

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON MARCH 27, 2012**

- I. **CALL TO ORDER:** Chairman Curtis called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Chairman Curtis, Vice Chair Cahill, Commissioners Der Sarkissian, Jain, Gunter, Director of Community Development Stanley, Assistant City Attorney Guerra, Senior Planner Buss, Planner Gjolme, and Assistant Planner Lang.
- III. **PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. **COMMENTS FROM THE PUBLIC:** There were no comments.
- V. **REORDERING OF THE AGENDA:** The agenda was not reordered.
- VI. **CONSENT CALENDAR:**

**A. Approval of Minutes:** January 10, 2012 - approved with minor changes. M/S/C Der Sarkissian/Gunter. 5-0.

**B. Lot Line Adjustment 10-03 (Amendment);** 737 Berkshire Avenue; Dr. and Mrs. Bradford Kolb.

The item was pulled for discussion.

Commissioner Gunter confirmed that the new arrangement did not yield ingress/egress or slope issues.

Planner Gjolme explained that the revised lot configuration was very similar to the configuration previously approved and that the subject lot in its current and proposed forms qualifies as a hillside lot with ample frontage along Commonwealth Avenue.

M/S/C Gunter/Jain to approve the amended Lot Line Adjustment per staff's recommendation. Unanimous 5-0.

**C. Resolution of Approval;** Conditional Use Permit 475; 2383 Foothill Blvd.; Howard Lee/Seoul Market.

The item was pulled for discussion.

Commissioner Cahill questioned condition of approval #13 and its specific level of detail pertaining to 'soju'. He felt the wording was burdensome and questioned the need for the condition.

Director of Community Development Stanley explained that "soju" is a type of Korean wine.

Commissioner Gunter researched the issue and informed the Commission and staff that the State allows distilled spirits less than 25% in alcohol content with a beer/wine license, which "soju" complies with. He felt that compliance with the State was adequate and that the condition was unnecessary.

M/S/C Cahill/Der Sarkissian to delete condition #13. Unanimous 5-0.

## VII. CONTINUED PUBLIC HEARINGS:

**A. 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 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 brief overview of the project's lengthy history and scope for benefit of the Commission and audience, and discussed the most recent changes to the draft Ordinance.

Chairman Curtis suggested that the Commission review the Ordinance page by page and make comments/changes as needed.

Chairman Curtis modified the definition of a 'protected tree' slightly through addition of the word "Any" as a preface to 'native oak'.

Chairman Curtis commented that the term 'as defined in this chapter' was used redundantly and should be struck from various definitions. The Commission agreed.

Chairman Curtis questioned the nexus for a tree alteration permit.

Assistant Planner Lang responded that certain lesser actions do not warrant a removal permit and are captured by the Tree Alteration Permit.

Chairman Curtis suggested adding the term 'roots' to the portions of trees that could cause unreasonable interference ('limb or roots'). Finding 1 for the Tree Alteration Permit was revised accordingly.

Chairman Curtis commented on Section 11.40.070. Tree Removal Permit and felt that item C.5, which dealt with the concurrent submittal of a Tree Removal Permit with a development proposal, could be eliminated.

Assistant City Atty. Guerra agreed and thought the language might have been carried over from the old Ordinance. Said language was left in place.

Chairman Curtis questioned whether monetary restitution should be based on the value of replacement or compensatory trees rather than the trees being removed, which is often considerably more.

Commissioner Der Sarkissian noted that the arborist review and associated valuation would be rendered moot by changing the method of valuation from the removed tree to the replacement tree.

Chairman Curtis reiterated that violations would be held to the assessed value of the tree removed and not the lesser valued replacement trees.

Director of Community Development Stanley felt that basing the restitution on the value of existing trees to be removed ensures better more sensitive development

Commissioner Gunter felt the language pertaining to monetary restitution was adequate in its current form.

Chairman Curtis suggested modifying the emergency alteration permit language to exclude the fee exemption. The Commission agreed.

