

**DESIGN REVIEW BOARD MEETING  
CIVIC CENTER MULTIPURPOSE ROOM, BASEMENT LEVEL  
440 Civic Center Plaza, Richmond, CA  
June 9, 2010  
6:00 p.m.**

**BOARD MEMBERS**

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

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

**ROLL CALL**

**Present:** Chair Woldemar, Vice Chair Whitty and Boardmembers Bloom, Butt, and Welter

**Absent:** Boardmembers Christian and Woodrow

**INTRODUCTIONS**

**Staff Present:** Lamont Thompson, Hector Lopez and Carlos Privat

**APPROVAL OF MINUTES**

May 12, 2010

**ACTION: It was M/S (Whitty/Butt) to approve the minutes of May 12, 2010; unanimously approved.**

**APPROVAL OF AGENDA**

**ACTION: It was M/S (Woldemar/Butt) to approve the agenda; unanimously approved.**

**Public Forum** – No speakers.

**CONSENT CALENDAR**

Chair Woldemar reviewed the procedure for speakers and noted any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, June 21, 2010 by 5:00 p.m. and he read the appeal procedure after each affected item.

Chair Woldemar noted there was only one item under the Consent Calendar. Vice Chair Whitty asked to remove Item 1 from the Consent Calendar.

**Public Hearing**

**CC 1. PLN10-090 KUHN RESIDENTIAL ADDITIONS ON SAN JOSE AVENUE**  
Description REQUEST FOR DESIGN REVIEW BOARD APPROVAL FOR A ±286  
SQUARE FOOT REAR ADDITION AND DECK.  
Location 5647 SAN JOSE AVENUE  
APN 510-041-009  
Zoning SFR-3 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL)  
Owner KUHN IRENE  
Applicant ARIANA DRONEY  
Staff Contact LAMONT THOMPSON Recommendation: **CONDITIONAL APPROVAL**

Lamont Thompson gave a brief staff presentation, described its location, zoning, and request by the application to construct a 286 square foot addition at the rear of the residence. The improvements would be on a 4,166 square foot lot. Proposal components are for a kitchen expansion, open deck and extension of the basement area, a side yard projection of a bay window, and construction of stair leading up to a roof deck. He described uses and reasons for the expansion, and said a letter was received from the Richmond Annex Neighborhood Council President who expressed concerns with the side yard setback because the bay window would project into the area. Staff agrees with the President that projections of bay windows are not allowed into the side yard setback; however, in this case, it is within the building envelope and conforms to the 4.1 inch setback which is required by code. Comment letters were received from neighbors with concerns about the privacy that the roof deck would present with regard to the master bedroom window near the rear and photos were provided of the deck in relation to the window. There are also general concerns about light and shadows from the new deck addition and kitchen extension onto the neighboring residence's privacy.

Boardmember Butt questioned and confirmed that the project does not require a variance. Mr. Thompson said the lot is of legal record at 41.66 x 100 feet. The minimum lot size for the area is 5,000 square feet; however, there are exceptions to allow 25 x 100 foot lots in the area.

Chair Woldemar noted that the first sentence of the Richmond Annex Neighborhood Council letter states that at their general monthly meeting, they supported the project. He also noted that Mr. Thompson had responded to them regarding the side yard setback issue. He suggested an additional condition that would talk about getting a specific sideline survey so it was certain what the numbers are, and Mr. Thompson said this would be an excellent condition.

Chair Woldemar also noted that there are three different copies; one from Timothy Fender in opposition, Juan Reardon and Kay Wallace, and the Haraden-Gorski family, all of whom live along San Jose Avenue.

The public hearing was opened.

Gary Parsons, Architect, representing Irene Kuhn, the owner, said she had attempted to contact neighbors prior to leaving on vacation, but did not know whether she was successful. He said he was present to answer any questions. He said he believes it is a big priority for the owner to not overlook the harmony of the neighbor versus decisions made relative to the design. He felt Ms. Kuhn is more than willing to make compromises, changes and hold discussion.

Chair Woldemar thanked Mr. Parsons for his good architectural drawings. He asked if Mr. Parsons had the authority to make changes, and he said he would be able to discuss changes

with the owner. Chair Woldemar suggested having neighbors and the owner come together and work things out.

Public Comments:

Colline Haraden-Gorski said she lives immediately west of the applicant, said she asked the owner to compromise who told her she would absolutely not compromise. The applicant is the guardian for her children and it is difficult for her to be here. The largest issues are obstruction of their view, a loss of privacy, impact of lights to their established landscaping and yard and noise issues. They have been in the neighborhood for 9 years, she referred to page 6 of the drawings stating that the deck and skylights are as high as the first level roof line which obliterates both views of her only view from their upstairs and downstairs. She said she has talked with Mr. Kuhn about supporting an addition of a kitchen, but she did not learn of the roof until she walked the neighborhood prior to her vacation. At that point, it was communicated to her that they opposed the deck. She requested the roof deck and skylight be removed from the plans, and that a general roofline be replaced. She presented photographs and said the project impacts her family, property values and harmony of the neighborhood.

Vice Chair Whitty confirmed that neighbors live on a hillside and Ms. Haraden-Gorski was living higher up and the deck is actually taking out her only view.

Chair Woldemar asked if a flat roof would be acceptable to replace the deck and skylights and Ms. Haraden-Gorski said not necessarily; it would still block the view, but she felt there were solutions.

