

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MARCH 9, 2004**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Davitt, Gelhaar, Levine and Mehranian, City Attorney Steres, Director of Community Development Stanley, Planner Cantrell, Assistant Planner Gjølme and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Davitt led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR:

A. M/S/C Gelhaar/Mehranian to adopt the minutes of February 24 2004 as modified by City Attorney Steres on page 9. Unanimous.

B. Substantial conformance determination re: 5126 Alta Canyada Road. Director Stanley advised of his intent to approve a request to reverse the cabaña design as the property owner originally intended, with the roofed portion facing southward and a compliant 10-ft setback to the East. There were no comments provided from the Commissioners. This is a receive and file item.

VI. CONTINUED PUBLIC HEARING:

Hillside Development Permit 03-64; Modification 03-90; Leigh; 3710 Madison Road:

Chairman Engler announced that this request would not be heard and confirmed that notices for a March 23 hearing had been mailed. Director Stanley advised that Planner Cantrell had personally notified the neighbors of the continuance.

VII. PUBLIC HEARINGS:

Variance 03-13; VonDerAhe; 1720 Fairmount Avenue:

Planner Cantrell described the applicants' request to construct a 700-sf patio cover over an existing elevated deck at the rear of their property.

The 15,115-sf project site is located on the south side of Fairmount, between Hillard and Jarvis, in the R-1-20,000 Zone. Existing floor/roofed area totals 5,887-sf; the roofed patio would raise that figure to 6,587-sf. Since existing floor area exceeds the threshold and maximum under current code, any further expansion requires a Variance.

Though the covered patio would not add floor area as counted by the Tax Assessor, a comparison chart depicting a variety of house sizes in the neighborhood was included in Staff's report. An expanded chart was distributed showing nearby homes in excess of 4,000-sf. Planner Cantrell described the patio roof at a height of 8 ft as measured from the deck to the underside of the beam, reaching a maximum height of 12 ft where it would meet the furthest recessed wall. A hipped roof would reach sill level at the second floor window beneath a gable.

Staff believed that the roof would mitigate the hulk of the house if seen from off site, but those views are extremely limited. Planner Cantrell noted that the applicant has documented support from the neighbor to the rear. Addressing the Findings, Staff believed an argument could be made that the size of the parcel and the existing home, which was built by a previous owner within code limits at the time, has prevented the applicants from enjoying weather protection over their deck as other nearby properties offer. Should the request be granted, the house would remain at a lower density than some nearby homes. However, there is nothing precluding removal of other floor/roofed area to compensate for the new roof. Finding 3 addresses the objectives of the General Plan to prevent overdevelopment of properties and because this site is overdeveloped under current standards, Staff felt compelled to recommend against this finding. Otherwise, the design is attractive, would add refinement and preserves the scale of the site. Planner Cantrell added that Staff's hope was that, following public testimony, the commission could make positive findings.

Commissioner Levine reported for the record that he erroneously advised the applicant that he would seek recusal on this matter; however, Staff confirmed that he resides more than 500 ft from the project site.

Project designer, Dave DeAngelis, related that the two-story, south elevation needs protection from the sun. Without a cover, the existing wood deck is continually in need of repair due to damage from the elements. Options were considered, including installation of awnings, but they need frequent maintenance, are torn in heavy winds and need replacement every two years. A trellis presented similar obstacles and an exposed wood trellis would allow

rain to enter and would not protect patio furniture. He explained that his clients have a child with special needs and that it is difficult for her to use a walker on the existing wood floor. Mr. DeAngelis pointed out that the covered patio meets all setback and height standards and architecturally, it breaks the two-story elevation, thereby reducing visible bulk. He displayed a line-of-sight drawing from the back yard of the neighbor to the rear. Since that property is at a lower elevation, the patio cover would eliminate a majority of their views of the applicants' second floor. He distributed photos showing the mature landscaping, a garage and shed on that neighbor's property. Addressing the issue of compatibility, Mr. De Angelis stated that he is sensitive to the issue of mansionization, but he believe some leniency was warranted for porches located in rear yards. He reported that his clients are willing to record a covenant stating that the patio would never be enclosed or used as habitable space. He remarked that because the City's policy is that front porches are aesthetically beneficial to the community, Code allows his clients to build a front porch of any size with handrails, etc., but because this "porch" is located at the back of the property, it is included in FAR calculations.

