

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JANUARY 9, 2007**

I. CALL TO ORDER:

Chairman Davitt called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Gelhaar, Hill and Mehranian, Deputy City Attorney Cobey, Senior Planner Buss, Planner Gjolme and Assistant Planner Lang. Commissioner Cahill and the Director of Community Development Stanley were absent.

III. PLEDGE OF ALLEGIANCE

Chairman Davitt led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Davitt stated that there was no need to re-order the agenda.

VI. CONSENT CALENDAR

There were no items.

VII. CONTINUED PUBLIC HEARING:

A. Zone Change 06-02; City of La Cañada Flintridge; amendments to Animal Keeping Standards:

After confirming how many members of the audience wished to address the Commission on this item, Chairman Davitt explained the process and limited speakers' time to 2 minutes.

Senior Planner Buss advised that this matter was before the Commission at the direction of the City Council with regard to prohibiting the keeping of chickens in the City. Concerns were raised at an appeal hearing before the Council; some Council members understood that chickens were not allowed, while others thought they were. The Commission's charge is to provide unambiguous language so that it was clear that keeping chickens is prohibited. During the review process, Staff discovered that as the Ordinance now reads, cats are not allowed in residential areas. Staff's revised language corrects that and also prohibits chickens, ducks, geese and roosters. He informed the Commission that County regulations do not apply to La Cañada Flintridge except where cited in the City's Municipal Code. References to the County

Ordinance relate to maintenance, cleanliness and licensing of certain animals. Mr. Buss recognized there are residents who object to prohibiting chickens. Should the Commission decide in their favor, the Commission should consider establishing regulations.

At the initial hearing in December, there were concerns that the existing Ordinance prohibits common household pets such as hamsters, mice, etc., however, that is not the case; they are permitted.

Responding to a question from Commissioner Gelhaar, Mr. Buss advised that only minor changes are necessary to accomplish the Council's direction. However, if the Commission determined that allowing farm fowl was appropriate, consideration should be given to requiring a minimum lot size, etc., similar to how horses are regulated.

Chairman Davitt observed that Chapter 11.32.050 stated "for each dwelling unit, the occupant may keep for his personal use not more than three such dogs". He confirmed that if there is more than 1 unit per lot, that 3 animals could be kept in each dwelling unit.

Senior Planner Buss commented that the language be changed to "per lot".

Chairman Davitt requested that speakers honor the two minute time limit and to address the Commission, rather than the audience.

The public hearing was opened.

Kathleen Smith, M.D., has resided at 5225 Vista Miguel Drive since 1987. One of the drawing points for her purchasing her home was the rural ambience of the area. She stated she had difficulty in understanding why this prohibition was being considered at this time. Dr. Smith reported that she has kept chickens over the years in her shed, which is cleaned on a regular basis to assure clean eggs. The chickens are friendly and eat flies, bugs and the manure they produce makes her garden thrive. She stated she was "astounded and amazed that this community would decide that something that has been around for 30 years would be gone".

Responding to a question from Commissioner Gelhaar, Dr. Smith advised that she keeps approximately 6 chickens in a dog run; they are allowed outside in the morning and evening. Screening and a corrugated tin roof decrease exposure to wild fowl and precludes animals from entering. The cage is set back approximately 20-30 ft from one neighbor and approximately 50 ft from the other side.

Commissioner Hill commented that one issue the Commission was interested in is the noise factor.

Dr. Smith advised of having received a rooster in one batch of chickens that she ordered, and returned it immediately. Otherwise, there have not been any complaints.

Commissioner Mehranian confirmed that the chicken coop is closer to Dr. Smith's home than to the neighbor's.

Jeff Johnson, 5857 Angeles Crest Highway, reported that his family has always kept animals and is the reason they moved into their home. The experience, responsibility and love for the animals was part of his childhood. He reported that a child care camp is held at his house during the summer; "the children love to collect eggs and take them home". Part of his family's lifestyle is to have home-grown eggs. Mr. Johnson felt that a dog's bark is much louder than a noisy chicken and stated that if residents have the ability and desire to maintain chickens, they should be allowed to do so.

