

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON AUGUST 5, 2014**

**I. CALL TO ORDER:** 6:06 pm

**II. ROLL:** Present: Vice Chairman Jain, Commissioners Gunter & McConnell  
Absent: Chair Walker, Commissioner Smith

**III. 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.

Steven Brown, 3757 Normandy Drive, reported that the project at 3745 Normandy was progressing, through the roofing and stucco phases. He stated concern about the construction fence at that project. He stated that the fence is an obstruction, never locked, and an unnecessary encroachment into commonly owned driveway area. He stated that, since the construction had essentially ended, it was time for the City to require that the fence be moved off the commonly used area, hopefully before the Commission reconvenes from its August break.

**V. REORDERING OF THE AGENDA:** None

**VI. CONSENT CALENDAR**

A. **Minutes:** March 25, 2014

Vice-Chair Jain stated that he was not present at the meeting.

Commissioner Gunter gave a correction on page 4, paragraph 2, for the last sentence to refer to "Planning Commission" rather than "they".

McConnell / Gunter to approve. 2 ayes; abstain: Jain

**VII. CONTINUED PUBLIC HEARINGS**

**VIII. PUBLIC HEARINGS**

A. **Hillside Development Permit 13-14/Second Floor Review 13-04/Categorical Exemption; Johnson/Boynerian; 458 Noren Street:** Reconsideration of an amendment to 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)

Vice-Chair Jain noted that the only issue was the height discrepancy.

Planner Gjolme stated that the entire item is before the Commission, but the focus is correction of an incorrect height stipulated by the Commission, which was 2 feet short of the original Commission and Council approval. The elevation would allow a 22-foot-high structure with a change in datum point, not changing anything approved before or the story poles. Staff recommends a condition to set proper control points, 22 feet above existing grade, or 24 feet from the lowered pad. A revised resolution is included for adoption.

Vice-Chair Jain noted the Commission had requested a condition for verification by a licensed surveyor. Planner Gjolme referred to Condition 33, and noted that a survey had been submitted with the package in 2012. The condition can include language for field certification. Director Stanley noted that the condition had the language "as shown on survey plan prepared 11.20.2012".

Planner Gjolme noted that the resolution before the Commission covered previously approved floor area, and the Commission had not included the projection above the garage. Condition 34 specifies that as unapproved floor area, not in the title of the resolution.

Vice-Chair Jain opened the public hearing.

Kevin McDonnell, attorney for the owners, reported having had a conversation with the Director of Community Development late last week. The main purpose was to look back at practical difficulties to conform to a 22-foot envelope. The approval was designed for 22 feet from existing grade, or 24 feet from a lowered pad. He noted that the project arborist was present to discuss practical difficulties in lowering pad 2 feet. The practical issue is, for a 2-story building, with modest ceiling heights and structural depth, 20 feet of combined floor height is typically required below any attic, and there is no real way to get to 22 feet with a pitched roof design. If an alternative is to bring it down 2 feet, one must look at drainage (pump needed), damage to nearby trees, retaining of 2 feet of elevation near adjacent properties, and hauling of soil. Taking a step back and looking at practical difficulties, the applicant team might have to be back with another change to get something that works.

Mr. McDonnell requested that the Commission approve elevation to allow 26 high feet above existing grade, or an absolute minimum of 24 feet. The applicant team could come back not having had a chance to thoroughly work with consultants. They could then show more precision.

He noted that the arborist and architect are here.

Vice-Chair Jain asked if the applicant expected approval of a changed design.

Mr. McDonnell stated that they would appreciate that determination tonight, but would be happy to come back, since the Commission hadn't been expecting this.

Commissioner Gunter stated that the Commission does not have the redesign before them, and it would be against policy to approve a revision that had not been formally submitted.

Mr. McDonnell agreed and asked to continue the present alternative. Commissioner Gunter stated that a date certain is preferable, which Deputy City Attorney Guerra confirmed. Vice-Chair Jain suggested any date within 60 days, and Mr. McDonnell stated that it would be difficult to complete the work within that timeframe, given the lead time involved. Director Stanley stated that the October 14 meeting date would be nearest to 60 days. Deputy City Attorney Guerra stated another option. If the Commission approves the current project as staff recommends, resubmittal for the amendment could still be made. Director Stanley mentioned that City policy requires a month lead time for submittal, given noticing and reviewing requirements. He concurred that it is best to approve the current project and to allow them to amend it at any time, avoiding any Permit Streamlining Act problems.

Project Attorney McDonnell introduced the arborist, William McKinley.

Mr. McKinley noted the mature coast live oaks on the neighboring property, stating concern that trees are close to property line. With roots mirroring the slope and typically only three feet or less below ground, grading to lower the structure could affect a significant portion of the roots. He noted that the uphill roots are in tension, supporting the tree, so that grading would raise questions of tree stability as well as the health of the trees. The tree could fall onto the neighbor's house.

Commissioner Gunter asked about the basement. Mr. McKinley stated that it is not as close to the property line.

Commissioner Gunter asked how far it would be advisable to stay away from the property line. Mr. McKinley recommended a distance of 8 to 10 feet. Commissioner Gunter stated that the basement is closer than that, for a distance of more than 50 feet. Mr. McKinley stated that he did not have a grading plan and was unaware of that.