Commissioner Mehranian commented that she took issue with the way Staff's chart was presented which stated "homes in the area are varied". She noted "this is the largest home on the size lot there is - every 50,000-sf lot accommodates a smaller home". The chart, and other information in Staff's report is an important tool for the Commission's decision making.

Applicant Chris VonDerAhe felt it was important to be mindful that this involves an existing patio; the only change would be aesthetic. Allowed a roof over the patio would deflect direct sunlight into his home, which wears on their furniture and requires additional air conditioning. His personal reason for wanting to upgrade the patio is for the comfort of his child, who has mobility issues and who has difficulty regulating her temperature. Without sheltering the patio and controlling the temperature, they cannot take her out. Mr. VonDerAhe reported that one of the Commissioners with whom he spoke suggested an overhead lattice as a solution. Unfortunately, that is not an option as it would not accomplish the goal of keeping the sun out and reducing the temperature.

Carolyn VonDerAhe distributed letters from nine neighbors and reported that neighbors on either side have offered to speak with the Commission.

Chairman Engler opened the public hearing.

Hal Thomas, 1734 Fairmont Avenue, who resides two homes away from the applicant, reported that he has a similar situation with his patio and that he

seldom uses it because of the intensity of the sun. He related the physical progress made over time by the applicants' daughter and implored the Commission to allow the request so the child could go outside.

Julia Thomas related her appreciation for the neighborhood and her neighbors and stated that she would be pleased to do anything to further the request.

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

Commissioner Gelhaar reported of having made a site visit and believed that a lattice cover was an option that would meet Code. He stated that he might view the request differently if there wasn't a feasible option.

City Attorney Steres advised that based on the testimony, the American Disability Act applies to zoning if a claim for reasonable accommodation is made. If the ADA applies in this case, the findings to approve a Variance are lower than the typical findings. He suggested it might be worthwhile to continue the matter to give him time to research and provide the Commission with a memo of the criteria, which may or may not impact this case, but which could assist the Commission in arriving at a decision.

Commissioner Gelhaar stated he would appreciate having additional information.

Commissioner Levine did not make a site visit, but stated that he drives by the site daily and is familiar with the property. He was unsure if it was within the realm of the Commission to make positive findings without the information referred to by Attorney Steres. He asked if an approval could be given with a condition that the roof be removed when the property is sold.

Attorney Steres responded that this question is frequently raised when reasonable accommodation is requested, since it's for a specific person and specific circumstances. He advised there is no definitive answer; sometimes the difference is the cost of improvements. If the improvement is significant or difficult to demolish at the point of sale, it would be more difficult to impose such a condition.

Commissioner Davitt stated that he initially struggled with the request after reading Staff's report. However, following a site visit, he believed it was a good design and would not be visible. He added that a patio that no one can see does not fall under the definition of mansionization. There is a special condition which the community should consider and support. While he believed that a

continuance was in order, he stated that he could support the request as submitted.

Commissioner Mehranian commented that under any other circumstances she would not approve this request. She reiterated comments with the way the comparison chart was formatted and she also wanted to review the City Attorney's memo. If she does vote to approve the project, it would be because of its special needs, not because she's convinced that it's a good design or that the Commission should allow excess sq ft in the area on this lot.

Chairman Engler remarked that there is no restriction to replacing the deck floor and that he would be interested in how and if Federal statutes apply in this case. He added that he believed there are other ways to accommodate the applicants' needs and that as a Commissioner, he is not inclined to support variances.

