

(1) CALL TO ORDER

Chair Ross called the regular meeting to order at 7:30 p.m. in the Town Center Historic School House Meeting Room, 765 Portola Road.

(2) ROLL CALL

Town Planner Pedro called roll:

Present: ASCC: Breen, Clark, Koch, Harrell, Ross
Absent: None
Planning Commission Liaison: Alex Von Feldt
Town Council Liaison: Jeff Aalfs
Town Staff: Town Planner Debbie Pedro, Assistant Planner Carol Borck

(3) ORAL COMMUNICATIONS: None.

(4) OLD BUSINESS: None.

(5) NEW BUSINESS:

(a) **Architectural Review for Residential Addition and Remodeling, 116 Brookside Drive, Kastelein Residence, File #07-2015**

Ms. Borck presented the proposed project and staff recommendations for a 484 square-foot addition to an existing single-story residence situated on a 0.46-acre property located in the Brookside Orchard subdivision. The project requires ASCC review because the proposed a floor area concentration in the main structure is higher than 85% of the allowed total floor area for the site. She noted that the existing impervious surface is 5,208 square feet, and not 4,828 square feet as stated in the staff report. Additionally, she advised that a bocce ball court and pool solar panels encroaching within the yard setback areas were constructed without benefit of Town approval and condition #3 calls for the removal or relocation of the structures.

Chair Ross opened the public hearing.

Project architect David Terpening said he did not consider the bocce ball court to be a sports court or a structure. He stated that there is no alternate location for the bocce ball court on the property without removing trees or disturbing landscaping. Applicant Rob Kastelein said he installed the bocce ball court and was unaware it was not in compliance with setback requirements. He said it is not an impervious surface because water drains through it. He stated that if the Commission requires removal/relocation of the court, he will fill in the court and install plants. However, his preference is to keep the bocce ball court in its current location.

With regard to the pool solar panels, Mr. Kastelein said that the solar panels were installed prior his purchase of the property in 2007 and it was not disclosed that they were installed without a permit. Mr. Terpening added that the panels are used to heat the pool and there is no other appropriate location for them.

Vice Chair Harrell asked if the sand bocce ball court is considered impervious. Ms. Pedro said bocce ball courts have historically counted toward impervious surface areas because their construction typically includes compacted gravel.

Vice Chair Harrell asked when the applicant planned to upgrade the solar panels and if they could be smaller. Mr. Kastelein said he didn't know how old the system was or its expected lifespan. Mr. Terpening clarified that the size of the panels is based on the pool surface area and due to the weight of the panels and the weight of the water, it cannot be installed on the roof.

With no public comments, Chair Ross brought the topic to the Commission for discussion.

Commissioner Breen supported the findings to exceed the 85% floor area limit. She expressed support for allowing the bocce ball court and solar panels to continue to remain within the setback areas because they have little off-site impacts. She stated that the continued use of the lighter house colors was acceptable. She advised that the bocce ball court lighting and the pole light in front of the house will need to be removed. Commissioner Breen said she supports the project moving forward but that construction staging will be a challenge because of the small lot and narrow streets.

Commissioner Clark said he generally supports the project. He said, however, that the side yard is very linear and suggested bumping out the master bedroom or shifting the addition back to create a roof break along the side yard. Commissioner Clark said a property line survey would need to be done to confirm that such an offset could be accommodated. He supported the request to exceed the 85% floor area concentration. He noted that there is adequate space to install an 8' wide bocce ball court outside the setback. He said he could support allowing the solar panels to remain until they need to be replaced.

Commissioner Koch said she supported the project exceeding the 85% floor area limit in the main structure. She agreed with Commissioner Clark's suggestion regarding pushing the addition back towards the setback, if possible. She supported allowing the bocce ball court to remain within the setback and removal of the lights around the court. She suggested the Town revisit the issue of bocce ball courts being considered structures because of the use. Commissioner Koch supported the continued use of the colors on the existing house and agreed that the lighting on the property needs to be brought into compliance with Town guidelines. She supported allowing the solar panels to remain within the setback.

Vice Chair Harrell stated that she supported the proposal to exceed the 85% floor area concentration, and the continued use of the home's existing paint colors. She agreed that all lighting on the property needs to comply with Town guidelines. She expressed support for allowing the bocce ball court to remain within the setback and stated that she did not consider the court to be impervious. She also stated that zoning regulations exist to ensure quiet space between properties, and moving the bocce ball court into the property by six feet would not change the sound impact to neighbors. She supported allowing the solar panels to remain within the setback until they are replaced.

Chair Ross stated that both the bocce ball court and solar heating panels appear to have minimal off-site impact. However, he said that the ASCC does not have the authority to grant a variance for non-complying structures, but that a recommendation of support for a variance could be forwarded to the Planning Commission for the bocce ball court and solar heating panels, provided there were no other reasons for denial. He advised the Commission to be mindful about granting post-facto approval for items that are non-conforming. He expressed support for the project as submitted.

