P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, JULY 15, 2003

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Parsons, Frautschi, Dickenson, Long

Absent, Commissioners: Gibson, Torre

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

1. **AGENDA AMENDMENTS: None**
2. **COMMUNITY FORUM (Public Comments): None**
3. **CONSENT CALENDAR:**

4A Minutes of 6/17/03.

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to approve the Minutes of June 16, 2003.

Motion passed 5/0.

5. **PUBLIC HEARINGS:**

5A. PUBLIC HEARING- 526 El Camino Real

To consider a Design Review to remodel the north and east exterior facades of the McDonald's commercial building and add a new 316-sq.ft. patio on the east side of the restaurant. (Appl. No. 03-0047)

APN: 044-201-060; Zoned: C-3 (Highway Commercial)

CEQA Status: Categorical Exemption per Section 15301. Class 1(a)

Robert Picard (Applicant)

Irene Larsen for McDonald's Corporation (Owner)

CONTINUED TO A DATE UNCERTAIN

5B. PUBLIC HEARING – 2440 Carlmont Drive

To consider a Grading Plan and final landscape plan for the Summerhill Homes 52-unit residential Planned Development on a five-acre site currently occupied by the Peninsula Jewish Community Center (PJCC). The

Detailed Development Plan (DDP) approval for this project was extended by the Planning Commission on May 6, 2003 (Appl. No. 03-0065)

APN: 045-031-010; Zoned: Planned Development (PD)

CEQA Status: Adopted Mitigated Negative Declaration

Summerhill Homes (Applicant)

Peninsula Jewish Community Center (Owner)

PP de Melo summarized the staff report, recommending approval subject to the conditions of approval contained in the draft resolution. Staff and representatives of the applicant were available to answer questions.

Responding to Commissioner Frautschi's question regarding the amount of dirt to be hauled off the site, PP de Melo stated that the applicant's goal is to balance the site by utilizing as much of the cut dirt where needed on the site, but that there is the possibility of approximately 213 truck loads to be hauled. He added that a standard condition of approval requires the builder to have a hauling permit that designates hauling routes and that any sort of improvements within the public right-of-way would need to be repaired back to their original condition.

Responding to Chair Mathewson's questions, PP de Melo stated that: 1) the natural stone veneer walls and one split face wall are responsive to the direction from the Commission at their April meeting, and 2) different tree species could be substituted for the native trees included in the landscape plan if the Commission so desires.

Lisa Strope, Associate Development Manager for Summerhill Homes, addressed the Commission and introduced Tom Morrissey, Civil Engineer with Brian, Kangus, Fulk, and Mel Lee, Landscape Architect of Melvin Lee Associates. She explained the reasons for the delay, the changes in the grading plan and changes required to meet the requirements of the permits from the Water Quality Control Board and Army Corps of Engineering. Responding to C Frautschi as to why they are using the split-face block on the one wall instead of surfacing it like all the other walls, Ms. Strope stated that she believed they had targeted the walls that had the most pedestrian visibility, and added that she believes staff is correct in suggesting that the stone veneer be added to that wall as well.

Mel Lee was available for questions. C Frautschi asked if the 10 oaks could be varied to include some California black oak and redwood trees. Mr. Lee felt this was a good suggestion. C Parsons commented that some larger-scale, evergreen trees are needed along the street that would put the heights of the buildings into scale and since the deciduous ash trees on the street can look pretty grim in the winter. Mr. Lee mentioned that they were working on a solar-type planting scheme with deciduous trees on the south side so the sun could penetrate through in the wintertime rather than being evergreen all year long. He feels the redwoods would probably get up to 40'-50', which might eventually be too massive for the project. C Parsons stated that there are places towards the entrance where tall trees would not shade any of the buildings a good bit of the time. He is not suggesting a solid row of redwoods, but a scattering of redwoods and other evergreens along the street so that the buildings are not bare for the first 20 years of the project. He added that redwoods can be pruned as they grow in order to maintain a line-of-sight for safety reasons, and that the Commission had discussed using them as anchors and a few in the middle, so that not every tree on the street is the same and they are not evenly spaced.

