

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD FEBRUARY 26, 2008**

I. CALL TO ORDER:

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

II. ROLL CALL:

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

III. PLEDGE OF ALLEGIANCE

Commissioner Mehranian led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Haroutun Hovanessian, 2245 San Gorgonio Road, whose continued public hearing was scheduled for March 11th, advised that he would be following up on a suggestion that he contact the Commissioners individually to determine how he can move the project forward.

V. REORDERING OF THE AGENDA

Chairman Cahill asked for a show of hands of those who wished to speak regarding item VII-D, 4344 Purtell Drive. He advised that Commissioner Mehranian would be leaving the meeting early and suggested that the item be heard second on the agenda. The Commissioners agreed.

Chairman Cahill then announced that item VII-F, 700 Forest Green Drive would not be heard and would be continued for more information per Staff's recommendation.

M/S/C Hill/Mehranian to continue Conditional Use Permit 424 and Modification 07-53, 700 Forest Green Drive to a date uncertain.

VI. CONSENT CALENDAR

Minutes of February 12, 2008. M/S/C Mehranian/Hill to approve as submitted. Unanimous.

VII. PUBLIC HEARINGS

A. Hillside Development Permit 03-57; Second-Floor Review 08-04; Bolton; 5271 Vista Miguel Drive:

Senior Planner Buss described the applicant's request to construct a two-story residence, detached garage and veranda amounting to 7,790-sf of floor/roofed area. The residence would be constructed in the northeast corner of the 148,104-sf undeveloped hillside lot with an average slope of 40%.

The subject property, located at the north end of Vista Miguel Drive (a private road), is the largest lot in the area with the exception of the vacant property immediately north, which is accessed through an easement crossing the subject site. The average lot within 500-ft is 23,540-sf in area, with an average living space of 2,788-sf and an average floor area ratio of 11.84%, per County records. The project presents 5,490-sf of living space, and an FAR of 3.1%. The floor area is 13,228-sf below what is allowed by the Hillside Ordinance Guidelines.

The primary issue is the siting of the house. The applicant proposes to grade a pad at the top of the hill, where as much as 45 ft would be cut to create a bowl where the house would sit. The house edge would sit back from the lip of the pad to preclude downward views to properties down slope and to keep the house towards the back of the pad. More than 11,000 cubic yards of cut and fill - balanced on site - is proposed.

The west and north edges would maintain existing grade requiring a retaining wall ranging in height from 6 to 8 ft. It would reach its maximum height behind the house.

A 20-ft-wide driveway with an average slope of 11%, and a hammerhead were reviewed and approved by the Fire Department. As designed, 25-tons of fire equipment could be accommodated. The 800-ft-long driveway would extend upward on fill dirt and wrap around a drainage swale, climb the side of the hill, crossing its face and terminate behind the house at the garage.

As the driveway heads north, it is on fill and elevated to the point where a cut is necessary to build a shelf into the side of the hill for the driveway.

A detention basin located in the crook of the driveway, would collect water that naturally flows from the north and through the subject lot. It would have an elevated drain and then continue under the driveway to a desilting and energy/absorption basin where the runoff would be slowed and then flow in to a swale along the driveway and off the property.

Secondarily, a new underground infiltrator system is shown in the southwest corner of the lot in the area where a prior approval allowed a house to be built. The system would absorb all new water added to the site resulting from the project.

A Power Point presentation showed aerial views of the site as well as floor plans and elevations. The project meets Code with respect to setbacks, angle plane, height, parking and floor area. A conceptual landscape plan shows the face of the hill planted; those plantings would hide the driveway when mature and stabilize the hillside. Landscaping is also shown around the house. The story poles are difficult to see since they are 20-ft below grade.

Site sections were then displayed and discussed. The applicant provided photosimulations of how the house would appear once the landscaping is in place and aerial views of the site from various parts of the City.

View shed analysis was done as part of the environmental review and policies of the General Plan and the Environmental Resources Management Element (ERME) that address prominent knolls were discussed. Views of the site from various locations were shown on Power Point. The subject hill is not called out in ERME as a prominent knoll; however, there are policies in ERME that the Commission should consider that deal with assuring that the character of existing neighborhoods is not detrimentally altered as a result of land divisions or new development and, maintenance of hillside areas with purpose of preserving the visual quality of the City, conserving natural resources, etc.

Staff prepared two sets of findings (Hillside and Second-Floor Review), which the Commission could apply to an approval. Staff also determined that the project would not result in significant environmental impacts and therefore a Draft Negative Declaration was included for adoption should the request be approved.

Commissioner Hill asked Staff to use Power Point to show the easement that grants access to the lot north of the project site.

Senior Planner Buss responded that the former approval in 2000, simply required that the owner of the subject site provide access to the northerly lot. A specific location (alignment) for the easement was not called out.

Chairman Cahill requested clarity regarding the findings that address preservation of prominent landforms, ridges, knolls, etc.

Mr. Buss responded that there is not a finding on point; however, Findings 2, 4, 5 of the Hillside Ordinance and policies of the General Plan would apply, despite the fact that the site is not designated as a prominent landform or knoll. Staff believed that with the 36 draft conditions, the project could be approved.

Applicant Scott Bolton introduced his spouse, Dana Burkett, and his family via Power Point presentations. He felt there were many preconceived notions associated with this 3.5-acre property and commented on it's uniqueness with

its long history of drainage problems, fire hazards and the easement which extends through it.

The approval granted in 2000 allowed construction of a two-story home at the southwest corner of the property. Despite its proposed siting on a flat area at the bottom, which did not require significant grading, the request drew a lot of opposition from the neighbors and the City, who were concerned with drainage and loss of privacy. After 4 public meetings, approval was granted. The main concerns were drainage and proposed construction of a detention basin. The basin would have been on the hill and was intended to improve the significant water that flows from above and down Vista Miguel, where because at least half of the homes are below street elevation, there are concerns with flooding. A two-story home in proximity to neighbors was also problematic.

