

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON JANUARY 12, 2010**

- I. CALL TO ORDER:** Chairman Davitt called the meeting to order at 6:00
- II. ROLL:** Present were Chairman Davitt, Commissioners Cahill, Curtis, Gelhaar, and Hill, Director Stanley, City Attorney Guerra, Planners Gjolme and Clarke and Assistant Planner Parinas.
- III. PLEDGE OF ALLEGIANCE:** Commissioner Cahill led the Flag Salute
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar. None
- V. REORDERING OF THE AGENDA:** –Item 8A was moved to the end of the agenda.
- VI. CONSENT CALENDAR:**
  - A. Minutes:** October 13, 2009 M/S/C Gelhaar/Curtis 4-0 with Hill abstaining
  - B. Minutes:** October 27, 2009 Same

**VII. CONTINUED PUBLIC HEARINGS:**

- A. Hillside Development Permit 09-38; Oh’s Design & Development/Deuk Lee; 5209 Diamond Point Road:** A request for a Hillside Development Permit to allow the construction of a 1,198-square foot first-floor addition. The house with the proposed addition would have a total floor area of 3,831 square feet.

Planner Parinas gave an overview of the project. The case was originally an Administrative hearing with Commissioner Gelhaar first and was then upgraded to the Planning Commission because it qualified as a new house as more than 30% of the existing roof was being removed.

Commissioner Cahill asked for an explanation of added condition of approval regarding trusses.

Planner Parinas stated that the trusses are to prevent second floor being converted to habitable uses.

Director Stanley added that they made it difficult to make second floor attic space useable space. This is a standard condition the City has been using for years. Removing trusses would make the roof unstable. Other option is to lower the roof pitch.

Commissioner Cahill asked about the size of front setback.

Commissioner Curtis asked if trusses were not added to the attic would the proposal you be out of compliance if converted to habitable use. He also asked if the potential increased in habitable area would violate the Zoning Code.

The public hearing was closed.

There were no comments from the applicant Sam Oh.

Scott Swanson (211 Starlight Drive) and president of the neighborhood Homeowners Association (HOA) said that his Board has not seen plans before. He read from the HOA CCRs (Article X) that alterations can not be done which change appearance of structures without written approval of the Board of the HOA and that additions needs to harmonize with the existing houses. He was just trying to conform to CCRs. He was alerted to the project by the public notice. He tried and failed to reach out to the owner and the builder. He said that the appearance of the front of the house is important. He was told by the builder that there would be no change to the exterior. He suggested that the applicant get written agreement of approval from the neighbors. The applicant got it from one neighbor but not from the other neighbor. The plans have changed since they were initially proposed. He believes that he has the right to review the project but the applicant has not brought the project to the Board and there has been no contact from the homeowner.

Joe Varraveto (237 Starlane Drive) requested a continuance until the project was presented to the Board. The only time they have seen the project was tonight at the Commission meeting. They do not have enough information to either support or oppose the project. Other projects have gotten approvals successfully from the Board.

The City Attorney said that the City does not enforce CCRs and that it was up to the Commission members to continue the item if they want.

Mike Davis (5213 Diamond Point Road) had concerns that the project did not conform to CCRs by not seeking approval from it first. He was concerned that the size of the project and the roof line in particular would impact views and the enjoyment of property and certainly diminish property values. He said that a large portion of the house extends into his backyard. Roofline is mainly 12' tall with a portion at the front 16' tall. The portion of the existing house that is 36' long now would extend an additional 14' with a roof line of 20' tall. The proposed roof would be closer and steeper than the current roof and that it would be overpowering. He preferred a one-story house with one-story roof line. He suggested that the proposed addition be flipped as there was much more space between the house and the neighboring house to the south and that the addition would have less impact. He distributed a drawing to the Commission showing the impacts.

Commissioner Curtis asked about the impacts to the neighbors.

Mike Davis said that he was concerned about the view from the rear yard of a looming structure.

Applicant Sam Oh apologized as he was out of town and had others working on the project. He said that the owners have been in New York City for a couple of months. He said that he was deeply sorry that he skipped the CCR process. He had met with Mike Davis twice regarding the issues. The proposed height of the house would be 20'. The proposed addition meets code requirements. There is no view now as many plants and trees cover area. He had a letter from the south side neighbor in support of a single story house. The front setback seems closer as it's a cul-de-sac with a curve and a slope which impacts location of the house. There are no modifications requested as part of the application.

