

**DEVELOPMENT PLAN REVIEW BOARD
MINUTES
July 23, 2015 at 8:30 A.M.
245 EAST BONITA AVENUE
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

PRESENT

DPRB Members

Scott Dilley, Chamber of Commerce
Krishna Patel, Director of Public Works
Blaine Michaelis, City Manager
Yunus Rahi, Planning Commission
John Sorcinelli, Public Member at Large
Larry Stevens, Assistant City Manager of Community Development

Staff Members

Marco Espinoza, Senior Planner
Luis Torrico, Associate Planner

Absent

Emmett Badar, Council Member

CALL TO ORDER - CHAIR SCOTT DILLEY

Scott Dilley called the regular meeting of the Development Plan Review Board to order at 8:55 a.m. so as to conduct regular business in the City Council Conference Room.

APPROVAL OF MINUTES

MOTION: Larry Stevens moved, seconded by Scott Dilley to approve the July 09, 2015 minutes. (Patel abstain)

Appeal of DPRB Case No. 15-13D

A request to appeal the Director's approval to expand a previously approved 962 sq. ft. attached deck by 136 sq. ft. to the rear of the house; the expanded portion of the deck will cantilever out four feet and will be 44 feet long. As part of the deck expansion the exterior stairs that were previously approved will be relocated within the same area as the proposed cantilevered deck. The subject site is located within Specific Plan No. 11, Area 1 at 1620 Calle Cristina.

APN: 8448-008-046

Zone: SP-11, Area 1

Zahir Ansari, property owner, was present.
Syed Raza, architect, was present.
Scott Fyfe, appellant, was present.

Mr. Stevens stated that the Board conducted an offsite visit today to 1614 & 1620 Calle Cristina. The visit was to examine the deck extension at 1620 Calle Cristina and the possible obstruction of view reported by the appellant living at 1614 Calle Cristina.

Senior Planner Marco Espinoza stated on May 22, 2014, Staff presented DPRB Case No. 14-14 to the Development Plan Review Board (DPRB) a request to construct two new decks totaling 962 square feet which were proposed on the lower level and attached to the rear of the house; the request also included the addition of a 438 square foot family room to the lower level at the rear of the house, the roof of which will be utilized as an additional deck accessed off of the upper floor. After review and discussion of the project by the Board, the project was approved 7-0.

The applicant was issued permits for the project on December 12, 2014. During the construction of the project the applicant extended out the south deck four (4) feet; the additional deck area created a cantilevered design. Within this portion of the cantilevered deck an exterior stair case was relocated. The stair case accesses a storage area underneath the deck. The applicant was informed that the additional square footage would need to be reviewed through a Director's Review. At the same time the neighbor to the south contacted the City regarding the unpermitted cantilevered portion of the deck and his concerns with the additional area.

On May 18, 2015, the applicant submitted a Director's Development Plan Review Application for the 136 sq. ft. cantilevered deck extension that also included the exterior staircase. After reviewing the project against the applicable code sections, the request was approved by the Director on June 3, 2015.

Today's agenda packet includes the original approved plans from May as well as the current approved plans. We also included the appeal letter from Mr. Fyfe with his research, pictures and drawings. Exhibit C will be a PowerPoint presentation and there will also be additional photographs of the site.

Staff is currently trying to work with the applicant and Mr. Fyfe, the appellant, but Staff felt the deck extension did not significantly block the view; and that is why Staff approved the extension. The appellant believes the four foot extension negatively impacts the surrounding properties but does not give specifics in his appeal letter. We have pictures of other decks in the community, decks on pilasters with a similar cantilevered design.

Staff recommends the Board deny the appeal and uphold the Director's approval of DPRB Case No. 15-13D.

Mr. Stevens asked how staff found out about the extension. He asked if it was a complaint from the neighbor, by inspection or did Mr. Ansari propose the addition.

Senior Planner Espinoza stated that the findings were a collaboration of all three. He stated the building inspector mentioned the deck was larger than planned. Then he received a call

from neighbor stating the deck was too large. Lastly, he was approached by Mr. Ansari asking to extend the current design of the deck.

Mr. Patel asked what date were the plans for the deck approved.

Senior Planner Espinoza stated the plans were approved on May 17, 2015. He filed the application on May 18, 2015.

Mr. Patel asked when the permits were pulled.

Mr. Stevens stated that the permits for the original deck were pulled in December of 2014. Then Mr. Ansari had to go back to the HOA so they may review the plans for the extension. Staff approved the extension knowing there was a possibility of an appeal.

Scott Fyfe, appellant stated that Gloria, from the HOA, informed him that they do not do anything for approval. He stated that he was also told by Gloria, that the HOA does not send anything to an architectural committee.

Mr. Rahi stated that the HOA should have a policy in place where they are to notify surrounding neighbors of the intent for a neighbor to build.