As he studied that plan, Mr. Bolton reported that he realized the more serious issues, which led him to look at alternative pad sites. One concern was the easement, which the plans show as traversing the middle of his property, through the hill. Counsel advised him that legally, that could not happen, which meant that the easement would have to extend through the flat area, very close to where the house would be constructed (approximately 8-ft from the living room). He then discovered that the Fire Department wanted the easement/driveway widened, which would bring it even closer to the residence. Another concern was because the flat pad is adjacent to one of the steeper parts of the terrain, a debris wall was required to be built above to prevent rocks from falling on the house. Lastly, a review of the minutes and file material, it was clear that the canyon's shape was too small to accommodate an appropriate detention basin. City engineers pointed out that eventually, it would overflow. Mr. Bolton stated that being an engineer and a scientist, he understands geology enough to understand that it is not wise to build in an area where water naturally flows. Consequently, he looked for a place that would take him above that part of the terrain.

Mr. Bolton showed aerial views of the surveyor's maps showing the easement and noted that the property owner of the lot north of his, has a right to go through his property. The most natural and economical place would be in the flat area, where the first house was approved in 2000. Another issue, he would have to figure out with the Witherspoons at 5259 Vista Miguel, is how to construct his driveway and determine where the road actually is versus where it is erroneously shown in the County's records.

He looked at a number of places to site his house, but all generated more privacy issues. He found an area at the top that was relatively flat compared with the steep hills; his engineer figured out a way to get to the top with some grading. The advantage to the grading is that he could flatten the pad further and set the house back. All the graded material would be used to redirect the water flow. Mr. Bolton showed on Power Point how the water currently flows,

at time, taking debris with it, into the Witherspoon's property. He then explained how his plan would redirect the natural water through detention systems and an infiltrator system at the bottom of the land that would reduce the amount of water that flows down Vista Miguel, effectively solving the drainage problems that have plagued this area.

He reiterated his efforts to search the property for a lower risk site, to redirect and reduce the water flow via infiltration units, cut and fill would be balanced, the house would be cut into the hill, rather than being on top of the hill and set back and landscaped, the driveway is moved away from the neighbor to the west. He conducted headlight analysis, noise and views to demonstrate that the project would not impact neighbors. Though the grading is substantial, most of it would be hidden in a canyon that is visible to very few people and landscaped. The geology analysis included cut samples and trenching, looking for earthquake faults done in upper, lower and along the proposed driveway. Earthquakes concerned him, as the lower portion of the lot consists of silt built up over hundreds of years; there are risks associated with that area sliding and liquefying during an earthquake. He stated that he could never dig low enough to get to the bottom of alluvial flow. Conversely, the top of the property was found to be on solid bedrock. At the last hearing in July 2005, a Commissioner requested for a professional opinion as to the viability of the two sites, which was provided in their packets.

He cited the advantages of this plan e.g., the drainage would be redirected and significantly improved; the house would be at a lower risk as it is not sited in the middle of a drainage channel and would not be flooded during a 100-year storm; the house and yard are not under a debris wall or near a steep slope; the easement could be accommodated; the house and landscape plan effectively eliminate privacy issues and without creating a safety hazard; more than 200 new trees would accent existing oaks and sycamores; not protected trees would be lost; only 4-5 properties touch his property line.

He provided an aerial view and long range views of the site, including photo simulations of the house, and photos of the story poles, which are not easily seen.

In conclusion, he stated that it is not wise to build on the lowest portion of a site that has a serious drainage problem, which is exactly where the former house was approved to be located.

Project architect Craig Stoddard, reported that he had converted some solid roofed areas to trellis covered patios, and eliminated 340-sf of floor area.

Chairman Cahill opened the public hearing, beginning with those residents whose homes abut the project boundaries.

Ann McClelland, 5284 La Cañada Boulevard, distributed a map to the Commissioners and referenced it in her speech. She quoted the Hillside Ordinance and ERME. Her concerns were with overflow entering her property should the drains become clogged and believed that the cut and fill would cover existing trees. Ms. McClelland stated it would be an unreasonable compromise to introduce a driveway and lights into her backyard setting. She asked that the plan be denied and the plans be resubmitted to place a house in the southwest portion of the site.

John McClellan reported that their bedroom opens and faces the area where grading is planned. He strongly felt it would be an unnecessary and avoidable intrusion to his property.

John Paton, 5260 Vista Miguel, related that he and the McClellans would be the most affected by the project. His concerns were of privacy, headlights extending across his back yard, a car falling off the driveway into his property and drainage. He opposed the project, stating the knolls, canyons and his back yard would be affected.

Mary Nelson, 5272 La Cañada Boulevard, appreciated the work and expense expended by the applicant; however, there are too many concerns with the project. Cutting 45 ft into a hillside did not seem reasonable to her. She was concerned with having fill along the rear property lines of many back yards. She questioned if the Fire Department would be able to access the steep driveway.

Barbara Dawson, 5278 La Cañada Boulevard, reported that she resides adjacent to the subject property and acknowledged the great number of drainage problems. She was concerned with the fill and the fire trucks going up the driveway.

Kirk Witherspoon, 5259 Vista Miguel, resides downslope from the project site. He reported that he has not given the applicant permission to use his land for a driveway, and reported unanimous opposition by the neighbors to this project. He advised that his surveyor and the applicant's have shown conflicting property boundaries. Should the project be approved, he requested that a condition prohibit subdivision of the property. Mr. Witherspoon believed that the project violates the spirit and intent of the Hillside Ordinance and preferred that it be constructed on the lower, flatter portion.

