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CITY OF LA HABRA HEIGHTS
MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION

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MAY 25, 2010

OPENING CEREMONIES

1. CALL MEETING TO ORDER

Chairman Larry Black called the May 25, 2010 Regular Planning Commission Meeting to order at 7:10 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, Judi Steffle and Alternate Ross Owen.

Staff present: City Planner Katherine Laufenburger and Planning Commission Attorney Scott Porter.

2. FLAG SALUTE

Chairman Black led the flag salute.

3. ITEMS FROM THE PUBLIC NOT ON THE AGENDA

Karen Vipperman spoke on Code 7.10.40 - **Standards for Animal Keeping Development**. She noted that the allowed number of large animals, including horses, donkeys, mules and other equine, cattle and cows on any parcel, may not exceed (1) one per 5,000 square feet, up to a maximum of (10) ten large animals for contiguous property under single ownership. The maximum number of small animals, including miniature horses, sheep, and goats, permitted on any parcel may not exceed one per 5,000 square feet up to a maximum of (10) ten small animals per contiguous property under single ownership. No swine may be kept on the property except pot bellied pigs or miniature variety kept as pets and weighing less than (100) one hundred pounds, and there may be no more than (2) two swine under the age of (6) six months for use in 4-H, FFH or similar projects. Stables, corrals, riding arenas, pens and enclosures and other structures used for animal keeping, whether permanent or portable, are permitted only on lots that have a minimum area of 15,000 square feet. Riding arenas are permitted only on lots that have a minimum area of 20,000 square feet. No such stable, corral, riding ring, pen or enclosures or other animal keeping structure shall be located in any required yard area. Setbacks of 35 feet from the street and 25 feet from other sides and waste impound must be followed. She noted that these codes were passed in 2006 by a City Council comprised of Bruce Douglas, Tela Milsap, Fred Klein, Stan Carrol and Brian Bergman. There were many meetings, and the public

51 was allowed to speak on the proposed codes. Also, there was a Committee for the
52 General Plan comprised of a cross section of residents. The Planning Commission
53 and then the City Council adopted the codes. The Council stated that a little later the
54 codes might have to be refined.
55

56 **Norm Zezula**, stated that the General Plan was written to protect the City's unique
57 rural values. The codes were written to support and implement the General Plan goals
58 and policies. He stated that the codes have to be interpreted in a way that best
59 implements the General Plan goals and policies. The City should interpret how much
60 noise is a nuisance by General Plan *rural* standards rather than city standards. The
61 General Plan encourages animal keeping. Animal noises come with animals. Mr.
62 Zezula stated that limiting all animals to a maximum of 10 for large or small no matter
63 the size of the parcel, violates our General Plan and does not make sense. If a three
64 acre parcel was subdivided and sold into three one-acre parcels, there would be 30
65 animals allowed on the same area. This could actually encourage some owners to
66 subdivide and sell their land causing more building, grading and concrete, which
67 undercut the goals of our General Plan.
68

69 **Aida Lough**, Picaacho, stated that she is a resident and organic farmer. She noted
70 that she has a letter stating that dogs and chickens count for the small animal
71 category. Ms. Lough stated that Los Angeles County told her that the City adopted
72 their rules on this and could have made the rules different. She also noted a letter
73 from the Permit staff stating her Business License was denied because she cannot
74 have a commercial related business. Commercial animal related uses are prohibited.
75 Ms. Lough stated that there are no restrictions on animals in the unincorporated areas
76 of Los Angeles. She asked for a new ordinance that defines the size and weight of the
77 animals to equalize how many small animals can be owned in relationship to large
78 animals. There should be more separate categories. She understood that there
79 should be exceptions for 4-H., those who rescue animals, specialty breeders, and
80 organic farms.
81

82 Chairman Black explained that the Planning Commission was glad to hear these
83 comments, but there is nothing on the Agenda for the Commission to discuss the
84 animal codes situation tonight. They will not be able to do anything tonight.
85

