

C. STAFF BRIEFING

Planning Manager Watrous reported that the first two items for 561 Silverado Drive and 48 Red Hill Circle have been continued to the September 2, 2004 meeting at the requests of the applicants. He added that the recent denial for 100 Lyford Drive has been appealed and has been scheduled for the October 5, 2004 Town Council meeting.

D. NEW BUSINESS BEFORE THE BOARD

- 1. 561 SILVERADO DRIVE MCCULOUGH, ADDITIONS:
CONTINUED TO SEPTEMBER 2, 2004**
- 2. 48 RED HILL CIRCLE SCHWARTZ GARAGE: CONTINUED TO
SEPTEMBER 2, 2004**
- 3. 761 HILARY DRIVE ST. HILARY CHURCH, EQUIPMENT/FENCE/
VARIANCE**

The applicant is requesting design review approval to legalize the as-built installation of transformer equipment and the construction of lattice additions to an existing wooden fence on property located at 761 Hilary Drive. The property is occupied by a church and school (St. Hilary Catholic Church). The proposed fence addition would extend the height of the fence along the side property line from its current height of six feet to a maximum height of eight feet. As the maximum fence height within a required setback is six feet, a variance is requested for excess fence height.

Bill McLaughlin, representing St. Hilary Catholic Church, stated that the utility boxes were initially set back extensively from the street, but PG&E then required the boxes to be within fifteen feet of the street. He said that a PG&E representative had recommended moving the equipment closer to the side property line, so the equipment had been moved to its present location. He stated that church representatives had met with the neighbor next door at 745 Hilary Drive and they had all agreed that the church would supply a tree and latticework to screen the equipment. He said that since then, the neighbor has decided she would like the lattice to go higher, to a height of 8 feet. He stated that other neighbors along the street would be unable to see the equipment.

Chair Beales stated that he was concerned that this request was coming after the fact. Mr. McLaughlin responded that this happened six or seven months ago, and Staff did not realize it until an inspection was done on the equipment. He acknowledged that the Church had not notified the Town that the box was moved.

Boardmember Bird asked why PG&E had recommended that the equipment should be moved to edge of property. Mr. McLaughlin responded that PG&E has trucks to pick up switch boxes if they have to be moved, but only within 15 feet of the street.

Planning Manager Watrous noted that equipment like this generally falls under the umbrella of “landscape features” which do not require setbacks, rather than other buildings that must comply with the setbacks.

Susan Seitas Maggiora, the daughter of the next door neighbor, stated that since the structure was built her mother has complained about it. She felt that the equipment looms over the property by a good amount. She noted that the submitted plans only call for a lattice extension along 20 feet of the fence; she thought that such fencing would look tacked on, like an afterthought. She asked that the lattice extend the distance of the east-west fence. She said that she had researched PG&E requirements for the setbacks for this type of equipment, and believed that the equipment is required to be set back further from the property line. She also thought that the lattice should be higher to properly screen the equipment.

Fred Maggiora, son-in-law of the neighboring property owner, stated that he is in the electrical business and that a greater setback is necessary for this equipment. He questioned the location of the equipment, noting that this is a seven-acre lot, with the equipment placed far from the buildings on the site. He felt that it was unjust to have this equipment encroach upon a neighbor’s lifestyle. He asked that the equipment be installed in its original location.

Mr. McLaughlin stated that he had not spoken with Ms. Maggiora before. He said that the landscape architect for the project met with the neighbor, who signed off on the plans. He said that the neighbor had suggested the fencing solution and selected the tree to be planted, but if she wanted the fence longer or a different design, that would be acceptable. He stated that the church had not set out to take advantage of the neighbor. He noted that the original equipment location was on higher ground and would have been more visible from the neighbor’s front porch.

Boardmember Figour asked if it is possible to extend the fence to enclose the equipment. Mr. McLaughlin responded that PG&E would not permit heavy trees to be planted next to the lattice, but can put up vines. He said that the fence parallel to the front would be six feet in height.

Planning Manager Watrous stated that the Board could extend the length of the fence, under the current notice, but a fence taller than eight feet would require a variance notice for the taller height.

Boardmember Figour stated that the proposed fencing does not do the job completely. He said that he met with the neighbor, who had asked that the fence be higher and longer so she would not see the top of the equipment. He said that the top of the equipment would be about a foot above an 8 foot tall fence. He concurred that that other equipment locations would be more unsightly, in the absence of some sort of screening. He did not see a compelling reason to move the equipment to another location on the site. He felt that the fencing and screening needs to be rethought, and should be higher and longer

Boardmember Bird stated that the fence should be higher to completely cover the equipment, and that it would be better to have the equipment further away from the side property line. She felt that it was unfortunate that someone did not speak on the neighbor's behalf when the equipment was moved to its current location. She said that the fence should be uniform on that side and should be high enough to hide the equipment.

Chair Beales stated this is a nasty application because he would have denied the new equipment location had it come before the Board properly before it was installed. He said that the Board was in a Catch22 situation, and noted that this is the second time an after-the-fact application had been presented by the church. He supported an extension of the elevated portion of the fence, but felt that the whole thing stinks.

Boardmember Bird stated that the neighbor was taken advantage of, and said that the project should have been brought to the Town beforehand.

Boardmember Figour stated, at this point, he cannot see moving the equipment, but felt that the fence should be higher.

Chair Beales added that the fence would not have to be taller if the equipment had been installed in its original location and with landscaping,.

Planning Manager Watrous reiterated the Board could approve only an eight-foot-high fence at this hearing. However, if the Board can select a height, Staff could adequately notice the request for the September 2, 2004 hearing.

M/S, Figour/Bird (passed 3-0-2) to continue this application to the September 2, 2004 meeting, to allow time to re-notice the variance with a fence up to ten feet in height and a length adequate to address the neighbor's concerns.

F. APPROVAL OF MINUTES #13 OF THE 08/05/04 DESIGN REVIEW BOARD MEETING

Changes include:

Page 3, 3rd paragraph, 2nd line, to state, "...could not be enclosed as and would be have to opened up..."

Page 4, 3rd paragraph, 5th line, to state, "...would be to ~~take a~~ replace the railing..."

Page 6, 8th paragraph, 3rd line, to state, "...some of the Reedlands homeowners..."

Page 7, 1st paragraph, 4th line, to state, "...run into the water table below ~~on~~ this property."

Page 7, 6th paragraph, 2nd line, to state, "...the proposed house would **only** blockage a small portion..."

Page 7, 8th paragraph, 5th line, to state, "...for the future fence ~~area~~ **height** is reviewed by the Board."

M/S, Figour/Bird (passed 3-0-2) to approve the minutes as amended.

G. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.