

**A MEETING OF THE PLANNING COMMISSION OF
THE CITY OF LA CAÑADA FLINTRIDGE,
HELD JANUARY 23, 2001**

CALL TO ORDER:

Chairman Orr called the meeting to order at 6:00p.m.

ROLL:

Present were Commissioners Engler, Del Guercio, Levine and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, and Planner Cantrell.

**COMMENTS FROM
THE PUBLIC:**

Comments were not offered.

CONSENT CALENDAR:

M/S/C Del Guercio/Engler to adopt the Minutes of a Special Meeting held by the Planning Commission on November 29th regarding Wireless Telecommunications. Unanimous.

**CONTINUED PUBLIC
HEARINGS:**

**HILLSIDE
DEVELOPMENT
PERMIT 00-03; KWON;
4110 CAMBRIDGE
ROAD and**

**PUBLIC HEARING
VARIANCE 01-01;
KWON; 4110
CAMBRIDGE RD.:**

Planner Cantrell recalled that on December 12th, the Commission continued the project for redesign. Since then, the house size above grade has been further reduced and shifted further away from the stream. Two additional oaks near the stream bank are saved through this redesign, at the expense of 2 trees at the rear of the construction area. A major revision was the lowering of the garage below grade. It would be accessed from the east, and its recessed doors would allow backup space. With its relocation, the proposed garage size again provides four spaces and the project's appearance from the street is reduced and improved. Within the basement level, a gym and utility areas are exempt from floor area calculations since the basement is more than 50% submerged below grade. An evaluation of the entire structure, regardless of the submergence, shows that the garage and basement result in a net increase of 384 sf of *total* floor area, compared with the initial proposal.

Lowering the garage creates a lower datum point, so that the main ridge now exceeds the 28-ft height limit

for hillside properties. Aggregate height would be 38 ft from the garage floor to the primary ridge. Planner Cantrell noted that the excess height would not have a visual effect from the street and that landscape screening far exceeds Code requirements.

The revised landscape plan reflects the judgment of the Commission and Staff that oaks, rather than magnolias, should be installed near the road. Three large oaks are also now proposed along the east elevation, as is a row of Japanese privet.

The increased building height would face the most sensitive property to the east; however, the depressed elevation of that property's yard would ensure that the full extent of the east elevation would not be visible from there. There is a potential view from the upper stories, but the proposed oaks would serve to provide screening. Planner Cantrell noted that the screened setbacks far exceed Code requirements.

While slightly above the neighborhood average, density is barely more than half of that allowed by Code. The site has the view characteristics of a flat lot, with the slope behind the house as the only factor creating a 'hillside' designation. With the lack of views over the property from above, the slope serves to make the property less visible than the less-regulated, non-hillside lots.

Staff viewed the Variance for excess height created by the new garage elevation as supportable. Though the floor area in the previous designs was far below Code standards, the Commission had expressed concerns about visible size. Creating the basement level for the garage allows the house to attain a desired floor area and diminish the visible size of the house.

Responding to a question from Commissioner Levine, Planner Cantrell advised that not including the basement, the sq footage was now 4,064 sf.; nearly a 2,200 sf reduction from the initial submittal.

Commissioner Engler asked if the plans accurately depict the streambed per definitions of the Streambed Agreement.

Commissioner Levine noted that the material the Commission had from Fish & Game indicates that approval from the Army Corps of Engineers and the Regional Water Quality Control Board may be necessary. He asked if they had been contacted; if not, would they be and if they hadn't, was the Commission premature in reviewing this plan?

Planner Cantrell noted that the project has been revised several times. He felt it was useless to 'lock' into a design at this point when it could still change through hillside review. Further, he did not believe that the streambed was indicated as a "zone".

