

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON APRIL 9, 2013**

- I. CALL TO ORDER:** 6:03 p.m.
- II. ROLL:** Chairman Der Sarkissian, Vice Chairman Jain, Commissioners Gunter and Walker – all present
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** Steve Brown – comments regarding his neighbor's project.
- V. REORDERING OF THE AGENDA**
- VI. CONSENT CALENDAR**
- VII. CONTINUED PUBLIC HEARINGS**
- VIII. PUBLIC HEARINGS:**
  - A. Second Floor Review 10-06/Directors Misc. Review 10-08 (SB)(AMENDMENT); Cameron and Abby Izadi; 4393 Chevy Chase Drive:** Request for an amendment to a previously approved project that would allow deletion of an approval condition (#14) that required installation of louvered planter boxes along the south side of the new 2<sup>nd</sup> floor. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Gjolme)

At the behest of the Planning Commission, Planner Gjolme quickly summarizes the project in lieu of a full presentation.

The public hearing is opened. The adjacent neighbor supports the change. There are no questions from the Commission, and no other public comments. The public hearing is closed.

Commissioner Jain visited the site, and hearing the neighbor's support, is supportive of the project. Commissioners Gunter and Walker voice the same support. Chair Der Sarkissian stated he visited the site and noted that the condition of approval would not cause blockage of the view anyway, and as long as the neighbor is happy, he will support the request. Commissioner Jain moves for approval and Commissioner Walker seconds the motion. The motion carries on a 4-0 vote.

- B. Variance 13-01; City of LCF/Stepanian; 605 Meadow Grove Street:** Request to allow a 4' extension to an existing 14.5' over-height sound wall in the side setback of a 18,683 sq. ft. lot. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Clarke)

Planner Clarke presents both projects at once since they are similar and adjacent to each other. He describes the two walls but notes that the existing wall (605 Meadow Grove Street) does not have building permits and such permits will be required as a condition of approval for that site.

The Planning Commission asks questions regarding the overall sound wall project. Mr. Edward Hitti, Public Works Director, provides information regarding the program. The number of walls to be constructed now are limited due to the limited funds the City has. Some of the walls are on public property and will be built by Caltrans. These are the only two walls in the current construction program that are on private property.

Commissioner Walker asks about the gap between the two adjacent walls. Staff responds that the gap will be closed.

The public hearing is opened. No public comments are offered. The public hearing is closed.

Commissioner Walker was not able to physically enter the rear yard of 605 Meadow Grove Street, but with the images and plans provided, can support approving this request.

Commissioner Gunter visited the site. He notes that the public is excited about the walls. He states he can find for Variance. The work will be done in conjunction with Caltrans walls and does not set a precedent for being over-height as Caltrans sound walls are normally very high.

Commissioner Jain stated that he did not get a chance to go inside the property, but notes that the issue of freeway noise is very important to the residents. Noise pollution definitely affects people's enjoyment of their outdoor space and he can support this request.

Chair Der Sarkissian also was not able to get onto the site. He notes that the proposed wall extension is transparent (can be looked through). He has no problem supporting the request.

Commissioner Gunter moves to approve this Variance as submitted. Commissioner Jain seconds the motion. The motion carries on a 4-0 vote.

**C. Variance 13-02/Tree Removal 13-07; City of LCF/Palmer; 619 Meadow Grove Street:** Request to allow the construction of a 14 feet tall over-height sound wall in the rear and side setbacks of a 33,560 sq. ft. lot which includes the removal of an existing oak tree. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Clarke)

Planner Clarke does a short presentation on this site especially addressing the tree removal. He presents the project using photos of the property noting the tree in question to be removed. He notes that the rear yard is tight and even with the use of photos is difficult to show the whole area.

The public hearing is opened.

Tom Palmer, owner, addresses the Commission about the oak tree. He states that the wall cannot be moved and the tree is in the way. He would like to save the tree but there are a lot of trees and he is okay with its removal.

There are no other comments, so the Chair closes the public hearing.

Commissioner Walker was able to visit rear yard. She understands that the tree cannot be saved but asks whether the replacement with a 48" box should be changed to smaller box size due to the way smaller trees will build a better root system and survive. The Public Works Director (Edward Hitti) is asked about this matter. Mr. Hitti states he would prefer smaller trees because they will "establish" better. He would prefer 24" box over the 48" box. The larger box size may not adjust from its box to bare soil as well as a 5 or 15 gallon tree.

