

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MARCH 23, 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, Senior Planner Buss, Planner Cantrell and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Mehranian led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR:

A. M/S/C Mehranian/Levine, adopting Resolution 04- 20; denying Building Depth Review 03-15; 5101 Gould Avenue. 3 Ayes; Davitt and Gelhaar dissenting.

B. M/S/C Davitt/Gelhaar to approve Lot Line Adjustment 04-02; 502 Dartmouth Place/vacant lot.

C. M/S/C Davitt/Gelhaar to approve the Minutes as amended by Commissioner Mehranian. Unanimous.

VI. CONTINUED PUBLIC HEARINGS:

A. Hillside Development Permit; Modification 03-90; Leigh; 3701 Madison Road:

Commissioner Mehranian was recused from hearing this matter and left the chambers, as she resides within 500 ft of the project site.

Planner Cantrell advised of having received a call from the project architect the afternoon of the meeting, requesting a continuance as he continues to work with the neighbors. Staff recommended granting the request, since the City encourages such communication. He was not aware of anyone present to discuss the project other than the project architect.

Chairman Engler opened the public hearing.

Kevin Kutchaver, 1069 Inverness Drive, who resides across from the project site, stated that he was present to confirm the continuance.

M/S/C Gelhaar/Levine to continue Hillside Development Permit 03-64 and Modification 03-90 to 4/27. 4 Ayes.

Commissioner Mehranian returned to the chamber.

B. Hillside Development Permit 04-08; Modification 04-09; Wiktor; 2106 Earnslow Drive:

Director Stanley recalled that this request was originally approved in 2002 without controversy. That approval expired due to the applicant's failure to timely act on building permit, which necessitated an identical review before the Commission. On February 24, 2004, some of the Commissioners expressed concern with privacy and view impacts arising from a deck at the rear of the home and continued the matter to allow the applicant time to explore alternatives.

The revised plan shows the deck centrally located along the rear facade with approximately 170-sf eliminated and the east side setback doubled to 24 ft. The most affected neighbor to the east supports the revised proposal. Additionally, a sloping hip roof is introduced where the east half of the deck was originally configured.

Commissioner Gelhaar addressed the reconfigured roofline. He asked for a height measurement and whether it is flat or sloped.

Director Stanley responded that it is sloped and perhaps 9 ft off the ground.

Commissioner Gelhaar commented that it would not block views to the neighbor's yard.

Property owner George Wicktor, displayed a model of the revised project which depicted the reconfigured roofline and increased setback. He advised Commissioner Gelhaar that the roofline he was concerned with is existing, not an addition, and is approximately 11 ft from natural grade at its peak. He stated that the revisions greatly increase the privacy of his neighbor and submitted a letter from her that she did not have any objections to the project.

Project architect Ines Chessum, emphasized that that the roof portion that was previously deck area, would not be touched. She noted that the Hillside Ordinance requires a 13-ft second-story setback on this lot and they are nearly 26 ft as revised.

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

Commissioner Davitt stated that the reduction of deck area was a good effort to alleviate the concerns expressed by some Commissioners and that he could support the request.

Commissioner Mehranian concurred.

Commissioner Gelhaar stated he could support the project if the deck were eliminated. He felt it represented a significant privacy issue an expressed concern for future property owners.

Chairman Engler stated he could support the revised project and asked that the word "substantially" be eliminated from condition 5.

M/S/C Davitt/Mehranian to approve Hillside Development Permit 04-08 and Modification 04-09 as revised. 3 Ayes; Gelhaar and Levine dissenting.

C. Floor Area Review 03-24; Modification 03-92; Nowotny; 5572 Vista Cañada Place:

Commissioner Gelhaar requested to be recused and left the chambers, as he lives within 500 ft of the project area.

Planning Aide Shimazu recalled that this request was continued from the February 24th meeting, at which time, some of the Commissioners expressed concern with the vertical face of the second-story's south-facing wall.

A new two-story addition is proposed along the south side of the home where a sloping grade allows creation of a lower level, that would be exposed to the south and west.

The revised plan includes stone veneer at the south and west of the first-story portion and a 10-ft-high trellis to the front. Five, 24-inch-box pines continue to be proposed along the west and south side, which the Commission might want to substitute o conform to the Fuel Modification Guidelines for Fire Zone 4.

Staff concluded that the revisions mitigate concerns raised by the Commission and recommended positive findings and project approval.

