



City of
Santa MonicaSM

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA

WEDNESDAY, June 21, 2017
7:00 P.M.

CITY COUNCIL CHAMBERS
ROOM 213, CITY HALL

1. CALL TO ORDER:

Acting Chairperson Fresco called the meeting to order at 7:10 p.m.

2. PLEDGE OF ALLEGIANCE: Commissioner Lambert led the Pledge of Allegiance.

3. ROLL CALL: Present: Amy Anderson, Chairperson [arrived at 8:00 p.m.]
Mario Fonda-Bonardi
Nina Fresco, Vice-Chairperson
Jennifer Kennedy [arrived at 7:13 p.m.]
Leslie Lambert
Jason Parry

Absent: Richard McKinnon

Also Present: Scott Albright, Senior Planner
Susan Cola, Deputy City Attorney
Kyle Ferstead, Commission Secretary
Paul Foley, Principal Planner
Tony Kim, Principal Planner
Jason Kligier, AICP, Bicycle Program Coordinator,
Mobility Division
Rachel Kwok, Environmental Planner
David Martin, Director of Planning & Community
Development
Judith Meister, Beach Manager
Michael Rocque, Associate Planner
Roxanne Tanemori, AICP, Principal Planner
Heidi von Tongeln, Deputy City Attorney
Jing Yeo, AICP, City Planning Division Manager

4. PLANNING DIRECTOR'S REPORT:

Mr. Martin gave the Director's Report. He announced the City Council will hold hearings on the Downtown Community Plan on Monday July 10, Tuesday July 11 and Tuesday, July 25, 2017. He also announced that the Commission scheduled meeting for July 5, 2017 has been cancelled. The forthcoming schedule is as

follows: July 19, light agenda with two alcohol Conditional Use Permits (CUPs); August 2, two Development Review mixed-use projects; and August 16, two Development Agreements on Sixth Street and Lincoln Boulevard which are related to the Downtown Fire Station land swap. Lastly, he announced the City Council will adopt the City’s budget on June 27, 2017, and review the proposed temporary Civic Center soccer field.

Commissioner Lambert asked Mr. Martin if the budget includes the pedestrian safety coordinator position. Mr. Martin stated the recommendation to City Council includes a designated Vision Zero coordinator. Commissioner Lambert commented to apparent public confusion regarding the Planning pipeline projects, especially the large projects proposed for Downtown and vested under the Downtown Community Plan but will likely have to be resubmitted. Mr. Martin responded that many of Development Agreement projects currently pending on the list will likely be changed to other permit types once the Downtown Community Plan is adopted.

5. PLANNING COMMISSIONER ANNOUNCEMENTS: None.

6. APPROVAL OF MINUTES:

6-A. February 15, 2017

Commissioner Kennedy asked for an amendment on page ten in the second paragraph. There were no objections from the Commission.

6-B. March 1, 2017

Commissioner Kennedy asked for a clarification on page six regarding liking the Planning Commission Caselist and Development Project list. There were no objections from the Commission.

Commissioner Kennedy made a motion to approve the amended minutes for February 15 and March 1, 2017. Commissioner Lambert seconded the motion. The motion was approved by voice vote. Chairperson Anderson and Commissioner McKinnon were absent.

6-C. March 15, 2017

Commissioner Parry made the motion to approve the minutes for March 15, 2017 as submitted. Commissioner Lambert seconded the motion, which was approved by voice vote.

7. DISCUSSION:

7-A. Presentation on the Preliminary Concepts for the North Beach Trail Improvements Project. (Planner: Jason Kligier, AICP, Bicycle Program Coordinator)

Acting Chair Fresco introduced the discussion item. Bicycle Coordinator Jason Kligier introduced the City’s consulting team: Emily Duchon, Senior Design Associates with Alta Planning and Design; and Jeremy Klemic, Associate and Team

Captain with SWA Landscape Architecture. Ms. Duchon and Mr. Klemic gave presentations on different parts of the North Beach Trail project.

