

**MINUTES OF THE MEETING OF THE
CITY OF SOUTH PASADENA PLANNING COMMISSION
CONVENED THIS OCTOBER 22nd 2012, 6:30 P.M.
AT THE AMEDEE O. DICK RICHARDS JR.
CITY COUNCIL CHAMBERS, 1424 MISSION STREET**

<p>ROLL CALL</p>		<p>Meeting convened at: 6:30 p.m.</p> <p>Commissioners Present: Steven Friedman, Chair Anthony George, Vice-Chair Kristin Morrish, Secretary J. Stephen Felice</p> <p>Council Liaison: Robert S. Joe</p> <p>Staff Present: David G. Watkins, Director of Planning and Building Richard L. Adams II, City Attorney John Mayer, Senior Planner Jose Villegas, Planning Intern Knarik Vizcarra, Planning Intern</p> <p>Absent: Evan Davis, Commissioner</p> <p>Comm. Felice led the pledge of allegiance.</p>
<p>PUBLIC COMMENTS</p>		<p>Harry How, 2100 Hanscom Dr., expressed his concerns, regarding alleged changes made to conditions 61, 62, and 68 for his project by the Public Works Department.</p>
<p>NEW BUSINESS</p>	<p style="text-align: center;">1</p>	<p>Holiday Meeting Schedule</p> <p>By general consensus, the commission decided to conduct their next regularly scheduled meeting on December 3, 2012.</p>
<p>CONTINUED HEARINGS</p>	<p style="text-align: center;">2</p>	<p>1331 Indiana Avenue (Hillside Development Permit/Variance/Design Review – New Single Family Residence)</p> <p>This project was previously approved by the Planning Commission in 2005, but Planning approvals expired in 2008.</p> <p>Senior Planner, John Mayer presented his staff report regarding approval for a Hillside Development Permit, a Variance and Design Review for 1331 Indiana Avenue. Mr. Mayer reviewed the details of the project and pointed out that 4 on site trees (Oak, Avocado, Pepper and Elderberry) will be removed, in addition to the relocation of one mature Oak tree to the back of the property. Mr. Mayer noted that the applicant requested a variance for the allowance of a 5 foot setback in lieu of the required 10 foot setback. The applicant demonstrated the need for a variance, because the required 10 foot</p>

setback would push the house higher up onto a steep upward sloping property, which would require additional grading.

Mr. Mayer pointed out that staff received a letter of concern, regarding the parking of large construction trucks on the street, which may possibly obstruct entrance/exit for residents onto their properties. Public Works staff remedied the situation by including parking restrictions for the construction trucks. The findings for the Variance and the Hillside Development Permit were made. Mr. Mayer recommended the adoption of the Negative Declaration.

At the conclusion of his presentation, the Commissioners had questions for Mr. Mayer. Mr. Mayer noted the following: 1) the variance was a part of the original application; 2) the project details have not changed; 3) the first choice for the mature oak tree will be to relocate it on the property or to the park; 4) condition 57 and 65 are the same conditions (typo); 5) small dump trucks hold less than 10 cubic yards of dirt; and 6) the plans will need to be adjusted to reflect the current size of the 4 inch oak tree.

The original project architect, Chava Danielson introduced herself to the Commission and pointed out that she was in agreement with the staff report and the findings. Ms. Danielson noted that her goal was to design a house that would stay in keeping with the neighborhood and will be appropriate for the site. She also took into consideration the way the project stepped up onto the hillside and chose to decrease the amount of grading.

Chair Friedman declared the public hearing open.

The following speakers spoke in opposition to the project and expressed their concerns, regarding the 5 foot variance, street parking congestion, tree removal, unfinished construction, one traffic lane and traffic congestion: Gwen McLain, 1319 Mountain View Ave., Sue Matz, 1324 Mountain View Ave., Mike Degles, 1324 Mountain View Ave., Beverly Passon, 1316 Mountain View Ave.,

Miguel Fierria, the current project engineer spoke in rebuttal to the speakers in opposition to the project. He pointed out that the applicant will relocate and/or replace trees. Three parking spaces will be provided by the applicant and the owner's goal is to complete construction in a timely manner.