Mr. DeAngelis authorized a continuance.

M/S/C Levine/Mehranian to continue Variance 03-13 to April 13.
Unanimous.

B. Building Depth Review 03-15; Modification 03-91; Alejo; 5101 Gould Avenue:

Planner Cantrell related the applicants' proposal to construct a new second floor which, combined with a proposed porch, would exceed the Building Depth Review threshold, and a Modification to allow a forward garage extension that would encroach within the required 10-ft north side yard setback.

The project site is located on the west side of Gould Avenue, between Knight Way and Paulette Place, in the R-1-20,000 Zone. The lot is 100 ft wide and exceeds the minimum lot size for its zone by 50%. It backs up to the angled course of a flood control channel, resulting in a south side property line of 274-ft and a north side boundary of 224-ft.

The first floor would be expanded by 693-sf, including the minor forward garage extension that would extend within the north side yard setback and a new 327-ft patio roof. The second floor would add 2,372-sf for a total floor/roofed area of 7,702-sf. Building Depth Review is triggered by an entry structure that would reach the 21-ft height of the house eave, conveying a visual continuation of the two-story mass.

Planner Cantrell reported of having reviewed an earlier submittal from the applicant. His evaluation was that would impact neighbors and represented what Building Depth Review was intended to prevent. The redesign which Staff regards as successful, reduced the second-floor depth to less than the 60-ft threshold; however, BDR is still triggered because the front entry columns and eaves exceed 10-ft in height, which are calculated as building depth. Staff recommended a lower porch design which corrected the topheavy proportion of the porch as submitted. In the City's alternate design, the porch would be seen as part of the building depth or continuous with the second floor.

Staff did not have concerns with the Modification aspect as it is limited to a forward extension of the garage to the existing 5'-8" north side yard setback. An encroachment of inches by the second floor on the north side was viewed as arbitrary and Staff recommended Code compliance for that component.

Responding to a question from Commissioner Mehranian, Planner Cantrell agreed that additional landscaping would be an improvement.

Commissioner Mehranian referred to the chart on page 3 of the Staff Report. She felt that Staff's statement that nearby homes vary in size is not accurate and stated that this is the largest home in the area and there are larger lots with smaller homes.

Planner Cantrell pointed out that this is not a Floor Area Review project and he did not believe the chart is useful based on the context of the project. Staff includes the charts at the request of the Commission.

Commissioner Mehranian then questioned the statement on page 4 referring to the two-story extending back at the 20-ft south side yard setback; "it is unclear how this would be accommodated structurally using the existing walls".

Director Stanley referred her to condition 14, which requires existing setbacks to be retained, including exterior walls and roofs. If structural areas are removed, an amended Modification shall be required. He added that the comparison chart was included for information purposes only.

Property owner Enrique Alejo advised that his neighbors support what he believes is a tasteful design.

Commissioner Gelhaar wanted assurance that the property owner understands the ramification of condition 14, which requires compliance with existing setbacks and if any walls are removed, the applicant must return to the Planning Commission.

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

Director Stanley asked that the Commissioners disclose whether they made a site visit and if they spoke with anyone during the visit.

Commissioner Davitt made a site visit and met with Mrs. Alejo. He felt the project was compatible with the area and lot size. He supported the project and stated he was appreciative of conditions 12, 13 and 14.

Commissioner Mehranian made a site visit. She supported the design, but stated she had an issue with the bulky roof and the Modification.

Commissioner Levine first responded to Commissioner Mehranian's earlier comments regarding the Staff report. He stated that Staff drafts the report as they view the project; the Commission does not have to agree. Addressing the house design, he reported of having spent a lot of time looking at homes in the area; he did not believe the project is compatible with the majority of large, single-story homes.

Commissioner Gelhaar concurred with Staff's findings and recommendations with conditions 12, 13 and 14.

