

CITY OF LA CAÑADA FLINTRIDGE

MINUTES OF A MEETING OF THE CITY OF LA CANADA FLINTRIDGE PLANNING COMMISSION HELD APRIL 14, 2015

I. **CALL TO ORDER:** Vice-Chair Jain called the meeting to order at 6:04 p.m.

II. **ROLL:** Also present were Commissioners Gunter, McConnell and Smith.

III. **PLEDGE OF ALLEGIANCE**

IV. **COMMENTS FROM THE PUBLIC:** None

V. **REORDERING OF THE AGENDA:**

Commissioner Gunter recommended that Items VIIB (Second Floor Review 14-17 at 4812 Crown Avenue) and VIIIA (Floor Area Review 15-01 at 4427 Commonwealth Avenue) be heard before item VIIA (Second Floor Review 14-05/Hillside Development Permit 14-07/Large Garage Review 14-01 at 1946 Foothill Boulevard). Vice-Chair Jain confirmed that there were no objections from the Commission, and so directed the reordering.

VI. **CONSENT CALENDAR:**

- A. **Minutes:** February 24, 2015
- B. **Minutes:** March 10, 2015

M/S/C Jain/Smith to approve all minutes: 4-0

VII. **CONTINUED PUBLIC HEARINGS**

- A. (Reordered on agenda to follow Items VIIB and VIIIA)

Second Floor Review 14-05
Hillside Development Permit 14-07
Large Garage Review 14-01
1946 Foothill Boulevard
Johnson / Havel

Request to allow a new 8,674 sq. ft. 2-story residence, pool and related site work, including two attached garages subject to Large Garage Review.

Consulting Architect/Planner Cantrell presents the project in accordance to the staff report. He describes the parameters of the project, noting that code does not include the flag strip in the lot area. Combined with the slope, this results in a Slope Factor Guideline at the most restrictive

multiplier of 0.2. He notes that the Slope Factor Guideline is appropriate to some extent because of the correlation in this case of steep slope to project profile, but that a restriction to 3,000 square feet goes beyond what is realistic or desirable. Mr. Cantrell displays the view of the house from many downslope points, emphasizing its profile from Ahlin Drive and from the neighboring house at 1944 Foothill. He describes the house as meeting City design objectives, including the modest impact of its limited second floor, but comments on concerns with the retaining walls, which reach up to 12 feet in the pool area, and the need to rely on enhanced landscape screening for them. He states that uncertainties with those measures lead staff to recommend continuance.

Commissioner Gunter asks about the discrepancy between the applicant's and staff's indications of the slope factor. Mr. Cantrell explains that the discrepancy is mostly due to the driveway, and to updated slope calculations by the surveyor.

Commissioner McConnell asks about the cabana location and the required number of garage spaces. Mr. Cantrell responds that the cabana would need to be set back further from the easement, but that there is not room for that and separation from the oak, so staff recommended its deletion. He states that the R-1 standards require a 2-car garage and the hillside standards require two additional parking spaces onsite, not necessarily enclosed.

Director Stanley clarifies that the setback is taken from the edge of the pavement.

Commissioner Gunter asks if the easement is legally recorded. Mr. Cantrell states that the easement is not shown in the survey and the neighboring property owner could answer questions regarding the easement.

Commissioner Smith asks about the newest revised plans. Consulting Architect/Planner Cantrell replies that staff had just received revised plans through an email, of inadequate resolution to properly review. The landscape architect is present to provide more information.

Director Stanley notes that a purpose of this hearing is to obtain direction from the Planning Commission on the numerous issues staff has identified.

Vice-Chair Jain asks about a soils report and hydrology, and slope stability. Mr. Cantrell states that staff did receive technical information, and that the historic slope instability was related to a septic tank. Since the property is now on sewer, the City Engineer felt that the issue is moot.

Director Stanley clarifies that staff's slope concern is regarding design issues, not instability.

Vice-Chair Jain opens the public hearing.

Roy Leisure, project landscape architect, explains that the pool location did not work in the initial design because the pool was located within the setback. In the second design, the pool was moved towards the south side. Given the septic tank issues in the past, staff had problems with the second design, so the pool was relocated to the west side of the house, and the cabana was added to compensate for the disjuncture from the floor plan related to the pool's relocation.

