

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON SEPTEMBER 13, 2011**

- I. CALL TO ORDER:** 6:05 p.m.
- II. ROLL:** Chairman Curtis, Commissioners Der Sarkissian, Jain, and Gunter, Planner Gjolme, Assistant Planner Lang and Parinas, and Deputy City Attorney Guerra were present. Vice Chairman Cahill was absent.
- III. PLEDGE OF ALLEGIANCE:** Commissioner Gunter led the flag salute.
- IV. COMMENTS FROM THE PUBLIC:** No public comments were offered.
- V. REORDERING OF THE AGENDA:** The agenda was not reordered.
- VI. CONSENT CALENDAR:** Minutes – 4/26/2011 Meeting

Commissioner Der Sarkissian motioned to approve the 4/26/11 Minutes, Commissioner Gunter seconded; 4-0.

VII. CONTINUED PUBLIC HEARINGS

VIII. PUBLIC HEARINGS

IX. OTHER BUSINESS

- A. Appeal of Tree Removal 11-21; 4376 Beulah Drive; Dominguez:** An appeal of the Director's denial of a twenty-three inch diameter Chinese Elm. (Assistant Planner Lang) [Continued from July 26, 2011 meeting]

Assistant Planner Lang presented the project in accordance to the staff report.

Chairman Curtis opened the public hearing.

Ms. Dominguez, property owner, stated that she followed the Planning Commission's direction to place an arborist deposit. She believes that the tree is cracking the foundation of the kitchen because of the direction of the cracks. The arborist was not able to pull up every single brick to accurately assess the situation.

Commissioner Der Sarkissian stated that he visited the site twice, read report, and reviewed the findings. He pointed out that the arborist report suggested mitigation measures and recommended keeping the tree. The root system is not a problem to the house; the Arborist indicated that there are not any root cracks on the foundation going toward the house but he observed that the roots cracked the pool foundation. He stated that he has a problem with making Finding #1 because cracks on concrete are common, he can not find any correlation between the house and the tree, and it is possible to live

with the tree. He is having problems relating the tree to damages to the house because the Arborist has only found small roots going to the house.

Assistant Planner Lang added that she did research on the pricing of root barriers. The price range and variances were significant. Her initial thoughts were the cost of root barriers would be expensive.

Commissioner Jain stated that he read the report and he felt that there was conflicting information. He believes that the "C" tree rating means that the tree is not too much of value. The swimming pool, deck, and patio are damaged, but the damage to house is not mentioned. He does not see any direct correlation to the damage to house and tree. He cannot make positive findings. If tree is allowed to be removed a minimum 24" box tree should be planted on the property.

Commissioner Gunter stated that he read the arborist report and concurred with his fellow Commissioners. He read Finding #1 and cannot make the finding.

Commissioner Curtis stated that he concurs with his fellow Commissioners. The Planning Commission carries out policy, and follows the current Ordinance. The Planning Commissioner is currently looking into the possibility of removing Chinese Elm trees from the list of Protected Trees but does not know if it will get removed. He cannot make the findings to remove the tree.

Commissioner Der Sarkissian stated that his hands are tied. The City Council gave direction regarding findings and their specific nature. He cannot find that tree is damaging the house. He will support the Director's decision.

A motion was made by Commissioner Der Sarkissian to deny the appeal and uphold the Director's decision, seconded by Commissioner Jain; 4-0.

Ms. Dominguez stated that she spoke to a Chase Loan Officer in La Canada and she said that she went through the same process and was able to choose her own arborist. Ms. Dominguez feels that it is unfair that she could not hire her own arborist. She called arborists on the list and found someone that would only charge \$100, but had to pay \$350 to the City-hired Arborist.

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)

Assistant Planner Lang summarized the result of the previous Planning Commission discussion per the distributed matrix.

Chairman Curtis stated that the Planning Commission consensus was to change the tree protection zone to 5-times the trunk diameter. He asked if staff has seen a maximum distance in other Cities.

Assistant Planner Lang stated that the current code is 3.5-times the trunk diameter up to maximum of 15 and if roots are encountered during construction take precaution by working with an arborist. Our goal is to protect trees.

Chairman Curtis clarified that the protection zone is not a prohibition to go into the particular area. Construction may still occur within the protection zone, it is just a matter of hiring an arborist to investigate.

Chairman Curtis asked if the distance of flat work was just added.

Assistant Planner Lang clarified that the current code requires that flat work maintain a distance of 2-times the trunk diameter. From experience, this requirement has been adequate but she would like to defer for further discussion from one of the arborists present.

Commissioner Der Sarkissian asked if there was a consensus to add Eucalyptus trees to the fire hazard list.

Assistant Planner stated that her notes show that there was a consensus to not expand the list of fire hazardous trees.

Commissioner Der Sarkissian stated that he thought Redwood, Olive and Magnolia trees were going to be added to the protected tree list only if they are 36" or greater in diameter.

Commissioner Gunter stated that if all trees 36" or greater in diameter are going to be protected then by de facto the three species mentioned by Commissioner Der Sarkissian will be protected along with other species. He believes that all trees over 36" in diameter should be protected.