Chairman Curtis questioned whether a Protected Tree Plan should be required in conjunction with a building permit instead of when protected trees are simply 'located within a project area'.

Director Stanley clarified that certain construction activities do not require building permits, but could nonetheless potentially impact protected trees.

Commissioner Cahill noted that use of the terms 'development activity' and 'construction activity' throughout the Ordinance. He felt 'development activity' was the more appropriate term and that 'construction activity' should be eliminated to ensure consistency.

Chairman Curtis questioned whether the Ordinance should detail the required contents of an arborist report.

Assistant Planner Lang responded that other cities imbed said language in their ordinances.

Commissioner Der Sarkissian preferred to leave it in to ensure consistency in the content of the arborist reports.

Language allowing for the possible reinstating of suspended arborists and tree trimmers after one year was eliminated from Section 11.40.130.C.

Commissioner Curtis commented on Section 11.40.130.D and suggested adding 'alters or damages' to 'removes' to broaden the scope of actions that could be penalized. The Commission agreed with the change.

There were no further Commission comments.

Architect Jay Johnson commented that back yard trees do not have a huge community benefit and can hinder development - pools, additions, etc. This was a great opportunity to include some flexibility in the Ordinance to reduce the burden on certain properties.

Chairman Curtis responded that the Commission spent considerable time on this issue and modified the findings required for removal or alteration accordingly.

Commissioner Cahill was sensitive to Mr. Johnson's comments and felt that adding the language 'or undue impairment' to the hardship finding would refine it as needed.

Commissioner Der Sarkissian disagreed and felt that all trees are valuable to the community. Front and back yard trees are of equal importance in his opinion. He did not agree with Mr. Johnson.

Commissioner Jain felt that Commissioner Cahill's idea had merit and agreed that the hardship finding could be refined.

Commissioner Cahill commented that he was very comfortable with the totality of the Ordinance at this point.

Commissioner Gunter commended Ms. Lang on the work done. He also disagreed with Mr. Johnson and felt back yard trees have significant value. He felt the hardship finding was adequate and appropriate in its current form and that changes were not necessary.

Director Stanley stated his general concern with last minute changes in lieu of concessions already made.

Commissioner Cahill drew the comparison to a Setback Modification and its use of the term 'practical difficulty' in connection with the hardship finding.

Chairman Curtis commented that the term was just a different way to express a hardship. He noted that the current language has certainty and detail that the community will appreciate and respect.

M/S/C Cahill/Jain to recommend approval of the Ordinance to the City Council with the changes suggested by Assistant Planner Lang and as noted by the Commission during discussion and with the addition of the language "or undue impairment" to the hardship finding contained in Section 11.040.060.B.5 and 11.040.070.B.2. Unanimous 5-0.

Chairman Curtis reiterated that this is a recommendation to the City Council, rather than actual approval of the new Ordinance.

## VIII. PUBLIC HEARINGS:

**A. Second Floor Review 12-02; Treadwell; 5161 Vista Miguel Drive;** Request to permit a 680 sq. ft. second floor addition to an existing two-story house on a 19,760 sq. ft. property. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project (Planner Clarke).

Planner Clarke summarized the project in accord with the staff report, noting that the proposed deck enclosure was appropriately sited and not intrusive. He noted that an opposition letter from the neighbor to the south had been received earlier in the day. Project approval was recommended nonetheless.

The Commission had no questions for staff.

James Armstrong - project architect - offered to answer any questions.

Commissioner Der Sarkissian commented that the new fireplace may be subject to Title 24. He visited the site and had no problem with the overall project, but was curious if a wood-burning fireplace would be allowed at the 2<sup>nd</sup>-floor level. Commissioner Gunter visited the site and had no issue with the request, which he regarded as modest and thoughtful. He agreed with staff that the deck enclosure would enhance neighboring privacy.

Commissioner Jain visited the site and agreed with the other Commissioners. He felt the fireplace was a non-issue and could support the project.

Commissioner Cahill agreed and noted that the project complied with all code standards.

Chairman Curtis visited the site and thought the project would be a nice improvement to the area.

