

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON MAY 25, 2010**

- I. CALL TO ORDER:** 6:03 p.m.
- II. ROLL:** Chair Davitt, Vice Chair Hill, Commissioners Gelhaar, Cahill and Curtis – All Present
- III. PLEDGE OF ALLEGIANCE** – Commissioner Hill
- 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.

Steven Brown, 3757 Normandy Drive – wants to build fence on his property line. There is an easement on his property line that prevents him building directly to the line. The CDD and City Attorney indicated that he could not build on the property line. He had an instant where his neighbor trimmed the trees on his property. The trees were cut because the fence was not on the property line which caused the unknowing trimming to occur. He showed pictures of the clear-cutting of the trees done by his neighbor. This exposes him from liability. He wants the PC to give him permission to build the fences at the PL. The easement is for access – it is on the driveway. The issue has been discussed by the applicant and his attorney and the city attorney. The Planning Commission would like to see a report on this matter. It was promised for the next meeting.

V. REORDERING OF THE AGENDA - None

VI. CONSENT CALENDAR

- A. Minutes:** February 23, 2010 – Commissioner Curtis has a few changes for staff – motion to approve by Commissioner Gelhaar with a second by Commissioner Curtis. The minutes were approved on a 5-0 vote.

VII. CONTINUED PUBLIC HEARINGS

VIII. PUBLIC HEARINGS

- A. Setback Modification 09-05/Hillside Development Permit 09-24 (Adm.); Boghossian/Ismail; 607 Wendover Road:** A request to allow an illegally constructed garage to encroach into the required front, side and rear setbacks. The existing structure would be lowered to a maximum height of 15 feet and the front setback would be increased to 30 feet in order to satisfy conditions of the project's original approval, which was granted in 2005, but has since expired. The Hillside Development Permit would also legalize patio and entry additions comprising

approximately 768 sq. ft. to the existing 2-story residence and allow construction of a new inward-facing retaining wall along the south side of the garage. Lastly, the Setback Modification would allow 8-foot entry gates to remain within the required front setback. The current project would simply re-authorize previously granted approvals. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme presents the case as per the report. He notes that the garage is upslope from St. Katherine Drive, which can make it prominent. Certain corrections are required to make it comply. The lot is irregular so that the setbacks could be reduced to 5 feet. Back in 2005 there was support for the setback adjustment due to the shape and location of the structure with extensive conditions of approval. The code height of the gates has changed since the 2005 approval, but because of their obscurity and added height, they can be supported. This is an expired project recommending the same conditions as before except for the gate. The gate height limits have now been relaxed in the code. The new gates would conform to the 80% open work requirement. One new component, a retaining wall behind the garage, will be about 3 feet which could be approved by staff. The volume entry is too tall for code now and requires staff level SFR review. A new condition has been added for additional Director's review.

Commissioner Gelhaar asks if the prior condition was HOA approved for materials and color. Planner Gjolme responds that he believes that that has been done although the condition is no longer there.

Commissioner Curtis asks if the project was a code enforcement case at the time. If it was, how did the project expire? Didn't the applicant get permits? Planner Gjolme responds that the applicant did not get the permits as required.

Commissioner Davitt opens the Public Hearing.

George Boghossian, Boghossian & Associates, 1111 N. Brand Boulevard, Suite 202, Glendale, representing the current owner, the former owners died. One of the owners became sick after doing some of the work. Some of the work has been done with approvals. I am now hired to complete the requirements as required by code and approvals. Regarding the garage, we will eliminate 10 feet to comply with setback which will now be 30 feet. The height of the garage will be reduced from 17' to 15' and the inside width will be widened to code (20' clear) including roof. The entry and patio closure were completed by Bob Penta (now deceased). The applications and plans were approved and built (he hands out copies of the approved paperwork). The entry gate is 7' but maximum height is 8'-7.5" and would like the Planning Commission (passes out plans) to approve the painted sheet metal covering the gate rather than change to the 80% open fencing. Finally, there is a 3' retaining wall along the wall of the garage, down the slope. The wall would be retained to provide a walkway around the garage. He wants the Planning Commission to approve these requests.