Mark Goddard has resided at 5203 Starlight Lane since 1962. He is retired from the School District and recalled that Paradise Canyon School kept chickens, roosters, etc. for the kindergarten kids and Palm Crest Elementary had chickens, rabbits and roosters when he worked there.

Laurel Johnson, 5857 Angeles Crest Highway, Madelyn Merchant, 28 Normandy Court, Michelle Musso, 5141 Hayman Avenue and Amanda Donofrio, 1210 Fernside Drive, reported that recent surveys show the average American watches TV and is on computers 10 hours a day, whereas caring for animals exposes people to fresh air and exercise.

Clara Johnson, 5857 Angeles Crest Highway asked how many in the audience knew what an alpaca is and related her joy in bringing people to her house and introducing them to animals. She added that bunnies bring no harm.

Carol Bruegge, 5019 Indianola, related that she began raising chickens as an emergency preparedness project, which eventually grew into a lifestyle. She resides on a 15,000-sf lot and confines her 4 chickens to a corner, against her property line, which is approximately 100 ft from any neighboring home. She treats the chickens as pets and discovered that the species she raises are different from commercially raised chickens. Her's live to 18 years of age and lay eggs for most of those years.

Responding to a question from Commissioner Gelhaar, Mr. Bruegge advised that initially, all her neighbors were supportive of her maintaining chickens. Three years ago, a neighbor asked her to quiet them. Another neighbor discovered she had chickens only after asking to enter her property to trim trees. She then filed a report to the City.

Dave Sivertson, 1004 Salisbury Court, stated that the Ordinance is poorly worded and discriminatory. He pointed out that as written, zebras are allowed and he doubted that was intended. Mr. Sivertson stated that the City has laws to address disruptive animals and that discriminating by species is the wrong concept. He stated that the Council should govern by governing less.

Michael Gips, resides at 5300 Angeles Crest Highway on a 17,000-sf lot, where he keeps exotic fowl and Bantam chickens. He has never received any complaints over the 3 years. Prior to bringing chickens to his property, he checked with the City and was now concerned that everything was about to change because of the actions by one inconsiderate resident. Mr. Gips observed that pea fowl herds roam the neighborhoods; they are extremely noisy and the City is not taking measures to eliminate them. He advised that he moved to the City because of the rural setting; "if we're going to urbanize the City, there are a lot of other things that go along with an urban environment that we should be doing".

Bill Johnson, 5857 Angeles Crest Highway, stated that the proposed language is a fundamental change from what's on the books. Currently, if an animal is not excluded, it is permitted. The draft language states "if not specifically authorized, it is prohibited and not authorized"; therefore; rabbits, alpacas, turkeys and quail are prohibited, as they are not listed. He advised that he is the adult leader of the City's 4H Club, which is sanctioned by the Federal Government and that there are "moms and daughters on a waiting list to get alpaca hair to make sweaters", Staff's recommended language would ban alpacas.

Responding to a question from Commissioner Gelhaar, Mr. Johnson advised that he keeps approximately 12 chickens, 4 horses, 5 cows, 4 alpacas and 8 ducks.

Assistant City Attorney Cobey clarified that Section 11.32.040 lists permitted animals and includes hamsters and guinea pigs. That section concludes by stating that other similar animals which, in the opinion of the Commission, are neither more obnoxious or detrimental to the public welfare than the animals enumerated would be permitted. She stated that the logical mind would permit rabbits.

Tom Bruegge, 5019 Indianola, stated that the law should address the problem and that the Commission should focus on noise and he cautioned against going down a path that has unintended consequences. He added that some residents are offended by the thought that keeping chickens is a problem

Milda Johnson related that she has always lived in the country and has that same feeling, living on 69 acres. Animals have always been a part of her life and it was troublesome to think she wouldn't be allowed to maintain hers.

Annie Grosch, 1314 El Vago reported that her dog makes more noise than Clair Johnson's chickens.

