

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON SEPTEMBER 25, 2012**

- I. CALL TO ORDER:** 6:02 PM
- II. ROLL:** Chair Der Sarkissian, Vice Chair Jain, Commissioners Curtis, Gunter and Walker; All present.
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** None
- V. REORDERING OF THE AGENDA:** No changes
- VI. CONSENT CALENDAR:**
 - A. Minutes:** June 12, 2012 (did not approve)
- 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; 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 presents the project. The applicant has made some changes to the design, but the tree is still in the driveway (hammerhead) area. Staff still recommends that the house be redesigned. The applicant has not yet submitted a request to retain the tree and design the hammerhead around the tree. The applicant is generally looking for some additional direction from the Planning Commission before proceeding further. Staff still recommends continuation for redesign.

Commissioner Curtis asks if the Fire Dept has standards for how close the hammerhead should be to the house. Staff responds that there are standards to get to the rear of the house with 150 feet of hose.

Chair Der Sarkissian opens the public hearing.

Mr. Jay Johnson addresses the Commission with a recap of some of the changes that have occurred through the previous meetings. This includes changes in the roof pitch (2' lower) and the architecture. He wants to keep the house in its current location. The design now meets the requests of staff and would like staff's recommendation. He states that he wants feedback from the Commission. Is the size and architecture appropriate?

Mr. Johnson reviews some of the design changes for the hammerhead and notes that the 1st design cannot be accommodated. The second design would require the house to move back an additional 20 feet. This is not the direction that the neighbors want the house to go. So this does not meet the request

of the Commission. The Option A and Option B designs are presented. These two designs preserve the oak tree and probably would be okay with the Fire Department. Option A would mean moving the house back to the original location the neighbors don't like. The Fire Department will not change the design of the hammerhead. So the choice is to allow the house back to the original location or remove the oak tree. He also notes that the tree is a C- rating and will not last a long time. He asks the Commission to choose one of the options. He also asks about the architectural design.

Commissioner Gunter asks about fire lane around the house. Mr. Johnson says no.

Commissioner Curtis asks about fire sprinklers. Mr. Johnson states that all homes require them.

Chair Der Sarkissian asks about the design of the hammerhead.

Commissioner Jain asks about the pavilion in the back and the Fire department requirements.

Director Stanley addresses the distances involved for the fire hoses due to the wing of the garage adding distance.

Mr. Bryant Danner, 821 Berkshire Avenue, voices concerns regarding the comments tonight. He wants the project denied but the applicant has asked for advisory direction. He cannot comment on the project because the details have not been presented to the Commission. He still wants the Commission to tell the applicant to submit for the tree removal. There is not enough information here to comment on.

Mr. Patrick Stewart, 827 Berkshire Avenue, says he is confounded that the project has gone on for as long as it has. The residential guidelines are not being followed. The house is still too big. It is still too close. He states the Commission is ignoring the fact that it does not fit in the neighborhood.

Mrs. Scarlett Hibner, 860 Berkshire Avenue, asks about a fire hydrant.

The Chair closes the Public Hearing. [6:49 p.m.]

Commissioner Gunter states that the lot does not support this design for the house. It does not address the issues raised at the last meeting. The Fire Department issue can be solved with a different design and neither requires removal of the tree or having a hammerhead. He wants the applicant to look at the minutes from the July meeting for his direction.

Vice Chair Jain states the size doesn't matter, the height does. The fire issue can be solved in other ways. A lane around at least one side of the house would work for Fire.

Commissioner Curtis states the height has been dropped and this is appropriate. Eliminating the modification helps. The tree and turnaround remain, but not enough info is presented. He wants a tree report. He does not want to slide the house back to where it was.

Commissioner Walker states that a fire expert would have been good to have here. This is a great lot, but the design is not right for the shape of the lot. Not enough information is available from the Fire Department. Lanes around the house would be best. She would not like to remove the tree.

Chair Der Sarkissian states that the applicant needs to design the house to the shape of the lot, but he is not as strong as Commissioners Gunter and Walker. The mass is still there although an extension for the garage could work. He wants the tree to remain. He would move some of the bulk around to not fight the shape of the lot. The present design is too close to the side lot lines. The tree foliage in front is important to retain.

Mr. Johnson asks if the 27'-6" height will work for two stories. Commissioner Gunter indicates that the Commission will not give a specific number. The design is still fighting the lot. Vice Chair Jain comments about reducing the width of the house. Commissioner Curtis comments that the location could slide back. The Commissioners are comfortable with the revised height.

Mr. Johnson requests a motion to continue the matter to a date UNCERTAIN. Commissioner Curtis moves and Vice Chair Jain seconds to continue the hearing to a date uncertain. The motion carries unanimously.

