

CITY OF LA CANADA FLINTRIDGE

MINUTES OF A MEETING OF THE PLANNING COMMISSION OF THE CITY OF LA CANADA FLINTRIDGE HELD ON DECEMBER 9, 2014

I. CALL TO ORDER: 6:02 p.m.

II. ROLL: Chairman Walker, Vice Chairman Jain, Commissioner Gunter, Commissioner McConnell; Commissioner Smith absent

III. PLEDGE OF ALLEGIANCE

IV. COMMENTS FROM THE PUBLIC:

Anntim Vulchev, attorney for Zina's Healthy Place owner Sonia Race, passed out materials to the Commissioners. He noted that her case, involving landlord and Commissioner Arun Jain, had gotten front page coverage in the Valley Sun, Outlook, and Glendale News Press. He recalled addressing the City Council at their last meeting. Mr. Vulchev noted that Sonia's Place had the highest Yelp ratings of any restaurant in La Canada Flintridge. He stated that he is here because of what Commissioner Jain is doing, and that it reflects badly on the City since Mr. Jain is a City official. He went on to state that silence from the other Commissioners on the matter would also reflect badly. He recalled that Mr. Jain had within three months closed off parking and taken other measures to make it difficult for Ms. Race to stay in business. He asked why Mr. Jain doesn't want to have Ms. Race's 82-year-old mother to have air conditioning when she cooks. He stated that Ms. Race had made the restaurant beautiful, following Commission approval of a Conditional Use Permit in 2008 with comments of the seating being a welcome addition to the boulevard. He stated that Mr. Jain is demanding that it be returned to an eyesore, with the goal of getting rid of Zina's. He stated that Mr. Jain has knowledge of how the City works, and that a private developer wouldn't act like he has. Mr. Vulchev called it a David and Goliath struggle, noting that Mr. Jain had filed an unlawful detainer and that Ms. Race is "fighting for her life".

Deputy City Attorney Guerra noted that the 3-minute limit had been reached.

Mr. Vulchev concluded by stating that it is incumbent on the Commissioners to do what they can with private discussion, then if necessary go public.

Deputy City Attorney Guerra noted that it is a civil matter, not involving the City at all.

V. REORDERING OF THE AGENDA

Chair Walker confirmed that there was no call to reorder the agenda.

VI. CONSENT CALENDAR

- A. **Minutes:** September 9, 2014
- B. **Minutes:** September 23, 2014
- C. **Minutes:** October 14, 2014
- D. **Minutes:** October 28, 2014
- E. **534 Starlight Crest Drive**
 - Hillside Development Permit 13-17
 - Fonseca/Firozeh
 - Resolution 14-70 denying project
- F. **4600 Ocean View Boulevard** and adjacent unaddressed parcels
(APNs 5870-010-038 & 5870-010-039)
 - Lot Line Adjustment 14-02
 - Triland Development LLC
- G. **733 & 743 Craig Avenue**
 - Lot Line Adjustment 14-03
 - Seung Choon Lim

Chair Walker confirmed with Deputy City Attorney Guerra that Item F, Lot Line Adjustment 14-02, should be pulled from the Consent Calendar.

Chair Walker noted that Item C, Minutes of October 14, 2014, would be pulled from the Consent Calendar because there was no quorum of the members present at that meeting.

M/S/C Gunter/Jain to adopt Consent Calendar aside from Items C and F to be continued.
3-0-1 on Item B, September 23, 2014 minutes (McConnell abstain due to absence on 9/23);
4-0 Items A, D, E, and G.

VII. CONTINUED PUBLIC HEARINGS

- A. **1004 Foothill Boulevard:**
 - Conditional Use Permit 494
 - Um/Lim / Hill Street Cafe

[Continued from October 28, 2014] Request to allow continued alcohol sales in conjunction with restaurant remodel and expansion. A new bar area and covered patio comprising approximately 1,600 sq. ft. would be added to the restaurant. The restaurant does not have a current CUP for the sale of alcohol as required in the Mixed-Use 2 zone of the Downtown Village Specific Plan (DVSP). Thus, expansion as proposed necessitates CUP review and approval. Existing onsite parking would be reduced from 57 spaces to 54 spaces in order to accommodate the expansion and parking lot stall and landscape improvements. Staff is recommending approval of a Categorical Exemption for this project.

