

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MAY 22, 2007**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Cahill, Hill, Gelhaar and Mehranian, Director of Community Development Stanley, Senior Planner Buss, Planners Clarke and Gjolme, Assistant Planner Lang and Deputy City Attorney Cobey.

III. PLEDGE OF ALLEGIANCE

Commissioner Cahill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Davitt announced that the applicant for item F under Public Hearings, for 1708 La Taza had requested a continuance to June 12th. He confirmed that no one in the audience wished to address this item. M/S/C Gelhaar/Mehranian to continue Modification 07-22 as requested. Unanimous.

There was a request from a neighbor to continue item A for 4603 Palm Drive, as they would be out of town for this hearing. The Chair determined that the Commission had sufficient information and determined to hear the request.

There was also a request to reorder the agenda and move the Other Business item, 2007-08 Capital Improvement Plan, to the front of the agenda. There were several City staff members present in the audience to respond to any questions the Commission might have.

VI. CONSENT CALENDAR

Minutes of April 24, 2007 and May 8, 2007.

M/S/C Gelhaar/Hill to approve the Consent Calendar. Unanimous.

VII. OTHER BUSINESS:

A. 2007-08 Capital Improvement Plan (CIP). Determination of conformance with the City's General Plan.

Senior Planner Buss reported that California Government Code requires Planning Commissions to annually review their cities' Capital Improvement Plan (CIP) and to make a determination of consistency with the General Plan.

The Plan identifies public works projects scheduled for the next fiscal year and prospective projects, which were included in the Commissioners' packets. A late addition to the list is the Loop Trail fee south of Descanso Drive. The General Plan contains goals and objectives regarding long-range development in the City and its Land Use Element references the Foothill Boulevard Master Plan for additional objectives regarding the City's transportation and commercial corridor. Relevant portions of both documents were included in the Commissioners' packets.

Staff reviewed the list and recommended that the Commission determine that the proposed CIP conforms to the General Plan and adopt the draft resolution. The matter will then proceed for review by the City Council as part of the budget process.

There were no questions from the Commissioners.

M/S/C Gelhaar/Mehranian determining that the proposed Capital Improvements Plan For Fiscal Year 2007-08 conforms with goals and policies of the General Plan. Unanimous.

Chairman Davitt announced that due to a lengthy agenda and the large audience, speakers would be limited to 3 minutes per person.

VIII. CONTINUED PUBLIC HEARING

A. Hillside Development Permit 06-89; Second Floor Review 06-14; Modification 06-107; Giragosian; 1464 Sugar Loaf Drive:

Planner Gjolme provided a brief overview of this request, which was continued to confirm survey work, specifically the location of the applicant's home in relation to the north side property line. The neighbor to the north disputed the accuracy of the applicants' survey, due to a fence's 3-ft offset from the property line. That concern was resolved, and the parties agree with the accuracy of the applicant's stamped survey. The north side setback is 9 feet, below the 14-ft requirement for the lot, which the applicant seeks to maintain. Additionally, the floor area was reduced by 350-sf for a total of 5,255-sf to comply with the Slope Factor Guideline for this project. A revised set of plans was included in the packets which also reflects a reduction in the central volume space and a 1'-4" increase to the front setback, from 28 ft to 29'-4". Planner Gjolme noted that a good deal of the structure at the northeast corner would be removed, thereby eliminating even more of the existing front encroachment.

A Power Point Presentation showed the 350-sf reduction in floor area which Staff recommended, since the house sits above street level, the importance of compliance with the Slope Factor Guideline is greater.

A balcony is proposed over a section of the garage, which the upslope neighbor to the north protests, due to proximity to his patio and Jacuzzi. Given that the

balcony setback exceeds 20 ft and the noticeably higher elevation of the neighboring home, Staff believes that the balcony is acceptable. Planner Gjolme noted that the upslope neighbor has a balcony that allows views into the subject lot. The grade separation between both properties was displayed as was a solid hedge on the property line. The elevation difference and the hedge result in 15 ft of vertical separation. Photos taken from the roof of the applicant's home show a line of sight to the upslope neighbor's balcony --- there are no views over the shrub or hedge line into the pool area.

Project architect Oksen Babakhanian, requested that the Slope Factor Guidelines be relaxed slightly to allow a minor increase of the bay window.

Chairman Davitt opened the public hearing.

Melissa Schiller, 3912 Starland Drive, asked that a condition be added requiring a landscape plan be required prior to occupancy, to soften the house at the top of the ridge.

Bradford Kolb, 1506 Sugar Loaf Drive, read a prepared statement. He advised that surveyors representing both parties had met and reached agreement regarding the location of the property line. He asked that the draft condition requiring installation of jacaranda trees on the north side be eliminated, as they would impair his views. He preferred that shrubs with a 10-ft height at maturity be required. He also asked that the requested encroachment on the north side be denied and he continued to believe that the proposed balcony would have views into his spa area. He noted that the hedge which serves as a buffer was intentionally overgrown and he believed that it would be lowered to the fence height.

Applicant Saro Giragossian responded to comments. He reported of having taken photos from his rooftop, which is 12 ft higher above grade and that he could not see into the Kolb patio/spa. Addressing the setback encroachment, with the exception of the nearby house, which is set back 55 ft, his front setback is greater than any other property. He pointed out that the north side of the house would "not be touched" and would remain as is. He agreed with Mr. Kolb to eliminate the jacaranda trees from the landscape plans.