VIII. PUBLIC HEARINGS:

- A. Hillside Development Permit 11-05 and Second Floor Review 11-04 (Amendment); Wurm; 5156 Oakwood Avenue:** Request to consider an amendment to a condition of approval to the Hillside Development Permit and Second Floor Review for a new two-story home. The house was originally approved in 2007 and again in 2011. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke addresses the request. He uses the PowerPoint presentation to demonstrate the issues to the Commission. He summarizes by indicating that the request includes substituting the single lost tree with several smaller trees.

Vice Chair Jain asks about conditions to monitor the condition of the tree.

Planner Clarke states a condition could be added. An arborist should be involved with the review.

Commissioner Walker asks about the tree sizes due to the confusion in the staff report.

Director Stanley explains the confusion regarding box sizes and the trunk diameter sizes. The relocated 16" diameter **trunk size** tree died and additional trees of minimum **box size** are being recommended.

Chair Der Sarkissian asks why the boxed tree died. Staff responds that it was not watered.

The Chair opens the Public Hearing. [7:23 p.m.]

Mr. Jon Pride, landscape designer for the project, addresses the Commission. The original tree was to be retained. A replacement 16" diameter tree is too big to be moved onto the site. The crane required to move a 16" diameter trunk size tree cannot access the site. The applicant wants two 8" diameter trunk size trees to substitute. They want to use the newly planted Sycamore now on site to act for one tree, and also use the oaks for the main part of the lot.

Commissioner Walker asks about the room required for two oak trees. Mr. Pride responds that the closeness creates a grove like setting. The 8" trunk and tree crown will work for access. They also establish better than a large tree.

The Chair closes the public hearing. [7:30 p.m.]

Commissioner Walker states that having the oaks in back and the sycamore in front is okay.

The other Commissioners state they are okay with the proposal. Commissioner Curtis requests that a condition be added for monitoring the trees for three years.

Chair Der Sarkissian remembers that the trees were put there for screening and the neighbor's house to the south is exposed. He thought the Commission wanted screening in all directions. He agrees with the rest of the Commission.

Commissioner Curtis moves and Commissioner Gunter seconds a motion to approve the request. The motion 5-0 approved.

- B. Minor Conditional Use Permit 480; Harutunian (Vons Property Development Centers); 649 Foothill Boulevard:** Request to allow a tutoring center use in an existing building in the Mixed Use 1 zone of the Downtown Village Specific Plan. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Vice Chair Jain recuses himself for distance to his property. The Planning Commission does not require a staff presentation. Commissioner Gunter asks a question regarding employees restricted to parking in rear.

Commissioner Walker states she is concerned about this not being a retail use in the Village Center. She notes her concerns about eroding the intent of the SP.

Commissioner Gunter points out that the retail needs protection on the ground floor. Some amount of this use is okay since the parents will be dropping off their children and may use the surrounding businesses.

Commissioner Curtis is concerned about the right balance of uses; especially regarding parking. As long as there are not more, then he is supportive of the use.

Commissioner Curtis moves and Commissioner Gunter seconds a motion to approve the request. The motion carries on a 4-0 vote. [7:46 p.m.]

Vice Chair Jain rejoins the Commission.

- C. Setback Modification 12-07; Park; 3615 Hampstead Road:** Request to allow a pool house, spa, pool equipment and carport to encroach into the front, side and rear yard setbacks of an existing one-story house. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke presents the project. He notes that the encroachments were brought forth by the owner and that the encroachments were more severe than originally thought. This includes development without permits and encroachments on adjacent property. Staff is recommending for some setback modifications, but has some concerns about some of the encroachments. There are issues regarding encroachments into the public right-of-way also that may require covenants.

Commissioner Curtis asks about the requirements for addressing the encroachments. What protections are available to the City.

Various Commission members ask staff about the issues outlined in the Staff Report. Director Stanley discusses the instability of the structure; that it will likely have to be demolished anyway.

The City Attorney is consulted regarding some of the legal issues relating to adverse possession, and city liability for any approvals.

Director Stanley addresses questions regarding the property and the process to try to get compliance or

with corrective measures.

Mr. Sungho Park, owner, addresses questions that have been raised. He has letters from some of the neighbors regarding the encroachments. He also talks about trying to keep the spa and carport where they are under certain conditions. He will remove the equipment if the neighbors say they want it out.

Mr. Tom Owenson, 1020 Inverness, neighbor, states he has no objections to the recommendations in the Staff Report.

Mrs. Rosa LeClerc, 3726 Berwick Drive, states she has no issue with location of structure.

The Commission asks about the ability to grant an easement to allow the eave to overhang the LeClerc property. The setback modification is still required.

Mr. Park explains that he is a first time buyer. The issues were disclosed by seller but there was no survey to ascertain boundaries. He has to survey the property to prove that the prior owner knew about the problems when he sold the property. Then he could go back to the former owner for relief.

