

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD JANUARY 13, 2009**

I. CALL TO ORDER: 6:03 p.m.

II. ROLL: Commissioners Curtis, Hill, Cahill, Davitt, and Chair Gelhaar.

Staff: Director Stanley, Senior Planner Buss, Planners Gjolme and Clarke, and Assistant Planner Lang.

III. PLEDGE OF ALLEGIANCE: Commissioner Hill

IV. COMMENTS FROM THE PUBLIC: Tim Gosney, 4209 Alta Canyon Road spoke about the improvements on 4219 Alta Canyon Road. He states that a tennis court had been built with lights and a retaining wall and that staff had required the owner to provide as-built plans. He noted that the project was halted and he would like to know the status of the project. He reports that the owner built a fence on the south side that cuts off an easement. He doesn't know if the second fence was permitted. The north and south fences don't serve any purpose. Chairman Gelhaar asks staff for oral response. Director Stanley confirms that the owner, Winnaman, has not completed the work and a citation has been issued for noncompliance. Chair advises the speaker that staff should be contacted for further information.

V. REORDERING OF THE AGENDA: Chair moves item VIII.B. to the first hearing. All other items remain in their order.

VI. CONSENT CALENDAR: Davitt moves/Curtis seconds approval - unanimous

A. Minutes - November 10, 2008 meeting.

B. Lot Line Adjustment 08-03; 4754 Lasheart/4847 La Canada Boulevard: Mikaelin/Neville

VIII. PUBLIC HEARINGS

B. Floor Area Review 06-08 (Amendment); Wyzrykowski; 1111 Atlee Drive: A request to amend a condition of an approved Floor Area Review to allow the project's approval to be extended for an additional 12 months. This is the second extension request since the project was approved on December 12, 2006. The project's approval was extended to December 12, 2008, and construction has yet to commence. No aspects of the approved project, which involves a first-floor addition to an existing two-story residence have changed. The amendment request would modify a condition of approval by establishing a new project expiration date. Staff is recommending that the

Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

The Planning Commission waived the requirement for an oral report from staff.

The public hearing was opened, the applicant did not want to speak and there were no other speakers. The Chairman closed the public hearing. Commissioner Curtis moved and Commissioner Davitt seconded a motion to approve the project. The motion carried unanimously.

A. Hillside Development Permit 06-83 (Amendment); Skaggs; 358 Corona Drive: A request to amend an approved Hillside Development Permit to allow an additional retaining wall to a previously approved project. The new wall is required by Building and Safety, is not within any of the required setbacks, and would achieve an overall height of 10'. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Assistant Planner Lang presents the project. States original request and shows pictures of the site. The pool house Variance was approved with the original hillside permit. The change is required because of changes to the building code requiring a new retaining wall for the proposed wall around the pool house. The wall will range in height from 4 - 10 feet. Assistant Planner Lang shows the section through the pool house noting that staff recommends approval.

Chair Gelhaar questions staff regarding a letter received from an adjacent neighbor regarding drainage issues. Assistant Planner Lang responds that the new wall will not detrimentally affect the neighbor.

Wayne Siggard notes his concern about the pool receiving rain, and if that could cause overflow. Assistant Planner Lang responds that the pool deck will be required to address the drainage in its design as part of the Building Permit process.

Chair Gelhaar closes the public hearing (6:18 p.m.) and requests comments from the Commission.

Commissioner Curtis notes his support for the project. Commissioners Cahill, Hill, Davitt and Chair Gelhaar agree.

Commissioner Davit moves and Commissioner Hill seconds a motion to approve the request. Motion carries unanimously.

C. Hillside Development Permit 08-50, Second-floor Review 08-30; 1528 Sugar Loaf Drive; Ady: A request for a Hillside Development Permit and Second-floor Review to allow construction of a code compliant 4,955 sq. ft. residence on a 28,080 sq. ft. hillside property. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme presents the project to the Planning Commission. He uses the slides to illustrate the request noting that the closest side setbacks exceed the 20' maximum required setback. The site is currently developed with a house and pool and only the pool will remain.

He notes that this is a very secluded site. There is no residential development to the south or the west. Views of the site are difficult due to the slope. There is also existing screening landscape along the lot's frontage.

Planner Gjolme states that the primary view of the house is the driveway entrance to the property and that no portion of the project will be profiled against the sky due to its location and the higher elevation of the surrounding properties to the rear.

He points out that there is a second floor balcony, but because of the location of the neighbor's house, there is no privacy issue.

Planner Gjolme addresses the type of architecture, how it is well modulated, and the timber exposure. He acknowledges how the house is well proportioned and of good design.

He points out the evaluation of the floor areas for the neighborhood noting that this house is slightly less than the average. With a 0.2 slope factor, the buildable area would be reduced to 2,200 sf under the guideline. However, with no immediate neighbors and the large size of the lot, this floor area was considered too small and the site could support the larger house size. He states that the screening of the site due to the existing natural landscaping readily hides a two-story house. He points out the lack of view of the story poles due to the lot topography, screening and location.

Planner Gjolme states that staff recommends approval with standard conditions including construction parking.

Chair Gelhaar asks for Commission questions. Commissioner Curtis asks if there were landscape plans for the right-of-way. Staff responds "no."

Chair Gelhaar opens the public hearing and asks for speakers.

Dave DeAngelis, architect for the project, speaks for the property owner. He notes that the only difficulty was the slope factor guideline. In discussions with staff, he looked at the size of the other houses in the vicinity, the size of the lot, etc., and concluded that this was a more appropriate size for this site.

