

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
HELD April 28, 2009**

- I. **CALL TO ORDER:** Chairman Gelhaar called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Chairman Gelhaar, Commissioners Cahill, Curtis, and Hill, Director Stanley, Senior Planner Buss, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas, and Assistant City Attorney Guerra. Commissioner Davitt 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 - March 24, 2009 meeting: Approved 4-0, no changes.
- VII. **CONTINUED PUBLIC HEARINGS:**
  - A. **Conditional Use Permit 437, Second Floor Review 09-05 and Hillside Development Permit 09-09; Yetenekian; 99 Normandy Court:** A 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 660 sq. ft. on the property located at 99 Normandy Terrace. This item was continued from the March 24, 2009 meeting.

Planner Clarke presented the case for the third time. He noted that the item was continued to allow the applicant to look at lighting studies.

The applicant provided a lighting diagram (photometric study) to see what steps could address some of the light coming from the site. The study included reducing the height of the light, removing one of the two original bulbs and redirecting the head.

The diagram indicated that some further things could be done to reduce the impacts, but these would not eliminate all the spillover of the light. Staff submitted Findings to the Planning Commission to support the court and the additions to the house, but not for the court light.

The applicant, Mr. Yetenekian, spoke first, requesting that the Planning Commission approve the light with the modifications he has proposed.

The public hearing was closed at 6:07 p.m. and comments restricted to the Planning Commission.

Commissioner Cahill stated that he could support the project including the court light as it does not impact surrounding properties in this location.

Commissioner Curtis stated that he could support the house addition and the sport court, but he has problems with the court lighting, especially with the hillside and distance requirements. He supports the current staff resolution.

Commissioner Hill stated that he could not make the required findings for the sport court or its lights.

Commissioner Gelhaar agreed with Commissioner Curtis, and further stated that he could not support the lighting request. He noted that the majority of the Planning Commission seems to support the project except for the court lighting. He went on to ask the applicant if he wanted any further continuances to look at further design changes. The applicant indicated no.

Commissioner Curtis moved approval of the staff resolution to approved the addition and sport court, but deny the sport court lights. Commissioner Gelhaar seconded the motion. The vote carried 3-1 with Commissioner Hill dissenting.

**B. HDP 08-34, Mod 08-14, SFR 08-20; Bagramyan/Stoddard; 4170 Cambridge Road:** A request for a Hillside Development Permit and Second-floor Review to allow construction of a new two-story 8,400 sq. ft. residence, inclusive of a partially subterranean recreation room and patio, and related site work. A Setback Modification would allow the new home to encroach into the required front and east side yard setbacks. This item was originally heard on December 9, 2008 and was continued for redesign.

Planner Gjolme presented project to Commission which was last reviewed by PC in December, 2008.

The design of the house was not in issue at the time. There was concern about the appearance/size of the house from street, in particular its massing and looming effect given the limited front setback provided. Planner Gjolme presented three tables that addressed the issues at hand. The size of the 2<sup>nd</sup> floor was an issue – that floor has been reduced by 50%, from 2,800 sq. ft. to 1,400 sq. ft. The 1<sup>st</sup>-floor reductions are modest, but these were not the issues. The reduction of floor area at the 2<sup>nd</sup>-floor level increased the 2<sup>nd</sup>-floor setbacks significantly; the east side setback has been doubled. The overall

height of the structure was slightly reduced (2-3 feet) and the architectural extension was removed.

Planner Gjolme noted that, originally, the front setback and height of the building were equal at 26 feet; the revised second floor incorporates a variable front setback that ranges from 35-42 feet and allows for a critical diminishing effect that makes the house appear less bulky.

Removal of the front stairwell and entry colonnade allowed the 1<sup>st</sup>-floor hip roof to continue across the entire front façade and yield a modest single-story front porch. Clear distinction between the two floor levels is now provided, and these changes made the structure more supportive by staff.

The south side elevation was somewhat of an issue at the last meeting, though it was not prominently viewed. The removal of the lower stairs and rear portion of the upper patio and associated retaining wall have made the house more compressed and less massive while reducing overall height by 3 feet, from 36 feet to 33 feet as measured to lowest adjacent grade to the south.

The south patio has been pulled back into the building 6 feet to lessen the extent of the cantilever and reduce the height and depth of associated retaining walls, which are now proposed along the inside of the basement cut.

To the east, the upper level windows have been reduced in size and number to address privacy issues. Nine windows were originally proposed, 4 transom windows are currently proposed.