Chairman Engler concurred with Commissioner Levine's position regarding neighborhood compatibility.

M/S/C Mehranian/Levine to deny Building depth Review 03-15 and Modification 03-91. 3 Ayes with Davitt and Gelhaar dissenting.

Director Stanley advised that Staff would have a resolution of denial ready for the March 23rd meeting, at which time the 15-day appeal period would begin .

C. Modification 04-07; Building Depth Review 04-1; Lizardi; 4932 Oakwood Avenue:

Assistant Planner Gjolme reported the applicants' proposal to expand the first floor of their home and construct a new second floor. The site is located at the southeast corner of Oakwood Avenue and Hook Tree Road, north of Knight Way, in the R-1-20,000 zone.

The corner lot also meets the criteria of a hairpin lot, where 45-ft front setbacks are required on both frontages. The first-floor would be expanded by 1,617-sf and would encroach 20 ft into the required front setback along Oakwood.

Further, since Hooktree Road is also considered as a front yard, the proposed 17'-4" setback, though consistent with the existing home, would be below the 45-foot front setback requirement. A 214-sf office would occupy the second floor at the southwest corner; its height and depth is well within code standards as is the overall proposed floor area.

Assistant Planner Gjolme explained that the introduction of clerestory windows along the perimeter raises the first-floor plate height, resulting in 12-ft-high exterior walls. Code defines any exterior wall greater than 10 ft in height as contributing to building depth; therefore, the first-floor achieves a depth of 80 ft and is subject to Building Depth Review. He recognized that the proposed encroachments are numerically significant along Oakwood; however, the hairpin configuration resulting 45-ft front setbacks and the triangular shape of the property severely restrict use of the lot. Staff recognized that a 20-ft encroachment along Oakwood would be difficult to support under other circumstances but noted that the configuration and depth of adjacent lots on Oakwood yield an exaggerated front setback. Staff believed that this property illustrates the practicality of the default 25-ft setback which provides alternatives to properties that realistically cannot satisfy the "averaging" requirement.

The expanded vertical profile of the home is appropriate, given its modest scale of the second floor. The expansion would be proximate to only one property immediately to the south and if the Commission views the 12-ft exterior wall height as problematic, additional landscaping could be introduced, though Staff does not consider it necessary. Assistant Planner Gjolme clarified an error in the plans, which show the volume space aligning with the first-floor to the south. Staff believes that holding the entire second-floor span to the 14'-6" setback would be appropriate.

Commissioner Gelhaar inquired why the expansion, with its 12-ft exterior walls, is not considered as a second floor and therefore subject to a second-floor setback.

Assistant Planner Gjolme responded that new floor area was not created and since the flat roof does not exceed 12 ft in height, it is exempted from the second-floor setback requirement.

Commissioner Mehranian inquired about landscape screening.

Assistant Planner Gjolme reported that there is an abundance of existing landscaping and pointed out that the expansion would be placed where it would be least visible.

Rafael Quezada, project designer, reiterated the limited area on the lot that is suitable for development. He advised that the long, rectangular shape of the home was a Case Study house. The intent was an expansion that would not front on either street and retain its modulated form.

Property owner James Lizardi, stated that the entry way is currently located at the back half of his home, causing confusion for visitors who many times end up in the back yard. The project provides an entry way at the front and an enclosed garage would replace a carport.

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

Commissioner Levine advised of having made a site visit and expressed appreciation for the attempt to maintain the contemporary design. He did not believe there is sufficient room on this lot to accommodate construction parking. He suggested that parking on Oakwood be restricted to the property's frontage and any others should carpool.

Commissioner Gelhaar commented that the lot configuration is not compatible with those in the neighborhood. He made a site visit and stated that he could not make Findings 1 or 5.

Commissioner Mehranian did not make a site visit, but stated that she supported the project.

