

CITY OF LA CAÑADA FLINTRIDGE

MINUTES OF A MEETING OF THE LA CANADA FLINTRIDGE PLANNING COMMISSION HELD MARCH 10, 2015

- I. **CALL TO ORDER:** 6:03pm
- II. **ROLL:** Chairman Walker, Vice Chairman Jain, Commissioners Gunter, McConnell and Smith
- III. **PLEDGE OF ALLEGIANCE**
- IV. **COMMENTS FROM THE PUBLIC:** None
- V. **REORDERING OF THE AGENDA:** None
- VI. **CONSENT CALENDAR**

- A. **Minutes:** February 10, 2015
- B. **Lot Line Adjustment 14-02**
4600 Ocean View Boulevard and adjacent unaddressed parcels
(APNs 5870-010-038 & 5870-010-039)
Triland Development LLC

M/S/C Jain/Smith to adopt the consent calendar. 4-0-1 Item A (Walker recuses due to absence);
5-0 Item B

VII. CONTINUED PUBLIC HEARINGS

- A. **Conditional Use Permit 507 / Fence Review 14-07**
5255 Alta Canyada Road
Pashayan / Babayan

[Continued from January 27, 2015] Request to allow construction of a front yard swimming pool and associated front yard fencing.

Planner Cantrell reviews Commission direction from the initial hearing and the corresponding revisions to the project. The hydrangeas have been replaced by a flax species, and a 3'-6" solid wall with a 1'-6" wrought iron top has been introduced along the street frontage. This would combine with the shrubs, primarily Carolina cherries, to provide dense screening. He notes that lighting information, including catalog cuts, has been provided. Mr. Cantrell shows an alternate plan with the swimming pool shifted closer to the street in order to provide a steeper and more restrictive view angle to the water, noting that this alternate is not favored by the owner or regarded as necessary by staff, given the effectiveness of the screening. He states staff's recommendation of positive findings and approval.

Commissioner Gunter asks about the height limit of the barbecue since it is within the front yard setback and a built in brick structure. Mr. Cantrell replies that the structural height limit, for the brick, is 3'-6". Chair Walker asks for clarification if the specifications for the barbecue were included, and if the Commission could condition that the barbecue be subject to later approval. Mr. Cantrell states that there

is a drawing of a barbeque unit, but that the brick base is the structure, subject to a 3'-6" height limit in the setback, and a condition could be included that restates that code standard.

Deputy City Attorney Guerra suggests that the BBQ structure be excluded from this approval, and rewording of standard Condition #10 to apply directly to the case.

Commissioner Smith asks about the combined height of 9 feet for the retaining wall and fence on the south side of the site. Mr. Cantrell responds that it is within code limits as long as the neighbor's consent is obtained. He notes that he is confident that this will be the case, based on his communications with that neighbor. Mr. Cantrell states that a condition could be added to underscore that requirement.

Commissioner Jain states that he was not present for the initial review, and asks if there had been discussion about the lighting. Consulting Architect/Planner Cantrell responds that there had been, resulting in the submittal of detailed information about the lights. Commissioner Smith raises the possibility that the lights could be placed on poles. Commissioner Jain comments that lighting could be a nuisance. Mr. Smith suggests excluding any lighting other than landscape lighting.

Commissioner McConnell confirms with Mr. Cantrell the location of the Carolina cherries. Mr. Cantrell further notes that the plants are very fast-growing and reliable, and that planting size is not necessarily important in getting quick results.

Chair Walker opens the public hearing.

Dawn Poole, project designer, asks if the solid wall on the street could be higher for better screening. Mr. Cantrell responds that 3'-6" is the code limit, so that a higher wall would require a Modification.

Chair Walker asks about the alternative plan of which the owners were not in favor. Ms. Poole states that the owners did not like the plan because it would reorient the view toward the street.

Chair Walker asks Ms. Poole about the landscape lighting. Ms. Poole responds that it is mostly up lighting for the trees as an accent, and that the owners are willing to consider other options. Commissioner McConnell asks if the pool is required to have lighting; Ms. Poole replies that she believes so, for safety.

Owner Nancy Pashayan states that there is no plan to have big parties, and asks about an acceptable lighting level. She notes that there is no plan for lights on poles, and that she has no objection to an approval condition on lighting.

Chair Walker closes the public hearing.

Commissioner Smith states that the applicants have responded well to Commission comments. He expresses concern about lighting, and recommends excluding additional pole or wall lighting. Chair Walker suggests that the Commission could make additional lighting subject to Director review and approval. Commissioner Jain suggests limiting it to 5 feet high and indirect.

