

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON MARCH 13, 2012**

- I. **CALL TO ORDER:** 6:02 p.m.
- II. **ROLL:** Chairman Curtis, Vice Chair Cahill, Commissioners Der Sarkissian, Jain, Gunter, Director Stanley, City Attorney Guerra, Senior Planner Buss, Assistant Planners Lang and Parinas and Planners Clarke and Gjolme.
- III. **PLEDGE OF ALLEGIANCE** Commissioner Jain led the flag salute.
- 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. None.
- V. **REORDERING OF THE AGENDA**

Item 7B was moved to the end of the public hearing along with item 8A.

VI. CONSENT CALENDAR:

- A. **Approval of Minutes:** None
- B. **Approval of Final Map 71186:** a three unit condominium structure at 2197 Rockridge Terrace as requested by Keum Min Lee.

M/S/C Gunter/Jain. 5-0 to approve.

VII. CONTINUED PUBLIC HEARINGS

- A. **Modification 11-17/Hillside Development Permit 09-44 (Dir); Anderson; 424 Starlight Crest Drive:** (Continued from November 22, 2011) Request to allow a 42 sq. ft. addition on a hillside lot that encroaches 3'-5" into the required side-yard setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Assistant Planner Lang gave a history of the project with an update on the revised plans.

Commissioner Der Sarkissian asked staff for a summary of the changes to the original plan. He asked if there was an open passage by the fence.

The applicant (Camille Anderson) thanked the City, the Commission and Assistant Planner Lang, in particular, for their work. She said that her husband was a 40- year resident.

Hala Karam (neighbor next to the addition at 412 Starlight Crest Drive) gave her support to the project. She said that she understood the impacts and had no problems with the proposal.

Commissioner Der Sarkissian noted that he is very familiar with the project and met with the applicant a couple of times. As long as it's tucked under the roof, he would support the alternate design.

Commissioner Jain met with the applicant several times and had no problems with the alternate plans.

Commissioner Cahill had no problems and would approve either plan.

Commissioner Gunter said that he could make all the findings and can support either plan.

Chair Curtis said that he also visited the house and saw the practical difficulties and could support the project.

M/S/C Cahill/Gunter. Voted to approve 5-0 for either plan as applicant chooses.

- B. Zone Change 09-04, Amendment to Chapter 4.26 of the City of La Cañada Flintridge's Municipal Code pertaining to the Preservation, Protection and Removal of Trees; Citywide; City of La Canada Flintridge:** Request to consider an amendment to the City's Municipal Code pertaining to the Preservation, Protection and Removal of Trees and possible relocation of said chapter into the Zoning Code. This is an amendment to the City's Municipal Code, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission may make a recommendation to the City Council at this hearing. Staff is recommending that the Planning Commission approve a Negative Declaration for the project. (Assistant Planner Lang).

Assistant Planner Lang gave a background report with updates made to the prior draft ordinance and which are shown in the staff report and new ordinance.

Chair Curtis said that he gave Director Stanley some written comments.

Commissioner Cahill asked to change "branches" to "trunks".

Sandra Gutierrez (Express Tree Service) thanked the Commission and Assistant Planner Lang for their work and had handouts regarding where tree cuts should be made so that trees can heal properly.

Commissioner Cahill asked about permits for branches which are dead. He was not in support of having covenants on properties or having lengthy time periods for bonds.

Director Stanley spoke about bonds and covenants used by the City. It would be disclosed to prospective owners

Commissioner Cahill said that if a replacement tree dies it has to be replaced with a protected tree.

City Attorney Guerra suggested removing the covenant and bond requirements and adding a disclosure requirement to #5. He also spoke about changes to the emergency removal requirements.

Commissioners were in favor of these changes.

Commissioner Cahill asked about footings spanning over a root and if an arborist is needed.

Director Stanley spoke about issues caused by grading and protection areas.

Ms. Gutierrez said that roots can extend beyond driplines.

Commissioner Jain thought that 15' across the board would be fine with arborist review for items less. #5 and #3 are similar if compaction added and then merged together.

Commissioner Gunter asked if applicants could excavate at 16'.

