

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JULY 26, 2011**

- I. CALL TO ORDER:** The meeting was called to order at 6:02 p.m.
- II. ROLL:** Chairman Curtis, Commissioners Der Sarkissian, Jain, & Gunter. Director Stanley, Senior Planner Buss, Deputy City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas. Vice Chairman Cahill arrived at 6:08.
- III. PLEDGE OF ALLEGIANCE:** Commissioner Der Sarkissian led the Pledge of Allegiance.
- IV. COMMENTS FROM THE PUBLIC:** There were no comments received from the public.
- V. REORDERING OF THE AGENDA**

Items 9a & 9c were moved up to the front of the agenda.

- VI. CONSENT CALENDAR** No items were no items on the consent calendar.

- 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) [Continued from July 12, 2011 meeting]

Assistant Planner Lang reported that the applicant wanted to continue the item to consider the arborists quotes. The quotes were between \$350 and \$760.

M/S/C Der Sarkissian/Gunter to continue to a date uncertain. Unanimous. 5-0

- C. Final Review - Landscape Plans for Merritt Property (HDP 06-55/SFR 07-10) on Windermere Place.**

Commissioner Der Sarkissian left the room because he lives within 500' of the project site.

Senior Planner Buss gave staff a presentation in accordance with the staff report. He also gave a brief history of the project. He showed the old landscape plan and the new landscape plan. He reported that the applicant has submitted his landscape plan that was reviewed by the city-hired landscape architect. He indicated that he was hoping for a decision tonight from the Planning Commission. The city-hired landscape architect had some concerns about the bark that was proposed on the slopes and he suggested a fast growing ground cover that would hold the slope in the cut areas. He also suggested a different screening tree that would require less water than the Podocarpus. He showed a revised line of sight diagram as prepared by the landscape architect. He showed the gate that is proposed at 25' from the ROW that includes a pedestrian gate. He indicated that staff agrees with the proposed plan as revised by the city-

hired landscape architect. Some of the larger trees proposed at the top of the slope closer to Hampstead Road could block views in the future and suggested changing the trees to shrubs.

Roy Leisure, the city-hired landscape architect, indicated that he was available for questions.

Chairman Curtis asked staff if the City Council has acted on the street vacation.

Deputy City Attorney Guerra stated that it has been acted on but not recorded because the applicant needed to fulfill some conditions of approval, including the approval of the landscape plan that they were considering tonight.

Vice Chairman Cahill asked for clarification of the term "vacated."

Deputy City Attorney explained that it means that the City has given up its rights to the street.

Director Stanley added that the City would still own the parcel but that Mr. Merritt would be granted access across the property for access to his property.

Vice Chairman Cahill asked if the gate is on city property.

Director Stanley said yes but the property owner would have the right to build the gate on the City's property. There was an agreement prepared for the use of the roadway.

Chairman Curtis asked if the height of the driveway is about the same as before. He also asked what the height of the shrubs would be at full maturity.

Senior Planner Buss explained that the landscape plan was the only item before them tonight. Grading is not being reviewed tonight.

Roy Leisure stated that Acacias are very fast growing and he expects the shrubs to achieve full maturity in about 5 years.

Dr. Phillip Merritt stated that he was here to answer any questions that the Planning Commission might have.

Soren Madsen of 1218 Inverness lives just east of the project site. He felt that the process that was followed was not as conditioned by the Commission at the May 24, 2011 meeting. He stated that they object to any improvements on the half of Windermere Place that they own. They have not seen any evidence that supports the claim that the City owns Windermere Place. He stated that they have not had an opportunity to speak to the landscape architect that was hired even though they requested numerous meetings. He felt that the level of the house was raised by 2'-4' and the cross sections prepared by the applicant were not relevant to them. The change in elevation adds to the screening problem because it appears that the drainage swale that is adjacent to their property is not screened. They only had a few hours to review the city-hired landscape architect's comments. He disagreed with the shrub choice as recommended by Mr. Leisure since they only grow to about 30'.

They face the full frontage of the 120' wide house that would be 30' to 50' feet above them so screening trees should be tall and very wide. He stated that he would like the Oak trees to remain. They have planted trees that are at their lower elevation. They spoke with the Fire Department to get guidelines for the driveway distances to Oak trees. The planting of trees on the subject parcel will screen sooner because of the elevation change. He would like the tree that was proposed closer to the house to remain which would provide screening from the entryway. He added that the City Council wanted the house to be reduced by 800 S.F. and he could not verify that it was done.

Chairman Curtis asked Mr. Madsen to focus on the landscape plan which was under review tonight and that the house had already been approved by the City Council.

Mr. Madsen concluded by saying that the City Council wanted a 3D model prepared to illustrate the actual impacts of the proposed house and that they were not consulted with regard to the revised landscape plans as encouraged by the Planning Commission and City Council.

Chairman Curtis asked staff about the accuracy of the topographic elevations.

Senior Planner Buss stated they are same plans that were used for the topographic analysis for the sewer study that was conducted. The plans are the same one's as approved by the Planning Commission. Additional work was done for the street design and some of the elevations may be off. This would not affect the location of the tree but could affect the height of the trees. He reiterated that the ground cover was used for the cut areas and Oak trees were planned. He concluded by saying that the plans are consistent with the original approval.

Chairman Curtis asked about the screening of the walls.

Senior Planner Buss clarified that the wall would be screened by climbing ivy as shown in the May drawing.

Chairman Curtis asked if it was still considered as part of the overall landscape plan.

Senior Planner Buss replied yes, the vine is shown on the current plan and is still proposed.

Chairman Curtis asked if Oaks would be added or if they were already there.

Senior Planner Buss clarified that originally Chinese Elms were proposed to be added but that the Fire Department didn't want the Chinese Elm trees but suggested planting more Oak trees.

