

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON SEPTEMBER 24, 2013**

I. CALL TO ORDER 6:01

II. ROLL: Chairman Gunter, Vice Chairman Jain, Commissioners Der Sarkissian, McConnell and Walker, Community Development Director Stanley, Senior Planner Buss, Assistant City Attorney Guerra, Planners Gjolme and Clarke, Assistant Planner Burns.

III. PLEDGE OF ALLEGIANCE The Flag Salute was recited.

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.

Resident Todd Royal introduced himself to the Commission and said that he has lived in the city for a year and a half and is a student at Pepperdine University He will be writing a 5-page paper for a college class about the Commission meeting.

V. REORDERING OF THE AGENDA No changes

VI. CONSENT CALENDAR

- A. **Minutes:** December 11, 2012 M/S/C to Approve Der Sarkissian/Walker: 4-0-1 (McConnell recused)
- B. **Minutes:** June 25, 2013 - page 15, 3rd from bottom of page. "Does nothing" to be changed – has no impacts.

M/S/C to Approve Der Sarkissian/Walker with above change: 5-0.

VII. CONTINUED PUBLIC HEARINGS

- A. **Conditional Use Permit 472/Second Floor Review 11-27/Director's Miscellaneous Review (Flat-Roof) 12-04/Tree Removal Permit 12-18/Categorical Exemption; Johnson/Park; 835 Berkshire Avenue:** Request to allow the construction of 10,800-square foot new two-story house and accessory structures (garden pavilion: 1,272 sf and covered patio 575 sf). A Conditional Use Permit is required because the proposal exceeds 10,000 square feet. A Director's Miscellaneous Review is required because more than 25% of the roof is

flat. A Tree Removal Permit is required because the 20" Oak tree located on the east side of the property was excessively pruned without a permit. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave an overview and history of the project indicating that the Commission was okay with the project but wanted grading and landscaping plans. The plans shown on the overhead during the presentation have corrections on them. Change regarding trellis shown as 89' front setback but now 77' front setback. Details of gate added along the front of the property as requested by the Commission. This will need fence review by the Director but no application has been received yet – told for informational purposes only. The grade on the plan showed 85 on east side – should be 88. Walkway will be raised with a 2:1 slope. Revised elevation plan shown – setbacks have increased and the structure is smaller.

Commissioner Walker asked about landscaping on the east side near the walkway and how long is the span without landscaping.

Assistant Planner Parinas said that the existing landscaping will remain.

Public hearing opened:

Jay Johnson (architect) asked if there were any questions and introduced Jon Pride as the project landscape architect. He said that he appreciated the work done over the years by the Commission.

Mr. Pride said that the plan is straightforward. They are keeping vegetation that is allowed by the Fire Department and will fill-in the landscaping gaps as needed. They will use a grade beam near the oak tree for the wall. Fencing will replace solid walls. The location and size of the pergola was changed. The details shown on the plans have changed with items moved. The backyard was terraced for drainage purposes. The path on the east side has 7' of landscaping.

Commissioner Der Sarkissian asked for a cross section analysis by Mr. Pride.

Mr. Pride gave a summary of area and grade changes and landscaping.

Chair Gunter asked about arborist recommendations for the oak tree.

Patrick Stewart (827 Berkshire Avenue) said that his family is excited that someone is moving into former vacant property. All his concerns from July are valid but seem to have been addressed. He was still concerned with basements not counted as square footage. He knows it's a city-wide issue. He said that a 3,300 sq. ft. basement was being ignored which has a bedroom. He did not understand the direction of society regarding the size of houses.

Commissioner Der Sarkissian asked if Mr. Stewart saw the new landscaping plans and if he liked them.

Mr. Stewart said that he was concerned about plants dying in the next two years during construction and wanted them replaced with similar plants if they die.

