

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON NOVEMBER 9, 2010**

- I. CALL TO ORDER:** The meeting was called to order at 6:02 p.m.
- II. ROLL:** Present were Chairman Cahill, Vice Chairman Curtis, Commissioners Davitt, Der Sarkissian, and Jain. Community Development Director Stanley, Deputy City Attorney Guerra, Senior Planner Buss, Assistant Planners Parinas and Lang.
- III. PLEDGE OF ALLEGIANCE –** Chairman Cahill lead the Pledge of Allegiance.
- VI. COMMENTS FROM THE PUBLIC:** No comments were received from the public.
- V. REORDERING OF THE AGENDA** The agenda was not reordered.
- VI. CONSENT CALENDAR**
- A. Minutes:** April 27, 2010 Vice Chairman Curtis made a motion to approve the minutes and Commissioner Davitt seconded. 3-2. Commissioners Der Sarkissian and Jain abstained.
- B. Setback Modification 10-18; Wawrychuk; 4315 Beulah Drive:** Commissioner Davitt made a motion to approve the Denial Resolution and Commissioner Jain Seconded. Unanimous.
- VII. CONTINUED PUBLIC HEARINGS** There were no continued public hearings.
- VIII. PUBLIC HEARINGS**
- A. Zone Change 10-03/Conditional Use Permit 454; Cary Architects/Henry’s Holdings; 920 Foothill Boulevard:** A request to consider amendments to Chapter 6 of the Downtown Village Specific Plan Relating to Size Limitations for Food Markets (Zone Change), and for uses with a gross floor area over 10,000 square feet and off-site sales of alcoholic beverages (Conditional Use Permit). Staff is recommending that the Planning Commission approve a Finding of Consistency with the Program Environmental Impact Report for the Downtown Village Specific Plan for this project. (Senior Planner Buss)

Senior Planner Buss gave a presentation in accordance with the staff report. He emphasized that the project would reuse the existing building.

Commissioner Der Sarkissian asked for clarification about the north road that was referred to on page 9 in the staff report. He also asked what was meant by the statement in the staff report that refers to the need to no longer restrict market size in this sub-area.

Senior Planner Buss explained that the north road is referred to in the City's General Plan. It is the road that runs through the center of the Town Center across the street. He further explained that initially there was some concern that the larger markets on the east side of town would relocate to the future Town Center and create large vacancies at their existing stores. He added that Henry's is a small market by today's standards.

Director Stanley added that the threat of large vacancies is no longer an issue and the city council felt that a grocery store at this location would be okay. He added that the City Council has indicated that they would consider a zone change to allow a larger market at this location.

Commissioner Der Sarkissian asked if there was discussion about the fate of the Sport Chalet store when it was originally vacated.

Director Stanley responded that there were proposals but none that panned out.

Senior Planner Buss added that Walgreen's considered going in at the location but was dismissed because there are other drug stores in town and the Council felt that it was not an appropriate place for a larger, chain drugstore.

Commissioner Der Sarkissian asked staff if they felt that Henry's would have an impact on the other grocery stores or the wine store in town. He was referring to La Petit Vendome.

Director Stanley said that the new Henry's store might have an impact on the other grocery stores in town and that might be part of the reason they have recently expanded or upgraded their stores. He added that Henry's focus is on fresh produce and organic foods that other stores don't necessarily carry. That they carry other product lines that the larger grocery chains tend to not carry.

Vice Chairman Curtis asked about what type of alcohol license they are proposing.

Senior Planner Buss replied that he thought Henry's is proposing to sell wine, beer and hard alcohol.

Vice Chairman Curtis asked about Condition No. 52 which referenced the mitigation measures in the program EIR that was prepared for the Downtown Village Specific Plan. He wanted know if the old mitigation measures were reviewed as they pertain to this project.

Senior Planner Buss most of the original mitigation measures that apply to this project are construction mitigation measures.

Vice Chairman Curtis felt that he wanted to discuss some of the original mitigation measures. He wanted to discuss the right turn lane at the 76 gas station across the street and more signalization. He wanted to know if this project would be responsible for its fair share of traffic mitigation measures.