Paul Burrows, 5266 La Cañada Boulevard, stated that if the request is approved, "there would be properties popping up all over the place".

Randall Wetzel, 5290 La Cañada Boulevard, recalled having concerns with loss of view at the May 2000 hearing. He believed the project site is part of the San Gabriel Mountains and that it would be one of the few homes "that stand out".

He “still has no idea of what the house would look like”; he can see the ridge line from his property and the hill top that is visible from his property would be cut.

Susan Halibian related that the entire west side of her home would be visible from the applicant’s back yard. She asked why the City would spend time, money and effort to develop a Hillside Ordinance and then allow the Planning Commission to override it. She commented that the site is a prominent hill. An approval would allow the applicant to destroy a hillside and then allow him to rebuild the damage. She asked that the Commission preserve the natural landform.

Rich Harris, 5315 Haskell, reported that he represented the residents of Haskell Street. While the project would not visually impact him, he stated that he cares deeply about the Hillside Ordinance and he was confused that the Commission could not see this as a case in which the Ordinance should apply. Removing 45-ft of a hilltop “is not preservation” and “moving 11,000-cubic yards of dirt is not protection of open space or of our hillsides”.

Tom Sheedy, 5275 La Cañada Boulevard, observed that he would definitely be impacted “by the visuals”. He reported that he was suspect of the geology numbers and questioned whether the canyon could support 11,000-cubic yards of fill, which will have to be re-compacted. He did not understand why the applicant needed a two-story house if the structure would be in a bowl.

Erin Owen, 55291 La Cañada Boulevard opposed the project because of its prominence; adding that it would be “a huge eyesore and destroy views of houses around as well as those from Haskell and Vista Miguel”.

Greg Brown, 5250 Vista Miguel, requested more than the allotted 2 minutes and announced that he served on the Planning Commission when this project was eventually approved in 2000. He felt this was a classic case to apply the Hillside Ordinance and it was important to note that the former project was unanimously supported by the neighborhood, though it didn’t start out that way. He distributed a packet of information to the Commission, which he stated included engineered plans for the former project and reported that the developer and a neighbor agreed to install a sewer and a storm drain. He questioned how Staff could recommend approval of the former project, which would not affect the hillside, and likewise support a proposal that would move 11,000-cubic yards of dirt. Mr. Brown stated that the applicant’s concerns with the stability of the southwest corner of the property was a red herring and questioned if there was a hydrology report for this project. He added that 1,290 truck loads of dirt would be moved around the site and the largest trees on the landscape plan is a 24” box.

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

Applicant Scott Bolton responded to comments. He assured the public that the existing trees would not be harmed by the project and observed that they are mostly non-protected pine trees. He also had concerns with Fire Department access; that is why early on, he took the plans and reviewed them with the Department, and has received their approval. Addressing Mr. Paton's concern with headlight intrusion into his back yard, Mr. Bolton stated that would be impossible due to the steepness of the hill; he could barely see the Paton property even when standing on the edge of his hill. He concurred with Mr. Witherspoon that work is needed on the survey lines. Responding to Mr. Wetzels comment who did not understand how the house would appear from the west side; Mr. Bolton acknowledged that his view from the North might be different, but would not drastically change and he was willing to work with him on that aspect. He felt that many of Mr. Brown's comments were misleading; though the previous plan was unanimously supported by the neighbors, it took 4 "rounds with the Planning Commission and a letter from the developer to the City threatening litigation because of Mr. Brown's actions". Mr. Bolton reported that he had copies of letters and e-mails to substantiate that. The developer related that his "arm was twisted" to pay for the sewer and storm drains. In order to end the opposition, he had to allow other residents to use the debris basin. While an approval was granted, it was not what he would consider to be a cooperative effort.

Mr. Bolton expressed puzzlement with concerns that installing a larger basin is not a good thing. The record of the former plan's review clearly states that a 2,400-cubic yard basin was needed--- it was known that the former basin was too small and would overflow, but it was the largest basin the canyon could accommodate with allowing more cut. Mr. Bolton related that his instructions to his engineer was to design the "biggest basin you can possibly fit". As designed, this basin would protect the lower portion of his property but primarily protect Vista Miguel and the neighborhood. He offered to eliminate it if the neighbors don't want it, though he felt that would be foolish; the smaller the basin, the less expensive it would be for him. He reported to the Commission that he and the neighbors have photos of the deep trenches dug after a heavy rain, which has come down flood-like on his property, far from being a sheet flow, which is what occurs during normal rainfall. Lastly, Mr. Bolton responded to Mr. Brown's comment regarding the need for a large basin. He's not putting in a big basin to accommodate the driveway or the house, all water from the project would be collected and flow into the infiltration system as noted by Senior Planner Buss. Rather, the basin will collect water that flows down the canyon and will separate the water, clarify it and send it down in a more slower and controlled manner. He emphasized that the cut and fill would be completely balanced on site. Addressing Mr. Brown's comments regarding tree size, Mr. Bolton observed that there are a number of trees larger than a 24-inch box on the landscape plan and that he

was willing to consider installing even larger ones around the house for screening purposes.

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

Commissioner Gelhaar reported of having spent a good deal of time walking the property and reading the materials, including the hydrology report. He disagreed with the findings in the Negative Declaration, which talks about aesthetics and grading. He stated that moving in excess of 11,000 cubic yards of dirt and cutting the hillside as proposed, would be a major land form alteration. He could not make findings 1, 5, and 10a or the Hillside Ordinance, or the findings to approve Second Floor Review, as he did not believe that the project protected public views or aesthetics. He felt that engineers could come up with a hydrology solution so that the house could be brought down to the area where it was originally approved. He was willing to consider a continuance for redesign.

