

CITY OF LA CAÑADA FLINTRIDGE

**PLANNING COMMISSION
Meeting Minutes
September 13, 2016 - 6:00 p.m.
City Hall Council Chambers
1327 Foothill Boulevard**

- I. **CALL TO ORDER** – Chairman McConnell called the meeting to order at 6:00 p.m.
- II. **ROLL:** Also present were Commissioners Gunter and Jain. Commissioner Hazen was absent.
- III. **SWEARING IN OF COMMISSIONER OH** – Commissioner Oh was sworn in by Community Development Director, Robert Stanley.
- IV. **PLEDGE OF ALLEGIANCE** – The Flag Salute was recited.
- V. **SELECTION OF CHAIR AND VICE-CHAIRMAN** – This was tabled until a full Commission is available.
- VI. **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.
- VII. **REORDERING OF THE AGENDA** – The agenda was not reordered.
- VIII. **CONSENT CALENDAR**
 - A. **Minutes** – [6/14/16](#); [6/28/16](#); [7/21/16](#); and [7/26/16](#) meetings. M/S/C – McConnell/Jain to continue 6/14/16 meeting minutes to 9/27/16 and to approve 6/28/16; 7/21/16 & 7/26/16 Meeting Minutes. Approved – 3-0-1. Oh recused himself.
- IX. **CONTINUED PUBLIC HEARINGS** – There were none.
- X. **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 accordance with the staff report.

She explained that the requested deck would be installed for Fire Department access. At the previous meeting the applicant was asked to lower the previously requested retaining wall and recess it back to create shades and shadows. On the final plan that was approved, the applicant completely removed the retaining wall. The current proposal is for a concrete deck supported by caissons. The adjacent slope is very severe. Ms. Harris showed the previous approved rear elevation. She discussed a condition that she included for planting of landscaping. There is existing screening installed for the house to the southeast. Site photos were also viewed looking north from the shopping center below.

Ms. Harris indicated that staff recommended approval of the project.

Commissioner Oh asked about runoff from the deck since the deck is lower than the home.

Ms. Harris said that the Grading Division of the County will review this during plan check.

Ms. Harris indicated that the applicant is present for further clarification.

Commissioner Oh asked if there is any concern with erosion.

Ms. Harris said that drainage would be addressed in the plan check phase.

Commissioner Gunter asked if the Fire Department requested the concrete deck.

Ms. Harris indicated that the Fire Department suggested that a surrounding retaining wall and walkway be installed rather than a deck which the applicant had originally wished to install.

Commissioner Gunter asked if the deck would have to return to the Fire Department for review once approved by the Planning Commission. He also asked if there was an elevation of the proposed deck and if there was any information regarding the treatment of the railing, underside of the deck, etc. He also asked about the underdeck area and the building up of dirt to disqualify it from counting as floor area. He wanted to know if the revised grading had already been reviewed by the County.

Ms. Harris said any revised grading would have to be reviewed by Building and Safety.

Commissioner Gunter indicated that he would have liked to have had the original plans that were approved by the Planning Commission to help make their decision.

Ms. Harris said the raised concrete deck would also encroach into the side setbacks.

Commissioner Gunter stated that he would like to see how the deck, caissons and railing would look.

Ms. Harris said a condition could be added that these items could be reviewed by the Community Development Director.

Commissioner Gunter indicated that it would be good to see what was originally approved and also to have what is being proposed at this time.

Chairman McConnell asked if the Fire Department informed the City directly as to what they were requiring.

Ms. Harris said, "No."

Chairman McConnell asked if the retaining wall height meets code and if it would have come back to the Planning Commission for review.

Ms. Harris clarified that it is possible that a wall previously came back to the Planning Department for a Substantial Conformance since a lower wall was previously approved. She reminded Chairman McConnell that a wall was reviewed by the planning Commission but the previous applicant opted to removed it prior to final approval by the Planning Commission.

Director Stanley reminded the Planning Commission that staff was unsure if a previous Substantial Conformance was done for the wall and also unsure of the timing of Fire Department approval.

Chairman McConnell opened the public hearing and invited the applicant up to speak about the project.

Applicant/Owner, Mr. Barseghian, explained that the Fire Department is requiring access to the back of his property. He added that he felt there should be a walk behind the house in case of an emergency.

Chairman McConnell asked the applicant how the caissons would look.

The applicant said that they relied on the original approval that was given and wondered how the project could have been approved without emergency access to the rear of the property.

Commissioner Oh asked the applicant what he meant by security for the residents of the house.

The applicant explained that meant safety as the residents would need to be careful as to not step off of the back of the house.

