



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes – Draft

Hillside Building Committee

Wednesday, October 14, 2020

8:00 AM

Town Hall Boardroom

Committee Members

1. CALL TO ORDER

Chair Jarson called the meeting to order at 8:00 AM.

Present 5 – Chair Scott Jarson
Member Scott Tonn
Member Daran Wastchak
Member Pamela Georgelos
Member John Wainwright

STAFF MEMBERS PRESENT

Hillside Development Planner Jose Mendez
Hillside Development Administrator Hugo Vasquez
Community Development Director Lisa Collins
Planning Manager Paul Michaud

2. EXECUTIVE SESSION

3. APPLICATION REVIEW

- A. 20-397 Combined review for a new driveway, patio, pool, and other exterior amenities at 7000 N Mummy Mountain Road (APN 169-06-007D).**

Hugo Vasquez provided an overview of this proposal to construct a new driveway, raised pool with a storage room underneath, and additions to the rear patios. Disturbance will be maintained on the lot at net zero by doing restoration work on the driveway and adding retention. He shared that the pool deck would drain to a storage tank and off-site along the driveway. Mr. Vasquez addressed lighting and materials, such as exposed aggregate concrete and tara beach patio tile. The home will be repainted and the gates will match. The proposed pool finish will use glass and tile materials.

Matt Krison, an architect representing the applicant, presented a plan to reintroduce fill and resurface a steep and unsafe driveway. He planned to visually improve the entrance and expand the patio deck with a pool and storage room below. The existing color of the home would match the new color, and a glass handrail would be added around the pool to comply with code. Mr. Vasquez noted the presence of an

existing non-conforming accessory structure which exceeded the height limit but would remain on the lot.

Mr. Vasquez explained that the existing home exceeded the height limits to the North, but the proposed construction will fit within the allowable limit.

Mr. Krison and Civil Engineer Nick Prodanov discussed improving driveway conditions by introducing vertical curves and resurfacing. They planned to intercept the traditional water runoff with a series of drains connected to underground retention tanks, detaining the water and slowly releasing it through pipes downstream. The current outflows would not change but reduce the intensity of the outfall during a major storm event. Finally, they would balance the site, making it more of a gradual slope, provide driveway profiles, and cross sections for construction purposes.

Mr. Krison showed existing photos of a court area and pointed out an area that was steep and dangerous. He mentioned that the goal was to level the area out and make it safe for visitors.

Chair Jarson asked if any work would be done on the roof during the restoration.

Mr. Krison explained that they were not modifying the existing roof but expanding the roof canopy of the adjacent patio. He also explained that the surface of the roof would be painted with an elastomeric coating to match and the vertical surface would be stuccoed to match the existing residence.

Mr. Vasquez addressed compliance of the roof color and Chair Jarson suggested that the construction be code compliant, including the entire surface code compliant.

Mr. Krison explained that the disturbed area were less than or equal to the allowable area, and they would resurface the existing driveway with minor areas outside of the drive being restored to their natural state.

Chair Jarson expressed concern about the restoration of spill areas around the driveway during construction. He suggested adding native seed mix to preemptively address any accidental disturbance.

Mr. Prodanov agreed and suggested adding to the landscape plan.

Mr. Vasquez suggested adding a note to the permits that the area would be reseeded with s native seed mix and small bushes to keep topsoil in place.

Mr. Krison agreed with the benefit of vegetation to keep topsoil in place.

Chair Jarson asked if the existing pool would be modified.

Mr. Krison replied that there were no plans to modify the pool.

Member Tonn asked if the calculations for the net-zero impact had been verified.

Mr. Vasquez responded that the calculations were provided on the civil plans and verified by Mr. Prodanov.

Mr. Krison provided a graphic that supplemented Mr. Prodanov's calculations and clarified that his calculations are not additional but complementary.

Member Tonn asked whether all buildings need to be brought into compliance.

Mr. Vasquez explained that compliance for all buildings is not required unless the project crosses the \$500,000 threshold on the building permit evaluation.

Member Wastchak inquired about how to get to the existing pool from the main house.

Jim Chamberlain, the applicant, explained that there were about 40 or 50 steps from the pool house up to the main floor of the house.

Member Wainwright asked about the ownership of the lower part of the driveway, owner by Camelback Inn. He wondered if the disturbance area calculation included that portion of the driveway.

Mr. Krison confirmed that no disturbance occurred outside of the property line.

Member Wainwright asked if the Town reviewed the easement to ensure good access to the property.

Mr. Vasquez replied that he and Mr. Michaud had looked up the deed and found the easement.

Member Wainwright requested that the applicant provide the actual easement for confirmation.