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

Commissioner Hill commented on the need to reasonably balance the issues when homes are proximate to each other. It seemed to him that all the concerns were addressed and he was prepared to support the project. Commissioner Gelhaar agreed to remove the 4 liquid ambars included in the landscape plan. Since he pays particular attention when balconies are proposed, he reported of having climbed a ladder during a site visit, and he could not see into the Kolb's patio/spa area.

Commissioner Cahill commented that with the reduced floor area, the project meets code with the exception of the existing setback encroachment. Addressing the balcony, he noted that the Kolb's home includes an upper balcony. He agreed with Ms. Schiller that adding landscaping at the front would be helpful.

Commissioner Mehranian stated that she was prepared to support the request.

Chairman Davitt remarked that the applicant had done all that was requested of him. He agreed to eliminate the jacaranda trees shown on the landscape plan and to add more landscaping in the front.

M/S/C Mehranian/Hill to approve Hillside Development Permit 06-89, second Floor review 06-14 and Modification 06-107, eliminating the 4 jacaranda trees depicted on the landscape plan and adding more landscaping at the front to mitigate views of the house at the top of the slope, subject to approval by the Director. Unanimous.

IX. PUBLIC HEARINGS:

Floor Area Review 06-16; Building Depth Review 06-09; Modification 06-89; 4603 Palm Drive:

Assistant Planner Lang reported that this request was submitted prior to the R-1 revisions and therefore was to be reviewed under the former R-1 standards.

The applicant was proposing to expand the first-floor of his home and add a new second floor, which would yield a total floor/roofed area of 2,998-sf. While the FAR would exceed the 2,700-sf maximum for the lot, it would fall within the 3,000-sf allowed with Floor Area Review. A proposed building depth of 70 ft exceeds the 60-ft review threshold and the Modification is to allow two encroachments into the required 28-ft-6inch front setback --- the front porch would encroach 3 ½ ft and the garage 1 ft-3inches. Additionally, the existing 3-ft-3inch setback on the north side, (below the 5-ft requirement) would be retained.

The 7,500-sf lot is located on the west side of Palm, between Foothill and Tondolea Lane, in the ER-1-10,000 Zone. It measures 50' x 150' and is developed with a 1,761-sf residence and a garage attached to the rear of the house. An aerial photo on Power Point depicted the site, including a prominent avocado tree with a significant canopy, which the applicant proposes to maintain, and the adjacent neighbors' homes.

Ms. Lang prepared an overlay of existing and new development. The proposal relocates the garage to the front of the house and adds a laundry room and bedroom wing at the rear. The entry would also be relocated. New porch posts exhibit a 25-ft front setback and the relocated garage would have a 27'-3" setback, where a 28 ½-ft front setback is required for this lot. The house would

wrap around the north side of the avocado tree and the second floor would be located to the rear of the residence behind the tree. A chart showing the average FAR of the neighborhood was included in the packets; other properties have similar or greater FAR. Ms. Lang reported that the draft conditions require compliance with the angle plane requirement at the front. Staff determined that the front setback be denied, having determined that the encroachment could easily be remedied, and that the remaining components be approved.

Project architect Chiao Clerkin, reported that this project was used as a Studio project for La Cañada High School last year. She reported that the structure is a Baby Boomer generation home and her clients want to bring their parents home to care for them. Since her clients cherish the large avocado tree, she was presented with a design challenge from the outset. She displayed a board with the site plan and addressed concerns that the neighbors might have with regard to view impacts. There is existing vegetation on the south side and only one window on that elevation. Also, a proposed trellis with wisteria will provide more privacy. Ms. Clerkin stated that the neighbor's deep setback skews the front setback numbers and that allowing the encroachment would allow a more comfortable living room. A project model was displayed at the Commissioners' table.

Chairman Davitt opened the public hearing.

Jack Labrie, who lives 5 houses below the subject site stated that the applicant and architect had done a magnificent job in retaining the large avocado tree and that the project would be a "tremendous addition to the neighborhood".

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

Commissioner Cahill stated that he was initially supportive of saving the tree, but his site visit revealed that doing so would be at a great cost to the neighbor to the south. Though the second story would be less imposing from the street, that is not an issue, as there are many two-story homes on Palm Drive. He believed that a more compact structure would be more appropriate and less invasive to the neighbor. He could not support the request as designed.

Commissioner Mehranian made a site visit. She liked the design and the idea of maintaining the avocado tree. She was concerned that siting the second-story atop in the typical fashion would appear more massive. She concurred with the staff report and could approve the request with the exception of the front setback encroachment.

Commissioner Hill stated that although Palm Drive is one of the areas in the City that is in transition, maintaining setbacks allows an open feeling and the character of the neighborhood. As a member of the General Plan Advisory

Committee, reported that overbuilding and maintaining the character of neighborhoods were concerns voiced by residents. The front setback encroachment was less troubling for him than the side encroachment and he felt the windows were imposing. He could not make the findings.

Commissioner Gelhaar stated that the General Plan encourages compliance of non-conforming structures. He agreed with Staff that angle plane compliance would reduce the visual mass. As designed, everything is being pushed to the back, which impact the neighbors to the north and south. The view to the neighbor to the west is also imposing. He believed this was a case of mansionization and, as creative as the architecture was, he felt she was trying to accomplish too much.

