

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JUNE 10, 2014**

- I. **CALL TO ORDER:** Chairman Gunter called the meeting to order at 6:00 p.m.
- II. **ROLL:** Chairman Gunter, Vice Chairman Jain, Commissioners McConnell and Walker. Commissioner Der Sarkissian arrived at 6:20 p.m.
- III. **PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. **COMMENTS FROM THE PUBLIC:**

Steven Brown – 3757 Normandy Drive – spoke about the ongoing project at 3745 Normandy Drive and was pleased that permits have been issued and that the project was moving along. He spoke about Ms. Lee's easement over the adjacent property at 3751 Normandy Drive and stressed the critical importance of properly defining the west side property line considering errors made over the course of the project in the past.

- V. **REORDERING OF THE AGENDA:** The agenda items were not re-ordered.

- VI. **CONSENT CALENDAR**

- A. **Minutes:** November 26, 2013
- B. **Zone Change 13-02; La Cañada Presbyterian Church; 4435 Woodleigh Lane:** Recommendation Approval Resolution
M/S/C Walker/Jain to approve the consent calendar. 4-0.

- VII. **CONTINUED PUBLIC HEARINGS**

- A. **Telecommunications Permit 13-03/Variance 13-07/Categorical Exemption; Verizon; 4515 Ocean View Boulevard:** [Originally from January 28, 2014] Request to allow cellular telephone antennas to be mounted on the roof of an office building. The equipment cabinets would be located in the north side yard setback abutting the building and below an existing retaining wall. The antennas would be mounted on the southeastern corner of the roof surrounded by an eight foot screen wall. Staff is recommending approval of a Categorical Exemption for this project. (Senior Planner Buss)

Senior Planner Buss gave an overview of the project since the last meeting and discussed changes to the location of the antennas and the increased height of the screen walls. He clarified that a Variance was no longer required since the equipment cabinets are no longer in the north side yard setback, but rather built into the side of the hill outside of the required setback. He felt the project changes addressed the Commission's concerns, despite use of taller screens, and project approval was recommended.

Commissioner McConnell confirmed that the south screen does not extend across the entire depth of the building. The photo simulation provided had intervening trees; thus the total length of the screen could not be ascertained.

Chairman Gunter inquired about the term 'tiger cage', of which the proposed screens would be composed.

Senior Planner Buss thought the term referred to a chain-link material with mesh-like inserts.

William Desmond – applicant – expressed his gratitude to the Commission for hearing the item again. He clarified that 'tiger cage' was actually tubular steel which would fortify the enclosures for both pedestrian protection and to prevent potential vandalism. Based on direction from the last meeting, the antennas have been recessed from the parapet. The antennas were pulled back 5 feet from the east and south elevations for better symmetry. However, with this additional setback from the edge of the building, an increased 2-foot antenna height was required for needed signal orientation and strength based on coverage requirements per the project engineer's review of the new siting.

Commissioner Walker noted she was not at the initial meeting. She asked if the applicant had looked at 2320 Foothill Blvd. as an alternative site and ruled it out since it was a lower building.

Mr. Desmond responded that it would be difficult to achieve required coverage from this location. The rooftop is already cluttered with other wireless carriers. He did not believe this was an optimal location.

Commissioner Walker responded that there is a difference between an optimal and acceptable location. She was troubled by the proposed location since the subject building is immediately adjacent to a residential neighborhood. She asked if 2014, 2016 and 2018 Foothill were looked at as alternate locations for the proposed antenna.

Mr. Desmond could not speak in detail to the alternative locations.

Commissioner Walker asked if the Commission was provided with a list of other alternative locations.

Mr. Desmond responded that Verizon chooses a single location, submits the associated request for that location alone and the Commission reviews it accordingly.

Chairman Gunter added that the Commission reviews projects for the site selected, not alternative sites that could have been chosen.