Commissioner Gunter comments that he is uncomfortable with a pool in the front yard in general. He recommends excluding the barbeque and limiting lighting types to those submitted, with additional lights as part of a substantial conformance determination by the Director. He can make the findings with approval conditions as discussed.

Commissioner Jain reports his site visit and suggests indirect lighting, with anything more subject to Director review. He states his concern about noise, noting that landscaping will help. He endorses adding approval conditions as discussed.

Commissioner McConnell states that he is also concerned about noise and cannot make finding #2.

Chair Walker notes that they could have a noisy party without the pool, and that landscaping will mitigate the noise. She states that she can make the findings, and summarizes additional conditions of neighbor consent for the south fence/wall, exclusion of the barbeque, and limiting landscaping lighting.

M/S/C Gunter/Jain to approve the project with revisions to Conditions 10 and 14 as discussed and addition of Conditions 15-17 as discussed. 4-1 (No: McConnell, who notes that the fence is approvable.)

VIII. PUBLIC HEARINGS

A. Conditional Use Permit 510 550 Foothill Boulevard: First Element Fuels/Jensen

Request to permit a hydrogen fueling facility.

Consulting Architect/Planner Cantrell gives a presentation in accordance with the staff report. Noting the presence of many project representatives, he leaves the program background information for them to present and focuses on the project and the Conditional Use Permit criteria.

Mr. Cantrell notes that the fueling station would be in the Mixed Use 2 Zone, at the northeast corner of the long-established Arco. It would comprise less than 800 square feet within a concrete enclosure, with the filler accessed from one side only.

He reviews the concerns involved in Conditional Use Permit reviews: character (especially with regard to pedestrian vitality), parking, circulation, and noise. He notes that the site is not in a sensitive location for such concerns, aside from the proximity of one small building to the east.

Circulation would likely necessitate driving around the south side of the building, since often cars are blocking access through the existing pump islands. Mr. Cantrell notes the project displacing four parking spaces, and replacing them with three at the south side. Noting the constriction at the south side, he displays a City alternate design that would allow three spaces complying with City clearance requirements. He notes that most parking at gas stations typically occurs at the pump islands, and that this station has a very small store so that staff is not concerned with the loss of one parking space.

Consulting Architect/Planner Cantrell notes that both the previous and current City Traffic Engineer have reviewed the submitted plan favorably. He notes that staff has reviewed the circulation, which is not wide enough at the south end for two-way traffic, and concluded that a counter-clockwise pattern makes the most sense, due to awkward ingress and egress otherwise. He notes the awkwardness of the pump being accessible from only one side, while cars have fillers on either side.

Commissioner Gunter asks why staff is recommending the preferred circulation, with a concern if the filler is on the wrong side of the car. Chair Walker asks how one could restrict the circulation to ensure that drivers would travel in the preferred way. Mr. Cantrell replies that this is not a use that would get casual drive-by customers; the hydrogen customers would first of all know of the station through communications from FirstElement or the State – such as email, phone apps, etc. The preferred circulation would be communicated in that manner, as well as perhaps signs.

Commissioner Gunter states that circulation is a core site plan issue.

Mr. Cantrell notes that Design Commission approval will be required, and states the outline of the issues that staff plans to bring before the Design Commission. Staff regards the submitted design as too utilitarian, and will recommend such elements as concave and metallic surfaces and layering to achieve a modernistic appearance.

Mr. Cantrell states that the anticipated customer count is low, but that is speculative, and staff is recommending a condition for annual staff review and report to the Commission.

Commissioner Gunter notes that lighting is not consistent on plans, and asks if that is something to be reviewed by the Design Commission. Mr. Cantrell responds affirmatively.

Commissioner Gunter notes that he couldn't find another service station that has equipment that is above the screening. He asks why staff was recommending a futuristic design. Mr. Cantrell responds that the usual approach of contextual design isn't appropriate because of the nature of the use and the appearance of the Arco station. He stresses the importance of good design principles.

Commissioner Gunter notes that the application mentioned working with staff from the beginning. Mr. Cantrell replies that he was brought in later. Commissioner Gunter asks if the City recommended the Arco site. Senior Planner Buss states that the City had made no recommendation as to location.

In response to a question by Commissioner Gunter, Mr. Cantrell indicates that the applicant is confident that they can address any noise issues, and that the City can add a condition of approval limiting noise at the property lines to the guideline limits within the General Plan.

Chair Walker opens the public hearing.

Sean Scully, Zoning and Permitting Manager from Black and Veatch, introduces himself and other team members. A PowerPoint presentation is displayed.

Dr. Shane Stephens, Chief Development Officer and Principal of FirstElement Fuels, introduces himself as a hydrogen engineer. He explains that fuel cell cars are all electric, with the electricity produced by hydrogen and not by battery. Its only emission is water. He comments that eventually hydrogen will be cheaper than gas.

