



MEMORANDUM

TO: Architectural Review Committee

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Substantial Conformance Determination for Conditional Use Permit 21-005; Location – 211 E. Branch St.; Applicant – Eric and Jill Von Berg; Representative – Jennifer Martin

DATE: June 20, 2022

SUMMARY OF ACTION:

A determination of substantial conformance will allow for building permit issuance to construct the revised project.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

No financial impact is projected.

RECOMMENDATION:

It is recommended that the Architectural Review Committee (ARC) review the proposed revisions to the project and make a substantial conformance determination.

BACKGROUND:

On September 7, 2021, the Planning Commission approved a Conditional Use Permit for a 2,541 square foot addition to the existing structure and establish an art gallery and wine tasting collective at the subject property. The approval was appealed to the Planning Commission and on November 9, 2021, City Council considered and denied the appeal of the Planning Commission's approval. Denial of the appeal established the size, scale, massing, height, and use of the new commercial building. Council's approval included the addition of a condition that required the applicant return to the ARC for review of the architectural details to ensure consistency with the Village Design Guidelines.

After Council's approval, the applicant refined the project details and submitted plans for review by the ARC at the meetings on February 7, 2022, February 14, 2022, and February 28, 2022. The project details returned to the ARC for consideration on March 21, 2022 after obtaining direction from the ARC. Project revisions including a change of the cladding material to horizontal lap siding and stone, use of a uniform window size, and

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revisions to the storefront design were viewed favorably by the Committee. The meeting concluded with a motion to tentatively approve the project subject to three minor changes that would be reviewed by the Committee at a future meeting. The first change requested involved centering the second story parapet over the main entrance, consistent with the Western-style theme recommended by the ARC. The ARC also requested that the project propose painting the trellises, planters, water features, and low stucco wall at the Branch Street frontage a dark charcoal color. Finally, the ARC asked the applicant to consider increasing the size of the proposed windows to achieve a better balance of fenestration to wall area. The motion passed with a 2-1 vote, with two Committee members absent. The ARC requested that the applicant submit plans with the project details revised as provided in the motion, for a final review and approval. The applicant returned at the April 4, 2022 meeting having implemented the changes requested by the ARC and obtained final approval of the project details. The approved plans are included as Attachment 1.

ANALYSIS OF ISSUES:

Project Description

After receiving an approval from the ARC, the applicant began the task of preparing construction documents to make an application for a building permit. During that process it became evident that the projected costs would exceed the budget for construction. As a result, the applicant is proposing revisions to the design to make construction of the project feasible (Attachment 2). The most significant revision to the design is the elimination of the rooftop deck. Without this feature, it also eliminates the need for the elevator, rooftop bathrooms, and exterior staircase. The applicant has also proposed to eliminate the stone wainscot on the north and east elevations to further reduce costs. The purpose of this hearing is to assess the revised design and make a determination whether the revisions are in substantial conformance with the original approval.

Eliminating the elevator shaft reduces the height of the building from 27 feet to 22 feet 4 inches, a reduction of nearly five feet (5'). The rooftop trellis and patio furniture that would otherwise be on the roof are also not proposed in the revised design, as there is no need for them without this feature. Eliminating the exterior staircase creates a blank wall where the staircase would be located and also creates a void in the courtyard area. A mature olive tree is proposed to be located in the void left by the staircase to soften the elevation and add to the courtyard ambiance. The scale and mass of the proposed structure, with the elevator shaft and rooftop deck trellis and furniture were found to be in compliance with the Design Guidelines with the approval from City Council. Eliminating these elements reduces the massing of the building, consistent with the neighboring buildings as required by the Design Guidelines. The floor area where the elevator would have been located would be replaced with a mechanical lift and the remainder of the space could be used as additional gallery space. The rooftop planters are shown to remain for possible use in the future.

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Image 1: Proposed South Elevation

The wainscot on the north and east elevation has been included in each iteration of the design since the approval from City Council, albeit with different materials and varying widths. Quarried stone and horizontal wood siding were approved by the ARC as the exterior cladding materials and were determined to be consistent with the Village Design Guidelines. The wainscot detail was found to be consistent with the Design Guidelines, but is not required by them. The full height stone veneer is proposed to remain around the rear entrance, but the stone wainscot along the bottom portion of the wall would be eliminated, as seen in Image 2 below.