Commissioner Gelhaar asks the applicant if he understands that the eave height of the garage cannot exceed eight feet. He acknowledges and responds that the overall height will comply with the eight foot limitation and the other requirements of the code.

Commissioner Curtis asks how long has the current owner owned the property? The response is for about a year. The Commissioner also asks when will this be started?

Mr. Boghossian replies that the owner intends submit to Building & Safety within two weeks and start construction within about two weeks.

Commissioner Curtis asks if a shortened time period to complete the project would be acceptable. Mr. Boghossian responds that he would agree with the shortened time frame.

The Chairman asks if there are any more questions from the Commission.

Planner Gjolme interjects additional information. He explains that permits were filled out and submitted, but no fee was taken and permits never issued and therefore the project never finalled. Staff wants to get the ball rolling on what was started but never finished.

Commissioner Cahill asks about the height, and staff responds that the gate is the only part that is eight feet, and that is allowed by code now. The only issue is the composition of the materials.

Chair Davitt closes the Public Hearing (6:30 p.m.)

Commissioner Gelhaar notes that he has visited the site several times. His only question regarding the gate is the solid gate material but he aligns with staff and can support the project.

Commissioner Hill agrees with Commissioner Gelhaar and the staff report but he does not have a problem with the non-see through gate. He can approve with the opaque gate.

Commissioner Cahill noted that he was very familiar with property. He has no problem with reinstatement of the approval the way it was before. He would like to see it done in six months. He could go along with the solid gate on there right now. He does not think it is that visible and can support a solid gate.

Commissioner Curtis asks if there are any fees due or anything like that from code enforcement activities. Planner Gjolme responds that there are code enforcement issues outstanding, but no fees or fines are currently due.

Commissioner Curtis asks staff if it would be advisable to reduce approval to six months. Staff responds that given the history of the project there are issues and it is a concern. Staff believes that six months would be appropriate.

Commissioner Curtis states that he can't find any justification for changes to the findings, and with respect to the gate, even though it is attractive, he can't support findings to allow it to go solid. He is supportive of everything else but would like to limit the vesting to six months.

Chair Davitt states that he has been to the property before and supports the proposed conditions and 6 months limitation. The code has changed and the gate should change to the open material.

Commissioner Curtis moves to approved with a modification to Condition #5 to shorten the time frame for vesting to six (6) months. Seconded by Commissioner Gelhaar, and approved on a 5-0 vote.

- B. Second Floor Review 08-24/Hillside Development Permit 08-42/Tree Removal 09-38; Rhody/Kwon; 5388 Vista Lejana Lane:** A request allow an 816 sf first-floor addition (including 81 sf of cantilevered area), a new 474 sf second floor, and the removal of a 34” diameter Oak tree. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Assistant Planner Lang presents the project. Since there is no projector, she presents based on the paper drawings that each Commissioner has. She notes the size of the house and its location on the lot. The existing trees are noted. So are the existing decks and garage. The design has been reworked per staff request and this is what is before the Commission tonight. Staff recommends approval of the project subject to conditions.

Commissioner Curtis asks about condition #16, if the applicant could pay into the tree fund and if that would be included in the condition. Assistant Planner Lang says yes.

The Chair opens the Public Hearing (6:43 p.m.)

Mr. Bob Rhody addresses Planning Commission. The design has been underway for a year to work with the upper neighbor. The initial design included design for sewer and easements. That plan fell though and the new plan adds floor below existing. The new plan abandoned the second story above the existing house. The house will look as if it was originally built that way. The garage is wider than code requires and would like to leave the garage the way it is now. It will park two cars or one on the diagonal. He asks for permission to remove one tree but not replace it on site or elsewhere. The tree is downslope and in a B condition which could fall. I have personal experience with this. I could put the foundation under the tree but there is still a fire hazard issue. I would like to remove the tree and not replace it on site. There really is no place to put it. He states that it is not fair to place the tree somewhere else on the lot.

