

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON NOVEMBER 13, 2012**

- I. CALL TO ORDER** The meeting was called to order at 6:05 p.m.
- II. ROLL:** Chairman Der Sarkissian, Commissioners Curtis, Gunter and Walker, Vice Chairman Jain was absent, Director Stanley Deputy, Deputy City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planners Parinas and Harris.
- III. PLEDGE OF ALLEGIANCE** Commissioner Curtis led the Pledge of Allegiance.
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar.

Steve Brown, of 3757 Normandy Drive, gave a PowerPoint presentation regarding the Lee project at 3745 Normandy Drive. He explained that last time he addressed issues regarding garage access, neighbor notification and the substandard garage. This time he would like to discuss the reduced setback, front door blockage and the safety of entering and exiting the awkward garages. He proposed that the lot is really a triangle lot resulting in a 150' average lot width requiring a 15' setback. He stated that the driveway is 15' wide and the ordinance requires 20' because of its length. He proposed that another 2.5' was necessary to be in keeping with the ordinance. He stated that 5 off-street parking spaces were eliminated to create a yard. The traffic engineer also determined that the upper garage is not usable and that a large car cannot fit in the lower garage due to the 20% slope in front of it. He stated that Planning was proposing to eliminate a protected tree to help with driveway access. He felt that the garage was unusable and that the application presented false and misleading information. He added that the situation was unsafe and blocks his view. He felt that since there was a legal two-car garage already on the lot the new garage should not exist. He felt that his view was significantly impacted. He concluded by saying that the Planning Department allowed the setback to be reduced without providing notice to the neighbors.

Richard Cohen, of 4128 Pembury Place, spoke in regards to the last speaker and stated that in the state of California there is no right to a view.

**V. REORDERING OF THE AGENDA**

The items were not reordered.

**VI. CONSENT CALENDAR**

- A. Minutes:** September 11, 2012 – no comments; September 25, 2012; October 23, 2012

Commissioners Curtis, Gunter and Walker stated that they did not receive the minutes of September 25, 2012. Chairman Der Sarkissian stated he did get September 25 and made a correction that was acknowledged by staff.

Director Stanley stated that the September 25, 2012 minutes would be continued and would be brought back for adoption at the next meeting. He noted the change made by the Chair to those minutes.

There were no comments on the September 11, 2012 minutes

M/S/C Curtis/ Gunter to approve the minutes of September 11, 2012 and October 23, 2012. 4-0 Unanimous.

## VII. CONTINUED PUBLIC HEARINGS

- A. Zone Change 11-04; City Initiated; City-wide:** Consideration of 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. This is an amendment to the City's Zoning Ordinance, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission will make a recommendation to the City Council at this hearing. Staff is recommending that a Negative Declaration be approved for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the Staff Report.

Commissioner Curtis asked for clarification if this would be handled like any other Director's review and if the application fees would cover the cost of staff review and noticing.

Assistant Planner Parinas replied yes but that this Director's review would require neighbor notification 10 days PRIOR to application approval.

Commissioner Curtis asked staff to clarify if RVs exceeding 6' in height need to be setback 8'. Since it was not a fire issue the 6' high threshold was left in.

Assistant Planner Parinas replied yes.

Chair Der Sarkissian asked about timing for loading and unloading before and after weekend trips. He felt that the ordinance as proposed limits the required off-site time to 120 hours and would not allow some one to take a weekend trip, return, and have time to unload their RV. He felt it wasn't fair.

Director Stanley indicated that the Commission could change the requirement to 48 hours. He also stated that some one could use their RV and come back on the same day. The Commission could build in some flexibility or they could allow the Director of Community Development to make a determination.

Commissioner Gunter felt that the intent was to not penalize people. He seemed to remember something about no more than 48 within a 120 hour period. There needed to be some interval between the RV being gone and at a location. He wouldn't consider that RV parking. He suggested allowing some one to park an RV 48 hrs within one calendar week.

Director Stanley clarified that this ordinance was to address RV parking in front of a residence not behind a residence and not visible from the street.

Commissioner Walker asked about the noticing of RV use by visitors. The ordinance specifies that a resident is supposed to give staff 5 days notice for visitors arriving by RV and staff was supposed to give the neighbors 10 days notice for the same.