Commissioner Gunter asks how the project would meet the findings. Mr. Leisure states that he would let the architect take over to address the question. Jay Johnson, project architect, states that he was unaware of the slope guideline analysis in the report.

Commissioner Gunter restates his question on how the project fits in a hillside area. Mr. Johnson responds that landscape screening would be relied upon. He states that the other option would be to make the footprint smaller and make the second floor larger which would be more intrusive.

Commissioner Gunter notes that eliminating the driveway from lot area is in the code with which Mr. Johnson should be familiar.

Mr. Johnson states that the project is absolutely compatible with the neighborhood. He notes that oak trees are being added, and asks if it is necessary to reduce the area of the site for analysis.

Vice-Chair Jain states that, since the first floor area was expanded to reduce the second floor, a large retaining wall was included in the project. He asks if there is sufficient landscaping to grow and mature to screen the retaining walls.

Commissioner Gunter states that the proposed building does not belong on a hillside, and that the retaining wall design is not compatible with the area.

Mr. Johnson asks for direction on what height retaining wall would be acceptable.

Commissioner McConnell asks why there is a need for four garage spaces. Mr. Johnson replies that the property owner collects cars and would like to store the cars in the garages.

Commissioner Smith asks about lowering the pad. Mr. Johnson replies that the owner had considered it but that he was not directed to do so.

Mark Adler, owner of the adjacent house to the west at 1948 Foothill, states that there is a recorded easement for the driveway, which is supposed to be 20 feet wide but it is only approximately 17 feet wide. The driveway has a wide mouth that allows large vehicles to complete a turn. He requests that the driveway be left as it is.

Anita Brenner, owner of the adjacent house to the south at 1944 Foothill, states that she did not receive notice of the hearing. She recalls understanding from the owner that there was a plan to lower the pad by 5 feet. She refers to a slide showing the view of the story poles from her property. He states concern with retaining walls and proposed screening that would take a long time to grow.

Mr. Leisure states that the retaining walls would be screened.

John Havel, property owner, states that he has made many changes and concessions to the plans since original submittal, and that he should have property rights. He thinks that the design should work out well with the site.

Director Stanley clarifies that staff informed the property owner that the driveway is omitted from the lot area calculation when he initially came in. Director Stanley recalls meeting with Mr. Havel onsite when Mr. Johnson was not present.

Vice-Chair Jain asks about the size of the house at 1856 Foothill. Mr. Cantrell replies that it comprises 7,800 square feet.

Commissioner Smith comments that he likes the design of the house but feels that the house is not compatible with the area. He reports having visited the surrounding properties and feeling that the proposed house is looming. He notes that the house appears imposing from down slope, and is too close to the slope.

Commissioner McConnell agrees with Commissioner Smith that the living space is too close to the rear of the property and is imposing from downslope. He notes that the house could be stepped, and that there is enough square footage on the existing pad, so that expanding the pad is not necessary. Mr. McConnell states that the proposed house would fit better on a different lot. He states appreciation of the smaller second floor, and notes that its impact could be reduced if the house is relocated toward the front of property. He concludes that he would like to see little or no retaining walls.

Commissioner Gunter states that he is not concerned about the size of the house, but is concerned about the proposed house's impact to the natural hillside. He notes that there are many homes in the city that are large and sit well with the natural features of their hillside settings. Mr. Gunter agrees with statements made by Commissioners Smith and McConnell. He states that it is difficult to give specific advice because the project should be rethought from the beginning.

Vice-Chair Jain concurs with his fellow Commissioners, noting that the site is very sensitive. He states that the premise of building retaining walls to create a larger pad is incorrect. He notes that the house size is not the concern, but rather the relationship of the proposal with the setting.

Mr. Jain reopens the public hearing to ask the applicant to choose between a Commission action or continuance for redesign.

Mr. Johnson requests that the project be continued to a date uncertain.

Vice-Chair Jain closes the public hearing.