Tyson Eckerle, ZEV Infrastructure Project Manager from the Office of Governor Jerry Brown introduces the State program, noting its commitment to supporting a network for hydrogen fuel cell cars.

Mr. Scully reviews the design process that led to the siting of the facility in the northwest corner of the site. He stresses the importance of separating circulation of the hydrogen customers from that of the gasoline customers, and the desire to use one-way circulation around the perimeter of the site. He acknowledges the mix of right- and left-fueling cars as a complication, with driver's-side fueling customers more inclined to enter from Foothill. He mentions convex mirrors as a consideration, but the decision for one-way was important. He notes that the low volume of customer traffic would alleviate the condition and allow the possibility of some customers using three-point turns or travel through the pump islands.

With regard to design, Mr. Scully describes it as utilitarian, and a blank template for Design Commission review. He invites any general recommendations within Planning Commission purview. Mr. Scully notes that the canopy is a branding feature for FirstElement, a wave that speaks to the future.

Mr. Scully notes that they have brought a noise consultant on board. He mentions that the fans and cooling units on top would be a bigger noise source than the compressor, and those fans can be fitted with silencers.

Mr. Scully closes the presentation with an expression of looking forward to locating in La Canada Flintridge.

Chair Walker asks about the business relationship with Arco. Mr. Scully states that there is a lease arrangement. Ms. Walker asks if there had been discussion of the elimination of one of the Arco service bays in order to free space for better circulation. Dr. Stephens states that it would not be in the interest of the Arco owner.

Commissioner Gunter asks for an explanation of how the site was selected. Dr. Stephens replies that proximity to the freeway, willingness of the property owner, space constraints, fire setbacks, and timing are all determinants.

Commissioner Gunter asks why the equipment is taller than the screening. Dr. Stephens responds that lowering the equipment could necessitate a larger footprint. Mr. Gunter asks why the electrical cabinet is outside of the enclosure. Ghassan Sleiman, Vice President of Technical Operations for FirstElement Fuel, replies that it is dictated by the electrical code, and that rated cabinets could be larger. Dr. Stephens adds that it can't be under the canopy, and separation of storage from dispenser creates a circulation issue on this site.

Commissioner Gunter asks what would happen in the event that FirstElement Fuels goes out of business. Unlike most structures, this would not be readily reusable by another business. Dr. Stephens responds that their lenders, Toyota and Honda, are committed to keeping these stations open for their customers. The contract states that those companies have the right to step in, in the event that FirstElement is no longer solvent. He offered to provide excerpts of those documents, and to provide first-responder training.

Commissioner Gunter notes the low volumes cited in the application and asks what happens if the program succeeds beyond their expectations. Dr. Stephens replies that it is their hope that in that event, other stations in the city would offer hydrogen, or that the Arco owner would elect to install pumps.

Commissioner McConnell asks if the tank can be put underground. Dr. Stephens responds that it would be unprecedented, and that fire authorities may not be comfortable with that.

Commissioner McConnell asks if the applicant would consider using unused bays. Dr. Stephens answers that auto bays were not part of the lease.

Commissioner McConnell asks if there is any issue with residential units 35 feet from the tank, and whether they need the setback with a four-hour fire separation. Mr. Sleiman states that safeguards are in place. Commissioner McConnell asks why the tank is at an angle. Mr. Sleiman states that it is a setback from the property line.

Commissioner Gunter states concern with encumbering the neighboring property with a required fire setback as shown in the submittal. Mr. Sleiman responds that the fire setback would not extend beyond the property line with a four-hour separation.

Commissioner Gunter asks if this project has been reviewed by Los Angeles County Fire Department; Dr. Stephens answers that it has not because they require prior approval by the City.

Commissioner Smith asks if equipment could be realigned to improve circulation. Dr. Stephens responds that they could negotiate with the Fire Department. Commissioner Jain encourages Fire Department consideration of the option of underground tanks.

Commissioner Gunter expresses concern about the 24/7 hours of operation. Commissioner Smith suggests that the hours could be cut back for a trial period. Dr. Stephens agrees that hours could be reduced.

Commissioner Smith states concern with the aesthetics and the enclosures projecting above the wall. He asks how the hydrogen is produced. Dr. Stephens responds that steam methane is used to reform the hydrogen, from a clean resource.

Chair Walker welcomes the concept but notes unanswered questions. She states concern with circulation, fire safety, hours and noise.

Commissioner Smith asks if there is a timing issue.

Dr. Stephens cites timelines connected with the grant and the launch dates of the hydrogen vehicles.

Chair Walker asks how many stations have been approved. Mr. Tyson replies that 16 have been fully approved, and 9 are fully open. Dr. Stephens states that his company has 8 approved in various stages.