Following the presentation, Commissioner Fonda-Bonardi thanked the design team and asked for clarification on accessing the Pier from the new trail. Ms. D explained there is no specific design yet and the new Pier ramp will need to be taken into consideration.

Commissioner Kennedy commented on the proposed crossings and bike parking. She asked that the parking not be placed too close to the path so riders will not stop short and cause congestion. She also commented favorably on the idea of glowing or lit bollards.

Acting Chair Fresco thanked the consultants for their presentation.

8. STATEMENT OF OFFICIAL ACTION:

- 8-A. 1613-1637 Lincoln Boulevard, Development Review 16ENT-0036 & Tract Map 16-0144

Commissioner Lambert made the motion to approve the Statement of Official Action. Commissioner Fonda-Bonardi seconded the motion, which was approved by voice vote.

9. PUBLIC HEARINGS: Consent Calendar

Commissioner Fonda-Bonardi made the motion to approve Items 9-A, 9-B, and 9-C as submitted and with the Statements of Official Action. Commissioner Lambert seconded the motion.

The motion was approved by the following vote:

AYES: Fonda-Bonardi, Fresco, Kennedy, Lambert, Parry;
 ABSENT: Anderson, McKinnon.

- 9-A. 1121 Twenty-Second Street, Parcel Map 16ENT-0041 [Vesting Parcel Map No. 73727]. The applicant requests approval of a Vesting Tentative Parcel Map to create three air parcels on one land lot for residential condominium purposes. The proposed development includes a two-story multi-family development that consists of three units over one level of subterranean parking in the R2 (Low Density Residential) zoning district. (Planner: Michael Rocque) Applicant: Pacific Cove Development. Property Owner: Robert Loeb.
- 9-B. 1649 Centinela Avenue, Parcel Map 17ENT-0027 [Vesting Parcel Map No. 74859]. The applicant requests approval of a Vesting Tentative Parcel Map to create three residential condominium air space parcels on a single parcel for the purpose of constructing a two-story, three-unit development in the R2 (Low Density Residential) Zoning District.. (Planner: Paul Foley) Applicant: Henry Nejad.

Property Owner: Ramin Karmani-Nejad & Mohamad Ahmad.

- 9-C. **1216 Arizona Avenue, Parcel Map 17ENT-0031 [Vesting Parcel Map No.74610].**
The applicant requests approval of a Vesting Tentative Parcel Map to create two residential condominium air space parcels on a single parcel for the purpose of constructing a two-story, multi-family development in the R3 (Medium Density Residential) Zoning District. (Planner: Paul Foley) Applicant: Wesley Richards.
Property Owner: 1216 Arizona LLC.

10. **PUBLIC HEARING:** Continued from November 2, 2016:

- 10-A. **423-429 Ocean Avenue, Development Review Permit 16ENT-0096, Variance 16ENT-0097, Vesting Tentative Tract Map 16ENT-0131,** The applicant requests approval of a Development Review Permit (16ENT-0096), Variance (16ENT-0097), and Vesting Tentative Tract Map (16ENT-0131) for a three- and four-story, 12-unit condominium project with associated landscaping and subterranean parking located at 423-429 Ocean Avenue.-The proposed project includes retention of portions of the extant apartment buildings and the courtyard area associated with the City Landmark-designated Colonial Revival style garden apartment complex. Variances are requested to allow for encroachments into required yard setbacks, to exceed allowable parcel coverage, and to modify off-street parking requirements. Certification of a Final Environmental Impact Report (14EIR-003) and adoption of a Mitigation Monitoring and Reporting Program will be necessary to approve the project. The Draft Environmental Impact Report was circulated for a 30-day review period which commenced on October 16, 2014, and concluded on November 17, 2014. The property is located within the R4 (High Density Residential) District. This public hearing was continued by the Planning Commission November 2, 2016. The applicant has made revisions to the proposed project for consideration by the Planning Commission at the June 21, 2017 hearing. [Planner: Roxanne Tanemori]
APPLICANT: Adele Chang/LCRA. PROPERTY OWNER: S.M. Ocean Star, LLC.

