

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON APRIL 22, 2014**

- I. **CALL TO ORDER:** Chairman Gunter called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Vice Chairman Jain, Commissioners Der Sarkissian, McConnell and Walker, Director of Community Development Stanley, Assistant City Attorney Guerra, senior Planner Buss, Planners Gjolme and Clarke.
- III. **PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. **COMMENTS FROM THE PUBLIC:** Steven Brown, 3757 Normandy Drive, gave an update on the project at 3745 Normandy Drive and questioned why the City was affording the applicant ample time for plan check corrections when the structure in question has been in violation of City Codes for 18 months.

Chairman Gunter explained that the matter was not agendized and could not be discussed.

Commissioner Der Sarkissian asked staff if there was any recourse or future way to agendize the matter.

Assistant City Attorney Guerra responded that the entitlement had been reviewed and granted and there was no further recourse.

- V. **REORDERING OF THE AGENDA:** the agenda was not reordered.

VI. CONSENT CALENDAR

- A. **Minutes:** July 9, 2013; January 28, 2014
- B. **General Plan Consistency Determination:** Vacation and dedication of the roadway fronting 4277 Chula Senda Lane
- C. **Resolution of Approval:** Hillside Development Permit 13-47/Second Floor Review 13-23/Setback Modification 13-14/Negative Declaration; Sargsyan/Nazaryan; 4170 Cambridge Road

M/S/C Gunter/Jain to approve the consent calendar items as submitted. Unanimous 5-0. Item A only: 4-0-1. Abstain - Commissioner Walker (absent)

VII. CONTINUED PUBLIC HEARINGS

- A. **Telecommunications Permit 13-03/Variance 13-07/Categorical Exemption; Verizon; 4515 Ocean View Boulevard:** Request to allow cellular telephone antennas to be mounted on the roof of an office building. The

equipment cabinets would be located in the north sideyard setback abutting the building and below an existing retaining wall. The antennas would be mounted on the southeastern corner of the roof surrounded by an eight foot screen wall. Staff is recommending approval of a Categorical Exemption for this project. (Senior Planner Buss) *Item continued from March 25, 2014 – Requested continuation to June 10, 2014.*

M/S/C Gunter/Walker to continue the item to 6/10/2014 as requested. Unanimous 5-0.

VIII. PUBLIC HEARINGS

- A. **Second Floor Review 11-06/Setback Modification 11-02/Categorical Exemption; Caire; 2028 Lombardy Drive:** Request for an amendment to an approved Second Floor Review and Setback Modification to allow changes to the locations and types of second floor windows and the addition of new windows to the house currently under construction. This project was previously approved by the Planning Commission on June 24, 2011. Staff is recommending approval of a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke gave a brief history of the approved 2-story residence and the current request to change the window configuration on the rear and east side elevations. He noted the minimal extent of the revisions and lack of any offsite impact from the proposed changes. Approval of the amendment request was recommended.

Commissioner McConnell questioned why project changes in July of 2013 were done via a substantial conformance determination and the changes before the Commission at this time were part of a formal project amendment.

Planner Clarke explained that an increase in the number of windows by one toward the rear yard mandated a higher level of review before the Planning Commission considering the rear yard privacy concerns voiced by the neighbors during the original PC review and construction of the project.

Commissioner McConnell summarized that changes to the roof pitch and chimney were approved at staff level, but window changes required Commissioner review and approval.

Commissioner McConnell asked staff if they were aware that the home under construction is different from the approved plans.

Planner Clarke was not aware of any major changes, but noted that there were previous substantial conformance approvals to the project.

Commissioner Der Sarkissian noted errors in the staff report; a door called out on the east elevation is actually to the west; a window in the new master bath looks to the north, not the south. He questioned if the parapet wall would go around the corner per the plan. Currently, the parapet does not turn. If completed, the parapet would mitigate potential view impacts from the 2nd floor.

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Chairman Gunter confirmed that 6 sheets were in the drawing package. He noted dates on the sheets and felt they should be much closer to today's date. The plans seem out of date and need to be current.

Commissioner Der Sarkissian stated that project changes usually trigger a process of additional review by staff, the Building Department, etc. He was uncertain if this process had been followed.