Dr. Stephens states that the grant requires construction completion by October 31.

Chair Walker closes the public hearing.

Commissioner Smith states the need for more information, and notes that recommendations for the Design Commission and the 35' separation are critical.

Commissioner McConnell states his support for the Conditional Use Permit when issues are resolved. He suggests working with alignment and moving the dispenser closer to the street. He notes that graffiti could be an issue. Mr. McConnell suggests an approval condition limiting the hours to match those of the Arco station.

Commissioner Jain states concern with fire and life safety. He supports a limitation on hours, and notes that the Design Commission will address some conditions, including relocating the doors.

Commissioner Gunter states his need for more answers. He notes that safety is not his major concern. He notes concerns about confirming that no fire setback would encumber the neighboring property owner. He supports a limitation of hours and notes the need to work with the landlord on some redesign. Mr. Gunter encourages the applicant to interact with the Planning Commission prior to the next meeting, within the limitations of the Brown Act.

Chair Walker notes that the Commission has expressed favor for a continuance.

Chair Walker reopens the public hearing and asks the applicant for his view on a continuance. Dr. Stephens states his acceptance.

Chair Walker closes the public hearing.

Commissioner Gunter notes that it might be helpful if the applicant's fire expert demonstrates viability because it is difficult to get early information from the Fire Department. Commissioner Smith requests that such information be submitted early to the Commission.

Chair Walker asks the applicant to work with the landlord to improve the site plan.

Commissioner Jain asks the applicant to show the Commission how their other projects were approved.

Senior Planner Buss notes that, for the April 28 Commission hearing date, documents are required to be submitted by April 1.

M/S/C Gunter/Jain to continue the project to the date certain of April 28, 2015 in order to respond to comments. 5-0

B. Second Floor Review 14-23
121 Foothill Boulevard
Johnson/Kim

Request to construct a new 2-story residence and attached garage comprising 3,917 sq. ft. on an 11,387 sq. ft. parcel created as part of a 2005 subdivision.

The applicant had requested a continuance of this item to the March 24, 2015 PC Meeting to allow for siting and design revisions.

M/S/C Jain/Smith to continue the project to the date certain of March 24, 2015. 5-0

C. Second Floor Review 14-35 / Modification 14-19
4376 Beulah Drive
Mu

Request approval of an addition with a second floor comprising 552 square feet, and legalization and expansion of an existing accessory structure with a variable encroachment from 10 inches to 5 feet into the required 5-foot south sideyard setback.

Chair Walker recuses herself due to the proximity of her house to the project and requests that Vice-Chair Jain act as Chair for the hearing. Ms. Walker leaves the Council Chambers.

Consulting Architect/Planner Cantrell describes the project setting among other 50-foot-wide lots developed with early homes. He notes the two-story height of the neighboring houses, with the house to the north looming over the current backyard. Mr. Cantrell describes the project as a two-story addition in that area, facing only the north neighbor but with only clerestory windows. He states that the addition is inconspicuous from the street and consistent with privacy concerns of second-floor review.

Mr. Cantrell describes the Modification portion of the project as bringing an old nonconforming accessory building into conformance for setbacks and garage area. He states that the effect from offsite would be minimal, and that findings can be made.

Mr. Cantrell noted that Director's review will be required for the flat roof of the two-story addition, and that Commission comments are welcome for that purpose.

Commissioner Gunter confirms that the pool house would be legitimized.

Commissioner Smith notes that the north-facing windows would align with windows on the neighboring house. Mr. Cantrell states that the clerestory height mitigates concern.

Commissioner McConnell asks if a survey was provided. Mr. Cantrell states that a minimal survey was submitted. Mr. McConnell asks if an eave is allowed to extend over a property line if a wall is at zero setback. Mr. Cantrell recommends a condition that both the eave and any roof drainage be kept onsite.

Vice-Chair Jain opens the public hearing.

Franco Noravian, project architect, states that he sought to match the style of the existing house. He notes that the flat roof area could shrink below the 25% threshold if they raise the height of the ridge. He states that he could remove the north-facing windows if they are a concern even though they are high. He states that a small portion of the garage is over the property line, and that neither neighbor nor client wants the garage expanded, but that it was proposed in order to conform to standards in conjunction with the addition.

Deputy City Attorney Guerra asks if the owner has discussed the garage with the neighbor. Mr. Noravian indicates that their communication confirmed that the neighbor wants nothing done to the garage. Mr. Guerra advises that leaving the garage as-is requires a variance. Commissioner Gunter notes that a better survey would help identify how much of the building is over the property line.

Brian Mu, owner states that the north-facing windows are clerestory, but they will move and/or plant landscape screening as desired.

