

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
September 26, 2012
6:00 p.m.

BOARD MEMBERS

Ray Welter, Chair
Robin Welter
Mike Woldemar
Brant Fetter

Brenda Munoz, Vice Chair
Eileen Whitty
Don Woodrow

Chair Ray Welter called the meeting to order at 6:10 p.m.

ROLL CALL

Present: Chair Ray Welter, Vice Chair Brenda Munoz, Boardmembers Brant Fetter, Robin Welter, Eileen Whitty, Mike Woldemar and Don Woodrow

Absent: None

Staff Present: Jonelyn Whales, Kieron Slaughter, and Hector Lopez

APPROVAL OF MINUTES

August 22, 2012:

ACTION: It was M/S (Woldemar/Fetter) to approve the August 22, 2012 minutes; unanimously approved.

Chair Ray Welter welcomed new Boardmember Brant Fetter.

APPROVAL OF AGENDA

ACTION: It was M/S (Whitty/Woldemar) to approve the Agenda; unanimously approved.

Public Forum - Brown Act - None

CONSENT CALENDAR:

Chair Ray Welter noted the agenda consists of four Consent Calendar items. He asked if any members of the Board, staff, or audience wished to remove an item. Boardmember Robin Welter requested removal of Item 4. Boardmember Woldemar confirmed there were no public speakers for items other than Item 4.

He announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Tuesday, October 9, 2012 by 5:00 p.m.

ACTION: It was M/S (Woldemar/Woodrow) to approve the Consent Calendar consisting of Items 1, 2, and 3; unanimously approved.

Items Approved on the Consent Calendar:

Public Hearing(s)

CC 1. PLN12-147 REYNOLDS RESIDENTIAL REMODEL AND RENOVATION ON OCEAN AVE
 Description **(HELD OVER FROM 8/22/2012)** REQUEST FOR DESIGN REVIEW APPROVAL TO REMODEL AND RENOVATE AN EXISTING DWELLING THAT EXCEEDS 15 FEET IN HEIGHT, AND PROVIDE A SUSTAINABLE STRUCTURE THAT UTILIZES GREEN PRACTICES AND MATERIALS.
 Location 841 OCEAN AVENUE
 APN 558-233-006
 Zoning SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL)
 Owner DEBORAH REYNOLDS
 Applicant CATE LEGER
 Staff Contact JONELYN WHALES Recommendation: **CONDITIONAL APPROVAL**

CC 2. PLN12-213 PALACIOS RESIDENTIAL ADDITION ON ROOSEVELT AVE
 Description REQUEST FOR DESIGN REVIEW APPROVAL TO LEGALIZE AN UNDOCUMENTED TWO-STORY ADDITION WITH A BALCONY IN THE REAR OF AN EXISTING RESIDENCE.
 Location 1707 ROOSEVELT AVENUE
 APN 514-290-025
 Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)
 Owner LUIS PALACIOS
 Applicant ROBERTO PENA
 Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

CC 3. PLN12-219 MARTIN DECK REPLACEMENT AND MODIFICATION ON WESTERN DRIVE
 Description REQUEST FOR DESIGN REVIEW APPROVAL TO REPLACE AND MODIFY AN EXISTING DECK THAT SERVES THE THIRD LEVEL OF A SINGLE-FAMILY RESIDENCE.
 Location 616 WESTERN DRIVE
 APN 558-254-012
 Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)
 Applicant LUTHER MARTIN (OWNER)
 Staff Contact HECTOR LOPEZ Recommendation: **CONDITIONAL APPROVAL**

Item Removed from the Consent Calendar:

CC 4. PLN12-108 THYSELL NEW SINGLE-FAMILY RESIDENCE ON TEHAMA AVENUE
 Description REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A NEW ±2,051 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED SECOND DWELLING UNIT.
 Location 5900 TEHAMA AVENUE
 APN 508-282-025
 Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)
 Owner BARRY & SU THYSELL

Applicant WILLIAM P. COBURN, ARCHITECT
Staff Contact KIERON SLAUGHTER Recommendation: **CONDITIONAL**
APPROVAL

Kieron Slaughter gave the staff report and description of the request for design review approval. There was a previous Board comment and suggestions made to the applicant at the meeting of July 11, 2012 that the applicant provide additional architectural details, a survey, landscaping in the planter strip, provide an outline of the existing house for comparison and add more articulation to the elevations. Members of the public expressed concern about the size and massing of the proposed residence, perceived impact on views, and others requested limited tree plantings to preserve their existing views. The project was continued for the architect to address these comments.

Mr. Slaughter stated the architect did obtain a topographic map/survey and the roof height on the north side of the residence was reduced by 2 feet. There were other minor architectural changes, as well. The applicant provided plans to the Richmond Annex Neighborhood Council and staff. Staff indicated two corrections should be made to the plans the Board has, and the architect will have a revised floor plan that indicates that the interior width of the garage would be 20x10 feet to match the zoning requirements for 10x20 per vehicle. In addition, on the front page, the 31 feet proposed height was left on the plans, which will be changed to 25 feet.

Staff's analysis remains the same as the previous analysis. The style of residence remains Spanish Mediterranean and the applicant took the Board's recommendation to make all roof materials similar and the project meets all development standards.

The project is located in the Richmond Annex and the applicant attended the May 9 and 16, 2012 neighborhood council meeting to present the project. Staff received a letter of support dated June 5, 2012 as attached to the staff report. The applicant also presented the latest version of the project plans to the council for their consideration.

