

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION REGULAR MEETING MINUTES November 8, 2016 - 6:00 p.m. City Hall Council Chambers 1327 Foothill Boulevard

- I. **CALL TO ORDER** – Chairman Gunter called the meeting to order at 6:00 p.m.
- II. **ROLL:** Also present were Commissioners McConnell, Jain, Hazen and Oh.
- 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. – There were none.
- V. **REORDERING OF THE AGENDA** – The agenda was not reordered.
- VI. **CONSENT CALENDAR**
 - A. [Minutes: 9-27-2016 PC Meeting](#) M/S/C - Jain/Gunter to approve the minutes. Approved 4-0-1. McConnell abstained as he was not present at the meeting.

VII. CONTINUED PUBLIC HEARINGS

- A. [Hillside Development Permit 13-46/Setback Modification 13-04 \(amendment\); Barseghian; 1936 Hilldale Drive:](#) request to amend an approved project to allow a raised concrete deck with encroachments into the side setbacks to facilitate required Fire Department access around the rear of the residence. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Harris).

Assistant Planner Harris gave a presentation in conformance with the staff report. She spoke about the site plan, the depth of the deck and that an exception for the north and south side setback is being requested. Ms. Harris explained that the deck has been reduced as compared to what was requested at the last meeting this item was reviewed by the Planning Commission. The applicant has provided new sections and provided screening on the underside of the deck. The revised plans give a better indication what the finished project will look like than the previous plans.

Ms. Harris provided photos looking down the slope into the shopping center property located in the City of Glendale, as well as, photos looking up from the center to the subject property. The photos showed how the construction of the property advances.

Ms. Harris indicated that she recommends approval of the project.

Commissioner McConnell asked what the difference was between the retaining wall and the caisson.

Director Stanley indicated that the retaining wall retains dirt and the caisson holds the building up. Typically, retaining walls can count toward overall height of a house and caissons would not.

Commissioner Oh asked about the purpose of the deck and whether it is for fire department access purposes.

Ms. Harris said that the applicant and the Building Department staff can speak to this.

Chairman Gunter asked if the deck contributes to the Floor Area Ratio (FAR).

Ms. Harris explained that there is fill dirt there so that the clearance is no more than 7 ½ feet so it would not count towards the FAR.

Chairman Gunter questioned that interpretation.

Ms. Harris said that the grade can be raised to decrease the clearance. The applicant will discuss the grading with the Building Department. The item will need to be plan-checked and, if revised, would have to be brought back for further approval by the Commission.

Chairman Gunter and Commissioner McConnell said they had concerns about grading plans, occupancy of the home, and Fire Department requirements.

Commissioner Jain said that he believed that at one time, the Fire Department had requested a staircase in the side-yard setback.

Ms. Harris indicated that the staircase was previously approved.

The public hearing was opened for public comment.

Speaker, Nazafarin.Hadian, represents the owner. She spoke about the changes to the deck. She said that she has made major changes with regards to reducing the width of the deck. The access on the side of the building has been designed to connect to the rest of the deck to provide an unobstructed access for the Fire Department. The deck would be supported by caissons. Ms. Hadian referenced two renderings of the project which depict the combination of the deck with the grade.

Commissioner Oh asked about the south side of the building and how the Fire Department will exit. He indicated that it would be better to connect to all sides of the building.

Ms. Hadian said that she believed that this should not be proposed if it has not been requested by the Fire Department.

Commissioner Jain explained that the deck request is not imposed by the Fire Department, however, safe access to and from the deck is necessary. He stated that he believed the deck is part of the property owner's wish list of improvements that will need to be safely contended with and that it is a self-imposed scenario.

Ms. Hadian indicated that as long as the Fire Department has unobstructed access, they are satisfied.

Vice Chairman Hazen said that a dirt road and a 10-foot wall currently exist and asked whether there is a landscape plan proposed. He recommended that a provision be included for landscaping to cover the caissons.