Vice-Chair Jain asks applicant about continuing the project.

Senior Planner Buss suggests staking in addition to a better survey.

Mr. Noravian states that continuance would be a good idea.

Vice-Chair Jain closes the public hearing.

Commissioner Smith states that the addition is reasonable for the site, and that moving the north-facing windows is a good idea.

Commissioner Gunter comments that the addition is modest and reasonable.

Commissioner McConnell states that the addition is well-suited to the house and neighborhood, noting also the need for Director's approval of the flat roof.

Vice-Chair Jain states that the addition is appropriate infill for the site.

M/S/C Smith/Gunter to continue the project to the date certain of April 28, 2015 to obtain clarification and neighbor endorsement of encroachment. 4-0

Chair Walker returns to the Council Chambers.

**D. Hillside Development Permit 14-40/Second Floor Review 14-38/Setback Modification 14-23/Director's Miscellaneous Review 14-48 (Flat Roof)
4072 Chevy Chase Drive
Chraghchian**

Request to allow construction of a new split-level residence that would comprise approximately 9,400 sq. ft., a rear yard swimming pool and retaining walls. A Setback Modification is required since the new home would encroach 41 feet into the required 101-foot front setback. Lastly, Director's Misc. Review (Flat roof) would allow the new home's roof to have a slope of less than 2:12, in concert with its modern design.

Planner Gjolme describes the project as a split-level 9,400-square-foot house with rear yard retaining walls to expand and level the site. He notes logical and efficient use of the property with north-south and east-west wings on an existing pad. The house would be primarily one-story of modern design, with a

portion reaching 2 stories due to descending slope. The west side of the property contains a drainage culvert within a ravine; at that side the setback would reach 80 feet. Mr. Gjolme describes the house as distant to neighboring houses and well-screened. He displays views of the house and surroundings. He notes that a retaining wall from east to west would reach 15' height, and that the retaining walls are not counted toward overall height because they are more than 20 feet from the house. He notes that the project is code-compliant aside from the front setback which is greater than the neighborhood average but compared against a standard that is skewed by a 180-foot setback to one neighbor's house.

Planner Gjolme displays the grading plan, describing the final grading proposal as more extensive than what staff had anticipated. It involves fill to an elevation of 90 and regrading of the ravine to a 2:1 slope. Mr. Gjolme notes that the grading goes somewhat beyond General Plan and Hillside Development Ordinance objectives of landform preservation. Staff recommends reduction to an 80-foot elevation, which would keep the fill away from an oak and allow for a more natural ravine.

Mr. Gjolme concludes the positive findings can be made for the Hillside, Modification, and Flat Roof reviews, while acknowledging some hillside issues with grading and retaining walls requiring conditions.

Commissioner Jain asks if an analysis has shown what percentage of the parcel will be modified through grading and construction. Mr. Gjolme replies that there is no calculation, but all add up to virtually all of the site, and mentions that staff recommends reining back the ravine fill. Commissioner Smith asks, if the fill is placed to the 80-foot level, would the southwest corner of the house become taller. Mr. Gjolme replies that there would be no effect.

Commissioner Smith asks if light reflectance value limit are proposed by staff. Mr. Gjolme replies that there are draft conditions regarding muting of retaining walls to better blend with the hillside.

Chair Walker opens the public hearing.

Kip Dickson, project architect, introduces owner Patrick Chraghchian, stating that they had long been partners in design/build projects. He states flexibility with regard to grading. Mr. Dickson shows a PowerPoint presentation with views of the project and neighborhood. He notes that the front setback uses much of the site, so a retaining wall was needed for a back yard. He mentions the permeable driveway, low profile, native landscape, and balance of cut and fill with the ravine as proposed.

Commissioner Jain notes that the basement might be used for a car collection and asks about access. Mr. Dickson states that a lift would be used for the cars.

Commissioner McConnell asks about most of the ground area on the landscape plan, which has no indication of cover. Mr. Dickson responds that it would be a mix of mulch and native grasses. Mr. Dickson further indicates that wrought iron fencing similar to that of the neighbors would be used.

Chair Walker closes the public hearing.

Commissioner Jain recalls visiting the site. He cites siting of the building in relation to grading as his chief issue. He remarks that the design is tasteful – different, but compatible with its setting. He states positive findings on the Modification and Second Floor Review requests. He states his concern about the extent of work, all manmade aside from the fringes. Mr. Jain refers to the basement of nearly 5,000 square feet and asks if the City can condition it for storage use. Deputy City Attorney Guerra states that the City does not regulate basements. Mr. Jain concludes by stating he can make all the findings, and is struggling with staff's opinion on fill to the 80-foot level.

