

**RECONSIDERATION OF MINUTES OF A MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD APRIL 25, 2017**

I. CALL TO ORDER

Chairman Gunter called the meeting to order at 6:05 p.m.

II. ROLL

Also present were Vice Chairman Hazen and Commissioners McConnell, Jain, and Oh.

III. PLEDGE OF ALLEGIANCE

The Flag Salute was recited.

IV. COMMENTS FROM THE PUBLIC

There were none.

V. REORDERING OF THE AGENDA

The agenda was not reordered.

VI. CONSENT CALENDAR

A. Minutes – 4/11/2017 PC meeting

M/S/C – Jain/Oh to approve the minutes. Approved 5-0.

VII. CONTINUED PUBLIC HEARINGS

There were none.

VIII. PUBLIC HEARINGS

A. Second-floor Review 16-24/Setback Modification 16-11; Petroc; 5266 La Cañada Boulevard: request to allow a 1,566-sq. ft. 1st and 2nd-floor addition to the side and rear of an existing single-story residence. The addition would provide a 4'-11" south side-yard setback, below the 14'-0" second-floor requirement for the lot but no less than the 4'-11" setback established by the existing residence.

Assistant Planner Yesayan gave a presentation in accordance with the staff report.

Applicant Zack Petroc addressed the question regarding the south property line screening and vegetation. He said there is substantial existing vegetation to screen the addition. The larger window will be frosted for added privacy.

Commissioner Oh asked how the landscaping extended beyond the house.

Mr. Petroc said, “25 feet.”

Vice Chairman Hazen asked if the addition ended where the southerly located neighbor’s property ended.

Mr. Petroc said the addition extended roughly 35 feet.

Commissioner McConnell said that he visited the site and found that the single-story house contained a basement. He did not see that there would be any privacy issues and the lack of balconies and the overall design is adequate, thoughtful and considers the neighbor’s privacy. There is an existing structure within the setback and the request for the encroachment is supported.

Vice Chairman Hazen said that he agreed with Commissioner McConnell and confirmed that the floorplan and design is thoughtful. He can make the findings to approve the project.

Commissioner Jain said that he saw the site and agreed that due to the topography, the request can be supported.

Commissioner Oh requested that a condition be added to increase landscaping to mitigate any privacy issues because of the existence of a pool within the south neighbor’s property.

Chairman Gunter intervened stating that the windows are being frosted which he believed to be adequate for privacy.

Commissioner Oh said that he was referring to the east-facing window.

Chairman Gunter said that he was concerned about requiring too much vegetation which could block light and create shadows.

Commissioner McConnell said that the lack of the neighbor’s input or concern showed that there may not be a concern, so additional landscaping may be excessive.

Commissioner Oh said that he could make all the findings and that an additional Condition 26 be added to include additional landscaping along the south property line subject to review and approval of the Director.

M/S/C- Commissioner Oh made a motion to approve Condition 26 requiring screening on the south property line at the discretion of the

Community Development Director. Denied 1-4. M/S/C- Oh/Jain to approve the project as submitted. Approved 5-0.

B. Conditional Use Permit 472 (Amendment); Park/Jang; 835 Berkshire Avenue: request for an amendment to an approved Conditional Use Permit to allow grading and retaining wall revisions in conjunction with construction of a new 2-story residence and related site improvements. Specifically, the amendment would allow creation of rear yard pad areas at a higher elevation than indicated on the original grading plan and associated retaining walls of increased height.

Planner Gjolme gave a presentation in accordance with the staff report. He stated that the project is nearing completion, but that staff noticed discrepancies with the grading plan and current conditions on the site. The pool pad did not change but the flat area was extended to the east. The transition of grade between properties was underestimated as well. Staff noticed changes to two large pads on the property; one, where the pool and patio are and two, where a sports court exists. The current state has caused an elevation difference that could cause the subject property to have a view through gaps in landscaping into the neighboring property to the east.

Originally, a pavilion was called out on the plans, but not constructed, and a sports court is in its place. However, many Oak trees buffer any view into the neighboring property where it looks like there is an accessory structure.

Mr. Gjolme showed Section EE which depicted the transition change. He explained that a neighbor provided a letter stating they are concerned with drainage issues. Mr. Gjolme said he did not believe a new plan had been plan checked.

Mr. Gjolme stated that staff is in support of the project and believed that all findings could be made to support the project subject to some additional conditions.

