

CITY OF LA CAÑADA FLINTRIDGE

MINUTES OF A MEETING OF THE PLANNING COMMISSION OF THE CITY OF LA CANADA FLINTRIDGE HELD ON MARCH 24, 2015

- I. **CALL TO ORDER** 6:04 pm
- II. **ROLL:** Vice Chair Jain, Commissioners Gunter, McConnell. Absent: Commissioner Smith
- III. **PLEDGE OF ALLEGIANCE**
- IV. **COMMENTS FROM THE PUBLIC:** None
- V. **REORDERING OF THE AGENDA**

Commissioner McConnell recommends hearing item IX.A prior to item VIII.A. Vice-Chair Jain confirms consensus for the reordering.

VI. **CONSENT CALENDAR**

- A. **Minutes:** February 24, 2015
- B. **Minutes:** March 10, 2015

M/S/C McConnell/Gunter to adopt the minutes as drafted. 3-0

VII. **CONTINUED PUBLIC HEARINGS**

- A. **Second Floor Review 14-30 / Hillside Development Permit 14-27 / Modification 14-20
2345 Conle Way
Ourdukhanian/Oganesian**

[Continued from February 10, 2015] (Note: the applicant has reduced the scope of this project) Request to allow the expansion of the existing first and second floors. The first-floor additions total 1,219 sq. ft. (inclusive of 114 sq. ft. of under-balcony area) and the second-floor additions total 584 sq. ft. The first and second-floor additions on the north side of the residence would have compliant 13'-6" first floor and 20'-0" second-floor setbacks. The front and south additions would encroach 5'-6" and the new porch posts would encroach 10'-0" into the required 25'-0" front-yard setback. The south side addition also encroaches 2'-3" into the required 13'-6" first-floor side-yard setback and 8'-9" into the required 20'-0" second-floor side-yard setback. The front and south-side additions would not encroach any closer than the existing residence. The new porch posts and balcony over the garage, however, would constitute a new encroachment.

Assistant Planner Harris reviews the changes of project floor area from the administrative approval (5,088 sf), the January review (5,428 sf), to the currently proposed 4,891 sf. She displays images of the project as previously reviewed and currently proposed. Ms. Harris notes the reduction of second floor area and the 4-foot increase in second floor sideyard setback, and deletion of the master bedroom balcony.

Ms. Harris displayed neighborhood slides showing other houses with overheight entries.

She notes that the project was approved and permitted as a single-story addition, then as a second-floor addition through an administrative hearing. She mentions additions that had been built without approval of staff knowledge, and that the administrative approval has expired. Ms. Harris notes that a condition to increase sideyard landscaping is included, and recommends positive findings and approval.

Commissioner Gunter asks if staff is not bothered that the front entry is over height because of other homes nearby with over-height porches. Ms. Harris answers affirmatively, noting that all of the houses were built about the same time.

Commissioner McConnell notes that in the Director's Review setback findings, a house cannot project further than existing, and asks if that applies to the front porch. Ms. Harris replies that it does not, and Mr. McConnell confirms that the original porch did not project beyond the setback line.

Vice-Chair Jain asks for the setbacks of the four neighboring tall entries. Ms. Harris states that she did not measure them, but that the one porch shown at middle right on the slide is very close to the street.

Vice-Chair Jain opens the public hearing.

Alex Oganessian, owner, thanks to Commission for their advice. He states that he has tried to reduce the project more than what was approved, and that his setback is the largest on the street. He apologizes for unauthorized work that was done.

Commissioner McConnell recalls expressing concern about the overheight front entry at the previous review. Mr. Oganessian notes that the roof over the entry was recently replaced, so he did not want to replace it again if he were to lower the entry.

Commissioner Gunter asks about the owner's plans to comply with the minimum 50% front yard landscaping requirement. Mr. Oganessian cites plans for increased planters and grass area. Mr. Gunter asks if the statues will be removed, and Mr. Oganessian replies affirmatively. Mr. Gunter confirms with the owner willingness to add landscape screening.

Vice-Chair Jain suggests trees to buffer the tall entry. Mr. Oganessian states that the sparse landscaping is due to the interruption of construction, and that irrigation and landscaping are planned for later.

