

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JUNE 12, 2012**

- I. CALL TO ORDER:** Chairman Curtis called the meeting to order at 6:07 p.m.
- II. SWEARING IN OF TERRY WALKER AS NEW COMMISSIONER** City Clerk Hall gave the oath to Commissioner Walker.
- III. ROLL:** Chairman Curtis, Vice Chair Cahill, Commissioners Der Sarkissian, Jain, Walker Commissioner Gunter was absent. Director Stanley, Deputy City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas.
- IV. PLEDGE OF ALLEGIANCE** Commissioner Jain led the pledge of Allegiance.
- V. COMMENTS FROM THE PUBLIC** There was no comments received from the public.
- VI. REORDERING OF THE AGENDA** Item 10. A was moved after the consent calendar.
- VII. CONSENT CALENDAR:**
 - A. Approval of Minutes:** March 10, 2012; April 10, 2012; April 24, 2012; November 29, 2011

Commissioner Jain stated he was absent from the April 24, 2012 meeting and therefore could not vote on it. It should be moved to the next meeting.

Commissioner Der Sarkissian had changes to April 24, 2012. He asked if they had already been incorporated into the minutes. He identified the pages that he had comments on. He read the changes into the record.

Chairman Curtis handed staff his comments regarding the minutes of the April 10, 2012; April 24, 2012 and November 29, 2011 meetings.

M/S/C Der Sarkissian/Jain to approve the minutes as amended except for April 24, 2012.

X. OTHER BUSINESS

- A. Tree Removal 11-40; 991 St. Katherine Drive; Morillo:** Request to remediate the removal of three Chinese Elm trees. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Commissioner Der Sarkissian asked why it was being continued again. It has been going on for four months. He asked if request for continuances were automatic if the applicant asks for it.

Directory Stanley replied that it was up to the Planning Commission. In this case, the applicant has hired a landscape architect and need more time to complete the drawings.

Chairman Curtis suggested it be agendized by staff it lingers longer than two to three months.

M/S/C/ Jain/Der Sarkissian to continue to a date uncertain. 4-0 Unanimous.

VIII. CONTINUED PUBLIC HEARINGS

- 8A. Second-floor Review 12-01/Setback Modification 12-01; Johnson/Awad; 1132 Sheraton Drive:** [Continued from April 10, 2012]
Request to allow creation of a new 524 square feet second floor in conjunction with significant remodeling/reconfiguration of the existing roof. A Setback Modification would allow a new 2-car garage to encroach 4 feet into the required 17-foot street side yard setback along Cornishon Avenue. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme gave a presentation in accordance with the staff report. He described how the plans were revised since he last meeting.

Jay Johnson, 1125 Foothill Boulevard is the project architect. He indicated that they took the input from the neighbors and the Planning Commission and compromised to make it more compatible with the neighborhood. They reduced some of the plate heights, thereby lowering the house by 3'-0". It cannot be reduced anymore. The two dormers are for aesthetic purposes they do not serve a room. He indicated that he spoke with some of the commissioners and they liked the dormers. His clients would like to retain the dormers.

Chairman Curtis clarified if the new height of the house was 19'-6" and that the house sits 2+ feet below street level.

Mr. Johnson replied yes.

Commissioner Walker asked about the oak tree discrepancy behind the house. She indicated that the 7' and 9' separation shown on the plans was not reflected in the field and that they are actually closer than on the plan.

Mr. Johnson indicated that the layout was based on the survey and he was unsure if the story poles were accurate. He assured the commission that the plans were accurate and would be followed.

Planner Gjolme explained that the design change may not have been incorporated into the story poles. The 7' and 9' distances will have to be adhered to.

Commissioner Der Sarkissian asked if the dormers were removed would there still be a project.

Dennis Awad, the property owner of 1132 Sheraton Drive, stated that this is an old home in need of upgrading. There are other two-story homes in the area. He has made design changes

since the last meeting and had discussions with neighbors. He indicated that his neighbors at 1131 Sheraton Drive, one on Hayman Avenue and at 4330 Cornishon Avenue support the project, as well as, other neighbors passing by. He felt they addressed the neighbor's concerns by lower the project by 3'. He added that the house sits behind a large oak tree and is lower than the street. The addition faces the backyard. He would like to keep the dormers since they are an attractive architectural aspect of the home.

