

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JULY 12, 2011**

- I. **CALL TO ORDER:** 6:06 p.m.
- II. **ROLL:** Present were Chairman Curtis, Commissioners Cahill, Der Sarkissian, Gunter and Jain. Community Development Director Stanley, Attorney Guerra, Senior Planner Buss, Planners Clarke and Gjolme and Assistant Planner Lang and Nasser Shoushtarian (Public Works).
- III. **PLEDGE OF ALLEGIANCE:** Commissioner Der Sarkissian lead the Pledge of Allegiance.
- 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.
- V. **REORDERING OF THE AGENDA** - None.
- VI. **CONSENT CALENDAR**
 - A. **Minutes:** May 10, 2011 -Cahill/Der Sarkissian approved 5-0
- VII. **CONTINUED PUBLIC HEARINGS**
 - A. **Floor Area Review 06-16/Setback Modification 06-89/Building Depth Review 06-09; Connelly/Clerkin; 4603 Palm Drive:** A request to allow the first-floor expansion of an existing residence and construction of a new second floor. The project would yield a total floor area of 2,937 sq. ft. which is above the 2,700 sq. ft. maximum for the subject lot, but within the 3,000 sq. ft. maximum allowed with Floor Area Review. Building Depth Review is also required because the project would result in second-floor depth of 80'-0", above the 60'-0" review threshold. A Setback Modification would allow the addition to encroach 1'-0" into the required 28'-6" front setback and retention of a 3'-3" side-yard setback on the north side which is below the 5'-0" requirement. *Please note: this project is being reviewed under the Pre-2006 R-1 Development Standards.* Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Assistant Planner Lang presented the staff report.

Chair Curtis asked about the time line for the project. He also asked what the main differences were between the old code and the new code and what did the project gain from the old code.

Chair Curtis asked if the Fire Department reviewed the plans and which windows were clerestory

Assistant Planner Lang showed pictures of where the windows are that were referred to. The Fire Department review happens later in the process. The space at the north side of the house could be reviewed by the Fire Department and there could be some changes to the plans later.

Commissioner Der Sarkissian asked for clarification regarding the location of the windows that would be clerestory.

Scott Harper (representing the owners) addressed 3 items - 1. The 1' front encroachment; 2. Additional floor area in order to accommodate the parents of the applicants later; and, 3. The BDR - he didn't want to lower the 10' plate height and it is keeping with modern trends in newer houses.

Commissioner Cahill asked if the north wall/roof will be removed or left.

Mr. Harper said that the goal was to leave the wall in place but he didn't know structurally what would happen.

Pictures were presented to the Commission by Brett Kuzik who lives to the rear of the subject property. He and his wife were neither for nor against the project. He was concerned about the shrubbery being removed as he didn't want to lose privacy. He recommended doing the landscaping first so they don't have to look at the construction.

Janice Wilcox (4549 Palm Drive) felt that the current plan is too massive for the lot. She liked that the city has been able to preserve open spaces compared to other cities. She was also concerned about the house to the north and the safety of those owners. She spoke about the FAR and massive size for the house. In addition, she would like to have seen story poles.

Mr. Harper said that the existing avocado tree is where the story pole would be and, therefore, any story pole would be covered by the tree. One of the proposed clerestory windows must be lowered for the fire exit. He clarified that the tree is higher than what the story pole would be.

Ron Connelly (applicant) addressed the issue of the tree being more massive than the second floor and how story poles would be difficult to place due to the tree.

Assistant Planner Lang clarified issues regarding proposed windows for the project.

Commissioner Cahill said that he visited site and the neighboring house to the south. He would have liked to have story poles to see exactly where things will be built. It is a small lot with a larger house. He wants story poles and assurance that the north wall is not coming down. He won't protect that non-conformity if the wall has to come down. He supported planting landscaping early rather than late as it gives privacy.

Commission Gunter visited the site and agreed with Commissioner Cahill that the location and the massing rather than the size of the proposal were issues. He said that was the Planning Commission direction from last meeting and the applicant had complied with that. The wall to the north may remain but it can't be removed. He wanted a condition of approval to reflect that. He could make all the required findings. Windows on the north side are okay and clerestory windows are not required. He was in support of providing the landscaping now.