Vice Chairman Cahill asked if minutes from last Planning Commission meeting were included in their packets and were there instructions at the last meeting that the neighbor be consulted regarding the landscape plan.

Senior Planner Buss stated that he looked at the meeting notes that stated the neighbors should be consulted but not to what extent. We usually don't let neighbors design the project or have veto power over a project.

Vice Chairman Cahill asked for clarification if there was a big gap between plantings in the line of sight because that is what he saw on the plans.

Senior Planner Buss said that's where the Podocarpus was proposed but the city-hired landscape architect recommended Acacia instead.

Vice Chairman Cahill asked if the two options have different height and growth profiles.

Senior Planner Buss stated that the landscape architect says the Acacia will grow faster, will be denser and more drought tolerant.

Director Stanley clarified that Podocarpus are commonly known as a Yew Pine and is usually used as a hedge but they can be grown into trees.

Senior Planner Buss clarified that two Acacias are proposed at that area.

Vice Chairman Cahill asked if Mr. Leisure was acting for the city.

Director Stanley replied yes he was hired as a consultant to the City.

Vice Chairman Cahill reiterated his question to Mr. Leisure about whether the proposed Acacias would provide adequate screening of the proposed house.

Roy Leisure clarified that the Acacia would provide better screening and that the Podocarpus requires more water and is generally groomed as a hedge. Also the Acacias and Oaks are very compatible with respect to care and watering. He proposed 2-24" box Acacias but could add more to fill in if necessary. They should reach maturity within 5 years. In response to Vice Chairman Cahill's inquiry he stated that he worked independently and objectively and not with the project landscape architect.

Director Stanley clarified that Mr. Leisure was asked to visit the site to critique the existing and proposed landscaping in relation to the existing and proposed topography.

Vice Chairman Cahill asked if the Acacia's were Mr. Leisure's idea.

Mr. Leisure indicated that it was his idea and he also used the Fire Department's list of recommended trees and shrubs. He only considered evergreen trees and plants that were fast growing and compatible with Oak trees.

Commissioner Jain asked Mr. Leisure if he reviewed what the City Council wanted.

Mr. Leisure clarified that he was given his instructions by Planning Department Staff and that he wasn't asked to research the City Council's concerns.

Dr. Merritt stated that he is also concerned about privacy as his neighbors are but he is also limited by the Fire Department's Fuel Modification Unit. The Fire Department had originally vetoed the Oak trees along the road because of fire road access to the house. He added that the house was raised but so is the landscaping around it. He's happy with the Acacias. The 2'-4'

retaining wall does face the Madsen property and will be covered with fast growing climbing fig which should cover the wall in 6-12 months.

Vice Chairman Cahill wanted more clarification from the applicant if the neighbors were consulted.

Dr. Merritt indicated that he has not spoken to the neighbors since the last meeting.

Chairman Curtis asked Dr. Merritt if he was OK with all the suggestions and recommendations of the City's consultant.

Dr. Merritt replied yes but his only concern is that his plans would have to be reviewed by the Fire Department again. He was assured by the City and its consultant that their recommended plants would be OK.

Chairman Curtis asked staff what type of action the Planning Commission should take tonight.

Senior Planner Buss stated that the Planning Commission is being asked to approve the landscape plan tonight.

Vice Chairman Cahill felt that the involvement of Mr. Leisure was very helpful but was still concerned about the view into the neighbor's lot. He couldn't approve the plan because a consultation of neighbors wasn't done as he thought was required. He added, however, that the plan sounds sensible.

Commissioner Gunter also felt that hiring the consultant was a good idea and that it was important to show the proposed landscaping on a topographic map. He liked the suggested changes and felt that the Acacia was an improvement over the Podocarpus that was previously proposed. His notes from the previous meeting gave direction to the applicant that the revised landscape plan be reviewed by an independent consultant and that it meets the condition of approval. His notes reflected that the consultation of the neighbors wasn't a requirement but that it is always a good idea. He would have liked it to happen but the fact that it did not happen is not enough for him to deny the proposed landscape plan. He felt that the current plan reflects the intent and the letter of what the City Council and previous Planning Commission wanted. He is ready to approve the submitted landscape plans as reviewed and amended by the city-hired landscape architect.

Commissioner Jain stated that he got the plans late and did not have a chance to review them completely. He expressed concern that the city-hired landscape architect did not review the direction from the Planning Commission and City Council. He felt that the objective was to have the consultant review the plan to see if it met the requirements. He stated that he liked the plan and it appears to provide the necessary screening. He wanted to know if the plan satisfied the City Council's direction. He would like the consultant to certify that the proposed plan meets the requirements of the City Council.

Chairman Curtis also found the landscape architect's comments useful. There may not have been a formal consultation of the neighbors but the plan appears to alleviate concerns. He can

approve the proposed landscape plan. He suggested that the matter be continued to the next hearing.

Commissioner Gunter asked if the City Council conditions could be looked at now to see if the condition was met.

Commissioner Jain suggested granting the approval on the condition that it is certified that it satisfies the City Council condition.

Director Stanley consulted with the Deputy City Attorney and recommended a continuance. The landscape architect was not directed to certify that the plan satisfies the City Council's direction but to just review it. He recommended that it be continued to another meeting.

Chairman Curtis suggested it be continued to a date uncertain but that since the Planning Commission is dark in August it could be perhaps added to the special meeting that might be scheduled for the Tree Ordinance discussion.