Senior Planner Buss responded that the project would be responsible for its fair share o the traffic mitigation measures previously established. He added that they will reevaluate the signalization for the affected intersections. He was unsure if this would incur and additional cost.

Director Stanley added that the traffic anticipated to be generated by this store is anticipated to be no greater than that of the original Sport Chalet store and this was already reviewed by the City's traffic engineer. He also stated that the off-site improvements would be limited to sidewalks, curbs and gutters, and crosswalks.

Senior Planner Buss stated that the original environmental setting for this location was retail and it was previously reviewed by the City's traffic engineer in the Program EIR. He added that the site was also over-parked.

Vice Chairman Curtis acknowledged the rehabilitation of the building but added that it would be a substantial change and improvement for that block of Foothill Boulevard. He asked if the streetscape further up the block to the west would be improved west to provide consistency.

Senior Planner Buss indicated that the property owner would be only responsible for the streetscape along their frontages. He clarified that there could be a nexus issue to ask them to improve beyond their property boundaries.

Director Stanley added that there is some concern about the visibility of the roof when traveling eastbound on Foothill Boulevard and that the applicant planned to remove all the roof equipment and paint the roof white. He stated that the applicant was considering adding taller trees farther west along Foothill Boulevard to help screen the roof from off-site views. He clarified that only the tree wells in front of the site were considered for plantings.

Vice Chairman Curtis asked if the use of solar energy as discussed in the Specific Plan was explored.

Senior Planner Buss reiterated the structural issue with regards to the existing roof since the applicant was proposing to reuse the existing building. He deferred to the applicant to discuss that issue specifically.

Director Stanley explained that the applicant is allowing natural lighting to come in to the building and that the roof will be painted white to address Title 24 energy efficiency.

Commissioner Davitt asked if the access driveway on Beulah was being moved south.

Senior Planner Buss clarified that the driveway would not be moved but that it would be widened and that the applicant would be providing some easements to the City. This would allow for direct access to the proposed parking lot and eliminate back up of cars on Beulah Drive. The alley will be widened and realigned to allow for better access for the trucks to the loading dock and so that the applicant could include a planting area along the building.

Director Stanley added that they would be adding a crosswalk in the alley.

Commissioner Davitt asked if there was a condition that limited the hours and days for truck deliveries. He also asked if there would also be a limitation on how the trucks would take access to the store.

Senior Planner Buss replied that the delivery hours would be limited from 7am to 9pm but that he did not specify the days of the week. He added that the trucks could take access from either side of the public alley.

City Traffic Engineer Zandvliet arrived and addressed the Commission. He indicated that he looked at the project and compared it to the old Sport Chalet use with regards to traffic impacts. He felt that the number of trips would be very similar for both uses. The previously improved intersections at Beulah Drive and Angeles Crest Highway took into account that this building would have a retail use. He outlined the development measures that the project would be undertaking with respect to traffic improvements. The southwest corner of Foothill Boulevard and Beulah Drive would be widened to allow for better access by vehicles and trucks. A right turn pocket would be added eastbound along Foothill Boulevard. He felt that the truck trips would be very similar to the previous use. The alley would be reconfigured and widened to three lanes. Evaluations were conducted for truck access in the alley to the loading dock. The additional landscaping along the building allows for separation of the building from the alley so that the crosswalk across the alley is less of a blind turn.

Vice Chairman Curtis asked the traffic engineer if the number of proposed parking lot entrances is sufficient for this type of use.

City Traffic Engineer Zandvliet replied that one entrance is sufficient for parking lots of less than 200 spaces.

Commissioner Davitt asked the traffic engineer if it was acceptable for people exiting the parking lot to turn left on to Beulah Drive and head north toward Foothill Boulevard rather than restrict it to a right turn only into the residential area.

City Traffic Engineer Zandvliet felt that this is a safer condition to take access to the property from Beulah Drive rather than a non-signalized driveway on Foothill Boulevard.

Chairman Cahill asked if staff included a landscaping condition in the conditions of approval. He felt that the plans showed very mature plants.

Senior Planner Buss showed the preliminary landscape plan included in the Planning Commission's set which he indicated would be subject to their review. He continued by saying that the landscaping falls under the jurisdiction of the Design Commission and that they would review the proposed landscape plan for a final determination. He added that the preliminary plan includes public street trees, as well as, private trees.