Commissioner Hill commented that it was not his place to tell the applicant where to site the house. He observed that the Planning Commission takes a good look when balconies are proposed in order to preclude any issues of view or privacy. Does the house fit the neighborhood? He disagreed with the staff report and did not believe that the size of the lot can offset the size of the house. Further, standing by the McClelland's pool, he was concerned with the proximity of the subject driveway, and felt it would impact their privacy. He tended to agree with the neighbors' comments and could not make findings 1,2,4,5,7,8, or 10a of the Hillside Ordinance nor any of the findings to support the Second Floor Review.

Commissioner Mehranian stated that she appreciated the work done by the applicant and the architect; the desire to build on the hill should be respected, though siting of the house is an important issue as the house location creates a context and becomes the focal point. Architecturally, the design, setbacks, use of color and sensitive placement of the house is good, but she could not support how the project affects properties downhill. The visibility of the driveway cannot be overcome, nor can its impact to the neighbors and retaining walls. She did not believe the Commission could exclude the idea that a house at the bottom of the hill is not possible. She could not make the first four findings of the Hillside Ordinance or any of the findings to support Second Floor Review, but was willing to look at a redesign.

Commissioner Davitt remarked that in many ways, the project encompasses what the City wants to see in a two-story, hillside home i.e., all setbacks are met, it is below the allowable floor area and the angle plane, height and required parking all comply. However, the fundamental question that he has wrestled with since the inception is whether it is appropriate to build a house on this hilltop. The need to move 11,000 cubic yards of dirt to accomplish that

goal did not seem inherently right to him. Staff's comment that numerous trees would be planted to "hide the house" indicated to him that perhaps the house shouldn't be there. "It is unreasonable to require someone to design an invisible house". He concurred with Commissioner Hill's comment that the Commission's role is limited to enforcing the Hillside Ordinance, rather than dictate where the house should be sited. He could not make findings 2 or 5 of the Hillside Ordinance, but would be fully supportive of a continuance for redesign.

Chairman Cahill reported that he had made several site visits and given a lot of thought to this project and had visited with the neighbors. His pointed out that the Hillside Ordinance was not drafted to preclude development in the hillsides and he agreed with Commissioner Davitt that an invisible house cannot be built. While every lot and project is unique and must be considered on its merits, the more he thought about the General Plan and its policies, the more he focused on the prominent landforms within the community, including ridgelines and knolls. He observed "this is a ridgeline, it is a knoll, it is prominent and the only way to build on it is to carve a huge part of it." He stated that was a major consideration for him. Further, the 850-ft-long road would carve out a large part of the mountain and present a major transformation to those residents who now look up and see a gentle hill. He believed the project would exacerbate the drainage problem rather than alleviate it and he was concerned that headlights would intrude on various homes at different times, regardless of the number of trees and shrub plantings.

While he was sensitive to residents wanting to build on their properties, but he could not make the required findings and was at the point where he thought that any house on the top of the hill would not fit. Chairman Cahill noted there is an alternative that would accommodate a house of nearly the same size requested and recognized it was painful to get to that point some years ago.

Chairman Cahill confirmed with Director Stanley that any redesign or relocation of the house would require a new design and new plans. He then provided the applicant with his options -- request a vote, which would likely be negative and which he could appeal to the City Council, or request a continuance for redesign if there were enough Commissioners who felt that any house on top of the hill would work. He polled the Commissioners for their thoughts. Commissioners Davitt, Hill and Mehranian were willing to consider a redesign that included a house somewhere on the hill. Commissioner Gelhaar and Chairman Cahill disagreed.

Mr. Bolton requested clarification and asked if some of the Commissioners were willing to consider a house on the side of the hill out of the drainage path, that would require some cut - or were they thinking of allowing it to hang off the side?

Commissioner Mehranian preferred not to discuss the specifics of another location as there are too many unknowns, but she definitely did not want to see a house on the hilltop.

Mr. Bolton requested a continuance and stated he was willing to work on a design change that would be more palatable to the neighbors and to the Commission.

Chairman Cahill suggested that he contact the Commissioners individually with his ideas.

Director Stanley confirmed that a lot of grading or a long driveway would not be solutions.

M/S/C Davitt/Gelhaar to continue Hillside Development Permit 03-57 and Second Floor Review 08-04 to a date uncertain. Unanimous.

A 5 minute break was taken at 8:15 p.m.

B. Minor Conditional Use Permit 428; Simison Family Trust; 1039 Foothill Blvd.

Chairman Cahill confirmed that no one in the audience opposed this item. He then confirmed that the Commissioners did not have any issue with the request. He elected to forgo a staff report and requested a motion.

M/S/C Gelhaar/Davitt to approve Minor Conditional Use Permit 428 as conditioned. Unanimous.

**D. The following item was heard out of order:
Second-Floor Review 07-19; Hillside Development Permit 06-26; Variance 07-12; Modification 07-57; Naccarati; 4344 Purtell Drive:**

Planner Clarke described the applicant's request to construct a two-story residence on a vacant 6,300-sf hillside lot. Also proposed is 1,050-sf of basement area. The structure is designed on three levels with a garage at the bottom and two floors above.

The subject site has 37 ft of frontage and slopes steeply upward from the street, which accounts for its average slope of 59%. It is located at the end of Purtell Drive, a narrow street, paved to a width of 20 ft, where it intersects with Ahlin Drive. Aside from its steepness, there is a 400-sf easement in the southeast corner, which allows access to the neighboring house at 4340 Purtell. Code prohibits inclusion of easement areas when calculating floor area; this reduces allowed floor area for this lot to 2,124-sf. Application of the Slope Factor Guideline for this lot would permit a house of 425-sf.