86 **Alexis Camalich** stated that she was in 4-H and could not see why it would be wrong
87 to rescue small kittens and raise them and find a good home for them according to
88 the Code.
89

90 **Sandy Dykier**, Picaacho, noted that following the setback rules for animal buildings
91 and pens would keep her dogs from moving around in her yard and protect her almost
92 two acres of property from wild animals or even people. She would not want to have
93 them chained up.
94

95 **Stephen Blagden**, Citron Road, stated that he understood that if two members of the
96 Commission wanted to, they could decide to put Animal Keeping Codes on the
97 agenda. Everyone has property rights, which end when they start negatively bothering
98 neighbors, such as privacy, protection of views, large spaces between houses,
99 minimally altered terrain, discouragement of masionization and encouragement of
100 animal keeping. He noted that former Mayor Lietzau stated that some people want to

101 keep La Habra Heights as it is, except for when they want something that is not in line
102 with the General Plan. You can't have it both ways. Mr. Blagden noted that sometime
103 during the last year, the Contract Planning Staff has changed the meaning of the gross
104 lot area to include the area of the dedicated public street right-of-way. This is different
105 than how lot area has been figured for the past 30 years and how it is done in all the
106 cities he looked at. Public records indicate that the change was made at the behest of
107 a developer's agent out of public view and review and without consent of the Planning
108 Commission. It means that more grading, more concrete and larger houses are being
109 approved than even the recent exemptions passed by the Council intended, and the
110 character of the Community is being eroded at a faster pace and means even less
111 space for animal keeping, as well as less privacy and greenery. There was a lack of
112 monitoring new staff, and projects are not regularly called up for review. The
113 developers should not take over and tell staff how they think things should be done. It
114 is up to the City to keep this from happening.
115

116 **Phil Lough**, Picaacho, stated that the code on animal keeping needs to be adjusted
117 as it is not being fairly applied and it does not remotely reflect the General Plan
118 encouragement of rural lifestyle. The current code on animal keeping is discouraging
119 to a large number of the voters who keep animals. Complaints seem to have
120 increased with the building of more mansions and it feels like current residents are
121 being traded in for future residents who may be paying more taxes for their large
122 homes. Hens and dogs should not be counted, and dogs should be able to patrol
123 setbacks. This is very important. The City does not have to follow Los Angeles
124 County Codes verbatim. Mr. Lough noted that City codes should reflect the interests
125 of the community.
126

127 **Eloise Phillips**, Hacienda Road, stated that she was on the General Plan Advisory
128 Committee and takes offense when she sees ordinances made that do not resemble
129 what she and 25 other persons wrote several years ago. She stated that Goal 9
130 stated that one of the goals of the City was animal husbandry. She asked the
131 Commission when this can be placed on the agenda, so people can be heard on this
132 subject.
133

134 **Joe Johnson** stated that the definition of "rural" in the Code is that it includes
135 "agricultural uses, general absence of commercial activities and developments as well
136 as visible City infrastructure including streets, curbs, gutters, lights and signage." The
137 mission statement of the City Manager also has a statement within it that says "while
138 preserving neighborhood character and a rural lifestyle." Why are we continually
139 mentioning our rural character when we are not representing it in some of our
140 activities, and the codes are restricting us in rural areas of life?
141

142 **Bruce Thomas**, Panchoy Place, stated that he would like to hear some answers to
143 questions that have been asked tonight by the residents.
144

145 Planning Commission Attorney Porter noted that California law prohibits the Planning
146 Commission from responding to items that are not on the agenda, and they cannot
147 add items to the agenda. Only items that come up at the last minute and are of an
148 emergency nature can be added to an agenda.
149

150 **Lorraine Smith**, East Road, stated that they have had an issue with how many
151 animals they have and had called Los Angeles County to look at their land, and the
152 County issued them an animal keeping permit for (50) fifty large animals and (200) two
153 hundred fowl for the amount of acreage we have. We were told that it is the City's
154 rules that count not the County's rules. In the other case, they were told that the
155 County rules are what counts. Which way is it?