Chris Cox, project landscape architect, advised of having walked the site with the Fish & Game warden, whose chief concern was plant materials spilling down the banks. Fish & Game approved the plan when it was initially submitted. Since then, the plan has been revised twice; both revisions improve the relationship between the house and the streambed. He had not gone to Fish & Game for approval of the revisions. Regarding replacement trees, 59 new trees will be installed; some species were changed to comply with the 3:1 ratio. Mr. Cox reported the problem that many trees of different species have commingled trunks -- those would be removed. Protected trees that would be removed include a 12" oak that is commingled and within the patio footprint and a 16" sycamore located in the footprint of the house.

He stated that moving the house back in an easterly direction allowed him to save the mature oaks located in the riparian zone.

Discussion followed regarding the differences between Mr. Cox's plan and the civil engineer's.

Chairman Orr commented on the difficulty of walking the heavily wooded site without a surveyor.

Responding to a question from Commissioner Levine, Planner Cantrell advised that the Army Corps and the Regional Quality Control Board were not contacted because they have no interest in the 4070 Dover Road project.

Mr. Cox pointed out that the only difference in his plans and the engineer's is that an oak that is incorrectly shown as encircled by cinder block. He walked the site with the engineer to be sure that all trees are properly identified. Further, his arborculturist advises oaks over 12" in caliper would not survive relocation efforts.

Chairman Orr stated he was not being critical, but he needed assurance that a minimal number of trees would be removed. He wanted to walk the site with the professionals.

Commissioner Mehranian advised of having walked the site with Mr. Cox and found it very helpful. She concurred with Commissioner Levine's earlier concerns regarding excess height.

Commissioner Engler and Mr. Cox discussed the inlet and its 100-ft distance from the front door of the structure, and how many feet would be disturbed.

Commissioner Levine commented that in any event, Fish & Game would have to review the revisions, even though it may be a ministerial approval.

Director Stanley advised that Fish & Game would only review the plans if the revisions created new impacts to the stream.

Commissioner Engler stated that he was pleased with the revisions to the structure, and wanted assurance that the submitted plans "match what's out there." He felt the 3:1 tree replacement per Fish & Game might crowd the site and added that the City would be happy to accept those trees for installation elsewhere in the City.

Commissioner Del Guercio recalled that there was discussion at the previous meeting regarding

preservation of the natural screening along the street and what effect removal of shrubbery would have.

Mr. Cox advised that the Dover/Cambridge corner is covered with toyon -- their calipers are not of a size warranting their being included on the tree survey. He advised his intention to retain the toyon "as the first line of defense." All trees located in the riparian zone would remain; the ground below would be revegetated with non-invasive plant material per Fish & Game.

Applicant, Dr. Kwon, stated he was unaware of any discrepancy between the landscape and grading plans. He advised that Fish & Game's approval had been submitted to Staff and that there were no changes to that approval -- only the house has been shifted.

Commissioner Levine noted that Fish & Game approval was good through the end of the year; completing this project by then would be difficult, even if the project were approved tonight.

Planner Cantrell commented that the enforcement of the Hillside Ordinance is not dependent on a sequence of events. There have been instances when the Commission requires Fish & Game approval as a condition.

Director Stanley advised that the City is the Lead Agency and that entitlement should be awarded first, followed by any other required approvals. Fish & Game is not concerned how much the house is shifted; they are only concerned with their area of authority.

Mr. Johnson reiterated that he sought and received approval from Fish & Game before the public hearing to avoid similar delays that occurred at 4070 Dover Road. He confirmed that the Commissioners wanted a walk-through of the site.

Assistant City Attorney Steres advised they could do so in numbers less than a quorum or call and notice a public meeting.

Mr. Johnson then reviewed the individual required findings and gave his justification for making the findings. He recalled that the Commissioners wanted 'significant' changes. He pointed out that the overall length has been reduced and the bulk was now at half of what is allowed. The subterranean garage was compatible with the neighborhood because Mr. Proper's garage is also below grade.

Dr. Kwon then explained that this project began in 1991 for him. In response to the Commission's concerns he previously staked the area and moved the house away from the stream. Because it is costly for him to 'carry' the property with the bank, he offered to do what was necessary to assuage the Commissioners' concerns and asked that his project be approved.

