

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON MARCH 9, 2010**

- I. CALL TO ORDER:** Chairman Davitt called the meeting to order at 6:01 p.m.
- II. ROLL:** Present were Chairman Davitt, Vice Chairman Hill, Commissioners Gelhaar, Curtis, Director of Community Development Stanley, City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas. Commissioner Cahill arrived at 6:10 p.m.
- III. PLEDGE OF ALLEGIANCE** – The Flag Salute was recited.
- IV. COMMENTS FROM THE PUBLIC:** There were no comments.
- V. REORDERING OF THE AGENDA:** Item VIII.B was moved to the front of the agenda. M/S/C Davitt/Gelhaar to reorder the agenda. Unanimous 4-0.

Director Stanley commented that Item IX.A should also be moved to the front of the agenda as well given the health of the applicant, who just had major surgery. The Commission voted unanimously to move Item IX.A to the front of the agenda and hear the item first.

- VI. CONSENT CALENDAR:** There were no items.
- VII. CONTINUED PUBLIC HEARINGS:** There were no items.
- VIII. PUBLIC HEARINGS**

A. Second Floor Review 09-25/Modification 09-12/Variance 10-01/Director's Miscellaneous 09-26; Chong/Johnson; 4935 Oakwood Avenue: A request to construct a new 2-story residence and attached garage comprising 4,349 sq. ft. on a 20,470 sq. ft. non-hillside lot. The existing single-story residence would be demolished in conjunction with project approval. A Setback Modification is required to allow a 21'-0" encroachment into the required 55'-0" front setback. A Variance is requested to allow a circular driveway on a lot that has a street frontage less than 100'-0". A Director's Review application is required because the proposed front setback landscaping is less than 50% of the total front setback area. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a PowerPoint overview of the request in accord with the project staff report.

Applicant Jay Johnson commented that the project involved an owner occupied house, not a spec house. He stated that the project represented an overall improvement to the house and

site. He appreciated staff's report and the favorable analysis. It was a challenge to site the house given the unusual shape of the lot. He noted that an effort was made to recess the 2nd floor as viewed from the front to mitigate the massing and scale of the home. He worked within codes as much as possible, and noted the project's tasteful design and its sensitivity to neighboring lots. Mr. Johnson spoke with southern neighbor, who would be most impacted by the project. Mr. Johnson questioned staff about the south side screening requirement noted in the conditions of approval.

Director Stanley confirmed the concern to the south. He stated that continuous screening should go from the front of house to the rear of house. He thought a tall hedge with a 10-foot planting height was appropriate.

Mr. Johnson objected to the severity of condition and believed that a 6-foot planting height was appropriate. He desired to have the condition revised.

Commissioner Hill confirmed that the pool was not being altered or moved.

Mr. Johnson noted that the house was designed and sited around the pool and there was never any intention to move it.

Kathy Chong - 4395 Oakwood - reiterated the importance of the circular driveway issue and the need to retain it as part of the project.

Commissioner Gelhaar stated that this was a complex project with numerous entitlements requested and corresponding findings that have to be made. Most homes in area have significant front setbacks. He had an issue with the extent of the front encroachment presented by the project. He further noted that all existing circular driveways in the area referenced in the report were non-confirming and built prior to code changes. He believed the main safety issue with regard to driveway egress was tall landscaping along the north side that blocked views to the north. He noted that driveways with turnarounds are a viable option to circular driveways. In conclusion he could make the 2nd-floor review findings but could not make Setback Modification findings #1, #2, #3 and stressed that the pool's location should not dictate how and where the house is sited. With regard to the Variance, he could not make findings #1, #2, #3, nor could he support the Director's Review for deficient front landscaping since moving the house further back of the lot renders this application a moot point.

Commissioner Hill visited and looked at the site several times. He had initial concerns with the request given the number of entitlements involved, but did not believe that moving the pool to accommodate the house was a reasonable solution. He noted the uniqueness of the immediate area, in particular the variation in lot and house shape and size. He could make the Variance findings given the unique configuration of subject lot and lack of impacts. He believed that the project achieved compliance with the 'spirit' of the law, despite numeric exceptions.