Chair Walker noted that the applicant had requested in advance a continuance to the January 13, 2015 agenda. She opened the public hearing and closed it upon receiving no comments.

M/S/C Jain/McConnell to continue to January 13, 2015. 4-0

B. **4812 Gould Avenue:**
Second-Floor Review 14-27
Toker / Alvarez / Um

[Continued from November 13, 2014] Request to allow construction of a new two-story residence at 4812 Gould Avenue.

Chair Walker confirmed with the Commission that the staff report could be waived, and opened the public hearing.

Alon Toker, project engineer, noted that it is the third hearing and summarized the prior history, with the first hearing dealing with privacy and screening and the second hearing dealing with porch height. He noted that the porch was redesigned to meet the 12-foot height guideline, with the arches above the entry revised for improved character.

Carrie Grochow, neighbor to north, confirmed that the only change was the entry porch height.

Chair Walker closed the public hearing.

Case Planner Gary Yesayan stated the previous condition regarding the front yard tree was to protect it, rather than to designate it a protected species, and that condition can be removed.

Commissioner Gunter advised of having visited the site again. He stated appreciation of the changes, and that comprehensive landscape review by the director would be an appropriate way of dealing with the tree in context. He stated that the porch was an improvement, and supported positive findings.

Vice-Chair Jain and Commissioner McConnell concurred with Commissioner Gunter's comments.

Chair Walker concurred, expressing appreciation for the owner's responsiveness, and for the better-looking porch. She expressed concern about dropping the tree condition, although the oversize porch has been resolved, because the tree softens and screens the entire house. She stated that she would want to see the condition remain.

Commissioner Gunter stated that he would also hope that the tree would stay, but was not aware that the Tree Ordinance allows for the designation and would not want to encumber the property with something that was not in the ordinance. Chair Walker responded that it is not unusual for the Commission to place a condition to protect landscaping. Commissioner Gunter made a distinction between conditioning a tree to remain and placing it under protected status.

Deputy City Attorney Guerra stated that having it treated as a protected tree would ensure that it would have to go through a review process to be removed.

Vice-Chair Jain opined that the tree should remain as an element but not as protected.

Commissioner McConnell stated that the conversation is about semantics, and that the City Attorney could write an effective condition. He stated appreciation of the tree in that position,

and noted that the Commission has in the past required front yard trees without specifying replacement or protected status. Commissioner Gunter stated support for retaining a landscape plan condition. Deputy City Attorney Guerra noted that Condition 12 was already in place, and could be amended to stipulate that the tree remain. He also noted that the condition addresses a landscape plan but not installation, which should be required prior to final inspection approval.

Chair Walker reopened the public hearing.

Project engineer Alon Toker stated that part of the argument persuading the owner to lower the porch was that the tree could be removed. Mr. Toker advised of hoping to find a way around this, such as a condition specifying a 24 or 36 inch box replacement tree. He noted that the house meets all design criteria, and that it would be onerous to also require retaining the tree.

Chair Walker closed the public hearing and queried fellow Commissioners about thoughts after hearing Mr. Toker.

Commissioner McConnell suggested adding a condition to maintain the tree or replace it with other trees that would provide similar screening, perhaps four or five 36"-box trees. Deputy City Attorney Guerra noted the similarity to a protected tree treatment. Chair Walker suggested approval of a landscape plan by the Director, following direction of Commission comments. Commissioner Gunter supported that idea in the context of the entire front landscaping. Commissioners Jain and Walker concurred.

M/S/C Gunter/Jain to approve the project with conditions modified per discussion. 4-0

Chair Walker announced to the public the 15-day appeal process.

Noting that Engineer Ivan Chiu had arrived, Chair Walker announced to Mr. Chiu that Lot Line Adjustment 14-02 had been pulled from the agenda and would not be discussed at the current meeting, and that Lot Line Adjustment 14-03 had been approved. Deputy City Attorney Guerra told Mr. Chiu that he would be contacted by staff.

C. 1910 Glenhaven Drive:

Hillside Development Permit (Admin) 14-21 / Second-Floor Review 14-25 /
Variance 14-02 / Director's Miscellaneous Review 14-31 (SB)
Trammell / Tripathi

[Continued from November 13, 2014] Request to allow a 135 sq. ft. first floor addition, a 279 sq. ft. second floor addition and a new 3'-0" to 6'-0" high retaining wall that would create an additional off-street parking space. The Director's Miscellaneous Review is required because the new entry would encroach 2'-0" into the 25'-0" front-yard setback requirement but would be behind the existing garage. The Variance is required because the added floor area would yield a total floor area that exceeds the allowable floor area limit for the lot.

