

**A SPECIAL MEETING OF THE PLANNING
COMMISSION OF THE CITY OF LA CAÑADA
FLINTRIDGE, HELD APRIL 9, 2002**

STUDY SESSION

- CALL TO ORDER:** Chairman Levine called the meeting to order at 5:23 p.m.
- ROLL:** Present were Commissioners Brown, Engler, Gelhaar and Mehranian. Also present were: Assistant City Attorney Steres, Director of Community Development Stanley, Planner Cantrell and Assistant Planner Gjolme.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- Continued Review of the Hillside Ordinance:** Director Stanley continued the review of the Hillside Ordinance, including the revisions recently adopted by the City Council. The review extended to the *Submittal Requirements* section and was continued to April 23, at 5:00 p.m., due to time constraints for the regular meeting.
- ADJOURNMENT:** The Study Session adjourned at 5:58 p.m.

REGULAR MEETING

- CALL TO ORDER:** Chairman Levine called the meeting to order at 6:00 p.m.
- ROLL:** Present were Commissioners Brown, Engler, Gelhaar and Mehranian, Assistant City Attorney Noonan, Director of Community Development Stanley, senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.
- COMMENTS FROM THE PUBLIC**
- Jeff Mellstrom, 1347 Journey's End Road, addressed the Commission regarding the ongoing project at 1331 Journey's End. He advised that the cedar fence on the north side of the property had not yet been cut back and asked that the Commissioners be directly involved in seeing that compliance with all the conditions was achieved.
- Director Stanley assured the Commission that a Certificate of Occupancy had not been issued.

Planner Cantrell remarked that one of the conditions clearly states that all conditions must be met prior to issuance of a Certificate of Occupancy. The fence alluded to by Mr. Mellstrom was not exactly set back 7 ft for its entire length. At its closest point to Journey's End, it is set back approximately 6' 5" and farther north, is set back less than 7 ft in order to avoid a slab at the pool. Ground cover still needs to be planted and a drainpipe will not be allowed to remain. Regarding neighbors' concerns of damage to the private street caused by construction vehicles, his site visit earlier that day did not reveal any impediment in the street that would jar a vehicle. Finally, in response to a neighbor's concern that paving the asphalt would only aggravate an existing drainage problem in the street, the City Engineer determined there is not a drainage problem as the flow line doesn't violate the crown of the road.

Responding to a question from Commissioner Gelhaar, Planner Cantrell advised that the distance from the back of the mailbox to the fence is just over 6 ft; Staff did not intend to ask the applicant to move the section of fence. He noted that the required 7-ft setback tends to lose its significance towards the north.

Larry Bradford, 1332 Journey's End, expressed concern with drainage. He related that during the rainy season, water is diverted from the gutter into his yard. It was his understanding that the end of the walkway concrete would be removed so that the gutter would drain.

Jim Short, 1224 Journey's End, had discussed the conditions of approval on site with Planner Cantrell. He reviewed his videotape and felt that "repair of the road" is a condition. Mr. Short requested clarification that "repair of the road as damaged by the project" is a condition.

Assistant City Attorney Steres recalled his advice to the Commission as to its limitations with regard to street repairs. The conditions accordingly, require the applicant to repair potholes directly resulting from this project. Repair "of the road" was not a condition of approval.

Commissioner Brown recognized the limitations; nevertheless, it was clear to him that the roadway sustained damage due to the construction vehicles parking repeatedly over many months, which is directly related to construction of the project.

Chairman Levine confirmed that the intent of a majority of the Commissioners was that all the conditions be met prior to issuance of the C of O. He and Commissioner Engler reiterated that "a 7-ft setback is the condition".

Bob Langdon asked the Commission to be more vigilant when allowing setbacks for ALQs as it can cause friction between neighbors.

CONSENT CALENDAR:

M/S/C Brown/Mehranian to adopt the minutes of March 26 as amended. Unanimous.

PUBLIC HEARINGS:

**FOOTHILL WINES &
SPIRITS;
CONDITIONAL USE
PERMIT 126,
(amendment #2);
958 FOOTHILL BLVD.:**

Planner Cantrell reported the applicant's request to expand the permitted hours for wine tasting seminars. He recalled that in 1999, the current operation replaced a conventional liquor store and assumed its ABC permit and CUP. An amendment was then requested and granted, to allow wine tasting between 6 pm and 9 pm on weekdays and between 2 pm and 9 pm on weekends ---a one-hour extension to 10 pm is now requested with no more than two wine tasting seminars per month.