Commissioner Der Sarkissian visited the site and concurred with his fellow commissioners. He regretted the house changes as the previous plan is far superior compared to the current plan. To him the avocado tree is almost a heritage tree. Now the plan is compact. The grandparents must go outside to get into the house. He did not require story poles.

Commissioner Gunter also said that story poles were not necessary

Commissioner Jain visited the site and concurred with all the commissioner comments. He felt that the older plan was better. He understood the plan and did not need story poles. The north wall must remain in order to keep the non-conformity. The windows were okay. Landscaping should be installed now.

Chair Curtis visited the site and concurred with his fellow commissioners - landscaping - no story poles - can't remove north wall or will lose non-conformity - and supports the project.

Motion - M/S/C Der Sarkissian/Jain to approve and replacing conditions 15 - 16 but add condition for landscaping screening before construction begins, also the north wall must be retained as is (skin of the wall and roofing can be removed if they keep the framing). Approved 5-0.

VIII. PUBLIC HEARINGS

- A. **Second Floor Review 11-07/Hillside Development Permit 11-13/Modification 11-04; Wynn; 5035 Louise Drive:** A request to allow construction of 1,049 sq. ft. of additions to an existing two-story house on a 28,120 sq. ft. hillside parcel. A Modification (Setback) is also requested to retain the existing non-conforming 8' first floor north side yard setback and the proposed second floor side yard setback encroachment. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke presented the report to the Commission.

Commissioner Gunter asked about conditions 13 to 23 and why there were conditions relating to the curb and gutter and right-of-way. The existing curb and gutter seems to be in good shape from what he saw when he visited the site.

Planner Clarke noted that conditions of approval were imposed by the Public Works Department and that a representative from that department was in attendance.

Nasser Shoustarian (Public Works) said that they placed the conditions due to the poor condition of the curb and gutter and that repairs were needed to be made as they were probably constructed in 1936. Some conditions of approval relate to the proposed covenant to keep parts of the existing driveway in the PROW. It is the responsibility of the homeowner and not the City to do repairs in the future.

Chair Curtis asked if this was just a repetition of what the City Council had recently stated.

Nasser Shoustarian said that residents are responsible for driveway, curb and gutter.

John Caire (representing the owners) said that he had nothing to add. The design of the house is the reason for the proposed change – move bedroom to the rear of the house to take advantage of the view downtown. As a resident, he said that the damage done to the street was done by the sewer contractors. Residents are being asked to do repair work for damages that was done by City contractors.

Director Stanley noted that these were Public Work issues and that encroachment permits may be required to work in the PROW. It put owners on notice.

Raphael Alberian (owner immediately to the north) said that he had no problems with the proposal and supported the plan as-is. He seconded the comment about the street repairs made by John Caire.

Mr. Ward (resident of 5055 Louise which is three houses to the north) said that the second floor addition is of concern. The details of the addition need to be clarified for him. He does not want his view impacted.

Planner Clarke provided clarification of the extended second story proposed.

Commissioner Gunter visited the site and the neighborhood extensively and supported the design as submitted and could make all the findings. The question is whether there should be a covenant as this would be a big burden to future property owners. He would be more comfortable with strict condition and not covenant.

Director Stanley noted that covenants run with the land. The Commission has used conditions or covenants before depending on the case before it.

Attorney Guerra noted that a covenant rather than a condition of approval provides better notice to future homeowners.

Commissioner Der Sarkissian visited the site and said that the design is very good and it adds privacy for the house. He didn't like to encumber land with covenants. Conditions of approval should be given and we should depend upon that.

Commissioner Jain visited the site and thought that the design was sensitive to the existing house. The siting was clever and no views were blocked and he supports the project with conditions but not the use of a covenant.

Chair Curtis said that it was a good report by staff. He said that he supported the curb and gutter covenants as directed by the City Council.

Commissioner Cahill thought that it was a well-designed project. He liked the angle for privacy. He could approve the project and strongly opposed the covenant because it is a burden. Instead, there should be a landscape plan as a condition of approval without the use of a covenant – plan to be reviewed by Director.

M/S/C Cahill/Der Sarkissian to approve 5-0.