Ed Ourdukhanian, project architect, advises of having changed the style of the house, and endorses the idea of increased landscaping. Vice-Chair Jain confirms with Mr. Ourdukhanian acceptance of planting additional 24-inch-box trees.

Vice-Chair Jain closes the public hearing.

Commissioner Gunter recalls revisiting the site, and states that he was the administrative officer for its earlier review. He appreciates the reduction in back and the increased setbacks, as well as the improved drawings. He states having no problem with the second floor additions in front, and that the building height is acceptable in the context. He states concern over the entry height, suggesting a tradeoff for a landscaping increase to 60% of front yard area with tree plantings. Mr. Gunter notes that the floor area exceeds the Slope Factor Guideline, but that its flat pad context obviates any concern. He suggests that staff place a alert note in the file regarding the slope factor excess in case of future proposals for additional floor area. Mr. Gunter states that he can make the approval findings.

Deputy City Attorney Guerra notes that the City can't condition against future expansions. Mr. Gunter reiterates that he was merely suggesting a note in the file.

Commissioner McConnell states that he also revisited the site. He recalls that he was not concerned

about size at the previous hearing, but nonetheless appreciates the reduction. He states no problem with Second-Floor Review or Hillside findings aside from the overheight entry and its encroachment. He acknowledges the other overheight porches nearby, but notes that the proposed structure is less integrated, since the other structures are in the plane of their facades. He states that, in this neighborhood only, it could reasonably fit. He suggests that a condition require that the columns be painted to match the façade behind them, which could be a beige as proposed.

Vice-Chair Jain concurs with other Commissioners. He states the importance of increasing the landscape area, and recommends at least two 24-inch box trees. He agrees with the color suggestion, along with Commission Gunter's 60% landscape area and note-to-file recommendations.

Mr. Jain reopens the public hearing.

Mr. Oganessian states that he has no issues with the recommended conditions.

Mr. Jain closes the public hearing.

M/S/C Gunter/McConnell to approve per amended conditions. 3-0

B. Second Floor Review 14-23
121 Foothill Boulevard
Johnson/Kim

[Continued from March 10, 2015] Request to construct a new 2-story residence and attached garage comprising 3,917 sq. ft. on an 11,387 sq. ft. parcel created as part of a 2005 subdivision.

Planner Gjolme notes that the project would be code-compliant on its 11,387-sf flat lot. Its floor area of 3,917 sf would be supported by the size of the lot. Mr. Gjolme states that the site is at far east end of Foothill Boulevard, with no residential context other than the house to the west. He notes the efficient use of the site, and the central location of the house's mass. He states that setbacks exceed code on average, including 33 feet to the front. Mr. Gjolme recalls height reductions resulting from his and the architect's viewing of the story poles. He cites height reduction of two feet (from the original 32 feet) and increase of the front setback from 25 feet to 29 and 33 feet, so that the height would not exceed the front setback.

Planner Gjolme displays the French provincial elevations, noting their vertical proportions, and states that the project is within zoning code limits. He also mentions that an attached Accessory Living Quarters unit is proposed, exempt from any discretionary review. He confirms that the ALQ is code-compliant. Mr. Gjolme recommends positive findings and approval.

Commissioner Gunter confirms that the flat roof is limited to 23% per staff measurement.

Commissioner McConnell asks if the ALQ parking space is in Commission purview. Mr. Gjolme responds that it only needs to be outside of any required setbacks. Director Stanley clarifies that it is required to be a paved area, which could include Grasscrete. Commissioner McConnell asks about screening on the west side. Mr. Gjolme states that the second floor would have several windows, and the proximity overlooking the neighboring back yard calls for west property line screening. Director Stanley notes that the paving could be reduced to just the minimum necessary for the ALQ parking space and its access, allowing for additional landscape screening.

Commissioner Gunter confirms staff measurement of the maximum 50% front paved area. Mr. Gjolme states that it measured at 45.7%.

Vice-Chair Jain asks about a tree protection barrier. Mr. Gjolme states that the trees are not near the construction zone, so there is no need for an arborist report. Mr. Jain confirmed with Mr. Gjolme that the story poles had been certified by a surveyor.

