

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804

March 26, 2014
6:00 p.m.

BOARD MEMBERS

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

Chair Fetter called the meeting to order at 6:05 p.m.

ROLL CALL

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

Absent: None

Staff Present: Jonelyn Whales, Hector Rojas and Assistant City Attorney Rachel Sommovilla

APPROVAL OF MINUTES

February 12, 2014:

ACTION: It was M/S (Whitty/Robin Welter) to approve the minutes of February 12, 2014; unanimously approved by voice vote: 7-0 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None).

APPROVAL OF AGENDA

ACTION: It was M/S (Woldemar/Whitty) to approve the Agenda; unanimously approved by voice vote: 7-0 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None).

Public Forum - Brown Act - None

Council Liaison Report - None

CONSENT CALENDAR:

Chair Fetter noted there are three items on the Consent Calendar. He asked if Boardmembers wished to remove an item from Consent. Boardmember Woldemar asked to remove Items 2 and 3.

Chair Fetter announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, April 7, 2014 by 5:00 p.m.

ACTION: It was M/S (Woldemar/Ray Welter) to approve Consent Calendar Item 1; unanimously approved by voice vote: 7-0 (Ayes: Fetter, Munoz, Ray Welter, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None).

Items Approved on the Consent Calendar

Public Hearing(s)

CC 1. PLN14-011 CHHOANGALIA SECOND DWELLING UNIT

Description **(HELD OVER FROM 3/12/2014)** PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A ±640 SQUARE FOOT SECOND DWELLING UNIT IN THE REAR OF AN EXISTING RESIDENCE.

Location 977 MC LAUGHLIN STREET

APN 523-021-003

Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT)

Owner MOHAMMED I CHHOANGALIA

Applicant DEVI DUTTA-CHOUDHURY

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

Items Removed from the Consent Calendar:

Recused:

Boardmember Munoz recused herself from participating on the item and left the dais.

CC 2. PLN14-001 SINGH TRIPLEX

Description PUBLIC HEARING TO CONSIDER RECOMMENDATION OF A DESIGN REVIEW PERMIT TO CONSTRUCT A ±2,900 SQUARE FOOT RESIDENTIAL TRIPLEX. THE APPLICATION INCLUDES A CONDITIONAL USE PERMIT AND VARIANCES.

Location 5305 SACRAMENTO AVENUE

APN 510-093-015

Zoning MFR-1 (MULTI-FAMILY RESIDENTIAL DISTRICT)

Owner DHILLON CHARAN & SHAKUNTALA TRE

Applicant PRABHJOT SINGH

Staff Contact HECTOR ROJAS Recommendation: **RECOMMEND CONDITIONAL APPROVAL TO THE PLANNING COMMISSION**

Hector Rojas gave the staff report and description of the request for a design review permit and variances to construct a 2,444 square foot residential triplex. He stated the project was heard before the Design Review Subcommittee on February 21st and incorporates comments by Boardmembers Whitty and Ray Welter. The site is conveniently located next to a pedestrian bridge that provides access to the Richmond Annex neighborhood across I-80 and it is an 8 minute walk and 3 minute bike ride to the AC Transit bus lines and a 7 minute bike ride to El Cerrito Plaza BART station.

He said the project is interesting in that it is one of the first projects within the form based code planning principles. Staff wants to use the form based code for design guidelines to usher in a new type of development prototype. Triplexes and four plexes are somewhat of a missing middle housing type that were prevalent in Richmond and other cities prior to the 1960's and they are not seen much today. Once the form based code is adopted and is expanded to cover

other neighborhoods, staff is hoping to see this housing type return and allow some additional affordability.

The project was designed to meet the T-3 neighborhood transit district and regulations are included in the staff report. The project is zoned MFR-1 and Table 1 compares how the project matches up with the MFR-1 standards in addition to the T-3N standards proposed under the form based code.

Mr. Rojas clarified that the project is not in the form based code area so it will not be affected; however, staff wants to recommend this project and move it forward for approval based upon all policies in the General Plan. Staff feels that the T-3N district, particularly in this neighborhood is more in alignment with the General Plan than the MFR-1 district, and staff is basing its recommendations on that point. He noted the applicants are present to explain their proposal.

Boardmember Whitty asked how the Board can vote on a project if it is based on codes that have not been adopted for the site. Assistant City Attorney Rachel Sommovilla stated it does comply with the current zoning. Boardmember Whitty said it does not comply, as it is requesting variances. She noted the project does not comply with the porch encroachment, private open space, common open space, vehicle parking, and additional open space and also drive isle width. She felt this was a lot of variances on a project and she suggested the project be slightly changed to comply.