Ms. Danielson also spoke in rebuttal and pointed out that there are three off street parking spaces. She did not see a correlation between a 5 foot setback and an increase in off street parking. She noted that a 10 foot setback would require additional grading and trucks.

Chair Friedman declared the public hearing closed.

	<p>The Commission continued discussion on the item and came to the following conclusions: 1) staff's justification for the variance was valid; 2) convection mirrors placed on the property should be included as a condition of approval to increase visibility for traffic going up and down the hill; 3) a connection was not found between the concerns of the speakers in opposition to the project and the applicant's request for a 5 foot variance; and 4) the granting of a 5 foot variance instead of the required 10 foot variance would significantly reduce the amount of grading for this project and will not increase street parking.</p> <p>After considering the staff report and draft resolution, a motion was made by Comm. Felice, seconded by Vice-Chair George to approve the project, including the addition of convex mirrors on the driveway as a condition of approval.</p> <p>The motion carried 4-0. (Resolution 12-22)</p>
3	<p>1230 Kolle Street (Hillside Development Permit/Design Review- Single Family Addition)</p> <p>Initially, this project was approved on May 28, 2008 but Planning approvals expired during the plan check process.</p> <p>Planning Intern, Jose Villegas presented his staff report for a Hillside Development Permit and Design Review for 1230 Kolle Street. Mr. Villegas reviewed the details and noted that the project consisted of a 322 square foot addition and a 285 square foot trellis/deck in the backyard. Staff did not receive any inquires for the project. The required findings for a Hillside Development permit and Design Review were made. At the conclusion of his project, Comm. George verified with Mr. Villegas that the details of the original project remained the same except for the addition of duct screening.</p> <p>The Commission did not have questions for the project architect, Mr. Jim Fenske.</p> <p>Chair Friedman declared the public hearing open. Seeing that there were no speakers in favor of or in opposition to the item, he declared the public hearing closed.</p> <p>After considering the staff report and draft resolution, a motion was made by Vice-Chair George, seconded by Comm. Felice to adopt the resolution approving the Hillside Development permit and Design Review for 1230 Kolle Street.</p> <p>The motion carried 4-0. (Resolution 12-23)</p>