M/S/C Gunter/Jain to continue to a date uncertain for a determination if the landscape plan is in compliance with City Council's direction and consultation with the neighbor. 4-0

VII. CONTINUED PUBLIC HEARINGS

- A. Hillside Development Permit 06-44/Setback Modification 06-54/Second-floor Review 08-11; Avedian; 1936 Hilldale Drive:** A request to consider approval for a Hillside Development Permit to allow construction of a new 3,200 sq. ft. house upon a hillside lot. A Setback Modification is required for a substandard front yard setback and for reduced second-floor side yard setbacks at the rear corners of the house. Second-floor review is required since the home would achieve a 2-story profile along the down slope to the rear. Staff is recommending that the Planning Commission re-approve the previously approved Negative Declaration. (Senior Planner Buss)

Commissioner Der Sarkissian came back in the room.

Senior Planner Buss gave a brief presentation in accordance with the staff report. He pointed out the changes that the Planning Commission asked for, especially as they relate to the retaining wall on the south side of the building. He distributed the color samples for the Planning Commission to see. He reminded the Commission that the project was previously approved and the approval was extended but it has now expired and the applicant must reapply.

Vice Chairman Cahill asked if the deck that holds up the wall would be landscaped. He also asked about the lack of landscaping on the adjoining property that is also owned by the applicant. He expressed concern that a landscape plan was not provided by the applicant.

Senior Planner Buss replied that there was a landscape strip in that area that would provide an opportunity for planting to screen the proposed retaining wall and that the condition to complete the landscaping on the neighboring property was still included in the conditions of approval. He stated that a landscape plan was not submitted as part of the application. He pointed out that

Condition No. 16 and No. 17 require that a landscape plan be submitted for review and approval by the Director of Community Development prior to the issuance of permits.

Commissioner Jain asked for clarification if in Condition No. 14 staff was proposing 2" of trim or 2" of recess around all the windows. He also proposed that Condition No. 6 be changed so that the project will expire after two years and not one year as currently proposed.

Senior Planner Buss explained that he suggested one year because the project is close to permit issuance and to move the project along.

Commissioner Jain suggested that since the applicant might have a challenge getting his septic system approved he should be given a two year approval.

Commissioner Gunter asked if the applicant submitted a full set of plans and if they were excerpted by staff and if all of the plans were subject to the current Planning Commission review or just pieces of the plans.

Senior Planner Buss clarified that the entire project was under review.

Vahe Avedian, of 1936 Hilldale Drive, stated that he talked to his engineer to resolve the minor issues brought up by the Planning Commission at the last meeting and that he was OK with all other recommendations.

Commissioner Gunter indicated that he went by the site and it appears that the applicant has followed the Planning Commission's direction regarding the northeast retaining wall and revisiting the front elevation design. He is still concerned that issue regarding the landscape plans has been postponed. He felt it was important that the project is approved as a whole. He can make the findings necessary to approve the project.

Commissioner Der Sarkissian's perspective is that the project was previously approved and that a tall wall was removed as part of the previous approval. He was pleased that his suggestions were carried out. He still wanted the deck to overhang the retaining wall to create a shadow and wanted the landscaping to screen the wall.

Commissioner Jain felt that the applicant has done the asked for changes. He was initially concerned with the 12' to 14' retaining wall and is happy that it was split in to two walls. The entry porch was modified as suggested. He added that he would like to see landscaping provided on the downslope side of the retaining wall which should be added to the landscape condition. He concluded by saying that he would like to amend Condition No. 6 so that the project expires after two years if not vested and that Condition No. 14 is changed to say 2" of trim and not recessed.

Vice Chairman Cahill stated that he was originally against the tall retaining wall but that this design is a big improvement. He added that he felt that landscaping is important but a condition is included for DCD review.

Chairman Curtis stated that he has trouble with the project exceeding the Slope Factor Guideline and that he could not support it tonight.

Commissioner Jain clarified that while the project is over the Slope Factor Guideline by almost 70% it was previously approved with this floor area and that issue was not raised in previous discussions.

Vice Chairman Cahill suggested that the project not be given a two year approval.

M/S/C Jain/Cahill to approve the project with revised Condition No. 14 to say '2" trim around the window' and not 'recess'. 4-1

- B. Second Floor Review 11-08; Akopian/Shahbazian; 5111 Castle Road:** A request to allow construction of a new 5,594 sq. ft. house on a 19,330 sq. ft. site. A Second Floor Review is required because the proposed house has two stories. This project was continued from the June 14, 2011 Planning Commission meeting. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke gave a presentation in accordance with the staff report. He reminded the Commission that the project was continued from a meeting in June. He showed the submitted materials and color board. He explained that the applicant made the changes as directed by the Planning Commission with the exception of the driveway pavers.

Chairman Curtis asked why the front door with the balcony above it looks like one tall door which our Residential Design Guidelines discourages.

Planner Clarke explained that the volume space above the door counts twice towards floor area but that the designer could clarify why he chose to design it that way.

Commissioner Der Sarkissian acknowledged that the guest parking area material was changed to grass-crete but asked for clarification if the driveway was also proposed to be grass-crete.

Planner Clarke replied that according to the project plans the driveways was also proposed to be grass-crete.

Gary Akopian, the project architect, felt that all the Commission's concerns were resolved and was here to answer any questions.

Commissioner Der Sarkissian stated that he wants more than pictures of the materials on the materials and color boards. He wanted to see actual material samples. He was concerned that the colors on the building were too strong but he is OK with the design of the house and the driveway as proposed.

Commissioner Jain felt that all the previous concerns of the Commission have been addressed. He felt that the appearance of the entry with the balcony above was huge and wanted that reduced or subdued to make it look like an entryway.

Vice Chairman Cahill also felt that the concerns of the Commission have been addressed but that excessive use of materials made the design look busy. He would also like to see the two-story appearing entry reduced.

Commissioner Gunter responded to the Commission's concerns. He is also concerned with appearance of a two-story door but not concerned with the height of the roof. He asked for suggestions from his fellow Commissioners on how to mitigate the appearance of the two-story entry. He added that the issue was not significant enough for him to deny the project.

