

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD OCTOBER 13, 2009**

- I. **CALL TO ORDER:** Chairman Davitt called the meeting to order at 6:00 p.m.
- II. **ROLL:** Chairman Davitt, Vice Chairman Hill, Commissioner Gelhaar, Commissioner Curtis, Director Stanley, Deputy City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planner Lang, and Planning Intern Ballestar. Commissioner Cahill was absent.
- III. **PLEDGE OF ALLEGIANCE:** Commissioner Gelhaar led the flag salute.
- IV. **COMMENTS FROM THE PUBLIC:** There were no comments from the public on items that were not on the agenda.
- V. **REORDERING OF THE AGENDA:** No items on the agenda were reordered.
- VI. **CONSENT CALENDAR:**
 - A. **Minutes:** July 14, 2009
 - B. **Minutes:** July 28, 2009 Commissioner Curtis offered a correction and Chairman Davitt abstained because he was absent from that meeting.
 - C. **Minutes:** September 8, 2009 Curtis added that he was present at that meeting.

Commissioner Gelhaar made a motion to approve the Minutes on the Consent Calendar as amended and Commissioner Hill seconded.

VII. CONTINUED PUBLIC HEARINGS:

- A. **Conditional Use Permit 418 and Variance 09-01; Winnaman; 4914 Alta Canyon Road:** Request for lighting for a tennis court (CUP) and a Variance for raising the grade of part of the parcel for the tennis court. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke) [Note that the Variance was previously withdrawn.]

Planner Clarke indicated that the applicant has withdrawn the applications for the Conditional Use Permit and the Variance. He stated that the city engineer had reviewed the plans and concluded that he could not determine where the original grade was.

Commissioner Gelhaar asked staff if staff agreed that the withdrawal of the application was conditioned on two items as outlined in the letter written by the applicant's representative in a letter dated 10/8/09.

Deputy City Attorney Guerra clarified that with respect to the CUP the applicant reserved the right to reapply at a later date and that the withdrawal was unconditional. The Variance was also

withdrawn and that there was insufficient evidence to pursue code enforcement action against the property owner.

Commissioner Gelhaar wanted to know where the written request to withdraw the CUP for the lights was. He also asked if the code enforcement letter has been written.

Planner Clarke stated that there were two letters. The one which withdrew the CUP dated 10/8/09 and the one that withdrew the Variance dated 6/16/09.

Commissioner Gelhaar was of the opinion that there were two conditions in the withdrawal letter written by the applicant's representative. One was that the City has determined that no Variance was required for the tennis court and that a letter be written stating that code enforcement proceedings be dropped. He also asked if the City Attorney has the authority to make the determination that there are no code violations.

Deputy City Attorney Guerra stated that the City Attorney can make a recommendation that code enforcement action can be dropped.

Director Stanley indicated that based on the information that we have we are not moving forward with any code enforcement action regarding the cut and fill on the tennis court but that doesn't mean we are not moving forward on any other type of action.

Commissioner Gelhaar asked staff if they felt that the retaining wall was a part of the tennis court.

Director Stanley responded that the retaining wall is not next to the tennis court. He added that the 2' wall that is directly around the tennis court is not retaining.

Commissioner Gelhaar clarified that he is referring to the wall that is at the southwest corner that is about 3' high.

Director Stanley clarified that he does not consider that wall part of the tennis court since it is separated by three feet from the tennis court. He added that the tennis court is just the playing surface.

Commissioner Gelhaar asked Director Stanley if it was his opinion that the fill that is behind the retaining wall in the southwest corner is not holding up the tennis court.

Director Stanley said that the decision was based on information submitted by the applicant's certified engineer that indicated that the tennis court is not placed on fill.

Commissioner Gelhaar disagreed with Director Stanley that the retaining wall is not part of the tennis court.

Director Stanley said that staff was using the latest topographic map and photographs that were submitted by the applicant.

Chairman Davitt explained that there is nothing to review or discuss regarding the project and that the Commission cannot take action on the matter. He indicated that he is willing to take public comments on the matter with the understanding that there would not be any action taken by the Commission.