Commissioner McConnell comments that the project respects its beautiful site, and that Second Floor Review and Modification findings can be made. He reports struggling with the Hillside findings, due the

significant amount of manufactured area. Mr. McConnell notes that the auto court is twice the size it needs to be. He states that he would recommend against allowing fill within the ravine/culvert area which is viewed from the roadway.

Commissioner Gunter recalls his site visit and praises the thoroughness of the drawings and careful analysis of the slope guidelines. He describes the house as very creative, with good materials and organization. Mr. Gunter states that, if it were on a flat lot, it would be terrific. He concurs with Commissioner McConnell, noting that everything is contrary to the hillside ordinance. On the sloping and wooded site with its ravine, the completely artificial proposal is imposed. He notes massive grading as contrasted with the hillside purpose of keeping with the semi-rural natural surroundings. Mr. Gunter notes that the surrounding houses work with their setting. He states that this is what the City is trying to avoid, changing character of the community. He concludes by stating that the dead flat home of 9,500 square feet is unacceptable.

Commissioner Smith recalls his site visit and compliments the submittal. He voices his support for the modern design and for positive Second-Floor Review, Flat Roof, and Setback Modification findings. He states the Hillside review is a struggle due to the extent of grading and false pad. He states that the treatment at the southwest corner of the site might not work.

Chair Walker agrees with the other Commissioners in her concerns about Hillside findings and ravine fill. She states that it would be better to export soil than to disturb the ravine. She voices concern about the northwest corner of the house as viewed from Flintridge Avenue, where the wall would be intrusive.

Ms. Walker notes that the Commission comments are fairly unanimous.

Chair Walker reopens the public hearing.

Mr. Dickson states that the owner is happy to leave the ravine alone. He notes that the site is already level where the house would sit, so he doesn't agree with comments of the house not fitting in the site. He states acceptance of trimming the northwest corner back. Mr. Dickson notes that the large space in front is the result of a huge setback requirement, and that more landscaping there would be acceptable. He would prefer the building be located closer to the street.

Chair Walker queries Mr. Dickson regarding a continuance date. Mr. Dickson asks for the next possible opportunity, at which time revised grading will be shown.

Ms. Walker states that parking should be provided on site, especially since Chevy Chase is perilous for parking. She voices support for the front yard parking court.

Mr. Guerra announces April 28 as the next available date for the continued hearing.

Mr. Dickson states that he will return with a revised grading plan and trimming of the northwest corner. Commissioner Smith confirms with Mr. Dickson that the motor court is permeable. Planner Gjolme confirms with Chair Walker that her concern at the northwest corner is the deck, and with Commissioners McConnell and Gunter the retaining walls.

Commissioner Gunter states that it is not apparent that any part of the project follows natural contours. Chair Walker states that she had thought the northwest wall would be terraced. Mr. Dickson states that it does consist of three stepped walls.

Chair Walker closes the public hearing.

M/S/C McConnell/Smith to continue the project to the date certain of April 28, 2015. 5-0

E. **Second Floor Review 14-43/Director's Miscellaneous 14-53 (Height)**
733 Craig Avenue
De Angelis Designs

Request to construct a new 3,765 sf two-story residence, including a 4'-3" height modification for the detached garage to match the main structure roof pitch.

Chair Walker confirms that the Commission waives the presentation of a staff report.

Commissioner Smith confirms with Assistant Planner Harris that grade at the detached garage would not be used as a datum point from which to measure house height. Commissioner Gunter confirms with Ms. Harris that if the garage were attached, its adjacent low point would be used in measuring the overall house height. Commissioner Jain asks about the wing wall, which Ms. Harris states does not constitute attachment.

Chair Walker opens the public hearing.

Dave DeAngelis, project architect, invites questions. Commissioner Smith asks why the garage did not use a similar roof design as on house. Mr. DeAngelis replies that it is a hipped roof, coming away from the house, and that a mansard wouldn't be appealing. He stated that he could lower the roof pitch.

Commissioner Smith questions the siting of the air conditioning condenser behind the garage. Mr. DeAngelis states that they were trying to keep courtyard area clean, and that even if moved all the way back it would still be close to a house. Commissioner Smith suggests that the northwest corner would be the most fair, and Mr. DeAngelis consents. Commissioner Smith asks about landscape screening on the east and west sides, noting that the back of the house looks into the north neighbor's back yard. Mr. DeAngelis responds that additional landscape screening would be acceptable, noting also that the sideyard width of over 7 feet allows room for plantings.

Kai Ryssdal, 4832 Commonwealth, north of the project, states that it overlooks his backyard. He states that he would appreciate screening, and is amenable to keeping the mechanical equipment where it is. He states that it has been tricky working with the owner to remove debris, and is getting on record to make a hospitable process. Commissioner Gunter asks how the house to the north turned out; Mr. Ryssdal replies that it is nice. Commissioner McConnell confirms with Mr. Ryssdal is amenable to the proposed house height.

