

DESIGN REVIEW BOARD MEETING
Multipurpose Room, Civic Center Building, Basement Level
450 Civic Center Plaza, Richmond CA 94804
March 13, 2013
6:00 p.m.

BOARD MEMBERS

Ray Welter, Chair
Robin Welter
Mike Woldemar
Brant Fetter

Brenda Munoz, Vice Chair
Eileen Whitty
Don Woodrow

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

ROLL CALL

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

Absent: Boardmember Brant Fetter (arrived late)

Staff Present: Jonelyn Whales, Kieron Slaughter and Assistant City Attorney James Atencio

APPROVAL OF MINUTES

Boardmember Woldemar referred to the Atlas Road Bridge discussion and commented that it is interesting that he heard by way of minutes from an EBRPD meeting that had occurred earlier than the DRB meeting. They were surprised that they had to attend the DRB meeting. Considering this was two public entities including the City, he thanked Mr. Mitchell for reminding them that they need to show up; however, they ended up discussing it but not making any changes. He reminded staff to let everybody know that public and private entities need to present and come to the DRB because seeing things late is a waste of everybody's time.

February 13, 2013:

ACTION: It was M/S (Woldemar/Robin Welter) to approve the minutes of February 13, 2013; carried unanimously (Fetter absent).

February 27, 2013:

Chair Welter referred to the bottom of page 7 under the Beijing Restaurant window installation, his comment about pushing in or about the windows, he asked to amend it to state: "Chair Ray Welter commented that if the walls are brick veneer or brick and are thick the Board should encourage pushing the windows ~~them~~ back in to provide some relief and not have them flush."

ACTION: It was M/S (Ray Welter/Woldemar) to approve the minutes of February 27, 2013, as amended; unanimously approved (Fetter absent).

APPROVAL OF AGENDA

ACTION: It was M/S (Woldemar/Ray Welter) to approve the Agenda; unanimously approved (Fetter absent).

Public Forum - Brown Act - None

CONSENT CALENDAR:

Chair Ray Welter noted the agenda consists of two Consent Calendar items and Item 1 is a hold over to the March 27, 2013 meeting. He asked if any members of the Board, staff, or audience wished to remove an item. Boardmember Woldemar requested removal of Items 2.

He announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, March 25, 2013 by 5:00 p.m.

ACTION: It was M/S (Woldemar/Whitty) to approve the Consent Calendar consisting of Item 1 (hold over); unanimously approved (Fetter absent).

Items Approved on the Consent Calendar:

CC 1. PLN11-010 AT&T WIRELESS TELECOMMUNICATION FACILITY

Description **(HELD OVER FROM 2/27/2013)** REQUEST FOR DESIGN REVIEW APPROVAL TO INSTALL A NEW WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF A 64-FOOT FAUX EUCALYPTUS MONOPOLE TREE AND ASSOCIATED EQUIPMENT.

Location 4075 LAKESIDE DRIVE

APN 405-371-010

Zoning M-1 (INDUSTRIAL/OFFICE FLEX DISTRICT)

Owner CALIFORNIA AUTISM FOUNDATION

Applicant TRILLIUM CONSULTING ON BEHALF OF AT&T

Staff Contact HECTOR LOPEZ **Recommendation: HOLD OVER TO 3/27/2013**

Items Removed from the Consent Calendar:

CC 2. PLN12-108 THYSELL NEW SINGLE-FAMILY RESIDENCE

Description REQUEST FOR DESIGN REVIEW APPROVAL TO CONSTRUCT A NEW ±2,750 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED SECOND DWELLING UNIT.

Location 5900 TEHAMA AVENUE

APN 508-282-025

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

Owner BARRY & SU THYSELL

Applicant WILLIAM P. COBURN, ARCHITECT

Staff Contact KIERON SLAUGHTER

Recommendation: CONDITIONAL APPROVAL

Kieron Slaughter noted the architect would arrive in approximately 30 minutes but the homeowners are present and can answer questions.

Mr. Slaughter gave the staff report requesting design review approval of the project. He said he highlighted previous DRB actions in the staff report and noted the last meeting was on September 26, 2012. There were several comments regarding inconsistencies in the overall massing and consistency of the project with the surrounding neighborhood. As a result the

project was continued to allow the architect to address those comments and revisit the Richmond Annex Neighborhood Council. Time was also given to the applicant to revise the architectural plans and meet with the DRB subcommittee. The applicant and staff met with the DRB Committee on January 10, 2013. Most notably some of the changes included one of the garages being reduced in size by 230 square feet and a workshop/utility room was included on the ground level. There were other architectural changes including the style of the house. Subsequently, the applicant visited the Richmond Annex Neighborhood Council meeting to present the revised plan.

Mr. Slaughter referred to Table A of the staff report to show the proposed project conforms to development standards and parking requirements of the SFR-3 zoning district. The project also conforms to the requirements and intent of the General Plan designation of low density residential. In addition, the applicant is proposing 33% or 1,666 square feet of interior yard space which exceeds the required 16% or 800 square feet.