Commissioner Curtis asked about the proposed dormers on the roof.

Sam Oh said that he liked them but that it was up to the Commission to decide whether to keep or remove the dormers. He said that he could make them bigger and reduce the number.

Commissioner Curtis referenced the Residential Design Guidelines and asked if reducing the height of the proposed roof would impact the Tudor design.

Sam Oh stated that it would impact the style of the house.

Commissioner Gelhaar asked about flipping the house.

Sam Oh said that the existing master bedroom and bathroom would have to be moved.

The public hearing was closed.

Commissioner Gelhaar stated that he had visited the site. He said that the view from the neighbors living/dining room did not look south and that there were no privacy or view issues. He agreed with the removal of the non-functional dormers and added condition of approval regarding the trusses. He supported the project.

Commissioner Hill said that you can not remodel a house without impacting neighbors and that you have to balance these issues. He said that he had no problem with dormers and was prepared to make the findings.

Commissioner Cahill said that he understands that the City does not enforce CCRs but it concerns him that the HOA Board was bypassed by the applicant. He thought that it was well designed project. He had no problem with the dormer windows and agreed about the trusses.

Commissioner Curtis generally agreed with the other commissioner comments. He thought that the proposal was an improvement to the neighborhood. He thought that it

was up to applicant regarding the dormers, that he was okay with the trusses in the attic and that he can support the project.

Chair Davitt also agreed with the other commissioner comments. He would encourage a single story house but the project is not detrimental and can support staff's recommendation.

M/S/C Cahill/Gelhaar  
Vote 5-0; Approved.

## VIII. PUBLIC HEARINGS:

**A. Tree Removal 09-16; John Thompson; 4632 Viro Lane:** A request to remove a 38-inch protected oak tree. Staff is recommending that the Planning Commission approve a Mitigated Negative Declaration (MND) for this project. The comment period for the MND is December 17, 2009 through January 7, 2010.

Project overview provided by Planner Ballestar.

There were no questions of staff by the Planning Commission.

The public hearing was opened and closed.

M/S/C Gelhaar/Hill  
Vote 5-0 to Approve.

**B. Hillside Development Permit 09-36/Second-floor Review 09-23/Setback Modification 09-10/Conditional Use Permit 446/Director's Misc. Review 09-24 (flat roof)/Tree Removal Permit 09-37; Vaughan Trammell, Architect/Luke and Scotti Strockis; 4245 Chula Senda Lane:** A request for a Hillside Development Permit and Second-floor Review to allow construction of a new split-level 7,500 sq. ft. residence, inclusive of a partially subterranean garage and covered patio, and related site work including expansion of an existing driveway, and construction of a rear yard swimming pool, raised deck, and sports court. A Setback Modification would allow outward-facing retaining walls along the north and south side property lines to exceed 3 feet in height and a new accessory storage structure to encroach into the required 15-foot rear setback. A Conditional Use Permit is also requested to allow sports court lighting. Director's Misc. Review (flat roof) is required since the home's 'modern ranch' design would employ flat roofs comprising more than 25% of the overall roof structure. Lastly, a Tree Removal Permit is requested to remove a 30-inch multi-trunk oak near the north side property line to facilitate expansion of the existing driveway.

Planner Gjolme gave an overview of the proposed new house.

Commissioner Gelhaar asked if the retaining wall on north side was a crib wall and if County regulations allow crib walls.

Director Stanley said that it depends on wall and what it's used for.

Planner Gjolme said that condition of approval 27 allowed flexibility in the landscape plan.

Commissioner Gelhaar asked about the proposed deck for the house.

Planner Gjolme said that it was enclosed by a boundary wall for at the second floor level.

Commissioner Curtis also concerned about 12' tall wall and asked if plans for planting below it existed.

Planner Gjolme said that the wall is along the property line. The wall can be tiered or plants could drape down it.

Commissioner Curtis noted that according to the arborist report that 3 trees were to be removed.

Planner Gjolme said that the sizes of the trees may not be correct in the arborist report.

Commissioner Curtis asked if any mitigation was required.

