

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON MARCH 11, 2014**

- I. CALL TO ORDER:** 6:06 p.m.
- II. ROLL:** Present: Chair Gunter, Vice Chair Jain, Commissioners Der Sarkissian (late), and McConnell. Absent: Commissioner Walker
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** None
- V. REORDERING OF THE AGENDA:** VII A, VIII C, VIII G, VIII A, VIII B, VIII D, VIII E, VIII F, IX A, VII B (actual)
- VI. CONSENT CALENDAR:** These items were continued to the next meeting, 4-0
 - A. **Minutes:** December 10, 2013
 - B. **Minutes:** January 14, 2014
- VII. CONTINUED PUBLIC HEARINGS**
 - A. **Second Floor Review 13-17/Modification (Setback) 13-11/Categorical Exemption; Johnson/Chodas; 424 Paulette Place:** Request to allow the construction of a 321-square foot 1st floor addition and 367-square foot 2nd story addition. A Setback Modification is required because the project encroaches 8'-0" into the required 18'-0" second floor south side setback. Staff recommends approval of a Categorical Exemption for this project. (Assistant Planner Parinas) [Originally scheduled for cancelled February 25, 2014 meeting]

Assistant Planner Parinas provides a short presentation at the behest of the Commission.

Chair Gunter opens the public hearing.

Jay Johnson, applicant's representative, notes that it is a straight forward project and he is comfortable with the proposed conditions.

With no others wishing to speak, Chair Gunter closes the public hearing.

Commissioner McConnell states that because the setbacks are maintained he can support the project.

Commissioner Jain states that the location of the addition is appropriate and he can make all the findings.

Chair Gunter states that he can make all the SFR findings, but not the setback findings. He would prefer that the house be moved towards the middle.

A motion to approve is made by Commissioner Jain and seconded by Commissioner McConnell. The motion carries on a 2-1 vote with Chair Gunter dissenting on the setback modification only.

- B. **Zone Change 13-01 (Sign Ordinance Amendment)/Negative Declaration; City-wide:** Request to consider adoption of an amendment to the City's Zoning Ordinance pertaining to Section 11.37.040; Sign Regulations Standards and Guidelines. More specifically, the amendment would allow electronic reader-boards in excess of 4 sq. ft. on certain properties zoned Public/Semi-public and Institutional with private school uses. This is an amendment to the City's Zoning Ordinance, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission will make a recommendation to the City Council at this hearing. Staff is recommending that the Planning Commission recommend approval of a Negative Declaration. (Planner Gjolme)

This item is not heard. Chair Gunter moves and Commissioner McConnell seconds a motion to continue the item to March 25th. The motion carries on 4-0 vote.

VIII. PUBLIC HEARINGS:

- A. **Second Floor Review 09-22/Hillside Development Permit 09-33/Categorical Exemption; Vargas/Peters; 2048 Lyans Drive:** Request to allow construction of a new two-story 3,670 sq. ft. house on a 18,768 sq. ft. hillside parcel. Staff is recommending approval of a Categorical Exemption for this project. (Planner Clarke) [Attachments download – 36 MB] [Originally scheduled for cancelled February 25, 2014 meeting]

Planner Clarke presents the project. The project has been seen by the Planning Commission several times. It has been approved by the City Council and sent back to the Planning Commission for refinements. It was originally approved in 1998 with different applicants (that approval expired). Four years ago a new owner approached the City.

Planner Clarke describes the current design and the floor area. He also shows a photographic history of the site and the surrounding houses; what landscape is to be replaced; and the deed restrictions involved in the project but not controlled by city (height). He addresses the easements on the property and the access and how it affects the design. He notes that some easements are not written (recorded) and only occur through prior use. He states that all the parking required for the site has been provided and still meets the easement limitations. He notes how the ridge was lowered, and the concerns by the City Council were for view impacts. He states the story poles were erected this past weekend to show the proposed heights and shape. Some vegetation will be removed from the site, and there is concern from the neighbors that the new landscaping will impact the view. He displays some photos showing the height of the building and the view shed.

Chair Gunter states that the applicant appears to have solved the access problem.