Bob Mackey, 4542 Loma Vista, reported that his children participate in the 4H Club at the Johnson Ranch. He questioned whether the draft language would allow bunnies and stated that it would certainly exclude alpacas.

Further comments were not offered and the public hearing was closed.

Chairman Davitt reminded the audience that whatever action the Commission took, if any, it would be in the form of a recommendation to the City Council.

Commissioner Gelhaar thanked the speakers for maintaining decorum and for their comments and stated that it is important for the young people in the audience to understand that the City listens to its residents. On the other hand, it is expected that the residents abide by the Code. He recalled that a former neighbor kept roosters for 5 years, which woke him daily at 5:30 a.m. He preferred if roosters were prohibited.

Commissioner Hill remarked that suggestions to address the problem rather than to take a blanket approach "hit home". He stated he was surprised that so many residents supported allowing chickens and wondered if the Commission would be creating a problem when none-exists if chickens were prohibited. He agreed there are other ways to address the noise -- a blanket prohibition is going too far. He thanked the audience for attending and enlightening him.

Commissioner Mehranian thanked the audience and provided a history of how the issue came to the Planning Commission. She stated that it was about limiting the number of animals and responsible ownership.

Chairman Davitt stated that he learned a lot about taking care of animals as a boy when he moved to the City. His neighbor had 2 dogs, 3 horses, a chicken coop and a rooster. He did not have concerns with allowing chickens and suggested that language addressing the allowed number of dogs and cats be changed to "per parcel", rather than "per dwelling unit".

M/S/C Gelhaar/Hill recommending to the City Council that it amend the Animal Keeping Standards to prohibit roosters and add the "per parcel" language per Chairman Davitt. Unanimous.

Chairman Davitt advised that Staff would prepare a resolution for adoption at the next meeting and the matter would proceed to the City Council.

Attorney Cobey inquired if the Commissioners wanted to include any regulations in terms of numbers, lot size, etc.,

The Commissioners did not wish to do so.

Attorney Cobey then suggested to eliminate any uncertainty, chickens, ducks and geese should be added to the list of permitted animals and, if the Commissioners were inclined, rabbits could be added to that list.

The Commissioners agreed.

Senior Planner Buss was concerned that there would be a numerical limit on all animals except chickens.

Commissioner Gelhaar remarked that the Commission did not believe it to be and if the Council believes otherwise, they will set limits.

VIII. PUBLIC HEARINGS

Hillside Development Permit 02-59; Building Depth Review 03-17; Shuberth/Johnson; 3829 Chevy Chase Drive:

Senior Planner Buss related that the applicant was seeking to eliminate a condition of approval requiring compliance with the Light Reflectance Value Guideline, imposed when his hillside project was approved in October 2003. Staff originally recommended the condition out of concern that the house would be viewed from the street through gaps in landscape coverage. This project is not silhouetted against the sky, nor would it be seen from a distance. The applicant has applied a trial color on the house which does not meet the LRV guideline and is asking for relief based on the house's siting and its screening.

Applicant William Schuberth reported that he has lived in this home for 40 years and that for 50 years, the house has been painted white. He would like to paint the house a yellow color, per the sample submitted. He then demonstrated on Power Point, that his house would not be seen from the street, based on existing landscaping, which would be augmented. From the driveway, only multiple rooflines would be visible. Mr. Schuberth stated that his home was one of the most hidden and reported that guests and delivery trucks continually have trouble locating his home. His neighbors have viewed the proposed color and provided letters of support. He believed it was superfluous to require LRV compliance no matter what color the house is painted, as it would be unseen until you are well up the driveway.

Commissioner Mehranian expressed appreciation for Mr. Schuberth's recognition that the fabric of Chevy Chase has begun to disappear, which concerned her. She observed that the landscape plan calls for more than a dozen new redwoods and more than 100 other plantings.

Landscape architect Patty Nelle, displayed the new landscape plan --- the former landscape architect's plan did not retain the 60-year-old pyracantha, nor the existing mature plantings, against her clients' wishes. The combination of

the 6-ft-high privet hedge and mature roses completely screen the house from street view. Her plan includes more privet on the side property line and filling in any gaps with native hybrids.