Mr. Rojas said these are things the applicant can discuss. In light of the form based code and the many policies in the General Plan that staff is trying to move forward, given that the DRB has reviewed the form based code, he would argue that designing a project to meet the guidelines and principles of the form based code would result in a superior designed project. The Planning Commission will review this and the Board can approve the project through the issuance of variances. What will occur within the next 2 years are many of these types of requests, and the zoning code is inconsistent in many areas throughout the City with the General Plan.

Boardmember Whitty said the Board is being tasked to approve a project within a zoning code that does not exist. Mr. Rojas said the Board is not being tasked to approve the project, but recommend the project to the Planning Commission to review these land use issues. Before the Board tonight is the architectural design of the project and he suggested the Board limit it's purview to this.

Boardmember Woldemar said the Board has had issues like this over the years of where there have been variances and what they have done previously is to say if the variances are granted, the following design conditions should apply. Therefore, they make a judgment based on what is before the Board, knowing there are variances and leave it as a recommendation for the Planning Commission. If the Commission disagrees with the variances, they might disagree with the design at that time and send it back to the Board.

Boardmember Whitty said her main concern is that this is so close to the code and she asked why it is not in compliance. For example, the proposal is for 24 feet as opposed to 25 feet, 108 square feet instead of 225 square feet. She suggested the applicant provide some slight variation with the measurements which would make the project in compliance. Mr. Rojas said he would agree specifically in the areas of open space and parking, but the parking requirement under the MFR-1 district would be 5 spaces which would further reduce the quality and sizes of the units in the triplex. As far as the open space, he was not sure the applicant can redesign the

project to meet both the common and private open space requirements. He reiterated that in 2012, the City adopted the General Plan. It had higher density, transit oriented neighborhoods, and his point is that the form based code is taking the City more in the direction of the General Plan. The existing zoning code is still behind the General Plan. If staff had the budget in its department, all zoning codes will be updated to reflect more of the types of regulations that are in the form based code throughout the City.

Boardmember Whitty stated setting aside parking, the open space which currently gives residents a feeling of restriction, is way below the requirement. Mr. Rojas stated there are pros and cons of the use of open space, existing park amenities, and people's lifestyles living in an urban environment. He believes the City does not need to have the amount of open space per unit throughout the City because it creates one type of housing type.

Boardmember Woldemar thanked Mr. Rojas for the chart noting deficiencies. He said if one were to create a rooftop deck over two of the three parking spaces, they would need some column supports to come down, some kind of stairway up and this is something just less than 400 square feet used as common open space. The project would still need a variance and he thinks staff is minimizing the issue of the driveway back-out space required to be 25 feet by making it 24 feet. This extra foot is coming out of the ground floor open space so it is not easy to give up one or the other. He said there appears to be one or two cars that could be curbside out in the street. One could justify some grounds for a variance based on curbside parking as well as on-site parking yet as staff argues for the form based code discussion and for urban rather than suburban lifestyle it is obvious to him that the Board will face this issue for years trying to merge the two together. On one hand the General Plan says urban, yet virtually everything done in the City results in suburban settings. He thinks from a design point of view, the Board should look at it as whether or not the design works and recommend to the Planning Commission that if the variances are approved and justified by them, then approve the design. If it does not, it should be sent back to the Board to make adjustments so it is closer to being compliant.

Boardmember Whitty agreed and said the applicant has done some amazing things with the design, but it just bothers her that it is just slightly over the standard. She asked if there is ADA required parking, and Mr. Rojas said no, not for a triplex. The form base code would have allowed up to four ADA spaces, but after consultation with the Building Department, it went down to three spaces.

Chair Fetter asked for the applicant's presentation.

Prabhjot Singh, applicant, said this is his first project and knows the area very well. He sees the potential in this development not just because he wants to make an investment worthwhile, but because he likes Richmond and there is growing need for housing. They want to make sure that the project is economical and is acceptable to City standards. When he first purchased the lot, he came to planning and asked how he could meet parking standards. At his second visit, he was introduced by the form base code which allowed them to reduce parking, allow for bike parking, said he will commute with his bike to BART and he hopes that the Board will approve the project.

Public Comments:

Alejandro Navarro, Richmond Annex Neighborhood Council, said they would like to work with the applicant to have 4 parking spaces, asked that the height be reduced, said neighbors have an issue regarding a small retaining wall and asked that it be removed, voiced concerns with the

setback and asked to move the porch back, said the playground and yard space is not large enough for kids to play, and noted there is no ramp which might be needed per ADA requirements. Chair Fetter noted that ADA is not applicable for a private, 3-unit project.