- B. Second Floor Review 11-10/Hillside Development Permit 11-18/Modification (Setback) 11-10/Directors Miscellaneous (Flat Roof Review) 11-15; Kwan and Kang/Oh's Design; 470 Starlight Crest Drive:** A request to allow construction of a total of 1,295 sq. ft. of additions, including a new second story, to an existing one-story house on a 17,180 sq. ft. hillside parcel with existing side setback encroachments of 4'-8" and 1'-0" on the south side and a 2'-6" front yard encroachment and for a roof which is more than 30% flat. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke gave an overview of the project.

Chair Curtis asked the applicant if he wanted to speak.

Commissioner Jain asked about legalizing the encroachment.

Paul Oh said that he was the project manager. The applicant would like to keep it but he will comply with the Commission decision.

Commissioner Der Sarkissian visited the site and thought that the house will be a visible mass and that was okay but he would not support the encroachment. It is modern addition but it fits with the houses on the street. He concurred about the

removal of the closet. It's not well constructed and its removal would make house conforming as to setbacks.

Commissioner Jain visited the site and got access to the property. He wanted the – removal of the illegal encroachment but that he supported the project. The deck overlooked the kitchen window of the neighbor but they were not in attendance at the meeting.

Commissioner Cahill visited the site and supported the project. The story poles were not imposing and he could make all the findings with the staff conditions of approval.

Commissioner Gunter visited the site and supported the project with staff conditions – remove the encroachment.

Chair Curtis visited the site and supported the project. The architecture was a bit different which is good and the proposal would bring the property into setback conformance.

M/S/C Cahill/Gunter to approve 5-0.

- C. **Zone Change 11 - 02; City of La Canada Flintridge:** Amendment to Section 11.47.020; Design Review Applicability; intent to expand scope of purview by modifying Section 11.47.020.A.1. The amendment pertains to Design Review applicability for non-residential projects. More specifically, the amendment would add a requirement for Design Commission review and approval for projects involving changes or partial changes to existing building colors or installation/use of outdoor furniture visible from public right-of-ways. 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 that the Planning Commission approve a Negative Declaration. (Planner Gjolme)

Planner Gjolme presented the proposed changes to the Zoning Code for applicability of design review.

Members of the Planning Commission asked questions regarding different aspects of the ordinance including outdoor furniture, color palettes and the discretion of the Community Development Director.

Commissioner Der Sarkissian spoke about enforcing conditions of approval.

Commissioner Gunter asked about the costs and time taken to go to the Design Commission. It is too much to hold hearings for outdoor furniture out of public view.

Commissioner Der Sarkissian asked if the Director could review furniture.

Chair Curtis asked about project palette colors and getting approval if you chose from that list.

Director Stanley said that if people deviate from the list that they would have to get approval from the Design Commission.

Commissioner Gunter spoke about making changes to buildings and how significant the changes were.

Pat Anderson (Chamber of Commerce Executive Director) commented about the changes to the ordinance. The palette of colors could work. She has collected colors that are acceptable and not acceptable. The Commission needs to think about the applicant and have a range of colors that are acceptable. The Design Commission could approve colors if tastefully done. She asked to verify that external furniture not visible from the street in the Town Center not included. What are the policies used by similar cities such as South Pasadena and San Marino. She is okay with the Design Commission reviewing colors but not using it as an opportunity to look at awnings, etc.

Director Stanley spoke about Sakura which is excluded. He did not know about the regulations in other cities. The proposal before the Planning Commission is from the Design Commission and not staff.

Chair Curtis asked if the Chamber keeps members up to date on changes to City regulations.

Planner Gjolme clarified the outdoor furniture issue. The Design Commission wanted to review outdoor furniture associated with major projects. The focus was to review outdoor furniture for larger new restaurants and not local "mom and pops". He also spoke about the differences between a color palette and approved project colors and about when projects would have to be reviewed by the Design Commission. He used example of colors for Ralph's.

Commissioner Gunter asked about approved palettes.

Ms. Anderson asked about why new businesses have to comply with colors but old businesses can paint their buildings any color. She cited Alta Dena dairy and how she got many phone calls regarding it. She does not want the Design Commission to review the entire design of a building when a building comes in for color changes.

