

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD May 12, 2009**

- I. **CALL TO ORDER:** Chairman Gelhaar called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Chairman Gelhaar, Commissioners Cahill, Curtis, Davitt, and Hill, Director Stanley, Senior Planner Buss, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas, Assistant City Attorney Guerra, Public Works Director Hitti, Senior Management Analyst Goytia-Strauss, and Management Analyst Wilson.
- III. **PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. **COMMENTS FROM THE PUBLIC:** No comments were offered.
- V. **REORDERING OF THE AGENDA:** Item IX.D was moved in front of item IX.A.
- VI. **CONSENT CALENDAR**
 - A. Minutes - April 28, 2009 meeting: Approved 4-0, no changes. Commissioner Davitt abstained.
- VII. **CONTINUED PUBLIC HEARINGS:**
 - A. **HDP 08-34, Mod 08-14, SFR 08-20; Bagramyan/Stoddard; 4170 Cambridge Road:** A request for a Hillside Development Permit and Second-floor Review to allow construction of a new two-story 8,400 sq. ft. residence, inclusive of a partially subterranean recreation room and patio, and related site work. A Setback Modification would allow the new home to encroach into the required front and east side yard setbacks. This item was originally heard on December 9, 2008 and was continued for redesign. The redesigned project was reviewed at the April 28, 2009 meeting and was continued per the applicant's request.

Planner Gjolme presented a graph indicating the existing front setbacks and heights of houses on Cambridge Road as requested by Commissioner Curtis. Planner Gjolme summarized the changes that were made to the project plans.

Chairman Gelhaar opened the public hearing.

Joel Peterson, 4172 Cambridge Road, expressed his concerns regarding transparency and enforcement of City laws. Mr. Peterson read Finding #1 in the Staff Report aloud. He believes that the staff findings are inaccurate because he has had builders and

architects walk down to the triangular area and was told that a reasonable structure that is fully compliant to all City ordinances could be built. He expressed that there needs to be a clear and compelling reason to grant a modification to a clear and consistent set of rules. Mr. Peterson urged the Commission to deny the modification because there is no clear and compelling need for the request.

Architect Craig Stoddard stated that they have considered developing down below but it did not make a lot of sense at his stand-point as an architect because the flat pad is a much smaller area than the pad up above, the house would be in a hole, and a number of protected trees would be lost.

Chairman Gelhaar closed the public hearing.

Commissioner Davitt stated that he was not present at the last meeting but reviewed the minutes, reviewed the staff report and revisited the site. He expressed that he had concerns regarding the first proposal and believes that the redesigned project demonstrates a large improvement because of its significant reduction in square-footage, reduced massing, and increase in second floor setbacks. He stated that from his site visits and assessment, he believes that it would be impractical to accomplish a design without a modification. Commissioner Davitt expressed that the design of the house is neither inconsistent nor incompatible with the neighborhood, the lot can support a two-story the house, and the location of the house is in the optimal position for the lot, therefore he can make the required findings and support the project.

Commissioner Hill stated that he cannot make the Hillside Development Permit finding #1, Second-Floor Review finding # 4, and Modification findings # 1 and 5.

Commissioner Cahill stated that the house has been tremendously refitted for the lot in terms of size, scale, and bulk. He pointed out that the Modification findings require that it is a practical difficulty and an unnecessary hardship; he believes that there is a practical difficulty because the required front setback is enhanced beyond the norm by lots with flag-lot like characteristics and when the setbacks are "normalized" the proposed 38'-0" front setback is within the range. Commissioner Cahill expressed that he would approve the project.

Commissioner Curtis stated that he visited the site on three different occasions and considered all the testimonies. He clarified that his concerns are generally related to neighborhood compatibility with the existing scale and character of the area. He expressed that he observed that the higher homes in the neighborhood demonstrate greater setbacks, although the proposed location of the house is acceptable, the proposal is still slightly excessive in mass. He added that he is also concerned with the position of the driveway and line of sight issues. Commissioner Curtis stated that he cannot make Hillside Development Permit findings # 1, 3, and 8, Second Floor Review findings # 1 and 2, and

Modification findings # 1 and 5. He clarified that he would be able to make the findings if the proposal was slightly modified.

