

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
TUESDAY, JANUARY 27, 2009**

I. CALL TO ORDER

Chairman Gelhaar called the meeting to order at 5:58 p.m.

II. ROLL

Present were Commissioners Davitt, Curtis, and Hill, Deputy City Attorney Ezri Vargas, Director of Community Development Stanley, Planners Gjolme and Clarke, and Assistant Planner Parinas. Commissioner Cahill was absent.

III. PLEDGE OF ALLEGIANCE

Chairman Gelhaar led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Gelhaar confirmed that there was no need to re-order the agenda.

VI. CONSENT CALENDAR

A. Minutes - December 9, 2008 meeting.

M/S/C Commissioner Hill/Commissioner Curtis to approve the Consent Calendar.
Unanimous. 4-0

VII. CONTINUED PUBLIC HEARINGS

A. Modification 06-53 (Amendment); Rhody; 4270 Chula Senda Lane: Request for an amendment to an approved setback Modification to allow construction of a 484-square foot detached garage that would encroach into the required north side yard setback.

Planner Gjolme presented the project in accordance with the Staff Report.

Commissioner Curtis asked for clarification regarding the restoration of the slope. Planner Gjolme explained that the slope will be re-compacted and will be restored.

Chairman Gelhaar opened the public hearing.

Applicant Bob Rhody verified that the slope will be compacted with 15-foot balance and stated his intent to plant three Redwood trees. Commissioner Curtis asked if any retaining walls are being proposed. Mr. Rhody clarified that the retaining walls would be a part of the garage walls and it would not be necessary to provide additional retaining walls.

Chairman Gelhaar closed the public hearing.

Commissioner Curtis stated that he likes the design of the garage. He suggested that a condition be included to require the restoration of the slope and installation of landscaping per the approval of the Director of Community Development.

Commissioner Hill agreed with Commissioner Curtis. He stated that he felt that all his initial concerns were addressed in the redesign of the project.

Commissioner Davitt and Chairman Gelhaar concurred with both Commissioners Curtis and Hill.

MOTION - Commissioner Davitt moved and Commissioner Hill seconded a motion to approve an amendment to Modification 06-53 with the added condition to restore the rear yard slope and installation of landscaping to the satisfaction of the Director of Community Development. The motion carried 4-0.

B. Modification 08-15 and Second Floor Review 08-32; Lee; 327 Santa Inez Way: Request for a Modification for side and front setback encroachments and a Second Floor Review for a new 3,902 sq. ft. two-story house on an 11,334 sq. ft. site.

Planner Clarke presented the project in accordance with the Staff Report. He concluded the presentation with a correction to Condition #5 to change the project approval expiration from 12 months to 24 months.

Commissioner Curtis asked if the driveway on the westerly side of the property mentioned in Condition #14 was referring to the removal of the curb cut. Planner Clarke explained that the curb cut will be removed because it does not serve a purpose.

Commissioner Curtis asked for clarification on the Subdivision Map Act and the Certificate of Compliance requirement. Director Stanley informed the Commission that it is a policy in the City's General Plan to merge lots in circumstances where a residence is situated on two lots. He stated that a Certificate of Compliance will merge the two lots by eliminating a property line.

Chairman Gelhaar opened the public hearing.

Applicant Art Bannick thanked the Commission and Staff on the previous review and for their help with the process.

Chairman Gelhaar closed the public hearing.

Commissioner Hill stated that the revised plans addresses all the concerns that he had and he is prepared to make the required findings and support the project with the 24 month approval period.

Commissioner Davitt agreed that the redesign addressed the Commission's concerns and stated that he is ready to approve the project.

Commissioner Curtis pointed-out that although the neighborhood is primarily single-story, the design of the proposed two-story house fits in neighborhood.

Chairman Gelhaar concurred with his fellow Commissioners that the current design is more consistent with the neighborhood than the previous proposal.

MOTION - Commissioner Hill moved and Commissioner Davitt seconded a motion to approve Modification 08-15 and Second Floor Review 08-32 with the change in Condition #5 to be 24 months rather than 12 months. The motion carried 4-0.