Ms. Hadian said that the landscaping proposed is only conceptual at this point, but that a landscape plan will be submitted.

Speaker, applicant owner, George Barseghian, explained that his understanding of the grading is that it does not extend all the way across. He said that if it is looked upon from the north side of the property, it is closer.

The public hearing was closed.

Commissioner McConnell asked that a landscape plan be submitted and approved by the Director of Planning. He said that he is not so concerned with the visual impact of the caissons as they can be properly mitigated with landscaping. He said that he believed that an additional retaining wall might be required. Mr. McConnell said that to make the necessary

findings for the project that he suggests that the project come back for another review to ensure these items are properly addressed.

Commissioner Oh expressed concern over the configuration of the deck. He believed the current design could be making the issue of safety, worse. He said that he is concerned that if an emergency were ever to occur on the deck, where would the occupants go and how would the Fire Department access them? He said that the applicant has made a good faith effort to comply with requirements, but that the burden is on them to make all aspects of the project work.

Chairman Gunter said that Slope Factor Guidelines changed the originally approved project. He explained that the subject property is on a very steep lot and that he is concerned that the deck be constructed and maintained in a solid manner after receiving all applicable approvals from all required parties. He is concerned that the renderings that are being shown do not reflect what is actually taking place on the site. He said that he did not believe the grading has been properly reevaluated based on the latest design and that he would like all to be figured out prior to Planning Commission approval. He indicated that he cannot make the findings at this time.

Vice Chairman Hazen said that he would like for all of the grading issues to be figured out and that landscaping is critical to an aesthetically pleasing property.

Commissioner Jain said that he visited the site and believed that the new issues imposed by the addition of a deck concern him and that before this, he was not concerned about the prior design. He said that he is concerned about the absence of all pertinent information and that he would like the landscaping plan to be addressed before the item comes back to the Commission for further review. Mr. Jain said that he believed that the applicant is at risk for not providing access all around the building.

Director Stanley said that there is an approved landscape plan under the prior approval.

Ms. Harriet explained that the Director can review any increased landscaping that the Commission might like to require.

Vice Chairman Hazen said that he has concerns about a clear understanding of Fire Department approval for the project.

Commissioner Oh recommended checking with the Fire department about any concerns they might have regarding the deck.

The public hearing open was reopened to ask the applicant how much time they would need to get all items in order for a follow-up meeting.

Ms. indicated that she could have plans ready by November 22, 2016.

The public hearing was closed.

M/S/C - Gunter/Hazen to continue the project to a date certain of December 13, 2016. Approved 5-0.

VIII. PUBLIC HEARINGS

- A. **Mills Act Contract 16-01; Dziak; 818 Old Landmark Lane:** Review historical nature of house and determine if it is eligible to be included on the City's Official Register of Historic Homes and qualifies for a Mills Act Contract. (Assistant Planner Harris)

Assistant Planner Harriet Harris gave a presentation in accordance with the staff report. She explained that the architectural style is Craftsman and that there are many detailed examples of this throughout the home. Ms. Harris showed the Commissioners a Power Point presentation which highlighted many of the detailed architectural features. She showed the Commissioners the detailed low-pitched roof, some original light fixtures, stone fireplace, and built-ins in various rooms throughout the house.

Ms. Harris informed the Commission that the original architect is unknown. She also explained that the applicants have demonstrated to City staff that they have retained the home in the original Craftsman style even as they are adding on to their home. They will be incorporating Eyelid Dormers that once existed, but were covered up some time back, as well as, reconstruction of the stone chimney which was removed in the past.

Ms. Harris stated that both she and Director Stanley visited the site today in order to check into a concern that the kitchen was being removed and replaced. She explained that as a result of structural issues the kitchen has to be rehabilitated. The preservation architect was consulted and has concurred that the required structural rehab is still in keeping with the original home and the Secretary of the Interior's Standards for Rehabilitation as long as the exterior materials were replaced "in kind". A stop-work order was issued, however, since the contractor did not pull permits for the additional work.