Assistant Planner Harris noted the small size of the lot – 5,503 square feet – with an existing home of just over 1,800 square feet including the garage. She stated that the proposed floor area would be 2,286 sf, of which 31 square feet would be at second floor level. She noted an allowable floor area of 1,981 sf, so that a Variance is required for the excess floor area. She noted that the Slope Factor Guideline further reduces that allowable floor area, though only as a guideline.

Ms. Harris exhibited the site plan, noting that sideyard requirements were met aside from a front corner encroaching two feet into the required 25-foot setback, eligible for approval through the Director's Miscellaneous process. She mentioned that stairs alongside the garage were also requested, and that an exterior parking space would be created. She noted that the wall should be redesigned so that it would be terraced so that no portion of it would exceed a 42-inch height, as is required in the front yard setback area.

Ms. Harris exhibited the entry plan, family room, elevations and a rendering showing the new entry area. She then showed the existing elevations, noting that the proposed roof would tie the house elements together. She showed photographs of the house with story poles as seen up and down Glenhaven and to a lesser extent from La Granada Way.

Assistant Planner Harris stated that staff could make positive findings on all components of the project except for the Variance, due to its stricter criteria. She stated that it is a difficult site, and that the project would improve the existing situation, but that staff was nevertheless recommending denial based on the Variance findings.

Commissioner McConnell inquired about the lot to the south – was it also beyond the floor area limit, and when was it approved? Ms. Harris estimated it would have been between 2003 and 2005, when findings were also in place, and thus would have required a Variance. Senior Planner Buss stated that it might not have required a Variance, and that earlier there was a less stringent process, floor area review (not to be confused with the current Floor Area Review requiring Commission approval) to go 4% above the limit.

Commissioner Gunter had no questions.

Vice-Chair Jain asked if it had been submitted as an Administrative or Commission application. Ms. Harris responded that it had been Administrative, but that the need for a Variance elevated it to Commission review.

Chair Walker opened the public hearing.

Vaughan Trammell, project architect, presented his own PowerPoint presentation. He reviewed the construction history from the original 1926 building date through additions in 1934 and 1937.

Mr. Trammell noted that the applicant is asking to add a total of 435 sf to the house, allowing connection to the garage and use of an isolated room above it. He stated that strict application of the code would be unfair, exhibiting a slide of the neighborhood, labeled to show 25% of houses exceeding the code area limit. He stated that the code limit exists to prevent mansionization, which staff has indicated in Finding #3 as met. He suggested that the

evaluation be based on massing and scale. With regard to a grant of special privilege, he noted the 25% of neighborhood houses over the limit. On the special circumstances finding, he cited the steep terraced through lot as the third smallest in the neighborhood. Mr. Trammell offered mitigation measures consisting of an offstreet parking spot and a landscape barrier to the north. He noted the removal of two sheds at the top of property, and concluded with the promise of an improvement to the neighborhood.

Commissioner Gunter asked if part of the addition could be used as a bedroom. Mr. Trammell responded that the existing room above the garage, made accessible by the project, could be a bedroom.

There were no other questions.

Dan Tripathi, owner, thanked the Commission. He stated that the City has done a wonderful job of protecting quality of life. He urged the Commission to look at the intent of the code in preventing mansionization. He noted the minimal view from the road, and the lack of impact on views. He noted that the room over the garage is currently unusable, and that this is the best solution.

Commissioner McConnell asked if Mr. Tripathi had spoken with the neighbor to the north about the project. Mr. Trammell responded that they had tried, and Mr. Tripathi added that the neighbor, Mr. Dompe, is in his 80s. The neighbor had a line drawn around his driveway, and had asked for a way to add a parking spot; since then he couldn't be reached.

Chair Walker closed the public hearing.

Commissioner McConnell recalled visiting the site and spending time on the balcony of the neighbor to the north. He stated that it is the most impacted spot, particularly its windows to the southeast. Mr. McConnell stated that total size is a problem, and he had struggled to make Variance findings as well. With the absence of any neighbor opposition, he was inclined to approve the Variance.