Mary Selva, President, Richmond Annex Neighborhood Council, said they have been reviewing projects in the greater Richmond Annex and particularly this area. Two projects the neighborhood council has been very pleased with were 1) a two single family home project built on vacant lots which provided covered off-street parking, met parking requirements; and 2) a 21 unit apartment project which was controversial but planning staff recommended it meet more of the required parking. The applicant provided this because there were severe parking problems on the street, especially at night. Tenants want and need parking, and they also want open space. She said they did a comparison of Bay Area parking which goes by the number of bedrooms and feels that they need to accommodate tenants instead of making them feel squeezed in. She said this project does not meet common or private open space requirements, and she asked that the floor plan be flip flopped to easily provide a parking space in the front. There were several things they agreed on about reducing the height, and said they met with the applicant and architect to discuss preservation of views of the Bay which is an ongoing issue.

Boardmember Whitty referred to parking and said 5 would be the requirement. She said staff and the applicant argues there is space for 2 spaces out front. According to the chart, this would probably be considered guest parking. Ms. Selva said this would be on-street parking and this is what they want to avoid because there is no parking in the area. For 2 bedrooms, 1.5 parking spaces is required. Other residential districts are firm about the requirement for 2 parking spaces for two bedroom units and in El Cerrito they must also be covered parking spaces. She said the parking stalls do not meet those dimensions outlined in the code, so it is tight. There is no tot lot in the neighborhood and there are only about 10-12 people who use the pedestrian bridge. People have difficulty crossing Carlson Boulevard and Central Avenue.

Boardmember Woldemar referred to items 1 through 7 of the letter Ms. Selva submitted. He said he believes the applicant has agreed to all of these items. He asked Mr. Rojas if they incorporated these items in the plans. Mr. Rojas said this is the first time he has reviewed the letter. Ms. Selva said they met with the architect and applicant and they did not have time to update the plans. Mr. Singh noted they met with staff and neighbors which lasted until 1:00 a.m. They reviewed the list of items which are doable. Ms. Selva said parking is still outstanding, and Mr. Singh agreed.

Boardmember Woldemar noted that the Board is not going to decide on parking. He said the majority of the 7 items are design related and need to be incorporated into the plans.

Jerry Yoshida, Richmond Annex Neighborhood Council, said the meeting was very fruitful with good ideas from both sides. He said there is impractical tenant access to the units. He asked for parking that meets requirements, and said using the form base code is illegal because it does not yet exist. Regarding policy, cities he has worked for always had conditional use permits and variances heard first by the Planning Commission before they are heard by the Design Review Board because it is a waste of time going back and forth. He said it is possible to put additional parking in the front left side and he provided a sketch to Brenda Munoz. He said this does not affect the upper story but it provides an opportunity to put the stairs in the back where they should be next to parking. He noted that the owner and architect were concerned with creating a sense of a front entry, but he suggested putting a double door instead of a single door and keep the lobby in the back to encourage people to use parking in the back. This should not change square footage and will add space.

Dave Harris, Richmond Annex Neighborhood Council, spoke about the common open space requirements for this project, stating this project proposes 270 s.f. combined for a three unit building which is 10% or 30 s.f. less than the 300 s.f. required under the current zoning ordinance. For comparisons, El Cerrito requires 150 s.f. per each unit, which would add up to 450 s.f. Both Albany and Berkeley require 200 s.f. of open space per unit, or 600 s.f. There is also a children's play equipment area designated in the space as 9x10 feet which is not appropriate for the project because the units are much larger than normal apartments. They are almost the same size as a single family home in Richmond. His home is only about 850 s.f. and this is 3 units of 850 s.f. and they will only provide a 9x10 foot area for open space. He asked that the project be redesigned to accommodate a larger common open space. He knows this may conflict with some of the form base codes, but he thinks they have no place in residential areas and only along the major commercial streets which is what they were intended for.

Garland Ellis, Vice President, Richmond Annex Neighborhood Council, said the applicant should have never been steered towards the form base codes by the planning department. He said this lot is vacant and the applicant could have designed it any way they wanted to, but he questioned why they were not made to meet MFR-1 standards. He thinks too much is being built on a small lot and trying to get the most profit from what he is building with the size lot he has. Economics do not dictate a variance. If there is a geological issue with the lot, a variance can be justified. Originally, this project was presented with 6 to 7 variances and it was not to meet MFR-1 but a code not even approved yet. He asked that the Board consider these things. He said the applicant agreed to various changes at the meeting, but the next morning they heard that the applicant no longer wishes to further discuss this and instead go with what he has. There is nothing in writing or in the plans that states they will agree to changes to make the project meet MFR-1 standards. They came up with a design that added another parking space, and this changes the design of the lot immensely. Currently, there is an access problem because everybody must go through one front door and parking and open space is located in the rear. This means that people are constantly going to be blocking the driveway or the front of the building and he asked that the project be re-designed.

