

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
HELD MARCH 24, 2009**

**I. CALL TO ORDER:** Chairman Gelhaar called the meeting to order at 6:00 p.m.

**II. ROLL:** Present were Commissioners Curtis, Hill, Davitt, Senior Planner Buss, Planners Gjolme and Clarke, Assistant Planner Parinas, and Assistant City Attorney Guerra. Commissioner Cahill was absent.

**III. PLEDGE OF ALLEGIANCE:** The flag salute was recited.

**IV. COMMENTS FROM THE PUBLIC:** No comments were offered.

**V. REORDERING OF THE AGENDA:** The agenda was not reordered.

**VI. CONSENT CALENDAR**

**A.** Minutes – February 24, 2009 meeting: Approved 3-0 with no changes.

**B.** Minutes – March 10, 2009 meeting: Approved 3-0 with no changes.

**VII. CONTINUED PUBLIC HEARINGS:** There were no continued public hearings.

**VIII. PUBLIC HEARINGS:**

**A. Conditional Use Permit 437, Second Floor Review 09-05 and Hillside Development Permit 09-09; Yetenekian; 99 Normandy Court:** Request to consider a Conditional Use Permit request for lighting and a sport court in the front setback, a Second Floor Review for a 103 sq. ft. volume space addition and a Hillside Development Permit for a new entryway and patio covering totaling of 666 sq. ft. on the property located at 99 Normandy Terrace.

Planner Clarke outlined the project and gave the staff report via a Power Point presentation. A Conditional Use Permit is required to allow a lighted front yard spots court. A Hillside Development Permit and Second-floor Review are required to allow a patio and entry addition to the existing residence. Planner Clarke summarized positive findings for the request, exclusive of the sports court lighting, which staff could not support.

Commissioner Curtis confirmed that the project complied with front setback landscaping requirement.

Commissioner Curtis confirmed that staff's intent was to eliminate the pole light as currently configured but inquired if alternate lighting strategies had been discussed during the review process.

Planner Clarke responded that other options including lights installed on the garage that would face outward toward the street could be equally problematic.

Commissioner Curtis inquired about colors and materials for the residential expansion. A sample board was distributed.

Applicant Bedros Darkjian thanked Planner Clarke for his efforts. He noted the possibility of having the lights on a hydraulic system and planting additional trees on the east side property line to mitigate ambient exposure at night. Use of the court is very limited so lighting is not a major issue.

Property Owner Toros Yetenekian stated that he and his family moved to LCF in 2002. He revamped the "court" surface for safety and less noise. Lighting was installed for the kids for limited use under parental supervision. He was notified of the violation and proceeded in accord with the City to remedy the situation. The house and site are isolated. Lighting is bright but is clearly oriented toward court and onto the subject property. House to the east is not affected given its down-slope location and ample separation from the court. He was willing to plant additional trees and install a motor to control the height of lights when not in use. There have been no complaints from neighbors and the lights have only been used 4-5 times over the last year. He commented that garage lights, if installed, would project toward street and cause a worse ambient problem. Voltage/power of existing lights can be reduced if necessary.

Gale Merchant, 28 Normandy Court, noted that kids were using the court a couple nights ago. Offsite impacts from the lights are not apparent from her property. She stated that the lighting has not been an issue.

Commissioner Hill supported the rear patio addition. He had design issues with the front entry, but acknowledged it fits with the existing structure and could support it as proposed. He could not make four of the five CUP findings for the front sports court and lights.

Commissioner Curtis stated he could support the CUP for the court but not the lighting, although he noted that an alternate lighting proposal may be acceptable.

Commissioner Davitt noted that he had visited the site. He supported the remodel and Hillside Development Permit/Second-floor Review request. He could also support the CUP for the court given the uniqueness of the lot. He

noted that the lights were acceptable if they were limited to 15 feet in height, reduced in wattage by 50%, directed toward the court only and had hours of use limited to 9:30 p.m.

Chairman Gelhaar agreed that residential additions and front sport court were supportable. His issue was also with the lights since it was evident from a site visit that all ambient light was not captured on site. He noted, however, if all lighting could be directed toward the court and captured on site, he could support the lights. Without a demonstration to this effect, he could not approve the lighting. He stated that the item could be continued to verify if lighting can be captured entirely onsite.

Property Owner Yetenekian noted that the cost of the lights and CUP were considerable. He did not believe the lighting would be a significant issue so he did not address shielding improvements to redirect and/or capture ambient lighting until he heard specific comments and direction from the Commission.