M/S/C McConnell/Smith to continue the project to a date uncertain: 4-0

B. (Reordered on agenda to precede Item VIIA)

Second Floor Review 14-17
4812 Crown Avenue
Ghanati / Koeppen

Request to construct a new two-story house comprising 2,871 square feet, exclusive of its basement which is exempt from floor area calculations.

Noting that staff had recommended that the project be continued to allow the applicant additional preparation time, Vice-Chair Jain opens the public hearing. There are no public comments, and Mr. Jain closes the public hearing.

M/S/C McConnell/Gunter to continue the project to the date certain of April 28: 4-0

C. Hillside Development Permit 14-43

Second Floor Review 14-42

484 Berkshire Avenue

Johnson/484 Berkshire Investments, LLC

Request approval of a new two-story house comprising 6,214 square feet exclusive of its 663-square-foot garage and 310 square feet of covered outdoor area, pool, and related site work.

Consulting Architect/Planner Cantrell recalls that at the previous hearing the Commission was concerned with the mass of the house proximate to the street. He reviews the revisions – chiefly greater setbacks, graduated massing, lowered ridge, and horizontal roofs to break up the verticality -- and compares the new submittal to the original plans.

Vice-Chair Jain asks about parking in front of the property during construction. Director Stanley states that parking in front of the property may be regulated through a condition of approval.

Mr. Jain opens the public hearing.

Jay Johnson, project architect, states that the proposal addresses all the Planning Commission's concerns and suggestions. He requests modification of certain conditions: #16, to allow a Light Reflectance Value of 60 rather than the stated 50; #18, requiring curving and narrowing of the retaining wall adjacent to the driveway, to be deleted, and #19, regarding the front yard wall curvature, to be deleted.

Commissioner Gunter asks Mr. Johnson about staff's suggestions regarding three smaller windows and an increased overhang above the entry. Mr. Johnson states that the owner would prefer to keep the design as proposed.

Roy Leisure, project landscape architect, explains that the walls within the parking area are primarily inward-facing.

Vice-Chair Jain asks about Condition 19 stating what is already proposed. Director Stanley recommended retaining Condition 19 but deleting the word "more".

Property owner Matt Szebelledy thanks the Commission for their efforts and improvements to the project.

Vice-Chair Jain closes the public hearing.

Commissioner Gunter states appreciation of the front alcove and roofs, the thoughtful use of retaining walls, the reduction of lighting, and the planting of oak trees. He states comfort with the proposed large home in the area because it is compatible with surroundings. He supports amending Conditions 16 and 19 and eliminating Condition 18.

Commissioner McConnell comments that the addition of the trees has been an improvement to returning the site to its original wooded nature, and the changes have improved concerns that the house imposes on the street. He confirms that the landscape plan identifies that the minimum is 24" box, and recommends a requirement of 36" box instead.

Commissioner Smith expresses appreciation of the tree plantings and agreement that the oaks should be a minimum 36" box size. He states that he can make the findings with changes as discussed by his fellow Commissioners.

Vice-Chair Jain comments that the project is now better for the area. He states that the entry elevation suggestions made by staff are important and he would encourage the property owner to consider them. He agrees that Conditions 16 and 19 could be modified and Condition 18 eliminated, and that the six oaks be required to be 36" box size.

M/S/C Gunter/Smith to approve the project with the modifications to Conditions 16 and 19, deletion of Condition 18, and addition of a 36" box size requirement for oak plantings: 4-0

VIII. PUBLIC HEARING

A. (Reordered on agenda to precede Item VIIA)

Floor Area Review 15-01
4427 Commonwealth Avenue
Applebaum / Fang

Request to construct a 760-square foot accessory structure (workshop) on a lot with an average lot width less than 80 feet. The existing house with the project would have a total floor area of 6,841 square feet.

Assistant Planner Parinas confirms that the Commission does not need a staff presentation.

She notes that Condition 13, for a survey prior to permit issuance, would apply to the north property line only, not the entire site, and could be done by a civil engineer licensed for survey information.

Vice-Chair Jain opens the public hearing.

Craig Stoddard, project architect, describes the project as simple and small, and invites questions.

Vice-Chair Jain closes the public hearing.