Director Stanley and Assistant Planner Parinas clarified that they were separate issues. One issue was regarding neighbor notification of a pending RV permit and the other issue was related to residents notifying the City if guests are arriving in a RV in case we receive complaints. He asked the Commission if it was their intent to change the time for temporarily parked RVs to 48 hours within one calendar week.

Commissioner Walker felt that notification to the public of the new ordinance is a concern. She asked how staff would notify the current RV owners. She was also concerned if someone buys an RV.

Assistant Planner Parinas explained that we would use the Director's Review process and that it would run with the land. The adjacent neighbors would get notified 10 days prior to any action and could review the materials that were submitted. Once the decision is made final, a letter would be sent out to the applicant and the adjacent neighbors notifying them of the decision and the appeal process.

Commissioner Walker wanted to know how residents are going to find out that the RV storage discussion is on-going.

Director Stanley explained that the City's legal obligation is to notice it in the paper and it would be placed on the City's webpage. He stated that we could also send out a notice to known RV owners.

Commissioner Walker felt that a notice to all known RV owners would be a nice courtesy. She also felt that a warning should be given out before a formal citation.

Director Stanley stated that as part of the code enforcement process the City sends out a Courtesy Notice first. A resident would be given an opportunity to come in and apply for the Director's Review for RV parking

Chair Der Sarkissian stated that the City's cable channel should be used more effectively – we don't use it enough.

Otis Hutchins, of 5013 Castle Road, indicated that he has owned an RV for 40 years. They are generally in agreement with the Planning Commission recommendations to the City Council.

Commissioner Curtis asked Mr. Hutchins if his RV would comply with the proposed specifications.

Mr. Hutchins replied yes.

Chair Der Sarkissian asked the Deputy City Attorney if there is an overall limitation of RV ordinances.

Deputy City Attorney Guerra replied he did not know of any and the City is within its right to regulate land use.

Commissioner Walker thanked staff for all their hard work. She was comfortable with the ordinance as it is proposed form with the change to the 48 hour parking limitation within one week as discussed.

Commissioner Gunter felt that it was a good ordinance and recommend approval to the City Council.

Commissioner Curtis felt that the ordinance protects the rights of a property owner and the rights of the rest of the neighborhood. He was OK with the ordinance as amended.

Chair Der Sarkissian recommended approval as amended.

Commissioner Curtis suggested extra community outreach. He suggested an article in paper, modifications to the website and cable channel.

M/S/C Gunter/Walker to recommend approval of the RV Ordinance to the City Council as amended. 4-0 Unanimous.

## VIII. PUBLIC HEARINGS:

**A. Modification 12-11; De Angelis / Baron; 5126 Greencrest Road:** Request to allow a front yard encroachment of a 121 sf addition to an existing 4,925 sf single-story residence on a 21,100 sf parcel. 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 highlighted that a condition of approval was added that indicated that the encroachment would only apply to the garage addition and not the rest of the house should the applicant wish to do other additions in the future.

Commissioner Curtis asked if the proposed condition regarding the encroachment would apply to the whole neighborhood.

Planner Clarke clarified that the proposed condition applies to the subject property.

Commissioner Curtis asked if the new setback encroachment could it be used to establish the neighborhood's front setback.

Planner Clarke replied yes.

Chair Der Sarkissian asked if the garage meets the minimum size requirements. He also asked if the bathroom and laundry room were permitted as they project into the garage.

Planner Clarke replied yes.

Director Stanley clarified that existing homes are required to have an 18x20 garage. New home are required to have a 20x20 garage.

Dave De Angeles, of 650 Foothill Boulevard, Suite E, stated that the bathroom was in the plans from 1989. At that time an extensive remodel of the house was undertaken. He clarified that the intent of project was to enhance the house and alleviate the sagging roof. Pushing the front façade out provides articulation and enhances the proposed roof. Many of the neighboring homes have been remodeled and have front-facing gables.

Chair Der Sarkissian asked if the birch tree would be removed.

Dave De Angeles indicates that it may have to since it is close to the addition.

Commissioner Gunter stated that it would be modest encroachment and a sensitive addition to the house. He felt it fits in well with neighborhood, adds a front porch and provides nice modulation as desired in the Design Guidelines.