Commissioner McConnell asked if the applicant had looked at extending the screening along the entire south elevation to make it look more cohesive.

Mr. Desmond responded that individually sectioned screens were less obtrusive and would preserve view-sheds from the neighboring building.

Commissioner Jain asked if the size of the screens could be reduced. He felt they were much too large and prominent as currently submitted.

Mr. Desmond responded that a size reduction was unlikely given coverage objectives.

Commissioner Der Sarkissian inquired why the screens were needed in the first place. He felt the antennas would be less obtrusive without the screens.

Chairman Gunter stated that the Telecommunications Ordinance requires screening.

Director of Community Development Stanley clarified that the equipment needed to be 'stealthed', which did not necessarily mean screened by a separate structure.

Chairman Gunter closed the public hearing.

Commissioner McConnell appreciated the equipment location change, but was disappointed in the screening proposal at this point. He understood the needs of the applicant but felt a better solution was still possible.

Commissioner Walker visited the three residential properties to the north of the subject building. The 2nd home to the north looks over the building and the southeast enclosure would be totally visible from this property. She was very sensitive to the issue of commercial development infringing on adjacent residences and felt there were better locations for the project. She understood Verizon's needs and objectives, but cautioned that the proposal in its current form was an undue imposition on adjacent residential properties.

Commissioner Jain felt that the situation has become worse because of the size of the screen around the antennas. The screens have not diminished the antennas, but rather have emphasized them. He noted that the proposal might be better without the screens - simply blend the antennas with the color of the building.

Commissioner Der Sarkissian stated that the current proposal was simply not acceptable. He agreed with Commissioner Walker and felt that this was not only a neighbor concern but a City-wide concern as a whole. The equipment location was acceptable, but the screens are totally inappropriate. The antennae can be painted/stealthed to blend with the building and avoid the need for the screens.

Chairman Gunter disagreed with comments from the other Commissioners. The antennas alone are not attractive. Mr. Gunter referenced the proliferation of equipment/antennas atop the Lund building noting screened antennas looked

better. There will be changes and new equipment within the scope of this entitlement as time goes on and, as such, some type of screening will be needed. The proposed screens are symmetrical and relatively the same size and appropriately set back from the parapet. He felt this lent to a more compact and cohesive appearance than a series of antennas, and compared the appearance to that of a stairwell or elevation shaft atop the roof. As such, he was comfortable with the submittal in its current form.

Commissioner Walker mentioned that the screens would alter the low-profile character of the building, which may have been a factor in the original design and siting.

Commissioner McConnell asked if the Design Commission can approve the project without the screening.

Director Stanley confirmed that the Design Commission would have final authority over the size, type, color, etc. of the screening employed since they are cited by Ordinance as the body responsible for review of equipment stealth/screening. He added that the Planning Commission could approve the location of the antennas and defer the screening to the Design Commission.

M/S Jain/McConnell to approve the antenna locations as submitted and defer the screening/stealth to the Design Commission. The motion failed.

A new motion was proposed.

M/S/C Der Sarkissian/Jain to approve the project as submitted without the antenna screens and use of a compatible color for the antenna. Approved 3-2 (No – Commissioners Walker and Gunter)

VIII. PUBLIC HEARINGS

- A. **Second Floor Review 14-02/Categorical Exemption; Johnson/Tashjian; 4944 Revlon Drive:** Request to allow construction of new 2,900-square foot two-story house. The project complies with all floor area, setback, size, and height requirements. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas) **[THIS ITEM TO BE CONTINUED DUE TO STORY POLE ISSUES]**

M/S/C Gunter/Jain to continue the item to the 6/24/2014 PC meeting. Unanimous 5-0.