Lorene Haysinger said she has a triplex on the corner of Sacramento and San Joaquin, next to this project. Her concern is parking and said in front of the house there is a crosswalk. The project is so close to the street that if a car parks in the driveway it will hang over the walkway. Her concerns are a severe lack of parking which will encroach onto her building, retaining walls because there is a downslope, changes not being incorporated into the plans, and she asked that the play lot be for children to play and for warning signs to be placed in the area to slow speed.

D.S. Bal, Richmond, said he is glad the owner has taken this property and is trying to convert it into something meaningful and which will give people housing. Regarding parking, Mr. Singh bought a property at 5300 Sacramento Avenue where he will be moving shortly and this house was a dump before he renovated it very nicely. He would like the project to move forward and asked for approval.

Sathan Singh Ansla said he lives in the area since 1978 and there is no parking in the evening. If the triplex is built and all tenants have two cars each, there will not be enough parking. He noted there is a retaining wall between the two boundaries and said if he parks his car on his side, he and his family will get hurt and he distributed pictures to the Board of where the retaining wall is being removed.

Rebuttal – Applicant

Prabhjot Singh, applicant, said he believes Mr. Ansla is looking for him to build a retaining wall for him and he pointed to it on the plans. He said when the survey was done the fence and floor area was one foot into his encroachment. Mr. Ansla hired a lawyer and after the boundary analysis, Mr. Slaughter submitted a letter to require them to build a retaining wall which protects his property, as his lot is about 3 feet below. Mr. Ansla did not want to pay to take down the retaining wall along with concrete protecting his property. He received an email from his lawyer and he suggested this not be discussed here.

Chair Fetter asked Mr. Rojas if the planning department has made a determination about how this affects the project. Mr. Rojas said he has not reviewed the survey, but will check with Mr. Slaughter who is working with Mr. Ansla on his project.

Mr. Singh said he met with the Richmond Annex Neighborhood Council and one representative came over and suggested he put a Laundromat in the back which they did. At that point, he said if the neighbors are okay, he would not have an issue with it. He was contacted by the neighborhood council and on March 19th they met. The meeting was short and they imposed conditions and to create a 4th parking space in front. They met with the DRB subcommittee a few weeks before and many good ideas came out. He explained to Mary Selva and Jerry Yoshida that they were not amenable to accepting the garage idea but was in agreement with all other suggestions because they wanted to use the form base code which allows them to have a certain look and feel from the front of the property, have parking in the back, and this was why he could not agree with them but did not want to override what the subcommittee provided to him. He is looking forward to he and his wife sharing their his one car, and riding his bike to BART to commute to Walnut Creek. He is open and was amenable to the Board's feedback.

Boardmember Whitty said she was on the subcommittee and they worked together to make great additions to the project. She is sorry that tonight is controversial, but said everybody has discussed parking in back and the entrances in the front. She said the subcommittee thought this was a good idea and she suggested Mr. Singh consider putting stairs on the sides of the front porch so people could pull their car up, go up the side stairs, go in and drop off. Mr. Singh said yes, he believes this can be done and he will need to discuss this with his architect.

Boardmember Whitty asked if there is a chance that the 3 parking spaces in back could be covered such as a large lattice structure. Mr. Singh said yes; he said Boardmember Woldemar suggested having a deck to cover parking and incorporate open space on the top, which will allow people to enjoy a beautiful view.

Boardmember Robin Welter said she loves the permeable pavers and asked to extend this and remove the brick treatment and replace this with the pavers. Mr. Singh said he can incorporate this into the plans. Boardmember Robin Welter suggested reconfiguring some of the open space to have more landscaped area. Mr. Singh said this came up at the neighborhood council meeting and they will be doing this. They talked about expanding the garden by 2 feet in the front but when the garage was located in the front, they found it would take out 30% of the garden. He confirmed that drainage benefits from having the permeable pavers because it keeps water on-site.

Boardmember Robin Welter said she likes the idea of the covered parking and there is a lot that can be done with vertical landscaping versus horizontal. Mr. Singh said they will work on the back deck and landscaping.

Boardmember Woldemar asked staff to display the ground floor plans. He referred to the right hand side which identifies a walkway from the parking area. This is a covered walkway from the back to the front. When going to the front elevation, the drawings show that the walkway is on the same level as the front porch. When looking at the floor plans, the walls of the front porch return to the house but they could be interrupted for about 3'6" off of the front of the building. As he came down the covered walkway or western side, he could make a turn and walk directly onto the front porch and he asked if this is possible. He asked to break the railing and allow for 3'6" to get through which solves the access problem and provides immediate access to the front porch.