Scott Fyfe, appellant stated that he was never contacted by the HOA.

Mr. Stevens stated that in the exhibits, there is what seems to be a petition related to deck extension and cantilever.

Senior Planner Espinoza stated the petition is part of Exhibit C. He stated that Mr. Ansari circulated the petition to his surrounding neighbors.

Mr. Stevens asked Mr. Ansari if the petition was circulated so he could show that his neighbors support his deck expansion.

Zahir Ansari, property owner stated yes, that was his intent. He wanted to show that his neighbors were in favor of the deck expansion.

Mr. Rahi asked who signed the petition.

Zahir Ansari, property owner stated that his surrounding neighbors signed the petition. All neighbors signed except for the neighbor across the street.

Mr. Rahi asked if Mr. Fyfe signed the petition.

Zahir Ansari, property owner answered no, he did not ask him to sign because he knew Mr. Fyfe would appeal.

Mr. Rahi asked if the plans have the signatures of the neighbors.

Zahir Ansari, property owner stated no, he did not take the plans to the neighbors. He noted that the HOA signed the plans.

Mr. Stevens stated that many HOA's move informally as they do not like disputes therefore, they make notifying the neighbors optional.

Mr. Rahi stated the HOA should notify the neighbors to see if anyone objects.

Mr. Stevens stated that Mr. Fyfe was told by the HOA, if he has a problem, he is to raise it to the City.

Mr. Rahi stated that the City actually looks at the plans.

Mr. Stevens stated Staff will not take plans in unless it has a HOA approval. He said some residents do not want to go to the HOA board for approval. If that is the case, Staff will ask them to write a letter stating they do not wish to seek HOA approval. If the HOA comes back to the City, Staff can make it clear that it was the homeowner's choice to not seek HOA approval.

Mr. Rahi stated that was probably the case here.

Mr. Sorcinelli asked if Staff was aware of Exhibit B. He asked Senior Planner Espinoza if he was aware of the problems between the applicant and the appellant.

Senior Planner Espinoza stated that he was aware of the issues.

Mr. Sorcinelli asked how this issue was handled.

Senior Planner Espinoza stated that the property owner was firm on keeping the deck extension and the stairs. Staff was at a standstill without any middle ground.

Mr. Stevens stated that Staff looked at all the facts

Mr. Sorcinelli asked if this was already built.

Mr. Stevens replied yes, the deck has already been built.

Mr. Sorcinelli stated that in reading Exhibit B, the appellant was aware that there would be an addition to the work.

Mr. Stevens stated the appellant was aware there would be a modification with bringing out the footings. The owner said he was going to extend, then decided he would not, then decided to extend.

Mr. Sorcinelli asked if the City was involved in this process.

Mr. Stevens answered no. The neighbors had these discussions before the City was involved.

Senior Planner Espinoza stated the deck has continued to be modified. Staff has asked Mr. Ansari to stop construction.

Mr. Sorcinelli asked if the railing and the stairs were always there.

Senior Planner Espinoza stated no, the railing went in for safety purposes.

Mr. Stevens asked if the framing was done and poured after the City told him to stop.

Senior Planner Espinoza stated yes, that is correct.

Mr. Stevens stated that the applicant kept building and modifying the deck after the City told him to stop.

Scott Fyfe, appellant stated that there are not any properties in the HOA that are a similar design to their properties. He noted that no two properties are side by side like theirs. He states that the design needs to be stepped back as it already extends further then it should.

Mr. Stevens asked Mr. Fyfe if he was aware of the deck size before he gave Mr. Ansari his OK.

Scott Fyfe, appellant stated yes. He stated that he and the applicant went out and marked where the deck was to go and he was alright with the size. He noted that soon after, the applicant started extending the deck.

Mr. Rahi asked the appellant if he had filed a petition of removal with the HOA for the deck. He also asked the appellant if he appealed the deck with the HOA as well.

Scott Fyfe, appellant stated one day he was just walking through his home and looked up and noticed the deck was getting larger. At that point he drove straight to the City to speak with Senior Planner Espinoza.

Mr. Sorcinelli asked to clarify that the appellant had a back and forth with the applicant. The appellant looked at the project and at that point the applicant said he wanted to extend the project another four feet, at that time the appellant said no. He asked if this was at the footings stage.

Scott Fyfe, appellant stated yes, that is correct. The applicant told him that he would not go out any further because the applicant knew the appellant was upset.

Mr. Stevens stated that was about the same time that the inspector noticed the extension.

Scott Fyfe, appellant stated that he was not looking to find a conflict, the conflict found him. Like he said, he was walking through his home and looked up and noticed the deck was getting considerably larger.

Syed Raza, architect stated his name and that he was the architect for this project. He stated that he designed both Mr. Fyfe and Mr. Ansai's homes. He noted that the homes are not at same level but they do line up in the back.