Chairman Davitt observed that the site plan was not ideal, but removing the tree would solve a lot of the problems. He advised that he could not approve the design in its current configuration, but was willing to grant a continuance if the applicant preferred that to him calling for a vote.

The applicant opted for a continuance.

M/S/C Cahill/Gelhaar to continue Floor Area Review 06-16, Building Depth Review 06-09, Modification 06-89 to a date uncertain. Unanimous.

B. Variance 06-04; Wannier; 1010 Foothill Boulevard:

Senior Planner Buss reported that the applicants were requesting a reduction in the required number of parking spaces for a new retail store. The site is the prominent southeast corner of Foothill and Chevy Chase, a triangular-shaped lot, which is currently fenced-off. It has 96 ft of frontage on Foothill and narrows to 32 ft in width at the rear. The site has previously accommodated a gas station, flower shop and seasonal retail such as pumpkin farms, a Christmas tree lot, etc.

The 12,780-sf project area is zoned Mixed Use 2 in the Downtown Village Specific Plan. The CPD (Commercial Planned Development) standards, which apply in this instance, allow lot coverage of 50%. The proposed floor area is 6,615-sf, or 433-sf larger than allowed. Twenty-eight parking spaces, including 2 handicapped spaces are proposed. Nine of those spaces would be at grade and the remaining 19 would be subterranean. The requested 5 space reduction is equivalent to a floor area reduction of 1,000-sf.

Additionally, the proposed setbacks do not appear to meet Code.

Staff determined that the request representing overbuilding of the site and the proposed clock tower potentially exceeds the allowed height. Given that the site is vacant, Staff believed that a new project should make every effort to be code compliant.

Greg Powell, agent for the property owners, stated that he met with Staff shortly after his clients purchased the property. He made it clear that his clients' goal was to construct a quality project and that they intended to apply for a variance for the parking shortage. He was not dissuaded from doing so and he believed that Staff gave him "a reasonable expectation that this was not a far fetched request". Mr. Powell then cited a staff report from a previous request for the same site, which pointed out the myriad of variances granted to Taylor's restaurant, St. Bede's, La Cañada Presbyterian Church, etc. Mr. Powell noted that a previous request included a stacked design in the range of 9,400-sf and he didn't recall that being an issue. He related of having revised an initial submittal, which reduced the floor area to 6,615-sf and submitted that in November 2006. In December 2006, he filed for a variance. Staff's response was limited to a concern that a proposed clock tower would exceed allowed floor area, which he felt could be remedied by not putting a solid roof on the tower. Mr. Powell did not believe that the proposed setbacks are inadequate as noted in the staff report and he believed that a variance in this case was a reasonable request. He also believed there is a likelihood that a parking district will be established in the not too distant future. He concluded by stating that the landscaping exceeds requirements and that his client was only asking for a 15% reduction in the parking requirement.

Chairman Davitt opened the public hearing.

Ray Stockus, who resides directly south of the subject site, supported the project, but he had a few concerns: noise, as the parking entrance would face his house; the hours of operation, allowed hours of delivery, parking lot lighting and the proposed 35-ft high south elevation. He stated that he supports the proposed use in general - it is a great idea and it is a difficult lot to develop. Mr. Stockus believed there is room for compromise on both sides and he supported the clock tower, whether covered or not.

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

Director Stanley advised that he discussed the difficulty and requirements of developing this site with applicants at the outset. The submitted project does not meet the height requirements of the CPD Ordinance and that information was provided in the early stages. Most of the sites mentioned by Mr. Powell that received parking variances were established uses when the variances were requested, whereas this site would be scraped and cleared. Chevy Chase and Foothill is a very congested corner with a popular restaurant immediately adjacent and a community center and a heavily used ball field across the street. To allow another use with inadequate parking would not be wise. The property drops 5% from Foothill along Chevy Chase, it narrows to the rear and it fronts 2 streets --- "there is lots going on".

Commissioner Cahill confirmed that if the parking was only partially below grade, it would count as floor area. The components that exceed height requirements of the CPD zone are the front portion of the proposed structure and the clock tower.

Commissioner Gelhaar inquired if there was any way to change the grade and add landscaping on the common property line shared with Hill Street Café.

Senior Planner Buss advised that there is no setback requirement on that side; Code allows the applicant to build up to the property line.

Commissioner Mehranian commented that it would be difficult for her to support a variance at this time without knowing specifically what was being proposed for this very prominent and congested intersection. She did not consider it as a stand alone project, given the impending Sport Chalet project across the street.

Deputy City Attorney Cobey remarked that based on the staff report, this is not a project that could go forward smoothly unless changes are made. The sole matter before the Commission at this point is the parking issue.

Chairman Davitt solicited comments from the Commission and commented that it would not be prudent for the Commission to make a decision regarding parking until they see the plan in its entirety. He noted that the approved variances alluded to by Mr. Powell were zoned Downtown Village Specific plan, which this property is not and were also dealt with existing developments that had parking agreements with other property owners to share parking facilities. He felt it would be unfair to adjacent residences to allow a project that would result in spillover parking. He encouraged the applicant to design a project that did not require a parking variance and asked that Mr. Powell meet with staff to iron out any misunderstandings.