Subsequent to the staff report being mailed out, staff received two additional letters in opposition of the project, mainly focusing on the size of the garages. Staff evaluated this and does not believe the size of the uninhabitable space is a significant issue, does not feel it has a negative effect on the neighborhood or changes staff's findings. Eliminating one garage would eliminate off-street parking or guest parking for the workshop and would add more cars on the street. It would also have the applicant's hobbies take place outside or in the backyard.

A list of neighborhood house sizes was provided to staff and to the Board by members of the community; however, staff took another site tour of the surrounding neighborhoods and took photos of existing homes of similar size, height and massing.

In conclusion, staff feels like the project would demolish a deteriorating structure and construct a new residence that would aesthetically improve the property. Staff believes that the size and massing will fit into the neighborhood that the proposed project is in compliance with height and setback regulations of the SFR3 neighborhood, and continues to recommend approval of the request.

Boardmember Whitty referred to page which indicates building height and said when adding up all square footage, it does not add up to the stated 2,093 square feet. Mr. Slaughter noted that he did not believe the garage was added into the total square footage. Boardmembers voiced the total was approximately 3,800 square feet with the garage/workshop area.

Boardmember Whitty asked if staff had any concerns that need to be addressed. Mr. Slaughter said he reviewed the list the Board provided and notes from the last meeting, as well as the minutes, and he saw nothing that was absent except whether or not the Board wants to require street trees. He contacted Chris Chamberlin, Parks and Landscaping Supervisor, and asked and confirmed a suggested tree would be a Chinese Pistache. He noted an issue was also raised in a letter received regarding the yard sales which were taking place. Staff contacted the applicant and the tent was removed and the applicant has ceased holding estate/garage sales.

Boardmember Whitty thanked staff for the photographs and Mr. Slaughter indicated he provided them for context and that there were existing multi-level homes in the neighborhood. The prominent house on Tehema has a second dwelling unit and is also on a corner. Boardmember Whitty said while many of the homes are large, this is the only house that truly relates to this project. Mr. Slaughter added that some of the other homes are stepping up the hill.

Mr. Slaughter clarified with Chair Raymond Welter that the homes in the photographs were all within one to one and a half blocks of one another.

Boardmember Woodrow referred to Sheet 6; the top drawing is a sketch and shows the current house, the proposed house, and trees. He asked whether or not the trees will be cut down. Mr. Slaughter said he did not believe any trees were proposed to be cut down. There were some in the planter strip facing south which are prominent that block the view of a house on a property downhill.

Boardmember Woldemar confirmed the photographs were taken by staff, and Mr. Slaughter said he was trying to provide context. He provided pictures of all adjacent houses for another project, and he thought it was wise to compare photos with the matrix which was provided by neighbors.

Boardmember Woldemar said when the application came before the Board previously he thought it had subsequently been withdrawn. Mr. Slaughter said this was for noticing purposes because the Board had postponed it to a future uncertain date.

Boardmember Woldemar questioned the front yard setback off of Butte, and Mr. Slaughter replied it was 20-21 feet which was subsequently eliminated on the plans and not indicated. Boardmember Woldemar asked and confirmed with Mr. Slaughter there is nothing in the ordinance that restricts a 4-6 car garage/workshop/basement square footage, as it is all treated the same. Boardmember Woldemar said if it did not have a garage door, then clearly it would be a workshop or something else. Mr. Slaughter suggested the applicant speak as to their intentions for the space. He was told half would be a workshop and storage of classic cars they would not want to store on the street.

Boardmember Woldemar said if all square footage is used by way of a calculation and it is in excess of 3,800 square feet, and in doing the arithmetic, this proposal has a floor area ratio of $\frac{3}{4}$ to one or 75%. He knows the ordinance does not deal with floor area ratio but other ordinances in the area do. He asked if staff has ever come across one that has that high of a floor area ratio. Mr. Slaughter said he did not consider this, as this is a residential project. Based on what is allowed, the standards say applicants can build according to setbacks, they can work with the massing, articulation and architectural style, but to tell someone that those rules only apply in certain places and not here, it would be difficult for staff to do.

Boardmember Woldemar said there is a point where he wonders how much the Board encourages or discourages. It is conceivable that within the zoning ordinance that they could have a 3-story house and 35 feet and it could go 20, 25 and 10 on this site and probably would have a floor area ratio in excess of 100% of the site area, or well over 5,000 square feet. Staff

would have to take the position that it is allowed. Mr. Slaughter concurred, per the zoning ordinance. Boardmember Woldemar said then the enabling ordinance for the DRB throws in a whole series of other criteria beyond what is just allowed by the zoning ordinance. Therefore, as the DRB works on this project, the Board will be well within their rights and well within the enabling ordinance to do such, and Mr. Slaughter agreed. Boardmember Woldemar said he would like to make this clear because on one hand there is staff recommendation for approval and on the other hand, there are many problems with the project.

Boardmember Robin Welter said square footage was mentioned earlier and the applicant states the total is 2,093 square feet, but when she totals what is on page 1, without the garage she comes up with 2,417 square feet. She asked what she was missing, and Mr. Slaughter suggested the applicant or architect speak to this.

The public hearing was opened.

Bill Coburn, Architect, said the owners, Barry and Su Thysell are present and he has prepared revisions to the earlier drawings for the Board's review where modifications were made to respond to comments of staff and the DRB. Revisions include modifying the masking of the building and plate heights by reducing the plate height on the northerly section to 8 feet and 10 feet on the front. On the two street front elevations, the roof massing was changed so on the Butte side there was a gable added to the living room, and on the Tehema side, there was a modification to the roof to highlight the dining room, and the balcony was interrupted there and a circular window installed in order to relieve the massing and reduce the blocking effect which the Board was concerned with. In addition, the balcony on the Butte side was limited on the left side and the windows were modified to accentuate the living room design feature at the corner.