Chairman Curtis also felt that the applicant did what was asked of him. He also liked the way the driveway was modified. He would also like suggestions on how to modify the entry so that they could create a condition of approval.

Commissioner Der Sarkissian suggested that the applicant add a third small window to match other two.

Mr. Akopian explained that the door on the first floor is the entry and the door on the second level leads to a balcony. He offered a suggestion that they could convert the area on the second floor to a library and keep the balcony door.

Vice Chairman Cahill clarified that it is not the use of the interior area that they are concerned with but the appearance of two-story entry on the exterior as discouraged by the Design Guidelines.

Commissioner Gunter clarified that his concern is that the doors stack one above the other.

Vice Chairman Cahill asked the applicant if he could eliminate the balcony.

Mr. Akopian offered to make the balcony door smaller but would like to keep the balcony.

Commissioner Gunter stated that if the balcony door was changed from a double door to a single door it would reduce the appearance of massing.

M/S/C Gunter/Jain to approve the project with the added Condition No. 15 to make the balcony doorway a single-door entry so as not to align with the lower doors. Unanimous. 5-0

VIII. PUBLIC HEARINGS

- A. Zone Change 11-03/Minor Conditional Use Permit 468; Executive Escrow/UDI Development and Investment Company; 707 Foothill Boulevard (Suite #5):** A request to consider an amendment to Table 6.1 of Chapter 6 of the Downtown Village Specific Plan (the use list) to reclassify escrow companies similar to real estate offices, thereby allowing escrow offices on the ground floor in the Mixed Use 1 Zone with the approval of a Conditional Use Permit. The applicant has included a request for a Minor Conditional Use Permit to allow the escrow office should the use list be amended. Staff is recommending that the Planning Commission approve a Negative Declaration for this project. (Senior Planner Buss)

Commissioner Jain left the room because he owns property in the vicinity of the applicant.

Senior Planner Buss gave a presentation in accordance with the staff report. He clarified that professional offices are not allowed on the first floors of buildings in the Mixed Use I zone. He

recommended denial of the zone change because it would apply to the entire area and would change the character of the Downtown Village area. A previous revision of the Downtown Village Specific Plan Area two years ago allowed certain office buildings in the area that were single story to continue being used as professional offices based on historical occupancies.

Vice Chairman Cahill asked if professional offices are prohibited in the Mixed Use 1 zone.

Senior Planner Buss explained that real estate offices are allowed on the first floors with a Conditional Use Permit but other professional offices are not.

Commissioner Der Sarkissian asked if there are any statistics that indicate first-floor vacancies with the exception of the Town Center for smaller spaces.

Director Stanley explained that we do a monthly survey of commercial areas. The current vacancy rate is approximately 10% but pending projects would reduce that to 7%. We do not have a percentage for smaller spaces, just vacancies. There was some discussion regarding the vacancy rate for just smaller buildings which most like have a lower vacancy rate.

Jean Harris and Cheryl Pitt, partners in California Escrow Company and the project applicants, indicated that they submitted a letter late this afternoon that the Commission may not have all received. She explained their company has been in La Canada since 1990. They were previously at 827 Foothill Boulevard on the ground floor. She highlighted various points in her letter. She explained that they would like to have an opportunity to share their information with the public.

Chairman Curtis asked the applicants if they were asking for a continuance.

Ms. Harris said they will likely ask for a continuance. She felt that the issue being discussed would have an impact on commercial uses in the downtown area. She reported that she observed that there have been some long-term vacancies in smaller lease spaces. She would like time to present the issue for public opinion. She stated that she knows of businesses that would like to operate in La Canada but they don't want to be limited to certain areas or the second floors of certain buildings.

Vice Chairman Cahill asked for clarification if they are proposing a moratorium on limiting all professional offices for a period of time.

Ms. Harris replied yes, she is arguing for a moratorium on limits for all professional offices.

Chairman Curtis asked where 827 Foothill Boulevard is and how many are employed by California Escrow, including the applicants.

Ms. Harris indicated that it is near the old Wells Fargo Building and that they have three employees and the two partners.

Commissioner Der Sarkissian asked the applicant for a list of specific vacancies in La Canada and the nature of the business that she mentioned that didn't wish to locate on second floors.

Jay Johnson, local architect and resident speaking as member of the community, explained that the office building in question was converted to retail space and it didn't work. This suite does not have access to Foothill Boulevard and the door is to the side parking lot on the east. Previous retail uses in that space have failed. He felt that the applicant's request does have a lot of merit. He felt a retail use could not survive in that location.

Dan Khatchaturian, of 5180 Princess Anne Road, represents the property owner and echoes Mr. Johnson's words. He felt that a retail use won't work at this location. The last retail use defaulted on its lease three years ago. He felt that vacancy rates are actually higher than reported. He felt it was unfair to allow other office uses on the first floors of buildings in the vicinity but not in theirs. He clarified that escrow office facilitate real estate transactions and that real estate offices are approved on the first floors in the Mixed Use I zones. Many real estate offices share spaces with escrow offices. He asked if the goal was to have numerous vacancies or to have the buildings in the Downtown Village occupied. Other area business would benefit by having an escrow office in the vicinity.

Vice Chairman Cahill explained that escrow offices are the same as professional office but that an escrow office could be considered ancillary to real estate offices. The issue he has with the project is that if they approve the Conditional Use Permit the lease space can be forever used as an office and may never return to a retail use. He has sympathy for their situation but can see also see the other side.

Director Stanley explained the process he went through two years ago that resulted in various buildings being exempted and allowed to be maintained as office uses. He stated that he looked at the history of the use for this address and that it was previously a bank which was permitted at the time as a separate category. He felt they could put an escrow office on the second floor of this building and with a Conditional Use Permit could relocate upstairs. He explained that the City Council has put together an economic development committee where this issue could be evaluated.