The multiple requests were reviewed, including a Modification to allow 5-ft-high, inward facing retaining walls to be located within the front setback,

where the maximum height allowed for such walls is 3 ½-ft. The Variance request is to permit tandem, rather than parallel parking in the driveway.

A Power Point presentation showed views of the site and the neighborhood, which consists of a mixture of single and two-story homes on small lots. The average lot size is 6,300-sf and the average house size is 1,339-sf; there is no dominant architectural style in the neighborhood.

A color rendering of the project's front elevation was displayed. The project consists of a 35-ft-high, modern Spanish style home that steps back into the hillside. It is vertical orientation, due to the site constraints. Architectural elements include a two-piece tile roof, exposed rafters, corbels, wrought iron railings, sectional garage doors, and two street-facing balconies. A two-car garage and entry are on the first level, the second level accommodates living area and the third level comprises a bedroom and two bathrooms. Each level includes basement areas, which are not included in floor area calculations. Only the third level basement area includes light wells, which in turn allow for habitable space.

Since approximately 1,400 cubic yards of export will be required, the draft conditions require submittal of a haul route plan for review and approval by Public Works. A landscape plan depicted the retaining walls, including 3, staggered 6-ft-high walls at the rear, with an irrigation system to assure that the vines between the walls would grow up and over the walls to soften and screen their appearance.

Planner Clarke commented that included in the Commissioners' packets were copies of the Initial Environmental Study, the Draft Negative Declaration, a two-page letter submitted from an adjacent neighbor and a petition signed by a number of residents supporting the project.

Staff recommended project approval as conditioned, including conditions provided by the Public Works Department.

Responding to a question from Chairman Cahill, Planner Clarke confirmed that the sandbags shown on Power Point are 3 ft behind the property line.

Commissioner Gelhaar observed that the color rendering shows the house at an angle and does not show the stairway left of the entry. He also requested clarity regarding the allowed height of retaining walls – one in the side setback appears to be 19 ½-ft high.

Director Stanley commented that if the steps cover the retaining portion of a wall, Staff considers those stairs to be at grade. Any portion of a retaining wall below grade is not included in height calculations.

Project architect Craig Stoddard, responded to Commissioner Gelhaar and advised that the rendering was commissioned before the existing stairs were designed in the plan. However, they allow access to the backyard and meet Fire Department requirements. None of the walls supporting the stairs exceeds 3 ½-ft in height. He referred the Commissioners to the plans showing the west elevation, where the stairs are indicated as dots; it seemed to be the clearest place to show the height of the walls in the setback. He noted that the upper level basement area would be habitable; light wells are provided. A portion of the basement on the middle level is non-habitable, as is the basement area behind the garage. The front of the garage would be approximately 20 ft behind where the sandbags were shown on Power Point.

Mr. Stoddard reported it was important to him not to overbuild and to step the house up the hill to preclude massive two-story walls.

Commissioner Mehranian left the meeting at this point.

Chairman Cahill opened the public hearing.

Mark Romano, 4340 Purtell who accesses his property through the easement located on the southeast corner of the applicant's property, felt the project would affect him the most. He expressed appreciation for the story poles and felt they effectively demonstrate the project's impacts. He stated "it is an odd place to put a three-story home; it's more than three time larger than other homes in the neighborhood." Mr. Romano related that trash trucks do not fit on the narrow street and he believed that the project would increase the drainage to his lot. He opposed the request and urged strict application of the Hillside Ordinance.

Commissioner Gelhaar confirmed that an issue regarding location of a boundary line between the two properties has been resolved.

Helga Schubert, 2081 Ahlin Drive, who resides west of the project site, reported that her home is 1,400-sf. She felt the project would improve drainage and improve the appearance of the neighborhood.

Don Johnson, 2000 Ahlin Drive, who resides directly across the street from the project, reported that his property would be the second most impacted. He understood property owners who live above the site supporting the request, as they would not see the project from their homes. He related of the long history of debris flow in the area and believed there is pending litigation between neighbors stemming from drainage flowing from upslope. He questioned the City Engineer's suggestion that splash walls be added to improve the existing water flow – Mr. Johnson did not believe splash walls could handle the debris flow. He advised that there is evidence of slope failure at the top and that property owners often cover the hillside with plastic

sheeting. He felt that the staff report softens the impact of the project and he displayed a photo board of neighborhood homes, which range from 783-sf to 1,290-sf. He stated that the project is not compatible with the character of the neighborhood, he opposed the sale of the project and doubted that it met the intent and spirit of the Hillside Ordinance. He envisioned a smaller, and more creatively designed home that would fit the limited area of the parcel.

Herb Marshall, a 42-year resident of 4337 Oak Drive, supported the project and noted that it would relieve the neighborhood from having to look at the sandbags at the front of the property.

Gunther Luettgus, 2021 Ahlin Drive, stated that the project was beautifully designed and he was pleased that someone "finally came up with a way to build on the unique hillside". He felt it would improve the drainage and he thought the basements were an excellent idea to support the hillside.

Applicant Paulo Naccarati, reported of having contacted more than 40 neighbors and responded to their questions; no one expressed concerns with the house size. He also provided neighbors with his cell phone so they could easily contact him.

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

Mr. Stoddard responded to comments. He advised that by Code, any water accumulated by the project is not allowed to drain on any adjoining property. He stated that 1,300-sf of habitable space is not "big" and the basements areas do not affect building mass - that is why they are not counted when calculating floor area.

Responding to a question from Chairman Cahill, he advised that the retaining wall at the back is stepped and approximately 17 ft in height. The landscape plan calls for large trees on both sides of the wall, as well as vines to screen it.