Commissioner Gunter asked if plans had been drawn up yet indicating the aesthetics of the deck, railing and caissons.

The applicant replied, "No."

Commissioner Gunter asked if the applicant planned to make any future changes to the property.

The applicant said that there are additional minor improvements and the contractor will work to alleviate these minor items. An architect, soil and geotechnical engineers would all be involved.

Commissioner Gunter asked the applicant to elaborate further on the existing grade and if it was different from the approved grade. He also asked if a railing would be installed on the grade.

The applicant clarified that the railing would go on the deck.

Director Stanley asked for clarification as to whether there would be decorative columns or caissons placed on the deck.

Commissioner Gunter felt that the applicant meant balustrade.

The applicant's contractor was here and available to answer technical questions.

Commissioner Gunter asked about the down slope of the property and if they created a flat pad.

Mr. Gumuryan, the project contractor said that it is graded flat for the equipment for septic tank installation. They are also proposing to keep the flat area and would provide drawings upon completion as to how the slope would be stabilized once septic tank installation is completed.

In response to Chairman McConnell's question to clarify if the caissons or railing would be decorative, Mr. Gumuryan explained that there will be landscaping installed under the deck to hide the caissons.

Chairman McConnell asked about a plan for drainage.

Mr. Gumuryan said that Los Angeles County requirements for Low Impact Development (LID) will be reviewed by the County.

Director Stanley clarified that LID requirements would need to be complied with.

Commissioner Gunter said that he was unable to make findings because the drawings that were provided are inadequate. There are no vertical elevations or elevations relating to the deck. He can justify the portion that the Fire Department is asking for but he is opposed to a deck of this size. The approved house exceeds the slope factor guidelines. He recommended continuing the item as he said that he struggled with a deck of this size since the deck is quite prominent from outside of the City looking into the City.

Commissioner Jain said that he visited site and struggled with the square footage and the building height when the house was first reviewed. He understands the concerns related to Fire Department access. He said that he agreed with Commissioner Gunter that there is not enough information with regards to the railing and other aesthetics to make a determination.

Commissioner Oh said that he visited the site and noted that it is very steep and the road to the site is very narrow. The deck is situated in a way where there are no privacy issues for neighbors. He had concerns about possible slope and erosion problems. He understood that there is no usable outdoor area without a deck and that slope and erosion issues will be addressed during the plan check process. He indicated that he would like to grant the applicant's request but that he acknowledged that the rest of the Commission has a longer history and knowledge of the property. He agreed that the information included in the report could be more comprehensive. He said that he agreed with Commissioner Gunter that a continuance would be best.

Chairman McConnell asked about the height of the house and if the deck would create a new low datum point.

Ms. Harris explained that cumulative height is counted for retaining walls adjacent to structures on hillside properties and not counted for this deck since it is being looked at as a detached accessory structure.

Director Stanley clarified that inclusion of retaining wall towards overall height is optional for the Commission. He viewed the deck with its recessed caissons as not contributing towards overall building height and added it is not over-height as an accessory structure.

Chairman McConnell said that he was concerned with the overall height once the deck is in place. He said that he would like to see an elevation that shows the overall height. He recommended that the request be continued so that more detailed plans could be submitted for the Commissioners to visualize

what is existing and what is proposed. He also stated that a landscape plan would also help the Commission.

Chairman McConnell reopened the public hearing.

Chairman McConnell asked the applicant how long it would take to draw up new plans and provide all the additional information.

The applicant was unsure.

Chairman McConnell asked if the first meeting in December would work for the applicant to bring back the new plans.

After further discussion, the applicant agreed to an earlier meeting date of October 25, 2016. M/S/C - McConnell/Gunter to continue the item to the October 25, 2016 meeting. Approved 4-0.

- B. [Second Floor Review 16-11 / Floor Area Review 16-04; Stoddard/Palmer; 5037 Hill Street:](#) request to construct a new two-story house and detached garage comprising approximately 5,793 sq. ft. on a 20,992 sq. ft. lot. Floor Area Review is also required since total project area would exceed 4,500 sq. ft. on a lot less than 80 feet wide. 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 explained that a new two-story residence and detached garage is proposed. The applicant is relocating the existing driveway to the south to access the new garage. A flat roof is proposed. The setbacks are compliant, though they exceed code standards at the first floor level and are increased at the second floor level. The architecture is Traditional in style with Cape Cod influences. Staff believes the design is tasteful and well thought out.