Chair Gelhaar noted that there was no one else that wanted to speak and closed the public hearing (6:32 p.m.)

Commissioner Cahill began the Commission discussion noting that the applicant was asking only for slope factor accommodation. He states that he supports the request based on the pad size, lot location and visibility.

Commissioner Hill states that he looked at the totality of the neighborhood and could support the request.

Commissioner Davitt had only one concern, that of the balcony, but could support the request.

Commissioner Curtis stated the same.

Chair Gelhaar agreed with all the commissioners.

Commissioner Davit moved and Commissioner Curtis seconded a motion to approve the project as presented. The motion carried unanimously.

VII. CONTINUED PUBLIC HEARINGS:

A. Second Floor Review 07-19, Hillside Development Permit 06-26, Variance 07-12 and Modification 07-57; Naccarati; 4344 Purtell Drive: A request to allow construction of a new 1,769 sq. ft. house (including a 430 sq. ft. garage) and 1,050 sq. ft. of cellar area on a 6,300 sq. ft. hillside parcel. A Setback Modification is required for retaining walls in the front and side setbacks and a Variance is required for tandem parking. A Hillside Development Permit is required as the property is a hillside parcel and a Second Floor Review is required as the proposed house has two stories. Staff is recommending that the Planning Commission approve a Negative Declaration for this project. (Planner Clarke)

Planner Clarke presents the project to the Planning Commission noting that it has been heard three times before. He presents a short history of the meetings. This includes the various presentations by the applicant, applicant's attorney and the neighbors Brenner and Torres.

At this fourth meeting, further issues were raised and Planner Clarke recaps responses to these issues. They include legality of the lot, flood plain zone, area of the lot and the issues

of easements under the definitions in the zoning ordinance, and the swale on the property to the northwest (broken swale). He offers to either present the Planning Commission with the presentation that the Commission has seen before, or stop and give the City Attorney time to speak on the issues. The Planning Commission opts to hear the City Attorney.

Assistant City Attorney Vargas makes a statement that the Planning Commission is the regulatory body that has authority over land use matters in the City. He notes that if the Planning Commission finds the project satisfactory as to planning issues, they should act on the project but include conditions that protect the city from litigation through indemnification. He states that the resolution prepared for this meeting has included all the appropriate conditions.

Chair Gelhaar asks for clarification about condition no. 3 covering the conditions just read and no. 10 covering indemnity.

Commissioner Curtis asks if by including the conditions, the lot area is as described in the zoning ordinance. Director Stanley replies "yes."

Chair Gelhaar opens the public hearing (6:55 p.m.)

Alisa Goukasian, attorney for applicant Naccarati, states issues related to the easement and the use of the easement for road purposes.

Anita Brenner, neighboring property owner, states that the easement is used for brush clearance access. It could be converted to driveway access. An appeal on this matter is currently going through the court system.

The applicant states that he does not wish to rebut at this time.

Chair Gelhaar closes the public hearing (7:00 p.m.) and asks for comments from the Commission or staff.

Assistant City Attorney Vargas reads a revision to condition no. 4 that will replace the existing condition.

Commissioner Davitt notes that this is the fourth time that the project has been in front of this body and after all the discussions, the applicant has created a well designed project as revised and he can support the project by making all the findings and the conditions.

Planner Clarke clarifies that there would be no balconies on the project.

Chairman Gelhaar asks staff to highlight the additional conditions requested by the Planning Commission.

Planner Clarke notes the issues of the balconies, changing the color of the driveway to differentiate the parking area and the neighbor's driveway, making this a true 2-car garage with no obstructions, and lightwells for the cellar.

Commissioner Hill, looking at the project and disregarding the easement issue, pure project evaluation only (Hillside, 2nd floor review, Modification and Variance), states that he cannot support the Mod or Variance findings. He notes that this is a brand new project with a clean slate, so it should be able to meet the code. He walked the site and can't support the request.

Commissioner Cahill looked at the project as if there was no dispute regarding the easement. He would support the revised project with the added conditions. He noted that in this case there has to be some discussion about the easement issue. Nevertheless, he supports condition no. 3 as written and can vote to approve.

Commissioner Curtis supports the request as conditioned.

Chair Gelhaar states that he also supports the project with condition no. 3. He would like to see the neighbor's parking issue addressed by making the neighbor's driveway easement be grasscrete with pavers that spell out "no parking." He wants restrictions on keeping the garage open to two cars at all times - no obstructions. He states that lightwells should be required for the habitable basement and no balconies should be permitted on the site. He wants grasscrete for the whole driveway.

Commissioner Davitt moved and Commissioner Curtis seconded a motion to approve the project as conditioned with the added conditions. The motion carried on a 4-1 vote with Commissioner Hill dissenting.

Chair Gelhaar reminds the audience that there is a 15-day appeal period on this action starting now.

IX. OTHER BUSINESS

A. No items

X. COMMENTS FROM THE COMMISSIONERS

Chair Gelhaar comments about the environmental evaluation statement within the agenda item statement. Staff responds that it is just additional information to the public that this action is part of the Commission's determination.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley responds to Commissioner Gelhaar's questions related to getting story poles down after Planning Commission action. He notes the status of a couple of lots and that future conditions of approval will include the need to remove poles within a certain time frame.

XII. ADJOURNMENT: 7:31 p.m.