Bryant Danner (821 Berkshire) referenced two previous letters he sent to the Commission and did not think that the findings were appropriate and that the project met the Guidelines. The basement was large with many uses and is intended to be live-in space. He asked why the square footage was not counted by the City. It's not a traditional basement space. In drawings it's called the "lower level". He was told it's a fixed policy not to count the area even with light wells. Where is the policy? What is the applicable grade used to determine if floor area counts? Height limits in code references bottom of light well as the base for measurement. Could it also be used to measure floor area? If the basement is counted the project is way over the size limit for the property. He was directed by staff to the same code section. Staff said there is an exemption in the height limits which can be made by the Director. The use of the light well to measure height is appropriate. The use of an exemption has to be specific but there is no such exemption in the floor area rules. Factors are different – height and visibility. Floor area exemptions need to be fundamentally different. It seems that the purpose of floor area rules are to be designed to be used. He may need clarification from the City on these issues. He believes it should be denied as too large or inappropriate project or seek guidance from the City Council.

Commissioner Der Sarkissian read a letter and asked for summary of the newer letter.

Mr. Danner gave a summary that it expanded and provided more details. Not explained fully by staff.

Public hearing closed.

Chair Gunter asked the Director to go over issues.

Director Stanley said that floor space in the basement is shown in the ordinance.

Chair Gunter asked about the policy to interpret it and only use staircase.

Director Stanley said light wells were limited by the minimum size allowed by the building code. The height of light wells was discussed in the staff report with light well exemption and in the code.

Commissioner Der Sarkissian asked about the table on page four. The only thing he could call living space would be the bedroom in the basement – about 300 sq. ft. Even if you add this area to the livable space it would still be lower in size than what is permitted for the property.

Discussion:

Commissioner Der Sarkissian sympathized with the comments but his hands were tied by the code. He was concerned with “livable spaces” in the basement. He had no difficulty with the findings as it was approved before. The comments received from Mr. Pride satisfied him and he can vote to approve.

Commissioner Jain agreed with his colleagues. He spoke about the 10,000 sq. ft. CUP requirement. He agreed with habitable space below ground as outlined by Commissioner Der Sarkissian. He noted that light wells are allowed in the code. He said that landscaping and grading issues were addressed in the plans provided. Replacement plantings, if necessary, should be the same size as the existing planting. He can make the findings.

Commissioner McConnell visited the site again today and recognized changes made by the applicant and he can make the findings.

Commissioner Walker said she revisited the site and agreed with her colleagues and noted that the applicant had made changes to address concerns of the Commission. She agreed with Commissioner Jain on the need for plantings to be replaced.

Chair Gunter said that he met with the applicant team and revisited the site. The applicant had met the charge of the Commission in making

changes. The ordinance is clear on what square footage is used and it's a fair interpretation used. Two locations in the basement are not underground but 90% is. The ordinance does not use "livable" for basements. Landscaping plans address issues raised and do not impact neighboring properties in a negative way. He knows he can make the findings with added conditions discussed.

Director Stanley mentioned the size of trees. He asked about modifying Condition of Approval (COA)# 26 and adding a provision for replacement.

Chair Gunter said that it should not be in perpetuity.

Commissioner Jain said 2 years would be right in-kind, size, and scale with the species the same for two years after completion of the house.

Public hearing reopened.

Mr. Stewart was against the two year limit as it was too short a time. He asked for something longer as that would be more reasonable - maybe five years. The types of removed plants may not be available. The size and shape of plants is more important. He asked why not use the basement in determining square footage.

Mr. Pride said it made it difficult to replace the types at the size existing. Also, the size of box may require removal of other plants when being replaced.

Chair Gunter asked what is to prevent the owner from removing all the plants and replacing them with smaller plants.

Mr. Pride said that plants vary in size and it's hard to replace them as available plants vary in nurseries.

Commission Jain asked if it was fair to treat all the plants as protected plants.

Mr. Pride said that the Commission could add a Condition of Approval regarding damages. They will notice any problems in the first year following construction.

Director Stanley said that COA # 18 could be expanded to include mitigation on the east side.

Public hearing closed:

Director Stanley suggested not using timing for plant screening but replace with similar size and scale.