Commissioner Cahill felt it was a disincentive for developers to say "if you have a new building, you won't get a variance for parking, but you can with an existing building." He stated that the Planning Commission has historically granted parking variances e.g., Totta & Sons, and Taylor's restaurant went from the required 80 spaces to an allowed 50 spaces. "Until the City has a Parking District, it needs to deal logically with these applications." He reviewed the findings and could make them; the one problem he did have was that the difficulty with granting a variance in a vacuum. While the proposed building size did not trouble him, he felt there was a lot of hardscape proposed for this prominent area. He suggested a few ft of setback area for landscaping purposes and architectural features would make it a beautiful spot.

Commissioner Mehranian remarked that the site is a signature location and gateway to the City. Soft edges, setbacks and less square footage is what she

would want to see. While she did not doubt it would be a high quality building, she wanted to know what it would look like in terms of what's going in across the street.

Commissioner Hill concurred with Chairman Davitt regarding the numerous variables and "unknowns" and he did not believe it was appropriate to attempt to make the findings at this point.

Commissioner Gelhaar stated he believed it should be continued upon reading the staff report. The site is located at a prominent intersection that has been in terrible condition for many years; he was pleased that there was someone willing to improve it. He stated he was inclined to give a little break on parking to encourage development of this corner.

Chairman Davitt offered the option of a vote or a continuance to the applicant.

Mr. Wannier requested a continuance to a date certain.

M/S/C Gelhaar/Hill to continue Variance 06-04 to July 10th. Unanimous.

C. Floor Area Review 06-18; Modification 06-46; Catalano; 4612 Vineta Avenue:

Planner Gjolme advised that this project falls under the former R-1 Code and is only subject to Floor Area and Modification review, despite it having a new second-floor component.

The request involves a minor first-floor expansion and construction of a new second floor that would yield total floor/roofed area of 5,505-sf (including an existing garage and pool house). The requested FAR exceeds the 5,150-sf maximum allowed for the lot, but is within the 5,830-sf maximum allowed with review. The Modification addresses retention of a legal, non-conforming 5-ft setback on the north side, which is below the 10-ft requirement for the lot. The second-floor however, presents 24-ft and 25-ft north and south side setbacks, which exceed the 20-ft requirement for this lot. A guesthouse at the northeast corner of the property will be retained. It is also non-conforming with a 10-ft rear setback.

The 17,000-sf subject site is located on the east side of Vineta Avenue, just north of its intersection with Baptiste Way, in the R-1-20,000 Zone.

The first floor would be expanded 320-sf the rear and provide larger living and family rooms as well as supporting the new second floor

Staff and the property owner reviewed numerous project iterations with the goal that the sq footage of the house comply with the maximum FAR allowed for the lot. The goal was met; the result is a code-compliant residence and a

410-sf guesthouse that is a significant distance from the house and not seen from the street.

A Power Point presentation showed the 5-ft setback along the north face of the building where the building steps towards the property line for approximately 150-sf; it is the lone component of the Modification. Planner Gjolme noted that Staff would have been concerned had that building line continued to the front and created a tunnel effect, but since the building line steps back and 40% of the north face meets the setback requirement, Staff supported the requested Modification.

The front and rear elevations were displayed, showing a second floor height of 25 ft as viewed from the front. A height of 28'-8" would be achieved at the rear, a result of measuring from the lowest grade adjacent to the garage, to the highest ridge. A building height of 32 ft is allowed for this lot. Staff does not consider the project as significant in terms of its massing or overall proportion in relation to the first floor. A single window is proposed on the south elevation and the majority of windows were purposely configured on the rear elevation to preclude privacy impacts on the neighbors' yards. A second-floor sunken patio is also proposed extending from the second-floor master bedroom nearly to the terminus of the garage. Planner Gjolme drew a sight line to demonstrate how it would relate to the property to the south, which has a pool and patio along that property line. Despite the mature trees and shrubs, Staff believed there was a potential for view and privacy impacts and warrant some redesign. He pointed out that the proposed deck is sunken and includes a raised mansard roof at the perimeter. A simple solution would be to add a landscaped trellis rising from the roof and in line with the deck's interior wall and create a visual barrier to the south. The draft conditions address that type of solution.

The neighborhood is comprised mostly of single-story homes, though there are two-story residences, including one across the street with greater floor rear than proposed in this request.

Staff recommended approval of both entitlements.

Ken Doty, representing the applicant, stated that the idea of constructing a landscaped trellis on the upper deck was acceptable and he would be happy to do so.

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

Commissioner Mehranian expressed her concern with the transformation of the neighborhood in terms of prior discussion regarding overlay zones and districts.

Commissioner Hill concurred with Staff's recommendation; the only component that troubled him was the non-conforming setback, despite it not being visible from the street. He noted that it is a goal of the City to eliminate non-conforming setbacks when possible.

Commissioner Gelhaar agreed regarding the setback issue. Eliminating the approximately 160-sf would produce a compliant FAR project. He also felt that the second-floor deck was in reality a balcony and that it should be deleted, as it presents privacy issue to the south and to the neighbor to the rear. He felt it should be roofed and replaced with windows.

Commissioner Cahill reported that he did not have the opportunity to make a site visit. He supported Staff's recommendation for the sunken deck as long as it did not impact the neighbors. He agreed with the theory that the existing guesthouse triggers excess floor area, and could also make the findings for the Modification.