Staff received correspondence from the Richmond Annex neighborhood council, dated March 5,th which had four remaining points they believe need to be addressed along with the applicant's responses to those points.

In conclusion, Mr. Slaughter said the demolition would replace a deteriorating structure and create a new residence that would aesthetically improve the neighborhood. Typically, residences of this size are found within the neighborhood on 5,000 square foot lots in the City of Richmond. Staff recommends approval of the revised project. Subsequent to the writing of the staff report, staff received two emails which are provided to the Board and public. The graphic is a pictorial illustrating massing, size, and architectural concerns the Board has heard previously. In addition, staff received tonight a packet of material which contains three recommended conditions of approval, along with several renderings of the proposed residential area as a comparison. Staff has not had enough time to thoroughly review the submission but most of the graphics look like they adequately describe the project.

Boardmember Woldemar noted that he and Vice Chair Munoz served on the DRB subcommittee. On page 2 of the staff report under analysis, staff talks about the density and a reference to General Plan policy, which is not typically included in such a report. He asked if there is something implied by the neighborhood that the neighbors or the Board should know.

Mr. Slaughter said staff was encouraged to not only analyze projects based on their conformity to the zoning ordinance but the General Plan as well. He wanted to provide a bit more information and context as to why it complies with general plan policies.

Boardmember Woldemar asked and confirmed with Mr. Slaughter that the General Plan indication is one of lower density residential which includes single family residential development in minimal to moderately sloped areas. It also allows density up to 5 to 15 dwelling units per acre with maximum heights of 35 feet.

Boardmember Woldemar referred to page 3, second paragraph from the bottom and discussed Build It Green checkpoints. He asked if this is applicable or has it been superseded by CALGreen. Mr. Slaughter said yes it was superseded by state law, although the applicant did voluntarily submit this checklist which was noteworthy to include, it is not a mandatory requirement for applicants.

Boardmember Woldemar said because he had an experience with a project that had a second unit, there was a requirement in the conditions of approval that there be a recorded deed restriction having to do with the second unit and who can occupy, etc... He asked if there is a reason that is not included. Mr. Slaughter said typically staff does not include the deed

restriction in the attachments. Boardmember Woldemar said he was referring to its inclusion as a condition of approval and not as an attachment. Mr. Slaughter recognized this point and Boardmember Woldemar presented the sample condition to Mr. Slaughter for inclusion.

Boardmember Woldemar said when the subcommittee saw this project, it was a radically different design than they had seen previously and much more contemporary with a butterfly roof as opposed to a hip roof. The old solution had clay tile and asphalt shingles. This looked like it was a much better interpretation of a design which brought some coherence to the project. Irrespective of all other issues of mass and neighborhood continuity, the one thing he does remember urging which has been incorporated was the flip flopping of the two bedrooms and the kitchen. The two bedrooms previously led out onto the southeastern deck, but he suggested if it could be flipped, then the two bedrooms would not look out to the south intruding on the adjoining neighbors' property. He was pleased to see this has been accomplished. He also noted that there is an enclosure around the southeast deck that is at least 5 feet higher or higher, and the whole idea of this was to restrict privacy intrusion from that corner looking to the south and east.

Lastly, Boardmember Woldemar said in the subcommittee meeting, things seem from a design point of view to hang together better. They could also frankly read the drawings a bit better. Some of the information is still somewhat unclear and inaccurate, but it appears to be a much presentation than the first solution.

Chair Ray Welter stated that the added square footage is 2,750; however, he questioned whether this includes the accessory unit. He noted that he arrived at 3,372 square feet and some of the items he could not clearly delineate. He said the garage is 922 square feet. Mr. Slaughter clarified it is a 2,750 square foot residence with a 600 square foot attached second dwelling unit. Chair Ray Welter said given this, when looking at the zoning compliance information, he asked shouldn't the 3,350 square foot number be represented, and Mr. Slaughter concurred; however, he said it does not change any of the evaluation because staff does not evaluate FAR. Chair Ray Welter said the only thing it would affect is the interior yard space, but this is so far over the standard. Mr. Slaughter said it would not affect it because it is internal with anything additional encroaching into the footprint. Chair Welter asked that staff revise the total to 3,350 square feet.

Chair Ray Welter opened the public hearing.

Su Thysell, owner, said as a broker she is disgusted and frustrated with the process, stating it has taken them a year to get a permit for the house which she finds impossible. She is shocked with the actions of the neighbors and she asked when the project can be approved and what other requirements the Board would impose. She voiced objection to there being any privacy issues, said there are many large homes in the neighborhood and was opposed to complaints of height and mass of the house. She said they comply with the code and regulations and do not violate the law. She was surprised at how much power the Board and neighbors have, asked for closure and approval of the project, and voiced personal health impacts which have resulted from the process.

Boardmember Woldemar asked if Ms. Thysell understands the design currently before the Board and whether she likes the design. Ms. Thysell said she has driven around the neighborhood to look for a butterfly roof but could not find one. The contractor went up on the roof yesterday to show everybody what the height would be and it was meaningless.