MOTION: By Commissioner Dickenson, second by Commissioner Parsons, to close the public hearing. Motion passed.

Responding to a question from the Commission, PP de Melo stated that the applicant will be building it as part of the project because they will be grading the connection from Carlmont Drive through the project, creating the public trail access, and actually up beyond their project boundaries. He believes the City will maintain the trail beyond the project and the portion within the 5.1 acres would be maintained by the HOA.

PP de Melo clarified that condition of approval 1.A.9. requires that the 0-7' wall shall be finished in natural stone veneer, but that the 0-5' wall on the hillside will not be seen and was not included in the condition.

MOTION: By Commissioner Parsons, seconded by Commissioner Long, to adopt the Resolution approving a grading plan and a final landscape plane for construction of a 52-unit residential development for Summerhill Homes at 2440 Carlmont Drive, with the conditions attached and with staff working with the applicant to include 3-5 evergreen trees.

Ayes: Parsons, Long, Dickenson, Frautschi, Mathewson

Noes: None

Absent: Gibson, Torre

Motion Passed 5/0

Chair Mathewson noted that the item is not appealable to the City Council.

6. STUDY SESSION

6A. Discussion of Secondary Dwelling Unit Zone Text Amendment

PP de Melo summarized the Staff Report, which is responsive to new State law AB 1886 that went into effect July 1, 2003, and its effects on the City of Belmont's Zoning Code. He noted that an ordinance must be created that allows for administrative approval of at least an efficiency-sized second unit, and reviewed the factors the Commission should consider in discussing possible amendment language that allows for maximizing local control of construction of these units within the framework of the new State law.

Commissioners' questions, responses from staff and comments are condensed below:

C Long: **Is there any reality to the rumor that that AB 1886 will allow someone to park an RV in the driveway and rent it out as a secondary unit?** PP de Melo: No - the law is talking about construction of a permanent structure, detached or attached. CA Savaree: The Commission has some control of the design standards, even under this new State legislation, which would give them a way to prohibit structures of that nature. CDD Ewing: RV's are not deemed as dwellings; the State law has a very clear definition as to what constitutes manufactured housing, mobile homes, etc. If it were brought up to manufactured mobile home design standards under State law and then met the City's design standards, it would have to be allowed, but then it would look like a dwelling.

C Long: **What happens if an applicant comes to the City now wanting to add a secondary unit, since the law is already in effect and we clearly don't have a regulation or rule in place?** Staff: A section in the code allows the City the opportunity to create an ordinance within 120 days after an application is received, but staff is trying to pre-empt that in order to do it thoughtfully and carefully rather than feel the rush of a four-month window. There has not been a rush of applications since the law took effect.

C Parsons: **Is a secondary unit prohibited if an applicant wants to add one to a 3,500-sq.ft. house where zoning requires that 3,500 sq.ft. is the maximum size?** PP de Melo: It is prohibited; the law allows the City to continue to impose standards relative to height, parking, maximum floor area, and floor area ratio – those standards would have to be met for it to be approved. The applicant could apply for a variance, but an attempt to subdivide a 3,500-sq.ft. house into two units would be an attached unit.

C Long: Felt that **the language in Section D of the law regarding the minimum or maximum size of the second unit is at odds with that cited in the Staff Report.** CA Savaree: City Attorneys statewide are looking for ways to place some local controls on this and there hasn't been general agreement about what the law says. CDD Ewing: Believes the City can establish the maximum size for a second unit, so long as it is large enough to allow for an efficiency unit, and can establish a maximum percentage so long as it

allows for an efficiency unit, and that's really all it says. He believes you cannot set the minimums or percentage so low as to preclude an efficiency unit but the 3,500 sq.ft. is not a percentage and it is not a size of the unit itself – it is the total allowed on a lot.

