

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON OCTOBER 9, 2012**

- I. CALL TO ORDER:** 6:03 p.m.
- II. ROLL:** Chairman Der Sarkissian, Vice Chairman Jain, Commissioners Curtis, Gunter and Walker ALL PRESENT
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** None
- V. REORDERING OF THE AGENDA**
- VI. CONSENT CALENDAR:**
 - A. Minutes:** June 12, 2012 [Approved 4-0-1 (Gunter)]
- VII. CONTINUED PUBLIC HEARINGS**
 - A. Hillside Development Permit 12-24 / Variance 12-01 / Second Floor Review 12-08 (Dir) / Director's Miscellaneous Review 12-17 (SB); Eissa; 787 Greenridge Drive:** Request to legalize retaining walls (15'-0" maximum height) in the rear yard, additions at the first (447 sq. ft.) and second-floor (148 sq. ft.) level, a new sport court, back-yard restroom, remodeled pool and various other site improvements, including 42" walls in the front yard. A Variance is also required because the additional floor area exceeds the allowable floor area for the lot, the sport court encroaches into the side-setback requirement and is placed on fill, and the second floor addition encroaches into the required angle plane. The maximum allowed floor area for the subject parcel is 4,665 sq. ft. and the total floor area proposed would be 6,222 S.F. (inclusive of existing volume space, covered porch areas and the restroom by the pool). A Director's Second-Floor Review is required because some of the additional area is at the second-floor level. A Director's Miscellaneous Review (Setback) is required since the additional first-floor area encroaches 6" into the west side-yard setback requirement and the additional second-floor area encroaches 8'-6" into the east side-yard second-floor setback requirement but in no case is closer than the existing house. Additionally, the replaced pool equipment encroaches into the west side-yard setback requirement. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Vice Chair Jain recused himself due to his association with the applicant and left the Chambers.

Assistant Planner Lang presents the report with a PowerPoint presentation. She notes that there has been work done on the site that the applicant would like to legalize. The unapproved work includes room additions, patio covers, accessory structures, an exacerbated angle plane encroachment, a new deck, a sports court, etc. Staff is recommending denial of the Variance for extra floor area and other improvements, but is recommending approval the pool equipment and the retaining walls. He has also encroached into the public right-of-way and would need an encroachment permit for work done there.

Commissioner Curtis questions some of the flatwork on the site. He also notes that there is a letter indicating that the owner is in violation of CC&Rs but that the City is not a party to enforce these.

Chair Der Sarkissian comments on the letters that have been submitted with some letters in support and some against the project. Two letters are in support and one is in opposition.

Commissioner Gunter asks to see certain slides for the requested actions.

Commissioner Walker asks about the fill and if it is an issue when there is only a patio.

Chair Der Sarkissian asks to have the changes itemized to show what is compliant and what is changed: volume space, angle plane, floor area, patio covers.

Chair Der Sarkissian opens the public hearing [6:25 p.m.].

Mr. Eissa, the applicant, addresses the Commission. He states that he bought in August 2008 but it was inappropriate for his extended family with parents, etc. Much of what was added was as a result of his live-in parents. The house area is in the range of the neighborhood. Most of the work was completed in 2009. He pleads lack of experience for not getting the appropriate permits. Only 4,300 square feet of the house is useable space.

Commissioner Gunter asks Mr. Eissa about the purchase of the house and all the papers that have been signed. He notes that the construction lasted about one year. Mr. Eissa responds that he used people that should have known what they were doing and relied on them to obtain all necessary permissions.

Commissioner Walker notes that there were stop-work orders, but work continued to be done.

Assistant Planner Lang explains the status of the house at the time of the first stop-work order. Director Stanley further clarifies that the applicant continued after the stop-work orders were placed. This was a clear violation of the stop-work order.

Commissioner Curtis asks for clarification of the status at the time of the stop-work order. Director Stanley explains that much work was not complete when the first order was delivered. Work continued in violation of the stop-work orders. This was 2009. The Code Enforcement Officer was in the process of filing to the City Prosecutor when the applicant finally applied for approvals.

Commissioner Gunter notes that there are nine entitlements requested.

Applicant's architect, Asik Menachekanian, speaks. He provided "after the fact"/"as-built" drawings on behalf of the applicant. He notes that most of the rear improvements are not visible from off-site. He is there for questions.

Mark Mannarelli, representing the Home Owners Association (HOA), notes that the hills had been cut into and retaining walls built to complete the sport court. He is concerned about water coming off the hillside and where it drains. He notes that there was a lot of cement work completed without HOA approvals or building inspection. The process should be that the HOA gives approval first and then the City reviews and approves the plans.

Commissioner Curtis asks when the HOA got involved. Mr. Mannarelli responded that in 2009 the HOA had to go to the homeowner and ask what was going on. The HOA has not yet considered the project, and therefore no position on the project is presented.