Chairman Davitt commented that he could approve the 5-ft existing encroachment because of where it is located. He preferred that the deck was removed and replaced with a roof, as it adds issues and defeats the purpose.

M/S/ Gelhaar/Hill to approve Floor Area Review 06-18 with added conditions to eliminate the deck and replace it with roofed area and to deny the Modification.

Commissioner Cahill offered a substitute motion to allow the deck, and require that the side setback encroachment meet Code.

Ken Doty advised that requiring a code compliant north side setback would require removal of a bedroom and bathroom that has been there for years. He stated that he could "not simply lop it off". He added that he could most likely work something out with the proposed deck.

Planner Gjolme reported that Building & Safety records show that in 1958, a permit was granted for a 1,200-sf addition for a hobby shop and ties down generic floor area. It also calls out a 5-ft x 32-ft wing, so the permit was a associated to the encroaching area.

Commissioner Cahill amended his motion to allow retention of the north side encroachment and to eliminate the deck. Chairman Davitt seconded the motion. Commissioners Hill, Gelhaar and Mehranian dissented and the motion failed for lack of a majority.

Commissioner Gelhaar reiterate his prior motion to require removal of the deck and deny the existing north side encroachment. Commissioner Hill seconded

the motion. Chairman Davitt and Commissioners Cahill and Mehranian dissented. The motion failed for lack of a majority.

Director Stanley suggested offering the applicant a continuance for redesign.

Mr. Doty accepted a continuance.

M/S/C Mehranian/Hill to continue Floor Area Review 06-18 an Modification 06-46 to July 10th. Unanimous.

D. Modification 07-32; Winnaman; 4914 Alta Canyon Road:

Planner Clarke reported the applicant's request to legalize unauthorized construction of a concrete wall, which he installed along Alta Canyon Road. Also included in the request are: a pool slide, a fireplace and pool equipment, all which are located within the required front and side yards. A gazebo is also proposed to be constructed over the fireplace, which would encroach 5 ft into the required front setback.

The subject site is zoned R-1-20,000 and is nearly 2 acres in size. It is located on the east side of Alta Canyon, where there is 220-ft of frontage. The rear of the property borders the Edison easement. Three flag lots, which abut the subject site to the south, enter and exit their properties via two abutting driveways, which are separated by a landscape planter.

Planner Clarke advised that Staff had received a letter earlier that day from a neighbor opposing the fireplace and a proposed gazebo, but in support of the wall. His opposition was directed to the applicant's alleged misrepresentation of facts. The Commissioners' packets also included a letter written on behalf of the property owners of the abutting flag lots. The letter alleges that the subject wall, columns and electric gate violate County Fire codes, as their historical turnaround area is now blocked and they are left with no other option than to back their vehicles out to Alta Canyon. Copies of the Fire Code and an Easement Agreement were also provided. Mr. Clarke reported that he had contacted County Fire, but was unable to pursue questioning due to time constraints.

A majority of the requested Modification addresses construction done without permits - the most visible element being the 6-ft-high, stuccoed wall along the Alta Canyon frontage. The required front setback for this property is 30 ft.; the solid wall is set back 11'-16", a pool slide is set back 25 ft, and a Jacuzzi and pool equipment is set back 13'-5". The pool was legally constructed in the 1920s with a 25-ft front setback.

Code allows construction of 6-ft-high walls on the front property line in the R-1-20,000 zone so long as the fence is 80% open (such as wrought iron). The subject wall is solid and averages 6ft in height. Planner Clarke noted pointed

out the significant amount of plants and vines installed in front of the wall along Alta Canyon, which will eventually soften and buffer the wall. Further, the Uniform Building Code requires 5-ft perimeter fencing around pools, which the subject wall serves to achieve.

A Power Point presentation showed an aerial view of the heavily wooded site, including the pool, which was constructed in the 1920s, and a second house on the property, which is one of the oldest homes in the city, having been constructed in 1895.

Staff analyzed the request and determined that the wall is consistent with allowed uses in the R-1-20,000 Zone and it serves as a safety enclosure for the pool and buffers the pool from the street. The pool slide is not visible from the street; however, the fireplace is partially visible from the street, as would be the gazebo. Planner Clarke pointed out the front setbacks of the two adjoining properties is 16 ft (which Code requires to default to 25 ft for the purposes of averaging) and 35 ft., which results in a required front setback for the subject property of 30 ft. In reality, the average of the two adjacent properties is 25 ½ ft. Further, the house to the north is not proximate to the pool equipment or slide and those property owners are not affected by those components.

Staff recommended approval of the requests with the exception of the proposed gazebo.

Commissioner Mehranian advised that she had not made a site visit and confirmed that the wall was built without a permit.

Commissioner Gelhaar asked how the documentation provided by the neighbors regarding easements and County Fire requirements affect the Commission's review.

Planner Clarke advised that it is part of an ongoing civil dispute among neighbors and the applicant regarding access. He was unsure if there is a nexus to the requested entitlements.

Commissioner Gelhaar confirmed that the applicant's gate is part of the wall that blocks access.

Deputy City Attorney Cobey advised that she did not extensively review the easement documents; however, she recalled the situation during a dispute with a sewer connection project. It appeared to be a civil dispute and the neighbor is referring to County Fire Prevention standards, which do not fall under the Commission's purview.