Commissioner Curtis asked the Deputy City Attorney if the public comments should be reopened rather than taking testimony on a matter that has been withdrawn.

Director Stanley stated that it was determined that the Chair of the Planning Commission can allow people to speak on an item that was withdrawn.

Gene Pepper, the neighbor at 4908 Alta Canyon Road, thanked the Chair for allowing the neighbors to speak. He asked Chairman Davitt if this was the end of line for this matter.

Chairman Davitt stated that the project review had run its course with the Planning Commission.

Mr. Pepper stated that he objects to the staff report and that they were not allowed to speak at the previous meetings. This is the first chance they were given to speak on the matter. They met with staff and gave staff the overlay that their engineer/geologists did. He asked if the Commission was given a copy of their engineer's map that showed that the grade had been changed.

Planner Clarke indicated that the commissioners did not see the map.

Mr. Pepper indicated that the map provided by their engineer showed that the grade was indeed changed 3'-4' from natural grade.

Planner Clarke indicated that the City Engineer determined that there was no validity to Peter Martin's maps because they were estimates as to what happened grade.

Director Stanley explained that there was no physical evidence that there were measurements taken prior to the grade change. He added that the Pepper's geologist is not a certified surveyor.

Mr. Pepper stated that he believed that his engineer did historical search to get data.

Marilyn Pepper, the neighbor at 4908 Alta Canyon Road, asked for clarification if code enforcement would continue on the subject property.

Director Stanley stated that with regards to whether or not the court is on fill code enforcement would not be pursued. He indicated that there are other issues that need to be dealt with such as retaining walls and fence height.

Mrs. Pepper stated that if they found an appropriate engineer would the city reconsider the evidence.

Deputy City Attorney Guerra indicated that if new information was received, staff would consider the new evidence.

Commissioner Curtis asked if during the building inspection the building inspector noticed anything.

Director Stanley explained that there were no inspections for the tennis court because flat work does not require a building permit. He stated that only the retaining wall required a building permit. The retaining wall on the west edge where a cut was done was inspected. He added that retaining walls that hold back fill may or may not require building permits depending on their height. He indicated that the court perimeter walls were inspected on the north and west side. He reminded the Commission that there was a stop work order on the property prior to the construction of the other walls. He added that work did continue after the stop work order was issued.

Mrs. Pepper submitted a letter and asked the Commission to look at it and consider the items in the letter.

Tim Gosney, the neighbor at 4902 Alta Canyon Road, said he finds it alarming that city staff did not provide submitted information to the Commission and the City Attorney. He asked the Commission to keep in mind that the applicant's engineer had told three different stories. He felt that City staff was turning a blind eye to the situation. He stated that at a meeting with city staff the neighbors were told that a surveyor would be hired to take measurements and make a comparison to historical information. At the last meeting it was clear that an engineer was not hired to make the determination. He indicated that he witnessed many trucks bringing dirt in. He felt that the City should do what is right. He felt that the City should make the applicant prove that the tennis court was on-grade. He reminded the Commission that the applicant has violated the code in the past and city staff had allowed it to occur.

Richard Will, the neighbor at 4906 Alta Canyon Road stated that he has lived there since 1952. He stated that he felt that the dirt was built up and that he played on that lot as a child and it was at a lower grade but he has no proof.

Commissioner Gelhaar asked if they can give feedback to the parties who speak. He wanted the neighbors to know that they have rights as property owners and there are actions they can pursue.

Vice Chair Hill commented that he agreed with the speakers. He felt that the City needs to go back and look at the situation and that all information should be considered. He also felt that the City should spend some money to research the issue.

Commissioner Curtis agreed with the other commissioners and felt that if new information is brought to light that the City should pursue further code enforcement action.

Chairman Davitt agreed with Commissioners Curtis and Hill.