156
157 As there were no more of the public wishing to speak, Chairman Black closed the
158 Public Comment.

159
160 **CONSENT CALENDAR**

161
162
163 **4. APPROVAL OF MINUTES FOR MARCH 23, 2010**

164
165 **RECOMMENDATION:** That by Minute Action the Planning Commission approves
166 Planning Commission Minutes for March 23, 2010.

167
168 Planning Commission Attorney Porter asked for a change of what he was quoted as
169 saying to clarify his meaning. On page four, line 180, after the word "jurisdictions,"
170 change the sentence to read "that the City would want to avoid some of the legal
171 pitfalls that occurred during the campaign leading up to the election."

172
173 **Commissioner Fernandez moved to approve the March 23, 2010 Planning**
174 **Commission minutes as revised. Seconded by Vice Chairperson McCoy and**
175 **approved as follows:**

- 176
177 **AYES: Black, DiMario, Fernandez, McCoy and Steffire**
178 **NOES: None**
179 **ABSENT: None**

180
181 **PUBLIC HEARINGS**

182
183 **5. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION**
184 **OF A BARN ON A VACANT LOT AT 1404 LA RIATA DRIVE – PRJ 2010-14**
185 **(APPLICANT: ALISON PIGOTT)**

186
187 City Planner Laufenburger stated that the reason for this request of a Conditional Use
188 Permit (CUP) is that Section 7.3.20.C of the Development Code, states that the only
189 way an accessory structure can be built on a vacant lot is if the adjacent lot is
190 developed with a residence and under the same ownership. The adjacent property to
191 this parcel is owned by the same person as the vacant lot at 1404 La Riata. The
192 project is before the Planning Commission for approval of a CUP so that the applicant
193 can start construction before the project expires on June 26, 2010. She stated that
194 this resolution is an amended resolution as five findings were missed and have been
195 added. Ms. Laufenburger showed a map of the two parcels and also the plan that had
196 been approved for the barn in the past. This will not include the arena, but only the
197 barn.

199 **RECOMMENDATION:** The Planning Commission ADOPT Resolution No. 2010-02
200 approving Conditional Use Permit PRJ 2010-14 to allow the construction of a barn on
201 a vacant lot located at 1404 La Riata Drive based on the findings of Section 7.19.60 of
202 the La Habra Heights Municipal Code, subject to conditions.
203

204 **Alison Pigott, applicant,** stated that she will answer any questions they have. She
205 stated that they do intend to build an arena, but it will be smaller than the one that was
206 approved.
207

208 Vice Chairperson McCoy stated that the adjoining lot is across La Riata and does not
209 have a house on it.
210

211 **Ms. Pigott** explained that the paved road is not La Riata, but is the driveway of her
212 parents residence.
213

214 Commissioner Fernandez noted that both items 6 and 7 need to be deleted from the
215 revised Resolution.
216

217 City Planner Laufenburger agreed that was correct.
218

219 Commissioner Fernandez questioned the need for Item 4, which states that if the
220 single family residence is not built at 1404 in the future, the barn will be removed.
221

222 City Planner Laufenburger explained that if 1404 or 1402 was sold later without the
223 residence being built, it would no longer have a co-ownership and the barn would have
224 to be removed. She stated that to enforce this, the restriction would have to be on the
225 deed.
226

227 Ms. Pigott explained that they bought the entire property and then were required to
228 subdivide it into the three parcels needed. In order to do this, the lots are all co-
229 owned. She asked for a correction on the first date of approval. It should be 2006 for
230 the house, and the barn was approved in 2007. The deadline is 2010. She stated that
231 the neighbors are in approval of the project as they are family.
232

233 **Stephen Blagden,** Citron Road, noted that all land use entitlements should be
234 recorded. He stated that he was surprised that a CUP was required, as the 2007
235 approval said nothing about a CUP being needed or tying this project to the
236 construction of the house in the resolution. If the barn project is part of the house
237 project, the California Building Code 109.4 would still allow the construction of the barn
238 first by use of a Temporary Occupancy Permit, until the house is completed. There is
239 no time limit on the completion of the house, as long as there is an inspection every six
240 months. He asked that the CUP application be declared void and the applicant be
241 given a refund and the project be allowed to continue under the original lawful
242 approval. If you continue under the CUP, please include some landscape.
243

244 Ms. Pigott stated that she had been going to ask them to return the CUP cost as it had
245 already been approved.
246

247 Vice Chairperson McCoy asked staff that when it comes time to build the arena, the
248 house, and the landscaping, will they have to come back to the Planning Commission.