Commissioner Jain stated that based on the Fire Department's testimony Eucalyptus trees are fire hazard trees and should be included in the list of fire hazardous trees.

Assistant Planner Lang stated that according to Mr. Kim of the Fire Department the bark of Eucalyptus trees is what causes the fire hazard but it has to do with how the tree is being maintained; all trees can be a fire hazard if they are not properly being maintained. She has a concern with listing trees as fire hazardous because if they are over 36" in diameter it would be considered protected. She pointed out the finding that allows trees to be removed if it helps with a fire break.

Deputy City Attorney Guerra suggested including a statement in the definition of heritage trees stating that fire hazardous trees are not included and also defining what fire hazardous trees are.

Commissioner Gunter stated that trees take a long time to develop; if a new house is being built it is possible to build around the tree. There should be no reason to allow trees to be removed because of a new development. He asked if heritage trees have the same protection as trees on the protected list.

Assistant Planner Lang verified that the intent is to protect heritage trees the same way as trees on the protected list regardless of species.

There was a consensus to define heritage trees as trees 36" or greater in diameter for single trunk trees and trees 24" or greater in diameter for each trunk for double trunk trees.

Planner Gjolme clarified that the goal is to get consensus on the possible changes. He summarized the list of changes that have already obtained consensus.

Chairman Curtis clarified that once consensus have been obtained, staff will return to the Planning Commission with the draft ordinance to allow the Planning Commission to review and comment on the actual text.

Commissioner Jain suggested identifying a maximum of 15' for the protection zone and trimming of limbs changed to greater than 8" in diameter. He asked where limbs would be measured from.

Assistant Planner Lang stated that limbs would be measured from the location of the cut.

Chairman Curtis opened the public hearing.

Chairman Curtis asked if anyone would like to discuss the distance of flatwork.

Commissioner Jain suggested having a maximum distance of 10' for flatwork.

Commissioner Gunter clarified that going inside the protection zone is not prohibited and would just require arborist review. He questioned the need for further defining maximum distances.

Commissioner Jain explained that for simple work such as flatwork there is no need to obtain an arborist report. He believes that the 15-foot distance for flatwork is extreme.

Planner Gjolme stated that he does not see revising the maximum distance for flatwork to 10 feet as a problem.

A consensus was obtained to reduce the maximum distance for flatwork to 10 feet.

Chairman Curtis asked if basements and pools would have the same guidelines as structures.

Commissioner Jain stated that recommendation by the arborist is critical for swimming pools.

Commissioner Der Sarkissian stated that since swimming pools and basements are deep building within 5 times the trunk diameter is not possible.

Chairman Curtis stated that he would like to hear from the arborist.

Commissioner Gunter suggested requiring an arborist report for any construction within 5-times the trunk diameter.

Mr. William McKinley, arborist, stated that 5-times the trunk diameter for tree protection is safe for the stability of the tree; we are not talking about the health of the tree. It is to minimally protect the tree. According to the published standards 5-times the trunk diameter is sufficient for encroaching into one side of the tree. There are a lot of variables to consider when encroaching within the protection zone and requiring an arborist report anytime the encroachment is within 5-times the trunk diameter would be beneficial. He stated that every situation is different.

Planner Gjolme clarified that the current code requires an arborist review for any construction within the protection zone.

Chairman Curtis asked if there should be stricter requirements if a basement is within the protection zone.

Mr. McKinley stated that it depends on the goals: is it to ensure that the trees don't fall down or is the concern is the trees surviving the process with minimal impact to the health. The standards for maintaining healthy trees are different.

Commissioner Der Sarkissian stated that the goal is to preserve trees and not just to prevent accidents.

Commissioner Gunter agreed that goal is to preserve trees. His concern is that if a diameter is selected, the diameter is required for everything.

The Planning Commission could not agree upon tree protection for the construction of pools and basements. Commissioners Curtis and Gunter would like a study to be conducted if the proposal is within 5-times the trunk diameter; Commissioners Der Sarkissian and Jain would like to include an absolute prohibition for proposals within 5-times the trunk diameter.

Chairman Curtis directed Assistant Planner Lang to conduct more research on the issue.

Assistant Planner Lang stated that she would have more discussion regarding hand tools with arborists and contractors.

Chairman Curtis clarified the difference between ordinance and guidelines.

Assistant Planner Lang stated that the City should have guidelines on what should be in the arborist report because there have been some variations; some arborists just writes a paragraph on a receipt that leaves you wanting more information and there are some reports that are very thorough.

Chairman Curtis asked that inspections by Building and Safety for grading be added to the list of discussion items.

Commissioner Der Sarkissian expressed concerns regarding enforcement of excavation within the protection zone.

Mr. McKinley suggested limiting the distance of excavations (without an arborist report) to no closer than 5-times the trunk diameter.

Commissioner Jain would like the pamphlet guidelines to cover specifications for plantings (list items that cannot be planted).

Chairman Curtis asked where the requirement for rocks to be at least 5-feet from the trunk came from.

Assistant Planner Lang stated that it is something that she observed were required in many previous arborist reports that were prepared for the City.