Commissioner Gunter advised of visiting the site and discussing the project with the owner and architect. He concurred with staff's three positive sets of findings, but the Variance findings were more difficult. He noted the neighbors' support and the modest nature of the excess. Commissioner Gunter stated that he had voted to approve perhaps only one Variance during his years as a Commissioner. In this case, however, he noted the mitigation measures, onstreet parking as a quid pro quo. He noted that he could barely make Finding 1, with the special circumstances based on neighborhood context. He noted that Variances are meant to make it difficult to go outside of the rules.

Vice-Chair Jain recalled visiting the site and spending a lot of time with the homeowner and architect. He noted that it is a difficult site no matter how it's handled. The only affected neighbor would be to the north, from which there is no opposition. Mr. Jain called it a workable solution, with parking as a tradeoff, and stated that he could make all findings.

Chair Walker agreed, stating that it is a very difficult decision with Variances held at a higher standard. She noted the variety of lots in the area with odd sizes, shapes, and topography,

making comparisons difficult. She also noted the smaller-than-average house size with an awkward configuration that is made into a functional home through the project. She stated that the removal of the two sheds and the creation of onstreet parking, together with neighbor support help. Ms. Walker noted that windows were a concern, but not privacy orientation. She cited the code's statement of the purpose of variances – to accommodate situations of “practical difficulties or unnecessary hardship” – and noted that the site's exceptional characteristics made approval appropriate.

Assistant Planner Harris stated that no approval resolution or conditions had been prepared, since denial had been recommended.

Commissioner McConnell suggested a condition to add screening on the north and replacement of outbuildings not permitted.

Deputy City Attorney Guerra stated that an action should be taken subject to a future resolution on Consent Calendar.

Chair Walker suggested that the conditions include the removal of the two sheds.

Assistant Planner Harris added that the applicant will be required to modify the retaining wall for lower exposed faces.

M/S/C McConnell/Jain to approve the project with the resolution to be brought back for adoption as stated by the Deputy City Attorney. 4-0

Deputy City Attorney Guerra announced to the public that there would be no future notice for the resolution adoption, and that Ms. Harris could be contacted for the date.

VIII. PUBLIC HEARINGS

- A. **5153 Jarvis Avenue:**
Second Floor Review 14-29 / Setback Modification 14-14
Flores

Request to allow a 2,807 sq. ft. 1st and 2nd floor addition to an existing residence. The extent of demolition/remodeling qualifies the project as a new 2-story residence. A Setback Modification would allow retention of a substandard south side yard setback.

Assistant Planner Harris noted the 16,000 square foot lot, and proposed first and second floor areas of 2,924 sf and 1,673 sf. She stated that some of the existing floor area will be retained, including the dining room on the south side where an encroachment necessitates a Modification. She stated that the four deodars in front of the lot are protected since the lot is within the historic deodar district, while one in the rear is not. Ms. Harris displayed the plans, with the existing garage to be converted into a pool house, a new garage facing north, a front courtyard, and the existing round entry incorporated into the middle of the house. She noted that the 16-foot wall height of the dining room placed it into the second-floor category for the purpose of setbacks, leading to the encroachment and the Modification request. She noted an

overall height of 29'-6", and that removing more than 30% of roof resulted in the project's classification as a new house.

Ms. Harris stated that no privacy or view impacts would result from the balconies or project in general, and that the project did reach the code height limit of 32 feet as measured from the lot's low point at the rear.

Commissioner Gunter asked if the applicant supplied historical information on her own. Ms. Harris stated that staff had realized the potential historic value and asked for the information. Commissioner Gunter confirmed that the City has no ordinance protecting such older homes, although Senior Planner Buss indicated that CEQA does categorize houses 50 years or older for more environmental review.

Commissioner Gunter asked why a condition was placed prohibiting plumbing in the pool house. Ms. Harris referred to Condition 12, explaining that once an accessory structure has cooking facilities, it is classified as an Accessory Living Quarters unit. Commissioner Gunter noted that on a lot of less than 20,000 square feet, such a unit has to be attached, so that it could not be possible in this case. He recommended that some explanation of the rationale for the condition be provided, on the record if not in the condition itself.

Vice-Chair Jain and Chair Walker had no questions.

Commissioner McConnell asked about the definition of a basement. Assistant Planner Harris stated that it would have to be habitable, and that the ceiling height in this house's underfloor area is too low to be converted to habitable.

Chair Walker opened the public hearing.