B. Planned Development Permit 09-01, Variance 09-03, Variance 09-04 and Tentative Parcel Map 71186; Kim/Lee; 2197 Rockridge Terrace: Request for a Planned Development Permit to allow construction of a new three unit condominium building on a 14,500 sf parcel with a Variance for reduced parking and a Variance for over height walls. 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. He reminded the Planning Commission that they last reviewed the project at the July 28, 2009 meeting. He reviewed the slides from previous presentation to refresh the Commissioner's memory. He summarized the significant changes as follows:

- Roof height reduced by 1' from 28' to 27' – originally mansard roof but changed by Design Commission to pitched roof.
- Level of pad lowered by 1'-10". Total reduction in height is 2'-10".
- One unit changed from 4 to 3 bedrooms – The restroom was removed along with closet and partial walls to rest of home.
- Additional guest parking space provided.
- Parcel Map application for condominiums and not apartments.
- Variance application for reduced parking.
- Variance for over height walls in the east and north side setbacks.
- More detailed landscaping plans provided.
- Arborist report prepared – retain one oak and remove second.

Planner Clarke explained that the owners are considering reducing the size of the larger unit by 500 sq. ft. but at this time plans that reflect that change have not been submitted. He showed a table that compares the density of other multi-family units in the vicinity and another table that compares the parking ratios of other multi-family units in the area. Planner Clarke explained that the roof could be made flat to lower it but this would be contrary to the Design Commission's direction when the project was before them for preliminary review. He showed pictures that the neighbor provided which depict the view from within his unit. They illustrate that close range views are impacted but long range view remain intact.

Planner Clarke summarized by indicating highlighting the additional information that was submitted and the changes that were made from the previous submittal:

- Revised the application from apartment to condominium project – ownership versus rental.
- Change in unit mix - 3/ three beds.
- Variance application for reduced parking – twice area average.
- Variance for over height walls in setbacks.
- Detailed landscaped plan provided.
- Arborist report was prepared regarding the removal of an oak tree in the rear portion of the lot.

Planner Clarke finished his presentation by reminding the Commission that should the project be approved by the Planning Commission it would need to return to Design Commission for final design review.

Commissioner Gelhaar asked if changes need to be made to resolution that reflects that it is now a condo project versus apartment units.

Planner Clarke responded that in the affirmative that a new resolution will be prepared for the Commission's final approval. He also added that in Condition No. 21 "cul-de-sac" should be change to "turnaround" in accordance with Public Works and Fire Department regulations.

Commissioner Curtis asked staff to explain what the Design Commission typically looks at.

Planner Clarke responded that the Design Commission usually looks at commercial projects not at residential projects. Where the Planning Commission would look at land use issues the Design Commission looks at aesthetics and architectural compatibility to the neighborhood. For example they addressed the issue of the mansard roof and recommended that the roof be changed to a pitched roof.

Commissioner Curtis also asked if they look at materials and colors of the proposed projects.

Planner Clarke responded that they also look at materials and colors. He added that they we recommending approval of the design of the project but that the project would have to return to them for final review of colors and materials.

Commissioner Curtis asked if staff was recommending that the units be reduced in size by 500 sq. ft. He asked if this were to happen would it be a substantial conformance issue that would be reviewed by the Director of Community Development.

Planner Clarke indicated that it would be handled as a substantial conformance if the units were to be reduced in size. He also added that it would be a smaller project but the number of bedrooms (3) would remain the same.

Commissioner Curtis asked about the proposed wall creating an 8' drop and how should the safety be addressed.

Planner Clarke recommended that a condition of approval be added that requires the applicant to place a wrought iron fence on top of the retaining wall for safety purposes.

Commissioner Curtis asked staff to explain why there is a higher parking standard for multi-family parking compared to single-family residential. He asked what other jurisdictions require with respect to the parking requirement for multi-family residential.

Planner Clarke explained that other jurisdictions also have guest parking requirements but do not base the parking requirement on the number of bedrooms like we do.

Commissioner Curtis asked why the Tree Removal Permit for the Oak Tree was not before them. He also asked when the requirement for handicapped spaces kicks in.

Planner Clarke responded that the Tree Removal application is forthcoming and that whether or not handicapped spaces are required will be reviewed by the Building and Safety Department.

Director Stanley clarified that the Design Commission also considers the bulk and mass of the building, as well as, site layout and circulation. They will also look at the proposed landscaping.