Planner Gjolme stated that the inventory of existing trees onsite compensates for removal of the tree

Chair Davitt asked what material was proposed for the deck. Wood?

The public hearing was opened:

Mary Berry from the Trails Council said that it was good to save trees and that the Trails Ordinance is good. She asked if staff will staff hold the developer to the requirements of the Trails Ordinance.

Planner Gjolme said that he can spell out requirements from the Ordinance: 4.64.030.

Mary Berry was concerned about putting pipes into walls with concentrated drainage onto trails and felt that there should be weep holes for the water.

Director Stanley said that grading plans were required if more than 50 cubic yards graded.

Mary Berry asked about the location of the grading on the plans. She noted that the driveway was asphalted without permission of the Trails Council.

Planner Gjolme said that the road will not be used by vehicles.

Director Stanley said that a survey to delineate the trails on the plan was an added condition of approval.

Mary Berry noted it was Flint Canyon Trail and not Georgian Trail.

Randy Strapazon said that it was better to have information up front and to have a good relationship with property owners. She noted that there were sports courts elsewhere on trail. She asked if you can have a sports court right by trail. She also asked if the neighbors to south got a copy of the notice for the meeting as they have barn.

Commissioner Gelhaar stated that lights can not be lit after 10:00 PM.

Randy Strapazon stated that no oleanders are permitted by trails. There was a serious accident on a trail. She asked if the trail will be closed during construction of the proposed house.

Planner Gjolme said that it was known yet but if it was it would not be permanent.

Randy Strapazon asked if construction trucks will access the site by the trail. She said that they have had issues in the past. It's a heavily used trail and connects to Pasadena.

Chair Davitt asked if the trail was a standard width and if it was used much.

Randy Strapazon stated that water has been an issue with the trail.

Commissioner Curtis asked if the trail was in good shape.

Randy Strapazon replied that it was.

Jackie Connelly, who is neighbor to the south, objects to a 12' tall wall. She said that she only saw the plans yesterday. She said that there was no vegetation along the fence. The sports court would be in a pristine rural area which would impact her yard and house. It will also impact acoustics and lights would be a problem also. There is no vegetation back there. She can hear dogs barking across the channel. Garbage washes into her driveway so she wants daily cleaning during construction. The 12' tall wall would be imposing without any vegetation.

Commissioner Gelhaar agreed with the driveway concerns and the need for cleaning it.

Jackie Connelly was not sure how they will clean the construction mess. She was not sure of the review process and wanted to know if there were going to be other meetings.

Chair Davitt gave an overview of the review process.

Jackie Connelly wanted to know if she needed a continuance in order to hire an attorney.

Joy Tran, resident of 440 Georgian, asked about the driveway and whether it would be preserved and used for emergencies.

Commissioner Gelhaar said that it was a driveway.

Director Stanley stated that it was a Fire Department requirement to serve the house and not wildfire protection.

Joy Tran spoke about the impacts of noise on the backs of the properties along Georgian.

Planner Gjolme said that the distance was too great and there was an existing tennis court there.

Vaughan Trammell, architect for project, said that was willing to work with the Trails Committee. The 12' tall wall could have planting on it and that it would be an improvement over the existing walls. He said that he would work with the neighbors on landscaping.

Commissioner Hill asked if the site could be raised for the retaining wall.

Commissioner Curtis said that they could use a wall with vegetation growing on it.

Vaughan Trammell said that they can design the wall to have planting pockets.

Commissioner Hill said that he was struggling with the issue of the lights for the court. He had received an email on this issue. He noted that noise can spread out and asked how important the lights were to the entire project.

Vaughan Trammell said that he wanted to use the lights for the court as requested, but that he could compromise on the hours of use.

Commissioner Hill said that enforcement of hours was impossible.

Vaughan Trammell stated that planting can screen noise.

Director Stanley said that the City has full power and could use the City Attorney to enforce regulation.

Commissioner Hill said the Los Angeles Sheriff's Department may not know issues if they were to visit the site at 10:30 at night. The noise could be like large bass drum even before 10:00 PM.

Vaughan Trammell noted that there are other courts in the area. Noise from the court would be contained in the canyon area and not be spread around.

Planner Gjolme said the height of the lights could be lowered and that the type of lights proposed could be changed. He noted that it was easier to control lighting than sound.

