

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JULY 8, 2014**

- I. **CALL TO ORDER:** 6:04 p.m.
- II. **ROLL:** *Present:* Chair Walker, Vice Chair Jain, Commissioners Smith and McConnell;
Absent: Commissioner Gunter.
- III. **PLEDGE OF ALLEGIANCE-** Chair Walker
- IV. **COMMENTS FROM THE PUBLIC:** Pat Anderson (Chamber of Commerce Executive Director) announced the next Chamber mixer will be July 17. The theme will be "Christmas in July" at Olberz Park.
- V. **REORDERING OF THE AGENDA:** Items VIII.B. and VIII.C. will be heard before VIII.A.
- VI. **CONSENT CALENDAR**
 - A. **Minutes:** May 13, 2014 – Approved: 3-0-1, Smith recused himself because he was not present at the meeting.
- VII. **CONTINUED PUBLIC HEARINGS**
 - A. **Conditional Use Permit 382 Amendment and Tree Removal 13-05; La Cañada Presbyterian Church; 626 Foothill Boulevard:** [Continued from May 27, 2014] Request to construct an additional parking lot for the church. The subject lot was previously re-designated from Very Low Density Residential to Downtown Village Specific Plan on the City's General Plan Land Use Element Map. A Zone Change amending the zoning on the property to be consistent with adjacent Institutional zoning in the Downtown Village Specific Plan has been recommended for approval by the Planning Commission but is not yet approved. The parking lot approval is a request to extend/expand an existing parking lot for the La Cañada Presbyterian Church, and therefore expand (amend) the existing Conditional Use Permit. Tree removals will be considered as part of the parking lot design. 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)

Senior Planner Buss presented the project in accordance with the staff report.

Commissioner McConnell asked about the Foothill Boulevard entrance and if the entrance at Woodleigh Lane is necessary for traffic flow.

Senior Planner Buss confirmed that the entrance on Woodleigh is necessary. A resident at Woodleigh requested that traffic exiting on Woodleigh only be allowed to exit north.

Commissioner Smith asks if the storm water plan needs to be in the conditions of approval.

Senior Planner Buss responded "no" because it is in the City's Municipal Code.

John Pride, landscape architect and applicant's representative, presented the revised plan to condense the parking spaces, remove unnecessary landscape planters, and save three protected trees. He would plant additional trees, construct a wall along the south side on neighboring property. He has an agreement with the neighbor. The wall would be 6' tall and he would install bollards along south side for lighting to minimize impacts to neighbors. Other lighting on the site will be reduced to 12' in height from the original 20'.

Commissioner Smith asked if the wrought iron gate (at the driveway onto Woodleigh Lane) will remain.

John Pride confirmed that the gate will remain and closed off at night.

Chair Walker asked if lighting will be reviewed by Design Commission.

Senior Planner Buss indicated that staff will review illumination based on a photometric plan, and the Design Commission will review the color and type of light fixtures.

Bob Hiller, traffic control leader at La Canada Presbyterian Church, states that the gates are manually closed and chained at night. Three parking monitors work Woodleigh Lane and the parking lot on Sundays. The church currently uses the Thursday Club parking lot across the street on Woodleigh Lane. The project will improve the local parking and traffic situation. Exiting parking lot traffic turns right (south) towards Georgian, while traffic exiting the Thursday Club parking lot on turns right towards Foothill Boulevard.

Chair Walker asked Hiller if Thursday Club parking will be maintained.

Hiller replied that he was not sure. Thursday Club parking is not used during the summer as there is not enough church attendance.

Michael Gross, adjacent south side neighbor, thanked the Planning Commission for the redesign. He states that he would like to have a wall that is not straight, save the deodar tree, and requested a 6' tall wall.

Commissioner Jain asked if the Design Commission will be reviewing the wall.

Director Stanley confirmed that wall will be reviewed by Design Commission.

Chair Walker closed public hearing.

Commissioner McConnell noted that it is a great design. He appreciates the effort with addressing water run-off. He asked if the CUP required the Thursday club be used for parking, and whether the CUP approval changes conditions of the original CUP.