Director Stanley reiterated that the landscape plan part of the submitted set of plans and that Condition No. 4 requires that the applicant adhere to the approved plan. He stated that the applicant has proposed 36"-60" box size specimens.

Chairman Cahill asked about the size of the trees that were required for the Ralph's development.

Director Stanley responded by saying that at Ralph's put in 24'-36" box size. He also stated that in the mitigation measures for the project it requires that any trees that are removed be replaced at a 3 to 1 ratio and that the landscaping would be enhanced. He also indicated that the Design Commission was happy with the proposed landscaping with respect to the landscape plant size and species. The building walls would be softened by vines and shrubbery.

Jim Cary, the project architect, spoke and indicated that it was challenge to recycle the old structure and work with all the site constraints present on the site. He commented that the landscape plan that the Commission is looking at does show mature plants. He said it included 36" and 48" box Deodar Cedars, as well as, 24" boxes too. He added that roof top solar panels would be difficult because of the curved roof and they are trying to do what they can to hide the roof not make it more visible by adding solar panels. He continued by outlining what they have done to make the building more energy efficient. They are introducing daylight to the interior of the building and other energy saving mechanisms, including adding insulation in the ceiling which is currently substandard. The hot water is reclaimed from the refrigeration cycle. Lighting is adjusted as needed. The white roof will reflect the heat. He indicated that there could be some trees added in front of the camera store to the west of the subject parcel to help shield the roof structure from the brief views evident along a portion of Foothill Boulevard. He explained that they would rather screen the roof with trees rather than an architectural element. All the utilities would be under grounded and upgraded to current standards including connecting the project to the sewer. They will also be installing a grease interceptor and fire sprinklers.

He continued by stating that one of the challenges of this site was the change in grade along Foothill Boulevard. The address that they have added stepped walls at the corner near the seating area to allow for a ramp for handicapped access to be installed. The loading area was also carefully designed to minimize noise, odor, etc. As part of the daily operations, recycling, including, green waste will be emphasized. He recommended that the dumpsters have plastic lids to minimize noise when they are dropped. He explained that solar panels have their limitations but they are doing other things to save energy.

He stated that they are widening the alley from 15' to 20' and relocating the alley 7' away from the face of the building to allow for architectural relief and to install a planter along the building. He added that they are installing light standards on a separate circuit to help illuminate the public alley. Director Stanley asked Mr. Cary to discuss the corner treatment.

Jim Cary explained that they are adding a trellis over the eating area and surrounding it with ornamental iron barrier and stepped planters. He explained that some of the architectural treatments were located to line up with access points of the development at the Town Center.

Director Stanley talked about the amount of amenities and care that was given in the design of the structure and the amenities on the site.

Mr. Cary indicated that they are okay with the conditions of approval except Condition No. 31 which pertains to the corner radius at Foothill Boulevard and Beulah Drive. Due to ADA requirements and Edison equipment they had some trouble rounding the corner and asked if the City's Traffic Engineer was okay with an angled cut-off.

Traffic Engineer Zandvliet replied that he was okay with the change.

Vice Chairman Curtis asked the project architect to address the additional street trees to the west and if they were okay with that.

Mr. Cary stated that that discussion came out of the last Design Commission meeting and those trees had not been added to the site plan yet but they were agreeable to the idea of adding trees to the existing tree wells. He added that the concrete and treatment for the right-of-way would match the development across the street.

Senior Planner Buss clarified that the modified alley would be 24' wide.

Commissioner Der Sarkissian indicated that he is okay with the architecture and was initially concerned with the past limitations placed on the size of new markets and potential impacts to other businesses in town but was satisfied that the project would not impact other similar businesses. He asked who received notices of public hearing. He added that he is ready to support the project.

Senior Planner Buss indicated that the wine shop was within the notification radius but the other grocery stores were not but that there was a newspaper ad published in the local paper.

Commissioner Jain met with the architect and was initially concerned with the loading dock. He was satisfied that it was relocated, lowered and that trucks would have not problem accessing the site. He liked that the building was being reused. He liked the architecture and proposed landscaping and could support the project as designed.

