

Planning Commission Agenda Report

February 28, 2018
Item 6.a.

- SUBJECT:** P17-0922
- APPELLANT:** Diane McIntyre
- APPLICANT:** Jeff DeBernardi
- PROPERTY OWNER:** Alexander Faber
- PURPOSE:** Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct an approximately 1,161-square-foot first- and second-story addition and an approximately 211-square-foot garage addition to an existing residence.
- LOCATION:** 588 E. Angela Street
- GENERAL PLAN:** Medium Density Residential (MDR)
- ZONING:** R-1-6,500 (One-Family Residential) District
- EXHIBITS:**
- A. [Draft Resolution](#) and [Conditions of Approval](#)
 - B. [Zoning Administrator Approval Letter dated "January 3, 2018"](#)
 - C. [Approved project plans, dated "Received December 18, 2017"](#)
 - D. [Appeal letter from Diane McIntyre, dated "Received January 18, 2018"](#)
 - E. [Applicant response to appeal, dated "Received January 29, 2018"](#)
 - F. [Zoning Administrator Meeting Minutes – January 3, 2018](#)
 - G. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval of Case P17-0922, subject to the Conditions of Approval listed as Attachment 1 to Exhibit A.

EXECUTIVE SUMMARY

The subject application is an appeal of the Zoning Administrator's approval of Administrative Design Review application P17-0922 to construct an approximately 1,161-square-foot first- and second-story addition and an approximately 211-square-foot garage addition to an

existing residence at 588 E. Angela St. The adjacent neighbor/appellant's residence at 580 E. Angela St. is lower in elevation than the subject lot and the appellant believes the addition (proposed to be approximately seven-feet closer to her property than the existing residence) may cause slope stability issues between the two properties and may allow drainage onto her property from the subject lot. As approved and conditioned by the Zoning Administrator, staff finds that the addition is consistent with the intent of the zoning district and design criteria and that the neighbor's concerns will be addressed at the building permit stage of the project.

BACKGROUND

On November 3, 2017, the applicant submitted an Administrative Design Review (ADR) application as described above. After the ADR public notice was sent, a neighbor of the property at 580 E. Angela St., Diane McIntyre, contacted staff and indicated that she had concerns regarding the proposed project in regards to privacy, massing, vegetation, drainage, and stability of the slope. Staff communicated the neighbor's concerns to the applicant and Diane McIntyre requested a hearing on the project.

On December 5, 2017, a Zoning Administrator hearing was held on the subject proposal, attended by the applicant, property owner, and neighbors of the properties at 580 E. Angela St. and 315 E. Angela St. The adjacent neighbor at 580 E. Angela St. reiterated her aforementioned concerns communicated to staff. After public testimony, discussion, and review of the proposed plans in the context of the project site and surrounding neighborhood, the Zoning Administrator did not take action on the project, but requested that several changes be made to address neighbor concerns and better comply with the design criteria, including scale of buildings within its site and adjoining buildings and preservation of views enjoyed by residents.

The Zoning Administrator hearing was continued to January 3, 2018, at which time a modified project was presented. Minutes of the hearing are attached as Exhibit F. Modifications made by the applicant to address the changes requested by the Zoning Administrator at the initial hearing included:

- Stepping the western wall facing 580 E. Angela St. of the second-story bedroom back three feet from the first-story wall to enhance articulation and decrease massing
- Modifying the second-story bedroom windows on the west side facing 580 E. Angela St. to be clerestory windows (five feet, six inches from the subfloor) to reduce impacts to privacy
- Modifying the second-story bathroom window on the west side facing 580 E. Angela St. to have frosted glass to reduce impacts to privacy
- Adding a shed roof between the first-story and second-story on the west elevation to enhance articulation and reduce massing on the west side facing 580 E. Angela St.

The neighbor of the project at 580 E. Angela was also present at the hearing and during public testimony noted the improvements made, but continued to express concerns with the overall massing, stability of the slope adjacent to her property, and drainage in this area, with the latter being her primary concern.

In terms of erosion prevention, the Zoning Administrator explained the typical process following planning approval, in which construction drawings would be required and aspects such as site

drainage and retaining walls, if needed, would be reviewed by the Building and Safety Division. No building permit would be issued until such issues are satisfactorily addressed. After hearing the staff report, public testimony and reviewing the revised plans, the Zoning Administrator approved the Administrative Design Review, finding that it was consistent with the requirements of the R-1-6,500 zoning district, and as designed and conditioned, that the design criteria were met. The Zoning Administrator's approval letter dated "January 3, 2018" is attached as Exhibit B.

