

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD FEBRUARY 12, 2008**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Davitt, Gelhaar, Hill and Mehranian, Director of Community Development Stanley, Planners Clarke and Gjolme, Assistant Planners Parinas and Lang and Deputy City Attorney Vargas.

**III. PLEDGE OF ALLEGIANCE**

Commissioner Davitt led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**V. REORDERING OF THE AGENDA**

Chairman Cahill related that there was a suggestion to hear item VII-D first, and confirmed there was no opposition from his colleagues to do so.

**VI. CONSENT CALENDAR**

**Minutes of January 29, 2007.**

M/S/C Mehranian/Gelhaar to approve the minutes as submitted. 4 Ayes; Davitt abstaining.

**VII. PUBLIC HEARINGS:**

**The following item was heard out of order:**

**D. Conditional Use Permit 418; Winnaman; 4914 Alta Canyada Road:**

Planner Clarke reported the applicant's request to install tennis court lights on an existing court.

The subject site is more than 2 acres in area and located north of Alta Park Lane, in the R-1-20,000 Zone.

The applicant has approved plans from Building & Safety to construct an unlighted tennis court and a retaining wall on the west side, with steps leading down to the court. Those plans have yet to receive final approval from Building & Safety. Mr. Winnaman then applied to Planning for a CUP to install tennis court lighting. Upon making the customary site visit, Staff discovered that the scope of work permitted by Building & Safety had been exceeded i.e., more retaining walls than allowed were constructed, over height

fences were installed and the natural grade was raised to create a level pad for the court. Planner Clarke advised that Code, as it relates to Tennis Courts, establishes the surface level of a court as the lowest elevation of the natural terrain. It does not allow raising the grade to create a new level pad.

The applicant proposes to light the court with 8 light standards --4 on the east side and 4 on the west side. His plans do not show the work done beyond what was permitted by Building & Safety, or the basketball hoops and putting green.

Given the incomplete plans, Staff recommended a continuance pending receipt of plans drawn by a licensed surveyor that show all improvements on the site, including electrical work. Staff also recommended that the applicant apply for a variance with regard to non-permitted grading that was done.

Director Stanley reported the City Attorney's advice that the Commission could either decide to vote on the request to install lighting with a condition that the tennis court conform to the Sport Court Ordinance as it relates to tennis courts, or, it could continue the hearing. Director Stanley observed that the applicant had not yet arrived.

Chairman Cahill polled the Commission for their thoughts.

The general consensus was to hear the matter in its entirety when complete plans are submitted.

Chairman Cahill confirmed that some members of the audience preferred to speak at this hearing. He reminded them that their comments should relate to the instant request to install lighting and deferred the item until the applicant arrived. He confirmed that there are two options: either the tennis court is permitted, or it must be removed.

**A. Floor Area Review 06-24 (amendment); Lourie; 425 Meadowview Dr:**  
The request was to modify a condition of a previously approved project and establish a new expiration date. The project itself, had not changed.

Chairman Cahill confirmed that no one in the audience wished to comment on this matter. He confirmed that his colleagues had no comments and that they agreed to dispense with a staff report.

M/S/C Mehranian/Gelhaar to approve the requested amendment to Floor Area Review 06-24. Unanimous.

**B. Conditional Use Permit 409; Variance 07-11; LeeAnne's Place/Parmelee; 823 Foothill Boulevard:**

Planner Gjolme described the applicant's request to legalize unauthorized expansion to the rear of the liquor store. A CUP is required to allow the expansion and the Variance addresses a deficient number of on-site parking stalls and a deficient width of the driveway aisle - both located on the west side of the building.

The 5,000-sf project site has 50 ft of frontage and is located on the north side of Foothill Boulevard, west of Commonwealth Avenue, in the Downtown Village Specific Plan (DVSP) area. The Wells Fargo parking lot abuts the subject site on the east. It is developed with a 1,770-sf building, which includes the 440-sr illegal expansion.

The applicant expanded the northeast corner at the rear by constructing a storage/bathroom. Though the expansion meets floor area maximum for commercial properties, it was built without permits. Additionally, the building's zero setback situation is allowed in the DVSP.

An aerial view of the site and its surroundings was showed a 22-ft-wide driveway separating the project site from the adjacent building to the west. Because the area is not striped, Staff found it necessary to devise aisle width, parking space width, etc., for purposes of review and discussion. Staff determined that the driveway is realistically, a one-way drive aisle, with its limited access width off Foothill and the lack of turn around space due to a wooded slope at the rear. Given those limitations, Staff concluded that the 22-ft "driveway" would accommodate a 13-ft-wide, one-way drive aisle and seven, 9-ft-wide parking spaces. Planner Gjolme noted that 11-ft-wide parking spaces are required when adjacent to a wall and that the drive aisle behind the parking spaces is deficient in width by 1 ft.

