OPENING CEREMONIES

1. CALL MEETING TO ORDER

Chairman Robert Wolfe called a meeting of the La Habra Heights Planning Commission to order at 7:03 p.m. at the Community Center, 1245 North Hacienda Road, La Habra Heights, California.

2. ROLL CALL

Those present: Chairman Robert Wolfe, Vice-Chairman Brian Bergman, Commissioners Larry Black, Robert Karman, Margarita McCoy and Alternate Commissioner Steven Garcia. Also present Director of Planning Sheryl Brady, Planning Technician Barbara Doppieri, City Attorney Sandra Levin and Alie Farah from the Engineering Department.

3. FLAG SALUTE

Bob Karman led the flag salute.

4. ACKNOWLEDGEMENT OF POSTING OF AGENDA FOR MEETING OF June 24, 2003

Ms. Brady stated the agenda had been posted in accordance with the state law.

5. ITEMS FROM THE PUBLIC NOT ON THE AGENDA 3-minute time limit per speaker

None

6. APPROVAL OF MINUTES:

Minutes of a Regular Meeting of May 27, 2003.

Chairman Wolfe moved to approve the minutes of May 27, 2003. Seconded by Commissioner Black and approved as follows:

AYES: Bergman, Black, Karman, McCoy and Wolfe
NOES: None
ABSTAIN: None
ABSENT: None
Chairman Wolfe asked at this time to change the order of the agenda. He asked to hear items 8, 9 and 10 first. Then item 7 and finally item 11. It was the consensus of the Commission to change the order of the agenda.

Mrs. Brady swore in those wishing to testify.

**PUBLIC HEARING**

8. **Standards Modification 2003-10 (Hart) 1849 Nueva Vista Drive**

Mrs. Brady presented the Agenda Report stating this application was submitted by Larry Hart requesting a Standards Modification for Setback Encroachment to encroach 4 feet within the required 25-foot side yard setback for construction of a detached workshop/storage building at 1849 Nueva Vista Drive. The site is .61 acres in size, zoned RA with a rural General Plan designation and is within View Preservation District A. The site is developed with extensive landscaping. The proposed building will be situated in the southwesterly portion of the site, which according to the plans encroaches into the setback area. A 480 square foot building, 12.6 feet in height is being proposed. Since the proposed project does not exceed 16 feet in height and 500 square foot in area, it is not subject to View Preservation. Staff believes the findings can be made in support of the setback encroachment. The proposed project has been reviewed environmentally and a categorical exemption has been issued in accordance with CEQA. Staff recommends approval of Standards Modification 2003-10 subject to a list of conditions and adoption of Planning Commission Resolution 2003-08.

Chairman Wolfe asked if the Commission had any additional questions for staff.

Commissioner McCoy asked that the setback be corrected.

Commissioner Black had concerns with the width of the yard; asked why the applicant couldn’t meet the setbacks.

Chairman Wolfe then opened the public hearing.

**Larry Hart, 1849 Nueva Vista Drive** – stated he made an error on the plans and he can live with a 4-foot encroachment; stated he would have to move the sprinklers, curbs and gate to get it out of the setback; no trees would be removed.

Commissioner McCoy asked what could be done to ensure the building won’t become a guesthouse.

Mr. Hart stated he did not know.

Chairman Wolfe clarified the measurement was 21 feet from the property line.

Chairman Wolfe closed the public hearing.

Commissioner McCoy was concerned regarding the possible conversion to a guesthouse; wanted it as a condition of approval.
Vice-Chairman Bergman stated the applicant could meet the setbacks; wants him to have his workshop but he cannot meet the findings.

Commissioner Black and Chairman Wolfe agreed the applicant could not meet the findings.

Commissioner Karman stated he was concerned regarding the future.

**Commissioner Bergman moved** to deny Standards Modification 2003-10. The motion was **seconded by Commissioner McCoy** and approved as follows:

**AYES:** Bergman, Black, Karman, McCoy and Wolfe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Mrs. Brady stated she would bring a resolution back to the Commission at their next meeting.

