

**DESIGN REVIEW BOARD MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
May 27, 2009
6:00 p.m.**

BOARD MEMBERS

Michael Woldemar, Chair	Elieen Whitty, Vice Chair
Diane Bloom	Andrew Butt
Otheree Christian	Raymond Welter
Don Woodrow	

The meeting was called to order at 6:02 p.m.

ROLL CALL

Present: Chair Woldemar, Vice Chair Whitty, Board Members Bloom, Butt, Christian, Welter and Woodrow

Absent: None

INTRODUCTIONS

Staff Present: Jonelyn Whales, Kieron Slaughter, Janet Harbin, Richard Mitchell, Sabrina Key and Mary Renfro

Others Present: Former DRB Member Ted Smith and former Chair Robert Avellar

BREAK

The Board took a break to recognize former DRB Members Smith and Avellar, and thereafter reconvened the regular meeting.

Chair Woldemar introduced two new members of the Board; Raymond Welter and Otheree Christian, who each provided a brief background on themselves.

APPROVAL OF MINUTES

April 22, 2009:

Boardmember Bloom referred to page 6, and requested replacing the word, "bulb" with "spiny seed pods"; Next paragraph: "Boardmember Bloom felt..." requested putting a period after the word "etc." The next paragraph; "Boardmember Bloom said...be kid-friendly" requested putting a period after the word, "beds" and deleted the word, "and".

ACTION: It was M/S (Whitty/Woodrow) approve the April 22, 2009 minutes, as amended; unanimously approved.

APPROVAL OF AGENDA

Chair Woldemar gave an overview of the procedures for speaker registration and public hearing functions and procedures. He noted any decision approved may be appealed in writing to the

City Clerk within ten (10) days, or by Monday, June 8, 2009 by 5:00 p.m. He repeated the appeal period after each affected item.

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

CONSENT CALENDAR

Chair Woldemar noted Consent Calendar Items consisted of Items 1 and 2. Item 1 was requested for removal by the public (Mr. Rasmussen) and Item 2 was requested for removal by the public (Kurt Herrenbruck). Ms. Whales requested that Item 2 be heard first due to the absence of the applicant.

Items Heard:

- 2. PLN 09-059 – Dunn & Margot Residential Two-Story Addition on Panama Avenue - DESIGN REVIEW PERMIT** to construct a ±1014 square foot two-story addition on an existing single-family dwelling located at 5725 Panama Avenue (APN: 510-141-013). The project would permit the construction of a rear addition. SFR-3 (Single-Family Low Density Residential) Zoning District. Owner: Jennifer Dunn & Nicolas Margot; Applicant: Daniel Richheimer. Staff Contact: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Mr. Slaughter gave the staff report, described the lot and existing dwelling unit, architectural details, noted the applicant achieves a green point rating of 43 points, and said staff recommends approval which would result in a 2,357 square foot, two story dwelling with four bedrooms and two bathrooms. He said staff also spoke with Mary Silva of the Richmond Neighborhood Council who indicated support for the project.

Chair Woldemar asked that the applicant be provided with a copy of the neighbor's email and photograph and questioned the significance of staff including an elaborate presentation related to the green building ordinance, as the Board does not act on it. Mr. Slaughter explained that he has included it in other applications and said the City is preparing to adopt the new ordinance. Often times, some of the measures do influence the design and style of a house, additions, landscaping, location of certain features and day lighting, and staff felt it was important to highlight some of those measures.

Chair Woldemar questioned if staff was planning to conduct an information session for the Board on the green building ordinance in the future, and Mr. Slaughter agreed to follow-up with the Planning Director and report back.

Boardmember Whitty referred to the letter from the owner of 5709 Panama and she confirmed the project was two houses to the left and slightly up the hill, which slopes to the west.

Jennifer Dunn, applicant, said they have owned the house for 10 years and have been trying to do the addition for 5 years. She believed that their existing square footage was 1,075 square feet of living space, she said they have taken into consideration the neighborhood views and privacy concerns, and the second story is very small at 400 square feet.

