

**DEVELOPMENT PLAN REVIEW BOARD
MINUTES
September 10, 2015 at 8:30 A.M.
245 EAST BONITA AVENUE
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

PRESENT

DPRB Members

Emmett Badar, Council Member
David Bratt, Planning Commission
Scott Dilley, Chamber of Commerce
Krishna Patel, Director of Public Works
Blaine Michaelis, City Manager
Larry Stevens, Assistant City Manager of Community Development

Staff Members

Eric Beilstein,
Marco Espinoza, Senior Planner
Luis Torrico, Associate Planner
Jennifer Williams, Associate Planner

Absent

John Sorcinelli, Public Member at Large

CALL TO ORDER - CHAIR JOHN SORCINELLI

David Bratt called the regular meeting of the Development Plan Review Board to order at 8:35 a.m. so as to conduct regular business in the City Council Conference Room.

BOARD BUSINESS – Selection of Chair

MOTION: Emmett Badar moved, seconded by Scott Dilley to appoint David Bratt as Chairperson.

Motion carried 6-0-1 (Sorcinelli absent)

APPROVAL OF MINUTES

MOTION: Larry Stevens moved, seconded by Scott Dilley to approve the July 23, 2015 minutes. (Badar and Bratt abstain)

Appeal of DPRB Case No. 15-13D (CONTINUED: July 23,2015)

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

Associated Case: DPRB Case No. 14-14

A request to construct two new decks totaling 962 sq. ft. which will be on the lower level and attached to the rear of the house; the request also includes the addition of a 438 sq. ft. 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.

Zahir Ansari, property owner, was present.

Syed Raza, architect, was present.

Scott Fyfe, appellant, was present.

Senior Planner Marco Espinoza stated on May 22, 2014, Staff presented DPRB Case No. 14-14 to the Development Plan Review Board a request to construct two new decks totaling 962 sq. ft. which were proposed on the lower level and attached to the rear of the house; the request also included the addition of a 438 sq. ft. 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 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.

On June 15, 2015, the Director's approval of DPRB Case No. 15-13D was appealed by Scott Fyfe the adjacent neighbor. The appellant thinks that the four (4) foot extension negatively impacts the surrounding properties but does not give specifics in his appeal letter or in his submitted timelines.

On July 23, 2015, the appeal was heard by the Development Plan Review Board (DPRB). Both the appellant and applicant where present to state their cases to the Board. After hearings Staff's, the appellant and applicant's presentations the Board discussed the case at length. During the discussion the applicant and the appellant both appeared to be open to working

together on an alternative design option for the four (4) foot cantilevered deck extension. The Board voted to allow them to come up with an amicable solution. If an amicable solution could not be reached, then the appeal would return to the Board for a final decision.

A meeting with the appellant and the applicant's architect did occur to discuss design options. The applicant's architect suggested two different design options; the first was the one discussed at the July 23, 2015, DPRB meeting which was a stem wall at the end of the deck to disguise the cantilevered design. The second design option was removing a 10-foot long by 4-foot deep portion of the deck closest to the appellant's property. The appellant was initially in favor of the second option of removing a portion of the deck. Unfortunately that option had not been fully discussed with the applicant and was rejected by him. The applicant was only willing to construct a stem wall as discussed by the Board.

The appellant at this time would prefer the applicant remove the 10-foot section or a 22-foot section of the cantilevered deck. The appellant thinks that the stem wall does not alleviate the massing of the increased size of the deck and it should be removed.

The item is back before the Board because the appellant and the applicant could not reach an amicable solution. Both parties were requested to submit their own statements and any additional information they felt was pertinent to explain why they could not come up with a solution that would satisfy both parties.

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

Mr. Badar asked much would ten feet remove from the deck.

Senior Planner Espinoza stated that it would remove the section nearest the appellant's home, except for the 4x4 landing. He goes on to state that the homeowner is only willing to add a stem wall and the appellant is against the stem wall as he feels it doesn't solve anything.

Mr. Badar asked if there had been any work done between the Directors Review Approval and the time of the appeal.

Senior Planner Espinoza stated the property owner added a railing on the deck for safety reasons.

Mr. Stevens stated the homeowner had approved deck plans; he made modifications to the deck without approval. He continues by stating that at DPRB, the homeowner was told that no more work was to be done. The homeowner disregarded the warning and continued to build without a permit.

Senior Planner Espinoza added the safety concern was for the employees on the premises. Staff recommended the homeowner not allow anyone on the new portion of deck.