Brian Palmer, HOA member, recalls that the HOA was concerned about the water runoff. The HOA hired an engineer to investigate. The homeowner was to follow up with this engineer and develop a final design. The homeowner did not follow up. The HOA has not approved anything yet.

A distant neighbor, Mary Manoukian (841 Greenridge Drive), stands up in support of the applicant.

Jane Kim, across the street neighbor (790 Greenridge Drive), does not recall the construction. She is only really concerned about the water runoff. She states that the applicant family members are lovely neighbors and the house is lovely.

Judy Ek, next door neighbor (781 Greenridge Drive), is unhappy with construction because it went on for a long time. She is only concerned now about water runoff from rear retaining walls.

Susan Bogey, Attorney Arnold Graham's partner, asks if the city has hired an engineer to study the construction. Most troubling to her is that the homeowner has to have known about the requirements for permits. The papers signed when the house was purchased are notice that the HOA requires approval. She asks the Commission not to approve this just because it looks nice. She thinks there are serious issues regarding walls and drainage and no compliance with rules.

Mr. Eissa rebuts that the wall was done the right way and was built in accordance with standards.

Asik Menachekanian, the applicant's architect, brings up a technical issue regarding walls – 8 inches of freeboard

Chair Der Sarkissian closes the public hearing [7:05 p.m.].

Commissioner Curtis asks staff to please clarify the project. This application is a process to legalize what was done, not for punishment.

Director Stanley explains that we give applicants the opportunity to correct violations and this is part of that process.

Commissioner Walker asks about what was happening with the walls at the time of the stop work order.

Commissioner Gunter asks the Assistant City Attorney how the ordinance works. He states that the Planning Commission's job is to review the projects and apply the codes. The Commission is bound by the findings.

Commissioner Curtis thanks the public for voicing their concerns or stance. The Planning Commission is here to see if the findings can be made. They will judge it as if it was back in the time before it was built. He would like to see the original pictures. He also wants to see a drainage report to see if the wall will work there (including underground water). Commissioner Curtis would also like the applicant to go through the HOA approval process, and have the City Engineer advise whether the walls and structures be legalized (x-rays, etc.). He would like to continue the matter for the added information.

Chair Der Sarkissian notes that some of the information Commissioner Curtis asked for cannot be asked for from the city without there first being an approval.

Commissioner Gunter notes his frustration as they don't have enough information to make a decision. He is torn because he cannot make the findings. The request is for special privileges not enjoyed by others. There is a moral hazard here that needs to be avoided. He is okay with a continuance for more info. He can't support tonight.

Commissioner Walker concurs with Commissioner Gunter. She wants engineering information for the back walls. There are no special circumstances here and she cannot make any of the Findings for any of the applications.

Chair Der Sarkissian concurs on some of the comments. The volume square footage is a soft request since it has come after the house was built. The walls in the rear yard will take a lot of work. He wants to have a menu of things for the Planning Commission to see when they come back. The applicant must address the Findings. Geology, hydrology and structural reports are required.

Commissioner Gunter states the applicant must show why the Planning Commission should support the findings. He also wants more technical reports on the rear yard improvements.

Curtis wants to see a full drainage report.

Chair Der Sarkissian states that anything is possible but forensic inspections may be required to correct the situation.

Commissioner Walker asks if the engineering report will analyze the removal of the wall? Staff replies yes.

The applicant indicates that he will undertake the requested studies.

He is asked by the Planning Commission to bring back the materials within 90 days, and that he should work with the HOA as well.

Director Stanley warns the applicant that additional money may be required for the engineer's report. He also reiterates the complete list of requirements the applicant must supply. The Planning Commission agrees with the list. The applicant will also supply photos with dates for the Planning Commission to review.

Commissioner Curtis moves and Commissioner Gunter seconds a motion to continue the matter. The motion carries on a 4-0 vote.

VIII. PUBLIC HEARINGS:

- A. Variance 12-02; Roberts / Parcell; 3708 Berwick Drive:** Request to allow construction of an over-height wall in the front setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

The Planning Commission requests a very short report from Planner Clarke. The City's plan check engineer (Nasser Shoushtarian) is in attendance for questions.

Jeff Roberts, engineer for the applicant, states the wall will be gray and green speck split block face. It is a debris control structure, not so much a wall. It will be seeded so that vegetation will grow on it.

Nasser Shoushtarian responds to the Planning Commission. He is here to respond to any questions regarding construction in the public right of way. After the wall is finished, the Public Works Department will design and build a guard rail and curb and gutter.

Various commissioners ask questions regarding future guard rails and curb and gutter.

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

- B. Second Floor Review 12-13; Chung/Kim; 4837 Carmel Road:** Request to allow construction of a new 2,805 sq. ft. two-story residence on a 7,800 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)

Planner Gjolme is allowed to present a reduced presentation and only addresses the conditions of approval regarding screening.

Chair Der Sarkissian asks about the tree that has to come out but is in good health.

Chair Der Sarkissian opens the public hearing.