Vice Chairman Curtis stated that he thought it was a quality project and likes design. He wanted to leave the street tree issue up to Design Commission but would encourage the applicant to add trees further west up Foothill Boulevard. He felt that it was consistent with the Town Center and a great improvement to the area. He could support the project as conditioned.

Commissioner Davitt indicated that he liked the project and that it would be a great benefit to the City and the site. He felt that the CUP for alcohol was okay because it would be a convenience. He could support the zone change and understands the reasons behind the request. Overall, he felt that the use was best for the site and that it would not be detrimental to the other markets. He added that he liked the architecture and could support the project

Chairman Cahill stated that the applicant did a great job on enhancing the site. He felt that the market would be a welcome addition to the City and called for a motion.

Director Stanley reminded the Commission to include the revision to Condition No. 31 in the motion.

Deputy City Attorney Guerra made language suggestions for the motion to include the following changes:

- Item #1 on Page 3 of the findings for the Conditional Use Permit for the alcohol use should delete all the language after “the Conditional Use Permit”
- The language of Condition No. 31 should be revised to state that “a corner cut-off street dedication shall be provided to the City at the southwest corner of Foothill Boulevard and Beulah Drive subject to the review and approval of the City Engineer.”
- Adding Condition No. 56 regarding the connection to the sewer system prior to final occupancy.

Commissioner Davitt made a motion to approve the project with the suggested amendments made by the City Attorney. He also added to the motion the finding of constancy for the CUP for the alcohol use. Vice Chairman seconded. Unanimous.

- B. Hillside Development Permit 10-41/Second Floor Review 10-29/Modification 10-21; De Angelis Designs/Dipaolo; 3721 Madison Road:** A request to allow the construction of a new 4,489-square foot two-story house on a 16,640-square foot lot hillside lot. A Setback Modification is required to allow a 2’-9” encroachment in to the required 8’-10” first-floor northeast side setback and to allow a new 6’-8” encroachment in to the required 17’-8” second-floor northeast side setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the staff report.

Dave De Angelis, the project architect, indicated that he contacted each of the commissioners with the exception of Chairman Cahill to discuss the project. He acknowledged that it was a difficult site and that getting an approval from the Health Department took some time. He further explained that now they have to remove most of the existing foundation because it was placed on fill material. The site is very secluded from the street. He felt that classic Spanish revival architecture would fit in well with the neighborhood and his goal was to make it look like it has been there for a long time. He submitted a color and material board that indicated that the color was a very classic whitewash with a clay tile roof and dark brown trim.

Commissioner Jain indicated that he had visited the site that day and felt that the project tried to work within the parameters of the site constraints. He could support the first-floor encroachment since the existing house also encroaches. He felt that the second-floor was setback so far that the proposed encroachment doesn’t have much of an impact on building bulk. He felt that the project was well designed and could support the project with the proposed encroachments.

Vice Chairman Curtis felt that the site was unique. He liked the architecture and design and felt that it was consistent with Design Guidelines and the neighborhood. He added that the decks are a non issue. He felt that the Modifications are justified because of the challenging site. He noted that the issues with the septic system were driving the design of the project and the encroachments. He could support the project as proposed.

Commissioner Davitt concurred with his fellow Commissioners and that the findings for the Setback Modification could be made. He could support the project as conditioned.

Commissioner Der Sarkissian also concurred with his fellow Commissioners. He added that the change in grade between the neighboring site and the screening help the project. He could support the project.

Chairman Cahill concurred with his fellow Commissioners. He felt that the lot was unique and had constraints including the narrowness of the lot and the location of the septic system.