9. **Standards Modification 2002-21 (Herman) 1450 El Travesia Drive**

Mrs. Brady presented the Agenda Report stating this application was submitted by Bruce Spielbuehler requesting a Standards Modification for View Preservation for construction of a residential addition and a Standards Modification for Setback Encroachment to encroach a maximum of 17 feet within the required 25 foot side yard setback for construction of accessory uses at 1450 El Travesia Drive. The site is .96 acres in size, zoned RA with a rural General Plan designation and is within View Preservation District A. The site is developed. The proposed building addition including a 510 square foot 1st story addition and 84 square foot 2nd story sundeck totaling 594 square feet. The proposed addition is located along the back portion extending along the east side of the dwelling. Also, a Setback Encroachment is being requested for a trellis (east side of property), fountain (west side of property), and BBQ (east side of property), which according to the plans encroaches into the setback area. The maximum building height is 25.9 measured from finished grade/natural grade to the highest roof peak, which is in accordance with the building height limitations. Staff believes the findings can be made in support of the View Preservation and Setback Encroachment. The proposed project has been reviewed environmentally and a categorical exemption has been issued in accordance with CEQA. Staff recommends approval of Standards Modification 2002-21 subject to a list of conditions and adoption of Planning Commission Resolution 2003-09.

Chairman Wolfe asked if the Commission had any additional questions for staff.

Vice-Chairman Bergman asked if alternatives were discussed with the applicant.

Mrs. Brady stated no the applicant had provided reasons why the accessory structures needed to be in these locations; staff believes this is the best location for these accessory structures.

Chairman Wolfe then opened the public hearing.

**Bruce Spielbuehler, Architect** – stated this was the best location for the accessory structures; several levels to site; best use of accessory structures; high tree line; wants to keep everything on the same level.
Vice-Chairman Bergman asked if the applicant was aware of the setbacks.

Mr. Spielbuehler stated yes most definitely he was aware of the setbacks; tried to keep everything on the upper level.

Commissioner McCoy questioned the layout of this site; stated she was concerned about the entertainment center in the setback; concerned about noise for neighbors.

Mr. Spielbuehler stated being on the same level is what is critical; landscaping in this area is very heavy.

Mel Herman, 1450 El Travesia – stated there is very little space, looked at other BBQs; this was the best layout; on the other side of the hedge is a driveway and basketball court.

Chairman Wolfe closed the public hearing.

Commissioner McCoy was concerned about the noise.

Alternate Commissioner Garcia stated this was the logical location; there are few options.

Commissioner Bergman stated he was concerned with the setbacks; asked for a condition that it be continually screened by landscaping.

Commissioner McCoy stated there is more space on the dining room side.

Ms. Levin stated she drafted some language for the Commission; condition would read “Landscaping shall be maintained so as to screen the accessory uses from view from adjoining properties and all public right-of-ways, so long as the accessory uses remain on the property.”

Chairman Wolfe moved to approve Standards Modification 2002-21 with the amended condition presented by City Attorney. The motion was seconded by Commissioner Karman and approved as follows:

**AYES:** Bergman, Black, Karman and Wolfe  
**NOES:** None  
**ABSTAIN:** McCoy  
**ABSENT:** None

10. Tentative Parcel Map 26842 (Fang) 311 Encanada Drive

Mrs. Brady presented the Agenda Report stating this application was submitted by James Fang to request a Tentative Parcel Map to create 2 lots from an existing parcel at 311 Encanada Drive. The entire site is 3.22 acres in size, zoned RA with a rural General Plan designation and is within View Preservation District A. Proposed parcel 1 is vacant and proposed parcel 2 is developed. According to the application submittal calculations, future development of parcel 2 will exceed the 1,000 cubic yards of solid fill limitation triggering a Conditional Use Permit. Staff believes alternatives should be explored which would not require a Conditional Use Permit. Therefore, the Planning Commission may want to continue this item in order to allow the applicant the opportunity to explore other alternatives for development of parcel 1. The
The proposed project has been reviewed environmentally and a categorical exemption has been issued in accordance with CEQA. Staff recommends continuance of Tentative Parcel Map 26842 to the July 22, 2003 Planning Commission Meeting.