Commissioner Smith describes the request as straightforward. He recalls having had concern about the intent of workshop, but was now assured that the space would be used for storage, weightlifting, and general leisure, rather than noisy activity. He notes the ample lot depth and modest addition to the rear.

Commissioner Gunter states his agreement with the request.

Commissioner McConnell states that he can make the findings.

Vice-Chair Jain concurs with the other Commissioners, noting the clarification on Condition 13.

M/S/C McConnell/Gunter to approve the project: 4-0

IX. OTHER BUSINESS:

A. Hillside Development Permit 06-55 Second Floor Review 07-10 1204 Inverness Drive Merritt

Request for substantial conformance determination for as-built plans

Deputy City Attorney Guerra states that the purpose of the meeting is Commission determination of whether the as-built project is in substantial conformance with the approval.

Vice-Chair Jain adds that it is important to determine if it is within the intent of the original approval.

Commissioner McConnell confirms that the Director did not make a decision on the substantial conformance. Director Stanley explains that he felt that the decision should be made at Commission level, given the initial issues with the project and the extent of the changes. He adds that the changes were made during construction without staff's knowledge.

Commissioner Smith asks for clarification on what would happen if the Commission finds that the project is not in substantial conformance with the project. Director Stanley replies that the project is vested and that the review would only be based on the change, and summarized the changes.

Commissioner Gunter notes that he wrote a letter to the Director stating that the Commission did not receive enough information to make a determination of substantial conformance. He states the he would like the item to be continued, along with meeting minutes from the approval and a discussion from Building & Safety on how the inspections were passed.

Vice-Chair Jain confirms with Director Stanley that no Certificate of Occupancy has been issued, and reports visiting the property and believing that someone is living there.

Director Stanley addresses Commissioner Gunter's request for a Building & Safety accounting to the Commission of the inspection history. Director Stanley replies that the issue before the Commission is limited to substantial conformance.

Senior Planner Buss displays images of the project as originally approved and as photographed following construction, noting the various differences in accordance with the staff report:

- Eavelines raised; they were below the windows as approved, reducing viewed wall height;
- Roof pitch modified;
- Window treatments simplified;
- Entry columns deleted;
- Quoins deleted;
- Grade lowered around house 1'-6";
- Treatment around turret changed;
- Driveway design modified but functional;
- Slope of 2:1 was increased to make wider flat pad around side of house;
- North elevation roofline modified: dormer & belt molding deleted; peaked windows squared.

Commissioner Gunter asks if the substantial conformance compares as-builts with the Building & Safety drawings or the approved Planning drawings. Mr. Buss replied that the Building & Safety drawings match the revised project per City Council approval, with their condition to remove 800 square feet.

Commissioner McConnell asks if the house complies with height as approved despite the lower grade as built. Mr. Buss did not know, given the extent of grading on the site. Commissioner Gunter confirmed with Senior Planner Buss that the Commission does not have adequate information to make a determination with regard to height.

Vice-Chair Jain asks if the project meets the Hillside findings. Deputy City Attorney Guerra replies that the project is not before the Commission for that determination, but rather only the substantial conformance determination.

Vice-Chair Jain opens the public hearing.

Dr. Philip Merritt, property owner, thanks the Commission for their efforts. He states that the information was not completely accurate. He confirms that the Commission has as-built plans.

Dr. Merritt states that the house has been changed visually, but that the changes are cosmetic. He notes that the house was inspected by the City, for height, framing, etc. He states that the house is exactly the right size and in the right location. Dr. Merritt comments that another surveyor and engineer came out to look at grading, providing a letter certifying a difference of less than 50 cubic yards.

Dr. Merritt states that the front retaining wall was removed as it is not necessary anymore with grading revisions and was perhaps too close to the septic system. He notes that the exterior stairs were removed, but the adjacent retaining wall conforms to the original approval. He notes the added pad width resulting from the stair removal. He states that the pad width from the south wall of the house is within two feet of the plan. He concedes that a lot of changes

occurred during construction, and states that the house is “really close to what it was supposed to be.” He notes septic and aesthetic changes that the belt molding “looked stupid”, the pitch on the garage didn’t match, the entryway changed after structural engineer review, and the living room height was lowered due to City floor area regulations. He depicts the house as a “5,400-square-foot house without storage space”.

