

**MINUTES OF THE PLANNING COMMISSION
FOR THE MEETING OF TUESDAY, NOVEMBER 22, 2011
CITY HALL COUNCIL CHAMBERS
1327 FOOTHILL BOULEVARD**

- I. CALL TO ORDER:** 6:07 p.m.
- II. ROLL:** Chairman Curtis, Commissioners Der Sarkissian, Jain, Commissioner Gunter;
Absent: Commissioner Cahill
- III. PLEDGE OF ALLEGIANCE:** Commissioner Jain
- IV. COMMENTS FROM THE PUBLIC:** None
- V. REORDERING OF THE AGENDA:** No
- VI. CONSENT CALENDAR:**
 - A. Minutes** – November 8, 2011 meeting; Commissioner Gunter/Der Sarkissian,
Approved 4-0
- VII. CONTINUED PUBLIC HEARINGS**
- VIII. PUBLIC HEARINGS:**
 - A. Second-Floor Review 11-23; 1125 Lavender Lane; Noravian/Mertz:**
consideration of a request for Second-Floor Review to allow construction of a new
1,682 sq. ft. second floor as part of a code-compliant new residence. Staff is
recommending that the Planning Commission approve a Categorical Exemption
for the project. (Consulting Planner Cantrell).

Consulting Planner Roger Cantrell provides a presentation with PowerPoint slides. He addresses the sizes of surrounding houses and how the adjacent houses interface with subject house. He talks about the architecture and how it fits in with the neighborhood. The house height is 28 feet.

Commissioner Der Sarkissian questions the height of the building after scaling the drawings – the dimensions don't match the scaled drawings.

The applicant's architect, Architect Noravian Noravian, addresses the Commission and asks if they have the right plans. Finding that they are, Commissioner Der Sarkissian checks the scale again and it turns out to be correct.

Commissioner Der Sarkissian asks why the change in material? Architect Noravian explains that his client's preference was all shingle but he convinced him to go with all horizontal siding. Commissioner Der Sarkissian notes that it looks like it was built at different times and would like a single material.

Commissioner Jain has questions about the front of the house and its modulation. Architect Noravian notes that if either one is changed, it will change the whole house.

Commissioner Jain states that at least one of the out-crops should be set back at least a couple of feet. Architect Noravian says that he had not studied that.

Director Stanley noted that staff looked at that within the context of the surrounding neighborhood and believed moving them would hurt the design.

Commissioner Gunter stated he had no questions.

Chair Curtis noted there were no other speakers and closed the public hearing.

Commissioner Gunter stated that the design is nice and he was not concerned about the issue of different materials. The design meets all setbacks and meets the intent of guidelines. He is not concerned about the two-story house and would not change the set back.

Commissioner Der Sarkissian states that the material is overdone. It is too similar and suggests that it be changed. He has no other concerns.

Commissioner Jain's only concern is the massing. Other than that, he is okay.

Chair Curtis had initial concerns about massing, but now is okay. He won't make applicant change materials.

Moved by Commissioner Gunter and seconded by Commissioner Der Sarkissian, the project is approved on a 4-0 vote.

- B. Floor Area Review 11-01; 4330 Oakwood Avenue; DeJesus /Ashford:** consideration of a request to construct a 395 sq. ft. patio-cover on a lot with an average lot width less than 80 feet. The existing house with the proposed patio cover would have a total floor area of 4,793 square feet, which is supported by the underlying lot size, but above the 4,500 sq. ft. review threshold for lots less than 80 feet in width. Staff is recommending that the Planning Commission approve a Categorical Exemption for the project. (Assistant Planner Parinas).

The Planning Commission dispenses with the formal Planner's presentation.

Chair Curtis opens the public hearing.

Chair Curtis asks if the applicant would like to speak: Donato DeJesus, applicant, states that it is a simple project to unify the house. Seeing no other speakers, the Chair closes the public hearing.

Commissioner Der Sarkissian asks if drawing A-5 could be presented as the plan was not submitted.

Commissioner Jain indicates that he went to house and found the design satisfactory.

Commissioner Gunter stated that he visited the site and can make the findings to support the project.

Chair Curtis stated he was onsite and could not see the house from around the area. The house blends into the site. He noted he could support the request.