Vice-Chair Jain opens the public hearing; with no public response, he closes the public hearing.

Commissioner McConnell states that he visits the site often because it is near his daughter's school, and comments that the lot has been vacant too long. He states that he can make all findings for Second-Floor Review. Though he has landscape concerns to the west, he is comfortable with limiting paved area on that side to increase screening. Additionally he encourages the use of Grasscrete.

Commissioner Gunter recalls a site visit and agrees with Mr. McConnell's comments. He states that he can make the required findings. Mr. Gunter adds that Finding 11, requiring onsite construction parking, should not have an allowance for offsite parking in this congested part of the city. Director Stanley recommends that the discretion be left to the Director, allowing offsite parking outside of the vicinity. Planner Gjolme notes that the previously discussed revision from "Planning Commission" determination to "Director". Commissioner Gunter recommends that the percent of flat roof and percent of front yard landscaping be indicated on the plans.

Vice-Chair Jain recalls a site visit and concurs with all comments. He confirms with Deputy City Attorney Guerra that Condition #28 refers to a Public Works NPDES condition, and suggests rewording. Mr. Guerra rewords the end of the condition as follows: "Whenever an authorized inspector has reasonable cause to believe that there exists on the construction site any condition which constitutes a violation of the provisions of this condition, the permit will be suspended and no longer in effect until said violations are remedied."

M/S/C McConnell/Jain to approve the project with conditions as amended. 3-0

VIII. PUBLIC HEARINGS

A. Telecommunications Permit 14-01 5500 Godbey Drive T-Mobile USA / La Canada Flintridge Country Club

Request to allow installation of wireless antennas and associated equipment within an enclosure, and landscape screening at the top of the slope south of the eastern portion of the main parking lot.

Consulting Architect/Planner Cantrell notes that the applicant obtained approval in 2010 for a larger facility in a more obtrusive location on the same property. He describes the proposal as scaled back and relocated into more hidden area to the east. He states that landscape screening would be placed on the north side for the benefit of the condominium residents and users of the parking lot, while the long view to the south would be screened by existing natural vegetation. He displays the mockups in place for the 9 antennae. He notes the FCC compliance and adequacy of the submittal per City requirements, including a statement that colocation is infeasible.

Commissioner McConnell confirms with Mr. Cantrell the submittal of a propagation map.

Commissioner Gunter asks if there had been a discussion on an emergency power source. Mr. Cantrell did not recall such a discussion in the record, but notes that to his knowledge it is standard practice.

Vice-Chair Jain asks about any discussion on landscaping. Mr. Cantrell replies that Design Commission

review will be required, at which time the specifics of landscaping will be discussed and resolved.

Vice-Chair Jain opens the public hearing.

Bryce Novak, representing T-Mobile, describes maximizing coverage through elevation differences, with the proposed antennas to provide coverage all the way to the 210 Freeway.

Commissioner McConnell asks if a site further north on Angeles Crest Highway had been investigated. Mr. Novak replies that the site is a T-Mobile site for residents, which is at an elevation that does not allow downward coverage to the south.

Commissioner Gunter asks about protective measures, given the facility's proximity to Godbey Drive. He asks what would prevent someone from accidentally walking in front of antennas. Mr. Novak notes the landscaping between the parking lot and the antennas. He states that installations of the "popsicle" design typically have no barriers. Mr. Gunter states that the bottom of the antenna is head height. Mr. Novak replies that emissions would come from above that.

Vice-Chair Jain asks if there is concern that someone would touch and damage an antenna. Mr. Novak states that the antennae are securely mounted, and it is difficult to change their direction.

Commissioner Gunter notes that many teenagers are in the area at various times. Mr. Novak states openness to blocking access. Mr. Gunter suggests a larger enclosure with antennae inside. Mr. Novak replies that there is a need to separate the poles from the equipment. Director Stanley asks if fencing would suffice. Mr. Gunter states that some barrier would be appropriate, whether fencing of something more structural.

Commissioner McConnell notes the frequent presence of children in the parking lot, asking if the installation would be safe from a health perspective for someone there as long as two hours. Mr. Novak replies that the FCC regulates emissions, and that T-Mobile emissions are miniscule compared to FCC standards. Commissioner McConnell suggests looking at a location further down the hillside. Mr. Novak recalls that the 2010 design with retaining walls and stairs was more disruptive aesthetically from downslope.