- B. **Second Floor Review 14-18/Setback Modification 14-08/Categorical Exemption; Frame/Perez; 4619 Alta Canyada Road:** Request to allow construction of a new 3,400 sq. ft. residence that would encroach 2'-6" into the north side yard setback at the 2nd-floor level. Demolition in conjunction with remodeling exceeded limits to qualify the project as an "addition." The project is

now considered "new" construction. Staff is recommending approval of a Categorical Exemption for this project. (Contract Planner Cantrell)

Commissioner McConnell recused himself since he resides within 500 feet of the site.

Consulting Architect/Planner Cantrell gave an overview of the request to reconstruct a 2-story home, the pre-existing 2nd floor of which was removed during a code-compliant approved expansion and remodel to the existing home.

Commissioner Der Sarkissian asked how this project/issue came to the City's attention.

Director Stanley explained it was an anonymous complaint that was followed-up accordingly, including case expediting at the request of the property owner.

Commissioner Jain stated that had a complaint not been filed, the issue may not have been brought to the City's attention.

Director Stanley responded that the extent of demolition and new construction would have been flagged during inspections by the Building Dept.

Commissioner Walker confirmed that the proposed 2nd floor and pre-existing 2nd floor were identical.

Chairman Gunter understood the situation but noted that the drawings do not indicate new construction where needed and do not seem to match the actual project before the Commission.

Consultant Cantrell responded that copies of the construction drawings for the code-compliant rear addition were submitted and the staff report clarifies the discrepancies with the plans.

Director Stanley stated that a condition could be added to modify the plans to accurately reflect the scope of the project in terms of existing/new construction.

Commissioner Der Sarkissian confirmed that had the project been submitted as a completely new 2-story residence identical to the 'reconstructed' residence before the Commission, a Setback Modification would have still been required to address the substandard north side setback.

Consultant Cantrell confirmed this and stated that the project's background and mistakes, while important, have no nexus on the findings that are required for project approval.

Property owner Jose Perez addressed the Commission and was compelled to keep the same architecture of the house and not build anything out of proportion. He went through all the necessary permitting for the 1st floor but

discovered serious 2nd-floor structural issues during construction, remedy for which was undertaken. The related code problems were brought to his attention after-the-fact.

Applicant Greg Frame addressed the Commission and explained that during construction, it was discovered that the 2nd-floor was structurally inadequate. He apologized for not following proper procedure and inconveniencing the property owners. He did not think review was required for replacement construction.

Chairman Gunter questioned the applicant's knowledge of City codes and building permit requirements and confirmed that the applicant was aware of the review process for 2-story projects.

Mr. Frame responded that the plan called out an existing two-story residence, the restoration of which he thought was allowed with building permits.

Chairman Gunter asked if building permits had been obtained prior to initiating 2nd-floor construction.

Mr. Frame responded that permits were not pulled, but it was his full intention to do so.

Commissioner Jain interpreted the project as if 'new' given the extent of demolition/roof removal. With this said, he felt the house was appropriately sited and designed and could make all the required findings.

Commissioner Walker agreed and applauded the owner for keeping the integrity of the original house. She wanted a condition to be added that requires the new 2nd floor to precisely match the pre-existing 2nd floor.

Commissioner Der Sarkissian could also make the required findings for the project.

Chairman Gunter appreciated that the house was built well below density limits. He agreed with the addition of a condition requiring that the new 2nd floor match the previous 2nd floor. He also wanted a condition added that required revised plans that clearly reflected the total scope of the project – what part of the home existed and what was rebuilt/new. He felt this was important for the sake of accuracy and future understanding of the project.

M/S/C Gunter/Der Sarkissian to approve the project as submitted with 2 additional conditions; 1) the new 2nd floor shall precisely match the pre-existing 2nd floor; 2) revised plans reflecting the total scope of the project and clearly indicating the existing and rebuilt/new sections of the home shall be required. Approved 4-0-1. McConnell recused.

- C. **Second Floor Review 14-14/Categorical Exemption; Su/Punati/Kolli; 5231 Bubbling Well Lane:** Request to allow the construction of new 5,731-

square foot two-story house. The project complies with all floor area, setback, size, and height requirements. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas)

Commissioner McConnell rejoined the meeting.