Commissioner Lambert made the following *ex parte* communication disclosure: she stated at the prior hearing on this item she had stated the proposed project could not be mitigated, but that was an error on her part. She assured everyone that this is a new project and she has an open mind and is happy with the proposed changes.

Principal Planner Roxanne Tanemori gave the staff presentation. [Chairperson Anderson arrived during the staff presentation and assumed the chair's seat.]

The Applicant Team included Alicia Bartley, attorney with Gaines and Stacey LLP, Peyton Hall with Historic Resources Group, and Adele Chang, project architect with LCRArchitects.

Commissioner Lambert asked if the trash pick-up will be from the alley. Ms. Chang explained there will be a staging area in the rear and the bins will be rolled out for pick,-up. Commissioner Lambert asked about the bike parking being shown in the

subterranean garage. Ms. Chang stated some of the bike parking will be on-grade and bike parking for the residents will be in the garage.

Commissioner Fresco asked if the elevator (Americans with Disabilities [ADA] lift) could be moved to the south so the brick is not broken up. Ms. Chang stated there is not enough room on the south for the lift and the Building Official did not agree to proposed alternatives.

Commissioner Fonda-Bonardi praised the changes to the project. He commented that the proposed trees seem small and asked if the depth and width of the tree placement could be increased. Ms. Chang responded that the planter size can be increased and noted there is additional dirt above the subterranean garage. She commented that this will be discussed with the landscape architect.

Commissioner Fresco asked if the brick steps are being retained. Ms. Chang answered in the affirmative and commented that two new tiers of brick will be added to account for the grade differential as the current entries have different stoop heights. Commissioner Fresco produced an original sketch of the project from the Landmarks Commission review and stated the original windows all had shutters and asked if this feature could be restored. Mr. Hall expressed appreciation for the comment and, if this can be confirmed, the shutters feature can be reviewed for restoration.

The following members of the public addressed the Commission: Lee Rosenbaum, Ruthann Lehrer, Chase Simonton, Danilo Bach (representing the North of Montana Association), Karen Tetrnsian, Carol Lemlein (representing the Santa Monica Conservancy), and Edward Blakely.

Mr. Hall spoke in response to the public comment.

Chair Anderson commented on the roofline within the courtyard, noting this is a prominent feature of the original buildings. Mr. Hall explained that most of the roofline is being retained and the proposed design falls within the permitted standards. Chair Anderson asked about common practice in regarding to original materials. Mr. Hall gave examples from past restorations projects he has worked on.

Commissioner Lambert asked Mr. Hall if the integrity of the interior walls has been explored for dry rot and termites. Mr. Hall responded that the front porches needed some repairs from dry rot and termites, however he does not expect the walls to fall apart and every effort will be made to retain the interior walls perhaps by “sistering” studs where needed.

Commissioner Fonda-Bonardi expressed concern with holding the old buildings together and asked where this is cited in the Conditions of Approval. Chair Anderson stated it is cited in the Mitigation Monitoring Program.

Commissioner Parry inquired how the project may meet its affordable housing obligations. Ms. Tanemori explained that the project is vested under the 1988

Zoning Ordinance, which allows a five-percent option and results in a unit requirement of less than .75 and equate to the ability to pay in-lieu fee. Ms. Yeo stated the property owner has chosen to supply two units on-site instead of paying the in-lieu fee.

Chair Anderson closed the public hearing.

Commissioner Fresco suggested the following additions to the Conditions of Approval: specific mitigations should be part of the Certificate of Appropriateness; Condition 19 should reference the historic nature of the building; and Condition 20 should include a provision that the Mitigation Monitoring Program should report back to the City and be connected to visual inspections to confirm the accuracy of the restoration. Ms. Yeo commented that City inspectors may not have the necessary expertise for this type of inspection. DCA Cola suggested a third party inspector could provide photographic evidence to staff at specific intervals in the restoration and building process. Commissioner Fresco commented on Condition 28 and the demolition requirements and replacement of period sized lumber.