Commissioner Walker concurred and could make all the findings.

Commissioner Curtis also concurred. He wanted to note that this might not be the same result if it was in a different neighborhood, as the encroachment might not be warranted in a different neighborhood.

Chair Der Sarkissian stated that he was also supportive of project.

M/S/C Curtis/Walker to approve the project as proposed. 4-0 Unanimous.

- B. Second Floor Review 12-21; Samwon Design Inc. / Lim; 4634 La Canada Boulevard:** Request to allow a new 3,053 sq. ft. two-story residence to be constructed on a 8,775 sq. ft. lot. The project complies with all floor area, setback and height requirements. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme asked the Commission if they wanted a full presentation for the compliant project.

Commissioner Curtis asked staff if any thought was given to moving the driveway due to its proximity to the school across the street.

Planner Gjolme replied that the Public Works department preferred to keep it at its current location.

Commissioner Gunter added that he is familiar with the neighborhood and it would be better to leave it on that side of the street. He also thanked the designer for submitting a compliant project.

Planner Gjolme echoed the sentiment.

M/S/C Gunter/Curtis to approve the project as proposed. 4-0 Unanimous.

#### **IX. 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)

Deputy City Attorney Guerra asked the Planning Commission if they had sufficient time to review the arborist report that was submitted today.

Chair Der Sarkissian indicated that the report is very big and he could not review the entire document given the short amount of time they had to review it.

Director Stanley asked the Planning Commission if they wanted to continue the meeting to give them more time to review the report that was received by staff today.

Commissioner Curtis asked if the City-hired arborist had an opportunity to review this report since it had some pretty extreme differences in opinion and it would be helpful to have some input from the City arborist.

Director Stanley replied no but suggested that we provide it to Rebecca Latta to get her feedback.

Assistant Planner Parinas stated that she emailed the arborist report to City-hired arborist but was not sure if she had an opportunity to review it yet.

Commissioner Curtis asked if both arborists were working off photos. He felt that the opinions of each arborist were so dramatically different. He was in favor of a continuance.

Commissioner Walker felt that if they continued the project to have more time to review the report could the Commission ask the applicant to provide an itemized landscaped quote. She would like to know the costs of trees, an indication of what box size they are and the cost of the installation. She would like to see a cost for just the replacement trees.

Commissioner Gunter asked if the property owner's arborist is on the list.

Assistant Planner Parinas indicated that the property owner's arborist is on the City's current list of City-authorized arborists.

Commissioner Gunter asked what we are trying to solve.

Chair Der Sarkissian stated that he has spent a long time reviewing the plans and he is familiar with the landscape architect. He is most interested in what the corner will look like. He thinks the landscaping plan is a nice proposal, his concerns have been addressed and he is ready to vote.

Commissioner Gunter stated that his recollections of the last meetings are that three significant trees were taken out and that staff was recommending a \$45,000 fine but after careful consideration they reduced it to \$25,000. He stated that his notes indicated that the Commission felt that if the applicant spent \$25,000 on landscaping the whole lot it met the intent of what they were trying to accomplish. He was not necessarily concerned with the difference in tree valuations as presented by the two arborists. He would like to act on the project today. He has not had time to review the arborist report but it won't change his position.

Commissioner Curtis would like to hear from the applicant and felt that they are trying to balance the value of the removed trees against the cost of the mitigation. He would like to hear from the applicant about what he is trying to achieve.

Deputy City Attorney Guerra asked the Commission if they wanted to move forward with the hearing.

Commissioner Gunter recommended that they hear the testimony tonight and could still choose to continue the hearing anyway.

Deputy City Attorney Guerra reminded the Planning Commission that the dollar amount recommended by the arborists should be a factor in making their decision about mitigation but not the governing factor. They should focus on the impact of the removal and what can be done in terms of replacement on-site to mitigate those impacts. He read from the current tree ordinance regarding replacement trees. He also reminded the Commission that the new tree ordinance was currently under review by the City Council and the Chinese Elm is slated for removal from the protected species list.

Chair Der Sarkissian stated that he would like to hear the item tonight. He felt that the valuation discrepancy is not a significant consideration but did also note that this began as a violation of the current code.

