

PLANNING COMMISSION
MINUTES
APRIL 27, 2010

INITIATION:

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL CALL:**

Commissioners: Seibert, O' Leary, Chen, Horton, Valenzuela

Also Present: City Attorney Murphy, Community Development Manager Lambert, Associate Planner Gulick, and Planning Secretary Venters

4. **TIME FOR THOSE IN THE AUDIENCE WHO WISH TO SPEAK:**

No one came forth at this time.

5. **CONSENT CALENDAR:**

ALL CONSENT CALENDAR ITEMS MAY BE APPROVED IN A SINGLE MOTION AS RECOMMENDED, UNLESS REMOVED FOR FURTHER DISCUSSION.

IF MEMBERS OF THE COMMISSION OR PERSONS IN THE AUDIENCE WISH TO DISCUSS ANY MATTERS LISTED ON THE CONSENT CALENDAR, (AGENDA ITEM A), PLEASE ADDRESS THEM AT THIS TIME.

- A. APPROVAL OF MINUTES: FEBRUARY 23, 2010
- B. APPROVAL OF MINUTES: MARCH 4, 2010
- C. APPROVAL OF MINUTES: MARCH 23, 2010

RECOMMENDATION: APPROVE AS SUBMITTED

Commissioner Valenzuela – Made a motion to approve the Planning Commission Meeting minutes dated February 23, 2010, the Joint Meeting of the City Council and the Planning Commission minutes dated March 4, 2010 with a minor correction, and the Joint Meeting of the City Council and the Planning Commission minutes dated March 23, 2010, seconded by Vice Chairman O'Leary and unanimously carried.

6. **UNFINISHED BUSINESS:**

- A. INTERPRETATION: AT A PREVIOUS MEETING, STAFF BROUGHT AN INTERPRETATION TO THE PLANNING COMMISSION REGARDING FENCE AND

HEDGE HEIGHTS IN RESIDENTIAL ZONES. AT THIS TIME, STAFF HAS ADDITIONAL INFORMATION TO PRESENT TO THE PLANNING COMMISSION AFTER SURVEYING SURROUNDING CITIES REGARDING FENCE AND HEDGE REGULATIONS.

RECOMMENDATION:

- 1) HEAR STAFF INTRODUCTION
- 2) CONDUCT DISCUSSION
- 3) PROVIDE STAFF DIRECTION TO PROCEED WITH A CODE AMENDMENT REGARDING FENCE AND HEDGE HEIGHT REGULATIONS IN RESIDENTIAL ZONES

Chairman Seibert – Asked for an introduction.

Community Development Manager Lambert – Gave the introduction dated February 23, 2010.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Chairman Seibert – Stated that the question that arose at the previous Planning Commission Meeting was the definition of a hedge. Stated that the person in violation had trees as opposed to hedges and wondered if trees should be included in the definition of hedges. Stated that if trees are to also be defined as hedges then certain trees such as a Cypress tree could not be grown thus the Planning Commission should discuss the definition of a hedge.

City Attorney Murphy – Stated that the Planning Commission recommended that Staff return to the Planning Commission to with a clearer definition of a hedge, and that trees would not be considered a hedge. Stated that this recommendation would consist of more time from Staff to further define hedges and other vegetation.

Commissioner Valenzuela - Asked Community Development Manager Lambert if vegetation is allowed to grow on a side yard setback.

Community Development Manager Lambert – Stated that hedges are not allowable on a side yard setback, if the vegetation is beyond the front yard setback then it cannot exceed six feet in height, if it is within the front yard area, it cannot exceed three feet in height..

Commissioner Valenzuela – Asked Community Development Manager Lambert how tall vegetation can generally grow.

Community Development Manager Lambert – Stated that when this request for an interpretation was brought to the Planning Commission, Staff felt that this body may determine that this is not a hedge. Stated that the Planning Commission determined that without a clear definition hedges could not be clearly defined. Stated that the City of South Pasadena has a definition for hedges, but also allows them to grow up to ten feet tall. Stated that he could argue that this is not a solid visual barrier, therefore, it would not be a hedge, under certain definitions.

City Attorney Murphy – Stated that if the City had a definition of a hedge, then Staff could make a determination and in some cases grant Zone Variances for overgrown hedges.

Chairman Seibert – Stated that the definition needs to be clear and that he is not in favor of variances.

Commissioner Chen – Stated that he is in favor of slightly modifying the code, to eliminate the word hedge in the first sentence, and to retain the word hedge in the second sentence.

Community Development Manager Lambert – Stated that in that case, hedge height in the rear yard as well as all vegetation height in the rear yard would not be regulated. Stated that he would like to reiterate that the City has two options: 1) define hedges and regulate them in the rear yard and have a clear definition of hedges, or 2) hedge heights would not be regulated except in the front yard area where safety impacts would be present.