Commissioner Hill was concerned about lights and sound at night and asked if there were no lights could the court be used at night.

Commissioner Curtis suggested that an acoustical study be prepared to verify the sound impacts, particularly along the channel.

Jackie Connelly said that she was the only neighbor at the Commission meeting and asked what input do neighbors have to the process.

Chair Davitt said that neighbors were sent notices and that he had an email from the neighbor, Sallie Beebee.

Jackie Connelly said that there was no screening to protect her property from lights and noise and that this was a pristine rural area.

The property owner, Luke Strockis, said that his office looks over the backyard of neighbor to south. He had hired an architect and a landscape architect so that the project would be done tastefully. He said that the sports court was well below the elevation of the neighbor's properties to the rear. He noted that the court looks up at a gazebo by the neighbor's pool. In terms of noise he had bounced a basketball at 9:30 PM without complaint. He said that any construction debris would be dealt with promptly. He noted that it was not possible for fire trucks to get back there to the sports court and that they would need to get their hoses around the proposed house.

Commissioner Gelhaar asked if he was referring to the existing court.

Luke Strockis said that he had asked neighbors about the court and that he had received no complaints.

End of public hearing.

Commissioner Curtis said that it was an excellent staff report and created a new standard. He had visited the site and thought that it was a well designed project. He said that noise and the wall were the main issues and noted that an acoustical study would be helpful in making a decision. He thought that stepping back the 12' wall and adding planting would be a solution. He noted that any proposal needs to comply with the Trails Ordinance. He asked that a survey be required with the restoration of the trail. Overall, he could support the proposal with these conditions.

Commissioner Cahill thought that it was a good proposal and that he had the same two concerns. He proposed a stepback for the wall and significant landscaping dropping down, or with agreement from neighbor on their property line, to camouflage the wall as much as possible. He did not have enough information to make a decision regarding the sports court. He supported the preparation of an acoustical study. He asked about the expense of putting

in the court and having a 6 month review and that maybe this could be done instead of an acoustical study.

Commissioner Hill said he didn't have enough information for the findings for the lights and added that it was an excellent staff report. He noted the comments from the public. He stated that it was important to get the asphalt off the trail. He did have a problem with the wall. Overall, he supported the proposal but had problems with the lights.

Commissioner Gelhaar said that it was a major project that will add to the area. He had issues with nonconforming retaining wall and the General Plan in general. He said that he supported the project but that the existing wall needs to come down. The wall needs to step back and have vegetation added. The wall could be moved back 1'-2' in order to have an area for plantings. He noted that modern lights were sophisticated and can be directed to shine on courts only. He agreed that noise could be a problem. The sport court could come back in 6 months for Commission review. Overall, he could approve the proposal with the added condition of approval that a review be conducted in 6-12 months.

Planner Gjolme questioned the proposed height of walls and the separation between them.

Commissioner Gelhaar said that he just wanted it stepped back and for the applicant to be responsible for landscaping the area. He noted that there would be a fence on top of the wall. Height and safety issues need to be addressed.

Director Stanley noted that if there was a stepback at the property line that there will be a maintenance problem.

Planner Gjolme suggested that the wall be moved back 2'-3' and noted that the neighbor was not responsible for maintaining this area.

Commissioner Curtis questioned the height of the wall.

Commissioner Gelhaar said that he was fine with two 6' walls with landscaping between them.

Planner Gjolme asked if the lower 6' wall would be recessed.

Commissioner Gelhaar said that draping landscaping does not work so the lowest portion of the retaining wall must be setback.

Commissioner Hill asked if the recessed wall was at the property line.

Chair Davitt noted that the Commission had 6 entitlements to review associated for this case and they have to be realistic with the proposal. There is one neighbor with issues and he does not want to open the public hearing again.

Vaughan Trammell said that he was not opposed to stepping back the wall.

Commissioner Gelhaar said that a wall 6' and greater in height was a concern.

Planner Gjolme noted that a 6' height was only for a portion of the wall.

Commissioner Gelhaar said that he would like the entire wall be stepped back. He said that they can not expect the neighbor to landscape the lower portion.

Director Stanley noted there was no consensus yet from the Commission.

