

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD APRIL 27, 2004**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Gelhaar, Mehranian and Levine, City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss and Planner Cantrell.

III. PLEDGE OF ALLEGIANCE

Commissioner Levine led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR:

A. Resolution 04-28, approving Variance 03-13; Von Der Ahe; 1730 Fairmount Avenue; M/S/C Gelhaar/Mehranian to adopt; Unanimous.

VI. CONTINUED PUBLIC HEARINGS:

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

Planner Cantrell recalled the Commission's last review of this project in January, which was continued with specific direction expressed by individual Commissioners, but understood by Staff as consensus to address an increase of the setback on Madison Road, possible modulation of the second-floor verticality, the requirement of one or more large oaks and installation of story poles. The meeting was scheduled for March 23, but continued without review at the request of the applicant, who wanted to consult further with his neighbors.

Planner Cantrell related that the project was extensively revised; the house now presents a more formal design; the central portion is more symmetrical with dormer roofs and two bays flanking the entry preclude a symmetrical effect. The front setback is greater for the first floor,--- 48½-ft to the garage and 33'-9" to the front porch, while the second-floor front setback is 32'-9".

The hairpin lot's 42-ft-front setback average creates difficulty along Madison Road due to the buildable east/west depth ranging from under 100 ft to 75 ft. The second floor's easterly setback is 17'-6" compared with the 18' requirement.

Only one of two centrally located bays near the entry would have a second-story wall flush with the ground floor wall; following consultation with neighbors, only one side of the bays project outward. The two-story mass as seen from Inverness would be visually reduced by a graduated setback to the second floor in addition to its downslope siting. Building length at 100'-9", is well within the 120-ft Hillside Guideline. Story poles, in place since the continued meeting in March, remain valid for the submitted revisions and demonstrate the lack of view blockage.

Landscaping - Two specimen oaks are proposed and when combined with existing trees, would create an oak cover for site. A 48"-box is proposed for the front yard, north of the entry and a 60"-box south of the entry. The pool has been deleted from the plan and replaced with lawn area. Additionally, since the *Prunus Caroliniana* hedge proposed along the east and west property lines is not listed in the Sunset Garden Book's section on "Plants for Under Oaks", Staff suggested eliciting comments from the landscape architect or choosing an alternate. Staff expressed concern with the hedge shown as planted in straight lines to the property's corners and within the banks of the stream. The draft conditions require a natural transition of vegetation from the stream and designating the stream bank as a "natural stream bed zone", requiring a recorded covenant stating that the stream bank be maintained in a natural state, no irrigation and no non-native planting. Lastly, on the south side, near the proposed driveway, a long branch needs to be removed from the nearby oak. This has been authorized as necessary and recommended by a licensed arborist.

Basement - The revised project includes a basement that would be totally submerged and therefore except from floor area calculations. The project would require 800 cubic yards of export or less, since the pool has been eliminated. The draft conditions require submittal of a haul route schedule subject to the approval by the Director of Public Works and inspection by an arborist to assure protection for the nearby oaks during excavation of the basement.

Floor Area - At 5,631-sf, the revised project is within 163-sf of code maximum and aside from the setback component, complies with zoning standards.

In conclusion, Staff determined that the project was reasonably designed in relation to its hillside site and that positive findings could be made.

Chairman Engler noted that the project was initially presented as a remodel and confirmed that is no longer the case.

Project architect Jay Johnson, reported that the applicant had recently retained him to "mend fences" and to work with the neighbors on design issues. A Country French design is now introduced, with a low profile roofline, recessed porch, dormers, and single-story elements so that the massing is in the center. He stated that this design presents a narrow view corridor and responds to a neighbor's concern regarding view blockage. Mr. Johnson proposed an additional condition that materials discussed with neighbors be used in construction. High quality tiles that look like slate and wood windows and French doors, as well as an antique patina added to the stucco to provide a vintage look. A 6-ft-high wrought iron ornamental fence is under consideration for Director's review and his client was comfortable with allowing an alternative to the Carolina cherry hedge.

The landscape plan shows a 60-inch box oak and a 48-inch oak to be planted at the front of the, where they would be visible and provide a screening effect.