Commissioner Valenzuela – Asked Community Development Manager Lambert if there is a type of plant that could reach 50 feet and if so, would the code be enforced.

Community Development Manager Lambert – Stated that the Code Enforcement Department does not have a habit of measuring hedges in the City and that this request was based upon a complaint.

Chairman Seibert – Stated that he looked around on his street and that there are two dozen properties that are not within the City's code. Stated that if the Code Enforcement Department enforced hedge heights by observation, then that is all they would be doing.

Community Development Manager Lambert – Stated that if Staff did nothing then Mr. Steinmeier could apply for a Zone Variance or he could cut down the vegetation or the Planning Commission could direct Staff to return with a code amendment.

Chairman Seibert – Asked if there were any additional questions or comments from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions or comments at this time.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. Two people came forth at this time.

Mary Kokayko - Stated that she wonders if there have been any problems with neighbors planting hedges along a property line. Stated that a hedge could be trimmed by the resident if it is not too high, however, felt that what mattered most is what a hedge is adjacent to. Stated that hedges must be defined and controlled.

David Steinmeier, 5563 Hallowell Ave., Arcadia, CA 91007 – Stated that most of the City is not in compliance with the hedge requirements in the front and rear yards. Stated that whatever definition that this body may create, the City will not win. Stated that the other cities that do not have hedge requirements have survived, and that the word "hedge" should be taken out of the code.

Chairman Seibert - Asked if anyone else from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Vice Chairman O'Leary – Made a motion to close the comment period, seconded by Commissioner Chen and unanimously carried.

Commissioner Horton – Stated that he concurs with the comments made by fellow Commissioner Chen. Stated that he had noticed that many cities don't control this issue, however, he likes the City of Arcadia's map that was included in the Staff Report as it serves transportation safety and is also in favor of the 20 foot setback for visibility of driveways and intersections. Stated that the City Council should study the code and amend it and that he would also like to recommend to include that diagram or similar version as appropriate for the City.

Community Development Manager Lambert - Stated that if you break it down, the front setback requirements measure to a 25 foot radius from the curb. Stated that the City's Code currently does not allow more than three feet of solid material in the front yard setback which goes above and beyond The City of Arcadia's regulation.

Commissioner Valenzuela - Stated that he does not want to force everyone in the City to cut down their hedges as one does have a right to privacy, however, expressed concern that a tall wall of trees may affect a neighbor who may not be able to feel the air or sunlight. Stated that he would like to provide recourse for a neighbor who does not have sunlight due to tall hedges, therefore, hedges should be carefully defined. Stated that he prefers the City of South Pasadena's definitions of hedges which include trees that were planted closely

Commissioner Chen – Stated that he would like to maintain his comments that he had previously made and is favor of the suggestion that was made by Community Development Manager Lambert.

Vice Chairman O'Leary – Asked City Attorney Murphy for clarification regarding the comments made by fellow Commissioners Chen and Valenzuela.

City Attorney Murphy – Stated that whether or not Commissioner Chen's idea to remove hedge height from controls in the rear yard is a decision that would be made by the Planning Commission and ultimately the City Council. Stated that in terms of a definition of hedges Commissioner Valenzuela's suggestion would provide simplicity to the code by getting rid of any conflict by defining hedge as any vegetation that is planted close together. Stated that he would consider a simple definition rather than a definition that would be vegetation specific, however, if the Planning Commission chooses to leave the regulation of hedges in the rear yard intact, then a technical definition of hedges would have to be crafted. Stated that from a legal perspective he would be concerned regarding the definition and everything else would be a policy decision.

Commissioner Chen – Stated that if trees were to be included in the definition of a hedge then the city would have to be very specific and enter a policy that he is unfamiliar with and is not in favor of complicating the code.

Vice Chairman O'Leary – Stated that two story homes have a maximum height of 30 feet and is there forever and could block sunlight for a neighbor. Stated that residents should practice common sense regarding vegetation height.

Chairman Seibert – Stated that he does not want to regulate the height of trees.

Commissioner Horton – Stated that some trees such as the Italian Cypress have an oil laden core and have highly flammable debris that could become a fire hazard. Stated that he has

seen one of these citations before serving on this Commission and there is a low incidence of vegetation overgrowth issues for this to be adjudicated.

Chairman Seibert – Stated that Staff should return with an ordinance that would define a hedge, enforce hedge height within the front yard setback, and eliminate the hedge height requirement in the rear yard as suggested by Staff.