<p>PUBLIC HEARINGS</p>	<p>4</p>	<p>700 La Portada (Conditional Use Permit – Telecom)</p> <p>Assistant Planner, Knarik Vizcarra presented her staff report, regarding a Conditional Use Permit and Design Review for an unmanned wireless telecom communication facility. Ms. Vizcarra reviewed the details of the project and noted that the project consisted of locating 6 wireless antennas, 12 microwave antennas on the City water tower and the location of 5 equipment cabinets on the ground. The proposed antennas will be painted to match the structure. Staff did not receive inquires for this project. The project met the required findings for a Conditional Use Permit and Design Review. At the conclusion of her presentation, Ms. Vizcarra noted that the proposed antennas will be located at the same level or below the existing antennas, at the request of the Commission to reduce the visual impact. Ms. Vizcarra deferred questions, regarding the length of the lease and the T Mobil acquisition of Metro PCS to the applicant.</p> <p>Chair Friedman declared the public hearing open.</p> <p>Veronica Arvizu, the representative from Metro PCS noted that the existing water tower site is an optimal location for collocation purposes, due to the height and the pre-existing nature of the water tower as a collocation site. Metro PCS’ task is to cover a current gap in the network. Ms. Arvizu pointed out that Metro PCS is under a ten-year contract with the City. Ms. Arvizu noted that the FCC has not approved of an acquisition for Metro PCS by another carrier. If Metro PCS is acquired by another carrier, the proposed equipment for this item will be required, since the water tower location will be their HUB site. She noted that Sprint and T-Mobil are the other carriers collocating at the water tower site.</p> <p>Chair Friedman requested to view a coverage map for this item, since a significant gap in coverage must be demonstrated for an item, such as this to be approved. The map was not provided to the Commission.</p> <p>Chair Friedman declared the public hearing open. There were no speakers in favor of or opposition to the project. The public hearing remained open.</p> <p>After considering the staff report and draft resolution, a motion was made by Chair Friedman, seconded by Comm. Morrish to continue this item to the next regularly scheduled meeting providing the applicant with additional time to present propagation maps to the Commission.</p> <p>The motion carried 4-0.</p>
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	5	<p>1414 Fair Oaks Avenue (Conditional Use Permit – School)</p> <p>Planning Intern, Jose Villegas presented his staff report regarding approval for a Conditional Use Permit for a tutoring business for reading, writing and math for children ranging in ages from 6 years - 13 years of age. Mr. Villegas reviewed the details of the project. Mr. Villegas noted that the hours of operation originally stated in the public notice from 2:30 p.m. to 6:00 p.m. were changed to 2:30 p.m. to 7:00 p.m. Staff did not receive any inquires in support or in opposition to this project. The required findings for a Conditional Use Permit were made. At the conclusion of his presentation, the Commission did not have questions for Mr. Villegas.</p> <p>Chair Friedman declared the public hearing open. The applicant, Peter Chu pointed out that his goal is to improve the reading, writing and math skills of local students. Mr. Chu noted that the closing time will be at 7:00 p.m. to alleviate any parking issues. Chair Friedman declared the public hearing closed.</p> <p>After considering the staff report and draft resolution, a motion was made by Comm. Felice, seconded by Vice-Chair George to approve the project as submitted by staff.</p> <p>The motion carried 4-0 (Resolution 12-24)</p>
NEW BUSINESS	6	<p>Appeal of Zoning Code Interpretation: Applicability of SMPC Section 36.220.040 to Small Nonconforming Lots</p> <p>Assistant Planner, Knarik Vizcarra made a correction to her staff report. Ms. Vizcarra noted that the correct requested action by the appellant is to overturn the Director’s interpretation.</p> <p>Ms. Vizcarra noted that the appeal was to overturn the applicability of the South Pasadena Municipal Code, section 36.220.040 (040) for small nonconforming parcels, which are less than 10,000 square feet. The appellant’s claim is that section 36.220.050 (050) related to small nonconforming parcels and is the only section that applies to lots that are less than 10,000 square feet. Ms. Vizcarra made the following distinction between (040) and (050): 1] The general development standards for new structures and alterations made to existing structures in Residential Zoning Districts are located in section (040); 2] Standards to minimize impacts of overbuilding on small single family parcels are located in section (050). (050) is intended to be an exception to section (040). Ms. Vizcarra noted that if the Zoning Code is not interpreted in the way that it has been interpreted by Staff for the last 10 years, it will result in the potential over building of approximately 2000 substandard lots, which would not meet the intent of Zoning Code, section (050), nor would it be consistent with the</p>

General Plan. It will potentially allow for larger homes to be built on parcels less than 10,000 square feet than on those with larger lots. Staff concluded that the Director's interpretation was in accordance with the intent of the Zoning Code and consistent with the General Plan; therefore, Staff's recommendation was to deny the appeal and uphold the Director's recommendation. At the conclusion of her staff report the Commission had the following questions for Ms. Vizcarra: 1] if the interpretation of the ordinance has been challenged by any applicants, architects or builders other than Mr. Margrave (no); 2] were any projects on substandard lots approved, which exceeded the .35 FAR, during the ten year period when this ordinance went in to effect, other than when a variance was requested (no).

Comm. George verified with Ms. Vizcarra that the Director and/or Staff interpreted the meaning and the applicability of section (040) and that the Director was within his responsibility to do so in accordance with section 36.110.020.

Chair Friedman declared the public hearing open.

The appellant David Margrave, 928 Buena Vista St. presented his case. He pointed out that there are regulations in place that monitor building size on designated lots. Margrave noted his interpretation of the Zoning Code: 1] section (040) and section (050) are distinct among themselves; therefore, they cannot be combined; 2] they are present to regulate the size of buildings; and that 3] section (040) is for properties of 10,000 square feet and more and (050) is for properties of 10,000 square feet and less. Mr. Margrave pointed out that he would not have to follow the regulations precisely in (040) but would have to follow the regulations precisely in (050). He noted that the Design Guidelines prevent over and under building because it states that, "they shall build in the same size and scale". Mr. Margrave argued that the City Council created five separate and distinct sections under the code to address five distinct development problems for residential districts. The sections cannot be combined, such as sections 36.220 and 22.040. Finally, he noted that recommendations can be made by staff to the City Council to change the regulations but they cannot be changed otherwise. He stated that staff's interpretation of (040) and (050) has resulted in a reduction of income tax for the City.