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City Planner Laufenburger explained that when the house was approved the barn was not approved and had to be brought back separately. The barn was approved at a later date but there were no conditions allowing the barn to be built prior to the single family residence. The Code outlines specifically what can and cannot be built on a vacant lot. Under a CUP it states that the only way that you can build an accessory structure on a lot without a single family residence is to obtain a Conditional Use Permit. That is why this has to be done through the CUP process. As long as Ms. Pigott starts the construction and follows the conditions of approval she will not have to come back to the Planning Commission.

Alison Pigott commended that Ms. Laufenburger was very helpful and professional and the easiest part of the six year project.

Chairman Black closed the Public Hearing.

Commissioner DiMario moved to adopt Resolution 2010-02 approving CUP PRJ 2010-14 to allow the construction of a barn on a vacant lot located at 1404 La Riata Drive. Seconded by Vice Chairperson McCoy and approved as follows:

AYES: Black, DiMario, Fernandez, McCoy and Steffle
NOES: None
ABSENT: None

6. CALL FOR REVIEW OF PRJ 2008-23 TO CONSTRUCT A PROPOSED 6,388 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 953 SQUARE-FOOT GARAGE WITHIN THE RA ZONE LOCATED AT 1772 CYPRESS STREET (APPLICANT: KEN PARSONS)

City Planner Laufenburger stated that this is a Call for Review on an approval by staff. A Pre-File was submitted on October 8, 2008 and a formal application on April 18, 2009. The first review included a detached pool house, a pool, and a large circular driveway within the protected view of 1846 Cypress. They were sent a comment letter. The second review relocated the detached pool house out of the protected view and eliminated the large circular driveway due to a hardscape issue. On September 22, 2009, a neighbor notification was sent out with the following requests: Add an additional two feet retaining wall height in setback for driveway; additional grading area of 2,196 square feet; additional hardscape area of 1,369 square feet; permit a building footprint over 1,500 square feet in area and over 16 feet in height. When that letter went out, we received 9 letters of concern from 9 neighbors covering the retaining wall height, the increase in the grading, the hardscape allowance, on-site drainage, project scale, protected views and tree locations. Staff explained that the retaining wall height was needed for the driveway due to the slope. The increased grading was due to the slope and to get the pad they needed. The hardscape allowance was changed to meet the ministerial limits. The City Engineer will address the on-site drainage, and the final approval will be addressed at the grading permit stage. The project scale was found to meet code. Staff conducted a protected view survey, and it was found that the only residence to have a problem was 1846 Cypress, in which landscaping was specifically conditioned for the applicant to change. City Planner Laufenburger showed a drawing of the changes made on the subject parcel. A second notification

299 was sent out on March 18, 2010. On this notification, the applicant asked for an
300 additional two feet in retaining wall height in the setback of the driveway as before;
301 additional gradable area of 3,662 square feet, which was necessary by moving the
302 house down the hill further and dig into the hill; and to permit a building footprint over
303 1,500 square feet in area and over 16 feet in height. We received 7 letters from that
304 second notification. One concerned protected views; The City Planner went out to
305 1846 Cypress and assured that the view had been returned to them, but they were
306 very concerned about the placement of the trees and landscaping. So, a specific
307 condition was included that would require a landscape plan for the mature height of all
308 the proposed trees, so there would not be trees that would grow to a height that would
309 be within their protected view. Ms. Laufenburger showed a picture of how much the
310 view concern was changed by moving the house down the hill. Size of the proposed
311 residence was a concern. It was below the maximum cumulative footprint and below
312 6% of the lot coverage. Grading increase was a concern. This was necessary
313 because of the move downhill, and it still is within the administrative limits without a
314 Standards Modification. Hardscape amounts was a concern. They are below
315 ministerial limits. Alternate locations were considered originally for the placement of
316 the house. She stated that the Architect and Engineer are available for questions.

