

# CITY OF LA CAÑADA FLINTRIDGE

**PLANNING COMMISSION  
MEETING MINUTES  
January 24, 2017 - 6:00 p.m.  
City Hall Council Chambers  
1327 Foothill Boulevard**

- I. CALL TO ORDER-** Commissioner McConnell called the meeting to order at 6:02 p.m.
- II. ROLL:** Also present were Commissioners Jain and Oh. Chairman Gunter and Vice Chairman Hazen were absent.
- III. PLEDGE OF ALLEGIANCE-** The Flag Salute was recited.
- 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. There were none.
- V. REORDERING OF THE AGENDA –** Item VIII. b. was heard before VIII.a.
- VI. CONSENT CALENDAR**
- A. **Minutes:** 11/8/2016 [Special](#) and Regular Meetings – M/S/C – Jain/Oh to approve the minutes. Approved 3-0.
- B. **[Resolution 17-04](#);** denying Setback Modification 16-09 for over-height driveway gates at 3932 Starland Drive as requested by Bassily Kamar. M/S/C – Jain/Oh to approve denial. Approved 3-0.
- VII. CONTINUED PUBLIC HEARINGS –** There were none.
- VIII. PUBLIC HEARINGS**
- [A. Second-Floor Review 15-21; Lim/De Angelis Designs; 4822 Commonwealth Avenue \(Lot 2\)](#);** request to construct a new 2-story residence and attached garage comprising 3,842 sq. ft. on a 11,054 sq. ft. lot, created through Parcel Map 73402. Staff is recommending approval of Categorical Exemption for the project. (Planner Gjolme).

No staff report was given.

The public hearing was opened.

Applicant, Dave DeAngelis, 650 Foothill Blvd., introduced himself and was available for questions.

Commissioner Oh asked for clarification of the property frontage on Commonwealth prior to the subdivision.

Director Stanley clarified the property frontage on Commonwealth.

Commissioner McConnell asked about exact calculation of the frontage.

Mr. De Angelis indicated that the home was designed around the existing Oak tree.

Commissioner McConnell said that the angle plane would dictate the design.

Director Stanley said that Condition No. 16 stipulates that a building permit cannot be pulled until the map is recorded.

The Public Hearing was closed.

Commissioner Jain said that he believed the subject property will be a good addition to the neighborhood and that the house has good qualities that will enhance the property. He can make all the findings.

Commissioner Oh said that he visited the site. He felt the design meets the character of the neighborhood and can make all findings.

Commissioner McConnell said he liked the articulation and that he agrees with the other Commissioners.

M/S/C – McConnell/Jain to approve the project. Approved 3-0.

**B. Tree Removal Permit 16-20 (APPEAL); Reyes; 868 Flintridge Avenue;** request to remove one (1) City protected 43" Coast Live Oak tree located within the front yard. The request was approved on November 10, 2016. The item will be heard as an appeal of the approval. (Planning Intern Barkhordarian).

Director Stanley introduced Planning Intern, Emil Barkhordarian, who gave a presentation in accordance with the staff report.

Mr. Barkhordarian explained that an arborist report provides detailed information on the subject City-protected Coast Live Oak Tree. A PowerPoint presentation was given and showed the tree that is located close to the street and appears to be damaged. Mr. Barkhordarian said that removing the tree could impact the character of the neighborhood. He explained that an appeal has been filed

requesting that the tree be retained. Staff recommended that the Tree Removal Permit approval be upheld and that the tree be removed.

Commissioner Oh asked if it is possible that the tree was intentionally neglected or damaged and asked if the tree can be salvaged.

Mr. Barkhordarian explained that the tree bark is cracking. The Arborist report indicates that the cracking is due to disease. He does not believe that there is any sign of neglect or damage to the tree.

Commissioner Oh asked if there is potential risk to health and safety from tree limbs falling.

Mr. Barkhordarian said, "yes" there is a history of limbs falling from the tree. The subject tree has been braced. There is no evidence of any portion of the tree falling on the home, however. There is the potential for a limb falling on the subject property driveway or on a parked car if parked in the driveway.

Commissioner McConnell asked staff if the dual arborist report has been reviewed by staff and if so, is the arborist on the City's approved arborist list.

Mr. Barkhordarian said, "yes."

Director Stanley clarified that another arborist can give his opinion.

Commissioner Oh asked the Deputy City Attorney if it was ok to receive the arborist information on appeal.

Deputy City Attorney Guerra said, "yes," he does not recommend refusing it.

Commissioner McConnell asked the attorney what the ramification is when a tree is intentionally damaged.

Deputy City Attorney Guerra said that if there is evidence that supports that damage has been inflicted on a tree, then Code Enforcement will become involved.

The public hearing was opened.

