

**DEVELOPMENT PLAN REVIEW BOARD
MINUTES
October 27, 2011 at 8:30 A.M.
245 EAST BONITA AVENUE
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

PRESENT

*Dan Coleman, Director of Development Services
Scott Dilley, Chamber of Commerce
Shari Garwick, Senior Engineer
Jim Schoonover, Planning Commission
John Sorcinelli, Public Member at Large*

ABSENT

*Emmett Badar, City Council
Blaine Michaelis, City Manager*

CALL TO ORDER

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:33 a.m. so as to conduct regular business in the City Council Conference Room.

APPROVAL OF MINUTES

MOTION: Jim Schoonover moved, second by Scott Dilley, to approve the minutes of September 22, 2011. Motion carried 5.0.2.0 (Badar and Duran Absent)

ACTION: October 6, 2011 minutes continued to the next meeting due to lack of quorum.

Mr. Schoonover requested that item No. 4, DPRB Case No. 11-47, be presented first instead of last.

DPRB Case No. 11-47

A request to approve a master sign program for Citrus Station at 462-680 N Lone Hill Avenue & 1022-1036 W Gladstone Street.

Zone: Specific Plan No. 24, Area 1

Jenifer Murillo, applicant, was present

Associate Planner Espinoza stated that the center was approved with a concept development of seven buildings including a gas station. The sign program has been designed to establish and maintain continuity throughout the center. Currently Citrus Station does not have a master sign

program which will allow for: one primary sign per tenant space, up to two secondary signs per tenant space signs must be facing a public right-of-way or a parking lot, corporate signs and logos, two monument signs; one on each street, the sign will accommodate up to six tenant sign plates, three directional signs posts within the center and the center will have the ability to submit for a freeway sign at a later date no design at this time. He indicated that there were several issues with the proposed sign program, which include the monument sign having minor corrections, the height of the directional sign and addresses on building.

Mr. Coleman stated that the finding for Costco's monument sign is that since it is for one tenant, it can support for multi-tenant signs. He stated that the intent was visibility of the sign and asked if there would have to be eliminated for all extra tenants.

Associate Planner Espinoza replied that the code does not specify which signs can and cannot be on the monument sign.

Mr. Sorcinelli asked if the monument signs on Gladstone St can have their business names on Lone Hill Ave and business names on Lone Hill on the Gladstone St. and added that this may resolve the issues. The monument signs appear to be on the flat ground and can affect the height of the above grade and pointed out there are two locations that can be affected by this height.

Associate Planner Espinoza replied that the elevations for the monument signs can be revised so show the correct topographic map.

Mr. Sorcinelli asked if the grades were appropriate.

Mr. Coleman stated that the monument sign on Lone Hill Ave is too close to the property line on site and is inside the curb.

Shari Garwick, Senior Engineer, stated that all proposed monument signs will be reviewed for line of sight issues when they are submitted for plan check.

Jennifer Murillo, applicant, agreed with Staff that the monument sign is for allowance and is not being installed/constructed yet. This proposal is to offer future tenants an idea of size and location. Currently there are no plans for a freeway sign but is included as future option.

Mr. Coleman stated that the monument sign will include the major tenant as the anchor, Costco.

Mr. Sorcinelli inquired about the service station signage and if there should be some advertisement from the street.

Ms. Murillo replied the gas station has signs on the service station property itself but not out on the street since the service station is for card members only. The prices are indicated on the pump machines.

Mr. Sorcinelli stated that the service station name should be changed to "fueling station" or "private station." He asked if there is a code that requires proper signage. Associate Planner Espinoza replied it is not a part of the sign program.

MOTION: Moved by Dan Coleman, seconded by Scott Dilley to approve with amendments as mentioned in the staff report and add the private gas station to the site plan.

Motion carried 5-0-2-0 (Badar and Michaelis Absent)

DPRB Case No. 08-47 – Revised house layout and grading plan from the previously approved plans & Tree Permit Case No. 10-48

Continued from the meeting of February 24, 2011 (DPRB 08-47). A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 2,136 sq. ft. and a request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages at 1658 Gainsborough Road.