Chairman Wolfe asked if the Commission had any additional questions for staff.

Vice-Chairman Bergman asked regarding the cut material and the quarry; is there hydrology material available on the quarry.

Commissioner Black asked from where the fill dirt would be taken.

Mrs. Brady believed there are other alternatives to be explored.

Commissioner McCoy wanted to check out the 30,000 sq ft and 100’ in each dimension.

Commissioner Black stated the gross acreage and the net acreage are confusing.

Chairman Wolfe then opened the public hearing.

Ed Fang, 311 Encanada – stated is willing to redesign the project to eliminate the CUP requirement.

Chairman Wolfe asked if the applicant was OK with continuing this item to allow him to redesign the project.

Mr. Fang stated yes, he was OK with a continuance.

Chairman Wolfe closed the public hearing.

Chairman Wolfe suggested continuing this item.

Alternate Commissioner Garcia asked for a color plan representing the cut and fill; concerned with water flow and hydrology; was there any historic flooding of the quarry.

Vice-Chairman Bergman shared the same concerns.

Commissioner Black and Commissioner McCoy were concerned with the applicant meeting Section 9206.6 of the Municipal Code.

Commissioner Bergman moved to continue this item to the July 22, 2003 meeting to allow the applicant to rework their plans. The motion was seconded by Commissioner Black and approved as follows:

AYES: Bergman, Black, Karman, McCoy and Wolfe
NOES: None
ABSTAIN: None
ABSENT: None

OLD BUSINESS
7. **Tree Removal Permit 2002-03 (Rajcie) 854 Reposado Drive**

Mrs. Brady presented the staff report stating the original owner removed 40 trees on-site without benefit of a Tree Removal Permit. The property was then sold. Therefore, the new owner is responsible for obtaining an approved Tree Removal Permit. This item was continued by the previous Planning Commission in order to allow the new owners the opportunity to submit a landscape plan to the City. Once the City received the plan, staff notified the affected property owners for their input. A landscape plan was submitted to the City and was forwarded to the City’s Landscape Architect for his input. Written comments were submitted and written comments were forwarded to the new owners for input into a revised plan. The affected property owners provided input to staff. However, one neighbor was unable to attend since they are out-of-town. Also, they have provided a letter, which is included in your packet. Another issue is the Conditional Use Permit for the tennis court on-site. One of the conditions refers to landscaping for screening purposes. The Planning Commission needs to determine if the submitted landscape plan complies with the intent of the Conditional Use Permit and provides an adequate number of replacement trees to approve the Tree Removal Permit. At this point staff is requesting direction from the Planning Commission.

Chairman Wolfe asked if the Commission had any additional questions for staff.

Chairman Wolfe stated the plan before them does not show what is existing and what is proposed.

Vice-Chairman Bergman questioned how many trees would be replaced.

Commissioner McCoy stated the original CUP required the hedge.

Mrs. Brady stated she did not feel the plan met the intent of the Conditional Use Permit.

Mrs. Brady asked Mr. Garcia’s opinion of the trees proposed.

Alternate Commissioner Garcia stated Melaleuca are soft, lacy, transparent; not good for screening; he stated the owner needs a licensed landscape architect to design this project.

Chairman Wolfe the opened the public hearing.

**Betsy Rajcie, 854 Reposado** – states was told to address that area; has removed 22 dumpsters of trash from the site; had a landscape architect; states they must be able to get to the lower level; doesn’t want to block the Bauch’s view; chose the plants from Purkiss-Rose recommendation; didn’t think there were 40 trees removed.

Chairman Wolfe stated he is sympathetic with the new owners; stated this is a clear violation of the Conditional Use Permit; suggested the applicant get a landscape architect; applicant needs to pay more attention; asked why such small containers are proposed and did she know how long it would take to screen the court.