Chairman Orr opened the public hearing.

Brian Proper, the neighbor directly east, stated it was "a fantastic project" and liked the way the garage was now concealed.

Susan Partamian, 4150 Cambridge, advised that the stream passes through her property, which is further down Cambridge. She questioned how this design could be found to be compatible since the majority of homes on Cambridge are ranch style. Ms. Partamian asked how old the oaks are that would be removed.

Craig Van Sickle, 4071 Dover, stated that his main issue was to preserve as much of the natural setting as possible and that he was "anxious to get the project moving". He supported a public walk-through of the site.

Jerry Martin, who resides across the street, advised that he had a 10-minute presentation but would postpone it if the hearing was going to be continued.

Commissioner Mehranian felt it would be helpful to hear his comments before an on-site meeting.

Mr. Martin was concerned that the stream would go under the house and he was concerned about its depth.

Commissioner Levine pointed out that would not be the case, once it is realigned.

Mr. Martin continued, stating "this is now a three-story house" and asked that the FAR exemption for the garage be verified. He did not share the view that this is a fundamental redesign, and though he conceded there were modifications that altered the original design, he continued to believe that the project represents an example of 'mansionization' in this City and violates our General Plan. He stated that if he were a Planning Commissioner, he would have difficulty making 5 of the Hillside Permit findings, and had intended to challenge them point by point.

Noting that the Variance component was a new issue, Commissioner Del Guercio stated he was interested in hearing a brief analysis as to where Mr. Martin felt positive findings would fall short.

Mr. Martin responded that in terms of the Variance, he would challenge findings 1,2 and 5. The finding of Special Circumstances--he acknowledged that this property has unusual characteristics i.e., many large oaks, a Blue Line stream and steep slopes, but did not believe those factors entitled a person to expect the City to change some of its standards.

Finding #2: An approval would not constitute a grant of special privilege, etc: Mr. Martin concurred with the staff report pointing out that the neighboring property on Cambridge Road has a similar configuration. Mr. Proper's home is 3-story and has a subterranean garage that is approached from the east --similar to the revised project. But, "that's the only one in the neighborhood. I contest the thought that because we have this variance next door it automatically means we should grant a variance here".

Finding #5: Preservation of Existing Scale and Character of the Surrounding Neighborhood: - As to *neighborhood character*, Mr. Martin felt this goes to the architectural design. He stated, "you won't find a house with that architectural 'name' anywhere in the neighborhood". Regarding scale, he stated, "it's far and away the largest

house in the neighborhood if it is allowed to go forward."

Commissioner Levine asked which project Mr. Martin preferred - this revised version or the previous submittal.

Mr. Martin stated he could not provide an answer that at this time but was unwilling to embrace either design.

Chairman Orr confirmed no one else wished to comment, then polled the Commissioners whether they felt a walk-through of the site would be helpful with regard to the Variance issue as well as the trees, streambed and the general footprint.

M/S/C Del Guercio/Engler to continue the hearing for Hillside Development Permit 00-03 and Variance 00-01 to Sunday, February 4, 1:00 pm, at 4110 Cambridge Road. A decision would not be made at this meeting, and it would be continued to the next regularly scheduled Planning Commission meeting on February 13th. Unanimous.

The audience was advised that there would be no further public notice.

PUBLIC HEARING:

HILLSIDE DEVELOPMENT PERMIT 99-62 (amdmnt.); KWON; 4070 DOVER ROAD:

Planner Cantrell advised that since project approval nearly one year ago, the County Grading Division has rejected the location for the culvert on the north side of the driveway that was approved by the Planning Commission.

The applicant's revised plan shows the drainage down the south side of the property, avoiding the steep slope it would have previously traversed. While the revised plan avoids two large oaks on the north side of the site, two oaks on the south side require removal and grading would be required at the top end of a knoll.

