

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD MAY 14, 2002**

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

ROLL: Present were Commissioners Brown, Engler, Gelhaar and Mehranian. Also present were Assistant City Attorney Steres, Senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.

COMMENTS FROM THE PUBLIC: Comments were not offered.

CONSENT CALENDAR: M/S/C Gelhaar/Engler to adopt the Minutes of April
Minutes of 4/23/02: 23. 4 Ayes; Abstain: Mehranian

Resolution 02-24; 4725 M/S/C Gelhaar/Brown to adopt Resolution 02-24,
Hillard Avenue: approving Modification 02-12 with added conditions. 4
Ayes; Abstain: Mehranian

CONTINUED PUBLIC HEARING:

HILLSIDE DEVELOPMENT PERMIT 01-41; PETROSSIAN; 657 FOXWOOD RD.: Assistant Planner Gjolme advised that the applicant was requesting a continuance once again. Revised plans were not submitted in the required timeframe that would have allowed Staff to review and evaluate.

Chairman Levine confirmed that no one in the audience wished to speak on this matter.

M/S/C Brown/Mehranian to continue Hillside Development Permit 01-14 to May 28. Unanimous.

PUBLIC HEARINGS:

CONDITIONAL USE PERMIT 126 (amd #2); FOOTHILL WINES & SPIRITS; 958 FOOTHILL BLVD.

Planner Cantrell advised that the second amendment to the Conditional Use Permit would allow expansion of wine tasting and seminars. The applicant's purchase of the store in 1999, included the ABC permit and an existing CUP. The first amendment, approved in July, 2000, allowed wine tasting seminars. The instant request is to allow a greater number of participants --- from 12 to 20, to increase the number of monthly

seminars from 2 to 4 and to extend the closing time from 9 pm to 10 pm. There have been no reports received by the City or the Sheriff in connection with the existing use and there is ample parking at the rear to accommodate the requested increased use.

Staff recommended positive findings and approval of the request.

Commissioner Brown noted that the Alcohol Beverage Control was involved in the first amendment and inquired if that would be the case with this request.

Planner Cantrell believed that the ABC license would have to be revised, but not without a copy of the City's approval.

Commissioner Brown commented on the number of vehicles in the rear parking lot that appear to be permanently stored including a boat and an RV. Those spaces are "counted" but as a practical matter, they are not available. If there were any problem with parking, that would be the first solution.

Planner Cantrell advised that the building is owned by the Totta auto repair business which occupies the adjacent tenant space. He offered to speak with Mr. Totta regarding vehicle storage.

Commissioner Engler recalled that Staff was given authority from the City Council to actively enforce Code violations.

Responding to a question from Chairman Levine regarding a nexus between available parking and the request under review, Assistant City Attorney Steres advised that he would have to review the approvals granted to the property and how the spaces were apportioned.

Kaj Strommer, business partner, verified that the vehicles in the back lot are associated with the auto repair shop and they do seem to alternate.

Commissioner Mehranian requested clarification of the difference between wine seminars and wine tasting.

Mr. Strommer responded that they are the same; clients arrive at a set time, followed by service of wine samples and discussion. He noted that the request would only increase attendance by eight people.

Commissioner Gelhaar requested an explanation for the requested extended hours.

Mr. Strommer replied that extended hours is the least important component of the request; the seminars typically conclude by 8:30 p.m., though he has received requests for private seminars.

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

Attorney Steres pointed out that Staff's report of July 25, which was included in the Commissioners' packets, includes a discussion of parking and the number of spaces on site.

Commissioner Gelhaar advised that he could support the request with the exception of the extended hours. He preferred that the hours of operation end at 9:00 pm.

The Commission concurred.

M/S/C Gelhaar/Brown to approve amendment #2 of Conditional Use Permit 126 and modifying condition No. 13 to retain current closing hours. 3Ayes; No: Levine and Mehranian.

**CONDITIONAL USE
PERMIT 340; FLOOR
AREA REVIEW 02-04;
ADM.HEIGHT
MODIFICATION 02-01;
MAGILL;
437 COMMONWEALTH:**

Assistant Planner Gjolme reported the applicant's request to extend the rear of an existing, detached garage and establish an Accessory Living Quarters (ALQ) unit. The site is 33,494-sf in area, 75-ft-wide, and located on the west side of Commonwealth Avenue, just south of its intersection with Georgian Road, in the R-1-40,000 Zone.

