

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD APRIL 11, 2006**

I. CALL TO ORDER:

Chairman Gelhaar called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt, Engler and Mehranian, City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Gjolme and Assistant Planner Lang.

III. PLEDGE OF ALLEGIANCE

Commissioner Cahill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Gelhaar announced that the applicant for item VII-B, Ibrahim; 5703 Ocean View, had requested a continuance. M/S/C Davitt/Engler to continue Hillside Development Permit 06-01 and Modification 06-01 to April 25th. Unanimous.

Additionally, the applicant for item VII-D; Andonian; 5314 Stardust Road, requested a continuance. M/S/C Davitt/Mehranian to continue Hillside Development Permit 06-02 and Modification 06-10 to April 25th. Unanimous.

VI. CONSENT CALENDAR

A. Minutes of March 14, 2006; M/S/C Mehranian/Davitt to adopt as submitted. Unanimous.

B. Minutes of March 28, 2006; M/S/C Mehranian/Davitt to adopt as submitted. Unanimous.

VII. PUBLIC HEARINGS

A. Tentative Parcel Map 063622; La Cañada Unified School District; 5039 Palm Drive:

Chairman Gelhaar prefaced Staff's presentation by announcing that any public comments regarding use of the School District's land should be directed to the

School District. He explained that the Commission deals with land use and zoning matters only and its purview does not extend to the LCUSD.

Senior Planner Buss described the applicant's request to subdivide the Palm Crest Elementary School site into 3 lots. The school site would not be affected by this request; however, the former District office site would be divided into two, one-half acre lots. The 9.3-acre property, with an average slope of 9.69%, is located on the southwest corner of Palm and Jessen Drives, in the Public/Semi-Public Zone.

Single-family-residential is the only use allowed by right in the Public/Semi-Public Zone --- all others require a Conditional Use Permit. Senior Planner Buss advised that single-family use would most likely fall under the Hillside Ordinance after subdivision.

The parcels are proposed at 21,782-sf and 21,811-sf in area, each with more than 80 ft of street frontage and direct access from Jessen or Palm. The site is served by all utilities and is scheduled for sewer connection. The proposed parcels are consistent with the General Plan and the Land Use Element. There are no environmental issues associated with the request; any grading or drainage issues would be reviewed when specific project(s) are submitted.

Staff recommended positive findings and project approval.

Commissioner Cahill noted that if approved, subsequent parcels would have an average slope of 16% and 31%. He asked what the basis was for the proposed subdivision lines, and wondered if it had to do with preserving the trees.

Senior Planner Buss responded that the proposed parcels tend to follow the established break between the former offices and the school campus. It follows the existing fence line down the embankment, and that those trees would be saved.

Dr. Michael Lenninger, Assistant Superintendent for the School District, stated that this hearing allows him to report to the Development Committee with a full understanding of how the property can be split and used.

Chairman Gelhaar opened the public hearing.

Responding to a question from Annie Honch, 4629 Palm Drive, Senior Planner Buss advised that the Hillside Ordinance would apply to any proposed residential development. The School District operates within its own authority

when dealing with school related issues. Otherwise, development would fall under the purview of the City.

Dr. Lenninger stated that the School Board was considering leasing its former office space to a business that currently conducts programs during and after school. He inquired if that would be a permitted by-right use.

City Attorney Steres commented that the general answer is that such a business would require a CUP, but more information was required.

Responding to a question from Graham Stump, 1711 Lila Lane, Senior Planner Buss explained that the Commission's action tonight would not subdivide the property; the draft conditions require improvements that must be done before applying for final map approval.

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

Commissioner Cahill concurred with Staff's findings and commented that the lots are logically divisible.

Commissioner Mehranian agreed.

Commissioner Davitt also supported staff's analysis and observed that the proposal is consistent with the zoning.

Commissioner Engler noted the lack of any driveways along Jessen until past the bridge. He was concerned that traffic queuing for school pick-ups would make it difficult for anyone to access or exit the proposed driveway on Jessen.

Chairman Gelhaar also agreed and advised the audience of the 42 conditions that must be met. He asked for an additional condition prohibiting any construction from impacting school activities.

M/S/C Mehranian/Davitt to approve Tentative Parcel Map 063622. 4 Ayes; Engler dissenting.