Speaker, Chris Burks, 890 Flintridge Avenue said that he knows the subject property and the status of the tree very well. He said that the property is historical, though not on the historical register. He explained that the tree had a pole installed in it in the 1980s to help preserve it. He indicated that the tree canopy had not changed significantly in all years of its existence. He said that two years of construction took place near the tree, in the past, and that a road was constructed through the trees dripline. A Bobcat vehicle was parked underneath

the dripline every day over the course of the construction. He said that he believed that the past construction work contributed to the tree's demise and he felt that more testing of the tree should be done. Mr. Burks said that he can bear the cost of additional testing if necessary. He explained that a portable restroom was placed near the tree area. He said that he feels that the current property owners would like to install tropical-like landscaping and do away with the existing landscaping which includes the subject Oak tree.

Commissioner McConnell asked if the tree is located within an easement.

Mr. Burks said that he believes it is located three feet off the side of an easement.

Commissioner McConnell asked what the name of the contractor is.

Mr. Burks answered, that Blue Valley is the name, he believed.

Commissioner Oh asked Mr. Burks how long it would take to complete testing of the tree.

Mr. Burks said that he believed it would take a few weeks to complete. He said that he is used to being asked by an arborist what predetermined answer should be indicated in the arborist report.

Commissioner Jain asked about completing testing on someone else's property.

Deputy City Attorney, Guerra said that dual testing to include a third party arborist at the City's selection and cost can take place. However, if the owner does not wish for another person to test a tree on their property, they do not have to allow the request.

Speaker, James Comen, is an arborist that performed a risk assessment of the subject tree. He gave a PowerPoint presentation and explained that there was a high likelihood that the subject tree would fail. Failure could occur in the driveway and damage cars or injure persons should they be in the driveway at the time of a failure.

He said that he agreed with the other arborist report that the tree could fail and that the tree should be re-evaluated in one-year's time. He said that it is probable that the tree could fail. He said that additional advanced risk assessment needs to be done so that the tree can be tested. Within twelve weeks, the risk is low that the tree will fail during that time.

Commissioner Jain asked for clarification on the PowerPoint image that shows decayed wood.

Mr. Comen indicated that there is a likelihood the tree will fail and that resistance testing should be done.

Commissioner Jain said that it appears that 50% of the tree has evident damage.

Mr. Comen explained what tension and compression of outer and inner rings of the tree are and that advanced assessment is needed to determine if the wood is sound or poor.

Commissioner Jain asked what should be done if 50% of the tree is damaged after 12 weeks-time.

Mr. Comen said that the matter will need to be investigated before probability of failure can be better-determined.

Commissioner McConnell asked what the typical lifespan of Coastal Live Oak is.

Mr. Comen said that typically they live 300 years, but it depends on the site conditions.

The public hearing was opened.

Speaker – Matias Alcaraz, 866 Flintridge Avenue, spoke on behalf of his family that lives at the subject property. He explained that the family is grateful to Mr. Burks about his passion for the subject tree. He stated that the family did not wish to remove the tree if it can be saved.

He said that the tree is large and that there is concern that with the shared road and other property owner's pets that sometimes wander on to the property, that if any limbs fall from the subject tree, the animals could be hurt. He indicated that he believed Mr. Burks has his own agenda and that a neutral arborist should analyze the tree. He said that the family does appreciate Mr. Burks as their neighbor, however.

Commissioner McConnell asked if the subject property owner would be open to retaining the tree if a neutral party assessed it.

Mr. Alcaraz said, "yes."

Speaker, Phyllis Winterman spoke and explained that she lives in the City and likes the many trees in the City and is happy that the Oak trees are protected. She requested that the subject tree be saved.

Speaker, William McKinley is an arborist with McKinley & Associates. He explained that he prepared the arborist report for the subject tree. He said that the tree is

60 feet tall, 38 inches in diameter and is very large in weight and mass. Mr. McKinley explained that the tree has more than one limb failure. He indicated that he is concerned about sizable failure. The history of limb and stem failure at the large basal cavity of the main trunk is concerning, especially with the driveway and roadway nearby. Mr. McKinley explained that after examining the crown of the tree, it is very sparse and the foliage does not look healthy. Foliage health is the most critical aspect of a tree as it provides the food for the tree and helps growth. He said that the tree is "starving" because the bark of the tree is cracking and exfoliating which is abnormal. When there is a malfunction of the tree's roots, it interferes with the tree's ability to absorb nutrients and the tree begins to dry out, separate, and crack. When a tree starts to die, nutrients are not moving up to the canopy. There is reason to be concerned about this. Mr. McKinley explained that the risk and liability that would be undertaken by an insurance company oftentimes requires that the tree be removed, or the property will not be insured.

Mr. McKinley said that there is a great possibility of failure and that there are a lot of "red flags" pointing to this. He indicated that to eliminate risk, that assessment of the tree be done on a regular basis. He said that he does not like to recommend removing trees, however, he is concerned that the tree's limbs could be in imminent danger of falling at any time. He said that he is worried that if a large branch falls from the tree that it could result in a fatality.