On January 18, 2017, within the 15-day appeal period, Diane McIntyre filed an appeal of the Zoning Administrator's approval. The appeal letter, included as Exhibit D, indicates that due to the addition's location in relation to her property, she has concerns with the addition's impact on the stability of the slope between her property and the subject property and the impact of drainage onto her property from the applicant's property.

SITE DESCRIPTION

The subject site, 588 E. Angela St., is located on the north side of East Angela Street, near the corner of Las Lomas Drive. East Angela Street slopes uphill toward the east. The residential neighborhood and immediate context has a mix of one- and two-story residences, on lots ranging from approximately 5,600 square feet to 10,900 square feet. The subject lot measures approximately 7,000 square feet in area and has existing mature vegetation along both the east and west sides, as seen in Figure 1. The subject lot is relatively flat with approximately four feet of elevation change from west up toward the east. The existing single-story residence, built in 1956, is approximately 1,261 square feet with an attached 438-square-foot garage.

The appellant's residence is located at 580 E. Angela St., to the west (left) of the applicant's residence as seen in Figures 2 and 3. 580 E. Angela St. sits downslope (approximately five feet) from 588 E. Angela St and the existing residences on the lots are separated by a distance of approximately 25 feet.

Figure 1 – Street View of Subject Lot Looking North



Figure 2 – Aerial Photograph



Figure 3 – Vicinity Map



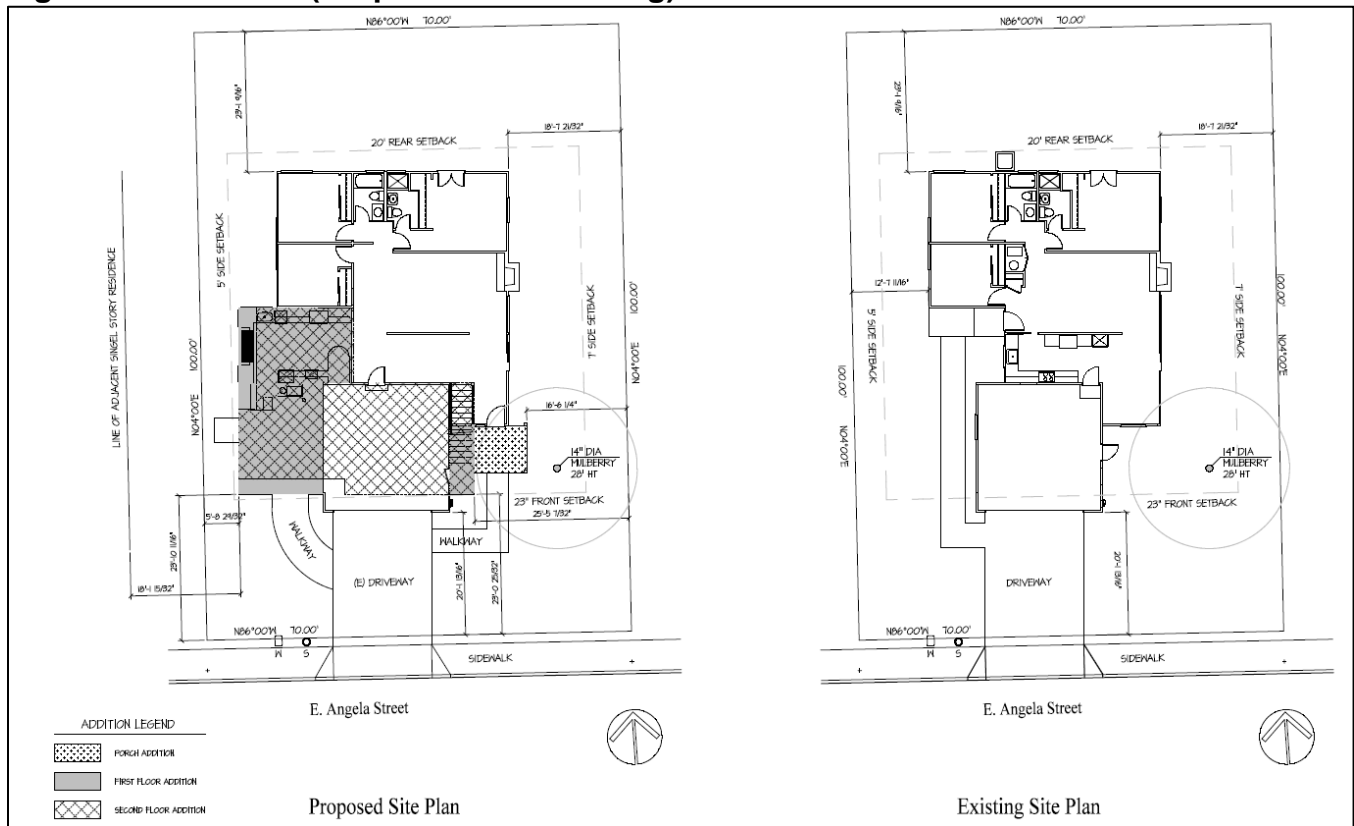
PROPOSED PROJECT

The applicant proposes to construct an approximately 1,161-square-foot addition to the residence and 211-square-foot addition to the attached garage. Approximately 205 square feet of the proposed garage addition is counted toward the floor area ratio as the added space is

for storage, not for off-street parking¹. The addition to the house includes adding 309 square feet to the first floor on the left side/front of the residence (west and south) and adding a second floor on the left side/front of to the currently one-story residence. The addition would use a similar horizontal lap siding as the existing home, although the existing built up roof with gravel ballast would be replaced with an asphalt shingle roof.

The proposed addition on the first floor would extend the existing structure approximately seven feet towards the western property line, as seen in Figure 4, below. The proposal also includes relocating the entry from the side (west elevation) of the residence to the front (south elevation) of the residence and expands the kitchen on the first floor. The relocation of the entry would orient the house toward the street and is intended to create a more logical floorplan where guests would enter through the front of the house instead of the side. The second floor would contain a master suite, as seen in the floor plan on Sheet A4 of the project plans, Exhibit C.

Figure 4 – Site Plan (Proposed and Existing)



SCOPE OF PLANNING COMMISSION ACTION

Administrative Design Review Process