There are five criteria that a home must adhere to in order to be considered for a tax reduction under the Mills Act. In the case of the subject property, the property is identified with persons or events significant in local, regional, state or national history. The property also embodies one or more distinctive characteristics of style, type, period, design, materials, or craftsmanship. She reminded the Commission that the City Council makes the ultimate decision on whether to enter into a Mills Act Contract with the property owner. Staff recommended that the City enter into a Mills Act Contract.

Commissioner Jain indicated that he visited the site. He said that there was a lot of construction on the site and he was concerned about whether the criteria under the Mills Act were being complied with.

Ms. Harris said that when the property owners first moved to the City, they inquired about the Mills Act. They followed up with staff about their proposed additions and the roof line and to ensure that they could, in fact make the necessary renovations and additions and still qualify for the Mills Act.

Commissioner McConnell said that he can support the Mills Act request and believed that the pitch of the roof and the other renovations should be left to the expertise of the preservation architect.

Commissioner Oh believed that the historical integrity is no longer visible as the Eyelid dormers are no longer there. He questioned whether the project met Criteria Number One which requires that the property be identified with persons or events significant in local, regional, state or national history. Other than the fact that the property could have been built by early settlers of La Canada, he was not sure if this was enough to support qualifying of the subject property for the program.

Vice Chairman Hazen said that he agreed with Commissioner McConnell and believed that the subject property is a fine project. He did question why the construction improvements are proposed to take five years as indicated in their work program.

The public hearing was opened.

Applicant, Hayley Dziak spoke and explained that she is attempting to be conscientious about preserving the home and believes that she is doing so especially after speaking with the Planning Department and the project preservation architect that just so happens to be the architect that wrote

the Mills Act for the City of Los Angeles. Ms. Dziak said that she plans to complete all proposed items to be upgraded/maintained within five years.

Commissioner Jain asked for clarification about the timeline for completion of improvements and the eligibility to obtain a tax break.

Ms. Harris explained that staff conducts inspections every five years to ensure that there is adequate upkeep, preservation activities and progress on the site.

Vice Chairman Hazen said that he could make all of the findings in support of the project. He also noted that the wife of the first owner of the houses was one of the founders of the Thursday Club

Gunter said that he could make all of the findings.

M/S/C – McConnell/Hazen to recommend the Mills Act Contract to the City Council approved 3-2. Jain and Oh voted no.

B. Mills Act Contract 16-02; Stoner; 1694 Fairmount Avenue: Review historical nature of house and determine if it is eligible to be included on the City's Official Register of Historic Homes and qualifies for a Mills Act Contract. (Assistant Planner Harris)

Assistant Planner Harriet Harris gave a presentation in accordance with the staff report. She explained that the architectural style of the house is Italian Revival and that there are many detailed examples of this throughout the home. Ms. Harris showed the Commissioners a Power Point presentation which showed many of the detailed architectural features. She highlighted interior arched details, wood windows, wrought iron work, interior molding details, etc. and conveyed that of the criteria that must be met to qualify for inclusion on the City's Official Register, that two of the criteria are satisfied.

Ms. Harris went on to explain that notable Los Angeles Architect, Gene Verge, designed the home and that perhaps his most famous residential design was the Buster Keaton home in Beverly Hills. She also stated that the current owners have improved and expanded the home significantly and in a manner that has retained and enhanced the home's original architectural character. She described that entering into a Mills Act Contract will enable the home owners to benefit from reduced property taxes in order to fund ongoing improvements over a ten-year timeframe.

Vice Chairman Hazen complimented the owners for the improvements they have made over the years and said that he could make all of the findings.

Commissioner Oh found the design to be interesting, yet understated. He said that he can make all of the findings.