Boardmember Woldemar asked if she likes what the architect has designed, and Ms. Thysell said no. She is doing it to make the Board happy so she can have approval of the project. She thought maybe her buyer would like it but was not sure.

Boardmember Woldemar said staff has recommended a series of 13 conditions to be placed on an approval, and a 14th condition with the recording of the deed restrictions. He asked whether Ms. Thysell understands and agrees with the 13 conditions.

Barry Thysell, owner, said they are very tired of the process, said they would agree to the trees, curbing, stamped concrete concept for the driveway, and he read the staff report but was not sure of all the 13 conditions.

Boardmember Woldemar recognized that the architect had arrived and what he finds curious is why the Thysells are agreeing with the design when they do not like it.

Boardmember Woodrow referred to the first drawing and said there is a note that indicates there will be a wooden fence. He asked about details of the fence, and Mr. Thysell said at the present time there is a weathered redwood fence which would be rebuilt to the point where it is reasonable. When the bank repaired it, they had cut sections out and this would have to be redone. The areas damaged beyond repair would have to be replaced, so there would possibly be some old and new redwood and no paint unless they must stain it to look more even.

Boardmember Woodrow said when the DRB first saw the plan, there were gates on the fence at the time next to the garage and he asked if they will stay. Mr. Thysell referred to the drawing on the next page which will include a front gate going into the front yard and one in the rear yard which will swing out and be made of redwood.

Noted Present:

Boardmember Fetter was noted present at 6:40 p.m.

Boardmember Woodrow confirmed that all gaps in the fence would be repaired and gates will both be swing gates.

William Coburn, Architect, said the fence on the front and the one facing the street on the rear are new fences with horizontal boards which is shown on the elevation, Sheet 3. He said they discussed a 3.5 foot fence for the front yard at a previous meeting and a 6 foot fence at the rear. He noted that one gate is shown on the west elevation.

Boardmember Woodrow questioned if some of the boards in the fence to be replaced are vertical, and Mr. Coburn said yes. The horizontal boards will be the same material but will be painted hardy pine which is used on the house. He said the fence in the back is shared with another family so he wondered if it would leak through their side if he painted it.

Chair Ray Welter asked for an explanation from Mr. Coburn of the design changes and a brief presentation.

Mr. Thysell said he did not notice they the conditions were marked as being requirements to meet but rather to get a plan through the City and he will review them.

William Coburn, Architect, gave an overview of the project, stating differences in site work include some adjustment to planting. Some of this was a result of the meeting with the neighborhood council. At that meeting they were concerned about the overall massing of the building and on the Tehama side. They suggested a stronger landscape presence with plantings. The purpose of this is to break up the landscape feature and the massing of the house on the Tehama side. They also show on the plans at the rear yard, rear corner an evergreen fruit tree and a loquat tree. In response to neighbor concerns of privacy, they increased the fencing around the deck upstairs. On the Butte side, they added two small pear

trees. There was some modification of the inside property line planting as well in addressing maintenance. On the house itself, they modified the kitchen location and the two bedroom locations on the upper floor which was recommended by the subcommittee and this was successful in addressing privacy issues and also provides a small deck out from the kitchen. He did not recall any other plan changes other than in the basement. He clarified the workshop area for the garage which was not clearly defined in the earlier rendition.

On the elevations of the house, the overall massing is much the same as previously seen. They provided detailing showing the siding material on the lower portion of a darker brown and a lighter brown or tan for the stucco above. Some of the roofing exposed outriggers and the decking will also be a darker wood color to contrast with the stucco color. The attempt is a two-tone effect to diminish the overall bulkiness and add variety in the massing of the house. Windows are fiberglass and similar to vinyl although they can be painted.

Boardmember Woldemar referred to page 5, Detail 305, it is labeled vinyl. Mr. Coburn noted that the decision to change this was considered afterwards, and he could not clarify whether it was millguard fiberglass. Mr. Coburn said he had planned on vinyl windows to be used.

Boardmember Whitty referred to the northern elevation on page 3 and asked for confirmation of the current exterior building wall height and asked if it was 22'8". On the right hand side it was listed as 23'8" and Mr. Coburn said this is because the grade is changing. Boardmember Whitty clarified that the roof height was 23'8" and the left hand side it is 22'8" and the wall height would be one foot less on each side. She asked and confirmed that the balcony is 3'6" and the roof overhang is 5'.

Boardmember Whitty referred to the deck on the back stairs and she asked if Mr. Coburn considered making it an enclosed porch. Mr. Coburn said there is a barbecue area on the deck.

Vice Chair Munoz referred to the third bedroom and asked for more space between the two arching windows. In the master bedroom, she asked for windows to be in line with existing windows. Mr. Coburn said the neighbor's house is further back than this house and there is a magnificent view. Therefore, the window is meant to capture some of it. While he knows the neighbor is sensitive and privacy is an issue between neighbors, by virtue of the fact that the neighbor's house is so far back and the front yard is more of a social space, this did not seem justified. However, Mr. Coburn said they would consider modifying the window if it made a difference to the Board to diminish any concerns.

