

DESIGN REVIEW BOARD MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
April 25, 2007
6:00 p.m.

BOARD MEMBERS

Eileen Whitty, Chair
Ted J. Smith
Diane Bloom

Jonathan Livingston
Don Woodrow
Robert Avellar

The meeting was called to order at 6:05 p.m.

ROLL CALL

Present: Chair Whitty, Vice Chair Avellar, Boardmembers Bloom, Livingston, Smith and Woodrow

Absent: None

INTRODUCTIONS

Staff Present: Lamont Thompson, Jonelyn Whales, Hector Lopez, and Mary Renfro

Boardmember Woodrow said a couple of weeks ago, their family suffered a serious loss in the death of his son and he thanked the Board, staff and others concerned who sent a gift and cards.

MINUTES FOR APPROVAL - None

APPROVAL OF AGENDA

Chair Whitty requested placing Items 1, 2, and 3 on the Consent Calendar.

ACTION: It was M/S (Whitty/Avellar) to approve the agenda, as amended by adding Items 1, 2 and 3 to the Consent Calendar; unanimously approved.

CONSENT CALENDAR

Chair Whitty gave an overview of the Consent Calendar, procedures for speaker registration and public hearing functions and procedures. She said any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, May 7, 2007 by 5:00 p.m.

Chair Whitty noted the Consent Calendar currently consisted of all items on the agenda; Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. Items 7 & 8 were requested for removal (Avellar).

ACTION: It was M/S (Woodrow/Avellar) to approve the Consent Calendar Items 1, 2, 3, 4, 5, 6, 9, 10 and 11; unanimously approved.

Consent Items Approved:

- 1. DR 1103246 – 16 Building Trade Studio Live/Work Units on Ohio Avenue** - PUBLIC HEARING to consider a request for Design Review approval of 16 live/work units, 27 parking spaces, a driveway, and landscaping on five parcels (Parcels A through E) totaling ±46,250 square feet. Parcel A is located on the northwest corner of Ohio Avenue and Eighth Street (APN: 538-410-021), and the contiguous Parcels B, C, D, and E are located on the north side of Ohio Avenue between Eighth Street and Harbour Way South (APNs: 538-420-004, 538-420-022, 538-420-001, and 538-430-018). Light Industrial (Knox Cutting Specific Plan) Zoning District. Raymond Knox, Helga Gruber, Kathy Rogers, Alexa Wilkie, Beth Gerstein, Karen Bowen, Tom Lawrence, Karen Sprague, and Kyle and Natalia Reicher, owners; Kathryn A. Rogers, applicant. Tentative Recommendation: Hold Over To 5/23/2007.
- 2. DR 1102705 & 06 – Construct Two Buildings on Macdonald Avenue & 15th Street** - PUBLIC HEARING to consider a request for Design Review approval to construct two buildings that would have a total of eight residential condominium units and one retail tenant space on the corner of Macdonald Avenue & 15th Street (APNs: 540-150-002, 540-150-025, 540-150-026). Office / Retail / and/or Urban High Density Residential, City Center Specific Plan Area. Chi Nguyen, owner/applicant. Tentative Recommendation: Recommend Conditional Approval to Planning Commission.
- 3. DR 1102710 – Construct Single-Family Dwelling on Montana Street** - PUBLIC HEARING to consider a request for Design Review approval to construct a new ±3,167 square foot single-family dwelling on a vacant lot located on Montana Street between Buena Vista and Nevada Avenue (APN: 556-141-002). SFR-3, Single-Family Low Density Residential Zoning District. Bulmare Gonzales, owner/applicant. Tentative Recommendation: Hold Over To 5/23/2007.
- 4. DR 1103840 – Trainmaster’s Building Bank at Garrard Blvd. & W. Richmond Avenue** - PUBLIC HEARING to consider a request for Design Review approval to consider modifications to the existing Trainmaster’s Building and site, located at the northwest corner of Garrard Blvd. and West Richmond Avenue (no APN), for a bank use. The improvements to the building include new lighting, a wood porch, and an accessible ramp. The site improvements include landscaping, a new ATM kiosk, parking, and lighting. PC, Public and Civic Zoning District. City of Richmond, owners; Mechanic’s Bank, applicant. Tentative Recommendation: Conditional Approval.
- 5. DR 1102806R – Nevin Court Townhomes Design Revisions at Nevin Avenue & First Street** - PUBLIC HEARING to consider a request for Design Review approval to revise the previously approved design for eleven (11) townhomes situated on a ±14,450 square foot lot located at the southwest corner of Nevin Avenue & First Street (APN: 538-171-001). MFR-1, Multi-Family Residential Zoning District. Community Housing and Development Corporation of North Richmond, owner; Tomas Dolan Architects, applicant. Tentative Recommendation: Conditional Approval.
- 6. DR 1103782 – Construct Second-Story Deck on San Mateo Street** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±150 square foot second-story deck at the rear of the existing residence located at 1919 San Mateo Street (APN: 507-130-011). SFR-3, Low Density Residential Zoning District. Leigh Costain, owner; Joshua Tomlinson, Dialogue Design-Build, applicant. Tentative Recommendation: Conditional Approval.

