

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON APRIL 24, 2012**

I. CALL TO ORDER: 6:03 p.m.

II. ROLL: Chairman Curtis, Vice Chair Cahill (6:10), Commissioners Der Sarkissian, and Gunter, Community Development Director Stanley, Deputy City Attorney Adrian Guerra, Senior Planner Fred Buss, Planners Gjolme and Clarke and Assistant Planners Lang and Parinas.

III. PLEDGE OF ALLEGIANCE

IV. COMMENTS FROM THE PUBLIC: At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar.

Jane Cauldwell (328 Oriole Road) asked about changing the hours of construction permitted in the city. The house next door to her house has been under construction for three years. She has lost the use of her yard and it's hard to live there. She suggested construction hours 7:00 to 5:00 and not 12 hours a day.

Chair Curtis noted comments and said that they can't discuss it at this meeting. He suggested that she contact the City if there was work performed outside of permitted hours.

She said that she wrote a letter to Mayor Spence who visited the property with her.

Director Stanley noted that construction work hours allowed depends on the day of week.

V. REORDERING OF THE AGENDA

Chair Curtis requested moving item VIII B to first place in order to consider the tree removal case before the budget item.

VI. CONSENT CALENDAR:

A. Approval of Minutes: February 14, 2012

M/S/C Curtis/Der Sarkissian Vote 4-0 to approve.

VII. CONTINUED PUBLIC HEARINGS

VIII. PUBLIC HEARINGS:

A. Second-Floor Review 11-33; Volbeda/Suaro; 314 Oriole Road: Request to allow a new 7,748 sq. ft. two-story single-family residence (including a 1,323 sq. ft. attached garage) on a 30,000 sq. ft. lot. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project.

Assistant Planner Lang gave an overview of the project.

Commissioner Der Sarkissian asked about the height of the present ridge of the house.

Assistant Planner Lang said that the architect would have to answer that question.

Pete Volbeda represented the applicant and spoke about the style of the house and the roof. He wanted to keep the style of the house consistent. The existing house has a ridge height of 26'.

Alicia Kim (306 Oriole) was concerned about losing privacy she has had for the last 25 years. She questioned the size and type of window facing east and how high it will be when complete.

Director Stanley said that the window facing east was a bathroom window.

Ms. Kim spoke about impacts to privacy.

Direct Stanley said they could require a frosted window.

Tim Caldwell (328 Oriole) had 4 questions. (1) what is a categorical exemption; (2) is there a size issue for the house relative to the size of the property; (3) how long will it take to construct as neighboring house took 2.5 years to build; and, (4) tall shrubbery exists on the boundary and it would be comforting for it to be maintained. It was part of the reason they bought their house 15 years ago.

Chair Curtis said that there are Conditions of Approvals including # 15 requiring landscape screening be retained or landscaping plan be required.

Assistant Planner Lang verified the size of house permitted for the lot.

Chair Curtis noted CEQA requirements and how they were addressed. They are looking at neighbor impacts as part of the review.

Commissioner Der Sarkissian spoke about the FAR and how it conforms to area.

Director Stanley said that they have 2 years to build after start of construction but they can ask for a 1 year extension. It's a fairly new ordinance. Any building permit issued have to be kept active.

Ginger Caldwell asked about the maximum size permitted. She referenced the agenda – did not include the garage.

Chair Curtis spoke about what the code permitted by the size of the lot.

Director Stanley outlined how the maximum house size is calculated and how its compared to other houses in area. Garage size is not included as Assessor's square footage information does not include garages.

Young Kim (306 Oriole Road) asked about the location of the proposed bathroom window and if it was away from the road? He asked what size the window was. (2' X 2" and 19' from the ground to the bottom of the window for the office use). Looking from his pool the trees are low and he can easily look at the window. He suggested that they plant a big tree to provide privacy for the pool.

Mr. Volbeda responded that the builder said that it would take 1 year and 2 months to construct. They will keep most of the vegetation to screen the neighbors.

Commissioner Der Sarkissian visited the site. He noted that the new ridge would be about 4' higher than the current ridge. He did not think the height of the house or the window would be a problem. He had no problem with the project and would vote to approve.