Scott Fyfe, appellant stated he was fine with the deck if it did not get any larger but the changes seem to happen as the construction goes on.

Syed Raza, architect stated he told the applicant that the appellant was not happy and that is when this mess started. He stated that in the drawings, the extension looks to be about a foot, but at build out the extension is four feet.

Mr. Sorcinelli asked the applicant if he would like to say a few words.

Zahir Ansari, property owner stated he is the homeowner. He explained that he will present the slides that make up Exhibit C in the agenda packet. He stated that the City did not have any objections to his project. He showed photos of larger cantilever decks owned by his neighbors. He states that he does not understand how four feet of deck could ruin someone's surroundings. As for the railing, he mentions that it was installed only for safety reasons and not to finish the deck. He then showed a picture of the petition he passed around to neighbors. He states that he did not realize the appellant objected of the project until the City told him.

Mr. Sorcinelli stated he didn't feel the petition was neither important nor necessary.

Zahir Ansari, property owner continues by reading Exhibit B verbatim. He believes the appellants tone was mean spirited. Mr. Ansari doesn't believe that his architect needs to be advised as he is a licensed architect. He moved on to read Exhibit A verbatim and mentioned he does not believe the appellant should have any say in where the deck is placed. He mentioned that he always had intentions to extend the deck. He stated that his contractor told him he would save money by adding the deck extension right now. One last point Mr. Ansari wanted to make was that the original plan had a roof on the deck but he removed it as he felt it would block the appellants view.

Mr. Sorcinelli asked what the finish on stairs will be.

Syed Raza, architect stated they will leave the treated wood and have it painted. The wall behind the stairs will be a stucco finish.

Mr. Stevens asked when the deck extension was changed, were the new supports authorized by the architect and recalculated.

Syed Raza, architect stated he had the calculations sent out to be done.

Mr. Stevens asked if the deck as it exists; structurally complies with the approved plan and the permit that was given.

Syed Raza, architect stated that many times calculations need to be modified as construction is going but he believes they will be ok.

Mr. Stevens asked if it was correct that structural changes were made but the building codes were not checked.

Syed Raza, architect stated that the look of the structure will remain the same.

Mr. Stevens stated that Staff would like to make sure the calculations are done right the first time so the City doesn't make a contractor reconstruct. Staff doesn't know if the deck is constructed properly. He stated that when the calculations come in and this deck is not done correctly, it may need to be demolished to comply with the building codes. He noted that he agreed with the appellant with what the deck looks like; not that it blocks the view, but that it is designed poorly. He said he can look at all the decks but something needs to be done with this design to make it more architecturally appropriate.

Mr. Sorcinelli asked if the calculations were checked for the stair landing on the cantilever.

Mr. Stevens stated no, because it is part of the change. He stated that Staff will not take the change in for plan check until the Board approves it. He noted that because the appeal process has begun, this will not be taken in by the building department.

Mr. Sorcinelli stated that looking at the original plans; the stairs were on a different footing. He noted that now the stairs are on a wood structure.

Mr. Stevens stated that there will be structural issues because a contractor can't just add more weight due to the generosity of the calculations.

Syed Raza, architect stated the calculations were done but not checked because of disputes. He noted that his firm checked them.

Mr. Stevens stated that the calculations were checked for the original design. He asked if the calculations had been checked after the cantilever.

Syed Raza, architect stated yes, we did check the calculations after the cantilever.

Mr. Stevens asked who the calculations were checked by.

Syed Raza, architect stated he would need to look into that.

Mr. Stevens stated that the calculations may be done but they have not yet been verified by the building department.

Mr. Rahi asked if the plans had been submitted yet.

Mr. Stevens stated no. He noted that the plans have not passed planning approval to make it to the building department for approval.

Mr. Rahi asked what the visual impact will be.

Syed Raza, architect stated the deck is hidden by trees.

Mr. Rahi stated the deck hanging over the slope still has a visual impact.

Syed Raza, architect stated he suggested adding a wall at the bottom to break up the cantilever but Mr. Ansari did not approve of that suggestion.

Mr. Sorcinelli asked where the stairs were originally. He pointed out that he did not believe the deck modifications are due to money issues.

Syed Raza, architect stated the stairs were to start after the wall. He noted that he kept one foundation wall to support the overhang.

Mr. Sorcinelli asked why the staircase could not be moved to the other side of the deck as referenced in Drawing #4. He pointed out that the original stair would come down on the other side. He noted that in the case Mr. Raza is presenting, he would need a concrete pad.

Syed Raza, architect stated the pad is four feet wide and two feet thick.

Mr. Sorcinelli asked why the stair can't be on a cantilever when it had to be done with concrete before.

Syed Raza, architect stated he didn't have the space to do so.