317
318 **RECOMMENDATION:** The Planning Commission ADOPT Resolution No. 2010-02
319 with the findings contained therein upholding the administration decision for approval
320 of Standards Modification PRJ 2008-23 to facilitate the construction of a single-family
321 home at 1772 Cypress Street, subject to the conditions of approval contained within
322 the resolution.

323
324 Chairman Black opened the Public Hearing.

325
326 **Jerry Shipman**, Dorothea Road, noted that in his opinion this house does not blend
327 into the neighborhood already existing for size. He stated that it was totally out of
328 scale for the neighborhood.

329
330 **Roger Sowers**, 1846 Cypress Street, stated that he did appreciate that the house was
331 moved as it was, but he still was concerned about the size of the home. He stated that
332 the neighborhood has a few houses on undersized lots making them appear to be very
333 large. Those four lots are adjacent to the house under consideration, which makes
334 houses closer together. This larger house makes it worse. He stated that the
335 landscape plan has not been submitted and approved. He will not have a say in the
336 final landscape plan.

337
338 **Cheryl Wilkin**, Dorothea Road, stated that the home needs several more
339 modifications to comply with the General Plan. It is much larger than any surrounding
340 structures. In comparing neighborhood homes, some were used that do not even
341 exist. The majority of surrounding homes are 2,000 square feet or less. This structure
342 is over 6,000 square feet. She noted several land use policies of the General Plan
343 that this home does not comply with. The home should not only comply with the
344 codes, but also with the goals of the General Plan. Until it does, it must be rejected.

345
346 **Stephen Blagden**, Citron Road, provided the Commission with an alternative site
347 plan. He stated that at a Call for Review, the Commission is supposed to get copies of
348 all exhibits, notices, petitions, and other papers and documents on file, and if not, the

349 matter should be continued until you get them. The required landscape plan has not
350 been submitted; identification of the location of the project development in respect to
351 the neighboring developments and exhibits showing view impacts on the neighbors.
352 Drainage plans are incomplete and not in compliance with city codes. The matter
353 should be continued until the application is complete. The size of the parcel,
354 hardscape, gradable and footprint areas were figured by using the road right-of-way as
355 part of the parcel. This allowed the graded area and footprint area to be larger than
356 allowed and should have gone to the Planning Commission for approval. The footprint
357 also seems to not have included the patio cover making it even more over the limit.
358 The siting does not minimize the alteration of the terrain. He noted his alternative plan
359 tries to minimize grading and hardscape and moves the garage and parking to the
360 west side of the house. This eliminates all the grading, cement and retaining walls that
361 reach the original garage. The alternative shows the same size of house as proposed
362 and shows that more conforming alternatives are available. This all requires that the
363 Call for Review needs to be continued for further information and compliance with the
364 codes. There should also be a recorded condition that the landscape be maintained,
365 so as not to block the view of the neighbors.

366
367 **Mike Bagwell, Dorothea Road**, stated that his home is less than 100 feet from the
368 proponents property, but it was not on staff's analysis of footprint comparisons. 707
369 Dorothea across the street from my home is on the comparison. It is bigger than my
370 home. Mr. Bagwell did not think there was an entitlement to include this house. The
371 engineer used the 100 year storm to calculate the increased drainage from this
372 development, which calls for 4-6 inches of rain per hour. At this rate, everything runs
373 off. Los Angeles County's low impact standards call for a very different system using
374 several differing year events. The house sets too high above Cypress Street. Being a
375 little closer, it will be harder to screen the house and will block their view. A little more
376 work needs to be done.