Commissioner Hill remarked that his biggest issue is the requested Variance to allow tandem parking in the driveway, but he did not have a solution. He commented on the narrow road and reported that he did not park on the street for fear it would prevent cars from passing. He complimented the architect for good solutions to challenging problems and was anxious to hear his colleague's comments.

Commissioner Davitt remarked that this was a good design that includes step massing on an extremely challenging lot. He did not have concerns with the parking situation or with the Modification or Second Floor Review. His issue was similar to the prior case and application of the Hillside Ordinance. Applying the Slope Factor Guidelines and requiring a house of 456-sf would be harsh, but he preferred to see less square footage and the balconies eliminated

as they would be looking over the street. He pointed out the draft conditions require contractors to park on site and if that is not possible, they will be required to carpool in.

Commissioner Gelhaar reported that his concern had to do with the stairway, which results in much of the house width. He stated that the house is 2,800-sf, depending on how 'basement' is defined and he felt that was too large for this lot. He did not have an issue with the requested Variance, and he would like to see the mass from the street view be reduced.

Chairman Cahill commented that the design is quite nice when looking at it in isolation; however, it is not in keeping with the neighborhood, which is clearly more woodsy and rustic. He agreed with Commissioner Gelhaar's comments that realistically, the house is 2,800-sf, which is too large for the narrow lot. Revisions are needed to reduce the size and perhaps the height. He did not have an issue with the balconies at the front; they help architecturally.

Responding to a question from Commissioner Gelhaar, Mr. Stoddard advised that the retaining wall at the back is necessary in order to build on the hill. Commissioner Gelhaar stated that the second story balcony was acceptable, but the lower one would have views to the neighboring yard.

Commissioner Davitt concurred.

Commissioner Hill asked Mr. Stoddard to consider a redesign that would assure visitors to the upper home would not block the applicant's driveway.

M/S/C Gelhaar/Hill to continue Hillside Development Permit 06-26, Second Floor Review 07-19, Modification 07-57 and Variance 07-12 to a date undertain.
4 Ayes.

C. Second-Floor Review 07-58; Modification 07-59; McQueen; 4723 Indianola:

Assistant Planner Parinas described the applicant's request to construct an 832-sf second-floor addition to a single-story home. Total floor/roofed area would reach 3,590-sf. Removal of more than 30% of roof area requires the house to be regarded as a new structure. The Modification would allow retention of the home's 5-ft setback on the north side, rather than the required 7 ft for this lot. Ms. Parinas noted that a condition of approval requires removal of a chimney, water heater and trash enclosure, which present a 2-ft encroachment on the north side. They must be removed since the minimum side setback is 5 ft.

The project site is located on the west side of Indianola Way, north of Houseman Street, in the R-1-10,000 Zone.

At 13,090-sf, the property is larger than the 12,776-sf neighborhood average, where home sizes range from 1,602-sf to 4,000-sf. An approval would allow a house 810-ft smaller than the largest home in the neighborhood, but larger than the average home in the survey.

A Power Point presentation showed the site, its current development and proposed development via story poles. A detached garage at the rear of the property exhibits a non-conforming setback, however, since it is not involved in this request it can be retained.

The second floor would be totally code compliant and would be screened from street view by the mature tree in the front yard. Overall height of the minimalist traditional design would reach 23 ft.

Staff recommended positive findings and project approval as conditioned.

Applicant Kristin McQueen questioned why the chimney would have to be removed; she did not interpret Code as requiring that, since she was only adding a second story.

Director Stanley advised that the minimum setback for chimneys is 5 ft and cannot be reduced further due to safety issues, per the Fire Department. Once the roof is removed, the house is considered "new" for Code application purposes and setbacks must comply.

Responding to a comment from Chairman Cahill, Senior Planner Buss provided a brief history of the 30% requirement, which was codified in 2006. The thinking was that 30% removal of the roof was tantamount to "removing the house". If the house was being removed, there was no reason not to require code compliant setbacks.

Commissioner Gelhaar remarked that the Commission understood; they were simply trying to figure out how to handle this situation.

Ms. McQueen advised that the fireplace is the focal point of her living room and she further believed that her neighbor would prefer looking at the chimney than a blank wall or window.

Chairman Cahill opened the public hearing.

Edwin Kan, 5204 Castle Road, stated that something should be done about the non-conforming garage.

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

Commissioner Davitt reported that he walked the project site and the request seemed reasonable. He could make all the findings and was indifferent with regard to the chimney.

Commissioner Gelhaar concurred, adding that the project represented a beautiful addition to the house. He supported eliminating condition 12.

Commissioner Hill also concurred, but was unsure if he could make the findings to approve a Variance, which is what would be required of the applicant to allow the chimney.

Director Stanley was concerned with reversing the policies set by the City Council.

Chairman Cahill recalled that the Commission was given some discretion when the 30% rule passed. If that is not the case, perhaps the policy of treating anything 30% or greater as “starting all over again” should be revisited.

Commissioner Hill remarked that the garage and fireplace were not under consideration at this time.

Responding to a question from Commissioner Gelhaar, Director Stanley advised that the Commission could continue the matter to allow the applicant to apply for a Variance, and that Staff would reconsider the fee aspect. The matter will also have to be re-noticed.

Commissioner Davitt stated that he was prepared to grant the request.

Commissioner Gelhaar suggested that before filing, the applicant could contact the Commissioners individually and determine if they could support a variance.

Chairman Cahill presented the options to the applicant: receive an approval that requires removal of the chimney, or reapply for a variance, which might include an additional fee and more time to be re-noticed.

Director Stanley interjected that if a continuance was preferable, Staff would review the fee issue, give that the applicant has already paid for a modification.