Ms. Anderson spoke about the Chamber's emails and how it informed members of changes to City regulations. For example, she provided information about façade improvements grants available from the City.

Wes Seastrom (Chair Chamber Business Support Committee) said that the Design Commission had a history of not focusing on the issues at hand and jumping to other issues to try to regulate. As far as the color palette goes, if someone wants to change from one color to another (for example, green to tan), they should not have to pay to go to the Design Commission for review. He asked if it would be easier to have the Director approve on an administrative basis, unless hideous, than having to go to the Design Commission. There have not been many problem issues (maybe 5) over the years. He asked about how much time it takes to get on a Design Commission agenda.

Planner Gjolme said about 3-4 weeks.

Chair Curtis thought that it would be a good idea to have the Design Commission approve a palette and let the Director choose from the palette. He asked Director Stanley about how he felt about making decisions about colors.

Director Stanley said that he was okay with approving if proposed new paint color is close to the existing approved color. He was not comfortable with major changes or letting his taste come into play. He wanted the Design Commission to make the decisions on more extensive color changes. He noted that the Design Commission is very creative but does not employ an approved palette.

Chair Curtis suggested that the Design Commission could adopt a specific palette for certain areas of town and allow the Director to approve.

The Design Commission was concerned about outdoor furniture for visible projects.

Commissioner Gunter was concerned about a single palette similar to a master planned community like Irvine. He asked what percentage of cases are related to new projects and incorrect paint colors used.

Planner Gjolme noted that new buildings would have colors reviewed by the Design Commission in any event and that the Design Commission did not favor a pre-approved palette.

Commissioner Jain supported some color changes. He did not want someone coming in for a change in paint color and having the Design Commission review other features of the building.

Commissioner Cahill asked about providing proposal that lay out parameters to allow the Director to have some control without having to take things back to the Design Commission. Make Director Stanley arbitrar of similarity and not of taste. No presumption that if you are not on the palette that it is automatically not permitted.

Commissioner Gunter agreed with Commissioner Cahill. He would like a policy that lays out a palette that generally could be approved at a lower level review rather than the Design Commission. He is opposed to official colors in an ordinance as the city is eclectic in its style and architecture.

City Attorney Guerra provided some direction regarding wording for the resolution.

Commissioner Der Sarkissian would like to have outdoor furniture be part of the review packet for new buildings when they submit. A few mom & pop stores with a couple of chairs and table would not have to be reviewed. He does not like a palette as a City standard. The Design Commission could establish general colors and anything else goes to it for review. He noted changes in businesses in same building can be difficult. He also mentioned chain stores with standard colors. Overall, he felt that less regulation was better.

Planner Gjolme spoke about mid-level standard where changes are not significant that the Director can review.

Chair Curtis said that the Commission could establish palettes for particular parts of town and not for others. In certain areas, everything could go to the Design Commission. He would like to have expedited review for just paint without a review of the entire building but awnings could be considered. He liked the language proposed by Commissioner Cahill and which could be modified.

Commissioner Der Sarkissian spoke about color of the Pinkberry building. That color would not be on any list and represented the problem with a preapproved palette.

Director Stanley said that Pinkberry was approved by the Design Commission

Commissioner Cahill looked at the palette as liberating and not restricting as it allowed changes in colors without having to go to the Design Commission. Other colors could be permitted that are not on the palette.

Planner Gjolme spoke about having some sort of control for proposals that dramatically deviate from existing colors and having the Design Commission having some control.

Commissioner Cahill spoke about keeping outdoor furniture in ordinance but giving the Director the opportunity to review.

M/S/C Cahill/Der Sarkissian Approved 4-1. (Gunter - opposed)

IX. OTHER BUSINESS

A. Appeal of Tree Removal 11-21; 4376 Beulah Drive; Dominquez: An appeal of the Director's denial of a twenty-three inch diameter Chinese Elm. (Assistant Planner Lang)

Assistant Planner Lang presented the case.

Director Stanley explained that the tree did not qualify under the findings. An arborist was needed to give a professional judgment regarding the tree. He noted that an arborist that he spoken to did not see the need to remove the tree as it's an established tree and would not change much over time. The tree ordinance is in the process of being revised including the removal of this tree from the protected list. The applicant could wait and see if the ordinance would be changed. He also gave options to the owner about ways to handle the situation. The tree is still on the protected tree list.