Vice Chairman Cahill asked about the nature of the changes that were made a few years ago.

Director Stanley explained that two changes were made a few years ago. The first revision relaxed the change in tenant provision of the Downtown Village Specific Plan which previously could have resulted in a Conditional Use Permit requirement. The second change identified various buildings in the Downtown Village Specific Plan Area that were historically used as office buildings that could continue to be used as such.

Vice Chairman Cahill asked if the current issue was a result of a change in tenant.

Senior Planner Buss clarified that the use they are proposing is not allowed on the first floor even with a CUP. The zoning does not allow it.

Director Stanley added that with the revision of the change in tenant provision of the DVSP an office use could move in to a building if it was replacing a previous office use.

Vice Chairman Cahill asked if they make changes to the Mixed Use I Zone to allow offices with a CUP on first floors the property owner would still be faced with the CUP requirement.

Director Stanley replied yes. He added that the City hosts a business lunch every year and a recent concern was that current business owners did not wish to see a loss of retail business in La Canada. They wanted retail uses to be preserved.

Chairman Curtis clarified that the proposed CUP for the escrow office would only be approved if the City Council adopted the corresponding zone text amendment before them tonight and it would apply to all Mixed Use I zone areas. It would allow any professional office to apply for a CUP on the ground floor of buildings.

Director Stanley added that the building in question has a second floor and that the company could have located there with CUP or used a previously approved CUP. Currently professional offices are prohibited on the first floor of the Mixed Use I zone.

Vice Chairman Cahill asked if they could create a sunset on a CUP so that it would revert back to a retail use once an office use moves out.

Senior Planner Buss explained that CUPs look at a certain use's impacts on surrounding uses and run with the land. Historically, CUPs have been approved.

Director Stanley clarified that the CUP requirement was not only to dissuade uses from establishing in certain areas but to look at impacts such as parking and mitigate them with conditions of approval. For example, the parking analysis that was conducted determined that parking issues such as office employees taking up prime parking spaces in front of stores all day were a big issue in the Downtown Village Area. Retail spaces require a turnover in prime parking spaces.

Commissioner Gunter felt that the DVSP is pretty clear in establishing a pedestrian friendly atmosphere and the City Council was clear that in the recent overlay zones office uses are OK but not everywhere. He is opposed to zone changes that benefit one business. As a result, he can't approve the CUP because it's not allowed in the zone. He can't make a recommendation to the City Council for the zone change.

Commissioner Der Sarkissian agreed with Commissioner Gunter but sympathizes with the applicant because of the economy. He felt that the vision of the DVSP is correct. He felt that escrow offices don't rely on street exposure but on referral. He is opposed to spot zoning. He is, however, interested in the findings of the applicant regarding smaller unit vacancies and businesses that stay away from La Canada because they don't want to be relegated to second floors.

Chairman Curtis thinks a mix of business in the DVSP is good and that the City Council has made a policy decision to allow real estate offices on the first floor of the Mixed Use I zones. Even when they had an opportunity to revisit the issue with the overlay zone, they chose not to allow professional offices on first floors of Mixed Use I buildings. He agreed with Commissioner Der Sarkissian that it is a City Council issue and feels that the applicant needs to go to the Council.

M/S/C Gunter/Der Sarkissian to deny the Zone Change and Conditional Use Permit 4-0.

Chairman Curtis clarified with the Deputy City Attorney that the applicant has a right to appeal the Commission's action.

Deputy City Attorney Guerra stated that there is a right to appeal the Planning Commission's decision to the City Council.

Director Stanley explained that the applicant can file an appeal within 15 days and the matter would be set for a future City Council date.

- B. Second Floor Review 11-12/Modification 11-13; Radabaugh; 906 Green Lane:** A request to permit a new 1,527 sf second floor and a 267 sq. ft. first floor addition. A Modification (Setback) is requested to allow an encroachment into the west side yard setback for an existing accessory structure. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Commissioner Jain came back into the room.

Planner Clarke gave a presentation in accordance with the staff report.

Mr. Radabaugh, the project applicant, indicated that he spoke with the neighbors regarding the project.

Commissioner Jain indicated that he visited the site. He felt that the design of new second floor would have minimal visual impacts on the adjacent neighbors. Since the encroaching shed has been there a long time and there appear to be no objections from the neighbors he is OK with approving the setback modification.

Vice Chairman Cahill agreed with Commissioner Jain regarding the second-floor addition. He also could approved the Setback Modification request.

Commissioner Gunter supported the project and keeping the encroaching shed.

Commissioner Der Sarkissian indicated that he is OK with the project and if the shed was removed it would create other issues.

Chairman Curtis agreed with his fellow Commissioners and felt that there are no impacts of the shed on adjacent neighbors.

Planner Clarke pointed out the added condition of approval that the project would have to go through a Flat Roof Review by the Director of Community Development.

M/S/C Der Sarkissian/Gunter to approve the project with the added condition that the applicant goes through a Director's Miscellaneous Review for the flat roof. Unanimous. 5-0

- C. Hillside Development Permit 11-23/Second-floor Review 11-13/Setback Modification 11-08; Noravian/Aroyan/Rachdouni; 1450 Sugar Loaf Drive:** A request to allow first-floor expansion of an existing single-story residence and construction of a new 1,028 sq. ft. 2nd floor. Since expansion at the 2nd-floor level would require removal of approximately 32% of the existing roof, a Setback Modification is also requested to allow retention of deficient 1st-floor setbacks to the north, south and rear and to allow a garage addition that would encroach into the north side yard setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Commissioner Der Sarkissian asked for clarification if he should recuse himself since he lives approximately 750 feet from the site.

Assistant City Attorney Guerra noted he was outside the 500' radius and did not have to recuse himself.