Senior Planner Buss responded that this CUP does not change the Thursday Club parking condition. If the Church would like to remove the condition they can ask the City, or if the Commission wants to relieve the Thursday club condition, it would be possible.

Commissioner McConnell would add a condition to get neighbor agreement with 6' wall.

Commissioner Smith notes that he likes the design, likes maintaining the historical integrity of the existing gate, and can make the findings for the CUP as amended and the Tree Removal permit. He thanked the church and the neighbor for their mutual cooperation.

Commissioner Jain states that the new design addresses Planning Commission concerns, and that the bio-swale is helpful. He can make the findings.

Chair Walker concurs with her fellow Commissioners. She can make the findings with two added conditions.

City Attorney Guerra added the unmodified conditions of approval from the original CUP.

Commissioner Jain moved, and Commissioner McConnell seconded a motion to approve with the additional conditions. The motion carried unanimously.

VIII. PUBLIC HEARINGS

- A. **Conditional Use Permit 415/Variance 07-06/Second Floor Review 07-38/Setback Modification 07-34/Categorical Exemption; Cohen/Greenberg; 245 Berkshire Avenue:** Request to legalize the expansion of a residence into non-habitable space, a solid-roofed patio, trellis, improvements to the guest-house, placement of a storage shed, gazebo, placement of a retaining wall within a blue-line stream, grading, and an over-height fences within the side yard and along the front property line. A Conditional Use Permit is required because total roofed area would exceed 10,000 sq. ft. A Variance is required because the main house, gazebo and guest house exceed the 32'-0" and 15'-0" maximum heights allowed, respectively. A Second Floor Review is required because some of the improvements expand into the attic and include the placement of new dormer windows. A Setback Modification is required because the storage shed is placed immediately adjacent to the southwest property line, a portion of a wall is over-height within the side-yard setback and the front-yard wall exceeds allowable height limits and material composition for street-fronting fences and walls. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Harris)

Assistant Planner Harris presents the project. The applicant proposes to legalize a number of improvements on the site that have been constructed over time without planning or building permits. She outlines all the changes. There is a presentation of the site and its makeup.

Commissioner Jain asks for specific identification of what is out of compliance and what changes would need to be approved.

She continues her explanation of the requests detailing the description of each item and what is needed to gain compliance. She comments on the two blue line streams and the interaction of the applicant with the Department of Fish and Wildlife. She uses highlighted plans to illustrate the house and elevations.

Several Commissioners ask questions of Assistant Planner Harris as she presents the project.

Photos are presented from more than a decade prior when the front wall was constructed. The history of the wall is discussed. She also explains the legal actions against the applicant and where that action stands. The flood hazard easements on the property are also explained and how it affects building on the property.

City Attorney Guerra explains that the City approval could be granted subject to conditions in order to get the appropriate approvals.

Chair Walker opens the public hearing (10:20 p.m.)

Dick Cohen, attorney and applicant's representative, states that he came into this project as a 10-year retired lawyer, and that he is here to try to get this straightened out. The agreement was to work out the problems and get this addressed. He says that the house is referred to being in a rural area. He talks about the history of the Flintridge area and its rural nature. He states that the fence and the walls are within the nature of the area. He points out other walls in the area that have been approved by the City, and that these walls/gates are 10 feet tall or higher. He passes out copies of pictures to the Commissioners as he explains what they are. These structures are in the southern part of the City but not in the immediate area. Cohen states that walls should not have to be wrought iron above 42 inches.

There is discussion between the Chair and Mr. Cohen about the laws that are in effect now, not what has gone on before. Mr. Cohen presents additional pictures into the record for tall walls and gates.

Mr. Cohen states that he wants to talk about what he thinks are the issues including the location of the shed and approval by the neighbors. The shed cannot be seen from the street or from offsite. The applicant placed the sheds there to protect autos from rat infestations for his car collection. He attempts to talk about the right-of-way in front of the property but the Chair tells him that the subjects must be about the private property. He wants the Commission to approve the recommendation of staff.

Caroline Craven, 5279 Linda Vista Drive, addresses the Commission regarding the blue line stream and the potential erosion that is occurring.