Pat Harker of 4319 Hayman Avenue indicated that she was at the first meeting. She objects to the size of the dormers but does not object to the second floor. She is also objecting to the architectural style. He took down his fence can add the room to the back of the house. She felt that this design is disrespectful of the neighborhood and sets a poor example for the next person who wants to remodel or build.

Sami Khadder is the son-in-law of the applicant, indicated his support for the project. He felt that it fits in the neighborhood.

Robert Harker of 4319 Hayman Avenue stated that he appreciated the additional notice of continuance of the last meeting. He was puzzled about the story poles and whether they match the plans or not. He felt that they do not depict the dormers accurately. He also stated that no one else in the neighborhood has a flat roof like the applicants have proposed. He felt that it will set a precedent in the neighborhood. He doesn't consider this a mansion but he felt that the design doesn't respect the neighborhood.

Alex Mateuchev, of 1132 Fordhook Drive, objected to the project setting a precedent with the second floor. He felt that the second floor changes the character of the neighborhood. He is also concerned about the trees and the requested setback encroachment. He felt that the redesign didn't do enough to alleviate his initial concerns. He added that he thought that the owner could add on to the back of the house and the second floor is not necessary.

Commissioner Der Sarkissian asked Planner Gjolme if he had an assessor's parcel page that showed more than a few lots, specifically one that shows the corner house.

Planner Gjolme replied that he does not have that information readily available.

Commissioner Der Sarkissian asked Mr. Mateuchev if he was familiar with the corner house that had a wall very close to the property line. He asked him if he thought that the fence was consistent with the neighborhood.

Mr. Mateuchev could not recollect the fence Commissioner Der Sarkissian was referring to.

Commissioner Der Sarkissian clarified that no other house in the neighborhood has a wall similar to the one he is describing on the corner of Sheraton Drive and Hayman Avenue.

Steve Stedry, of 1124 Sheraton Drive, addressed the wall that Commissioner Der Sarkissian is referring to. He stated that the wall was built because the property owners installed a pool. He said that it is screened by citrus trees. He also addressed the subject project. He stated that he objects to the second story because it sets a precedent. Other second-floor additions on

Cornishon Avenue were put in prior to Second-Floor Review so the neighbors did not have any input. The lot is large and has plenty of room to have a single story addition.

Commissioner Walker asked Mr. Stedry if he had a basement.

Mr. Stedry replied no, that the lots slope down. It is the crawl space.

Steve Steinberg, of 1125 Sheraton Drive, stated that the neighborhood is cohesive. This is a horrible project and the large dormers do not fit into the neighborhood. The applicant has made small adjustments to the dormers but it still doesn't work. He wanted to know what the purpose of the deck and how big it is. He felt that a second-story deck is dangerous. He is also concerned about potential noise impacts associated with the deck. This is a uniform neighborhood and the project just doesn't fit in.

Mr. Johnson offered a compromise on the design. He said they are willing to reduce the height of the first floor windows which would lower the plate height. He also offered to shrink the dormers by 30% and lower the overall roof.

Mr. Awad stated that he was willing to talk to all the neighbors about his project. He explained that the dormers are important to him and his wife.

Commissioner Der Sarkissian indicated that he walked around the neighborhood and there are inconsistencies in the neighborhood. He is concerned about the precedent they would be setting. The house he mentioned earlier sets a precedent in the neighborhood with a wall that is out of character with the rest of the neighborhood. The dormers signify that it is a two-story house. Taking out the dormers would make the home appear to be one story with a steep roof. He explained that he could make the findings if the roof was lowered and the dormers were removed. He liked that it is screened in the front and that the pad is lower than the street. He expressed concern regarding the location of the addition in close proximity to the protected trees. He said we should rely on the survey for the accurate placement of the addition near the trees. He felt that the property owner could have done a better job of reaching out to the neighbors to share the house design.

Commissioner Jain concurred with Commissioner Der Sarkissian in that the removal of dormers would improve the appearance of the house. He didn't think lowering the door and the other windows was necessary. He is concerned with the protected trees in the vicinity of the garage and wanted a condition of approval added that requires that the foundation bridge the roots and that the foundation of garage not be disturbed.