Commissioner Der Sarkissian asks if the house has moved from the property line since the last meeting (no). He also asks how the driveway works now. He states the front of the lot is just the one side. He is concerned about the paving. Staff replies that the front has always been the way it is.

Commissioner McConnell has fence questions asking what their grade is.

Planner Clarke points to sheet A-1 and shows the elevations.

Norm Peters, applicant, states that he made all the adjustments. The grade at the fence is such that 6' will allow looking into this yard, and also the house floor areas of the neighbors.

Commissioner Der Sarkissian asks about the fence: is the fence chain link and is it allowed here.

Jay Johnson, representing some of the neighbors, notes that Peters has made efforts on the design but it is not enough. He states that the height has not been significantly reduced, and asks where the floor plan reduction of 200 feet is (laundry room). He states that the point was to reduce the bulk and allow a better view over the site. He wants to know where the floor area was removed. He is also concerned about the parking of large vehicles in the area that could block views. He wants a condition about the height of the vegetation (5' at least).

Richard Lyans, neighbor, is concerned about the site as a fire hazard. He relates the notes that he took from the City Council meeting as summarized by Council Member Spence to uphold the appeal for the second time and send the project to the Planning Commission. His notes say the City Council wants the ridgeline height to be between 112.5' and 114'; they want the applicant to provide landscape plans; they want a 25' setback; three feet off the garage; and 4 of the 5 members could not find for Finding #9 of HDP findings (reasonable impairment). He states that he does not want the Queen palms in the front of the property: they will block the views. He asks how trash will be handled.

Chair Gunter asks when the property was sold (1980s).

Judy Trumbeau Vine, 2056 Lyans Drive, states that the project has not been substantially reduced or redesigned; it has not changed that much. She doesn't like the front yard designation. Past approvals have no bearing on this project. The story poles should be certified. There has not been enough response to City Council changes.

John Kagawa, 2060 Lyans Drive, hands out photos of the site. He states that it is open to discussion about easement over his property. The parking of RVs would inhibit his view, and the view is very important. He would like to see plans and work on them to see what will actually work.

Chair Gunter questions his offer of working on the easement.

Norm Peters rebuts: He has reduced the size of the house. He shows plans on boards with the house superimposed on the site. He shows how the house was moved to open the view corridor and the area reduction.

Commissioner Der Sarkissian asks about Fire Department access and if they have approved (yes – the design meets their requirements).

Commissioner McConnell asks about fencing and still being able to meet requirements.

Commissioner Der Sarkissian asks if the parking could be moved to the other side of the lot (front yard) (the applicant responds that it would cause many more issues to put it on that side)

Chair Gunter closes the public hearing (9:17 p.m.)

Commissioner Jain questions the floor area measurement where the balconies are concerned; the actual measurement is less.

Commissioner McConnell states that he visited the site. He also states that when a project is coming back to the Commission he wants the full report again, not just a short memo. He addresses view shed issues and other issues noting that he can support the Second Floor Review with the house lowered another half foot.

Commissioner Jain notes the heights of story poles are taken as certified. He watched the City Council hearing entirely and thought the applicant could reduce the height by another 6 inches. He could support the project with that change. With regard to landscaping and fencing, the height of the fence should be limited. He would check the floor area and support approval as limited; the double counting needs to be corrected.

Commissioner Der Sarkissian noted that he visited the site at least four times. He would have voted for it before. He states that the neighbors are not communicating. The Lyans view corridor is preserved and that issue is resolved. The guest parking could be put on the other side and then use the area that is now not used (beyond the hammerhead). He does not want chain link fence; just plant the side and put the pool fence close to the pool, not at the top of the hill. He recommend that the proposed parking become green area and move the parking to other side. Some of these issues are not in the purview of the Planning Commission tonight. He is willing to support the project but sad to see a solid fence in the middle of the paved area.

Chair Gunter re-opens the public hearing to ask the applicant if the fence could be eliminated. The applicant responds that the fence was for privacy reasons but he would be willing to eliminate.

Chair Gunter closes the public hearing.