M/S/C Gelhaar/Davitt to continue Second-Floor Review 07-58 and Modification 07-59 to a date uncertain. 4 Ayes.

E. Second-Floor review 07-30; Conditional Use Permit 412; Large Garage Review 07-02; Sarkissian; 5204 Castle Road:

Planner Gjolme reported the applicants' request to demolish a single-story home located on a corner lot, and replace it with a 4,928-sf split-level home and attached garage. The site would be graded along Escalante, where the second-

story portion would be visible and from where a three-car garage and a driveway would be accessed.

The 16,140-sf lot is located at the northeast corner of Castle Road and Escalante Drive, in the R-1-15,000 zone. It is rectangular in shape, with 152 ft of depth and 86-ft of frontage along Castle Road, which is considered as the 'front yard'. As Castle rises to the northwest, the existing house is sited approximately 6 ft above street level. On the south side, the Escalante side yard falls 4-5 ft and then rises to the northeast. To the east, Snover Canyon lies within a 50-ft-wide easement at the rear, and provides 90 ft of separation between the project and the nearest home to the east. The Escalante Drive right-of-way provides and 88 ft of separation to the south, where the closest home is 88 ft away. Several large trees along both frontages, and a large, multi-trunk oak in the front yard, provide a visual buffer.

The site plan, story poles and the existing house and pool slated for demolition were displayed on Power Point. The entire project is code compliant, including a 40-ft front setback. One street tree will have to be removed to accommodate the driveway expansion and though it is dead, Public Works approval is required. Planner Gjolme noted that the project is essentially a single-story floor plan with a partially sunken, 3-car garage underneath. A 1,056-sf garage is proposed that would align with the southeast corner of the upper level. Because some of it daylights, its entire square footage is included in floor area calculations. The upper floor consists of 3,872-sf, which staff viewed as a more effective gauge of the floor area.

A matrix comparing property and home sizes in the area was included in the Commissioners' packets. Planner Gjolme stated that the project relates well in terms of the home's sq. footage versus the lot size - 24%, which is above the average for the area. Staff considered this in a positive light, given that the garage comprises nearly $\frac{1}{4}$ of the floor area and it is largely below grade and hidden. Cut and fill is proposed --- cut is necessary to allow the garage to align horizontally and allow entrance at street level. Fill would be created at the southeast end to raise the level of the porch and entry with the first floor. The draft conditions require submittal of a haul route to Public Works for review and approval.

An overall height of 27 ft - measured from low grade adjacent to the garage cut, compared with the allowed height of 32 ft; however, the western third of the project does not convey a full two-story profile. Planner Gjolme advised that the master bedroom area includes an exterior wall that measures 14 ft in height. A reasonable assumption is that the interior space would be of similar height --- if it reaches 12 ft in height, Code considers it as two-story volume space and requires that the space be counted twice. It is necessary to assure that the master bedroom area is counted only once, at 460-sf, which is what Staff used to determine floor area compliance. A draft condition requires

verification of the interior plate height to assure there is no volume space that qualifies as two-story space.

A color rendering depicted a contemporary design; Staff suggested refinements at the base of the porch supports and window sizes for a more balanced appearance.

The 48-ft-wide garage exceeds 20% of lot width along Escalante and triggers the threshold for Large Garage Review when garages face side streets. A Conditional Use Permit is required for the location, cut and size of the proposed garage and ensures that a long, descending ramp situation would not be introduced within a residential setting. Planner Gjolme observed that this garage would be accessed at street level and only the south side would be visible. A pedestrian entry in its mid section provides a visual break and eases the impression of the garage width. Nonetheless, the garage width results in more than 1200-sf of paving; staff believed that the driveway could be tapered to ease the form and perhaps add landscaping and it is addressed in the conditions of approval. Addressing Second-Floor Review, Staff believed the story poles effectively demonstrate how the trees would screen the structure and noted that the new building line generally mirrors that of the existing residence. There is a gap in landscaping along the north side, which the draft conditions address by requiring that landscaping be extended to the southeast corner of the property. Lastly, there is a deodar cedar in the Escalante side yard near the expanded driveway and the imported fill to raise the porch level might be within the tree's drip line. The draft conditions require an arborist review.

An elevation of the original proposal was shown in contrast to the proposal under review, showing how the scale and mass was substantially reduced. Staff concluded that positive findings could be made and recommended project approval.

Responding to a question from Commissioner Gelhaar, Applicant Nick Sarkissian stated that he had no problem with Staff's architectural design revisions.

Chairman Cahill opened the public hearing.

Dwight Campbell, 5201 Castle Road, stated that the project would impact him the most. The project is nearly three times the size of the existing home and the idea of a three-car garage is much greater than he envisioned --- no other garage in the area approaches 50 ft in width. He preferred to see a house more in keeping with the neighborhood and felt that both street frontages should be considered as 'front' yards. He stated that the front portico is unnecessary and the home's scale is out of proportion. He also felt that the project would

endanger the oak in the front yard and added that the hearing was the first recognition he had of what was proposed for this property.

Virgil Adaman, 5178 Castle Road, resides across the street. Since his house is lower in elevation, he felt the project would be intrusive and affect his privacy. He did not believe that the project reflected the character of the neighborhood and stated that a three-car garage and large driveway with cars parked on it "would look like strip mall parking".

Ramiro Ortuño, part of the design team, explained their attempts to make the garage entrance level with Escalante Drive and pointed out that the windows are at the same height as the existing home's. He added that there are other three-car garages in the area.

Edwin Kan, 5204 Castle Road, lauded the design, but questioned its compatibility with the neighborhood. He concurred with the prior opposing comments and he felt the configuration of the garage is excessive; he doubted that landscaping would soften its appearance. Though code compliant, the project appears too tall, given that the neighbor's home is approximately 20 ft lower in elevation. He also stated that the proposed front setback is in direct violation of the required 50 ft setback.