Jay Johnson, representing the applicant. He explained that the main difference in the current project versus the previous submittal is that in the previous submittal there was not a variance for the guest parking and that they were rental units. He also indicated that one of the units will be occupied by the developer. He highlighted the parking requirement discrepancy between regular single-family homes where two covered parking spaces are required and the requirement for multi-family units where one parking space per bedroom is required, as well as guest parking spaces. He explained that in Condition No. 22 required by Public Works asked the developer to put in a 5' sidewalk that is 500' long with a handicapped ramp, a turnaround at the end of the street, parkway drains, curbs and gutters. He stated that the Public Works Department also asked the applicant to put in three street lights. He felt that requirement for the three street lights was excessive. He asked that the condition be changed to require only one streetlight on Rockridge Terrace. He asked that the Planning Commission address the issue to make the project more feasible. He estimated that it costs approximately \$15,000 per streetlight. He indicated that the cost of the Public Works requirements could severely impact the viability of the project.

Gilbert Gembacz, owner of 4441 Rocklin Place which is directly across the street from the proposed project. He stated he has an issue with some of the points made in the staff report. For instance, the number of spaces reported to the Commission by staff on his parcel is incorrect. He objects to the old staff report dated July 28, 2009 because the even numbered pages were missing in the packet materials made available at the hearing tonight. He asked what percentage of building permits were issued in La Canada without any variance request. He stated his opposition to a variance request for a reduction parking since there is no parking on the street. He felt that changing the room designation from bedroom to family room does not mean it will not be used as a bedroom. He also has an issue with the height variance for the retaining wall since it will be unsightly. He asked where the 10' would be measured from for the wall. He asked if it would be from the top of the wall to the existing grade. He recommended against granting additional variances for properties in La Canada.

Chris Carter, a neighbor of the proposed project and an architect, stated that parking is still an issue. The only difference in this project versus the last one is that a variance for parking has been applied for. He added that handicapped parking would be required for the guest parking and it will require a loading area which cannot be accomplished in its current configuration. He stated that the ordinance requires that the neighboring views shall be maintained and the photos presented do not clearly represent the view impacts to adjacent neighbors at 4442, 4444 and 4446 Rocklin Place. He felt that the issues with the previous designs have not been resolved by the current design and configuration. He added that he represents the owner of the property where he lives since they could not attend the meeting.

Brad Phelan, who does maintenance at 4442 thru 4446 Rocklin Place, stated that he represents the owner of these properties and they still have an issue with the height of the proposed structure. He feels that the photos do not truly represent the view impacts. He read a letter from new tenants (Randy and Sherri Michael) at 4442 Rocklin Place about their view obstruction. They also expressed a concern about the lack of parking available on Rocklin Place and the impacts that the

new project would have street parking. He indicated that the owner of his building is concerned about the 8' retaining wall and the drop off since it is their parking back up area.

Jay Johnson, representing the property owner refuted that the parking situation has remained unchanged. He stated that they added an additional visitor parking space and reduced the number of bedrooms so that the requirement was reduced.

Vice Chairman Hill asked Mr. Johnson to address the handicapped parking issue.

Mr. Johnson responded that since private residential units are proposed there is no requirement for handicapped parking or handicapped access inside the units.

Commissioner Gelhaar asked about the potential for reducing the floor area of the units. He asked how the applicant would accomplish this and how it would impact the parking provided.

Mr. Johnson responded that reducing the floor area would not add additional parking since the parking is enclosed in garages. He stated that he had not considered where the floor area could be reduced.

Chairman Davitt closed the public hearing

Commissioner Gelhaar asked if the potential reduction of the floor area came from the applicant or staff.

Planner Clarke indicated that it came from conversations with the applicant at the counter and that it would not impact the number of spaces required.

Commissioner Curtis felt that the project has come along way from where it was originally. He stated that variances have very high standards that must be met. He feels that this variance for the wall height and the reduction in parking is justified. He felt that the parking is sufficient as proposed and that additional parking would not address the existing street parking problem. He is concerned about the wall in the back and felt a condition needed to be added that required a fortified wrought iron fence on top of the wall that would protect pedestrians and cars backing up from falling over the edge of the wall. He stated that he supports staff's recommendations for the conditions as modified and suggested that the condition requiring streetlights be changed to state that rather than the developer shall install three streetlights it should state that the developer shall install street lights as required by the Public Works Department. He supports staff's recommended conditions except to make the street light condition contingent on Public Work's requirements. He stated that he could make the findings.