Mr. Sorcinelli stated that the applicant wanted more space but it was not part of the additional plan.

Senior Planner Espinoza stated this project has not been smooth; there have been many changes. He noted there has been many times where they have made changes then had to submit as built plans for plan check.

Mr. Sorcinelli stated that if this was submitted then the City or the building inspector should have picked up on it.

Zahir Ansari, property owner stated that everything that had been done on-site has been calculated and inspected.

Mr. Stevens stated that from his perspective, everything that can go wrong has gone wrong. He does not believe that this project would have been approved the way it was designed. He thinks the cantilevered piece; the way it hangs out over the hill is visually unappealing. His first reaction is that he doesn't think the deck is done appropriately from an architectural standpoint. He mentioned that it meets all zoning requirements but once in plan check Staff will decide if the deck meets building codes. He mentions that the applicant asked the appellant about the initial design so he knew the appellant would appeal the extension. He would like to make it clear that this was a Directors Review, as the Director, this project was delegated to Staff and he was not involved in the final decision. He was only generally aware. He never looked at the design as he trusts the judgment of his Staff.

Mr. Michaelis stated he believes there may be a lot of dishonesty in this case. He asked if this would have been approved the first time. He noted that he believes this is the owner's decision to go back to the original approved plan or to dress up the current plan to make it more acceptable.

Mr. Stevens stated the applicant can go back to original plan or he could come up with changes to make it architecturally acceptable. He mentioned that he did not mind the four foot addition if the design was not so poorly done as the staircase appears to be suspended in midair. He believes a revision could overcome the current objection. He noted the applicant could ask for a continuance to make a revision and a condition could be added to where Staff has the applicant and appellant work together to resolve their issues. If there is not a consensus, this issue can be brought back to the Board for final decision.

Mr. Patel stated that there is a view to preserve and removing the deck extension may help preserve that view. He noted that if you look at the pictures of the deck, it just appears to be floating over the hill.

Mr. Stevens stated that he feels the cantilever needs to be disguised to make the deck more visually appealing. He mentioned that the applicant does not need his neighbor's approval, but the applicant does need the approval of the Board and currently he does not believe the Board would approve this deck in its current state.

Zahir Ansari, property owner stated he is not going to change the deck to make the appellant happy.

Mr. Patel stated to the applicant that this is his opportunity to work with the appellant.

Zahir Ansari, property owner stated he agrees with Mr. Stevens, he is willing to do the work to the deck. He asked the Board to tell him what to do about the deck and he will do it.

Mr. Patel stated that is not for the Board to decide. He stated that the architect needs to design the deck with proper calculations.

Mr. Stevens stated the Board will continue this case until the architect can make a more visually appealing deck. This case will be brought back at a date uncertain. He clearly stated that there is to be no further construction until this matter is resolved.

Mr. Sorcinelli asked if the Board needs to motion for this item to come back to the Board.

Mr. Stevens stated the only way this will not come back is if the appellant agrees and the appeal is withdrawn. He noted that if there is no agreement then the board will come back to discuss this item.

MOTION: Larry Stevens moved, second by Scott Dilley to continue the item to a date uncertain in order for the applicant and his architect to come up with a proper screening solution to the deck extension. The revised design should be discussed and reviewed with the appellant to try to come to amicable solution. If an amicable solution is not met then this item is to return to the Board for a final decision.

Motion carried 6-0-1 (Badar absent)

Senior Planner Espinoza asked if the other construction can continue.

Mr. Stevens stated the room addition can continue. He clearly stated that nothing else is to be done to the deck.

Zahir Ansari, property owner asked if he could continue installing the railing for safety purposes.

Mr. Stevens stated he is unhappy that work was done after it was identified and not approved. He again clearly stated no more work is to be done to the deck!

Zahir Ansari, property owner stated the deck will be done correctly this time.

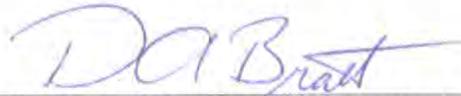
Mr. Stevens stated that Staff will keep the appellant involved if the applicant will not. Mr. Steven asked Mr. Fyfe if he was willing to speak with the architect regarding the changes.

Scott Fyfe, appellant stated he would speak to the architect

Mr. Stevens stated that if this doesn't work out then Staff will inform both parties. He mentioned that both parties do not need to get along but he asks that they at least communicate.

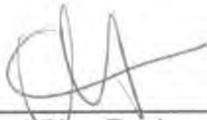
ADJOURNMENT

There being no further business the meeting was adjourned at 10:20 a.m. to the meeting of August 13, 2015 at 8:30 a.m.



San Dimas Development Plan Review Board

ATTEST:



Development Plan Review Board
LH
Departmental Assistant
Approved: 9/10/15