Michael Greenberg, owner, states that he has had two previous houses and did improvements correctly and now he's getting prosecuted. He states that the work was done without permits and done correctly. He further states that every time he goes to the city, there is something new. He knows what he can do and he fights everyone.

Commissioner Jain asks about the permits that he got for dormers and if the permits were precisely for this.

Mr. Greenberg states that he has permits for everything but does not say that he got specific permits for the dormers. He also talks about LA County and permits for grading. He says that since 2009, the blueline stream is no longer (doesn't exist).

Commissioner Jain asks when the grading was done, and why no grading permit was applied for.

Mr. Greenberg responds that the "head LA County guy" said that a permit was not necessary.

Chair Walker asks if permits were obtained for the walls and gates and some of the structures.

Mr. Greenberg responds that he did not get permits for most of the items that Chair Walker asks about.

Commissioner Jain asks about the grading that was done.

Mr. Greenberg indicates the extent and how much fill occurred on site.

Chair Walker closes the public hearing (11:03 p.m.)

Commissioner Jain states that the flood control easement is vague.

Commissioner McConnell says that he is okay with the 'over 10,000 sf' structure, and the Second Floor Review findings for the attic levels, due to the location of building. The Variance for the dormers is okay given the self-created low datum point from the garage and not over 32 feet from the front, and the architectural extensions. But he cannot approve the Modification for the front setback, and the applicant does not meet the decorative fence requirements. The shed placement is okay due to the neighbor's location.

Commissioner Smith says yes to the Conditional Use Permit and the Second Floor Review since it doesn't change the outward form. The guest house height is okay but the gazebo is questionable. The wing wall is okay but not the front gate. He states the shed is not okay in its current location, and since it is portable, it can move.

Commissioner Jain states that he visited the site and met the owner and Mr. Cohen. He saw the whole house but was unhappy that work was done without proper permits or in the spirit of the law. There are essentially ten different issues, and out of the ten, the location of the wing wall is okay since it does not benefit any one. The guest house looks like it existed and he can allow. The gazebo appears to be integral, and reducing the height does not make any difference; if it were attached, it would meet code. He can approve the height of the gazebo. The trellis, breezeway, etc. need permits, but he is okay with them. He is concerned with the dormers but gives the benefit of doubt of city inspectors and he can approve them as within the height of the house. The interiors should be permitted. The owner should obtain proper permits for the grading and he wants acknowledgement that the grading was done under the owners review since the city has not been party to such inspections. The gate is troublesome. He disagrees with the original City Council decision and can support the gate location. He is willing to give the Modification for the pilasters and gate except that the materials should follow the

ordinance. The shed is a movable structure and it should be made to meet the setback requirements.

Chair Walker concurs with most of the things said. The Conditional Use Permit is okay. The Second Floor Review is okay. She is okay with the Variance for the dormer and the heights and the wing wall. But she cannot find for the front yard wall and it should be code compliant. The same holds for the storage container – move to setback since it is 4 acres and there is no reason for non-compliance. She polls all the commissioners on the approvals.

Commissioner Jain wants a disclaimer condition for the grading - a County Flood Control condition that leaves the City out of liability. There should be a condition that addresses the issue and runs with the land. A condition that LA County flood control must approve the grading.

Chair Walker moves for approval of the Conditional Use Permit, the Second Floor Review, the Modification and the Variance to legalize the residence and the rest except for the shed location.

City Attorney Guerra restates the motion for approval of the CUP, the SFR, the Variance, the Modification for the wing wall, but denial for the storage shed location and the gate in the front of the property with the two additional conditions. Chair Walker so moves, Commissioner McConnell seconds the restated motion and the motion carries on a 4-0 vote (11:32 p.m.).

B. Hillside Development Permit 13-14/Second Floor Review 13-04/Categorical Exemption; Johnson/Boynerian; 458 Noren Street: Request to amend an approved Hillside Development Permit and Second Floor Review to allow additional floor area and building height. Specifically, 580 sq. ft. of floor area would be added primarily to the rear of the residence while the overall height of the home would be increased to 26 feet. The existing building pad, originally to be lowered 2 feet through site grading, would be retained at its current elevation. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme presented the project in accordance with the staff report.