Mr. Chamberlain offered to provide the ALTA survey.

Member Georgelos expressed concern about the easement not being part of the parcel under review and suggested verifying it.

Mr. Chamberlain assured them that he had all the necessary documentation to alleviate their worries.

Commissioner Wastchak asked about the history of the water tanks and the road and whether EPCOR had any responsibility for the maintenance of the road.

Mr. Chamberlain answered that the road was primarily built for the tanks and that EPCOR had an easement there for ingress and egress purposes, not only for the road but for water lines as well. He added that all the documentation stating the maintenance obligations of the roadway included that EPCOR would come to him first if the road deteriorated.

Chair Jarson asked whether they needed to stipulate the documentation for the maintenance obligations of the roadway or assume that it would be part of the issuance of the permit.

Mr. Vasquez answered that it should be part of the permitting process.

Member Georgelos asked about the concern with the lights on the property, and Mr. Vasquez replied that they were all pointing down.

There was no public comment.

A motion was made by Chair Jarson, seconded by Member Wainwright, to approve the application with stipulations 1 to 12, with an additional stipulation to add landscape notes indicating a restoration plan for any spill slopes or accidental disturbance areas. The motion carried with the following vote:

Aye: 5 – Chair Jarson, Member Tonn, Member Wastchak, Member Georgelos, Member Wainwright

B. 20-398 Combined review for modifications to the previously approved single family residence plans at 5564 E Palo Verde Drive (APN 172-47-058C).

Mr. Vasquez provided an overview of the item on a property containing an 8,800 sq ft residence which is mostly completed. The original lighting plan was addressed and changes were made to reduce invasive lighting, such as replacing LED strip lights with directional can lights. Bigger changes were noted in the narrative, such as the non-compliance plaster finish color and pool tile change to a lighter color. Mr. Vasquez shared that his biggest concern was the visibility from the neighborhood.

Drew Bausom, an architect representing the applicant, explained that they were hoping the committee would allow them to maintain the colors of the soffit and patio, which had unfortunately been changed during construction. He stated that they had walked and driven around the neighborhood and found that the property was not visible from anywhere off-site. Further, the only way to see the patio area was by standing on the pool patio. He requested that they be allowed to maintain the colors since they were meeting the intent of the hillside ordinance and the surfaces were not visible off-site.

John McLinden, the applicant, argued that the pool deck tile and the underside of the overhang adjacent to the pool deck did comply with the general goals, purposes, and criteria of the Hillside ordinance. The noted purpose of the ordinance was to minimize the impact of development from viewpoints on the valley floor and adjacent slopes, and in this case, the deck and the underside of the canopy could not be seen from any adjacent property except for a small outdoor shower area. He argued that the materials used for exterior surfaces such as structures, walls, roofs, and fences should blend in with the surrounding natural setting to avoid high contrast, but the ordinance did not specifically mention the deck surface. He requested that the Committee consider and approve the pool deck stone and the color of the overhang underside adjacent to the deck.

Chair Jarson acknowledged the house as a fine structure with beautiful and elegant elements. He did, however, note that a deck or soffit could not be excluded as part of the structure; therefore, the Committee had regulatory powers over them. He explained that variations from the approved material board were not part of the permit approval and that it was a common issue that owners didn't understand the scope of material approval.

Mr. McLinden responded by acknowledging that he and his wife picked the materials and were not aware of the architect's choice of different materials. He also agreed that the surface in question was not mentioned in the building materials list but believed they met the intent of the code.

Member Georgelos noted that what was previously approved by the Committee was not consistent with what was being presented now and that the Committee needed to decide whether to approve it or not.

Member Tonn expressed concerns about the surface of the stair and deck because the Committee was not consulted before the materials were installed

Member Wastchak agreed that the Committee would not have approved the deck in its current state. He was not prepared to approve the deck as it was. He asked whether neighbors had any concerns, as he cared about their opinions.

Andy Byrnes, an architect for the project, explained that he had checked the Light Reflction Value (LRV) of the stone when they made the change and it had met the requirements. However, when the stone was delivered after a 16-week wait, it came out lighter than expected. He had discussed whether to use it and had decided to do so because it was already paid for and could be stained if necessary. As for the soffit, Mr. Byrnes noted that he had been using exterior matching white-ish soffits for years in Hillside developments and it had not occurred to him that it might be an issue. He acknowledged that the final review process had become more rigorous and that he was now more cautious about any small changes and reported them to the Town as they went.

Member Wastchak clarified that he would have been fine with the soffit being the same color as the interior to create a smooth transition, but he had concerns about the stone on the deck. He believed there was ample time to consult the Committee before the material was installed.