Commissioner Gelhaar agreed with Commissioner Curtis and liked the change to a condominium project. He agreed with the parking variance. He liked the reduction in building height. He agreed with staff's recommended conditions but wanted a condition that required a substantial fence on top of the retaining wall to prevent cars from going over the top of the wall.

Vice Chairman Hill agreed with all except the street light requirement. He stated he could make the findings for both variances. He felt that three streetlights were too many. He would be in favor of

deleting Condition No. 22 and not require any streetlights. He didn't want to leave the requirement up to Public Works as suggested. He said he could support the project.

Chairman Davitt stated that he visited the site but was not at the last meeting on July 28, 2009. He felt that it is an improved project from original design even though a parking variance is now required. He is supportive of his fellow Commissioners regarding the issue of the street lights.

Commissioner Gelhaar asked staff for clarification of where the street light condition came from.

Planner Clarke stated that the street light requirement came directly from Public Works.

Chairman Davitt asked if the Planning Commission has the ability to suggest another number for the street lights.

Director Stanley suggested investigating if the number of street lights can be reduced but also stated that we cannot dictate Public Work's requirements. He stated that since it is a parcel map, all the Public Work's conditions are applied.

Chairman Davitt felt that three street lights are too many and suggested maybe that they encourage the Public Works Department to look into it again. He asked Commissioner Curtis is he was in agreement with that suggestion.

Commissioner Curtis agreed and suggested alternative language for the condition of approval. He suggested that the condition be changed to read that the developer shall install street lights on Rockridge Terrace and Rockridge Place in accordance with Public Work Department requirements which could facilitate discussion between the applicant and the Public Works Department.

Vice Chairman Hill asked if the Commission needed to address street lights since it is a condition from another department that has to be met prior to building permit issuance just like Fire Department and grading conditions.

Director Stanley stated that since it is a parcel map these conditions are included because the map will be recorded. He recommended that the condition not be eliminated but it could be modified to include further review by the Public Works Department as suggested.

Commissioner Curtis felt that the lights should be on Rockridge Terrace since it fronts on that street but somehow the condition included lights on Rockridge Place.

Mr. Johnson stated that he did have a conversation with Ying Kwan of the Public Works Department and asked why they need to provide three streetlights and a good explanation was not provided except that there was potential for a park at the end of that street. He stated that he therefore proposed that they provide one street light and that it be moved towards the guest parking near the end of the street. He felt that asking the applicant to pay for three streetlights that equates to one per unit was excessive.

Chairman Davitt and Commissioner Gelhaar agreed with Commissioner Curtis' suggestion to change the language to say street lights shall be provided per the Department of Public Works requirements.

Commissioner Curtis moved that the project be approved as conditioned with the added condition to require a substantial fence on top of the retaining wall and that Condition No. 22 be changed to eliminate the three street lights and changed to street lights as required by the Public Works Department. Commissioner Gelhaar seconded. Unanimous.

VIII. PUBLIC HEARINGS:

- A. Second-Floor Review 08-15 and Director's Misc. Review 09-01 (flat roof); Oh/Lee; 5180 Princess Anne Road:** A request for Second-floor Review to allow construction of a 6,800 sq. ft. 2-story residence on a 31,420 sq. ft. lot. Staff-level flat-roof review is also required since more than 25% of the new roof would be flat (less than a 2:12 slope). The project was originally approved by the Planning Commission on February 10, 2009. The project's approval was appealed and the case was reviewed by the City Council on April 20, 2009, at which time the project was referred back to the Planning Commission for additional review. The project has been reduced by approximately 1,230 sq. ft. and has been redesigned to provide increased setbacks to the south and an enhanced landscape plan has been developed. 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 stated that the City Council's Minutes are now included in the Commissioner's packets. He felt that all concerns have been addressed with the revised project.