Planner Gjolme reviewed an exhibit that demonstrated the extreme difficulty in providing a compliant front setback. A 115-foot front setback, the technical requirement for the lot, would render the entire upper pad unavailable for 2-story development. Application of the required side setbacks yielded compliant area south of the pad – this area, however, was triangular in shape, severely sloped and laced with numerous oaks. Staff believed the natural topography to the south warranted preservation and believed that siting the house on the upper pad was the proper course. This location allowed the existing landscaping on the site to be retained and enhanced through a landscape plan that was reviewed briefly by staff.

Planner Gjolme summarized that the changes to the project were significant and that positive findings were now possible. Project approval was recommended.

Commissioner Curtis inquired about the different height limits for the house and potential issues with driveway line of site.

Planner Gjolme confirmed that the 23-foot building height as measured from the upper pad and the 33-foot overall height as measured from low grade to the south comply with the stepped massing provision of the Hillside Ordinance. Driveway egress was not an issue given the adequate sight lines and limited traffic typical along Cambridge Road.

Applicant Craig Stoddard thanked staff for the presentation.

Chairman Gelhaar verified that the applicant wanted proceed with the project despite a continuance request that was received prior to the meeting.

Chairman Gelhaar opened the public hearing.

Jerry Martin, 4100 Dover Road, commented that he drives by the site at least once a day. He had 5 comments about the project. The lot is buildable – no objection to building a single-story home on the pad or a split-level home that utilizes the slope to the south. If concessions are needed from the City, the builder also needs to make concessions. Elimination of the second story, which still presents too much mass and does not have an adequate front setback, still allows for a 5,000 sq. ft. house when including the basement space. The plan still presents the appearance of mass. The modified plan is an improvement but the overall impression is still significant. The length of house is 85 feet and the 2<sup>nd</sup>-floor still comprises 60% of the house's span.

Oscar Rosas, 4173 Cambridge Road, lives across the street and had difficulty with the plan as proposed – the house is still too large for the 11,000 sq. ft. pad. Shifting the house further to the south and perhaps down the slope would preserve more of the pad for open space and landscaping.

Tom Otto, 4155 Cambridge Road, also lives across the street and commented that he looks at the subject property and is opposed to the front setback as proposed. The front setback preserves the rural quality of the city. He agreed that some concession was appropriate, but that the setback as proposed was not adequate given the size and scale of the proposal.

Commissioner Cahill asked what the front setback of the current house is.

Planner Gjolme confirms that the existing structure and proposal both have front setbacks of approximately 25-26 feet, at the 1<sup>st</sup>-floor level.

Chairman Gelhaar asks the Commission if continuation is in order now that public testimony has been taken.

Commissioner Curtis would like to have additional setback and height information for neighboring homes before rendering a decision and would support a continuance.

Chairman Gelhaar prefers to proceed with review of the project and possibly come to a decision.

Commissioner Hill agrees with regard to the continuance – all reports were prepared and concerned neighbors are in attendance. He preferred to proceed with the project.

Chairman Gelhaar asks if the applicant had any further comments.

Applicant Craig Stoddard remarked that the owner did want to be in attendance but could not. In terms of project concessions, the owner moved bedrooms downstairs and reduced the size of the 2<sup>nd</sup> floor by 50%. The upper pad is the most reasonable location for the house and would ensure preservation of the south slope and its considerable inventory of trees.

Commissioner Curtis stated he visited the site and met with owner and architect. He appreciated staff's thorough presentation and agreed that the applicant has done a lot to reduce the massing and size of the house, but still had concerns about findings regarding scale and character since the immediate area has smaller houses across the street. He requested additional information from staff about setbacks and heights of other homes in the area.

Commissioner Hill noted that whether the owner lives in the house or sells it does not matter or affect the decision. He stated that the changes to the project are not the critical issue. The project as presented in its current form should be the focus. The issue of mansionization comes to mind here. He agreed with speaker Martin that the house does not fit lot as proposed and cannot make required findings.

Commissioner Cahill stated that the original size and massing was too much for the lot. The changes are dramatic. The current proposal is not oversized for lot. Elimination of the tower and entry were marked improvements. The home's 23-foot height is not excessive while the 2<sup>nd</sup>-floor steps back from the street giving the structure a cottage look. The window reduction to the east and reduced building profile to the south has greatly helped with privacy concerns. Preservation of trees along the slope is important and the home's location on the upper pad makes sense. He was prepared to support the project as proposed.