Chair Gunter thought that the statement was fair - would probably be four years from now.

Assistant Planner Parinas spoke about code enforcement on other cases when plants died.

Chair Gunter suggested amending COA # 18 to include screening on the east side but exiting has no time limit.

Commissioner Jain mentioned screening and distance.

Director Stanley said that the tree trunks were not large now. The Commission could add protection plan to be reviewed by the Director.

M/S/C Der Sarkissian/Jain to Approve: 5-0.

Modified Condition of Approval # 18 to include "planting material on the east side", with protection plan to be reviewed by the Director of Community Development.

- B. **Hillside Development Permit 13-14/Second Floor Review 13-04/Categorical Exemption; Johnson/Boynerian; 458 Noren Street:** Request to allow construction of a new 5,290 sq. ft. residence and related site work, including reconfiguration of an existing rear yard swimming pool and new deck. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme) The applicant has requested a continuance to the October 8, 2013 Planning Commission meeting.

M/S/C Gunter/Walker to Continue: 5-0.

VIII. PUBLIC HEARINGS:

- A. **Hillside Development Permit 13-35/Modification 13-09/Categorical Exemption; Johnson/Hughes/Wang; 5138 Redwillow Lane:** Request to allow the construction of a 1,086 single-story addition on a 16,112-square foot hillside lot. A Setback Modification is required to allow an 18'-0" encroachment in to the required 25'-0" front setback and to allow a 2'-0" encroachment in to the required 14'-6" south side setback. Staff is recommending that the Planning Commission

approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Burns gave an overview of the proposal.

Public hearing opened:

John Hughes (applicant) said that he loves the community. He said that both neighbors most impacted by the proposal are happy with the plans.

Jay Johnson said it was a modest project. The proposed addition is in front of the garage. Cars can fit comfortably in the garage. He asked about exploring a Variance application but he would be happy to come back at a later date. There are cost and practical issues pertaining to increasing the size of the garage.

Assistant City Attorney Guerra said that issue was not before the Commission tonight and that he cannot poll members and advised them not to discuss as not on the agenda.

Chair Gunter asked if Mr. Johnson had explored all the options available.

Mr. Johnson said with the current layout it cannot be done unless you pull down walls which impact an existing restroom.

Public hearing closed.

Commissioner McConnell said he visited site and that he can make findings for the south encroachments but he was concerned about the garage coming more forward and asked about undersized garages.

Commissioner Walker said that she agreed about the front setback but was open to a Variance request. The main issue was with the south side encroachment. The City has standards to uphold and hardship has to be shown. But this is new construction and can be designed to work without an encroachment. She agreed with staff on cutting corners being hard. She cannot move to make side yard findings.

Commissioner Der Sarkissian also visited the site. He concurred with Commissioner Walker. He said that the proposal can be rearranged and that he cannot make south side findings.

Commissioner Jain also visited the site and met with the homeowners. He said that the south side encroachment can be rearranged but what would

we gain? He looked at both sides of issue. He is okay with the south side findings. He is concerned about the garage as it pinches the front entry. Variance was going to harm the project and he was not in favor of one. He is inclined to look into more options. Overall, he was okay with the south side encroachment but not with the garage.

Chair Gunter agreed that it was a modest addition. He sided with Commissioners Der Sarkissian and Walker regarding the south side encroachments. There are other alternatives to what was proposed. The garage has a hardship condition. The prohibition of the garage stops adding a bedroom. He can make the findings for the garage but not for the south side. He summarized the Commissioners positions and noted that none of them would approve the project as proposed. He said that the Commission can have a vote or continue the item.

Public hearing reopened.

Mr. Hughes asked about south side encroachment as it is in keeping with neighboring properties. If a neighbor would write a letter in support would it impact the decision?

Chair Gunter spoke about concerns and did not think a letter would change his decision.

Commissioner Walker agreed with Chair Gunter and commended them for working with the neighbors but that will not change her mind.

Chair Gunter outlined the appeal process to the applicant.