Chairman Gelhaar commented that if a vote were taken, the lighting would likely not be approved.

Commissioner Curtis again remarked that a revised lighting strategy could possibly change his mind and garner a positive vote for the lighting component of the CUP.

M/S/C Gelhaar/Curtis to continue the item to the 4/28/2009 meeting with direction to provide an alternate lighting scheme. Unanimous 4-0.

**B. Second Floor Review 08-34; Johnson / Lee; 1110 Lavender Lane:** Request for Second Floor Review to allow construction of a new 4,833-square foot two-story single-family residence (including a 430-square foot attached garage).

Assistant Planner Parinas reviewed the project and gave a Power Point presentation. The project consists of a new 2-story residence comprising 4,833 sq. ft. Second-floor Review approval is the only entitlement sought. She summarized that the project was compliant and appropriate given the architectural diversity of the area.

Chairman Gelhaar noted that he had contacted staff earlier in the day about a large sycamore tree to the rear of the residence that the Commission had given prior approval for removal. He questioned whether the Planning Commission has the authority to revisit the approval.

Assistant City Attorney Guerra informed the Commission that the appeal period for the tree removal was over and, thus, the Commission could not revisit the action.

Commissioner Curtis confirmed that rear retaining wall was not permitted and that the rear elevation of the subject property was consistent with neighboring grade to the west. He further inquired about the extent of alteration proposed for the rear yard.

Assistant Planner Parinas noted that minor grading was proposed to accommodate the new wall and that perhaps the applicant could better detail proposed changes at the rear of the property.

Commissioner Curtis confirmed that east driveway to the rear would be covered to restore grade at the southeast corner of the lot.

Applicant Jay Johnson stated that the rear retaining wall and partial construction, which has been abandoned, was not done by his clients. The property was purchased in its current condition by the new owners. Project goal is to remedy all onsite issues, including repair of the rear wall and demolition of the existing home. The sycamore tree will be removed in conjunction with house demolition. Mr. Johnson noted that the lot supports a 32-foot house and that the proposal achieves a modest 26-foot height. The rear elevation will reveal a distinct 26-foot home on the terrace since adequate horizontal recess is provided between the house and edge of the terrace. Side setbacks greater than code requirements are provided while the new home is well articulated with bays and a modulated roof form. A Mediterranean color palette is proposed. He requested clarification and a change to approval condition #13. He felt that requiring a landscape plan prior to building permit issuance was extreme and burdensome. He preferred that the condition confirm the installation of adequate landscaping after the house was constructed and prior to final clearance and occupancy, rather than permit issuance.

Senior Planner Buss noted that landscaping is an important consideration with the screening of hillside projects, but also relevant for non-hillside projects. Landscaping can become an afterthought upon completion of construction and is sometimes compromised by expense.

Commissioner Curtis noted the colors and materials referenced on the project plans. Overall, the project meets code and the design guidelines. He could support with balcony and suggested a simple change to wording of Condition #13 by replacing "permit issuance" with "occupancy".

Chairman Gelhaar noted that rear wall/fence requires neighbor approval. He confirmed that if said endorsement is not obtained, other viable options for the wall/fence configuration were available.

Commissioner Davitt remarked that this was a nice project that fits code. He was initially concerned with the rear elevation, but his concerns were alleviated by staff's report and Mr. Johnson's comments. He was troubled by the potential intrusion of the rear balcony. He agreed that a change to condition #13 was acceptable.

Commissioner Hill felt the house fit the lot and neighborhood. He had no issues with the balcony. He did suggest that the landscape component needed to address privacy concerns be required prior to the issuance of permits. The remaining landscaping items could be tied to final clearance/occupancy.

Chairman Gelhaar was troubled by balcony. He noted that views into neighbor's yards would be possible. He could approve the project with removal of the balcony and changes to condition #13.

Commissioner Curtis questioned if the balcony articulation could remain by pulling it back toward the rear façade.

Senior Planner Buss reviewed the revised language to condition #13, which the Commission endorsed.

M/S/C Curtis/Davitt to approve the project with elimination of the rear balcony and the modification to condition #13. Unanimous 4-0.

**C. Zone Change 09-01; Downtown Village Specific Plan:** Request to consider adoption of an amendment to the City's Downtown Village Specific Plan to delete "Change of tenant" from Section 6.5 Nonconforming Uses - Conditional Use Permits. More specifically, the amendment would eliminate the requirement for a nonconforming use to process a Conditional Use Permit or terminate the use upon a change of tenant.