The Chair closes the public hearing. [8:27 p.m.]

Vice Chair Jain asks about how to correct the situation.

Commissioner Walker asks if there are alternative legal ways to continue the item with enough time to allow the property owner to pursue legal remedies before these requests are considered.

The City Attorney states that there must be a date certain to come back to in order to give staff a finite time to get things legal.

Commissioner Curtis summarizes that the trash enclosure must get an encroachment permit or move it. For the carport, just cut off the eave encroachment and he could grant the Modification. He doesn't care if it is a carport or a garage, but give the owner six (6) months to correct. The spa and pool equipment could be continued to allow the applicant to "sue the world" to see if he can get the property. The pool equipment would have to have a Modification. He could support a Modification conditionally as long as he proceeds to get the property. He is okay with the garage conversion.

Commissioner Gunter commends the owner for trying to do the right thing. There are three things the Commission is looking at: (a) carport/trash/fence, (b) pool house, and (c) spa and pool equipment. He states the carport location okay and trash enclosure is okay. He recommends approval of a Modification for the carport and conversion to a garage as required by code. He would grant the Modification for the pool house. He would approve these now. At the rear, he cannot approve the spa/equipment because it is not on the applicant's property. He would recommend continuing the matter for the applicant to try to get the property.

[The PowerPoint projection system stops working at this point.]

Chair Der Sarkissian asks why the Planning Commission should approve the trash enclosure when it can be moved easily.

Commissioner Gunter indicates that the location is out of the way and does not interfere with the right-of-way. All things considered, it could be removed easily if the City were ever to need the street. An encroachment permit would still be required from Public Works.

Commissioner Walker would support Commissioner Gunter comments. She would like the things

separated out rather than go to code enforcement, and the pool/spa equipment be continued to a date certain. The trash enclosure is for Public Works to decide, but I have no objection to the pool house and the carport on the lot line.

Vice Chair Jain has no problem with the pool house, the trash enclosure could be allowed if Public Works says so – not our review. He would go along reluctantly with the staff recommendation. The pool and spa equipment can't be approved because it is not on his property. So he would continue the matter to allow the owner to repair.

Commissioner Walker asks why shouldn't condition #16 be eliminated since it is not the purview of the Planning Commission. Director Stanley states that the condition is constructive notice only for the applicant.

Commissioner Gunter moves approval for the setback Modification for the carport, convert the carport to a garage, grant the Modification for the pool cabana, continue the spa and pool equipment Modifications for nine months to a date certain (June 25, 2013). Also modify condition #15 to remove references to pool and spa due to the continuance and eave of garage modified not to encroach past the property line.

Motion seconded by Vice Chair Jain. The motion is approved on a 4-1 vote (Chair Der Sarkissian opposes). [8:59 p.m.]

The Commission allows a break.

The meeting resumes at 9:05 p.m.

- D. Second Floor Review 12-14; Samwon Design, Inc./ Kang; 335 Blythe Road:**
Request to allow construction of a code-compliant 2-story residence and attached garage comprising 6,888 sq. ft. on a 28,000 sq. ft. non-hillside lot. The existing single-story residence would be demolished in conjunction with project approval Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme provides a short version of the project due to the lack of the computer projection system. The project exceeds standards for development and staff supports the project.

Vice Chair asks about the floor area differences in the staff report. Staff explains about the separate accessory building on the site and how it fits into the code limits for floor area.

Planner Gjolme addresses condition #26 that should not have been included and should be removed as there is not a nexus. There is also attic area that needs to be addressed with the truss requirement to prevent additional floor area.

The Chair opens the public hearing. [9:13 p.m.]

Mr. Jay Johnson adds comments regarding reducing the bulk of the house and increasing the setbacks. The design is oriented such that it maximizes separation from neighboring houses. The magnolia tree will be retained as well. The second floor ceilings have also been clipped to limit the height. The architecture matches the area.

The Chair closes the public hearing. [9:17 p.m.]

Vice Chair Jain states that he supports the staff recommendation, and can find for the project.

Commissioner Gunter visited the site and agrees with the staff findings, the house meets the styles in the neighborhood and he can support the project.

Commissioner Walker concurs.

Commissioner Curtis visited the site and states that the project meets the Residential Design Guidelines. He can support the project with the modified conditions.

Chair Der Sarkissian also concurs with his fellow Commissioners.

Moved for approval by Commissioner Curtis with the removal of condition #26 and the addition of the new truss condition, and seconded by Chair Der Sarkissian, the project is approved unanimously.