9. **DR 1103731 – Construct New Two-Story Residence on Virginia Avenue** - PUBLIC HEARING to consider a request for Design Review approval to construct a new ±1,818 square foot two-story residence located on Virginia Avenue (unaddressed, APN: 544-162-020) and to allow uncovered parking on the front half of the lot. SFR-3, Low Density Residential Zoning District. RRP, LLC, owners; Pete Peterson, applicant. Tentative Recommendation: Hold Over To 5/9/2007.
10. **DR 1103787 – Addition to Single-Family Residence on Lowell Avenue** - PUBLIC HEARING to consider a request for Design Review approval to add ±994 square feet to an existing ±1,002 square foot residence located at 2639 Lowell Avenue (APN: 527-160-016). SFR-3, Low Density Residential Zoning District. Juan Rodriguez, owner; Brenda Munoz, applicant. Tentative Recommendation: Hold Over To 5/9/2007.
11. **DR 1103864 – Construct New Single-Story Second Dwelling Unit on Kern Street** - PUBLIC HEARING to consider a request for Design Review approval to construct a new detached±637 square foot single-story second dwelling unit located at 936 Kern Street (APN: 523-093-018). SFR-3, Low Density Residential Zoning District. Sedigheh Forbati, owner; Brenda Munoz, applicant. Tentative Recommendation: Hold Over To 5/9/2007.

Items Discussed:

7. **DR 1103796 – Additions & Alterations to Residential Dwelling Units on Western Drive** - PUBLIC HEARING to consider a request for Design Review approval to construct a ±392 square foot two-story addition to an existing single-family dwelling located in the rear of the property and to alter the exterior of the existing nonconforming second unit located in the front at 399 & 401 Western Drive (APN: 558-191-001). SFR-2, Single-Family Very Low Density Residential Zoning District. Andrea L. Biren and Richard F. Beal, owners; Judith Mattingly (Architect), applicant. Tentative Recommendation: Conditional Approval.

Chair Whitty briefly described the request, confirmed there was no receipt of correspondence from the Pt. Richmond Neighborhood Council, acknowledged that the property was very old and noted in the staff report on page 3 at the bottom, there were setbacks included which have been grandfathered in.

Judith Mattingly, architect/applicant, described the project indicating the project consists of two dwelling units; the lower house and upper house. The lower house is having small areas added onto it; two areas on the first floor and two on the second floor. The upper house is a change to the roof, which was primarily what the neighborhood council reviewed. The one neighbor most affected by the roof had requested the roof be lowered and approved the current height of 15 feet.

Boardmember Livingston said he was familiar with the property, referred to the second dwelling unit and said it seemed that a substantial amount of work was being done such as a second floor deck, a spiral staircase, tearing off the roof and rebuilding it and adding lots of light, and asked what the applicant could do to address off-street parking and make the addition conform more to the second dwelling ordinance.