Planner Gjolme gave a presentation in accordance with the staff report and noted the difficult nature of the site and limited scale, appropriate location of the proposed second floor. The presentation included new information that showed pictures of the story poles from the residence across the street and views of the proposed second floor that would result. He recommended a condition of approval for landscaping to be planted along the site's slope to buffer project views from the downslope neighbor.

Franco Noravian – project architect – stated the objective was to create a new master suite upstairs and to remodel the look of the house. He felt that the neighbor to the north was the most affected and reconfigured the windows after talking to that neighbor. He felt that the front neighbor is amply separated and would not be significantly impacted by the project. He pushed back the second floor as much as possible in conjunction with preparation of an alternate design for the Commission's consideration. The current owners propose to live in the house while the second floor is being constructed. The preference is to keep the original design as submitted but an alternate with a recessed second floor is also acceptable to the owners.

Commissioner Der Sarkissian asked if the floor area has been reduced in the alternate design.

Mr. Noravian noted that there was a reduction and that the alternate design would require removal of 28% of the roof; thus the project would not be considered a 'new' house and the Setback Modification would not be required.

Ali Ghaneh - 1427 Sugarloaf Drive – thanked Planner Gjolme for his detailed report and thorough explanation of his concerns. Because the subject house is at higher elevation, the story poles were a surprise and very revealing. The balcony in the front would look into his house. Other second-story homes on the same side of the street but these homes seem to align with two-story homes across the street. He would prefer elimination of the front balcony if the project were to be approved.

Commissioner Cahill asked Mr. Ghaneh if his home had a front balcony that faced the subject lot.

Mr. Ghaneh confirmed the balcony but noted his home's position well below street level.

Commissioner Cahill confirmed that a balcony originally proposed at the rear of Mr. Ghaneh's home, which would have looked down at the neighbor to the north, was removed during the Commission's review of the project several years ago.

Commissioner Der Sarkissian inquired about the oleanders fronting Mr. Ghaneh's property and that they had recently been cut.

Mr. Ghaneh noted that the oleanders were getting sick and extended into the street and were scratching passing cars. He would still have a view of the project if the oleanders had not been cut.

Commissioner Der Sarkissian felt that the oleanders could have been trimmed better.

Mr. Ghaneh was willing to restore planting along the street but noted that the oleanders prior to trimming did not adequately buffer the proposed second floor.

Planner Gjolme disputed this and noted he was the case planner for Mr. Ghaneh's house and that the previous oleanders were quite tall and provided considerable screening.

Commissioner Cahill noted that the neighbor's home looks very exposed now that the shrubs are gone.

Mr. Ghaneh reaffirmed his concerns about the project and felt the second floor as situated was very imposing. He clarified that the City required the front shrubs to be trimmed.

Mrs. Rachdouni – property owner – discussed the project with her neighbors. She would have talked to Mr. Ghaneh if she had thought there was going to be an issue, but considering the separation between the two homes, she never expected a problem. She didn't feel that recessing the second floor 2-3 feet would provide any substantial view or privacy benefit to Mr. Ghaneh's property.

Commissioner Jain noted that this was a difficult site and choosing to build toward the front was almost the right decision. He liked the redesign where a recess was added to the front. Planting tree in the front will help the view impacts. He suggested revisiting a redesign that incorporates stepped massing at the front of the house.

Commissioner Gunter agreed that the applicant and owner did a nice job solving a complicated situation by pushing massing to the front of the existing footprint. Seeing other homes from a new second floor is unavoidable. He felt strong efforts have been made to reduce impacts to the sides and rear. There is a different and lesser expectation of privacy across front yards and a public street as opposed to rear and side yards. He favored the original design and did not believe that additional landscaping to the front was not necessary.

Commissioner Der Sarkissian asked why Mr. Ghaneh would have been required to trim the front oleanders.

Director Stanley responded that it was a line of sight issue and that Public Works requires planting in the street right-of-way to be limited to 42".

Commissioner Der Sarkissian had an issue with the Setback Modification and the extent of the encroachments associated therewith. He liked the redesign because it reduces the roof removal and disqualifies the project from being considered a 'new' house. As such, the Setback Modification is no longer necessary. He liked the trees added in the front to screen the addition.

Commissioner Cahill recalled the issues associated with the project across the street. He remarked that it is impossible to build an invisible two-story house. The second floor is only 23 feet in height and much narrower than the existing footprint. He also felt the Setback Modification was acceptable since it addressed pre-existing conditions and the addition was code compliant. He agreed with staff that the precast concrete fascia around the entry was awkward and that the balcony pilasters appeared too 'heavy' and should be removed.

Chairman Curtis liked the location of the addition as proposed but noted its prominence as seen from across the street. It does loom to an extent. He preferred the alternate design with the 2nd-floor recess to the front and the installation of additional tree screening along the site's front slope.

Planner Gjolme clarified that the redesign doesn't change the impacts across the street but he felt that the front recess was a design improvement that achieved greater consistency with the design guidelines. He favored removal of the balcony, but acknowledged that tree screening would mitigate views/privacy impacts.

Commissioner Cahill felt that the front recess provided needed articulation and made the home look less 'blockish'.

Chairman Curtis confirmed that the front balcony was covered and counted toward floor area.

Planner Gjolme agreed with Commissioner Cahill's comments.

Chairman Curtis asked the Commission if they felt the balcony should be removed.

Commissioner Der Sarkissian felt the balcony added needed articulation and that it would not be used excessively given its size and location to the front.

Commissioner Jain agreed and thought the balcony improved the home's look.

Commissioner Curtis was indifferent about the balcony but noted the need to revise the pilasters.

Commissioner Cahill felt that Planner Gjolme's recommendations with regard to the fascia material and balcony were appropriate and should be formal conditions.

Mr. Noravian was amenable to the alternate design but would have to eliminate the rear balcony to accommodate the revised front design.