Commissioner Jain asked if there's a mechanism to check for what is approved by Planning Commission is what is going to be built.

City Attorney Guerra states that a separate additional mechanism is not necessary, as it is addressed through the building permit process.

Commissioner Jain states that he would like a condition, because there have been several projects where grades have been altered.

Commissioner Smith asks if side windows were looked at for privacy.

Planner Gjolme states that window size and number were determined to be reasonable. He doesn't remember the neighbor bringing up any issues.

Talar Tejerian, the property owner, addressed the drainage issues with the current approval, and noted her concerns regarding the height of the house, and design of the house through a power point presentation.

Jay Johnson, applicant's architect, indicated that he made a mistake regarding the positive drainage assessment. He stated that with less grading it would look more natural. He also addressed neighbor concerns regarding view blockage; the history of project, and that the City Council felt that there was no view blockage.

Jon Pride, applicant's architect, stated that the landscape plan would remain the same.

Commissioner McConnell asked about the deck.

Commissioner Jain asked about the water slide.

Jon Pride indicated that the water slide could be accommodated to fit with the grade and the code.

Commissioner Smith asked how tall are the side plantings.

Jon Pride responded that it depends on the size of the plant, they can be between 6-8 feet. The Fire Department has a height limit. The property owner wants privacy as well.

Commissioner McConnell asked about the pine trees to be removed.

Jon Pride said he replaced them with 15 gallon oak trees that are 4-5 feet tall in bush form and 6-7 feet in tree form. Oak trees will hide the deck quicker with fuller foliage.

Linda Pierce, 461 Noren (the neighbor across the street), states that the project has been opposed by neighbors vigorously because it is out of scale. The Kims are concerned with privacy due to the increase in height.

Kent Frewing, 455 Noren, states the issues are bulk and mass, increase in floor area, and height of the house. Dramatic increase in appearance of the house. He asked Commission to leave the design as originally approved by the Commission and Council.

Lee Johnson, 356 Noren, states the neighborhood retained its flavor with the original improvements. The proposed house does not retain the flavor of the neighborhood.

Michael Gonzalez, representing the applicant, read the hillside ordinance intent. The design is grounded in the law and the facts. His client desires to maintain the natural drainage. Bulk and massing occurs in the rear of the house, and raising the grade does not increase the visual impact. There are no view impacts.

Chair Walker closed the public hearing.

Commissioner McConnell states that the give-and-take process that occurs is the Commission's way of making sure the project fits in the neighborhood. He states that he can make the

findings for additional square footage request, but he cannot make findings for the additional height.

Commissioner Jain notes that the project presented to the City Council had all items in place, why didn't the applicant raise the issue to the City Council. He can support additional square footage since it does not impact the neighbors. Expanding the building forward on top of the garage would have impacts to the street. He is willing to look at the project again if the engineer could certify the drainage.

Commissioner Smith is concerned about the height. The project was incrementally designed. He can support with the findings of additional floor area without the bump out on top of the garage.

Chair Walker concurs with her fellow commissioners. Artificial drainage is acceptable for some portion of the property but not the garage. She cannot make findings for taking it back to natural grade and height. Lowering the height was not a bargaining process, it was a mitigation process. She cannot make findings for any of amendments.

Commissioner Jain asks the City Attorney if he can add a condition requiring a certified survey to the height of the building (1425) and building envelope.

Commissioner Jain moves for approval of the square footage addition, but denying height changes, adds conditions of approval for certification, and adds the requirement for three oak trees to replace the pine trees. Commissioner McConnell seconds. The motion carries on a 4-0 vote.

- C. **Hillside Development Permit 14-05/Setback Modification 14-04/Categorical Exemption; Temiank/Dabbah/Studio William Hefner; 3870 Chevy Chase Drive:** Request to construct a deck, an infinity edge swimming pool, a series of walkways, and retaining walls (maximum height 11'-6") on a hillside lot. A Setback Modification is required because the deck encroaches 15 feet into the required 20-foot north side setback. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas presents the case to the Commission. She first addresses the deck at the northeast corner of the lot, including the setback encroachment. She indicates that the deck's encroachment could present privacy issues to the neighbor. She also addresses tree wells and additional cantilevered deck extensions and their possible impact on adjacent trees. She notes additional encroaching development on the site.