The applicant proposes to create a 700-sf ALQ and a 400-sf porch covering the west and south sides. It would be oriented towards the center of the lot where a pool and patio are under construction. Assistant Planner Gjolme explained that a height modification is required because a 3-ft grade change between the attached garage and the ALQ results in an overall height of 18 ft. The actual height of the ALQ is 13' 4" is within Code. Further, Floor Area Review is required since the lot is only 75 ft wide and the total area would exceed 4,500-sf. Assistant Planner Gjolme noted that this was a technicality since current floor area exceeds that threshold and the total project area would be under that standard maximum for the property.

The homes on either side of the site are situated well forward of the project, the ALQ would not be visible from the street and the neighbor to the north, who is separated by approximately 50 ft, supports the project.

Staff recommended positive findings and project approval.

Commissioner Brown noted that the new structure would be sited lower than the garage.

Chairman Levine opened the public hearing; comments were not offered and the public hearing was closed.

The Commissioners concurred that the project was appropriate for the site and fully supportable.

M/S/C Brown/Mehranian to approve Conditional Use Permit 340, Floor Area Review 02-04 and Administrative Height Modification 02-01.
Unanimous.

CONTINUED PUBLIC MEETING:

**MODIFICATION 02-03;
CAHILL;
1966 LOMBARDY:**

Chairman Levine announced that the Commission had received a request for continuance from the neighbor and asked if the applicant had a concern with that. Mr. Cahill stated that he had a significant problem with a continuance.

Chairman Levine requested Staff's report.

Assistant Planner Gjolme reported the applicants' request to expand the first and second stories of their home by 1200 sf, resulting in both floors encroaching 13'-6" into the south side yard setback. The project was initially heard on March 26th and was continued with direction to lessen the extent of the encroachment. He pointed out that the property's irregular shape results in the south side functioning as the rear yard, which would require a 15-ft setback. In fact, it is a side yard, and requires a 20-ft setback for the second story.

The revised plans reflect an overall floor area reduction of 100-sf and 10-ft setbacks for both floors. The property's width requires a 17-1/2-ft side setback for the first floor and 20-ft for the second floor.

Assistant Planner Gjolme stated that while the revisions might seem minor, Staff determined that the project was reasonable, given the restrictive configuration of the lot and the siting and design of the home. There is no opportunity for expanding the house further at the side without removing the large eucalyptus tree or disrupting the interior of the home. The neighbor to the south, Mrs. Rice, rescinded her previous support and additionally opposes the location of the pool equipment, 5-ft from the south property line. Staff did not support the encroachment for the equipment, determining that it could easily be located elsewhere on the site; and continued to support the residential expansion.

Applicant, Michael Cahill, distributed a brochure with photos which he prepared. He observed that since the last hearing, all Commissioners had visited his property and the neighbor had withdrawn her consent. He related that his goals are design preservation of his Wallace Neff-designed home which was built in 1925, and maintaining the large eucalyptus tree. Mr. Cahill advised that the only opportunity to expand his home at the south end of the house. His arborist reports that the eucalyptus is one of the finest specimens he has seen in California and reportedly, Mrs. Rice has

expressed a similar sentiment. A photo taken from the Mrs. Rice's property with the tree was in bloom, was included in the brochure. Mr. Cahill advised that these circumstances led to their attempts to preserve the tree. Due to concerns with the tree's proximity to the power pole, he sought, and received, written consent from So. CA Edison to construct the addition as proposed. He then approached Mrs. Rice with the plans and stated that she was extremely supportive.

Mr. Cahill stated that those circumstances led to the path that they have followed for six months. He "red-taped" the ground to show the footprint of the addition and invited the neighbors to review the plans on March 17 - only one neighbor attended. Mr. Cahill stated that at Mrs. Rice's insistence, he wrote a letter supporting the project for her signature. April 2nd, a voice mail from Mrs. Rice's daughter stated they "did not want a Hilton Hotel next door and had no idea that a two-story addition was proposed". Mr. Cahill stated that he and his wife were totally flabbergasted and met with the neighbor's that evening, with plans in hand, and were told that a letter withdrawing support would be filed with the City. A second letter was filed by the Rice's which he felt was intimidating and which stated that they would never agree to anything that involves a setback modification - that what is reasoning for wanting to proceed.