Commissioner Gunter questioned condition 14. He suggested omitting the last part of the sentence and just referencing the ordinance/guidelines.

Moved by Commissioner Der Sarkissian and Seconded by Commissioner Jain, the project is approved on a 4-0 vote.

- C. Setback Modification 11-17, Hillside Development Permit 09-44 (Dir.) (Amendment); 424 Starlight Crest Drive; Anderson:** consider a request for a Setback Modification to allow a 62 sq. ft. addition on a hillside lot to encroach 3'-5" into the required *south* side-yard setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for the project. (Assistant Planner Lang).

Assistant Planner Lang makes an abbreviated presentation with just a few slides. The prior approval of this project turned out to be too small and now the applicant is revising the prior plan to encroach a little further to provide 62 sf additional. She presents some new photos.

Commissioner Der Sarkissian asks what prompted the need.

Assistant Planner Lang stated that the original approval only made part of bathroom handicapped, and this request makes the remainder of the bathroom handicapped accessible.

Kevin Tohill, AIA, the applicant, explains the encroachment requirements and the cross-section drawings regarding the push-out of the room.

Commissioner Gunter restates the issue that the applicant tried fitting the use, without an encroachment, but could not get everything in there that the program calls for.

Chair Curtis closes the Public Hearing.

Commissioner Der Sarkissian notes that he visited the site. He saw no impact but doesn't want a 35% reduction in the side yard. The applicant chose to do the improvement the easy way and has not demonstrated where the hardship is?

Commissioner Gunter also visited the site. His issue is that the setbacks are already substandard and this drives them even further. He cannot make finding #3 of the Modification. The applicant can achieve his goal without going into the setback. The adjacent houses are already close. This was not executed the best way and he can't make the finding. He is inclined to deny the request.

Commissioner Jain also visited the site but was not able to get inside. The minimum side yard setback should be 5 feet. This design does not allow for emergency access. He agrees with the

reasons for the Modification, but the applicant needs to find an alternate solution. Maybe he can lose a closet or adjust the large hallway. Other adjustments can be made to do the job and still retain the setback.

Chair Curtis states that it is difficult to approve for same reasons the other Commissioners have put forth. The applicant needs to maintain the 5 feet side yard. There is room for some redesign and then maybe he would approve.

Commissioner Der Sarkissian adds that it can be done without more encroachment. Once the setback is reduced, the door is opened to allow the rest of the house to encroach.

Moved for denial by Commissioner Gunter and Seconded by none, the motion dies.

Moved by Commissioner Der Sarkissian and Seconded by Commissioner Jain, the project is continued to January 24th for redesign on a 4-0 vote.

- D. Zone Change 11-06; Mills Act; Citywide; City of La Canada Flintridge:** consider adoption of an amendment to the city's Zoning Ordinance pertaining to the Mill acts, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission may make a recommendation to the City Council at this hearing. Staff is recommending that the Planning Commission approve a Negative Declaration for the project. (Planner Clarke).

Planner Clarke presents the materials on the Mills Act. He notes that Commissioner Der Sarkissian was a member of the citizens committee for the Mills Act. Mr. Clarke presents the full background on the law.

Chair Curtis asks if this applies to residential and commercial properties? Staff responds affirmatively. He also asks if Planner Clarke can explain all the formulas and about the resulting property taxes that would be easily halved. He states that the Act provides a rolling contract for ten years similar to the Williamson (Ag Preserve) Act. The contract is renewed each year for a ten year period.

Planner Clarke explains that the house would have to qualify, and then would have to be preserved as it is. Any work to the structure must meet state requirements and be acceptable to the City of La Cañada Flintridge. The owners can improve the value of the house.

Commissioner Der Sarkissian states that the Mills Act was chosen by committee because it uses incentives and experts outside the city.

There is discussion between staff and Commission regarding the money issues.

The Public Hearing is opened (7:20 p.m.)

Brad Schwartz, resident, here to address and listen to the Planning Commission. He states the formula for each house is unique but the average is about 50%. The City Council would test the waters with a \$10,000 limit in city losses.

Sherry Cade, 582 Meadowgrove, addresses her house and the interesting things within it. She states that there are 122 doors, an elevator, the historical biography of four owners, the fact that it is a Moore (architect) house with original drawings and gargoyles. She thinks that the city will be inundated with requests for Mills Act contracts.