Director Stanley felt the City did not have sufficient information to make a determination at this point. He suggested that the neighbors retain a surveyor

to plot the land and to provide the survey to the City. He was unsure what the neighbors presented to County Fire, but the City could not comment on that unless the County imposed conditions that were not followed.

Chairman Davitt inquired if it was advisable to resolve some of these issues before the Commission makes a determination on this project.

Director Stanley responded that Staff could contact County Fire regarding any conditions that might be imposed. The easement alluded to by the neighbors is not reflected in our County Assessor data. It is up to the neighbors to demonstrate why the referenced easement should be available to them.

Attorney Cobey commented that the first set of issues dealing with the requested entitlements is totally under the Commission's authority and there is sufficient information with which to act. The other set of issues - assuming that what the neighbors contend is accurate ---- that a landowner, across whose property an easement was granted years ago, has now blocked that easement - is typically resolved by a court order. There is lots of precedence on that subject. She offered to look into whether the Commission has any jurisdiction on this aspect, but her instincts told her that it does not.

Responding to a question from Commissioner Mehranian, Planner Clarke assured the Commission that Staff was not recommending approval of the wall "because it's there", but rather because it appears compatible with the neighborhood and compliments the property. He pointed out the numerous over-height walls and tall, overgrown vegetation located within front set backs in the neighborhood. Staff did not believe that reducing the wall height would minimize impacts on the neighborhood, the Commission could require more landscaping or decorative features on the wall if it wished.

Director Stanley reminded the Commission that a solid wall is typically recommended to shield pools from the right-of-way and that it is shielding a pool that has been there for a long time. The Commission could require that the other amenities be relocated or removed. He pointed out that the property is large enough that the owner could apply for a Decorative Fence permit, which allows walls and fences up to 6 ft in height. Additionally, the gate as constructed is out of the setback and complies with Code.

Applicant Steve Winnaman expressed his belief that he had done what is best for the neighborhood --- he did not subdivide the property and he preserved his home designed by architect Paul Williams in 1925 as well as what is most likely the oldest structure in the city, a 117-year-old barn that was the first house in the Flintridge area. He reported that when he purchased the property, it was continually trespassed and strangers would use the pool. He built the wall out of concern with liability and possible litigation. He advised of being aware of the Decorative Fence Ordinance, but understood that it

applied to only property frontage. He stated that the construction workers went too far when he was not on site, where the wall exceeds 6 ft in height. He is willing to lower it to a height of 6 ft overall. He also upgraded the pool equipment, which he did not believe required a permit and pointed out that the pool slide is not visible from off site. Mr. Winnaman reported of having removed an unsightly chain link fence that was covered with overgrown bushes, and replaced it with the wall and planted a hedge to screen what can be seen of the fireplace.

Responding to a question from Commissioner Hill regarding the importance of the gazebo, Mr. Winnaman stated that it would allow him to entertain outdoors and provide a focal point. Relocating it would not work, so he would have to abandon it. He then displayed photos from the right-of-way to demonstrate that the fireplace is barely visible from off site.

Chairman Davitt opened the public hearing.

Joshua Porter, 4930 Alta Canyonada, resides adjacent and upslope from the site. He reported that the former owner did not properly maintain the chain link fence, which allowed a procession of coyotes and bobcats in his yard. The wall has eliminated that. He added that the wall is not difficult to look at and he prefers it to the "jungle that he had to look at previously". He used to work on the pool equipment for the former owner and attested that it needed upgrading. The water slide is not a problem for him and it is closest to his property line. Addressing the fireplace, Mr. Porter preferred it to be covered with a gazebo so that his line of sight has some type of cap. He stated that he did not have any complaints or criticism of the improvements.

Nadine Oddo, 4906 Alta Canyonada, addressed the 15-ft-wide dual driveways and access to the flag lots, which is assured by an easement since 1953. She reported that the lower driveway has been used for egress for 60 years and the upper drive was used for ingress. She reported that Mr. Winnaman has padlocked a gate connected to 2 columns, which precludes access to 4 homes; her property is landlocked without 2 driveways. She was questioned how Mr. Winneman's project was constructed without Fire Department clearance, as the narrow driveways preclude emergency vehicle access. She was also concerned with the safety issue raised by backing out the narrow driveway to Alta Canyonada.

Director Stanley noted that the gate is outside the setback and since it was constructed prior to the revised R-1 revisions, it did not need a permit.

Commissioner Cahill asked if in an 'after the fact situation', would the issue of the gate blocking an easement surface during the permit process?

Director Stanley advised that it would not. The easement needs to be reflected on the Assessor's map, and it is not. Staff does not get involved in civil issues. Additionally, Mr. Winneman just stated that the Fire Department allowed him to put a lock box on the gate.

Commissioner Hill commented that no matter what the Commission decides at this point, it would not impact the ability of the neighbors to pursue the easement issue.

Attorney Cobey counseled the Commissioners that they were not to judge the legality of the easement or whether it exists. Regarding the gate, it is within the purview of the Commission to order removal of the wall; it is supporting a gate that the neighbors say is a problem.

Richard Will, a neighborhood resident for 60 years, reported that the fence that the applicant removed was made of chicken wire and was 4-ft high.