The Administrative Design Review (ADR) process is intended to preserve and enhance the city’s aesthetic values and to ensure the preservation of the public health, safety, and general welfare. Additions exceeding 10 feet in height are required to obtain ADR approval. ADR

¹ The Floor Area Ratio is calculated using the sum of the gross horizontal area of the buildings on a site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; and steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides.

applications are typically reviewed at the Zoning Administrator level. The item was heard and approved with conditions by the Zoning Administrator and has now been appealed to the Planning Commission.

PMC Section 18.20.030 outlines the scope of Design Review, indicating that the reviewing body shall review “site plans, landscape plans, building architecture, and other such plans as may be required to preserve and enhance the city’s aesthetic values and to ensure the preservation of the public health, safety, and general welfare.” Note that, even though a proposed project may comply with applicable zoning standards (e.g. setbacks, height limits) the design review process allows the reviewing body to approve conditions which may be more restrictive than normal Code standards, to ensure that the above objectives are met. As outlined in Section 18.20.030, the reviewing body’s scope of review shall include (but not be limited to) the following design criteria:

- Preservation of the natural beauty of the city and the project site’s relationship to it
- Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings
- Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character
- Preservation of views enjoyed by residents, workers within the city, and passersby through the community
- Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building’s colors and materials

Appeal Issues and Procedure

The appellant’s letter, attached as Exhibit D, notes concerns with the slope stability and drainage and as such states that the addition is sited too close to the property line. The letter requests that the applicant either re-locate the addition further away from the property line (suggesting it be located at the same distance as the existing home’s building wall) or otherwise has assurance that the appellant not be held liable for repairs if the slope between the two properties fails. These issues are discussed in more detail in the analysis section, below. The applicant provided a response to the appeal letter, included as Exhibit E.

PMC Section 18.20.060 describes the procedures for appeal of a Design Review approval, with the Zoning Administrator’s action appealable to the Planning Commission. The Planning Commission may deny the appeal (approving the project as conditioned by the Zoning Administrator), approve the appeal (therefore denying the project), or deny the appeal and approve the project with modified conditions. The Planning Commission’s decision “shall be governed by this title as if the appeal of the Zoning Administrator’s action were a new application before the commission” (PMC 18.20.060.C.), meaning that the commission’s review is “de novo” and should consider all of the criteria set forth in Chapter 18.20, not only issues identified in the appeal.