The Public Hearing was closed at 7:56 p.m.

The Planning Commission requested to have their comments offered up to the City Council since the Planning Commission will be part of the committee that makes contract recommendations.

- E. Zone Change 09-04, Amendment to Chapter 4.26 of the City of La Cañada Flintridge's Municipal Code pertaining to the Preservation, Protection and Removal of Trees; Citywide; City of La Canada Flintridge:** consider an amendment to the City's Municipal Code pertaining to the Preservation, Protection and Removal of Trees and possible relocation of said chapter into the Zoning Code. This is an amendment to the City's Municipal Code, which requires a future City Council public hearing and City Council approval (to be noticed later). The Planning Commission may make a recommendation to the City Council at this hearing. Staff is recommending that the Planning Commission approve a Negative Declaration for the project. (Assistant Planner Lang).

Chair Curtis asks the members what do they want to achieve tonight?

Assistant Planner Lang states that the matrix needs to be completed. The ordinance is in rough form at this time. The members could clarify their positions on items and look at language changes and the guidelines.

Chair Curtis opens the Public Hearing at 8:03 p.m.

Sandra Gutierrez of Express Tree Service asks about the requirements for certification. She would like to add the option to have ISA tree workers qualified.

Assistant Planner Lang states that they currently must have a D49 contractor's license or arborist certification from ISA.

Chair Curtis would add to the definition section to have a D49 license or an ISA certified arborist, and tree workers only if overseen by arborist.

Bill McKinley, local arborist, notes typos in the definitions. He would also want regulations about tree trimming in the canopy, limits on limbs and roots, and limits of removal per year.

It is suggested that the Planning Commission and staff go through the staff report and address all the points that are indicated.

- The Planning Commission moves to eliminate the requirement for CEQA review for trees that are 36" or more in diameter. There would still be a requirement for an arborist's

report for any tree 36" in diameter or larger. The Director will be reviewing all trees of this larger diameter.

- Excavation of pools and basements: the tree protection zone setbacks could be 15' or 5x trunk diameter, whichever is more.
- Hand tools within protection zone: handled by arborist report requirement.
- Removing trees: penalty fee and size and number of trees for replacement for legal and illegal removal.
- Stop Work order: should this stop all development or just in the area of the tree – have option in the code.
- Make two lists: one for certified arborists for reports and the other for the remainder.

Commissioner Jain has a question on the matrix regarding the conflict about the oaks. Do we mean all oaks or only those that are 12" or greater.

Chair Curtis asks about Section .010 – fuel mod guidelines and .020 – public and privately owned trees – damage levels – excessive trimming of regulated trees remove the 2 years limit – a question about capitalization of DCD – asphalt replacement exempted on page 6 number 3 – page 9 and the findings for removal of trees and if they have ever been used for true 3rd party evaluation – B3 about existing trees designated as replacement trees.

Commissioner Jain asks about page 9 item 7 (bonds) – would like to know if 2 years is enough and the use of cash deposit – most cities use 5 years as the rule and if the health is declining in that period, use deposit to replace – page 12 replacement tree 36" box – wait until we get the matrix.

Commissioner Curtis moved to continue this item to December 13th and Commissioner Der Sarkissian seconded. The motion was approved on a 4-0 vote.

IX. OTHER BUSINESS

- A.** Discussion with the City Attorney regarding the regulation of retail vendors.

Chair Curtis notes that this item was placed on the agenda at the request of Commissioner Cahill. As he is not in attendance for this meeting, he suggests that the item be moved to the next agenda for report. The Commission concurs.

- X. REPORT OF DIRECTOR'S REVIEWS** [Director's Setback Modifications; Director's Height Modifications and Director's Second Floor Reviews] – none to report

XI. COMMENTS FROM THE COMMISSIONERS

There are none.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley indicates that there will be a General Plan Update meeting next time and that food will be provided. Director Stanley also reports on the City Council actions from last night including the escrow office zone change (Planning Commission upheld), chimney and pool/spa

equipment zone change was approved, and there was discussion on call-up provisions. He also noted that the Sprouts sign City Council appeal is upcoming. The appeal of the Paredes property will also be going back to the City Council.

XIII. ADJOURNMENT: 9:48 p.m.