Chairman Engler opened the public hearing.

Jim Franke, 3701 Madison Road, thanked the applicant for allowing the neighbors to work with Mr. Johnson and asked that the project be approved based on use of colors and materials used at a project at 4242 Shepherds Lane. He advised that the neighbors now understand that the oak branch near Inverness needs to be removed to accommodate a new driveway. The neighbors support this component with the proviso that 1 or 2 "medium-sized trees" are planted as replacements, to shield the view of the garage from Inverness.

Peter Crossman, 1096 Inverness, stated that the chimney appears higher than the roofline. He preferred it lower per the previous drawings, since he has a view of the garage from his property.

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

Mr. Johnson responded to comments and explained that the height was lowered somewhat. The chimney is at the required height, since the flue must be 2-ft higher than the nearby roof.

Commissioner Levine commented that this most recent submittal was a much more acceptable design for the neighborhood, though he was somewhat concerned with the overall height. Addressing the oak that was previously removed, he stated "two oaks do not necessarily make up for the one that is removed"; he believes that the size of replacement trees should equal that of the removed tree.

Commissioner Gelhaar confirmed that the applicant had made a separate payment to the City's Tree Fund for the removed oak and stated that the revised plan responds to all his concerns. He noted that the project is no larger than some homes in the neighborhood, particularly the home to the east. He agreed with Staff's findings and asked that an additional condition be added to reflect Mr. Johnson's comments regarding colors and materials.

Chairman Engler stated that the project had come a long way in a positive direction, though he had a minor concern with the vertical surface in the master bedroom area. He added that the dormers are a constructive addition and the porch is more tastefully presented. Lastly, he preferred that the Commission have a final look at the landscape plan due to extensive changes.

Commissioner Levine concurred and asked that Mr. Franke's comments regarding the colors scheme at 4242 Shepherds Lane be included in the conditions. He made a motion to approve Hillside Development Permit 03-62 and Modification 03-90 to include Messrs. Johnson and Franke's comments and requiring that prior to issuance of building permits, the applicant must submit a revised and complete landscape plan, including additional trees, to shield Mr. Crossman's view of the garage.

Chairman Engler asked that the sheet numbers be corrected, since some relate to the previous submittal in March.

City Attorney Steres referred to condition #15 and recommended striking "generally" from the language.

Planner Cantrell confirmed that the Commissioners were amenable to including the revised landscape plan on a future Consent Calendar, rather than at a continued hearing.

Second - Gelhaar. The motion passed with 3 Ayes.

Commissioner Mehranian returned to the table.

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

Director Stanley provided a brief overview of the applicants' request, which for the most part, was favorably reviewed by Staff and the Commission, to allow a series of additions at the rear of the property, including a new pool house, pool, spa, deck and retaining walls. All improvements would be sited at the rear quarter of the property. At that time, Staff recommended minimizing the extent of retaining walls to lessen the scope of the Modification, since the retaining walls were over-height and facing outward. A continuance was granted with direction to revise the project per Staff's recommendation.

Director Stanley reported that the revised plan reflects a reduced two-tiered retaining wall system - by 50%. Walls are shown within the upper 7-6" portion of the rear yard, while the easterly portion of the rear setback is unaffected and would remain natural. He recalled that the original plan showed two, 6-ft-high walls within the required 15-ft rear yard setback. A Powerpoint display showed a downhill view of the project and the 6-ft-high walls, excepting the southernmost portion of the lower wall, which reaches a maximum height of 8 ft, as originally proposed. Additionally, a wooden trellis has been added to screen the area beneath the deck as requested by the Commissioners. A landscape plan called-out vines and plantings.

The Commissioners did not express concern with the pool and spa encroachments at the initial hearing nor with the excess floor area. The Modification continues to apply to the over-height wall for the spa.

Staff continued to recommend approval with added conditions requiring Director's review and approval prior to issuance of building permits regarding the color and material of the walls.

Commissioner Gelhaar confirmed that Director Stanley would be looking for earth tone colors or a green, or block that would blend with the hillside.