Mr. Stevens asked if the applicant was proposing the stem wall.

Zahir Ansari, property owner stated yes, he is proposing the stem wall.

Mr. Stevens stated there are two suggested modifications 1) removal of a ten foot portion that was discussed between the architect and the appellant or 2) the appellant would like the alternative of removal of approximately 22 feet of the deck.

Mr. Badar stated the ten foot removal was agreed upon by the appellant and the architect.

Senior Planner Espinoza stated that was correct and that would leave the staircase in its current location.

Mr. Stevens asked Mr. Badar and Mr. Bratt, just for procedure adequacy, have they read the reports and minutes on this issue.

Mr. Badar stated he did read the packet and he also went to the site last week.

Mr. Bratt stated he read the packet and the minutes and feels up to speed on the issue at hand.

Scott Fyfe, appellant stated he and the architect did meet regarding this issue. He originally proposed removal of half the deck as a compromise and the architect suggested the removal of the ten feet nearest the appellant's home. He mentioned the homeowner wanted to keep the storage with the stairs outside. He went on to say they concluded their meeting by agreeing that the ten foot removal would be a good compromise.

Mr. Stevens stated in order of preference, the choices would be the removal of 22 feet of deck, the removal of ten feet of deck and lastly the addition of the stem wall.

Zahir Ansari, property owner stated he continued working because the deck was all done before the Director's review. He went on to explain that by the time he was told to stop he had already completed the deck and was just adding the railing. He mentions the other reason for the deck was for the storage area below.

Mr. Stevens asked for the name of his contractor.

Zahir Ansari, property owner stated he is a framer.

Syed Raza, architect added he is a licensed framer.

Zahir Ansari, property owner stated he went ahead and did the deck then he submitted drawings to the HOA, then later submitted plans to the City and got the Directors approval. He goes on to say that then the decision got appealed and he was taken aback as he thought all the neighbors were in favor of his deck.

Syed Raza, architect stated that Browner is the name of the framer.

Mr. Stevens asked if he was licensed.

Syed Raza, architect stated yes, he is a licensed contractor.

Mr. Stevens stated that the permit was pulled as owner builder.

Zahir Ansari, property owner stated yes sir that is correct, I pulled the permit as owner builder.

Mr. Stevens asked if Mr. Ansari built the house originally.

Zahir Ansari, property owner replied yes, he had the house built for him and his family.

Mr. Stevens asked how many times in building the house did the City have to stop work because unpermitted modifications were made.

Zahir Ansari, property owner stated he did not recall.

Mr. Stevens stated that more than once would be the correct answer. He goes on to state that Mr. Ansari made modifications to his plans that were not approved by Staff on numerous occasions.

Zahir Ansari, property owner asked why the building of his house was necessary.

Mr. Stevens stated that it appears Mr. Ansari follows the same pattern of doing what he wants then asking the City for forgiveness.

Zahir Ansari, property owner stated the framer said the City would approve the changes.

Mr. Stevens asked Mr. Ansari, given his history with the City, wouldn't it have made sense to call the City and ask about permits and plans.

Zahir Ansari, property owner stated his framer informed him that it is normal for a City to approve these types of items.

Mr. Stevens stated as he previously explained, he did not approve this item; Staff made this approval on his behalf. He goes on to explain that after the approval, Staff found out that there would most likely be an appeal.

Zahir Ansari, property owner states he is telling Mr. Stevens how it is; when he receives the approvals he will build the deck.

Mr. Stevens stated the Board can make a decision today but it can be appealed as well, then it would go to City Council. He notes that once the appeal is filed the decision is no longer an approval. He goes on to explain that the Board is trying to understand the facts and different points of view to make a solid decision. He says procedurally the Board is doing everything they need to do. He notes that the Board knows the appellant and the applicant are not going to come to an amicable solution.

Zahir Ansari, property owner stated that the cantilever design was discussed at the last DPRB meeting and the Board concluded that they were not in favor of the design.

Mr. Stevens stated yes, that was one of the issues.

Zahir Ansari, property owner stated that he will fix the cantilever design by adding the stem wall.

Senior Planner Espinoza stated the deck is a cantilever design; the cantilever is not the issue. He goes on to explain that the issue is that the deck is just made to look too large. The Board is calling it a cantilever design just for understanding.

Zahir Ansari, property owner asked if he was entitled to extend his home.

Mr. Stevens stated no, you are not entitled.

Senior Planner Espinoza stated the approval is not final as it was appealed.