Environmental Planning Rachel Kwok commented on the Mitigation Monitoring Program which requires periodic monitoring with stringent compliance requirements and reports to City Planning. Ms. Tanemori commented that when Certificates of Appropriateness are reviewed they will include the specifics from the approved Mitigation Monitoring Program. Chair Anderson asked Commissioner Fresco if she is comfortable with the consultant monitoring and preparing the reports for staff. Commissioner Fresco commented on issues with relocating structures and reframing them. Ms. Yeo suggested that after the walls are removed and before they are reinstalled there should be a reconstruction meeting of some type or some visual inspection or consultation with the preservation consultant in regards the manner for reinstallation. She stated the applicant is required to prepare a rehabilitation and relocation plan that would need approval by staff.

Commissioner Fresco asked that Condition #22, page 41, be changed from Architectural Review Board to Landmarks Commission and add "that all of the original roof and eave lines should be retained and brick entry stoops and all documented original shutters shall be restored in kind." Eave include one on the east and one on the north building. She stated on north building there is a *faux* Georgian railing, which is not appropriate and sticks straight up and there is no eave. She also asked that the American for Disabilities Act (ADA) lift be relocated as it is a shame it had to cut into the center of the historic brick retaining wall.

Commissioner Lambert made the motion to certify the Environmental Impact Report as revised, adopt Resolution 17-010 (Planning Commission Services) and adopt the Mitigation Monitoring Program. Commissioner Fresco seconded the motion.

The EIR was certified by the following vote:

AYES: Anderson, Fonda-Bonardi, Fresco, Kennedy, Lambert, Parry;

ABSENT: McKinnon.

Commissioner Lambert made the motion to approve Development Review Permit (16ENT-0058), the Variance (16ENT-0097), and the Tract Map (16ENT-0131) with the amended conditions from Commissioner Fresco. Commissioner Parry seconded the motion. He offered a friendly amendment to require the affordable housing unit be at the moderate level. Commissioner Lambert agreed.

The motion for approval of the Development Review Permit (16ENT-0058), the variance (16ENT-0097), and the Tract Map (16ENT-0131) was approved by the following vote:

AYES: Anderson, Fonda-Bonardi, Fresco, Kennedy, Lambert, Parry;

ABSENT: McKinnon.

[The Commission took a break from 9:28 p.m. to 9:40 p.m.]

11. PUBLIC HEARING:

- 11-A. 101 Foxtail Drive, Variance 16ENT-0105 & Major Modification 16ENT-0106.**
Variances to allow the design of a new single-unit residence with an attached garage to include a third story for a portion of the residence and to allow a second floor terrace to exceed 400 square feet in area, and a Major Modification to allow a portion of the new single-unit residence to have a height of 36 feet as measured above Segmented Average Natural Grade within the R1 (Single-Unit Residential) Zoning District. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.42.020, Variances may be granted with respect to development standards upon the discretion of the Planning Commission. Pursuant to SMMC Section 9.43.030, the Director may grant a Major Modification from the maximum height standards for a building. Pursuant to SMMC Section 9.37.170, the Planning Commission, rather than the Director or designee, shall review any application ordinarily subject to approval by the Director or designee if the application is filed concurrently with an application that is subject to Planning Commission review. (Planner: Scott Albright)
Applicant: Garrett Belmont, Vantage Design Group. Property Owner: 101 Foxtail, LLC.

The Commission made the following *ex parte* communication disclosures:

- Commissioner Lambert disclosed she met with the project architect's team several weeks ago and a representative from the North of Montana Association (NOMA).
- Commissioner Kennedy disclosed she read all the e-mails received on this project and ones forwarded from the Commission Secretary.
- Commissioner Fresco disclosed she met with the architect and Kevin Kozal prior to the staff report coming out, reviewed the drawings and suggested other drawings be added.
- Commissioner Parry disclosed he met with the Applicant's Team on June 6, 2017, and discussed the revised project, reviewed the plans and alternatives.
- Chair Anderson disclosed she met with the Applicant's Team on the proposed changes and drove by the site on Tuesday evening, June 20, 2017 around 7:30

p.m.