Planner Cantrell stated that there are no other apparent options for relocating the channel. Staff recommended replacement of 3:1 oaks or sycamores as a mitigation measure.

Chairman Orr opened the public hearing.

Project architect, Jay Johnson, advised that the County rejected the Commission's approval because of maintenance problems associated with an underground culvert. The County's Department Head of the Drainage Division recommended going around the knoll to maintain a 15% fall throughout the drainage course.

Christopher Cox, landscape architect, prepared the landscape plan that the Commission approved, which was a surface culvert and located north of the garage. While he did not have the opportunity to review the revised plans, he is very familiar with the site. There is currently a poured in place retaining wall; the knoll area above is a manufactured slope (no mature trees in this area). Relocation of the drainage culvert would impact a lesser number of substantial trees than in the plan approved by the Planning Commission and allows a more natural pool area. He wholeheartedly supported the relocation,

advising that it would result in fewer linear feet of open trench and it would be much easier to screen and revegetate.

Mr. Johnson explained further to Commissioner Engler that the County does not allow large sections of drainage pipe to be located underground. Further, Fish & Game has approved this proposed relocation.

Chairman Orr opened the public hearing. Comments were not offered, and the public hearing was closed.

Commissioner Del Guercio was concerned how an open, concrete channel would appear coming down the hill and questioned what could be done to make it appear more natural.

Commissioners Engler, Levine and Mehranian expressed similar concerns.

Chairman Orr confirmed there was consensus that there is concern regarding the culvert's appearance and the need for more sensitivity in its design. He advised the

applicant that he was entitled to a vote or a continuance for redesign.

The applicant requested a continuance to February 13th. Director Stanley advised that Staff would need the plans by February 1st.

M/S/C Orr/Levine to continue the amendment to Hillside Development Permit 99-62 to February 13 with the proviso that revised plans are submitted to Staff no later than February 1. Unanimous.

**HILLSIDE
DEVELOPMENT
PERMIT 99-67;
WU;
225 ST. KATHERINE :**

Planner Cantrell reported that the Hillside Development Permit would allow construction of a new, two-story house and related site work. The site exceeds 48,000 in area and is located on the west side of St. Katherine Drive, near to Via Serrano. It has an average upward slope of 55%.

Proposed total floor and roofed area of 4,769 sf includes an attached garage. The home would be constructed on the lower portion of the site and would be minimally viewed from off site. The first-floor elevation would be elevated approximately 14 ft higher than average street elevation. Setbacks are generous and range from 30 ft at the front to 190 ft at the rear; the north side yard setback would be 65 ft and the south would meet the minimum of 14' 8" for the ground floor. The garage elevation is shown at 5 ft above street grade and is reached via a driveway of 20% slope at its steepest portion, graduating to 10% and 3% at the garage approach. The slope meets the Ordinance standards of 17% overall maximum. The garage would accommodate 4 cars parked in tandem and two more cars could also park in tandem alongside - -this counts for only 3 total, contrasted with the Ordinance require-ment of 4 on-site parking spaces.

Planner Cantrell described the design as straight-forward, with hipped tile roofs exceeding the height limit (29' 3") only in the area of the of the rear transverse ridge when measured above the stepped down garage level. Ridge elevation reaches 26' 3". He stated that this design meets the qualifications of stepped massing.

The house would be 61 ft wide at the upper story with considerable modulation leading back to the master bedroom suite above the garage. The setback of that wall from the south property line would be 19' 2" -- which should be required to meet the 20-ft minimum.

Planner Cantrell advised that the only hillside characteristics of the site are the driveway slope and the steep slope behind and alongside the house. There are no views upward to the house and it would only be incidentally visible at a considerable distance from 244 St. Katherine Drive. The 55% average slope is associated with the most restrictive slope factor guideline of 0.2, which the house exceeds. He stated that there are no apparent technical issues and export would be most. The project would be connected to the Pasadena sewer line.