Commissioner Der Sarkissian made motion to approve the project and Commissioner Jain seconded. 5-0

**C. Hillside Development Permit 10-10/Director's Miscellaneous 10-09; Cohen; 4128 Pembury Place:** Appeal of a request to legalize a 261-square foot deck (35.75-square feet will be considered floor-area) located on the southeast side of the residence, to legalize a 120-square foot deck located on the southwest side of the residence and to allow the construction of a 72' long, 3'-0" high (maximum) retaining wall located on the southeast side of the property on a hillside lot per the review criteria set forth in Section 11.35 – Hillside Development of the Municipal Code. A Director's Miscellaneous Review is required because the portion of the 261-square foot deck and 120-square foot deck that exceeds 6'-0" in height encroaches into the required 11'-4" east side setback. *[The Director's setback modification was denied based on there being adequate room within the yard to build a structure that would be compliant with the city's setback requirements.]* The Director has approved a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the staff memo. She clarified that the southerly neighbors were appealing the Director's approved portion of the project and that the property owner was appealing the denied portion of the project. She concluded by recommending that the Planning Commission uphold the Director's decision.

Commissioner Davitt asked for clarification if the Director' decision was to lower the deck on one side and cut it back on the other side where it encroaches. He also asked if the fence in the back can remain in place.

Assistant Planner Parinas responded affirmatively on both counts.

Director Stanley clarified that he approved the decks as long as it was lowered and removed from with the setback. He also approved a retaining wall with certain conditions. He added that he understood that the property owner was appealing the conditions of approval and the neighbors were appealing the approval of the project.

Chairman Cahill asked what kind of approval the deck needed.

Director Stanley indicated that since this is a hillside lot it would need a Hillside Development Permit in addition to building permits.

Chairman Cahill asked if a portion would have to be removed within setback or lowered. He understood from the property owner that the deck would only need to be lowered 7”.

Assistant Planner Parinas explained that a portion of the deck would have to be removed to reduce its size and that in order for it to be exempt from setback requirements it would have to be lowered to 6’ high and that it was currently 11’ high.

Commissioner Davitt asked for clarification that if the encroachment of the deck was eliminated then there would be no issue.

Chairman Cahill and Assistant Planner Parinas responded yes.

Assistant Planner Parinas added that the deck could be approved if a portion of it was lowered 20” and a portion of it was removed. She indicated that the portion towards the front of the house would have to be lowered and/or removed in order for the deck to comply.

Vice Chairman Curtis asked for further clarification if the portion of the deck indicated on the overhead would need to be removed.

Assistant Planner Parinas explained that the southeasterly deck could be removed or lowered by 20” to comply with the side setback requirements. She continued by saying that if the two steps up were eliminated on the east side and the deck was at grade in that area it would comply.

Director Stanley clarified that the east side elevation is drawn incorrectly on the plans; the plans show that the southeasterly deck begins at grade towards the front of the house, while the deck is actually 20” above grade. He explained that the deck was built without building permits and planning review.

Commissioner Davitt asked if the new decks replaced two old decks.

Assistant Planner Parinas clarified that the old decks were demolished; the new decks replaced and expanded the area of the old decks.

Commissioner Jain asked if the railing is counted toward the height of the deck.

Assistant Planner Parinas clarified that the railing is counted towards the height of the deck. The 3’-6” railing is required by building and safety. Without the railing a portion of the deck would still encroach into the required setback.

Commissioner Der Sarkissian asked where the pictures on Slide# 5 were taken from.

Assistant Planner Parinas clarified that the photographs were taken from Mr. Stewart’s property at the edge of the disputed area.

Vice Chairman Curtis asked for clarifications regarding which neighbors sent the letters in support.

Assistant Planner Parinas stated that one letter came from the neighbors directly on the east side of Mr. Cohen's property and the other letter came from the neighbors directly on the west side of Mr. Cohen's property. The said neighbors are in support of the deck remaining as is.

Chairman Cahill opened the public hearing.

Mr. Dick Cohen, property owner/applicant, stated that the house was built in 1939 with the original decks. The original decks were reconstructed and expanded. The decks are necessary. Without the decks, he would step out his backyard into an abyss. The new decks are replacement decks. He showed the Planning Commission photographs of the previous decks. He challenged the setback requirements. He feels that requiring a first-floor setback equaling 10-percent of the average lot with is unfair because if you have a narrow lot, the required setback can be as small as 5 feet, and if you have a very wide lot, the required setback can be as large as 20 feet. He would like a condition of approval added requiring his south side neighbors to maintain their landscaping and thin out the pine trees so that his Oaks can get light.