Commissioner Gunter also visited the site and walked the neighborhood. The proposed house matched the requirements of the code and the applicants were not asking for modifications. There needs to be an understanding that construction takes time. Construction time has been restricted under the newer code compared to the past. The code allows 2-story houses and the Commission tries to control impacts on neighbors. The proposed footprint is smaller than the existing house and is located further away from the neighboring houses. He supported the project.

Commissioner Cahill visited the neighborhood and thought the proposal was compatible and would vote to approve as no modifications were required.

Chair Curtis agreed with his colleagues and noted that no modifications were required. The applicant had taken the neighborhood into consideration. He could make the findings.

M/S/C Gunter/Der Sarkissian Voted to approve 4-0.

B. Modification 12-03; Lim/De Angelis; 4932 Crown Avenue: Request to allow construction of a new garage roof in conjunction with remodeling the front elevation. The subject garage provides a minimal north side setback of approximately 6 inches, which represents an encroachment of approximately 7 feet. To the front, a 20-foot setback is provided, below the 25-foot requirement for the lot. Although the garage and current roof would be retained, alteration of a structure with less than a 5-foot side setback requires full Setback Modification review. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Chair Curtis asked if there were anyone in the audience for the item. He asked if the Commission needed a full staff report and asked Planner Gjolme if he had any report. He noted that the written report was excellent and the plans good.

Planner Gjolme said the proposal was self-explanatory and an improvement to the property.

Dave DeAngelis represented the applicant and gave a brief overview of the proposal and discussed how it was an improvement.

Commissioner Gunter said that he visited the site and read the report and could make all the findings.

Commissioner Cahill said that he saw the property. He noted that it was a pre-existing situation despite the small size of the setback.

Commissioner Der Sarkissian agreed with the comments of the other commissioner and said that he would support it.

Chair Curtis said that he could make the findings also.

M/S/C Cahill/Der Sarkissian Vote 4-0 to approve.

C. Telecommunications Permit 12-01; AT&T/Kim; 4815 Oak Grove Drive: Request to replace an existing monopole structure with a new pole that can support additional antennas, and to add associated cabinetry to the existing equipment pad. Staff is recommending that the Planning Commission recommend approval of a Categorical Exemption for this project. (Senior Planner Buss)

Chair Curtis asked if anyone was in the audience for the item. No staff report was required.

Commissioner Cahill asked who the actual property owner was.

Senior Planner Buss said that Pac Bell owned the land underneath.

Chair Curtis asked if the City allowed other providers to use the pole.

Senior Planner Buss said the ordinance is promotional of the co-use of poles.

Chair Curtis asked if there was any legal or planning mandate to require co-location.

Senior Planner Buss spoke about co-location.

Edwin Kim (381 Elmwood Drive, Pasadena) represented the applicant. He said that co-location is encouraged by other cities but not by all. Co-location creates more income and it would be something that they would want.

Commissioner Cahill supported the proposal with co-location and would vote to approve.

Commissioner Der Sarkissian concurred with the comments of Chair Curtis.

Commissioner Gunter concurred also.

Chair Curtis also concurred.

M/S/C Der Sarkissian/Gunter voted 4-0 to approve.

IX. OTHER BUSINESS

A. 2012-13 Budget Planning Commission Request.

Director Stanley gave an overview of the budget request contained with the staff report and its attachments.

Chair Curtis had three items to discuss. (1) The Town Center park - how to activate it in order to make it a benefit to the community. (2) Public education – wanted something more in order to reach out to the public. (3) Real estate signs around town – too big and stay up when stores are filled and are used as advertisements for realty companies.

Commissioner Cahill asked about archives of decisions so people can see what was approved. This could work for the City Council also. People can look at results and see plans and staff reports.

Director Stanley spoke about the City Council cases.

Commissioner Gunter spoke about the City of LA system (ZIMAS) that allows people to look up cases up to 15 years old.

Commissioner Cahill spoke about public noticing. He suggested homeowners be allowed to register their email addresses with the city and receive notices by email.

Commissioner Gunter said that the bus tour given by the City was important and helpful. He would like to have a tour of approved projects once a year as one tour was not enough. It would be helpful for checking out projects after completion and see what changes were made from what was approved by the Commission. He wanted the reviewer of the projects not to be the staff planner or the plan checker who worked on the original cases.