Senior Planner Scott Albright gave the staff presentation.

Commissioner Parry asked Mr. Albright about the grade analysis (Segmented Average Natural Grade [SANG] method) and whether based on the analysis there is room for the project to go out toward Kingman Avenue beyond what is proposed. Mr. Albright answered in the affirmative. Commissioner Parry asked how far could the building extend and still comply with Code. Mr. Albright pointed out the property lines and setbacks on the plans. Commissioner Parry asked if there are other areas the building could extend to and still meet Code. Mr. Albright responded that if the design meets Code for the setbacks, the project can proceed regardless of previously approved variances. Commissioner Parry asked about the existing trees that blocking the view from Kingman Avenue and whether there are any restrictions. Mr. Albright responded that landscaping is encouraged, especially for stabilizing hillsides, and there is no view protection ordinance. Commissioner Parry asked about the photographs taken from the Kingman Avenue properties rather than from the street and whether this is a standard practice. Mr. Albright responded that the photographs were the Applicant's choice, not a requirement from the City. Ms. Yeo reaffirmed that Santa Monica has no private property view ordinance. Mr. Albright added a parcel coverage clarification that the site is fairly maxed out.

Commissioner Lambert commented that she was not present at the previous hearing, but has reviewed all the materials. She asked for clarification on the specifics of the request and changes. Ms. Yeo explained how the levels (basement, attics) are calculated and how the project has changed. Mr. Kim clarified that one of the issues is the relation of the story to either theoretical grade or SANG and what is built "underground" in relation to the rest of the structure.

Commissioner Fonda-Bonardi complimented the analysis of the project in the staff report and the new, clear drawings. He asked for the sideyard minimum. Mr. Albright stated it is three-feet, six-inches.

Chair Anderson asked if the pool deck is considered a roof. Mr. Albright stated it is a roof for the lowest level.

The Applicant's Team included attorneys Kevin Kozal and Paula Larmore from the Law Firm of Harding Larmore Kutcher and Kozal, and project architect Garrett Belmont. Mr. Kozal and Mr. Belmont addressed the Commission.

The following members of the public addressed the Commission: Lawrence Green (also spoke for Louise Green, Jim Menzies, Dee Menzies, and Helga Hanelin); Dr. Henry Lichstein; Kerry Kane; Marilyn Wexler; Alexander Lichstein; Janna Boelke; Andrew Summers; Danilo Bach (representing [NOMA] North of Montana Association); Kate Summers; Devrie Intriligator and Robert Intriligator.

Ms. Larmore spoke in response to the public comment.

Commissioner Lambert asked Ms. Larmore if she was familiar with the Los Angeles hillside ordinance. Ms. Larmore answered in the negative. Commissioner Lambert asked about outreach efforts to the neighborhood. Ms. Larmore stated invitations were sent out to a 500-foot radius of the project site, but only a few people responded. She further stated a community meeting was held for the new application and approximately 20-25 people attended and the project was redesigned based on the neighbors' concerns.

Commissioner Fonda-Bonardi asked Ms. Larmore if there is a response to the neighbor's claim that dirt was piled higher adjacent to their property line wall. Ms. Larmore responded that she could not explain this, but does not believe this affects the survey done prior to the home's demolition. Mr. Belmont stated the dirt is not compacted and was moved during the demolition process.

Commissioner Fresco asked the architect to show the Commission the Code compliant project drawings. Mr. Belmont complied with the request and explained the technical specifics of the site as regarding the grade change and how space and floors are calculated. He also explained the nine-foot separation between the basement/deck level and the ground level. Ms. Larmore commented that if this was eliminated there would only be natural light from one side of the social floor level.

Commissioner Lambert asked if she is hearing correctly that a Code compliant house could be built without the need for variances or modifications that would be more intrusive to the neighbors. Ms. Larmore responded this is essentially correct.