He then proceeded to review and respond to the Findings required to approve a Modification:

Practical Difficulties or Unnecessary Hardship: Mr. Cahill pointed out Staff's position that a compliant setback would disrupt the design of the home. He noted that the house is wedged into the corner of a triangle where it has been since 1925 - "I can't move the house and I can't move the tree". Additional practical difficulty is that the configuration of his lot results in a gross distortion of applicable standards. The R-1 standards result in unintended and inflated setbacks because of how his sideyards converge. He noted that the requested setback is one and a half of what is allowed and he would be facing these problems regardless of the eucalyptus tree. Mr. Cahill stated that the tree took decades to reach its current size; he felt

that its large canopy is an asset to the community and generally speaking, a tree shouldn't have to be designated as "protected" to be preserved. At a personal sacrifice, he is willing to accept a substantially reduced living space to save the eucalyptus tree.

Consistency with the General Purpose of Zoning Regulations: Mr. Cahill stated that a clear purpose of the zoning regulations is to prevent mansionization and typically associated with oversized projects on an undersized lot that intrudes in an unwanted way and typically includes removal of trees and denude the landscape. He explained that his project is an attempt to preserve the landscape and trees. If approved, his home would be 4,877-sf and maintain the understated Normandy style. It would meet Code with the exception of the requested encroachment. For purposes of comparison, he distributed photos, without comment, of recent residential additions in his neighborhood. He referred to the Staff report which states that the proposed setback is in keeping with the neighborhood standards. He noted that Mrs. Rice's property is at a lower elevation and that Staff concluded that the combination of the fence, mature landscaping and trees would adequately buffer the project from her view; page 18 of the brochure he distributed showed the addition in an envelope of greenery.

He offered to augment the landscaping and the existing fencing if Mrs. Rice desires and noted that the original plan included a window upstairs and one downstairs --- those were removed, without discussion or compromise because he wanted to address any concerns of privacy from his neighbor.

Mr. Cahill pointed out that even with a 10-ft setback, there is approximately 60 ft between his property and Mrs. Rice's and stated there is no particular view from the Rice home that the project would hinder. He stated his belief that Mrs. Rice continued to support his project, but feels that she has been influenced by her adult children. He felt that suggestions offered by Mrs. Rice's children could be far more radical than what he

is proposing. He concluded by stating that his proposal is consistent with the norms of his neighborhood and has been twice supported by Staff.

Commissioner Mehranian asked if Mr. Cahill had discussed the issue of buffers with Mrs. Rice and asked him to address assertions that the project would block sun and natural light. Mr. Cahill advised that there had not been discussions regarding buffers until recently, given Mrs. Rice's support from the beginning. Screening is not an issue, since the project would be screened by two large oaks and mature landscaping and the roof would have a steep pitch.

David Serrurier, project architect, advised that window placement is limited for the sake of Mrs. Rice's privacy. He has also worked in concert with an arborist and a structural engineer to design a foundation plan that would bridge any tree roots they should find. He reiterated that unique shape of the property's configuration and noted that there is a structure 5 ft from the property line on the Rice property. He stated that he had little option where to locate the pool equipment since City Code prohibits irrigation lines to run under the canopies of the oak trees.

Chairman Levine opened the public hearing.

Kathleen Cordova resides immediately east of the subject site, stated that the Cahills have been consistent in representing their project and open about sharing the plans. She stated that the eucalyptus tree is part of the ambience of the neighborhood and that it is visible from several nearby streets. Ms. Cordova stated that the Cahill's home is an architectural jewel in the neighborhood, that it is an ideal candidate for a Modification and that she enthusiastically supported the project.

Mike Bell, 4623 Lone Pine Lane, stated that the proposal is designed thoughtfully and with preservation of the eucalyptus tree, the addition would make a positive addition to the property.

Deanne Anderson, resides two door east from the subject site, advised that he husband assisted in erecting the story poles and that upon walking the site, she was unable to see Mrs. Rice's home because of the mature trees and shrubs. She supported the project and preservation of the eucalyptus tree.

No additional comments were offered and the public hearing was closed.

Chairman Levine announced that the Commission had received a letter from the Rices advising of longstanding plans which took them out of town. They requested a continuance.

Commissioner Brown stated that a single opponent's absence is not an issue for him as there are typically many residents involved. In this case, however, the project would not be visible from anywhere other than from the Rice's property. He stated he was troubled, that this was not a good forum for compromise and oftentimes, the best solution comes from two parties trying to work through a project. Rigid application of Code would require removal of the eucalyptus tree, which he felt would be a shame and from a planning perspective, is a problem. Commissioner Brown stated that he was not as concerned with strict application of Code as he was about impacts to the neighbor. He stated that he would not want this appealed to the City without the Commission having the opportunity to ask questions and preferred to grant a continuance so that at least an attempt could be made to work out a solution.