Chair Gunter visited the site "lots of times." He states that the Planning Commission cannot design the house, nor can the neighbors. The applicant has done all that has been asked for: the height is within the rules of the City Council. He states the finding can be met for the hillside, as the finding does not say the house has to be invisible. He believes it makes sense to eliminate the fence in the driveway and that landscape should go on the side. The access problems have been resolved and he is not concerned about the parking going from one side to the other. He can make all the findings but would add a condition that no fencing will be placed

on the northern or eastern sides; and along the edge of the drive there should be landscaping not higher than four feet. The fencing for the pool should be next to the pool. He would strike condition #19 and have the applicant confirm the floor area before the drawings are signed.

Commissioner Der Sarkissian moves for approval with modified conditions, Commissioner Jain seconds the motion. The motion carries on a 3-1 vote with Commissioner McConnell dissenting (9:44 p.m.).

- B. Second Floor Review 13-30/Categorical Exemption; De Angelis/Hernandez; 1704 Bonita Vista Drive:** Request to allow the construction of new 6,874-square foot two-story house. The project complies with all floor area, setback, size, and height requirements. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas) [Originally scheduled for cancelled February 25, 2014 meeting]

At the behest of the Commission, a short presentation is made by Assistant Planner Parinas (9:55 p.m.). She notes that one thing that was controversial was the protected deodar trees; but this is no longer the case with change to the tree ordinance. The Forestry Department wants the trees removed. She addresses the architecture and the window placement using pictures of the site and showing surrounding houses.

Chair Gunter opens the public hearing (10:02 p.m.)

Dave DeAngelis, project architect, explains the dimensions between house and the property lines. The story poles show that views are not obstructed. He met with the west property owner, the east side property owner, and the neighbor across the street. They said they appreciated the new home. The house plans will require Fire Department approval and they want the trees to go. He met with Laurenda Pontez from the Forestry Division (County Fire Department) and she indicated that two could be saved with trimming but the one that is near the driveway would require removal. It is the tree that straddles the property line that is a problem. The owner and the neighbor want the tree to remain. Forestry will eventually make a final determination. He also describes the color and materials of the proposed house.

Commissioner Der Sarkissian asks if the driveway can be widened on the other side. Discussion continues with the architect regarding drive width when not directly to the garage and also slope gradients exceeding Fire Department standards.

Georgie Kajer, next door neighbor, states that this is a deodar cedar grove. It is a big lot and can support a big house. She states that she has not seen the landscape plans or the materials board, or colors. She looked at the front elevation and is concerned about the scale and bulk of the house and lack of modulation. There are Paul Williams' houses nearby. She would like that idea for inspiration. This is a unique opportunity for a quality house. The scale cannot be determined from the drawings. The scale and proportion is a delicate thing. One thing that is deceptive is the driveway built by the prior owner. It was not done well. The house has been vacant for at least a year. She questions where the LS plan is. What about other buildings? The house could be moved back and the trees could then be preserved. Opportunities exist with this lot. She asks if the driveway will be redone. She would want the mass of the driveway diminished. She would like a house that has significant architectural integrity.

Commissioner Der Sarkissian asks Ms. Kajer a question. He states that the lot is 130 feet deep, and half of that is about sixty feet, once the 30' tree drip line distances are shown there is not much land left that can be touched. He also asks about the modulation and a few other items pointing out comparisons to other houses in the area.

Irene Menden, lives in the next house downhill, and is concerned about topsoil being disturbed and having muddy water down onto her site and into her swimming pool. She states that if the deodar forest is kept it would be good. It is the largest deodar forest in the "district" and she doesn't want to do anything to weaken the trees because they would come down on her lot. She was concerned when the illegal slab was removed because the dirt was moved around and could have affected the trees. She is also concerned about compaction around the trees next to the driveway and how that can eventually affect the trees.

Walt Lewis, owner to the east of the property, bought their house in 2001 for the trees. He addresses the Fire Department requirement to remove the tree when the tree is half owned by him. He asked the Fire Department representative what authority they had to order a tree down that is half on another lot. She had replied to him that she had no previous similar situation and admitted that she did not have any legal authority that she knew of. He wants to have a survey to say whether the tree is on his property or not. He wants the survey and research to see if the tree can be saved. He asks the Commission not to approve the project until the survey is done. He also wants time to research the law (retired attorney).