Ms. Rajcie did not know how long it would take to screen the court; stated is planning to landscape the hillside; Purkiss-Rose gave her a list of trees and she chose from the list.
Chairman Wolfe asked if she chose the size of the trees and would these trees screen the tennis court.

Ms. Rajcie chose 1-5 gallon trees because they will grow; stated the trees won’t totally screen the tennis court; if they totally screened the court it would block the Bauch’s view.

Alternate Commissioner Garcia asked for a cross section with the proper landscaping.

Commissioner McCoy asked for a plan of the hillside planting of the rest of the site.

**Margaret Lowe, 860 Reposado** – stated the new owners are working very hard; asked that the Commission give them more time; all the neighbors are happy with the improvements they have made.

**Richard Sands, 855 Reposado** – stated they are doing a fantastic job; needs a good landscape architect and it can be resolved.

Chairman Wolfe closed the public hearing.

Chairman Wolfe advised the new owners that they must get a landscape architect and get the court screened; something has to be done; asked staff if the CUP could be suspended.

Ms. Levin explained the Commissions options; revoke CUP; come to an agreement; code enforcement.

Vice-Chairman Bergman asked if the Commission was under a time frame; felt this project needs screening as fast as possible.

Mrs. Brady stated no there isn’t a time frame; staff has verified that 40 trees were removed.

Commissioner Karman suggested continuing this item until August to allow the Bauch’s to return and give the owner time to hire a landscape architect.

Chairman Wolfe asked Commissioner Garcia if the current plan was adequate.

Alternate Commissioner Garcia stated no it is not.

Commissioner Bergman felt there were two issues; screening of the court and the 40 trees that were removed; wants a proper plan; CUP could or should be revoked; wants a full landscape plan addressing the whole site.

Alternate Commissioner Garcia stated he would also like to see a cross section.

Chairman Wolfe instructed the applicant that he wants to see a complete landscape plan by a professional landscape architect; recommended continuing this case to the August meeting.

Mrs. Brady advised that it would more likely come back to the Commission in September.

Chairman Wolfe stated if this were not done in September, it would be handle swiftly.
Commissioner Karman asked that the landscape architect include the time of maturity.

Commissioner McCoy asked how long it would take to develop a good plan for the entire site.

Alternate Commissioner Garcia stated 3-4 weeks.

Chairman Wolfe moved to continue this item to the September 23, 2003 meeting. The motion was seconded by Commissioner Karman and approved as follows:

AYES: Bergman, Black, Karman, McCoy and Wolfe
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARING

11. Conditional Use Permit 2003-01 (Sussoev) 707 Dorothea Road

Mr. Farah presented the Agenda Report stating this Conditional Use Permit comes before the commission as a direct result of the applicant exceeding the permitted 500 cubic yards of fill by approximately 300%; during January 2003 staff began receiving complaints of heavy truck traffic; subsequently a Stop Work Order was issued; May 22, 2003 staff received a Conditional Use Permit application for 707 Dorothea Road; staff’s areas of concern include: the graded area has been substantially exceeded; the constructed wall height on the southerly side appears to exceed what appeared on the approved plan; on the side the wall appears to exceed the 6 foot in the required setback area; the structural calculations stamped by a structural engineer were to be submitted for any section of walls exceeding 20 feet; the applicant was to provide an as built plan showing all of the improvements built on the site to date; the wall below Cypress Street appears to have been constructed to close to the southerly edge of the roadway; applicant was to provide copies of the Geotechnical observations and testing during the construction; the applicant has not provided a reason why the CUP should be granted; staff recommends the Planning Commission recommend to the City Council denial of CUP and the attached Resolution.

Chairman Wolfe asked if the Commission had any additional questions for staff.

Vice-Chairman Bergman asked regarding the grading on the wall on Cypress and the damage that has been caused.

Mr. Farah stated the applicant feels the damage was existing, staff feels the damage was caused by the grading operation; requested photos of the before conditions.

Commissioner Black stated the dates in the Resolution, Section 2, 2nd paragraph don’t work; asked staff to add more detail of the history to the resolution.