Commissioner Walker visited the site and looked around the neighborhood and saw some comparable homes. She felt that the roofline in the back is the same height as the neighbor's house. The house is well screened in the front. She agreed that the dormers should be removed and didn't see the need to lower the windows and doors. She was also concerned about the trees and felt that they need arborist review.

Chairman Curtis felt that the neighbor comments were useful. He thought that the heights were accurately represented by the story poles. It is a very low roof. He also wanted the roots bridged and an arborist to review the situation. He felt that the project is compatible with the

neighborhood and it is lower than the street. Dormers add to the design of this house. He supported lowering the windows as Mr. Johnson proposed and shrinking the dormers by 30%.

M/S/C Der Sarkissian/Jain to approve with added conditions to omit the dormer windows facing Sheraton Drive and arborist review for potential impacts to the roots of the oak trees. 4-0. Unanimous.

IX. PUBLIC HEARINGS:

A. Zone Change 11-04; City of LCF; City-wide: Request to consider an amendment to the City's Zoning Ordinance pertaining to recreational vehicle storage. More specifically, the amendment would define "front façade" and would permit recreational vehicle storage within the R-1 zone through a director's review process with findings. Staff is recommending that the Planning Commission approve a Negative Declaration for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the staff report. She reported that no comments were received during the negative declaration review period.

Chairman Curtis confirmed that the direction for this study came from City Council. He asked staff how long a recreational vehicle can be parked on the street.

Director Stanley responded that a recreational vehicle can be parked on the street for 72 hours from the time the sheriff's department tags it. Once it is tagged it needs to be moved 250'.

Chairman Curtis asked for clarification if staff proposal to notify the neighbors after the approval and if the only recourse is appeal to the Planning Commission.

Assistant Planner Parinas replied that they would have to appeal the approval and the cost for appeal is half of the applicant fee plus noticing fees. The current cost for the Director's Miscellaneous review is \$730.

Chairman Curtis asked it was feasible to give the neighbors notice before the approval so that they can offer input at that time.

Director Stanley suggested sending out the approval in advance and staff will look into it.

Chairman Curtis stated that many other cities are eliminating RV storage and prohibiting RV storage unless they are small and can't be seen from the street.

Director Stanley indicated that the City Council did not want to prohibit RV parking outright and thought it would be OK behind the front façade of the house.

Commissioner Walker would like some language added for through lots that if the RV wasn't visible from the back street it would be OK.

Director Stanley clarified that RV parking would not be allowed within 25' of the rear lot line of a through lot.

Commissioner Walker would like to add the language that it's OK within the 25' if it's not visible from the street or the adjoining neighbors. She wanted to add language similar to when a Director's review is not required as long as it is not visible from the street.

Director Stanley suggested removing the through lot prohibition.

Commissioner Walker felt that the back street should be treated like the front street and it should be OK if it is not visible from the back street like it is OK in the front.

Assistant Planner Parinas suggested potential language regarding the prohibition of RV storage unless it is not visible from the street as determined by the Director of Community Development.

Director Stanley suggested adding it to front yard and front façade language.

Commissioner Jain asked for clarification about the provision of a 5' separation from the property line, fences/walls and landscaping. He felt that if you use landscaping the separation needs to be great since landscaping is wider than fences and walls. He felt that property owners should not be penalized if it is not visible from the street and should be up to the director. He also did some research about large SUVs and how they compare to RVs because of their size. He listed some of the heights that he found. He felt that the definition should be altered to include language that if they have sleeping and toilet facilities they are classified as RVs.

Director Stanley indicated that RVs include more types of vehicles. He explained that the definition included the language "as determined by the Director of Community Development" which gives him some leeway to make the determination.

Commissioner Jain felt that what qualifies as an RV should be clarified in the ordinance.

Director Stanley offered to add a disclaimer that SUVs are not included in the definition of RVs.

Chairman Curtis clarified with Director Stanley that these issues would be determined by the Director of Community Development as specified in the proposed ordinance.

Director Stanley felt it was clear in the ordinance and that the Director of Community Development should be able to make the determination. We do not capture SUVs in the current definition either.

Chairman Curtis clarified that RVs would include the kind that can be towed and the ones that are put on the back of a truck.