Planner Gjolme noted that although the alternate design provided need articulation to the front, staff had not had an opportunity to thoroughly review it.

Chairman Curtis asked Mr. Noravian if he was open to a continuance at this point.

Commissioner Gunter noted the specific nature of the revisions and felt approval of the alternate design was possible.

Commissioner Der Sarkissian could approve the project with the alternate design, additional landscaping at the front, and material changes to the entry fascia and balcony as discussed.

Commissioner Gunter reaffirmed that the revised design would negate the Setback Modification and render the existing encroachments moot relative to the Commission's review.

Planner Gjolme clarified that the Setback Modification would still be required to allow for minor expansion of the existing garage, which would provide the requisite 20-foot width, and that staff fully supported this component of the request.

M/S/C Gunter/Cahill to approve the request subject to a landscape plan providing a combination of shrubs and trees along the front slope of appropriate height and density to screen upward views of the expanded residence; approval is for the revised/alternate design presented at the 7-26-2011 Planning Commission meeting; front balcony balustrades converted to wrought-iron or a comparable material that is less obtrusive than the heavy stone balustrades currently indicated on the elevations; pre-cast concrete exterior material at the first-floor level shall be changed to stucco to better integrate the first and second floors. Unanimous 5-0.

IX. OTHER BUSINESS

- B. Director's Miscellaneous Review 11-12; Gianolio/Plamann; 5020 Indianola Way:** A request to allow the construction of a 147-square foot addition. The addition would encroach 3'-8" into the required 9'-2" north side setback. The proposed north side setback is 5'-6". On June 16, 2011 the Director of Community Development approved the project. An appeal of the Director's decision was filed on June 27, 2011. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the staff report. She outlined the nature of the appeal. She highlighted the conditions that the appellant recommended that are within the Planning Commission's purview.

Chairman Curtis indicated that he had trouble with the Finding No. 1 especially since the eave will be right at the property line. He could not see the justification for the encroachment.

Assistant Planner Parinas explained that the applicant wanted to expand the master bedroom and move the addition to the other side would put it closer to a protected tree. She clarified that the retaining wall and fence in the photos is on the subject property. She also pointed out that the subject property is lower than the adjacent property which helps to decrease the projects visibility and mass.

Commissioner Der Sarkissian asked staff when the air conditioning units were installed.

Assistant Planner Parinas replied that the A/C units were originally installed in 1968 but have since been replaced. At that time it was allowed to go approximately 3' feet from the property line.

Commissioner Der Sarkissian read from current ordinance about the placement of A/C units. He asked when the current ordinance came into effect. He has no problem with the addition but the appellants object to various construction issues.

Assistant Planner Parinas stated that she did not know when the unit was replaced but that it could not be placed there under today's code standards.

Chairman Curtis commented that it appears that the units have been there for a while.

Al Augustine, of 5028 Indianola Way, is the appellant spoke and verified that the A/C units are old. The Original unit was installed in the late 1960s and in 1984 they remodeled and they added a second A/C unit. He stated that, at the time, the old neighbors approved of that work. He stated that the subject lot has been reroofed 2 times in the last 5 years and the last time they used slate roofing material and the workers allowed dust to come on to their property and get into his A/C units. He indicated that he is troubled with the new request and concerned with construction impacts and how it will affects their quality of life. Their master bedroom is only 10' away from the neighbor's master bedroom that would be renovated. He didn't see the necessity to put the addition in the proposed location and that it will be too close to their property. He felt that side yard setbacks are important. He suggested that if the Planning Commission approves the project there should be no windows on that side and the overhang should be reduced. He would like his A/C units protected from all the dust associated with the expansion. He concluded by saying that he could not relocate his A/C units to the back of the house.

Mrs. Augustine, of 5028 Indianola Way, distributed plans to the Planning Commission that she was shown by staff. She highlighted that information was missing from these plans which she considered deceptive. The gate that goes into their backyard was not shown. The wall and fence have been there since they've owned their property. Their property is 43" higher than the subject parcel. The eaves of the expansion would be very close to their property. Most of their view would be of the roof. She felt that they have already given some concessions to the property owners on their previous projects.

Nancy Plamann, the property owner, stated that she originally said that she would agree with the conditions of approval but now these allegations are news to her. She confirmed that they have no intention of removing any trees. She stated that they are putting a closet closest to the neighbors to buffer the noise from the neighbor's A/C units.

Chairman Curtis asked the property owner if she intends to keep the Podocarpus plants on that side.

Mrs. Plamann replied yes because she doesn't wish to look in their yard either.

Mrs. Augustine agreed she never spoke to applicant because they were not home during the previous remodel.

Assistant Planner Parinas clarified that she showed the Augustini's the plans before they filed the appeal both at our counter and in their home. She explained that they can review plans but cannot have copies. We do not have the ability to reproduce full size plans and floor plans and elevations are not reproducible since they belong to the architect or designer. She also explained that the applicant's designer came in and said that she could not find building permits for the Augustini's additional A/C unit. She informed Mrs. Augustini of this and explained that if they were to apply we could not approve them at this location.

Vice Chairman Cahill felt that the houses are close together in this neighborhood with very few side windows. It is common to approve continuations of existing encroachments. He felt that the extension is logical but is concerned with the dust near the neighbor's A/C equipment. He would like to add a condition that dust generating activity not done in this area. Otherwise he can support this project.

Commissioner Gunter concurred with Commissioner Cahill's comments. He felt that the construction impacts are real but can be handled through additional conditions of approval. He pointed out that the window on the side is obscured and won't impact privacy. He felt that blowing dust is an issue. He suggested that the staging area should not be between the addition area and the north property line. He felt that the location of the Chinese Elm does present a constraint and satisfies Finding No. 1.

