

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON APRIL 28, 2015**

- I. **CALL TO ORDER:** Vice-Chair Jain calls the meeting to order at 6:08 p.m.
- II. **ROLL:** Also present are Commissioners Gunter, McConnell and Smith.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **COMMENTS FROM THE PUBLIC:** There are no comments from the public.
- V. **REORDERING OF THE AGENDA:**

Per suggestion by Vice-Chair Jain and consensus of the Commission, the agenda is reordered as follows: 8A, 8B, 9A, 7B, 7D, 7A, 7C, 7E, 9B. Additionally, Items 7F and 9C, 9D, and 9E are to be continued. A member of the public present for Item 7F indicated acceptance of the continuance without electing to speak at the present meeting.

- VI. **CONSENT CALENDAR** There are no consent calendar items.

- VII. **CONTINUED PUBLIC HEARINGS**

- A. **Conditional Use Permit 510
550 Foothill Boulevard
First Element Fuels / Jensen:**

Request to permit a hydrogen fueling facility

Consulting Architect/Planner Cantrell identifies the Commission concerns resulting in continuance at the project's March 10 hearing as principally circulation and safety.

With regard to circulation, he notes that the counterclockwise pattern recommended by staff has now been formalized on the drawings. The single-sided dispenser, used in FirstElement's other locations, would be facilitated with a long hose. The three parking spaces at the south edge of the property have been modified per staff's sketch in the previous staff report.

Mr. Cantrell also notes the relocation of the electrical cabinet to the southwest corner of the building in response to Commission comments. He states that it is not a desirable location because of exposure to Woodleigh Lane view at close range, and presents a further updated plan reflecting that determination.

Addressing safety, Mr. Cantrell recalls the Commission's concern that a safety setback had been shown extending onto the neighboring property to the east, creating an untenable constraint on that property's use. He reports that the applicant has been working with the Fire Department, and that he personally has spoken with the responsible party there recently. Mr. Cantrell reports the Department's statement that the applicant was providing high quality equipment, but that a determination had yet to be made on setbacks. Mr. Cantrell notes that the Fire Department does not normally review a project at all without City approval, and that the City is protected in granting a CUP approval by the draft condition requiring Fire Department approval and specifying that no safety setback requirement shall extend over the property line.

Consulting Architect/Planner Cantrell recalls that hours of operation were also discussed at the previous hearing, with a consensus supporting a limitation on hours to those of the Arco station, as reflected in draft conditions.

Mr. Cantrell notes that the Design Commission has had the opportunity to conduct two preliminary, advisory reviews of the project. At the first review, the concept of a garden structure was agreed upon. At the second review, the Design Commission accepted in concept the applicant's landscape and structural designs, which Mr. Cantrell displays to the Planning Commission. He reports that the Design Commission endorsed the direction of the design development, while also indicating that refinements would be in order upon further review, and adopted a resolution recommending that the Planning Commission adopt CUP Finding #5, pertaining to aesthetics.

Commissioner McConnell asks about the noise associated with the electrical cabinet as a factor in moving the cabinet to the west side. Mr. Cantrell states that the project consultant can address the possibility of noise attenuation, while noting the visual detriment of relocation.

Commissioner Smith asks about the location of the emergency shut-off switch. Mr. Cantrell responds that there is a walkway at the northeast corner for access.

Vice Chair Jain asks if the graphic drawings before them would be used as construction documents. He is concerned that there are no setback or height dimensions given, and also concerned with the safety setbacks. Mr. Cantrell indicates that the most critical dimensions are the safety setbacks from neighboring properties and those are in the table. Director Stanley clarified that the plans indicate the setbacks. Mr. Cantrell notes that the elevations are not dimensioned on all four sides, but that each corner is dimensioned and thus the structure is completely described.

Commissioner Smith confirms with Mr. Cantrell that the zoning setbacks conform to code, and that the Arco operation has staff on hand during all hours.

Commissioner McConnell asks if the existing CUP for the gas station has limited hours of operation. Mr. Cantrell explains that the existing gas station predates Cityhood and does not have an existing CUP.

Shane Stephens, representing FirstElement, explains that the revised site layout, with one-way circulation, is based on feedback from the Planning Commission. He notes that the Fire Department will determine the actual safety setbacks for the equipment through their review and site visits. Dr. Stephens states that FirstElement is going above and beyond code requirements for the safety measures, and will provide 24-hour surveillance, etc. He also describes the other changes they made as discussed by Planning and Design Commissions.

Tim Brown, cofounder of FirstElement, states that the setbacks listed in the chart on the plans is generic code which stipulates a 2-hour fire rating.

Vice Chairman Jain asks about the safety setbacks listed in the table. Sheet Z4 in plans indicate a 20' setback from the existing neighboring building. Ghassan Sleiman, Vice President of Technical Operations for FirstElement Fuel states that the Fire Department will review the project and will make final adjustments on the setbacks.