At the last meeting staff felt that two of the three concerns had been addressed. The size, however, was not reduced. He reiterated that the house was shifted and the setbacks have been doubled on the south side. A substantial landscape plan has also been submitted that addresses screening concerns on the south side.

Since that last meeting the size has been reduced by 1,234 sq. ft. which equates to a 15% reduction. New total floor area would be 6,798 sq. ft. this would be a FAR of under 22%. The applicant is now proposing a basement under the north side of first floor which is excluded from the floor area calculation. He highlighted that the building depth and width have been reduced. He suggested that even though the height of the project is compliant that to address bulk perhaps the plate heights could be reduced 18" which would account for the grade difference of the adjacent properties to the south. He recommended again that the sunken deck above the garage be removed to alleviate the concerns of the adjacent neighbor whose pool and cabana are in this area. He added that the door to the deck should be removed and replaced with a window. Planner Gjolme summarized by asking the Commission if they felt that floor area had been reduced enough to approve the project.

Commissioner Gelhaar felt that the City Council minutes were helpful. He asked if the City Council discussed rotating the house.

Planner Gjolme answered that rotating the house was discussed but it was dismissed because rotating the house would increase exposure of the building to the south.

Chenny Wong of 5181 Princess Anne Road appreciated Mr. Oh's efforts to reduce the size of the house. She felt, however, that the reduction was not enough because it was mostly done on the north side and on the first floor. She felt that the second-floor mass should be reduced and the attic could be reduced also. She suggested the elimination of the flat roof to decrease the mass of the building at the top. She stated that she studied the revised story poles and determined that they had been raised 5'. She showed pictures that were taken from her front porch.

Commissioner Gelhaar asked if the three photos were taken from exact same spot after each story pole revision.

Ms. Wong responded that they were taken from the exact same spot each time.

Sunny Asch of 915 Valley Crest highlighted points from a letter written by her neighbor Mr. Yee who lives at 907 Valley Crest. In his letter Mr. Yee stated that wants a wall not wooden fence as proposed on the south side. He is also concerned about the second-floor deck on the south side. She reported that the Commission suggested neighbor meeting did not take place. She also stated that another neighbor is concerned about drainage issues which will get worse if a wall is not required on the south side. Ms. Asch feels that the 15% reduction is not enough. She also asked who would measure the house as it's being built for accuracy and conformance with the approved plan.

Erik Forson of 5181 Princess Anne Road, had some concerns about the story poles being 5' higher than previously erected. He is concerned that the attic space looks like third floor. He stated that the attic height should be reduced. He felt that the proposed house should compare with the other houses in the area that are 4,000-5,000 sq. ft. He supports removal of the deck.

Chairman Davitt closed public comments.

Sam Oh, the project applicant admitted that mistakes were made about story pole height. He stated that they are now accurate. He is open to lowering the overall height of the structure. He said they are also willing to eliminate the sunken balcony. He felt that a 20% reduction of the second floor is adequate. He felt that they tried their best to lower the floor area and were willing to talk to the neighbors about the landscaping. The house is compliant and they have doubled the setbacks from the previous design.

Commissioner Gelhaar asked Mr. Oh about the error that was made with the story poles. He asked staff who is certifying them since the Planning Commission has to rely on the story poles. He also asked why the balcony was not removed earlier as suggested by the Commission in an earlier review.

Planner Gjolme indicated that the certification was submitted as part of the application packet.

Mr. Oh indicated that his company certified the story poles and recognizes that mistakes were made in this case.

Commissioner Curtis asked if the pitch of the roof could be changed to further reduce the height of the building.

Mr. Oh responded that they were willing to reduce roof height by the 18” as suggested by staff but they were not willing to lower the structure by 5’.

Planner Gjolme added that the building could easily be lowered 2’.

Commissioner Gelhaar asked staff how much setback could be gained by shifting the building.

Planner Gjolme responded that the building could be shifted 2’ to the northeast at both the first and second-floor levels.