Director Stanley replied yes but that it would exclude a tent trailer that was below 6' in height. He felt that the definitions were very clear and that the safeguard is that the Director can make the final determination.

Commissioner Der Sarkissian felt that measuring from landscaping is not practical as the width of landscaping can vary greatly. It should be a finite number that is not measured from landscaping. He suggested 8' to allow for the landscaping. He also felt that you cannot monitor or enforce the 14 day allowance for visitors. It is usually the result of a complaint.

Director Stanley confirmed that we only know about it as a result of a complaint and the code enforcement officer will check to see if it's been removed after 14 days after it is brought to our attention.

Lucien Leblanc, of 1200 Homewood Lane, indicated that he wasn't aware of proposed ordinance until recently. It was hidden in another larger ordinance change. He asked what the City is trying to accomplish. Is it to remove visual blight in the city? In the past he inquired if there was any area in the City of La Cañada zoned for RV storage. It is also not addressed in the General Plan. There is no other facility for RV storage within 40 to 50 miles. The more restrictive street parking ordinance that was recently passed created trouble in his neighborhood. He felt that older RVs should be grandfathered in. He stated that the City needs to do something about the zoning for RV storage. There is a need for a local lot for RV parking. This ordinance is a negative thing. It is not good for the City. The ordinance should allow the Director of Community Development to make determination if the RV has been there a long time. He suggested that if the RV was legally stored before the ordinance and the resident owned their home for a long time it should be allowed to remain as legal nonconforming. He felt that only new RVs should be made to comply with the proposed standards in the ordinance. He felt that forcing people to drive a long distance to store their RVs would create additional environmental impacts that were not considered.

Otis Hutchins of 5013 Castle Road is in support of allowing RVs on one's personal property. They have had an RV for a long time. His view of the complaints regarding RVs is that they are cosmetic issues and not safety issues. He indicated that RVs are useful in emergencies. He concurred with Mr. Leblanc's concerns.

Steve Tang of 606 Knight Way stated that he represents the Hemmati's of 2045 Tondolea Lane. He did not support the idea of a public hearing for the keeping of RVs. He felt that the Director of Community Development should be allowed to have the discretion because of the unique nature of the lots in La Cañada.

Chairman Curtis asked Deputy Attorney Guerra if RVs could be classified as a non-conforming use.

Deputy Attorney Guerra indicated that the concept of allowing non-conforming uses to remain exists but he's never seen it applied to RVs.

Commissioner Jain asked Director Stanley about the definition of front façade. He felt that the definition is too broad. He felt that the design options would be limited under the proposed language defining front façade.

Chairman Curtis asked if it would be helpful to include diagrams in the code to show what is meant by certain definitions. He felt that if, as a designer, he establishes a setback for his structure he is now limited as to where he can store an RV because he set his building further back on the lot than is required by code.

Director Stanley asked Commissioner Jain if he intended to change the direction that came from the City Council. He explained that the catalyst for the proposed ordinance was a resident that felt RVs shouldn't be visible from the street and didn't agree with his interpretation of the definition of front façade. This new definition was created to address that situation.

Commissioner Jain felt that a percentage should be included in the definition so that it is not too restrictive.

Director Stanley explained that the intent and reason for the ordinance change is to hide or obscure the view of the RV from the street. This was the direction from the City Council.

Commissioner Jain stated that he agreed with that concept but felt that there are other parking restrictions built into the ordinance but by defining the front façade this way you are jeopardizing property rights.

Chairman Curtis asked if most RV storage situations would be reviewed because they are more than 6' tall.

Director Stanley replied yes, that they would require review.

Commissioner Jain asked if an RV could be stored behind an 8' tall fence. He felt that these situations need to be more carefully thought out. He also felt that a 5' distance from landscaping is not enough since the depth of landscaping can vary. He suggested an 8' separation which will work in all scenarios.

Chairman Curtis stated that most of these situations would be reviewed as part of the Director's Review process.

Director Stanley clarified that if the RV is forward of the front façade then he has to make a determination that it is not visible from the street. Landscaping may be required.

Commissioner Jain was still concerned with the definition of RV vs. SUVs.

Chairman Curtis asked Commissioner Jain if he wanted these items incorporated into the ordinance that is taken to the City Council or if they should just be presented as topics for discussion.