M/S/C/ Der Sarkissian/Cahill to approve the project as submitted. Unanimous 5-0.

**B. Hillside Development Permit 10-57/Second Floor Review 10-41/Modification 11-12; Chang/Johnson; 3800 Domal Lane:** A request to allow construction of a new 3,062 square foot two-story house (including garage area) on a 13,700 square foot hillside lot (41% average slope) on the east side of Domal Lane, a cul-de-sac. The first floor is at street level and the second floor is underneath the first floor. There is also a request to allow a portion of the rear of the house to encroach three feet into the fifteen foot rear setback (Modification). Staff is recommending that the Planning Commission approve a Mitigated Negative Declaration for this project. (Senior Planner Buss)

Commissioner Der Sarkissian recused himself since he lives within 500 feet of the subject property.

Senior Planner Buss detailed the project's history and complicated nature of the current submittal in accord with the staff report. He identified several issues that would need to be resolved if approval was to be granted. A continuance or conditional approval was recommended at this point.

Chairman Curtis questioned how this project compared to the previously approved project.

Mr. Buss responded that the current project is larger since the lower floor has been expanded. The current project encroaches into the rear setback, whereas

the previous request did not. The overall height is comparable to the previous structure, which was more modern in design.

Chairman Curtis questioned whether the rear trees would survive during construction.

Senior Planner Buss explained that a pier support system would be used for the outer wall to the rear. Part of the house cantilevers to the rear to protect the tree's root system.

Commissioner Gunter questioned whether the story poles to the east are accurate. His site visit seemed to contradict the site plan. The story poles appeared closer to the property line.

Director of Community Development Stanley clarified that building height would have to be adjusted since no entitlement to deviate from height limits was included as part of the application.

Commissioner Jain confirmed that health department approval was obtained for the previous project.

Jay Johnson - project architect - noted that this was a very challenging project considering the extremely irregular shape of the lot. Required setbacks combined with the lot's depth and configuration mandate some setback relief in his opinion. The house aligns well with the street, but cannot with the angled rear property line since it would 'pinch' the design too severely. He felt the rear encroachment was negligible as was the floor area excess, which was not apparent from offsite.

San Ji - 1350 Sugar Loaf Drive - neighbor to the east presented a PowerPoint presentation outlining his concerns: flooding/mudslides; future liability - City or owner; size and FAR of new house relative to neighboring homes; encroachment to the rear; height of structure and privacy impacts on his property; potential environmental impacts.

Cynthia Chamberlain - 3818 Domal Lane - stated that the prior owner of the property had stated that the lot was not buildable. The lot has experienced significant erosion over the years. Long term impacts of these decisions affect the neighbors, not staff or the Commission. She sympathized greatly with the Jis. She would like to see something done, but this project is not the answer. She urged the Commission to be thorough, sensitive and prudent in their decisions.

Peter Chamberlain - 3818 Domal Lane - stated that the mature Eucalyptus tree at the northeast corner of the lot would be removed in conjunction with the project, but should be preserved. He spent thousands of dollars on slope stability measures on his property and felt the owner should be forced to build a retaining wall along the east property line to compensate for the deficient setback. He favored reducing the size of the house in conjunction with creation of an engineered wall for improved slope stability.

Mary Whitaker - 3801 Domal Lane - 20 year resident. She was familiar with three different projects that have been proposed over the years and was in support of the current project.

Christopher Chaney- 1340 Sugar Loaf - moved to area because of privacy. The house as proposed will severely affect Dr. Ji's and his privacy and will loom over their back yards. As designed and sized, the home is grossly inappropriate for the lot.

Mr. Johnson responded to neighbor concerns. The home is comparable to others in terms of size when excluding the garage, the floor area of which is often misleading since assessor numbers do not include it, but the City does when evaluating the 'total' size of a project. The Structure will improve the site's stability and drainage. A survey confirms that the setbacks shown on the plans are correct. Views from the rear of the new house would be over Mr. Ji's house and not at it or into his yard area. Current septic systems are markedly improved and wont seep beyond property lines. He felt the current submittal was a much better design than the prior approval.