Project architect Jay Johnson, stated that the trellis would break the massing at the front and provides an improved scale. He noted that the stone facing was added at the plate line and the garage and that mature oleanders separate the project from the neighbor's view.

Responding to a question from Commissioner Mehranian, he advised that pine trees were chosen to complement the existing pines, but they were open to suggestions.

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

Commissioner Mehranian felt that efforts were made to respond to issues raised at the first hearing and that she could support the revised project.

Commissioner Davitt concurred, adding that he was pleased with the resolution of the massing issue.

Chairman Engler also agreed and confirmed that ledger stone would be applied and that the entire city is classified as a high severity fire zone.

M/S/C Mehranian/Davitt to approve Floor Area Review 03-24 and Modification 03-92 as revised. 4 Ayes

Commissioner Gelhaar returned to the chambers.

VII. PUBLIC HEARINGS:

A. Floor Area Review 04-04; Demetriou; 4747 Palm Drive

Planning Aide Shimazu described the applicants' request to allow a first-floor expansion and a new second-story that would exceed the 4,500-sf review threshold for properties with less than 80 ft of frontage (the site has 60 ft of frontage).

The 22,472-sf site is located on the west side of Palm Drive, between Lyans and Lombardy Drives in the R-1-15,000 Zone. It is developed with a single-story home, a detached guesthouse, a detached garage, a pool and a shed. The lot is 322-ft-wide with 60 ft of frontage. The house is set back 155 ft and the garage is set back 80 ft.

The proposal consists of a 558-sf first-floor addition and a new 1,352-sf second floor. The 522-sf guesthouse would be demolished, resulting in total floor area of 5,371-sf. Mr. Shimazu noted that while the project exceeds the review threshold, it is below the underlying standard of 6,244-sf for the lot.

A 2'-4" encroachment at the south side which maintains the existing building line was supported by all the neighbors and administratively approved by the Director. The new second-floor at 18'-2" from the south and 19'-4" from the north easily complies with the required 12-ft side yard setback requirement for the lot. Further, a height of 28'-8" is achieved when measured from low grade on the west side and 24' measure at high grade on the east side. Since the 28-ft-maximum is exceeded for lots with less than 65-ft of frontage, the draft conditions require submittal of revised elevation drawings prior to issuance of building permits.

The project would result in floor area of 873-sf below the underlying standard for the lot and would be effectively screened by existing trees and shrubs on the applicants' and neighboring properties. The two-story addition would be well sited from the adjacent two-story home to the south and elimination of the guest house would provide an even greater visual separation.

Chairman Engler commented that the Commission did not receive evidence of the neighbors who supported the administratively approved setback or the average sq footage of homes and lot sizes.

Director Stanley stated that the administrative approval was separate from this review and "average" information was not provided since Staff was looking at floor area ratio.

Commissioner Levine expressed concern with what he termed a "piecemeal approach"; he believed that the Commission should review the project in its entirety. He stated that he had a concern with one of the items approved through the Administrative Approval process and would discuss it later.

Project designer Kurt Bednar, stated that he was concerned with the setback situation and designed a plan that would least affect the most adjacent neighbor. He observed that the existing home lacks a cohesive design and the front entrance is not defined. Relocating the entrance to the east elevation and centering the addition around it results in a tasteful traditional design. Eliminating the detached guest house, which is just over 2½-t from the side yard property line and adding trees along the south side will open views and allow the applicants to take advantage of their back yard.

Commissioner Gelhaar confirmed that the south wall of the main house would remain.

Commissioner Levine confirmed that all fireplaces shown on the plan are existing.

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

Commissioner Davitt stated "this is a big house and a big design, but it's on a big lot". He felt it important to note that the request is for Floor Area Review, not a Modification, and that the side setbacks are generous.

Commissioner Mehranian stated that she had an issue with the proposed size of the house and felt the south elevation presented a long wall with no modulation and a mass atop.

Commissioner Gelhaar stated that the design fit nicely with the lot. He had no problem with the request and concurred with Staff's findings.

Commissioner Levine stated he did not have any concerns.

Chairman Engler stated that he had somewhat of a concern with the size and would like to see it reduced.

M/S/C Gelhaar/Davitt to approve Floor Area Review 04-04. 3 Ayes
Mehranian and Engler dissenting.