Boardmember Fetter asked how Mr. Coburn feels about the results from the subcommittee and changes made. Mr. Coburn said he felt the results were very positive. He was pleased with the fact that they could discuss the plan changes and came up with a planned inversion of the upper floor. He also felt it was a time where issues could be discussed, and the applicant did like the house better than before.

Boardmember Fetter said the trees he mentioned in the last review are in the same place even though they are incorrect as far as location. He asked if the same amount of square footage exists on the upper floor and Mr. Coburn said yes. He asked what type of siding is proposed at the northwest corner, and Mr. Coburn noted it was all hardy planks. Mr. Coburn noted that the wrap does come around the corner but it is not shown on the west elevation. Boardmember Fetter said on the west elevation, he said he cannot tell what is above the French doors. Mr. Coburn said this is a transom window which works with the solar panels on the west elevation proposed at ground level.

Boardmember Woldemar referred to the north elevation, the lower stair window looks to be about 2 foot square. On the floor plan however, the ground floor looks to be about 4 foot wide

matching the one above. Mr. Coburn agreed that the smaller window is going to go as low as shown on the elevation. Boardmember Woldemar suggested making them the same width from an alignment point of view.

Boardmember Woldemar referred to the upper floor of the south elevation and said beginning on the east end, he sees the windows are set in between the counter and hang cabinets. He suggested these be fixed obscure so as not to look down into the neighbor's back yard. He suggested that the two bathroom windows in the middle would also be obscure. Ms. Thysell interjected and said they own a home at Country Club Vista in Richmond which has the same window which is just for light and she does not want it to be obscure. Boardmember Woldemar said the idea of having obscure glass where there are possible privacy issues is something reasonable.

Boardmember Woldemar said his last comment had to do with the western windows in the master bedroom. He suggested that the lower window become just like a 2 foot strip similar to the bathroom windows in height, again making the lower window obscure from the privacy point of view. He would suggest that the height of the lower portion of that window be raised up and that it be made obscure so there is no question about privacy.

Boardmember Woldemar referred to the east elevation on page 3 and asked to describe what is happening at the stairs and asked for an explanation of the stair railing detail. Mr. Coburn said this is wood siding same as the fences.

Boardmember Woldemar referred to page 3, the right side of the north elevation, and said there is a ground floor plate height of 9 feet. He noticed in the garage actually steps down 6". He asked the applicant to consider reducing the 9 foot plate to 8 feet, reducing the overall height of the house by one foot. If the response has to do with the height of the garage, the garage height could be increased by going into the ground and stepping the slab down. Mr. Coburn said he thinks this creates an area for water to be captured in the garage area. Boardmember Woldemar noted when looking at the existing survey, the street elevation opposite the new garage is down about one foot plus from the existing house elevation. This does not mean the existing house elevation will be up a ways and he confirmed he was referring to the shop side. Mr. Coburn said, recognizing there is a motivation to reduce the height and bulk of the house, they could consider this and maintain the 9 foot height in the garage as long as it does not incur unusual drainage issues. Boardmember Woldemar explained that if the section on page 4 is drawn accurately, there is a 6" step already, and he did not see a reason why this could not work. Mr. Coburn said conceptually it could work, but he would not want to end up with an awkward or complex drainage or stepping system in the garage.

Boardmember Woldemar said the Commission received documents from others today and he asked if the applicant has read through them. Mr. Coburn said he only received an email from Mr. Slaughter on the letter from the neighborhood council which he responded to.

Boardmember Woldemar commented that in the past, these kinds of projects were very difficult. Ultimately, someone is going to be happy and someone displeased. The Board's chore is to try to bring parties together as closely as possible to help the process. So whatever is done tonight or in subsequent meetings, everyone should bear in mind that the goal is to make everybody happy but it won't always happen.

Chair Ray Welter opened the public comment period.

Public Comments:

MARY SELVA, President, Richmond Annex Neighborhood Council, said their recent meeting went fairly well but there are remaining modifications that the neighbors have struggled with and want changed. The neighbors put together a packet which is before the DRB and one has to do with privacy impacts from the deck which was added to the revised plans. The three neighbors; two on Shasta and one on Butte, surrounding the rear of the property request removal of the deck. Also, the height of the walls is an outstanding issue and tonight she hoped for further compromises after hearing neighbors' concerns. She noted that the home is on a sloped hill and the neighbors are on the down slope, they will be looking up at what they feel is a very large structure and she asked to keep in mind the impact on adjacent neighbors.

Boardmember Woldemar said earlier discussion was held about the southeast corner deck off of the kitchen and the discussion about the south and the east sides being 6 feet tall. He asked Ms. Selva whether neighbors realized that proposed is a 6' wall around the deck. It is not a railing or open grill but a wall. Ms. Selva said she did not know and suggested asking speakers.

Boardmember Woldemar asked Ms. Selva for further suggestions about reducing the height of the building. Ms. Selva said lowering the floor to ceiling heights was suggested by the neighbors which would be helpful. She said the neighbors also requested poles in which case the applicant agreed to erecting them, but this has not been done. Boardmember Woldemar noted that some story poles were erected yesterday.