Chairman Gunter asked that the Building and Safety inspection process be explained. He said that the constructed retaining wall was not part of the original approval.

Deputy Director Koleda said that the original grading plan was approved by Building and Safety. However, the current project has not been signed off by Building and Safety since unauthorized changes had occurred.

Chairman Gunter asked which retaining walls are the lower ones. He felt there was confusion between what was approved and what was built. He asked for Deputy Director Koleda's advice on what to do next.

Deputy Director Koleda clarified that the lower retaining walls were approved, but higher walls were built and a revised grading plan was prepared to contend with changes. The amended project is here tonight for review. Ms. Koleda said that any change or revision that does not match the Planning approval is reviewed again. It needs to go back to Building and Safety to verify, but before a project is completely signed off, Planning verifies.

Chairman Gunter said that although the drainage is not part of the review, the CUP findings and review may be influenced by the landscaping and drainage because of the site.

Deputy City Attorney Guerra asked if the Commission would be agreeable to Building and Safety reviewing prior to a Commission decision.

Mr. Gjolme said that Director Stanley felt this was a supportable amendment.

Chairman Gunter said he believed that there should be an option to ensure compliance.

Deputy Director Koleda provided the following options for consideration: 1) Build the project as originally approved; 2) modify and approve the amendment; 3) Building and Safety can plan check the grading and drainage plan and provide preliminary approval until the Commission reviews and approves the project as resubmitted.

Chairman Gunter asked Planner Gjolme a question about whether the garage on the neighboring property was required and if screening landscaping was as well.

Mr. Gjolme said that he was not sure if there was a garage or required landscaping.

Commissioner Oh asked if the building and fence complied with Code and if the deck was a structure.

Mr. Gjolme said, “yes.”

The Commission asked about the Temporary Certificate of Occupancy.

Deputy Director Koleda said that the Temporary Certificate of Occupancy may be issued contingent on drainage being approved.

Chairman Gunter had questions regarding Condition 18.

Mr. Gjolme said that he was not aware of Condition 18. He explained that he was not involved in the original project and that redrafted Conditions number 13 and 14 are what are presented at this time.

Applicant, Ben Park, thanked the Commission for their consideration and clarified the intent of the grade height and elevation changes. The original proposed grading plan contained a short retaining wall. He explained that drainage had also previously been a problem on the site even before he moved there. He said that the current system should be able to handle a regular rain event. An existing short two-foot retaining wall was removed and the grade change was unintentionally elevated (verify audio). Mr. Park talked about the heavy flood overflow that occurred earlier in the year.

Commissioner McConnell asked if it could handle a larger storm like a 100-year storm.

Mr. Park said that he was not sure of that.

Commissioner Gunter asked about the location of the cisterns and the seepage pits and reiterated that drainage cannot drain onto a neighbor's property.

Chairman Gunter asked if Building and Safety's Nader Saaman reviewed the plans.

Applicant Ben Park said, "yes" Nader was ready to approve the grading plan.

Chairman Gunter remarked that the back end of the lot is now different from the approval with the elimination of some structures. There are discrepancies between the original and the new proposed plan.

Deputy Director Koleda said the project is already vested.

Chairman Gunter asked if a pavilion could be built.

Deputy Director Koleda said, "yes, but that plans would need to be submitted.

Chairman Gunter said that he was frustrated after years of review and approval. The project was not built as approved and it is only now being disclosed as construction nears completion.

Applicant Ben Park acknowledged that he should have disclosed changes earlier in the process.

Mr. Gjolme stated that Director Stanley walked the site and most changes discovered were not significant enough to be included as part of the application for amendment.

Jay Johnson, the project architect, learned that the drainage plan was reviewed by the County and required changes were made accordingly. Mr. Johnson requested to continue the meeting to look at the project after the County review for drainage.

Commissioner Oh asked what the owner's request was.

Mr. Park asked if he could be allowed to resolve the retaining wall issue and then address the drainage through the County.

Chairman Gunter recommended continuing the hearing to a date uncertain to allow the County time to review a revised drainage plan.

Chairman Gunter said that he was very unhappy with Building and Safety and that structures should be built as approved per Planning.

M/S/C – Gunter/McConnell to continue the project to a date uncertain to be agendized on the Consent Calendar, secure approval of a drainage plan, primarily on the east side of the property, and show proof of drainage plan approval. Approved 5-0.