Chairman Gelhaar stated that he visited the site numerous times and met with both the applicant and the neighbors. He expressed that massing is the biggest concern of the neighbors and of the Commission. He pointed out that the one-story homes across the street are on elevated pads and are higher than the proposed structure; therefore massing is not an issue. He stated that he concurred with Commissioner Cahill's interpretation of Modification finding # 1.

Planner Gjolme pointed out that Mr. Peterson raised a legitimate point regarding the language in Modification finding #1. He stated that the use of "not possible" is a bit strong and he would like to recommend that if there is a vote for approval the actual finding incorporated in the resolution state that "provision of a compliant front setback is not possible for a two-story residence on the upper pad given the site's topography and placement of neighboring structures."

MOTION - Commissioner Davitt moved and Commissioner Cahill seconded a motion to approve Hillside Development Permit 08-34, Modification 08-14, and Second Floor Review 08-20. Motion carried 3-2.

VIII. PUBLIC HEARINGS:

- A. **Modification 09-03; Holford/Kalantar; 1240 Lanterman Lane:** A request for a Setback Modification to allow a 650 sq. ft. addition that encroaches 4'-2" into the required 9'-2" side-yard setback. The project complies with all floor area and height standards.

Assistant Planner Lang presented the project in accordance with the Staff Report.

Chairman Gelhaar opened the public hearing.

Designer Ned Kalantar introduced himself and asked the Commissioners if they have any questions. No questions were asked.

Chairman Gelhaar closed the public hearing

Commissioner Hill stated that all the applicant is doing is adding a two-car garage where only a one-car garage exists. He expressed that he agrees with the staff report and can make the required findings.

Commissioner Cahill stated that since many of the houses have encroaching setbacks, the proposal would not be a special privilege. He expressed that the Commission encourages

compliance with parking requirements and the proposal would also alleviate parking problems on the narrow street. He stated that he can support the project.

Commissioner Curtis stated that the addition is low profile and is very consistent with the neighborhood; therefore he can support the project.

Commissioner Davitt concurred with Commissioner Cahill and can make the required findings.

Chairman Gelhaar concurred with his fellow Commissioners. He added that he is very concerned about parking on the streets throughout La Canada and to be able to have on-site parking would be a tremendous benefit, therefore he can support the project.

Commissioner Curtis suggested the word "reasonably" be removed from Modification finding # 1 because it is either consistent or not consistent.

MOTION – Commissioner Davitt moved and Commissioner Curtis seconded a motion to approve Modification 09-03 with the change as requested by Commissioner Curtis. Motion carried 5-0.

IX. OTHER BUSINESS

B. Draft 2009-10 Capital Improvement Plan: The annual request for determination of conformance with the General Plan.

Senior Planner Buss presented the item in accordance with the Staff Report. He reminded the Commission that the Planning Commission is required to review the forth coming Capital Improvement Plan annually to assure that the projects are consistent with the General Plan.

Chairman Gelhaar clarified that staff is recommending that the Commission pass the resolution.

Commissioner Cahill asked for clarification on what the Link Gateway project is. Senior Planner Buss pointed out that a section in the Foothill Boulevard Masterplan includes changes to the location of the street and installation of a recreation parkway on Foothill Boulevard near the YMCA and the cement wall. Director Stanley clarified that the recreation parkway is considered a linear park and will include a walking/bike trail designed to screen out the large cement wall that Caltrans built.

Commissioner Cahill asked if Memorial Park has lighting. Public Works Director Hitti clarified that there is lighting near the gazebo and additional lighting is brought in and set up for events, however there is no permanent saturation lighting at Memorial Park.

Commissioner Cahill asked why there is a proposal to install permanent lighting at Olberz Park which is used a lot less than Memorial Park. Public Works Director Hitti stated that the installation of permanent lighting at Olberz Park was a Condition of Approval for the project as required by both the Public Works and Planning Commission. Commissioner Cahill asked if the Condition of Approval required the financial obligation on the City or the Developer. Public Works Director Hitti clarified that the Condition of Approval required the Developer to pay the cost of the lighting and that the required lighting has already been installed, however the City is installing a gazebo and additional lighting. Senior Planner Buss informed the Commission that Olberz Park is a City owned park, while Memorial Park is owned by Caltrans, leased by the School District, and subleased to the City. Senior Management Analyst Goytia-Strauss added that the installation of additional lighting in Olberz Park was under the direction of the Parks and Recreation Commission.