Commissioner Davitt made a site visit and met with the owner. He recognized that the lot is unique and that the designer was attempting to blend-in the expansion, but he had a big concern with the setback.

Chairman Engler stated that the home was a good example of the differing architectural styles in the community. His issue was with the what he felt was crowding towards Oakwood.

Mr. Quezada pointed out that the only real yard area his client has is at the rear; the architect designed the home with a view to the rear garden. Expanding to the rear would cut the yard, as it narrows, and result in very small bedroom. Expanding forward as he proposes, will provide a two-car garage and is the only reasonable opportunity for expansion. The proposal maintains the landscaping along both frontages so that when viewed from the north and west, "it makes sense". As you approach Hooktree Road, many homes are proximate to the street.

Commissioner Levine asked if the garage could be moved back 4 ft to lessen the encroachment.

Commissioner Gelhaar clarified that he believes Hooktree Road should be considered as a side yard.

M/S/C Gelhaar/Davitt to approve Building Depth Review 04-01 and deny Modification 04-07. 4 Ayes; Levine dissenting.

City Attorney Steres advised that the vote was not clear as to what was approved and that Staff needed direction, since there is more than one component to the Modification.

Director Stanley's understanding of the motion was that only the 12-ft -high wall was approved.

Chairman Engler asked Mr. Quezada if he was amenable to a continuance for redesign.

Mr. Quezada responded that he was and asked if a minor encroachment on Oakwood was acceptable.

Chairman Engler stated his understanding of the Commissioners' comments was that a project that did not exceed the existing non-conforming 35-ft setback would be acceptable.

M/S/C Gelhaar/Davitt to reconsider the motion. Unanimous.

M/S/C Gelhaar/Mehranian to continue Modification 04-07 and Building depth review 04-01 to April 13. Unanimous.

C. Floor Area Review 04-01; Baghdasarian; 1820 Fairmount Avenue:
Commissioner Levine was recused and left the room as he resides within 500 ft of the project.

Assistant Planner Gjolme described the applicants' request to construct a 390-sf studio addition above an existing three-car garage. When combined with existing floor/roofed area, the project yields a total floor area of 8,661-sf, exceeding the 8,188-sf for the lot, but within the 9,476-sf maximum allowed for the lot with Floor Area Review.

The 32,190-sf project site is a hairpin corner lot west of the intersection of Fairmount and Earlmont Avenues in the R-1-20,000 zone.

The studio would be recessed from the garage to provide a compliant 25-ft front setback along both streets. The design includes two gables perpendicular to a central ridge. A new patio, adjacent to the studio would not be roofed. A 110-sf bridge is proposed to connect the studio to the home. The overall height of 21 ft, which exceeds allowed height for accessory structures, was approved through an Administrative Height Modification process which allows up to 6 ft of excess structure height with the endorsement of all adjacent property owners.

Assistant Planner Gjolme noted that the 32,000-sf lot is well above the neighborhood average, the proposed FAR of 21% is consistent with the 20% average of neighboring homes, and that density is a primary consideration when determining floor area compatibility. Lastly, he noted that a large, covered loggia along the southwest corner of the residence accounts for 1,000-sf of floor area. It is not seen from offsite, and is neither enclosed nor habitable, but counts towards overall floor area. Converting slightly more than half its roof to a trellis would eliminate enough area to bring the project into compliance and negate the need for Commission review. Doing so would not change the scale or appearance of the site and illustrates the often misleading relationship between floor area numbers and visible mass.

Staff recommended approval, noting the limited scope of the single Floor Area Review – that general compatibility with the neighborhood be demonstrated by the project.

Commissioner Gelhaar asked which frontage was considered to be the front yard and he believed that the walls are legal, non-conforming.

Assistant Planner Gjolme responded that since the site is a hairpin lot, both Earlmont and Fairmount are frontage streets.

Attorney Steres clarified that the perimeter walls are legal.