The Floor Area Ratio is within the overall limit, there are surplus setbacks, and the building height is under code at 29 feet. There is cohesion between the two structures. Mr. Gjolme showed the Commission photos of the site. He indicated that some trees would be lost. Rerouting the new driveway would provide a 22-foot buffer. There is an offsetting effect transitioning from the first to second floor.

Mr. Gjolme showed a photo of the story poles. There is a slight slope. Some grading is proposed to level the building pad. The property is not considered to be a hillside lot.

Chairman McConnell asked if fill would be brought onto the site.

Mr. Gjolme said that it would probably be exported. The lot is not a hillside lot, so there is not a requirement for a grading plan.

Mr. Gjolme showed the north end of the existing residence and the neighboring home to the north.

Regarding massing, staff was not concerned. The south elevation of the new house would be exposed. A six-foot landscaping fence would be installed which the owner will discuss with the neighbors.

Photos were viewed of shots throughout the neighborhood. Many architectural styles can be seen as well as homes that have two stories. The lot is large at 20,000 square feet and is narrow, but can accommodate the floor area as proposed.

Mr. Gjolme said that he received a letter that all surrounding neighbors have given written support of the proposed project. He said that he appreciates the work of the architect and the neighbors.

The design of the house meets City design guidelines. The house is appropriately sited.

Staff recommends positive findings and project approval.

Commissioner Oh asked to view the second floor plan again and questioned why there was an attic called out on the plan.

Mr. Gjolme said that the area was erroneously labeled and has been counted toward overall project area.

Applicant, Brian Palmer, explained that other neighbors are looking forward to alternative landscaping options as opposed to what is existing as, in the past, landscaping had fallen and damaged surrounding properties.

Commissioner Oh asked staff if the closet area could be used as a bedroom.

The applicant said, "no, considering the raised floor level."

Chairman McConnell asked the architect why he designed a flat roof.

Architect, Craig Stoddard spoke and said that he is trying to retain the style of the roof sections and is trying to hide as much of second story wall as possible.

Mr. Gjolme said that the flat roof components have been reduced since the initial submittal.

Commission Gunter said that he visited the site and felt that the massing is well thought out and that two-story homes are allowed by right in the City. He

said that he believed that there are no privacy issues. He fully supported the project and can make all of the findings.

Commissioner Oh said that the two-story building design is well thought out and that it is important that the neighbor to the south supports it. He said that he believed the adjacent driveways would serve as a buffer and that he could make all findings.

Chairman McConnell said that he was familiar with and visited the site and could make all of the findings for both requests. He said that he appreciated that all of the setbacks are compliant.

M/S/C - Jain/Gunter to approve the project. Approved 4-0.

- C. [Hillside Development Permit 14-05 \(Amendment\) / Setback Modification 14-04 \(Amendment\); Calisher/Temianka/Dabbah; 3870 Chevy Chase Drive:](#) request to amend a previously approved Hillside Development Permit and Setback Modification to allow re-configuration of an entry walkway which will include retaining walls up to 4 feet in height. Additionally, the previously approved location of the pool will be modified resulting in an increased infinity-edge retaining wall height of 15 feet, compared to 11'-6" as previously approved. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Yesayan).

Assistant Planner, Yesayan, gave a presentation in accordance with the staff report. He talked about approvals that had been given for past work on the site.

He showed the original plans of the front walkway and the reduction of the grade change by reducing the number of steps.

The entry and front walkway contained the original curvature and alignment with the existing walkway. The front yard setback and existing retaining wall were reduced.

Mr. Yesayan showed a picture of the proposed walkway and the driveway to the left. Plans were revised to include a pool located on the northeast side of the lot. A pool elevation was shown.

Chairman McConnell said that he needed further clarification of the walkway and the pool.

Mr. Yesayan clarified the walkway and the pool and showed the site plan with the original walkway all around. He explained that the walkway is proposed only on the north side now. He said that the architect could elaborate further. He also showed the height of the existing wall.

Chairman McConnell asked if the grade had changed.

Mr. Yesayan indicated, yes, the deck level has changed.

Commissioner Oh asked if the pool was being converted to an infinity pool.

Mr. Yesayan said that the old pool had been removed and that the infinity pool is a new pool.

Commissioner Oh asked if the pool would have a cover.

Mr. Yesayan said, yes, that there would be a cover.

Commissioner Oh said that it is important to conserve energy by requiring a cover so that there would be less evaporation of pool water.

Commissioner Gunter asked if a separate permit would need to be applied for the pool.

Mr. Yesayan confirmed that a pool permit would be pulled separately.

Commissioner Gunter asked if the pool would be located inside the side yard setback and if the pool would be four feet taller.

Mr. Yesayan answered, "yes."

