

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD May 13, 2008**

I. CALL TO ORDER

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

II. ROLL CALL

Present were Commissioners Cahill, Gelhaar, Hill, Mehranian. Commissioner Davitt absent.

III. PLEDGE OF ALLEGIANCE

Commissioner Mehranian led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

VI. CONSENT CALENDAR

A. Minutes - April 22, 2008 - Moved by Gelhaar, Mehranian second, approved 4-0 (Davitt absent)

VII. CONTINUED PUBLIC HEARINGS

A. Hillside Development Permit 07-02; Floor Area Review 07-01; Second-floor Review 07-02; Bagramyan; 1419 Sugar Loaf Drive: Assistant Planner Parinas recalled that this item was initially heard on January 29 and March 11, and was continued out of concern with visible mass and bulk, and privacy impacts that the proposed structure will have on the downslope neighbor. The applicant was given direction to shift the house further away from the downslope. The changes made to the plan reflect the Commissions' concerns. The house was shifted toward the southwest of the property, away from the downslope. Changes to the setback reflect the shift: the east setback has been increased by 7-ft 7-in at the first floor level and increased by 16-ft 1-in at the second-floor level. In comparison to the initial proposal, the front, rear and west setback has been decreased. The proposed setbacks are 27-ft 9-in from the first-floor at the east side; 36-ft 3-in on the second-floor at the east side; 49-ft 2-in on the front side; 16-ft on southwest side on the first-floor; 23-ft 5-in on southwest side of second-floor and 33-ft 9-in at the rear; first-floor's closest point to the downslope is 13-ft 7-in and the second-floor is 22-ft away. The applicant has specifically indicated the location of the property line fence at the top of the slope.

After consulting with an Arborist, it was determined that the 16-in Oak tree could be relocated; it was approved on March 25, 2008.

Commissioner Mehranian stated that commissioners had been on-site about 6 to 8 weeks ago and raised the issue of concern about moving the Oak tree during the window of time allotted; if the tree is moved at the wrong time of year, the chances of survival is reduced; she asked for further clarification and wondered if the issue had been resolved.

Planner Parinas advised that the issue was addressed in the Tree Removal Permit; one of the conditions that was approved on March 25, 2008, stated that the tree had to be relocated by a certain date and that date has passed, therefore the trees can not be relocated until November.

Commissioner Mehranian responded that she has not been to the site this time around, and wondered if it had been relocated.

Planner Parinas confirmed that the tree had been boxed, but not relocated.

Commissioner Cahill asked if the story poles moved this time.

Planner Parinas confirmed that they were moved.

Architect Craig Stoddard commented on Condition of Approval #25. It calls off the proposed wrought iron fence along the east side; a solid wood fence will be installed at the top of the downslope. His client and neighbor, Roger Smith is under negotiations and working out an agreement that would possibly result in a Lot Line Adjustment. The size of both properties would remain the same, the Lot Line Adjustment would allow the neighbor's garage to stay intact and be inside his property, and also allow his client's lot to drain through an existing drainage device. It would also give the downslope neighbor the right to maintain the sloped hillside that he views from his property. Both parties seem to be in agreement. Stoddard said he has a letter that was written by the owner, generally outlining what they talked about.

Commissioner Hill wondered if the house was moved over and if the story poles were changed as well as how far over they went. He mentioned being there over the weekend, but didn't think they had been moved.

Architect Stoddard confirmed the story poles were rotated and moved about 7-8 ft from where they were the second time around and the footprint of the existing house doesn't extend beyond that point.

Chairman Cahill questioned if Stoddard handed out the colors of the houses last time, he wanted to take a look at them.

Architect Stoddard presented the colors/materials board.

No further public comments were offered, and Chairman Cahill closed the public hearing.

Commissioner Mehranian remarked about the revisions made; the building was modified for the angle plane and looks like a lower and less massive building; it was agreed to change the fence to wood and the location. Mehranian raised the question of landscaping being a Director's review and emphasized the importance of landscaping issues in light of the house next door and hopes that this can be expedited. She supports the project.

Director Stanley advised that it is a Director's review and there are two Landscaping Conditions, #24 and #27. He advised further that all landscaping indicated on landscape plan shall be installed and inspected by the Director of Community Development, per Condition #27.