Applicant Nick Sarkissian responded to comments and advised that the new kitchen has views to Snover Canon whereas the existing kitchen window faces the neighboring yard. If the third garage door was eliminated, it would be replaced with stucco - he asked which alternative the neighbors preferred. Lastly, he assured the neighbors that the trees would not be affected, the conditions of approval require their review by an arborist.

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

Commissioner Gelhaar considered the design as meeting the Residential Design Guidelines as adopted by the City Council. The allowed height is 32 ft compared with the project's height of 28 ft.; it is Code compliant and the 3 garages help keep cars off the street.

Commissioner Hill stated the importance of noting that there are no variances involved. He concurred with Commissioner Gelhaar's comments and stated that he could make the required findings.

Commissioner Davitt also concurred and added that he initially struggled with the size of the garage and driveway, but now believes that it would be a benefit. He commented on the uniqueness of the lot with the canyon to the back and the generous setbacks.

Chairman Cahill felt the project was well designed and observed that a code compliant, 32-ft-high house could be built on top of the slope. He liked the way the garages were separated; the conditions assure protection of the trees and the windows are not significantly different than what exists.

M/S/C Hill/Gelhaar to approve Second-Floor Review 07-30, Conditional Use Permit 412 and Large Garage Review 07-02 as conditioned. 4 Ayes.

Director Stanley advised the neighbors of their appeal rights.

F. Conditional Use Permit 424; Modification 07-53; Agakanian; 700 Forest Green Drive:

Pulled from the agenda earlier – continued for further information.

G. Zone Change 06-02; City of La Cañada Flintridge; amendments to the Animal Keeping Standards city-wide:

Senior Planner Buss provided a brief overview of the proposed amendments, which set clear regulations regarding the keeping of animals in the City's residential zones and also clarify use of the County's regulations which are adopted by our City.

A draft ordinance for City Council review and approval and a resolution recommending approval of the suggested amendments were included in the Commissioners' packets. A significant change allows the keeping of chickens, ducks and geese. Any combination of 6 chickens or ducks may be kept on a parcel with 15,000-sf in area, with up to three additional chickens or ducks for every additional 5,000-sf of lot area. Geese may be substituted for chickens or ducks to a maximum of three. No more than 20 chickens or 12 ducks or 3 gees may be kept on any single parcel. The draft ordinance also addresses nuisance abatement and allows citations.

Commissioner Davitt referenced Section 11.21.160 Animal club permit and suggested that it include people assembling on a regular or irregular basis....".

Commissioner Gelhaar commented that he would like to prohibit the keeping of peacocks as well as roosters.

Senior Planner Buss stated that he would advise the Council of his request.

Chairman Cahill opened the public hearing.

Trails Council member Randy Strapazone complimented Staff on the report. She would like to see the maintenance of animals to be more permissive, as the City would be better off to maintain its semi-rural character.

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

M/S/C Davitt/Gelhaar recommending that the City Council modify the Zoning Ordinance as it pertains to Animal Keeping and Animal Clubs in Residential zones. 4 Ayes.

H. Zone Change 07-03; City of La Cañada Flintridge city-wide:

Chairman Cahill recalled that Staff had presented this matter to the Planning Commission for consideration in December, and that the Commission looked favorably on the proposed change.

Planner Gjolme reported that a resolution and draft ordinance had been prepared for the Commission to review language that triggers the Floor Area Review process. Review is currently triggered for projects on narrow lots exceeding 4,500-sf with less than 80 ft of frontage. The proposed language requires Floor Area Review for projects exceeding 4,500-sf on any lot with less than 80 feet of average lot width.

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

M/S/C Davitt/Gelhaar recommending that the City Council modify Chapter 11.11 of the Zoning Code as it pertains to the review threshold for narrow lots. 4 Ayes.

VIII. OTHER BUSINESS

There was no business to report.

IX. COMMISSIONERS COMMENTS

Commissioner Gelhaar inquired if the property owner of the Purtell project had a grading permit.

Director Stanley responded that at some point long ago, someone moved dirt around on that site. Sandbags were required by Public Works following a complaint from a neighbor, in light of the drainage from above, a failing concrete ditch and the condition of the subject property.

Addressing the matter just heard on Indianola, Chairman Cahill felt the Commission should recommend to the Council that 30% roof removal should not be an automatic trigger to consider a project as "new" and require code compliant setbacks. He felt there should be some discretion for the Commission; e.g., if the roof is removed, but the walls remain, there should not be a problem.

Director Stanley stated that the reality, in 90% of the cases of the cases that he's called out on to inspect, someone determines that the existing walls cannot support a second floor and they tear down the walls and roof and any

grandfathered status is lost. If the Commission feels that revisions are warranted, Staff will prepare language for eventual City Council review.

Commissioner Gelhaar asked Staff to bring back the exact language, as it is not as clear as he would like.

Chairman Cahill agreed that the Commission should review the language first.

X. DIRECTOR AND STAFF COMMENTS

Director Stanley reported that the General Plan Advisory Committee would be meeting later in the week.

Responding to a concern from Commissioner Gelhaar, Senior Planner Buss advised that Staff would deliver hard copies of any photos that are submitted from neighbors.

Director Stanley advised that on March 17th, the City Council would review the two proposed zone changes discussed this evening and hold a first reading of the Fire Code. There will also be discussion regarding Windemere Plance, a paper street of substandard width. The property owner would like to purchase it from the City or develop it for access.

XI. ADJOURNMENT

M/S/C Hill/Gelhaar to adjourn at 11:18 p.m. 4 Ayes.

Secretary to the Planning Commission