Commissioner Jain felt that it was a logical extension but that there are other constraints. He was concerned with the roof eave. He felt that a survey should be completed to ensure that the eave is a minimum of 30" away from the property line. He added that blowing dust is a major concern. The Best Management Practices required by the Building and Safety Department usually can take care of these issues. He added that a 6' to 8' high temporary fence could also alleviate some of the concerns expressed by the neighbor. Dust control is very important.

Commissioner Der Sarkissian suggested the applicant install a fabric fence that goes up and over the roof along the entire length of the house to enclose the space while the work is going on. The ends would have to remain open so that the A/C units can pull air. He felt that unless they completely redesigned the addition there was no choice but to continue the roof line and gutter. It is very close. He felt that eventually a fence would be needed that separates the two properties. He felt that some of the neighbor's requests were fair: that it is important to have a contact person who is available if there is dust or other construction issues that need to be mitigated. He could support the modest addition with added conditions.

Chairman Curtis likened the project to a condominium project where there are construction issues with shared walls, etc. He felt that he found the justification for the project that he was looking for. He heard the applicant say they wanted to buffer the neighbor's A/C unit noise. He liked the idea of having a contact phone number. He could support the addition but wants a condition for dust control, a contact phone number for construction issues, and to maintain the landscaping. He felt that they should come up with a condition that required a dust control plan to be approved by the Director of Community Development.

Director Stanley suggested a condition of approval for a full size fence on top of the retaining wall.

Vice Chairman Cahill asked the neighbors if they want a permanent fence.

Mr. Augustini said it would be difficult to maintain his A/C units because there is limited area to maneuver. He thought that it didn't need to be a permanent fence, just a temporary one. He liked the other suggestions. He asked that the gutter be moved back a foot away from the property line.

Director Stanley stated that he was not comfortable with a condition that required the project applicant to do something on the neighbor's property.

Chairman Curtis asked the Director of Community Development if he would be comfortable with leaving the review of the dust control measures to him with input from the applicant and appellant.

Commissioner Der Sarkissian stated that if the fence is going to work the area needs to be enclosed and the neighbors must cooperate in order for this to work.

Commissioner Gunter suggested staff review of the dust control measures with consultation of the neighbors. He is not comfortable requiring them to build a tent around the project when he is unsure of the implications.

Vice Chairman Cahill felt that the neighbors should be consulted but that the Director of Community Development should ultimately decide.

Commissioner Gunter agreed.

Director Stanley stated that staff will make a reasonable attempt to reach out to the interested parties. He reiterated that the condition should read that the Director of Community Development shall review and approve the dust control mitigation with consultation of both parties.

Chairman Curtis wanted the applicant to include a contact a phone number and to maintain the landscaping adjacent to the addition.

M/S/C Gunter/Cahill to deny the appeal and uphold the Director's approval as conditioned. Unanimous. 5-0

Commissioner Der Sarkissian commented that if the eave is 30" from property line as specified in Condition No. 16 they would be requiring a jog in the roofline since the existing roof is 26" from the property line per the survey.

Assistant Planner Parinas stated that a 30" interior setback for eaves is required by code.

X. REPORT OF DIRECTOR'S REVIEWS:

Fence Review 11-08 (3855 Keswick Road - Aprvd); Second Floor Review 11-16 (840 Green Lane - Aprvd); Director's Miscellaneous 11-14 (4942 Hillard Avenue - Aprvd) passed on oral reading

XI. COMMENTS FROM THE COMMISSIONERS

Vice Chairman Cahill suggested having a live person to call during construction should be a standard condition for all projects.

Chairman Curtis asked the Director his thoughts about the Council's direction regarding hillside projects that go over the Slope Factor Guideline.

Commissioner Der Sarkissian stated that he doesn't expect a recommendation of approval by staff if it goes over the SFG by 25%.

Chairman Curtis asked the Director for a future briefing.

Director Stanley briefly discussed staffs findings regarding homes that were approved on steep slopes. Each project is reviewed independently and it's not just about numbers. He explained that for subdivisions SFG is a standard and not just a guideline. It was not made a standard at the time that the Hillside Ordinance was adopted. He felt that they were getting mixed signals from the Council.

Chairman Curtis pointed out that reductions in floor area might not make a visual difference.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley said he forwarded a letter from Mr. Hotchkins regarding himself and how the Department is run and wanted feedback from the Planning Commission.

Director Stanley asked about the Commission about scheduling an upcoming tree ordinance study session. He suggested the 16th or the 23rd of August.

Commissioner Jain suggested the first week of September.

The 8th of September at 6pm was agreed upon.

Regarding Item 9.C. (Merritt), Commissioner Jain asked if they could have the city-hired landscape architect review and certify the landscape plan.

Director Stanley stated that it was not the city-hired landscape architect's job to certify the landscape plan.

Commissioner Jain said he should review the Council's direction to see if it has been satisfied.

Director Stanley would check with Senior Planner Buss to make sure the city-hired landscape architect is provided with the minutes of the City Council meetings.

Commissioner Gunter felt that certify was the wrong word but he should have been told what the Council was looking for.

Commissioner Jain asked if some of the projects the Commission reviews could be put on the Consent Calendar especially if they were OK with the projects.

Director Stanley suggested that the Commission could also act to not hear a staff report or go directly into the public comments. It is a public Hearing so they have to at least open it up for public comments.

Deputy City Attorney stated that they are public hearings and can't be put on the Consent Calendar but the Commission could allow an abbreviated staff report.

Director Stanley let the Commission know that RV storage issue, call-up procedures and Norm Peter's appeal will be heard at the August 1, 2011 City Council meeting.

Commissioner Der Sarkissian asked what staff's recommendation was regarding RV storage.

Director Stanley stated that it was mostly a discussion item but that staff would be recommending the inclusion of findings.

XIII. ADJOURNMENT The meeting was adjourned at 11:47pm.