He said there has been a color board presented for consideration. They are proposing a two-tone color solution with two earth tones for the stucco, a lighter tone which would be on the base and on some portions of the upper floor, with a slightly darker tone put on the protruding living room side on Butte, the design features of the dining room on Tehema, and the upper section of the rear of the story where the plate has been drawn. The proposed asphalt roofing would be reddish brown which is a slight modification to the last meeting, which maintained a tile roof and asphalt roof to allow the solar panels on the upper roof. Additionally, they maintain the green entry doors on the garage. They felt the modification of the massing of the house was done at the Board's request to minimize the bulk on the project and they also introduced detailing in the drawings for the window surrounds, the water table separation where the colors change on the second floor, and detail for the soffit molding. There is also a detail for the balcony per the Board's request. In addition, they provided a revised landscape plan with plants called out, and subject to an email from the staff planner, the garages would need to be 10 feet wide clear and he provided a floor plan showing a 2 inch modification on the floor plans.

Boardmember Robin Welter referred to the square footage question and asked Mr. Coburn how he arrived at 2,093 square feet. Mr. Coburn said the building pad, when assuming 20 feet on the Butte side, 20 feet at the rear, 5 feet on the interior lot line and 10 feet at Tehema, results in a building area of 60x35 or around 1800 or 1900 square feet. There is a section downstairs which is the foyer. Boardmember Robin Welter said if adding the upper and lower floor and accessory unit, they are coming up with 2,417, and she is adding the unit which gets added into the total, which Mr. Coburn agreed with for a total of 2,417 square feet for both units, including upper and lower floor and accessory unit.

Boardmember Robin Welter referred to landscaping, said the revised plan looks better. She can understand why the corner view should not be blocked, but she suggested breaking up the massing more with landscaping and get some height there on the Butte and Tehema sides. Depending on what utilities are in the right-of-way, she likes the amount of landscaping which

will help, but she suggested getting more height and a few smaller trees or large shrub to block the garages. She questioned whether the applicant could put a pergola over the garage doors and get green there to break it up more, as she thinks this help with the massing at the front. Mr. Coburn said this is possible.

Coming around the corner, she suggested adding 2 or 3 more trees along the hillside landscaping, which will not block the view but add to the street tree. While she knows there is a requirement for street trees, she knows there are utilities running there. Mr. Coburn said along the Butte side, if the trees were modest in size and deciduous, there would be no problem.

As far as plant material, Boardmember Robin Welter said much of what was chosen requires more water and maintenance, such as the cape weed, trialo, and the lower pedalum. She said the cape weed is a weed and is resistant to herbicides. She would recommend a noble grass which is drought tolerant and low maintenance. She suggested talking with the nurseries about native plants and noted that the ones chosen will get very large. Lavenders are great, the drip and spray will work well, but she suggested changing the plant material for longer lasting plants that will look better. Mr. Coburn said he would be happy to work with her on modifications to the plant list. The objective of the owners is not to have a high maintenance and high water garden and to get effective coverage on the hill.

Boardmember Robin Welter said in looking at the drainage, she was glad it was marked up. The only concern is that instead of the 5 foot concrete pathway which will increase runoff on the neighbor and increase flow, she asked to make it a permeable paving solution that will be better for both neighbors. If the bougainvillea is planted, it will also get so big that no one will be able to walk the path. She suggested more of a creeping vine or something that will not over take the pathway. Mr. Coburn said they can utilize permeable concrete, paving blocks or grass Crete, crushed aggregate. She suggested if screening is an issue, to put an additional foot on the fence or back wall. Mr. Coburn said the neighbor has actually put up protection because there was a problem with the prior ownership of the house, but they can consider this if there is an issue there. Vice Chair Munoz noted there is bamboo, which should address the issue.

Boardmember Robin Welter said she can work with Mr. Coburn on plant material so it is more sustainable. She thanked Mr. Coburn for providing the topographic map which identifies what is going on with the elevations.

Vice Chair Munoz referred to Sheet 2 and said identified is an upper floor den with a tiled roof below and she confirmed that this is asphalt shingle and there is no tile whatsoever for the roofing.

Boardmember Woldemar asked and confirmed that the interior dimension of the garages has been adjusted so there is 20 feet in length clear and 10 feet in width clear. He referred to Sheet 2 of the lower plan and asked the dimensions of the secondary unit. Mr. Coburn said it would be 15 feet wide. Boardmember Woldemar said he thinks it will be smaller but his point is that the square foot number is then adjusted again. Mr. Coburn said he had 16 feet previously and he acknowledged that they need the 4" clear on the front.

Boardmember Woldemar referred to inconsistencies and the eastern side leading to the rear yard and asked how large the gate is. Mr. Coburn replied 3 feet. Boardmember Woldemar said on the drawings it shows 3 feet but on the elevations, it shows something less than that. His point is that the refuse bins will be stored there, and Mr. Coburn said they might be stored in the garage.

Boardmember Woldemar said the elevations show a window in the foyer, but the floor plan does not, and Mr. Coburn said he will add it on the upper floor. Boardmember Woldemar commented

that the elevation plan shows a very skinny window and he suggested it take advantage of the volume of that space. Mr. Coburn noted it is a circular wall so it becomes difficult to have a wider window unless it is faceted. Secondly, it was provided there so there is some view outside while circulating up or down the stairs, as well as for light; however, this is not a view window and the adjacent houses are at that level. It therefore did not seem appropriate to have a larger window there. Boardmember Woldemar felt the tower element reads sort of blank even while curved, and instead suggested the applicant think about installing five, eighteen inch windows and wrap them around the curve.

