



SINGLE FAMILY DESIGN BOARD  
CASE SUMMARY

1464 LA CIMA RD

MST2009-00391

B-ENF

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**Project Description:**

Proposal to remove existing non-permitted Alan block retaining walls and construct approximately 120 linear feet of reinforced CMU and Alan block retaining walls ranging in height from 3.5 to 6.5 feet. The project is located in the rear yard of a single-family residence on a 9,693 square foot lot in the Hillside Design District. A previous proposal to permit as-built walls in this location was denied without prejudice. The project will abate violations in ENF2008-00170.

**Activities:**

**3/1/2010 SFDB-Concept Review (Cont.)**

*(Second review. Action may be taken if sufficient information is provided.)*

*Actual time: 4:22*

*Present: Margie Grace, Landscape Architect, Trish Allen, Agent; Greg Van Sande, Structural Engineer.*

*Public comment was opened at 4:42 p.m. The following individuals spoke in opposition: John Cook for Don Swann, John Cook, Kathy Cook, and Tony Fischer.*

*A letter in opposition from Paula Westbury was acknowledged.*

*Public comment was closed at 4:53 p.m.*

*The Board asked the applicants whether they preferred a continuance or a denial; the property owner requested a motion to deny the project.*

*Motion: Deny the project without prejudice with the following comments:*

- 1) The design violates guidelines for building within drip lines of the Oak trees.*
- 2) The hillside is negatively affected by the proposed grading and retaining walls.*

*Action: Mahan/Woolery, 6/0/0. Motion carried. (Carroll absent.)*

**3/1/2010 SFDB-Final Review (Denied)**

**Activities:**

**2/23/2010**                      **SFDB-Resubmittal Received**

**2/1/2010**                      **SFDB-Concept Review (New)**

*(Action may be taken if sufficient information is provided.)*

*Actual time: 3:56*

*Present: Trish Allen, Agent; Greg Van Sande, Structural Consultant, Margie Grace, Landscape Designer.*

*Public comment was opened at 4:12 p.m. The following individual(s) spoke in favor or opposition:*

*Don Swann: opposed.*

*Kathy Cook: opposed.*

*John Cook: opposed.*

*Tony Fisher: opposed.*

*Written comments in opposition from David Gilkeson and from Paula Westbury were acknowledged.*

*Public comment was closed at 4:24 p.m.*

*Motion: Continued four weeks to Full Board with the following comments:*

*1) The project needs to be significantly redesigned. There is concern with the aggressive proposal, particularly the height and surface of the proposed retaining walls, and the amount of excavation for footings.*

*2) Applicant and staff to determine whether the existing east and west stairs and decks are permitted.*

*3) There is concern about construction under the oak tree drip lines. Accurate drip lines are to be verified by a Civil Engineer.*

*4) Return with accurate and complete plans, including elevation drawings. Submit the plans to Staff prior to the meeting.*

*Action: Mosel/Mahan, 7/0/0. Motion carried.*

**8/31/2009**                      **SFDB-FYI/Research**

*Trish Allen to come back on Tuesday to look through previous design review file (project denied and file is on Jaime's desk) for photos to submit with this new application.*

*Also, heads up on three previous PC Resos that go with this parcel. And not sure if new retaining wall in setback needs a mod or not. S. Gantz*

**SFDB-Concept Review (New)**

*(Action may be taken if sufficient information is provided.)*



ALL ACTIVITIES SUMMARY

MST2008-00255

R-SFR

*Proposal to abate violations in ENF2008-00170 for minor re-grading including the construction of retaining walls, garden walls between and 24" and 42" in height and landscape stairs in the rear yard on a 9,693 square foot lot in the Hillside Design District.*

Activities:

Disp

Date 1

Date 2

Date 3

*Proposal to abate violations in ENF2008-00170 for minor re-grading including the construction of retaining walls, garden walls between and 24" and 42" in height and landscape stairs in the rear yard on a 9,693 square foot lot in the Hillside Design District.*

Status: Denied

DISP

Date 1

Date 2

Date 3

SFDB-Concept Review (Cont.)

PEND

(The project was referred from the Consent Calendar. Action may be taken if sufficient information is provided.)

Application Received

RECD

05/27/08

See Danny Kato re: fees charged.