Commissioner McConnell asks about the retaining walls and their height with the railings and how this creates additions to the height.

Assistant Planner Parinas continues her presentation addressing walkways, remodeling existing stairs and terraces, constructed with retaining walls. These are not impacting views or setbacks. The presentation concludes with photos of the site from various angles, including the areas that

are proposed for remodeling and additions. She also notes that the Department of Fish and Wildlife was contacted and they indicated that they would want to see the project.

Commissioner Smith asks about the retaining walls and how the guard rails are treated. He also asks if the neighbors have commented.

Commissioner Jain asks about the encroachment from the neighbors and how long it has been there.

Commissioner McConnell asks about whether the house was constructed with setback encroachments and that it was built before the current setback requirements. He also asks if there is a difference between open rail and glass and why the pool was treated differently.

Chair Walker opens the public hearing [9:17 p.m.]

Carla Davis, applicant's architect, states that the house is oriented in such a way to make it more useful for the client. The client also wants privacy and so a wood fence is proposed along the north property line. The Department of Fish & Wildlife was contacted.

Commissioner McConnell asks if there was a railing before (yes) and if the pool could be moved south.

William Hefner, architect, comments that what is difficult to express is the vertical nature of the site. Moving the pool would push the height, and they were trying to work around the oak trees and maintain a relationship to the interior of the house.

Commissioner McConnell asks what the special issues are on the site.

Commissioner Jain asks if the level of the pad can be lowered.

Mr. Hefner states that the pool is specifically requested for the client due to their needs; only the handrails are non-conforming in the side yard.

Commissioner Smith asks about the fence on the north side. Would that have to be 15' in order to screen.

Mr. Hefner states that the fence and hedging above that would be taller than the fence.

With no others to speak, Chair Walker closes the public hearing [9:24 p.m.]

Commissioner Jain noted that he visited site twice. He was impressed with the detail and things done to the house, however on a large lot, why ask for special privileges. Why can't the pool be smaller and change the other changes that don't encroach. It may be good design but he would rather stay within the limits. There is no hardship shown. He concurs with staff - that he can live with the deck cantilever. The pool could be modified for his support.

Commissioner McConnell visited site. He states that the house is close to the property line. He can make the findings for hillside and walkways but not the cantilever and setback mods, or the pool.

Commissioner Smith noted the existing encroachment. He can find for the HDP and the walkways and the pool, but leave off the cantilever deck; delete the cantilevered deck.

Chair Walker visited the site. She can't support the cantilevered deck. She can find for the HDP for the pool and other things but not the deck. She can go with staff's recommendation but not condition #20.

Commissioner McConnell would change condition #20 to require landscape at north property line maintained at height of 15 feet.

Commissioner McConnell moves for approval as modified, Commissioner Jain seconds the motion. The motion carries on 4-0 vote.

- D. **Zone Change 13-01/Negative Declaration; City of La Cañada Flintridge:** Consideration of adoption of an amendment to the City's Zoning Ordinance pertaining to Section 11.37.040; Sign Regulations Standards and Guidelines. More specifically, the amendment would allow electronic message centers in excess of 4 sq. ft. on certain properties zoned Public/Semi-public and Institutional with private school uses. This is an amendment to the City's Zoning Ordinance, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission will make a recommendation to the City Council at this hearing. Staff is recommending approval of a Negative Declaration for this project. (Planner Gjolme)

Planner Gjolme presents the project and states that staff was directed by the City Council to create a draft ordinance and this will likely go to City Council on August 4th. Staff has presented a resolution that the Planning Commission can use to act on with the draft development standards. Page 2 of the ordinance has been modified with a 5 acre minimum lot size; also a curfew of midnight. There have been emails submitted by residents. There are parameters set in the ordinance but there is no limit to the height of the letters in the sign. Staff seeks the Commission's input on the matrix.

Commissioner McConnell notes there is no restriction based on enrollment (correct). The applicable area limit restricts these signs to only two campuses. He asks if a restriction for messages interval be added (yes).

Commissioner Smith notes that this seems like a slippery slope to allow other types of users to get into this. He asks if this is spot zoning.