Assistant Planner Parinas gave an overview of the request to construct a new 5,700 sq. ft. compliant 2-story residence in accord with the project staff report. Approval was recommended despite the design being somewhat of a departure for the neighborhood.

Richard Su – designer and applicant – expressed the owners need for a larger house for their family. The logic behind the project was to use as much of the existing home's footprint as possible and retain the perimeter and natural features of the site. The building is proportionate to the lot and in compliance with all code standards. The retaining walls were used only to provide additional vehicle backup area fronting the garage.

The Commission had no questions of the applicant.

Mary Ann Lantieri – 1803 Fairmount – was concerned with a 2nd floor window on the south elevation of the new home. A majority of the vegetation along the common property line is dead or dying. She questioned whether adequate landscaping between the homes would be maintained. She had no issues with the house, but was concerned with potential privacy impacts.

Commissioner McConnell questioned whether the speaker preferred elimination of the window in question or assurance of the provision of adequate screening.

Mrs. Lantieri responded that she was fine with the project if the landscaping provided is adequate and appropriately maintained.

Commissioner Der Sarkissian confirmed that Mrs. Lantieri's address was 1803 Fairmount, south of the project site.

Property owner – Jaya Punati – expressed her sensitivity to the concerns of the neighbors and intended to address privacy and screening concerns.

Commissioner McConnell asked Mrs. Punati if she had any problem with an approval condition requiring new screening along south side property line.

Mrs. Punati was amenable to said condition, as long as it allowed for the maturation of the screening over time.

Commissioner Der Sarkissian agreed that landscape screening is needed along the south property line. He was more concerned with the house at 5219 Bubbling Well Lane, which would be more exposed to the proposed home's 2nd floor. He liked the front arrangement which will allow cars to turn around on site so they

don't have to back out. He had no major problems with the project and supported it as proposed with significant landscaping added along the south property line for the benefit of both southerly neighbors.

Commissioner Jain stated that he had visited the site. He agreed with Commissioner Der Sarkissian about the southerly neighbors and felt aggressive landscaping was needed to buffer the south side property line. He could make all the findings and supported the project as proposed.

Commissioner McConnell also supported the project and could make all findings. He preferred to amend condition #19 so it would also require the 'maintaining' of landscaping along the south property line.

Chairman Gunter preferred the term 'installed' in relation to the landscape requirement since 'maintained' is a nebulous term difficult to define and enforce.

Assistant City Attorney Guerra clarified that condition #18 referred to a window on the south elevation, not a west window as stated.

Commissioner Walker spoke about the existing state of landscaping during construction and a possible upgrade for the benefit of the neighbors. She noted that deodar cedar limbs were touching certain story poles but this had been addressed through a condition requiring arborist review in conjunction with any trimming. She thanked staff for their thoroughness and was prepared to support the project.

Chairman Gunter also supported the project. He appreciated the thoughtful design and excess side setbacks that had been provided. Mr. Gunter also appreciated the use of a muted color palette. He did not think the bedroom window needed to be changed to a clerestory window per staff's recommendation since the neighbor's privacy would not be unreasonably impacted by the windows as proposed.

Commissioner Der Sarkissian agreed with Mr. Gunter and felt the window as proposed added to the overall aesthetic of the south elevation.

M/S/C Gunter/Jain to approve the project as submitted striking condition #18 and modifying condition #19 to read "additional landscaping shall be required along the south side property line to mitigate privacy impacts on neighboring properties". Approved 5-0.

- D. **Zone Change 14-01; City of La Cañada Flintridge:** Request to Approval of a new Emergency Shelter Overlay Zone ordinance and updated Zoning Map. An Addendum to the 2013 General Plan Update Programmatic Environmental Impact Report (PEIR) was prepared in support of the proposed zone change that evaluated potential environmental impacts associated with the proposed follow-on zone changes. No additional Initial Study, Environmental Impact Report or Negative Declaration is required. (Senior Planner Buss)

Commissioner Walker recused herself since she owns a business on one of the properties under consideration.