Project designer John Schmidt, reported that he was considering a tan, split-face block that would allow areas for a creeping vine to attach. He advised that average height of the walls is 6 ft and 4 ft-8-inches at the upper northeast corner. The upper wall, at 3-ft in height, is allowed by Code. The trellis material would be manmade product to preclude future maintenance problems. In conclusion, Mr. Schmidt stated that he appreciated the differing points of view, which made for a better project.

Contractor Chris Behr of Behr Construction displayed photos from the neighbors' properties and confirmed that all neighbors were contacted and that no one expressed concern with the project.

Chairman Engler confirmed that export would not be required.

Commissioner Levine stated that he preferred the wall to be green so that it camouflaged the project.

Mr. Behr advised that block does not come in green, but it could be painted; what was submitted is the best year-round color.

Commissioner Gelhaar was concerned that painting the wall would present a maintenance issue. His biggest concern was the area beneath the deck was screened.

Mr. Schmidt advised that in addition to trees, Boston ivy would be planted 8-ft on center and on each post. He believed that full coverage would be provided within a year.

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

Commissioner Gelhaar complimented the designer, supported the 5-ft setback encroachment by the pool and concurred with Staff's suggestion requiring the Director's approval for the wall colors and materials.

Commissioner Levine commented that if the rendering is a reasonable representation, he could not support the project "there would be too much of a color contrast with what's in the area". He commented that paint manufacturers have the capability of mixing colors.

Commissioner Mehranian supported the project and stated that her prior concern with screening the walls had been addressed.

Chairman Engler stated "the applicant did a terrific job responding to the Planning Commission's concerns. He felt that an irrigation system - at minimum a drip system - was necessary to support the landscaping. He added that the Boston ivy would screen the walls once it matures.

M/S/C Mehranian/Gelhaar to approve Modification 04-04 and Floor Area Review 04-02, with added conditions requiring that prior to issuance of building permits, color and materials, an irrigation system and a landscape

plan to screen the walls, be reviewed and approved by the Director of Community Development. 3 Ayes. Levine dissenting.

- C. **Floor Area Review 03-19; Choe; 4617 Indiana Avenue:** M/S/C
Levine/Gelhaar to continue to May 11th as requested by the applicant.
Unanimous.

VII. PUBLIC HEARING:

**A. Hillside Development Permit 04-12 (Adm.), Modification 04-16;
Conditional Use Permit 384; Olberz; 616 Antrim Place:**

Senior Planner Buss reported the applicant's request to construct a new staircase at the front of his residence that requires construction of 4-ft-high, outward-facing retaining walls within the front yard setback. A Conditional Use Permit is required to allow a new spa to be located at the east side of the home within the required 25-ft front yard setback.

The 13,812-sf property is essentially an 'island', bounded by Antrim Place, Dover Road and Highland Place in the R-1-40,000 Zone. It is a hairpin lot; therefore, the entire perimeter is considered 'front yard', requiring 25-ft setbacks from all sides.

He pointed out that the front of the house is considered to be Antrim Place, where the garage is located. Currently, the house lacks a functional access

The proposed three-tiered staircase would rise from Antrim and extend to the east, allowing direct passage from the street to the front entry, rather than the current situation, necessitating access via a driveway at the west side. The second tier would be located 6-ft from an oak located in the right-of-way, an acceptable distance, given the tree's 18-inch diameter. The staircase would ultimately connect with the existing perimeter deck and extend it eastward.

A new spa would be added to the west of the existing patio, where it would be visually isolated due to the topography and provide a 12-ft front setback from Dover, compared with the required 25-ft setback. This necessitates a CUP for pools and spas when located within the "front yard". Staff noted that as proposed, the project would not alter the character of the area and recommended approval as conditioned, given the property's configuration.

Chairman Engler stated he was concerned with the narrowness of the perimeter streets and noted that the stairs would be on the apex of an approximate 270° curve. He stated he would be more comfortable if a red zone was provided to preclude street parking before he voted on the project. He

advised that it is difficult for motorists to pass along Dover and that mud flows along the curve during heavy rains.

Director Stanley advised of having met with the City Engineer; any new red curbing will require review by the Traffic Engineer and approval by the Public Works Commission. He advised that an approval could include such a condition.

Commissioner Levine requested that all walkways be stonework as called out; he did not want to see "a big concrete walkway".