Staff's concerns included the potential effect of the retaining walls located north of the house, which would reach eave height at a maximum height of 22' above pad elevation. While substantially hidden by the house, they would be viewed obliquely from the street unless screened. Proposed dense plantings would be comprised of evergreen, oaks and California bay trees. Staff believed that more detailed information on shrubs and vines was appropriate, particularly for screening of the retaining walls. Also, the 2 California Bay trees near the retaining wall should be replaced by shrubs that would not risk structural damage.

Staff's concerns with the lack of on-site turnaround area could be addressed by rotating and relocating the garage. If it were shifted to the rear and partially behind the house, the result would be a lower elevation, a reduction of the driveway slope to approximately 10% and a garage width for 2 or 3 cars rather than tandem. The backup area could flare to the west, allowing 1 or 2 guest spaces adjacent. This area could be turfblock and a focal planting at the end of the motor court would provide visual interest from the street. Planner Cantrell noted that this revision would exchange locations of the smaller bedroom with the master suite, thereby reducing

the scale of the house as seen from the street. It would also shift the structure away from the drainage course and simplify the culvert needed along the southern portion of the site. Further, the absence of long-range views of the house indicates that requiring LRV compliance would not be appropriate.

Planner Cantrell pointed out that the structure is not high profile, grading would be minimal and that other characteristics often associated with steeply sloped lots and the corresponding extreme slope factor guideline are not present in this design. Staff recommended approval as conditioned, with revisions to the garage, driveway and master bedroom placement subject to review and approval by the Director of Community Development. He did not believe that those revisions had any potential for impact that would warrant Planning Commission review.

Commissioner Engler commented on the lack of grading plans since there is a watercourse traversing the property.

Planner Cantrell pointed out that the conditions require City Engineer approval including the storm water management.

Commissioner Del Guercio confirmed that the stakes on the property represented the corners of the house. He commented that the house would essentially be built in the streambed.

Commissioner Engler questioned why this project reached the Commission review stage when, in his opinion, it was woefully lacked information.

Planner Cantrell pointed out that Staff's recommendation was to redirect the drainage and that City Engineer review was appropriate.

Commissioner Levine felt it would be difficult to approve when a lot of redesign is suggested without review by the Planning Commission.

Chairman Orr opened the public hearing.

There was no representative present for the applicant.

Steve Solomon, 400 Palmerstone Drive, advised that his home has a downward view of the subject site and related that he owns a 5-ft-wide utility and sewer easement that is located on the applicant's south property line. He wanted assurance that whatever happens, his access to the easement would continue. Mr. Solomon noted that easement should be recorded on the applicant's deed.

Planner Cantrell commented that there is no indication of the easement on the survey, which is of recent date.

John Ramseyer stated that having lived at 244 St. Katherine Drive for 5 years, he has experienced the great amount of water coming down channel. Also, there is a drainage sewer that appears to be where the driveway would be located. Further, the headlights of cars entering garage and would shine into his kitchen and he would have a direct view into the bedroom of the proposed house from his bedroom. His concerns were: height of the project, tree removal, view impact.

There were no further comments offered and the public hearing was closed.

Commissioner Engler questioned how a Negative Declaration could have been issued and did not feel this project was ready for Commission review.

Commissioner Del Guercio's concerns were with the house's location on the lot aesthetically as well as from a drainage standpoint. Its view from the street is also a concern.

Commissioners Levine and Mehranian concurred.

M/S/C Levine/Mehranian to deny Hillside Development Permit 99-67. Unanimous.

**ZONE CHANGE 00-01;
REVISIONS TO THE
TREE ORDINANCE:
CITY WIDE:**

Chairman Orr exercised the Chair's discretion to reorder the agenda and hear the next item to accommodate the citizenry.