**Parking spaces** - Pre-expansion, the parking requirement for this use was 7 parking spaces, in contrast to the 5 it provided. Since the expansion removed 2 spaces at the rear, the parking deficiency was compounded; the expansion requires 9 spaces versus the 4 now provided. The applicant proposes to remedy that situation by grading the treeless slope at the tree and adding 3 spaces. The result would be a 2-space deficit, equal to how the site historically operated pre-expansion.

Staff questioned whether the goal of 3 spaces could be achieved by grading an upslope area. Additionally, Planner Gjolme advised that the DVSP requires an enclosed trash area and there is no room on this site to provide that.

Staff recommended denial, noting that the lot's shape - a parallelogram with no right angle corners - precludes efficient placement of parking stalls. This constrictive configuration is shared by several properties west of the site. Staff could not make positive findings since the on-site parking deficiency was intensified by the expansion. One possible solution would be to prepare new plans, including a survey, to substantiate where the rear property line is and verification that 3 spaces and the trash enclosure can be provided.

Staff recently received written verification from the applicant advising that he has leased two, offsite spaces, at the corner of Foothill and Commonwealth, which is approximately 400 ft away from the subject site. Staff questions the legitimacy of utilizing spaces at such a distance to compensate for \_\_\_\_\_ parking lost as a result of the expansion.

Responding to a question from Commissioner Gelhaar, Director Stanley confirmed that the non-permitted addition was constructed within the last year. A Stop Work Order was issued and the business owner is not permitted to use the interior of the expansion until and unless the Commission approves this request.

Property Owner Daniel Weston responded to concerns: the fence at the rear was constructed 10 ft over the property line; removing it would provide space for an enclosed trash area. Additionally, the recently secured two parking spaces would be for employee use only. Mr. Weston reported that during the past year that he has owned the business, he has never seen anyone park in the adjacent alley, including truck deliveries. The two adjacent businesses use the alley with his permission for access or parking. Lastly Mr. Weston apologized for failing to apply for a building permit.

Chairman Cahill opened the public hearing.

Chamber President Pat Anderson commented that she attended the meeting in hopes of finding common ground and asked if the type of business could be a consideration when deliberating deficient parking. Ms. Anderson reported that there is a maximum of 2 or 3 customers at any given time and the majority park in front of the store. The off-site parking spaces will be used by employees and though a distance, it will be the same for employees of the Town Center and Vons.

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

Commissioner Mehranian acknowledged Ms. Anderson's comments but she shared Staff's concerns. Not only is parking deficient, but the drive aisle width does not meet code.

Commissioner Davitt stated he did not want to refute Staff's recommendation at this point, but he recalled that the Commission has granted numerous requests to business owners on Foothill to allow deficient parking. He doubted that the addition would increase traffic and stated that he could support the request if a survey demonstrates there is sufficient area in the back to provide more spaces.

Commissioner Gelhaar concurred; "if a survey allows Staff to analyze the request differently", he was willing to listen. He could not approve the application in its present form, however.

Commissioner Hill concurred, stating that it is premature to vote at this time, given the applicant's information that the property line, as shown, might be inaccurate.

Chairman Cahill commented that the project did not present intensification of use and there would be an increase in parking spaces compared with the existing situation. He added that parking variances are awarded for nearly every business on the Boulevard. He asked that the applicant obtain the information as requested and return.

M/S/C Mehranian/Gelhaar to continue Conditional Use Permit 409 and Variance 07-11 to a date uncertain, at which time the applicant will have submitted a survey of the property line as discussed. Unanimous.

**C. Modification 07-47; Andrews; 1939 Tulip Tree Lane:**

Assistant Planner Parinas described the applicant's request to replace a previously demolished garage with a new, detached garage and bonus room at the rear of the property. The project would encroach into the required east side yard setback. A basement (which is not included in floor area calculations) is also proposed.

The 16,225-sf, rectangular-shaped site is located on a private drive that extends east from the intersection of Cross Street and Rosebank Drive. Ms. Parinas advised that in 2005, the Commission approved an identical project, which has expired prior to vesting.

The project consists of a 528-sf, two-car garage and an attached 402-sf bonus room containing a bathroom, closet and staircase leading to a 420-sf basement. Despite the placement of the garage at the rear of the property, it does not qualify for 5-ft side and rear setbacks, as the eave height exceeds 8 ft and the depth exceeds 25 ft. A Modification is therefore required to allow a 5 1/2-ft setback on the east side, rather than the required 11-ft setback. Ms. Parinas noted that the requested encroachment is identical to that of the demolished garage. All other code requirements are met.

It is anticipated that approximately 134 cubic yards of export will be required to excavate the basement, which equates to 9-13 truck trips. Sectional garage doors with window inserts are proposed, with wood siding and stone veneer to match the residence.

When the initial approval was granted, the Commission had concerns with the potential of converting the basement to habitable space and added a condition prohibiting plumbing and cooking facilities. That condition was been carried forward.