Mr. Joseph Kwon of 5388 Vista Lejana Lane was witness to the Station fire and its devastation. He describes his experience with the effects of the fire and their evacuation. The fire crew has a small truck on his street, since a standard truck would not fit. He states that the firemen working the fire at the time said that his house was an ideal fire break due to the weed clearance and no trees on that part of the lot. The fireman said the only thing to worry about is the oak tree next to the house and the deck. If that catches fire, the house would go due to the heat alone. He would like to not have to worry about the tree and the house when the next fire comes along.

Mr. Mark Facer of 5390 Vista Lejana spoke. He lives in the house above the subject property. We were concerned about having a 2nd story on the house due to the view blockage, and appreciate that the second floor will not impact them. He agrees with the tree removal. There are plenty of other trees in the canyon and this one is not necessary.

Chair Davitt closes the Public Hearing (6:55 p.m.)

Commissioner Hill states that he can support the project but would not eliminate condition #15, the tree can be removed and I'm not fan of paying into the tree fund. I would eliminate condition #16.

Commissioner Cahill recommends approval of the project. He thinks it fits in with the neighbor. He notes only two issues: the garage and the tree. In terms of the garage, he notes that he can support changes if they are not too costly, and can support not making the changes if it would be too costly. Removal of the tree is okay but would like to have an arborist confirm if it is feasible to replant elsewhere on the lot, and would like to have some form of planting in that area.

Commissioner Curtis supports the project. Having worked with the neighbors is a plus for the project. He concurs with Commissioner Cahill, except that he would have the applicant do some type of mitigation for the tree. Either plant on-site or lowered payment.

Commissioner Gelhaar agrees with most of the comments of the others. He believes the garage should be made to conform to code per the General Plan. The tree replacement on site is problematic because of view obstruction. He would like something to be put in the tree fund rather than replanting. He would suggest the \$14,000 tree contribution be reduced to something around \$2000. He supports the project and prefers that the trees not be planted on the site.

Chair Davitt agrees that the general design of the structures will be an addition to the neighborhood. He supports not planting trees back on the site and that some kind of restitution should be made by the property owner. He can make the necessary findings for the tree removal. If the garage can be made compliant without too much effort, then it should be done. He requests that a motion be made.

Commissioner Cahill moves that the Commission proceeds to approve the project with condition #15 included and that condition #16 be modified to adjust the contribution to the tree fund down to \$3000. Motion seconded by Commissioner Gelhaar. The project is approved on a 5-0 vote. (7:03 p.m.)

Director Stanley asks for clarification on the changed conditions.

IX. OTHER BUSINESS

- A. Hillside Development Permit 08-40/Setback Modification 08-11/Tree Removal Permit 10-11; Hanna; 3958 Hampstead Road:** Substantial conformance determination for proposed retaining wall extension. (Planner Gjolme)

Chair Davitt asks if the Commission wants a staff presentation on this matter. The Commission indicates no presentation. Staff indicates that staff will be making the determination but would like to have input from the Planning Commission.

Chair Davitt opens the Public Hearing only because the item is agendaized.

James Stoker speaks. He comments that there is too much concrete on the site that is visible from off-site and from the streets including Robin Hill Road. He does not like that the height is being added and it is bad enough that two trees have to come out. He is also concerned about drainage in the area. The additional freeboard being requested is requiring additional drainage – another 150-160 feet of drainage along that area – all going off the site. He indicates that he is not sure that it is a good idea. He asked that this not be passed because it was clear from last week's Commission hearing that six feet was the limit. He has not seen the other conditions met yet: the engineering drawings, the hydrology report, or any of the other conditions.

Planner Gjolme reports that the approved Urban Stormwater Management Plan is currently being reviewed by the City Engineer to account for all the changes to the garage and retaining wall. The consulting arborist for the project has visited the site and noted that, at most, only one tree may have to be removed. However, it is likely that the wall will be built and both trees will be retained. The hydrology issue is being reviewed as we speak.

