

II. CONSENT ITEMS:

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF RICHELE MAILAND, AGENT FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE AND 860 JIMENO ROAD, APNs 029-110-036 AND 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)

This is a request for a three-year Time Extension of the expiration date of the Lot Line Adjustment and Modification approved by the Staff Hearing Officer on June 3, 2009, and on appeal by City Council May 11, 2010. The project consists of a lot line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. On June 30, 2010, a substantial conformance determination was made by the Staff Hearing Officer that the construction of a 603 square foot detached two-car garage for 1402 Grand Avenue was consistent with intent of the condition to provide a minimum of one covered parking space. The project includes a new entry gate and as-built changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space.

Present: Richele Mailand, Agent; and Joseph A. Yob, Owner.

Suzanne Riegle, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:04 a.m.

Mike Cahill, opposed, (enforcement history memo and photographs submitted) representing himself, the Neighborhood Association, and Mr. Tony Fischer, recommended denial of granting the proposed time extension in the best interest of the health, welfare, and safety of the neighborhood citing concerns due to documented numerous enforcement violations since 2005 regarding the subject property.

Letters of concern from Paula Westbury and Mike Cahill were acknowledged.

The Public Hearing was closed at 9:09 a.m.

ACTION:

Assigned Resolution No. 029-11
Approved the three-year time extension to June 3, 2014 for the lot-line adjustment and Modification, subject to the original Conditions of Approval contained in Staff Hearing Officer Resolution No. 046-09.

Ms. Reardon also clarified that the Substantial Conformance Determination granted in June 2010 did not amend the Conditions of Approval contained in SHO Resolution No. 046-09.

It was announced that the approval of the time extension is not appealable to the Planning Commission.

III. PROJECTS:

ACTUAL TIME: 9:12 A.M.

A. APPLICATION OF MARK MORANDO, AGENT FOR GRAHAM ASHLOCK, 2320 CLIFF DRIVE, APN 041-242-025, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2011-00214)

The 4,949 square foot project site is currently developed with a 1,210 square foot single-family residence and attached 404 square foot two-car garage. The proposed project involves a 69 square foot addition to the rear of the existing residence and the addition of new 172 square foot and 36 square foot trellises.

The discretionary application required for this project is a Modification to permit alterations and additions to a portion of the residence located within the required six-foot (6') interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15305.

Present: Mark Morando, Agent; and Graham Ashlock, Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Betsy Teeter, Planning Technician, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:16 a.m., and with no one wishing to speak, the Public Hearing was closed.

Letters of support from Jon Blake and Rollin and Wendy Weeks, as well as a letter of concern from Paula Westbury, were acknowledged.

ACTION: **Assigned Resolution No. 030-11**
Approved the Modification making the findings as outlined in the Staff Report dated July 20, 2011.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

ACTION:

Assigned Resolution No. 034-10

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed front setback encroachment allows for an architectural improvement, without additional floor area, without impacts to the neighbors.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 10:56 A.M.

G. **APPLICATION OF RICHELE MAILAND FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE & 860 JIMENO ROAD, 029-110-036 & 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)**

A Substantial Conformance Determination has been requested to allow for changes to the approved project conditions outlined in Staff Hearing Officer Resolution 046-09. Condition II.A.1 required a one-car carport be built and the applicant has revised project to include the construction of a 603 square foot detached two-car garage for 1402 Grand Avenue. The applicant has requested revisions to conditions II.A.2-5, which restricted the vehicular access on the lot to the minimum area needed to turn a vehicle around, with a condition for planters and boulders to restrict vehicular access. The applicant has requested the enlargement of the area identified as a turn around area and a guest parking space.

Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15303 (New Construction of Small Structures) and §15305 (Minor Alteration in Land Use Limitations).

Present: Kathleen Weinheimer, Attorney for applicant; Richele Mailand, Applicant; Duke McPherson, Arborist; Todd Drevo and Melanie Cava (Midwest Institution, LLC), Owners; Jim Austin, Fire Inspector.

Suzanne Reigle, Assistant Planner, gave the Staff presentation and recommendation. Ms. Reigle clarified that a paragraph regarding categorical exemption was inadvertently omitted from the agenda.

Mr. Austin, Fire Inspector explained that the proposal improves the Fire Department's ability to access the property. Mr. McPherson, Arborist stated that he is comfortable that the tree compaction issue had been addressed, and it was his opinion that the tree is healthy and the proposed parking area is acceptable.

Mr. McPherson suggested obtaining a base arborist report to aid in monitoring against moth infestation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 11:19 a.m.

Benita Wilson, spoke in support.

Francesca Cava, spoke in support.

A petition containing eleven neighbor signatures in support was acknowledged.

The Public Hearing was closed at 11:23 a.m.