Chairman Engler confirmed that the applicant had not submitted a material sample for the stone and commented that painting the wall yellow to match the house would not blend with the site. He requested that the walls' vertical surfaces be stone as well.

Director Stanley expressed concern that pushing the wall back to add irrigation might increase the height. He advised that the landscape architect was expected to arrive in approximately 20 minutes.

The Commissioners agreed to set aside further discussion pending arrival of the applicant's representative.

VIII. OTHER BUSINESS:

A. Tree Removal 04-03; McPherson; 311 San Juan Way: appeal of the Director's denial to allow removal of an oak tree with a diameter of 13 inches.

Director Stanley referred to the applicant's written request that this matter not be heard and that it be continued to May 11.

M/S/C Levine/Gelhaar to continue Tree Removal 04-03 to May 11th as requested. Unanimous.

B. Planning Goals and Objectives:

C. Planning Commission's Budget Request:

Director Stanley advised that these two items could be discussed simultaneously.

The Mayor has requested a joint meeting with all commissions on June 2 to discuss the goals and projects that each commission would like considered for the coming fiscal year. Additionally, the City Manager has requested that any

budgetary items forwarded to him. Staff is looking for the top five items on a 'wish list', ranked in order of preference. He advised the Commission that each Department is submitting two budgets: a Reduction Budget, at 10% less than '03, and a "status quo" budget.

Commissioner Levine felt certain that the budget would have to accommodate the recent rearrangements in the Council Chambers.

Chairman Engler stated that his mindset has not changed from last year and asked that the four points that were not accepted by the Council last year, be presented once again. He requested dialogue between Staff and the Commission as to what should be included prior to submitting the list to Council.

Commissioner Gelhaar distributed a list of 4 suggestions.

Director Stanley reported that some of the items on last year's list had materialized e.g., R-1 standards were updated and the General Plan is in the process of being updated. Additionally, the Geographic Information System is underway with funds earmarked for this year to obtain mapping and property data. Staff also intends to ask the Council for funds to do a seamless fly-over with funds left over from last year. The City Council wants a Trail Resource and Protection Plan that eventually result in a new Element to the General Plan

Chairman Engler recognized that a representative arrived for the Olberz project and asked that the public hearing continue for that matter.

Public Hearing continued: HDP 04-12; Olberz; HDP 04-12; Modification 04-16:

Roy Leisure project Landscape Architect, reported that the three-sided lot did not have room for a code-compliant Jacuzzi without Planning Commission approval. He explained that the project would improve Fire Department access to the house and safe exit for its occupants. Mr. Leisure advised that parking along Antrim would preclude fire truck passage, as it is only 8-ft wide. The only practical place to park is along Dover Road.

Responding to a question from Commissioner Levine, Mr. Leisure advised that the majority of the pathway and steps would be made of flagstone.

Commissioner Gelhaar remarked that he did not have a problem with the spa, but he would like the steps redesigned so that vines could be planted along the walls for screening purposes.

Mr. Leisure agreed to do so.

Commissioner Mehranian commented on the Commission's discussion earlier in the evening regarding the possibility of red striping to preclude parking on Dover Road.

Mr. Leisure conceded that parking in the area is a problem, however; his client advises that his visitors park in the driveway.

Chairman Engler preferred that the permit process be held in abeyance until the Traffic Engineer's conclusions are available.

Commissioner Gelhaar did not believe it was appropriate to tie the steps with red curbing, adding that a property owner should have direct access to his home.

Commissioner Mehranian explained that given the narrow streets and comments from the Chair and Commissioner Levine, it would be helpful to have input from Public Works, since visitors tend to park near the "front door" of a home, which creates a certain traffic flow.

Commissioner Levine stated that in addition to Public Works evaluation of the potential impact of parking along Dover created by the staircase, he wanted Fire Department and Public Works review of access for all streets in the area.

M/S/C Levine/Mehranian to approve Hillside Development Permit 04-12 and Modification 04-16 subject to the input of the Traffic Engineer and Fire Department regarding the impact of adding a staircase at the front that will increase the likelihood of parking on Dover. Unanimous.