Chair Der Sarkissian asks about the height of the existing tree. [The consultant estimates that it is 30-35 feet high.] He was not able to see the tree personally. He wonders whether the wall was considered to be interrupted for the tree because the tree is a mass and it is much larger than the wall. He states the mass [of the tree] is a sound barrier, and taking the tree may damage the sound issue. Mr. Hitti states that the assumption that a tree will attenuate sound is incorrect. He states that all the studies show that a block wall is more effective than a tree in stopping sound. Chair Der Sarkissian states his disagreement. Mr. Hitti indicates that stopping the wall to allow the retention of the tree is like opening a window on the wall and it will let the sound through. Regardless of the Chair's disagreement, this is backed by Caltrans studies and that is why they are building walls and not just planting trees.

Eric Spangler from Parsons (the design engineer for the project) states the angle of the tree is angled down the slope toward the freeway whereas the fourteen foot high block wall will be vertical, so just the geometry would make construction of the sound wall up to the tree very difficult (wall, tree gap, wall). Also, he is told by the arborist and the landscape architect that oaks are very sensitive, so that if the City was to construct a masonry block sound wall that includes an underground concrete beam, an then sixteen inch steel piles that go down into the ground to support the fourteen foot high sound wall up against the existing root base, the tree could die. The gap in the wall also weakens the wall.

No one else wishes to speak and the public hearing was closed.

Commissioner Jain was again not able to enter rear yard. However he can support the request with the removal of the tree for reasons of sound mitigation. He can support the proposed findings.

Commissioner Gunter did visit the site and agrees with his fellow commissioner to support the request.

Commissioner Walker states that she agrees with the other commissioners and notes that the response from other site applies here. She states that she would like to give staff the ability to change the tree size as they see fit by modifying the condition of approval.

Chair Der Sarkissian states that he does not want to oppose the project because he sympathizes with the noise issue. He is swayed by the issue of the angle of the tree. He states that he disagrees with the structure argument. Nevertheless he was not able to get into the back yard to see the tree and instead determines to abstain from the decision. He feels that the tree should stay. He asks for a motion.

Commissioner Gunter moves to approve the Variance and tree removal, with a modification to the condition that allows the replacement size to be recommended by arborist. Commissioner Walker seconds, and the motion is carried, 3-0-1 (Chair Der Sarkissian abstains).

**D. Second Floor Review 13-01/Setback Modification 13-01; Noravian/Koulos; 4344 La Granada Way:** Request to allow a 1,100 sq. ft. 2-story addition to the rear of an existing single-story residence. The upper level of the addition would be integrated with the 1st floor of the existing house and would provide a 7'-1" setback, below the 12'-10" second-floor requirement for the lot, but greater than the 3-foot setback currently provided. The Setback Modification would also allow minor garage expansion into the required front yard setback. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Gjolme)

Planner Gjolme asks if a full presentation is needed. The Planning Commission says no.

Commissioner Jain has a question for staff and asks about there being no story pole in front of the garage to show its closeness to the street. Planner Gjolme explains that the garage is a single story element and it is only being expanded by two feet. This is a code mandated expansion. If it does not occur, then the applicant would be required to obtain a variance for the interior size of the garage. He did not think the scope of the garage change warranted story poles given that it was just the two feet. Commissioner Jain thought it would come closer and he wanted to see how it would impact the project.

Commissioner Walker measured the distance and determined that the break is 25 feet to the street. Part of that is the parkway, but the effect is that the garage is 25 feet back.

Planner Gjolme stated that the effect was one of the selling points to allow the expansion. The parkway varies along its course and it is a substantial depth near the garage. The setback is already non-conforming at 8½ feet and will be reduced to about 6 feet. But this is necessary to get the garage to 18 feet x 20 feet because the applicant is adding bedrooms. The alternative was to file for a Variance, but such a request would not have been supportable. The current garage is nonconforming for interior size.

Commissioner Walker asks about the story pole at the northeast corner of the structure that is shown going up into an oak tree in the back yard. Planner Gjolme responds that there will be some outermost trimming of the tree, but the amount of impact would be very minimal including the removal of one small limb (partially). It easily meets the standards of the current tree ordinance.

Chair Der Sarkissian opens the public hearing and asks for the applicant. The applicant does not wish to speak and no other members of the public want to comment. The Chair closes the public hearing.

Commissioner Jain states that he visited the site knocked on the door and got no answer. There was a big sign that said beware of the dog, and so did not venture into the back. He did view from the side and noticed the tree leaning over. After studying the plan, his concern remains

with moving the garage forward and not moving the rear wall of the garage backward for the bedrooms; but he is okay with the project.