Assistant Planner Parinas clarified that the Planning Commission can't condition the neighbors to maintain their landscaping because the project under review is not theirs. If the neighbors' landscaping is not maintained and becomes a property maintenance issue, it would result in a Code Enforcement case.

Mr. Cohen stated he does not agree with staff. The appellants' properties should also be under review and the Planning Commission does have jurisdiction over their properties because they are a part of this proceeding. His Oak trees on his property are dying because they have ivy (which his arborist took out) and they are being shaded by giant pine trees on his neighbor's property. Oak trees are City protected trees, pine trees are not. He would like his neighbor to thin the pine trees out so that his Oak trees can get light.

Assistant Planner Parinas clarified that staff is not requiring the applicant to modify his house because it encroaches into the required setback. Mr. Cohen's house is legal-nonconforming and does not have to be modified. Staff simply pointed out that the house encroaches into the required side yard setback for reference.

Chairman Cahill asked for clarification about letters in support

Garry Stewart, 1023 Flintridge Avenue, stated that Mr. Cohen did a lot of work on his property (beyond the decks and retaining wall) without building permits. He showed his PowerPoint presentation which included photographs of the work that Mr. Cohen did on his property without obtaining building permits.

Mrs. Marilyn Freytag, 1015 Flintridge Avenue, stated that her house has a lot of windows where she can see Mr. Cohen's property. Mr. Cohen has removed trees and landscaping on the slope, and has threatened to cut down her Pine tree. She has lived in the same house for almost 40 years and has

maintained her trees. Her Pine tree is not harming Mr. Cohen's Oak trees. Her trees are healthy. Mr. Cohen should not be allowed to damage her and her neighbors' properties.

Bela Lugosi, 1029 Flintridge Avenue, asked for clarification if the approval is subject to the 18 conditions of approval.

Chairman Cahill answered yes.

Mr. Lugosi stated that he never had a problem with a neighbor. He had construction done to his home, where he hired architects, builders, and obtained building permits. Mr. Cohen has knowingly done major construction on his property without any building permits. Mr. Cohen jack hammered a trench and did some grading. How will down slope properties be protected by Mr. Cohen's development? Staff should review the project to see if conditions need to be added with regards to grading, the earth, and soil. He stated that the wrought iron fence is on his property. The proposed retaining wall is too close to the property line.

Assistant Planner Parinas clarified outward facing retaining walls within the required setback is limited to 3'-0" tall.

Mr. Lugosi pointed out that the arborist report stated that there are damages to the Oak trees due to Mr. Cohen's construction. He would like all the recommendations made by the arborist to remain as conditions of approval.

Mr. Cohen asked for clarification from staff on what requires permits.

Assistant Planner Parinas clarified that a permit is not required for removal of landscaping with the exception of protected trees and a permit is not required for irrigation as long as protected trees are not affected. Mr. Cohen would not need a grading permit for the trenching if he is going to build a retaining wall. A building permit is required for the retaining wall. If there is additional movement of soil and/or fill, a grading permit would be required.

Mr. Cohen stated that staff told him that he does not need a grading permit if he moved less than 25 cubic yards of soil. He stated that he only moved 3 cubic feet of soil.

Assistant Planner Parinas clarified that Mr. Cohen does not need a grading permit if he only moved 3 cubic feet of soil.

Mr. Cohen would like to keep the decks as constructed. He felt that the decks would be useless if he had to lower them.

Vice Chairman Curtis asked Director Stanley if the 3'-0" tall retaining wall impact the roots of the oak trees.

Director Stanley stated that the condition of approval incorporate the Arborist's recommendations written in the arborist report.

Vice Chairman Curtis pointed out that condition #15 requires that the arborist monitor the tree in the next 5 years. What if the arborist finds negative activity regarding the Oak trees? Should language be added to the condition of approval requiring something to be done if the arborist finds negative activity within the next 5 years?

Director Stanley agrees. He stated that language should be added requiring the tree(s) to be replaced (equaling to the current value of the trees) if the tree(s) die or are injured. The arborist provided a current valuation of the trees.

Assistant Planner Parinas clarified that two of the Oak trees are on Mr. Cohen's property and one Oak tree is on Mr. Lugosi's property.

