

**MINUTES APPROVED AT THE DRB MEETING ON SEPTEMBER 25, 2019**

**DESIGN REVIEW BOARD REGULAR MEETING  
Multi-Purpose Room, Community Services Building, Basement Level  
440 Civic Center Plaza, Richmond CA 94804**

August 14, 2019

6:00 P.M.

**BOARD MEMBERS**

Kimberly Butt  
Michael Hannah  
Jonathan Livingston

Jessica Fine  
Macy Leung  
Karlyn Neel

Chair Livingston called the meeting to order at 6:04 P.M.

**ROLL CALL**

**Present:** Chair Jonathan Livingston, Vice Chair Michael Hannah, and Boardmembers Kimberly Butt and Jessica Fine

**Absent:** Boardmembers Macy Leung and Karlyn Neel

**INTRODUCTIONS**

**Staff Present:** Planners Emily Carroll and Hector Lopez; and City Attorney Rachel Sommovilla

**APPROVAL OF MINUTES:** July 10, 2019

**ACTION:** It was M/S/C (Hannah/Livingston) to approve the minutes of the July 10, 2019 meeting, as submitted; approved by voice vote: 4-0 (Ayes: Butt, Fine, Hannah, and Livingston; Noes: None; Absent: Leung and Neel).

**APPROVAL OF AGENDA**

**Public Forum**

**[Note: The recording of the meeting started sometime after *Public Forum*. None of the comments under *Public Forum* were recorded.]**

The DRB determined to consider the item on the current agenda as a study session, particularly given that the applicant had a prepared presentation.

**Liaison Report**

**CONSENT CALENDAR:**

Consent Calendar Item No. 6 on the agenda was retained on the agenda for discussion at the request of the Chair.

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Chair Livingston announced that any decision approved may be appealed in writing to the City Clerk within ten (10) days, or by Monday, August 26, 2019 by 5:00 P.M. and he announced it after each affected item.

### **PUBLIC HEARINGS:**

- |                     |  |
|---------------------|--|
| <b>1. PLN19-069</b> | <b>KENNEDY SECOND STORY ADDITION</b>   |
| Description         | <b>(HELD OVER FROM 07/10/2019)</b> PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A ±290 SQUARE FOOT TWO-STORY ADDITION TO AN EXISTING RESIDENCE |
| Location            | 1647 SAN BENITO STREET   |
| APN                 | 508-292-007  |
| Zoning              | RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT   |
| Owner               | CHARLES and DONNA KENNEDY  |
| Applicant           | ADAM MILLER  |
| Staff Contact       | JONELYN WHALES   |
|                     | Recommendation: <b>CONDITIONAL APPROVAL</b>  |

Hector Lopez presented the staff report dated August 14, 2019 for a 5,000 square foot lot in the Richmond Annex where the applicant proposed to construct a second-story addition above the garage of a 1940s residence of 940 square feet. The addition, proposed at 290 square feet, would consist of a master bedroom, bathroom and a spiral staircase from the ground floor. The proposal complied with all setback and development requirements and approval was recommended subject to conditions to remove the curvey fascia element under the eave or add a similar element at the gable roof to allow a more cohesive balanced composition, the new handrail at the porch addition to match the juliete handrail design of the second floor, and the applicant to consider window dimensions along the northwest elevation that related to each other.

Chair Livingston opened the public hearing.

EARL KHO, Sidell Pakravan Architects, representing the applicant, advised that the proposal would add a second story addition to one side of the house to add more room. In response to questions from the DRB as to what had motivated the design of the addition, he stated the owner had been inspired by Victorian/Gothic architecture and wanted to include some of those elements. As to whether there were similar elements in the neighborhood, he explained that he had not visited the site.

Boardmember Hannah expressed a number of concerns in that the stylistic decorative elements were foreign and unusual to the site, the plans were incomplete because there were a number of Building Department related aspects of the design that would not make it to construction given that certain realities were missing, materials had not been identified, and the drawings were too vague for the exuberant detail that had been proposed. He identified other Building Department issues that the plans would need to address such as the requirement for a one-hour separation with a door, a floor landing, a closer and smoke gasket; the spiral stairway and landing were not to code, and there needed to be a 3x3 foot landing at the top of the stair and there was insufficient room to do that.