Commissioner McConnell confirms that a 4-hour rated wall allows for 0' setbacks.

Vice-Chair Jain states that the distance on drawing Z4 scales at 14' but the table indicates that the required setback is 15'. Dr. Brown reiterates that the table is generic code and if the setbacks don't match they have to prove the provided setback is adequate using other safety measures.

Vice-Chair Jain asks the height of the equipment and the block wall on the east side. Dr. Stephens states that all of the hydrogen equipment is lower than the 8'-10' high wall but that some of the other equipment does extend above the wall.

Commissioner McConnell expresses appreciation that the Design Commission already reviewed the project and states that their direction was an improvement in the design. He notes that the applicant addressed the concerns of the Planning Commission. Mr. McConnell adds that the setbacks from neighboring uses could be left to Fire Department and if they change, the project should come back to the Planning Commission.

Commissioner McConnell asks if the applicant explored relocating the electrical cabinet to the other side. Dr. Stephens said that it won't fit there because of the doors. Commissioner Smith asks if it could go in the triangular planter on the south side of the property near the southwest building corner. Mr. Sleiman states that there would be a maintenance safety issue if they place it in the triangular area. Mr. Cantrell notes that there is a pine tree in that location.

Vice-Chair Jain closes the public hearing.

Commissioner McConnell states that motion detector lighting is not necessary. He adds that the hours of the hydrogen filling station should be limited to when there is an attendant on-site. He recommends a condition of approval for future review if impacts to neighboring properties develop.

Commissioner Smith states his appreciation of the design, and states that the Commission can rely on staff and the Fire Department to make final determinations regarding safety. He endorses the idea of an approval condition regarding staffing but felt that requiring remote sensors for lighting was not necessary since it wouldn't be that bright.

Vice-Chair Jain states that the hydrogen filling station is a good thing for the community. He expresses concern about future expansion, endorsing its return to the Planning Commission for review. He expresses some concern regarding the height of the wall, stating that the walls should be 6"-8" higher than hydrogen tanks to obscure them. He states comfort with the circulation plan and the proposed landscaping. He recommends amending Condition 13 to require a covenant recorded that no safety setbacks shall go over the property line. He wants to clarify that the hydrogen station staff shall submit the annual report. He recommends adding a condition that if significant impacts are observed then the entitlement would come back to the Planning Commission for additional review. He also recommends that the applicant submit a certified copy of the survey.

Mr. Cantrell states that the applicant has requested a change to Condition #12, which was provided by Public Works. He displays the condition, applicant notes, and recommended alternative language, to which the Planning Commission agrees.

Commissioner McConnell recommends adding a condition that trained emergency shutdown personnel of the hydrogen station shall be on site at all times.

M/S/C Jain/McConnell to approve the CUP as amended: 3-0 *

* *Due to the reordering of the agenda and the departure of Commissioner Gunter prior to this item as reordered, there were only three Commissioners hearing the item.*

**B. Second Floor Review 14-35 / Modification 14-19
4376 Beulah Drive
Mu**

Request approval of an addition with a second floor comprising 552 square feet, and legalization and expansion of an existing accessory structure with a variable encroachment from 10 inches to 5 feet into the required 5-foot south side yard

setback

M/S/C McConnell/Jain to continue request per property owner request to the date certain of May 12, 2015: 3-0 *

* *Due to the reordering of the Agenda and the departure of Commissioner Gunter prior to this item as reordered, there were only three Commissioners hearing the item.*

B. Hillside Development Permit 14-40/ Second Floor Review 14-38/ Setback Modification 14-23/ Director's Miscellaneous Review 14-48 (Flat Roof) 4072 Chevy Chase Drive
Chraghchian

Request to allow construction of a new split-level residence that would comprise approximately 9,400 sq. ft., a rear yard swimming pool and retaining walls. A Setback Modification is required since the new home would encroach 41 feet into the required 101-foot front setback. Lastly, Director's Misc. Review (Flat roof) would allow the new home's roof to have a slope of less than 2:12, in concert with its modern design.

Planner Gjolme describes the revisions made by the applicant in response to Commission comments at the first hearing. Chiefly, the sunken patio was eliminated, and the ravine was shown as to remain in its natural state. Mr. Gjolme notes also that the front setback would be reduced to 57 feet, covered under the Modification request and consistent with previously recommended findings. Mr. Gjolme states that all findings can be made, and that staff is therefore recommending approval.

Commissioner McConnell asks about the height of the wall adjacent to the pool. Mr. Gjolme replies that it would be approximately 15 feet tall.

Mr. McConnell states that it is unclear where trees are on the landscape plan, and that the slope will be left in a natural state with regard to vegetation. Mr. Gjolme replies that the applicant can answer with regard to the slope, and displays staff's recommended oak trees to be inserted into two gaps among existing oaks.