DONNA BRIDGES, 1660 Butte Street, said she will only address Items 1A, B, C and D in the neighborhood packet. It refers to an apartment complex at the bottom of Tehama. The building proposed is at the very top of the hill. When looking at the building, it is an apartment complex at the corner of San Bernido and Tehama. There are 20 foot walls and 4 garages. It is built to the minimum setback on all sides, so not only is the footprint large but it is also tall. The complex is at the low end of Tehama. The proposed new house at 5900 is on a prominent hill, making the effect worse. There is a 5 foot setback and no room for any plants. The neighbor to the south had to do all the landscaping to block the view of a huge building. She asked the Board to notice the use of landscaping to hide the hugeness of the apartment complex. She said to see something this large at the top of the hill really does an injustice to the neighborhood and they are all concerned with the overall mass of this particular design.

PRABAKER BALASUBRAMANIAM, 1612 Butte Street, referred to drawings marked as 2A through 2G. He said on 2A, the current view is from his back deck. In 2B it shows how the house will look in the future from their backyard. 2C is the view from the back of his backyard and in 2D if a person of about 5'6" looks up, this is what they will view. He said all drawings are computer drawn and to perfect scale. 2E shows the front of his house and 2F will be the view looking at the neighboring house. 2G is the view looking up. He said the applicant mentions exceptions and he felt they cannot rule on the basis of exceptions because the whole neighborhood would be an exception. This will greatly reduce property values given views and privacy issues.

DEBORAH DODGE, 1645 Butte Street, referred to graphics 3A1, 3A2, 3B and 3D2 and reiterated that the preponderant majority of homes in the Richmond Annex are smaller homes, pointed to how much larger the proposed home is in 3A1 and 3A2, 3B shows the height of the structure, and 3D2 shows the existing house swallowed up by the new structure.

Boardmember Woodrow asked and confirmed with the architect that the drawings presented by Ms. Dodge were correct in scale and that the proposed new house is larger than the existing house.

MICHAEL THWAITES, 1611 Shasta Street, referred to 4A which shows an image of the proposed home from his backyard, said he was not aware there were solid walls, and said 4D, 4E and 4F were perspectives from different people's yards and views, 4G shows what people see from above, and 4H shows that person's view down into the three yards.

Boardmember Robin Welter referred to 4C and asked if Mr. Thwaites had trees in his backyard and he noted that the picture was taken in the winter when there were no leaves.

CYNTHIA MCMILLAN, 1612 Butte Street, said she spent a lot of time driving around the neighborhood and could not find a house the size of the proposal. She said there was a large home on Santa Cruz and San Mateo, but it was an apartment complex. There was one at San Benito and Tehama which was a 4-plex. She thinks this is what is fundamentally wrong with the proposal; the height of the walls and building which does not relate to the human scale of the rest of the neighborhood. She suggested in her letter that the applicants reduce the exterior wall height to 16 feet and said the photo in 5D shows what the difference would be if the wall were reduced to 16 feet with a pitched roof and a balcony in the front. She said when people try to soften the effects of buildings they usually pull it back 8 feet and add a balcony so from the street it is not so overwhelming.

EDWARD SPENCER, 1630 Butte Street, said the neighborhood is sweet and dear and the structure proposed would fit well in Piedmont but not on Tehama at Butte. He is not architecturally sophisticated and finds the current structure aesthetically appealing, but his concern as an 18 year Butte Street resident, the structure is way out of proportion with the homes in the area. He and his wife came from Oakland on Merritt Avenue overlooking Lake Merritt surrounded in a canyon of apartment buildings. His neighbor's house was remodeled and his kitchen window looks out onto his backyard and it is only since the last few years that the oak tree has grown to block his view. He hopes the Board will consider not allowing this structure to be built.

DAN SCHWAB, 1674 Butte Street, said this house is massively out of character for their neighborhood. There is nothing like this as a single family dwelling in their neighborhood now, and it would stick out like a sore thumb. It is not compatible with the other houses in the neighborhood in both size and style. He does not think this will help their neighborhood and will alter the character not for the better. The house does not fit. He lives 6 houses down, but if he lived next door, he would be extremely upset with the intrusion, and the Board's decision will have a long term impact on the character of the Richmond Annex. He wants the essential character maintained and if the Board approves it, it will change it forever.

ADAM SMYER, 2923 Tehama, agreed that the house was large and referred to the photos of 6A and 6B which are very disturbing. He appreciates the fact that his views will not be impacted, but still has questions about the trees.

Rebuttal – Applicant

Su Thysell, owner, questioned whether or not the neighbors wanted to see the existing house stay the same. She said she can see her neighbor through the existing picture window as well as from the dining room window and this condition already exists.

William Coburn, Architect, said it is obvious that the central issue for the neighbors is the bulk and mass of the house; however, in defense of what they have done, this has been recognized as the very first neighborhood meeting when they have already met three times earlier with this version of the house. At that time, they brought the house down 5 feet and through subsequent reviews, shrunk it even more. It is still larger than the existing house, but he has done his very best to work with his clients to address concerns, and he thinks it is still a respectable

application. He likes the design of it, recognizes it is large, but said they have done a lot over the last few months to be responsive.