CONTINUED PUBLIC MEETING:

SETBACK and FLOOR AREA MODIFICATION 00-52; UTTKE; 4309 BEULAH DRIVE:

Director Stanley recalled that this matter was continued from the December 12th meeting to clarify lot size and proposed floor area and to mitigate any impacts to the westerly neighbor. The application now includes a Floor Area Modification to allow construction of a 186-sf gazebo that would enclose a Jacuzzi. The gazebo would encroach 10 ft into the required 15-ft rear yard setback and exceed the allowed floor area by 254 sf. He noted that existing development on this lot exceeds allowed FAR and the garage and a storage structure do not meet setback requirements.

The Commissioners' packets included photos showing views into the westerly neighbor's rear yard taken from the rooftop of the applicant's garage. Other views were taken from that neighbor's rear yard, upward toward where the gazebo would be located. Overhead transparencies were shown of the former proposal that included a cupola, a sloping roof and a height of 14' 6". The highest point of the gazebo would be 9' 3", with an overall height of 11 ft. at the mansard roof.

Director Stanley noted that there are constraints to building a code-compliant structure; a 15-ft rear setback would significantly infringe on the back yard area.

Staff recommended approval of the redesign, including preservation of a plum tree at the south end to serve as screening.

Commissioner Engler noted that the photos showed an exposed light bulb on the neighboring property which he stated was illegal.

Chairman Orr invited testimony.

Applicant, Harold Uttke, explained that his wife's daily use of a Jacuzzi is medically prescribed and the gazebo would serve to shelter her during inclement weather. He concurred with Staff's report and the draft

Conditions and stated that the concern of view obstruction voiced at the prior meeting, does not exist.

Bob Kirby, 915 Descanso , shares a common east side property line with the applicant. He advised that the issue of square footage was resolved, but he continued to dispute the lot coverage figures provided. With respect to the setback encroachment, Mr. Kirby stated that nothing changed and that the project would affect his view.

Further comments were not offered.

Commissioner Levine stated that he was unsure at this point, noting that he is fairly consistent on the concept of supporting setback encroachments that maintain an existing building line.

Commissioner Mehranian felt that sufficient efforts were made to resolve the view issue and that she could support the project.

Commissioner Del Guercio restated his comments from the first meeting; this was a case where compromise was in order. He noted that the gazebo height was lowered, though it was difficult to determine its visibility. He felt that if the applicant was willing to move it inward a couple more feet, he did not believe it would be a problem.

Commissioner Engler commented that relocating the Jacuzzi closer to the house would shorten the distance for Mrs. Uttke and meet code. On another matter, he noted that the photos showed what appeared to be an electrical violation on the neighboring property and asked Staff to report the matter to the Building Inspector.

Chairman Orr remarked that the request seemed reasonable from the standpoint of the applicant's needs. His sense was that he would vote in favor of the applicant as there was insufficient weight to Mr. Kirby's concerns of view loss, given that there are multiple sheds in his rear yard that are fairly prominent . He did not believe the gazebo would impede significant views.

M/S Mehranian/Levine to approve Setback and Floor Area Modification 00-52 as conditioned. 2 Ayes; the motion did not carry.

Commissioner Del Guercio felt that he could support the request if the gazebo was moved inward 2 ½ ft.

Chairman Orr confirmed that Mr. Uttke was willing to move the jacuzzi 2 ½ inward.

M/S/C Del Guercio/Mehranian, to approve Setback and Floor Area Modification 00-52 and amending the conditions to require a 7 1/2 ft rear yard setback. 3 Ayes; No: Engler and Levine.

PUBLIC HEARING:

**ZONE CHANGE 00-01;
CITY OF LA CAÑADA
FLINTRIDGE:
AMENDMENTS TO
THE TREE
ORDINANCE:**

Director Stanley recalled that this issue had been before the Commission on two prior occasions in a workshop forum. The Commission's direction and comments from the Fire Department were highlighted so that the proposed changes were easily identified.

The Purpose section was expanded and reflects comments from Fire Chief Harris regarding highly flammable trees i.e., deodars, pines and cedars.

Commissioner Levine asked that Staff contact Chief Harris and determine if his concerns continue with regard to 'pointy' trees, since the majority of the fuel source would be eliminated via the City's sanctioned controlled burns.