Commissioner McConnell said that he could not tell where the original architecture started and the remodeled portion of the home ended. He said that he can make all of the findings.

Commissioner Jain said that he trusts the report of the Historical Research consultant and that he can make all of the findings.

Chairman Gunter said that he can make all of the findings.

M/S/C - Jain/Gunter to recommend to the City Council that the home qualifies for a Mills Act Contract. Approved 5-0.

C. Second-floor Review 16-08 / Tree Removal Permit 16-15; Munoz-Whiting/Xiong; 401 Woodfield Road: Request to construct a new 2-story residence and attached garage comprising approximately 7,600 sq. ft. on a 31,360 sq. ft. lot. A Tree Removal Permit is also requested to remove two oak trees and two sycamore trees to accommodate the new residence. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme).

Planner Gjolme gave a presentation in accordance with the staff report. He showed a site and floor plan which includes a bridge component and lap pool on the southeast portion of the property. He explained that the architectural components are strongly Craftsman in nature and are applied on all four elevations of the building.

He showed a topography map which indicated that some grading would be proposed.

Mr. Gjolme explained that the design proposed alleviates the overall massing. He indicated that the narrow profile is seen from the sides which will help to make the home look more like a one-story house. Other elevations show a very modest second-floor profile that is compact in nature.

As to the Tree Removal Permit portion of the application, there are four trees that are requested to be removed: two Sycamores and two smaller Oak trees. Staff believes that the trees, if retained, would impose a hardship on the property owner as the home would have to be forced into

one corner of the property. Mr. Gjolme explained that there is a possibility that two of the Oak trees could possibly be preserved, but that the Sycamores would need to be removed in order for the project to work. The proposed residence fits well on the subject property. Staff believes the Craftsman style design works well and that partial approval for removal of the Sycamores should be granted.

Commissioner McConnell asked how the front yard and front yard setback were determined.

Mr. Gjolme indicated that the southwest property line is the front property line, being the shorter of the property lines.

Vice Chairman Hazen asked if there were any trees that were located near the front of the house.

Mr. Gjolme said that staff would like to preserve any trees that make it possible to still carry out the proposed design.

Chairman Gunter asked why staff recommends the removal of Sycamores but retention of the Oaks.

Mr. Gjolme clarified that retaining the Sycamores as opposed the Oaks would severely impact the requested project.

Chairman Gunter asked if there is a pool in the front setback.

Mr. Gjolme answered that staff do not believe the pool is located within the front yard setback. He explained further that the applicant has attempted to respect the Craftsman architectural style with the proposed design. There are at least twenty trees on the property and the owner has chosen the location on the site that would impact the house the least. Another reason for proposing the particular trees for removal is that the roots could impact the home.

The public hearing was opened for public comment.

The applicant indicated that he will install a hammerhead inside the property.

Commissioner McConnell asked the applicant if he would attempt to position the house to avoid Oak trees.

The applicant answered, "yes."

The public hearing was closed.

Commissioner Oh said that he believed the proposed design is very unique and tasteful. He agreed with staff that there is no hardship building around Oak trees. He said that he can make all findings as recommended by staff.

Vice Chairman Hazen said that the design is thoughtful and tasteful. He said that he is concerned about the screening of the rear of the house and would like to see more screening proposed. He said that he agrees with staff regarding the tree removal, though, if any Oak trees can be saved, he'd prefer that. He said that he can make all of the findings and would like to save the rear Oak tree.

Commissioner Jain said that the pavilion is compliant and that the design is creatively different. He'd like to see retention of the rear Oak tree.

Commissioner McConnell said that he believed the orientation was thoughtful in relation to the adjacent property. He preferred that the Sycamore rather than the Oak be retained. He is disappointed in the siting of the home and is concerned that the second story could be imposing on the neighbor. He said that he can make all findings for Second Floor Review, though, he cannot approve the tree permit.