John Luke, a nearby property owner and developer, questioned "how this got this far without Building & Safety realizing it". He was concerned whether the wall was constructed with rebar and the proper footings. He requested that the Commission require the wall to be lowered; otherwise, it would set a bad example for others". He also advised that it is dangerous to exist a 12-15-ft-wide driveway to Alta Canyada.

Responding to a question from Commissioner Hill, Mr. Luke advised that all 3 owners of the abutting flag lots are now forced to use the lower access driveway and face traffic heading in both directions.

Gary Shushnar, 4919 Alta Canyada reported that at times, the outdoor speaker system is on late at night. He preferred the existing higher wall as it provides him with more privacy

Mr. Winneman reported that the original owner of his home gave an easement to the neighbors so they could build their homes. Once that was done "so was the easement". He pointed out that his neighbors have access all they way to the Edison easement at the rear and he suggested that they trim the landscaping at the driveway corner so they wouldn't have a problem exiting the driveway.

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

Commissioner Gelhaar commented that the Commission occasionally approves pools in front yards. He advised that he could make the findings for the solid wall from where it starts for approximately 118 ft to the decking, where he felt the solid wall should terminate. He would then like to see a permit for a Decorative Fence Permit or move the wall back out of the front setback. The

pool equipment, pool slide and fireplace should all be moved out of the setbacks, and he agreed with Staff that the gazebo should not be constructed where proposed.

Commissioner Cahill stated he struggled with this request and tried not let the fact that the work was done without permits influence how he approached the problem. He noted that the wall is set back 25 ft from the property line, where the requirement is 30 ft; however, the average front setback of the two adjoining properties is 25 ft. Further, the subject wall is setback further than one on an adjoining property. He felt he could make the findings to allow the wall. He confirmed that the fireplace is 9 ft high and the gazebo would be 10 ft high. He stated that the fireplace is not obtrusive, and the gazebo would be a larger structure. The pool slide is not seen from the street and the pool equipment is quieter than what was there before. The access issue is a civil matter. He concurred with Staff's findings and could approve the project as conditioned.

Commissioner Mehranian agreed with Commissioner Gelhaar's suggestion for the wall, but she preferred that the wall be reduce in height. The pool slide was not a concern.

Commissioner Hill commented that this was probably the most contentious neighborhood conflicts that he's experienced and hoped that it would be resolved. Given that he resides at the top of Alta Canyada, he recalled seeing the wall under construction on a daily basis. He believed it was attractive and that it fits the lot. Addressing the remaining elements, he noted that the neighbor residing closes to the pool slide doesn't have a problem with it --- it fits, as does the fireplace and as would the gazebo. He analyzed the request as if it were not built and stated that he could approve the request whether or not landscaping grows on the wall. Permits will have to be obtained and that will resolve the neighbors' concerns about rebar, etc. Insofar as what is before the Commission, he could make the required findings.

Chairman Davitt commented on the unique, large lot and the challenge presented since the back yard functions as a front yard. He could support the wall given that it is set back 25 ft from the front property line. He preferred that the height of the fireplace be reduced to meet Code as it is partially visible from the street. He did not have concerns with the location of the pool slide or the pool equipment; however, the gazebo should meet Code if built.

Director Stanley noted that the draft conditions require building permits.

Attorney Cobey cited section 11.45.060C3 from the Municipal Code, which provides that the Fire Department approval shall be required prior to issuance of any building permit or grading permit required for a project with setback encroachments, etc. In her opinion, that makes it possible for the Commission

to impose conditions if the wall was approval and require approval by the Fire Department. She asked that the Commission be mindful of the finding that an approval would not be a grant of special privilege that is inconsistent with other properties in the area or the R-1 zone.

Commissioner Cahill stated that he could make the finding based on the fact that there's a pool in the front yard.

Chairman Davitt concurred.

Commissioner Hill questioned if any approval would require a condition requiring Fire Department approval since that would happen in any event.

Attorney Cobey agreed that this would be more of an in section by Building and Safety. Her advices was that "Fire Department shall be required" be added to any approval the Commission makes might make.

Chairman Davitt commented that it seemed redundant to add that language if the applicant has to abide by whatever Code requires, and Cod requires Fire Department approval.

Director Stanley remarked that this is an after-the-fact situation and typically, the Fire Department does not review walls located in front yards. Because of the issues raised, it would be a good idea to add the language as suggested by Ms. Cobey.

Commissioner Hill made a motion to approve Modification 07-23, including a code-compliant gazebo, with an additional condition that the Fire Department approve the concrete block wall.

Chairman Davitt inquired about reducing the height of the fireplace.

Director Stanley advised that to be code compliant, it would have to be cut down to a height of 42", which would negate the idea of a fireplace - unless the Commission wanted to stipulate a specific height.

Commissioner Cahill offered and amendment to the motion to require the fireplace to be reduced in height by 1 ft.

Commissioner Hill stated that he was not comfortable with the amendment. The Commission's concern is whether the fireplace is visible. The gazebo would not accomplish anything if it were not over the fireplace.

Director Stanley advised that the gazebo might not be allowed within the setback area in any event because Code requires fireplaces to be a certain distance from a structure.

M/S/C Hill/Cahill to approve Modification 07-23, including the proposed gazebo so long as it is code compliant and requiring the fireplace to be reduced in height by 1 ft. 3 Ayes. Gelhaar and Mehranian dissenting.