ABR-Resubmittal Received

RECD

06/30/08

Initial submittal stamped with fees paid on 6/30, don't know why received activity on 5/27/08. Tony Boughman

SFDB-Resubmittal Received

RECD

10/07/08

Per TB had Carol Gross fill out substitution form JL may have file in his office.

SFDB-Consent (New)

CONT

10/20/08

(Action may be taken if sufficient information is provided.)

Continued three weeks to the Full Board with comments: 1) show setbacks; 2) ensure walls were installed correctly, provide engineer report; 3) show neighboring property footprint; 4) provide 2 site sections; 5) provide overall elevation from below; 6) show drainage and day lighting; 7) provide a landscape plan.

SFDB-Concept Review (Cont.)

CONT

01/20/09

Actual time: 5:26

Present: Carol Gross, Landscape Architect; Greg Van Sande, Engineer; Scott McCosker, Owner.

Ms. Gross submitted two letters in support of the project.

Public comment opened at 5:38 p.m.

1. Don Swann, agent for John and Kathy Cook, opposed: Cook's were required to move stairs away from the property line for privacy, site plan does not show steps that are currently located at eastern side of property at 36% slope, concerned that the Cook's retaining wall will be undermined, slope should drain away, need detail of planter.
2. John Cook, opposed: front of his house depicted on applicant's plans has nothing to do with property line, steps and retaining walls were built on excavation from lower story and fill was not recompacted before walls were installed, slope

Activities:DispDate 1Date 2Date 3

where stairs are was not the original slope-dirt was added, too close to property line, lack of privacy, landscape was cut away, retaining wall was undermined in construction of applicant's retaining walls.

3. Kathy Cook, opposed: applicant was building without permits when he spoke before the board against her own as-built work, she was required to relocate her stairs yet the applicant has built stairs close to the property line.

4. Jim Wickman, opposed: walls are highly visible from the street below, applicant did not communicate with neighbors.

5. David J. Gilkeson, opposed: the applicant previously appeared before the Board stating his concern for privacy yet he subsequently cut down a fence, two orange trees, and an avocado tree that provided privacy, too close to neighbor's property, project should be moved toward center of property.

6. Tony Fisher, representing John and Kathy Cook, opposed: enforcement case of August 2007 was closed and new enforcement case opened in February 2008, attempted to obtain photographs so Board could review site in its original condition, can not believe that work could be done without a permit, Board needs elevation drawings to review, previous as-built work on the hillside is not known and was not presented to the Board, project exceeds 215 feet total length on uncompacted fill, suggested a site visit, stairs on other side missing from drawings, Allen block walls have limitations and are not appropriate to the site.

Public comment closed at 6:00 p.m.

Motion: Continued six weeks to the Full Board with the following comments:

- 1) The design is not acceptable as proposed. Restudy the design to provide neighbor privacy.
- 2) Provide more landscape screening at the west property line.
- 3) Eliminate the steps near the west property line and reevaluate the terraces.
- 4) Move the project out of the 5 foot setback.
- 5) Comply with the Arborist's report.
- 6) A Structural Engineer is to determine which walls can be saved.
- 7) Plans are to be prepared by licensed professionals.

Action: Woolery/Carroll, 5/0/0. Motion carried. (Deisler/Mosel absent.)

**ABR-Resubmittal Received****RECD****03/24/09**

resubmittal for continued Concept

**SFDB-Resubmittal Received****RECD****05/04/09**

Three sets

**SFDB-Concept Review (Cont.)****CONT****05/11/09**

(Third concept review. Action may be taken if sufficient information is provided.)

Actual time: 3:32

Present: Cindy Sadler, Agent; Carol Gross, Landscape Architect.

Public comment opened at 3:48 p.m.

1. Six letters in support of the project were acknowledged.
2. Don Swan, agent for Kathy and John Cook, opposed. The applicant has not complied with Board's comments of 1/20/09; walls need footings; existing deck encroachment requires a modification.
3. John Cook, neighbor, opposed: applicant has not complied with Board's comments of 10/20/08, his property location not shown on plans, incorrect stair removal, licensed contractor needed, possibility that walls not installed correctly; avocado on neighboring property line was removed.
4. Kathy Cook, opposed: landscape plan does not show existing bamboo, project encroaches into side yard.
5. Tony Fischer, representing John and Kathy Cook, opposed: construction continued after stop work order was issued; Allan Block wall was not properly built; planting under the Oak tree; Bamboo at property line is invasive and creates a fire ladder; in favor of denial.