Commissioner Der Sarkissian suggested that cable access TV could be used more as its unused most of the time. Salient points of the Zoning ordinance can be presented and discussed? He suggested looking at construction and getting feedback would be good.

Director Stanley said that they will look at items and try to attach a cost or add to the work program. He spoke about meeting with the Town Center owners and the Public Works Department.

Pat Anderson representing the Chamber of Commerce said that the new owners of the Town Center will pay up to \$2 million to improve the Center. She said that the farmer's market may move to the Center. The new owners are speaking with the tenants in the Center. They could have the market during the morning before lunch hour. They want to upgrade tenants and need to make the center nicer. They have other projects that they are considering.

Director Stanley described the proposed water features. A purpose of the water feature is also to reduce background noise.

Commissioner Gunter said that the owner is a resident of the city and a member of the Chamber of Commerce.

Chair Curtis noted the potential for an interactive water feature. He appreciated the work of staff in staying late.

B. Tree Removal 11-40; 991 St. Katherine Drive; Morillo: Request to remediate the removal of three Chinese Elm trees. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave an overview of the staff report.

Commissioner Gunter asked about the retaining walls currently under construction at the property.

Assistant Planner Parinas said that there are active permits for the retaining walls.

Director Stanley said there are permitted walls but there is a stop-work order due to work done in the public right-of-way. This is being worked out with Public Works. The private trees are being reviewed at this meeting.

Commissioner Gunter asked what staff would recommend if the trees were not removed.

Assistant Planner Parinas said it depended on whether the trees were diseased. The Planning Commission had reduced the price of replacement trees in the previous meeting.

Director Stanley spoke about how the project could be redesigned to accommodate or pay the fee.

Chair Curtis said that the report noted that if the trees could not be replaced then restitution would be required. The recommendation is a combination of replacement and paying a fee.

Director Stanley said that code enforcement costs were not repaid. Citations were charged through code enforcement.

Chair Curtis spoke about recovery costs.

Assistant Planner Parinas said it's not recovery costs but a fine.

Director Stanley outlined how fines amount over time.

Commissioner Der Sarkissian noted that staff could not make the findings for tree removal. He has seen work at the house over a three-month period.

Chair Curtis asked if this meeting was a public hearing.

Deputy City Attorney Guerra said yes.

Attorney Mark Feldman represented the owner and noted that the first name of the owner was wrong in the staff report. He gave a history of the property. The overhead photos don't show how the trees looked when the house was purchased. The trees were badly cut and decaying and his client took them down. There is no construction in that area and he thought that it would be an improvement. They asked about the type of tree and got the species incorrect. He noted that the new tree ordinance will remove the Chinese Elm from the endangered list in a few weeks. The owner would have asked permission before if he knew that the trees were protected trees. He requested that the penalty be changed. He said his client will replace all three trees. The report has 24" and 36" trees as replacement trees. They want to replace with protected trees and increase the box size which is a greater cost to the owner. They will provide bigger trees and more trees and protected trees. He did not want any type of arguments about the costs and retaining walls. He wanted the Commissioners to tell him what they wanted. They have paid at least a penalty fee of about \$400. They thought it was an improvement to remove the trees.

Commissioner Der Sarkissian asked if they had photographs of the trees.

Mr. Feldman said no. He said he was told the trees were "California Elm".

Director Stanley said there were no California Elms.

Commissioner Gunter asked about the application and how it said that the removal of the trees was unintentional.

Commissioner Gunter asked how the applicant got the trees identified.

Mr. Feldman said they asked the contractor.

Commissioner Gunter asked if he had a written proposal from the contractor.

Mr. Feldman said they had a written quote but not with them tonight. In addition, it might not have that level of detail on the bid.

Deputy City Attorney Guerra spoke about the code requirement for replacement trees. The first option should be to replace the subject tree. If replacement trees can not be accommodated on site, then they have to pay the replacement fee.

Director Stanley said that they have to replace at a minimum size and the Planning Commission can ask for bigger trees. He read the code section dealing with the issue. Only the private trees are being considered tonight.

Chair Curtis asked if Chinese Elms were going to be removed from the protected list.

Commissioner Cahill said that people know that trees are protected in the city. He said that it was a direct violation of the code. If not dealt with it could become just a cost of construction. The costs are high and the tree may be removed from the list. He would agree to mitigation and a reduction in replacement costs. He wanted to send a strong message about the issue.