B. Hillside Development Permit 05-47 (Admin); Modification 06-06; Kwon; 4110 Cambridge Road:

Planner Gjolme described the applicant's request to construct a detached, 786-sf, accessory structure in the rear yard, between the home and a tennis court. The structure would accommodate a basement, light wells and retaining walls. Cut and fill to construct the basement an pad necessitates construction of a retaining wall that would vary from 3 ½ ft to 6 ft in height. It would extend 8 ft

into the required east side yard setback, where a 17-ft setback is required and would be sited among 3 protected oaks.

The project site is a through lot on the south side of Cambridge, extending upward to Highland Drive. It is 48,640-sf in area.

The project would increase floor area to 9,200-ft,

Though the project does not raise significant massing or concerns over views, further development on the wooded slope is troublesome, in light of Finding #2, which states "the project will maximize potential for sensitive use and effective preservation of open space". Planner Gjolme stated that the aggregate development on the lot e.g., a two-story home, a tennis court located upslope, a pool, patio, motor court and driveway, lead Staff to question whether the project is site-sensitive and an effective preservation of open space. The accessory structure would be built in the last remaining open space on the lot and Staff considered the encroachment of the retaining wall as a consequence of over development.

Commissioner Mehranian confirmed that the structure would be 10 ft from the oaks; the retaining wall would be 5-6 ft from the oaks.

Jay Johnson, project architect pointed out that staff could make 12 or the 14 findings, making for what he believe was a reasonable request. He pointed out that Staff found the project appropriate for the site and consistent with the estate character of the property, that it enhances the existing residential use, that it does not demonstrate excessive bulk from any vantage point and was of limited scale ---all which seemed like the ideal hillside project to him. Staff went on the say that the project represents excessive development of the site.

Addressing the retaining wall, Mr. Johnson disputed Staff's position that if the basement were eliminated, the retaining wall would not be necessary. He pointed out that a light well is necessary. Mr. Johnson concluded by stating that the goal of the project is to have it appear as an extension of the home; he did not believe "a fairly small guest house in the vast open space is excessive".

Commissioner Engler asked why he would need a retaining wall if the basement were eliminated.

Mr. Johnson responded that he needs to create an artificial pad around the perimeter so that the flat area around the structure would be the measuring point for height. He noted that the roof height is compliant in relation to qualifying grade.

Chairman Gelhaar opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Engler concurred with Staff's findings.

Commissioner Mehranian agreed and stated that she had an issue with the retaining wall.

Commissioner Cahill also concurred and noted the amount of hardscape.

Chairman Gelhaar could not make Hillside Ordinance finding #8, dealing with visibility of excessive bulk. He advised of having walked the site and noted a direct view of the project from the neighboring yard, which he doubted could be mitigated by landscaping. He agreed with Commissioner Engler's suggestion to lower the structure, or put it back into the hill. He offered the applicant a continuance for redesign or a vote.

Mr. Johnson confirmed with Staff that if the retaining wall's height is lowered to 3 ft, the project can be handled administratively.

Attorney Steres suggested continuing the item for redesign and if that doesn't resolve the issue, the applicant can return to the Commission.

M/S/C Davitt/Mehranian to continue Hillside Development Permit 05-47 and Modification 06-06 to a date uncertain. Unanimous.

VIII. OTHER BUSINESS

Assistant Planner Lang related the applicant's request to remove an oak with a trunk diameter of 29", located at the rear of his home. The oak is approximately 12" from an addition that was legally constructed in the early '80's. The property owner contends that the tree's continual growth towards the home increases the potential for major structural damage.

Staff retained an arborist, whose report does not conclude that the tree is shifting. A structural engineer, hired by the applicant, verifies that some damage has occurred and notes the possibility of more damage, but in a phone conversation with Staff, advised that the tree could remain if an arborist verified the tree's stability after interfering roots were removed. The Director's decision to deny the request on January 10, 2006 was subsequently appealed.

Staff determined that finding 1 cannot be made conclusively, findings 2, 3, and 4 cannot be made and finding 5 does not apply. Staff recommended denial of the appeal.

Chairman Gelhaar commented that the structural engineer's conclusions seem to justify removal.