Mrs. Shuberth informed the Commission that the proposed color is more beige and supposed to look like stone, since it is a French Country design. The majority of the house would be painted gray.

Project architect Jay Johnson, recalled that initially, there was concern that the house be screened from Chevy Chase. He pointed out that even with it being winter the house is 90% screened by existing landscaping.

Senior Planner Buss advised that a standing condition prohibits final inspection until Staff makes a site visit to inspect the landscaping.

Further comments were not offered and the public hearing was closed.

Commissioner Hill commented that the applicant and Mr. Johnson made good points, as he had difficulty in finding the house for his site visit. He saw no reason to maintain the condition in this particular case and was prepared to support the request.

Commissioner Mehranian stated that her concern was always the landscape screening. Given the evidence and added plantings, she could support the request.

Commissioner Gelhaar remarked that he never believed we should hide our beautiful architectural homes and added that the Fire Department would mostly likely prefer that the tall pines be removed. He supported the request as well as removing the pine trees.

Chairman Davitt made a site visit and saw the test color patch. He did not have concerns with the request.

M/S/C Mehranian/Hill to approve the amendment to Hillside Development permit 02-59. Unanimous.

Senior Planner Buss advised that Staff would present a resolution at January 23rd meeting.

B. Second Floor Review 06-02; Spitz; 4909 Oakwood Avenue:

Assistant Planner Lang reported that this was the first case to be presented for second floor review since the R-1 Standards were modified in November.

The applicant proposes to demolish a single-story house and replace it with a two-story residence and attached garage presenting floor/roofed area of 7,288-sf.

The 30,150-sf site is located above Foothill, between Knight Way and Lynnhaven Lane, in the R-1-20,000 Zone. The immediate area is comprised mostly of single-story homes; there is a two-story home on a flag lot north of the subject lot and numerous two-story homes further north and south on Oakwood. Despite the fact that the project would be one of the first two-story homes in the immediate area, its lower hipped roof is consistent with surrounding residential development.

The front entry is over-height with an eave height of 21 ft (standard is 12 ft); otherwise, the home meets all Code standards. Elevations were displayed on Power point. Assistant Planner Lang noted that a rear patio with an outdoor kitchen represents 998-sf of floor area and the 3-car garage at the north side of the home represents another 740-sf. There is a lower pitched roof and maximum height of 29 ft.

Staff concluded that the high entry balanced the front on the south side. Another balcony is shown at the rear. An aerial view showed the existing single-story home and the large olive trees slated for removal.

Project designer Dave De Angeles informed the Commission that his clients have been looking for a house in the city for two years and eventually opted to build a custom home. He was involved in looking at different properties with them to be certain the property would accommodate the type of home they wanted. The design is Spanish Colonial Revival, similar to those in the city designed by Paul Williams and Wallace Neff, and consistent with home built in the 1920s and 1930s. He stated it would never go out of style; in 50 years, it would be impossible to tell it was built in 2007. All setbacks meet Code; the front setback is 84 ft and there is another 10 ft to the curb. Building depth is less than 60 ft. A goal was to have the second floor as far away as possible on the south and north sides. There is approximately 50 ft between the project and the house to the south and approximately 30-35 ft distance on the north side.

Addressing the over height entry, Mr. DeAngelis related that he participated in the study sessions for the R-1 changes and clearly understood that ostentatious entries were discouraged. He stated that the entry works with the architectural style and pointed out the 5-ft deep reveal at the doorway.

He related of having met with a couple of landscape architects and realized the olives are not the right tree for this project, though he does not object to saving them, a few on the south side and near the office might need to be removed. He fully intends to have a landscape plan to screen the house.

Commissioner Gelhaar addressed the proposed basement and asked if the cut and fill would be balanced and if not, how many cubic yards of dirt would be hauled. Since there is a school nearby, he requested that a haul route be submitted and approved by Public Works.

In conclusion, Mr. De Angeles referred the Commission to letters of support from neighbors and advised that a color rendering of the project was shared with the neighbors.