Boardmember Woldemar referred to the site plan and said the applicant could add open space on the upper floor above 2 of the 3 cars. He said the applicant will need to provide a method by which a stairway can be installed going to that area which could come by way of carving out a little bit of the corner of the floor plan so there is room for part of that stairway. This idea could help ameliorate part of the issues relating to the variance. He is prepared to make a condition for this. Mr. Singh also suggested that he could push the parking to make for more room and he will work with the architect.

The public hearing was closed.

Boardmember Woldemar made a motion and personally emphasized to staff that he thinks the entire discussion of the form base code is most appropriate and should be continued. He has a great deal of belief in the form base code and urban solutions rather than suburban solutions.

ACTION: It was M/S (Woldemar/Ray Welter) to recommend approval of PLN14-001 to the Planning Commission based on staff's recommended four findings, staff's recommended 20 conditions, and the following additional conditions: 1) that this recommendation is subject to the granting of the variances requested by the applicant and that if variances are not granted with or without prejudice that the project would return to the DRB for further consideration; 2) that prior to submittal to the Planning Commission, the drawings shall be revised to include items 1 through 7 of the RANC letter dated March 25, 2014 as additional conditions; 3) that additional roof top open space be added over two of the rear yard parking spaces with a stair to be added to the northwest corner of the building; 4) that a 42" wide level entryway to both sides of the front porch be provided; and 5) that permeable pavers be extended to the northwest to the property line that will not be landscaped to collect water runoff from parking spaces; unanimously approved by voice vote: 6-0-1 (Ayes: Fetter, Ray Welter, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Recused: Munoz).

BREAK

Chair Fetter called for a five-minute break at 8:20 p.m. and thereafter Vice Chair Munoz reconvened the regular meeting.

RECUSED:

Chair Fetter recused himself from participating in the item and left the dais.

CC 3. PLN14-030 VERLING-LAWSON SINGLE-FAMILY RESIDENCE

Description PUBLIC HEARING TO CONSIDER RECOMMENDATION OF A DESIGN REVIEW PERMIT TO CONSTRUCT A ±2,820 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH VARIANCES.

Location 70 BELVEDERE AVENUE

APN 558-012-015
Zoning SFR-2 (SINGLE-FAMILY VERY LOW DENSITY RESIDENTIAL DISTRICT)
Owners VERN VERLING AND CHERYL LAWSON
Applicant BRANT FETTER
Staff Contact HECTOR ROJAS Recommendation: **RECOMMEND CONDITIONAL APPROVAL TO THE PLANNING COMMISSION**

Hector Rojas gave the staff report and a description of the request for a design review permit to construct a 2,820 square foot single family residence with variances. The applicant proposes to position the structure 5 feet from the property line along Belvedere Avenue. Landscaping will be concentrated around the foundation areas of the house and in the front. The edge of pavement along Belvedere Avenue will be widened to provide one uncovered parking space for public use. He discussed zoning and noted the project complies with all SFR-2 zoning requirements except for the front setback requirement. He noted that staff report indicates the front setback is 20 feet, but it is 10 feet from the property line for steep hillsides. He said the application went before the Pt. Richmond Neighborhood Council on January 29, 2014. The staff report summarizes three points: 1) the front porch be redesigned, and this has been done to meet this condition; 2) a suggestion that would require the owner to install stairways making a connection along the property line along Belvedere Avenue to Bishop Avenue to formalize or legalize the pathway through the site. Staff feels there is no nexus to comply with such a condition and the applicant is not amenable to such a condition; and 3) that the roadway be widened for 2 8x20" spaces and the applicant revised the plan to include one parking space. Planning staff believes it would be preferable to provide 1 as opposed to 2 which would take up more landscaping opportunities in front of the house.

After receiving the letter from PRNC, staff received multiple emails from neighbors living around Belvedere Avenue and on Bishop Avenue. Concerns raised are in the staff report attachments, but in summary they voice concern that construction would threaten the integrity of the roadway along Belvedere Avenue. It is a 9'6" wide asphalt paved road in front of the lot and there are concerns that construction equipment would put the road at risk for failure. The same goes for stability of the hillside. There was a concern there was no geotechnical report submitted, but he clarified there was a report done and based on the recommendations, the applicant has placed and designed the project appropriately. The report should be available during the Planning Commission meeting because it is being revised, and this is the point when staff reviews it. If the investigation shows that the placement of the structure is inadequate, permits would not be issued. The last concern relates to construction activity and potentially any blockages. He discussed this with the Building Department and an additional condition would be added to staff's recommendation that would request a work plan to be submitted when this goes to Building and Engineering departments to ensure all departments understand what times the road would be blocked, the type of equipment for construction, and that all emergency access be provided. He said all issues raised will be covered during the building department review and the applicant is willing to coordinate with neighbors about construction times and dates in order to limit impacts.