Commissioner McConnell confirmed that bedroom #2 is getting the frosted-window treatment.

John Caire – owner/applicant of 2028 Lombardy Drive – clarified the extent of the request. Item #1 is a clearstory fixed window in bathroom 2. The bottom of the window is 6 feet off the floor and intended for light only. Item #2 is an arched window on the east elevation that was previously approved. It was intended to be an architectural element only, not functional. However, a change to the fireplace allowed bedroom closets to be split. A small study nook was created and now needs a window; 3-pane bottle-glass is proposed and would be screened by the 1st-floor extension of the house to the east. Item #3 includes two bathroom windows on the south elevation originally approved with plaster screens. They are now proposed with double-paned obscure glass and are positioned above toilets.

Director Stanley elaborated on the process and explained that staff did a substantial conformance determination that allowed the interior flip-flopping of a bedroom and bathroom. Exterior Windows, however, are a more sensitive matter beyond the scope of staff approval given the concerns previously voiced by the neighbors.

Chairman Gunter noted that item #2 (east window) was not shown on his set of plans.

Commissioner Der Sarkissian noted major discrepancies with the plans submitted. He had a very difficult time ascertaining what was approved, being built, and requested to be changed. He felt the plans were inadequate in their current form, noting that energy calculations and title 24 issues also appear to have been overlooked.

Commissioner McConnell questioned whether the entire design had to be followed since the project was approved through the Second-floor Review process.

Director Stanley responded that minor changes could be approved at staff level. Staff will look into changes from the approved plans and address them as necessary.

Commissioner McConnell thought that some of the revisions should have come back to the Commission for review. He noted a first floor window to the east that was eliminated and resulted in a large stucco wall.

Commissioner Der Sarkissian asked about project input from the adjacent neighbor to the west, noting that balcony and window changes appear to impact this property.

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Planner Clarke responded that the west neighbors were notified as part of the review process but provided no comment or input on the project during its initial review and approval, but would verify this.

Commissioner Walker asked if item #2, the east study window, needed to open if it was proposed simply to provide light.

Mr. Caire responded that it was not critical for the window to open.

Chairman Gunter summarized that the original and revised plans submitted do not match one another or what is currently being built on site.

Elsa Tatevossian – east neighbor at 2024 Lombardy Drive – gave a power-point overview of the project's history and the changes proposed. She noticed changes to the south façade in June of 2013 and additional windows added in 2014. She discussed the project changes at length on several occasions with Planner Clark. She felt Director Stanley did finally provide needed assistance. She was very frustrated with the lack of response and oversight from the City and felt violated by what had happened to this point. She looked to the Commission for resolution of the issues.

Harry Kelly – 2018 Lombardy Drive - questioned how/why staff was able to approve changes to the project since its original approval. This seemed to bypass a deal that was brokered between the applicant/owner and neighbor by the Commission. He was disappointed with the process and wondered who spoke for the neighbor when changes were allowed in-house without public review.

Annie Honche – 4629 Palm Drive – works with the Caires. She spent a lot of time in the 2nd floor of the subject house and could not look down into the neighbor's yard. The views from the 2nd floor are much different than those that appear to be present from the photos presented. She admitted some inconsistencies with the plans, but added that they could be corrected fairly easily. If privacy is the concern, she felt efforts had been made with the location and design of the windows since the views in question do not exist.

Raymond Tatevossian – 2024 Lombardy – stated that he has not been in the 2nd floor to see the views that are possible. He can see all of the windows in question from his rear yard. He noted that the house was on an elevated pad and had the impression of a 3-story house, not a 2-story house. Landscaping was ineffective to this point and could be altered in the future. He felt the windows affected his privacy and opposed them.

Mr. Caire responded that he invited Mr. Tatevossian and Planner Clarke to come into the house and view the yard from his second floor. Mr. Tatevossian never accepted the offer. The trees along the east property line are maintained in perpetuity through recordation of a covenant with the County. He has gone to great lengths to design the windows to mitigate privacy impacts. The windows may be seen from the neighbor's yard, but no clear views from the windows exist given their location, size, orientation and smoked-glass composition.

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Chairman Gunter closed the Public Hearing.