Chairman Gunter said that he felt that the house is carefully sited. He said that it was well in keeping with the Design Guidelines. He indicated that he can make all findings for Second Floor Review. As to the tree permit, he felt that the way the one Sycamore is kept, does celebrate it. He can make the findings for the tree removal permit as submitted.

A condition was added stating: Oak tree #4 shall be retained. Minor revisions to the size, siting and/or design of the sauna/massage room as needed to facilitate this shall be allowed, subject to confirmation by the Director of Community Development. Revised plans incorporating said changes shall be required prior plan check submittal.

M/S/C – Gunter/Hazen to approve the Second Floor Review. Approved 5-0. Gunter/Hazen to approve the Tree Removal Permit with Condition No. 17 stating that Oak tree #4 be retained. Approved 4-1. McConnell voted no.

- D. Zone Change 16-03** - an amendment of Chapters 11.01 and 11.14 of Title 11 of the City of La Canada Flintridge Municipal Code, defining and allowing for Massage Establishments within the CPD zone with the approval of the Conditional Use Permit and the amendment of Table 6.1

of the Downtown Village Specific Plan (DVSP), allowing for Massage Establishments within the Mixed Use 1 and 2 zones of the DVSP with the approval of the Conditional Use Permit. Staff is recommending approval of a Categorical Exemption for this project. (Deputy Director Koleda).

Deputy Director Koleda gave a presentation in accordance with the staff report. She explained new regulations that pertain to massage in the State of California. She indicated that the City has had public safety concerns relating to massage and in 2015, an Urgency Ordinance was adopted for any new massage establishments.

With regards to the latest allowances for massage type uses in the City as regulated by the State, staff has drafted two new ordinances. One relates to the zone change that would make amendments to the City's Zoning Code and the other to the business license process within the Municipal Code for approving such uses. Both draft ordinances will be presented to City Council for their review and approval.

The definition of massage and massage establishments would now exclude any business where the services exceeded 15 percent of the total floor area of the establishment.

Chapter 6.40 of the Municipal Code relating to exemptions, would exclude certain persons from the massage requirements. The intent is not to regulate those in the medical field, but to regulate those providing massage for non-medical purposes.

Commissioner Jain asked where the 15% rule applies. Is it to beauty salons with a licensed massage therapist on the premises? If a massage use utilized more than 15 percent of the floor area of a business would it be considered to be a massage establishment? Commissioner McConnell asked if there is a distinction between massage therapists and medical rehabilitation.

Ms. Koleda described the distinction to be whether the use requires the massage therapist to be California Massage Therapy Council (CAMTC) certified or not. CAMTC certification is very specific. It does not apply to physicians and similar medical services that utilize massage.

Commissioner Oh asked for clarification as to how many current businesses this would apply to.

Ms. Koleda said approximately 22 businesses would become non-conforming under the new requirements.

Commissioner Oh asked if staff needs the City Council's direction to allow this.

Deputy City Attorney Guerra said that due to the change in State Law regulating massage establishments, the current moratorium would be lifted and the City would take the necessary steps to regulate them within the City in keeping with State Law and in a safe manner.

Chairman Gunter asked staff if the City is currently experiencing any problems regarding this issue.

Ms. Koleda said, "No, but other cities have had issues."

Deputy City Attorney, Guerra clarified that there was a period of time when the City could not regulate massage establishments.

Vice Chairman Hazen asked if massage establishments would then be permitted with a CUP.

Ms. Koleda replied that new massage establishments could be permitted with approval of a CUP and that new massage technicians must be CAMTC certified.

Commissioner Oh asked if there would have to be a distance requirement specified in the code for those establishments opening near a sensitive use.

Director Stanley said that that has been looked at and there would be no distance requirements.

Commissioner Oh asked if banning massage establishments is an option or would it result in a potential challenge to the City and if not, that a word be removed from the definition on Page 3, Section 2 of the draft ordinance where massage is described.

