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CITY OF LA HABRA HEIGHTS
MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
DECEMBER 22, 2009

OPENING CEREMONIES

1. CALL MEETING TO ORDER

Chairman Black called the December 22, 2009 Regular Planning Commission Meeting to order at 7:03 p.m. in the Multi-Purpose Room, 1245 Hacienda Road, La Habra Heights, California.

ROLL CALL

Present: Chairman Larry Black, Vice Chairperson Margarita McCoy; Commissioners Dominick DiMario, Ray Fernandez and Judi Steffle.

Staff present: City Manager Shauna Clark, City Planner Kenneth Phung and Planning Commission Attorney Scott Porter.

2. FLAG SALUTE

The flag salute was led by Chairman Black.

3. ITEMS FROM THE PUBLIC NOT ON THE AGENDA

Ruth Wolfarth, Benik Road, asked if we would have enough water for the added families living in the State mandated 283 homes they want the City to provide?

Chairman Black noted that this was a proper question to put to the Water Board and the City Council.

Stephen Blagden, Citron Road, suggested that there should be more Calls for Review. Every month the Planning Commission can look at the Planning Report and pick out projects because of their size or the nature of the project after Staff has made a decision. Mr. Blagden had given the Commission a list of Code changes that need to be done for various reasons that can be considered at meetings. You need to consider a telecommunications Code. He stated that in his opinion we don't have to lower our standards to please RHNA. High standards are what create high property values and a desirable community. La Habra Heights became a City so we did not have to follow someone else's rules.

CONSENT CALENDAR

4. APPROVAL OF MINUTES FOR NOVEMBER 24, 2009

ITEM# 04

50 **RECOMMENDATION:** That by Minute Action the Planning Commission approves
51 Planning Commission Minutes for November 24, 2009.

52
53 **Vice Chairperson McCoy moved to approve the Regular Planning Commission Minutes**
54 **for November 24, 2009 as presented. Seconded by Commissioner Fernandez and**
55 **approved as follows:**
56

57 AYES: Black, Fernandez, McCoy, and Stefflre

58 NOES: 0

59 ABSTAIN: DiMario
60

61 5. **APPROVAL OF AMENDED RESOLUTION RECOMMENDED BY THE PLANNING**
62 **COMMISSION AT ITS MEETING OF NOVEMBER 24, 2009 (3-0-2 VOTE) TO**
63 **APPROVE THE APPEAL FILED BY MR. LIAKOPOULOS TO ALLOW SETBACK**
64 **ENCROACHMENT ON THE NEW SECOND FLOOR AREA AND GARAGE HEIGHT**
65 **FOR AN EXISTING SINGLE-FAMILY HOME AT 224 REPOSADO DRIVE**
66 **(APPLICANT: TOM LIAKOPOULOS)**
67

68 City Manager Clark presented the Staff Report, stated that Mr. Liakopoulos listed the project as
69 at 224 Reposado Drive (incorrect) and on November 3, 2009 Staff approved the modification
70 for his entire project except the exacerbation of a setback encroachment of the second story of
71 the house. On November 4, 2009 Mr. Liakopoulos filed an appeal of the denial of that
72 modification. On November 24th the Planning Commission overrode the Administrative
73 decision and granted the appeal for a second story modification and a two story garage and
74 directed the City Attorney to prepare "findings" of fact in support of their decision. Tonight
75 you have a Resolution to that effect. By granting this appeal, four of the conditions that were
76 part of the Administrative approval are now removed, which are conditions, 2,3,4 and 5 on
77 page 7 of the Administrative Report that would have made it impossible to do the second story.
78 The incorrect address given by the applicant was used in all of the processing. The correct
79 address is 224 Chandos Lane. Staff retained this address in order to not re-start all the
80 paperwork when it was discovered. When the Resolution is adopted and finalized, staff will
81 note the correct address in all the files so it can be cross-referenced under both addresses.
82

83 **RECOMMENDATION:** Adopt Resolution 2009-11 to approve the appeal filed by Mr. Tom
84 Liakopoulos for a Standards Modification.
85

86 Commissioner Fernandez asked what conditions were removed.
87

88 City Manager Clark noted that the conditions removed were as follows: Number 2 - All
89 proposed new second story adjustments shall be adjusted to comply with the required setbacks
90 of 27 feet, Number 3 - The proposed breezeway shall be one story and no taller than 14 feet in
91 height, Number 4 - The proposed garage height shall be reduced to 14 feet and Number 5 - The
92 resetting of the story poles are not required as the project has already been approved.
93

94 Chairman Black asked if there was any problem because two of the Commissioners were
95 missing from the last meeting.
96

97 Attorney Porter explained that Commissioner Stefflre has stated that she has reviewed the last
98 meeting and may take part in discussions tonight. Commissioner DiMario has abstained.
99

100 Chairman Black opened the Public Hearing for Public Comment.

101
102 **Ernie Ybarra**, design consultant, questioned Condition 15 which stated that all utilities must
103 be under ground, since it is an already existing home. He mentioned Item 1 under engineering
104 which states that when the applicant submits plans to the Building Department he must also
105 submit grading plans. The only thing that would require a cut is the retaining wall which will
106 be submitted under a separate permit. Item 6 requires a report from the soils engineer showing
107 the ability to provide a private septic system. The septic system already exists and there are no
108 additional bedrooms. Number 15 is similar.

109
110 Attorney Porter stated that these questions cannot be discussed at this time as they were not part
111 of the appeal that is under discussion tonight.

112
113 **Tom Liakopoulos**, owner, thanked the Commission for their help and noted that he would
114 really like to get the dilapidated retaining wall replaced as soon as possible and under a separate
115 permit to speed it up.

116
117 **Stephen Blagden**, Citron Road, noted that the address number may have to be changed, not
118 just the street name for the project.

119
120 Chairman Black closed the Public Hearing and brought it back to the Commission.

121
122 **Vice Chairperson McCoy asked for a correction to the syntax of the Resolution at the last**
123 **sentence on the first page, and in the Standards Modification on paragraph one of the**
124 **second page.**

125
126 **Commissioner Fernandez moved to approve Resolution 2009-11 as corrected by Vice**
127 **Chairperson McCoy. Seconded by Vice Chairperson McCoy and approved as follows:**

128
129 **AYES: Black, Fernandez, McCoy and Steffle**

130 **NOES: None**

131 **ABSTAIN: DiMario**

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133 **PUBLIC HEARINGS**

134
135 6. N/A

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137 **ITEMS FROM THE PLANNING COMMISSION**

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140 7. N/A

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142 Commissioner Fernandez stated in response to Mr. Blagden's comment that we should Call for
143 Review projects approved by staff that could be very large or unusual. He stated that he did not
144 think staff would approve such projects in the first place.

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146 **ITEMS FROM STAFF**

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148 8. MONTHLY COMMUNITY DEVELOPMENT DEPARTMENT REPORT

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RECOMMENDATION: Receive and File Report

Chairman Black directed that the report be Received and Filed.

ADJOURNMENT

9. ADJOURNMENT OF THE MEETING BY THE CHAIRMAN

Chairman Black advised those who are able should volunteer their service for the Community.
He adjourned the December 22, 2009 Regular Planning Commission meeting at 7:30 p.m.

ATTEST:

LARRY BLACK, CHAIRMAN

KENNETH PHUNG, CITY PLANNER