Commissioner Jain asked Mr. McKinley if there was a moderate chance of the tree falling during a heavy rain.

Mr. McKinley said that there is more of a chance of the tree failing when it rains, than when conditions are dry because water weighs a lot. When water is applied to dense wood, the likelihood of major breakage and failure can occur.

Commissioner Oh asked if the tree can be saved.

Mr. McKinley said that the tree is in severe decline and will break and fall. He said that when red flags are there, he recommends that steps be taken to act quickly.

Commissioner McConnell asked if there are ways to repair the tree.

Mr. McKinley said that when a tree has a fungus like the subject tree, it always prevails and failure will occur.

Commissioner McConnell said that he does not typically see a timeline mentioned in arborist reports, and especially not in the ones completed by Mr. McKinley.

Speaker, Melanie Mossaian with Bluegreen Landscape Design explained that she believed that Oak trees should always be protected and retained when they pose a danger. She explained that she has visited the subject site often and that the

property owner has expressed concern about the subject tree and asked about trimming and pruning the tree to help lessen the danger should any portion of the tree fail. Ms. Mossaian said that it would be beneficial to have a tree permit ready in case the tree needs to be removed immediately if it becomes obviously dangerous.

Mr. Burks referred to the base of the subject tree. He said that the canopy hangs over onto an easement. There is a 30 – 52-foot canopy. He reiterated that he would like to save the tree and believes that allowing up to twelve weeks to assess the tree's health would be adequate.

The public hearing was closed.

Commissioners Jain and McConnell asked for the City Attorney's guidance as to whether the City would be liable if the Commission delayed or granted the appeal.

Deputy City Attorney, Guerra explained that the burden of proof for granting the appeal is on the appellant, Mr. Burks. There is another option that the City can entertain which is to review the arborist reports that have been submitted as well as to obtain the services of a third arborist to review the two arborist reports. There is the option for two parties to complete a joint report where the parties can select the arborist or the City can select it.

Commissioner McConnell asked if the City can hire an arborist ourselves.

Mr. Guerra said that as an independent third party, they can.

Commissioner Jain asked that if a decision was not made that evening who would the liability lie with, should the tree fall.

Mr. Guerra explained that there are rules of immunity in the permitting process and that there would be a good possibility that the city would be immune from liability should an occurrence take place.

Commissioner Jain said that if disease is determined to be present in a tree by a seasoned expert he feels that the arborist's report should be honored. There is no way to know how long the tree can survive and there is no question that the tree is failing. Therefore, based on the testimony of the appellant arborist, he believes that the tree should be removed and the appeal be denied.

Commissioner Oh agreed with Commissioner Jain's comments. He, too, was concerned with the potential risk to human life and welfare and said he had serious concerns about allowing the tree to remain. The remaining lifespan of the tree is difficult to determine and the property owner will bear the risk should the tree be allowed to remain. He recommended denying the appeal.

Commissioner McConnell said that he is concerned about the actual intention for removal of the tree and would like to hear a motion from the Commission.

Mr. Guerra explained that under the original approval the tree removal permit is valid for one year.

Commissioner McConnell encouraged the City to look at the options for treatment of the tree.

Commissioner Jain said that there is an option for all parties to save the tree.

M/S/C – Oh/Jain to deny the appeal and uphold Director’s original approval to remove the tree. Approved 3-0.

**IX. REPORT OF DIRECTOR’S REVIEWS –** Were reported.

**A. Director’s Miscellaneous Review 16-46 (pool equipment); Um; 4812 Gould Avenue:** allowed pool equipment to encroach into the required side and rear setbacks.

**X. OTHER BUSINESS –** Continued until there is a full Commission.

**A. R-1 Zoning Code Update:** Policy discussions regarding R-1 (Single-Family Residential) Zone standards for Balconies & Cantilevers - Consideration of Exemption from Area Calculations, Balconies-Discussion of Privacy Issues, Through-Lots - Consideration of Revising Setback, Consideration of Modifying the Trigger for “Second Floor” Review, Accessory Structures (Non-Accessory Living Quarters) - Consideration of Establishing Maximum Height and/or Size.

**XI. COMMENTS FROM THE COMMISSIONERS –**

Commissioner McConnell commented that he believed that arborist reports should not contain time frames for how long the tree is safe to remain when it is diseased. He stated that trees can still live for a long time even when diseased.

**XII. COMMENTS FROM THE DIRECTOR –**

Director Stanley indicated that the R-1 Zoning Code update would be agendized possibly next meeting.

**XIII. ADJOURNMENT** M/S/C – Jain/Oh to adjourn the meeting at 7:49 pm. Approved 3-0.