C Long: Inquired as to the **status of AB 1160.** CDD Ewing: It is one of a cluster of housing bills that was held over as a two-year bill and there will not be action on it this year. C Long commented that if the Commission should decide to make no recommendation to change the ordinance at this time and did not get any applications in the next year to eighteen months, this conceivably could be decided in the 120 days after receiving the first application, when they might know more about AB 1160. CDD Ewing: Given the choice between a two-year bill now and waiting till then, or working on this one now not knowing what the two-year bill will include, Council's instructions are to work on this one now. That is why they placed it on their Priority Calendar.

C Long: Referring to PP de Melo' statement that **the CUP would require review of the project, a 300' public notification of administrative review, what would the next step be?** PP de Melo: neighbors opposing the application would have appeal rights to the Commission. CDD Ewing: This will be creating an expectation that both staff and the Commission have discretion even though they will not. The Commission will have to approve it based on the same quantitative criteria that it meets the numbers, and will be forced to approve it when we have created an expectation that the applicant can come to you and have you turn it down. He feels there is a real problem of creating appeal rights and the appearance of discretionary rights on ministerial acts, but believes we are obligated to allow the appeal rights even on ministerial acts. He feels it is a terrible management problem with community expectations.

C Frautschi: **Referring to Section (3), does staff have any idea what the increase in fees charged to the applicant will be?** CA Savaree: While the cost of processing a CUP administratively rather than through the Commission would be less, the law allows the City to pass on the cost of processing the zoning amendment. She added that they should be keeping track of staff and attorney time being spent preparing the ordinance.

C Frautschi: **Will the ordinance deal with an applicant creating a second-floor secondary unit?**PP de Melo: Language has been included that would allow no more than two bedrooms, which could be a bedroom with a kitchen on one level and a bedroom on the lower level. Whether it's a single-story construction or a two-story construction, any proposed change needs to meet minimum design standards, including standards for height, setbacks, FAR, etc. CDD Ewing: Is concerned that if someone proposed a detached two-story second dwelling unit where the primary dwelling is two stories, the secondary detached dwelling could also be two stories under the State law. He referred to the last sentence of Section (b) (1) on the second page of the State's ordinance, beginning with "Notwithstanding.." followed by section "G".

C Frautschi: **What happens if the builder of a secondary moves out?** PP de Melo and CDD Ewing both cited examples of having worked for other cities where there was a yearly survey requiring the owner to report any sort of status change to the unit. There could also be a residential requirement report any time a home with a secondary unit is sold to assure that the new owner is going to be living in that unit; it could potentially become a constant enforcement battle. CDD Ewing added that one of the provisions of AB 1160 that has been deferred for two years is to remove this control. One of the directions of the author of the latest version is to not allow cities to require owner occupancy, so that he feels it just gets worse the more Sacramento gets into the issue.

C Frautschi: **Referring to the proposed amendment language on Page 6, why was 500 sq.ft. chosen as the maximum size for a unit within the existing building envelope?** PP de Melo: 500 sq.ft. would not be considered to be an impact relative to the design and construction layout of the home and that the ordinance needs to allow for an efficiency-sized studio. He felt that a threshold between 350 and 500 sq.ft. seemed reasonable.

C Dickenson: **Could language be incorporated associating a one-bedroom with a certain amount of square feet, where anything above that would require additional off-street parking?** PP de Melo: replied that they could certainly have language that defines what a bedroom is; i.e., a room that is separated from the other portion of the unit that has a closet and its own doorway. A separate room that does not have a closet could be a family room or a dining room. But in terms of crafting the ordinance, the City does have the authority to set minimum and maximum sizes but it needs to be approvable on an administrative basis. In terms of parking, we have an ordinance that is currently in place that requires one

space for a studio and two spaces for a one-bedroom or two-bedroom unit. We can keep that in place or we could have that parking requirement changed. State code allows cities some discretion on modifying its parking regulations for units, but the State allows that cities can require no more than one space per unit or bedroom within that unit. The language proposed in the staff report allows no more than a two-bedroom unit. C Dickenson stated that he believes this is a loophole that needs to be closed, and suggested that language be included that clearly identifies that if it goes above a certain size threshold, another off-street parking space would be required, regardless of whether it is a one-bedroom or two-bedroom unit.