City Attorney Guerra responds.

Director Stanley explains what is going on in other areas of the United States regarding law suits and their entrance into message boards.

Chair Walker opens the public hearing [11:45 p.m.]

Jon Moldofski, chairperson of the Design Commission, states that the Design Commission has opposed this ordinance that applies only to one or two properties. The current ordinance talks about why they are not allowed. It is difficult to reconcile why these are needed in light of the current sign ordinance and the direct conflict with the actions of the past. He personally thinks that the proliferation issue looms large. There is precedent elsewhere in the County and we could pay a price.

David Haxton, resident, provided written a statement earlier today. He states the message board was previously the way to communicate, but now there are better ways and the burden of the signs is greater than the benefit. He asks if the ordinance covers two sides of the sign (face area of the sign), and what about triangular signs, the interval between messages, and color restrictions on the typeface. He asks that if there is no message, what goes on there. He states that it is a safety hazard due to distracted driving. St. Francis has poor visibility and such a sign could cause a safety issue. What about the churches and why can't they get signs.

Mark Idorf, representing Saint Francis, states that all they want is a low monument sign with one side not higher than 4.5 feet. They would make sure that it is aesthetic and give the ordinance a chance.

Caroline Craven, resident, states the time for messaging boards has come and gone. There are other ways to communicate. What about other users that would want these signs; it could proliferate. There are safety issues, distraction issues, How effective will the board be over manual boards. Limit signage.

Chair Walker closes the public hearing [11:57 p.m.]

Chair Walker states that she cannot approve the ordinance; she is adamantly opposed. It makes no difference to the school. Such signs are outmoded and ineffective. The ordinance does not meet the goals of General Plan; the signs will not be semi-rural.

Commissioner McConnell thinks the restrictions that are in place for Electronic Messaging Centers are substantial and eliminate concerns about safety or distraction. There are no brightness issues. We should allow the signs. They are no different than static signs. There is an interesting point about one sided or two sided. The ordinance needs to be more specific (go with current). He can support the ordinance and would like to see it for more areas in the city.

Commissioner Jain was part of the subcommittee. The ordinance should prohibit any nuisance; it should limit the number of sides and he would approve. The letter height should be smaller; not over 9 inches. The Design Commission should control the [letter] height.

Commissioner Smith states that he has not had the benefit of all the discussion. He agrees with Chair Walker that these are ineffective and not needed. He has concerns about proliferation. How do you justify "no" to other organizations. The locations allowed would not be effective. He could not vote in favor.

Chair Walker moves to deny ZC 13-01, Commissioner Smith seconds. The motion fails on a 2-2 vote.

IX. OTHER BUSINESS: None

X. REPORT OF DIRECTOR'S REVIEWS: Received with no comments

- A. Director's Miscellaneous Review 14-14 (SB); Smith; 4711 Hillard Avenue: Approved enclosure of a 60 sq. ft. entry way of an existing single-story residence. The addition/enclosure requires approval of Director's Miscellaneous Review since it will encroach into the required front-yard setback. However, the proposed addition will remain under the existing roofed area and will not encroach further into the front-yard setback than the existing structure. The total floor area will increase from 2,976 sq. ft. (2,503 sq. ft. habitable and 473 sq. ft. garage) to 3,036 sq. ft., which is below the maximum permitted floor area of 3,605 sq. ft. for this lot. The proposed addition maintains the existing characteristics and design elements of the residence.

XI. COMMENTS FROM THE COMMISSIONERS: None

XII. COMMENTS FROM THE DIRECTOR:

Discussion about the decision on the Noren Street project and whether the Commission's action was approved as intended (potential misunderstanding by motion maker). Reconsideration is proposed for next meeting.

Commissioner Jain moves to reconsider tonight's earlier motion on Hillside Development Permit 13-14/Second Floor Review 13-04 at 458 Noren. Chair Walker seconds. The motion carries on a 4-0 vote. The project will be reconsidered at the next meeting.

XIII. ADJOURNMENT – Chair Walker moves for adjournment, Commissioner McConnell seconds, and the motion carries on a 4-0 vote. [12:25 a.m.]