Chairman Gelhaar stated that he agreed with Commissioner Cahill. With a likely 2-2 vote, he inquired if the applicant would like a vote tonight or prefer a continuance.

Applicant Stoddard stated that a continuance was in order to provide Commissioner Curtis with additional information and ensure a vote by the entire Commission.

M/S/C Curtis/Cahill to continue the item to the May 12, 2009 meeting. Approved 4-0.

### **VIII. PUBLIC HEARINGS:**

**A. Mod 09-02; Hartford/Jamison; 1411 El Vago Street:** A request for a Setback Modification to allow an 816 sq. ft. addition that encroaches 12'-0" into the required street side-yard setback. As part of the project an additional garage space is also proposed and would encroach 9'-6" into the street side-yard setback. The project complies with all floor area and height standards.

Assistant Planner Lang presented the request. She shows the site plan and identifies dimensions of the house, the elevations, the existing landscaping, and the location of the garage addition. She notes how other houses in the area have similar encroachments. The project is conditioned to maintain the fence and the trees.

Chairman Gelhaar opened the public hearing: 7:04 p.m.

Kent Jamison, architect for the applicant, states they are building a low profile one-story addition on a one-story house on a flat portion of the lot that is well screened from the driveway and neighborhood. There is an existing 2-car garage and four paved spaces outside. This changes to three garage spaces and three exterior parking spaces - netting no change in number of spaces. The applicant needs the five foot setback for the garage. There are other similar setbacks in the neighborhood. There is no other spot on the lot that could reasonably accommodate the new garage. There is a flat roof in the back that will be changed to a pitched roof, which will be in keeping with the remaining roof. It is not visible from the driveway.

Commissioner Gelhaar was concerned about the location of the property line based upon a comment from the applicant.

Director Stanley explained that the assumed property line is the edge of the driveway, but in terms of setback the driveway is it. He further states that it does not matter where exactly the property line is since the driveway edge is where the setback measurement is taken.

Mr. Jamison states that he understands that the house size is limited, and the property line and the edge of the driveway will be determined exactly,

Chairman Gelhaar closes the public hearing and restricts comments to the Planning Commission (7:11 p.m.)

Commissioner Hill states that with the private street, the channel, the fence, the bushes that screen the site and the issues related to size and shape, he can support the request

Commissioner Cahill and Curtis agree with Commissioner Hill and can fully support the project. Commissioner Curtis states that he likes seeing additional garage space as it keeps cars off the street. It is not a special privilege as all the houses have a small private street.

Commissioner Gelhaar agrees with his fellow members. With the flood control project and no neighbors visual impact, he can support the project. He asks that staff address one of the conditions of approval (no. 4) so that the house does not grow in size

Director Stanley added to condition no. 4 to address the requirement for setback and size.

Commissioner Curtis moved and Commissioner Cahill seconded a motion to approve the project with modified condition no. 4. Motion carried – 4-0.

**B. Amendment to Conditional Use Permit 436, Second Floor Review 08-25; Johnston Family Trust/Stoddard; 748 Flintridge Avenue:** A request for an amendment to previously approved Conditional Use Permit 436 and Second Floor Review 08-25 for a two-story single family residence that exceeds 10,000 square feet of total floor area. A Conditional Use Permit is required to ensure that the proposed house is not too large for the lot on which it will reside, and the Second Floor Review is required prior to any second floor construction to address screening, neighborhood fit, aesthetics, privacy, public views, consistency with the Residential Design Guidelines, and other similar issues. The amendment would allow for additional floor area without changing the previously approved structure size or shape other than the addition of two more dormer windows. The added area would be within and under the previously approved roof over the garage.

Senior Planner Buss presented the project in accordance with the Staff Report.

Commissioner Hill asked for clarification on the other alternative to removing the wet bar. Senior Planner Buss explained that the other alternative would be to remove all the stub-outs and second staircase.

Chairman Gelhaar opened the public hearing.

Applicant Craig Stoddard stated that eliminating the wet bar would not be a problem.

Chairman Gelhaar closed the public hearing.

Commissioner Cahill stated that he agreed with Staff's analysis and would support the project.

Commissioner Curtis stated that he supports the project and supports leaving the wet bar in.

Commissioner Cahill clarified that he also does not believe that removing the wet bar would be necessary.

Commissioner Hill expressed that he supports the project and would like to leave Condition #2 in place.