Chairman Wolfe then opened the public hearing.

Jack Sussoev, 707 Dorothea – stated the Stop Work Order was issued on January 29, 2003; stated he fell in love with the property; tore down the original house at the City’s request;
submitted project; hired professionals; pre construction meeting with Pat Lang and OD; OD inspected progress; hired a certified Geotechnical engineer (GEO-ETCA); they have turned in an interim report to the City for this meeting; hired a land surveyor; certified letter and calculations were given to the City; hired licensed keystone hillside grading contractor; over import is only issue; wasn’t aware he couldn’t over import; had to take out the unsuitable material he couldn’t use; offered to export the soil off site and was told no he had to apply for a conditional use permit; there are 3 rows of cells to the keystone wall; they will be filled with soil.

Chairman Wolfe asked why if he had a permit for only 500 cubic feet; did it dawn on him to check with the City when he hit 500 cubic yards of import.

Mr. Sussoev stated no, he didn’t know to tell the City; never crossed his mind; he was not there every day; did received complaints from the City of La Habra regarding the truck route; trucked for 5 days; City Manager told him there were too many trucks on the streets.

Chairman Wolfe asked who designed their erosion control.

Mr. Sussoev stated the plan called for hay bales with fabric.

Commissioner Black asked how many cubic yards of dirt are in a truck; asked regarding the trucking time line and how many trucks per day.

Mr. Sussoev stated 12-14 cubic yards; stated the scheduling was on a day-to-day basis; everyday was different; average was 4 trucks per day, 2 truck trips up the hill, each with 6 loads average for 5 days.

Vice-Chairman Bergman asked if he was aware of the General Plan goals and what they meant.

Mr. Sussoev stated he was not aware of the General Plan goals; had complied with the height; stated it meant what you do to it.

Steven Mulch, Southwest Engineering, Project Manager – issues in the report have been clarified; staff stated 1800 cubic yards was brought to the site; stated it is only 1500 cubic yards of gross material; shrinkage value 18%; 92 % compaction; this shrunk down to 1400 cubic yards; height of walls on east side of project; will be at 6 feet in side yard; walls placed and constructed in the approved location; wall won’t be over 20 feet but if it does they can address it; wasn’t enough time to get all the information; condition of Cypress was existing; Cypress wall was for aesthetics only; keystone blocks are 8” in height.

Alternate Commissioner Garcia questioned why there was gravel in the wall cells.

Mr. Sussoev stated the gravel would be removed.

Chairman Wolfe asked if structural observations were made during the construction of this wall.

Mr. Mulch stated yes the Geo-technncal engineer prepared the observation report; doesn’t have the detailed information only has the report.
Mr. Farah stated the applicant has provided some of the information, however staff has not had the opportunity to review the information.

Alternate Commissioner Garcia asked about the upper wall and the damage to the road; can the wall be raised.

Mr. Mulch stated he was the Project Manager, and the road condition was pre-existing even before the project was submitted to the City; before the application was submitted to the City he asked the City Engineer if the condition of Cypress would present a problem he couldn’t determine if the wall could be raised.

**Robert Bigger, with GEO-ETCA** - stated he personally oversaw the construction of the wall; everything done was per plan; a lot of shrinkage, was the amount of rock that had to be taken off site.

Alternate Commissioner Garcia asked if the upper wall could be raised.

Mr. Bigger stated he didn’t know if it could be raised, he didn’t design the wall.

Mr. Mulch stated the wall would need to be rebuilt; block size is not large enough to become a retaining wall and there is not enough space to place geo fabric behind the wall to allow it to go the additional height; originally designed the wall to be higher, but had to reduce it because the City wouldn’t allow him to go that high with a crib wall because he had too much wall area for the property.

Vice-Chairman Bergman asked for a report on how the compaction was done.

Mr. Bigger stated they used hand whackers and tract loader; didn’t use roller because you don’t want to vibrate that wall too much; they tested the soil every 2 feet; compacted in 6” lifts.

Alternate Commissioner Garcia asked the measurement from the top of the footing to the top of the wall.