Commissioner Smith suggests landscaping on the west face of the pool. Planner Gjolme replies that the view concern is exposure of the project to Flintridge Avenue.

Vice-Chair Jain opens the public hearing.

Project architect Kip Dixon gives a PowerPoint presentation. He states that the intention is to not touch the ravine. He mentions that changes in elevation are minimized in order to allow handicap access. He states that the lowering of the pool by 2 feet is being considered.

Commissioner McConnell asks about the ratio of landscaping in the front yard auto court. Mr. Dixon answers that it is 28%.

Vice-Chair Jain closes the public hearing.

Commissioner McConnell voices preference for pool option #2. He asks if consideration was given to leaving the pool even with all the other changes, or lowering the pool to the basement level. Mr. Dixon replied that they wanted more open space closer to the house, and that the handicap access issue would not allow moving the pool to basement level. He notes that the final landscape plan will be forthcoming.

Commissioner Smith encourages more landscaping, vines in particular, along the wall.

Commissioner McConnell encourages reducing the amount of grading on west side, expressing a concern with tree roots.

Planner Gjolme reports that the arborist report indicated satisfactory tree distances.

Commissioner McConnell asks about possible use of pebbles rather than Grasscrete, given water conservation concerns. He states that he would want to review the final landscape plan before voting, and that he wants to know how the ravine will be treated.

Director Stanley states that the landscaping requirement in front still satisfies code.

Commissioner Smith comments that his concerns have been addressed. He finds the landscape plan acceptable but would like to see more landscaping along the pool wall. He regards both pool options favorably but prefers #2. Mr. Smith concurs with staff's addition of two infill oak trees at the rear.

Director Stanley notes that the Commission could condition the landscape plan for Director Review and approval.

Vice-Chair Jain comments that the revisions are commendable. He states that landscaping still needs to be addressed in some area, and that the Director can manage that review.

Commissioner McConnell suggests that the item could be continued in order to give Commissioner Gunter the chance to review it, given his concerns.

Deputy City Attorney Guerra states that there is no requirement to wait for his input but it could be done if the Commission wants his input.

Commissioner McConnell asks if the Commission has any direction on how to treat the ravine. Commissioner Smith replies no. Vice-Chair Jain states that the applicant can bring

the project back for that review.

Vice-Chair Jain reopens the public hearing and asks the project architect when drawings can be brought back for review. Mr. Dixon states that the goal would be to clear the ravine and leave only natives. He states that he would prefer approval, with the landscape plan made an approval condition.

Planner Gjolme suggests that the Commission could vote to approve the project with a condition that the landscape plan be brought back as a consent calendar item.

Deputy City Attorney Guerra recommends an approval condition that the landscape plan be subject to Planning Commission review and approval on future Agenda. Director Stanley reminds the Commission of the comments on additional trees.

M/S/C Smith/Jain to approve the project with conditions as discussed: 3-0 *

- * *Due to the reordering of the Agenda and the departure of Commissioner Gunter prior to this item as reordered, there were only three Commissioners hearing the item.*

D. Telecommunications Permit 14-01

5500 Godbey Drive

T-Mobile USA / La Canada Flintridge Country Club:

Request to allow installation of wireless antennas and associated equipment within an enclosure, and landscape screening at the top of the slope south of the eastern portion of the main parking lot

Consulting Architect/Planner Cantrell states that the Commission's concerns in continuing the project were limited to preventing unauthorized access to the antennas. He displays the amended plans and elevations showing a simple enclosure with wrought iron fencing of 5-foot minimum height increasing as it descends the slope. He adds that Design Commission approval will be required, at which time the particulars of landscape screening species and fence/building color can be addressed.

Commissioner McConnell confirms that the fence would be effective at preventing climbing.

Commissioner Smith notes that the drawings show the fence being outside the lease area. Mr. Cantrell replies that the lease area appears to refer only to the 9'x17' enclosure, and that the owner is a party to the application.

Vice-Chair Jain opens the public hearing.

Len Jensen, representing T-Mobile, states that the lease area is restricted to the 9'x17' enclosure.

Jennifer Navarro, representing T-Mobile, emphasizes the effectiveness of the fence to prevent climbing, noting the spikes atop it.

Commissioner McConnell asks if the owner has approved the fence. Director Stanley states that the property owner has signed the application. Mr. Cantrell notes that the antennas on the original plan were also outside the lease area.

Commissioner McConnell states a desire for the owner to sign onto the revised plan; Commissioner Smith concurs.

M/S/C McConnell/Smith to approve the project as submitted: 3-0 *

- * *Due to the reordering of the Agenda and the departure of Commissioner Gunter prior to this item as reordered, there were only three Commissioners hearing the item.*

E. Second Floor Review 14-17
4812 Crown Avenue
Koeppen

Request to construct a new two-story house comprising 2,871 square feet, exclusive of its basement which is exempt from floor area calculations

Consulting Architect/Planner Cantrell states the limited extent of the Commission's concerns in continuing the project. First was the need for a landscape plan showing the screening of the second floor from adjacent properties. Second was the need for more harmonious architectural treatment in accord with the City's design guidelines and the written recommendations in the previous staff report.