Chairman Gelhaar concurred with Commissioners Cahill and Curtis that removing the wet bar would not be necessary.

MOTION - Commissioner Davitt moved and Commissioner Cahill seconded a motion to approve Conditional Use Permit 436 and Second Floor Review 08-25 with the modified conditions to eliminate Condition #2. The motion carried 4-0.

## **IX. OTHER BUSINESS**

**A. Appeal of Animal Waiver 09-01; Besch; 5128 Oakwood Avenue:** The Community Development Director approved a Waiver allowing a chicken coop to be placed within the side and rear setbacks of a lot with specified conditions. The applicant has appealed some of the conditions of approval and two neighbors have appealed the approval of the Waiver.

Senior Planner Buss summarized the standards for chicken coups and presented the project in accordance with the Staff Report.

Commissioner Hill asked if the City has provisions to allow the chicken coup to be located on the lot behind the project site. Senior Planner Buss clarified that accessory structures are not allowed on lots without a primary use.

Commissioner Curtis clarified that roosters are not allowed in the City.

Chairman Gelhaar asked for clarification regarding the amount of chickens allowed on the Besch property. Senior Planner Buss read the code standards aloud and stated that based on the lot size six chickens would be allowed on the property.

Commissioner Hill asked if there are other alternative locations for the chicken coup. Director Stanley stated that the alternative location would be in the middle of the yard and would be disruptive to their use of the yard area. Chairman Gelhaar pointed out

that there are other alternative locations for the chicken coup and it would not be within the setbacks but it might not be the place where the property owners want it.

Chairman Gelhaar opened the public hearing.

Property Owners Holger and Elizabeth Besch were present. Mr. Holger Besch stated that they thought that there would be no objections to the proposed chicken coup location because they spoke to and considered the neighbors prior to the installation of the footings. Mr. Besch explained that the planned location meets the test of the exemption from the zoning requirements because it is as far as it could be from all the neighboring homes. He pointed out that the proposed location would also have a benefit. He stated that the proposed location allows the rear of the chicken coup to be closed off from Ms. Cole's property, whereas if the chicken coup would be located towards the interior of the lot it would open up to Ms. Cole's property because the coup would have to be placed against the existing stone wall. Mr. Besch summarized that other alternatives do exist but are not necessarily better. He added that they spoke to a real estate expert to verify that the chicken coup would not affect the property values in the area.

Mrs. Elizabeth Besch read aloud a portion of her appeal letter regarding providing landscaping to screen the chicken coup instead of the slats as conditioned. Mrs. Besch stated that they consulted with experts from the University of California, Davis and the Department of Fish and Game regarding mountain lion concerns and she believes that the proposed chicken coup location would be the least impactful.

Ms. Betty Cole, 5118 Oakwood Avenue, distributed copies of the Covenant, Conditions, and Restrictions (CC & Rs) for the neighborhood.

Chairman Gelhaar clarified that the City does not get involved with discussions of CC&Rs because it is a private matter, but the Planning Commission would be willing to listen to other issues that she would like to bring up.

Ms. Cole expressed that she is in objection to the proposed chicken coup location because her eating patio is within close proximity to the coup and the chickens would attract flies and predators. Ms. Cole added that, as a former real estate agent, it is in her professional opinion that having a structure in close proximity to her property would affect her property value.

Mr. Nevin Bryant, 5155 Stoneglen Road, stated that he is opposed to the chicken coup because of safety. Mr. Bryant cited various articles related to mountain lions being attracted to chickens. Mr. Bryant added that he is concerned that the proposed chicken coup would be used as a commercial operation because the chicken coup is large and

would be able to accommodate more than six chickens. Mr. Bryant presented a brochure for a business that he believes will be run on the Besch property.

Mrs. Elizabeth Bryant, 5155 Stoneglen Road, stated that mountain lions are attracted to chickens. She presented an example of mountain lions constantly being present when she kept chickens on her property 15 years ago. Mrs. Bryant urged the Commissioners to keep the safety of children in mind.

Mrs. Ronnie Siegel, 5166 Oakwood Avenue, stated that she called the Department of Fish and Game independently and was informed that mountain lions would be more attracted to dogs than chickens. Mrs. Siegel pointed out that the alternative location would make the situation worse and if the chicken coup is maintained well odor and flies would not be a problem.

Mrs. Besch clarified that she is not running a commercial business and that LA Farms is a gardening service. Mrs. Besch explained that the chicken coup's size is necessary in order to provide a free range like setting so that the chickens are not so confined.