Boardmember Robin Welter referred to the 30 foot right-of-way and asked if there were existing utilities. Mr. Fetter noted there is a utility pole but no other utilities. The electrical is overhead and sewer and storm drain are going downhill.

Boardmember Whitty referred to the right hand side of the project and the 5 foot setback, Exhibit A, Project Plans, on page A.0.0. She asked if the deck is allowed to hang over the 5 foot side yard setback. Boardmember Woldemar noted this is shadow and there is a dash line

underneath it. Mr. Rojas said there is a dotted line which is the footprint. There are roof overhangs or shadows, as Boardmember Woldemar indicated.

Boardmember Whitty asked if the applicant considered removing the office area and moving the garage back into that area to address the parking problem. Mr. Rojas suggested the applicant speak to this.

Boardmember Woldemar asked and confirmed that if the house were to move downhill 5 feet, it would then be 10 feet downhill and therefore the variance would not be needed. He said when he looks at the grades on page SU-1, it seems like the slope is reasonably consistent all the way down to Bishop Avenue. He confirmed that Parcel B is the adjacent vacant parcel. Along with the work plan condition, he asked if the DRB can add a condition about where construction shall occur from. For instance, in the narrow street of Belvedere Avenue, if a concrete or lumber truck is parked for unloading, vehicles will not be able to get through at times. He asked if the DRB could require that anything that may potentially block the street be done from Bishop Avenue. He asked if this is a staff, DRB or Planning Commission action. Mr. Rojas said this is definitely within the DRB's purview of making a condition. He said he would want to be sure the condition is reviewed by the engineering department, along with other departments.

Boardmember Woldemar suggested staff spell out the circumstances where trucks would be allowed to park both uphill and downhill. He said the DRB normally requires a 25 foot back-out space. He asked if 18 feet is adequate to back-out vehicles and referred to page A.1.0, upper right corner labeled "Entry Section", he said they could conceivably slide the whole house to the left 5 feet, effectively moving it horizontally downhill. If grades to the driveway continue to work, they could also lower the house as a function of the slope of the driveway. Everything else could be handled by steps to the front door, such that there is a 10 foot setback. He said currently there is 10 feet between the two paver areas at the street line. If the garage is pushed downhill, the back-up distance could be increased and eliminate the variance. As long as the driveway did not get to be too steep, the applicant could lower the house as well, thus eliminating some of what was discussed as increased height and retaining walls. He said he recalls back to homes and said there was always discussion about what to do with the head wall of the driveway and in this case, it would stay the same. This would remove the variance and address some of the concerns of the neighbors, and also two cars could be added instead of one car.

Boardmember Ray Welter said he had the same question with the variance. He asked if there are any requirements for the applicant to do any off-site improvements to the street, curb or gutter. Mr. Rojas said curb and gutter was mentioned to the engineering department and this would need to be inspected in the field. He thinks there will be time between now and the Planning Commission meeting for inspection and typically this is not conditioned as part of the design review permit. He said he does not believe that many properties have curb and gutter improvements in place. Boardmember Woldemar said it looks as though the water runs across the street uphill.

Boardmember Ray Welter said he was not sure the Board should comment on construction access since it does not have to do with design of the building.

Brant Fetter, applicant, said in explaining the design theory, the topography is not consistent all the way down through the site. He pointed out the bench that tapers in so that height and size limitations on this site are more beneficial the further going in one direction. If shifted to the other direction, the floor plan must shrink and more is placed down in the basement area. This means more cut and fill and he explained they were trying to do a project with very little impact on site. This improves site stability and reduces grading. They did not want to reduce the house down further given that current height restrictions are adhered to. He also said views are not

obstructed for neighbors and are enhanced for the owners, which has a significant design value impact. He is respecting the terrain with the floor plan. The garage approaches the paving and if he were to go down further, they would not be able to park the cars in front of the garage. He also did everything he could not to make a huge separation between the living space and garage. The garage was the main motivator in where they located the house. If the garage were to be moved west, it would pull further and further away from the street and grade, and the design is tricky. They are trying to bring it down as close to the grade as possible, and this is the design theory he has for the house. As shown from finishes and style, there have been no disputes regarding these.

Boardmember Whitty referred to the office and asked if there is a stairway leading from the office to the garage. Mr. Fetter said it is one step so he could get everything as tight as he could to the grade.

Boardmember Whitty asked if he would consider removing the office and moving the garage back. Mr. Fetter pointed to the plans and said the problem is tricky given the grade, drop off into the slope, and he would like to avoid moving the garage back because it is carried from the downstairs. Boardmember Whitty said if the garage were moved back 5 feet, it would give the 10 foot setback needed in front. Mr. Fetter said the garage is actually allowed to be there, but if the house were moved back, it would be a very different floor plan.