Commissioner Cahill agreed that the project appeared complex on paper, but his site visit also validated the request. He noted that this was a very irregular lot and that the neighborhood is not at all consistent, so the averages are skewed. He liked the design as submitted and felt it would enhance the lot and neighborhood. He could support the 2nd-floor Review and Setback Modification and make the findings for the project. With regard to the Variance, he stated he normally wouldn't support it, but felt this particular request was consistent given the number of circular driveways in the immediate area. He believed the safety issue regarding egress on to Oakwood Avenue was valid. He also supported a minimum 50/50 landscape/hardscape ratio between the front of house and front property line, subject to review and approval by the Director of Community Development.

Commissioner Curtis affirmed the unique and unusual character of the site and noted it makes for a very challenging project. However, as mentioned, the area is very diverse. He acknowledged that achieving code compliance by remedying non-conforming projects is a very important goal, but noted that the most unique aspect of the site is its 49-foot wide mid section, which doesn't support a 'reasonable' structure in his opinion. He supported the Setback Modification accordingly and the Second-floor Review. Again noting the unique configuration of the lot, he felt the raised pad would make it difficult to provide a driveway hammerhead, which in turn validates the Variance as requested.

Chairman Davitt acknowledged the comments by his fellow Commissioners and stated he prefers to see compliant projects, especially when new. Numerous entitlements are included as part of the request. Though he was sensitive to the lot and its unusual configuration, he believed there was an opportunity to submit a project that achieved greater compliance with code. He liked the design of the house, but could not support the Variance and Setback Modification as currently submitted. He preferred to see the project redesigned to address these issues, but noted that based on discussion, approval was likely since three Commissioners had already voiced their support.

M/S/C Cahill/Hill to approve the project as conditioned by staff. Approved 3-2. No – Commissioners Gelhaar and Davitt.

B. Second Floor Review 09-31/Director's Miscellaneous 10-01; Kim/Sim; 205 Kirst Street: A request to allow a Second Floor Review and a Director's Miscellaneous Review to add a total of 896 sq. ft. to an existing 2,106 single-story residence for a total house size of 3,006 sf. The application for Second Floor Review is required for a new 766 sq. ft. second floor. A Director's Miscellaneous Review is required for a setback encroachment of 5' into the required 15' north rear yard setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Director Stanley stated that the hearing notice for the project did not specify existing encroachments by the current residence that would be retained as part of the project. Due to this, the existing encroachments could not be approved at this time. He inquired if the Commission would prefer to open the hearing and discuss the item in part or continue it to a future meeting to discuss it in its entirety.

The Commission agreed that a continuance was in order since they preferred to review the case in its entirety.

Chairman Davitt apologized to the applicant for the delay that would result.

Director Stanley acknowledged staff's error and apologized to the applicant as well.

M/S/C Gelhaar/Hill to continue the item to a date uncertain. Unanimous 5-0.

IX. OTHER BUSINESS

A. Tree Removal 09-39; Dechaene; 3760 Hampstead Road: Appeal of the Community Development Director's denial of a single 15" oak tree adjacent to an existing retaining wall and block wall. (Assistant Planner Parinas)

Assistant Planner Parinas outlined the tree removal request and discussed the merits of the case. Staff recommended upholding the decision of the Director and denial of the appeal.

Commissioner Gelhaar confirmed that a retaining wall and/or block wall fence was a structure.

Applicant John Dechaene noted that the subject tree grew very fast and has already split his sprinkler line. The tree is only a few inches from the wall and will continue to grow and crack the wall. The neighboring lot is 6 feet upslope and watered frequently. He was worried that if the wall fails because of tree, there could be a slope failure. He did not feel that there was a solution that included preservation of tree, except building another retaining wall closer to the existing house. The cost and impracticality of a 2nd wall validates removal of the tree.

Commissioner Gelhaar had the applicant repeat and confirm his address.

Chairman Davitt noted that staff had requested a deposit for an arborist to verify the situation and make possible recommendations.

Mr. Dechaene preferred to remove the tree and felt that arborist review was a moot point. He believed a legitimate hardship existed.

Commissioner Cahill explained that the Commission often requires monetary compensation for a tree if removed. He inquired if the wall could be bridged or reconfigured at a lesser cost to that of the tree's assessed value. He further explained that perhaps the wall could be reconfigured to preserve the tree.

Mr. Dechaene again stated that there was no reasonable reason to try to preserve the tree given all the relevant circumstances.

Chairman Davitt clarified that the purpose of arborist review is to determine whether the tree is in fact causing damage and if there are mitigation measures available, or should the tree be removed.

Director Stanley confirmed the purpose of arborist review and what the process entails. The arborist also determines the value of the tree to compensate for its removal.