Chair Curtis said that they would go through the ordinance section by section and everyone would get an opportunity to comment. The Commissioners discussed the draft ordinance in detail and recommended that the following changes be made and that it return to them at a later date:

- In Section 11.40.060 (B) the hardship finding was added as a fifth finding for issuance for Tree Alteration Permits.
- In Section 11.40.070 (B) language was added that tied findings (4) & (5) to existing structures.
- In Section 11.40.070 (C)(2) language requiring an arborist report if necessary was added.

- In Section 11.40.070 (D) the covenant and bond requirement were removed (4) & (7).
- In Section 11.40.07 (D)(4) disclosure to future owners was added.
- In Section 11.40.120 (A)(3) vicinity of the protected tree was changed to project area.
- In Section 11.40.120 (A) the term compaction was removed as its own subsection and incorporated into (3).

M/S/C Gunter/Cahill. Voted to continue 5-0 to the next meeting.

VIII. PUBLIC HEARINGS:

- A. Zone Change 09-08; Temporary Use Permit Regulations:** Request to consider adoption of a new Chapter 11.46 of the Zoning Ordinance pertaining to the regulation of temporary uses. More specifically, the chapter would regulate the type, location and time of temporary uses throughout the City. Staff is recommending that the Planning Commission approve a Negative Declaration for the project. (Senior Planner Buss)

Senior Planner Buss gave a background report on the issues.

Chair Curtis asked what the fee would be and the amount of time that would be required for noticing. He asked about appeals to be made directly to the City Council. The Commission could be the final decision maker.

Commissioner Cahill asked about complaints and how harsh it is to stop after being in operation for two years. It could be a minor problem. He asked about appeal to the city council.

Commissioner Jain concurs that 2 years is high. He suggested reducing the amount of time for submittal from 35 days.

Senior Planner Buss spoke about noticing requirements and the differences between them.

Commissioner Gunter spoke about the ordinance and use of a "catch-all" category. Add previous complaints can be used but not necessarily.

Commissioner Der Sarkissian asked about using residences for weddings professionally.

Senior Planner Buss said it was a code enforcement issue but that it was hard to prove.

Chair Curtis suggested removing “d” altogether regarding complaints.

M/S/C Jain/Der Sarkissian. Voted 5-0 to approve.

Appeals to City Council. Clarify that 35 days does not apply to the minor cases. 46.040 remove “10”. Drop complaints section.

- B. Conditional Use Permit 475; Seoul Market/Howard Lee/Lee Family Irrevocable Trust; 2383 Foothill Boulevard:** Request to allow the sale of beer and wine for off-site consumption (off-sale) within an existing market. The project is located in the Community Planned Development (CPD) zone. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas asked if the Commission wanted a presentation by staff. The Commission did not require a verbal report.

Commissioner Der Sarkissian asked why there was a recommendation of denial.

Planner Parinas said that the last CUP for the alcohol sales in the same area also had a recommendation of denial.

Chair Curtis noted two Conditions of Approval regarding outdoor advertising and limitation of 10% on sales. The City Council has not acted on the prior CUP yet.

Commissioner Gunter asked why more than 3 alcohol licenses in a census tract was considered an overconcentration.

Commissioner Jain asked about the size of the area proposed for alcohol sales (10' X 3' approximately).

Assistant Planner Parinas mentioned two areas shown on the plans. The areas with permitted sales can be limited to what is shown on the plans.

Commissioner Der Sarkissian asked if there was another census tract in the city that exceeded the 3-license limit.

Assistant Planner Parinas said yes that the census tract with Vons, Ralphs, Trader Joes and Remedy Liquor.

Jay Johnson represented the applicant and spoke about approval for the other market at a prior meeting. He spoke about the variety of Korean beer and wine and the importance of convenience for the store's customers. Over time other Korean markets have opened in La Crescenta and Montrose which sell Korean beer and wine. The applicant has been in business for 15 years but he is losing customers to these stores. He wanted the opportunity to be treated the same as

the other markets. The next step is to go the City Council for this and the other case. He asked if the City wanted small scale markets.