Mr. Bigger stated the wall is 17 feet at the highest point; the wall comes up on the sides; 2 ½ to 3 feet will be in the ground.

Commissioner Black asked if these keystone units are held by gravity

Mr. Mulch stated there are two sizes of block; explained how the wall was constructed.

**Richard Stupin, Architect** – stated he just came on the case; the yardage was exceeded by soft soil and removal of rocks; wall is 6 feet; doesn’t exceed 20 feet at the highest point; street already deteriorating; nothing has changed; is being built as per approved plans.

Vice-Chairman Bergman asked what the wall measured.

Mr. Stupin stated 20’ 6”.

Chairman Wolfe recessed the meeting at 10:02 for a tape change. The meeting was called back to order at 10:12.
Vice-Chairman Bergman asked what the measurement was from the bottom of the first tier to the top of the wall.

Mr. Stupin stated the wall measures almost 22 feet; states he didn’t know what he measured because he didn’t dig out to find the top of the footing; finished grade will be at 127 feet; asked if the Commission could get back to the CUP; the only issue is the amount of grading.

Chairman Wolfe asked about the wall in the side yard.

Mr. Stupin said some of this wall was less than 6 feet but that is not the finished grad.

Mr. Sussoev stated if he had been told about this wall in the beginning, he would never have built it.

Jerry Shipman, 677 Cypress – states has lived with this project for 2 ½ years; was not notified regarding the grading; states the damage to Cypress was made recently; shoulder will fail.

Jessica Winship, 1861 Cypress – adjacent to property; opposes the project; CUP is after the fact; a lot of dirt has flowed into her yard; dwarfs her 6 foot fence; he knew all about the trucks; one day she counted 90-100 trucks; concerned about the wall; it doesn’t fit the neighborhood or the City; asked regarding the remedy to get the wall out of the setbacks.

Nancy Acocks, 674 Dorothea – spoke regarding the petition she submitted to the Commission; she read the petition and stated she had 85 signatures.

Michael Bagwell, 720 Dorothea – questioned if the as built is the same as the plan; water flows off the site and into his property; gravel is also import; numbers keep changing; find out how much was really brought to the site; weed abatement; site security; fence the property; more work is needed to decide what really happened; presented photos to the Commission.

Emanuel Grain, 1950 Cypress – stated he is concerned about the finished product; asked about the height; he is concerned about losing his view.

Chairman Wolfe closed the public hearing.

Commissioner McCoy asked to include in the discussion restoration of the site, which was not addressed in the Resolution; agreed with the Resolution; twice the Commission has requested the site be cleaned; bales still sitting there; no effort has been made to mitigate this disasters looking site.

Vice-Chairman Bergman spoke regarding the degradation to the roads; minimize natural terrain; appears pad was raised to gain a view; wall not according to the plans.

Alternate Commissioner Garcia questioned what is actual height of the wall; excavate to determine height of wall; garden wall is being used to support the surcharge of the road; was cut made into the Public Right-of-Way easement; concerned about the redirection of the flow of water; restoration of lower area; wall could be completely concealed by landscaping; could pad be lowered; concerned; Mr. Grains view will be blocked; asked for cross sections.
Commissioner Karman stated if the Planning Commission plans to leave the wall as is; it needs story poles; hard time understanding how they could triple their yardage.

Commissioner Black was concerned about degradation of the site; there is a lot of damage to the site; resolution needs more detail of events.

Chairman Wolfe uncertainty between staff, applicant and home owner; project is detriment to the City; we should know the answers; why soils engineer so poorly miscalculated; to many uncertainties to make a decision; wants security to the site; wall height; erosion control; weed abatement; protection of Cypress; there are a lot of unresolved issues and unprofessional decisions were made; recommended continuance for 30 days; wants an adequate basis for a decision to be made.

Commissioner McCoy concerned that the City had requested a Structural Engineer’s certification, certifying to the safety of the site and applicant stated it is not necessary.