Project architect John Luttrell reported that Mrs. Baghdasarian is an artist and needs a studio for her work. Since the previous owners built the home to suite their entertainment lifestyle, there is no area in the home where she can retreat to paint. He reported the logic in taking a garage with a 15-ft-high ridgeline and raising it. Since the garage is in the center of the property, the 6-ft high, recessed increase would not be noticed. The design is in keeping with the home's Mediterranean design and all the neighbors support the project.

Property owner Zareh Baghdasarian stated that he was seeking to make his home more useable and was simply converting unused garage attic space. Converting a portion of the loggia for a studio was not an option as it is too close to the family roof and there is insufficient light to paint.

Robert Levine addressed the Commission as a resident of the neighborhood, though he does not reside within the 300-ft Notice area. His concern was that the project would result in development that is far larger than any other home in the area.

Mr. Luttrell stated that his client should not be penalized for owning a large lot; it is not contiguous to other homes and stands alone.

Commissioner Gelhaar made a site visit and concurred regarding the large lot size, but he believed the addition would be imposing. He felt there were alternatives to add sq footage on the first level of the home.

Commissioner Davitt made a site visit and reviewed the plans. He stated that the project is tastefully designed and recognized that this is a large lot, but disagreed with Staff's report regarding visibility. He did not believe the project would be adequately screened and noted the large gaps between the deodars.

Commissioner Mehranian stated she believed a property owner should have use of his home. If the project did not add visible bulk, she wouldn't have a problem; the question becomes, is it appropriately located?

Mr. Luttrell asked that the Commission to consider the request based on the compatibility issue. He responded to a suggestion from Chairman Engler to convert a portion of the loggia for the studio. He stated that because the loggia is contiguous to the living room, it is impractical for an artist's studio. Further, he believed that removing the loggia would destroy the integrity of the house. He asked Commissioner Mehranian if she could support the project if it was completely screened by adding mature trees.

Commissioner Mehranian stated she believed it was a 'doable' project if done appropriately.

Mr. Baghdasarian asked if the Commission would support the project if landscape screening was added so that the project is not visible from offsite.

Commissioner Davitt stated that he would have to see the plan before making a decision.

Commissioner Gelhaar remarked that if the project was on the first level, he wouldn't have a problem.

Chairman Engler continued to be troubled by the size.

M/S/C Mehranian/Davitt to continue Floor Area Review 04-01 to April 13.
4 Ayes.

Commissioner Mehranian left the meeting at 7:48 p.m.
Commissioner Levine returned to the table.

VIII. OTHER BUSINESS

The Commissioners were asked to check their calendars and advise which days they are available to reschedule the cancelled June 8th meeting.

IX. COMMENTS FROM THE COMMISSIONERS:

Commissioner Gelhaar referred to the Director's earlier request that the Commissioners state whether they visited the project sites and if they spoke with anyone while there. He asked the City Attorney to expound on that request.

City Attorney Steres stated that it is always a good idea that the Commissioners provide that information prior to opening the public hearing; Decisions are to be made on facts and information presented at the hearing; therefore, if any Commissioner has information that might be used in making a decision based on facts that weren't brought out, it needs to be disclosed so that everyone is aware of why and how a decision is made.

Director Stanley remarked that when he holds orientation for new commissioners, he asks that they be certain to disclose whether a site visit was made and if so, with whom they spoke.

Chairman Engler asked why Staff gave the property owner of 1415 Descanso Drive the option of paying for the value of the tree, when there were comments from Commissioners that they wanted the tree replaced and in the same location from where it was illegally removed.

Director Stanley advised that Code allows the option of restitution.

City Attorney Steres advised Chairman Engler that the Director has the final say in the matter.

IX. COMMENTS FROM THE DIRECTOR:

Comments were not provided.

X. ADJOURNMENT;

M/S/C Gelhaar/Levine to adjourn at 8:00 p.m. 4 Ayes.

Secretary to the Planning Commission