Commissioner Jain stated that he would like to see the ordinance revised to include these points.

Director Stanley suggested that staff can bring the ordinance back if the Commission has additional changes and wants to see a revised ordinance before they make a recommendation to City Council. Staff would present their recommendations to the City Council, as well as, the Planning Commission's recommendations.

Commissioner Walker expressed concern about the grandfathering of nonconforming RVs. She also asked how much flexibility the Director of Community Development would have regarding the 5' setback as it relates to landscaping.

Director Stanley stated that the proposed ordinance requires a 5' distance from the required landscape screening. He added that it was the City Council who was concerned with emergency access around RVs.

Commissioner Walker was concerned about not having enough flexibility with regards to the required side-yard setbacks for RVs and the required landscape screening.

Chairman Curtis stated that 8' might be too much if they are using a fence or wall to screen the RV. He felt that there is flexibility accounted for in the proposed ordinance.

Commissioner Der Sarkissian suggested requiring the 8' setback and allowing for the director to review and reduce the requirement. He liked the idea of creating a zoning designation for a storage facility. He recognized that this issue is a struggle between two groups - those that like the RVs and those that don't. No matter how the ordinance is written, someone will be excluded.

Director Stanley stated that not a lot of people complain about RVs or are against RVs. The only open area in La Cañada that would work for RV storage is along the Edison right-of-way and you would need approval from Edison to use it for that purpose and the adjacent neighbors wouldn't like it.

Chairman Curtis originally thought that if an RV was taller than 6' and not hidden that it shouldn't be allowed. He thought the Director's Review was helpful and will capture 90-95% of them. Many RVs are very large and look like commercial vehicles. The Director's Review provides for safety and mitigates the RV's impacts. He thought requiring a 6' fence helps to mitigate the impacts. He wanted more information what RV height above 6' is appropriate. They should be addressing the really tall RVs. He added that if it is above a certain height it must not be stored so it is visible from the street or adjacent properties. It is like a structure.

Commissioner Jain supports a height revision from 6' to 7' so that the view from the street is very minimal.

Chairman Curtis asked if it would be appropriate to continue the item so that staff could provide examples of how high RVs are.

Commissioner Der Sarkissian explained that RVs typically have 7' to 7.5' of head room and are 30" to 36" off the ground. It is likely that they are 10' high. The Mercedes vans are also very tall. He asked where do you draw the line in what is a vehicle and what is a RV.

Chairman Curtis repeated that he would like to see examples of RV heights.

Director Stanley indicated that staff did research in 2006 when we did R1 changes. At that time staff conducted a tour specifically regarding RVs for the City Council and the Planning Commission. They looked at the impacts at that time. Staff is suggesting that side-yard locations should be screened and the RV has to be stored behind the front façade and behind a fence. He added that a small percentage of RVs might have impacts. He suggested a future study session. He suggested that the Commission continue the topic to a date uncertain and the interested parties will be notified. He asked the Commission to give specific addresses that they are concerned about.

Chairman Curtis felt it might be useful to see the survey that was done in 2006 and to have more information on nonconforming uses.

Director Stanley indicated that the City Attorney would do the research on nonconforming uses.

M/S/C Der Sarkissian/Walker to continue discussion of the proposed ordinance to a date uncertain. 4-0 Unanimous.

2:22:44

B. Conditional Use Permit 453 (Amendment); Trammell/Tsujihara; 4277 Chula Senda Lane: Request for an amendment to an approved Conditional Use Permit to allow relocation of a lighted sports court from its current location along the north side property line behind the garage to the south side of the lot, adjacent to the south façade of the new residence currently under construction. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme gave a presentation in accordance with a staff report.

Vaughn Trammel, the project architect, indicated that the property owner would prefer a garden on that side of the house and wanted to relocate the sport court.

Commissioner Walker stated that it makes sense to move the sport court. It would be shielded by the oak trees and the exposure to the neighbor is less in the new location. She supports its relocation.

Commissioner Jain agreed that it is a better location. He had a question about the lighting hours. He asked why the lighting hours are limited and would like to remove the lighting condition.

Director Stanley stated that the lighting limitations are written in the ordinance and it also addresses noise issues.

Commissioner Der Sarkissian had no problem with the new location. He asked what staff was hoping to find out during the review in six months as required in Condition No. 16.