Commissioner Der Sarkissian said that he visited the site 20 times and had taken photographs of it. He spoke about consistency in the pricing of trees. The story of the trees would have been helped with a photograph. What else is being done with the oaks? The work by the walls showed a lack of concern about trees on the site. He would recommend that the applicant look at trees to be planted along with a fee. There is room to plant trees on the site.

Commissioner Gunter said that the tree ordinance in effect now is the one that is being used. Residents of the City know that trees of this size are an issue. The application is in conflict with the testimony tonight. The application was made six months ago. He was really concerned about the message that it would give to future proposals. The City is Tree City USA. The trees proposed need to be significantly bigger in size. He would be in favor of more trees planted rather than just charging a fee. He had issues regarding the entire site. He was closer to a 2-1, or 3-1 replacement, instead of a 1-1 replacement.

Chair Curtis visited the site and looked at the issues. There was an opportunity to show evidence tonight such as photographs but none were provided. The City needs to protect trees. There has to be something that can be done other than just requiring replacement trees. He would prefer 2-1 replacement, either on or off-site, subject to review by the Director Community Development. He is challenged by the tree values shown in the report. The Commission does not know the condition of the trees before they were removed.

Commissioner Der Sarkissian proposed a continuance with a landscape plan with suitable planting to be provided showing the size, location and species of trees - also mitigate impacts of walls.

Commissioner Cahill proposed a \$20,000 reduction from the \$45,000 fee. This is not as harsh as what the arborist recommended. The tree will not be on the list in the future. A fee of \$25,000 would be his recommendation.

Commissioner Gunter suggested that the two proposals be merged. He would recommend replacement trees installed at a \$25,000 value with a plan prepared by a professional to be submitted to the City.

Chair Curtis asked if the replacement trees could be on, or off-site in the city. He concurred with \$25,000 fee.

Commissioner Cahill asked for three trees on the site.

Chair Curtis asked if approval could be made tonight with the plan to come back for review.

Commissioner Der Sarkissian said he saw it as an opportunity to soften the corner. He wanted the plan to come back to the Commission. He is willing to reduce the dollar value as he knows of other large trees with a smaller value.

Chair Curtis asked about survival rate of trees and having a 3-year requirement.

Deputy City Attorney Guerra said that there was no resolution provided to the Commission tonight for the tree removal.

Chair Curtis summarized the discussion as follows: the applicant to come back with a plan; 3 year survival required.

Commissioner Gunter suggested a plan with at least 3 trees on site. They will accept less if the trees are good. He is concerned about the message. They could require protected trees.

Commissioner Der Sarkissian said that just putting trees along the CMU wall is not enough.

Commissioner Cahill said that they could consider lesser costs but use bench mark of \$25,000 and see what they bring back.

Mr. Feldman spoke about Commissioner Der Sarkissian's comments regarding softening the corner.

Director Stanley gave upcoming dates of Commission meetings.

Assistant Planner Parinas asked about retaining wall costs and if that would be included in the fees charged.

Commissioner Gunter said that the fee was only for trees and not for walls.

M/S/C Cahill/Gunter voted 4-0 to continue to June 12, 2012.

X. REPORT OF DIRECTOR'S REVIEWS: [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]: None.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Cahill asked about the link project.

Director Stanley said it's in the budget. Plans have been prepared. The next phase is to take it out to bid. It's tied to a grant and timeline. He gave a description of the proposal.

Commissioner Gunter asked about the Scared Heart and the Town Center timelines.

Director Stanley said that the environmental work can be started soon.

Planner Gjolme said that it had concept review from the Design Commission.

Chair Curtis spoke about the amount of emails received from neighbors regarding a case.

Director Stanley said that a response is being considered by the City Attorney.

Senior Planner Buss said that the City sends out notices and will do so in the future.

Commissioner Der Sarkissian asked about the unfinished deteriorating house across the street from FSHA, staff explained that said house was in the City of Pasadena and not in La Canada Flintridge.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley spoke about the next City Council meeting regarding the tree ordinance, Mills Act and the Dana Roberts appeal which had been continued before.

Senior Planner Buss said that he gave the Commissioners a copy of the EIR tonight to be read before the next meeting.

XIII. ADJOURNMENT at 8:24 pm.