Extensive discussion ensued regarding the practice of using garages as storage units or habitable rooms, options for parking requirements such as covered parking, tandem parking, parking in setbacks, screening, etc. CDD Ewing stressed that there are unintended consequences associated with trying to find maximum control with parking restrictions, and that they should not adopt new standards for second units that they wouldn't adopt for the main dwelling. He clarified that they do not have to grant a variance for a second unit if the applicant cannot meet the City's requirements.

C Long: **What kind of grandfather clause is in effect?** CDD Ewing: There is no grandfathering effect for illegal use or illegal construction, and since the City's current law says that one must receive approval of a CUP prior to creating a second unit and no CUP exists, there is no grandfathering right to that second unit.

C Frautschi**: Is the property reassessed when a secondary unit is built?** CDD Ewing: That is the County Assessor's decision – all building permits are sent to the County – but his guess is that it would trigger a reassessment.

C Long: Raised the issue of **title and deed restriction requirements**. PP de Melo: His recommendation is that an enforceable action against the property be recorded with the County that indicates the rights and status of the unit in terms of all of the requirements. It must be owner-occupied, be a certain size, and actually be recorded on the deed for the home so that if there is any change to the status the City has a legal means to access in any sort of enforcement action. Responding to C Long's statement that he felt that this suggested a de facto grandfather clause, CDD Ewing stated that someone taking over property that has an illegal unit would have nothing in the title other than perhaps the disclosure of the previous owner that there is a second unit on the property. If they come to the City to determine if it is legal, they will learn that it is not and that would be the City's position in court.

Chair Mathewson: Raised the issue of **paved rights-of-way that have been created in the Belmont hills area and effectively become additional curb cuts for parking.** Staff responded that these are for expanded parking on the site, not within the street, and they require a permanent encroachment permit. If the parking pad is entirely within the City's right-of-way, they are allowed to pave it and park there, but a curb cut for taking access to a property from the street is a specific encroachment permit and only one is allowed.

Chair Mathewson: Raised the question of **design review standards and how they will be applied to second units.** Staff: Reminded the commission that any new unit has to be consistent with the design standards for the main home, and you cannot have a higher level of design review for architecture and material for second units than you would for an addition to the main house.

Chair Mathewson: We definitely do not want to see**conversion of yard space into pavement**. Discussion of this issue resulted in CDD Ewing suggesting that the Commission could consider changing the current code to take out the words "and parking area" so that all that is allowed in front of the house is the driveway to the garage, but then where would they put the other space? Chair Mathewson suggested that this topic be included as a future Study Session. CDD Ewing felt that Commissioners would have a better sense of how many homes might be rendered non-conforming because they built a legal parking pad to accommodate the required parking that now would be considered illegal.

Chair Mathewson: Asked about the issue of **no entries on the front.** PP de Melo: We'll want to keep the single-family home looking like a single-family home; two front doorways starts to suggest a multi-family look and his intention is not to have two front doors. Regarding houses on corner lots, CDD Ewing stated that staff has a way of determining which is the front of the house.

C Frautschi: **Will secondary units be assigned a new address?** CDD Ewing: No separate number, but possibly an A or B or ½ or ¼ approach. He was not sure if the Building Division would charge a fee for that assignment. He suggested that, in order to keep it from proliferating into two-family neighborhoods, they make sure that there not be a separate utility meter so that they are shared and paid for by one occupant.

C Long: Suggested that i**f there are only two to three applicants each year, they are not capturing 98% of those who are adding secondary units.**CDD Ewing stated that he has heard anecdotal comments that there are many more illegal units out there than staff hears about, and suggested that Commissioners are obligated to report those of which they are aware. It is more than just an issue of design compatibility; there are illegal electrical installations, illegal plumbing installations, unknown quality of structural work, all of which are safety issues. He added that if it is an issue of health and safety, Code Enforcement has the authority from Council to take aggressive action to inspect the premises.