Commissioner Cahill said that he liked the combination of walls. He supported with moving it back when it becomes 6' and having two tiers.

Chair Davitt wanted the wall landscaped and noted the need to maintain the landscaping

Commissioner Hill asked if there could be a short continuance in order for the applicant and neighbors to work on the issue.

Planner Gjolme asked if the continuance was only for this issue.

Commissioner Gelhaar said that he did not like to continue the project for just one issue when condition of approval could be used instead.

Commissioner Curtis asked if there was room for the neighbor in the stepback area.

Director Stanley said that the Commission can address the material and color of the wall.

Chair Davitt asked if that can be left for a director's review.

Director Stanley said that he needed clarification about where the wall would be.

Commissioner Curtis said that he wanted an additional setback for the upper 6' for the wall. Wall has to go back from the beginning but no modulation until 6' or greater. Enough space to have landscaping needed to be provided.

Commissioner Curtis noted other walls along trail and need for more landscaping by the trails. He wanted the north wall landscaping addressed.

Chair Davitt wanted the proposal to meet all the Trail Plan requirements and conditions of approval.

Director Stanley wanted survey provided to show the trail.

Commissioner Cahill was not bothered by removal of the asphalt from the trail. The existing survey can be referenced to verify the trail location. .

M/S/C Cahill/Gelhaar  
Vote 5-0 to approve.

Conditions added as discussed. Approve and review within 6 months of occupancy.

Director Stanley will report back to Commission if necessary.

**IX. OTHER BUSINESS:**

A. Report of Director's Approvals since the last meeting:

1. **Director's Miscellaneous 09-31/Director's Hillside Development Permit 09-44; Anderson; 424 Starlight Crest Drive** – approved 51 sf addition to encroach 2'-4" into required 7'-4" side setback.
2. **Director's Hillside Development Permit 09-43; Quon; 2141 Patagonia Drive** – approved a swimming pool remodel and allowed equipment to encroach to within 9' of rear property line with neighbor's endorsement.

**X. COMMENTS FROM THE COMMISSIONERS:** Commissioner Cahill spoke about the tree removal and that no mitigation was proposed. Commission needs to look at when mitigation is appropriate in future.

Chair Davitt said that the Commission had struggled with trees in the past but that the case tonight was straightforward.

Commissioner Gelhaar noted that most cases require conditions of approval and mitigation.

Commissioner Hill said that enforcement issue can be cumbersome.

Commissioner Gelhaar asked the Director about the questions he emailed him.

Director Stanley said that no submittal for Conoco/Philips/Unocal had been received yet. He knows who the property owner is but not if the site had been leased out. He understands that it will stay as a Union 76 station but that a new lease needs to be signed. He said that the Town Center will have Panera Bread Bakery Cafe. In response to a question about who owns the Town Center Park, he said that the City did not own it yet. The parcel map was recorded but that the City would not accept the park until the check list has been completed.

Commissioner Gelhaar noted that there may be pressure on the City to do something with the park.

Director Stanley stated that restrictions apply to the park such as no BBQs or farmers markets. The park may get a gazebo in the future.

Director Stanley reported that the old Sports Chalet property had been purchased by the grocery chain Henry's. Director Stanley said that he had met with the company architect who showed him plans for a new building. Henry's needs to make decision between remodeling the existing building or constructing a new one. Henry's is not a Smart and Final type business.

In regard to blowing dust and banning blowers, the Municipal Code would need to be changed and the City Council would need to place a ban on them.

Commissioner Gelhaar said that he is trying to encourage a discussion on this issue as the community has a major problem. There is a need to get the federal government to seed the forest due to errors during the fire. There are ongoing health issues with the dust in the air. The Commission could write a letter to the City Council.

Chair Davitt thought that was a good idea and that the health issues needed to be mitigated.

Commissioner Hill said that there had been hydro seeding in the hills.

Director Stanley said that he could bring back information at another meeting.

He said that the Community Development Block Grant report was going to the City Council. He also noted that a neighbor of the Lashert project approved by the Commission at its last meeting had appealed it to the City Council.

Commissioner Curtis asked if the Green Task Force report would come to the Commission.

**XI. COMMENTS FROM THE DIRECTOR:** None

**XII. ADJOURNMENT:** The meeting was adjourned at 8:50.