Ms. Mattingly said one issue with the property is that the driveway is so steep; a car cannot drive down it and park into the garage. Part of the owner's plan is to flatten out the hump in the middle of the driveway which will involve installation of a retaining wall, which will flatten out the front of the upper house with an area wide enough to park a couple of cars and then there is room for two parallel parked cars. So, they added at least one more available parking space in front of the structure.

Boardmember Livingston said this was City right-of-way, which is not encouraged. Ms. Mattingly said she understood that since it was not landscaped and they were improving the area, then it is looked upon favorably. And, the property is on a steep slope and they are improving cars being able to also park in the garage where now, no one can park there.

City Attorney Mary Renfro said the staff report indicates the second (or upper) structure is non-conforming and there are going to be extensive repairs. She said Boardmember Livingston asked her why this was not an expansion of non-conforming use, and asked what the non-conformities were. Mr. Lopez said it was non-conforming with respect to setbacks and square footage which was over the limit at about 1,000 square feet. He said the project would not expand the square footage of the second dwelling; however.

Senior Planner Lamont Thompson noted the project is a non-conforming use and the non-conforming use is not changing. Also, in the non-conforming section of the ordinance you can make improvements to a non-conforming structure and the cap is 75% of the existing value of the structure. Ms. Renfro read from the Code; "Existing structures may be externally enlarged or extended or structurally altered only after the use of the structure is changed to a permitted use for the district in which it is located." So, she felt if it is a non-conforming use in the district, then the use must change before the structure can be structurally altered. The 75% rule only applies if the "...non-conforming structure is damaged or destroyed to an extent of more than 75%."

Mr. Lopez said the use would not change for the area, which is residential and he felt they were not introducing any other use other than residential. The structure is simply not up to today's codes. Ms. Renfro confirmed with Mr. Thompson that the setbacks were not changing and this is what was non-conforming also the size of the structure, which exceeds the 640 square foot limit and is non-conforming. Mr. Thompson said second dwelling units are allowed in the zone district as well as single family residences. He also noted there was Section 15.04.940.030 that states, "Restrictions on non-conforming uses, structures and lots, under section B; uses of structures defined as non-conforming due to inadequate parking and/or landscaping are subject to the following restrictions: Note: As of the date of the adoption of this chapter, residential structures with at least one parking space per dwelling unit are not considered non-conforming due to inadequate parking." It also states, "Structures and uses in this subsection may be enlarged, altered, moved, extended or reconstructed within the following limits:" and then it goes on to define it, and it does not trigger additional parking.

Ms. Renfro confirmed it was not a non-conforming use due to parking, so it was non-conforming because of setbacks and size of the structure. **Boardmember Livingston** felt the intent was on second dwelling units was to have suitable parking for the main residence and then off-street parking for any secondary units.

Mr. Thompson felt they must stay within what the Code requires. He said he understood the intent, but said there was nothing that triggers a requirement for the main residence or for the attached second dwelling unit to upgrade the parking given the fact that the structure is in existence at this time. **Boardmember Livingston** noted there were two bedrooms in the unit; if they took one bedroom away, there is exactly the right size for a single car garage and then the street would not need to be blocked off with off-street parking. So, he felt there was a provision for this if the applicant wanted to help the City with conforming to the intent of the Code.

Mr. Thompson said they have identified a way in which they would improve the parking situation which is to provide access to the garage they cannot get into and use it and then, they could also park in tandem and also park on the street. **Boardmember Livingston** said the driveway was also at 15-18% grade and was not sure this would be reasonable to park in tandem, but

also, they are planning to pave the entire right-of-way with brick and basically taking the entire right-of-way and turning it into their yard and he was not sure this was the right precedent to set.

Mr. Thompson said the precedent is always the option of the Public Works Director and one thing staff has done in the past is that whenever there is ample room off of the paved right-of-way that is typically traveled by the public, the Director has, on occasion, allowed people to get a license to use a portion of their right-of-way as their private property.