Commissioner Curtis asked if Quimby fees would be paying for the improvements in Olberz Park. Senior Planner Buss clarified that the Quimby Act only applies for subdivisions of 50 lots or more which does not occur in the City.

Commissioner Hill asked if the City has heard anything about the Caltrans reconstruction of the center medians for run-away vehicles. Public Works Director Hitti stated that the project is temporarily on hold until Caltrans finishes refurbishing the three bed-arresters and the installation of signage, striping, and crash barrels. He added that the goal is to finish the project prior to the 90-day truck ban expiration date and if the project is not completed prior to the expiration date, Caltrans will extend the truck ban.

Commissioner Curtis asked why the City is paying for improvements on a State highway. Public Works Director Hitti clarified that the City is not assuming responsibility for the highway and is only paying 10-percent of the cost, while 90-percent is paid for by the Federal and State government. He added that landscaping and traffic counting on the highway was not on the Caltrans priority list, so when the City applied for the funds 90-percent was granted and the City was not offered the full cost of the project.

Commissioner Curtis asked where the Ultimate Destination Pocket Park is located. Public Works Director Hitti pointed out that the Ultimate Destination Park is at Cherry Canyon at the end of the Ultimate Destination Trail located near the Starland Drive cul-de-sac. He stated that the project involves providing a water line and rest area for equestrian use. Management Analyst Wilson clarified that \$35,000 has already been donated by resident Elizabeth Blackwelder. She stated that the project cost over \$35,000 but the Council agreed to fund the difference in the coming fiscal year. Director Stanley added that the project is consistent with the Trails Master Plan which is a part of the General Plan.

Commissioner Curtis commented that he hopes that the City will try to pursue the best contracting possible in the Jessen Drive Bridge replacement design.

Commissioner Curtis clarified that in the sewer project there is a certain amount expended but the bottom line is that if the sewer assessment districts are approved then the City is fully reimbursed from the General Fund.

Commissioner Curtis asked how the City-wide curb and gutter is determined. Public Works Director Hitti stated that the project focus is north of Foothill Boulevard until the City can foresee what the sewer project situation is in the area south of Foothill Boulevard because the City does not want to do work that would later get damaged by the sewer installation. He clarified that if curb and gutter is badly deteriorated, the City will replace it regardless of which part of the City it is located in. He added that residents are responsible for replacing and repairing damaged curb and gutter in front of their house.

Commissioner Curtis asked if the City has an inspection program with the sewer contractor. He provided an example that he had a section of his curb knocked out and placed a complaint with the City and nothing was done. He asked if the City follow-ups on that since funding comes out of the City's General Fund. Public Works Director Hitti stated that the City inspectors take videos prior to the construction and if a claim is filed it is reviewed. He pointed out that some claims are found invalid because it was damaged before the work occurred.

Chairman Gelhaar opened Commission discussion.

Commissioner Cahill expressed that he does not see the Olberz Park lighting project as consistent with the goals of the Foothill Boulevard Master Plan. He stated that spending money on lighting for Memorial Park would be more consistent with the General Plan because Memorial Park is unlit and used more frequently than Olberz Park.

Commissioner Curtis stated that he finds consistency.

Commissioner Hill stated that he agrees and is ready for a motion.

MOTION - Commissioner Curtis moved and Commissioner Hill seconded a motion to determine that the Capital Improvement Plan is in conformance to the General Plan. Motion carried 4-0. Commissioner Davitt had excused himself prior to the discussion.

- A. **R-1 Standards Review:** a presentation and discussion of the results and effectiveness of the changes to the R-1 zone development standards that went into effect on November 1, 2006. [Continued to the next meeting - unanimous]
- B. **Study Session on Fencing:** Discussion regarding an amendment of Section 11.11.050.F to require fences to be installed with the finished side or side without the exposed support posts facing the neighboring properties or streets.

Assistant Planner Parinas presents the issue by explaining what “Good Neighbor” fences are. She shows slides of different types of fences. One of the key issues is that the “finished” side of a “good neighbor” fence is facing the neighbor, hiding the support posts. She notes that the city currently does not address aesthetics on fencing and that few cities do. She offers examples from two out-of-state cities that do and offers their language to the Commission. She offers to expand on these examples if it is the Commission’s desire.