Boardmember Whitty said she thought a 10 foot setback is required in front of the garage door. Mr. Fetter said for a steep slope it is cut in half. It is the living space they are asking for a variance for. Boardmember Whitty said practically speaking, the street is very narrow and there is no parking available in front of the garage door. In thinking of neighbors, the rest have space for a car and she asked if the applicant could amend the design to move the garage back a bit so a car could park without affecting the entire design. Mr. Fetter said he could take this into consideration, but the reason they opted to do this, the car would be parked sideways, which is typical for the neighborhood.

Boardmember Whitty referred to Sheet A.1.1 and she asked if one of the drawn cars is put in the driveway, she asked and confirmed that the car would be hanging out into the street. Mr. Fetter said they do not expect this will occur.

Boardmember Robin Welter asked if the applicant considered flipping the garage to the west side. Mr. Fetter said yes, he did. He referred to the topography and noted he would have to take the garage in underneath. Boardmember Welter agreed, but this expands the footprint and he was trying to keep the grading as minimal as possible. Boardmember Robin Welter noted the grading done on a flipped plan would be structurally the same, but Mr. Fetter disagreed and said he is perched in the corner to accomplish all the different aspects of the program, and he presented the cut levels, stating he can move the floors up and down and said he is working within inches to get the smallest footprint. He noted they do not even qualify for C3 because it is so small.

Boardmember Woldemar said staff made reference to answering one of the questions about the entryway. In looking at Sheet A.1.1, elevation 3 from southeast, and said it does not look like it is covered. Mr. Fetter said there is a call wall which is a translucent insulated material, or similar material used as a banded canopy, and he agreed it was not listed on the detail.

Boardmember Ray Welter said the shallowest roof pitch is 2 inches per foot. He said he is not convinced the applicant can do asphalt composition shingle on that low of a slope. Mr. Fetter said they may need to do a membrane underneath it.

Mr. Fetter referred to the curb and gutter question and said because the street drains away from the house and because the existing pavement rolls right down, if they were to put something that raises a curb up, his question would be what it goes up to.

Public Comments:

Linda Newton, Pt. Richmond Design Review Land Use Committee, said one of the changes requested and that had been agreed upon was a change to the front porch entrance. She said there were three conditions the committee and PRNC voted on as submitted via email. In the PRNC minutes, it states "70 Belvedere, front porch redesigned, build stairs to existing public access easement and to widen the road for two parking spaces. This item was pulled from Consent Calendar." She reiterated the point for two parking spaces and the suggestion to setback the building from the street more and to add another parking space on the street. The third point is the Bishop Alley path and she is concerned with paths in general. She presented the Berkeley Pathways map and Walk Oakland. The City of El Cerrito, just as Berkeley has before them, reclaiming paths that had been in place historically and this particular path that cuts across the two lots is one that had been in use from the time carriages went on it. She asked that the DRB and the Planning Commission consider their comments.

Richard Katz, 20 Belvedere Avenue, Richmond, said he is a biochemist but used to have a trucking business. They delivered a lot of building materials all over California. If he got the job to delivery materials to 70 Belvedere, he would get as far as Crest and Belvedere, park the truck and would look first but not drive down Belvedere Avenue, given there is a steep drop off and no place to turn around. But his truck drivers would most likely not check first and would block the street for some time. He asked to plan ahead so no trucks bigger than UPS would have to drive down Belvedere Avenue.

Nina Williamson, Crest Avenue, Richmond, requested story poles be erected so that people can see what the height will look like. She referred to soil samples and geological analysis and said there is a spring at the bottom of the hill which might cause serious drainage problems. She likes the idea of moving the house down the street level even though it will require more grading. She was not sure concrete could be pumped uphill from Bishop Avenue, voiced concern about access, and she was not sure how the house could be constructed. She also thinks of the path as a fire road and escape route.

Barbara Downey Ambrose, Richmond, said she has over 100 years of history with the Crest/Belvedere area and in 54 years she has never heard the path referred to as a goat trail and has always been Bishop Alley. There were easements granted from her uncle to the alley so people could place driveways but her concern is road work affecting drainage. She has had to redo driveway access and she spoke of access issues, damage to her property, and people accessing Belvedere through her driveway. She also does not want to lose her view of the Oakland Bridge from her deck which is her biggest concern.

Boardmember Whitty asked Ms. Ambrose to show the property line next to the vacant lot. Ms. Ambrose pointed it out.