Discussion ensued regarding the pros and cons of a possible **amnesty program** that would encourage owners with illegal units to come in and apply to conform before enforcement proceedings are enacted. CDD Ewing stated that the point they need to resolve is that perhaps Belmont wants to encourage large second units; that's what he felt some Commissioners were suggesting. The policy question before them is how big they want them to be.

C Frautschi: Referring to the reference in the Staff Report to an ordinance that San Carlos is using, **how could we incorporate into the ordinance the control of nuisance and noise by not allowing windows on the sides and backs of buildings?** PP de Melo: He included that just to provide a summary of what other cities are doing; it does not have to be included in Belmont ordinance. CDD Ewing added that he believes the State law is pretty clear that new rules for secondary units cannot be created that do not apply to the main dwelling.

C Frautschi: **Could we prevent the building of a secondary unit in a back yard where there is a protected tree?** CDD Ewing: The tree ordinance does not get set aside. It could become an issue for the City Attorney because many tree removal permits are for reasonable use of the site, and a second unit may be beyond reasonable use.

C Long: **Would it be wise to have the CUP expire after one or two years of disuse?** He felt this would be a way to limit the number of secondary units, and that the deed could include a comment that says the CUP expires if unused for two years. CDD Ewing: The current ordinance says that any permit for which the use is discontinued for a period of ninety days is expired. Staff would need to document that the use had been discontinued for ninety days, through a hearing before the Commission, or the Planning Director could make the initial determination and the Commission would then become the appellate body. He added that ninety days might be appropriate for certain uses, but for a second unit they might want to allow additional time for transfer and rental, etc. Under State law, a housing unit is a housing unit whether it's rented or occupied by a relative – it would be difficult to expire it because it wasn't rented. CA Savaree added that the owner of an expired permit could come in to reapply and it would have to be ministerially approved because it is already in place and is a legal use.

C Frautschi: **Would like to see an enforcement clause that deals with owner occupancy**.

PP de Melo asked the Commission to summarize its stance on the issues of maximum unit size relative to the efficiency-sized threshold, number and location of parking spaces, and design issues.

C Long: Felt they had consensus that **parking** should be addressed in a broader sense, presumably at a separate Study Session, and that they all concurred with his language on design review.

Discussion ensued regarding the **number of front entrances and the definition of the front of the house**. CDD Ewing commented that the more they try to nail down little things like how many front doors are allowed the more they'll run into conflicts, and suggested that they just agree that the front of the house should look like the front of a house.

C Long: Suggested **removal of redundancies**, such as bullet two, "The detached secondary unit shall not be located within front yard areas." PP de Melo: He wanted to make sure that it was part of this ordinance so that they don't have to rely on another ordinance to serve as the guiding regulations for these units. CDD

Ewing: This language would preclude expanding forward if the main house is set back quite a ways from the required front yard.

C Long: Felt that he and C Dickenson agreed that some sort of **amnesty** to bring the "termites out of the woodwork" might make sense, to try to get more illegal units into compliance. C Parsons: What does amnesty mean? The owner would still have to bring it up to code. CDD Ewing responded that it does not affect whatever is adopted for a future unit, so that the two issues can be separated for code writing. Amnesty is really an enforcement program that is done with publicity that gives something away, such as building permit fees, to encourage people. That would be a Council direction on an enforcement program, and he felt it should be kept separate from the code writing work they are doing for future second units. Council could be asked if they agree with that and could put it on the Priority Calendar if they wished. Chair Mathewson suggested that the Commission could recommend that to Council at the next Priority Calendar review. C Frautschi agreed that it is a more of a policy issue.