Commissioner Curtis pointed out that the discrepancy was not only related to the final valuation of the removed trees but also regarding the various ratings used within the valuation to calculate the tree's value. He was in favor of hearing the testimony today but unsure about how to move forward when the condition, species and location ratings varied significantly.

Assistant Planner Parinas informed the Commission that the Public Works department was OK with proposed landscaping plan except at the corner of Chevy Chase Drive and St. Katherine Drive due to line-of sight issues.

Chair Der Sarkissian clarified if the objection was specific to the corner area only.

Assistant Planner Parinas explained that Public Works wanted to have a lower growing species at the corner.

Commissioner Gunter asked if there was a resolution included in their packets.

Assistant Planner Parinas indicated that there is no resolution required for tree removal requests.

Pierre Morillo, the project applicant, indicated that he would like a decision today. He explained that he received two appraisals – a verbal one was even lower than the written one.

Commissioner Gunter asked that since the tree ordinance requires 36" box-size replacements why he is proposing 24" box-size replacements.

Mr. Morillo explained that the City-hire arborist, Rebecca Latta, recommended 1 - 36" and 2 - 24" replacement trees and that they should be oaks so future protection would be guaranteed. He continued by stating that the Chinese Elms were not in a good location and was impacting nearby oaks.

Commissioner Walker asked Deputy City Attorney Guerra if they have to require the 36" box-size as replacement trees.

Deputy City Attorney Guerra explained that the Commission has some discretion to require a smaller size tree.

Commissioner Curtis asked Assistant Planner Parinas why the City-hired arborist required smaller box size

Assistant Planner Parinas explained that the City-hired arborist was not complying with the code but she recommended that size because smaller trees might grow and establish themselves better.

Commissioner Curtis restated that the recommendation for replacement by staff was for 2 – 36" box-size trees and 2 – 24" box-size trees.

Mr. Morillo indicated that he is willing to work with the Public Works department regarding the corner landscaping and the line-of-sight issues.

Director Stanley clarified that any planting within the public right-of-way will need to be evaluated by the Public Works department.

Commissioner Curtis asked if the right-of-way trees experience further decline would that come back to the Planning Commission for further review. His specific area of concern is irrigation that is placed under the street trees and was that recommended by the arborist.

Director Stanley stated that the Public Works and Traffic Commission would review the situation if that happened.

Mr. Morillo stated that the trees had limited watering during the summer months to help improve their condition. As of now the irrigation is turned off. Future irrigation plans will take the oaks into consideration.

Commissioner Curtis indicated that this information has been helpful and his original recommendation to continue the item has changed.

Assistant Planner Parinas clarified that Public Works is willing to allow him to plant a 36" box-size tree in the right-of-way on the Chevy Chase side if he couldn't plant the mitigation trees on his property.

Commissioner Walker asked the Commission if they should consider the dollar value to send a message that protected trees were removed in violation of the tree ordinance. She felt that the dollar values should be part of their discussion as well.

Chair Der Sarkissian felt that the values of the removed trees have not been totally disregarded but that the landscape plan reflects the values of those trees in the cost of landscaping the entire site.

Commissioner Curtis indicated that he is prepared to support the plan as submitted. He stated that fines alone are not always enough but a thoughtful landscape plan that incorporates the elements they are trying to achieve is also a good thing for the City. He felt that the recommended replacement is satisfactory mitigation.

Commissioner Gunter was pleased that they have a full landscape plan that covers the whole property. He is concerned that it has taken so long and that it is being done after the fact and because it is after the fact, the Commission has applied the mitigation to the entire property. The arborist recommendation is for 2 – 36" box-size trees and 4 – 24" box size trees. Had the applicant asked for permission the requirement would have been just tree mitigation and not extensive landscaping over the whole site. He would like the landscape architect to supervise the proposed planting's installation.

Commissioner Walker thought that the \$25,000 figure that was a compromise from the last hearing before she was on the Commission was reasonable. It was very close to the average of the two arborist valuations. She asked Mr. Morillo to clarify what the estimate of \$37,200 included.

Mr. Morillo clarified that the cost includes the recommendation from Rebecca Latta's report for the oaks he is proposing to plant as replacement trees (2 - 24" and 1 - 36") to mitigate the illegal removal of the Chinese elm trees and other incurred costs related to reviewing of the landscape plans by the arborists. All the landscaping for the whole site will cost much more.