Don Woodrow asked what would be built at the parking lot space wall and he pointed it out on the rendering. Mr. Fetter pointed to the drop off and said this is as close they can get to the street on the grade. If they drop the house it will affect the garage access and he further described the area. Mr. Woodrow noted there is highway fill, stating that the street is sitting on fill and he questioned its stability. He confirmed the soils engineer will determine this which will require some work. He noted the slope is 46% and he asked if they would pin the house onto the slope because he does not want the house to move downslope. Mr. Fetter explained the

pier and grade beam design. Mr. Woodrow asked why Mr. Fetter ended up with two roads; one aimed downslope and one upslope, and he asked the applicant to explain the roof system. Mr. Fetter said it is a fight between where the garage is and the height limit and keeping it as close to slope as possible. The program is trying to keep it consolidated so it is not stretched out. He explained that he does not want the garage to be the main theme and pointed to the slope by the garage, another slope coming down at the far corner on the east side of the house, and the design gives a nice sense of entry and on the other side some space for the living area. He also displayed a view looking down the hill and said views will not be impacted.

Andria Sassi, 116 Bishop, Richmond, withdrew her support for the project because they feel they have been misled. They thought they were negotiating with the owner, but the lot has been sold. They spoke about concerns with the planning process, are very concerned about drainage, soils and road/hill stability in terms of the design. She asked to display the design of the house as viewed from her porch, which Mr. Fetter displayed, and she said the design looms over her house which is very close. Her daughter's bedroom will look directly into the new home and asked to have it set closer to the west and she withdrew support for the project.

Vice Chair Munoz asked for any questions from Boardmembers.

Boardmember Woldemar said over the many years, every house in Pt. Richmond comes to discussions one way or the other. He disclosed he had a telephone call from Bruce Beyaert who lives across the street in the neighborhood. There are still many issues he is uncertain of and he is leaning towards continuing the public hearing and asking the applicant to respond to specific items. He asked that the applicant provide:

- Complete grading plans with sections at various locations through the house including the garage with dimensions'
- That the applicant consider putting in story poles particularly of the various roof lines to re-assure neighbors it is not blocking views;
- That the applicant look at moving the house downhill 5 feet thus avoiding a variance and perhaps creating enough room for a second parallel parking space;
- That the applicant work with staff ahead of time to know what the work plan might end up being including parking trucks at the street or somehow bringing materials up the hill from down below; and
- That the applicant consider building a 3-D model so it is clearly understood what the slopes are, to better understand the grades of the street as they relate to the front of the house, front elevations, heights of the roof, etc.

Boardmember Woldemar said these items should be reviewed at the next public hearing and if the hearing is not continued, the Board should discuss additional items to make the project ready for approval.

Boardmember Ray Welter said since the front setback is at issue, he asked the applicant to show more information about setbacks of the adjacent homes and those across the street, or the context of putting the house right on the street. He said by moving it back 5 feet down the hill, it could possibly solve many problems and problems the neighbors have as well. He also supported erection of story poles.

Vice Chair Munoz called upon Ms. Sassi to speak, and Ms. Sassi pointed out that there is only 8.29 feet to haul construction materials from Bishop and she asked how this would be done. Boardmember Woldemar noted that contractors could work out a negotiation between adjacent property owners to use frontage of their property for access. More importantly, he asked that more be known about the work plan and this is why he has proposed this condition.

Boardmember Woldemar suggested a motion to continue PLN 14-030 to April 23, 2014. Boardmember Whitty seconded the motion and asked the applicant to work with color on the side of the house affected by views.

Mr. Katz noted that they agreed to put in large trees that would create privacy for Ms. Sassi as well as for him. He noted that there is a contingency regarding ownership, and Boardmember Whitty withdrew her comment about views. Mr. Fetter noted that they met with the Sassi family early on, returned for another meeting to review plans and everybody was accommodating in the meeting. Ms. Sassi said they were misled because of the ownership of the property, which Mr. Fetter said is irrelevant.

ACTION: It was M/S/C (Woldemar/Whitty) to continue PLN 14-030 to April 23, 2014 and address conditions as stated; unanimously approved by voice vote: 5-0-1 (Ayes: Munoz, Ray Welter, Robin Welter, Whitty, Woldemar and Woodrow; Noes: None; Recuse: Fetter).

Board Business

- A. Staff reports, requests, or announcements – Boardmember Woldemar said at the last meeting, Mr. Atencio was asked the question regarding the resolution for public projects coming to the DRB. Ms. Whales said she recently returned from vacation and she will be working with Mr. Atencio in the upcoming weeks on this request. Boardmember Woldemar also noted that former Boardmember Woodrow could also return to the Board after having a break for two years.

- B. Board member reports, requests, or announcements - None

Adjournment:

The Board adjourned at 9:30 p.m. to the next meeting on April 9, 2014.