Vice-Chair Jain notes that a downslope location would allow for taller antennae and fencing for protection. Mr. Novak states that it would be possible. Mr. Gunter states that the goal would be to cage the facility so that it is not an attractive nuisance.

Jennifer Navarro, project manager for T-Mobile, states her willingness to work with the Commission. She comments that taller antennae mounted farther down might be better, though aesthetics could be a problem. Commissioner Gunter notes that he has no preference, as long as access is blocked.

Vice-Chair Jain confirms with Ms. Navarro that continuance to April 28, with revised drawings due April 6, would be acceptable.

Vice-Chair Jain closes the public hearing.

M/S/C McConnell/Gunter to continue to April 28 3-0

IX. OTHER BUSINESS:

- A. Tree Removal 14-31 (Appeal)**
5495 La Forest Drive
Ngam/Mathiyakom

Consideration of an appeal (by the applicant) contesting Condition #1 – request to re-design the unpermitted retaining wall (condition carried over from previously approved hillside project HDP 13-60), Condition #4 - request to plant new 36-inch box-sized tree after removal, and Condition #5 - request to pay a restitution fee of \$2,115.00 per the Restitution Chart adopted by City Council.

Planning Aide Yesayan states that Deputy City Attorney Guerra will address revisions to be made to the draft resolution.

Deputy City Attorney Guerra states that the prior decision there was a condition requiring \$2,115 in restitution for the dead tree. He notes that the new code addresses violations as misdemeanors, punishable with fines, or administrative citations, but in any event as code enforcement items that should not be before the Commission. He states that, while restitution is not a Commission item, an aspect of the Tree Permit is before the Commission, which can require tree replacement.

Commissioner McConnell confirmed with Mr. Guerra that a condition was appealed that should not have been included for Commission review.

Mr. Yesayan displays the oak from July 2014, noting that the arborist recommended restoring original grade around the tree after the possible mudslide. An unapproved retaining wall was included in the review. Condition 1, being appealed, was carried forward from the HDP 13-60 approval, requiring the regrading and retaining wall redesign. Condition #4 being appealed requires a 36" box replacement tree. Condition #5 under appeal, the restitution fee, had already been identified by Mr. Guerra as outside of Commission purview.

Vice-Chair Jain asks Deputy City Attorney Guerra if it is a de novo hearing. Mr. Guerra responds that it is, only with regard to the tree removal. Director Stanley notes that the appeal period on the Hillside approval conditions expired, so that only conditions on tree removal are being appealed. Commissioner McConnell asks if there is a process to amend the Hillside approval after the appeal period. Mr. Guerra answers affirmatively.

Vice-Chair Jain summarizes that two conditions are not part of Commission purview, and the third, for a replacement tree, is a code requirement. Commissioner Gunter asks what happens if the appeal is denied. Mr. Guerra responds that the Tree Removal Permit would remain, with the option to appeal to the City Council, but Conditions 1 and 5 are not included. Commissioner McConnell confirms with Director Stanley that the retaining wall was approved administratively.

Vice-Chair Jain opens the public hearing.

Mr. Ngam, son of the owner, recalls the mudslide following the 2009 fire. He recalls that the City Council waived permit requirements to assist burdened property owners. He notes that the oak tree was buried in mud, and expresses doubts that the retaining wall built to protect the house after the mudslide killed the tree. He notes that many other trees in the area have died.

Commissioner Gunter asks why the owner is opposed to planting another tree. Mr. Ngam states that it would be an extreme burden to replace the tree in the exact same spot. Commissioner Gunter asks about replacement in the general area, and Mr. Ngam replies that the owner would be amenable to it. Commissioner Gunter asks why a permit was not obtained. Mr. Ngam replies that his father had not been aware of the process. Commissioner Gunter states that building a wall in an emergency is understandable, but why not afterward get a permit?

Chris Pae, project consultant, states that he is still educating owner on permit process. He recalls being hired after the owner received a code enforcement notice. He states that the garage was covered in the mudslide, and that the prior retaining wall only provided only 3 feet of protection. That was raised to 7 feet, and the grade got raised although much mud was removed. He recalls that an arborist had advised that the raised soil was killing the tree.

