

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MAY 8, 2007**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Gelhaar, Hill and Mehranian, Planners Clarke and Gjolme and Assistant Planner Lang. Commissioner Cahill and Deputy City Attorney Cobey were expected to arrive shortly.

III. PLEDGE OF ALLEGIANCE

Chairman Davitt led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Davitt confirmed that there was no need to re-order the agenda.

VI. CONSENT CALENDAR

A. **Minutes of April 24, 2007** - were not submitted.

VII. CONTINUED PUBLIC HEARINGS:

A. Modification 07-07; Esner; 4901 Castle Road:

Planner Clarke recalled that the Commission continued this matter from the last meeting to re-notice the item and to include a proposed outdoor fireplace. The Commission also requested clarification on the definition of "structure" and "yard equipment", and how they relate to this proposal.

The applicant is requesting to legalize and over-height outdoor cooking structure located within the rear setback. Additionally, an outdoor fireplace is proposed for the back yard that would encroach into the side and rear setbacks.

The 19,440-sf site is a double flag lot at the end of a long driveway that is shared by two other properties in front of it.

The "L"-shaped BBQ includes a wet bar and lights and is 6-ft-8-inches in height, 12.3-ft-deep by 12-ft in length. It was constructed without benefit of permits 2-ft from the rear property line, where a 15-ft setback is required. The fireplace is proposed at 9-ft in height and 5-ft from the side and rear property lines.

The definition of "structures" and "yard equipment" was included in the Commissioners' packets for reference. "Structure" is defined as anything constructed, fabricated, formed or placed which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.....". Yard equipment is defined as "...anything constructed, assembled or erected and located outdoors, which does not require a fixed location on the ground and which is not attached to something having a fixed location on the ground". Examples are: dog houses, storage sheds, greenhouses, containers, etc.

Staff concluded that both requested items met the definition of "structure" under the Zoning Code.

The Commission's authority includes granting Modifications for structures with setbacks as minimal as 5 ft. Structures set back from property lines less than 5 ft are prohibited by Code.

A Power Point Presentation showed the cooking structure and its relationship to the house. After consideration and review, Staff could not make the findings and recommend denial of both structures.

Applicant Stuart Esner, recalled the discussion last time whether his proposed improvements are "structures" or "yard equipment". His interpretation was that it did not matter, as Code provides for an exception for structures 6-ft in height or lower, when located within side and rear yard setbacks. Though his BBQ is 6'-8" high, the beam and decorative slats meet the 6-ft requirement. Only the portion a portion of the beam and some slats exceed reach 6'-8".

Commissioner Cahill arrived at 6:09 p.m.

Mr. Esner stated that Staff's objection seems to be that it is visible from adjacent properties, which baffled him, as the neighbor's house is much further forward than his. He couldn't imagine how it would impinge on his neighbors' enjoying their yard, and he pointed out the dense foliage on both sides of the fence. Mr. Esner stated that someone would have to go up to the fence and peer through to see the BBQ, which could be seen from that point despite setbacks. He advised that the lights are directed downward and are of minimum wattage. He stated that eliminating a beam and some slats would not make a difference to his neighbor and asked that the Commission allow it to remain --- requiring it to be lowered would be enforcing a rule that would serve no purpose in this case.

Commissioner Cahill confirmed that the slats are only decorative in nature and match architectural details of the residence.

Addressing the fireplace, Mr. Esner stated that it does not carry the same urgency, as it has not been built. It is proposed at 9 ft in height, with 5-ft side and rear setbacks. He noted that if it were moved outside the setbacks, it would still be visible from his neighbor's property, but would not detract from anyone's enjoyment of their property.

Chairman Davitt opened the public hearing.

Kathleen Stangis, 4910 Ocean View Boulevard, commented that the issue was a code violation, rather than where her house is located. Since the BBQ center would be used for entertaining and is "right on the property line", it precludes her from putting anything on her side of the property line. She asked that the Commission deny the BBQ Center as located.