Image 2: Proposed North Elevation

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The removal of the stone wainscot along the east elevation would result in a wall clad with only horizontal wood siding. The existing fence along the eastern property line may remain, which would have hidden nearly all of the wainscot that was approved along this elevation.

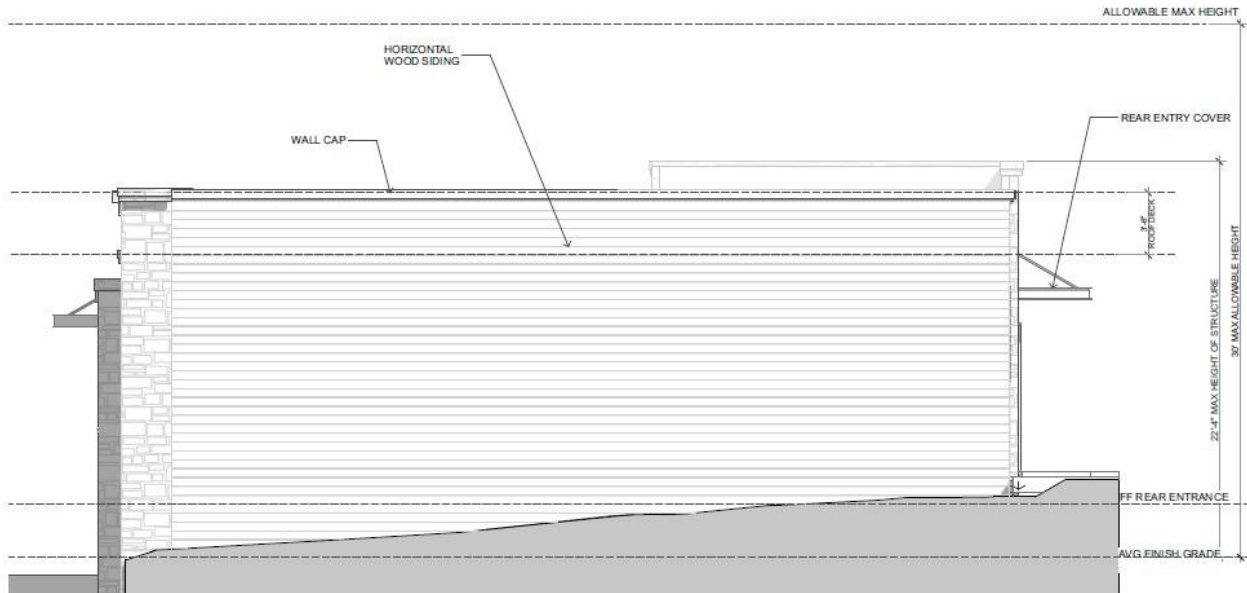


Image 3: Proposed East Elevation

Next Steps

An approval from the ARC will modify the entitlement by removing the rooftop deck from the project description. In the event that the applicant wants to add the rooftop deck with its amenities and associated infrastructure, the applicant will need to submit a future application to amend the conditional use permit.

ALTERNATIVES:

The following alternatives are provided for the ARC's consideration:

1. Make a determination that the project, as modified, is in substantial conformance with the existing entitlement; or
2. Make a determination that the project is not in substantial conformance with the existing entitlement and require an amendment to the entitlement; or
3. Provide other direction to staff.

ADVANTAGES:

A determination of substantial conformance would provide flexibility for the applicants during a time of economic uncertainty and allow the project to move towards construction. The revised project also removes an aspect of the project that was controversial during the entitlement process.

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DISADVANTAGES:

Review of the project modifications will be limited to the ARC if the project is found in substantial conformance of the entitlement.

ENVIRONMENTAL REVIEW:

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and was determined to be exempt from the provisions of CEQA pursuant to Section 15332 for projects consisting of infill development. A Notice of Exemption was recorded on November 10, 2021 after the project was approved by the City Council on appeal. The ARC's determination regarding substantial conformance will not affect that exemption.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. Members of the public that submitted public comment during the appeal process have been notified of the ARC meeting to consider substantial conformance.

Attachments:

1. Approved Plans from the April 4, 2022 Architectural Review Committee Meeting
2. Proposed Plans
3. Applicant Letter