporary. Rather than taking all storm water down to a point and having to grapple with it in a retention basin, is it not reasonable to think an on site individual lot type of storm water management. He said there are major areas in the backyard that are leveled caused by the fact there are 6 foot retaining walls, but those areas could be a house, and the house could be slipped up onto the hillside and some front yard areas could be storm water management. He said one of the recommended conditions is that landscaping return to the Board and these kinds of ideas will come up at that level.

Boardmember Woldemar also cited a conflict he would like to know more about in order to design around it. The Fire Chief will ask for all clearances around the house, yet when he

reviews the plan, he will look for ways to landscape to provide screening of the homes. He questioned how both could be accomplished. Staff indicates there is not a major impact on aesthetics, but he believes there is which has to do with architecture. For example, the houses should step up into the hill more. He suggested thinking of designs approved such as those out in the Point. He believed the homes look like stucco boxes and they need more detail and character.

He is also curious as to why this is not a Planned Development as opposed to what is ordinary zoning, as it would provide more flexibility to work with. He also questioned if there has been a tree survey, and if so, he asked how many trees are proposed for removal and how many are being replaced. Mr. Thompson said there are no trees; just brush.

The last comment is that this project needs a community meeting where everybody can discuss it so it is clearer what Lot 1 is, what the history is, and where the water from the creek is going so the public has a good feeling about it to avoid miscommunication. Lastly, he would say that when this returns, he hopes architecturally it is improved. Personally, he could not support the current plan from an architectural point of view. In looking at grades, he thinks some of the siting is wrong. He said some of the siting is going contrary to the existing grades, and he felt 3 retaining walls were not in conformance. He would support this going on to the Planning Commission with numerous caveats that need to be addressed. The Planning Commission should make the land use decisions and then get to the design afterwards.

Vice Chair Welter echoed similar concerns voiced by Boardmember Woldemar. There are many siting problems with the homes with respect to the neighbor's house. Lot 12 has a big blank stucco wall that neighbors 10 feet away will stare at. There is way too much detail on the house; it is bordering on a theme park. He asked that the architecture be more sensitive to the hillside and be stepped back.

Boardmember Woldemar asked that minutes be prepared in order for them to go to the Planning Commission for their benefit. Ms. Renfro noted that minutes are not considered official until the Board approves them, and therefore, they must be prepared and approved in time before the Planning Commission packet goes out.

**ACTION: It was M/S (Woldemar/Whitty) to recommend DR1100513 for three new residences on Knobcone Court based on the staff's recommended 4 design review findings, based on staff's recommended 11 conditions; with condition 7 being modified to eliminate the entire reference to composition shingles; and within the context of conditions that the design of houses, landscaping of the site and other issues discussed will return to the Design Review Board for future approval under condition 1; unanimously approved.**

## **BOARD BUSINESS:**

Boardmember Woldemar noted that Chair Butt did provide the Illinois car dealership landscape plans, which was an interesting document. He noted none of this needs to be reinvented and it should be made specific to Richmond.

### **A. Staff reports, requests, or announcements**

Ms. Whales noted staff has kept on the following items and work is underway.

1. Continue discussion on landscape bond procedures.
2. Review and discuss possible amendments to RMC 15.04.810.030 (Fencing and Landscaping Standards, Residential Properties) and RMC 15.04.820.010 (Fencing and Landscaping Standards, Commercial Properties).
3. Review and discuss possible amendments to RMC 15.04.930 (Design Review) to include DRB jurisdiction over City projects.

**B. Board member reports, requests, or announcements**

**Adjournment:**

The Board adjourned the meeting at 9:05 p.m.