Mr. Margrave used a doll house to demonstrate mansionization. Mr. Margrave noted that regulations were created so that people cannot build too small or too large on designated lots.

Vice-Chair George verified with Mr. Margrave that both resolutions presented by Mr. Margrave to the Commission, one overturning the Director's interpretation and the other one upholding the Director's interpretation, were not to his liking. Mr. Margrave presented another

	<p>resolution to the Commission, which was drafted by him. He drafted his own resolution that he felt should be approved.</p> <p>Brian Cravens, 723 E. California Blvd, Pasadena, noted that in his research of the Zoning Code and the Design Guidelines, he found that 040 and 050 stand independently on their own and do not refer back to each other.</p> <p>Mr. George verified with Mr. Cravens that the he is not the architect of the record.</p> <p>Mr. Milan Garrison, MG Resolutions Inc., Planning Consultant, requested that the Commission give the appellant the right and intent to develop in accordance with the law. Mr. Garrison pointed out that in his research of the Zoning Code. He did not find an interdependence between 040 and 050 and that "Conflicts and Requirements" do not apply in this instance. The laws that have been codified are the laws that need to be abided by and are not merely interpretations of the Zoning Code.</p> <p>Wally Emory, Past Mayor, pointed out that he did not agree with Staff's interpretation of (050). Mr. Emory stated that the City has not been able to collect the proper taxes for homeowners that would like to build and improve their homes under (050) and raise the tax base.</p> <p>Scott Margrave, 1915 Illinois Dr., would like to move forward with building.</p> <p>Chair Friedman declared the public hearing closed.</p> <p>Chair Friedman noted that staff's interpretation has never been challenged and that section (040) and (050) are completely harmonious and clear. Mr. Friedman summarized his thoughts and noted that (040) is a provision of general applicability. It provides the starting point, general requirements, subdivisions, new land uses, structures and alterations to existing land uses and structures. It provides design construction compliance requirements in a table, in addition to applicable development standards. It further provides specific requirements for the Altos De Monterey. The Design Guidelines apply. The Zoning Code does not state that the extensive requirements in table 2-3 apply only to lots that are 10,000 square feet or more, but it does note that for parcels proposed in new subdivisions, there are minimum area and width requirements. It also allows provisions for residential density, setbacks, accessory structures, FAR requirements, and lot coverage, which is different in (050). (040) makes provision for landscaping requirements, parking and signage. These are the requirements that apply to all of the categories of development, which is different from Section (050). Section (050) is simply adding additional requirements to standards set forth in (040) which apply to all parcels. (050) does not mention side yard setbacks, accessory structures, height requirements, landscaping, signs, or density. A</p>
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fair reading of the ordinances does not support the interpretation that's been offered today by the appellant. It would be nonsensical for the City or the bodies that worked and adopted these two ordinances to conclude that none of the requirements relating to setbacks, accessory structure height, landscaping and signs should apply for a large majority of parcels in this city that are up to 9999 square feet. It is nonsensical that this kind of a profound dichotomy would be made. The only reasonable interpretation is to read them in harmony. (040) sets the baseline and (050) has additional requirements that apply because of the unique features of legal nonconforming lots.

Comm. Morrish was in agreement with Chair Friedman's summary of Section (040) and Section (050).

Chair Friedman noted that he found it perplexing that a conspiracy to deprive the City of tax revenues was presented to the Commission by the appellant and his supporters.

Vice-Chair George was in agreement with Chair Friedman's summary on this item. Mr. George noted that Planning Director, David Watkins, was within his jurisdiction and operating under his charge and requirement as the Director of Planning and Building to make the interpretation. Mr. George requested to place language in the approved resolution stating that the Director's interpretation is consistent with the responsibility and authority as stated in section 36.10.020. Mr. George clarified that in section (050) it states that the building shall be compatible with your neighbor's house rather than it "shall" be the same size as your neighbor's house.