B. Conditional Use Permit 381; Petrotta; 1150 Foothill Boulevard:

Planner Cantrell reported the applicant's request to allow office uses throughout a commercial building in the Mixed Use 2 Zone, located at the corner of Foothill Boulevard and Cornishon Avenue.

The site exceeds 29,000-sf in area and accommodates 18,409-sf of building area. The subject building has housed offices uses since constructed in 1982, prior to the City's CUP requirement for offices uses. The recently adopted Downtown Village Specific Plan eliminated the grandfathering of legal, nonconforming uses; therefore, existing offices uses without a CUP are required to obtain one. The site has parking that nearly meets current Code; its parking structure is accessed from Cornishon and takes advantage of the grade change to accommodate two levels with minimal grading. The building has housed offices uses for decades in its isolated location; Staff saw no foreseeable potential for the block to develop into a pedestrian-intense area. Staff

concluded that the proposed office use is highly appropriate in this location and recommended positive findings and project approval.

Janelle Williams, Williams Land Use Services, related that since its construction, the building has been occupied by low-intensity office use. Parking exceeded requirements at the time of construction and the property is consistently maintained. She noted that the building is physically isolated from other portions of the Downtown Village Specific Plan and flanked by church and school uses.

Chairman Engler opened the public hearing; since comments were not offered, the public hearing was closed.

The Commissioners concurred with Staff's findings.

M/S/C Gelhaar/Levine to approve Conditional Use Permit 381 as requested. Unanimous.

C. Modification 04-18 Harrington; 4548 Leland Place:

Planning Aide Shimazu reported the applicants' request to allow a 5-ft-high wrought iron fence to remain located within the required front yard setback. The applicant further requests to replace a wooden fence located within the front yard setback that connects their home and the neighbors' garage with a 5-ft-high wrought iron fence.

The project site is located at the intersection of Leland Place and Lasheart Drive in the R-1-7,500 Zone.

Upon receiving a complaint, the City's Inspector determined that the fence not only exceeds the 42-inch-high maximum, but it is also located within the right-of-way. The property owner subsequently provided photos of a pre-existing fence, in the same location, which served as perimeter fencing for their front yard pool, which was legally installed in 1974. Staff determined that because the former fence was removed, its grandfathered status was lost, and a Modification is required for the new fence.

The applicants are willing to relocate the fence from the right-of-way to their front property line. Should that occur, Public Works would allow them to plant shrubs no higher than 30 inches within the right-of-way to help screen the fence. Given the existing permitted pool, the need for over-height fencing is apparent. An alternative would be to relocate the fence immediately adjacent to the pool, however, the lot size and configuration is such that the only

useable yard area is at the front where the pool is located. Staff could not identify any substantial benefit derived by doing so.

Staff recommended approval as conditioned, noting that Building Code mandates 5-ft-high perimeter fences for pools; allowing the fence would not be a grant of special privilege since there fences of similar heights in the neighborhood. Further, the wrought iron fence replaces a former fence that existed for years.

Commissioner Davitt confirmed that the pool was legally installed in 1974 and that security fences were required at that time.

Commissioner Gelhaar asked if it would be appropriate to add a condition that shrubs must be planted and maintained at a 5-ft height.

Director Stanley responded affirmatively; however, shrubs over 30" in height must be installed outside the right-of-way.

Applicant Mike Harrington, distributed photos showing the original wrought iron fence, which was damaged by roots of a nearby tree. He was willing to move the fence back and assured the Commission of his intent to plant a hedge for privacy as his goal is to beautify the neighborhood. Mr. Harrington advised that the neighbors support his project thus far.

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

Commissioner Gelhaar stated that he could support the request with a condition that a hedge be planted on whichever side of the fence is legal and maintained at a height of 5 ft. The hedge could follow the contour of the fence.

Commissioner Levine suggested that the fence be moved back further so that the hedge could be planted in front of the fence and outside the right-of-way and preferred that a block wall be constructed to hide the pool.

Commissioner Mehranian agreed with relocating the fence towards the interior so that a hedge could be planted in front of it.

Commissioner Davitt stated that a ficus hedge planted in front of the wrought iron fence would completely screen the pool; therefore, he could support the request as submitted.

Chairman Engler concurred with Commissioner Gelhaar, who then agreed that it would be better to move the fence further toward the rear as suggested by Commissioner Levine.