Commissioner Gelhaar remarked that he is very pleased with what has been done and hopes the neighbor is too. Privacy for the neighbor was his biggest concern. He wants to modify condition #25 to put in a wood fence as was agreed to and was covered in the report. He then addressed condition #27 to include irrigation along with landscaping and is installed before occupancy. He can approve with the revised conditions and plans.

Commissioner Hill agreed with Commissioner Gelhaar. He believes that as long as there is landscaping for the protection and privacy for the downslope neighbor. This project has come a long way and it is very good even though he had trouble with the story poles, he is prepared to support the project.

Chairman Cahill stated that it meets all of the conditions and is satisfied. He questioned if the condition would make the fence location permanent.

Director Stanley confirmed that it rides with the land.

M/S/C Mehranian /Gelhaar to approve Hillside Development Permit 07-02; Floor Area Review 07-01; Second-floor Review 07-02; Bagramyan; 1419 Sugar Loaf Drive with added condition of having landscaping irrigation and installed before issuing the occupancy permit and the fence material have facings on both sides. Unanimous.

B. ZONE CHANGE 07-02; Draft Ordinance relating to regulation of batting cages on residential property; city-wide: Planner Clarke reported that this is the 5th time that the Planning Commission has considered the issue of batting cages, which included a

site visit. A draft of changes to the zoning ordinance was presented at the April 22 meeting.

Commission reviewed and directed to prepare a final ordinance for review, which was reviewed by Deputy City Attorney Vargas. The concern of people who spoke at the prior meetings was for setbacks.

Commissioner Gelhaar expressed his preference to limit bats to composite bats, and eliminate wood bats altogether. He questioned whether netting was going to be at the back end of the batting cage.

Planner Clarke advised that netting will be at both ends.

Commissioner Gelhaar agrees that the Batting Cage lights should be turned off between the hours of 10:00 p.m. to 7:00 a.m. He thought that 6:00 a.m. is too early and did support the modification. He then expressed having an appreciation for the public wanting batting cages and for those against setbacks. He believed it to be a strong portion of the ordinance.

Commissioner Hill stated that the setback is important, but doesn't know how much noise would be attenuated in a few feet. He thinks it can help to keep batting cage out of immediate area of the neighbor, but can see both sides of the issue since it isn't going to affect noise; maybe something less than 15-ft to be granted by Director's approval.

Deputy City Attorney Vargas confirmed that there is a provision that will allow the director to do so.

Commissioner Mehranian expressed her approval of the wooden bat, but that she could go with either one.

Commissioner Hill remarked that he likes the quiet bats; composite bats.

Chair Cahill stated that he likes the wood or composite bat. He would like to see a 15-day Public Notice period for the neighbors. He then suggested that under the definition of batting cage to change the word fencing to netting and the word used to design.

M/S/C Cahill /Gelhaar, Motion to approve the ordinance as set out with changing the 10-day notice to 15-day notice and make the wording change in definition to batting cage to include netting where it is designed for use for baseball, playing or practice.
Unanimous

Director Stanley stated that the aluminum and metal bats were being excluded and the wood and composite bats are in.

VIII. PUBLIC HEARINGS

A. Conditional Use Permit 409; Variance 07-11; Parmelee/Lee Ann's Place; 823 Foothill Boulevard: Planner Gjolme recalled that this project was reviewed at the February 12, 2008 meeting. This involved a Variance and Conditional Use Permit to address expansion of an existing liquor store to the rear. Some of the issues with regard to existing access provided on-site access to the number of parking spaces. He further explained that the Conditional Use Permit was required for liquor store use and the Variance was a product of deficient isle width along the western most portion of the property. It also addressed the number and sizes of the parking spaces provided on site; certain spaces didn't have the required width due to the adjacency to the wall; they were only proposed to 9-ft in width proposed to 11-ft that is required by code. There was a 2-space deficiency resulting from the square footage. Staff pointed out that there were existing deficiencies for parking on site historically. The additional parking proposed would add parking but preserve the deficiency. However staff found that the design was not functional and would result in a further deficiency. A trash enclosure is required that can be accommodated due to its modest requirement. The Traffic Engineer did review the proposal and although not thrilled with the proposal could support the modified design. Staff is recommending approval as the re-design adds a trash enclosure and additional parking, even though not fully to code standards.