Vice Chairman Curtis stated that he reviews projects as if it was never built. The fact that the project already exists does not influence him. He visited the site and considered all the testimony. He supports the Director's decision. He would like to add two items to the condition of approval: (1) condition #15 regarding a penalty if the trees are to die, and (2) condition # 18 lattice shall be screened with vines as currently proposed.

Commissioner Davitt stated that situations when neighbors do not get along are difficult. The item under review is an appeal to the Director's approval for two decks and a retaining wall, and denial of the setback modification. Staff's recommendation is not to remove the decks. He visited the site and reviewed the project. He supports the Director's decision with modifications to condition #17 to allow the decks to stay as they are built. He doesn't see a benefit to redesign or remove portions of the decks. He pointed out that there is a condition of approval that required the property owner to obtain the necessary building permits to verify that the decks including the caissons were properly constructed.

Commissioner Der Sarkissian concurred with Commissioner Davitt. He stated that there is no merit in lowering or removing part of the deck. He stated that the neighbor to the southeast is the most affected and he sent a letter of support. The white lattice is intrusive but the vine growth will help in the future. He would like the material of the wall to be changed.

Director Stanley pointed out that condition of approval #13 addresses a color change for the retaining wall.

Commissioner Der Sarkissian stated that he feels strongly that the material should be changed to slump stone so that it would blend in to the hillside better. Another issue is that all the vegetation was removed. He doesn't like the bare hillside. There is a potential for future erosion.

Commissioner Jain concurs with Commissioners Davitt and Der Sarkissian.

Chairman Cahill stated that the deck is at the logical level of the house, so he didn't see a point to remove or lower the deck. The deck extension is not bothersome. Other neighbors have decks that extend to end of house. The proposed decks are consistent with the neighborhood. The decks are screened and the underside of the decks is going to be screened by vines that will grow on the lattice. He stated that a gray wall is not an appropriated material and should be changed. He doesn't

think that the existing landscaping should be required to be retained because it restricts the property owner's ability to re-landscape.

Director Stanley suggested that the condition be modified to require the applicant to submit a landscape plan for review and approval of the Director of Community Development to incorporate screening and hill side protection.

Director Stanley suggested that the standard condition requiring building permits should be modified to require the property owner to obtain building permits within 15 day from the end of the 15-day appeal period.

Commissioner Jain asked Mr. Cohen if he already has the engineering for the deck and the caissons.

Mr. Cohen stated that he already has the engineering plans.

Chairman Cahill made a motion to approve the project with the suggested amendments to the conditions of approval. Commissioner Jain seconded. 4-1 Commissioner Curtis dissenting.

**IX. OTHER BUSINESS** There was no other business discussed.

**X. COMMENTS FROM THE COMMISSIONERS**

Commissioner Jain indicated that he would like to get the project plans sooner.

Director Stanley explained that we make every effort to get the packets out 10 days prior to the hearing but it doesn't always happen.

Commissioner Der Sarkissian indicated that the vinyl fence in front of Mr. Cohen's house was more rustic looking and looked nicer than a solid vinyl fence.

Chairman Cahill added that in some instances vinyl fences are OK. He felt that issue of allowing vinyl as a fencing material still needed to be addressed.

Director Stanley explained that he looked into the issue after it was discussed at a previous meeting and vinyl was originally a prohibited material when the fence ordinance was under review by the Commission. He continued by saying that the City Council added it back in as an allowed material.

Chairman Cahill said that the Commission wanted to consider the issue again. He felt that vinyl shouldn't be allowed.

Director Stanley reiterated that it was just considered with the fence review in the March 2010 and that the City Council wanted to allow it as a fence material.

Commissioner Der Sarkissian stated that a vinyl fence over 42” shouldn’t be allowed or should have spacing so as to not be a solid fence. He asked if we can add that it is a discourage material to Design Guidelines?

Director Stanley stated that we could revisit the Design Guidelines but that any changes would have to be reviewed by the City Council.

Chairman Cahill asked the Director if the City Council debated the issue.

Director Stanley responded yes and that some of the Council members felt that vinyl fencing looked good.

Vice Chairman Curtis added that it was the white shiny material that they object to.