Planner Cantrell referred the Commissioners to the initial staff report, which was included in their packets. Wine tasting is not associated with inappropriate behavior and since the amended CUP was granted, there have been no reports of disturbances by the Sheriff or to the City in connection with the use. Staff determined that the amendment is consistent with the positive findings made earlier and recommended project approval.

Commissioner Gelhaar confirmed that the store's regular closing hour would not change; Monday through Saturday at 9 pm and Sunday at 7 pm.

Gary Stromer, representing the applicant, advised that the current restriction is a 9:00 pm cut-off for wine seminars; there is not much business after 9:00 pm.

Commissioner Mehranian requested confirmation that the seminars would continue to be restricted to 12 attendees.

Mr. Stromer advised that the restriction precludes them from accommodating a pent-up demand. He was actually looking to hold one wine seminar per week and to expand attendance from 12 to 20 clients.

Assistant City Attorney Steres advised that the published notice only addressed a request to change the seminar hours to 10 pm.

Chairman Levine advised Mr. Stromer that the Planning Commission could only address what the application requested and what the notice of public hearing described. He asked if Mr. Stromer would like the opportunity to amend his application and return for a future hearing date.

Director Stanley noted that a re-notice fee would be involved.

Chairman Levine opened the public hearing. Since comments were not offered, the public hearing was closed.

Mr. Stromer requested a continuance to a date uncertain.

M/S/C Gelhaar/Engler to continue Conditional Use Permit 126, amendment #2 to a date uncertain.
Unanimous.

**CONDITIONAL USE
PERMIT 345;
TAIX WORKOUT
STUDIO;
1424 FOOTHILL BLVD.:**

Planner Cantrell reported the applicant's request to establish a fitness studio in the former Huntington Ironworks building. The 2,164-sf tenant space is on the south side of Foothill, between Indiana Avenue and Union Street, previously occupied by John R. Roberts Floraculturalist. The business owner is relocating Sweatz, from the shopping center at 711 Foothill and renaming it.

Proposed hours of the one-on-one training operation are 5:30 am to 7:00 pm with a total number of 5 employees. Planner Cantrell noted that a recent expansion of the parking lot brought the parking count to 34 spaces, nearly compliant with the 39 spaces required. He pointed out that curbside parking is also available at the front and that the established long-term tenants require only minimal parking with particularly light demand in the evening.

Planner Cantrell then addressed the typical concern of evaluating a CUP and the effect of a use on the vitality of commercial surroundings.

The proximity of the business to residences suggests that limiting the hours of operation would be appropriate ; Staff's recommendation was that a 10:00 pm closing time be imposed and that no more than 15 occupants be on the premises at any given time without returning for an amendment to the CUP. Staff determined that the studio would fulfill a need and in that sense, would add to the character of the Old Town District.

Responding to a question from Commissioner Engler regarding the possibility of the building's historical status, Planner Cantrell noted that the façade would remain intact and the sign received approval from the Design Commission.

Chairman Levine commented on the amount of interior work that is ongoing without a CUP approval.

Planner Cantrell advised that a building permit was granted for generic tenant improvements that are not specific to the requested CUP.

Business owner, Linda Taix, advised that her business is solely one-on-one and does not include aerobic classes. There are five trainers, including herself, of which two are part-time. It would be rare for everyone to be on the premises simultaneously. Ms. Taix advised that her busiest times would be when the adjacent tenant spaces are closes --- in the early morning and later in the evening.

Chairman Levine confirmed that Ms. Taix was amenable to a 7 pm closing time.

Chairman Levine opened the public hearing.

Marjorie Cates, 4471 Indiana Avenue, advised that late hours of operation would be detrimental to the resident residing immediately to the rear of the site. She requested assurance that children would not be running around in the parking lot, attempting to climb over the wall. She stated that she was satisfied with the 7 pm closing time and asked the Commission to relay her concerns to the Public Works Commission regarding continual westbound left turns into the driveway between the office building and the Antique House.