Dave DeAngelis answers question from Commissioner McConnell about Fire distance requirements for trees. He notes that the Fire Department cannot give him any clear answers. He cannot design because he is not getting answers from them. Chair Gunter follows with other questions regarding the circumstances.

With no other questions, Chair Gunter closes the public hearing (10:36 p.m.).

Commissioner McConnell asks Director Stanley if the story poles represent the first floor (no – only the second floor). He wants the tree on the property line protected unless the Fire Department says it must come out, thereby protecting the neighbor.

Chair Gunter further asks whether protection of the trees is part of the Second Floor Review (the Director responds no, unless there is a screening issue where they would be needed). The tree straddling the property line is a private matter between owners. He also would like to see more detail in the plans as they relate to the entitlements requested. He feels that he does not have enough information to make a decision tonight.

Commissioner Jain states that he visited the site. He is confused with new house location. He would encourage the applicant to provide more details on second floor plate to the Commission.

Commissioner Der Sarkissian visited the site. He scaled the dimensions to fill in missing information. His problem is with all the trees coming out and that is not in the purview of the Commission. He feels the trees should all stay. Everything else is okay.

Commissioner McConnell states that he could vote for the project tonight provided the tree is protected until the Fire Department says otherwise.

Chair Gunter discusses the options related to moving the house versus removing the tree.

Commissioner McConnell moves approval with additional condition #15 to protect all mature screening along the eastern edge of the property. Discussion again ensues among all the Commissioners regarding tree protection. The motion is seconded by Commissioner Jain, 3-1 (Gunter) (10:53 p.m.)

Chair Gunter reminds the audience of the fifteen day appeal period.

- C. **Second Floor Review 14-01/Modification 14-01/Categorical Exemption; Stoddard/Petrossian; 863 Berkshire Avenue:** Request to allow construction of a new 8,060 sq. ft. 2-story residence and related site work, including a new driveway along Berkshire Avenue. A Setback Modification is also requested since the new home would provide a 44-foot front setback along Berkshire Avenue, below the 78-foot requirement for the lot. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme) [Originally scheduled for cancelled February 25, 2014 meeting]

The project is presented by Planner Gjolme. The project is about 500 sf below upper floor area limit for the site. The presentation shows the 44 foot setback and the shape of the house and where the differences are from the old to the new. The driveway is compliant. There are three protected trees on site and the setback distances are within code limits. The driveway does not interfere with the trees. Most of the focus is with the driveway, although the setback is the application. The project was reviewed by Fire and Public Works and both found it to be acceptable. Planner Gjolme shows all the elevations and addresses the grade changes. He also shows pictures of the story poles and the general site. Planner Gjolme presents the setback averages and the ratio of setback to lot depth. The site design is complementary to the property, and appropriate to the street course. There is tree screening in front of the house. Staff can recommend the project findings.

Commissioner Jain asks where the [code] front of the lot is? Staff replies that several factors contribute to the determination for this type of lot.

Chair Gunter asks what does Public Works look at? Staff replies they look at the driveway and access. Chair Gunter asks if the driveway is similar to others in terms of curvature? Staff responds that it is okay.

The Public Hearing is opened: 6:35 p.m.

Chris Petrossian, owner, states that they want to live here for the rest of their lives. His family has lived here for decades. This house fits the landform and is a house that everyone would be proud to have in the city. He states that he and his family introduced themselves to the neighbors and showed these plans to them.

Craig Stoddard, owner's architect, thanks staff for the presentation. He provides a color and materials board, but does not have much to add. He talked to Public Works staff and they did not have issues with the project.

Jay Johnson, architect representing some of the neighbors, states that the driveway that exits onto Berkshire is a problem; they would prefer access on Beulah Drive. He states that there are issues with sight distance. He asks if the retaining walls are in the front setback (staff responds yes – but they are inward facing). He states that the trash trucks require trash bins to be located on the street and will be left there in traffic. He notes that the neighbors don't park on Berkshire because of traffic. He believes that the Modification request is unnecessary. The applicant can meet the setback if house is moved. He asks whether the design can be better and fit the lot (he shows a footprint idea). He thinks there should be additional 2nd floor setback and that the current design will be visible from Berkshire. He thinks more parking could be accommodated on-site with a different design and level driveway as he suggests.