Applicant Dominguez addressed the Commission. She noted that her address was listed incorrectly. She moved to La Cañada Flintridge from San Marino. The pictures do not show all the damage done. She stated that she did not have this many problems removing two trees in San Marino. The arborist is too expensive. She already has to pay for the removal of the tree and fixing the tiles by the pool. The roots are growing toward the pool and other sources of water. She can't walk over the rear yard due to safety concerns and could not have a July 4th party for that reason. Home insurance does not cover damage from tree roots.

Commissioner Cahill agreed with the staff findings. Normally the Commission has an arborist report if there is an issue. He could also wait for ordinance to change the tree species list and remove Chinese elms for the protected list.

Commissioner Jain visited the site and would like to see an arborist's report. The tree should remain at this time but an arborist report was needed.

Commissioner Der Sarkissian went to the site and saw the tree. He asked if he could have arborist Bill McKinley answer a question or two about the root system. Is there a methodology of creating a system that stops growth of roots towards a house?

Bill McKinley commented about limiting the root system through root barriers. They look at length of distance from the trunk to put in a root barrier system. They can have plastic barriers in the soil or use a type of fabric with chemicals that serves as biological barriers. He usually recommends both for double protection. For \$2,000.00 an entire barrier system could be established. Managing watering can also have significant impacts - the less you water and the deeper you water have significant impacts.

Commissioner Jain said that the distance of the roots from the house etc. was 10'.

Bill McKinley said that there was a flat fee of \$125.00 for a site visit.

Applicant Dominquez responded that the pictures do not show how much the roots have come up. The arborist's proposed root barrier would not do anything. It would be a waste of money.

Commissioner Der Sarkisian said that he would like to find a solution and save the tree. There was a chance of saving the tree and understood the costs for the owner.

Commissioner Gunter was sympathetic to the applicant but agreed with Commissioners Jain and Der Sarkisian. The City has rules and findings and must follow them.

Chair Curtis asked if the Commission would entertain continuing to July 26th for a simplistic arborist's report which would not cost much and see what sort of impacts the tree was having.

Applicant Dominguez spoke about an arborist report at a reduced fee as she was concerned about costs.

Director Stanley said that usually the City hires arborists from a list for an independent review and to remove potential conflict of interest.

Commissioner Jain suggested Bill McKinley.

Commissioner Der Sarkisian spoke about the tree and the patio and the cutting of the tree and having these issues addressed in a report.

Chair Curtis said that they could look at it again and recommended an arborist report.

Applicant Dominguez was happy with a continuance.

M/S/C Jain/Gunter to continue item to the next meeting in July. Approved 5-0.

- B. Study Session: Amendment to Chapter 4.26 of the Municipal Code regarding the Preservation, Protection and Removal of Trees:** Potential revisions include the relocation of the ordinance from the Municipal Code to the Zoning Code and various text changes including, but not limited to revising and adding definitions, conformance to industry standards for measuring trees, enforcement and penalties for violating the Tree Ordinance, and possible revision of the protected tree species and size list. (Assistant Planner Lang)

Director Stanley asked to poll the Commission to determine a different night to have a study session. No motion was required.

X. REPORT OF DIRECTOR'S REVIEWS: None

XI. COMMENTS FROM THE COMMISSIONERS: Commissioner Cahill spoke about a house on Palm and a letter received from neighbors regarding amount of time that people have to comment on proposed projects. He would like to extend the noticing period to allow people more time to review projects and prepare comments for the Commission.

Director Stanley said that he would put the issue on a future agenda. Cases are not agendized until they are deemed compete in conformance with the State law notification requirement.

Senior Planner Buss spoke about timing for report writing, notice of completeness and public noticing. He also spoke about Variances. There are no use Variances permitted under State law.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley noted two upcoming appeals to the City Council -Robin Hill and the Archer case. They will also discuss the Merritt easement. He wanted a discussion on landscaping covenants on a later agenda.

Chair Curtis and Commissioner Gunter wanted to discuss conditions of approval at a later date.

XIII. ADJOURNMENT: 9:35 p.m.