Mr. Byrnes clarified that the change in stone was not intentional but a result of the natural variation in the material. Mr. McLinden agreed.

Chair Jarson asked is the cream stone sample met Light Reflction Value (LRV).

Mr. Byrnes confirmed that it did, but stone from the quarry varied.

Chair Jarson stated that the change in stone on the deck was significant and should have been run by the staff. He mentioned that the Committee would never have approved a light cream tile on a surface deck in any Hillside application. Additionally, and the white soffit had come up before and had been modified before approval. He had visited the site and wanted to come up with a realistic solution to become compliant, but it was challenging because the changes differed so greatly from the original application.

Mr. McLinden asked whether the intent of the code was met if the deck could not be seen from any surrounding roadways, valleys, or other homes. He clarified that he was not arguing that the material was code-compliant but suggesting that there was no harm if no one could see the deck.

Member Georgelos expressed that the non-compliant stone was a significant issue. She suggested exploring options to make it more compliant, such as staining the stone or darkening the underlying overhang. She asked whether the applicant had explored staining the stone and if it was an unreasonable hardship.

Mr. McLinden explained that staining was possible but raised concerns about the aesthetics and durability of the stain. He proposed keeping the case open for a temporary period, during which the Committee could monitor the deck and reopen the case if anyone complained.

Member Wainwright expressed his preference for a single color on the underlying

overhang and asked whether the overhang covered some of the deckings. He noted that staining the deck could result in a different weathering pattern than the completely exposed stone, and he had had bad experiences with staining products in the past.

Chair Jarson expressed frustration with the non-compliant stone, stating that it had been a material decision made without approaching Town Staff or the Committee. He highlighted the issue of fairness and mentioned seeing a stained sample of the product. It was noted that the Light Reflection Value (LRV) change was minimal, and it wouldn't have been worthwhile to stain it.

Mr. Byrnes admitted to not realizing the requirement to communicate any changes made to the material board.

Member Georgelos reinforced the material board's significance and the Committee's purpose and that there should have been communication with staff.

Mr. Byrnes acknowledged the staff's position and the potential for poor decision-making.

Member Georgelos mentioned that mitigation was necessary at that point and considered the visibility and location of the non-compliant stone.

Member Wastchak took the stance that forgiveness was necessary since the stone wasn't visible to neighbors, and there were no complaints. However, he acknowledged that the stone would need to be fixed or replaced if it were visible or causing issues for neighbors.

There was no public comment.

Member Tonn asked Mr. Vasquez to bring up an aerial shot of the courtyard area where the pool was located. He asked Mr. Byrnes about visibility from the west and learned that there was a wall and a glass enclosure. He tried to understand if something specific about this home justified the non-compliant stone. He noted that the courtyard was unviewable from ground level and the surrounding houses, and therefore, it could be considered a courtyard. Finally, he tried to figure out how the Committee could approve the stone without challenging the authority of the group to make decisions about surfaces outside the homes in the future.

Member Georgelos suggested that photography be taken to prove that the non-compliant stone was not visible and that the area could be defined as a courtyard. She also acknowledged the difficulty of the situation and the potential for a slippery slope in future applications.

Mr. Byrnes mentioned that the courtyard was not reviewed from the same standard as the exterior finishes.

Chair Jarson emphasized the importance of fairness and financial hardship but also acknowledged the difficulty of setting a precedent. He concluded that the material remedy was not feasible and that the soffits and lighting were acceptable. He also mentioned the compliance of the design with the natural setting and the visual impact from above.

Member Wainwright noted that in his 15 years of experience on the Board of

Adjustment and six years on the Planning Commission, he always recognized that each property was unique and that he had not followed precedent in his decisions. He acknowledged the concern about setting a precedent but stated that, in his experience, it didn't have much weight in decision-making.

Member Tonn expressed the need for justification to tie to the approval of the non-compliant stone in order to support it. He acknowledged the importance of avoiding a precedent and suggested that the approval should be tied to something special about the property.

Member Wastchak suggested that Member Tonn make a motion with requirements to ensure a unanimous decision.

Member Georgelos expressed doubt about the courtyard argument and suggested that the approval should be based on visibility of the non-compliant stone.

Chair Jarson asked a code-related questions to the staff about the size limit for accent details.

Mr. Vasquez responded that there is no hard and fast dimension limit, but it's generally regarded to be small, such as trim.

Chair Jarson suggested considering the non-compliant stone as a trim detail that was not visible from the street.

Member Wastchak disagreed, stating that the courtyard argument was based on the premise that the stone was not visible. However, he acknowledged that the stone should meet the criteria of not being visible from off-site.