Dr. Merritt mentions his submittal of as-built plans and his experience with lawsuits including another legal appeal. He acknowledges that his family is living in the house even though illegal without a Certificate of Occupancy. He notes that the house has no gas service, and requests that the City authorize that service. He states that the solar equipment cannot be hooked up either.

Commissioner McConnell asks if Dr. Merritt was aware that the design elements that were added as part of approval were required. Dr. Merritt replies no. Vice-Chair Jain asks if inspection of the stairs was approved. Dr. Merritt replies that there was no approval for their removal, but that he didn’t think it was an issue. Commissioner Smith comments that it is odd that it’s been going on so long, with all the architectural details that made the house interesting deleted, and the owner claiming that he didn’t understand permission was required.

Referring to an earlier request by Dr. Merritt, Deputy City Attorney Guerra states that the Commission has no authority on gas service.

Commissioner Gunter asks about the process for Certificate of Occupancy issuance. Director Stanley replies that it follows final Planning clearance, and gas service is not released until the final stage. He notes that sometimes temp Certificates of Occupancy can be issued, but that those usually involve unfinished components such as landscaping or driveway completion, not illegal work. Mr. Stanley notes that Dr. Merritt signed the required Acknowledgment of Conditions form.

Vice-Chair Jain closes the public hearing.

Commissioner Gunter states that there is insufficient information to make a substantial conformance determination one way or the other. Commissioner Smith agrees, noting also a substantial difference in appearance.

Director Stanley asks if the Commission wants the Planning drawing set or that of Building & Safety. Mr. Guerra recommends the use of the Building & Safety set.

Director Stanley asks if more detailed information from the applicant on “as-builts” is needed, and if grading plans are also needed. Commissioner Gunter replies affirmatively.

Commissioner McConnell asks Director Stanley if he has any doubt of substantial conformance. Mr. Stanley answers yes. Mr. McConnell comments that Mr. Stanley should have denied it, with the missing staircase, different roofline, and other discrepancies not even close to substantially conforming.

Director Stanley notes the tradition of bringing substantial conformance cases to the Commission, with a recommendation. Commissioner Gunter emphasizes the importance of having the Building & Safety set and minutes of the approval hearing.

Mr. Stanley explains that, if a substantial conformance determination cannot be made, the applicant can move forward with a modified application for Commission approval as built.

Vice-Chair Jain expresses his concern that a determination relies on the project falling with the intent of the original approval. He asks when full information can be provided. Director Stanley replies that this is not a noticed hearing, and that he wanted to make sure the materials would be required before putting the applicant through the expense. Mr. Jain asks if it can be reviewed at the next Commission meeting. Mr. Stanley replies that the materials for that meeting will be distributed in only two days. Commissioner Gunter states that he can accept a later delivery, the Thursday before the hearing, and that a new report is not needed. Director Stanley replies that it can be scheduled, though the agenda may be too crowded.

Commissioner McConnell comments that clarity is required on pad and house height.

Vice-Chair Jain states that a motion is not required, and that there is a consensus for the project to be brought to the next meeting.

- B. Hillside Development Permit 13-58**
 - Second Floor Review 13-28**
 - Setback Modification 14-07**
 - Director's Misc. Review 14-36 (flat roof)**
 - Vacant parcel, Wendover Road at Waldorf Road (APN 5822-023-010)**
 - Imasdounian

Request for substantial conformance determination to allow 1-foot of additional 2nd-floor plate height while maintaining overall maximum building height and associated elevation of 163.33.

Director Stanley notes that the project has no address.

He recalls that the approval involved a specific roof elevation that had to be maintained. The owner has now sought to increase floor-to-floor height by lowering the first floor level through excavating down one foot.

Vice-Chair Jain asks why the determination has been brought to the Commission. Mr. Stanley replies that it was a controversial project.

Commissioner Gunter states that the information is inadequate, since the Commission needs the approved plans and grading information for comparison.

Vice-Chair Jain opens the public hearing.

Jean-Pierre Boladian, project designer, recalls that the issue arose with the development of structural drawings and identification of beam depths required by main floor spans. Dropping

the floor would be an internal change within the approved envelope, with the retaining walls unchanged.