Commissioner Gelhaar asked if all the removal criteria had to be met in order to allow removal of a protected tree.

Assistant Planner Parinas confirmed that only one criterion had to be met.

Commissioner Hill inquired if the applicant was willing to prune roots if deemed an appropriate means to mitigate damage on the wall. He also inquired if the tree's continued growth would further damage the wall.

Director Stanley stated that further damage could occur but was not a certainty. He noted that tree experts were in attendance.

Commissioner Curtis stated that he takes a common sense approach to these matters. He has several large oaks on his property that are proximate to walls. He agreed that the tree was impacting the wall and was agreeable to its removal with replacement trees or monetary compensation.

Commissioner Gelhaar agreed that the wall was being damaged by the tree. He did not believe more trees were needed on the property and felt that monetary compensation was appropriate in this instance.

Commissioner Hill felt there were too many uncertainties about roots, future damage, wall failure, etc. He was not prepared to render a decision. However, if the request was approved, he did not believe replacement trees or compensation was necessary.

Commissioner Cahill thought it was reasonable to explore alternatives to mitigate the interference. He supported staff's decision at this point.

Chairman Davitt looked at the wall and tree and believed damage was being caused and agreed that the tree should be removed. Tree fund remediation was appropriate given number of trees on the site.

Commissioner Curtis noted that since the tree is causing damage and should be removed, it has no inherent value given the situation. He restated his position and did not feel replacement trees or monetary compensation was necessary.

M/S/C Gelhaar/Curtis to uphold the appeal of the Director's decision and allow removal of the tree without replacement or compensation. Approved 4-1. No – Commissioner Cahill.

B. Tree Ordinance Study Session (Assistant Planner Lang)

Assistant Planner Lang gave an overview and recap of the last study session since a full Commission was not in attendance originally.

Kelly Kim – Los Angeles County Fire Dept. – was in attendance to answer Commissioner questions. Responding from a group question/discussion, he clarified that deodar cedars are not especially flammable or messy.

Commissioner Hill inquired about the flammability of other tree species.

Mr. Kim explained that few trees are inherently flammable. A tree's potential for flammability has more to do with the maintenance of the subject tree and its immediate surroundings.

Commissioner Hill then inquired about canopy fires.

Mr. Kim explained that if the fire was hot enough and other conditions existed, most notably high winds, canopy fires could result in areas with dense tree clusters.

Commissioner Cahill inquired if significant numbers of trees were burned during the Station Fire.

Staff was not certain as to the extent of tree damage within the City.

Commissioner Curtis stated that the upper Palm/Fairmount area had considerable canopy fuel and if the Santa Ana winds were to blow during a fire, the result could be catastrophic.

Commissioner Gelhaar confirmed that Mr. Kim worked in the Los Angeles County Environmental Review Department located in Pacoima.

Chairman Davitt stated that the City was considering adding Eucalyptus trees to the list of fire hazard specimens.

Mr. Kim stated that Eucalyptus trees are not especially hazardous; the issue is more about the condition and maintenance of the tree than the species in question.

Director Stanley commented that Mr. Kim was in attendance mainly to advise on deodar cedars; specifically, whether or not to strike them from the protected species list.

Commissioner Gelhaar clarified that the issue with deodars is the conflicting language within the Tree Ordinance, which discourages the planting of pines, deodars, etc. and then proceeds to qualify deodars as a protected specimen.

Mr. Kim noted that heritage trees are 36” or greater in size and are given more attention through the County’s review. He also noted that the County Tree Ordinance is under review and will possibly be revised. Only oaks 8” or larger are currently protected.

Chairman Davitt confirmed with staff that input on the checklist discussion items was desired at this time. With this, the following items were discussed and consensus/direction garnered:

Consensus to remove Chinese Elms from the protected species list.

Consensus to address/specify maintenance and condition of trees rather than the dissuasion of planting certain species.

Consensus to protect any species above 36” and require review for trimming, removal, etc., and develop recommendation for implementation.

Consensus to eliminate California Peppers from the protected species list.

William McKinley – consulting arborist – noted that Upland recognizes California Peppers despite them not being a highly desired or valued species and not an indigenous species.

Commissioner Cahill inquired about Olive trees.

Mr. McKinley noted that Olive trees have historic value given their frequency in many California foothill communities.

Commissioner Gelhaar was concerned with the unintended effects of over-regulating tree protection. Adding more trees to the protected list and/or reducing the size of protected trees will likely result in Citywide removal of those additional protected trees prior to the expanded Ordinance taking effect.