APN: 8426-034-020

Zone: Specific Plan No. 4

Paul and Karen Feintuch, residents of 1139 Edinburgh Rd, were present
Jim Polson, applicant, was present
Peter Volbeda, applicant, was present

Associate Planner Espinoza indicated that the Board approved this project on June 28, 2007 as DPRB Case No. 07-34; however, the approval expired and no extension was applied for. The applicant resubmitted the same proposal under DPRB Case No. 08-47 and approved by the Board on November 11, 2008 with grading permits issued on March 13, 2009. Staff received complaints regarding excess import of soil. In early September 2009, the project was placed on hold until further review of the approved grading. The original topographic map used by the engineer was incorrect and in actuality the rear portion was five to six feet higher than indicated; however, if the correct topographic map was used, it would have exceeded the allowable 200 cubic yards of cut and fill combined. The applicant submitted a tree removal permit for review as part of the revised plans for the February 24, 2011 Board meeting. At the same meeting, the applicant submitted plans appeared to make an effort to address issues created by additional soil. The Board recommended that the house be redesigned to meet zoning requirements of "C" type lots and the grading requirements and hold off on the Tree Permit until revised plans are reviewed by the Board. Since then, the applicant has been in contact with Staff on progression; however, Staff feels that the new design layout still does not meet zoning requirement and would like the Board's opinion on changes and also review of the Tree Removal application

Associate Planner Espinoza indicated that the main concern is in Specific Plan No. 4 Zone, grading is limited. The applicant has made no effort to address the outstanding issues. A Type C lot should not have any grading but does allow for minimal grading depending on the house design. The house should be integrated into the hillside and not on a flat pad. Staff has worked with the applicant and there has been no significant progress. The adjacent neighbors are concerned with the grading that has occurred with the potential of discharge of soil on their properties. There is a discrepancy on how much soil has been brought onto the property and the project engineer is no longer working on this project. The applicant moved the house to its original location and the garages back to be under the 200 cubic yard allowance. The applicant is proposing 111 cubic yards of grading outside of the building pad which meets the Specific Plan No. 4 Zone allowance. The other concern is the mass of the hillside. Staff is requesting that a condition be added that once the project is engineered during the plan check process,

if the applicant exceeds the said "111 cubic yards", they return to the Board. Also, the outstanding issue that the Type C house be integrated into the hillside.

Mr. Schoonover asked if the slope is in the same condition as it was back in February when the Board visited the site.

Associate Planner Espinoza replied that it is exactly as it was in February. He indicated that by moving the house forward, the Oak tree request for removal will be saved. The garage was within the drip line but since it was moved back it would not. Staff feels that it is unnecessary to remove the tree. Staff recommends that the applicant be given an additional 30 days to create a tri-level design or that the applicant be required to restore the hillside based on topographic map to address neighbors' concerns of drainage and resolve the issue of grading within 90 days. The concern of the neighbors is that there is discharge of water and during the rainy season, mud falls onto their property. The catch basin created needs to be drained frequently.

Mr. Coleman asked how many Oak trees are on the property and how many will be removed.

Associate Planner Espinoza replied four Oak trees in total, one is requested for removal; however, it's on hold until the determination of the home is taken care of. He added that Staff recommends that the tree be preserved.

Mrs. Garwick pointed out that there are two sewer easements, one to the Southwest and one to the Southeast which is about 20 feet wide and has a sewer line.

Mr. Coleman asked how one would physically get to the easements from the street.

Mrs. Garwick replied that the easement on the property is behind Edinburg Rd. where it can be accessed. A tract map has been provided pointing this out.

Mr. Sorcinelli asked how far back in February the house was.

Associate Planner Espinoza replied 16-30 feet.

Mr. Sorcinelli commented that the house profile does appear to have changed.

Associate Planner Espinoza stated that it is the same layout with minor layout changes of the garages.

Mr. Sorcinelli asked how much grading is proposed now versus back in February.

Associate Planner Espinoza replied that the applicant is now proposing 111 cubic yards of soil behind the building pad. Since the topographic map was incorrect and excess soil was brought on to the site, the Civil Engineer is no longer on the project. It is difficult to know how much soil was actually brought onto the site.

Dave Gilbertson, RKA Engineer, stated that the issue is that the original topographic map was incorrect. The applicant started grading without informing Staff and made alterations thus the previous contours are known.

Mr. Sorcinelli asked if the proposal is to put the original contours on the site plan after 30 days and how long will they have to restore the site.

Associate Planner Espinoza replied they have two options. One is to resubmit plans with a tri-level in 30 days or restore the hillside within 90 days.

Mrs. Garwick pointed out that multiple stop work notices have been issued to this property.

Mr. Beilstein stated that the Building Department has received phone calls that grading is taking place on Holidays when Staff is not around. It has been eight months since the applicant was directed to design a tri-level house to meet the Type C requirements.

Mr. Coleman stated that the proposed pad level is lower than originally approved.