ANALYSIS

Site Development Standards

The table below compares the proposed project with the applicable site development standards of the R-1-6,500 Zoning District. As proposed, the project complies with the development standards prescribed by the PMC.

	Required	Existing	Proposed
Front Setback	20'	20'-2"	20'-2" (no change)
Side Setback (left/west)	5'	12'-8"	5'-9"
Side Setback (right/east)	5'	18'-8"	18'-8" (no change)
Combined Side Setback	12'	30'-4"	24'-5"
Rear Setback	20'	23'-2"	23'-2" (no change)
FAR	40% maximum	18%	38%
Height per PMC ²	30' maximum	11'-3"	21'-9"
Ridge Height	-	13'-2"	24'-7"

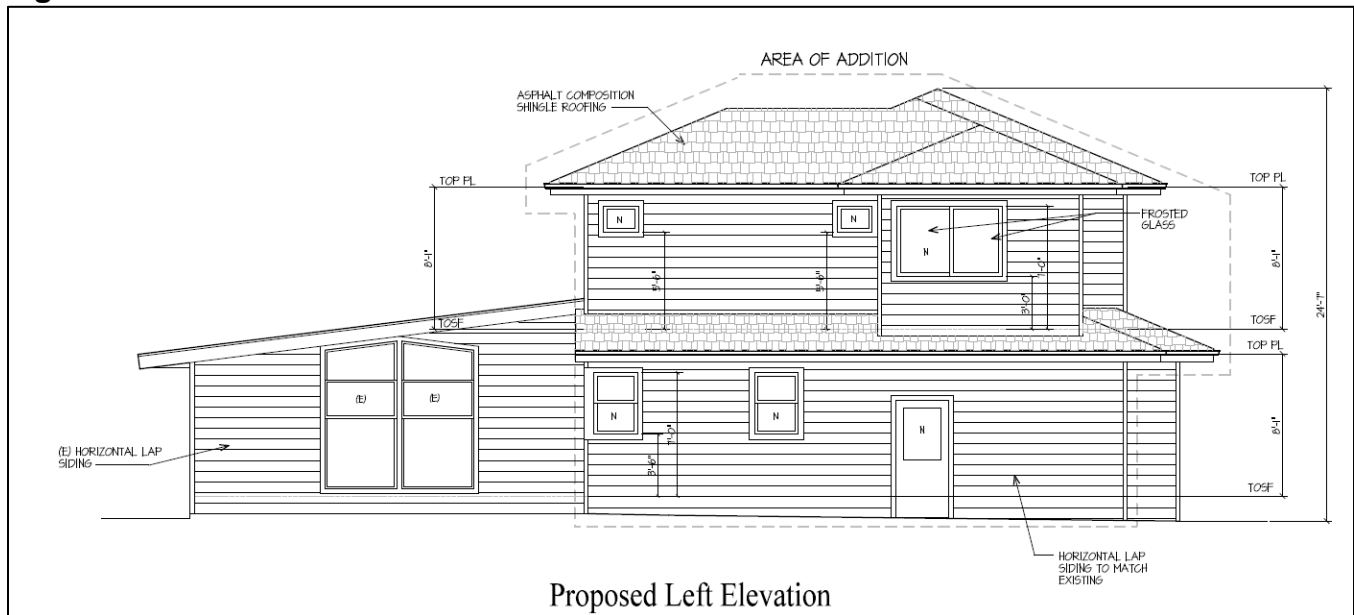
Massing, Design, and Privacy

The project would add a second story to an existing single-story home, increasing the ridge height of the structure from 13 feet, 2 inches to 24 feet, 7 inches. While the massing of the home would increase, the project incorporates design features intended to reduce the perceived height and scale of the second story when viewed from off-site. These include use of a relatively low (eight-foot) ceiling/plate height on the second floor; use of a hip roof rather than gable roof design which places the high point of the roof towards the interior of the structure; and incorporation of building step-backs, where the second story would be set back from the wall plane of the story below, on all elevations.

The project would maintain the existing mature vegetative screen along both sides of the residence, and would mitigate potential privacy impacts for the neighbor to the west by using clerestory windows (five-foot, six-inch sill height) for the bedroom on the second-floor's west elevation and frosted glass for the bathroom window on the second-floor's west elevation (as seen in Figure 5, below).