Commissioner Mehranian concurred with having a more fair hearing and stated that preservation of the eucalyptus tree was a big issue for her and recognized the unique configuration of the lot and the siting of the house. She was leaning favorably to granting the request but wanted assurance that the oaks would be preserved and that an adequate buffer was in place between the site and Mrs. Rice's property. Commissioner Mehranian concurred with Staff's conclusion that the pool equipment should be relocated.

Commissioner Engler stated that his position had not changed and felt that the setback formula was applied uniformly throughout the City. He acknowledged that the "eucalyptus tree is beautiful, but it is not protected" and he felt there needed to be other considerations regarding adding on to the opposite end of the home.

Commissioner Gelhaar congratulated Mr. Cahill on his presentation and advised that he had many discussions with him. He agreed with Mr. Cahill's position regarding the finding of 'hardship' and was willing to consider the south property line as a rear yard and could support a 15-ft setback for the addition and for the pool equipment. He acknowledged that the tree is 'magnificent', but the trade off is between protecting the tree or the neighbor. Commissioner Gelhaar advised that he had walked the site several times and believes there are some issues regarding blockage of light and sky, particularly since the Rice property is at a lower elevation.

Chairman Levine addressed the issue of the eucalyptus tree and recalled recent discussions regarding revisions to the Tree Ordinance. It was the desire of many Commissioners, including the Design Commissioners, that no matter the species, trees such as the one in question would be preserved, but the Ordinance was not adopted 'that way'. He commended the applicant for his efforts to preserve the eucalyptus tree and stated that the project was attractive. He did not have the concerns about the project's visibility or impact, but noted his consistency with maintaining an existing building line for setbacks on additions. He asked the City Attorney if the Planning Commission was obligated to vote on the project if requested to do so.

Attorney Steres stated that it was more a matter of accommodating the applicant. The Commission is not mandated to take action, so long as the timeframe complied with the Streamline Permit Act. He referenced the file and advised that since the project was categorically exempt under CEQA, the Commission must take action within 60 days after Staff determined that the application was complete. If the applicant did not agree to a continuance, he

recommended that the Commission take action.

Chairman Levine asked Mr. Cahill if he was willing to accept a continuance, based on the Assistant City Attorney's recommendation.

Mr. Cahill responded that he would refuse a continuance because Mr. Rice, who had contacted each Commissioner, has refused to dialogue unless there was a desire for a continuance.

Chairman Levine offered to act as a mediator at City Hall.

Mr. Cahill stated his understanding that there might be a change in the Commission's makeup shortly. He did not believe it would be convenient for him to start from the beginning after working on his project for eight months. He stated he was willing to mitigate any view impacts, but in order to save the eucalyptus tree, he needed a 10-ft setback and preferred a vote from the Commissioners.

A three-minute recess was taken and the Commission reconvened at 7:43 p.m.

Chairman Levine requested a motion. M/S/C Gelhaar/Engler to deny Modification 02-03. 4 Ayes; No: Mehranian.

Attorney Steres advised that Staff would present a resolution of denial on May 28th, which will begin the appeal period.

Chairman Levine advised Mr. Cahill of his opportunity to request a reconsideration on May 28th.

**OTHER BUSINESS:
Review of Draft Capital
Improvement Plan
(CIP):**

Senior Planner Buss reported that CA government code requires an annual review of the CIP. The CIP identifies the City's major public works projects for a 5-year period. A project list was included in the Commissioners' packets. Staff reviewed the projects and determined that they are consistent with the General Plan; Senior Planner Buss noted that some of

the projects are called-out in the Foothill Boulevard Plan and the General Plan.

Commissioner Brown referred to the listed improvements for Old Town and commented that he has no idea what they look like in the budget. Likewise the Angeles Crest Highway median improvements, etc. He questioned how the Commission could make a determination of consistency without knowing what they are.

Senior Planner Buss advised that the Commission's role was limited to confirmation that the projects themselves, conform to the General Plan. The Design Commission and City Council will address the design issues in line with the Foothill Boulevard Master Plan.

Commissioner Brown stated that he would rely on the monthly reports that the Commissioners receive from Public Works.

Commissioner Engler commented that the Planning Commissioner should receive a scope and a project perimeter at the minimum.

M/S/C Gelhaar/Engler finding that the CIP is conforms with the General Plan. Unanimous

M/S/C Gelhaar/Mehranian to adjourn at 7:40 p.m. Unanimous.

ADJOURNMENT:

Secretary to the Planning Commission