Mr. Bratt asked if the appellant had anything else to add.

Scott Fyfe, appellant stated he and the architect came up with a plan that was satisfactory to both parties. He notes his choices were as Mr. Stevens had previously stated.

Syed Raza, architect stated he had a meeting with Mr. Fyfe. He goes on to say that they measured the deck and they did agree upon the removal of the ten feet of deck but Mr. Ansari went out of town and he forgot to discuss that option with him.

Zahir Ansari, property owner stated he feels that if ten feet were cut off then the deck would appear pieced together. He goes on to say it looks great as it is right now; if he added the stem wall and some plants, the look would be complete.

Mr. Bratt asked to bring the discussion back to the board.

Mr. Badar asked if the deck was cut back ten feet, would that be permissible.

Mr. Stevens stated the whole project is permissible. All the choices that were presented are permissible, it really just comes down to design judgment and aesthetics. He explains that when the Board went out to the site, we noticed how awkward the cantilever looked. We then had discussions about how far the cantilever extends out over the hill. He mentions that the applicant should have taken it into consideration that he barely got the deck approved the first time and to make it bigger may be an issue. He explains that the applicant should have taken into consideration his experiences from building the house and the stop work notices, that he should have called the City and not relied on what the framer was telling him. He does not know if anything besides the original plan should be approved at this point.

Mr. Michaelis stated the original approved plans were made with a consensus in mind. He goes on to explain that if the deck would have been built as originally approved this item would not be in front of us. He feels removing a portion of the deck will give both parties what they need and applicant can keep his storage space and stairs.

Mr. Patel stated he feels the stem wall would address all the issues at hand. He does not feel the view is blocked by the added decking.

Mr. Dilley stated he believes a compromise could be met. He proposed leaving the 4x4 landing and angling the deck from that point to the southwest corner of the home.

Mr. Badar stated that he finds it interesting the appellant and architect agreed on a compromise but that compromise will not be met by the homeowner. He feels there is a happy medium but he does not believe it will be reached today.

Mr. Stevens stated his first choice is to have Mr. Ansari remove the 22 foot section of the deck. He notes his second choice would be as Mr. Dilley proposed, leaving the landing and cutting the deck angle back to the southwest corner of the house. He says if the Board cannot come to a consensus then he is comfortable with going back to the previously approved plan.

Mr. Michaelis stated he is in favor of the plan Mr. Dilley proposed or going back to the originally approved plan.

Mr. Stevens stated he would like to make a motion that the Board deny the appeal and require the plans to be modified pursuant to the removal of approximately ten feet of the deck to Staffs approval.

MOTION: Larry Stevens moved, second by Scott Dilley to deny the appeal and require the plans to be modified pursuant to the removal of approximately ten feet of the deck to Staffs approval of an angled cut or a straight cut.

Motion carried 6-0-1 (Sorcinelli absent)

DPRB Case No. 15-28 & 15-29

A request to complete an exterior remodel of an existing building and ADA parking upgrades for property located at 924 & 936 Overland Court.

APN's: 8383-010-075 & 8383-010-074

Robert Sutton, Applicant, was present.

Associate Planner Luis Torrico stated The applicant is requesting to complete an exterior remodel of an existing building and ADA parking upgrades for property located at 924 and 936 Overland Court. The property is located within Area II of Specific Plan No. 18. The building was previously occupied by office and manufacturing uses.

The building is currently vacant and the current owners are completing the improvements as part of their marketing plan to attract a new tenant. The property owner also owns the adjacent parcels located at 936 and 908 Overland Court which are part of an overall improvement project by the owner. The property at 936 Overland Court is developed with a similar office building which will undergo the same improvements (DRPB Case No. 15-28), the vacant property at 908 Overland Court will be developed with a parking lot (DPRB Case No. 15-30) to serve both 924 & 936 Overland Court and will also be merged with 924 Overland Court (Lot Merger 15-01). The new parking lot, DPRB Case No. 15-30, will be reviewed by the Development Plan Review Board at a future date.

Mr. Stevens asked if the third DPRB case was the parking lot.

Associate Planner Torrico stated yes, that is correct. He continues, the existing building consists of two stories and 54,998 square feet of floor area. The building exterior consists of a

concrete finish with no distinctive features. There is no proposed additional floor area as part of this request. The improvements to the building will be all exterior and will consist of a façade remodel, new colors and new entry features and materials. The parking lot improvements will consist of upgrades to bring handicap parking stalls and path of travels into compliance with current code, and landscape repairs where required.