Boardmember Fetter clarified it was Cynthia McMillan who presented the Sketch Up drawings. He asked if she was aware of how focal depth in Sketch Up affects the perceived size of a building if you are closer to the building with the camera. Ms. McMillan said yes; for her, the most obstructive view is far away when you see a person and you realize you can stack four people, and this is why she included the drawings. When she realized it would be next to her and realized how large it was, she knew it would be tough. She said she has not slept in 3 days and the project is very difficult for her.

Boardmember Fetter said he thinks the most informative drawings are those that have context. The only problem is that he has done a lot of these visual references as the designer of the building by the request of the designer and the exact scaling of the new structure to the old one is of concern. It is difficult to tell whether it is truly accurate.

Ms. McMillan said she took the wall height to be 16 feet and the top of the roof to be 20 feet because she could not go onto the property. In order to do the floor plan, she used the survey because it had all the numbers on there, so she knows the footprint is correct. He thinks some of the pictures are somewhat distorted and he felt it comes back to context. Ms. McMillan said the one which shows stacking of four people is most meaningful. The apartment complex on San Benito and Tehama is this size.

Boardmember Woodrow said if swing gates are installed, he asked if one would interfere with access to the front door of the house. Mr. Coburn clarified there are no gates at the property line or fence in front of the entry.

Boardmember Robin Welter asked if finished floor elevations relative to the survey are included to compare the existing elevations. Boardmember Woldemar noted there is a finished floor on the existing house on page 7. Chair Ray Welter said it looks like it comes one foot from the curb. Mr. Coburn said he would have to check, but the slab is within a few inches of natural soil and he was intending to keep the same relationships.

Boardmember Woldemar said he thinks there is a fundamental question of the Board and it strikes him that it does have to do with mass and scale, but it also has to do with how change happens in neighborhoods. Certainly, if the architect came up with an old style house not unlike what is there, there would be no issue. He said this is probably the most difficult house the Board has had to review in years. When he looked at it at the subcommittee level, he supported in concept the design because he liked it. It was well thought out, but the question is whether it fits here in context. Then the question is, what would happen if someone came in and did a high techy corrugated metal sided design and brought that to the Annex. He wondered if it would just be square footage or more of a contemporary design. He thinks the Board should have more conversation about this because it is key to what might be coming in the future. Beyond that, there are a couple of ideas to moderate this; the first is changing the plate height on the lower floor from 9 feet to 8 feet. At the low point of the roof on the second floor, it appears to be 9 feet and this could be changed to 8 feet also. They could continue with the one to one up pitch and the top of roof would be 2 feet lower than drawn yet the applicant would still have a taller sloping ceiling in their living room and kitchen. The applicant also made note at one point that whatever they do to the house will affect the buyer. He questioned whether this is a spec house or one that the applicant will live in. He would approach it differently if he knew the answer to that.

Boardmember Woldemar said as much as he admires the graphics and the ability to do these things, he questions the vertical heights. He also does not think necessarily the architect did the right job in terms of illustrating this house. For example, if you did shade and shadow to the

drawing and gave it some depth and one could see that the northwest corner is actually carved on the upper floor. The same thing occurs on the southeast corner where there is a secondary roof which could have easily been a balcony. So, he thinks that the project could have been illustrated better to communicate its intent. He thinks the project, given what the applicant knew to be the neighborhood's concerns could have gotten permission to take some cross sections through the adjoining properties to see the relationship of their house to adjacent houses.

Boardmember Woldemar said he questions the plant materials and other things, but feels there are much bigger things to worry about. At the moment, he is inclined personally to continue the item and to give the architect another opportunity to change things a little bit and convince the neighbors that this is a good thing. This may be impossible, but the Board would make a decision to approve or deny, and perhaps this may be appealed to the City Council.

Assistant City Attorney Atencio indicated that regarding the statement relating to whether the owner or someone else will live in the house, is irrelevant to the Board's analysis.

Chair Ray Welter said he concurred with Boardmember Woldemar's comments, and thinks the materials are fine for the neighborhood as there is board siding and cement plaster. It really boils down to a massing issue. He would have loved to see two site sections showing the massing of the house with relationship to the massing of the neighbors' houses. Having the drawing or simple grades would help. He also agrees that if the Board at the very least had rendered elevations or something showing where there are corners cut out of the building and the fact that it is not just a two-story box.

Boardmember Woldemar noted that he remembers some of the Pt. Richmond houses came with actual models to make the case. Chair Ray Welter said there was a similar issue the Board ran into with another project in the Annex where someone was building a second floor rear deck. There were concerns of neighbors and at that time, the Board said they could have used a site section showing the bulk and how it is affecting the neighbors. When dealing with sensitive projects on steep hills that affect views and privacy, most of the Board's questions would be answered if the applicant was required to provide simple site sections.