Boardmember Hannah also commented that something unique and unusual might not be accepted by the adjacent neighbors and he asked if the proposal had been presented to the neighbors. He explained that the style, residential design guidelines, context, and vernacular could be mitigated if everyone in the neighborhood supported the design of the proposal.

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Given that the proposal was incomplete and the project was not yet ready for design review, Boardmember Hannah offered to assist the applicant to prepare the plans for DRB review.

Boardmember Fine also noted that there needed to be more details to identify the structure of the roof and the materials to be used to allow the DRB to conduct a proper review.

Mr. Kho stated that the Richmond Annex Neighborhood Council had approved the proposal.

Boardmember Butt agreed that the design of the addition did not go with the neighborhood nor fit into the context of the neighborhood.

Chair Livingston agreed with the comments and disagreed with the staff report that the proposal fit within the findings of the design review criteria, particularly with respect to the first three findings. He concurred that details were missing, there were code issues raised by Boardmember Hannah, no color board had been submitted, and the design was out of context. He added, however, that if the adjacent neighbors supported the design it would be important for those neighbors to express their opinion in that regard.

**ACTION: It was M/S/C (Livingston/Butt) to continue PLN19-069, Kennedy Second Story Addition to a future meeting date to be determined; approved by voice vote: 4-0 (Ayes: Butt, Fine, Hannah, and Livingston; Noes: None; Absent: Leung, and Neel).**

<b>2. PLN19-184</b>	<b>RESIDENTIAL ADDITION AND ALTERATION</b>
Description	PUBLIC HEARING TO CONSIDER A DESIGN REVIEW PERMIT TO CONSTRUCT A 103 SQUARE-FOOT ADDITION OVER 15 FEET IN HEIGHT AND FOR A FRONT PORCH EXTENSION.
Location	5708 BURLINGAME AVENUE
APN	507-020-006
Zoning	RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT
Owner	BRIGHT MORGAN MERRILL
Applicant	HEATHER SANDERS-JACOB
Staff Contact	ENZO CABILI
	Recommendation: <b>CONDITIONAL APPROVAL</b>

Hector Lopez presented the staff report dated August 14, 2019 for another 5,000 square foot site in the Richmond Annex for a 103 square foot extension in the rear of the building, a portion of which would be over 15 feet in height, and for an extension of the existing porch towards the front property line. A new master suite, master bathroom, office, and laundry would be provided in a previously non-habitable lower level and there would be some interior remodeling.

Chair Livingston opened the public hearing.

BRIGHT MORGAN MERRILL, the applicant, described the proposal to remodel a two-bedroom one bath 1940s home to accommodate his growing family.

Boardmember Fine asked if there was an intent to have a deck or porch off the master bedroom, and when the applicant indicated that had not been planned at this point, Boardmember Hannah clarified that was a code issue and the door would have to include a code compliant railing on the outside until a deck could be considered.

Boardmember Hannah directed comments through the applicant to the architect, who was not currently available, that the site plan would have to read better, it was confusing to have demo

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notes and key notes with the same number separated by shape, and an updated license would have to be identified.

Boardmember Butt clarified with staff that the application required DRB review because of the wall height. She recommended steps outside the bedroom door.

Boardmember Hannah agreed, referred to the two-slope roof, and commented that should be avoided. He recommended that the architect work a bit harder on the composition for the front façade for aesthetic purposes.

The applicant explained that the front had been bumped out to create the space to get the staircase inside. He added, when asked, that the neighbors had not offered any comment on the proposal.

Chair Livingston closed the public hearing

**ACTION: It was M/S/C (Hannah/Fine) to approve PLN19-184, Residential Addition and Alteration, subject to the four Findings and Statements of Fact and 9 Conditions of Approval, and additional DRB conditions as follows: 10) The architect to refine and develop the front façade and front addition to be a bit more like a front entry with less white space and rethink the corbel detail and try to eliminate the two-sloped roof, shown as Exhibit A from Chair Livingston; approved by voice vote: 4-0 (Ayes: Butt, Fine, Hannah, and Livingston; Noes: None; Absent: Leung, and Neel).**