Commissioner Gunter states that visited the site and walked the neighborhood. He appreciates that the garage is close but for the reasons that staff gave, it is an acceptable step to take in this particular case. He also found that the second floor encroachment is the same as is happening elsewhere in the neighborhood. He states that he supports the project and can make all the required findings for all the entitlements.

Commissioner Walker also visited the site. Being a veterinarian's wife, she was not afraid of the big dog. She was able to walk around the site as well as the neighborhood, noting that this was similar to what others have done. She agreed with staff to put screening along the south side but indicated that she suggest also placing screening on north side due to windows facing the neighbor. She had no other issues and stated support of the project.

Chair Der Sarkissian also visited the site and the dog was not a problem. He could make all findings and support the project.

Commissioner Walker moves with a change to condition #18 to provide the added screening on north side. Commissioner Jain seconds, and the motion carries, 4-0.

**E. Zone Change 13-03; City-Wide:** Consider adoption of amendments to the City's Zoning Ordinance pertaining to the notification of neighbors next to projects requiring staff level reviews and City Council Call-up. More specifically, the amended chapters would require neighbor notification on various Director Reviews in the R-1 Single-Family Residential Zone and allow for City Council Call-up in the RPD (Residential Planned Development) Zone, Public and Semi-Public Zone and for Personal Wireless Service(s) Facilities. Staff is recommending that a Draft Negative Declaration be approved for this project. (Director Stanley)

Director Stanley presents to Commission. He notes that this item initiated in 2011 with the City Council and is basically following what they directed. The CC was supportive of the changes proposed. The point was to make most actions able to be called up by the City Council and to make all approvals have notice. Director Stanley outlines the various approvals that are being added to the call up regulations. The changes are listed in the attached ordinance. The former "no notice" approvals are now to have notice.

Director Stanley states that he would like the Planning Commission to discuss the Hillside Director's Review – whether this should be able to be called up to the Commission. Another area is the issue of code interpretation and whether that should be able to be requested to be reviewed by the Planning Commission for formal interpretation. The interpretations should only be with a decision that is already able to be appealed. Another point would be for the date of the decision to be the start of the appeal period rather than the date the notice is sent out. Since the date of the notice is a difficult date to prove, staff would recommend that the date of the decision remain the start date of the appeal period. These issues should be discussed.

Commissioner Walker asked whether the sheet with the beige columns would be staff's recommendation. On the table, #14 is combined into #15 and there is no no-notice. Chicken coup waiver discussed.

Chair Der Sarkissian asked if the Commission would like to take each item at a time, discuss and reach consensus one by one.

Commissioner Gunter asks about the how the chart is laid out and the changes.

Director Stanley replies that the chart is a summary only. It is not in the code. This is just a guide for discussion.

Commissioner Jain asks about the timing of the callup process. Director Stanley explains that this is just for callups, not for appeals.

Chair Der Sarkissian would like to just follow down the strike out version and then the chart.

Questions continue regarding the issue of interpretations.

The public hearing was opened.

Steve Brown, 3757 Normandy Court, states that the current ordinance does not require certified mail notice and that notice should occur. After the appeal period expires, there is no way to appeal something. He states that mistakes were made and that there needs to be some ability to overturn an approval in such cases. If the project changes, there should be a legal avenue to call it up. The Director's authority is too extensive. Any questionable decision should have oversight through a call up procedure.

Chair Der Sarkissian asks about interpretations by the Director.

Steve Brown comments about the changes that occurred with the project next to them. The survey of the site changed the calculation basis for side yards on the project (reduced it) and this was an effect that he could not appeal.

Mrs. Brown also comments about the project next to her and the notification process that occurred. She states that she did not receive notification. She makes comments that are specific to a project adjacent to her residence.

Chair Der Sarkissian reminds the speaker to stay on the topic in front of the Commission.

Mrs. Brown addresses Commission on the necessity for a callup. If wrong information is provided then a callup should be provided, and if there are changes further callups should be allowed. It states that this is very important. She also comments about if and when building permits were issued. Interpretations should also be able to be appealed or called up. She asks for more oversight for certain projects and wants a reasonable path to call up projects.

Chair Der Sarkissian closes the public hearing.

Commissioner Gunter has questions regarding three things brought up by Browns. He would like to have some measure to make sure that notice is received. He doesn't know what method to use. He wants to ensure that it arrived. He also discusses what should happen when there is a change to an approved project.

Director Stanley responds that if there are significant changes to a project, it will require starting over.

Commissioner Gunter indicates that a re-notification may be okay if there are changes. Staff may have to craft a process in the code that identifies how much change will trigger a re-notice.

Director Stanley would like to have the Planning Commission add in anything they want in the ordinance now.