Chair Mathewson asked for discussion of the issue of**square footage and an administrative CUP and public notification**. C Frautschi felt that 400 sq.ft. rather than 500 sq.ft. should be the minimum. He prefers whatever they can do to trigger the public notification, since their best defense is having neighbors alerted that someone is going to build a secondary unit next door. PP de Melo explained that if someone has 800 sq.ft. of uninhabitable space within their home and they are allowed a floor area of 3500 sq.ft. and the conversion of that space will keep them under 3500 sq.ft., according to current ordinance they would need a CUP but they would not need Design Review approval because it is not outside of the building envelope. That issue needs to be reconciled – i.e., is any size unit above 400 sq.ft. going to require an administrative CUP or a full CUP? Will 400 sq.ft. over and above the existing building envelope trigger single-family Design Review? He included the language in the Staff Report since the City Design Review Ordinance may have to be altered to be consistent. Chair Mathewson felt that since they are currently reworking the Design Review Ordinance, they may as well make it consistent. PP de Melo confirmed that if the Commission wants to say that once 400 sq.ft. is exceeded outside the building envelope they allow an administrative CUP procedure, then the Single-Family Design Review Ordinance needs to be modified as well. CDD Ewing suggested that they start from the principle that the Commission wants to see anything over 400 sq.ft. He added that they need to look at threshold in terms of conversion of existing as well as addition of new square footage and what thresholds they can bring back to the Commission that make sense given State law. Chair Mathewson asked if they could build in language that would allow for revisiting the process in a year or two to see how many applications had been received. CDD Ewing replied that they would not have to wait that long; they could change it at any time.

Chair Mathewson called for a recess at 9:07 p.m. Meeting resumed at 9:15 p.m.

6B. Discussion of Planned Unit Development Zone Text Amendment

CDD Ewing summarized the staff report, noting that it describes briefly how the Planned Development Zones works with regard to the Conceptual Development Plan (CDP) and the Detailed Development Plan (DDP), what they mean and leading to recognition that Use Permit findings are not appropriate in all cases to DDP's when the main concerns are often physical improvements instead of use. He recommended that the Commission direct staff to prepare an ordinance to amend the PD Zone to include the design review principles as findings for the DDP.

Chair Mathewson asked if, when the single-family design review ordinance is updated, there are items that could be captured that could be added to the DDP's. CDD Ewing responded that they might want to look at these principles for single-family as well because they cover so much of the same materials, but he has not done a comparison. Chair Mathewson encouraged staff to at least review the items that the Commission discusses, and if there's anything that's applicable to at least put it in as an option. CDD Ewing added that the reason he hadn't focused on the single-family findings is that The Commission's approach to Planned Development has not been on one house being proposed but rather looking at amendment to the DDP of the entire project.

C Frautschi asked about historical background for use when reviewing a particular PUD. He felt that occasionally the reasons certain PUD's were given the flexibility they were given, and why they have certain obligations and limits, are not carried forward later when the Commission is reassessing a change or an amendment to the PUD. CDD Ewing responded that the City Attorney has indicated to him that everything is amendable in a zoning ordinance and that you can't say "no" in advance to a request for a change. The

owner has to be able to ask for a change but the Commission has the right to deny it. C Frautschi replied that he does not want to deny the right to ask for a change, he just wants to be really clear on what the history of the PUD was. He feels that sometimes the Commission is not told if it seems unfair-- they start with one set of rules but when they come back it's like those rules never existed. CDD Ewing stated that they exist, but they are all written in pencil. It's up to the City to decide if they want to erase one of those rules and re-write it. The Commission has the discretion to say the original findings are solid, and staff has no problem asking Council to uphold the Commission. Whether the Council does so or not is up to the Council and that's why the applicant has the right of appeal and the right to petition the City for a change. If more background on how PD's were created is desired, Minutes can be provided. C Frautschi added that even when applicants come in to change the PD, they want to do what they want to do and don't care what the PD originally said. He would like to know how to get around that. He believed that it is part of staff's job to advocate for the applicant and get their project though, but as a Commissioner he is supposed to protect the City. He doesn't like it that a developer can establish a PUD and then come back later and change it. CDD Ewing responded that staff is not there to advocate projects for the applicant, but their job is to advocate the application of the General Plan and Zoning Ordinance, including the right to ask for amendments, and that the General Plan is above the applicant's wishes in the pyramid of where staff comes down on enforcement. He reminded the Commission that the PD zone is applied for as a zone change and General Plan amendment; that's done at the Conceptual Development Plan where overall density is supposed to be established, and then the DDP, which is amended only by the Commission. The CDP can only be amended by the Council as a zone change/General Plan amendment and the DDP is supposed to deal with the details of building location. The reason why the Commission got the subdivision change is because the City allowed the number of units to be left in the DDP where it did not belong, but because it was put there is became amendable by the Commission. It should have been left only in the CDP where it could only be amended by a zone change. He believes that is just one application that did not exactly contain the right information at the levels it was supposed to happen. He added that the ordinance is clear: density is supposed to be established at the conceptual level.