<b>3. PLN18-356</b>	<b>HALUSHKA NEW SINGLE-FAMILY RESIDENCE</b>	
Description	PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY DWELLING ON A 2,500 SQUARE FOOT VACANT PARCEL. THE PROJECT REQUIRES A VARIANCE TO THE MINIMUM LOT SIZE.	
Location	FLORIDA AVENUE	
APN	513-036-019	
Zoning	RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT	
Applicant	HASSUN HALUSHKA (OWNER)	
Staff Contact	EMILY CARROLL	Recommendation: <b>RECOMMENDATION TO THE PLANNING COMMISSION</b>

Emily Carroll presented the staff report dated August 14, 2019 for the construction of a new two-story single-family dwelling on a 2,500 square foot parcel in the Pullman neighborhood, which had been considered in study session in June, and which required a variance for minimum lot size. She reported the applicant had refined the plans pursuant to the DRB’s comments in study session including increasing the size of the belly bands, better rendering the windows on the plan set, including lighting on the plan set, and incorporating some channeling on the front door. The FAR had also been reduced. She recommended that the DRB review the project and make a recommendation to the Planning Commission.

Chair Livingston opened the public hearing.

HASSUN HALUSHKA presented the revised plans. Boardmember Hannah stated that everything had been included barring the minor detail of shielded lights.

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Boardmember Butt verified that the colors had been discussed and accepted during the study session in June.

Boardmember Fine pointed out that the window on the second story above the entry at the front elevation had divided lights while none of the other windows had divided lights. She recommended consistency throughout.

Chair Livingston closed the public hearing

**ACTION:** It was M/S/C (Hannah/Butt) to recommend approval to the Planning Commission PLN18-356, Halushka New Single-Family Residence, subject to the four Findings and Statements of Fact with 11 Conditions of Approval, and additional DRB conditions as follows: 12) The belly bands as shown in the front elevation to carry all the way around four sides of the building per the client's wishes; 13) The divided light at the front elevation to be changed to a single light window to be consistent with the rest of the windows; and 14) The style of lighting to be retained but the light fixture itself to meet staff recommendations for a shielded light with no more than 3,000k); approved by voice vote: 4-0 (Ayes: Butt, Fine, Hannah, and Livingston; Noes: None; Absent: Leung, and Neel).

<b>4. PLN18-358</b>	<b>ISLAMIC SOCIETY MOSQUE RENOVATION AND ADDITION</b>
Description	STUDY SESSION TO CONSIDER A DESIGN REVIEW PERMIT FOR RENOVATION AND CONSTRUCTION OF A 2,500 SQUARE FOOT ADDITION TO AN EXISTING MOSQUE.
Location	1110 36 <sup>TH</sup> STREET
APN	526-030-012
Zoning	RL-2, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT
Applicant	ISLAMIC SOCIETY OF WEST CONTRA COSTA COUNTY (OWNER)
Staff Contact	JONELYN WHALES Recommendation: <b>CONTINUE TO AUGUST 28, 2019</b>

While PLN18-358 had been noticed as a public hearing and had been recommended for continuance to the August 28, 2019 meeting, Chair Livingston advised that the item would be considered as a study session at this time because the City had not conducted appropriate outreach to the community.

The unidentified applicant presented the proposal for the renovation and construction of a 2,500 square foot addition to an existing mosque that had been established in the City of Richmond in 1993, and which had been located at the current site since 1997. He presented an aerial view of the current site, the existing building, and the proposed addition to accommodate a growing community. The proposed addition would be on the southwestern corner and on the south side of the building. He described some of the new features of the expansion including educational facilities and after-school programs, an expanded library, dining and social hall, and to accommodate additional parking. He also described the distinct and unique architectural features that had been proposed and highlighted the various components of the site.

Boardmember Hannah described the plans as well thought it would be a good addition to the neighborhood. He recommended that the landscape plan be considered as a separate project and an opportunity to create something special for the entire property. He recommended open grass pavers that could double as a functioning parking lot as well as an open green courtyard, gathering space, and event space.

Chair Livingston commented that the architecture was so beautiful that it might not be a good

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idea to plant trees in the parking lot as recommended by the Zoning Code since that might obscure the building. He suggested that the courtyard not be asphalt but be something more of a human scale, paving with no stripes, a public plaza, or some other public space.