Mr. DeAngelis offers to meet with the neighbors, and notes the importance of planting. He states that the house is low, with only 9-foot ceilings, and will fit the neighborhood.

Commissioner Gunter notes that Craig is a tiny street, and Commonwealth busy. He states that the ten neighbors are just living through a construction site, so that more than the minimum neighbor protection from construction nuisance is called for. Mr. DeAngelis states that he will try to help.

Mr. Ryssdal confirms with Mr. DeAngelis that the two lots will front Commonwealth.

Chair Walker closes the public hearing.

Commissioner Smith recalls visiting the site and meeting with the neighbor to the rear. He states that the houses would present itself well. He cites as issues the height of the garage, location of the air conditioning units, and screening along the north. He recommends positive findings and approval.

Commissioner McConnell states that the garage height is unacceptable, and that the house height is too great for the Single-Family Review. He describes the project as manipulating the system with regard to height and datum points.

Commissioner Jain recalls visiting the site, and regardless of whether the garage is connected or not connected, recommends that the architect look into reducing garage height, and that of the house if it is connected to the garage.

Commissioner Gunter points out that there is only a 2-foot difference between house and garage datum points, so the house would conform to height limits even if detached. He concludes that there was no manipulation.

Commissioner Jain states that he can support the project as submitted.

Commissioner Gunter recalls visiting the site, and describes the project as meeting the intent and letter of the guidelines. He supports Second Floor Review findings, and notes that the project is code-compliant. He recommends adding screening to the north, and locating the air conditioning on the west side of the house.

Commissioner Smith agrees to any location on the west side.

Chair Walker concurs with Commissioner Gunter, and states that she has no problem with the garage height and can make all findings. She questions whether Conditions #18 and 21 are redundant.

Assistant Planner Harris notes that the two conditions are from Public Works, and that they can be refined. She also notes that screening to the north can be added to Condition 15.

Chair Walker recommends modifying Condition #17 to require a minimum of 5 feet to the west side property line for an air conditioning equipment setback. She confirms with Assistant Planner Harris that the adjacent property owner's signature would be required.

Commissioner Gunter asks the Director to take Condition 11 seriously.

Mr. DeAngelis comments that in general the applicant should have the opportunity to speak after the Commission discussion following the close of the public hearing. He cites a project in which he was willing to negotiate but not allowed to speak at that point. He seeks approval with the option to change the roof pitch with Director's approval as a substantial conformance determination. Commissioner Gunter states that the roof is fine as is.

Ms. Harris notes that the other two commonly-owned lots have oaks that would affect their ability to provide construction parking.

Deputy City Attorney Guerra notes that Condition 9 should be amended with "and Director's Miscellaneous Review".

M/S/C Gunter/McConnell to approve the project. 5-0 for the primary structure Second-Floor Review; 4-1 for the Director's Miscellaneous (Height) for the accessory structure. (No: Smith)

IX. OTHER BUSINESS:

- A. **(Continued Appeal) Director's Miscellaneous Review 14-40
1931 Tulip Tree Lane**
Anderson, appellant / Troedsson, applicant

Consideration of an appeal of an approved Director's Miscellaneous Review (Setbacks) to allow a 2,043 square-foot 1st-floor addition that would encroach into the required front, east and west side-yard setbacks, but in no case closer than the existing building line.

Assistant Planner Harris reviews the changes since the last review. The applicant has responded to Commission concerns by clarifying the window to be removed, relocation of the front door, and percentage of roof removal excluding the dining room area and tabulating at 18.4%, well below the threshold for new structure classification.

Commissioner Gunter confirms with Ms. Harris that the City is consistent in its interpretation of California framing not constituting roof removal.

Chair Walker opens the public hearing.

Appellant Glen Anderson, homeowner at 1937 Tulip Tree, wants to add a condition limiting delivery of building materials on the single-lane road, including perhaps a limit on truck size. He notes the current setback of less than 5 feet has little impact because it is far forward of his house's primary living areas, but the new plan shows the structure extending back 35', in front of a house area that's widely used. He states that he is merely seeking that the required 9'-3" setback be enforced.