Commissioner Gunter reviewed the plans during discussion and commented on the east elevation where there appeared to be a downslope wall over 20 feet in height. He referenced the south elevation and confirmed that the cantilever projects vertically to establish low datum and overall building height.

Mr. Gunter's observations were confirmed by staff.

Commissioner Cahill confirmed that the trees along the rear property line are not protected specimens. He stated that it was a very good report and difficult lot, but he was very concerned based on his visit to the neighbor's lot. He felt the home needed to be smaller and much lower in profile as seen from the rear. The difference between the tree line and property line intensifies the overall down-slope effect. The site's severe slope warrants a smaller structure. He questioned whether a 2<sup>nd</sup> floor was appropriate on this site. The encroachments are excessive and exacerbate the problems. He stressed that the difficulties with the

lot actually demand code compliance rather than exceptions thereto. He felt that substantial revisions were needed at this point.

Commissioner Jain shared Mr. Cahill's thoughts. The project is effectively on Sugar Loaf Drive, not Domal Lane. He was very concerned with the structure's 3-story profile as seen from below. Square footage is not necessarily the issue, but rather the presentation to the rear. He supports a front setback reduction to maximize separation to the rear and lower the home's overall profile. He could not make any findings at this point.

Commissioner Gunter visited the site and concurred with his fellow Commissioners. The home needs to be as close to Domal Lane as possible. He would support a front Setback Modification to maximize rear separation. He could not make any findings for the reduced rear setback, over-height walls, and excess building height. The Slope Factor Guideline is definitely needed in this case since the slope contributes to the problem. The flat area on the site is distant from the home and not relevant to the slope calculation. He was concerned that the deep cantilever would become unkempt and useless space over time. The house pushes the envelope way too much. He could not make any Hillside or Second-floor review findings at this point.

Chairman Curtis also visited the site and Dr. Ji's property. Although a very difficult site, he agreed that the current project is inappropriate. A significant redesign is needed at this point.

Mr. Johnson requested a continuance to a date uncertain.

M/S/C Jain/Gunter to continue the project to a date uncertain. Unanimous 4-0.

**IX. OTHER BUSINESS:** There was no other business.

**X. REPORT OF DIRECTOR'S REVIEWS:** [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]:

**A. DM 12-05; Kwon; 4841 La Canada Boulevard:** Approved request to allow a 397 sf bedroom addition to encroach 3 feet into the required 8 foot side yard. The house has an existing side setback of 3'-6".

Director Stanley commented briefly on the project, for which there were no questions.

**XI. COMMENTS FROM THE COMMISSIONERS:**

Commissioner Gunter attended a League of California Cities Planners Institute and thanked the City for the informative experience. He noted that an EIR for a single-family house was the topic of one discussion and that Categorical Exemptions are not always a given for a residential infill project. He found a 90 minute presentation on parking very interesting and informative.

Commissioner Cahill stated that he had received several emails about the Sacred Heart Academy project.

Director Stanley explained that the project was pulled in order to re-do the environmental review. Cottages were proposed for removal in conjunction with expansion of the auditorium and with the site identified as a historic resource, more thorough analysis was needed. A consultant would be hired accordingly.

Commissioner Gunter asked to review background material for the project in advance of upcoming CUP review by the Commission.

Chairman Curtis commented that several construction sites were not employing storm water/erosion control measures.

Chairman Curtis thanked staff for their work on the Tree Ordinance, which was a substantial project.

**XII. COMMENTS FROM THE DIRECTOR:**

Director Stanley noted that the two recent liquor store CUP approvals would be reviewed at the next City Council meeting.

Commissioner Cahill questioned if the decisions had been appealed to the Council.

Mr. Stanley clarified that appeals had not been filed, but a finding of necessity and convenience by the City Council was required since both stores were located in census tracts with an undue concentration of offsite liquor sales as identified by the ABC.

**XIII. ADJOURNMENT:**

The meeting was adjourned at 9:10 p.m.