Boardmember Woldemar referred to elevations on page 3 and asked what the colors are for the gutters, trim around windows and railings. Mr. Coburn said the trim around the windows, the gutter and fascia will always be the lighter color of the two. Boardmember Woldemar suggested the plans state this. Mr. Coburn referred to the color board where he indicated the trim and lower portion of the house, and he will supply staff with a copy of this tonight.

Boardmember Woldemar referred to the east elevation and pointed to the 4 foot wide window in the bedroom, but the plans indicate it is a 6 foot high window. Mr. Coburn apologized and indicated he would adjust the plans to state they are 4 feet high. Boardmember Woldemar said below that window is the water table trim which runs over to and stops to the railing. He said the railing is a transparent wrought iron railing and asked what happens to it. Mr. Coburn said it would continue up to the deck where it would be interrupted by the deck.

Boardmember Woldemar referred to the upper floor plan which shows a relatively small 3x4' landing outside of the door and the elevation shows something more in the excess of 12 feet. While he said the applicant did not have to answer per se, his point to the Board and applicant was that more details need to be provided and plans revised. Mr. Coburn said the balcony was widened at the applicant's request and it is meant to go to the corner of the kitchen.

Boardmember Woldemar referred to the front north elevation at the foyer, the way it is illustrated, the curve ends up in the same vertical elevation and the same vertical height as it comes to meet the roof. When looking at the floor plan, it does not and he questioned the geometry. He also said the elevation indicates on either side of the garage doors and on the western side of the entry door some sort of pilaster and asked if there was any change in dimension or just a piece of trim at the top. Mr. Coburn said this was intended to match the detail on either side of the two-car garage, so it will be slightly thickened at a minimum of 3.5". Boardmember Woldemar asked and confirmed it does not express itself in different color and Mr. Coburn said it does not; the color is at the living room and dining room upstairs and the 8 foot section of the roof.

Boardmember Woldemar said in each elevation at the underside of the eave, there is a trim detail. When going to look at that detail on page 5, he asked to note how that detail tucks right up inside of the eave to wall joint so that when looking at this in elevation, it cannot be seen because it is higher. He can see that the sloping soffit is stucco'd in. He had originally thought what was being done is a boxed in soffit and in which case that detail would show up considerably. Right now, the elevations do not reflect the details. Mr. Coburn said this is technically correct, but one would never see this house in elevation with the exception of if you were in someone's house across the street, so the intention was to allow that molding boxed in at the side of the rafters as shown.

Boardmember Woldemar said this same detail shows all the eaves are 24 inches, yet this is not reflective of all elevations. He said his point is there are many inconsistencies and he did not know what the Board was approving.

Boardmember Woldemar said the details for the railing show a bracket at the bottom of the railing where it is bolted to the fascia of the deck. The bracket does not show on the elevations and he confirmed it is intended to be there. He confirmed that the railings and the bracket would be black and the color of the wood fascia of the deck would be the beige color.

Boardmember Woldemar referred to the west elevation and the gabled roof element. A line is shown to the right and left hand of that on the actual stucco wall coming down from the eave points, and he confirmed that the line was originally the bottom of the balcony and there is a color change to delineate the end of the living room wall. Boardmember Woldemar said underneath that element on the right hand or south end, there are a pair of brackets and he asked why not do them in the same relative position on the left hand or north side. Mr. Coburn said the balcony was asymmetrical to the living room element and so he felt it would look more natural to have the brackets at the end of the balcony to reflect the symbolic cantilever. If the Board feels it is better to center them underneath the living room element in a symmetrical fashion, he could entertain that.

Boardmember Woldemar pointed to the south elevations on the west end, a wood fence is shown dashed in at the property line coming all the way forward. On the floor plan it shows there is a stucco wall return there. Mr. Coburn said this is correct; they want to have a ball there at the lower height there to the return of the building.

Boardmember Woldemar referred to the lower roof area, there is the same water table details coming around from the stairs and asked why it just ends. Mr. Coburn said he had proposed to his clients that the wall material on the upper portion not just be a color change but a material change as well. Therefore, the water table was a means of separating the material changes. From a design standpoint, he felt it was satisfactory to have that change stop at that point rather than continuing onto the higher plate area so the color change would relate to the 8 foot plate height and the water table underneath it and form a design pair there. Boardmember Woldemar said he thinks it would have been more effective to back set one side by a foot or so or the other a little ways. This way the water line turns into something. Coming off that point vertically, next to the window is a pair of blinds. Mr. Coburn said the blinds is a screed line separating the two materials. Boardmember Woldemar asked if there should be more control joints or screed joints on these large stucco walls, and Mr. Coburn agreed there is some logic to this to create a pattern.

Boardmember Whitty referred to the north front entry elevation and the window above the double car garage and she asked if the applicant would consider adding an arch so it matches the garage door below and echoes the window above the front door. Mr. Coburn said they can consider this if it is important. Boardmember Whitty asked not to use a dormer element but echo the garage door to provide more symmetry.

Boardmember Whitty referred to the curved tower are on the first floor next to the front door and by the double car garage. She asked why there were no windows there. Mr. Coburn said he does not remember this discussion but one issue is that the stairway comes down there and a window in a conventional place would capture the ankles of people walking down the stairs. She suggested adding in a lattice and Mr. Coburn agreed.