Commissioner Curtis comments that the City Engineer is reviewing the whole project to see that the Qs are not being increased, how it affects the watershed, etc. He notes that the Commission did receive a supplemental e-mail from Mr. Stoker that addressed essentially what the Commission was addressing last session. Planner Gjolme restates that the City Engineer is reviewing the entire hydrology, storm water and drainage plans for the project.

Chair Davitt, asking if there is anyone else to speak, and noting there are none, closes the public hearing. He asks staff if any action is necessary by the Planning Commission.

Director Stanley states that if the Commission is fine with the determination that staff is going to make, then the Planning Commission need not take any action.

{No action is taken by the Planning Commission}

B. Tree Ordinance Study Session (Assistant Planner Lang)

The Planning Commission was informed that certain materials were not ready for this meeting. As a result, the session will not occur. This was intended to be a study session. There is a matrix that must be amended based on a Commissioner's request.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Cahill comments about the question brought by the public comment speaker (Brown) at the beginning of the meeting. The speaker was asking to put the fence up not to block ingress/egress, but as a demarcation of the property line. There is an easement there. As long as there is no blocking and someone has full access, is there any reason why he cannot have a fence at the edge of the easement. Commissioner Cahill would like to have that looked into.

Director Stanley clarifies that the City Attorney has looked into this location of fencing. We are waiting on the speaker's attorney's explanation as to why he thinks he can place the fence where he wants. Staff is not going to allow a fence to go across such an easement until the legal issues are settled. We will report back to you after we have answers.

Commissioner Gelhaar asks if the Merritt project was appealed (yes). Also, has the Lyans project been appealed. Staff indicates that the appeal period expires tomorrow. However, we have indications that two parties will appeal (on opposite sides of the approval).

Commissioner Hill thanks staff for the good work they have done over the last several years. He notes that he reads 10-12 reports a day, some good, some not so good. But every report from this staff has always been the best class "A" writing. He doesn't always agree with the recommendation, but the work is exceptional.

Commissioner Gelhaar states the city is fortunate to have the staff they have and thanks staff.

Commissioner Curtis thanks the outgoing commissioners for their service.

Chair Davitt reminds us that this is the last Commission meeting with this membership. He wishes the outgoing members the best. The next meeting will have two new commissioners.

XI. COMMENTS FROM THE DIRECTOR

A. Report of Director's Approvals since the last meeting:

1. **Hillside Development Permit 10-12; Rogan; 315 Knight Way:** Granted 598 sf ground floor addition and inward-facing 3' retaining wall.

B. Other Comments

Director Stanley notes the appreciation of the Commission regarding their comments proffered by the Planning Commission. He notes the Flanders appeal will be continued from the June 7th City Council meeting. The Merritt appeal will occur on July 6th at the City Council.

Director Stanley indicates the starting date of June 13, 2006 for Commissioner Hill. He highlights the cases brought before the Commission over the last four years: Town Center project, GPAC, animal-keeping ordinance, batting cages, parking changes to DVSP, tree ordinance, non-conforming use recovery, Winneman, a wide variety of projects, Vons, Ralphs, and he was true to his convictions regarding how he voted/reviewed projects. Staff presents him with a token of appreciation.

Director Stanley also honors Commissioner Gelhaar noting his tenure on the Commission and, before that, his tenure on the CCSRDR (the residential design review committee). As a result, the City did eventually adopt Residential Design, but not mandatory review on single houses. He served 2.5 terms on the Planning Commission starting in June 2001, and acted as hearing officer for most of his tenure. Besides all the cases mentioned above, there were a number of other large

cases, such as the Parker & Johnson property tract map with architect Peter Kudrave, about 60 administrative hearings, and the General Plan Advisory Committee. He also brought about the requirement for story poles. For all that, we honor his service this evening.

XII. ADJOURNMENT: 7:27 p.m.