Commissioner Gunter asked if there were any challenges on the site.

Mr. Yesayan indicated that possibly reducing the grade level could present a challenge.

Chairman McConnell asked whether there could be any issues for the adjacent neighbor.

Mr. Yesayan said that there have been no concerns expressed by any neighbors.

The public hearing was opened for public comment.

Speaker, Bruce Zitlau, representing the applicant, explained that the project has been resubmitted to the City and is a new project. There is a new request from the applicant regarding a pathway that would cut down through the hillside, and thus, requiring a retaining wall. Nearby protected trees are far enough away so that the roots will not disturb the retaining wall.

A 3-D rendering was viewed to show the previous design that contained a terrace. The staircase is taking up a good amount of the terrace which does

not allow for a lot of dining space there. There is a seven-foot height difference that occurs by raising the pool. This allows for better viewing of the pool within the interior of the site.

It was explained that many chain link fences exist on the site.

Commissioner Gunter asked Mr. Zitlau why the project is designed the way it is.

Mr. Zitlau explained that he is attempting to preserve the existing framework and that is why he kept the layout and that he is trying to use as much of upper deck as possible.

Chairman McConnell asked why the pool needed to be within the setback.

Commissioner Gunter explained that a self-imposed item that is not in compliance with City codes is not a reason to expect that the entitlements will be granted.

Commissioner Oh asked Mr. Zitlau about what is existing.

Mr. Zitlau said that the current framework is existing.

Chairman McConnell asked if the deck was existing and what else was changed.

Mr. Yesayan said that he listened to the recording of a past hearing on this case which explained that the setback modification showed that the corner of the pool was encroaching into the setback area more than the proposed project does.

Commissioner Oh said that he visited the site and does not believe that the project will be visible. He does not believe there will be any privacy issues and that a lot of trees and landscaping will help to screen the project. He understands that previous approvals allowed for encroaching into setbacks. He said that he believed there are physical constraints on the site pertaining to slope and landscaping. He said that he could approve the project.

Commissioner Jain said that he walked around the site and that he is familiar with the previous approval. He said that the project is not visible and will not be visible to any of the neighbors. He said that he could make all of the findings to support the project.

Commissioner Gunter said that the walkway in the front is logical and that he can make the findings to support the project. He did indicate that he struggled with the rear of the project site and believed that the items proposed would be visible to other property owners.

Chairman McConnell said that he is familiar with the site and believes there is a hardship as there is a severe elevation change and protected trees. He feels that he can make the findings for the walkway and pool.

Commissioner Gunter said that he would like to make a separate motion.

M/S/C – Gunter/McConnell to approve an amendment to Hillside Development Permit 14-05 and Setback Modification 14-04 for front walkway retaining wall. Approved 4-0. Jain/Oh to approve Hillside Development Permit 14-05 and Setback Modification 14-04 specifically related to the pool and its associated retaining wall. Approved 3-1. Gunter voted no.

- D. [Zone Change 16-02:](#) addition of Section 11.13.020 (B) and (C) (Permitted Uses) to Chapter 11.13 (R-3 Multifamily Zone) of the City's Zoning Code, deeming commercial structures and uses that were rendered legal nonconforming solely as a response to the adoption of Ordinance No. 419 (R-3 rezone) in 2014 as legal uses. 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 spoke of two areas south of Foothill Boulevard and how properties could be impacted by the new addition of Section 11.13.020 B & C of the Municipal Code. She showed the zoning that was originally adopted. Ms. Koleda spoke of existing properties and legal non-conforming status and reminded the Commission how the City Council reviewed the issue in July 2016 and gave direction to staff regarding permits and commercial uses in the area. She said that three new subsections had been added to the code which would allow an existing legal non-conforming use with a structure to expand into another tenant space as long as no additional square footage is added to the structure. If the legal non-conforming structure was destroyed, it could be rebuilt.

Chairman McConnell asked if a use is approved with a CUP, could the use continue to exist even if there was a change in ownership. He also asked staff how the City Council brought up these issues in the first place.

Director Stanley explained that it originally started with a yoga use wanting to locate within a commercial structure zoned R-3.

Chairman McConnell asked if the Zone Change would comply with the housing element, allowing commercial uses within a residential zone.

Deputy Director Koleda indicated that the City Attorney believes that it does comply with the housing element.

Deputy City Attorney Guerra stated that a residential use is allowed and that right will not be taken away with the proposed Zoning Code.

Chairman McConnell asked staff if the City would be incentivizing this.

Deputy Director Koleda stated that the new code would allow for the continuing use of commercial structures as well as new multifamily development.