Chairman Davitt opened the public hearing.

Jenny Liu, 4859 Oakwood, lives directly adjacent to the subject site and confirmed receiving a copy of the rendering and advised that she had an opportunity to reflect how the project would impact her home. She did not have concerns with the second story, but she would appreciate maintaining the olive trees, with the exception of the ones that would be too close to the house, as they provide natural screening for her back yard. She further asked if the second-story windows on the south side could be raised to preclude views into her pool

Further comments were not offered and the public hearing was closed.

Chairman Davitt stated that he appreciated the design and noted that it easily complies with all setbacks. The comparison chart provided demonstrates that it would only be approximately 2% larger than the average home in the area. Saving some of the trees was important, but he was unsure if the windows sizes could be changed. He stated that the design is well suited for the lot and he could support the request.

Commissioner Mehranian commented that in this case, the landscaping was not about hiding the structure, but to provide a buffer for the neighbor.

Commissioner Hill acknowledged that this was the first case reviewed under new guidelines and he therefore looked at it long and hard. He appreciated the staff report and stated that ultimately, the decision was easy. He was unsure how to handle the two olives on the south side if they posed a problem during construction.

Chairman Davitt asked if his colleagues were amenable to adding a condition that adequate landscape screening be provided along the south side, subject to the approval of the Director of Community Development.

Mr. De Angeles requested another opportunity to address the Commission. He believed that something nicer than the olives could be planted. He advised that the side yard was a great concern for him and that the balcony helps to break the arch. He preferred to provide screening for view purposes, as the

desire for privacy is mutual. Mr. De Angelis added that he may need to remove an olive for Fire Department, who generally wants a 20-ft-wide perimeter access. He offered to bring back a landscape plan under a Consent Calendar item.

The Commissioners concurred that they did not want to review the landscape plan.

Commissioner Hill suggested striking all but the first sentence of condition #13, so that a landscape plan would be required subject to the Director's approval.

Chairman Davitt asked that the condition include: "landscape screening shall include adequate screening on the south side to protect the neighbor's view".

M/S/C Gelhaar/Hill to approve Second floor Review 06-02 with condition #13 modified as discussed and to require that a haul route be provided. Unanimous.

Chairman Davitt called for a three minute recess.

C. Modification 06-94; Beebee/Kalaghan; 4228 Chula Senda Lane:

Assistant Planner Lang asked the Commission to disregard condition #13, which references the equestrian/hiking trail.

The applicants' seek to legalize conversion of a 757-sf storage structure, which is located within the required side yard setback, into storage/office space. The office portion extends into the County's Flood Control Easement and therefore requires County approval to remain - without that approval, all structures within the Easement would have to be removed.

The 32,230-sf site is located at the end of a cul-de-sac. An above ground drainage channel and a dedicated horse trail cross the property along a north-south course. Further, Woodfield Road, a private street, crosses through the rear of the property. The separated portions of the property are connected by a bridge; neither the private street, drainage channel or horse trail are included in lot area calculations.

A Power Point presentation showed views of the structure from Woodfield Road and from where the neighbor to the north can view the roof. Landscaping near the channel and on that neighbor's property aid in screening the structure. Assistant Planner Lang noted that the neutral color of the structure blends with other structures on the property and it does not include kitchen facilities. Further, it does not present a crowded appearance on the heavily wooded property. Draft conditions include inspection by Building & Safety and the Fire Department.

Staff concluded that the project was supportable and recommended positive findings and approval.

Commissioner Mehranian confirmed that the Commission's review was limited to the encroachments. Building & Safety and County Fire review would follow - if the Fire Department does not sanction the structure, any approval by the Commission would be void.

Chairman Gelhaar inquired regarding the length of time it would take for the Fire Department to inspect and asked if the Commission would require the buildings to be vacated until County Fire concludes a safety inspection. He confirmed that an approval was valid for one year, with the possibility of a one-year extension.