Commissioner Gunter notes that the code enforcement action was in 2013, but that no action to protect tree had occurred from then until now. Mr. Pae responds that the property owner had not been aware. He adds that the arborist had recommended that the new tree be 20 feet from the existing wall, and the owner changed his mind about planting a new tree. Commissioner Gunter asks if the only thing being appealed is planting a new tree 20 feet away. Mr. Pae replies that the owner didn't want to replace the retaining wall.

Commissioner McConnell asks if a replacement wouldn't be required for a tree killed by a mudslide. Deputy City Attorney Guerra states the process is not looking for cause, just condition of the tree. He states that a replacement may be required for a dead tree, and that a permit is not required if the Director determines that the tree was already dead. In this case, the Director did not make that determination.

Mr. Pae displays photos of dead trees and questions the attribution of the oak's death to the retaining wall. Deputy City Attorney Guerra states that a replacement tree may be required in cases where the tree removal impacts the character of the neighborhood or neighboring properties.

Vice-Chair Jain closes the public hearing.

Director Stanley states that when the mudflow occurred, the tree was alive. He notes that the owner took no action to correct the situation stated twice in arborists report. Responding to a question from Commissioner McConnell, Mr. Stanley states that the corrective costs are unknown, but they could have merely removed soil from around the tree.

Vice-Chair Jain states that he was the administrative hearing officer during the Hillside review, at which time all the trees were alive and healthy. He recalls discussion about retaining wall removal to keep the oak tree healthy, but no actions were taken, and trees have died.

Commissioner Gunter cites the original findings in stating that he cannot uphold the appeal.

Commissioner McConnell states that he had been unaware of the mudslide. He understands the desire to not redesign the retaining wall, and notes that an amendment request could be submitted to remove that condition. He recommends replacing the oak. He also notes that introduction of ivy and concrete at the trees' bases are bad for the trees' health. He recommends that the owner investigate saving the dying eucalyptus trees. Mr. McConnell states that he sees no reason to remove Condition 4, and recommends that there be no location or retaining wall requirements tied in with the replacement tree requirement.

Vice-Chair Jain recommends one 36-inch-box tree be required to be planted anywhere on the property with Director's approval, with the health of the tree monitored for 3 to 5 years. He notes that Condition 1 has been identified as inapplicable, and Condition 5 to be handled through a separate process. Noting that Condition 4 is dictated by ordinance, he states that he would vote to deny the appeal. He further states that the Tree Removal Permit was approved, that the appeal is on the conditions, and that the Commission has the authority to modify applicable conditions, which as discussed does not include Conditions 1 and 5.

Vice-Chair Jain recommends that Condition 4 be amended to state that the replacement tree should be in the same general location as determined by the Director, with minimum planting size of 36-inch-box and minimum 1.5-inch caliper at breast height.

M/S/C McConnell/Gunter to deny the appeal and amend Condition 4 as stated. 3-0

- B. **Building & Safety Verification:** Discussion regarding in-field validation of building setbacks, heights, drainage, conditions of approval, etc. by building inspectors.

Director Stanley introduces Building & Safety Office Manager Nader Samaan to explain the process.

Commissioner Gunter asks Mr. Samaan to go over the relationship between County and City. Mr. Samaan responds that the City contracts with the County for plan check and building inspection, and that his involvement is primarily only La Canada Flintridge. He notes that he continues to conduct plan check and building inspection, but that his time is now spent mostly managing the office. He states that plan checkers at the County office are being used increasingly for City projects. Commissioner Gunter confirms with Mr. Samaan that inspectors are County employees assigned solely to La Canada Flintridge.

Director Stanley notes the Commission's concern with field verification of height, setback, and drainage. Mr. Samaan describes the setback verification process at the foundation inspection stage, referring to the approved jobsite set (which is required to be onsite or no inspection occurs) using a tape measure and usually surveyor marks or monuments which are indicated on the site plan. He states that the inspectors check four setback lines before conducting the actual foundation inspection. He notes that prior to that, trenches must be approved by a soils engineer. He describes the process as very precise.