377
378 **David Wilkin, Dorothea Road**, noted that of every house touching this property, only
379 one is around 2,000 square feet, and all the rest are around 1,500 in square footage.
380 A house that is over 6,000 square feet with a 900 square foot garage is pretty big for
381 the neighborhood. Mr. Wilkin stated that the packets containing the letters from the
382 neighbors were all against the project and, not one approved it. The house is just too
383 large for our neighborhood. Staff should not approve projects over the counter; that is
384 against our rules.

385
386 **Ken Parsons**, architect and applicant for this project, noted that this is a large home.
387 They are building for a family and bought a large lot to build a large home to meet their
388 needs and desires. The footprint falls under the ministerial level of approval, the
389 hardscape falls under the ministerial level of approval and the grading falls under the
390 administrative level of approval. It is a two-story home, and a large portion of that two-
391 story house is banked into the hill. From much of the north and east side of the house,
392 it will appear to be a one-story house and from the south and the west, it will appear as
393 a two-story home. This is due to the topography of the slope. The previous owner
394 wanted to place a 14,000 square foot on top of the ridgeline. Mr. Parson's told him he
395 would never get approval, and it was just too big for the area. The present project is
396 much smaller. The patio cover is not included in the footprint, because that is not in the
397 code as these are not enclosed by four walls and a roof. We were approved to have
398 the grading exceed the ministerial limit primarily because of the driveway. The existing

399 driveway is to be removed. That driveway is very close to a blind curve on Cypress.
400 This has been a serious safety concern coming out of the driveway for two former
401 owners. That is one of the reasons for moving the driveway farther southeast to avoid
402 the safety hazard. Now that they have lowered the house, they have also moved the
403 driveway so that most of it is lower and does not need so much retaining wall. We
404 went to great lengths to accommodate the owner's desire to position of the house to
405 have open space for play areas for his children, a pool and to have as much of his
406 view as possible without placing the house on the ridgeline.

407
408 Commissioner Fernandez asked Mr. Parsons if he could give any history of the other
409 owners who had tried to develop and live on this property.

410
411 Mr. Parsons stated that he could only speak for the two previous owners that
412 approached him to do some development work on the property. Todd Williams had
413 approached him to do an 8,000 square foot house, but then did not proceed to present
414 any plans. The second owner, Ernie Ybarra, had approached him to build a very large
415 home and after he noted that it would not be approved and should be made smaller,
416 he decided to sell the property.

417
418 Commissioner Fernandez asked Mr. Parsons if he thought he and the owner have
419 done everything possible to allay the fears of the neighbors. He knew that Mr. Sowers
420 was very concerned about what landscaping would be used that might block his view.

421
422 Mr. Parsons noted that there is always something more that might be done, and we
423 want to work with staff and the neighbors to deal with any further concerns. We had
424 submitted a landscape plan more than once.

425
426 Charles Lam, landscape architect, explained that on the landscape plan given to the
427 Commission, there is a proposal to combine Camper trees and Brisbane Box trees,
428 which are evergreen broad leaf trees. He stated that the trees can be relocated to any
429 place, so that they do not block the view. We can work with staff for the variety of
430 trees.

431
432 Commissioner DiMario stated his opinion that the trees were not a problem, as staff
433 has limited the kind of trees that they can use.

434
435 Mr. Parsons stated that he would like to see the approval of the project upheld,
436 however if there is a significant problem with the landscaping by the neighbors, he
437 would like to have a landscape approval above and beyond what has already been
438 done.

439
440 Vice Chairperson McCoy noted that one of the neighbors stated that they were told
441 yesterday that the landscape plan was not there and has not been submitted.

442
443 City Planner Laufenburger stated that she took this plan over, as the former planner
444 was leaving. He had already written the approval letter. She stated that she was
445 unable to locate current copies of the landscape plan in the file. She only found the
446 large size plans and a former plan.

447

448 Vice Chairperson McCoy stated that this was important to the neighbors, and maybe
449 the Architect could send in another copy of the plan. She asked if a statement could
450 be made as to when the residents could get a copy of the approved plan.

