



Staff Report

Date: December 18, 2013
To: Mayor Beach Kuhl and Council Members
From: Elise Semonian, Senior Planner
Subject: Qvale, 2 Upper Road West, Amendment to Approved Plans, File No. 1899

Recommendation

Town Council approve the amendment subject to the findings and conditions of the October 8, 2012, approval with the revised indemnity condition in the staff report.

Project Summary

Owner: Jeff and Kim Qvale
Location: 2 Upper Road West
A.P. Number: 73-062-12
Zoning: R-1:B-5A (Single Family Residence, 5-acre minimum lot size)
General Plan: Very Low Density (.1-1 units per acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)
Draft Flood Zone: Zone X (outside 1-percent annual chance floodplain)

Public hearing to consider an amendment to the design review, hillside lot permit and variance application approved by the Town Council October 8, 2012. The applicants request approval to extend an approved patio area further into the north/rear yard setback. The proposed patio would be no closer to the property line than the patio area that existed prior to the start of construction.

Gross Lot Area	74,487 square feet	
Existing Floor Area Ratio	10,047 sq. ft.	13.5%
Approved Floor Area Ratio	10,114 sq. ft.	13.6% (15% permitted)
Existing Lot Coverage	10,467 sq. ft.	14.1%
Approved Lot Coverage	10,942 sq. ft.	14.7% (15% permitted)
Existing Impervious Areas	19,143 sq. ft.	25.7%
Proposed Impervious Areas	16,721 sq. ft.	22.5%

Background and project description

See prior staff report, attached.

The applicants received Town Council approval of landscape improvements on October 8, 2012. The applicants obtained a building permit for modifications to the residence, which were not considered by the Town Council, on December 10, 2012. The building permit was upgraded to include the Town Council approved landscape work on July 18, 2013. The 18-month construction time limit ends June 10, 2014 (with 30 days grace period before penalties begin to accrue).

The applicants request approval of fairly minor modifications to the landscape plans, including modification of the approved driveway material and reconfiguration of the pool patio area within the setback. The project would not increase impervious surfaces over existing conditions. The proposed patio area is largely where the patio was prior to the start of construction. However, since the patio area will be further into the required setback, Town Council approval is required. The modification would not decrease screening landscaping or increase noise for the adjacent site, which is developed with a residence and pool at a higher elevation. The applicants indicate the modification of the driveway material will expedite completion of the project.

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit, and associated impact fees, which are based in part on the valuation of the work proposed. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301, existing facilities. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, staff reports, correspondence, and other information contained in the project file, approve the project based on the findings and subject to the conditions of the October 8, 2012 project approval, with the following amended indemnity condition:

The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents,

officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys’ fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Attachments

1. Minute history for project
2. Prior staff report
3. Material submitted by applicant