Bob Langdon spoke as a long-time participant in physical training. He felt that a maximum occupancy of 15 was low and very reasonable.

Further comments were not offered and the public hearing was closed.

Commissioner Brown advised that he drove through the lot and did not observe anything that he would consider as posing a parking problem. He was pleased to be supportive of local businesses.

The Commissioners concurred.

M/S/C Engler/Gelhaar to approve Conditional Use Permit 345 as conditioned. Unanimous.

**PUBLIC MEETINGS:
MODIFICATION 02-12;
RAINES;
4725 HILLARD AVE.:**

Chairman Levine noted that that the agenda reflected the applicants' request for a continuance to April 23. He confirmed that no one in the audience wished to speak

M/S/C Brown/Gelhaar to continue Modification 02-12 to April 23 as requested. Unanimous.

**MODIFICATION 02-09;
JOHNSON;
4624 LONE PINE LANE:**

Director Stanley reported the applicant's request to allow a sliver portion of a second-floor addition to encroach 2 ft into the required 15' 8" north, side yard setback.

The two-story home is located on the east side of Lone Pine Lane, between Lombardy and Lyans Drives in the R-1-15,000. The lot is irregular in shape; the 90+ft frontage, narrows to 50 ft at the rear due to a sharp jog at north property line

The project involves a 481-sf first-story addition and a 827-sf second-floor addition. While the first-floor expansion is code compliant, it is under review due to its proximity to oak trees. An arborist report was submitted which foresees no harm to the trees resulting from the project, so long as the cited recommendations are followed. A master bedroom at the northeast of the second floor would be 13' 8" from the north side property line - 2 ft short of the second-floor requirement. Staff considered the encroachment as minor and supportable due to the property's diminished width as it extends eastward. Other than the requested encroachment, the project meets Code, would be well screened and invisible from neighboring properties and from the street.

Chairman Levine stated that he was having difficulty with the 'hardship' finding; he felt the applicant could reduce the sq footage and eliminate the encroachment.

Director Stanley commented that the findings also talk about practical difficulties. He noted that the applicant could meet Code by cutting off the corner; however, the result would not be aesthetically pleasing.

Commissioner Mehranian confirmed that the arborists must be licensed in order for their reports to be accepted by Staff.

Property owner, Bill Johnson, explained that his neighbor's fence encroaches 1½ ft into his property; therefore, the encroachment would not be as great visually. He also felt that, as designed, the Cape Cod design is retained. He felt that a positive finding of hardship was justified because the property's configuration constricts any proposed expansion and his only alternative would be to expand forward, where the project would be visible.

Further comments were not offered and the public hearing was closed.

Commissioner Gelhaar stated that he could support Staff's recommendations in light of the abundant landscape screening and minimal impact.

Commissioner Mehranian expressed concern with protection of the trees and asked that the construction crew be given a copy of the City's Tree Protection Guidelines.

Director Stanley referred to the draft conditions, which require compliance with "all applicable tree protection guidelines". He has notified the Department of Building and Safety to be aware of and to look for any infractions.

Commissioner Gelhaar noted that the arborist report requires the footing to be dug by hand with a certified arborist in attendance.

Commissioner Brown remarked that the findings require practical difficulties *or* unnecessary hardship. He felt the finding of practical difficulty could be made given the current location of the house. While clipping the end corner would solve the encroachment problem, such a solution would not be harmonious and the encroachment is a minor incursion.

M/S/C Gelhaar/Engler to approve Modification 02-09 as conditioned. Unanimous.

OTHER BUSINESS:

**TREE REMOVAL 02-04;
SHIM;
438 RICHMOND ROAD:**

Planning Aide Shimazu reported the applicant's request to remove a multi-trunk oak tree with a combined diameter of approximately 61". The tree is located in the rear yard, four feet away from the foundation of the home. The tree is considered *mature or scenic* and therefore subject to the environmental review process; Staff prepared a Negative Declaration for review by the Commission. Mr. Shimazu noted that the Negative Declaration stated that removal of the oak would not result in significant impacts on the environment. He referred to the arborist report citing the tree's loss of

structural integrity and the hazardous condition. He further noted the several trees in the rear yard and the deodars in the front yard negate aesthetic impact concerns that might be raised.