Associate Planner Espinoza indicated that the pad is higher and is noticeable when you see the finished floor. The grade of the house pad is at 698.

Mr. Coleman commented that the originally approved grade was 698, which was in 2007 and 2008.

Mrs. Garwick asked if the homes abutting are in compliance.

Associate Planner Espinoza responded that the homes are different types with different designations. Type C needs a tri-level design built into the hillside.

Mr. Sorcinelli stated that there was a greater separation in the footprint in the home which reduces the amount of fill. The applicant traded a lower grade for a taller building.

Associate Planner Espinoza recommended that both the minimal grading and home be built into a hillside; however the applicant has done neither.

Pete Volbeda, architect, pointed out that the exporting of 400 cubic yards occurred and 111 cubic yards were left outside of the footprint. They have complied with the fill outside of the building. As far as the contour grading on the hill, that is where the dirt is designated for. The house is the same design. He added that retaining walls can be built to save the Oak trees. Type C allows for a 4 ft. retaining wall. The existing grading with the terrace is under the height limit and an Engineer will need to verify those numbers.

Jim Polson, of Aspen Financial, stated that there is a retention basin and not a catch basin. He also asked how would the original grade be determined since on one knows what it was.

Mr. Gilbertson stated that it won't be until the grading material and typographic map are submitted for restoring the hillside.

Mr. Polson stated that the water flows into the neighbor's property but that it has always done so prior to this project. There is a retention basin that fills up and is pumped out frequently. He added that there have not been any floods in over 2 years because of the retention basin.

Paul Feintuch, neighbor, stated that his property is directly behind this property and faces two issues: flooding and visual impact. The home is being compromised to change the terrain to match the design. The slope lot is on a flat pad and is created by brining on a lot of dirt thus a pad was created. In February, the Board asked for the grade to be restored and to respond to the Specific Plan No. 4 Zone which included moving the house up and the applicant has not complied. In regards to the flooding, a big catch basin was built, dug out from natural grade and raised to be higher with sandbags along the wrought-iron fence and fills up to 3 ft. in height. The water then sits on the clay soil and does not drain but instead produces a mud flow that creates property damage. The concern is that the catch basin is bigger than any swimming pool and not structurally designed to hold it and if it ruptures, there is a hazard for the residents below. He explained that he has been there through two rainy seasons and overflow and erosion has occurred.

Mr. Coleman stated that the design of the home should follow the land form.

Mrs. Garwick stated that if the homes should be built into the hillside. She agreed with Staff that a tri-level design home on a hillside is the best.

Mr. Sorcinelli asked RKA Engineering the long term solution for grading and retention at the bottom of the hill.

Mr. Gilbertson stated that the original grading had a retention area. He added that the grading plan needs to be re-addressed. He added that he worked with Mr. Polson during the rainy season to pump out water on a frequent basis.

Mr. Feintuch stated that the traditional catch basin created was to catch debris which allows the water to flow through. The function is different, it is not a retention basin but instead a catch basin.

Mr. Gilbertson stated that it is a retention basin that is the interim solution until the project is approved and built with no erosion.

Mr. Sorcinelli stated that the solution is to mitigate the neighbor's hazard in the long term. The drainage and grading plan would address the concerns of the neighbors.

Associate Planner Espinoza had a discussion with RKA Engineering who indicated that a retention basin will be addressed prior to the home being built.

Mrs. Garwick stated that the slope needs to be restored and the runoff needs to be much less towards the back of the properties with less erosion.

Mr. Sorcinelli stated that the long term grading needs to be evaluated and asked if the original topographic map can include the retention basin.

MOTION: Moved by Dan Coleman, seconded by Shari Garwick to deny the project without prejudices and for applicant to restore the site to its original grading level within three months and submit a new grading plan and obtain a grading permit within 30 days.

Motion carried 4-1-2-0 (Sorcinelli No and Badar and Michaelis Absent)

Mr. Sorcinelli asked if a 30 day grading plan is sufficient amount of time for a grading plan and restoration of a hillside and 60 days to construct it. He asked if they will ever be able to restore the hillside.

Mr. Gilbertson replied that the restoration needs to occur and a new revised grading plan to be submitted.

DPRB Case No. 11-17 & Tree Permit Case No. 11-34

A request to construct a new 4,801 sq. ft. single-family residence, 1,458 sq. ft. detached garage, and 710 sq. ft. second-unit, including the removal of one (1) oak tree, at 674 S Walnut Ave.