Boardmember Whitty still voiced concern that this building is much larger than many of the surrounding homes and it is on a prominent corner. It causes raised eyebrows when she looks at it. She said she understands the owner wants a larger home, they have the lot size but it is just very big. They already pointed out that the only other house in the neighborhood is one of the eight photos. There is also the existing neighborhood and she asked for more landscaping to soften the project and asked if there is any way the mass could be reduced. Mr. Coburn said when this project was first received and they submitted it for initial review, it went several times

to the Richmond Annex Neighborhood Council. At that time it was 6 feet taller or 31 feet. As a result, they elected to shrink it some. The last time this Board saw it, the issue about the blockiness of the house came up again and again and this generation of changes reduces the plate height, creating color changes, accenting some windows versus others, minimizing longer features and breaking them into smaller groups. In addition, he pointed out that in wanting to satisfy his client's needs and having a successfully built project is his goal. He is trying to balance the needs of the neighborhood and the urban design contextual needs with their needs. What has been presented is his current attempt in doing this. He pointed out that it may not relieve the pain but there are many residential context in the East Bay and beyond which were designed by developers many years ago. Typically, in driving down the streets even from the mid-19th century that corner properties were bigger and more prominent. So, he thinks this contextual fits with what has gone on for over 400 years. It does not soften the blow to the neighbors who are fearful this is too large. Nonetheless, it is his responsibility to advise his clients what would work and what he thinks is a mitigated position to allow the house to proceed. This was why these solutions were presented.

Su Thysell, owner, said the Board is accustomed to reviewing and approving big houses. In fact, this house is not even considered big. As long as they comply with the City code, she thinks this is their lifestyle; they want to live in harmony and have no intention to harm the neighbors and asked the Board for their support.

Mr. Coburn added that the property is a prominent site, a corner, and it is not really a knoll but a bench of the hill. Under many circumstances it would be normal to allow something a little special and not the ordinary.

Boardmember Whitty asked if there is a topo map of the site plan, and asked Mr. Coburn to explain the slope down from Tehema. Mr. Coburn said it is almost level and the high point is in the middle with a gradual slope down to the back. In the floor plan there is a step from the larger garage into the foyer and this is reflecting the slope of the property down.

Boardmember Fetter said he has been on the other side in the past as an applicant and he thinks this is what the jurisdiction can handle as far as a departure from the neighboring homes. He can see many adjustments have been made and Boardmember Woldemar asked many of his questions; however, while the window element and the curve cannot be articulated, he finds it acceptable. What bothered him more was the approach to the back side of the house. The elevations seem to visually portray differential, but in actuality, it is just a screed wall where there is no massing change where there is a two story facing the next door neighbors and looming over the close fence line. He asked how the children's bedrooms might be set back to have some sort of break in the mass.

Mr. Coburn said the site diagram shows three very large trees on the neighbor's lot which serve to create some distance. In response to Boardmember Fetter's question regarding screening the children's bedrooms, Mr. Coburn said it provides some distance. Boardmember Fetter said the structure is very close to the boundary and he asked if branches on the trees would be removed. Mr. Coburn said no; the limbs are fairly vertical and on the neighbor's property.

Boardmember Woodrow asked Mr. Coburn to talk about fencing materials, colors, height, etc. Mr. Coburn said at the Butte side of the house will be a low stucco wall. At the Tehema side on the backside of the house will be a 6 foot stucco wall to the corner of the property and then there will be a straight, conventional 6 foot wood fence around the two back sides. There is an existing fence and they will determine whether it is in good condition or needs to be replaced.

Boardmember Woodrow confirmed the fence would be solid and natural redwood. Boardmember Woodrow said he sees few other homes have fences all around the homes, and

he suggested doing a slatted fence. Mr. Coburn noted that his clients are concerned about security; however, this can be done several ways. He suggested entertaining options to reduce the impact of the barrier like quality. Boardmember Woodrow said he thinks this would help in the sense of size, as well, and Mr. Coburn agreed to look into this.

Chair Raymond Welter referred to sheet 2, near the front door there are two dimensions; a 3 and 2 foot dimension and he asked what this was. Mr. Coburn said the 3 feet is the balcony above which causes a 5 foot recess.

Chair Raymond Welter referred to elevations and concurs with Boardmember Woldemar about the detail at the eave. It is shown correctly because in going to the east elevation, that front most prominent element is not shown correctly. He said the west elevation light fixtures are at different heights and they should be at the same height. Regarding the front entry, starting with the garage on the left, there are 2 foot sidewalls on either side of the garage door with the trim above them, and then in moving over to the front door, to the right of the front door there seems to be one there, and then moving to the far right to the garage doors, there is nothing. Mr. Coburn said on the far right there is a buttress wall and it shows on the west elevation as a decorative element where the low wall and entry gate swing up to the house. Chair Welter said his point is that the detail elevation at the front door does not match the plan, as there is not that depth.

Boardmember Woldemar asked staff if it is conceivable that part of the house could project into the rear yard in the east if another part of the house did not project that far. Mr. Slaughter said yes, this could be done and they could go as close as 10 feet. He said this is not usually encouraged because it gets closer to the rear line which defeats the purpose of the setback and pushes a rear bedroom close to the project line.

Boardmember Woldemar asked if there was also a provision that you can project into the front yard or Butte yard, because at least this has to do with averages of the block. Mr. Slaughter said you can open an enclosed stairways not covered by a roof to extend the rear yard. The front yard is the 2.5 foot one. He said ground floor level porches that are covered with a roof which are no wider than 60% of the front wall width may project a maximum of 6 feet into the required front yard if the roof coverage does not extend above the second story. The balcony can go 2.5 feet into the front yard. Mr. Coburn said the setback is 21 feet and the minimum is 20 feet.

Boardmember Woldemar asked if they could not project the balcony any further into the front yard. Mr. Slaughter said the only way is to view the front yard setback differently by taking an average of 40% or more of the block and they do not differentiate more than 10 feet.