Boardmember Whitty referred to the south elevation from the front of the house noting the existence of a great bay window; however, it is not echoed in the design. She questioned if there was a way for there to be an application on the upper windows to echo the bay window roof. Ms. Dunn said they did add a window to the part where the old roof attaches. She said the room would be used as a meditation room with a storage closet, the windows are up high

because the roof adjoins outside and they do not have that much space the way it joins the older roof.

Boardmember Whitty said because the two-story addition is going to block half of neighbors' views two homes away of the hill, she questioned if he had discussed this with Ms. Dunn. Ms. Dunn said they met with the neighborhood council, she sent out personal letters to all neighbors, she showed neighbors the plans, listened to their concerns, and one neighbor only wanted to know how high the addition was. She said he went into the backyard to look at where it would be, and while it is not their intent to block anyone's views, she was not sure how much of his view would be blocked and did not believe he was happy about it.

Boardmember Whitty questioned whether there were story poles up, and Ms. Dunn said no, that they had only staked the area in order to imagine what it would be like on the ground. Boardmember Whitty believed the neighbor would see the west elevation, and Ms. Dunn noted that the neighbor is two homes up, mostly sees her neighbor's house above and she did not believe he would be affected.

Chair Woldemar referred to the photograph attached to the email and deck and he questioned and confirmed the picture of the deck was that of her uphill neighbor's home. Ms. Dunn described her outbuilding on the site plan which she said is much further back where the addition is, and she noted that their roof did not show up on the photograph. Ms. Dunn noted that on their site plan, they do not come close to the office building. She felt that some of the brown roof might be blocked but nothing above the office would be blocked and she said trees are already blocking other parts of the views.

Ms. Harbin said the addition would come up above the grey colored roof and block out possibly a bush or tree, and the neighbor would still have a view of the hill above that.

Boardmember Welter encouraged the applicant to achieve the extra green points and get the project certified, and Ms. Dunn said she felt they would be able to achieve this and would work with Mr. Slaughter in obtaining additional information.

Boardmember Bloom questioned if trees could be planted to achieve more green points, and she suggested installation of a street tree. Ms. Dunn said the City had originally planted street trees which had died, and confirmed they plan on installing street trees. She said an existing slab and an old trash incinerator were there when they first purchased the house, as well as a two-sided brick structure, which will be removed. They will also have an opportunity to re-landscape and plant trees, which she has discussed with their immediate rear neighbor.

Chair Woldemar said it appears that the elevation of the second floor will be such that when looking out windows to the east and west, the applicant will look down into adjacent neighbor's yards, and Ms. Dunn agreed this was correct. He confirmed Ms. Dunn met with neighbors on both sides and confirmed that the neighbor to the east voiced some concern about sunlight, but the addition does not go over the entire first story. The sunlight will not be great and her house is more south than the addition. The other neighbor on Huntington has a two-story home already, and the rear neighbor did not voice concerns due to the privacy already in place.

Chair Woldemar questioned the use of higher windows or obscure glass on the east and west so there is no opportunity to look down into backyards. Ms. Dunn said this did not come up as an issue and she would prefer to be able to see out of her windows.

Public Comments:

Kurt Herrenbruck said the neighbor two doors up sent him the email, said he also wants to see the same hills and moonlight as well, and this was his basic objection. The neighborhood is a single-story neighborhood with nice views of hills, privacy and smaller scale of the neighborhood. He voiced concern about precedent-setting, especially those on the north side of the street and did not want to be affected by removal of views, light or privacy.

Boardmember Whitty confirmed that Mr. Herrenbruck lives at 577 Huntington (parcel 007) and he looks down at the house. The view from his bedroom and shower looking down to the east bay hill corridor into Berkeley will be impacted. Mr. Herrenbruck said he did not want to speak on the impact on his property, but more about the precedent-setting nature of taking views, space and sunlight from other neighbors. He also noted that he was out of town when the neighborhood council meeting was held.