The façade improvements will consist of creating a secondary entrance at the northeast corner of the building with decorative entry. New paint throughout the entire building, consisting to two contrasting colors. Building elements such as guard rails, steel trellis on south elevation and roll-up doors on west elevation will also be painted. New windows on the south and west elevations to match existing.

In addition to the building improvements, the project will also include site improvements. The improvements, as required by the building code will consist of restriping and resurfacing existing handicap parking stalls, replacing concrete sidewalks and handicap ramps to ensure compliance with ADA requirements. The existing landscape will be repaired and/or replaced where required, but will be less than 2,500 square foot threshold requiring the site to be upgraded.

Staff recommends that the Development Plan Review Board approve DPRB Case No. 15-28 and 15-29 subject to the attached conditions.

Mr. Stevens asked if the windows will need to be re-glazed.

Robert Sutton, Applicant stated that all windows look good and if any windows needed re-glazing, it would be very minimal.

Mr. Stevens asked where the aluminum screen is to be placed.

Associate Planner Torrico stated the aluminum screen is to go on 924 Overland Ct.

Robert Sutton, Applicant stated the aluminum screen is to be black in color on the under-side.

Mr. Stevens asked about the beam that goes across the front of the building.

Associate Planner Torrico stated the beam is new and is being added for architectural interest.

Mr. Bratt asked about the building at 936 Overland Ct., he asked if they are relocating or adding the entry location.

Robert Sutton, Applicant stated there are two points of entry. He noted when a tenant is found the signage will go above the proper door and if needed, additional entry points will be added dependent upon the tenants needs. As for parking arrangements, we are looking into a lot merger so we may accommodate future uses.

Mr. Stevens asked if the parking parcel is being combined with 924 Overland Ct.

Robert Sutton, Applicant stated yes, there is a sufficient amount of parking for 936 Overland Ct.

Mr. Dilley stated it appears the arch is not attached to the front of the building.

Robert Sutton, Applicant stated that Mr. Dilley was correct, the arch stands alone. He is proposing a simulated wood that will not fade or deteriorate over time but will still give the same modern effect.

Mr. Stevens asked if the underside of the entry on 936 Overland Ct. will have the wood detail.

Robert Sutton, Applicant stated yes, the soffits will get wood and appear to be wood on both sides.

Mr. Patel asked if there is a reflective property to the perforated metal.

Robert Sutton, Applicant stated they propose to use a #4 finish. He goes on to say that the sun could hit it, but it should not reflect and cause a hazard.

Mr. Patel asked if this project is part of the new landscape rules.

Associate Planner Torrico replied no, this is a minimal project.

Mr. Patel asked if the applicant is under LID regulations.

Robert Sutton, Applicant stated that the buildings are not. The parking lot is larger and designed with LID rules and regulations in mind.

Associate Planner Torrico stated that all LID rules and regulations will be checked in the plan check process.

Mr. Patel stated the plans do not include the change to the drive approaches.

Robert Sutton, Applicant stated that the approaches will need to be adjusted due to the slopes.

Mr. Patel noted that the existing approaches are in the path of travel.

Associate Planner Torrico stated Planning will work with both Public Works and Building to make sure all rules and regulations are met.

Mr. Stevens stated that one comment to make clear is that tenant signage is not being approved. He noted that signage will be approved on an independent basis.

MOTION DPRB 15-28: Larry Stevens moved, second by Emmett Badar to approve, subject to conditions of approval with the understanding that tenant signage is to be reviewed and approved by Planning Staff.

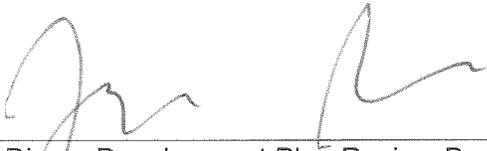
Motion Carried: Motion carried 6-0-1 (Sorcinelli absent)

MOTION DPRB 15-29: Larry Stevens moved, second by Emmett Badar to approve, subject to conditions of approval with the understanding that tenant signage is to be reviewed and approved by Planning Staff.

Motion Carried: Motion carried 6-0-1 (Sorcinelli absent)

ADJOURNMENT

There being no further business the meeting was adjourned at 9:51 a.m. to the meeting of September 24, 2015 at 8:30 a.m.



San Dimas Development Plan Review Board

ATTEST:



Development Plan Review Board
LH
Departmental Assistant

Approved: 10/22/15