



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

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**TO: PLANNING COMMISSION**

**FROM: PLANNING STAFF**

**SUBJECT: CONDITIONAL USE PERMIT CASE NO. 06-CUP-008 AND OAK  
TREE PERMIT CASE NO. 06-OTP-017 (EDWARDS)**

**DATE: SEPTEMBER 20, 2007**

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**I. BACKGROUND AND DISCUSSION**

On April 5, 2007, the Planning Commission held a public hearing for Steve and Marguerite Edwards' Conditional Use Permit request (Case No. 06-CUP-008) to construct a 5,593 square foot, two-story, single-family residence with a 919 square foot attached garage, a swimming pool, and a 1,446 square foot detached garage and barn. An Oak Tree Permit (Case No. 06-OTP-017) was also requested to allow possible encroachment within the protected zone of one (1) Oak tree for the proposed construction on the northeast corner of Balkins Drive and Lapworth Drive.

The Planning Commission continued the public hearing to the May 17, 2007 Planning Commission meeting and requested that the applicant address the design-related recommendations of the Planning Commission, which included the following: 1) Potential impacts to the neighbors; 2) Appearance of residence from Lapworth Drive; 3) The barn location, its size and its proximity to the street; 4) Number of driveways and their surface material; 5) A barn survey; and 6) Story poles. The applicant requested, and was granted, three separate continuance requests in order to allow for more time to address the issues raised by the Planning Commission.

On August 2, 2007, a second public hearing was held by the Planning Commission for this project. The Planning Commission expressed concern regarding the proposed size of the residence and the potential visual and privacy impact of the proposed second-story studio located above the attached garage. The Planning Commission continued the public hearing to September 20, 2007 and requested that the applicant redesign the project to address these issues for greater neighborhood compatibility and adequate privacy for the adjacent neighbor to the east of the subject property. The project staff report and meeting minutes from the August 2, 2007 Planning Commission meeting are attached for reference.

## **II. STAFF ANALYSIS**

As requested by the Planning Commission, the applicant has redesigned the project for the Planning Commission's consideration. Specifically, the applicant has reduced the size of the house from 5,593 square feet to 5,376 square feet (3.8%). Approximately 217 square feet has been removed from the residence. The attached three-car garage has been reduced by 9 square feet, from 919 square feet to 910 square feet. The proposed size of the detached barn/accessory structure has not been changed.

In order to minimize the visual impact of the studio above the attached garage, as viewed from neighboring properties and Lapworth Drive, its size has been reduced 41 square feet, from 347 square feet to 306 square feet. Specifically, the second-story studio has been setback 3 feet from the first floor, and its overall height has been reduced 2 feet (the garage ceiling height decreased 2 feet). The shed roof has slightly been raised between the studio and the garage at the front (garage) elevation to further mitigate the visual impact, yet retain the architectural integrity of the house design. The window on the east elevation of the studio has also been eliminated to help provide privacy to the neighbor's property to the east.

The Engineering Department and the City Oak Tree/Landscape Consultant have reviewed the revisions and have not modified their original draft conditions included in the draft Resolution.

## **III. RECOMMENDATION**

If the Planning Commission desires to approve Conditional Use Permit Case No. 06-CUP-008 and Oak Tree Permit Case No. 06-OTP-017, staff has prepared a draft Resolution and conditions for the Planning Commission's approval.

## **IV. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Exhibit A: Letter from Steve and Marguerite Edwards
- Exhibit B: Rendering of Residence
- Exhibit C: Reduced Photocopies of Plans
- Exhibit D: Planning Commission Minutes for August 2, 2007
- Exhibit E: August 2, 2007 Staff Report
- Exhibit F: Vicinity Map

Case Planner: Renee Madrigal, Assistant Planner