Senior Planner Buss gave an overview and explained the history of the project. State law requires selection of a zone to allow emergency shelters. The Community Planned Development (CPD) Emergency Shelter (ES) overlay zone would refine the parcels where such structures are already allowed and is now before the Commission for a recommendation to the City Council. This is a straightforward zone and map change with no major issues.

Chairman Gunter confirmed that the zone change would not add new properties to those already eligible for emergency shelters and does not have anything to do with multi-family housing uses.

Pat Hogan – referred to 4455 Rockland Place which was on the subject property list – and did not think it should be eligible since this was an existing multi-family building largely built out on the property. He questioned where a temporary shelter could be placed.

Chairman Gunter clarified that an emergency shelter under this code provision was actually a permanent structure, not a temporary tent-like structure typically associated with FEMA. He explained that this was a zone change to allow for the potential future use as required by State law, not to build an actual structure anywhere at this time.

Mr. Hogan appreciated the clarification on the subject.

Mr. Buss explained that this was one of the areas where multi-family buildings were on CPD zoned property. A future zone change to R3 would disqualify this property and would probably be recommended in the future if and when a comprehensive revamping of the zoning code occurs.

Mary Miller Geron – lives in Montrose adjacent to one of the sites identified – was concerned with potential privacy issues, screening, noise, etc. if these shelters were to be developed in the future. She did not think the issue was exempt from CEQA review.

Chairman Gunter explained that the General Plan update had a complete Environmental Impact Report (EIR) done in concert with it. The rezoning was done to remedy conflicts within the General Plan and was included as part of the EIR.

Ms. Geron still felt that the issue was not exempt from CEQA. She wanted the issue tabled until she could review the CEQA documents.

Chairman Gunter thanked Ms. Miller for her input but clarified that the CEQA documents had already been approved and certified by the State.

Assistant City Attorney Guerra added that this was only a recommendation to the City Council at this point.

Ms. Geron expressed her concerns that future development of a shelter would be 'by-right' and no further discretionary review would be required.

Commissioner McConnell confirmed that any new project would need to go through individual environmental review prior to approval and construction.

Chairman Gunter noted that the action of adding an overlay zone to an existing zone is exempt from additional review under CEQA, as it was studied with the previous actions.

Assistant City Attorney clarified that if the Planning Commission took no action on the matter tonight, said shelters would still be potentially allowed by the zoning currently in place. He further clarified that the overlay zone would actually reduce potential impacts by reducing candidate properties and that the issue has been fully analyzed over several years.

Ms. Geron still challenged the CEQA exemption and desired to review the applicable documents. She requested that no action be taken on the matter at this time.

Chairman Gunter closed the public hearing.

Chairman Gunter confirmed that only a recommendation to the Council was sought at this time. Staff has addressed the relevant issues by preparing the overlay zone and he was pleased with the progress to this point. He supported the overlay zone as proposed.

M/S/C Gunter/McConnell to recommend City Council approval of the overlay zone as submitted by staff. 4-0-1. Walker recused.

IX. OTHER BUSINESS:

- A. **Substantial Conformance Determination for Hillside Development Permit 13-25 / Second Floor Review 13-05 / Conditional Use Permit 388 / Setback Modification 13-10; Hartunian; 2121 Patagonia Drive:** Request for exterior door.

Commissioner Walker rejoined the meeting.

Assistant Planner Harris give a brief overview of the project and the current request to add an exterior door at the base of the stairs on the rear elevation.

The Commission had no questions for staff.

Mr. Hartunian, property owner, thanked the Commission for their work to this point and explained the nature of the request.