Commissioner Gunter states his third point regarding factual errors discovered later.

Director Stanley states that if it something that affects the approval, then it starts over.

Discussion continues among the Commissioners about different types of errors that may be discovered later. The Commissioners discuss corrective measures.

Chair Der Sarkissian advocates for certified mail notice of determinations and use of the TV channel to show approvals on the crawler. He states that the City should be very careful about having everything noticed. It is a two-edged sword that will hurt applicants and neighbors. The City should not just pile on the requirements due to cost and effort that won't end.

Director Stanley asks if certified mail is the preferred method of notice.

Commissioner Walker suggests proof (certificate) of mailing from USPO rather than certified mail. Cost to be passed on to applicant.

Chair Der Sarkissian prefers certified mail because it comes back if it not delivered. This provides feedback if there are problems of delivery.

Commissioner Jain prefers certificate of mailing as the appropriate method because it shows the effort was made. Certified mail may go unanswered for a time if no one is present.

Commissioner Gunter indicates that using certified mail puts a burden on the neighbors. He would rather that there is a certificate of mailing. This is the consensus choice (3-1) of the Commission.

Further discussion ensues regarding using the date of mailing as the start of the appeal period and whether to use 15 calendar days or business days. The consensus is 15 calendar days from date of mailing.

Director Stanley asks about changes to the project.

Commissioner Jain states a substantial conformance should not be something that is called up. If the change is more than that, then yes. Maybe the use of a percentage of floor area should be used as a threshold.

Commissioner Gunter states that only changes that alter the entitlement and not insubstantial changes. Maybe use a 10% change for the threshold. A re-notice would be required if the change is substantial enough. The Commission discusses the extent and ramifications of changes.

The Commission consensus is that a one-time 10% change could be approved by the Director with neighbor notification – just one time only for the life of the project.

The Commission proceeds through the pages of the proposed ordinance. There are no comments for page one.

On page two – Chair Der Sarkissian comments that the word analogous is confusing. He would remove the word or ask attorney for other wording. What is intended and what is written don't seem to agree.

Director Stanley explains “where no new building exists,” that a new structure is what is intended. This relates to the thirty percent rule. The Commission discusses removing the word “analogous.”

The Commission discusses that the thirty percent rule should remain and it only counts for the area within the walls (not eave areas).

The Commission proceeds through the pages of the ordinance:

Item 3a – any square footage up to 750 sf is now noticed for Director's Reviews.

Page 3 – yard equipment – is defined. If a construction permit is issued, then this is not yard equipment.

Chair Der Sarkissian states that 8'-6" should be 9' for trellises. The City Attorney replies that the discussion is for neighbor notification only and not development standards. Commissioner Walker states that this may be too much noticing and not necessary. It is clarified that this is for those pedestrian entries in the front or street side setback, not just anywhere on the lot. The courtesy notice is retained (as presented).

Commissioner Gunter would just like to have noticing on everything for adjacent neighbors. The Commission agrees as presented by staff

The Commission indicates that the callup wording is good and there is a word change (flat roof) that needs to happen.

Director Stanley states that there is currently no call up on Director's Hillside Development Permits. The Commission's consensus would have that added for call up.

The Commission concurs that requests for formal interpretation by the Planning Commission are not necessary since related projects could be called up anyway.

Director Stanley comments that this will have to be brought back for another meeting and 20 day notice.

Commissioner Gunter would like to pick some cases where surveys should be required as examples for discussion. Director Stanley suggests that staff agendize as a separate issue for additional discussion and maybe set some criteria.

The City Attorney reminds the Chair to re-open public comments. The public hearing is re-opened.

Steve Brown comments regarding the 10% grace. He wants to ensure that there are no violations occurring with the 10%. He would rather have neighbors talk to their neighbors for fence notification rather than mailing notice. Also, at what point does the permit become invalid when plans keep changing. Hopefully the callup will allow the Commission to see this; don't get to redo a number of times without re-notification.

**IX. OTHER BUSINESS:**

**X. REPORT OF DIRECTOR'S REVIEWS:** None

**XI. COMMENTS FROM THE COMMISSIONERS**

Chair Der Sarkissian comments about calling the applicant to get on the property. The information is provided on the application that is supplied to the Commission.

**XII. COMMENTS FROM THE DIRECTOR**

Director Stanley notes that RV fees will be going to the Council along with the commercial parking regulation changes. Questions are asked about the Planning Commission replacement process timing and a green fabric fence on Chevy Chase near Descanso.

**XIII. ADJOURNMENT – 8:55 p.m.**