Chair Anderson closed the public hearing. Deputy City Attorney (DCA) Cola reminded the Commission that if they chose to deny the application, then the appropriate findings need to be articulated for denial.

Commissioner Lambert expressed concern that although the project is out of scale with the neighborhood the Applicant could build a more intrusive project by-right.

Commissioner Fonda-Bonardi commented on the well thought-out design, the clarity of the drawings, and that he is not bothered by the large lot. He stated the Applicant is entitled to do what they want with the property although the project should not impinge on neighboring properties or set a precedent. He also stated he is inclined to vote against the project because he feels the project still needs more revisions.

Chair Anderson commented that at the prior hearing, the Commission asked for enhancements by creating a living space beneath the deck instead of the open pylons. She stated she is inclined to support the project because it is a large site and mostly isolated from Foxtail Drive. She also stated she is comfortable with supporting the variance requests and modifications cited and recommended in the staff report.

Commissioner Kennedy commented she cannot make all the findings and has specific issues with Variance Finding B, as the project would be detrimental to the

neighborhood; Finding E, as the project is over-bearing and the variance is not needed to achieve the same as other properties; and the Major Modification Findings, which she feels would contribute to “mansionization” of the neighborhood.

Commissioner Fresco commented on her concerns with the required findings, specifically for large irregularly shaped lots. She also commented on similar bluff lots, few of which have pools according to her research on Google maps. She stated the proposed house seems to have the potential of being a “party house,” which would be detrimental to the neighborhood. Chair Anderson asked for clarification on the social space/outdoor space, that it could be at garage level. Commissioner Fresco offered a suggestion that the proposed building height could be lower if entry was taken from the bedroom level, with the social level located below. She noted there are many ways to adjust the project so it works better and may eliminate required variances.

Commissioner Lambert expressed her disagreement with the Commissioner Fresco’s notion that the house could become a “party house.” She commented that it does not matter who lives there. She reminded the Commission that it is fine to ask for a redesign, however unless there is some discretionary permit, the proposed house could actually be built bigger by-right.

Chair Anderson commented that there does not appear to be enough votes to grant the variance and suggested the possibility of a continuance. Ms. Yeo stated that this application has already granted a ninety-day extension because of the Downtown Community Plan hearings and the hearing cannot be continued further per the Permit Streamlining Act.

Commissioner Parry commented that he does not feel that the Commission received enough detailed information about the project and that the perspective drawing did not seem correct as the trees mask the hillside. He stated from the evidence before the Commission it is clear and compelling that the Commission that a by-right project would be detrimental to the neighborhood. He also stated he disagrees with the conclusions made by some of the Commissioners. He stated he will vote to support the project.

Commissioner Lambert asked if the applicant can withdraw the application and re-apply. Ms. Yeo answered in the affirmative, adding that the applicant may also re-apply if the project were denied. Commissioner Parry commented that the decision can be appealed to City Council.

Commissioner Kennedy made the motion to deny Variance 16ENT-0105 and Major Modification 16ENT-0106. She stated that her motion is based on her belief that, for the Variance, the project would impair the integrity and character of the district in which is to be located given that the proposed height and size of the building are not compatible with the surrounding neighborhood, as described as a 36-foot high, 8,899 square foot single unit residence. For the Major Modification findings, she finds that the proposed project will significantly affect the properties in the immediate neighborhood. She also stated that she could not make the finding for

the Major Modification due to its height inconsistency in the neighborhood, and believed that the proposed project will significantly affect properties

She felt that the building will appear to be three-stories in height, when viewing from other vantage points. Additionally, she added that the strict application of the provisions of ordinance would not result in difficulties or unnecessary hardships for the Applicant.

Commissioner Fonda-Bonardi seconded the motion.

The motion failed, resulting in a technical denial by the following vote:
AYES: Fonda-Bonardi, Fresco, Kennedy; NOES: Anderson, Lambert, Parry;
ABSENT: McKinnon.