VIII. PUBLIC HEARINGS

A. Hillside Development Permit 08-47 and Second Floor Review 08-29; Michel; 1626 Foothill Boulevard: Request to allow construction of a 510 sq. ft. second story addition and a 441 sq. ft. garage to an existing 1,493 sq. ft. house on a 10,540 sq. ft. hillside parcel.

Planner Clarke presented the project in accordance with the Staff Report.

Planner Clarke concluded the presentation with the following corrections to the Conditions: Condition #9 - delete the words "Floor Area Review" and replace with "Hillside Development Permit;" Condition #13 - add "prior to issuance of a building permit" at the end of the sentence; and Condition #16 - on the first sentence, change the word "does" to "shall" and replace the second sentence to "according to arborist report dated January 5, 2009, the visible root in the observation trench shall be bridged over."

Commissioner Davitt asked if Condition #16 is obtained from the Arborist's recommendations. Planner Clarke verified that the condition was added by the Arborist to ensure that the tree will not be negatively impacted.

Commissioner Curtis asked if there is an intent to make the "pole" portion of the flag lot into a driveway and if there is a code requirement to do so. He asked for clarification

on what will happen to the utility box on Foothill Boulevard if the "pole" is going to be paved. He also asked if the access easement actually provides legal access to the lot. Planner Clarke verified that there is a legal driveway that provides the property access from Foothill Boulevard and does not believe the trees along the "pole" will be removed. He stated that the applicant will be able to confirm if additional paving will be provided.

Chairman Gelhaar opened the public hearing.

Applicant Bob Rhody stated that he will have the Arborist present when the Deodar is pruned and will comply with the Arborist's recommendations. In response to Commissioner Curtis' question, Mr. Rhody stated that the only additional paving that will be provided is the access into the new garage which includes the area that would connect the existing driveway to the garage and the turning radius. Mr. Rhody confirmed that a survey was conducted and the existing access easement provided legal access to the lot. He expressed that the addition will be small in comparison to the other homes in the area and the entire project will be private due to the wooded nature of the lot.

Chairman Gelhaar closed the public hearing.

Commissioner Davitt stated that the addition is adequate for the site and does not interfere with the neighborhood. He expressed that he is usually not fond of balconies; however, due to the situation of the house and wooded nature of the lot, the location of the proposed balcony is acceptable. He stated that can approve project as Staff recommended.

Commissioner Hill agreed with Commissioner Davitt.

Commissioner Curtis expressed his concerns regarding the importance of the property having a legal access easement and asked for input from the City Attorney if it would be acceptable to include a condition requiring evidence of a legal access easement prior to the issuance of building permits. Deputy City Attorney Vargas verified that an added condition regarding the easement would be appropriate.

Chairman Gelhaar concurred with his fellow Commissioners.

MOTION - Commissioner Davitt moved and Commissioner Curtis seconded a motion to approve Hillside Development Permit 08-47 and Second Floor Review 08-29 with the change in Conditions #9, #13, and #16 as modified by Staff and with the added condition to provide adequate evidence of a legal easement prior to building permit issuance. The motion carried 4-0.

IX. OTHER BUSINESS

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Hill praised staff. He stated that the staff reports are excellent and are superior to other reports that he has read from various agencies. Commissioners Davitt, Curtis, and Gelhaar concurred.

Commissioner Curtis suggested that instead of including a detailed summary of the staff presentations in the minutes, he would not have a problem with simply indicating that "staff presented the project in accordance with staff report." He explained that this idea will reduce the work load and eliminate any possible inconsistencies. Chairman Gelhaar concurred and stated that copies of the original staff reports are included in the packet when cases are appealed to the City Council. Commissioners Davitt and Hill agreed.

Chairman Gelhaar asked Director Stanley to explain the code enforcement process. Director Stanley explained that when a complaint is received staff conducts an investigation and will determine if the complaint is valid within a two week time period and if the complaint is valid staff will send out a notice of violation with a deadline to correct the issue. He stated that if the violation is not addressed, a second notice of violation will be sent out, after the second notice; if no action is taken to correct the violation the property owner will receive a citation. Director Stanley explained that the City contracts out citation issuance and collection to a private company. He added that property owners are entitled to appeal the citation to a hearing officer that the citation company provides. He concluded that after the third citation with no appeal or correction the City Prosecutor is contacted for advice.