Ms. Pedro said that the Town strives for equal treatment of applicants and consistent application of the code. She advised that there have been prior cases where applicants were required to place bocce ball courts, which were counted as impervious surfaces, outside of required setbacks. She stated that staff could prepare materials for the ASCC to discuss exemptions for certain types of sports courts at a future meeting, but that treating this on a case-by-case basis would create challenges for staff. Ms. Pedro said the existing solar panels and bocce ball court will require Planning Commission approval for a setback variance.

Chair Ross advised that the bocce ball is currently within the definition of a recreation court under the zoning ordinance and is not permitted to be located within the setback without a variance. He noted, however, that the ASCC and Planning Commission have recently made an exception for solar panels to be installed within a setback. Chair Ross stated that the ASCC does not have the authority to approve

exceptions to the zoning ordinance and suggested the applicant apply for a variance for one or both structures.

Commissioner Breen moved to approve the proposed addition with the conditions stated in the staff report and including the following additional conditions:

- The continued use of the home's existing colors is approved for the new addition.
- The pool solar panels and bocce ball court shall be removed or relocated from the setback areas, or a variance must be obtained from the Planning Commission allowing these structures to remain within the setback areas, prior to final inspection.

The motion was seconded by Vice Chair Harrell, and the motion carried (5-0).

In response to Mr. Terpening's question regarding next steps, Chair Ross advised that if the applicant wished to retain the bocce ball court and solar panels within the setbacks, that variances should be applied for through the Planning Commission. He said the Planning Commission will be advised that the ASCC unanimously supports the retention of the solar panels and a majority supports retention of the bocce ball court without the lighting.

Prior to the presentation for item 5b on the agenda, Chair Ross proposed to staff that a discussion item be placed on the Commission agenda regarding water intensive uses and landscaping and whether the ASCC should have a role in helping residents reduce water usage. Chair Ross said the ASCC would welcome recommendations from the Water Conservation Committee.

(b) Architectural Review for Detached Guest House, Pergola, and Landscaping, 15 Bow Way, Bott Residence, File #05-2015

Ms. Borck presented the proposed project and staff recommendations for a 714-square foot single-story detached guest house, a 400-square-foot pergola, and landscape and hardscape improvements on a 1.18-acre property located at the corner of Bow Way and Westridge Drive. She noted that the existing fencing along Bow Way and Westridge Drive did not conform to Town regulations. Additionally, she reported that Carole Fregosi, 35 Bow Way, had expressed concerns to staff about the potential continued erosion of the slope along Bow Way by construction activities at the site.

Eric Blanz, landscape designer, provided a revised site plan that would bring much of the fencing on the property into compliance with Town regulations.

Lisa Malloy, project manager, in response to neighbor concerns over slope erosion along Bow Way, stated that an erosion control plan was submitted for the existing building project and asked if a new erosion control plan would need to be submitted for the guest house. Chair Ross confirmed that a new plan would be required for the new project.

In response to a question, Ms. Malloy stated that the existing solid board fencing along Westridge Drive provides privacy for the property, and that screening the fence with vegetation is less costly than bringing the fence into compliance with the Town's current regulations. Mr. Blanz said within one to two years the vegetation screen will do the job of the fence.

Aino Vieira Da Rosa, project architect, advised that two lights are proposed at the entry door to the cottage to provide safety lighting to and from the parking area. She stated that two lights were proposed at the great room door due to its width of 12 feet.

Commissioner Koch asked how the homeowners felt about the non-native trees on the property. Mr. Blanz stated that there were no plans to remove the existing pines around the property perimeter, and that the long-term plan is for successional native planting rather than immediate removal of existing significant screening vegetation.

In response to Commissioner Breen's question, Mr. Blanz said there is no lawn anywhere on the property. He said there would be a new 5-foot wood and wire fence around the pool that will meet building code requirements for pool security.

In response to Vice Chair Harrell's question, Mr. Blanz advised that the sunken fire pit was gas-fueled with prefabricated logs; there would be no combustible materials.

Chair Ross invited public comments, and there were none.

Vice Chair Harrell offered support for the exterior lighting plan and fixtures, including the two proposed lights at the 12-foot great room sliding door and the entry door.

Commissioner Breen stated that the proposed landscaping and development of the property appeared excessive. With the expansion of the initial house remodeling project to a larger project now before the ASCC, she advised that the Commission reviews the entire project as a whole, and that included the existing trees and vegetation on site. She supported removal of the existing pine trees and other non-native trees immediately and replacement of the fence along Westridge Drive to meet Town regulations. She noted that one of the lights proposed at the cottage's entry door should be eliminated and urged the applicant to carefully consider the proposed lighting plan for adequate safety and use needs prior to submittal of the building permit. She would like to see a detailed landscape plan.