Page 2 -A Permit will now be required for *all* trees with a diameter of 8" or greater (opposed to the 18" standard for protected trees), when measured at a point 4 ft off the ground.

Commissioner Del Guercio opposed such language, stating that residents ought to be able to conduct routine trimming and clean-out trees without the need of a permit. He supported addressing excessive trimming of large trees, but felt that the proposed language was unreasonable.

Director Stanley acknowledged that the draft language presents a significant change, but it reflected the public's comments during workshops.

Further, a Tree Plan must be submitted for any project, (residential *and* commercial) that requires a building permit.

Page 3 - The 5th criterion for approving a Tree Removal Permit; Staff recommends eliminating this item. As written, if *any* of the findings can be made, a permit could be approved.

Assistant City Attorney Steres advised that #5 was an overly broad category and might open the door to more approvals than desired.

Director Stanley noted that the new language allows the Fire Department to remove trees without a permit when it is critical to provide a fire break.

Page 5 - Appeals section has been streamlined.

Page 5 - Exceptions to the Permit Requirement - the Fire Department was concerned with vertical height of trees that might hinder them from access or spraying water - they recommended a 14 ft vertical clearance.

Commissioner Levine asked Staff to confirm this - he reported of having attended a meeting where the Fire Department asked for 13 ft of clearance.

Director Stanley added that a permit would be not be required for the pruning or trimming of those portions of trees that extend within 10 ft of a chimney stack or any portion of a roof.

Lastly, the penalties for illegal removal or trimming trees, which is a misdemeanor, have been increased.

Assistant City Attorney Steres suggested that in addition to those penalties, further restitution language be added as follows: If replacement trees are not feasible on the site or the number of replacement trees to mitigate the impact cannot be accommodated on the site, a person

may be required to provide restitution to the City by paying a cash contribution in the amount equal to the estimated replacement value of the removed or excessively trimmed tree as determined by the arborist approved by the City. Given the size of some of the mature trees in this City, it could be a large fine.

Chairman Orr opened the public hearing.

Eileen Ferber, a resident of Alta Canyon Road, reported that the firm contracted by the City to trim City tree's has done a deplorable job and at times, leave the branches on her property. She advised of having reported the removal of 3 deodars in her neighborhood and wondered if the property owner was fined. She suggested that when permits pulled, that information be given advising the property owner of the City's Tree Ordinance and the ramifications of its violation.

Director Stanley advised that at the building counter, a planner informs the property owner or contractor of the need to protect oaks, sycamores and deodars and provide a copy of the Tree Protection Guidelines.

Larry Moss questioned if this City "really cares about trees". He asked that all trees be protected regardless of the diameter and stated there is no difference between saving an oak, which is a protected tree, to 80-year-old olives or redwood trees, which are not protected. Mr. Moss recalled that in the Fairmount/ Hillard area, two, 80-year-old olive trees were removed from private property in one day. He concurred with comments regarding what he felt was an inadequate tree trimming policy for City trees.

Andy Beckwar asked if there is a concern that an excessive number of trees are being removed and if there was any statistical evidence, other than those removed to construct what he referred to as "ego monuments".

Walt Diem advised that he regularly removes deadwood from the deodars on his property and prunes other trees on a regular basis. He felt that the draft language would discourage residents from performing general tree maintenance if a permit was required.

Director Stanley clarified that *trimming* refers to excessive trimming; a guideline prohibits trimming more than 25% of a canopy cover within a one-year period. The intent for requiring a permit is to educate and give direction.

Further comments were not offered and the public hearing was closed.

Commissioner Levine suggested that Staff review the tree protection ordinances of Carmel and Pacific Grove. Further, because tree canopies provide insulation, he suggested the City adopt a policy regarding preservation of trees as a means of promoting effective energy conservation.

Addressing the requirement for review by the City Arborist at the property owner's expense, he asked how it would be enforced - "are we going to mandate that a property owner hire the City Arborist?"