Vice-Chair George suggested continuing this matter to the next regularly scheduled meeting to provide the Commission with additional time to review the language in Mr. Margrave's proposed resolution.

Chair Friedman, Comm. Morrish and Comm. Felice were not in agreement with continuing this item to the next regularly scheduled meeting.

After considering the staff report and draft resolution, a motion was made by Vice-Chair George to adopt the resolution of the Planning Commission, the City of South Pasadena upholding the Director's interpretation of the Zoning Code, regarding the applicability of Development Standards found in South Pasadena's Municipal Code, Section 36.220.040 to small nonconforming parcels and denying the appeal of the Director's interpretation with the insertion of, "Whereas, the Director's interpretation is consistent with the responsibility and authority stated in section 36.110.020." located after the second whereas.

Vice-Chair George amended his motion to locate, "The Director's

		<p>interpretation is consistent with the responsibility and authority stated in section 36.10.020” in section 1 of the resolution bumping all of the other sections down one paragraph.</p> <p>Comm. Felice seconded Vice-Chair George’s amended motion</p> <p>The motion carried 4-0 (Resolution 12-25)</p>
	7	<p>City Council Strategic Planning Session – Commission Goal Setting</p> <p>David Watkins, the Director of Planning and Building, noted that the City Council will conduct a Strategic Planning meeting on Saturday, 11/3/12 from 9:00 p.m. – 1:00 p.m. The City Council is seeking input from the Commissions regarding the large picture goals for the City Council over the next three years. Mr. Watkins requested that the Commission appoint one Commissioner to attend the Strategic Planning meeting to represent the Planning Commission and to identify three large picture goals for the City Council to consider for the next three years.</p> <p>The Commission discussed the following topics to present to the City Council, regarding the 3 year goals: 1) the purpose and the intent of the general plan; 2) the subsequent alignment of the Zoning Code with the General Plan; 3) the clarification and investigation of parking issues brought to light by the Ostrich Farm; 4) the parking for non-conforming buildings outside of the Mission Street Specific Plan, focusing on the historic inventory; 5) improve the areas of potential variance between the Zoning Code and the General Plan.</p> <p>Vice-Chair George nominated Chair Friedman to attend the Strategic Planning meeting.</p> <p>His nomination was approved by general consent.</p> <p>Mr. Watkins noted that four code amendments, which are currently reviewed by staff, will be presented to the Council supporting the existing five year goals.</p>
	8	<p>Minutes of the Planning Commission’s August 27, 2012</p> <p>The minutes were approved as submitted by staff.</p> <p>3-1 one abstention</p>
	9	<p>Comments from City Council Liaison</p> <p>Mr. Joe noted that the City Council directed the Planning Director and the City Manager to look at parking requirements for historic commercial properties outside of the Mission Street Specific plan area and to consider</p>

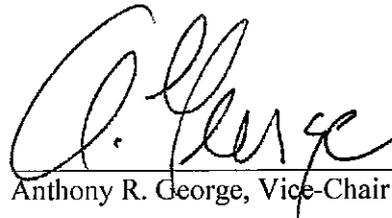
		expanding the Specific Plan's parking requirements.
	10	Comments from Planning Commissioners None
	11	Comments from Staff Mr. Watkins noted that the tree ordinance presented to the City Council received a second reading last week. The ordinance imposes penalties on the intentional removal of trees in the advance of a Development application. It will go into effect on November 16, 2012.
ADJOURN- MENT	12	The meeting adjourned at 8:55 p.m. to the special meeting of the Planning Commission scheduled for December 3, 2012.

I HEREBY CERTIFY that the foregoing minutes were adopted by the Planning Commission of the City of South Pasadena at a meeting held on December 3, 2012.

AYES: FELICE, FRIEDMAN, GEORGE & MORRISH
NOES: NONE
ABSENT: NONE
ABSTAIN: DAVIS



Steven Friedman, Chair



Anthony R. George, Vice-Chair

ATTEST:



Elaine Serrano, Recording Secretary