M/S/C Gelhaar/Levine to approve Modification 04-18 and amending condition 13, requiring that the existing wrought iron fence be relocated 9 ft from the outer edge of the curb and a hedge, maintained at a height of 5-ft, be planted on the curb side of the fence. The drawings shall be labeled and dimensioned and a landscape plan submitted for review and approval by the Director of Community Development. Unanimous.

D. Modification 04-04; Floor Area Review 04-02; Robbins; 5028 Jarvis Avenue:

Director Stanley described the applicants' request to allow a retaining wall system that would accommodate a new pool, poolhouse, spa and deck.

The 70-ft-wide and 150-ft deep lot is located on the east side of Jarvis Avenue, south of Earlmont, in the R-1-20,000 Zone. Despite its appearance, it is flat except for the rear, where there is steep north/south ravine, which is hundreds of feet wide. A Blue-Line stream at the bottom of the ravine is substantially distant from the subject lot. A Powerpoint display showed the homes across the ravine.

Two, tiered and outward facing retaining walls, would span the rear of the property – the lower wall would jog and vary in height from 4 ft at the north end to 8 ft at its center. The walls would be screened by new plantings and downslope views would be impossible and views from across the ravine, if any, are remote. A Modification is required since the walls are located within the rear setback and exceed 3-ft in height. Director Stanley pointed out that outward-facing retaining walls, topped with fences, are allowed to reach 9 ft in height with the endorsement of the most adjacent neighbor. The upper wall is shown at 6-ft in height, extending along the north half of the site. Additionally, exposed portions of the pool and spa which extend over the slope and into the setback, are equivalent to outward facing retaining walls and therefore subject to a 3-ft maximum height. At 11-ft in height, they too, require a Modification. A new, 276-sf deck, located east of the pool, would also extend over the slope and achieve a height of 10 ft. Since clearance from the deck to the ground exceeds 7-½ ft., the deck is “counted” as floor area. The deck configuration is consistent with neighboring development; an overview was shown of a home to the north and one across the ravine with decks and retaining walls.

The 747-sq project would bring total floor area to 4,107-sf, exceeding the 3,715-sf maximum for the site, but within the floor area review threshold .

Staff considers the wall configuration as somewhat excessive and submitted an alternate plan, which eliminates the lower wall and shifts the pool and spa to provide a compliant 7-ft south side setback and limits the scope of the Modification to the downslope retaining walls. The Draft Conditions include a 14-ft separation between the pool and the large deodar located approximately 7 ft from the rear of the home, and installation of a chain link barrier during all phases of construction and provision of compliant 7-ft setbacks for the pool and spa.

Staff recommended approval for the project as conditional.

Commissioner Levine confirmed that Staff's alternate plan would leave only the retaining walls encroaching into a setback.

John Schmidt, with Behr Construction, related that after discovering errors in the original survey, the problem with the over-height walls came to light. He pointed out the dilemma that in one location, the land slopes in two directions. Initially, the exposed wall height at the corner was going to be screened by the deck, but he had to move the deck to comply with the setbacks. The current arrangement allows the parents visibility of the pool from the house.

Responding to a question from Commissioner Gelhaar, Mr. Schmidt advised that the retaining wall would be the same height as the walls currently proposed if Staff's alternate plan were followed. He added that Staff's plan limits landscaping opportunities since the planting pad would be reduced in size.

Commissioner Davitt supported Staff's recommendation with a condition that landscaping screen the walls from homes across the ravine.

Director Stanley displayed the landscape plan; he believed there was sufficient room to plant trees. He added that Staff's alternate plan eliminates only the north ½ of the lower wall.

Commissioner Mehranian stated that Staff's alternate plan was a creative solution, but she preferred the opportunity to review a landscape plan.

Commissioner Gelhaar stated that he did not have any concerns with the project, but would want to review the landscaping. He requested an additional condition requiring a revised landscape plan, subject to Commission or Director approval that eliminates views of the retaining walls, pool and spa, with full screening to be provided within 12 months.

Commissioner Levine expressed concern that the project would be viewed by neighbors across the canyon. He suggested painting the retaining walls so they blended with the land.

Chairman Engler stated that Staff was on the right track, but he couldn't support a revised project "by description". He suggested a continuance for redesign, a detailed landscape, and going with CMU units rather than retaining walls. He further suggested that lattice, with honeysuckle growing on it, would screen the underside of the deck and hide the posts.