E. Second-Floor Review 07-15; Tobias; 4377 Commonwealth Avenue:

Planner Gjolme described the requests to construct a new, two-story residence and attached garage, comprising 6,113-sf., which is the maximum allowed FAR for the lot. A 3,000-sf basement which is exempt from floor area calculations, is also proposed.

The 21,819-sf site is located on the west side of Commonwealth Avenue in the R-1-20,000 zone. It is 100 ft wide and 224 ft deep.

The project is totally compliant with Code, including the height, floor area and setbacks. There will be a change to the front yard so that there is a 60/40 split between softscape and hardscape in the front setback area.

The site plan was displayed on Power Point showing the proposed structure centrally located on the lot and a majority of existing open space to the front and rear remaining intact. The home's design is French country with understated roof forms that alleviate massing as the vertical scale increases and hip ends easily satisfy the angle plane requirement. The structure reaches an overall height of 31 ½ ft where 32 ft is allowed. The side elevations were shown---there are no windows on the second floor to the north and minimal window arrangements on the south elevation. The facades are minimized and the roof form emphasized through design. The basement is totally below grade and will require 900-1,000 cubic yards of export, which equates to approximately 100 truck trips. Planner Gjolme noted that the project site has direct access to Foothill and ultimately the freeway and the draft conditions include submittal of a haul route plan. Adjacent homes are all fairly large, attractive, two-story homes and the area is typified by two-story, estate scaled homes. Staff determined that positive findings could easily be made and recommended approval. Planner Gjolme noted that the project is before the Commission solely for Second-Floor Review.

Project designer Dave De Angelis, added that the design was clear and simple, meets Code and "fits" the neighborhood. Soft earth tones comprise the palette and the mature oak in the front will be protected during construction and retained.

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

The Commissioners concurred that the design was attractive. Commissioner Gelhaar commented 8 bedrooms and 8 baths pushes the envelope of an R-1 use.

M/S/C Mehranian/Cahill to approve Second Floor Review 07-15 as submitted and as conditioned. Unanimous.

G. Hillside Development Permit 07-8; Second-Floor Review 07-09; Floor Area Review 07-05; Modification 07-35; Davis; 206 Inverness Drive:

Planner Clarke described the applicants' request to add 301-sf to their single-story home and construct a new 2,195-sf second floor on hillside property. The proposal includes demolition of an un-permitted guesthouse; total demolition would be 1,089-sf. The detached, non-conforming garage would remain, yielding total floor/ roofed area of 6,622-sf

The 42,689-sf subject site is a flag lot with a significant upward slope at the rear. Its 10 ft of street frontage triggers Floor Area Review. Retention of the existing garage non-conforming setbacks triggers a Modification; it is setback 10" on the east side setback, rather than the 11 ½ -ft requirement and 22-ft from the front property line rather than the required 25 ft. The existing home is set back 90 ft from Inverness and there is considerable mature landscaping at the site's perimeter.

A Power Point presentation showed that the subject lot is 30% larger than the neighborhood average. The design is contemporary, and includes exposed eaves and exposed rafter tails. Overall height is mostly 24 ft; the highest pitch reaches 26 ½-ft, which is lower than the 32 ft permitted by Code.

Staff concluded that the project is compatible with the mix of designs in the neighborhood. The garage is not seen from the street and its location has not changed since 1958. Relocating it to meet current setbacks would detract from the overall design layout and allow it to be seen from Inverness drive.

Project designer, Christian Poloni, presented a three dimensional view of the project.

Property owner Bill Davis reported that he had excellent communication with Staff and it had been a pleasure to work with them. Three of his neighbors had submitted letters of support to the Commission.

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

Commissioner Hill did not have any issues with the request.

Commissioner Gelhaar remarked that the project site is located in a remote and quite area. The proposed balcony would not affect anyone's privacy.

Commissioner Cahill and Chairman Davitt commented on the location and the design.

M/S/C Gelhaar/Hill to approve Hillside Development Permit 07-08, Floor area Review 07-05, Second Floor Review 07-09 and Modification 07-35 as conditioned. Unanimous.

X. COMMENTS FROM THE COMMISSIONERS

Director Stanley provided clarification regarding what is allowed within setbacks for Commissioner Gelhaar.

Commissioner Cahill advised that the aerial shots were very useful and requested that smaller plans be provided in his packet and he finds them easier to work with.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley provided an overview of the community meeting held on the General Plan's update, which was held at Van de Kamp Hall.

Director Stanley and Planner Clarke attended GATE classes and La Cañada Elementary School.

SCAG denied the City's appeal of the RHNA numbers after returning 3 times to the appeals board. The City is required to provide for 233 low and moderately low income housing units --- those numbers must now be provide in the General Plan's Housing Element.

Wording that Commissioner Gelhaar asked Staff to include with the Notices of Approval stating that failure to comply with a condition of approval is considered to be a misdemeanor will likely be heard by the City Council in July.

Lastly, Director Stanley announced that this would be Deputy City Attorney Cobey's last meeting, as she had accepted an offer from another law firm in Los Angeles.

Attorney Cobey commented that it had been a joy to be part of the process and that she would miss being part of it.

Director Stanley and the Commissioners congratulated Ms. Cobey and thanked her for all her work.

XII. ADJOURNMENT

M/S/C Cahill/Hill to adjourn at 10:17 p.m. Unanimous.