451
452 City Planner Laufenburger stated that she could let them know when the plans are
453 ready, and she could even send out another 500 foot notification to the residents so
454 they can come in to view them prior to approval.

455
456 Chairman Black closed the Public Hearing and brought the meeting back to the
457 Commission for discussion.

458
459 Vice Chairperson McCoy stated that she would like to continue this until there is more
460 satisfaction with the missing landscape plans, perhaps with alternative locations for the
461 landscaping. This would allay a lot of the fears of the neighbors. She stated that she
462 would like to see some discussion with the neighbors to see if there are things that
463 could be done that would still meet the owners' needs at the same time.

464
465 Commissioner Fernandez stated that there were a lot of issues before the
466 Commission. Many people feel the house is too big for the area; I don't have a
467 problem with 6% coverage of the lot. Many cities allow much larger lot coverage, and
468 we have a chart showing the lot coverage of neighbors around this project.

469
470 Vice Chairperson McCoy noted that there were several errors in the chart.

471
472 City Planner Laufenburger noted that the figures for comparison were prepared by
473 Engineer Mike Kowalski. Public records by LA County are not always accurate. We
474 have to trust the professionals to give us this information.

475
476 Commissioner Fernandez felt that the 6% lot coverage by the house is reasonable,
477 and he noted that he went to Mrs. Sowers' house and Mrs. Sirota's house to check the
478 view obstruction. He did not think that their views would be affected by the new
479 positioning of the house. Mrs. Sirota's view was more affected by a tree from a
480 different neighbor. The Sowers also view pepper trees already on the lot under
481 discussion. He noted that he also drove by to check out the lot from the street. Mr.
482 Blagden brought up many issues, but does not seem to like any project. He stated
483 that he would trust staff that the project was complete. Having only one home per acre
484 guarantees more space between neighbors.

485
486 Commissioner Steffire stated that her main concern had been the view. That seems to
487 be resolved. She noted that in her neighborhood, we enjoy the differences in the size
488 of the different houses. She stated that she was not sure of the square footage of the
489 project house.

490
491 City Planner Laufenburger answered that the square footage of the house is 6300
492 square feet and the footprint is 5200 square feet.

493
494 Commissioner Steffire stated that she also drove up Cypress and Dorothea and
495 couldn't see the story poles.

496

497 Commissioner DiMario stated that he walked the lot and went into a back yard. He
498 stated that no matter how we vote it will cause a problem. Not everyone will be
499 satisfied. The house is very large, but the percentage of the house on the lot is not
500 very large. It's not going to fit in the community because a new house built today will
501 not compare to a home built in 1945, the 50's or 60's. If everybody works together it
502 should work out with all parties. Moving the home down has been great help for
503 everyone.

504
505 Vice Chairperson McCoy stated that she agreed with what Commissioner DiMario
506 said, but still would like to see this continued for one more meeting to give everyone a
507 chance to work out some of the problems including the landscape plan.

508
509 Commissioner DiMario stated that he would like to see the neighbors have a chance to
510 see the new landscape plan, but was not sure that he wanted to delay voting on this
511 for another month.

512
513 Planning Commission Attorney Porter suggested they might want to approve the
514 project with a condition that notices are sent to all property owners within 500 feet at
515 least 14 days prior to any approval being made by the Community Development
516 Director. They would be able to make any comments to the Community Development
517 Director about the proposed landscape plan and the plan would already be there. She
518 would have final determination authority. Then it wouldn't have to come back to you.

519
520 Chairman Black stated that he walked the area. He stated that he drove past the old
521 house that is on the property and found the home was old and tired. A large house
522 could have been built on the ridgeline in the past. He noted that he was familiar with
523 very large homes that take up about 20% of their lot in his neighborhood. The project
524 under consideration on Cypress is huge even though it has been moved down. No
525 amount of landscaping looking up from Cypress can mask that largeness. The way it
526 has been stepped-down, has been asked by the Commission to be done for a long
527 time. This was a big concession on the owner's part. The view is an important issue,
528 and the new landscape control of the trees height is very important. He stated that it
529 would be hard not to approve this with the above mentioned condition. The parcel is
530 equally large to fit the house. We have to be fair to the owner also.