Chairman McConnell asked if there were other options for this.

Deputy Director Koleda said that the City Council directed staff to bring to the Planning Commission the proposed Zoning Code for their input.

Chairman McConnell asked if commercial uses would be allowed by CUP.

Deputy Director Koleda explained that yes, they would be allowed.

Chairman McConnell asked staff about language in Section B regarding how to expand an existing use without expanding the building.

Deputy Director Koleda said that an existing commercial use expanding into an adjacent unit is a way to expand a use without adding square footage to a building.

Chairman McConnell said that some of the language is specific to square footage. Deputy Director Koleda felt this would cover all eventualities, both uses and buildings/structures.

Commissioner Gunter suggested that page three of the report be word-smithed, using less technical words.

Commissioner Oh said that he had concerns with language in Section B, the first sentence. He said that he feels it is vague and confusing and that it should be reworked.

Chairman McConnell asked if Section B could be deleted and Section D retained.

Deputy City Attorney Guerra clarified that Section D would be utilized for future uses.

Commissioner Oh said that the Zoning Code applies to certain CPD lots and that if in the future the City were to rezone additional area from CPD to R-3, that legal nonconforming language should be included to cover this.

Deputy Director Koleda said that it could be included as part of the Zoning Code Update that is to be brought forward within the next year.

Commissioner Gunter clarified that the City rezones very infrequently.

The public hearing was opened and closed with no comments from the public.

Deputy City Attorney Guerra said that he believed that Section B should be retained.

The Commissioners continued to discuss Section B. Staff were provided direction to review the proposed ordinance to possibly clarify and to report direction from City Council given on July 5, 2016 with regard to non-conforming structures.

M/S/C – McConnell/Jain to continue to October 11, 2016. Approved 4-0.

XI. REPORT OF DIRECTOR'S REVIEWS – Was reviewed.

- A. **Hillside Development Permit 16-13 (Dir.); Aghaian; 4281 Hampstead:** allowed trellis, spa and outdoor BBQ improvements on a hillside lot.
- B. **Hillside Development Permit 16-21 (Dir.); Galper and Penrod; 5645 Burning Tree Drive:** allowed minor exterior roof modifications in conjunction with interior renovations.
- C. **Hillside Development Permit 16-25 (Dir.); Nazaryan; 4170 Cambridge Road:** allowed minor grading and 3-foot retaining walls as part of County required slope stabilization for a previously approved residence.
- D. **Hillside Development Permit 16-26 (Dir.); Brock/Buettner; 5540 Vista Canada Place:** allowed a 36" retaining wall in conjunction with minor slope grading.
- E. **Hillside Development Permit 16-28 (Dir.); Kenny; 330 St. Katherine Drive:** allowed a new in-ground spa on a hillside lot.
- F. **Director's Misc. Review 16-23 (Setback); Midnight Pearl Inc.; 4959 Commonwealth Avenue:** allow garage expansion to encroach into the required north side setback while maintaining the building line of the existing garage.
- G. **Director's Misc. Review 16-25 (Setback); Norris; 4947 Revlon Drive:** allow a 98 sq. ft. kitchen and entry addition to encroach into the required front yard setback while maintaining the building line and setback of the existing residence.

- H. **Director's Misc. Review 16-29 (Setback); Hershman; 5036 Princess Anne Road:** allow a 272 sq. ft. 1st-floor addition to encroach into the required front yard setback while maintaining the building line and setback of the existing residence.

XII. OTHER BUSINESS – There was none.

XIII. COMMENTS FROM THE COMMISSIONERS – Commissioner Gunter welcomed back Director Stanley.

Commissioner Oh said that it is an honor and a privilege to serve the City. He thanked the City Council, Director Stanley and staff.

Commissioner Jain asked staff if there has been any progress with arranging for a meeting with the Fire Department.

Deputy Director Koleda asked Commissioner Jain what topics he'd like staff to discuss with L.A. County Fire.

Commissioner Jain said he would like permitting, fire prevention, and plan check to be discussed.

Director Stanley reiterated that it is very difficult to get the Fire Department to commit to a meeting, but staff would continue to try to set a meeting up.

Deputy Director Koleda clarified that it is difficult to get the Fire Department to meet about residential properties, but can be easier to meet with them about school or commercial properties.

XIV. COMMENTS FROM THE DIRECTOR

Director Stanley welcomed new Commissioner Henry Oh to the Commission.

Director Stanley said he was happy to be back.

XV. ADJOURNMENT – The meeting was adjourned at 8:26 p.m. M/S/C – Gunter/Jain. Approved 4-0.