Commissioner Chen – Made a motion to direct Staff to return to the Planning Commission with an ordinance that would define a hedge, enforce hedge height within the front yard setback, and eliminate the hedge height requirement in the rear yard seconded by Vice Chairman O’Leary, and carried by Roll Call Vote.

ROLL CALL VOTE

Commissioner Chen	Aye
Commissioner Horton	Aye
Commissioner Valenzuela	Nay
Vice Chairman O’Leary	Aye
Chairman Seibert	Aye

7. NEW BUSINESS:

A. PUBLIC HEARING: A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING RESTAURANT (KNOWN AS ZEN BUFFET) TO SERVE BEER AND WINE AT 5449 ROSEMEAD BOULEVARD. THE PROPERTY IS ZONED HEAVY COMMERCIAL (C-3) AND IS DESIGNATED AS COMMERCIAL ON THE CITY’S GENERAL PLAN LAND USE MAP.

SUBJECT SITE: 5449 ROSEMEAD BOULEVARD

CASE NUMBER: CONDITIONAL USE PERMIT 10-1755

PROPERTY OWNER: LOUIS SMALDINO
13601 E. WHITTIER BLVD., SUITE 200
WHITTIER, CALIFORNIA 90605

APPLICANT: R & B BBQ BUFFET, INC (ZEN BUFFET)
5449 ROSEMEAD BLVD.
SAN GABRIEL, CALIFORNIA 91776

RECOMMENDATION: 1) HEAR STAFF REPORT
2) HEAR THOSE FOR AND AGAINST
3) FIND THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301
4) ADOPT RESOLUTION FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated April 27, 2010.

Associate Planner Gulick – Gave a PowerPoint presentation.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Chairman Seibert – Asked if there were any additional questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. Invited the applicant to speak. The applicant was not present. Asked if anyone from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Commissioner Horton – Made a motion to close the public hearing, seconded by Commissioner Chen and unanimously carried.

Commissioner Chen – Stated that he could make the findings to approve this request and appreciates staff for explaining the process for a business to obtain a liquor license.

Vice Chairman O'Leary – Stated that he concurs with fellow Commissioner Chen and could make the findings to vote in favor of this request.

Commissioner Valenzuela – Stated that can make the findings to grant approval of this request.

Commissioner Horton – Stated that he concurs with his fellow Commissioners and could make the findings to vote in favor of this request.

Chairman Seibert – Stated that he also concurs with his fellow Commissioners and could make the findings to approve this request.

Commissioner Chen – Made a motion to approve Conditional Use Permit 10-1755, and find that this project is categorically exempt from CEQA pursuant to section 15301, seconded by Vice Chairman O'Leary and unanimously carried.

Chairman Seibert – Stated that the application was approved 5-0 and stated that there is a 15-day appeal/review period.

8. COMMUNICATIONS: NONE

Community Development Manager Lambert – Stated that he would like to bring to the attention of the Planning Commission that a free training session regarding parking systems will be provided by (SCAG) Southern California Association of Governments on May 25. Stated that if anyone is interested in this event, please contact Planning Secretary Venters. Stated that some City Staff and Commissioner Horton will attend this upcoming seminar. Stated that he would like to also mention that Commissioner Horton brought information about Assembly Bill 32 and Assembly Bill 811 regarding the requirements made by the State of California to reduce greenhouse gas emissions. Stated that he would like the Planning Commission to know that the City is working on a joint regional effort with the (COG) Council of Governments to adopt a City Council Resolution stating that the City is joining the efforts made by Los Angeles County to come up with a series of grant programs and incentives that the San Gabriel Valley could use to comply with this new law.

Commissioner Horton – Stated the State of California is using Assembly Bill 32 and Assembly Bill 811 to make the state green by reducing greenhouse gas emissions. Stated that what attracted his attention was that this presents a massive subsidy that California tax payers will pay and he would like to see the City be acquainted with these bills. Stated that government buildings would be a natural candidate for solar roofs to reduce greenhouse emissions, and may create local jobs for those in the construction profession.

Community Development Manager Lambert – Stated that every city is supposed to reduce greenhouse gas emissions by a certain percentage and that the County of Los Angeles would like to come up with a strategy to comply with this requirement by taking a regional approach.

Commissioner Horton – Asked Community Development Manger Lambert if this is an item that could warrant a joint meeting between the City Council and the Planning Commission in the future.

Community Development Lambert – Stated that he would keep the Planning Commission informed if the City Council would like to have a Joint Meeting with this body regarding Assembly Bill 32 and Assembly Bill 811.

9. MATTERS FROM CITY OFFICIALS: NONE

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 8:17 p.m. to the next Planning Commission meeting of May 11, 2010 at 7:30 p.m.

Chairman

Secretary