Mr. Farah states he disagrees with the soils engineer; wants a certification; structural calculations should be provided for more than 36 inches of height.

Chairman Wolfe recommended a continuance for the applicant to get the information provided what the City ask for; if the City Engineer asks for a structural engineer’s report, then provide it; address these issues and get this back on track.

Alternate Commissioner Garcia stated there is a river of mud; wall hay bales placed; didn’t see any fabric around the hay bales; hay bales are not staked to the ground.

Commissioner Karman asked for story poles to see where the house is going to be; if we are going to let it go for a month, let’s get all the facts.

Chairman Wolfe wants to get the full picture.

Vice-Chairman Bergman wants to see some alternative plans of what could be done; doesn’t like what he sees; the General Plan is clear.

Chairman Wolfe requested that the applicant explain why the extra grading would not impact and impair the integrity and character of the project and which it is located; why the subject site is physically suitable for the type land use being proposed; why the proposed use would be compatible with existing and future land uses within this City and the particular zone in which the project is located; why the proposed project is consistent with the objectives, policies and General Land Uses and programs of the La Habra Heights General Plan; behooves the applicant to be able to address those and be able to provide the City with evidence why the project complies with each one of those criteria’s; ask the applicant to put up story poles; alternative plans be proposed that would conform with the General Plan as well as our ordinances; lets agree on what you disagree with; what your position is and the evidence for it; if residents say it was 90 trucks; put burden also on staff to get to the bottom of this.

**Chairman Wolfe moved** to reopen the public hearing. **Seconded by Commissioner Black** and approved as follows:
Mr. Sussoev asked if he could bring his bobcat to the site to do his weed abatement; needs to clean up the hay bales; stated he does have fencing to the site.

Ms. Levin clarified in addition to his instructions, Planning Commission should direct engineering staff to address immediate health and safety codes on site and not wait for the next hearing.

Chairman Wolfe closed the public hearing.

Mrs. Brady asked the Commission to give a date specific for information to be received for the engineering department; they would like 2 weeks from today.

Chairman Wolfe advised the applicant to get everything to staff within 2 weeks by July 8, 2003.

Mr. Mulch stated he will bring a surveyor back out to address the wall heights; again asked not to have a structural engineer certify the wall; Geo-technical has already done those calculations; structural engineer will take more time.

Chairman Wolfe stated he wanted a date certain to meet with City Engineer; provide information 1-7 within the staff report; even if you have provided it, provide it again; story poles; alternative plans; consensus of what has actually been brought on to the site; amount of fill and your basis for the amount of fill; dirt, gravel or any other source brought onto the site; that will constitute solid fill under our code; date certain is July 8, 2003; asked applicant if it could be done.

Mr. Mulch stated most of the information is already in place; it will be difficult but it can be done.

Vice-Chairman Bergman asked regarding the time line

Mrs. Brady stated yes they are on a time line but won’t exceed it in 30 days.

Chairman Wolfe stated if you already have submitted the information submit it again.

Vice-Chairman Bergman also wanted the Cypress issue addressed as well.

**Commissioner Karman moved** to continue this item to the July 22, 2003 meeting to allow the applicant and staff to work together to try and resolve some of these issues. The motion was **seconded by Chairman Wolfe** and approved as follows:

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<th>AYES:</th>
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<td>NOES:</td>
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ITEMS FROM THE PLANNING COMMISSION

Chairman Wolfe stated the July meeting would be held as scheduled.

Commissioner McCoy asked about recording of CUPs and Standards Modifications.

Ms. Levin stated she would have to research Standards Modifications.

Mrs. Brady stated Mr. Rozell would be attending the July meeting and he will be writing this report.

ADJOURNMENT

Commissioner McCoy moved to adjourn the meeting at 11:15 p.m. The motion was seconded by Commissioner Karman and approved as follows:

AYES: Bergman, Black, Karman, McCoy and Wolfe
NOES: None
ABSENT: None
ABSTAIN: None

____________________________
Robert Wolfe, Chairperson

ATTEST:

____________________________
Sheryl Brady, Director of Planning