Scarlett Hibner, 860 Berkshire Avenue, states that she sent two emails to the Planning Commission. She has a site plan from architect Stoddard but not the engineering drawing. This plan shows how her driveway and the new driveway come out, but her driveway is shown wrong. With the full scale drawing, the location of the structure is easier to see and shows the old house footprint. She asks if this can't be moved forward. She also asks if an existing gate will remain. She has lived there since 1972 and has maintained vehicular access to all parts of her property. Everyone can get in there. In the future, the new owner will wish he had access to all parts of his lot. She states there should be an access gate on the side, and also asks where the trash cans will be stored. She notes that the end of the garage will be extremely visible so the cans can't go there. Finally, she states the gable ends on the garage are "in your face." Pointing, she notes this roof structure is partly hipped except for the end of the garage. The staff report says the oak trees will screen the house, but this is not the case because the canopy of the trees is above the house due to the downslope siting of the house. She has problems with the driveway, especially when vehicles are parked next to the driveway due to sight distance. She needs the full width of the street to make the turn out of her driveway with the truck and trailer she has. She shows photos that relate to what she says about screening.

Mary Beth Rehman, 4145 Commonwealth, reads from a prepared statement: The site was purchased with the intention of developing from a blank lot. There is no reason not to meet the setback requirements and to design the driveway in such a way that may cause accidents. She wants the plans revised and setbacks to meet the code.

Hilda Hacobian, 838 Berkshire Avenue, thanks the Planning Commission and staff for allowing her to be heard. She is happy that she is getting new neighbors. Her main concern is that the setback and driveway are big issues. She had never met the new neighbor until recently. She was immediately concerned about the driveway and the disaster waiting to happen. She felt that the project was a done deal when talking to staff. She spoke to the Traffic Engineer as well. She thinks that leaving the driveway will be difficult when cars are parked on the street; that there is a safety issue since the high school uses that street. She hands a sheet to the Planning Commission showing the floor area that could be on the lot.

Jerry Hacobian, 838 Berkshire Avenue, notes that they have had three accidents on the street. He wants to know why there are two-story setback modifications. Will other neighbors be able

to keep moving development closer to the street? He states it is aesthetically bad for us because of the views. He reiterates one of the findings for the Modification: practical difficulties, and use or enjoyment of other properties. He charges that city staff is selling the project and should not be complementing the project; be more objective.

Chris Petrossian, owner, rebuts. The house is 10 feet below grade, trees surround the whole site (see landscape plan), and many complaints have come up in the last 24 hours. He hands out booklets and has a projected presentation. He goes through each of the pages showing comparisons from the existing house and the proposed house. These include area of driveway, distances from driveway from neighbor's house and other dimensions. The changes to the driveway locations also aid in the safety issues. He talks about driveway/access movements and addresses the location of the septic system and how it relates to the pool and trees. He states that the street is safe and the traffic records are included in the booklet. He states that this street has bike lanes; it is safe. The Level of Service (LOS) for the street is "A" and the capacity is at 0.28. The speeds are low. Most of the traffic goes east. Therefore, the number of cars is lowest in this area for all of Berkshire.

Chair Gunter addresses some of the public members who want to rebut the rebuttal.

Chair Gunter closes the Public Hearing (7:35 p.m.)

Commissioner McConnell asks if trash cans are allowed out (staff responds no). He asks if the applicant could have an address on Beulah (staff responds yes).

Chair Gunter states the existing house is setback 47' and the new setback is 44'. The setback is based on the four houses along the street.

Commissioner Jain states that it is a difficult decision without the driveway. He visited the site three times and talked to neighbors. He is trying to understand why a Modification is required. The applicant is taking advantage of the situation. It would be a better scenario without the Modification. He can't make the Modification findings. He is okay with the 2nd floor and the design but not the Modification.