Boardmember Fetter said one thing the architect is supposed to do in shepherding a plan through this process is when they are aware of controversy there is a good chance that the applicant will need to provide more and have closer conversations with the neighbors, which include materials and illustrations that assist in the effort. He likes the design but they are still dealing with communications and materials. He thinks the key here is that the Board is handed materials that meets the minimum requirements for the City application and the Board should reiterate the fact that if the applicant is running into trouble with the neighbors, pay attention to what their concerns are. A cross section would be very illustrative of the issues and it is important this be submitted even if it is not required. Boardmembers agreed.

Boardmember Robin Welter asked whether any notes were taken during the subcommittee session, and Boardmember Woldemar agreed it was difficult to remember. Boardmember Woodrow said the Board had agreed that the subcommittee would provide a one-page summary of what was said and topics covered, and this has never been done. He said the minutes do not reflect who served on the subcommittee either. Mr. Slaughter said he kept the notes and forwarded them to the members of the subcommittee and copied Chair Welter to distribute to the rest of the group.

Boardmember Fetter said he was hoping some aspects would have been addressed in the subcommittee and he does not know how they were addressed or resolved and he said he is seeing a pattern of behavior in regards to the massing of the upper floor. They had suggestions on their initial review where he thought they would have moved the massing around more so it

had less on the upper floor. But he was not sure what the subcommittee worked out and suggested discussing this.

Boardmember Whitty said if this Board is going to approve findings on the project, currently maybe 2 out of 4 could be satisfied but certainly not all 4 findings. Secondly, Ms. McMillan's submission tonight says "we'll approve this house if they meet these three conditions: 1) correct the drawings showing the balcony on the west and north side. The square footage is wrong." She said this is a simple fix. "2) fix the deck." The concern was that it was open and people could look down, up and all over. We now know it is a 6 foot tall covered fenced walled structure, so this is fixed. We talked about lowering the floor plate so the 23'8" roof would lowered down to 21'8". So what there is left is the 16 foot exterior wall height which to her is impossible to do, and there needs to be a compromise and work done here.

Boardmember Woldemar asked Boardmember Whitty if she would be able to make the findings if the architect made those types of changes as conditions. Boardmember Whitty referred to the September 24th document, and said number 1 is partially made, but this is acceptable. She said the health and safety finding is questionable. Number 3; the overall design will be a quality that will preserve the integrity of the existing neighborhood." She thinks this is partially satisfied. Number 4: the design of the proposed project is in accordance with the General Plan and this is moot. Therefore, she felt they could possibly make the findings.

Boardmember Woldemar said given the letter from Cynthia McMillan and those three items, it does make approval easy. Chair Welter said numbers 2 and 3 are done. Boardmember Whitty said the building exterior wall height is a problem and the roof. It is the height and this is where the Board should focus on. If it is continued, these items should only be brought back.

Boardmember Whitty asked the architect what could be done with the exterior wall to reduce its height. Boardmember Woldemar noted that he proposed the roof and ceiling heights be reduced from 9 to 8 feet. Boardmember Whitty clarified it was at 23'8" and could come down to 20'8" and she suggested making this compromise. They are bringing the roof down from 23' to 21'.

Boardmember Woldemar referred to page 3; the architect's drawing, on the right hand side; it is 9' and he suggested reducing that to 8'. There is no dimension between the top plate and top subfloor, and at most, it is 12". The 12' could be changed to 11' and this would leave the top of the wall at +20 feet. Taking the same two feet out, it gives a top of roof at 21'8". If these changes were made, he questioned whether this would satisfy the proposed number 1 in Ms. McMillan's letter. Boardmember Whitty said no, but the Board should ask them if they could negotiate those two footages and the projection is still not dealt with. It is now a 5 foot project and they want it to go back 2 feet, and she suggests cutting that in half.

Boardmember Woldemar said with a 1:12 roof pitch, if moved back to zero, the height is only reduced by 4" because the roof slope is so shallow. Therefore, it marginally affects the height. Boardmember Whitty felt the concern was one of design and not height. Chair Welter said if the overhangs were reduced by 2 feet, it would look weird for the character of the design.

Boardmember Whitty summarized that Item 1 need to be negotiated with the neighbors. Boardmember Woldemar asked if Boardmember Whitty could approve it based on these changes proposed tonight. Boardmember Whitty asked what are the findings allows, and Mr. Slaughter said they would need to be conditionally satisfied or satisfied. This means based upon the conditions of approval, it satisfies that criteria.

Boardmember Fetter asked what the recourse is for both parties, and Boardmember Woldemar said it could be appealed to the City Council. Boardmember Fetter said if the architect does not want to drop the plate height, they would also have to appeal the decision to the City Council as

well. He thinks it would be easier to ask the architect and/or owner for a continuance or that condition.

Boardmember Woodrow asked what the neighbors feel about 2 feet being removed from the top. Ms. McMillan said she feels that even if the Board concurred with what she wrote, the design would still feel horrible. She said it is very hard, and she wanted to relate it to the human scale.

Boardmember Woldemar said the Board knows that the trees between the two properties are not indicated on the drawings correctly. They should be further west, and Ms. McMillan agreed and pointed out where they are located. Boardmember Woldemar said there is a certain amount of visual separation, and Ms. McMillan reiterated that there is no foliage on the trees where this house will exist. They have been skirted up 20 feet and the only thing between her and the house are trunks.