Assistant City Attorney Steres explained that it is not unusual to have 3rd party review and to have the applicant pay for that cost, this is typically done when there's some complexity to a plan and staff wants a 3rd party expert review. He stated that it could be pre-arranged that both parties use the expertise of the same arborist for tree removals.

Responding to a question from Commissioner Engler, Attorney Steres stated that the Penalty section only applies to tree removal or excessive tree trimming.

Commissioner Engler stressed the need to educate the general public.

Commissioner Del Guercio stated that he supported protecting all mature and scenic trees and he would be sympathetic to extending protection to other large species. Nevertheless, he believed it to be an unreasonable intrusion into people's lives to require a permit to clean out a tree or for minor trimming. He supported regulating and defining excessive trimming and prohibiting topping and bad trimming practices, "but it is going way too far to tell folks when they can

trim their trees". He agreed that tree service firms should be required to get a business license and certify that they understand the rules. Commissioner Del Guercio also felt that an 8" standard for removing a 'garden variety tree would be excessive legislation.

Director Stanley commented that Staff originally suggested using 18" diameter as a standard, but that was reduced to 8".

Commissioner Mehranian supported the concept of a City Arborist and educating the public with written material. She also supported some type of regulation for trimming, but did not think that an 8" diameter tree should be the appropriate trigger mechanism.

Chairman Orr's view was that the Ordinance is unenforceable and therefore premature until the City hires a Public Prosecutor as discussed in other contexts. Until that happens, he stated he could not support the Ordinance, though he was not against its substance. In terms of educating the public, he suggested a possible 180-day lead period including warnings issued by someone who has that authority, but it was all premature until we have a Public Prosecutor or someone with similar enforcement authority.

Commissioner Engler stated he did not want to "throw out the Ordinance because we aren't getting a prosecutor". Regarding education, he suggested it could be handled in conjunction with the Fire Department at Descanso, with the entire community encouraged to attend. While he might not concur with the current content of the Ordinance, he did not want to dismiss it.

Attorney Steres expressed concern with allowing a grace period in this particular instance; we would essentially be saying that for 6 months, someone could remove any tree and that a warning would be the extent of a penalty.

Chairman Orr felt that tree removal could be handled differently than trimming.

Commissioner Engler suggested adding language that all tree companies be licensed by the City in order to trim a tree. This would not penalize homeowners but he felt it would weed out those who advertise themselves as professionals.

The Commissioners agreed for the Ordinance to state "the lead person of any tree company must be a certified arborist".

Commissioner Del Guercio suggested that homeowners be exempted from the permit requirement.

Director Stanley asked that the Commission provide specific direction, noting that Staff's initial recommendation was that trees with a diameter of 18" or greater be regulated. At the Commission's direction, that number was reduced. He noted there were a number of ways to handle the situation e.g., by species or diameter.

Chairman Orr confirmed that the sense of the Commission was that this matter would not be definitively resolved at this meeting and that a continuance would be in order.

Commissioner Del Guercio felt that an 8" standard was too severe. He could accept a 12"-diamater criterion for oaks, deodars and sycamore trees and 18" for all other trees.

Following discussion, there was a majority consensus to consider a 12"-diameter for all trees. A homeowner would be allowed to trim a tree to any extent without the need for a permit, but any tree company hired to work on trees must be licensed with the City. The Excessive Trimming section would remain.

M/S/C Engler/Levine to continue Zone Change 00-01 to March 13th. Unanimous.

**COMMENTS FROM
THE COMMISSION:**

Commissioner Levine asked if the City could notice the community to do whatever they can to conserve power and natural gas.

**DIRECTOR'S
COMMENTS:**

Asked that the Commissioners advise as soon as possible if they would be attending the Planning Institute in March.

ADJOURNMENT:

M/S/C Engler/Mehranian to adjourn at 10:45 p.m.
Unanimous.

Secretary to the Planning Commission