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

Commissioner Gelhaar reiterated the applicant's concerns and the difference of opinion regarding required setbacks. He confirmed that the BBQ is a structure and that structures between 6-10-ft in height are allowed setbacks of 5 ft from property lines. Setback requirements do not apply to structures under 6 ft. Otherwise, a Modification is required.

Commissioner Cahill remarked that the word "exception" denotes something as being automatic. His concern was that this request might not need a Modification and the Code seemed inconsistent to him.

Commissioner Hill's interpretation was that if the BBQ were under 6 ft, the applicant would not have a problem.

Commissioner Cahill noted that Code reads "exceptions to the Basic setback". He made another site visit after hearing the neighbor's concerns last time. He stated that if the structure were lower than 6 ft, he wouldn't have a problem; his only concern would be smoke. He reported that he could not see the neighboring house or pool from the neighbor's property due to the tremendous amount of greenery on both sides of the property line. Commissioner Cahill stated "we're talking about 8 inches" and stated that he might vote to remove the slats, but they did not pose a concern for him. He could make the findings to allow the BBQ center; the fireplace would require a Modification.

Commissioner Mehranian was concerned with smoke, lights, and entertaining near the property line as well as an over-height structure within the setback area. She could not make the necessary findings to support the request.

Commissioner Hill commented that it appeared the issue was 6 inches of slats and perhaps a cross member on the BBQ. He stated that the Commission could

require the applicant to slice off 6 inches to make a point, but he did not want to do that; it seemed to be a de minimus issue. His interpretation was that it could remain where located if it were under 6 ft in height. He could support the modification for the BBQ; the fireplace was more problematic.

Commissioner Gelhaar stated that it seemed to him that the applicant could reduce the BBQ's height to 6 ft. He felt it was unreasonable to allow it within the setback with lights and slats.

Chairman Davitt remarked that this was a unique lot and nearly 20,000-sf of area. He was wrestling with the fact that it's already there and being sensitive to the neighbor. He noted that if it were 9" lower, "we wouldn't be here". He did not see a compelling reason to allow it to stand as is nor could he justify a 9-ft-high fireplace within the setback.

Commissioner Cahill confirmed that the beams did not have to be lowered.

M/S/C Gelhaar/Mehranian to deny Modification 07-07, recognizing that the structures can be lowered. 3 ayes; Hill and Cahill dissenting.

Commissioner Cahill requested to make an alternative motion. He did not realize that he could make such a motion prior to voting.

Director Stanley advised that someone who voted to deny the request would have to make a motion for reconsideration.

Chairman Davitt made a motion to reconsider. There was no second to the motion and it died for lack of support.

VIII. PUBLIC HEARINGS:

A. Hillside Development Permit 07-07; Second Floor Review 07-07; Modification 07-31; Hanna; 3958 Hampstead Road:

Planner Gjolme reported that in late 2005, the Commission unanimously approved a request for a hillside permit to allow a minor first-floor expansion and to construct a second floor on a hillside lot. The Commission approved 4,374-sf of floor/roofed area on the irregularly shaped, 31,680-sf through lot which is substantially screened by mature landscaping along the perimeter. Due to a myriad of delays in the Plan Check stage, the one-year approval expired and the Director could not grant an extension due to recent R-1 code changes.

Deputy City Attorney Cobey arrived at this point.

Code now requires Second Floor Review and Staff now evaluates non-conforming setbacks when more than 30% of a roof is removed. This project

requires a Modification as it presents a deficient side setback along the east side of the property.

Addressing the hillside component, Planner Gjolme stated that views to the property's interior are nearly impossible. Views from northerly properties tend to be short range and away from the site. The Fire Department's plan review requires an 5-ft-wide walkway along the north side of the residence so that access is available to the east side of the property, which is restricted by the existing structure and the minimal setback. The Department additionally required two stairwells descending into the Hampstead right-of-way to assure Department access from multiple points. One would extend from the property line to the right-of-way To the East, a second stairway is shown in proximity to an oak, where a code-compliant protection buffer is provided. It is acceptable to Staff unless the Commission prefers that the stairway be re-routed.