Anders Troedsson, project designer, reports having worked in the area for over 30 years on projects of varying scope and size, and always taking the responsibility seriously. He states that the appellant's comments are misinformed, disingenuous and insulting. With regard to the proximity concern, Mr. Troedsson notes that Mr. Anderson's house angles away, and that by right at the required 9'-3" setback, the project could have extended to a height of 19 feet, and then away and up to 32 feet. He recalls taking compatibility and privacy into consideration, deciding not to building a two-story structure, and limiting the windows near the neighboring house. With regard to views, Mr. Troedsson notes that pending the appeal Mr. Anderson trimmed the hedge that used to be 10 to 12 feet tall, which would have continued to block the view of the subject house. Mr. Troedsson notes the proposed 9-foot plate height, and overall height in the area of just over 11 feet. He states that views would not be impeded. He notes that Mr. Anderson falsely claimed that the project asks for "numerous exceptions", and that the project meets the requirements for Director's Modification.

Mr. Troedsson states that claim that he never met with the neighbors is misleading. He recalls visiting the Anderson home, leaving plans for review at the wife's request, and not hearing from Mr. Anderson until 3 weeks later. Mr. Troedsson concludes with a statement that the structure is compatible with the neighborhood.

Commissioner Smith asks if the sprinklering was deleted. Mr. Troedsson states that he removed from the plans information that was not within Commission purview. He states that the project will be required to go through Fire Department review, and that he expects a requirement of sprinklers as well as 1-hour eaves.

Commissioner Jain asks if an increased sideyard setback has been considered. Mr. Troedsson responds that it has, but that it unduly compresses the courtyard space and no perceivable difference in perception to the neighbor. Commissioner Jain asks if one to two feet could be removed, as on the other side. Mr. Troedsson states that it could be investigated, but questions the benefit.

Mr. Anderson notes the existence of chain link fencing covered with ivy as a screen, but that the family sees the story pole flags when eating breakfast. He recalls leaving a set of drawings with marks for Mr. Troedsson, expecting that it would lead to dialog, but then hearing only of the Director's review.

Chair Walker closed the public hearing.

Commissioner Jain describes the project as within purview of policy and code, under which continuing a nonconforming setback is allowed. He recalls visiting the site and the appellant's home, and concluding that findings for the project can be made.

Commissioner McConnell reports that he is troubled by the adjacency, and believes that there is an opportunity for the structure to be farther away. He defers his conclusion until hearing from other Commissioners.

Commissioner Smith agrees with Commissioner Jain, noting that the request is within rights and findings.

Commissioner Gunter agrees with Commissioner Smith, and notes that the project is consistent with other approvals.

Chair Walker recalls a site visit and meeting with Ms. Anderson, including views of the backyard. She notes that the real issue isn't the addition so much as the existing house. She describes the addition as modest and sensitive to the Anderson property. She notes that views from the Anderson yard are oriented away from the addition. She believes that the addition is reasonable and consistent with required findings. She states to Mr. Anderson that the Commission has listened to him and spent a lot of time on the case, and that Mr. Anderson's concerns were not ignored.

Commissioner Jain encourages Mr. Troedsson to increase the setback somewhat, as better for both parties.

Commissioner McConnell states that Chair Walker's comments on the modest addition sit firmly with him. He expresses wishes for an amicable resolution, and states the he would deny the appeal.

Chair Walker confirms with the Deputy City Attorney that Mr. Anderson's requested restrictions on the delivery of materials are outside of City purview.

M/S/C Smith/Gunter to deny the appeal, with conditions revised as noted. 5-0

Deputy City Attorney Guerra states that there is a 15-day period during which an appeal to the City Council can be filed.

B. Building & Safety Verification:

Discussion regarding in-field validation of building setbacks, heights, drainage, conditions of approval, etc. by building inspectors.

Senior Planner Buss states that the item can be reviewed at the next meeting, with no official continuance required.

X. REPORT OF DIRECTOR'S REVIEWS: None

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Smith states that he will not be at the March 24 meeting.

Commissioner Gunter recalls that the planners' academy was very good, and thanks the City for the opportunity. Commissioner Smith agrees.

Commissioner Smith asks about ordering of cases with large audiences. Assistant Planner Harris states that sometimes staff doesn't know in advance that certain cases will have large audiences.

Chair Walker states to her fellow Commissioners that she will miss them. She thanks them for mentoring, and invites them to give suggestions to the City Council for her replacement on the Commission.

Commissioner Gunter states to Chair Walker that she will be missed.

XII. COMMENTS FROM THE DIRECTOR

Senior Planner Buss states that Director Stanley has strep throat.

He also recalls that he and Deputy City Attorney Guerra were in court regarding hours of off sale liquor sales. Mr. Guerra recalls that 7-Eleven had 3 witnesses, while the City had only Mr. Buss. He states that the court took the case under submission. 7-Eleven had challenged the City's ordinance as preempted by state law. Mr. Guerra states that only the store at Alta Canyon would be affected.

XIII. ADJOURNMENT M/S/C Gunter/Smith to adjourn meeting. 5-0 11:13pm