Responding to a question from applicant Sally Kalaghan, Chairman Davitt explained that Attorney Cobey advised removal of condition #13 in its entirety. Regarding permits, he believed her home was built in the late 40s; the stables were most likely built then, as they match the house. The fact that Staff did not find permits for the stalls doesn't mean there aren't permits somewhere.

Assistant Planner Lang commented that nonetheless, conversion of the space to habitable needs to be legalized.

Applicant Alex Beebe reported that the structure has been on their property since the early 60s and was upgraded in 2005 and thereafter learned that repair or replacement of the roof qualified it as a new structure. Mr. Beebe advised that he did not extend the structure, which was open to the sides; he later enclosed it in a manner that he believes meets Code. He has begun discussion with County Flood Control and was told they did not have a particular need for that land; what they would want was proof that the structure does not put any pressure on the wall adjacent to the channel. He reported of retaining a structural engineer to satisfy that requirement.

Chairman Davitt opened the public hearing.

John O'Dell, 4232 Chula Senda Lane, resides immediately north of the project. His two concerns were: 1) that the original structure was permitted as a tack house and is now being used as an office, 2) a structure within the easement is obviously not permitted. He reported of having worked with County Flood Control when he built his home, and advised that it takes months. Additionally, guy wires from a utility pole on his property extend through the Beebe property and the subject structure that are buried; there is an oak with a large canopy that probably extends over the structure and there are concerns with horse manure entering the Channel. He questioned if the Beebe's were paying property taxes for the added square footage.

Tom Hurlbutt confirmed that the horse trail was not under consideration.

Ms. Beebe responded to comments. Her horses are maintained properly and there is no waste entering the Channel

Further comments were not offered and the public hearing was closed.

Commissioner Mehranian confirmed that approval from all three agencies (La Cañada Planning, County Building & Safety and County Fire) in order for an approval to stand.

Commissioner Gelhaar stated that has consistently not appreciated anyone to builds without a permit; this structure is immediately adjacent to the neighboring property. He could not make the findings of safety or any other as to why the structure should be within the required 11 ½ ft setback. He encouraged his colleagues to require vacation of the structure until it is inspected and permitted.

Commissioner Hill made a site visit and confirmed that the building at issue extends up to the wall on the property line. He disagreed with Commissioner Gelhaar's suggestion to vacate the structure. Doing so would pose an undue hardship on the applicant; it has been there for many years without problems and it appears that the City is moving forward on this matter. Considering what is in front of the Commission to approve, he was ready to support the request.

Commissioner Mehranian stated that the structure must be inspected for safety purposes.

Responding to a question from Chairman Davitt, Senior Planner Buss advised that if the Commission denies the request, the City would begin a legal process to have the structure removed. He added that the Commission has the authority to allow the office once it is inspected and permitted.

Commissioner Gelhaar related that he was not suggesting that the tack room be torn down; rather the encroaching area and whatever was built within the 11 ½ setback. He reminded his colleagues that historically, the Commission's position is that once something is torn down, it loses any of its former legal, non-conforming status

Commissioner Hill confirmed that only portion of the structure is under consideration. He was hesitant to do something punitive, since the applicants were making an attempt to legalize it.

Senior Planner Buss reiterated that the question before the Commission is whether the applicant would be allowed to maintain a recently built structure

that encroaches into the setback. He noted that if approved, double fees for permits would be imposed.

Chairman Davitt stated that he could not justify the encroachment and he encouraged the applicant to obtain permits for the remainder of the structure. Though the addition might represent an improvement, it encroaches into the setback.

Commissioner Mehranian concurred.

M/S/C Gelhaar/Mehranian to deny Modification 06-94, 3 Ayes; Hill dissenting.

Mr. Buss advised the audience that a resolution would be presented for adoption on January 23rd and that the 15 day appeal period would commence thereafter.

D. Floor Area Review 06-27; Will; 4906 Alta Canyon Road:

Planner Gjolme described the applicant's request to allow total floor/roofed area to exceed 4,500-sf on a lot that lacks street frontage. A 938-sf cabaña is proposed in the northeast corner of the lot. While the total floor/roofed area would increase to 5,423-sf, (compliant with the underlying standard for the lot), Code requires review of projects on lots with less than 80 ft of street frontage that present floor area in excess of 4,500-sf.