Director Stanley added that a parking analysis is currently being conducted along Foothill Boulevard within the downtown village specific plan area. An employee survey of the area and a survey of parking spaces have been completed. The study entailed the areas deficient in terms of timing and an 80 percent occupancy rate was used; above 80 percent is negative, and below 80 percent is positive. In other words, 20 percent of parking should be free. He advised that further recommendations will be made in June, so he proposed delaying until that time. He then stated that trash enclosures are incorporated into new structures.

Commissioner Hill stated that the customers parking at the bank is a reality and nobody parks in the parking lot, but could be encouraged if it had striping.

Applicant Daniel Weston, 823 Foothill Boulevard, stated that he doesn't serve food in his store and could move the trash can to the adjoining building next door, which would double its size for Delicious Sandwiches and the beauty salon. The parking spaces can exist by making them longitudinal, therefore making a trash enclosure unnecessary. He then stated that on the only people parking there are owners of the beauty salon and escrow company; rarely any customers park there. He checked with Wells Fargo about his customers parking in their spaces; they don't mind.

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

Commissioner Hill recalled that the Director's report on traffic issues is expected in the June and prefers waiting until then to see what it says. He stated that he has a significant problem with the project as seen tonight. In the area of Foothill, nobody has parking that they should have and is the most extreme situation he has seen. It's a reality that people will park at the bank. Regarding trash cans, even with an agreement, he is against moving them, but would like to see trash cans installed into the area of new construction where it would have to be in any event. Would like to see continuance. It's a very challenging parking lot to get in and out; tempted to park at the bank. Would like to see continuance; agrees with staff report with the Variance and Conditional Use Permit. Agrees with staff and can't support the latest revision.

Commissioner Mehranian stated that the expansion isn't a significant issue for her. She was comfortable with the trash can area as proposed. Regarding parking, her issue is inadequate parking along Foothill. She further stated that she agrees with the expansion and enclosure. She is reluctant to approve as she doesn't have a solution.

Commissioner Gelhaar supports putting trash containers inside the edition that was built and make it comply with code. He believes the practical aspect would be to require striping of the parking spaces in the middle alley, build a retaining wall. He approves with added conditions.

Chair Cahill agreed with Commissioner Gelhaar, the parking situation is sub-optimal. He believed this is an opportunity to get the trash enclosure.

He also stated his dissatisfaction with the upper left parking spot as it is dangerous situation. Cahill also agreed with Commissioner Hill that a direction sign be added to the front of the building.

M/S/C Mehranian / Gelhaar to approve **Conditional Use Permit 409; Variance 07-11; Parmelee/Lee Ann's Place; 823 Foothill Boulevard** with the added condition of removing the 6th parking spot (top left) and to add parking direction signage on front of building. Approved 3-1 (Hill)

B. Amendment to Conditional Use Permit 423; Extreme Boot Camp Inc., 1424 Foothill Boulevard: Senior Planner Buss recalled that a Minor Conditional Use Permit was approved in November 2007, to allow Taix Gym to expand into adjacent retail space converting it to a franchise office (Extreme Boot Camp). Since that time, the applicant proposed to cut back on the office part of the structure and expand the workout area. Staff required an amendment to the prior Minor Conditional Use Permit. The parking situation would not change in terms of the number of parking spaces in the requirements for parking. A deficit of 8 spaces would increase by 1 additional space; the change would increase to a 9 space deficit. The portion of the Downtown Parking Study

released to staff dealt with the occupancy rate of parking lots. After review of the parking analysis for this site, it showed that approximately 80 percent of the parking spots were being used in the morning and at all other times it was 50 percent or less. Because this is such a minor change in terms of floor area use, staff didn't see a significant impact on the amount of parking even though it would be a slight change in the use of the site. There is no expansion of the building that's occurring and no new floor area being added to the site, it's just looking at how the codes assign parking ratios dependent upon the use proposed on site. Staff recommends supporting the request with the added condition that the applicant re-stripes the parking lot in accordance with the traffic engineer's design prior to use of the area.