Ms. Parinas pointed out that the proposed rear setback would be greater than what the demolished garage exhibited and that the finished floor would be approximately 4 ft lower. Additionally, the adjacent flag strip driveway is higher than the finished floor of the proposed structure, which mitigates visual impacts for the neighbors to the east and north. Staff recommended positive findings and project approval.

Applicant Todd Andrews addressed the Commission and reiterate that this project was identical to the one approved in 2005. He advised that hardy back siding would be used, rather than wood.

Chairman Cahill opened the public hearing. Comments were not offered and the public hearing was closed.

Chairman Davitt commented that the project did not raise concerns for him and that he could support it as conditioned.

The Commissioners concurred.

M/S/C Davitt/Gelhaar to approve Modification 07-47 as conditioned.  
Unanimous.

**D. Conditional Use Permit 418; Winnaman; 4914 Alta Canyon Road:  
Continuation:**

Director Stanley commented on the applicant's absence.

Marilyn Pepper, 4908 Alta Canyon, resides south of the project, reported that the request to install lights was deceptive, as lights, which shine into her bedroom, were installed and repeatedly used more than 12 months. She related of having visited City Hall, where she reviewed the Tennis Court Ordinance and became aware of the requirements for courts on sloping terrain. The Ordinance requires that the court's surface level is to be established at the lowest elevation of natural grade, which did not happen in this case. She reported that a majority of mature trees were removed to make room for the tennis court, a basketball court, bandstand, gold\_\_\_\_\_, so that there is no relief;

her property has been incredibly compromised, as the light source falls beyond Mr. Winnaman's property line.

Chairman Cahill handed the gavel to Vice Chair Gelhaar and left the meeting at this point for a previously scheduled engagement.

Director Stanley advised that Mr. Winnaman obtained a permit to install a tennis court, but the permit did not include grading or lights. He reported of having instructed Mr. Winnaman to remove the lights a week ago, however they remain in place.

Gene Pepper advised that the lights are higher than would be allowed (if permitted), since they are atop raised grade.

Ruth Wells, 4906 Alta Canada, resides adjacent to the Peppers, stated that this was another example of a property owner continuously disregarding the permit process.

Tim Gossey 4902 Alta Canyon, stated it would be impractical to address the lights without addressing the tennis court. He has visited the Pepper household in the evening; "the impact on his backyard is abominable, intrusive and should not be tolerated". He added that if the applicant is not required to remove the lights pending approval, he should be required to at least remove the bulbs and noted the applicant's history of building without permits.

Nadine Oddo reported that the City Attorney has not responded to her request to review the site conditions. She advised of having provided Director Stanley with a copy of the violation issued to the applicant by County Fire, as the Department cannot provide fire service for the 5 flag lots. Addressing the lights, Ms. Oddo reported of recently spending a significant amount of money to build her dream home, which now faces the Winnaman's lights. Since Mr. Winnaman cut down the eucalyptus trees, her view is now of the Edison towers. She stated her request was for basic safety and requested that the City require Mr. Winnaman to remove the fences he has erected until the safety issues are resolved. Her grant deed reflects ingress and egress to her property via the easement. In conclusion, Ms. Oddo stated that the lights erected by Mr. Winnaman are extraordinarily intrusive and the Commission must address the safety issues.

Vice Chair Gelhaar remarked that the Commission was aware of the fire safety issues as well as the pending litigation between the neighbors and the applicant.

Director Stanley related that he has spoken with Mrs. Wells and the Fire Department. His understanding was that the Department would be citing bo

the Wells and the Winnamans, as fire safety issues need to be resolved with the Fire Department. He added that the neighbors have yet to provide evidence of legal access over Mr. Winnaman's property. A Code Enforcement will be sent out to the Winnaman property and issue any appropriate citations.

Commissioner Gelhaar assured the neighbors that their issue will be dealt with again.

Director Stanley reported Staff's recommendation that Mr. Winnaman either bring the tennis court into compliance, or apply for a variance.

Commissioner Mehranian confirmed that Staff would resolve the issue with the temporary lights, which Mr. Winnaman installed.

The applicant arrived at this point, however Vice Chair Gelhaar saw no purpose in opening the public hearing again.

M/S/C Davitt/Mehranian to continue Conditional Use Permit 418 to a date uncertain. Unanimous.

**VIII. OTHER BUSINESS**

Planner Gjolme recalled that the Commission had directed Staff to return with a formalized memo outlining how Staff would regard spas on hillside properties when they are located within the footprint of existing pools. That memo was included in the Commissioners packets.

**IX. COMMENTS FROM THE COMMISSIONERS**

**X. COMMENTS FROM STAFF**

**XI. ADJOURNMENT**

M/S/C Hill/Mehranian to adjourn at 7:10 p.m. Unanimous.