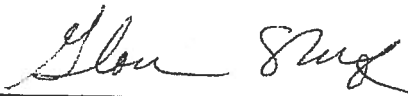
Ms. Reardon questioned vehicular maneuverability. Chelsey Swanson, Assistant Transportation Planner explained that a standard vehicle can turnaround in one maneuver, larger vehicles might require several back and forth maneuvers. Ms. Mailand suggested reducing the amount of decomposed granite within the 10' setback and having an arborist conduct baseline and yearly reports.

After considerable discussion, the Staff Hearing Officer recommended Staff find the project to be in Substantial Conformance with the original approval with the following comments: 1) The applicant is to submit a written agreement to Staff for approval prior to final determination. 2) The increased turn around area was acceptable with the understanding that if the Oak tree appears to be adversely affected then the decomposed granite could be reduce and reverted to mulch. 3) The property owner is to work with the neighboring property owner to prevent future Oak tree infestation.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:44 a. m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary

ACTION:

Assigned Resolution No. 045-09

Approve the project making the findings outlined in the Staff Report as revised at the hearing, and subject to the Conditions of Approval in Exhibit A of the Staff Report with the added Condition D.1. "Carport Height" The carport shall not exceed the maximum 7' interior height, and 9' 6" height to roof line, level with ground, and 19' maximum length.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME 10:36 A.M.

F. APPLICATION OF RICHELE MAILAND AGENT FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE & 860 JIMENO ROAD, 029-110-036 & 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)

The proposed project consists of a Lot Line Adjustment between the properties located at 1402 Grand Avenue (Parcel 1) and 860 Jimeno Road (Parcel 2). The lot line adjustment will result in a transfer of 3,140 sq. ft. of lot area from Parcel 2 to Parcel 1. The proposal includes the installation of automatic gates at the driveway entry for 1402 Grand Avenue, the landscaping screening of as-built Alan block walls south of the driveway, landscaping of an as-built turnaround area to limit its usage to a turnaround and prevent parking within the setback, and alterations to the house at 860 Jimeno Road including window and door changes.

The discretionary application required for this project is a Lot Line Adjustment (LLA) to change the property line between Parcel 1, 1402 Grand Avenue (APN 029-110-036) and Parcel 2, 860 Jimeno Road (APN 029-110-037) (SBMC §27.40 & Gov. Code §66412).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15301 (Alterations to Small Structures) and §15305 (Minor Alteration in Land Use Limitations).

Present: Richele Mailand, Agent.

Suzanne Johnston, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:48 a.m.

Tony Fischer, Attorney representing Mike and Linda Cahill: not opposed to the carport, but concerned that the property is being used as a vacation rental. Supported the Conditions of Approval for protection of the Oak tree. Height limits should be established for the carport, with a flat roof to match the house. Parcel statistics are reversed on elevations, and square footages should be verified.

Mike Cahill, neighbor, opposed: if approved, roof of carport should be non-reflective and match the house roof and not obstruct the view corridor; suggested restoring the previous rock wall, which was removed.

A letter from Paula Westbury expressing concerns for the project was acknowledged.
The public hearing was closed 11:08 a.m.

Mr. Kato, Senior Planner, explained that a property rented for longer than one month it is considered residential; the health room is a detached accessory room and rental as a separate dwelling is not permitted.

Ms. Reardon questioned the minimum area required for head out maneuvering, and whether there is an active code enforcement case. Ms. Wilson responded that the proposal includes options 1 and 2 shown on the plans, and option 2 provides a wider berth for the turnaround. Ms. Johnston replied that her understanding is that option 2 is outside of the setback.

Ms. Reardon questioned whether there is an active building code enforcement case. Ms. Johnston, replied that there is not an open enforcement case as it was determined that there was not a significant square footage change.

Public comment reopened at 11:26.

Tony Fischer, Attorney representing Mike and Linda Cahill: clarified his statements regarding inconsistencies in the square footages listed on the plan.

Public comment was closed.

ACTION:

Assigned Resolution No. 046-09

Approved the project making the finding that the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, as shown in section VI.A-C. The lot line adjustment would create two legal lots that conform to the zoning requirements in the A-1 and E-1 zones as described in Sections V. and VI.C., dated May 27, 2009.

Said approval is subject to the Conditions of Approval contained in Exhibits A and B of the Staff Report as revised at the meeting, with the conditions that 1) I.A.2. add "A physical barrier shall be placed between the turnaround area and the adjacent landscaped areas to discourage access parking."; and 2) Add condition I.A.13. "The size of existing units to be verified prior to return to the SFDB"; and 3) Add condition I.A.14. "A Zoning Compliance Declaration shall be recorded." Said approval is also subject to the Conditions of Approval contained in Exhibit B of the Staff Report as revised at the meeting, with the added condition I.A.3. "Unit Size: The size of existing residence to be verified prior to return to the SFDB."