Director Stanley restated that staff can make in-house conformance determinations for projects. Two such substantial conformance determinations were done for the project after it was approved and the memos for those determinations were provided to the PC prior to staff taking action. Staff will verify the extent of other changes since approval and address them accordingly. He noted that a landscape covenant had been recorded per the conditions of approval.

Chairman Gunter summarized that the request before the Commission was an amendment to a previously approved Second-floor Review as subsequently modified twice through the substantial conformance process. He did not, however, receive the originally approved plans and felt they were needed.

Commissioner McConnell confirmed that the review is limited to the amendment request and not the original project.

Vice Chair Jain stated that the original meeting minutes reference a condition #14 that does not appear to be in the approval resolution.

Director Stanley noted in the same minutes that the PC discussed removing the condition and clarified that the condition was eliminated prior to adoption of the resolution.

Commissioner McConnell wanted to know the height of the trees required along the east property line.

Director Stanley responded up to 15 feet per the conditions of approval.

Planner Clarke noted that the project was still under construction and not finalized so all of the landscaping may not yet be installed.

Chairman Gunter was happy to discuss the issues but could not vote on the matter since he does not have a complete packet at this time. He was disappointed that complete plans were not provided. Speaking to a point made earlier, he explained that the City has a reactive complaint system and it relies on neighbor input. The policy is to listen to neighbors and consider their input, but by no means is their expressed approval required prior to the Commission's approval of a project. With regard to the project, he felt privacy and visibility were completely separate issues. Houses should have side windows, within reason, as opposed to blank facades.

Commissioner Der Sarkissian agreed with Chairman Gunter since the materials are not complete. He needs to see staff changes and corrected plans, including balcony and window changes to the west. He felt it was critical to allow Mr. and Mrs. Tatevossian to visit the house to understand the views possible from the 2nd-floor windows in question. He spent considerable time at the site to gain a better understanding of the issues. He walked the 2nd floor and could only see part of the pool from the window at the

southeast corner. The presence of windows is often more of a psychological issue rather than an issue of function and privacy impact. He also supported a continuance.

Commissioner Walker was not in a position to vote tonight. She stated it seemed like the process to make changes to an approved project had not been followed entirely. She felt that the process does protect the neighbors at the end of the day. The project is not complete and the issues are being vetted. She did not think the east window needed to open since lighting can be provided by a fixed window. Further consideration was needed for the two south windows. She supported a continuance.

Commissioner McConnell was troubled by the process. All three windows along the back side should be frosted and fixed, as well as the east window. He was concerned about the 1st-floor window to the east that has been removed. The home now has a much more stark appearance. The project was also in violation of condition #11, construction parking, and remedial action was needed.

Vice Chair Jain stated he visited the site. The plans need to be revised and corrected before further review since the exterior shell of the building has changed. He did not think there were problematic views from the two bathroom windows, but he was concerned with the amendment request in general. He felt the applicant should follow the approved project. He encouraged staff to look at minor changes to approved projects more closely, noting that perhaps review by the Planning Commission would be beneficial.

M/S/C Der Sarkissian/McConnell to continue the item to the May 27, 2014 Planning Commission meeting. Unanimous 5-0.

IX. OTHER BUSINESS:

A. Planning Commission Budget Requests

Director Stanley explained that the Dept. was in the process of budget preparation and in conjunction requests from Commissions are typically included.

Chairman Gunter was not prepared to discuss the budget at this time.

The Commission concurred.

The Commission's consensus was to email budget comments/suggestions to the Director.

Commissioners Jain and Der Sarkissian recused themselves and left the meeting at 7:54 p.m.

X. REPORT OF DIRECTOR'S REVIEWS There were none.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner McConnell commented that he had attended Gelson's grand opening event and inquired about disclosure in conjunction with Form 700.

Director Stanley responded that it was not necessary.

XII. COMMENTS FROM THE DIRECTOR

A. Tentative Joint City Council/Planning Commission Meeting – May 5, 2014

Director Stanley explained that the joint meeting would be to discuss the recent R-1 Tour and the possible need for code changes based on the Council's impression from the tour.

XIII. ADJOURNMENT

M/S/C Gunter/Walker to adjourn. 3-0. The meeting was adjourned at 8:00 p.m.