The public hearing was opened for public comment.

The public hearing was closed.

M/S/C – McConnell/Jain to approve with clarifying language as to the definition of massage. Approved 4-1. Commissioner Oh voted No.

- E. [**Zone Change 16-04**](#) - an amendment of Chapter 11.70 of Title 11 of the City of La Canada Flintridge Municipal Code regulating indoor personal cultivation beyond that permitted under the Adult Use of Marijuana Act

(Proposition 64). Staff is recommending approval of a Categorical Exemption for this project. (Assistant City Atty. Guerra).

Chairman Gunter asked if the State measure (Proposition 64) on today's ballot does not pass, does this issue go away?

Deputy City Attorney Guerra clarified that if the Planning Commission recommended approval of the ordinance, the matter would be presented to the City Council. If Prop 64 does not pass, then the City Council will be informed that there is no need to adopt the ordinance. Indoor cultivation would immediately be legalized if the ballot measure passes, however, outdoor cultivation and mobile delivery would be prohibited. Prop. 64 would cause cities to lose local control over the cultivation of up to six marijuana plants. A permit process would be required for the six plants. If the measure does not pass this whole issue is moot.

At 8:36 p.m. Commission McConnell recused himself and left the chambers for the remainder of the meeting.

Chairman Gunter asked the Deputy City Attorney about follow-up regulations.

Deputy City Attorney Guerra explained that a cultivation permit would be required and the Building Division would sign off on it.

Vice Chairman Hazen said that most likely not very many people in general would look into applying for such an approval.

Deputy City Attorney Guerra suggested that if the Commission would like to push off any decision on this, it would be ok.

Commissioner Jain suggested that it might be helpful to push off any decision until more is known about what the voters decide.

Chairman Gunter noted if Prop 64 is not approved, then the City Council will be informed that the ordinance is no longer necessary.

Director Stanley clarified that if the State measure is approved, that the City Manager would like to have the appropriate ordinances ready to go for adoption before January 1, 2017. With Council approval, the ordinance would go into effect 30 days after that.

Deputy City Attorney, Guerra said that after a first and a second reading by the City Council, and after the 30-day effective period, it would become effective in late February 2017.

Director Stanley clarified that the City, with the help of the City Attorney's Office, would draft the most restrictive ordinance allowed by law.

Chairman Gunter explained that after passing the ordinance, the City has the opportunity to modify the ordinance at any time, if necessary. If the Planning Commission were to wait to take action, it might be more difficult to contend with those that initially violate the law.

Commissioner Oh suggested that on Page 4 of the draft Resolution that it be made clear that the Resolution is only necessary if the State ballot measure passes.

The public hearing was opened for public comment.

The public hearing was closed as no members of the public wished to speak.

Vice Chairman Hazen said that he is opposed to the issue in general.

Chairman Gunter raised the importance that if a building permit is not the correct mechanism for enforcement that the appropriate refinement take place.

M/S/C – Gunter/Jain to recommend adoption with revision to Section 7 of the Resolution. Approved 4-0-1. McConnell recused himself and left the meeting.

IX. REPORT OF DIRECTOR'S REVIEWS

X. OTHER BUSINESS

XI. COMMENTS FROM THE COMMISSIONERS

Chairman Gunter suggested that future Mills Act applications be placed on the consent calendar as they tend to always be approved when brought to the City Council.

Director Stanley said that Councilmember Walker was opposed to one of the Mills Act applications in the past.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley reminded the Commission of the next Special meeting to review additional Zoning Code update issues on November 22, 2017 at 4 pm.

Chairman Gunter informed the Commission that he will be absent from the December 13, 2016 Commission meeting. Vice Chairman Hazen will be the Commission Chair for that meeting.

XIII. ADJOURNMENT – M/S/C –Gunter/Hazen to adjourn the meeting at 9:01 p.m.
Approved 4-0.