Commissioner Gelhaar read from the City Council minutes and reiterated their concerns. He stated that Councilmember Del Guercio was concerned about the size of the house, he questioned whether the setbacks were adequate, he suggested the driveway be reconfigured, and he requested the submittal of a landscape plan prior to approval. He continued by saying Mayor Pro Tem Voss questioned the garage setback, wanted screening of the project on the south side, also wanted a landscape plan, and he wanted review of the exterior lighting of the building. He stated that Councilmember Brown had privacy issues and was concerned about neighborhood compatibility. He added that Councilmember Spence thanked the applicant for bringing the house into compatibility with the neighborhood. He added that Mayor Olhasso was concerned about the size and that landscaping alone should not be used to screen buildings. He finished by saying that the Council said that size, not the Tudor style was the issue.

Commissioner Gelhaar was ready to approve the project with some added conditions and would like the Planning Commission to approve the project to send the project back to the City Council if appealed again. He wanted to add a condition that the house be moved further to the north; he did not want additional Deodar Cedars on the landscape plan and in fact wanted all the existing Deodar trees on the property removed because of fire hazard. He wanted Condition No. 19 regarding architectural design removed and wanted the height of the structure reduced or the pad lowered. He added that any fence erected on the south side would have to comply with our revised fence ordinance. He felt he could make the findings with the added conditions.

Planner Gjolme clarified that Condition No. 19 was carried over from the original approval.

Commissioner Gelhaar stated that he would still like to see the condition removed.

Vice Chair Hill stated that he focuses on the current project as it is currently presented to the Planning Commission. He felt he couldn’t approve the project because it doesn’t fit in the neighborhood. He was concerned about the size and mass of the house. He felt that the deck needs to be removed. He added that it is a very attractive house but he cannot vote to approve it.

Commissioner Curtis stated that he felt it was a tough call on neighborhood compatibility because the neighborhood is inconsistent. He felt the neighborhood is in transition. He liked the idea of

shifting the house further to the north. He concurred with what Commissioner Gelhaar proposed. He did want the height of the house reduced 2' through a reduction in plate height or lowering of the roof. He felt that the landscaping screening should be fast growing and evergreen. He encouraged a wall rather than a fence on the south side. He stated could make the findings with the proposed changes.

Chairman Davitt stated that he can support the project but can see the neighbor's concerns. He stated that he would like to see the height reduced as much as possible and moved to the north as much as possible. He would also like the balcony to be removed. He added that he cannot support removing existing deodars but could support removing any proposed Deodars from the landscape plan.

Commissioner Curtis asked for clarification regarding Condition No. 19 regarding the angled brick work.

Planner Gjolme responded that Commissioner Cahill who was not present was in favor of this condition during a previous meeting.

Commissioner Gelhaar made a motion to approve the project with the added conditions to shift the house an additional minimum of 2' northeast, reduce the height of the structure a minimum of 2', to eliminate Deodar Cedar trees from the landscape plans, and remove Condition No. 19 from the conditions of approval. Commissioner Curtis seconded. Motion carried 3-1 with Hill dissenting.

IX. OTHER BUSINESS

A. Tree Removal 09-09; Choi; 4140 Dover Road: Appeal of a Director's denial of a tree removal request for a 26" oak tree. (Planning Intern Ballestar)

Planning Intern Ballestar gave presentation in accordance with the staff report. He explained that this was an appeal of a Director's decision that started as a code enforcement case. The applicant requested the removal because they felt that the tree is leaning and is in danger of falling. The applicant also felt that the subject tree was causing drainage issues in their rear yard. The Arborist reported that damage was done to the tree and made recommendations as to how to correct the damage but he felt that it didn't warrant the removal of the tree.

Commissioner Curtis asked if the property owner graded dirt away from the tree.

Planning Intern Ballestar explained that the applicant was asked by the arborist to remove the dirt for 2' around the crown of the tree so that he could inspect the crown once it was exposed.

Commissioner Curtis asked if the applicant was proposing to leave the tree in the current condition.

Planning Intern Ballestar explained that the arborist requested that the applicant remove the dirt and it was unknown whether or not it would remain in that condition.

Commissioner Gelhaar indicated that he visited the site and was ready to vote.

The other commissioners agreed and were also ready to vote.

Chairman Davitt indicated that he did not visit the site.