Mr. Cantrell displays the landscape plan, showing the canopy trees around the perimeter of the back yard, and the row of Italian cypress adjacent to the north-facing second-floor windows. He notes that Italian cypress is not a good choice, due to combustibility and other factors, and that a draft condition is included for Director's approval of another species. He reviews the front yard landscaping ratio, noting the existence of a slab in the rear part of the front yard and outlining planting recommendations related to it.

Mr. Cantrell displays the progress made on the front elevation. He further notes that City Alternate front and south side elevations are included which address problems of proportion, integrity, and detail in the revised submittal, and reviews the specific components of further refinement. He states that the property owner agrees with the City refinements. With that, staff recommends positive findings and approval.

Commissioner Smith asks for clarification of the sloping roof on the west elevation. Mr. Cantrell explains that the recessing of the south wall plane is indicated with a vertical line. He notes that the one-foot recessing helps articulate the design. Responding to another question from Commissioner Smith, Mr. Cantrell explains that decomposed granite and gravel are not considered landscaping.

Vice-Chair Jain confirms with Mr. Cantrell that staff is not concerned about the front yard pad aside from the staff report notes.

Mr. Jain notes that the raised sill recommended by staff could be too high for Building Code egress requirements. Mr. Cantrell states his appreciation for that point, and recommends an approval condition that the sill be at the maximum height allowed by code.

Vice-Chair Jain opens the public hearing.

Paul Sheene, representing the property owner, states his agreement with conditions relating to landscaping, house design, and sill height.

Vice-Chair Jain closes the public hearing.

Commissioner Smith states that the staff redesign improves the appearance of the house, and that all concerns have been addressed.

Commissioner McConnell concurs that the City Alternate improves the design. He asks about the haul route. Director Stanley states that it is required prior to permit issuance, and it avoids school transport hours and trash days.

Vice-Chair Jain also endorses the City Alternate, and states that the landscaping should cover the front yard slab, and concrete. He notes that Condition #16 should be changed as discussed with regard to sill height.

M/S/C McConnell/Smith to approve the project as amended: 3-0 *

* *Due to the reordering of the Agenda and the departure of Commissioner Gunter prior to this item as reordered, there were only three Commissioners hearing the item.*

F. **Zone Change 12-02**
Downtown Village Specific Plan and CPD Zone Citywide
City of La Canada Flintridge:

Consideration of amendments to the City's Downtown Village Specific Plan (DVSP - Ordinance No. 312) and the Community Planned Development (CPD)

Zone (Chapter 11.14 of the Zoning Ordinance) pertaining to the allowance and development standards for drive-through facilities

Vice-Chair Jain recommends continuance to the date certain of May 12.
Mr. Jain opens the public hearing.

With no public comment offered, Mr. Jain closes the public hearing.

M/S/C McConnell/Smith to continue the project to the date certain of May 12: 4-0

VIII. PUBLIC HEARINGS

A. **Second Floor Review 15-05** **5180 Alta Canyada Road:** Troedsson / Yi:

Request to construct a 5,873 sq. ft. two-story residence on a 23,520 sq. ft. lot. The project complies with all floor area, setback and height standards.

Planner Gjolme confirms that no full report is required for this project of limited concerns.

Commissioner McConnell confirms with Mr. Gjolme that three trees would be removed.

Commissioner Smith confirms that no comments or letters have been received from neighbors.

Mr. Smith asks about requiring surveyor certification of height, noting that the house would be built to the 32-foot limit. Mr. Gjolme notes that no condition has been included for that, but that a new condition could reflect that new policy.

Vice-Chair Jain opens the public hearing.

There are no comments; Mr. Jain closes the public hearing.

Commissioner McConnell recalls visiting the site. He notes that the house has been carefully related to its location, avoiding proximity to neighbors or code limits aside from height. He supports the project with the added surveyor certification condition.

Commissioner Gunter reports also visiting the site, and concurs with Commissioner McConnell's comments.

Commissioner Smith asks about Condition #15's requirement that the light well be no larger than required by code. Planner Gjolme explains that the code requirement is determined by the number of windows and other factors.

Vice-Chair Jain reports visiting the site and meeting with the neighbors to the east. He states Agreement with the other Commission comments.