DCA Cola stated the Commission can make an affirmative motion and try again.

Commissioner Parry asked staff if the proposed deck area could be reduced. Ms. Yeo answered in the affirmative. Commissioner Parry commented on the public testimony regarding the impact of deck size. In light of the concerns raised by the public and the Commission concerning the proposed second floor deck size, Commissioner Parry made a motion for approval with the added condition that the second floor deck be reduced in size, to not exceed 1,000 square feet.

Chair Anderson seconded the motion.

Commissioner Kennedy spoke against the motion citing issues with open space beneath the deck which may attract nuisance animals. Commissioner Lambert asked if the pylons could be returned to the design, which would remove the lower level and variance requests. Ms. Yeo responded that if there is no lower level, all the variances and major modification request would go away except the height modification.

Commissioner Fonda-Bonardi suggested taking straw votes on the three points of contention. He stated he is fine with the three story request, but does not support the larger second floor, the roof deck and the request for four feet above the height limit. Commissioner Fresco expressed agreement with Commissioner Fonda-Bonardi. Commissioner Parry commented that this was a good idea, but there are no renderings of this, the pylons are a bad idea and the deck is too large. Commissioner Lambert expressed support for all three points, including the pylons. Chair Anderson expressed her support for all three points, but was concerned about the third floor height and suggested the third floor could be smaller and the bedroom pushed back. Commissioner Parry expressed support for Chair Anderson's comment. This suggested was added to the motion.

DCA Cola recommended the Commission confer with the Applicant's Representative in order to achieve a practical motion. Ms. Larmore addressed the Commission and stated she thought she heard four votes for the variance for the third story and for the second floor deck size with restriction on size, but not enough

votes for the Major Modification for height.

Chair Anderson stated the request is to consider the height modification and the variances for the third floor level and second floor deck size separately. DCA Cola confirmed each request can be considered separately. She suggested consideration of Commissioner Parry's proposal for the deck variance and that the deck be reduced in size to 1000 square feet. Commissioner Lambert commented that the proposal seems arbitrary. Commissioner Parry stated that decks are restricted per the Code. Ms. Yeo stated that in the R-1 North of Montana district, second floor decks are restricted to 400 square feet without a variance.

Chair Anderson made a motion to approve the third story variance and deny the height modification. There was no second for this motion.

Commissioner Parry asked staff about removing the four-foot increase (of massing) and what the unintended consequence would be. Ms. Yeo responded that the house is not a rectangle and removing the four-feet might result in relocating the house on the site. She noted this is complicated design and cannot be dropped further into the hillside. Commissioner Fonda-Bonardi commented it would be easy to drop the structure down four-feet and build a four-foot retaining wall along the garage side, although it would require more grading of the site.

Commissioner Parry made a motion to deny the Major Modification to allow the 36-foot high building height, approve the variance to allow the third story, and approve a modified variance request to allow a second floor deck to exceed 400 square feet, but not exceed 1,000 square feet.

Chair Anderson seconded the motion.

Commissioner Parry's motion was denied by the following vote:
AYES: Lambert, Parry; NOES: Anderson, Fonda-Bonardi, Fresco, Kennedy;
ABSENT: McKinnon.

Chair Anderson stated this was the Applicant's request for approval of a Major Modification in height and two variances and the three requests have been denied. She stated there is a fourteen day appeal period.

12. FUTURE COMMISSION AGENDA ITEMS:

Commissioner Fonda-Bonardi asked staff when the review of R1 standards will be scheduled and asked for a discussion on streamlining of the new seismic upgrade process.

13. WRITTEN COMMUNICATIONS:

13-A. Planning Commission Caselist

13-B. Transmittal of Development Projects Information (May 2017)

Commissioner Kennedy thanked staff for linking the above documents to the agenda on the City's website.

14. PUBLIC INPUT: None

15. ADJOURNMENT:

Chair Anderson adjourned the meeting at 12:20 a.m. on Thursday, June 23, 2017.

APPROVED AS AMENDED: SEPTEMBER 6, 2017