Vice-Chair Jain asked about the size of the tree. Mr. McKinley stated that there are three protected oaks; two of which are 12 and 24 inch trunk diameters, 5 to 9 feet away, and another oak almost right at the southwest corner of the property.

Commissioner Gunter commented that the grading plans are not with the current submittal.

Vice-Chair Jain noted missing information on the exact size and location of the trees. He stated that the basement was still 8 feet away, and suggested that the client be advised on how to handle the basement and roots.

Mr. McKinley stated that the neighboring oak's drip-line extended approximately 8 feet into the subject property, and noted that the basement would be preserving 16-17 feet of root system as contrasted with 8 feet at the property line. He estimated that the tree is 70 years old or more.

Commissioner McConnell stated that nobody on the Commission had advocated excavation along the property line. Vice-Chair Jain stated that if the roots are severed, it would mean that

the building should move. Mr. McKinley noted that it is always best to maximize space for the trees.

Linda Pierce, 461 Noren Street, introduced herself as the neighbor across the street. She spoke of sitting through another hearing, with more transmogrification of project, calling into question things that were previously proposed, with hauling previously called de minimus, and with reassurances by the applicant and consultant. She recalled having expressed concern in July, October, and December of 2013, including incompatibility of the project with its setting, including the trees. Drainage is called an issue today, but not before. She complained that the review was becoming interminable. She concluded that the anticipated project is not suitable for its site, and incompatible with the Hillside Development Ordinance, citing in particular excessive mass.

Vice-Chair Jain invited an applicant response.

Project Attorney McDonnell stated that testimony reveals definite issues with the plan in connection with trees and grading height. He stated that he would like to see if they can work within plan, aside from height clarification. He noted that coming back for continued review would be acceptable.

Director Stanley suggested adding a condition of arborist evaluation of basement and grading. Vice-Chair Jain recommended that it be discussed between neighbors, and that he wouldn't want to act on it without their testimony. Commissioner McConnell stated that it is a civil matter, and that the applicant should take care. Director Stanley stated that, now that the Commission is aware of the issues, a condition should be added to protect the Commission, such as having an arborist on site during excavation. Commissioner Gunter then inquired about a requirement for a grading plan, which Director Stanley noted was not required because all of the excavation is under the structure (basement).

Vice-Chair Jain stated that, regardless of that requirement, a grading plan to be part of the package because of impact on the roots. He stated that adding an arborist condition might work, but the plan shouldn't be approved without a grading plan.

Commissioner McConnell noted that under the previous review, grading was satisfactory at a distance of 16-20 feet away.

Vice-Chair Jain repeated his assertion that the project shouldn't be approved without a grading plan. Planner Gjolme noted that a grading plan is not integral to tonight's review and thus not included with this package, reminding the Commission that they have approved the project.

Vice-Chair Jain stated that the resolution should reflect that it's part of the approval. Commissioner McConnell noted the roof ridge elevation of 1427.5, and that in the current package, they decrease the grade, with no option on the table at 1403.5. Director Stanley stated that the applicant has the option of lowering the pad up to 2 feet.

Commissioner Gunter stated that approval in "Chinese menu format" is confusing, and that height should be decided one way or the other. He recommended going with what the grading plan says.

Director Stanley repeated that in the previously reviewed grading plan, lowering the house was an option. He suggested that, based on today's testimony, the Commission may want an arborist condition to protect neighboring oak trees if the pad is lowered.

Vice-Chair Jain asked if the tree ordinance had any criteria that would guide the Commission's action. Director Stanley stated that it would require a review of the ordinance.

Vice-Chair Jain expressed discomfort with the unsubstantiated information. Director Stanley replied that that's a reason to require the arborist to make an evaluation at the time of construction.

Vice-Chair Jain confirmed with Director Stanley that the old building plans are to be acted upon at the current hearing, and that an approval would not include the addition above the garage.

Commissioner McConnell confirmed substantial conformance of a roof ridge height of 1427.5.

Commissioners Gunter and McConnell expressed comfort with adding an arborist condition.

Commissioner Gunter noted that Conditions 33, 34, and 35 stated a ridge height not to exceed 1427.5, and recommended a Condition 35 for arborist to observe all activity to ensure no tree roots are damaged. Director Stanley further recommended that said condition be subject to verification by the Director of Community Development. Commissioner Gunter concurred that the arborist's findings should be submitted to the Director.

M/S/C Gunter/McConnell to approve the project as submitted with Condition 35 to be added as noted. Deputy City Attorney Guerra recommended that the condition include a reference to the grading plan. Unanimous.

**IX. OTHER BUSINESS:** None

**X. REPORT OF DIRECTOR'S REVIEWS:** None

**XI. COMMENTS FROM THE COMMISSIONERS:** None

**XII. COMMENTS FROM THE DIRECTOR**

Director Stanley reported that the 7-11 trial judges' determination had been received, and it was not in favor of the City. The judge had noted that the City had not adequately defined a liquor store or convenience store. Director Stanley noted that the City Council would probably have a closed session on the matter.

**XIII. ADJOURNMENT:** 6:49 pm

M/S/C McConnell / Gunter, Unanimous.