Chairman Gelhaar closed the public hearing.

Commissioner Curtis explained that the Commission is reviewing the location of the chicken coup and not whether chickens would be allowed, therefore he supports the Director's determination.

Commissioner Hill stated that he can sympathize with Mrs. Cole regarding the proximity of the chicken coup to her property and he disagrees that there are extraordinary circumstance to approve a setback waiver.

Commissioner Cahill stated that he would not grant the approval. He explained that although the proposed location is the most logical location it is still disruptive and should be built according to code standards.

Chairman Gelhaar concurred with Commissioner Cahill. He pointed out that the Animal Keeping Ordinance was a result of many public hearings and that the code requires chicken coups to be located out of the required setbacks.

MOTION - Commissioner Hill moved and Commissioner Cahill seconded a motion to overturn the Director's decision and deny the chicken coup setback waiver. Motion carried 4-0.

**B. R-1 Standards Review:** a presentation and discussion of the results and effectiveness of the changes to the R-1 zone development standards that went into effect on November 1, 2006.

The Commissioners agreed to continue this item to the May 12, 2009 Planning Commission meeting in order to allow the full Commission to discuss the item.

**C. Study Session on Fencing:** Discussion regarding an amendment of Section 11.11.050.F to require fences to be installed with the finished side or side without the exposed support posts facing the neighboring properties or streets.

The Commissioners agreed to continue this item to the May 12, 2009 Planning Commission meeting in order to allow the full Commission to discuss the item.

**D. Planning Commission Call-up Provisions:** Discussion regarding Section 11.45.060.D of the Zoning Ordinance that went into effect on November 1, 2006.

The Commissioners agreed to continue this item to the May 12, 2009 Planning Commission meeting in order to allow the full Commission to discuss the item.

**E. Report of Community Development Director Decisions Since Last Meeting:**

Director Stanley reported the approval of Downtown Village Specific Plan (DVSP) 09-01 to allow the use of a temporary trailer for commercial retail use while the permanent building is repaired at 964 Foothill Boulevard (Flintridge Bookstore).

Chairman Gelhaar asked if the entire business will be operated inside the trailer. Director Stanley clarified that an office is being maintained inside an undamaged portion of the building.

**F. Finding of Consistency with General Plan Relating to Un-named Road Summary Vacation of Offer of Dedication; Shah; 4841 Fairlawn Drive:**

Senior Planner Buss provided a brief summary of the property's history. He informed the Commission that the subject property was originally a part of Tract Map No. 15129 which was approved by the County on 1948. He stated that the Map included an offer of dedication made for a future street. He added that the future street offer was neither accepted nor rejected by the County and the City inherited the offer when it was incorporated.

Senior Planner Buss stated that although the offer was never accepted, a Summary of Vacation is the proper process in order to remove the cloud in the title report that designates the area as unbuildable space. He informed the Commission that the process requires the Commission to make a finding of consistency that the road is not needed under the Circulation Element of the General Plan. He clarified that the area is not near any roads that the City has intentions of installing and the Edison easement is not likely

to be crossed in the near future, therefore, Staff recommends that the Planning Commission find that the area is not needed for any future road system and to eliminate it would be consistent with the City's General Plan Circulation element.

No comments were offered by the Commission.

MOTION - Commissioner Cahill moved and Chairman Gelhaar seconded a motion finding that the undedicated road is not required by the City. Motion carried 3-0.

#### **X. COMMENTS FROM THE COMMISSIONERS**

Commissioner Hill stated that he would like the combination for projects with temporary construction fencing.

No other Commissioner comments were offered.

#### **XI. COMMENTS FROM THE DIRECTOR**

Director Stanley indicated that the housing element was discussed at the GPAC meeting and the committee voted to attempt to go through the state certification with the minimum required.

Director Stanley reported that the City Council will review a new septic policy that would make it easier for residents to process minor projects. He also reported that the Downtown Village Specific Plan change of tenant was reviewed by the City Council and will return to the Council at a later date.

Director Stanley informed the Commission that trees will be trimmed to provide access to the paper street on the Merritt property between Inverness Drive and Hampstead Road.

Director Stanley informed the Commission that the project at 5180 Princess Anne Road (SFR 08-15, DMR 09-01) was appealed to the City Council and will go back to the Planning Commission per the Council's recommendation.

#### **XII. ADJOURNMENT: 8:48 p.m.**