Chairman Gelhaar recalled a case where he was contacted by a complainant to look at illegal tennis court lighting and retaining walls. He stated that the code enforcement case was initiated approximately one and a half years ago and has not yet been resolved. He suggested the implementation of an automated tickler system to assist staff in tracking cases more efficiently and improve the code enforcement process.

Director Stanley explained the length of time as a continuous correction and compliance process. The property owner obtained a building permit for the tennis court; while the approved plans showed an "at-grade" tennis court, a site visit after a complaint was received revealed that there was a cut and fill situation not shown on the plan, therefore Building and Safety issued the property owner a correction notice. Director Stanley recalled that the Planning Commission reviewed the Conditional Use Permit application for the tennis court and continued the case in order to give the applicant more time to provide the Commission plans from an engineer indicating the current conditions of the tennis court and the condition of the lot prior to the construction of the

tennis court. Director Stanley added that when the tennis court became a code enforcement case, the property owner was sent a citation; the property owner removed the tennis court lights, paid the citation, and ultimately received citations for other violations. He added that the property owners are currently in litigation with their neighbors and a lot of the issues have something to do with this.

Chairman Gelhaar said that the lack of timely follow-up make all of us look bad. The City must do something to make sure we resolve this code violation in a more timely manner.

Director Stanley reported that the City recently launched a code enforcement tracking system that works with the geographic information system (GIS) and will look into obtaining an automatic tickler system as suggested. He indicated that there is a shortage in code enforcement staffing. He explained that until recently code enforcement staffing was only on a part-time basis, the City Council increased the allotment to code enforcement this budget year that allowed code enforcement staffing to be almost on a full-time basis, however, with the amount of cases the City receives two full-time staff would be optimal. Director Stanley concluded that he will recheck the contract with Revenue Experts to verify if it includes a tickler system and will report back to the Planning Commission.

Chairman Gelhaar passed out a list of items that he feels needs to be addressed at a future meeting. Director Stanley stated that the Commission can not vote on the items that are not on the agenda and will include the list along with the Department work program on the agenda for the next Planning Commission meeting.

Commissioner Curtis asked for clarification on when material boards are required. Director Stanley stated that material boards are required for new houses on hillside lots and staff generally asks the applicant to provide material boards for all new two-story homes. Director Stanley suggested that the material board discussion be added to list of items that need to be discussed.

Commissioner Hill suggested that a list of contractors with business licenses be included in the website. Director Stanley explained that including a list of contractors with business licenses on the website will be difficult to regulate since many contractors apply for business licenses to work on individual projects and may not work in the City again.

Chairman Gelhaar reported on an Administrative Hearing over which he presided and approved on January 20, 2009 for 932 Inverness Drive. He stated that the project was for minor additions with no adverse impacts to the neighbors. He reported that one of the neighbors attended the meeting with concerns regarding lighting at night and the

concerns were addressed through an added condition in the resolution requiring that all lighting be oriented away from the street and neighboring properties.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley reported on the General Plan update. He informed the Commission that staff recently met with the housing consultant and discussed the Housing Element. He stated that staff is in the process of reviewing the Regional Housing Needs Assessment (RHNA) numbers more carefully. He explained that it is likely that the City will go through a self certification process and staff will report back to the Commission when more information is received from the consultant. He indicated that staff will meet with the traffic consultant regarding the Circulation Element in March.

Director Stanley asked the Commission if anyone is interested on attending the Planner's Institute. He informed the Commission that the City has a policy that states if the location is within 50 miles, the City will not pay for the hotel. Commissioner Curtis stated that he is interested in attending the Planner's Institute. Director Stanley stated that staff will register Commissioner Curtis for the Planner's Institute.

Director Stanley reported that there are not any planning issues on the City Council agenda.

XII. ADJOURNMENT

Chairman Gelhaar adjourned the meeting at 7:26 p.m.