Commissioner Walker felt that the \$25,000 is appropriate and what Mr. Morillo is proposing will use it up but if in fact it does not get used up, she felt that the remainder should be deposited into the City's Tree Fund.

Commissioner Gunter clarified that previous Commission discussions stated that if the \$25,000 was used to landscape the site, including the replacement trees as proposed the Commission would be OK with that.

Commissioner Curtis opined that past Commission discussion focused on the restitution for the trees including the installation.

Chair Der Sarkissian stated that his recollection was that it was a very arbitrary number. He thought that the chairman at the time of the previous discussion regarding the issue thought the original \$45,000 valuation was too high and he reduced it to \$25,000. He reminded the Commission that City trees within the public right-of-way were also impacted by the development on the site. He is happy with the plan that Mr. Morillo has submitted but he still is concerned with the condition of the street trees and the fact that permission was not sought prior to the removal of the Chinese Elms. He suggested averaging the \$7,000 number the applicant has provided with the \$25,000 previously proposed.

Commissioner Gunter asked the Chair if he was recommending that the Commission approve the proposed landscape plan as submitted and a fine of \$7,000 in return for the tree removal permit.

Chair Der Sarkissian clarified that he suggested using the average of the two numbers, or \$16,000, as mitigation to send the message that the process should be followed. He was willing to discuss the actual amount of the fine.

Commissioner Curtis stated that the focus should be on what is before them regarding the trees on private property that were illegally removed. He would like to hear from Deputy City Attorney Guerra about the imposition of fines.

Deputy City Attorney Guerra stated we do not have the authority to fine. The current ordinance states that we can do two things: 1) replacement trees 2) pay restitution into the tree fund to mitigate the impacts of the tree removal. He asked if the Commission felt that the impacts of the removed trees were mitigated by the proposed landscape plans. If, not, then they could require that the applicant make restitution into the City's tree fund.

Chair Der Sarkissian felt that it has been mitigated by the proposed landscape plan but there was still a violation.

Commissioner Curtis reminded the Commission that they spent a lot of time on differentiating between asking permission to remove a protected tree or removing it illegally in the new tree ordinance. They have no additional information from the City-hired arborist that additional mitigation is needed above what she recommended in her report and what Mr. Morillo is proposing in his new landscape plan.

Commissioner Gunter stated that the Chair makes a good point about violations but pointed out that this plan has already received more scrutiny than would be done if he had asked for permission to remove the trees.

Commissioner Curtis felt that Commissioner Gunter's suggestion of having the landscape architect supervise the installation is appropriate.

Mr. Morillo said he was willing to do that.

Commissioner Walker asked Deputy City Attorney Guerra to clarify what the code said about tree replacements as mitigation and if the trees could not be accommodated on site then the property owner could pay into the tree fund. She asked for clarification if they were saying that the third 36" box-size tree could not be accommodated on site or if they were saying that the 24" box-size tree was sufficient.

Deputy City Attorney Guerra stated that it was the latter.

Commissioner Walker asked if they could require that the City keep the deposit until they are satisfied that the mitigation was made.

Deputy City Attorney Guerra clarified that the previously submitted deposit was to ensure that a landscape plan was submitted. Staff will verify compliance with the approved plan

Commissioner Curtis asked if they can ensure that mitigation is complete before the certificate of occupancy is issued.

Director Stanley explained that our standard practice is to have landscaping in before the certificate of occupancy is issued.

M/S/C Curtis/Walker to approve the mitigation landscape plan as presented and to have the landscape architect certify that the planting has been completed in accordance with the plan. 4-0 Unanimous.

Assistant Planner Parinas clarified that the Public Works department has discretion regarding proposed landscape plan on the City's property and that warrant request to return the applicant's \$25,000 deposit will be sent to the City Council's December 3<sup>rd</sup> meeting.

Commissioner Curtis asked if the applicant was required to pay double fees because this was a result of code enforcement.

Assistant Planner Parinas clarified that there were no permits to double fee but that the applicant and the tree trimmer were issued citations by the code enforcement officer.