Boardmember Woldemar said given what is here, he asked if there is any reason why they should keep the balcony face where it is, but the portion of the building could project one more foot in. Mr. Slaughter said this could be done and he confirmed there is nothing that defines the depth of the balcony. Mr. Slaughter added that "the main residential building may project into the required yard up to but not within 10 feet of the rear lot line provided that the interior yard space is provided. This building projection shall observe the required side yard and shall be no wider at the projection than 50% of the average lot width." So, he said it can be 24'11" wide and can project up to 10 feet at the rear property line as long as the interior yard space is maintained.

Boardmember Woldemar asked what could they do in the 5 foot south side yard, and Mr. Slaughter said they can do cornices and chimneys, fire places, eaves, sills, canopies or other architectural features, not including bay windows or vertical projections. They may project into a distance not greater than 2.5 feet horizontally into a required side yard that is 5 feet or more in width.

Boardmember Woldemar said if he wanted to make one of the upper floor bedrooms one foot longer to the south, and Mr. Slaughter stated this may go to his question that this is typically not occupied space. Mr. Coburn said the other relevant issue is that there is a fire code requirement of 5 feet from the property line. So if it is pulled over 4 feet, they would have to have a one hour wall.

Public Comments:

Mary Selva, President, Richmond Annex Neighborhood Council, said the project does not really represent the neighborhood on Tehema where homes are factually smaller. She presented a profile showing that 75% of homes range from 800 to 1200 square feet. 25% of the homes range from between 1200 square feet up to almost 2500 square feet and most of those 2500 square and over are usually built on larger lots which range from 7500 to 10,000 square feet. Those lots are on the south side of Highland, the south side of Burlingame. The City has always talked about preserving neighborhood character. Vicky Prop's house's lot is 9700 feet, the living area is 1878 square feet and the garage is 611 square feet and she would not use the photographs to compare this particular house. She said three homes were denied by the DRB several years ago; two homes are on Highland and the lots were subdivided into a 6,000 and over 7,000 square feet and both homes were reduced in size, so there is nothing this large in the area.

Boardmember Woldemar commented that the City received a letter from the Richmond Annex Neighborhood Council which is included in the packet.

Cynthia McMillan referred to the three trees in the drawing which are not there. She has a tree halfway back from her house and one tree right at the back corner of her house. She will be looking at a 20 foot high, 60 foot long featureless wall with a few windows here and there. She would prefer that the stairs coming out do not face her backyard. She will have people looking right into her yard. She said the house is much like a 1900 square foot house on top of a 1900 square foot house and with vaulted ceilings. One part of it will be one story and a part will be two stories. She recommended that instead of having so many garages, she asked that they limit the plan to a 3-car garage, bring the 2 bedrooms on the upper level to the lower level and they could have something that breaks up the project so it does not look like a barn. She appreciates the changes that have been made, but said they were never consulted and she is seeing them today. She lastly requested that the drawings that show the overlays of the existing house to the new house be done with dimensions and be done to scale, and that it also provides one from the Butte side. She would really appreciate something like a 3-dimensional rendering from the corner be done.

Priscilla Regalado, Richmond, reminded the DRB of its finding that the proposed design is suitable for its purpose, is harmonious with and relates properly to the surrounding neighborhood contiguous parcels on the site itself. She grew up in Los Angeles and knows these houses very well which are large, Mediterranean stucco houses but this is the Richmond Annex. It does not belong there and she has heard that this is what the owner wants and this is what she is going to get. She does not feel neighbors have been heard. She is also very afraid it will set a precedent and affect views, as there is no view ordinance in Richmond.

Deborah Dodge, Richmond, said she completely disagrees with the design review findings; 1) the proposed design is suitable for its purpose, is harmonious with and relates properly to the surrounding neighborhood contiguous parcel on the site itself. The house is not harmonious, does not relate to the surrounding neighborhood, it is huge and she does not know why the Board is nibbling about details of the design when the Board should be talking about what this massive thing is doing in the neighborhood. The photographs are annoying because there is no

square footage, no addresses and in several of them, they are supposed to represent two different houses, but this is one house, and another photo shows two houses. They are down to 11 houses they do not even know the dimensions of. She can go out into her neighborhood and take pictures of hundreds of houses that are in harmony with the neighborhood as far as scale and massing which are small homes, some of which are on larger sites and some on smaller sites. This proposal is completely out of character with her neighborhood. She agrees with Ms. Regalado that to set a precedent like this means that other houses can be constructed like this and cited a recent home that sold due to a family member passing away. She understands the property owners want what they want but there are many other neighbors that also what they want, which is the nature of the Richmond Annex to remain.

Prabaker Balasubramaniam, Richmond, said he received an email from staff with facts and findings which they objected to. Another email was then received with a correction of the facts and he did not think facts can be characterized to suit findings and this is not good administrative procedures. He said he never saw the exhibits that they claim were discussed at the neighborhood council and they found many inconsistencies later. The findings indicate that the height is 25 when it is 31, and the setback is inconsistent as well. It also states that the style is Spanish Mediterranean and he was unsure of what this is and suggested providing an explanation. In summary, no facts for the project were explained.

Adam Smyer, Richmond, said the last time he was present he spoke about his view and his desire to protect views. He distributed a picture of what views they now have which is a major factor in their decision to buy the house, and he would hate to lose this view.

Lorien Smyer, Richmond, said she appreciates they are going to replace the structure, but the 5 yard sales in 2 months have been a concern and distributed photographs which show people out in the street. She does not believe the setback is enough to allow for future yard sales. There is not enough space around the house as they have been using the space at the edge of the curb. Her concern is there is not enough area around the house to accommodate any future yard sales, as well as the views.