APN: 8382-011-050

Zone: Single-Family Hillside, Private Horse Overlay

Ben Kawachi, architect and applicant, was present
Takaaki Koyama, property owner of 674 S Walnut Ave, was present
Robert and Vickie Meister, 680 S Walnut Ave, were present
Sheryl Hurford, 660 S Walnut Ave, was present

Assistant Planner Concepcion stated that the 1.1 acre flag-lot property is currently vacant. The applicant is proposing a Japanese-style residence consisting of a 4,801 sq. ft. single-family house, a 1,458 sq. ft. detached garage and a 710 sq. ft. second-unit. The majority of the mature Oak and Eucalyptus trees will be saved and one oak tree is proposed for removal. The development is consistent with horse keeping setbacks for the zone. Horse corrals are not proposed at this time but the buildings are configured in a way that there could be horse corrals in the future while meeting horse keeping setbacks of today. An ingress/egress easement is located on the adjacent property to the west at 680 S Walnut Ave. According to the Title Deed, the easement can be used by both 674 S Walnut Ave and 680 S Walnut Ave. The applicant is proposing to use this easement for the driveway. The style of the house will have Japanese Architectural features like deep overhanging roofs with a low pitch and clay tile.

Assistant Planner Concepcion stated that the ground floor of the main house is multi-level and follows the natural contours of the existing slope. The 2nd unit is raised on piers with the existing contours of the land to remain natural. The main issue is vehicular access onto the property. Instead of using the flag lot's "pole" for access, the property owner is proposing to use an existing 12-foot wide ingress/egress easement going through the neighboring property at 680 S. Walnut Ave. A title deed was provided describing ingress/egress easement. The City requires a minimum 15-foot wide driveway/easement if it were to be used by both properties for access. He mentioned that there has not been much communication between the property owners as well as no agreement regarding shared access between properties. Because of this, Staff has changed its original recommendation of approval to continuation to a date uncertain to allow applicant to work on driveway/easement issues with neighbors.

Mr. Schoonover stated that if this item is not going to be considered for approval then there should not be any discussion.

Mrs. Garwick recommended that since everyone is in attendance for the meeting, a discussion would be helpful for all parties.

Mr. Sorcinelli asked if individual street access was considered.

Mr. Concepcion replied individual street access through the "pole" of the flag lot was considered and indeed an option; however, it would require significant grading and retaining walls and the applicant chose to look into using existing ingress/egress easement.

Robert Meister, owner of 680 S Walnut Ave stated that the issue at hand is the easement and the widening of the driveway has not been discussed. He questioned how much earth would be moved in total. He also expressed concern on grading and drainage, particularly on the west side of the proposed detached garage adjacent to his property.

Assistant Planner Concepcion stated that the garage is located on a largely flat portion of the property with little grading. Directly west of the garage is a downward slope for which the existing slope and drainage will remain as is.

Mr. Coleman stated that the property slopes 3 ft. up for every 10 ft. when it is beyond the flat area.

Sheryl Hurford, 660 S Walnut Ave, asked how many cubic yards of grading are proposed and if there is a maximum amount of grading allowed in this zone.

Mr. Coleman stated that there is a total of 739 cubic yards of cut and 826 cubic yards of fill and an import of 87 cubic yards.

Associate Planner Concepcion stated that in the SF-H zone, there is no set maximum amount of grading; however, there are specific requirements that grading be contoured and blended to harmonize within natural slopes, to use split-level house design and maximum height of cuts not to exceed 12 ft., among other grading requirements to ensure proper grading. Only Specific Plan No. 11 has a maximum of 200 cubic yards for grading not including grading for driveway or the house footprint. The numbers stated above by Mr. Coleman reflect total grading, including driveway and house footprint.

Ms. Harford expressed concern for the proposed 2nd story balcony and impacts on her privacy. She expressed concern with how many people could possibly live in the 2nd unit and that there should be a limit to how many people can live in the 2nd unit.

Assistant Planner Concepcion commented that there is no code requirement on how many occupants can live in the 2nd unit; however, the current second unit ordinance has maximum size and square footage limits of the 2nd unit based on a sliding scale of how large the lot is.

Mr. Meister commented that they would like to see detailed plans or sections to view the improvements.

Mr. Coleman stated detailed plans and sections are required at time of plan check.

Mr. Meister stated he would like to have been notified earlier in the application process.

Assistant Planner Concepcion stated that the current Planning Notification Process is to send notifications by mail to both applicant and neighbors the week prior to the public hearing. Applicant and neighbors were notified through this process.