Chair Curtis asked about the square footage or percentage proposed devoted to these products.

Mr. Johnson was comfortable with Conditions of Approval similar to the Lotte Market. The subject store is larger than Lotte Market. There are 300-400 kinds of Korean beer.

Steve Shin also spoke on behalf of the owner. He gave an overview of the store and the economy. The owner is slowly losing customers over time. The business is similar to Lotte Market. Beer and wine would only constitute 2-3% of the revenue but is critical to attracting customers. Seoul Market and Lotte Market are the only two Korean markets in La Cañada Flintridge. There are hundreds of types of wine as they are part of Korean culture. He gave an example of store selling steaks. He gave background of him being a small business administrator. The business may close if the CUP is denied.

Peter Jung spoke about the availability of Korean beer and wine. He said that he had to drive to Koreatown to get them.

Public hearing closed:

Commissioner Jain visited the market and watched what people bought etc. We should give some opportunity in town to businesses. His concern was about the size of the market and the size of the sales area. If the CUP is approved, the size of the area devoted to beer and wine sales should be restricted.

Commissioner Cahill said that he completely supports the proposal as an ancillary use and that the applicant should be treated the same as the applicant for Lotte Market.

Commissioner Gunter agreed that beer and wine sales were part of the market and not an overcentration. He supported maximum 10% rule for area devoted to beer and wine sales.

Commissioner Der Sarkissian concurred with his colleagues and encouraged small businesses to succeed. The important comment made by the applicants was that they were losing customers but they had no data to support - e.g. numbers of customers or amounts of receipts.

Chair Curtis said that he used the store. He said that he did not support more liquor stores but this was an ancillary use. He does not want it converted into full liquor store. Other markets have sales of beer and wine. The Commission can vote on the CUP but staff will need to come back with a formal resolution of approval.

Assistant Planner Parinas said that proposal is for less than 2% of market area.

M/S/C Cahill/Jain 5% maximum of store size for beer and wine sales and no outside advertising. 5-0 to approve.

- C. **Conditional Use Permit 472/Second Floor Review 11-27/Modification 11-23/Director's Miscellaneous 12-04; Johnson/Park; 835 Berkshire Avenue:** Request to allow a Conditional Use Permit, Second Floor Review, Setback Modification, and Director's Miscellaneous Review to allow the construction of 11,842-square foot new two-story house. A Conditional Use Permit is required because the proposal exceeds 10,000 square feet. A Setback Modification is required because the project encroaches 4'-0" into the required 20'-0" second floor east side setback and encroaches 3'-0" into the required 20'-0" second floor west side setback. A Director's Miscellaneous Review is required because more than 25% of the roof is flat. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave an overview of the project.

Chair Curtis asked if the recommendation was to lower the height by 3'.

Assistant Parinas said that staff had no recommended height.

Jay Johnson represented the applicant and had a letter in support of the project from a neighbor across the street. Site has had other proposals in the past. The location of the oak trees impacted the location of the proposed house. The house has a French provincial style with a steep pitched roof. Other styles would not require such a steep roof with a flat roof with recessed area for solar panels to provide 80% of electricity. These panels would not be visible from the street. Small area has a nonconforming second floor setback. If the proposed house conformed to the setback requirements it would need a more flat-roofed area. He discussed it with the neighbors who were concerned with the massing of the house. It was better to have continuous roof. He asked for support for the Setback Modification for architectural reasons. The applicants constructed a balcony for everyone to see the impacts of the proposed house. He emailed the landscaping plans to the neighbors to the east today. They will eliminate the east balcony as part of proposed plans and more trees will be planted. East dormer - 9' - 10' wide - windows are high and located over baths and would have little impact to neighbors. He proposed frosted glass windows. Neighboring property to the west - windows. He offered to plant several redwoods to preserve the privacy of neighbors. He also offered to lower the house height. There are many homes in the city which are 32' high. The grade of the house will be lowered by 3' to 29'. The house is already 10' lower in elevation compared to the street. Within 5-10 years when the redwoods grow the house will not be visible. The neighbors have concerns about the size of the proposed house. Other large houses have been approved by the Commission.