Boardmember Whitty asked and confirmed that a few houses down is 5900; the one to be torn down, the corner will stay the same until trees are planted, and she felt that the Smyer's views would mostly be saved.

Boardmember Woldemar said it is not this Board's purview that relates to yard sales. It might be a department in the City's purview, and Mr. Slaughter said he has already contacted the homeowner. Mr. Smyer said they contacted code enforcement and they have halted all sales until the end of the year. They are allowed one sale per month for a maximum of three in any three-month period.

Leonie Stern said her mother is Vicky Prop and they own the residence at 5825 Tehema, and confirmed with Mr. Slaughter that the Board received her report and pictures. She said her problem with their garages is that this will turn into a business. What they refer to as yard sales and warehousing is going on right now. They did stop their yard sales, but it will start up again after the first of the year, and the Annex is not a business district. They cannot also clutter an entire sidewalk, curbs and the street with merchandise so people cannot walk. The owner has been doing this for years and this is a business and the need for the garages for warehouse and storage of second-hand junk.

Rebuttal – Applicant

Su Thysell, owner, said she is a real estate broker and a salesman by heart. Before she came to this country, she was told America is beautiful because everybody is free to do what they

want as long as they do not break the law. They are hard-working, law abiding people and she feels the animosity towards them. The lot is beautiful with views and people are impressed with it, and this is why they want to make the best use of it. They do not mean to step on anyone's toes but are not the type of people to live in a small house, and asked the Board to approve it.

Boardmember Woodrow asked to hear more about the plans for the sales and asked if these are intended to be permanent. Ms. Thysell said it is a free country and she might want to do it again. This is her property and she can do what she wants. Boardmember Woodrow said there are zoning laws to abide by. Ms. Thysell stated she contacted the City and said she can hold three sales once a month.

Boardmember Woodrow said he does not know of a single home in the Annex that runs sales and it seems to him to be a long-range plan to have. This provides him with a new view of the garages and he asked Ms. Thysell to be candid about the use of them. Mr. Thysell said he has an old Austin Healy and would love to be able to put this and his old Honda Nighthawk in the center of the garage so he could repair them. Ms. Thysell said this is not her intention to warehouse items.

Boardmember Whitty asked about the second unit and asked if it will be rented out. Mr. Slaughter said state law permits this and the City does not have any purview to regulate it as long as it meets the code. Mr. Thysell said his 20 year old grandson will be moving there.

Boardmember Woldemar noted there is a cap on the square footage of 640 square feet, there is a distinction where the front door must be and a requirement for a specific parking space.

Boardmember Whitty said she did not see in the conditions that there will be no business run from this residence, and Mr. Slaughter said this is not the Board's purview; just design of the house.

Boardmember Woldemar referred to drawing issues and there are too many inconsistencies in these drawings to know what the Board is approving, much less what the specific design is. He would not be sure what he is plan checking once built because the drawings are supposed to represent what the DRB approved. He has four principle design issues with the project. The first is a review of the north elevation and perhaps not so much the four cars or the three garage doors, although he would always prefer single garage doors over double wide doors. It is the balance and proportion of things on the front which gets into the ordinance and not written down but by a DRB's approval.

For example, the dining room has a marvelous arched window which sets half on and half off the garage door below. It has a downspout coming off that will come down, run horizontally and then run down again, which are non-proportional things and should line up. If they look at the City's design guidelines and look at the Spanish or Mission style categories, things line up and this does not. Co-related to this is the treatment around the curved stairway and foyer aspect. The magnificence of what that space will be is something like 22 feet up to the ceiling of the foyer, but there is one window in that entire space. There is no light or architecture there and there needs to be more windows and more light to the front of the house.

Regarding the mass and scale aspect, it has a lot of bulk. There are relatively easy tricks to change the mass and scale that do not necessarily reduce square footage. For example, they could easily take the rear part of the two-car garage and shift it to the east and off set it from the front two cars and still have a workshop back there. In shifting it, it would create a whole one-story element out to the east that would help step the house down. They could potentially put one or two of the bedrooms currently upstairs and put them downstairs and they would fit and

they would use up less square footage on the top floor which would provide the opportunity for one and two story elements.

He said he understands 9 and 10 foot plates, but it is exasperating using the tall ceilings in terms of the mass. As it relates to the west elevation, when he touched on the idea of 59 feet versus 60 feet, he likes the idea of putting the gable roof out there which helps break the scale down, but does not like the idea of the gable roof being on the same plane as the rest of the roof. He suggested taking the living room area and pop it out one foot for some true offset. He asked to look for solutions to do the same thing on the south up against the downhill neighbor. He noted the trees discussed are very tall and neighbors are going to be looking right up at the side of the house. He thinks the owners must be aware of this and look for design tricks to break that scale down, which could be in the alignment of windows, scoring patterns of the stucco or others.

Lastly, from a design point of view, there is something for everybody in this house. He said the decorative treatments are not done consistently throughout the house. He suggested having a logic through the whole house and this is not reflective of that. If asked to vote tonight, he would vote for denial and this is why he did not want to close the public hearing.

Chair Raymond Welter said the point he appreciates most is the extension of the ground floor and bringing down some of the bedrooms downstairs, which would serve to step the house. He agrees there are also a lot of inconsistencies with the design and agree with the gable roof comments. Boardmember Woldemar added that the architect should find a way to move the balcony with the averaging of the front yards.