Commissioner Jain stated that rocks are the same as flatwork. The guidelines should state that rocks should be avoided.

Assistant Planner Lang clarified that Commissioner Jain is proposing to remove rocks in the discussion because it is covered under flatwork.

Chairman Curtis instructed staff to draft guidelines for Planning Commission review.

Chairman Curtis suggested that chain-link or other protection barriers as approved by the Director of Community Development be required. The decision on the fence material should be left to the Director and if the Director is unsure an arborist can be consulted.

Chairman Curtis stated that utility trenching should be added to the 5-times the trunk diameter requirement for construction activities.

Chairman Curtis suggested that prohibition of irrigation system under protected trees be included in the guidelines.

Arsem Maragosian, arborist, stated that every tree is unique and every situation is unique; an arborist report should be required for any construction within the drip-line. Pasadena requires a weekly report by the arborist.

Assistant Lang stated that there is a concern that a D-49 contractor is not necessarily looking out for the tree.

Sandra Gutierrez, Xpress Tree Service, stated that ISA certification should be required for Heritage trees, but D-49 should be okay for all other trees. She verified that ISA certification means that someone with the certification is overseeing the workers. She stated that Xpress Tree Service encourages promotion of education.

Mr. Maragosian stated that a D-49 license is issued by the state without questions asked if your application states that you have experience trimming trees.

Chairman Curtis asked if requiring ISA certified cost more to trim trees.

Ms. Gutierrez stated that if additional ISA certified staff must be hired then prices will be raised to pay for that additional staff.

Commissioner Jain stated that trees should be trimmed by ISA certified workers.

Commissioner Gunter stated that he would like to leave the D-49 license requirement.

The Planning Commission reached a consensus on the following:

There was consensus to leave the D-49 license requirement and if damage is done to a protected tree, remove the contractor from the list for 6 months.

There was consensus to require applicants to sign a disclosure regarding protected trees within 15' of the property line.

There was consensus to require tree canopies to be indicated on the plans.

There was consensus to not increase the to tree limit trigger for Planning Commission review.

There was consensus to specify the contents of an arborist report.

There was consensus to require evidence to be provided for emergency tree removals.

There was consensus to create two classes of tree permits: alter and removal.

There was consensus to delete requirements for hiring a structural engineer.

There was consensus to require a red ribbon to identify trees to be removed.

There was consensus to add a provision that trees be pruned to ANSI A300 standards.

Mr. McKinley clarified ANSI A300 standards.

There was consensus to specify mitigation measures.

There was consensus to change finding to "unreasonably interfering with existing structures or other improvements."

There was consensus to add in a definitions section.

There was consensus to review how tree appraisals are done.

Assistant Planner Lang stated that the draft ordinance will be brought to the Planning Commissioner for review late October.

X. REPORT OF DIRECTOR'S REVIEWS [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]

- A. Director's Miscellaneous 11-18, 4465 Indiana Avenue: Approval of a 7'-6" rear yard encroachment for a residential addition to match the setback of the existing building.
- B. Director's Miscellaneous 11-22; 1429 Descanso Drive: Approval of a 100 sq. ft cabana porch enclosure that encroaches into the 9 feet into the required 15-foot rear setback but preserves the existing 6-foot rear setback established by the existing cabana.
- C. Director's Miscellaneous 11-21, 824 La Porte Drive: Approval of a 206 sq. ft. patio cover that encroaches 10 feet into the required rear setback. The proposed 5-foot setback is greater than the 2-foot setback currently exhibited by the garage.
- D. Director's Miscellaneous 11-17, 4313 Chevy Chase Drive: Allow a 94 sq. ft. bedroom addition to encroach 2 feet into the required 15-foot setback while preserving the home's existing 13-foot rear setback.
- E. Director's Miscellaneous 11-16, 4318 Bel Air Drive: Allow a 104 sq. ft. foyer addition to encroach 4'-4" into the required 30-foot front setback while preserving the home's existing 25'-8" front setback.
- F. Director's Miscellaneous 11-12, 204 Kirst Street: Allow a 780 sq. ft. addition to encroach 1-foot into the required 6-foot east side yard setback while preserving the home's existing 5-foot east side setback.
- G. Director's Miscellaneous 11-17 and 11-20, 305 Santa Inez Way: Allow a 65 sq. ft. 2nd-floor dormer to encroach 7 feet into the required 14'-6" 2nd-floor setback to the south while maintaining the home's existing 14'-6" south side setback.
- H. Director's Miscellaneous 11-24, 4728 Vineta Avenue: Allow a 254 sq. ft. addition to encroach 3'-9" into the required 8'-9" north side yard setback while maintaining the home's existing 5-foot setback.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Der Sarkissian asked for a quicker turnaround time for Planning Commission minutes.

Chairman Curtis asked for a study session to explain the EIR and General Plan at the next meeting.

XII. COMMENTS FROM THE DIRECTOR

Planner Gjolme stated that the General Plan update meetings will be coming up. He informed the Planning Commission that the City Council will review the 3950 Robin Hill Road project on September 19, 2011 to identify a "target" number for acceptable floor area.

XIII. ADJOURNMENT- 9:50 p.m.