C. Zone Change 16-02, Nonconforming Uses and Structures within the R-3 (Multifamily Zone) (Amendment to Chapter 11.13 of the Zoning Ordinance); City of La Cañada Flintridge: consideration of an amendment to Chapter 11.13 (R-3 Multifamily Zone) of the City's Zoning Code (Title 11 of the Municipal Code). The amendment to the code chapter would add subsections (B) and (C) to Section 11.13.020 Permitted Uses, allowing nonresidential buildings and structures to be utilized by any permitted or conditionally permit use allowed in the CPD zone but not allowing for the expansion of such buildings and structures.

Deputy Director Koleda presented the item. She asked the Commission to recommend adoption of an ordinance to allow the existing use but not expansion.

Commissioner McConnell said that parking is always an issue.

Vice Chairman Hazen asked if Jo-Anne's could be potentially converted into a multifamily complex.

Deputy Director Koleda said, "yes."

M/S/C – McConnell/Oh to approve Amendment to Chapter 11.13 of the Zoning Ordinance with the condition to remove reference to liquor and convenience stores in paragraph B of the Amendment. Approved 5-0.

D. Zone Change 17-02, an Amendment of Chapter 11.33 of Title 11 of the City of La Cañada Flintridge Municipal Code; City of La Cañada Flintridge: consideration of an adoption of an amendment to Chapter 11.33 of Title 11 of the of the La Cañada Flintridge Municipal Code to amend regulations governing Accessory Dwelling Units in compliance with State law. The project is statutorily exempt pursuant to Section 15282(h) of the CEQA guidelines

Deputy Director Koleda gave a presentation in accordance with the staff report.

Chairman Gunter asked how Accessory Dwelling Units (ADU) are defined.

Deputy Director Koleda provided the definition.

Commissioner Jain asked what the height limit would be for detached structures and whether there is a minimum height for a bedroom or living room.

Deputy Director Koleda said the height limit for detached structures is 15 feet and 7 feet minimum for a bedroom or living room.

Chairman Gunter asked about ADU's compared to short-term rentals. Can they be used for a short-term rental?

Deputy Director Koleda said that there is no provision in the code restricting regulation of short-term (Airbnb) rentals.

Deputy City Attorney Guerra reminded Chairman Gunter that the Public Hearing needed to be opened for public comment.

Chairman Gunter opened the Public Hearing.

Speaker, David Haxton, 4543 Belita Lane, requested that the Commission reconsider proposed Accessory Dwelling Unit (ADU) requirements that would require a 70-foot street frontage and minimum lot size of 10,000 square feet. Mr. Haxton explained that his property only has a street frontage of 60 feet and his lot size is 8,000 square feet. He said that he believed that existing setback, height, and lot coverage requirements should be enough to properly address any requests for additions to his property and that given that, the Commission should reconsider staff's recommendations for street frontage and lot size. He

said that he believed that what is proposed by staff is not consistent with the State's intent for ADUs. Mr. Haxton indicated that he is aware that he can build a bonus room behind his garage and then legally convert it at a later date to an ADU. He said that his property is underbuilt and that adding an ADU, despite his street frontage and lot size deficiency would be in keeping with the intent of State law.

Chairman Gunter closed the Public Hearing.

Chairman Gunter recommended the adoption of an amendment to Chapter 11.33 of Title 11 of the of the La Cañada Flintridge Municipal Code to the City Council

M/S/C – Gunter/Hazen- Recommending amending Chapter 11.33 of Title 11 of the of the La Cañada Flintridge Municipal Code to the City Council. Approved 5-0.

IX. REPORT OF DIRECTOR'S REVIEWS

Was reported.

- A. Hillside Development Permit 17-06 (Dir.) & Director's Misc. Review 17-08 (SB); Yamaga; 3848 Keswick Road:** allowed a 56-sq. ft. 1st-floor addition to an existing one-story residence on a hillside lot. The addition would encroach into the required front and west side setbacks, but no further than the existing residence.

X. OTHER BUSINESS

There was none.

XI. COMMENTS FROM THE COMMISSIONERS

There were none.

XII. COMMENTS FROM THE DIRECTOR

There were none.

XIII. ADJOURNMENT

M/S/C - Jain/Gunter to adjourn the meeting at 8:13 p.m. Approved 5-0.

Secretary to the Planning Commission