Commissioner McConnell was concerned that once a door is there a wall could be installed which would make the 2nd floor a separate living area.

Chairman Gunter did not think the request was in conformance with the prior approval and did not support the request.

Assistant City Attorney Guerra noted that there is no way to preclude creation of a separate room with private access if the door in question is allowed.

Assistant Planner Harris commented that the space does not have a kitchen so it would not qualify as an Accessory Living Quarters (ALQ) unit regardless of its separation and access.

Commissioner Der Sarkissian stated that denying the request would be presumptive and implies that the unit will be divided and the top floor will be converted into a separate living area. He could not assess the request based on what might happen. It has to be reviewed as just a door, and, as such, he could support the request.

Commissioner Walker stated that she had reviewed the minutes from the previous meetings and based on the minutes, this would be a substantial deviation from the original approval since the door in question was specifically removed during the prior review. She felt allowing the door would invite/encourage an unauthorized change to create a separate unit.

Commissioner McConnell agreed with Mr. Der Sarkissian and could not vote based on what might happen. He supported the request based on what is currently proposed.

Commissioner Jain did not believe the current request was in conformance with the original intent of the project.

M/S/C Gunter/Walker to affirm that the requested revision is not in substantial conformance with the original project approval. Motion carried 3-2 (No – Commissioners Der Sarkissian, McConnell)

X. REPORT OF DIRECTOR'S REVIEWS

- A. **DM 14-12 (SB); Urata; 4411 Woodleigh Lane:** Approved new pool/spa mechanical equipment to encroach into the required street side-yard setback. The proposed swimming pool equipment will be located 15-feet from the south property line encroaching 5-feet within the required 20-foot side yard setback.

The Commission had no questions about the project.

XI. COMMENTS FROM THE COMMISSIONERS:

Commissioner Der Sarkissian mentioned the 500-foot proximity radii for Commissioners when determining their eligibility to review projects. He wondered if smaller communities used smaller radii since he was aware of one City where 300 feet was used as the qualifying radii.

Assistant City Attorney Guerra was not certain but would research the question and report back to the Commission.

Chairman Gunter felt limiting presentations allowed under public comments might be appropriate since staff time is often utilized.

Chairman Gunter also felt some form of reporting or consequence for contractors who break the rules was needed. He understood that permit fees were usually doubled for unauthorized construction but this burden was upon the property owner, not the contractor.

Assistant City Attorney Guerra did not support the idea of the City reporting contractors.

Commissioner McConnell strongly felt that there should be some method to report contractors that violate City rules/regulations and consequences for said actions.

Chairman Gunter noted that the telecommunication issue is intensifying and that the City needs to be proactive to it.

Senior Planner Buss responded that the Telecommunication Ordinance may need to be revisited.

XII. COMMENTS FROM THE DIRECTOR

A. Potential study session for Flintridge Sacred Heart Academy Specific Plan

Chairman Gunter stated a study session was a good idea given the volume of information and complexity of the project, but it should focus on the EIR and Specific Plan.

Senior Planner Buss commented that the Specific Plan addresses all the parameters of the project – uses, impacts, fire, circulation, infrastructure, etc.

Director Stanley stated that the objective is to pin down the timing for a study session.

Commissioner McConnell stated that a study session should not occur until the draft EIR is published.

Senior Planner Buss responded that the study session would have to be after the 45-day review period for the EIR.

Commissioner Der Sarkissian stated he would need the documents from the consultant prior to the study session to better understand the scope of the project/issues and to simplify things.

Director Stanley confirmed that the Planning Commission would have the draft EIR and Specific Plan prior to the study session.

The Commission's consensus was to have a study session. The timing and method of the study session would be determined at a later date.

Director Stanley stated that the schedule would be worked out by staff and he would report back to the Commission.

XIII. ADJOURNMENT

M/S/C Gunter/Jain to adjourn the meeting at 9:02 p.m. Unanimous 5-0.