

Memorandum



Date: July 3, 2002

To: Board of Supervisors

From: Alan L. Seltzer, Chief Assistant County Counsel

Subject: Facilitation Report
Urquidez Commercial Building and Grading Permit Appeal
Case No. 02APL-00000-00007

The facilitation meeting in the above referenced appeal was held on June 27, 2002, at the law offices of Hatch & Parent. As discussed below, the meeting successfully resulted in a consensus recommendation to your Board to resolve this appeal by lowering the building height by 3.5 feet, with at least 2 of those feet accomplished by reduction in the elevation of the building pad.

Attending the meeting were applicants Chris Urquidez, Julie Urquidez, Tony Urquidez, their architect, Evan Jones, and counsel, Susan Petrovich. Los Olivos Improvement Association members Greg Steele, Marion McGlone, Bob McGlone, Richard Crutchfield, attended for appellants, with their attorney, Derek Westen.

Mr. Westen focused the meeting on appellants' desire to see the proposed commercial design modified to reduce its size, bulk and scale. He stated that appellants did not contest commercial development of the parcel or the proposed architectural design for the building. Instead, appellants' objection was that the proposed building was not designed with sufficient concern for the sloped topography of the parcel and that the pad for the two-story building was too high. Appellants believed that because the building would be placed on an elevated pad, it would be higher than other buildings facing San Marcos. They stated their desire that the building be constructed at the same level as other commercial buildings on San Marcos Street. Mr. Westen proposed three options for the applicant's consideration: eliminate the second story; reduce the second story size; or lower the pad elevation.

The applicant indicated he was willing to discuss the third option. His architect, Evan Jones, initially explained that the proposed building pad would be about 6 to 7 feet above San Marcos. There is a 30-foot high Valley Oak on the pad that would be saved as part of the design. There was concern expressed that further lowering of the pad would cause loss of the Valley Oak.

The parties then engaged in a discussion about the fact that several changes had already been made to the second story design to reduce view impacts to neighbors' properties. There was also discussion about visualizing the effect of changes to the site as a result of the project. The parties agreed that the slab for the first floor of the proposed building would be 7.5 feet higher than the centerline of San Marcos St., and that the existing topography would be changed as the building pad area would be lowered 2 feet as a result of the project.

The parties then discussed various proposals to further lower the pad. As a result of those discussions, the applicant made the following proposal to resolve the appeal. He stated that he would lower the pad elevation another 2 feet so that the building pad elevation would be 5.5 feet above San Marcos Street. He also proposed to take 1 foot out of the first story so that the storage area would be 9 feet instead of 10 feet, thereby cumulatively reducing the building height by 3 additional feet. In the following discussion, the applicant emphasized that the subject parcel is transitional, both in zoning designations from commercial to residential areas, and in topography, by sloping down from Jonata Street. The applicant stressed that the building was designed for the topography of the property; that if the project parcel was required to be level with San Marcos Street, the cut would create a severe cliff creating drainage issues and requiring a retaining wall at both Jonata and along the alley in back of the property.

After much hard work, the parties agreed to resolve this appeal and recommend that your Board approve a modified project that would result in the lowering of the overall height of the building by 3.5 feet, with at least 2 of those feet being achieved by reduction in pad elevation. The applicant's architect, Mr. Jones, agreed to provide P&D with revisions to the project description for the land use permit so that your Board could approve this project at its July 2, 2002 meeting consistent with this facilitated recommendation. P&D will present the necessary changes at the hearing.