Vickie Meister, 680 S Walnut Ave, stated that using the proposed ingress/egress easement as a driveway is a concern for safety for the family. She commented that a Japanese style home is uncommon and recommended toning down the features. She expressed concern for the proposed removal of the one Oak tree.

Assistant Planner Concepcion stated that the project took into consideration existing mature trees and siting of the house around the existing trees while balancing the need to provide horsekeeping areas. Considering the amount of existing mature Oak and Eucalyptus trees spread throughout the property, removal of one tree is a reasonable request.

Mr. Coleman stated that 8 Oak trees are currently on the property and one Oak tree is proposed for removal.

Ben Kawachi, architect, stated that behind the garage there is a slope near the building and that movement of soil is minimal. He noted that there are existing tall trees on the property next door that block views from 2nd floor addressing privacy concerns. He reiterated what Staff stated in regards to number of occupants for a second unit and that there is no code requirement. He commented that the Japanese style and the project's design is compatible with surrounding development.

MOTION: Moved by Dan Coleman, seconded by Jim Schoonover to continue this item to a date uncertain and that the applicant update Staff within 30 days on progress over driveway/ingress-egress issues.

Motion carried 5-0-2-0 (Badar and Michaelis Absent)

DPRB Case No. 11-33

A request to construct a new 5,624 sq. ft. single-family residence with a three-car garage located at 1049 Via Romales.

APN: 8448-560-015

Zone: Specific Plan No. 12

Rene Bobadilla, applicant, was present

Associate Planner Grabow stated that the proposal is for a 5,624 sq. ft. home on a vacant property. It will include a single-story residence with 4,489 sq. ft. of living area and a 755 sq. ft. three-car garage. The design will feature a modern architectural style with: arched front windows, exterior cladding consisting of smooth stucco and stone veneer, column supported porch and patio, precast trims around windows and Spanish tile roof. The applicant will also be constructing an outdoor patio area with a gas fireplace and barbeque area with a nearby swimming pool. This project has been through the DPRB several times and has had multiple

owners in the past 10 years. The current design is the same as originally presented and approved in 2001 and 2003, with a few modern alterations. The entrance design has changed and the windows have more consistency. The grading and retaining walls have been permitted; however, with this current design they will have to go back through the grading process. The applicant is also proposing to construct a detached patio. She added that this property has been through a few owners.

Mr. Sorcinelli inquired where the previously approved plans/illustrations are since it appears to be a new building from previously approved years ago.

Associate Planner Grabow replied that the new plan is the same design that was approved in 2001 and 2003 but emphasized that the foot print is the same.

Rene Bobadilla, applicant, commented that he enjoys the neighborhood and noted there have been modifications to the home but the footprint is the same that was approved previously.

Mrs. Garwick inquired about the drainage on the property.

Associate Planner Grabow replied that they are staying away from the easement and noted that the hydrology and soils report will be updated to submit for approval to the Building and Safety Division.

Mrs. Garwick inquired if there were requirements to have contour grading.

Associate Planner Grabow replied Specific Plan No. 12 zone requires contour grading which was approved and the retaining walls were constructed according to the hillside.

Mr. Sorcinelli inquired about the history of grading in the past since the proposed patio is outside of the current pad area.

Associate Planner Grabow responded that there have been no issues with the contour grading and added that the patio will stay within the contours with a step created to bring down the patio to site level in order to stay true to the hillside contours.

Mr. Sorcinelli recommended doing step up instead of lowering onto pad level so that it is consistent with the grading on-site.

Associate Planner Grabow stated that the accessory structure would then be taller than the existing building and would not be the ideal solution.

Mr. Coleman recommended that if the concrete patio size is not reduced, then try to contour the slope to the south east and extend it more to the area disturbed on the side.

Mr. Sorcinelli stated that the retaining wall has an impact and recommended reducing the height of the wall. He added that a reduction in the retaining wall will have an appearance of a terrace effect that overlooks the swimming pool. The terrace would be adventitious and less expensive because no large retaining walls will be built since retaining walls cannot be eliminated.

Associate Planner Grabow stated that the comments will be taken into consideration for the applicant to decide.

MOTION: Moved by Scott Dilley, seconded by Dan Coleman to approve the construction of the house and patio with the suggestions stated by the Board be taken into consideration by the property owner.

Motion carried 5-0-2-0 (Badar and Michaelis Absent)

ADJOURNMENT

There being no further business the meeting was adjourned at 11:06 a.m. to the meeting of November 10, 2011 at 8:30 a.m.