Commissioner Cahill wanted to know if the parking lot was going to be re-striped, reviewed and approved by the traffic engineer prior to occupancy of the new space. A large portion of space was put to use as a gym.

Responding to a question from Chair Cahill, Senior Planner Buss advised that after the approval in November, the applicant proceeded to make some interior changes without following the conditions of approval, which resulted in a code enforcement action against the applicant. The result of that action is where we are today. They haven't re-striped the lot; they are in the process of getting the lot ready to be re-striped. The applicant's representative is here and will address this issue. The applicant admitted that they didn't follow the conditions of approval.

Greg Powell, Architect, commented on the issue of re-striping. They are actively in the process of getting the lot re-striped. They want to put the chalk down and then have the City's traffic engineer make sure it looks okay. The area currently being used for the gym is potential expansion used for the existing office on Foothill, which doesn't impact the neighbors.

Director Stanley replies that the conditions must be met before the use is authorized, not vice versa.

Greg Powell suggests that the applicant be allowed to continue to occupy and get the striping in within two weeks or discontinue if not done.

Senior Planner Buss responded to Commissioner Gelhaar regarding the timeline for activities.

Director Stanley has had discussions with the property owner, Gary Zentmyer, regarding the site, but the owner did not address this project in any way.

Commissioner Mehranian indicated that she has problems allowing the occupancy while awaiting the striping.

Discussion occurred regarding the interior improvements and issuance of building permits.

Woody Walker, 1400 Foothill Boulevard, notes concerns about parking in the area. He asks how he can be noticed for any hearings that happen on this lot. Director Stanley states how to contact staff and get on a list.

Discussion ensues regarding the various options that the Planning Commission has.

Commissioner Gelhaar discusses that the applicant has to do the striping, there is already parking there. He suggests that the Commission give the applicant two weeks to get the striping in while allowing them to occupy in the interim, and if not done, send Code Enforcement out.

Linda Taix, applicant, states that she has been after the owner to get the striping complete. He has not been available and it has affected the business. She requests the two weeks to get the striping done. She would make sure that it gets striped because she is paying rent. She may pay for the striping and take it out of her rent.

Director Stanley advises the Commission that there is a 15 day appeal period within which the applicant cannot use the premises and the time could be used to get the striping completed.

Assistant City Attorney explains the potential timeline. Director Stanley validates the potential action to give the applicant two weeks to comply while the appeal period runs. If the striping is not done, code enforcement actions and potential revocation would occur. This approves the project as recommended by staff.

The Commission discusses whether to allow the applicant to occupy the new part of the premises before the striping condition is completed.

Commissioner Cahill moves and Commissioner Mehranian seconds approval of the project with the requirement to stripe the parking lot within two weeks. The requirement must be met or the approval is null and void. Approved 4-0.

C. Hillside Development Permit 03-74; Modification 04-42; Building Depth Review 05-09; Najarian; 225 St. Katherine Drive: Request to construct a 4,900-sf, two-story residence, including an attached, three-car garage on hillside property. Related site work includes a pool and spa on a hillside lot of approximately 43,900-sf. The Modification addresses encroachments by the residence and retaining wall height with the front yard setback. Building Depth Review is required as the second floor exceeds 60 ft in depth.

Senior Planner Buss presents the project. He notes prior Lot Line Adjustment approval that modified the lot size and shape with the owner's other lot to the west. The site was presented to the Planning Commission in the past with another owner, and that project was rejected. He explains that although the proposed floor area is larger than the guideline, it is within the size realm of the surrounding lots on similarly sloped lots. There would be 2,100 cubic yards of cut and 150 cubic yards of fill. The City Engineer reviewed the geology, hydrology and soils studies which took much time, but resolved all issues satisfactorily. A Mitigated Negative Declaration was circulated for a twenty day public review with no comments. It addressed biological and other environmental concerns. The reduced front setback (3½ foot encroachment) is allowed under the Hillside Development approval without the need for a Modification when two findings are met. Staff substantiated these findings in the Staff Report. There are no ridgeline or viewshed issues related to this site. The Building Depth Review was required as this house exceeded the 60 foot depth threshold. This project was deemed complete under the old code and is subject to the previous requirements. The project meets the other setback requirements and the parking requirements. The parking spaces need to be adjusted in the final plans to accommodate the required space size. The landscape plan would be required to be further reviewed by the Community Development Director prior building permit issuance as conditioned.