Mr. Vasquez explained that continuing the discussion for additional information, such as photography, would not delay the applicant much, and the applicant could come back to the November meeting without needing notification letters. He also noted the application might have to undergo another final Hillside inspection.

A motion was made by Chair Jarson, seconded by Member Wastchak, to continue the review until the next available Hillside meeting so that applicant can provide additional data to support their modification change. The motion carried with the following vote:

Aye: 5 – Chair Jarson, Member Tonn, Member Wastchak, Member Georgelos, Member Wainwright

C. 20-399 Concept review for a new single family residence at 5002 E Valle Vista Way (APN 172-04-016).

Mr. Vasquez provided an overview of the project including a 6,400 sq ft residence which the applicants intended to demolish and replace. He noted there was an attached guesthouse on the northeast corner of the top floor and a negative pool proposed with cantilevered elements. Existing sewer was located on East Valley Vista Way, and the applicants would have to look into extending it at the end of the cul-de-sac.

CP Drewett, an architect representing the applicant, explained that the site was narrow and challenging, and the client wanted to restore the Hillside to its native state as much as possible. The proposed plan tried to follow the existing perimeter of

the current home while modifying the driveway. The former entrance was lower, but the new design had an upper-level entrance with a stair tower leading down to the lower main living area. When asked about the material palette, Mr. Drewett mentioned using earth-toned natural materials, likely a platinum travertine with a rate combed face to add texture. The homes facia would have a darker tone, while the stucco would be a grayish tone, and the pool would have compliant porcelain tile. The roof would be foam with a broadcasted aggregate.

Chair Jarson liked the idea of adding aggregate to the roof to naturalize it from that location. He suggested that the design should be mindful of naturalizing the site as much as possible, as it was prominent on the mountain. He also recommended being careful with lighting placement so as not to wash out the architecture and glazing. Finally, he asked staff if there were any concerns with vertical plane height and massing.

Mr. Vasquez replied there was no concern at this point and that the staff's review process had become more detailed.

Chair Jarson reminded the applicant to consider noise concerns with negative edge pools or zero edge pools. He suggested that the design be done in advance to control splashing and shield any research pumps.

Member Georgelos asked if the project considered solar.

Mr. Drewett replied that they would make allowances for solar, but there was no definitive approach at that time.

Member Wainwright observed that the property may have been in the shade for a good part of the year. He asked about the sewer.

Mr. Vasquez explained that the sewer was available on the street in front of the property, but the property was not connected to it, so they had to pump up the existing manhole.

Member Wainwright asked if it would be a force main or a grinder pump.

Mr. Michaud responded that they didn't like a force of private force main running down the road. Instead, they preferred it to connect to the sewer.

Member Wainwright expressed that he would not like to see anything other than sewer on the site due to the slope and disturbance.

Member Georgelos asked if there were any drainage issues on the property.

Mr. Michaud replied that there were no recorded drainage issues from the property. However, the engineer needed to take a hard look at the grading and drainage for this as there was a wash on the west side of the property, and they did not want to release more water to the downstream property below the house. Mr. Michaud assumed the project would end up with a series of storm drain pipes, catch basins, and a bleed-off due to the rocky nature of the area.

Member Georgelos expressed concern about how water would flow with a bigger structure.

Mr. Michaud assured her that they would need to maintain the historical drainage patterns and put a drainage system in place.

No reportable action.

4. STAFF REPORTS

Mr. Michaud informed the Commission that he and Mr. Vasquez had been tracking different items in the course of Hillside properties and making notes of them. They planned to bring back some minor changes to the Hillside Ordinance for review by the Commission and take it to the Town Council. In addition, they discussed adding patio soffits to the section about structures to eliminate any ambiguity.

Chair Jarson noted that landscape and hardscape were within their purview, and if the patio was not structured, it was considered hardscape or landscape.

Mr. Michaud mentioned that as architects and engineers went through their rigorous approval process, they learned what they needed to do and couldn't do. They asked questions and got pre-approval to avoid ending up with something unsatisfactory in the end.

5. COMMITTEE REPORTS

6. NEXT MEETING DATE

Staff noted that the next Hillside Building Committee meeting dates were tentatively scheduled for Wednesday, November 11, 2020, at 8:00 AM and Wednesday, December 2020, at 8:00 AM.

7. ADJOURNMENT

Motion for Adjournment made at 10:24 AM.

A motion was made by Chair Jarson, seconded by Member Wastchak, to adjourn the meeting. The motion carried with the following vote:

Aye: 5 – Chair Jarson, Member Tonn, Member Wastchak, Member Georgelos, Member Wainwright

Paradise Valley Hillside Building Committee

By: _____
Cherise Fullbright, Secretary
for Hugo Vasquez