The 20,267-sf site is located on the east side of Alta Canyon Road, north of Alta Park Lane, in the R-1-20,000 Zone. It is one of the largest in the area and is somewhat wooded. It, and a cluster of homes is accessed through an easement along Alta Canyon. The lot is 100 ft wide and 200-ft deep and is configured similarly to a flag lot.

The cabaña would be constructed in the rear yard, adjacent to an Edison easement, which provides a considerable buffer. Side and rear setbacks are Code compliant and a single gable would reach 15 ft, the Code maximum for accessory structures. A concept landscape plan depicts a pool, spa, an outdoor shower trellis and barbeque proximate to a sycamore tree. Staff concluded that the structure is sensitively sited and would make good use of the substantial rear yard and recommended positive findings and project approval.

Commissioner Mehranian confirmed that a retaining wall to the north is stepped and does not fall under this review; it is a matter for Plan Check.

Laura Serdar was present to respond to any questions.

Chairman Davitt opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Gelhaar concurred with Staff's findings and conditions.

The Commissioners agreed.

M/S/C Hill/Mehranian to approve Floor Are Review 06-27 as conditioned.
Unanimous.

E. Second Floor Review 06-08; Hillside Development Permit 06-86; Ahn; 500 Highland Drive:

Planner Gjolme reported that this was a somewhat unusual case. In October 2005, the Commission unanimously approved an expansion comprising 7,700-sf of first and second floor area on a lot of nearly 73,000-sf. Lot size, abundant screening and topography justified the scope of the request.

Following approval, plans were submitted for formal Plan Check and at some point, prior to issuance of permits, construction began. The discovery was made by Planning Staff when a request for a time extension was received, a Stop Work Order was immediately issued. The applicant was advised that the time extension could not be granted since construction had begun illegally and Code revisions now required Second-Floor Review.

Planner Gjolme advised that the identical project presented in 2005 was before the Commission, with Second Floor Review replacing the former Building Depth Review. While these events pose a significant procedural issue, the issue is whether positive findings can be made. Staff was of the opinion they can be and Planner Gjolme noted that the draft conditions require full inspection, potential rehabilitation of anything that doesn't meet Code and payment of double fees. Additionally, one of the oaks at the rear of the property appears to have been excessively trimmed; therefore, the conditions require a an arborist, retained by the City and paid for by the applicant, to report how much was removed and whether replacement, or other action, is necessary.

Project designer Sam Kwon was present. B.Y. Kwon interpreted for him. Mr. Kwon stated his understanding that the foundation and percolation inspections were completed legally. The corrections from Building & Safety were difficult would compliance would have taken a long time. He stated "the owner became impatient and jumped the gun".

Responding to a question from Commissioner Gelhaar regarding an oak, Mr. Kwon stated that the tree is 18 inches in diameter and that it's actually closer to the building than shown on the plans. He stated that a limb was making an unhealthy turn towards the building and the contractor cut the limb.

Chairman Davitt opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Hill related that he made a site visit and had to view the property from a locked gate, as no one was home. He had to rely on what he stated was an excellent staff report. He stated it was regrettable what has occurred, but there are ways to address that, including an arborist report. Given what is before the Commission to review, he was prepared to make the required findings with an added condition dealing with the tree referred to by Commissioner Gelhaar.

Commissioners Gelhaar and Mehranian and Chairman Davitt concurred.

M/S/C Mehranian/Hill to approve Second Floor Review 06-08 and Hillside Development Permit 06-86 as with added conditions. Unanimous.

Planner Gjolme advised Mr. Kwon that this approval should not be misconstrued as permission to proceed with construction at this point.