An over-height, 17-ft entry tower exceeds the 12-ft maximum and requires Second Floor Review. It would serve as a transition from the single-story to the second-story portion. Architecturally, the angled roof planes retreat from the slope to the north and ensures stepped massing, which . The plan maintains a retaining wall along the east side.

Staff made the determination that story poles were not necessary in this case given that project did not basically change and all landscape conditions were carried over. A Power Point presentation showed the story poles erected for the initial hearing - Hampstead Road is well above the site's interior. Planner Gjolme concluded by stating that the project is identical, but the scope of review was expanded.

Responding to a question from Commissioner Mehranian regarding the walkway, Planner Gjolme stated that it is a functional compensation; ; the Fire Department believes it would rectify a bottleneck situation on the east side.

Commissioner Gelhaar commented on the condition that required Public Works' approval of the stairway and walkway. He inquired what would happen should Public Works deny those additions?

Director Stanley advised that the requirement is to obtain an Encroachment Permit from Public Works, which is done in the building permit stage. The applicant must sign a waiver requiring that the applicant pay for costs of removing the stairway or walkway if the City requires it.

Chairman Davitt opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Mehranian stated that the entry appeared massive and overpowering to her, though being at a lower elevation helps the situation. Landscaping is an important element and needs to be augmented in certain locations.

Commissioner Hill noted that he was not on the Commission when this request was initially approved. He advised of having made a site visit and did not have any problems with the request.

Commissioner Gelhaar commented that he had a significant concern last time regarding the 3-ft setback - having to do with safety. By adding the walkways required by the Fire Department, he stated that "he could live with the setback encroachment". He asked that condition 15 be revised to require landscape screening to buffer not only the wall. But the raised walkway as well.

Director Stanley remarked that the steep slope in that area might make it difficult to get plants to grow. He suggested that the applicant could construct a low retaining wall in front, where landscaping would grow easier.

Commissioner Cahill and Chairman Davitt concurred.

M/S/C Mehranian/Hill to approve Hillside Development Permit 07-07, second-Floor Review 07-07 and Modification 07-31 with an added condition that the landscape plan be augmented to the approval of the Director of Community Development. Unanimous.

B. Hillside Development Permit 06-83; Variance 07-03; Skaggs; 358 Corona Drive:

Assistant Planner Lang described the applicants' request to construct a two-story, detached structure and install a pool, spa, BBQ cook center, pergola and retaining walls ranging in height from 6 ft to 10-ft. Additionally, retaining walls are requested, varying in height from 6-ft to 10-ft. If approved, total floor/roofed area would reach 6,998-sf.

The large, wooded site is 60,100-sf in area and is a through lot with street frontage on Corona Drive and secondary frontage sloping upward to Inverness. The average slope reaches 43%.

A Power Point presentation showed the site plan, elevations, and the residence, which was constructed in the late '90s. Assistant Planner Lang advised that the maximum height allowed for detached structures is 15 ft --- the project exceeds that limit by 8 ft and is 2-ft higher than what could be approved by a staff level Height Modification when the excess height is the product of architectural consistency with the main residence. Since the height as measured from the lowest adjacent grade is 23 ft, a Variance is required.

A 10-ft-high retaining wall is proposed east of the proposed structure and beyond the front setback. Other retaining walls, varying in height from 7-ft to 10-ft, would allow creation of a level area for the pool and spa. Story poles showed the highest ridge point and the structure nestled into the hillside and at the elevation with Corona Drive.

Staff recognized the negligible 2-ft difference between the proposal and what could be allowed through a Height Modification; however, Staff could not make the required findings to approve a Variance. Staff therefore recommended approval of the Hillside Permit and Denial of the requested Variance.

Commissioner Gelhaar requested comments regarding draft condition 18, which requires that the retaining wall be shifted to avoid a rock outcrop.

Director Stanley advised that rather than interfering with it, Staff suggested a simple re-route.