Boardmember Fine agreed, noted that entering the space would be special, and being in a car and stepping out into asphalt did not feel worthy of the project. She pointed out an area where trees might be desired to obscure views of an adjacent site.

In response to the applicant who had asked if colored pavement could be used in place of pavers, Boardmember Hannah clarified that the suggestions for the landscape elements were recommendations to make a great project even greater, and there were alternatives to what he had recommended as possibilities and opportunities.

For the elevations of the building that were not being beautified, the applicant reported that some stucco improvements and mini versions of the arches of the new area of the project had been proposed for that face of the building.

Boardmember Fine offered assistance to the applicant in terms of ensuring the completeness of the proposed development package.

There were no speakers.

The application was continued to the August 28, 2019 meeting.

<b>5. PLN17-436</b>	<b>VALMAR LAUNDROMAT</b>
Description	PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE PLANNING COMMISSION FOR A DESIGN REVIEW PERMIT TO CONSTRUCT A 1,500 SQUARE FOOT ADDITION TO AN EXISTING COMMERCIAL BUILDING FOR A LAUNDROMAT.
Location	3630 BARRETT AVENUE AND ADJACENT PARCELS
APN	516-090-004 TO 006
Zoning	CM-2 COMMERCIAL MIXED-USE DISTRICT (BORM BASED CODE, T4MS-0) AND RL-2 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT (FORM BASED CODE, T4N-O)
Applicant	SADIK AHMED ALAMMARI (OWNER)
Staff Contact	JONELYN WHALES Recommendation: <b>CONTINUE TO A FUTURE MEETING</b>

The application was continued to a future meeting, date to be determined.

<b>CC. 6. PLN19-121</b>	<b>DECK ALTERATION</b>
Description	PUBLIC HEARING TO CONSIDER A REQUEST FOR A DESIGN REVIEW PERMIT TO RECONSTRUCT AND EXPAND AN EXISTING DECK GREATER THAN 4 FEET IN HEIGHT.
Location	128 WESTERN DRIVE
APN	558-063-009
Zoning	RL-2, LOW DENSITY RESIDENTIAL DISTRICT
Owner	CHARLES D. WEISSELBERG
Applicant	ADAM YANOW
Staff Contact	HECTOR LOPEZ Recommendation: <b>CONDITIONAL APPROVAL</b>

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Hector Lopez presented the staff report dated August 14, 2019 for the extension of an existing deck, the reconstruction of an existing deck, and the replacement of a pergola. He noted that anything over four feet triggered design review.

Chair Livingston suggested that bolting on a traditional wooden deck to the side of the beautiful clapboard house seemed to be a lost opportunity. He suggested that kind of deck was out of context and recommended that the trim underneath the window be extended to form the deck guard railing. He also recommended horizontal railing elements to better match the architecture.

Chair Livingston opened the public hearing.

ADAM YANOW advised that redwood or something similar had been proposed. There were no plans to leave the deck open with visibility of the 6x6 posts. He explained that the deck was rotting and had to be replaced. It was also clarified that the fence would be replaced which might be done with 1x4s to tie in the fence, the house, and the deck.

Boardmember Hannah suggested that the continuation of the trim all the way across the deck would make the house look better than it did, and Chair Livingston suggested that the full wall be waterproofed and that the deck be floated inside it.

CHARLES WEISSELBERG asked if there would be any issues related to a horizontal clad fence, and none were expressed.

Chair Livingston closed the public hearing.

**ACTION: It was M/S/C (Hannah/Butt) to approve PLN19-121, Deck Alteration, subject to the four Findings and Statements of Fact with 6 Conditions of Approval, and an additional DRB condition as follows: 7) The existing wall and white trim and existing siding to be pulled across in front of the new deck, match existing, and continue that architectural element, with Exhibits A, B, and C provided to illustrate that condition; approved by voice vote: 4-0 (Ayes: Butt, Fine, Hannah, and Livingston; Noes: None; Absent: Leung, and Neel).**

### 7. DRB POLICY RESOLUTION

Description STUDY SESSION TO INTRODUCE AND DISCUSS METHODS TO ENSURE PROJECTS COMPLY WITH CONDITIONS OF APPROVAL AFTER ISSUANCE OF BUILDING PERMITS.