M/S/C McConnell/Smith to approve the project with the added surveyor certification condition: 4-0

B. Setback Modification 15-04
5077 Commonwealth Avenue
Park/ Amak Group Inc. / Shahnazarians

Request to allow retention of an existing front-yard setback encroachment

Planning Aide Yesayan reviews the parameters of the project, involving a front yard setback encroachment. The project had been approved in November 2014, but removal of more than 30% of the roof during construction has led to it being reclassified from an addition to a new house. Mr. Yesayan notes that front yard setback averaging yields a 40'-6" setback requirement, while the project provides 31 feet. He notes the existing conditions, and displays a table of front yard setbacks throughout the neighborhood, indicating an average of 31'-6". He concludes by noting minor additions around the perimeter, with the scope of work as previously approved. Mr. Yesayan recommends positive findings and approval.

Commissioner Gunter confirms that the plans showed the new roof ridge before, and were simply missed during review.

Commissioner Smith states that the owner across the street mentioned 20" having been added to existing framing, but that the drawings show only 8" or so. Mr. Yesayan states that the top plate height is 10 feet. Commissioner Smith notes that the chart indicate 18'-10" old and 19'-6" new, and asks if the difference is due to roof pitch or extensions. Mr. Yesayan replies that the assumption was to match existing height. Commissioner Smith reiterates that it looks like a 20" extension to the studs, and that the drawings show a steeper pitch, both of which would add more than 8" to the height.

Commissioner Smith states that the neighbor's concern is what happened to reach this point, and asks if the City has discussed the matter with the owner or architect. Mr. Yesayan replies that the City regarded it as just an addition to the existing house, to be uniform with what exists, until a site visit to verify height revealed that the roof had been removed.

Vice-Chair Jain confirms that the setback across the street at 5078 is 28 feet.

Mr. Jain opens the public hearing.

Mr. Hayberd, representing project designer Armik Shahnazarians, invites questions. Commissioner Smith asks if the extension was 20 inches. Mr. Hayberd states that he would have to check. Commissioner Smith asks about a steeper pitch. Mr. Hayberd states that it would be due to repairs, and indicated on the plans. Director Stanley states that the City knows that the pitch has changed, that the ridgeline was moved and raised, so the pitch would have to be steeper. Commissioner McConnell confirmed with Mr. Stanley that Building & Safety would ensure that the 19'-6" height would be met.

Mr. Yesayan clarified that the exterior walls are limited to a 12-foot height unless Second Floor Review approval is obtained.

Thomas Park, owner, states that this is his first construction project. He recalls submitting drawings without certainty about limits, figuring that corrections would bring it to code. He notes that before the stop-work order, the foundation was approved. He reports having spent \$150,000 on the construction to date. He states that the construction is a point of no return. He states that he would have no problem moving the house back if not for losing what has already been spent. He requests that he be allowed to keep the existing height and construction. He states that the original roofline was 8'-10", and that he was not trying to evade the code.

Vice-Chair Jain asks Mr. Park if he asked his designer to raise the ceiling heights. Mr. Park replies that he had asked the designer to increase the walls 1 to 2 feet. He notes that the roof angle was flat previously. He also notes that the garage was reduced to two cars due to the rear yard setback.

Scott Heineman, owner at 5083 Commonwealth, northerly neighbor of the subject property, recalls a letter from City a year ago, and having no concern because there was no change in height indicated in the notice, so that his primary issue of view blockage to the mountains was seemingly not raised. He notes that during construction he saw the ten-foot studs, a two-foot increase, and now sees an increased pitch as well. He notes a statement in the drawings that height is not changing. He recalls then investigating setbacks, noting that the newly built house at 5067 had a requirement to set back 36 feet from the street rather than the then-existing 30 feet. He acknowledges that the subject house is in an unusual location on a corner with a cul-de-sac skewing numbers. He states willingness to compromise to keep in line with the smaller setbacks of the houses up the block. Mr. Heineman expresses discomfort with construction that is allowed to skirt City codes, and concern that future applicants could use the same ploy, pleading hardship. He endorses playing by the rules and following code rather than going out of your way

to take advantage of the system and against the neighborhood. He concludes by stating that it is not so much the setbacks as the way the project was handled.

Commissioner Gunter states that nobody is skirting anything, since the current Planning Commission process is in the ordinance. He notes that the drawings clearly identified the setbacks and the roof being revised, but that aspect was missed in review.

Commissioner McConnell notes that if the request is denied, a new house of substantially greater height, up to 32 feet, could be approved over the counter. Mr. Heineman replies that it wouldn't matter relative to the current proposal because his view is obliterated anyway.

John Flynn, 5078 Commonwealth, states that the letter said that the project would fit into the surrounding area, but that it is not true. He asks about the finding that the project is to look like the neighborhood. Director Stanley replies that the finding is consistency with the neighborhood, not necessarily matching. Mr. Flynn states that a Mediterranean house shouldn't be allowed next to the Craftsman buildings of the Town Center. Mr. Stanley notes that the City has repeatedly declined to require single-family residential design review, noting that the City has design guidelines to apply to Second-Floor Review, but not necessarily to the point of directing style.

Mr. Park notes that in the first design generation he didn't include a higher pitch because he didn't want the house to be above others. He asks what sense it would make to spend so much money and keep the dated style of the existing house.