Commissioner McConnell is not concerned about the driveway. He has no problem with the Modification given placement of existing house. He has a problem with the 2nd story design; it is not screened. He cannot support the Second Floor Review.

Chair Gunter notes that he visited the site several times. He feels the trash cans must be screened. A Modification is to address unique situations. This property is not deep like the adjacent lots. Only the corner is encroaching and therefore he can support the Modification. It would be a hardship on the owner. The driveway is not part of the decision. He also addresses the audience as to what staff's role is. He further explains that decisions on Planning project do not require the public's approval. Staff is here to educate the Commission in detail and some of what is decided is subjective. He can support the Modification and the 2nd floor. He states that homes are not required to be invisible. He supports the Second Floor Review.

Chair Gunter moves approval of the Second Floor Review; Commissioner Jain seconds the motion, and the motion carries on a 2-1 vote with Commissioner McConnell voting no.

Chair Gunter moves approval of the Modification; Commissioner McConnell seconds the motion, and the motion carries on a 2-1 vote with Commissioner Jain voting no.

The Chair orders a break at 7:51 p.m.

- D. **Second Floor Review 13-26/Conditional Use Permit 493/Negative Declaration; Matarese; 4234 Chevy Chase Drive:** Request to allow construction of a new 11,245 sq. ft. 2-story residence on a 61,980 sq. ft. lot. A Conditional Use Permit is required because the proposal would increase the total floor area on the property to exceed 10,000 square feet. Staff is recommending approval of a Negative Declaration for this project. (Assistant Planner Parinas)

Assistant Planner Parinas provides a brief presentation on the matter.

Commissioner Jain requests clarification on condition #18.

Assistant Planner Parinas responds that the magnolias provide screening for the project and should be preserved and replaced if they should die. She notes that these are important to the screening since the house would be more visible without them.

Commissioner Der Sarkissian asks for an explanation regarding the demolition.

Again, Assistant Planner Parinas explains that a historic analysis was completed for the site and it was found not to be historic; hence the demolition permit was issued and authorized.

Chair Gunter opens the public hearing (11:01 p.m.).

Craig Stoddard, project architect, provides the Commission with a color and materials board for viewing, and would like to have condition #18 removed.

Noting no other speakers, Chair Gunter closes the public hearing.

Commissioner Der Sarkissian states that he is opposed to the project. The first house that was approved (previous approval expired) was shown to be historic and now there is a report that the house is not historic. He does not agree with the report and cannot support the new house.

Commissioner Jain indicated that he was there and the house meets all the criteria. The house had character five years ago, but now with part of it gone, it is no longer there. The new project is well designed and could be there 50 years from now. He would remove condition #18.

Chair Gunter noted that he visited the site. It meets all the rules. It is a large lot that supports a large estate home. He supports an estate home on the estate property. He also notes that magnolia trees should not be expected to remain in perpetuity. The landscape design is fine and it is not necessary to keep certain trees forever. He thinks it is appropriate to eliminate condition #18.

Commissioner McConnell noted that he visited the site (he also has friends in the area). He can make the findings as presented and would also have the condition removed.

Chair Gunter moves for approval of the project eliminating condition #18. Commissioner Jain seconds and the motion carries on a 3-1 vote with Commissioner Der Sarkissian voting no.

- E. **Hillside Development Permit 13-59 (Admin)/Second Floor Review 13-29/Categorical Exemption; Ettinger/Arnn; 5554 Vista Cañada Place:** Request to allow construction of a new 766 sq. ft. addition on a hillside lot. Staff is recommending approval of a Categorical Exemption for this project. (Intern Yesayan)

(11:15 p.m.) Planning Intern Yesayan is available to answer any questions. (No presentation is requested.)

Chair Gunter opens the public hearing: the applicant does not request to speak.

Director Stanley states that there is a condition that staff wanted to add regarding LRV and evergreen screening.

David Arch speaks about tree removal at his neighbor's (Gelhaar) behest to protect against falling trees.

Chair Gunter closes the public hearing.

Commissioner Der Sarkissian notes that he visited the site. He states that it is an interesting contemporary house and has no problems with findings. He notes that the fence is not on the property line.