Mr. Johnson asked if they could return in a month with no south side modification required. He asked for a vote to deny the south side encroachments and approve the garage.

Director Stanley said that it was a hillside approval. If the Commission was okay without seeing revised plans which would need to be approved by the Director.

Chair Gunter spoke about a motion for approval of the garage but not the south side, with Director to review and approve.

Chair Gunter had concerns regarding COAs without knowing what the plans look like.

Commissioner Der Sarkissian said that they have to be consistent and that the project needs to come back to the Commission at a later date. He noted that it was similar to the Normandy case.

There was a general discussion by Commissioners of options available.

M/S/C: Gunter/Jain to Approve: 4-1 (Der Sarkissian voted no).

Approval for the front yard encroachment only and deny for the south side and defer the hillside permit to an administrative hearing in less than 40 days from now. Remove COA # 13.

- B. Second Floor Review 13-13/Categorical Exemption; Samwon Design Inc./Chun; Samwon Design Inc.; 1101 Lavender Lane:** Request to allow a new 3,935 sq. ft. two-story residence to be constructed on an 11,804 sq. ft. lot. The project complies with all floor area, setback and height requirements. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

No report was required by the Commission.

Public hearing opened.

Steve Shin from Sanwon Design commended the Commission and staff. He said that he had visited commissions in other cities and that he appreciated the hard work done in La Cañada Flintridge.

Public hearing closed.

Commissioner McConnell was concerned about the east side elevation. He would like to see more articulation on that side and asked if this was discussed with the applicant.

Planner Gjolme spoke about the east side elevation and noted it was boxy in appearance. The applicant was to use an appropriate color palette with a COA requiring a color and materials board to distinguish roof and wall colors.

Commissioner McConnell said he can make the findings if screening was added.

Commissioner Der Sarkissian asked about 6 windows facing the neighbor to the east.

Planner Gjolme said that he got a letter today in support of the project from the easterly neighbors.

Commissioner Der Sarkissian regretted taking out the olive tree. Better entrance if moved and save the olive tree.

Commissioner Walker agreed the with east elevation concerns and agreed that trees would help.

Commissioner Jain mentioned screening on the east side.

Chair Gunter said that the house would be an improvement to the neighborhood and that he wanted trees on the east side for screening.

M/S/C Walker/Jain Approve: 5-0.

Change COA # 21 to add additional screening on east and west sides.

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

Planner Gjolme spoke about the history of the issue over time.

Chair Gunter said that he was in favor of the code change. There was not a strong consensus to oppose and it not unanimous.

Planner Gjolme said that staff had City Council direction to pursue/explain the code change.

Chair Gunter said that Commission members did not get a copy of the draft ordinance or staff memorandum. They may need to continue the

item. There was a misunderstanding and he was unprepared to discuss the ordinance. Continue to next Commission meeting on October 8

M/S/C Gunter/McConnell to Approve: 5-0.

IX. OTHER BUSINESS:

- A. **View Preservation:** A study session regarding the subject of trees and the preservation of views from adjacent houses. The discussion may lead to the initiation of amendments to the Zoning Ordinance to address trees and view preservation.

Director Stanley gave an overview of the staff report in response to comments made at a City Council meeting regarding the issue.

Mr. Ghaneh (resident) went over slides showing impacts to his view from trees. He offered to pay for tree trimming every three years. The neighbors would not agree to this. Without a City view ordinance his view is blocked. He presented what he had shown to the City Council regarding views and property values. He wanted a balance between privacy/shade and view. He cited Beverly Hills, Palos Verdes, Laguna Beach and Malibu as having view preservation ordinances.

Commissioner Jain said he was not prepared enough to decide at this time. The City could start to lose trees. More research and study was needed. There were more negatives than merits for having it.

Commissioner McConnell could see merit in it. Not all homeowners take responsibility to trim their trees. He had protected tree status concerns. He noted the changing vegetation in the city over time. Further discussion regarding the issue would be welcome.