Staff Contact HECTOR LOPEZ Recommendation: **PROVIDE AND RECEIVE COMMENTS**

Hector Lopez explained that the Chair had expressed concern that several projects approved by the DRB had not been complying with the approved conditions of approval after the issuance of building permits. As a result, a resolution by the DRB had been recommended to reinforce to staff, advisory boards, and the City Council that all projects approved or modified that changed the architectural element of the building, including landscaping that would affect the visual environment that required a building permit, shall be brought back to the DRB for review and approval prior to construction.

Chair Livingston clarified that it did not help to bring an item back to the DRB after a mistake had been made in the field. He read a prepared statement to clarify his concerns based on 20 years of observations regarding conditions of approval regarding building permits and his observed lack of enforcement in the field.

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Chair Livingston cited a number of projects to describe his concerns with a lack of compliance with approved conditions of approval imposed through noble planning, design objectives of the General Plan, and the Zoning Code. He spoke to numerous current projects that had not been developed consistent with public review and approved conditions of approval and commented that some of the changes had been made by applicants in total disregard of approved conditions while others had been made by staff. He had been working with Boardmember Fine to consider a process to address those concerns.

Boardmember Fine expressed concern that the underlying premise of the DRB was inherently at risk due to violations of the conditions of approval. She explained that other jurisdictions had been handling the issue much better with formalized processes where planning staff actually had a checklist to verify conditions in the field. She proposed an analysis to determine the quantity and scale of projects in correlation to the amount of staff to address compliance with conditions. She also suggested there was a lack of clarity in some of the conditions of approval, and since not all developers were out of compliance emphasized the need to be sensitive to the whole spectrum of projects and developers. To that end, she recommended that conditions of approval be incorporated into a building inspector's checklist. A "marketing campaign" to clarify the role, purpose, and benefits of the DRB was also recommended as was to potentially tap into the place making, well thought out Livable Cities theme and approach.

BRUCE BEYAERT, Richmond, TRAC, described the oversight provided by TRAC and explained that whenever there was a project on the Bay Trail TRAC paid a lot of attention, worked with city staff, the developer, and others involved in the project, such as the Bay Walk project, that among others were associated with the Bay Trail. He pointed out a number of specific projects that were being tracked to ensure compliance and explained how TRAC had worked with the City to seek resolution of non-compliance. He too expressed concern with a lack of compliance, even with those conditions imposed by the City Council where a bond was involved. He recommended a hold on any certificate of occupancy final inspection sign-off pending compliance with the conditions of approval.

Boardmembers offered the following comments:

- Recommended a simple checks and balance system where a certificate of occupancy would not be issued without compliance. (Hannah)
- Suggested activating the neighborhood councils to provide oversight. (Fine)
- Suggested that affidavits (a City of San Francisco process) be used to put the onus on the property owner where building permit approval would include the applicant/developer signing an affidavit that upon occupancy the project complied with all conditions of approval. (Hannah)
- Acknowledged multiple levels of abuse related to eliminating the conditions of approval from Final Plans. (Livingston)
- Recommended the posting of a bond that could be lost with non-compliance. (Livingston)
- Suggested the process could be improved to capture both those who were aware of the process and those who chose to ignore it, and suggested the issue was not only enforcement but communication as well. (Hannah)

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- Recommended a cover sheet if there was an Environmental Impact Report (EIR) for the project and a requirement that there be notification to that fact. (Hannah)
- Suggested there would be no need for the DRB to exist if everything it did was ignored or overruled by developers. (Hannah)
- Recommended that one person be dedicated to conduct enforcement on key projects identified through specific criteria related to size or importance, such as the 12<sup>th</sup> and Macdonald project. (All)

Chair Livingston asked Mr. Beyaert to summarize his thoughts and submit them to Mr. Lopez.

### **Board Business**

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

There were no staff reports, requests, or announcements.

#### **B. Boardmember reports, requests, or announcements:**

Chair Livingston advised that Michele Seville, Richmond Arts & Culture Manager, had submitted a letter regarding artist selection for the one percent for art requirement related to the 12<sup>th</sup> and Macdonald project.

### **Adjournment**

The meeting was adjourned at 8:44 P.M. to the next regular Design Review Board meeting on Wednesday, August 28, 2019.