Commissioner Gelhaar moved that the Planning Commission deny appeal and support Staff's recommendation. Seconded by Commissioner Curtis. 4-0 Unanimous

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Gelhaar asked when the ordinance regarding the destruction of homes and rebuilding them to current standards is coming back to the Commission. He wanted to know if staff has considered that by increasing the percentage of destruction that is required their insurance might be affected.

Commissioner Curtis asked about the chicken coop appeal and if it had finally made it through to City Council.

Director Stanley stated that the mediation failed since the only point the interested parties could agree on was the rear yard setback. The City Council agreed with staff to allow the rear-yard encroachment and not the side-yard setback.

Commissioner Curtis asked if they moved it closer to the pool.

Director Stanley responded that they would move it closer to the pool but it would remain within the rear-yard setback. He also explained that the applicant would use the existing footings for a tool shed and as long as it was not higher than 6' it can be within the required setback.

XI. COMMENTS FROM THE DIRECTOR:

A. Report of Director's Approvals since the last meeting:

1. **Hillside Development Permit 09-34; Bar-Chaim; 5775 Evening Canyon Road** – allowed a 128 sf family room addition.
2. **Hillside Development Permit 09-32/Director's Miscellaneous 09-23; Shin; 453 Paulette Place** – allowed a 490 sf room addition and 34 sf porch addition.
3. **Hillside Development Permit 09-35; Furrey; 551 Meadowgrove Street** – allowed series of three foot (3') retaining walls to repair slope.
4. **Director's Downtown Village Specific Plan 09-05; Nelson; 1111B Foothill Boulevard** – outdoor special event Saturday, September 26th, 3:00 p.m. to 9:30 p.m.
5. **Director's Miscellaneous (Telecom Review) 09-19; Sprint Wireless; 1930 Foothill Boulevard (YMCA)** – allowance of attachment of three additional directional antennas on existing empty antenna mounts.

B. Other comments:

Director Stanley reported that the Parking Ordinance went to City Council on October 5, 2009 and it was continued to October 19, 2009. The City Council recommended that the fast serve issue be brought back to the subcommittee and then to the Planning Commission. He also reported that the valet parking issue was brought up and a valet parking process will be added as a Director's Review. He also reported that the City Council wanted staff to check with the City of Pasadena regarding shared parking portion of the ordinance and report back the findings to the next City Council meeting.

Vice Chairman Hill asked who wanted to do valet parking.

Director Stanley responded that Taylor's Restaurant requested to do valet parking because on Thursday, Friday, and Saturday nights it is packed.

Commissioner Gelhaar asked if the old Sport Chalet building was going to be converted into a Henry's Grocery Store. He asked if escrow had closed.

Director Stanley responded that they are completely through escrow and Henry's now owns the building and they intend to reuse the existing building.

Commissioner Gelhaar asked if Panera was still going through the process and if they had signed a lease.

Director Stanley reported that he was informed by the Panera representative that it takes two months to go through their own internal process. He did not know if a lease was signed but that Darren Mattix, the project developer was recently inquiring about removing a parking space in front of Panera so that they could have a pedestrian walkway.

Commissioner Curtis asked if staff could ensure that a formal traffic study be done for Henry's by a traffic engineering firm.

Director Stanley responded that the Traffic Engineer had visited the site and met with Henry's representatives. Suggestions were made that one of the driveways be closed off and the one on Beulah Drive be widened. Also reviewed were the parking and circulation issues. He also added that a formal study may not be triggered by the development because there was a retail use at that location in the past. That there has to be some evidence that the traffic impact would be significant in order to trigger a formal traffic study. The traffic engineer would make that determination.

Director Stanley indicated that the project requires a zone change (text) to allow a large market in this area of the Downtown Village Specific Plan and a CUP. He explained that the asterisk in the DVSP regarding markets was put in place to ensure that an existing market would not leave their current location and create a void.

Commissioner Curtis felt that a formal traffic study should be done given the new development across the street and the increase in traffic that the market could bring.

Director Stanley added that the change in the driveways could trigger a study.

There was some discussion about the potential mudflows and its potential impacts.

XII. ADJOURNMENT The meeting was adjourned at 9:10 pm.