The applicant, Myung Chung, states that he supports the staff report and conditions, and asks for approval. There are no other speakers and the public hearing is closed [7:55 p.m.].

Various Commissioners praise the design.

Commissioner Walker moves and Commissioner Gunter seconds a motion to approve the project. The motion carries on 5-0 vote.

- C. Setback Modification 12-09; Williams/Guenther/McCausland; 5234 Vista Miguel Drive:** Request to construct a 1,002-square foot 1st floor addition to an existing single-story house located on the north side of the residence and a 68-square foot arbor located on the east side of the lot. The addition would encroach 6'-3" into the required 13'-4" north side setback and the arbor would encroach 7'-4" into the required 15'-0" rear setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas presents the project using PowerPoint. She explains the floor plan proposal. She explains why staff is supporting the request even though the encroachment is new. She explains that if the encroachment is not allowed, it would negatively impact the size of the bedroom. Staff is not supporting the location of the trellis at its proposed location.

Chair Der Sarkissian opens the public hearing.

Yolanda McCausland, the applicant's designer, addresses the Planning Commission. She has letters from neighbors across the street and adjacent to the project supporting the project.

Commissioner Curtis asks how large the eaves are and do they impact the landscaping. The applicant responds "no."

Chair Der Sarkissian asks if the applicant tried other designs? They answer "yes," but the pool limits expansion.

Chair Der Sarkissian closes the public hearing [8:20 p.m.].

Commissioner Jain states that he agrees with the applicant due to the constraints. But he thinks that there are more options that could be explored. The landscaping at the edge of the site will be squeezed. He wants at least 8 feet of side yard.

Commissioner Curtis states that he visited the site and looked for other options. He agrees with staff and will support the recommendation. He is indifferent about the arbor.

Commissioner Walker states that she can support the encroachment; the height of the houses is off-setting. The arbor can go elsewhere however. She supports the staff recommendation.

Commissioner Gunter notes he visited site. He states that in looking at whole neighborhood, this is 79 feet of encroachment. He cannot support the project with that much land and other available options.

Chair Der Sarkissian states that he visited the site. He states that the existing house is encroaching. The design could be changed to better accommodate the requests. He cannot support the main finding. He would hold the house to the current line of encroachment.

Assistant Planner Parinas summarizes the thoughts of the Commissioners. Commissioners Curtis and Walker can support the project as proposed. Commissioner Jain is willing to support the project if the north side setback is increased another eleven inches. Commissioner Gunter and Chair Der Sarkissian are not in support of the project as proposed.

The applicant's representative, Ms. McCausland, is asked to respond to the comments from the Commission – pushing back the setback. She notes that the existing swimming pool is a big factor. She answers that they looked at adding a second story but the neighbors were not supportive. She explains about other issues regarding screening and the differences in height. She notes that the hedge between the buildings is tall in the seven foot side yard.

Discussion ensues between the commission and the applicant.

Commissioner Jain moves and Commissioner Curtis seconds a motion to approve the project with a minimum 8' side setback on the north side and accepting the recommendations for the arbor as proposed by City staff (maintaining staff's recommended condition regarding the arbor). The motion carries on a 3-2 vote (Gunter and Der Sarkissian) [8:45 p.m.]

- D. Mills Act Contract 12-02; Scheinborn; 1741 Earlmont Avenue:** Request qualification from the Planning Commission for entry into a Mills Act Contract with the City of La Cañada Flintridge. A Mills Act Contract recognizes the historic nature of the residential structure located at this address and qualifies the property for reductions in property taxes. The Planning Commission reviews and makes a recommendation to the City Council. The City Council approves or denies the contract request. (Planner Clarke)

Planner Clarke presents the second ever Mills Act project to the Commission.

Applicant Jeannine Sheinborn addresses the Commission. She originally just wanted to paint and clean up the house but ended up restoring it. She provides some history of the house.

Commissioner Walker notes the wonderful job done for the house and supports the request.

Commissioners Gunter and Jain concur.

Commissioner Curtis responds with support and likes the history lesson.

Chair Der Sarkissian supports the request, and likes supporting architects.

Commissioner Curtis moves and Commissioner Jain seconds a motion to approve the request as recommended by staff. The motion carries on a 5-0 vote [8:54 p.m.]

IX. OTHER BUSINESS: None

- X. REPORT OF DIRECTOR'S REVIEWS:** None
- XI. COMMENTS FROM THE COMMISSIONERS:** Chair Der Sarkissian comments about construction next door to 1737 Earlmont. Commissioner Gunter comments about an addition approved by the Commission where Chevy Chase crosses Descanso (northwest corner) and how it turned out well (provides a good example). They ask if the Morillo deposit come in last Thursday (didn't have the answer). Chair would like to have a TV program explaining the tree ordinance or the obtaining a tree removal permit.
- XII. COMMENTS FROM THE DIRECTOR:** The General Plan Update may get approved on November 5th when it is taken to the City Council.
- XII. ADJOURNMENT:** 9:04 p.m.