Director Stanley stated that if we get complaints we report that to the Commission at that time.

Chairman Curtis suggesting adding language to Condition No. 16 that it would be to address any unanticipated impacts to the neighbors. He stated that he is also in support the project.

M/S/C Curtis/ Der Sarkissian motion to approve the amendment. 4-0 Unanimous.

C. Hillside Development Permit 10-56/Second Floor Review 10-40/Modification 11-07/Floor Area Review 10-03/Conditional Use Permit 479; Swann/Johnson; 4172 Cambridge Road: Request to allow 1st and 2nd-floor expansion of an existing two-story residence and expansion of an existing basement. A Conditional Use Permit would allow expansion/reconfiguration of an existing swimming pool within the front yard setback along Berkshire Avenue. A Setback Modification would allow over-height retaining walls associated with pool construction and over-height driveway pilasters to encroach into the front setback. Floor Area Review is required since total project area would exceed 4,500 sq. ft. on a lot with an average width of less than 80 feet. The site has a qualified average width of 72 feet. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme gave a presentation in accordance with the staff report. He pointed out the need for a condition requiring Fence Review for the driveway gate and pilasters. He also pointed out that there was no justification for the excess pilaster height and they should be reduced to what the code allows.

Chairman Curtis asked if there should be a landscape requirement to screen the wall.

Planner Gjolme stated that the Commission could add a condition requiring it but perhaps review of a color and materials board would suffice. He felt that additional landscaping is necessary.

Commissioner Jain asked if the storage bins that are visible from Berkshire Avenue are permanent.

Jay Johnson, the project architect explained that that the wall of infinity edge pool will be tiled so that it blends with the natural landscaping. He added that there is already an established hedge along the fence that would mature to 8 or 9 feet.

Rodney Swan, the property owner, explained that the storage units will be removed when the project is finished. He added that they are building a large storage area under

the garage. They plan to add vegetation to minimize the impact of the infinity edge of the pool. He added that he increased the height of pilasters for safety reasons and to deter access at the back of the lot. That side of the lot is very isolated.

Commissioner Jain asked why it was necessary to have a gate there at all.

Mr. Swann stated that he is concerned about emergency access and security.

Planner Gjolme added there was already a driveway gate at the rear of the lot that was widened and moved forward. New retaining walls were also constructed. The findings for the excess height of the pilasters cannot be made.

Commissioner Jain asked about the intended use of the back driveway.

Mr. Swann explained that this access would not be used regularly. He considered closing off the access.

Commissioner Walker concurred with staff that the pool is not visible. She wanted review of the materials for the wall so that they blend in with the surroundings. She felt that lowering the pilasters would not jeopardize security.

Commissioner Der Sarkissian is OK with gate but that he has problem with the trees that are not addressed. He would like to see an arborist report before they review the project. He expressed concern with the sections. He explained that there was a substantial cut proposed at the location of the cabana that would impact the trees that was not addressed.

Planner Gjolme clarified that he explained in his report that they are an issue and that the cabana is too close to one of the trees. He felt that the cabana wall would need to be relocated to provide adequate separation from the trees unless an arborist says that it can go closer.

Commissioner Der Sarkissian stated that he is OK with the project but doesn't want to vote on the project until he has the arborist report for the protected trees. He would like to see more distance to the protected trees like they are proposing in the draft tree ordinance. He would like to see the trees located on the site plan and not just on the survey. He stressed the importance of the sections as they relate to the trees.

Chairman Curtis asked if the arborist report comes back that the plan needs to change would it need to come in to the Planning Commission if the Director could not make a substantial conformance finding.

Planner Gjolme stated that if the requested changes are substantial enough it would need to return to the Planning Commission.

Commissioner Der Sarkissian felt that there would be substantial excavation for the cabana and wanted an arborist to review that before they make a decision.

Chairman Curtis asked for clarification which tree Commissioner Der Sarkissian was referring to.

Planner Gjolme reiterated that all of the protected trees have the required separation or more with the exception of the multi-trunk oak closest to the rear wall of the cabana. The condition of approval is very clear that the cabana wall would have to be moved twelve feet away from the protected tree unless an arborist says it can go closer.

Commissioner Der Sarkissian felt that the cut for the cabana would severely impact one of the trees.