Chairman Cahill added that the City Council didn’t see the fence at 4315 Beulah Drive that was considered last week. He felt that the issue should be reconsidered by the City Council.

Director Stanley stated that if the issue did go back to the City Council the Planning Commission should attend to voice their objection to the use of vinyl material for fences.

Commissioner Der Sarkissian concluded the discussion by stating that vinyl fences could be acceptable under certain conditions. For instance, the fence should be partial open-work.

Vice Chairman Curtis added that it could be subject to the Director’s review.

Deputy City Attorney Guerra stated that the topic should be agendaized for a future meeting for more discussion.

Chairman Cahill expressed interest in reviewing the conditions of approval for the Ralph’s parking lot because he thought that there was going to be a big improvement from the old parking lot with respect to the trees and additional greenery that was proposed. He drove by the project and he felt that the trees that were planted were too small. He wanted to know if the developer didn’t comply with the conditions of approval or if they did comply and he misunderstood what a 15 or 20 gallon size tree is and what the final parking lot was going to look like with respect to the new landscaping. He said it appeared totally inadequate and looked worse than it did before. He requested that the conditions of approval be brought to the next meeting so that they could see and discuss them.

Commissioner Davitt added that the arborists will tell you that a 15” box tree will grow faster than a larger boxed tree.

Commissioner Der Sarkissian also added that the smaller trees will adapt to their environment quicker and survive better; however, larger trees can look nicer.

## **XI. COMMENTS FROM THE DIRECTOR**

Director Stanley stated that three items would be discussed at the November 15, 2010 City Council Meeting. The first was the Finding of Necessity and Convenience for the liquor store next to the old Wells Fargo Bank building. The old liquor license expired and now it has to be heard by the City Council. He explained that the Alcohol Beverage Control requires if there is an over concentration of alcohol uses in an area that the Finding of Necessity must be voted on by the City Council.

The second item being discussed by the City Council will be regarding non-conforming uses and when the use is terminated. He reminded the Commission that they had recommended that the use be considered terminated after nine months. He stated that the City Council has asked for performance standards.

Vice Chairman Curtis asked what performance standards were being considered.

Director Stanley explained that it would depend on if the property was actively being marketed for sale or rent for a particular use and how it's being advertised to potential buyers. An extension of the nine months could be extended if that was the case.

The third item being considered by the City Council was an ordinance regarding expired building permits. He explained that property owners could apply for a temporary extension of ninety days with the possibility of another ninety days to complete the project under certain conditions. This could help alleviate some of the unfinished projects around town that have become blighted. He explained that if a project doesn't go through the extension process it could be referred to Code Enforcement and any potential buyers could be required to remedy all the issues on the site. Worst case is that the permit could be revoked and the house demolished. The proposed extension process could help to get the projects finished and eliminate the blight. He added that currently there are about four unfinished projects that have expired permits with a potential for three to four more relatively soon.

Commissioner Jain stated that he looked at the 4337 Beulah Drive and felt that the project couldn't be completed in ninety days.

Director Stanley explained that the ordinance has a provision for an additional ninety day extension based on the Director's review of the situation. The final inspection would need to be completed within these timeframes.

Commissioner Der Sarkissian explained that the City Of Glendale wants the exteriors of the buildings finished and that the property owner maintains the site. The inside didn't have to be finished and the Certificate of Occupancy had not been issued either. He added that it helps with preservation of the rough building materials.

Director Stanley said that he could suggest that to the City Council.

Commissioner Jain added that for the City of La Cañada Flintridge all of the fixtures and appliances need to be installed.

Commissioner Curtis asked how long a building permit is good for as long as you are continuously working on it and getting regular inspections.

Director Stanley stated that you have two years to finish the construction project from the day you start construction with a potential to extend it for one year if you ask for an extension in writing prior to permit expiration. The applicant is supposed to start construction within 180 days of permit issuance.

Vice Chairman Curtis asked how long ago the two-year completion provision went in to effect.

Director Stanley indicated that it went in to affect in 2000.

Vice Chairman Curtis asked about the over-sized realtor's signs and what does the code allow.

Director Stanley stated that he would have to look in to it.

**XII. ADJOURNMENT** The meeting was adjourned at 9:37p.m.