Owner Valerie Flores recalled having looked for a home in the area for a decade. She stated that the house could be remodeled into her dream home in a beautiful neighborhood. She noted that the 1926 home had undergone some bad changes in the 1970s and 80s, such as low ceilings and metal cabinets in the kitchen. She advised that the house had also been poorly maintained. She stated her goal to pay homage to the original style, noting that she added another turret for that purpose, and that she wants the house to look original through historic research. She viewed the north to south slope as challenging, noting that on the south side a raised foundation is needed, not allowing height for a usable basement. She reiterated staff's observation of abundant screening. She noted that the house is within the floor area limit and that she is amenable to all the draft conditions. She repeated her request to leave the dining room in its place.

Commissioner Gunter confirmed with Ms. Flores that the appliances under the dining room are being stored rather than operational, and confirmed with Ms. Flores that a condition prohibiting improvement of the space under the dining room would be acceptable. Ms. Flores also mentioned that there is a shed in the back yard that will be demolished.

Chair Walker closed the public hearing.

Vice-Chair Jain recalled visiting the site, and noted the interesting remodel as an attempt to restore some of the glamour and elegance. He stated that the project meets all code except for the setback on the existing dining room subject to a Setback Modification. He stated the he could make positive findings.

Commissioner McConnell recalled visiting the site, and having had concerns with the crawl space that have been resolved. He supported positive findings.

Commissioner Gunter recalled visiting the site and agreed with Commissioner McConnell's positive thoughts. He admired the design, and acknowledged the hardship leading to the Modification request.

Chair Walker asked Assistant Planner Harris if crawl spaces were considered floor area in earlier times, noting that the house dates back to the 1920s. Senior Planner Buss responded that there were no floor area limits at that time, only setback minimums. He noted that the crawlspaces were mostly for plumbing access. Ms. Walker asked about the point at which the space becomes habitable. Ms. Harris stated that it was at a height of 7'-6". Mr. Buss added that it was a building code minimum, not a zoning standard, and that attic space under a 6 foot height is not counted as floor area.

Chair Walker agreed with the other Commissioners, noting that the project was well thought-out and blended well with the neighborhood. She noted that it was nice to see house spirit kept alive.

M/S/C Gunter/McConnell to approve the project, adding language to Condition 12 to clarify that it was due to ALQ regulations, and to add to Condition 14 that no crawlspace improvements would be allowed. Ms. Harris clarified that lighting would be allowed, which Mr. Gunter confirmed because no permit is necessarily required. 4-0

Deputy City Attorney Guerra announced to the public the 15-day appeal period.

IX. OTHER BUSINESS:

- A. **Building & Safety Verification:** Discussion regarding in-field validation of building setbacks, heights, drainage, conditions of approval, etc. by building inspectors.
- B. **Story Poles:** Discussion regarding standards, performance and responsibility.
- C. **Construction Parking:** Discussion regarding current and potential requirements, and prosecution of the code.

Chair Walker stated that all three items need to be continued due to the absence of Commissioner Smith and particularly Director Stanley.

X. REPORT OF DIRECTOR'S REVIEWS

A. 4706 Crown Avenue:

Director's Miscellaneous Review 14-41 (SB)
Herrman

Allowed a building addition to encroach into the required 9'-4" side-yard setback to be located 5'-0" from the north property line. The addition will not encroach further into the side setback than the existing structure. The addition will maintain the proper rear-yard setback. The building area will increase from 1,587 sq. ft. to 2,267 sq. ft., which is below the maximum permitted floor area of 2,553 sq. ft.

The Commission had no comment on this item.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Gunter recalled a committee meeting on zoning ordinance revisions that afternoon, and that such revisions should include definition of the difference between a basement and a crawlspace. He suggested that a 6-foot height threshold be instituted as for attics, for consistency.

XII. COMMENTS FROM THE DIRECTOR

Senior Planner Buss noted that Director Stanley had returned from New York, but with back trouble.

He confirmed with the Commission that there would be no December 23 meeting.

Chair Walker announced that the next meeting would be January 13, 2015.

Responding to a query from Commissioner McConnell, Mr. Buss stated that the Flintridge Sacred Heart Academy specific plan is being revamped, and that the EIR would probably be recirculated, so the timeframe could be considerable. He advised the Commission to retain the previously distributed documents.

XIII. ADJOURNMENT: 7:40 p.m.