He spoke about the setbacks of one of the approved houses. He requested that neither the height nor size of the house be reduced.

Commissioner Cahill asked about height of the house in relation to the neighboring house.

Commissioner Gunter asked about the landscaping plan brought to the meeting and the differences between it and the submitted plans. He noted that the whole front yard would be changed.

Mr. Johnson said that landscaping plan is being worked on now. The grading plan will be changed when the landscaping plan is complete.

Commissioner Jain asked why they wanted to lower the lot and if they would lower it more. Another 18" would help the project.

Mr. Johnson felt that lowering the lot would help the neighbors. They have architectural reasons for the proposed height of the building.

Commissioner Der Sarkissian asked about the impact to areas around the oak trees when the lot is lowered in elevation.

Mr. Johnson had an arborist report prepared which recommended the use of walls.

Commissioner Der Sarkissian asked what would happen if ceilings were lowered and added French elements on roof. There is a crawl space of 3' which is wasted space. It's possible to lower the height of the house.

Mr. Johnson said that there are several ways to lower the height of the house. He asked for an overall reduction but leave it to the applicant to comply.

Commissioner Gunter asked about code enforcement actions on site.

Mr. Johnson said that the 2010 code enforcement issues were before the applicant bought the house. Another was trimming of tree during the construction of the story poles. **He asked to move the house by 6'.**

Assistant Planner Parinas spoke about the arborist report which was delivered yesterday to the City.

Public hearing:

Scarlett Hibner (860 Berkshire) spoke about maintaining the site during construction. The existing lamps are broken. The water in the pool may have mosquito issue with West Nile Virus.

Patrick Stewart (827 Berkshire) spoke about the two letters he wrote to the Commission and that they should reject any Modifications. He told the applicant and architect that he opposed the size of the house. He also spoke about landscaping. Redwoods take time to mature and they grow in circles and take up light from his house. He wanted an arborist report with root structures shown. Balcony views will be addressed. He wanted to know window location so he can see impacts. He was concerned about the roof height next to a single story house. The proposed 14,000 sf house is within 500' of his house but he received no notice. He asked if we want La Cañada Flintridge to be a community of large homes and not ranch homes like it is now. He disagreed with the size of the proposed house and scale compared it to houses on the block.

Rebecca Fishman (4228 Beulah) spoke on behalf of her parents as they were out of town. She was opposed to the size of the house and felt that it should comply with the City codes. She saw no need for a flat roof of this size. There are ways to design within the code. They would lose all privacy in the back yard of her house.

Brian Danner (821 Berkshire) was at meeting as a homeowner and not as an attorney or environmental activist. Neighbors would like to see the property developed but they were opposed to this proposal and he would recommend that the proposal be denied. There were two letters written by him and his wife but only one available outside the meeting. The proposed house is too bulky and massive for the neighborhood. Before the Commission overrides the guidelines it should consider impacts. He said that 5-6 guidelines were not met. He spoke about the staff report. He said that rules should apply to all. Bulk and mass are the main issues to him and his wife, along with lighting and privacy. Although they are two houses away from the subject property, their privacy is impacted from sight lines from the proposed balcony. The staff report talks about the size of the lot. It's a huge lot and the FAR may comply but it's a very narrow lot. The proposed house was inappropriate for this site and neighborhood. The house is too visible. Other concerns were expressed in the letters submitted. Pay attention to oak trees as important in the neighborhood. He urged the Commission to require that the story poles be repositioned to reflect any changes. Just because the Commission approved some other large houses did not mean that this house should be approved. Each case requires its own analysis. Staff decided on Categorical Exemption (Section 2.5) and Commission should consider cumulative impacts.

Debbie Tinkham (842 Valley Crest Street) was concerned about site condition during construction and its impacts on trails. She had a box of nails and valued them at \$5,000 each as that was the cost of nail removal from her horse. It can be accessed from Beulah and was concerned it would be used for construction.

Mary Berry (Trails Council) spoke about drainage problems and if it went to the trail. Maybe that could be included as a Condition of Approval.

Peter Jung (863 Berkshire) agreed with the neighbors' comments. The key issue to him was privacy and not the size of the proposed house. The location is more important. The visibility of the house is a concern. He recommended a continuance.