Boardmember Woodrow said in going over the minutes over the last 5 years, views take up the greatest amount of time. The Board gets the least guidance on how to handle these from City codes due to the City not having a view corridor. He felt that older, smaller homes tend to grow over time and some compromise always takes a lot of time and may not come out the way one hopes it will. In looking at the photo and at the street, he tried to determine if the photo was shot from a higher level on the hillside. He questioned if the neighbor was 2 or 10 feet higher.

Mr. Herrenbruck said the slope is gentle and he is about 10 to 15 feet higher. Boardmember Woodrow felt his view of Berkeley would not be hurt terribly much and he did not believe any Board would be able to solve view issues. He thinks keeping residences all on one story would impose fairly strict questions of cost and revised plans for the owners, and questioned if they would be willing to design a one-story addition.

Boardmember Whitty confirmed with Mr. Herrenbruck that he installed a 485 square foot addition onto his home, which is a little larger than the applicant's addition.

Ms. Dunn said it has been an interesting process working with the neighbors and listening to their own stories in how they are upset with one another about trees and privacy issues, and it is her intention to consider the neighborhood. She said as a family, they need the second story and not adding on is not an option because it will not provide them with enough living space. She was not sure how much of the view would be impacted and how much of it would be blocked from existing trees.

Chair Woldemar confirmed that Ms. Dunn read and had agreed with the conditions of approval.

Boardmember Welter questioned how much higher the neighbor's home at 5709 was from the applicant's home.

Daniel, designer for the project, said the street slopes quite a bit out but they do not have an exact number.

Boardmember Whitty questioned and confirmed that the applicant was amenable to putting up story poles to show the exact height and placement of the second story. Boardmember Whitty questioned why the applicant did not consider adding onto the existing structure on the first level, and Ms. Dunn said a second story addition would provide a much better and different kind of privacy in the house.

Chair Woldemar believed that the second story addition could not have been placed better because it is in the middle of the backyard, equally located from each side yard, is significantly back from the rear property line, does not block the south sun on the rear yards of the northerly properties, and he felt the only issue was whether or not it blocks an eastern view. He agrees

that the view issue could go on forever and felt there were ways to mitigate view issues. He suggested that instead of putting a hip roof on, that the applicant slope the roof in all four directions which would minimize the amount of blockage from the ridgeline and be more consistent with the rest of the house.

Chair Woldemar questioned if the applicant would agree to a 14th condition that would require putting a hip roof on the upper floor. Ms. Dunn said she was not sure and wondered what the impact on engineering lowering the walls would be with a hip roof. She also was not sure it would work in the meditation room; however, they had thought of that. An important issue was still not clear as to whose view the addition would block and what actually would be blocked.

Daniel, the applicant's designer, agreed it would be a vaulted ceiling. He questioned if it would be possible to hip one side of the roof down or explore the option of doing both sides. He was not sure about the accuracy of the photograph, about view impacts, and questioned if a survey should be required of the neighbor to determine accuracy.

Chair Woldemar confirmed that modification of the roof is something the applicant wanted to avoid, but it was not out of the question. Ms. Dunn said a hip roof will impact the meditation space on that side. The windows are already quite high and have an irregular shape due to the roof. Chair Woldemar showed the applicant a sketch and hoped to resolve the issue or continue the matter. He suggested making the plate height around the perimeter at about 7.5 feet to still achieve conventional windows and headers. He also said scissor type trusses could be used instead of a beam and sticks allowing space for proper insulation in, and to create a slope, a flat and a slope getting the applicant some of the double slope. He presented the plan of sloping sides with the center section as level which he felt would provide volume and would not affect the room corner anymore than it is already affected. If there is a view issue, it is minimized by cutting off part of the roof. He felt the other direction would be to put up story poles, get proper photographs, with the applicant returning next month.

Daniel said it might work well, but said on the front elevation there was concern about the two front windows on Sheet A.3. Chair Woldemar suggested reducing the head height of the windows and use clear story windows. Ms. Dunn wanted to be clear that the change would not affect the skylights and meditation space.

The public hearing was closed.