Commissioner Jain felt that the tree would not survive the shock of the excavation for the cabana.

Director Stanley understood the point Commissioner Der Sarkissian was trying to make and agreed that the cross section was not drawn correctly. He felt that all trees in the project area should be reviewed. The over-excavation for the cabana could impact the tree. He suggested getting an arborist report up front and bringing it back to Planning Commission.

Commissioner Der Sarkissian asked the applicant to please consider the proposed revisions to the tree ordinance regarding protecting zone around trees.

Mr. Swann stated that he is willing to move the structures to preserve the trees. He is also willing to reduce the size of or remove the cabana, if necessary. He added that he planted the additional greenery to enhance the property. He asked that they consider approving the portion of the project that does not impact the trees and deciding on the rest of the project at a later date once the arborist has reviewed the project.

Chairman Curtis asked if staff's recommendation was to continue the project until the arborist review is completed.

Director Stanley replied yes. He asked that Mr. Johnson also fix the cross-section to accurately reflect the location of the tree in relation to the cut for the cabana.

Commissioner Jain liked the plan and that it was nicely done. He felt, however, that the trees are in danger. He still did not understand the need for the large parking area near the rear gate of the property.

Planner Gjolme asked if the Commission was willing to still take action on the Second-Floor Review, Floor-Area Review and the Hillside Development Permit for the residence. They could hold off on the review of the Conditional Use Permit and Setback Modification for the pool, walls and cabana.

Commissioner Jain felt that the proposed deck expansion also impacts some trees and should have arborist review. He suggested also excluding the deck from the approval until the drawings are revised. He clarified that the retaining walls would also not be approved at this time.

Chairman Curtis asked the applicants if they would like to have action on the rest of the project excluding the pool and cabana. He stated that he is supportive of the project but would like to add a condition for review and approval for the materials of the pool wall and to lower the pilasters.

Planner Gjolme clarified that he would have to revise the resolution for the expansion of the house only and that all of the rear-yard amenities would have to come back at a later date.

Jay Johnson stated that they would like the approvals that have to do with the house tonight. They were willing to exclude the cabana, pool, walls and terrace.

Director Stanley clarified that they would be approving the HDP, SFR and the FAR.

Chairman Curtis asked if there were any conditions of approval that would have to be removed as a result of the project being split up.

Planner Gjolme stated that the conditions pertaining to the oak trees and the arborist review could be removed at this time since they relate to the rear-yard improvements. The generic tree related conditions would remain.

Commissioner Der Sarkissian stated that Conditions Nos. 18, 19 and 20 all relate to those trees.

Director Stanley clarified that they would be approving HDP 10-56, SFR 10-40 and FAR 10-03 for first and second-floor additions the residence and everything else would be removed.

Chairman Curtis felt that it was OK to leave in Condition Nos. 18 and 19 because they may apply to the approval they are granting tonight.

Commissioner Jain stated that the cabana should be excluded because it is also part of the FAR.

Deputy City Attorney Guerra suggested adding a condition that the resolution for approval does not include the pilasters, pool, walls, cabana and decks.

M/S/C Der Sarkissian/Jain to approve the project components as proposed by the Director of Community Development for the residence only. 4-0 Unanimous.

Chairman Curtis clarified that they are adding a condition as recommended by the Deputy City Attorney.

It was also decided that Condition No. 20 should be removed.

M/S/C Curtis/Walker to continue the rest of the project to a date uncertain. 4-0 Unanimous.

- D. Modification 12-06; Choi/Stoddard; 907 Valley Crest Street:** Request to allow a proposed entry, porch and trellis which will encroach into the front yard setback of an existing one-story which will be expanded by a proposed 2,905 sf first floor addition with a 483 sf attached garage. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke gave a presentation in accordance with the staff report.

Craig Stoddard, the project architect, stated that he did not have much to add. He did want the Commission to consider allowing construction parking on the street.

Commissioner Jain felt that the Director can make that decision.

Planner Clarke clarified that they can park in front of project site.

Chairman Curtis suggested adding language that if it is deemed by the Director of Community Development that on-site parking is not available, that they can park on the street.

Dan Khatchaturian, of 5180 Princess Anne, indicated his support of the project. He is happy that they are proposing a one-story home and the encroachment should be allowed. He added that there is ample parking on the streets in the area.