Commissioner Cahill comments that San Marino requires every fence to be reviewed but that would be too much for here. He notes that he would rather place standards in the zoning ordinance that fences facing streets should be covered/finished. He suggests following what Deerpark and Cambridge do.

Commissioner Hill asks if chain link fencing is permitted in city. Director Stanley responds that interior chain link fencing is okay but not exterior. Commissioner Hill comments that he would like to prohibit chain link everywhere. He is also uncomfortable with the fact that the first person that puts up a fence gets to do it their way.

Commissioner Curtis would like, at a minimum, that there be a procedure to review the design. He wonders if there is not some way to approach the neighbors and ask them if they want to join in.

Commissioner Cahill says it is more a point of not having a bad side exposed to the neighbor or the public. He questions if the City should have a policy where the neighbors agree to the location of the fence. This may require a survey.

Director Stanley notes that currently all fences/walls over 42” require a permit and survey.

Chair Gelhaar comments that it may be prudent to let the neighbors know that a fence permit is being issued. He agrees with Commissioner Cahill that both sides of a fence could be built good looking. An ugly fence should not be put up for the neighbors to see.

Commissioner Curtis agrees with Commissioner Cahill that maybe there should be some standards in the Zoning Ordinance. Don’t use the word “ugly” but address alternating posts, etc.

Chair Gelhaar states there should guidelines be added to the residential guidelines for fences – acceptable fences examples.

Commissioner Cahill asks a question: do you review fences one by one, or do you add standards to the code.

Director Stanley recaps that at least there is some desire for standards and neighbor notification. Also for fences that don't meet the good side facing out, such as on unusual fences, there is some staff level review. No desire by staff to review all of them.

Chair Gelhaar states that he likes the idea of adding to the current residential guidelines, and for fences that don't meet the guidelines, go to the Director for a review.

Director Stanley agrees there is not a need to review all fences. If the good side faces the neighbor, then should we care? Where the fence doesn't fit those categories, or the fence does not fit the usual design, then a review is needed. Either bad side to the neighbor or a non-standard design, including alternating posts, exterior/interior, may be reviewed.

Chair Gelhaar asks about chain link, whether it should be banned completely?

Director Stanley indicates that it is not allowed in the front or street side yards. There are areas on big lots or where it is overgrown with vegetation that it cannot be seen. We could also limit it to specific areas of the City.

Chair Gelhaar says that it is unusual that it won't be seen. If all fences need permits, then the City needs to address chain link. He believes that the Commission is asking for more direction/regulation on chain link fencing. What is a good side of a chain link fence?

Commissioner Hill suggests a prohibition policy with possible waiver for certain conditions? With some of the large estates, there won't be a problem.

Commissioner Curtis agrees there may a back hillside area where there is a need to keep wild animals out?

Commissioner Cahill states that a total prohibition can have unintended consequences. The code should have some provision that compels the neighbors to talk so that agreement can be reached.

Director Stanley states that chain link could be handled in the same way as chicken coops - have a waiver procedure to allow. Planner Gjolme clarifies that having a uniform standard is preferable, with a way out. The Commissioners agree.

Chair Gelhaar responds to Director Stanley that maybe the City should have neighbor notification for all fences that require permits. He comments that there was a fence that was not on the property line.

The consensus of the Commission was to: prohibit chain link fencing but allow it with a waiver procedure; provide neighbor notification on new fences that require a permit, but not neighbor sign-off; include regulations on fence design in the Zoning Ordinance; and put a section in the Residential Design Guidelines on “good neighbor” fencing.

D. Annual Budget Considerations for the Department: The annual request for the Planning Commission to provide potential work programs for consideration during the City Council budget hearing process (Director Stanley)

Director Stanley introduces the item and explains about the upcoming budget. He asks the Planning Commission for recommendations for programs for the upcoming year. He notes examples from last year. The Department Work Program was presented to the Commission and comments were made about what was suggested last year.

Chair Gelhaar comments about whether the earth is in a global warming stage or a global cooling stage. Director Stanley indicates that much of this will start with the General Plan update.

In terms of codes, Chair Gelhaar would like to have the grading ordinance moved up in time. Director Stanley notes that we may ask for consultant help if we cannot get to it.