**X. REPORT OF DIRECTOR'S REVIEWS:** [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]: None

#### **XI. COMMENTS FROM THE COMMISSIONERS**

Commissioner Curtis stated that this item highlights arborist discrepancies regarding the valuations of trees. He hoped that the new ordinance would solve some of the problems with the discrepancies in tree valuations.

Chair Der Sarkissian clarified for Commissioner Walker that in the past the Commission had struggled dealing with the inconsistent valuations of trees submitted by tree professionals.

Commissioner Walker stated that they dealt with that too when she was on the Public works and Traffic Commission.

Commissioner Curtis asked Commissioner Walker if the Public Works standard for tree replacement was the same as the one for private trees.

Commissioner Walker could not remember what the Public Works replacement tree requirements were.

Directory Stanley clarified that it was different in that the Public Works department can charge what it will cost to replace the tree.

Chair Der Sarkissian reiterated that the arborist's subjective valuation should be eliminated from the way the City places values on the protected trees. He apologized for not submitting the replacement formula that he promised to staff.

Commissioner Gunter asked for an update on the Chinese Elm on Beulah Drive.

Assistant Planner Harris explained that the Planning Department received a call from the neighbor that the tree was removed over the weekend and the Code enforcement officer investigated it and was told by the property owner that a significant portion of the tree fell on the roof in a windstorm and as a result she removed the entire tree. In answer to Commissioner Gunter's question about photographic evidence, Assistant Planner Harris indicated that there was none.

Commissioner Gunter asked for an update on the 7-11 liquor store that has become a convenience store that is no longer in compliance with what was approved.

Director Stanley explained that matter is scheduled for a hearing before a citation-hearing officer. They have paid and are also appealing their citation.

#### **XII. COMMENTS FROM THE DIRECTOR**

Director Stanley reminded the Commission that the Tree ordinance would be going to the City Council on November 19<sup>th</sup> as a study session at 5:30pm before their regular meeting. In response to Commissioner Curtis' question regarding if this was the first time it was going to the City Council, Director Stanley explained that it was reviewed by the City Council last May and that the absent Councilmember asked for clarification on a few items so they decided to continue the item.

Commissioner Curtis asked Director Stanley about the General Plan.

Director Stanley explained that the City Council reviewed the proposed mitigation measures in the Goals and Policies and they were concerned we are doing more than we are required to do. As a result, staff is analyzing what the state requires us to include and what we added above and beyond what's required. It will go back to the City Council November 3<sup>rd</sup> as a study session starting at 5:30pm.

Commissioner Curtis asked if the requirement for the air quality studies was removed or if it was still required in the General Plan.

Director Stanley responded that it was being reviewed and mostly relates to the 710 FWY extension and that the reports would not be required for regular projects. The Council also expressed concern regarding the noise along the freeway.

Commissioner Curtis asked if the Council was satisfied with the Housing Element.

Director Stanley stated that the State gave the City pre-approval on the Housing Element.

Director Stanley also stated that the City Council would discuss the RV Ordinance and call-up procedures before the end of the year.

Chair Der Sarkissian asked Director Stanley to respond about Mr. Brown's comments.

Director Stanley stated that staff relied on the plans that were submitted by Mrs. Lee and that staff worked with the Browns on their issues. Work on the project has been stopped. Mrs. Lee is looking at options of how to solve the issues. One of the garages does not have convenient access. He stressed that it is up to property owner on what they do to remedy the situation. The new construction can be used as other rooms just not as a garage. She could also cut off a corner of the garage so that it complies with the required setback. The original survey was incorrect. The newer survey differs from the previously submitted survey. Staff used the new survey to determine the side, rear and front property lines.

Commissioner Curtis asked if the project would need a new Director's Review.

Director Stanley replied that after discussing it with the City Attorney, it was determined that the re-review could be done as a substantial conformance to the original approval.

Deputy City Attorney Guerra reminded the Commission that further discussion should be discontinued since the topic was not on the agenda.

Chair Der Sarkissian asked if staff could clarify what the stop work order means at the next meeting.

Deputy City Attorney Guerra stated that he would discuss the topic's possible inclusion on the next agenda with Director Stanley.

**XIII. ADJOURNMENT** The meeting was adjourned at 8:09 p.m.