Staff goes on to show the plans through the PowerPoint projection. The front retaining wall, pool location, and mid-depth retaining wall screen treatment are addressed. Staff concludes with the recommendation for approval of all the permits as conditioned.

Commissioner Gelhaar asks about Saint Katherine Walk. Senior Planner Buss explains that this was part of the original tract when it was created in the 1920s. It is not called out as needed by the City.

Commissioner Gelhaar also asks about the drainage sump and pump addressed by the City Engineer. Staff comments that the drain at the front southern corner will be moved back on the lot to the bend in the property line. This will pick up the drainage from the retained natural part of the lot while the new drainage system on the developed portion of the lot picks up that drainage.

Armen Najarian, applicant, addressed Commission regarding history of the project and architects. He indicated that he had started the project some time ago. He used Brad Barcus because of his knowledge of hillside development. The house is one that he is happy to live in.

Architect Brad Barcus addressed the Commission regarding the presentation by staff and the recommendations included in the staff report. He concurred and agreed with all the conditions, and added one regarding construction start time moving from code

compliant 7:00 a.m. later to 7:30 a.m. with Saturday work limited to non-noisy work. He indicated that he brought a rendering of the project for the Commission to see. The pool will be in the side yard with retaining wall screening. He indicated the south retaining wall and that it is an inward retaining wall, which may require an additional foot of height during building permit plan check. He thanked staff for the presentation.

Commissioner Mehranian asked which wall is the one to be screened. Mr. Barcus indicated where both walls in discussion are. Commissioner Mehranian went on to ask how visible is the retaining wall that is at the rear of the house. Mr. Barcus indicated that it will be very difficult to see as it is behind the house and lower than the house.

Directory Stanley points to the cross-section drawing projected on the screen that illustrates the relative heights of the various structures from the street perspective.

John Allen Ramseyer, 244 Saint Katherine Drive, states that this is the second or third time he has appeared at a hearing on a project of Brad Barcus. His only concern is the morning before school and after school when all the kids are walking along the narrow street. That is why he asked Mr. Barcus for the later start time during the week. He also addressed the issue of drainage in the past and the movement of the drain farther up the lot will help. He also indicated that he is glad to see housing there rather than an open field. The house will not block his view, and does not block the view of any other house. He indicated that he liked the design.

Chair Cahill closed the public hearing and opened Commissioner's comments.

Commissioner Gelhaar praised the project design and noted that the house is really needed to handle the drainage issues, etc. To read the conditions, there will be a lot of engineering that will have to be accomplished as part of the building permit approval process. He agrees with staff and approves the project as conditioned.

Commissioner Hill also is ready to approve the project and concurred.

Commissioner Mehranian concurred. Liked the part about cutting through the hill and using the hill and walls as part of the project. She indicated that she really appreciates the time it has taken to get to this point. The project has all been thought out and there is not much left for the Planning Commission to decide. She compliments the applicants on the project and is ready to support it.

Chair Cahill concurs with the others and supports the project with the one added condition relating to start times and noise restrictions on weekends. He asks for a motion.

Commissioner Mehranian moves and Commissioner Hill seconds to approve the project with the added condition relating to the start time at 7:30 a.m. and no noisy construction on weekends. Approved 4-0.

D. Hillside Development Permit 06-23; Modification 06-88; Yu; 3715 Normandy Drive: Request to allow a 1,263-sf, first-floor expansion to a 3,060-sf, single-story residence and related site work. The Modification addresses retention of non-conforming side and rear setbacks.

Planner Clarke presents the case to the Planning Commission. This case was filed prior to the change in code for a two story house. Subsequent conversations with the neighbors persuaded the applicants to change the proposal to a single story and resubmit for Commission review. The old garage is to be converted to living area, new bedrooms would be added and a new garage. Only one neighbor actually views the project, and this view would not be impacted significantly. The staff report reflects the changes from the old project and recommends approval with the modified conditions.