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532 Vice Chairperson McCoy stated the General Plan and the codes all cite keeping within
533 the "Community Character" of a neighborhood. We don't want a whole city of
534 mansions. She understood that in the future when we compare neighborhood houses,
535 we should compare the square footage rather than the footprint.

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537 Chairman Black noted that he has trouble objecting to this project, as it is on a huge
538 slope. You can't help but see it even if it was only one story. Mr. Black stated that
539 even comparing the square footage instead of the footprint, we have to be fair to
540 everyone. He felt it would be fairer to everyone to compare the percentage of the lot
541 that the house covers. Many of the homes in our city are on non-conforming lots and
542 are old. When we want to improve them we will have to go up and be very careful of
543 not blocking someone's view. The small houses over time will become larger. He
544 stated that the owner has tried to conform by stepping the house down the slope and
545 his roof does not peak high as another style might. We will have to hope that the
546 landscaping will at least soften its size.

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Vice Chairperson McCoy moved to continue Standards Modification PRJ 2008-23 until the next regular Planning Commission meeting, so the landscape plan is viewed and approved and that any wrinkles that could make people feel better are ironed out. The motion was seconded by Commissioner Steffire and died as follows:

**AYES: McCoy and Steffire
NOES: Black, DiMario, and Fernandez
ABSENT: None**

Commissioner Fernandez moved to approve Standards Modification PRJ 2008-23 for a proposed single family home located at 1772 Cypress with the condition that the applicant submit a landscape plan and that neighbors within 500 feet of 1772 Cypress be notified and have the opportunity to provide input. The motion was seconded by Chairman Black and approved as follows:

**AYES: Black, DiMario, Fernandez and Steffire
NOES: McCoy
ABSENT: None**

ITEMS FROM THE PLANNING COMMISSION

- 7. Vice Chairperson McCoy requested an item on the Agenda for the next Planning Commission meeting concerning a policy in the Land Use Plan which I am told by our Attorney is not legally viable. It is Policy 25 in the Land Use element.**

Planning Commission Attorney Porter noted that Policy 25 is legal, but he felt it had a different interpretation on it than Commissioner McCoy had on it. She would like a discussion at the next meeting on how we can increase public participation on this.

Chairperson McCoy moved to place on the Agenda on one of the next two meetings that relates to increasing the public participation. The motion was seconded by Commissioner Steffire and approved as follows:

**AYES: Black, DiMario, Fernandez, McCoy and Steffire
NOES: None
ABSENT: None**

Planning Commission Attorney Porter suggested that the motion be amended to say the Agenda Item will be a discussion of Land Use Policy 25 and brainstorming possible methods to implement this into the Zoning Code.

This amended motion was agreeable to the Commission.

Commissioner Fernandez brought up the problem of trees on existing homes being allowed to block views of other parcels. Can this be looked into?

Chairman Black stated that it is very tricky arbitrating this and then enforcing it. It is in the General Plan and Codes.

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Planning Commission Attorney Porter suggested at a later meeting another brainstorming session exploring different mechanisms relating to protection of views.

It was the general consensus of the Commission to do this.

ITEMS FROM STAFF

8. MONTHLY COMMUNITY DEVELOPMENT DEPARTMENT REPORT

RECOMMENDATION: Receive and file Report

Chairman Black asked to receive and file the Community Development Report.

ADJOURNMENT

9. ADJOURNMENT OF THE MEETING BY THE CHAIRMAN

Chairman Black noted that he was very impressed that there had been at least 4 applicants for the alternate Planning Commission position. He welcomed Ross Owen to that position. He asked all who might be thinking of volunteering to do so. Chairman Black adjourned the May 25, 2010 Planning Commission meeting at 9:40 p.m.

LARRY BLACK, CHAIRMAN

KATHERINE LAUFENBURGER, CITY PLANNER