Project designer Wayne Siggard, advised of his attempts to comply with the goals of the General Plan and noted that the accessory structure does not exceed 21 ft in height at each corner. The excess height is only visible from the interior pool side. He stated that the City set a 21-ft height maximum to avoid imposing accessory structures. He noted that the structure would be minimally viewed from the street. The roof pitch is currently 14:12; lowering it 2 ft to be eligible for a Height Modification would result in a ceiling height of 7 ft, which would result in 5'-10" doorways and people hitting their heads on the roof. Mr. Siggard pointed out that he could rotate the house 180° and lower the height, but doing so would make it more visible from the street. A solution would be to raise the grade and construct additional steps on the main floor - this would necessitate children climbing up and down the steps, while the view of the structure from the street would not change. He observed that the structure is 21 ft high when measuring from the 4 corners.

Commissioner Gelhaar reported that he made a site visit and spent a lot of time trying to find a solution. He stated that the project is beautiful and that duplicating the pitch of the house was important. He noted that only a 15-foot section of the projecting wall exceeds 21 ft and only those who are in the back yard would see it. He could make all the required findings to approve a variance.

Commissioner Hill stated that he did not have a problem with allowing the Hillside Permit and though the Accessory Structure was beautiful, he could not make the first 3 findings to grant a variance.

Commissioner Cahill commented that the issue seemed to be the Variance. The designer made good comments and he saw no reason to deny the request. The “good reason” is to maintain architectural harmony with the residence.

Commissioner Mehranian concurred and noted that the excess height would not be visible from off site.

Chairman Davitt stated that he did not have a problem with either request. He made a site visit and confirmed that the structure would not be visible from the street.

Director Stanley advised that the arched trellis remained an issue. The property owner needs to provide plans as to how it was constructed and it needs a building permit.

M/S/C Gelhaar/Mehranian to approve Hillside Development Permit 06-83 and Variance 07-03; 4 Ayes; Hill dissenting.

C. Second Floor Review 07-13; Modification 07-15; Floor Area Review 07-08; Gilmour; 5128 Caroli Lane:

Planner Clarke reported the applicants’ request to expand the first floor of their home and to construct a new second floor. Because the street frontage is less than 80 ft wide and floor area would exceed 4,500-sf, Floor Area Review is required. The Modification addresses removal of the roof and a request to preserve the existing, non-conforming side yard setbacks.

The 18,580-sf site is located at the north end of a cul-de-sac and has 60 ft of street frontage. A total of 1,158-sf is proposed to be added to the home; the total floor area proposed of 5,464-sf would maximize the amount of FAR allowed for the lot. The applicants propose to demolish 32 sf of first-floor space and replace it with 160-sf and construct a new 998-sf second floor.

A Power Point presentation displayed the irregularly shaped subject parcel located within a neighborhood comprised of single-story and two-story homes. A chart was included in the staff report comparing the project with neighborhood averages. The subject parcel, house and FAR are all larger than the neighborhood average. The request includes retention of existing, non-conforming side yard setbacks, comprised of 5 ft on the south side, and 5’-3” on west side yard setback, where setbacks of 13’-9” are required. The dormers on the garage and house would be removed.

Project designer, Dave De Angelis, addressed the need for Floor Area Review, which he believed was instituted for narrow, deep lots. He pointed out that was not the case in this situation; the average width of the nearly pie-shaped subject lot is 130 ft.

The design removes existing dormers from the house and garage and does not include windows with views to the downslope neighbors' pool area. Only 1 bathroom window has views towards the west and the roofline blocks most of those views; all views from the house are to the front and back. His design has the gables much further forward – the back gable was eliminated and allows the roof slope to be seen. He also removed windows from the rear for the neighbor's sake. Structure height reaches 28 ft where a height of 32-ft is allowed – Mr. De Angelis stated that the height was purposely kept low, recognizing that the house is at the end of the street. He met with all the neighbors, including the Trubloods, next door, who submitted a letter outlining their concerns regarding drainage, landscaping and placement of the a/c units. In total, 5 neighbors have signed a letter in support of the project. Mr. De Angelis stated that if the Trubloods want the a/c unit out of the setback, that can happen; however, as proposed, they would be within 10 ft of the Trublood's a/c units.

Commissioner Cahill felt that the dormers over the garage help to break the mass.

Mr. De Angelis stated that they appeared fake to him, as they are not the right scale; he offered to possibly change their shape.