Daniel said there was no supporting information about views to consider, felt that views can be a bitter, neighbor-to-neighbor fight, and at times there are decisions made without information. He said if there is a view issue, it would be helpful to have a topographic plan, a site section, story poles, was not convinced there would be significant view blockage, and thinks there is a solution for it but it is tough to make the decision with lack of information.

Boardmember Welter felt there could not be a better place to put a meditation room and he also agreed with Chair Woldemar's suggestions and the added condition.

ACTION: It was M/S (Whitty/Woodrow) to approve PLN 09-018 with the staff's recommended 4 findings and 13 conditions with an additional condition #14; "Roof style of the second story shall be hip as per sketch dated May 27, 2009 and attached thereof"; unanimously approved.

- 1. PLN 09-018 – Hernandez Modification to Second Dwelling Unit & Addition to Accessory Structure on Humphrey Avenue - DESIGN REVIEW PERMIT to modify a ±478 square foot second dwelling unit and add ±80 square feet to the existing accessory**

structure located at 2710 Humphrey Avenue (APN: 528-030-007). The project would permit the construction of a rear addition. SFR-3 (Single-Family Low Density Residential) Zoning District. Owner: Jose Hernandez; Applicant: Sol Davis. Staff Contact: Kieron Slaughter. Tentative Recommendation: Conditional Approval.

Chair Woldemar confirmed the applicant was still not present and suggested holding over the item. He then allowed the public to comment.

Public Comment:

Gerald Rasmussen, Acting Chair of the North and East Neighborhood Council Design Review Subcommittee, said the applicant did not make any attempt to contact the neighborhood council and as a result, they did not hold their monthly meeting and have lots of questions. He asked to talk with the applicant about their concerns and said their next meeting is June 22. Boardmember Woodrow said the Design Review Board will meet on the 10th and 24th and perhaps a special meeting of the neighborhood council could be held.

Mr. Slaughter said staff could not force an applicant to attend a meeting and he asked the City Attorney to address it. Ms. Renfro said the City, in its development applications, strongly encourages applicants to go to neighborhood councils, but neighborhood councils are not arms of the government, not approving bodies, and the City has no power to compel applicants to attend DRB or neighborhood council meetings.

Mr. Rasmussen felt that at least two or all four of the required findings could not be met in the application's current condition.

Chair Woldemar suggested continuing the item to June 24, 2009 and asked staff to make the applicant aware of the action for continuance, concerns and encourage the applicant to attend the neighborhood council design committee meeting.

ACTION: It was M/S (Whitty/Bloom) to hold over PLN 09-018 to June 24, 2009; unanimously approved.

3. Reports of Officers, Board Members, and Staff
a. Discussion of revised format for the DRB agenda

Chair Woldemar suggested discussing, considering and perhaps voting on a new agenda format.

Boardmember Bloom said she had to leave the meeting, but suggested the agenda be more user-friendly for the average person to understand and also suggested having high school students provide suggestions. She asked for definitions and color such that it could be better presented.

NOTED ABSENT

Boardmember Bloom was excused from the meeting at 7:40 p.m.

Ms. Harbin said staff is attempting to revise the agenda so it is on one page and trying to formalize the format so that City Council, Planning Commission and DRB agendas all look similar to each other. Chair Woldemar believed the agenda is the same format as 8 years ago and it was incredibly hard to follow. At the last meeting six weeks ago, he distributed a draft copy of a version he had prepared as well as one that Hector Rojas had prepared. He was interested in the format because it made steps clearer and provided a new graphic image to

relay the fact that they would be moving to a new City Hall, and hopefully to a conference table rather than a podium. He said he distributed a yellow version in the format proposed, made notes about it, liked the wide margins so that Boardmembers can write on it, and liked Boardmember Bloom's idea of using color. He also suggested meetings be video-taped, asked staff to include the appeal date in the agenda, and to include specific things about the Brown Act and citizens to be heard and placed at the beginning of the meeting. He also used the City Council agenda as a guide and questioned why he has not heard back from staff.