Jennifer Holliday, 5084 Commonwealth, expresses discomfort with the entire process, stating that ignorance is no excuse. She notes that the owner at 5067 Commonwealth was required to remove his walkway upon determination by the City that it was inadequately set back.

Sean McLaughlin, 5067 Commonwealth, recalls that when he demolished his old house, the new house had to be set back 6 feet more. He states that the issue is not whether the Setback Modification is 3, 6, or 10 feet, but rather the concern that there's been a bait and switch. He comments that in a remodel and addition, it is difficult to miss the defining feature, 30% of roof removed. He states that the property owner may have recourse against the architect or contractor. Mr. McLaughlin states that the issue is the character of the neighborhood for grandfathered vs new houses. He notes that 5060 was built in 2005 and also complies w current setbacks. He suggests going back to the original purpose of the remodel in keeping with the character of the existing house, maintaining the height of the original remodel. He notes the need for the character and scale finding.

Commissioner Gunter notes that the plans that have the Planning approval show a 10' interior wall and new roof to match what's there, so that there is no change from approval.

Deputy City Attorney Guerra states that the sole issue is front setback, with no reasonable nexus to height. He further notes that how the project got here is not before the Commission. The sole concern is how the project meets the required findings.

Mr. Guerra further notes that Conditions 2 and 9 reference other entitlements, apparently through cut and paste error.

Vice-Chair Jain closes the public hearing.

Commissioner Smith states that it is unfortunate that the circumstances gave the neighbors the impression of a big switch, but the house was built according to plans. He notes that, had it come before commission, its Setback Modification would have been approved. Mr. Smith states that he can make the required findings.

Commissioner McConnell states that he disagrees with the Deputy City Attorney regarding a height nexus, but that in any event he regards the project as keeping with the neighborhood scale and character.

Commissioner Gunter states agreement with the other commissioners, noting that the project is consistent with the neighborhood as submitted.

Vice-Chair Jain concurs with previous comments, noting also that the house across street at 5078 sets a trend of what setbacks should be and that the proposal has 3 feet greater setback than 5078. He supports the findings.

M/S/C Gunter/McConnell to approve the project with Conditions 2 and 9 as amended by the Deputy City Attorney: 4-0

Deputy City Attorney Guerra announces that there is a 15-day appeal period.

IX. OTHER BUSINESS:

- A. **[APPEAL] DM 14-47 (Recreational Vehicle Parking and Storage)
1348 Descanso Drive
Stewart**

Appeal of Denial of RV parking for insufficiently screening the bulk of the RV from private and public views

Planning Aide Yesayan reports that in October of 2014 the City responded to code enforcement complaint regarding recreational vehicle parking. The property owner then applied for a miscellaneous permit to allow RB parking within the east side yard. Mr. Yesayan notes the existence of a fence along the area (on Encinas Drive), but despite landscaping that it is not sufficient for screening. He reports that the property owner has indicated willingness to plant addition landscaping.

An inspection on January 8, 2015 showed continued visibility, so the permit was denied. According to the Zoning Code, the Director of Community Development may approve the permit with two required findings. The scale and character finding could not be made.

Planning Aide Yesayan displays a photo of plants atop shelves, submitted January 30 by the property owner. He acknowledges a good faith effort, but staff regards it as only a provisional solution, portable by design at the gate. On that basis, staff recommends denial of the appeal.

Commissioner Smith notes that the code requires a 6-foot-tall wall for RV screening. He asks if the Director has discretion to require taller screening if the RV is taller. Director Stanley replies that it depends on the situation.

Vice-Chair Jain confirms with Planning Aide Yesayan that the RV would be outside of all required setbacks. He then asks if a garage for the vehicle would be allowed. Director Stanley replies that if it is outside of required setbacks, no discretionary approval is required up to a 12-foot wall height that would trigger Second Floor Review.

Vice-Chair Jain opens the public hearing.

Property owner Tracy Stewart states that when he heard of neighbor objections, he planted elevated screening with the intention of replacing it with permanent planting. He reports having gone beyond the 6-foot code requirement and asks why he would be held to a different standard. He states that the screening is green and lush, and would get more so over time. Mr. Stewart notes that the recent City letter stated that it did not matching surrounding areas, but within 6 homes, there are 6 other RVs not screened. He calls the determination unfair and unjust, noting that nothing in code addresses pots vs in-ground or elevated systems. He concludes by stating that the landscape was created to benefit the neighbor.

Denny Barch, 1341 Descanso, directly across the street, states that he can't see the RV at all. He describes the impact as zero.

George Orloff, 1366 Descanso, states support for the project, noting that the screening will be ample. He states that he can barely see it even now.

Vice-Chair Jain closes the public hearing.

Deputy City Attorney Guerra offers clarification that generally RVs are not allowed to be parked, except as allowed by ordinance with findings. Mr. Guerra reads both findings and notes that there is no numerical height limit.