Commissioner Levine agreed with the Chair's comments regarding "designing by words".

Mr. Schmidt authorized a continuance to a date certain.

M/S/C Levine/Mehranian to continue Modification 04-04 and Floor Area Review 04-02 to April 27. Unanimous.

E. Floor Area Review 03-19; Choe; 4617 Indiana Avenue:

Planner Cantrell described the applicant's request to allow a new, 552-sf second floor addition that would exceed the Floor Area Review threshold.

The project site is located on the west side of Indiana Avenue, at its northern end, in the R-1-7,500 Zone. The lot 7,280-sf lot is 56 ft wide and 130 ft deep and shares its north side property line with a large higher-lying parcel which has a house set back over 100 feet. It also shares a rear property line with a slightly elevated lot on Alta Canyada Road.

The applicant's home has a second story at the front, which he proposes to extend towards the rear. The only constraint on the site is a large oak in the rear yard with adequate clearance between its branches and the first floor of the home. Planner Cantrell advised that an Administrative Setback Modification was approved that allows an 8'-6" second floor setback at the north side based on consent signatures from abutting property owners, with a condition that the Commission approve the Floor Area Review request.

Materials, details and massing ensure that the project is harmonious with the existing structure and its surroundings. The second-floor mass would not be noticeable from the street as it would be screened by the existing second floor. Existing landscaping and great distance would screen the project from the most adjacent neighbor to the north, as well as from the property to south, where the addition would be set back 29 ft. The home to the rear is located at a great

distance and at a higher elevation; those features plus existing landscaping and the narrow aspect of the second floor mitigate concerns of visible mass.

The City arranged for an arborist to assess the project's proximity to the oak tree and the findings were included in the Commissioners' packets. The arborist confirmed that the oak might have to be slightly pruned, but no significant health or aesthetic effects would result from the project. The arborist's recommendations were included in the draft conditions.

Aside from the potential effects of mass that were determined to be insignificant, there are no issues associated with the Floor Area request.

Staff determined that the project represented a logical extension toward the rear, with little visibility from neighboring properties or from the street, and recommended project approval as conditioned.

Project designer, Samuel Kim, reported that his client needs more space and that the project would integrate with the existing home and not appear as an addition.

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

Chairman Engler felt that the arborist's report was open ended and unclear as to what portion of the oak would be removed. He recommended restricting limb removal to those indicated as 8" and 10".

Commissioner Gelhaar stated that he could not approve anything that exceeds the standard of 2,620-sf for this lot.

Commissioner Levine shared the Chair's concern for the oak and stated he could not vote without understanding what would be removed. He further agreed with Commission Gelhaar that the project might be too large for the lot, given the comparison chart in the Staff report.

Commissioner Mehranian agreed.

Commissioner Davitt commented that he could accept a condition restricting limb removal to the 8" and 10" limbs per the arborist report. Addressing the project, he noted that on a percentage basis, it's the biggest house in the area, and also the largest in terms of raw numbers, a telling sign that the project is too big.

Chairman Engler inquired if the applicant preferred a vote or a continuance for redesign.

Mr. Kim opted for a continuance. He reiterated his client's need for more space and noted that FAR is at 36%; the only option is to go up to the 40% maximum allowed with review.

M/S/C Levine/Mehranian to continue Floor Area Review 03-9 to April 27th.
Unanimous.

Commissioner Levine left the meeting at this point.

VIII. OTHER BUSINESS:

Commissioner Gelhaar reported that he presided at an Administrative Hearing for 4131 D over Road, which represented a substantial improvement for the property and neighborhood.

IX. COMMENTS FROM THE COMMISSIONERS:

Chairman Engler asked that the Director check with Public Works regarding a circular driveway on Bel Air that does not comply with Code. The property is immediately adjacent to a project on the bus tour. Chairman Engler felt that the Director of Community Development should be advised when permits are requested for circular driveways.

X. COMMENTS FROM THE DIRECTOR:

Director Stanley advised that the City council would be nominating a new Mayor and Mayor Pro Tem at its April 7th (a Wednesday) meeting, with a reception following.

On another matter, the City Council will hear the Gazmarian appeal on April 19th.

XI. ADJOURNMENT:

M/S/C Davitt/Gelhaar to adjourn at 8:05 p.m. 4 Ayes.

Secretary to the Planning Commission