Vice-Chair Jain asks if the drawings are completed. Mr. Boladian replies that they are still in plan check. Commissioner McConnell asks about the extent of added export. Mr. Boladian replies it would amount to 100 to 125 cubic yards.

Commissioner Gunter asks if the entire site is being graded down. Mr. Boladian replies that it would involve only the basement and driveway in front of it, so it would not be visibly noticeable.

Vice-Chair Jain asks if the neighbors have been consulted. Mr. Boladian replies that he does not believe so, and adds that there would be no point in approaching the neighbors because the revision would have no external effect.

Commissioner Smith confirms the 28-foot maximum height, reaching 33'-4" at the driveway, which Director Stanley identifies as part of the project approval. Senior Planner Buss points out that the height limit for stepped massing is 35 feet.

Clyde Hemphill, 727 Waldorf Road, comments that the project will affect property value and create a privacy intrusion. He recalls that he was never considered by the Commission or staff, and was in Europe for 2 weeks prior to the initial hearing. Mr. Hemphill reports that the soil report only analyzes down to 5 feet, while the project involves cutting in 20 feet. He recalls that the view from the Perez property above was definitive in determining the maximum allowable ridge height, and that 10 boxed Italian cypress have been placed along the Perez property line, contrary to the landscape plan. He states that the project will look like a fortress, and that four neighbors are seriously concerned. He concludes that conditions by staff are very thorough, but with no enforcement, and the story poles were up too long.

Deputy City Attorney Guerra notes that Mr. Hemphill has raised items which are not before Commission, and that staff will investigate.

Vice-Chair Jain closes the public hearing.

Commissioner Smith comments that the revision seems minor, and that Mr. Hemphill has highlighted issues that were addressed before. Mr. Smith states that he sees no problem with the request.

Commissioner McConnell states that the revision is something that could have been done before. He notes that there are no easily visible design differences, but that it is difficult to compare. He recommends an elevation view from the driveway side.

Commissioner Gunter notes a complexity he doesn't fully understand. He notes that the spans could be reduced and the project could live within its previously granted entitlements. Mr. Gunter concludes that there is inadequate information, and that stamped drawings are needed.

Vice-Chair Jain agrees, asking how the revisions could have been submitted. Director Stanley advises that they could have been accepted as an at-risk submittal. Mr. Jain confirms with Mr. Stanley that the applicant can withdraw.

Commissioner Gunter recommends continuance, noting that the project is in plan check already so that there are no time pressures. He recommends that it be reviewed after the next meeting.

Director Stanley states that staff had looked for Commission direction, and can schedule for a continued discussion.

X. REPORT OF DIRECTOR'S REVIEWS: None

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner McConnell recalls the presentation by Building & Safety Office Manager Samaan, in which it was stated that it is impossible to really deviate from an approval. Director Stanley states that Mr. Samaan explained what they inspected for, and that the inspection on the house at the 1204 Inverness Drive residence is not completed. He states that they inspected at the framing stage, and that it has been modified since then. Mr. McConnell confirmed with Mr. Stanley that Building & Safety inspection is not the issue.

Commissioner Smith recalls that Commissioner Gunter had told him to look at an Indianola approval. He notes that, although he didn't agree with the severity of Mr. Gunter's description, he did note that the house pushes the limits of flat roof use. Mr. Smith suggests a Commission discussion on the flat roof threshold. Commissioner Gunter notes the ongoing discussion of Zoning Code revisions which could include a flat roofs discussion. Director Stanley suggests putting the house on the City tour. Commissioner Smith suggests regulation related to lot size.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley states that staff will start to include approval conditions of surveyor height confirmation at framing and final stages. Vice-Chair Jain states the need for some margin of error allowance. Mr. Stanley notes a 3-to-4-inch allowance. He notes the condition would apply to new homes or large additions. Commissioner Gunter asks if it will be similar to story poles with thresholds. Mr. Stanley replies that it will apply in every instance on new homes.

XIII. ADJOURNMENT

M/S/C Gunter/Smith to adjourn the meeting at 10:03 pm: 4-0