² The height of a structure is measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.

Figure 5 – West Elevation



The proposed materials include horizontal lap siding, asphalt shingle roofing, and wood porch columns. The proposed two-story house and architectural style is internally consistent with its own design and compatible with the neighborhood which has a mix of one-and-two-story homes in a variety of architectural styles.

As detailed above, through the Zoning Administrator process, the applicant has made a number of modifications to the project to address privacy, massing, and scale, including modifications in response to concerns expressed by neighbors of the project, as well as by staff. In staff's analysis, the project, as designed would be consistent with the General Plan Land Use, and comply with the standards in the Zoning District. As designed, and based on the above analysis staff finds that the intent of the design criteria required to approve the project would be met including appropriate relationship of the proposed building to its site, scale of buildings within its site and adjoining buildings, consistency with neighborhood character, preservation of views enjoyed by residents, and relationship of building components to one another and to the building's colors and materials.

Drainage and Slope Stability

The principal issue raised in the appeal is a concern regarding the project's effect on drainage and slope stability, including proximity of the project to a nearby slope at the edge of the property. The neighbor's property is located at an elevation approximately five-feet below that of the subject property, and the addition would extend the building to approximately five-feet, eight-inches from the shared side property line.

The City's Chief Building Official has reviewed the architectural plans submitted to date. It should be noted that, consistent with the City's standard procedures, plans submitted for Administrative Design Review are not developed with full construction and structural design details, and thus do not have enough information to evaluate site-specific Building Code issues at the design review phase.

However, any new construction or addition is required by the Building Code to be designed by a registered design professional engineer, so as to not create any type of load that would impact any neighboring properties. The Chief Building Official noted that the foundation system for the addition would be required to be designed, based on site specific soil, drainage and other conditions, so that it is deep enough to avoid imposing any type of lateral loading on the neighboring property. Stabilization of the finished grade on the site for erosion control and drainage on the site, including the area between the addition and property line would be required. There are several different types of drainage systems that may be used and sub-surface drainage of any new retaining wall(s), if required, would also need to be provided and would be reviewed as part of the building permit submittal. All drainage is required to internally drain somewhere on the subject lot and have time to be absorbed on-site thus reducing discharge to the city's stormwater system. Drainage on-site is always required to be eventually directed to the city's stormwater system and not onto a neighbor's property.

While staff acknowledges the neighbor's concerns, given the standard process needed to obtain a building permit and extensive review required by the Building and Safety Division at the building permit stage of this project, it is staff's view that the concerns about slope stability and drainage will be adequately addressed through the building permit process.

PUBLIC NOTICE

Notification to neighbors in the immediate vicinity of the project was provided during the initial ADR public notification, consistent with the Municipal Code. However, because this application has been appealed to the Planning Commission, public hearing notices were mailed to all property owners within 1,000 feet of the subject site prior to the Planning Commission hearing. At the time this report was published, no additional letters in opposition or support of the project were received. The location and notification map is included as Exhibit G.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

ALTERNATIVES

As noted, it is staff's recommendation that the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval of the project, subject to Conditions of Approval. However, should the Planning Commission determine that the design criteria cannot be made the commission can pursue one of the following alternatives:

1. Direct further modifications to the project design, to be incorporated as further conditions of approval, or that would be brought back to the Planning Commission for review at a continued public hearing. Modifications could include requiring a larger side yard setback for the ground and/or upper floor, or other modifications to the building setbacks, design or massing.
2. Uphold the appeal, and deny the application. If the Planning Commission pursues this alternative, the applicant would be required to submit a new application, reflecting a modified project design.

SUMMARY/CONCLUSION

Based on the above analysis, staff finds the proposed addition would meet the design review criteria set forth in PMC Chapter 18.20. The project is designed to be compatible with the existing home and neighborhood, would incorporate design features that minimize the additional height and mass of the structure as viewed from the public street, and relates to the mass and scale of neighboring properties. The project would also meet all applicable site development standards in terms of setbacks, height, size, and floor area ratio. Further, review through the building permit process would ensure that all structural and drainage issues that may be associated with the project are properly addressed, so as to safeguard the public health, safety and welfare. As reflected in the draft resolution, attached as Exhibit A, staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval of the Administrative Design Review application.

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