Tim Fender said he and his wife live two homes southwest of the applicant since 2005, said they are supportive of a person trying to improve their property, but only if they do not negatively impact the value of other properties, and they are opposed to the rooftop deck. Their home shares the same floor plan with the applicant but the rooftop deck would improve the owner's home at the expense of their home. Given the height and location of the deck, their privacy of their backyard would be severely violated. They have spent a great deal of money improving their backyard and the deck would have a direct line of site over their six foot privacy fence and would appear as a prison look-out tower. An umbrella, patio table or people of average height would add to the obnoxious nature of the obstruction. Sound would also be an issue and should not be overlooked. Their views of El Cerrito and Kensington hills would be violated with the addition of the rooftop deck; it would impact their quality of life, and asked that the rooftop deck plans be eliminated.

Vice Chair Whitty asked if Mr. Fender's home is higher than 5641 San Jose, and he said yes, and provided a photograph. She confirmed that no matter what Ms. Kuhn installs, the surrounding homes will be impacted. She noted that if the kitchen expansion was approved, its roof would probably have to be pitched which may block views. Mr. Fender said from his viewpoint, the kitchen expansion would most likely not impact them, but they oppose the roof deck. Vice Chair Whitty questioned Mr. Fender's opinion about the skylight and she pointed out its location. Mr. Fender said it will affect them as well and he opposed it.

Chair Woldemar said the photographs used do not make Mr. Fender's case. Beyond the house is a large tree with a chimney sticking up. The deck is basically blocking the view of that tree while the views to the left remain intact. If there were an addition below the deck, it would require a roof that would probably stick up to the height of the railings. Mr. Fender said their primary issue is privacy.

Veronica Raymonda said she is at 5627 San Jose or the third house up from the project and are slightly higher. Since purchasing the home in 1996, the neighbor next door built an upper deck

and from their hot tub, they can wave to each other and talk. She lost her privacy in her yard. Then, the house next to them doubled in size in the last two years and they built a massive second story. She therefore has no privacy in their bedroom. The only privacy she has is in the kitchen, which she loves. If approved, the proposed deck would significantly and further affect what privacy she has left and her views. Anything neighbors do, you hear and see. So, she does not want to lose any more privacy.

Michael Esposito said he lives at 5601 San Jose and pointed out that as a resident for 32 years, it is extremely rare that neighbors do not consult with each other before proposing such plans. Neighbors have worked collaboratively together in the past and it is essential that as the neighborhood grows in size, the Board should require that neighbors meet prior to the Board meetings.

Boardmember Welter said he thought the Board does require this, and Chair Woldemar said it is required to the extent that the applicant signs the application which indicates they must contact their neighborhood council. Mr. Thompson agreed and said staff also recommends applicants contact their neighbors and the neighborhood council, but there is no requirement that they do this. Mr. Esposito said no notices are mailed from the Richmond Annex Neighborhood Council unless one pays \$5 a year to be on their list, which he did not feel was useful.

Chair Woldemar asked for rebuttal from the applicant.

Mr. Parsons said he feels a little blind sighted, and does not believe he has an accurate picture of what has or has not happened in the neighborhood. It is his opinion that discussions should take place prior to coming to the Board meeting. He had not seen any of the materials or heard concerns before, and he thinks that things should be negotiable and he will advise his client of this. He thinks Ms. Kuhn would benefit from having a slightly larger bedroom and bay window and a slightly larger kitchen. If the other improvements will cause ranker in the neighborhood, it is not worth it and this will be his advice to her. He welcomed sitting down with neighbors to determine a compromise.

Boardmember Bloom said if this is accurate, clearly it is the icing on the cake to have a livable deck. She suggested expanding the garden instead in order to have a nice space.

Boardmember Welter said there are tight setbacks with difficult terrain, and someone will always be looking in somebody's windows because of the closeness of homes, and he is glad neighbors are willing to talk to each other for compromise.

Chair Woldemar confirmed that the rear setback for the lot is 20 feet. He noted that the rear yard today is 47.5 feet so there is good distance that potentially could be expanded into. He also noted that the next house to the east sticks out a good 20 feet. It strikes him that there is also the potential for the kitchen to expand to the rear and potential for the deck at the kitchen level to expand further to the rear, so potentially the view that the rooftop deck might stretch out far enough in the rear to actually create a view but in a story down. He thinks the Board should see some sort of cross section between the various properties in order to understand better what the view and privacy issues are. This Board historically has been very respectful of privacy issues and there are items in the City's ordinances to prevent privacy intrusion onto neighbors' properties. There are many solutions used over the years to prevent privacy issues, and he asked staff to facilitate a meeting between all parties.

Chair Woldemar also hoped that staff would communicate our discussions tonight to the Richmond Annex Neighborhood Council and let them know that the issue has arisen and suggest they do a better job of notifying people. He believes there are architectural solutions

that will satisfy the square footage aspects, but may not satisfy the view issues, but there should be ways of making it work.

Mr. Parsons said one constraint he is working under is a monetary constraint. He said a cross section could be a fairly expensive item to produce, and he asked if he could take photographs from concerned sections. Chair Woldemar said Google might be another tool to use. Mr. Parsons questioned and confirmed that neighborhood councils are advisory, but acknowledged that the neighborhood council did not notify people they were having a meeting.

<b>ACTION: It was M/S (Bloom/Welter) to continue PLN 10-090 to July 14, 2010; unanimously approved.</b>
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**BOARD BUSINESS**

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

There were none.

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

There were none.

The Board adjourned the meeting at 6:45 p.m. to the next meeting on June 23, 2010.