Commissioner Smith confirms with Director Stanley that it can be approved even if taller than the screening if the findings are made. Mr. Smith asks if temporary screening is approvable; Mr. Staley replies that the code is silent on that, although one would assume permanent screening. Deputy City Attorney Guerra adds that movable screening would be more difficult for enforcement.

Commissioner Smith recalls visiting the site, noting new hedges installed the previous week which have done a lot to screen the vehicle. Mr. Smith states that the issue is the temporary nature, and that there is the option of a structure.

Commissioner Gunter states that he has visited the site, driving by twice before finding the RV. He notes that it is completely screened, and the generous front yard and distance from Descanso Drive. He states support for the landscaping as presented with neighbor support and later planting. He suggests a condition with a planting deadline, and states that he can make the findings.

Commissioner McConnell states that he has never seen the RV when driving by the site. He notes sufficient screening and states that he would be concerned about going too far with the hedge. He states that he can make the findings.

Commissioner Smith states that it is well-screened, but he is concerned that plants get permanently planted. He recommends a condition to that effect.

Vice-Chair Jain notes his site visit and meeting with the property owner. He notes the lack of visibility and agrees with other commission comments. He states that it is difficult to monitor hedge height, but supports a 6-foot maintenance condition.

Commissioner Gunter states that "obscure" is a weak word, and that staff should specify a required screening height.

Vice-Chair Jain notes that staff will need to return with an approval resolution, which should have a height condition.

Mr. Yesayan states the need for revised plans, which Deputy City Attorney Guerra notes could be a condition of approval.

M/S/C Gunter/McConnell to uphold the appeal with conditions as discussed: 4-0

Deputy City Attorney Guerra announces that the 15-day appeal period will commence upon adoption of the approval resolution.

Commissioner Gunter excuses himself from the remainder of the meeting due to illness, at 7:44p.m.

**B. Substantial Conformance for Hillside Development Permit 06-55 /
Second Floor Review 07-10
1204 Inverness Drive
Merritt**

Review as-built plans for conformance with approved project and plans

Senior Planner Buss notes that the Commission has seen the slides before, and that there are newly added images. He notes onsite measurements, with the 60-foot wall extending along the south side of the building where the approved stair was not installed. He states that the house is 1'-8" taller than permitted, at 28'-2" rather than 26'-6". Mr. Buss notes the area at base of the turret about the same height as approved. He states that the height discrepancy is caused by both lower grade and a taller building. Mr. Buss reports that between March 14 and January 15, no inspections called for, while the bulk of the work was done on house, following framing inspection.

Mr. Buss reports Building & Safety comments regarding the grading plan and lack of inspections. The retaining walls were not inspected; he notes the potential presence of a structural engineer onsite, which did not obviating the requirement of Building & Safety inspection.

Senior Planner Buss continues to state that, as explained at the previous hearing, there were changes to the house from original Commission approval, raising the question as to whether it substantially conforms, or, if not, can be made to substantially conform, or to go back for amended approvals.

Commissioner McConnell confirms with Mr. Buss that the increased building height is due to lower grading as well as structural height.

Director Stanley notes that the gradient hasn't changed because of the fixed point of the garage entry.

Commissioners McConnell and Smith confirm with Mr. Stanley that the reduced roof pitch and higher ridgeline caused substantial wall heights increases.

Commissioner Smith asks about options. Director Stanley states that a modification, amendment hearing, or building to original approval are options.

Commissioner McConnell expresses concern about the significant structural work, including retaining walls that were not inspected. Director Stanley notes that forensic review could still be required.

Vice-Chair Jain notes the analysis done on grading plan, approved vs. as-built. He mentions that two layers of block walls were built, while the plans have only one, and asks about documentation on the structure. He states that site and grading are issues, not just the building.

Director Stanley states that property owner Dr. Merritt brought as-builts with and engineer's statement on cut/fill. Building & Safety (Nader Samaan) had significant corrections. Commissioner McConnell states that the project seems to vary from the as-builts.

Vice-Chair Jain states that the Commission should have the as-builts in front of them. Director Stanley states that no more information is needed for a substantial conformance determination, but more can still be asked of the applicant.

Commissioner Smith asks if the house can be separated from grading for the purpose of substantial conformance determination. Vice-Chair Jain states that grading comes first, without which a conforming house can't exist. Director Stanley notes that grading certification is necessary before knowing the correct datum points for the building. Beyond that, the look of the house could be judged.

Commissioner Smith notes the large retaining wall as a significant issue. He states that grading slopes in front of house, like it's dropped on the lot.

Vice-Chair Jain opens the public hearing.