Chairman Davitt acknowledged that most discussion items would not have unanimous support given their complexity and subjectivity.

Director Stanley clarified that protecting ‘native’ oaks accomplished the goal of protecting most oaks within the City.

Commissioner Hill felt it was necessary to specify what native oak specimens are to be protected.

Commissioner Gelhaar felt the term ‘native oak’ was adequate for the purpose of defining protected oak specimens.

Mr. McKinley further stated that many oak species are not native and are not necessarily worthy of protection.

Commissioner Curtis agreed it was necessary to specify which native oaks should be protected. This could be accomplished with parenthetical referencing of various species.

Mr. McKinley agreed it was important to specify the species, rather than just using the term 'native'.

Consensus to protect the seven specific oak species as listed in the checklist.

Commissioner Gelhaar questioned the protection of Sycamore trees.

Director Stanley explained that Sycamores are native trees with significant historic and aesthetic value.

A brief discussion ensued regarding measuring standards/techniques with the following consensus yielded:

Consensus to change to the industry measuring standard - 54" above grade.

Consensus not to change the multi-trunk measuring technique.

Consensus not to change the minimum protection size - 12" or greater.

Consensus not to protect all oaks and sycamores regardless of size.

Consensus not to change the protection threshold for multi-trunk trees.

Chairmann Davitt excused himself at 8:04 p.m.

Mr. McKinley noted that protection zones vary from City to City. Said zones are not meant to be an absolute and prohibitive no-development zone. Rather, it defines the protection area as sensitive encroachment zone that typically requires additional review, safeguards, etc.

Vice-chair Hill preferred to use a multiplier of the trunk diameter rather than the tree's drip line to establish the protection zone.

Commissioner Gelhaar and Curtis agreed, noting that use of the drip line would be too restrictive.

Consensus to look at increasing the protection zone to 5x the trunk diameter, as opposed to 3.5x as currently required.

Director Stanley stated there was a definite need to look at limb size and establish a threshold for limb removal.

Vice-chair Hill confirmed that diameter is used to measure limb and trunk size, rather than circumference.

Consensus to review trimming of all limbs 4” and greater in size and retain the 25% canopy protection threshold.

Consensus to protect roots 2” or greater in size within the protection zone.

Consensus to define a heritage tree as a 36” or greater in size.

Commissioner Curtis suggested that any fill/cut/grading/excavation or utility trenching activity within the protection zone would need mandatory review. Deviation would be allowed with favorable review by the consulting arborist. Commission consensus.

Consensus to advise and recommend on planting material around protected oaks and deodars.

Consensus to create better public outreach through creation of an educational pamphlet.

Consensus to require chain-link protection barriers as is current practice.

Commissioner Curtis confirmed that over-watering oaks is a major issue.

Mr. McKinley explained that oak root fungus attacks the exterior feeder/absorption roots and may not show external signs for years after infection.

Consensus to include watering/irrigation techniques as an advisory component of the educational pamphlet and a mandatory review element for new development.

Vice-chair Hill suggested tabling the remaining items for discussion at a future meeting.

Commissioner Curtis commented that requiring dual certification was extreme and not necessary in his opinion. He desired more information on the ISA certification process.

Mr. McKinley explained that the contractor’s license test does not address trees. He outlined the complex certification process (ISA) for an arborist. The minimum qualification should be a C61 or D49 contractor’s license and a recommendation for an ISA arborist or tree trimmer on staff.

Commissioner Gelhaar requested that the issue of view blockage by neighboring trees be added to the list of future discussion items. He noted Dana Point, Newport Beach and Laguna as cities that have dealt with the issue.

Commission consensus to continue the discussion to a future meeting.

X. COMMENTS FROM THE COMMISSIONERS:

Commissioner Cahill stated he would not be attending the next meeting.

Vice-chair Hill stated he would not be in attendance at the last meeting in April.

Vice-chair Hill inquired what to do if not seeking another term on the Planning Commission.

Commissioner Gelhaar stated that an application has to be filed to seek reappointment for another term.

XI. COMMENTS FROM THE DIRECTOR:

Director Stanley noted that the next City Council meeting would be held on March 29, 2010.

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

1. **Tree Removal 10-06; Dundee; 4124 Woodleigh Lane:** Approval of the removal of a plainly dead 20" oak tree.

B. Other Comments: There were no other comments.

XII. ADJOURNMENT: The meeting was adjourned at 8:58 p.m.