Property owner, Dale Boggs, distributed photos to each Commissioner. He provided a brief chronology beginning with his purchase of the home in 1980, followed by a legally constructed residential addition in 1985, approximately 12 ft from the oak. With the passage of time, he and his wife began hearing the tree push against the den wall, particularly during Santana winds. In April 2000, the tree damaged the structure and he hired an arborist to remove a branch on an emergency basis. The structural engineer's report aside, one would have to conclude that his architect and the City knowingly allowed a residential expansion within 4 inches of an oak at its closest point.

He referenced the structural engineer's report, which states that the tree is causing damage and should be removed. He quoted the staff report citing a phone call to the structural engineer regarding cutting the roots and pointed out that the quote was not included in the engineer's report. Mr. Boggs advised of having called the City's arborist for her thoughts on cutting the tree roots and was advised "it would be ludicrous".

Commissioner Mehranian asked if the City allows structure in such proximity to protected trees.

Director Stanley responded that the addition has permits, so apparently it was allowed at that time.

Public testimony was invited, however comments were not offered from the audience.

Commissioner Davitt stated that he understood and appreciated Staff's interpretation, but there is no doubt that the tree is physically too close to the house. It would be unfair to allow further structural damage and he supported the appeal and removal of the tree.

Commissioner Engler commented that questioning the wisdom of building an extension so close to a tree had past; he was concerned with the safety of the property owner. He supported removal of the oak with a condition requiring the applicant to make a donation to the City's Tree Fund.

Commissioner Mehranian stated that she was struggling with the issue of safety and a valid structural engineer's report and that it was difficult for her to approve removal of a tree of this size. She preferred to abstain from voting.

Commissioner Cahill observed that there is no question that the tree is too close to the house from a structural and safety point of view; the problem was self-made when the addition was constructed. He stated that he could support the appeal, and agreed with Commissioner Engler that the applicant make a substantial contribution to the Tree Fund.

Chairman Gelhaar stated that the tree was damaging the house and he supported its removal with a contribution to the Tree Fund.

M/S/C Engler/Davitt to sustain the appeal, with a condition that the applicant pay the value of the tree, established by an arborist, to the City's Tree Fund. 4 Ayes; Mehranian abstaining.

IX. COMMENTS FROM THE COMMISSIONERS

Commissioner Cahill inquired regarding the draft Residential Guidelines and cover memo that was delivered to the Commissioners. He emphasized that these would not be standards, but will be used as homes are evaluated in conjunction with the R-1 revisions.

Director Stanley advised that Staff is focusing on those from San Marino, though other cities might have applications that are adaptable to La Cañada.

Chairman Gelhaar commented that this is being driven by the City Council, who wants a brochure available to the residents. His understanding is that the design guidelines will apply to all residential development.

Director Stanley felt the guidelines will provide a tangible tool for designers as to what the City is looking for. Rather than dictate style, the Council wants designs to be consistent and compatible with neighboring homes.

Chairman Gelhaar advised that he thoroughly reviewed the Draft Guidelines and provided Staff with his written thoughts; it might be helpful for the other Commissioners to do likewise. He also thought that a consultant should be retained, rather than having Staff cut and paste guidelines from other cities that could apply.

On another matter, the Chair asked the City Attorney to address where the Commissioners' authority lies with pulling items from the Consent Calendar.

City Attorney Steres advised that it is a matter of meeting management. The purpose of a Consent Calendar is to list items that do not warrant Commission discussion; all items listed can be approved in one motion. However, if a Commissioner wants to discuss a "Consent" item, he or she can pull that item for comments, concerns, discussion, etc. He suggested adding "or on the Consent Calendar" under Comments from the Public.

Responding to a concern from Commissioner Mehranian, Attorney Steres advised that a person could request reconsideration under Comments from the Public. He or she is thanked --- without comment. The Commission then moves to the Consent Calendar, where that item may be pulled for discussion.

Attorney Steres noted that traditionally, the Planning Commission moves on consent items individually - that is not necessary. He further advised that resolutions should reflect split votes.

X. COMMENTS FROM THE DIRECTOR

Director Stanley advised that the Design Commission had concluded a lengthy session on the La Cañada Properties project. The project was continued to April 13th.

The Draft Ordinance on R-1 revisions will be reviewed by the City Council on April 17th.

XI. ADJOURNMENT

M/S/C Engler/Cahill to adjourn at 7:32 p.m. Unanimous.

Secretary to the Planning Commission