Dr. Phillip Merritt, property owner, asks of Senior Planner Buss how height is measured by Building & Safety. Mr. Buss replies that they have a laser rangefinder, and the information can be obtained from Building & Safety. Dr. Merritt states that it is relevant because the house sits higher than he realized. He states that the project called for 45 cubic yards of dirt to be moved, and he has certification that it was less than 50 cubic yards. He states that the pad size was accurate, and within 6 inches of its specified elevation. Dr. Merritt states that before the building permit the City had to perform rough grading inspection, so it's roughly quite accurate. He states the planned walls were not installed, and not needed at the driveway and in front of the house, which improved the project. He states that he has provided documentation, and can provide whatever else is needed. He asks if the Commission has any grading questions.

Commissioner McConnell asks if the pad, especially on the east side where the stair should be, is not considerably larger, noting also a pool not on the original drawings. Dr.

Merritt replies that the pad is within a foot of the original as measured from the southwest corner. He notes that it looks bigger because of the absence of the stair. Dr. Merritt states there were neighbor complaints regarding the width and bulk of the house, so reductions were made on both sides.

Commissioner Smith notes the removal of the retaining wall in front of the house, asking if that created planting area and noting that it looks unnatural. Dr. Merritt replies that he wanted to bring the flat area in front of the house out, and with the deletion of the 4'-5' tall wall, a softer look for the house was attained.

Commissioner McConnell confirms with Dr. Merritt the planting of Marathon sod, and asks if the new drainage is shown on the revised plan. Director Stanley indicates that it is, noting also that drainage that was supposed to be retained onsite is offsite in some places.

Vice-Chair Jain notes that on the plan approved in 2010, brush areas, dense trees, foliage, etc. were shown, and now nothing there (in photo). Dr. Merritt replies that the plan called for a swale to be built on the neighbor's property, and as built it doesn't dump on anyone's property. He states that the only concern was 1218 neighbor, which has been resolved. He states the he will look at Mr. Samaan's marks.

Dr. Merritt goes on to address the architecture with regard to the garage, roofline, and roof pitch. He states that the original design called for balconies and dormers, but after the City Council wanted 800 sf removed (12%), floor area came out of the bedrooms, resulting in dormers too low inside and deficient closet space. He states that, rather than stopping work, bringing the project back, getting an appeal, and so forth, which would have entailed a minimum 3-month delay, he modified the project. Dr. Merritt apologizes for that course of action, stating that he shouldn't have done it. He notes that every month of delay cost \$7,000. He notes that he needed a second exit from the garage, so he reconfigured the stairs.

On the south elevation, Dr. Merritt states that Juliet balconies were removed so windows could open. He states that 480sf of walls, stairs and pillars were removed, reducing bulk.

Dr. Merritt states that the house built along Planning Commission guidelines, and that the City was indemnified.

Dr. Merritt states that moving in without occupancy clearance was wrong, and may be illegal, but it was the only way was to sell the house they occupied. He states that he is "amazed" to be talking about 1% of grading and defending the removal of retaining walls. He asks the Commission to either find it in substantial conformance or not, and up or down vote.

Vice-Chair Jain closes the public hearing.

Vice-Chair Jain notes that the hearing has raised many questions, but almost no answers. He states that the biggest concern is compliance with grading and retaining walls, and asks how to approve the project if that work was not observed. He notes the height of the retaining walls and the second tier not having been part of the plan. Mr. Jain notes the need for more information and certification. With regard to the house, he notes dangerous egress with the elimination of stairs. He offers that the windows might have been considered if part of a new house review. Vice-Chair Jain concludes that it is a sad scenario for both applicant and inspectors, and that the project is not anywhere near approvable through substantial conformance, with more information needed.

Commissioner McConnell notes the property owner's preference to move forward. Mr. McConnell states that the project is not in substantial conformance, and he has concerns over the current design. He states that the project should return as an amendment to the previous approval.

Commissioner Smith states that the house has been radically altered and stripped. He suggests that detail could be added back in. Mr. Smith states that the current house would not have been approved, although size and remoteness provide some mitigation. He concludes that the project is not in substantial conformance with the approval.

M/S/C Smith/McConnell to deny the substantial conformance request: 3-0 *

* *Due to the departure of Commissioner Gunter prior to this item, there were only three Commissioners hearing the item.*

Vice-Chair Jain announces that the applicant has 15 days to appeal, and has the options of building to approved plans or returning with a request for approval of an amended design per as-built drawings.

C. Tree Ordinance Finding B.5. - Discussion continued

D. Hedge Issues - Continued Discussion

E. Basement Light Wells - Continued Discussion

X. REPORT OF DIRECTOR'S REVIEWS

XI. COMMENTS FROM THE COMMISSIONERS

XII. COMMENTS FROM THE DIRECTOR

Senior Planner Buss notes that each Commissioner has an envelope containing personal login and password for Pictometry online to measure heights, earthwork volumes, etc.

XIII. ADJOURNMENT

M/S/C Jain/Smith to adjourn at 11:08pm: 3-0