Commissioner Der Sarkissian stated that he can make findings but suggested more articulation of the long wall on the east side.

Commissioner Jain stated that he also supports the project and that the setback modification is minor. He suggested language that the Director of Community Development can use in making a determination regarding on-site construction parking at the time building permits are issued.

Commissioner Walker also indicated her support of the project and concurred with staff. She felt that Condition No. 11 would be clearer if it stated that if it is deemed by the Director of Community Development rather than the Planning Commission.

Chairman Curtis concurred with his fellow Commissioners.

M/S/C Jain/Der Sarkissian to approve the project with the revised Condition No. 11. 4-0 Unanimous.

X. OTHER BUSINESS

- B. Discussion item** - Electronic reader boards: Potential amendment to Sign Ordinance to allow reader boards in excess of four (4) square feet on Public/Semi-public and Institutionally-zoned properties.

Chairman Curtis asked why they were discussing this topic again.

Director Stanley explained that staff wanted to get the Commission's feedback so that they can give direction to the City Council.

Planner Gjolme explained that under the current code the only way to address electronic reader boards was to process a Variance for each request or change the code to allow them. He stated that the Design Commission was opposed to a code change that accommodated larger reader boards. He wanted more input from the Planning Commission since the Design Commission position was in direct conflict with the last Planning Commission discussion on the topic. He clarified that he also wanted feedback from the Planning Commission regarding the Design Commission's input to take to the City Council.

Chairman Curtis asked what Planner Gjolme's original recommendation was and what he thought about reader boards that were larger than 4'.

Planner Gjolme replied that a Variance was not the way to go but he would entertain the idea of a code change if both Commissions were on board with it.

Director Stanley and Planner Gjolme both felt that if they are allowed than all the schools, churches and others may want them.

Director Stanley clarified that at this stage it is just a discussion item and not a proposed ordinance.

Director Stanley clarified that reader boards also include TV-type signs where the message is always changing.

Planner Gjolme added that if they decided to prepare an ordinance that these signs would have to be reviewed by the Design Commission and they are opposed to them to begin with.

Chairman Curtis asked Deputy Attorney General Guerra if he had experience drafting an ordinance like this.

Deputy Attorney General Guerra indicated that he has not dealt with the topic.

Commissioner Jain suggested not changing anything since it will create many unintended consequences. He said that many businesses on smaller parcels may want them too.

Commissioner Der Sarkissian stated that they should respect the opinion of Design Commission and that message should go to City Council.

Commissioner Walker and Chairman Curtis concurred.

XI. REPORT OF DIRECTOR'S REVIEWS: [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]:

A. Director's Miscellaneous 12-13 (SB); Hurlbutt; 4252 Chula Senda Lane:
Approval of a request to legalize a breezeway enclosure that functions as an

office. This area totals 230 sq. ft. Also as part of the project, but not part of this review, the applicant is proposing to add a compliant 230 sq. ft. under an existing patio at the rear of the residence. No new floor area would technically be added. The total floor area on the lot would be 6,144 sq. ft. which is well under the 8,384 sq. ft. maximum allowed for the lot. The required street side-yard setback is 20'-0" and the existing setback is 11'-6" at the garage. The enclosure of the breezeway would yield a 17'-0" setback which is below the 20'-0" requirement but more than the 11'-6" of the existing nonconforming structure. The other additions would have compliant setbacks.

XII. COMMENTS FROM THE COMMISSIONERS

Chairmen Curtis welcomed Ms. Walker to the Planning Commission.

XIII. COMMENTS FROM THE DIRECTOR

Director Stanley welcomed Commissioner Walker and indicated that he had worked with her in the past on the Business Support Development Committee and the Public Works Commission.

He stated that the City Council would be discussing the General Plan Update on 6/18/12. They are starting with the Land Use and Housing Elements. The Circulation Element would be discussed at a later date.

He added that the Tree Ordinance was not going to the City Council until 8/6/12. Some revisions were being made by staff and the Deputy City Attorney based on input from the City Council and a resident.

Chairman Curtis stated that he was happy we are on the 76 Station to get it finished.

XIV. ADJOURNMENT The meeting was adjourned at 9:50 p.m.