Mr. Leisure expressed concern with the time the condition would add. He confirmed that the spa is approved as submitted, as is the staircase, pending approval by Fire and the Traffic Engineer.

Director Stanley advised that Staff would take the project to the Traffic Engineer, but Mr. Leisure would have to contact the Fire Department.

Commissioner Gelhaar noted that Mr. Leisure had 15 days to file an appeal to the City Council.

Director Stanley then pointed out that the Commission did not include landscaping for the wall.

M/S/C Levine/Gelhaar to reconsider the prior motion. Unanimous.

M/S/C Levine/Gelhaar adding a condition that the retaining wall must be screened with landscaping, subject to the Director's review and approval. Unanimous.

Continuation of the Commission's Goals/Objectives and Budget Requests:

Director Stanley commented on previous requests, which were included in the Commissioners' packets. Commissioner Gelhaar's suggestion that the Council consider revising the Tree Ordinance was discussed extensively; the end result was that since the city is a designated a "Tree City", the Council did not want to consider allowing removal of more trees at this time.

Commissioner Gelhaar stated he was unsure if the Council understood the issue; he was not asking to cut down trees but rather that the Council consider the issue of view preservation for property owners who purchased their properties at great cost because of the views. His suggestion was to initiate a process that would allow a property owner whose view is obstructed to pay for and trim trees on a neighboring property. He reported that Newport Beach and Rancho Palos Verdes have a process that allows the city to make a final decision when a neighbor refuses to trim trees that block another neighbor's view.

Commissioner Gelhaar also asked if the Commission could have a legal interpretation of "single family".

City Attorney Steres advised that there is some legal precedence and case law as to what "single family" means; there are limitations on how far the Commission can go in defining "single-family". He offered to provide information and what measures are available for cities.

Commissioner Gelhaar's list included consideration of eliminating Decorative Fences - Chairman Engler concurred. Commissioner Gelhaar also suggested that the City consider a mandated, signed-for handout at close of escrow that informs new property owners of protected trees, RV parking, property maintenance requirements, etc.

Attorney Steres offered to research whether the City could adopt such an ordinance.

Commissioner Levine's comments included prohibition of overnight parking on city streets, enforcement of commercial display area, adequate fire

protection and tighter control of Home Occupation Permits, specifically vehicular traffic. He also believed that all construction, no matter how minor in nature, should be prohibited on weekends.

Commissioner Mehranian stressed the importance of overlay zones that create specific neighborhoods. Her concern regarding two-story volume space will be brought before the Commission as a follow-up to the R-1 tour. Staff is considering recommending that any second-story volume be included in floor area calculations.

IX. COMMENTS FROM THE COMMISSIONERS:

Commissioner Levine asked if the City intended to respond to the letter from Kyle Rosenberg, a neighbor of a project at 1820 Fairmount which he believed misrepresented the position he took as a member of the community. Commissioner Levine was recused from the hearing, left the room and returned to address the Commission in opposition to the proposal.

City Attorney Steres stated there are two issues involved: the legal requirements of the Political Reform Act and a Commissioner's personal opinion. He advised that Commissioner Levine followed the Political Reform Act; it is a personal decision when and if a Commissioner wants to avail himself or herself of the opportunity to address the Commission as a member of the public.

Director Stanley reported that Ms. Rosenberg felt Commissioner Levine's comments as a resident unduly influenced the Commission.

Commissioner Gelhaar asked if the City could do anything about the chain link fence with barbed wire along Starlight Crest Drive.

Director Stanley offered to make inquiries, but he believed that the fence was within the boundaries of Pasadena and/or owned by JPL.

X. COMMENTS FROM THE DIRECTOR:

Director Stanley advised that the City Council would hear the Gazmarian appeal on May 3. City Attorney Steres confirmed for Commissioner Gelhaar that the Notice of Public Hearing is an accurate reflection of what the Planning Commission voted on.

Chairman Engler asked if the Commission could receive a copy of Staff's report prior to the meeting.

A short discussion followed regarding when Staff should add the condition regarding construction parking. Attorney Steres asked that it be added to the next agenda as action could not be taken at this point.

XI. ADJOURNMENT

Secretary to the Planning Commission