C Dickenson concurred that they move forward according to staff's presentation. Chair Mathewson agreed, with the caveat that anything useful in the single-family design review material be incorporated.

C Frautschi: Is there a way that a design review for a house in a PUD can apply to only that house instead of the entire PUD? CDD Ewing: Yes, even if you have the entire plan for a 70-unit project in front of you and they ask to amend only a portion of it. He cited Village Drive as an example where they amended the square footage of only one house in that 10-unit development.

6C. Discussion of Single-Family Design Review Zone Text Amendment

CDD Ewing stated that he decided to continue this item because the more he got into the issue of solar access – which the Council asked them to review in connection with single-family design review – the more he found that it got complicated very quickly. He provided background information to the Commission, including a sun study for winter sun that shows an example of the kind of solar studies that can be done for a dwelling. It shows that the shadow is projected in computer 3D imaging at 12 p.m. on January 21st in Southern California to show whether the proposed addition would create a shadow on the neighboring house and it did not, so there were no solar access problems. He also learned that the City of Claremont only imposes this kind of a study on a property where the neighbor has already installed a solar energy system. This procedure could simplify or reduce the number of times that the City would impose this kind of a study on a property owner. He also plans to explore some of the other options that cities have used with regard to solar access and will have more information in a more detailed Staff Report at a later date.

Chair Mathewson: Asked for information from cities that have ordinances in place. CDD Ewing responded that he had talked to Malibu and Claremont, two cities that have findings regarding solar access. Claremont has an ordinance that says that a new addition cannot block more than 10% of the solar area of an existing system on December 21st, which is the shortest day of the year and when the sun is lowest in the sky. He will examine other cities' experiences in more detail.

C Long: What is the approximate cost to the homeowner to go through this process? CDD Ewing: $3,000 to $5,000 for a similar study, which can be triggered any number of ways for an addition.

7. REPORTS, STUDIES, UPDATES AND COMMENTS

CDD Ewing reported as follows:

An appeal has been filed on the denial of the PD Amendment subdivision, which will go before Council in September.

At its last meeting, Council dealt with the appeal rehearing on Mr. Eckert's appeal on Oak Knoll Drive, which will be coming back to the Commission at its second meeting in September.

CDD Ewing reported that the neighbor of a project on Robin Whipple who did not testify until after the 3/3 decision of the Commission has filed an appeal. Staff is discussing the matter with her.

Chair Mathewson asked if any legal action had been filed on another item that had been upheld by the Council. CA Savaree replied that no legal action had been filed to date.

Chair Mathewson reminded everyone that they are invited to the July 24th ABC TV's community outreach event at Notre Dame and that they should RSVP if they want to be assured of a seat.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,

July 22, 2003.

Liaison: Commissioner Mathewson

Alternate Liaison: Commissioner Long (will be out of town)

9. ADJOURNMENT:

The meeting adjourned at 9:50 p.m. to a regular meeting on Tuesday, August 19, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center. **The August 5, 2003 Planning Commission has been cancelled.**

_____

Craig A. Ewing, AICP
Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.