Mr. Samaan describes height verification as occurring during rough framing inspection. He states that a tape measure is used, by the inspector alone for one story to measure the ceiling at plate height, and for 2-story with contractor assistance, either a single measurement or increments.

Commissioner Gunter asks how conditions of approval are checked. Mr. Samaan replies that conditions are attached to the building permit, so that the inspector takes the conditions of approval within the permit file to the jobsite. He adds that they are sometimes printed on the plans, but that it is not a requirement. Director Stanley states that it seems a good idea to require them on the plans, with the contractor being four persons removed from who signed the conditions of approval.

Commissioner McConnell asks how the low point of the lot is determined. Mr. Samaan replies that adjacent grade is used. Mr. McConnell asks what happens if it has been adjusted from what was approved. Mr. Samaan states that it is easy to notice any change on natural grade, and that verification from a surveyor is in some cases sought, using monuments or marks on grade. He adds that surveyors are involved in inspectors' horizontal and vertical checks, and that a required lowering of pad height can be confirmed through surveyors' marks and topographical surveys.

Director Stanley asks how changes in the field are handled. Mr. Samaan replies that the inspector will send the developer back to the office to submit revised plans. Commissioner Gunter recalls recently having houses come back for review with changes that had been called in by neighbors, requiring a substantial conformance determination by Planning. Mr. Samaan states that Building & Safety staff are not allowed to approve changes.

Director Stanley explains that everything that goes through Building & Safety is also checked by a planner. He describes the log-in process as ensuring a submittal's consistency with approved plans and conditions. He notes that the plan check process can result in changes, so that Planning checks the drawings again after plan check for substantial conformance or return to the Commission. Commissioner McConnell asks at what point conformance is determined for landscaping. Director Stanley replies that it

is normally prior to occupancy. Commissioner McConnell asks if there is another inspection two years later. Director Stanley answers no, adding that inspection may follow if neighbors call in with a concern.

Commissioner Gunter asks how many inspections would occur for a 4,000-sf, two-story home. Mr. Samaan replies that it would be at least 8, following a clear sequence on the inspection card.

Commissioner Gunter asks Mr. Samaan is comfortable that the system is working. Mr. Samaan replies that he is, and that the County is continually seeking new information and techniques to improve performance and customer service.

Director Stanley notes that illegal construction is not in Building & Safety's purview without a complaint. Mr. Samaan comments that the complaint system works well in La Canada Flintridge.

Responding to a question, Mr. Samaan states that there are two inspectors and a standby. Director Stanley adds that Mr. Samaan will call in an additional inspector at times of heavy workload.

Commissioner Gunter thanks Mr. Samaan, describing his input as helpful. Vice-Chair Jain recalls that Mr. Samaan inspected his building after a neighbor erroneously complained about its height. Mr. Samaan notes that some complaints have no basis, but that none are taken lightly.

X. REPORT OF DIRECTOR'S REVIEWS

None

XI. COMMENTS FROM THE COMMISSIONERS

None

XII. COMMENTS FROM THE DIRECTOR

None

XIII. COMMENTS FROM THE PUBLIC (amended):

Noting public members in attendance, Vice-Chair Jain reopens Comments from the Public.

Elsa and Michael Gross, owners at 4431 Woodleigh Lane, introduce themselves as neighbors of Presbyterian Church. Ms. Gross expresses concern with the new parking lot, of which they have been supportive. They now view headlights that were blocked before, and are concerned that the sycamores now being planted will not screen the headlights in winter. Mr. Gross also expresses concern about the allergenic properties of the sycamores. He acknowledges not having researched the trees until they were being planted. Mr. Gross asks if there's a process to open up for more suitable tree, adding that they do not want to disrupt church's project, and that they have no complaints about the church or process. Commissioner Gunter thanks the Grosses for their comments. Deputy City Attorney Guerra notes that the appeal period has expired, adding that often the conditions allow the Director discretion over landscaping. He advises that the City will look at the approval conditions for that determination, and that if the conditions do not accommodate Director's adjustments, it would be appropriate for the Grosses to meet with the church.

XIV. ADJOURNMENT: M/S/C Gunter/McConnell to adjourn at 8:47pm: 3-0