Commissioner McConnell states that the house fits in the neighborhood and he supports approval.

Commissioner Jain also states that he can make all the findings.

Chair Gunter states that it is a terrific house and he can make all the findings. The trees condition will be added and the LRV applies.

Chair Gunter moves to approve, with Commissioner Der Sarkissian seconding the motion. The motion carries on a 4-0 voted with the added conditions.

- F. **Modification (Setback) 14-02/Categorical Exemption; Kajer/Markley; 2105 Sunnybank Drive:** Request to remove an existing 323 sq. ft. carport, add a 492 sq. ft. bedroom/bathroom, a 21 sq. ft. bay window and add 175 sq. ft. to create a two-car garage which requires a 5'- 6" front yard encroachment. Staff is recommending approval of a Categorical Exemption for this project. (Planner Clarke)

The Planning Commission requests no formal presentation.

Chair Gunter opens the public hearing at 11:23 p.m.

Georgie Kajer, architect, explains the design. She requires a setback modification to make the driveway more conventional and with landscaping in the front yard.

Commissioner Der Sarkissian questions why the house can't be moved back a little to avoid the modification.

Ms. Kajer states that she is trying to preserve the column with the slab on grade and it makes for a more interesting elevation.

Chair Gunter closes the public hearing 11:27 p.m.

Commissioner Jain states that he visited the site. He looked at other houses and their setbacks and didn't see any problem with the additional landscaping.

Commissioner McConnell said he struggled with the modification but the cul-de-sac location is not impactful and ultimately he could support the request.

Commissioner Der Sarkissian could find no hardship and has a hard time supporting the modification. He would prefer to push the house back.

Chair Gunter noted that the smaller, older homes are more difficult if the proponent is trying to preserve the existing plumbing et al.

Commissioner Jain moves and Commissioner McConnell seconds a motion to approve the project as presented. The motion carries on a 4-0 vote. (11:30 p.m.)

- G. **Minor Conditional Use Permit 495/Categorical Exemption; Johnson/Terzian; 727 Foothill Boulevard:** Request to allow office use within a building in the Office Overlay area, Mixed-Use 1 zone of the Downtown Village Specific Plan. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas)

At 8:04 p.m. Commissioner Jain leaves the meeting and Commissioner Der Sarkissian joins the meeting.

Assistant Planner Parinas presents the project to the Commission including the history of the building. Parking will not change as this is not a change of use.

Chair Gunter opens the public hearing.

Jay Johnson, applicant, indicates that he will not be making a presentation as it is unnecessary.

No one else indicates they want to speak, so Chair Gunter closes the public hearing.

Ms. Parinas indicates that the owner of the Chicos center could not stay, but noted to staff that he was concerned about the parking within the center. He opposed the CUP without a condition that restricts the number of employees.

Commissioner Der Sarkissian stated that the City must allow for this type of use and that parking is always a problem.

Commissioner McConnell stated that he did not have a problem with the request.

Chair Gunter said he visited the site and has no problem with the request. The project can supply parking for its employees. He states the site is not good for retail use, so an office is good. He would support the addition of a condition to review the project in 6 months.

Commissioner McConnell moves to approve the project, Commissioner Der Sarkissian seconds the motion. The motion carries on a 3-0-1 vote (Commissioner Jain recused himself)

IX. OTHER BUSINESS:

- A. **[Appeal] Director's Miscellaneous Review 13-41 (SB)/Categorical Exemption; De Angelis/Lim; 5310 La Forest Drive:** Appeal of a Director's Miscellaneous Review Setback Modification to allow the construction of a 975 square foot addition. A portion of the addition would encroach 7" into the required 12'-0" north side-yard setback and 16'-8" into the required 66'-0" front-yard setback. The proposed north side-yard setback is 11'-5" and the proposed front-yard setback is 49'-4". Staff approved a Categorical Exemption for this project. (Assistant Planner Harris) [Originally scheduled for cancelled February 25, 2014 meeting]

Assistant Planner Harris presents the project to the Planning Commission. She addresses the retaining walls, the setback averaging issues and the expansion of the building. She notes that the additions match the existing house, and there are some old accessory buildings that will be removed. Staff recommends approval.