Commissioner Gelhaar asks to see the new proposed deck. He asks to understand where the neighbor is in relation to the deck. His concern is with privacy of neighbors when someone is standing on the deck. Planner Clarke indicates the distances and angles to show that there would not be an impact.

The applicant, Mrs. Yu, addresses the Commission regarding the encroachment. She indicates that the new addition does not create any new encroachment. The encroachment exists now and is very small. The south side is a vacant lot in Pasadena. Due to the slope, Pasadena would not let the adjacent property owner build, and that owner had sued the city. The only way the lot could be used would be to merge it with my (the subject) lot. In an auction, I won the right to buy the property, but the deal eventually fell through. No one else is in a position to use the lot, so for all intents the lot will remain vacant, and therefore not be affected by this project.

The owner's architect, Patrick Panlaqui, addresses the Planning Commission. He points out the elevations and the relationship of the neighbors to the deck. He notes that the neighbor is 16-17 feet difference in elevation (he is higher). The roof has been broken into sections. The floor plan is also in two zones including a quiet zone and other living zone. Sixty percent of the walls are remaining and all setbacks are met.

James Wyler, 3790 Normandy Drive, commends the Yu design. He explains that there is another house below him with a deck and it is hardly used. He would not be concerned about the deck. Pleased with design and worked with all the neighbors. The neighbor that is not here is aware of the meeting and did receive the notices.

Chair Cahill closes the public comment period and asks Commissioner Hill if he has comments.

Commissioner Hill remarks that he has no comments. He likes the house. He had concerns with the deck, but they have been assuaged with the design. He has no problems with the setbacks the way it is laid out.

Commissioner Mehranian stated that she always prefers a one-story addition and supports the proposal.

Commissioner Gelhaar states that he likes this deck even though it must use up all the level area on the lot.

Chair Cahill agrees with the rest of the Commission and asks for a motion.

Commissioner Mehranian moves and Commissioner Hill seconds to approve the project as requested and recommended by staff. Approved 4-0.

IX. OTHER BUSINESS

A. Receive and file report only – Commissioner Gelhaar

Administrative Hearing – Hillside Development Permit 08-07; Salem; 1856 Foothill Boulevard, conducted April 29, 2008. Commissioner Gelhaar reports on this case that is a huge estate. The request was for a retaining wall to preserve a tennis court. I approved the request.

B. Annual budget considerations for the Department

Director Stanley reports to the Commission on the departmental budget. He asks the Planning Commission if there are any projects that they want to add to the budget program for consideration next year. He has provided a copy of the department's work list and program budget for Planning and Building and Safety.

Chair Cahill indicated that he would like to add billboard removal to the list. It would change the look of the area. Director Stanley said that the close billboard has been the subject of negotiation in the past, but to no avail.

Commissioner Mehranian asked about parking and the study. Director Stanley said that the current study is almost done and there will eventually be recommendations out of that. She also inquired about trash enclosures and monitoring. Director Stanley said that we are monitoring those, especially in the Town Center.

Commissioner Hill was thinking about a community service radio. This would be a way to get information to residents when there is a fire or other emergency. He referenced a

city in the mountains that does a great job of getting the information out. Director Stanley replies that it is not really a Planning issue but he would relay the request to public safety.

X. COMMENTS FROM COMMISSIONERS

No other comments from the Commission.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley introduced Sheri Morrison, Interim Administrative Assistant. He further acknowledged Commissioner Mehranian for her 8-years of service. This is her last meeting because she will not be able to attend the next meeting which would have been the last in her term. Refreshments will be served after the meeting. Further accolades will be bestowed upon her at the June meeting if she is able to attend. The remainder of the Commission and staff applauds her tenure.

Director Stanley states that a new Commissioner has not yet been chosen, but he hands out a list of the potential selectees to be interviewed by the City Council. The selection should be made in June. He reads the names out for the members.

Director Stanley reminds Commissioner Gelhaar that his ethics certification is about to expire. He will receive official notification from the City Clerk shortly, please look for it.

Commissioner Hill commented about the sport court at 99 Normandy Court. Staff has been in contact with the property owner and he is aware that he needs approvals.

XII. ADJOURNMENT - 9:03 p.m.

Secretary to the Planning Commission