Ms. Renfro noted that given that the setbacks are non-conforming and the structure is non-conforming because of square footage, she referred to Section 15.04.940.020(b); "Any additions, enlargements, major alteration or moving of non-conforming structures shall conform to all regulations of the district in which the structure is located." She felt that when a major alteration is done of a non-conforming structure, this is a trigger to end the grandfathered items that do not conform. She noted the 75% rule applied to structures that are damaged or destroyed and this is not damaged or destroyed. Mr. Thompson referred to Section (b)1.a.

Chair Whitty questioned whether the project was a major alteration, and Mr. Lopez said staff did not consider it a major alteration and said it included a slight alteration of the roof pitch, installing a deck with a staircase, changing out windows, and doors.

Ms. Renfro said she looked in the Code for a definition of major alteration and there was none. However, "alteration" is defined as change, addition or modification in construction or occupancy of an existing structure or use. So, she felt it was the decision of the Board as to whether or not this would constitute a major alteration that would trigger the need to come into conformity. Mr. Thompson felt staff has used the 75% rule pertaining to value to determine whether it is major or minor.

Boardmember Livingston felt the issue was vague, said he really liked what the architect has done to improve the property and he felt if there was no substantial rule that says one way or the other, he was okay with classifying the work as minor.

Chair Whitty questioned whether or not the owner understood and concurred with all conditions as proposed. Mr. Richard Beal, owner, presented a picture of the existing brick wall which would be stuccoed, is about 10 feet tall and the vertical addition was primarily first story windows and it would ultimately be a nice planting plan for the area in front of the wall. He said he would argue that stuccoing the wall would make the entire structure visually coherent and better in keeping with the main house below. They are also removing an old metal door from the side of the brick wall and they will need to patch that, so if they leave it brick, they have a very awkward and difficult design problem. So, he requested this condition be removed.

Boardmember Woodrow confirmed that Mr. Beal presented the project to the neighborhood council on January 31, 2007 and the main discussion item was about the height of the wall on the street, which has been resolved.

Jasper Rine, neighbor across the street, said he and the architect and owners were able to amicably reach agreement on the height, felt the brick wall was not an architectural enhancement to the neighborhood so whatever improvement the architect would think would be welcomed. He said because the garage was not currently useful and the upper level is rented, there were often three cars parked on the side of the street, which is livable. He felt that because of the plan to use the upper area as a studio and because of improvements to the garage, he felt it would be a net decrease in the number of cars on the street which was a modest enhancement.

Boardmember Bloom said given that the percentage of work was not clear, she questioned if there was a condition for landscaping.

Ms. Andrea Biren, owner, said currently there is a large jasmine plant and a jade plant in front of the upper unit. She hoped to hire a landscape designer to put California native plants in the front and described some possible species. She also said at the retaining wall area, there was a tree with purple flowers which will need to be removed but would be replaced with an Angel's trumpet which would grow over the wall.

The public hearing was closed.

Note: Tape distorted and ended abruptly from this point forward – some of the discussion was inaudible.

ACTION: It was M/S (Avellar/) to approve DR 1103796 based on staff's ___ recommended conditions and based on staff's ___ recommended findings; unanimously approved.

8. DR 1103757 – Construct Second Dwelling Unit on Meadowbrook Drive - PUBLIC HEARING to consider a request for Design Review approval to construct a ±640 square foot second detached dwelling unit on a ±25,300 square foot lot located at 4450 Meadowbrook Drive (APN: 431-301-025). SFR-3, Low-Density Residential Zoning District. Mohammadali Askarbiuki, owner/applicant. Tentative Recommendation: Conditional Approval.

Chair Whitty gave a brief description of the project.

There were no public comments.

ACTION: It was M/S () to approve DR 1103757 based on staff's recommended ___ conditions and based on staff's ___ recommended findings; unanimously approved.

BOARD BUSINESS

12. Reports of Officers, Board Members, and Staff

a. Joint Design Review Board and Planning Commission General Plan Visioning Process Presentation, May 3, 2007, 7pm-8pm, City Council Chambers

Chair Whitty announced to the Board the joint meeting regarding the General Plan Visioning Process presentation to be held May 3, 2007 from 7-8 p.m.

Public Forum – Brown Act - None

The Board adjourned the meeting at 7:08 p.m.