Chair Gelhaar reminded the Commission that the traffic model completed by Al Grover and Associates for the Downtown Village Specific Plan contained two southbound right turn lanes, and he would like the city add a second right turn lane at the old Union 76 station at southbound Angeles Crest at Foothill. Now is the time to acquire some Union 76 property for the additional lanes. Director Stanley comments that contacting property owner has been impossible thus far.

Commissioner Curtis commented that this circulation issue should be addressed in the General Plan in order to accomplish any future land acquisition for this purpose.

Chair Gelhaar comments about his recollections on the Al Grover traffic study in 2000. The study at the time addressed traffic 20 years out and anticipated this issue. Director Stanley responds to comments from Commissioner Curtis regarding the cameras controlling traffic.

Commissioner Curtis addresses the setback Modification versus the variance code change: the findings in the Modifications should be adjusted so that they are not as onerous as Variance. Director Stanley replies by addressing the issue of absolute limits on setbacks (not less than five feet absolute). The Director can only approve Modifications down to 5 feet through the Director’s Miscellaneous process, anything else requires Planning Commission approval.

Chair Gelhaar would also like to make the Modification findings less onerous (than a Variance). The rest of the Planning Commission agrees to the code review. Chair Gelhaar asks about the 30% roof removal requirement. Director Stanley explains the reason for the 30% rule using the definitions section of the Zoning Ordinance. The 30% rule addresses the issue of non-conforming construction.

Commissioner Curtis requests that the Department explore impact fees. Fees should be modest for residential and commercial to fund public improvements around town. What would be appropriate to upgrades in public facilities? Also would it make sense to have articles in the newspaper or workshops on different parts of the code. Can we reach out to the community to educate the public to come in and talk.

Director Stanley notes that we have a newsletter to the public twice a year, but no workshops.

Chair Gelhaar indicates that the public could use more articles. He urges staff to run the possibilities past the Planning Commission too.

Commissioner Hill comments on the use of the City's web site.

Director Stanley told the Commission that the Department did do a commercial handout for BSDC that they are handing out. There is also a residential brochure which the chamber also hands out.

Chair Gelhaar requests staff to let the Planning Commission know ahead of time when the newsletter is due in order to provide input.

Commissioner Curtis comments about where the money is being spent regarding sound walls on the I-210. We have a noise issue here and sound walls are going up in industrial areas elsewhere. The effort seems to be misplaced.

Director Stanley explained that the city is low on the Caltrans list for sound walls. The City is looking at everything possible including studies and legislation. Director Stanley responds to a question about the status of the 710 extension. The work continues.

Chair Gelhaar comments about the poor patching work by CalTrans on I-210 and its noise affect on the city.

Commissioner Cahill asks if lights are in Memorial Park? Director Stanley explains about the lights on the light poles aimed at the gazebo.

Director Stanley addresses the issue of temporary sign tracking. He wants to amend the ordinance to provide a means to track.

Chair Gelhaar states that Billy's is leaving the site on Verdugo Boulevard and asks if the City can look at the lease for Billy's to see if the City can remove the pole sign.

Commissioner Curtis comments about the abandonment period of uses, and wonders if staff can look at the Non-conforming section of code for revisions.

Director Stanley answers a question regarding the Brad Howard project on Verdugo and the large drain that is under the rear road. There is a matter of acceptance of the facility and its maintenance. There are issues related to taking it on, including locating it.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Curtis comments about the Negative Declaration regarding the professional office overlay zone coming up. He asks if the description is correct as to whether there will be a blanket allowance of offices in the DVSP. Senior Planner Buss responds that all this has yet to be discussed by the Planning Commission. The Negative Declaration is required since this type of action is not categorically exempt from review. The issue is being explored with this process.

Chair Gelhaar comments on the letters from Diane Wilk. She would like the Planning Commission to restrict design approval on houses in order to limit the potential for illegal attic conversion. At this point, staff may have to respond again to the letter.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley reports on an approved Fence Review at 953 Flintridge Avenue. There was also a question from Commissioner Hill about the Planning Commission terms of service; he notes that the information is on the web site. He states that the Mayor formed a Green Task Force and the first meeting was last week. He notes that the R-1 tour will be on the June 15th City Council meeting (4:00 p.m.). Director Stanley also states that the General Plan Advisory Committee and staff will request the City Council to begin the certification process with the State at their June 1 meeting.

XII. ADJOURNMENT: 8:16 p.m.