Mr. Park (applicant) spoke about property maintenance and the trail. He said that the pool had been drained and any water there now is clean and that he will provide a fence and maintain the property. The property drains into the trail - codes require pumps to address run-off water. Flattening of land will address run-off water. Story poles should be redone. He will put in mature redwoods. He will remove area inside the Setback Modification. The area has large houses.

Chris Jung (863 Berkshire) said that views from the balconies to her property need to be addressed and also views from her house of the mountains.

Mr. Park spoke about balconies not being an issue.

Closed public hearing:

Commissioner Gunter said that he met with neighbors at site and had good sense of the neighborhood. The property is large and the owner is entitled to a large home. However, the property is narrow at 100' wide. Across the street the properties are 200' wide. There were no compelling reasons for making Setback Modification findings. The massing at the property lines is out of scale with neighborhood. Other properties have large square footages but in a few structures. Planting on a property line is replacing views of house with view of trees which may not be a fair trade. Tall hedgerows have problems. Motor court may be 1/3 of an acre in size. The size and height of the house are not the main issues. It's the location of the house close to the property lines - the envelope of the house - that is of concern. It's like putting such a large house in other people's backyard. It needs a complete rethinking. It needs to be redone and not just a simple redesign.

Commissioner Cahill visited the property and got perspectives from neighborhood. Its new construction and not just an addition to an existing house. He noted that the lot had an unusual configuration. The house has a big front yard to preserve trees which reduces the impact to the street but impacts the neighboring houses. Mansions are okay but house has to address the shape and size of a lot and its impact on neighbors. The house is too tall and located too far into setbacks. Windows are not a big concern as they can be mitigated. A wall of trees may not be the answer. Story poles are expensive but modified poles are needed. Balconies - did not get to see where they fit and needed to revisit. Lower the height of the house and move it to be located more central on the site.

Commissioner Jain visited the site, met neighbors and shares fellow Commissioner concerns. He suggested using a stepping effect. There are privacy

and light issues caused by the location of the house. Bring house to the front. It needs to be continued for a redesign with new story poles.

Commissioner Der Sarkissian also visited the property and met with the neighbors. He could see no reason as an architect to ask for a variance on a 60,000 sf lot. There is a building wall 135' long which is 11' from the property line which may be allowed but it's too flat. He noted that one neighboring house is modest in size and gives context. There is a potential for a house with daylighting of second floor at back. A fairly extensive redesign is required. Size is not a major concern. There is not an easy solution and he was not ready to support it at this time.

Chair Curtis also visited the site and the neighborhood. There was no need to repeat other Commissioners comments. The proposed house is too tall and massing needs to be addressed. Design is fine but it does not suit the lot.

Mr. Johnson asked for a 6 week continuance.

Director Stanley recommended date uncertain as he wanted to renotice the project.

M/S/C Gunter/Jain. Continued 5-0 to date uncertain.

IX. OTHER BUSINESS

- A.** Discussion item - Electronic readerboards. Amendment to Sign Ordinance to allow readerboards in excess of 4 sq. ft. on Institutionally-zoned properties.

Commissioner Gunter noted that his wife is director of activities at St. Francis.

City Attorney Guerra said it was a citywide general ordinance.

Chair Curtis was concerned about excessive flashing.

Commissioner Der Sarkissian said that the one at Glendale City College was too bright.

Planner Gjolme spoke about proposal. It allowed for slightly larger signs that would be reviewed by the Design Commission. It's a code standard so the code would need to be changed. The item will come back to the Commission in an ordinance form. He spoke how the direction had come from the City Council.

- X. REPORT OF DIRECTOR'S REVIEWS:** [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]: None

XI. COMMENTS FROM THE COMMISSIONERS:

Commissioner Cahill said that the city tour was great.

Commissioner Curtis was also supportive of the tour.

XII. COMMENTS FROM THE DIRECTOR:

Director Stanley noted that that he will be out of town on vacation the following week.

XIII. ADJOURNMENT:

The meeting was adjourned at 11:12 P.M.