Boardmember Woodrow thanked Chair Woldemar for his work; hoped changes would help citizens, and agreed that meetings would be more useful for applicants if video-taped.

Boardmember Welton felt the proposed version is easier to understand and said his firm is actually completed a video on how to prepare homeowners who have never done a project before. He felt more graphics could be used as well as bullet points or a numbering system, while taking into account needed Brown Act wording. Boardmember Woodrow believed that it was the job of the designer to help their client and they should be explaining what should happen at meetings.

Boardmember Whitty said she felt the agenda was truly a schedule and that the proposed layout was much more understandable. Boardmember Woodrow said when he was Chair he abbreviated a lot more and felt verbiage could be compressed while stilling getting across legal points. Boardmember Whitty felt the proposed style was much improved and supported the agenda being condensed.

Boardmember Butt agreed with comments and said although it will not make a huge difference, anything the Board could do to make it easier to follow is a step in the right direction. He also liked what Hector Rojas had done, liked an area in the margin for writing and liked the logo.

City Attorney Renfro said much of the verbiage on the front page could be cut altogether. The most important information under the Brown Act is how the business portion of the agenda is described. The Chair could have an abbreviated description of how the meeting is run which did not have to be printed on the agenda. The Planning Department is trying to have similar looking agendas and she suggested the Chairs of the DRB and Planning Commission get together and discuss it. The policy decision would be to have all agendas look similar. She noted Chair Finlay had some concern about the order in which things happen, which should be clearer, and she felt Chair Finlay might be persuaded to be provided with a Chair's speaker sheet which does not have to be published on each agenda.

Boardmember Whitty believed the same format could be used and, depending upon how much verbiage is preferred, each agenda would have more or less description.

Chair Woldemar said because the pages are double sided, the margins need to be the same; however, if single-sided, more could be written as notes and in the margins. Ms. Renfro reminded everybody the double siding of copying is an important green issue.

Chair Woldemar and Boardmembers directed staff to return with a revised format at the next meeting.

b. Initiate a City Council Liaison for the DRB – Suggested by Tom Butt

Chair Woldemar asked for the item to be agendized, noted Tom Butt is the DRB Council liaison, and asked for his attendance to DRB meetings in the interest of communication between the DRB and Council. An example of tonight's report from the liaison might have been about

appeals and results of DRB actions, proposals that affect design, and others and noted that El Cerrito, Pinole and other jurisdictions similarly have a Council liaison attend their meetings.

Ms. Harbin said the Council must choose someone to be the liaison to the DRB, and Chair Woldemar believed Councilmember Butt had already been designated as the liaison and it should be reiterated. Chair Woldemar suggested staff make the request and Ms. Harbin agreed to speak with the Planning Director and report back.

Ms. Harbin said both Commissioner Woodrow and Chair Woldemar have requested having the meetings recorded on video. Staff has discussed this and cannot videotape the DRB meetings due to costs of having the television crew and others be present.

Chair Woldemar reported attending a 23rd Street Corridor Form Based Codes discussion last week. There is a charrette scheduled for June 15-19 and questioned what would occur if more than 4 DRB members attended. Ms. Harbin said the City Attorney's office could respond; however, members should attend and act as members of the public.

Boardmember Woodrow noted his surprise that the group of consultants is not aware there has been a City-based group thinking about 23rd Street who has functioned for almost two years. He urged the consultants to connect with the citizens group and meeting in the Veteran's Hall is designed to make certain that some of the work is done within the area. Ms. Renfro said because of rental costs, the City was trying to use City facilities to hold the meeting.

Chair Woldemar noted staff has been forwarding the public hearing forecast calendar and he reported upcoming items: 1) June 10-Rehabilitation of a historic building on Washington Avenue; and 2) Fire Station returning to the DRB.

Boardmember Woodrow questioned if 210 Washington was the old church, and Boardmembers did not know. He also reported that he would not be present for the next DRB meeting on June 10, 2009.

BROWN ACT – Public Forum – No speakers.

The Board adjourned the meeting at 8:15 p.m.