Chair Gunter opens the public hearing (11:36 p.m.)

Appellant Lorrie Alves, 5328 La Forest Drive, states that others who were here to speak have had to leave due to the lateness. She proceeds with her own slide presentation. She asks about the setback calculation and what properties were used. She also describes the history of the lot including the tree history of the site. She states that trees were removed at an earlier time, and questions whether that approval was reported to the Planning Commission. She also questions what is a minor entitlement. She states this project encroaches into setbacks, there was removal of dirt for retaining wall construction, new roof shingles, and removal of 20 or more trees. The lots in the area are irregular. The applicant should be held to the setback requirements and a variance should apply. A Variance requires a public hearing and a number of other things. She also reads through the setback modification requirements. She states the fact that the lots are all irregular means that there is nothing out of ordinary.

Chair Gunter clarifies some facts about the code with the appellant, including what applies and what does not apply.

Cameron Crosby, 5306 La Forest Drive (south of site), states that he has a bedroom window near the rear of the house, and also has issues with the trees. The houses cannot be seen because of the trees; it is La Forest Drive. He states the green spot will be brown now for 20 years. The subject property's gardener told him he was there to cut down all the trees, but the neighbors got together to address Mr. Lim and try to save most of the trees. The neighbors got the plans but there are still three trees that will be removed. He wants the Planning Commission to treat the approval as it should be and preserve the beauty of the neighborhood.

Chair Gunter explains that he could go to the City Council to voice his concerns, but the Planning Commission is obligated to abide by the rules of the code.

Dave DeAngelis, the applicant's representative and architect, notes that the applicant is following the codes under the 30% roof removal rule. The plans are following all the requirements. The disparity of the depth and distances have caused some of the issues. The setback cannot be met and still have a useable back yard.

With no one else wishing to speak, Chair Gunter closes the public hearing.

Chair Gunter states that he visited the site and the area. He appreciates that the neighbors have concerns and talked with the applicant. He notes the setback disparity is great, and this is an extraordinary circumstance. He states the setback qualifies as a hardship and this is the only thing that is before the Planning Commission.

Commissioner Jain states that he agrees with Chair Gunter.

Commissioner Der Sarkissian states that he also agrees with Chair Gunter. The shape of the lot causes this situation. The location of the house is driven by the shape of the lot. He states that when the subdivision was done, the die was cast and his hands were tied. The forum for this discussion is the City Council. We enforce the code that is written as the City Council has directed.

Commissioner McConnell supports the Director's decision, but would like Lim to keep the trees.

Chair Gunter moves to deny the appeal. Commissioner Der Sarkissian seconds the motion. The motion carries on a 4-0 vote.

- B. **Planning Commission Goals and Objectives Discussion:** In preparation for the City Council's Goal Setting discussion, the Mayor has asked that each Commission discuss its own goals and objectives (if any) and provide input to the City Council.

X. **REPORT OF DIRECTOR'S REVIEWS:** No comments from the Commission.

- A. **Hillside Development Permit 14-02 (Dir.); Dong; 657 Foxwood Road:** Approval of two new 3'-0" high retaining walls, and reduction in height and

length of an existing retaining wall to comply with Zoning Code. The retaining walls will be located within the rear yard with appropriate setbacks from existing on-site oak trees.

- B. **Director's Miscellaneous 14-02 (SB); Flores; 5153 Jarvis Avenue:** Approval of pool/spa mechanical equipment to encroach into the required rear-yard setback per Section 11.45.010 of the Zoning Code. The proposed swimming pool equipment will be located 6-feet from the rear property line directly behind the existing garage and 15-feet from the north property line, outside of the required 10-foot minimum side-yard setback for the lot.

XI. COMMENTS FROM THE COMMISSIONERS: None

XII. COMMENTS FROM THE DIRECTOR: None

XIII. ADJOURNMENT: Chair Gunter moves and Commissioner Der Sarkissian seconds a motion to adjourn. The motion carries on a 4-0 vote. [12:20 p.m.]