Boardmember Fetter asked if there were any other styles of this house in the neighborhood. He is concerned where he sees the boundaries of the setbacks are met but a boxy house. He has a feeling that the architect was asked to maximize the square footage, and he has seen where it is desirable to have a house with fantastic spaces inside but also has a character and nature that is not so block like or something that breaks up the mass. The backside of the house also very much concerns him. Also disturbing is the fact that the drawings seem to imply more offset with how lines are in its representation but it actually is not that way. The drawings say one thing but the actual nature of the mass is another. He wishes he could have seen the earlier versions, but he feels it is still block-like and the applicant needs to know it serves their interests to have a high valued property which is not necessarily one that maximizes all the volume. A good design often has a higher value than just a big amount of space, and this is the contention between trying to balance such a notable and large home. He suggested breaking up the front and back aspects of the design and is struggling. The Board is supposed to represent the community to balance out things so a huge monster house is not in the middle of the neighborhood.

Ms. Thysell said they do not want to go up and down stairs for the rest of their lives, reiterated that the house is exceptional as well as the views. Mr. Thysell said when they first bought the house it was an eyesore and anything they do will be an improvement, but if it comes down to the point where this is turned down with no compromises, it will be renovated and turned into a rental and left looking exactly like it is. This will be their only recourse unless they can get some design approved. He noted that the Richmond Annex Neighborhood Council already approved the first design. When concerns were brought up by the DRB, they tried to address them as best they could.

Mary Selva verified that the latest version of the plans was not approved by the Neighborhood Council.

Mr. Slaughter noted that on June 5th, the previous design which was somewhat larger and had a higher roof height was approved by the neighborhood council. They submitted a letter. The

applicant agreed to lower the height of the building down to 25 feet. The latest version did not go to the full neighborhood council but reflects the changes requested from their meeting which is mostly architectural. There was a request to break up the massing, clean up the architectural elements to provide better landscaping, and he forwarded the latest versions of the plans to Ms. Selva. He was not sure whether the neighborhood council had a vote or not on the revised plans.

Boardmember Woldemar said in the last review of the project, he noted that neighborhood council members showed up and took exception with the project. He receives the Annex's agendas and he believes this is scheduled for their meeting tomorrow night. The letter the City has is probably from the Annex's subcommittee because they received the plans a couple of days ago.

Boardmember Whitty said massing was requested to be dealt with and it has not been, and this is what the Board is asking for tonight. Mr. Slaughter said the Board can also request additional conditions, as well, but he wanted to clarify what occurred with the neighborhood council.

Boardmember Woldemar said he remembers them talking about massing last time and specifically talking about solutions with excavation putting the two car garage in from Butte. There are corner lots that do this. He agrees with a comment that this is a special site, but he was not sure the Board has received anything special yet. If they were to elect to do some excavation, put the two cars down underneath, they would create some additional space and could have a one-story end on the west side of the project, as well. It simply takes more work. He remembers staff asking him to make more comments, and he remembers stating he could not without some specific programmatic changes and address mass and bulk. He suggested either continuing the item to a date certain or alternatively, denying it and allow the applicants to appeal the matter to the City Council.

Boardmember Woldemar further explained his proposed changes which would accomplish breaking up the skyline, breaking up and lowering the mass of the second floor, reducing the view blockage and making the downhill neighbor's view back up less obtrusive or less massive. He suggested keeping the shop and four garages, but it is how these are treated. He would appreciate if the one double door became two single doors because it would help the scale.

Boardmember Whitty said if the DRB denied the application and it went to the City Council on appeal, she asked if Mr. Slaughter would be able to articulate the Board's position accurately. Mr. Slaughter said he would provide them with the minutes but understands the Board's concerns. He suggested that, because he provided the revised plans to the Annex subcommittee, a couple of members meet directly with the architect and sit down and sketch out what they want and see if it works for them. Boardmember Whitty asked why the massing has not been dealt with after three months, and Mr. Slaughter said they added a dormer, more articulation, adjusted the length of the balcony, added the curved tower feature but there are comments to apply which would refine the plans further.

Boardmember Woodrow asked to follow up on Boardmember Woldemar's two options. If they were to continue the application for two months, he would like to know if the clients would work with the subcommittee or would they prefer to appeal to the City Council, and he would want to hear this. Ms. Thysell said they will not plan to build this year so a couple of months is okay.

ACTION: It was M/S (Woodrow/Woldemar) to continue the public hearing and hold over PLN 12-108 to December 5, 2012; unanimously approved.

Boardmember Woldemar said the subcommittee meeting will require the applicants come with some ideas about how to solve the problems and not have the subcommittee to come up with a brand new solution, as the Board's charge is not to redesign plans. While there is no obligation, he also asked to give the applicant enough time and an opportunity to meet with the Richmond Annex Neighborhood Council, as well.

Boardmember Woodrow thanked the applicants and speakers for their participation.

BOARD BUSINESS:

A. Staff reports, requests, or announcements - None

B. Board member reports, requests, or announcements

Boardmember Woldemar asked that Mr. Mitchell attend an upcoming meeting. He also questioned when the Board would specifically discuss sign programs, landscaping and parking lots. Ms. Whales said staff is continuing to work with the legal department on this matter.

Boardmember Whitty questioned the status of the subcommittee for the Chevron project. Mr. Slaughter said he just requested additional sets of plans. Chevron has submitted an Initial Study mitigated negative declaration and staff is requesting proposals for a peer review of that document. When he receives the additional copies of the plans, he will submit them to the members of the subcommittee. The project is a 244,000 square foot light industrial project consisting of either 4 or 5 buildings, which he briefly described.

Adjournment:

The Board adjourned at 8:31 p.m. to the next meeting on Wednesday, October 10, 2012.