Senior Planner Buss outlined the history of the CUP requirement for the change of office building tenants where within the DVSP. He noted that this was originally intended as a safeguard to encourage retail uses. The code requirement, however, did not accomplish the desired retail effect and has become somewhat of a burden to LCF businesses. The code requirement affected buildings originally intended for office uses and such buildings do not fare well as retail uses. The Chamber of Commerce and City Council are aware of the issue

and support the code revision. Staff recommended elimination of the code requirement and approval of the zone change.

Commissioner Hill questioned the parking impact that may result from the code change since certain office uses have a high demand and others do not.

Senior Planner Buss reminded the Commission that the retail parking requirement is more intensive than office to begin with, 5 spaces per 1,000 sq. ft. vs. 4 spaces per 1,000 sq. ft. Given this and the recent completion of a parking strategy that recommends a reduction in both requirements, the parking impacts from the code change are not anticipated to be an issue.

Commissioner Hill thanked staff for the information and supported the change.

Commissioner Curtis commented that the code change should not necessarily exempt abandoned uses after a certain amount of time has passed.

Senior Planner Buss confirmed that Commissioner Curtis was referencing non-conforming uses and that current code allows a 2 year period before the use is considered to be terminated.

Commissioner Davitt was hesitant to endorse such direction given the current economic climate.

Chairman Gelhaar appreciated the input, but believed the 2-year period stipulated by code was appropriate and did not need further examination.

Commissioner Curtis clarified that the change of a retail use to an office use would not be exempted by the code change and would still require CUP review and approval.

Chairman Gelhaar noted that discussions regarding upgrading downtown buildings have occurred during the General Plan update.

M/S/C Davitt/Hill to approve zone change 09-01. Unanimous 4-0.

**IX. OTHER BUSINESS: None**

**X. COMMENTS FROM THE COMMISSIONERS:**

Chairman Gelhaar commented on the Director's approvals and Administrative Hillside approvals done outside of full Commissioner purview. He questioned if these decisions could be called up by the Planning Commission.

Senior Planner Buss explained that the call up provision is stipulated in code as an action available only to the City Council. An appeal is the only avenue to bring a Director's approval or Administrative approval before the Commission.

Chairman Gelhaar noted that certain Planning Commission cases included components subject to staff approval only.

Senior Planner Buss clarified that this was done to provide complete information on the project. Staff level approvals will be approved by staff in the future and referenced in the staff report, unless the staff component is complex and integral to the project as a whole, and the Director defers approval to the Commission.

Commissioner Davitt commented that this was a concern for him, one that had been heightened by the recent case on Meadowgrove Street. He was glad to hear that staff approvals would be handled in advance of Commission review. He agreed that entitlements should be broken up by the level of review and approval body required.

Senior Planner Buss emphasized that some cases will have multiple applications requiring different levels of approval and depending on the complexity, the Commission could see the entirety of the application. He agreed that future applications would be kept separate for the most part.

Chairman Gelhaar agreed that staff approvals should be referenced in the "previous action" section of the staff report since the Planning Commission does not have authority to revisit staff approvals.

Commissioner Curtis thought certain staff-level reviews should be considered "pending" depending on its relationship to the Planning Commission's review and the complexity of the case as a whole.

Commissioner Hill commented that during his site visits he noticed several temporary basketball hoops placed in the streets. He questioned whether this was an issue for the City.

Senior Planner Buss responded that this was a Public Works issue given the street location, but was not a problem since he was not aware of neighbor complaints.

Commissioner Curtis stressed that colors and materials are very important whether hillside or non-hillside projects are being reviewed.

Chairman Gelhaar noted that the issue of residential design review was well discussed years ago by the Citizens Committee for the Study of Residential Design Review. The Committee was against residential design review in general. Design Guidelines were recommended to provide some subjective wording and direction and have been included in the 2<sup>nd</sup>-floor review process.

Commissioner Curtis clarified that he did not endorse regulating color, but simply wanted to review a project's basic color palette during the process.

**XI. COMMENTS FROM THE DIRECTOR:**

Senior Planner Buss reported that the April 14, 2009 meeting has been cancelled and that the next Planning Commission meeting would be on April 28, 2009.

**XII. ADJOURNMENT:** The Meeting was adjourned at 7:30 p.m.