Chair Gunter said that he did not agree with it. View is not the only reason why people move to hillside homes. View is hard to define and difficult to enforce. City has spent huge energy to get trees and City has huge diversity in types of trees. Trees impact streets significantly. He was opposed to reducing the number of trees. Government is not the solution. They should not change the tree ordinance.

Mr. Ghanch said trees shown in his presentation are not protected trees.

Commissioner Walker took exception to only referencing trees in the hills and thought that they should include all trees. There was view blockage over time at her house. It was difficult to enforce.

Chair Gunter did not think they could craft a rule that would be enforceable.

Commissioner McConnell referenced Laguna Beach ordinance and the process used there. There were impacts on views from tree plantings.

Director Stanley asked Commissioner Walker for her opinion or direction.

Commissioner Walker agreed with Chair Gunter and noted it was difficult to enforce.

Commissioner McConnell thought that the City of Beverley Hills ordinance was too strict.

Mr. Ghanch said a lot of good ordinances exist.

Commissioner Der Sarkissian said that he has participated in discussions in Glendale regarding this subject but that they were not successful. Regulations exist in cities by the coast and this is the key element. It was more an issue in the San Francisco Bay area. In La Cañada Flintridge houses are cheapest in the hills compared to estates on the flats. Ocean views are the cost of the house impacts. Gave example of people buying a house, chopping trees, conditioning trees and then selling it. It would be an arbitration process.

Commissioner McConnell said that arbitration would be a difficult process. Not all homes in Palos Verdes have ocean views.

Commissioner Walker agreed with Director Stanley about rights to view versus rights to have trees.

Commissioner Der Sarkissian said that the resident is not dictating as there are half steps in the middle. He spoke about tree issues for earlier case and how sad that was. Maybe consider extreme cases. It could be a big issue and maybe arbitration would be better.

Chair Gunter said he was not in favor of dragging people into arbitration.

Commissioner McConnell said that cost should be paid by complainants.

Chair Gunter said that he was in touch with a large swatch of the community and that he had not heard complaints regarding this issue.

Commissioner Der Sarkissian said that the Commission discussed the tree ordinance for 3 years and got chopped down by the City Council as residents objected. Any proposal would get significant opposition.

Chair Gunter asked about recommendation to City Council.

Commissioner McConnell – Yes.

Commissioner Jain - Yes.

Chair Gunter – No.

Commissioner Der Sarkissian – No.

Commissioner Walker –No.

Vote: 3-2 No.

Chair Gunter said that it's not that simple for the City to prepare an ordinance.

Commissioner Der Sarkissian said that it had a low priority to study compared to other items.

X. REPORT OF DIRECTOR'S REVIEWS None

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Der Sarkissian spoke about the quantity of materials received on Friday evenings. Deliver packages earlier in week and not be forced to do review, study and do site visits so quickly.

Chair Gunter shared Commissioner Der Sarkissian's thoughts. Packets are needed to be delivered before Friday night.

Commissioner Jain asked about cut-off dates.

Director Stanley said that we noticed things without having all of the items.

Commissioner McConnell asked for materials digitally.

Commissioner Der Sarkissian asked about landscaping on house in his neighborhood on Hampstead.

Director Stanley said that there were tiered retaining walls and plantings and that it will step down.

Chair Gunter asked for update on 7/11 store. There was none at this time. He also asked if there was any news on the Fire Department coordination meeting.

Director Stanley said that they were working on a water conservation ordinance now for City Council. He had nothing on Irrigation District changes.

Chair Gunter asked if elected officials at the State level were aware of the issue.

Commissioner Der Sarkissian asked about water companies versus districts – he is a shareholder and can vote on board members.

Director Stanley said that water pressure may not exist to fight fires.

Commissioner Der Sarkissian said he was supportive of a tour of projects.

Chair Gunter said that he wanted a tour of what was built in the field.

XII. COMMENTS FROM THE DIRECTOR None

XIII. ADJOURNMENT The meeting was adjourned at 9:37