IX. OTHER BUSINESS

A. **Appeal – Request to be allowed to maintain overhead utility connection to a new, single-family residence; 4816 Castle Road:**

Senior Planner Buss reported the applicant was appealing the Director's determination that the property owner comply with code and place utilities underground from the nearest off-site utility pole. The applicant demolished a home and constructed a new one and seeks the more convenient and less expensive service by continued use of overhead lines. Appellant, Andre Haghverdian cites recent financial hardship with the sewer capital cost and notes that the entire street is currently served by overhead lines. He further advises that the distance to the nearest poles would require crossing a right-of-way, which would increase the cost to underground.

A Power Point demonstration showed the house under construction. Staff noted there are 2 power poles behind the subject house. Staff believed that an explanation from Edison as to what it would entail to connect to those poles was warranted.

Mr. Haghverdian related that Edison's design work alone would be approximately \$4,500 – according to Edison --- and that does not include excavation, transformer, removing pavement or an installation permit. He did not believe it was possible to connect to poles at the rear, given the tree canopies. He added that doing so would be more costly than allowing him to connect to overhead lines. He believed Edison should develop a master plan and stated he was willing to sign an agreement for any future costs related to Edison's placing utility lines underground.

Responding to a question from Commissioner Mehranian, Mr. Haghverdian advised that he is in the construction business and estimates that it would cost him \$10,000 to comply with Code.

Commissioner Hill recognized the applicant not wanting to “be the point man by being the first on the block”. There are provisions in the Ordinance, which would allow the Commission to waive, modify or delay placement of utilities underground; however, the applicant has not met the burden of proof. He advised the applicant that the City Council wishes to eliminate overhead utilities by natural attrition – no different than the cost of sewers, which all residents have to deal with. He did not believe the applicant had given the Commission the information needed for him to make the findings to allow the request.

Commissioner Gelhaar concurred and noted that what the Council wants to accomplish would never happen if waivers were granted to everyone who requested a waiver based on cost.

Commissioner Mehranian commented that it would be helpful if the applicant had evidence from Edison regarding the cost to locate utility lines underground and the possibility of connecting to utility poles to the rear of his property. If he could return with factual numbers, she would be willing to reconsider.

Chairman Davitt added that it would be helpful if the Commission had a breakdown to apply to the finding of hardship. He offered the applicant a continuance in the event he wanted to pursue that.

Mr. Haghverdian advised that it would take 6-8 weeks for Edison to design a plan and provide an estimate. He could not wait that long, as he is nearing completion of the framing stage and is making mortgage payments during this time.

Chairman Davitt again asked if the applicant preferred a continuance for more information, or if he preferred a vote.

Commissioner Gelhaar advised that the electrician was on site when he made his site visit and that the house was already in preparation for underground wiring.

Chairman Davitt announced there was an open question for the applicant and he was not responding/

M/S/C Hill/Gelhaar to deny the appeal. Unanimous.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Gelhaar stated that prior to the last meeting, he was unaware that Building & Safety does not require grading permit for basements. He asked that the planners' project checklists be modified to include basements and the number of cubic yards to be hauled off site.

Commissioner Hill reported that residents have contacted him regarding a fenced, vacant lot near the high school.

Senior Planner Buss advised that a parcel map was approved for that lot, which created two lots. The property owner is in the process of complying with the conditions of approval.

Commissioner Hill asked that Staff check a house under construction on Bubbling Well which appears to have zero setbacks.

Senior Planner Buss responded to a question from Commissioner Gelhaar regarding the former Flower Pavilion site at Foothill and Chevy Chase. An application for a Variance has been submitted for substandard parking.

XI. COMMENTS FROM STAFF

Senior Planner Buss reported that the Director had hired a new planner with extensive municipality experience and a new Planning Intern. There is still an opening for an Assistant Planner.

Flyers for the League of California Cities' Planners Institute in San Diego were distributed. The Commissioners were requested to advise if they intended attending.

Planner Gjolme reported that the La Cañada Properties project was moving ahead nicely. The Design Commission will hold a second hearing on January 18th, when it was expected that the 60% design review phase for buildings and landscaping would conclude. The Developer has agreed to allow Fire and the Sheriff to conduct training on the site prior to demolition.

XII. ADJOURNMENT

M/S/C Mehranian/Hill to adjourn at 10:00 p.m.