Public comment closed at 4:01 p.m.

Motion: Continued four weeks to Full Board to the Full Board with the following comments:

- 1) Substantial redesign is expected.
- 2) All comments from the 1/20/09 meeting were carried forward: 1. The design is not acceptable as proposed. Restudy

**Activities:** Disp Date 1 Date 2 Date 3

the design to provide neighbor privacy; 2. Provide more landscape screening at the west property line; 3. Eliminate the steps near the west property line and reevaluate the terraces; 4. Move the project out of the five foot setback. 5. Comply with the Arborist's report; 6. A Structural Engineer is to determine which walls can be saved; 7. Plans are to be prepared by licensed professionals.

- 3) Provide additional information about the deck along the eastern property line
- 4) Provide information about the species of Bamboo along the Western property line

Action: Zink/Woolery, 7/0/0. Motion carried.

**SFDB-Resubmittal Received** **RECD** **06/19/09**

Received revised grading plans, applicant stated that both J. Limone and T Boughman reviewed the plans, and determined they are ready for resubmittal.

**SFDB-Concept Review (Cont.)** **DENY** **06/22/09**

(Fourth concept review. Action may be taken if sufficient information is provided.)

Actual time: 4:54

Present: Carol Gross, Landscape Architect; Scott McCosker, Owner.

Public comment opened at 5:04 p.m.

1. Don Swann, Agent for John and Kathy Cook, opposed: stairway was not moved beyond setback; terrace was not moved; stair on east side is in the setback.
2. John Cook, neighbor, opposed: the retaining walls should be reviewed as though they did not already exist; concerned that the walls were built before consulting a structural engineer; alternate access to lower deck exists.
3. Kathy Cook, neighbor, opposed: the project should be reviewed as though it did not already exist; stairs should not be allowed close to property line.
4. Jeff McCune: an on site analysis showed the home to be very defensible from fire with the main area of concern to be the narrowness of the public street access; low vegetation, no ladder fuel; Oak canopy was thinned out improving fire resistance; the ability for a fire engine to enter and stage is an asset; terrace provides location for fighting fires.
5. Tony Fischer, Attorney, for John and Kathy Cook: the project repeatedly returns without substantial change; the engineer's letter appears inadequate without engineer's inspection of work. Activity summary inaccurately indicates that both Mr. Limon and Mr. Boughman reviewed and approved plans for re-submittal.

Public comment closed at 5:15 p.m.

Staff comments: Mr. Boughman stated that he was unable to confirm with Danny Kato, Senior Planner if the stairs and landing at the east side of property were approved. Mr. Boughman suggested that if a motion is made approving the project, the stairs and landing should be explicitly excluded from the scope of work. Regarding the terrace in the setback, the Ordinance contains a provision for an encroachment of up to three feet for a landing/platform to enter a house above grade, the provision does not apply to this application. If the stairs on grade do not require a building permit, they are still within the Board's purview as a part of the whole project.

Motion: Denied without prejudice with the following comments:

- 1) The project is not acceptable and does not comply with the Neighborhood Preservation Ordinance.
- 2) There has been no substantial redesign as requested since prior reviews.
- 3) The project does not comply with good neighbor guidelines with regard to privacy for the neighbor to the west.
- 4) Does not comply with setbacks.
- 5) There are concerns about compatibility with the existing Oak trees; structural integrity of existing as-built walls; lack of handrails; privacy for neighbor to the west; the Engineers letter may not be adequate.

Action: Zink/Woolery, 4/1/1. Motion carried. (Carroll opposed, Bernstein abstained, Deisler absent.)

**(F) Print ALL Actions of Case** **PRNT** **06/22/09**

**SFDB-Prelim Review (Denied)** **DENY** **06/22/09**

**ENV-MEA Prepared-action req** **NEED** **07/15/09**

Provide drainage plan as part of plan set.

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
<b>ABR-Correspondence/Contact</b>	<b>READ</b>			<b>07/31/09</b>
Met with applicant to discuss alternative designs and new timeframe for a new rea-appliation. New submittal expected within two weeks.				
<b>(F) Print ALL Actions of Case</b>				<b>11/05/09</b>
<b>(F) Print ALL Actions of Case</b>				<b>05/04/10</b>