IX. OTHER BUSINESS:

- A. Tree Removal Permit 12-23; Lee; 4637 Rockland Place:** Planning Commission determination of remediation/mitigation measures for excessive trimming of three Deodar cedar trees without a permit by an unlicensed tree trimming service on private property. (Planning Intern Yesayan)

Gary Yesayan, Planning Intern, presents the case to the Commission. The presentation has been printed and presented to Planning Commission on paper (the projector is out). He notes how the issue was discovered and that the trees were trimmed by an unauthorized tree trimmer. An arborist was hired at the applicant's expense and the trees were evaluated for value. Staff has recommended that the conditions of the arborist contained within the report be followed. This includes monitoring the trees to get back to health for five years, addressing irrigation to protect the trees, levying damage fees and more.

Commissioner Curtis asks about code enforcement cost recovery. He has questions regarding the payment of fines and monitoring in installments and use of arborists from city's list for future work. Director Stanley has no problem.

Ms. Jamie Kim, the commercial real estate broker representing Mr. Lee, asks the Planning Commission for a reduction of the costs due to several hardships related to their business, and noting that some of the damage to the trees is from a prior windstorm. Their ignorance of the requirements for tree trimming played into their unlawful activities. They did rely on a tree trimming service that was not licensed and did not know how to correctly trim a tree.

Commissioner Walker asks the applicant if some of the conditions have already been addressed. The representative states that is the case. They are in a serious cashflow situation.

The Chair closes the public hearing. [9:33 p.m.]

Commissioner Walker notes that many of the recommendations of the arborist have already been accomplished. The trees appear to be recovering. She would like to recognize the good faith effort of the applicant and would recommend reduction of the fine and the taking of installment payments. She would be in favor of monitoring for eighteen (18) month intervals: June 2013 and 18 months later for final review. If in good health and recovering, no additional visits would be required.

Commissioner Gunter agrees.

Vice Chair Jain also concurs with Commissioner Walker.

Commissioner Curtis concurs but would like to reduce the fine to \$1,500 or the cost of code enforcement, whichever is less.

Chair Der Sarkissian supports the same.

Commissioner Curtis asks if the \$1,500 or cost of enforcement, lesser of the two, would be satisfactory to the rest of the Commission.

Commissioner Walker makes a motion to accept a reduction in the fine to the Code Enforcement cost or \$1,500, whichever is less, and have two inspections: June 2013 and Dec 2014; and if found to be in good health, no additional inspections will be required, and the allowance of installment payments and use of city-approved arborists for future trimming. The motion is seconded by Commissioner Curtis. Staff will prepare a resolution for next meeting or will determine another approval memorialization. [9:40 p.m.]

- B. Tree Removal 11-40; 991 St. Katherine Drive; Morillo:** Request to remediate the removal of three Chinese Elm trees. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas reports to the Planning Commission and summarizes the report. She notes the long timeline on this case and the prior continuances.

Commissioner Gunter notes he visited the site and that more than 30% of the roof is now missing. This means that the house is not in compliance with code requirements.

The Commissioners comment about the trees and the building.

Mr. Pierre Morillo, owner, addresses the Commission. He states that he is in the process of finalizing the processing of the plans and would like an additional continuation.

Commissioner Gunter is concerned with the length of time it has taken to get here and we are still not to a point of resolution.

Mr. Morillo says that the values in the arborist report are out of line. He wants the fine reduced. Mr. Morillo contends that the house is in accordance with the approved plans.

Chair Der Sarkissian indicates that there is now another problem on the site with the missing house walls. The potential problems with the house aggravates the issue including how the trees and landscaping work on the site. The whole package is now owed to the Commission.

The Commission discusses dates for continuance and time to review.

Commissioner Walker states the fine was previously established and we should get a deposit to hold to make sure that the work is completed.

Chair Der Sarkissian notes that the fine was somewhat arbitrary. He does not stand so much on the number as he stands on getting the plans. His main concern is to get the landscaping done.

Discussion ensues regarding previous deposits and activities related to the site.

Mr. Morillo requests that the deposit be reduced to \$10,000.

Commissioner Gunter would like the safety of a deposit and continue the matter to the November 13th meeting and a \$25,000 deposit by October 4th. If no deposit is received by that date, then the matter will be brought back to Commission on Oct 9th. This is a motion by Commissioner Gunter. The motion is

seconded by Commissioner Walker and the matter is approved with a 4-1 vote (Chair Der Sarkissian). The applicant is ordered to bring the plans to the Community Development Department by October 30th and scheduled for the Planning Commission meeting of November 13th.

X. REPORT OF DIRECTOR'S REVIEWS: [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews]: None

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Gunter comments about an Administrative Hearing he held in the prior week. The matter was more complex than he thought should be at the admin level. He also notes that the 7-Eleven looks to be regular a convenience store, not a liquor store.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley notes that there will be no October 1 meeting. He also asks if there will be a quorum for the second meeting in November. We will also look at the work load. The packets should be delivered as early as possible.

XII. ADJOURNMENT: 10:20 p.m.