Boardmember Woldemar asked if it was therefore the fact that she would be looking up at the wall, and Ms. McMillan said yes; and she brought a landscaper in to help her with screening issues. When she looked at the design of the house, she was surprised and said she would need to redesign her entire backyard. It is the combination of the 5 foot setback and a 20 foot wall at the minimum point, but then it goes from 20 to 22 feet at the far ends depending on the plate height.

Boardmember Woldemar drew a sketch and noted that the height of the wall is actually 17 to 18 feet and even the most conventional house, by ordinance, any owner would have the right to build this. Ms. McMillan said she understands, and noted that even if reduced, it still is pretty horrible. She stated that she feels like she would need to change who she is because she spends most of her time outside and not indoors. She said she has lived in this house all of her life and even though they are not supposed to talk about who will live in the proposed structure, it will impact her.

Boardmember Whitty said she wished that the new owners had built an Eichler house and does not understand why it must be two stories. She likes the design but she is just trying to work with what they have as everyone is exhausted from this process. Ms. McMillan said most of them will have to live with this forever.

Boardmember Fetter said the difficult is that the Board is saying everyone seems to be happy with the style of the building which fits the neighborhood better. The applicants have had several iterations with this and have addressed some of the things but not all of them. There are property rights to develop property within the confines of the law, and he thinks the Board is trying hard to figure out a way to make this work for both the neighborhood and applicant.

Mr. Coburn, in responding to the question as to whether the owner would accept dropping the ceiling height by one foot, he said they would not accept this.

Boardmember Woodrow said the neighbors say that the house, no matter how it is drawn, will not fit in the neighborhood. The Board has had houses like this and thinks the Board should talk about how to move forward. Boardmember Woldemar asked staff to look up what the Board shall be responsible to do, which will assist in making a decision.

Mr. Slaughter noted that in the design review section, it has the purpose and the Board's responsibility which he read into the record.

Boardmember Woodrow said he thinks the purpose of the Board as read says "no" to this house. Boardmember Woldemar agreed, and said while the Board concurs it is a good design,

they also agree it does not fit in this location. Mr. Slaughter said staff has a different recommendation which is approval based on the fact that staff can make the four findings, it meets the development standards, they have submitted all materials that staff has asked for, it has been almost one year which is not necessarily timely review. Boardmember Woldemar said staff has an obligation to tell the Board that it is technically correct and meets all of the criteria that are quantifiably spelled out. The enabling ordinance adds another layer of subjectivity to it which staff has not gotten into and this is why the Board exists. Therefore, it seems to him that the Board would move to deny the project. Boardmember Woodrow agreed and said this means the owner would need to appeal the decision to the City Council.

Mr. Slaughter said if the Board wanted to approve it with conditions that the Board is comfortable with and then the applicant can consider appealing the decision. Boardmember Woldemar said staff is touching on the quantifiable items, and the Board is now talking more about the subjective side. He said he would need another hour to talk about details for those conditions and then he would also want to see them included in the project to approve it. The bigger issue is whether the size, mass, bulk of the house appropriate for this location and site, which is the subjectivity side of the ordinance.

Boardmember Whitty said the Board has dealt with this issue in two ways in the past; they denied it or they have added 25 to 30 conditions and approved it. Mr. Slaughter said they also conditioned it to have the landscape details come back for final approval to the subcommittee, and noted that staff has exhausted its resources.

Boardmember Woodrow suggested a straw poll of the Board, which revealed a majority to deny the project because of the Boardmembers' inability to make the findings, its massing and the fact that it does not fit within the neighborhood. Boardmember Munoz and Whitty said they would prefer to approve with additional conditions.

The public hearing was closed.

ACTION: It was M/S (Woodrow/Woldemar) to deny PLN12-108 without prejudice based on the Board's inability to make findings 1, 2 and 3; unanimously approved.

BOARD BUSINESS:

- A. Staff reports, requests, or announcements** – Mr. Slaughter referred to the Rise Center Project and reported it has been completed and looks very nice.
- B. Board member reports, requests, or announcements** – Boardmember Woldemar said he continues to ask staff to calendar a study session on landscape review, bonds, fencing, and accessory structures. Ms. Whales noted staff is working out the dates, possibly looking at March 27, 2013.

Boardmember Woldemar commented that Boardmember Woodrow raised a question on February 13, 2013 about the Council liaison attending a meeting. Boardmember Woodrow suggested inviting Jael Myrick to attend as a guest.

Boardmember Woldemar reported that he and Boardmember Whitty have re-applied to the Board, which is every 2 years for a term no more than 8 years.

Boardmember Woldemar asked and confirmed that staff will send out notes of the subcommittee meetings to the entire Board, and Mr. Atencio indicated that staff can broadcast the actions of the subcommittee, but they cannot discuss it with the subcommittee

members or among the Board. He suggested not responding to threads if sent by email and not discussing it.

Adjournment:

The Board adjourned at 8:40 p.m. to the next meeting on March 27, 2013.