Responding to a question from Commissioner Mehranian, Mr. De Angelis advised that the liquidambar in the front would remain, however the birch tree most likely will have to be removed. A landscape plan has not been prepared yet; he did not want to block views of the house and did not see a reason to plant more trees at this point.

Chairman Davitt opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Hill stated that he did not have a problem with the Second Floor and Floor Area Reviews; his concern was with the requested setback encroachments on the east side. He noted that the non-conforming encroachments would not be rectified, and he recognized the difficulty in doing so. He was looking forward to hearing his colleagues' comments.

Commissioner Gelhaar liked the design as well as the proposed location for the a/c unit; it seemed a perfect location immediately adjacent to the Trublood's unit. He did not believe that a landscape plan for the southeast side was necessary, as there is little that the neighbors would see. He pointed out that the overall height is 4 ft lower than allowed and that the encroachment is limited to one corner of the side setback. He stated that he could approve the project.

Commissioner Cahill agreed with the design and could support the SFR and FAR requests. He agreed in concept with Commissioner Hill regarding the Modification. His one concern was the amount of horizontal roof that would be visible and requested a condition that the liquid ambar be maintained and that a landscape plan be submitted to the Director of Community Development for review and approval.

Commissioner Mehranian agreed with Commissioner Cahill – it is a long roof. She was not suggesting that the dormers remain, but she did want some kind of landscaping in front to soften the front elevation.

Chairman Davitt concurred, stating that the house is well designed and suited for the area. He was unsure if more landscaping was necessary and recalled that the applicant was unsure if the birch tree would remain.

Mr. De Angelis requested clarity regarding what Director Stanley would be looking for in the landscape plan. He doubted that the appearance of the front would change much and stated that he would try and save the walkways and the lawn. Should he find that the birch tree needs to be removed, he was willing to replace it with a 36-inch box birch.

M/S/C Mehranian/Gelhaar to approve Second Floor Review 07-13, Modification 07-15 and Floor Area Review 07-08 with an added condition requiring retention of the liquid ambar and if the birch tree cannot be saved, it shall be replaced with a 36-in-box tree of the same species. Unanimous.

IX. OTHER BUSINESS

There was no business to report.

X. COMMENTS FROM THE COMMISSIONERS

Chairman Davitt reported that there is a private group using the gazebo in the early morning for private work-outs and he wondered if that was allowed.

Director Stanley responded that this issue was forwarded to Administration. He offered to check and advise how it was resolved.

Commissioner Gelhaar asked if the City Attorney had approved with adding misdemeanor language, similar to that used by the City of Los Angeles, to our approvals

Attorney Cobey recalled that she had drafted language couched as a recommendation to the Council for consideration, as the language recommended by the Commission involves revising an Ordinance. She stated that perhaps the City Manager had not yet moved the item to the Council's agenda.

Commissioner Gelhaar asked for a status regarding limiting construction parking to one side of the street and for limiting the height of surveillance cameras to 6 ft so they could not pan to other properties. Since Code does not address these types of cameras, it also needs to be on the Council's agenda.

Director Stanley advised that the matter was referred to Public Works and that it has not been scheduled yet for the Public Works Commission agenda.

Commissioner Gelhaar confirmed that Senior Planner Buss was working on a resolution to the City Council regarding changes to the Animal Keeping Ordinance and that Code Enforcement is working on 1348 Descanso Drive; it was approved as a Decorative Fence and it still has a screen around it. He also inquired if the grade was changed.

XI. COMMENTS FROM STAFF

Director Stanley reported that he was looking for 2 colors to be used when using story poles --- green for wall height and orange for the ridge height. He also preferred that pennants, such as those sometimes used by gas stations, be used to connect the poles, rather than the familiar yellow police tape, which does not withstand winds.

He announced that a workshop for the General Plan Update was scheduled for the following Thursday, at Descanso Gardens at 6:00 p.m.

XII. ADJOURNMENT

M/S/C Gelhaar/Hill to adjourn at 7:45 p.m. Unanimous.

Secretary to the Planning Commission