Ms. Malloy advised that the owners are respectful of the Town development guidelines, and that the landscape improvements consist only of repairing and replacing existing structures including the fire pit, swimming pool, patio pad, and tiered railroad tie steps.

Commissioner Clark offered support for the proposed cottage. He stated that the existing fence along Bow Way should be removed from the right-of-way and placed on the property. He suggested the immediate removal of at least 50 percent of the pines, which would enable the new plantings better growth opportunity. He also supported the removal of the acacias on the upper part of the driveway. He recommended a more detailed landscape plan addressing the eventual removal of the solid wood fence along Westridge Drive.

Commissioner Koch stated that one light should be eliminated from the cottage entry door, but that two lights are acceptable as proposed at the 12-foot great room door. She said that the existing fencing along Westridge Drive should be replaced to conform with Town regulations. She agreed with Commissioner Breen that the final planting plan should be less dense and that a full arborist report should be submitted.

Chair Ross encouraged immediate removal of at least some of the pine trees, which should be indicated on the final landscape plan. He supported the revised proposed fencing presented by Mr. Blanz, and stated that the board fence along Westridge Drive should be removed or brought into compliance with Town regulations. He advised that this could be timed to occur at the end of the project when more planting is in place.

Vice Chair Harrell moved to approve the project subject to the conditions stated in the staff report and including the following additional conditions:

1. A final, detailed planting plan shall be submitted to the satisfaction of a designated ASCC member prior to building permit issuance. This plan shall identify removal of at least 50% of the existing pine trees within the front setback area along Westridge Drive.
2. A comprehensive lighting plan that includes all existing and proposed building exterior and site lighting shall be submitted for review by a designated ASCC prior to building permit issuance.
3. The existing six-foot post and wire fence along the Bow Way right-of-way shall be removed prior to final inspection of the project.

4. The existing six-foot solid board fencing located within the front setback area along Westridge Drive shall be removed or rebuilt to conform to the Town's fencing regulations, prior to final inspection of the project.

The motion was seconded by Commissioner Koch, and passed (5-0).

(c) Amendment to Section 18.64.010 of the Zoning Ordinance – Referral of Projects for Architectural and Site Plan Review.

Chair Ross introduced the proposed amendment to the zoning code that would allow the Town Planner to raise any building permit up to ASCC level review. He noted that the draft small projects policy developed in 2013 will continue to be used as a guiding document to flag projects containing unusual features that may warrant ASCC review.

Ms. Pedro added that the Town Attorney has advised staff that the policy needed to be officially codified in an ordinance. She asked the Commission to review the ordinance language and make any changes they deem necessary and provide a recommendation or approval to be taken to the Planning Commission and City Council. Discussion ensued.

The Commission unanimously supported the amendment as presented.

(d) Discussion of Driveway Surface Requirement (Section 15.12.310 of the Site Development Ordinance)

Ms. Pedro reported staff's findings regarding the Town's requirement for driveway surface materials – that the first 20 feet of driveway from the edge of the road must be paved with asphalt or concrete. Ms. Pedro said this requirement was approved in 1983 as part of the site development ordinance amendment. The requirement was proposed by the traffic committee with the intent to provide better traction for cars entering the public street and to reduce the amount of dirt and gravel tracking on public streets due to maintenance concerns.

Commissioner Breen said 20 feet is extensive and she would prefer gravel all the way out to the road rather than an asphalt apron because there should be a balance between street maintenance and sustainable practices to allow water to permeate into the earth. Vice Chair Harrell said loose rock was also difficult for cyclists. Chair Ross said if a natural or gravel driveway is not maintained, and there is an abrupt asphalt edge, it can break up quickly and cause damage to the edge of the road. Commissioner Breen recommended reducing the required asphalt to 15 feet, with private property areas outside the 15 feet being exempt from the asphalt requirement. Ms. Pedro said she will discuss the issue further with Public Works.

(6) COMMISSION AND STAFF REPORTS:

Ms. Pedro advised that on 4/22/15, the Town Council unanimously approved the Alpine Road retaining wall project with the steel I-beam and wood lagging option. She stated that field changes, where warranted, may result in a short wall.

Chair Ross advised that he had reviewed revisions to fencing and exterior lighting for 140 Pinon Drive.

Commissioner Breen advised that she had reviewed landscaping changes for the Priory's Benedictine Square.

(7) APPROVAL OF MINUTES: March 23, 2015. Commissioner Breen moved to approve the March 23, 2015, minutes as submitted. Seconded by Vice Chair Harrell, the motion passed (5-0).

(8) ADJOURNMENT 9:40 p.m.