Planning Aide Shimazu reviewed the criteria for issuing a Tree Removal Permit. Staff determined that removal of the request would be appropriate, given the declining health of the tree and its proximity to the house.

Commissioner Mehranian asked how the determination of “no impact” was reached.

Assistant City Attorney Steres commented that removal of a tree with a 61” trunk diameter would clearly have an impact; some impacts are ‘significant’ while others are ‘less than significant’. The Commission has to determine whether the impact of removing the subject tree is significant.

Chairman Levine invited public testimony.

Bob Langdon expressed difficulty with understanding ‘significant impact’ versus ‘less than significant’. He stated the applicant should “work around the situation rather than have an addition affect the tree”. Mr. Langdon suggested that perhaps the cable could be left in the tree to prevent further damage.

Commissioner Gelhaar confirmed that Mr. Langdon had not been out to the property.

Property owner, Joon Shim, reminded the Commissioners that his original request to remove the tree was for safety reasons rather than the impending second story addition.

There were no further public comments offered.

Commissioner Engler commented that there is no imminent danger because the house is not currently occupied; however, the tree is in decay. He did not believe it would not be prudent to deny the request.

Commissioner Mehranian stated that she was having difficulty supporting the request but if removal was authorized, she would want oaks to be planted as replacement trees.

Commissioner Brown stated that visual confirmation of the tree's proximity to the house and the major limbs supported by cables bolted into the tree present a dangerous situation. He stated that the tree would come down "one way or another" and noted that Staff's recommendation requires replacement.

Commissioner Gelhaar stated that he, too, was concerned with allowing the tree to remain from a safety standpoint, but preferred three to six oaks to replace the removed oak. He stated that the replacement trees could be planted on site or anywhere else within the City; appropriate funds could be paid to the City to plant the trees.

Chairman Levine expressed his desire to do everything possible to protect large trees. While he was unsure of how he would vote, it appeared that the request would be approved with the conditions amended regarding replacement trees.

Commissioner Gelhaar made a motion to approve Tree Removal request 02-04 with condition No. 9 amended to require four, 36"-box size, protected trees anywhere within the City or contribute the cost to the City's Tree Replacement Fund. The Fund is designated for planting trees within the public area of the City as determined by the City.

Commissioner Engler asked to amend the motion and require oak trees as replacement. Commissioner Gelhaar accepted the amendment.

Director Stanley noted that the Ordinance states if replacement trees are not feasible on site or the number of replacement trees to mitigate the impact cannot be accommodated on site, the property owner may be required to provide cash contribution to the City.

Commissioners Engler and Gelhaar commented that there are numerous trees on the property and they did not necessarily want to force the property owner to plant the replacement trees on site. On site or off site replacement was acceptable to them.

The motion passed 3-2. Dissenting: Levine and Mehranian.

Director Stanley advised Mr. Shim of the 15-day appeal period.

**FISCAL YEAR 2002-03
BUDGET REQUESTS:**

Director Stanley reported that only Commissioner Brown had furnished suggestions for budget consideration which included allocating resources to revising the *hairpin lot* definition, amending the Code to deal with freestanding containers and other non-fixture yard equipment, creating an inventory of remaining undeveloped open space and undeveloped legal lots within the City, consider amending the General Plan to address preservation of a neighborhood's character which could include limitation on size, increased setbacks restrictions on second stories, etc. to preclude drafting further "one size fits all" R-1 regulations, implementation of document policies that would allow access to scanned materials and staff reports prior to hearings by the public and the Commission and providing resources for prompt posting of minutes.

Chairman Levine suggested password protection allowing the Commissioners access to draft minutes.

Commissioner Gelhaar suggested that Staff set priorities for the Commission to review.

**COMMENTS FROM
THE COMMISSIONERS:**

Commissioner Engler stated that receiving packets on Thursday was very helpful.

**COMMENTS FROM
THE DIRECTOR:**

Director Stanley reminded the Commission of the joint meeting with the City Council on May 20th. He asked the Commissioners to e-mail any discussion items to him so they could be discussed on April 23.

ADJOURNMENT:

M/S/C Gelhaar/Engler to adjourn at 8:20 p.m.
Unanimous.