

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MAY 24, 2005**

I. CALL TO ORDER:

Chairwoman Mehranian called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt and Gelhaar, City Attorney Steres, Director of Community Development Stanley, Planner Gjolme, Assistant Planner Lang and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Engler led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR

A. Minutes of April 12, 2005. M/S/C Davitt/Gelhaar to approve as submitted. Unanimous.

B. Resolution 05-34, approving Variance 03-13 (amendment); 1720 Fairmount Avenue, with conditions. This item was pulled for discussion by Chair Mehranian.

Chair Mehranian requested clarification, since she was not present at the May 10th meeting when the amendment was requested. She recalled feeling strongly to grant the request to cover the patio due to the applicant's special circumstances. She has since received correspondence from the applicant and it seemed to her that the applicant is not clear what the Commission decided.

Director Stanley summarized the request to eliminate an imposed condition requiring that a covenant be recorded on the property to assure a code-compliant patio roof upon sale of the property. He emphasized that a code-compliant roof would be one that is at least 50% open i.e, lattice work.

Commissioner Gelhaar commented that the applicant believes that would entail removing columns, supporting structure, etc., whereas that is not the case.

Chair Mehranian wanted assurance that the applicant was clear on the "50%" rule.

Director Stanley stated he believed that was the case. Commissioner Gelhaar noted that the project architect attending the meeting and he certainly understood.

M/S/C Gelhaar/Davitt to adopt Resolution 05-34 as conditioned.
Unanimous.

VI. REORDERING OF THE AGENDA

Chair Mehranian suggested re-ordering the agenda and hear the Capital Improvement Programs item first.

She announced that the applicants for item E under Public Hearings, Modification 05-19, Wannier, have requested a continuance.

Commissioner Gelhaar supported granting a continuance, but he first had questions.

Director Stanley asked that the Commissioners not allow the legal issues between the applicants and their neighbor to cloud the request at hand; much of the submitted material is not relevant.

For the record, Commissioner Gelhaar felt that broader issues were raised by the request and he asked the City Attorney to research and advise what, if anything, the Commission can do regarding a residential use of security cameras to observe neighbors. He requested that information before the Commission made a determination.

Director Stanley advised that the next available date was June 28, or the Commission could continue the matter to a date uncertain.

M/S/C Davitt/Gelhaar to continue Modification 05-19 to June 28th.
Unanimous.

Director Stanley announced that further notice of the hearing would not be mailed.

VII. OTHER BUSINESS

A. Capital Improvement Programs 2005-06

Director Stanley announced that municipalities are required by state code to make a determination that their CIP programs are consistent with their General Plans. Most of the items for our city deal with maintaining existing facilities; a

large portion is assigned to sewers. He introduced City Engineer Kwan and Senior Management Analyst Strauss, who would respond to any questions the Commissioners might have.

Commissioner Davitt addressed the LCHS basketball court improvements and confirmed that the courts are available to the community.

Responding to a question from Chairwoman Mehranian, Sr. Management Analyst Strauss explained that Jessen Drive Bridge Replacement is listed under General Fund and non-General Fund project lists since City and Special Funds are involved. Road repairs from the recent rains are not included; those will be done on a reimbursement basis as FEMA and other agencies reimburse the City for damages.

City Engineer Kwan advised that the City sent out a Request for Proposals to various engineering firms and received 4 responses. Those firms and their bids are being evaluated. He noted that Inverness and the Foothill crib wall are stand alone projects and were not included in the RFPs.

M/S/C Davitt/Cahill determining that the Capital Improvement Projects for fiscal year 2005/06 conform with the City's General Plan. Unanimous.

VIII. PUBLIC HEARINGS

A. Hillside Development Permit 01-41; Petrossian; 657 Foxwood Road: Planner Gjolme reported that the applicant was seeking a second six-month extension on his approval. Health Department requirements combined with last winter's unprecedented rains made it difficult to demonstrate percolation. The delays make it unlikely that he will vest within the former extension timeframe and Mr. Petrossian is therefore asking for a second and final, six-month extension.

Applicant, Pete Petrossian, related the unprecedented difficulties caused by the 100-year storm that lasted from January through April. The Health Department required 3 sets of drilling, in the front, side and rear and geology was delayed to April 5th. He was granted a building permit on May 12. He expressed appreciation for the patience shown by the City and assured the Commission that this would be the final request for an extension.

The Commissioners agreed to allow a 9-month extension, rather than the 6-months requested.

M/S/C Cahill/Gelhaar to approve an additional 9 months extension for "start of construction" as defined in the conditions of approval. Unanimous.

B. Modification 05-18; Greenberg; 245 Berkshire Avenue:

Planning Aide Shimazu that in July '03, a complaint was filed with the City regarding ongoing construction of over height gate and wall within the front setback. Upon inspection, it was discovered that an existing side yard wall, facing Flint Canyon Tennis Club, had been extended, so that it exceeds the allowed height of 6 feet. Following receipt of a Stop Work Order and a Notice of Violation, the property owners filed for a Modification to allow the over height walls. The request was heard and denied by the Commission. The applicants then filed an appeal to the City Council, however the paperwork was rejected due to late filing. Ultimately, this matter was referred to the City Prosecutor's office for enforcement due to the property owners' failure to bring their property into compliance. Pending arraignment, the property owners have re-filed a request for a Modification.

The owners advise that the intent of the gates and over height walls is to provide adequate privacy and security. A Power Point presentation was made showing the property from inside and outside. Planning Aide Shimazu stated that at this point, the unauthorized excess height cannot be justified and Staff believes that code compliant walls and gates would achieve the applicants' intent.

John Ernster, counsel for the Greenbergs, was unsure if the original presentation for the Modification was complete and stated it is regrettable this matter has proceeded as it has. He related that his clients purchased their home in a run-down condition and in their zeal to make it attractive, comfortable and secure, they pressed ahead. He apologized for the history to this point and, as a friend and advisor of the Greenbergs, he suggested they move ahead through the process and apply for the appropriate permits.

Mr. Ernster recognized the basis for Staff's recommendation and noted that it is within the Commission's purview to "depart from the zoning code". He pointed out the dramatic decrease in elevation from the street to the property, and requested that the Commission review the request with a fresh viewpoint as to the special circumstances. He stated that the walls and gates are attractive, add to the appearance of the street, and provide security for his clients. He distributed photos of the site from the driveway to the house, which he believed best depicted the grade difference. A functional purpose attributed to the wall is that it prevents runoff of soil and silt into the stream located under the driveway. Further, the gates preclude motorists from parking along the dangerous curve. He stated that importantly, the perceived height of the wall and gate is approximately 6 ft from street view due to the elevation difference and the gate's width allows safe ingress and egress. He believed that a code-compliant wall would not provide security for his clients and would allow views into the property.

Security – There is a horse trail and a drainage culvert to the rear of the property, which could be used to access the property; during remodeling, his client’s home was burglarized. The 6’-3” side wall facing the Club, provides security along the dark and isolated portion of the property, and is not seen by anyone other than those parking in the Club’s lot. He noted that non-members are allowed to play at the Tennis Club.

Aesthetics – the walls and gates are proportional to the 4+-acre site. They are neither offensive nor obtrusive and the neighbors support them as is. Mr. Ernster distributed a petition signed by neighbors and a photo of a 6-ft-high, stepped wall, under construction across the street. He stated that the walls and gates were on a flat property and on a typical lot, they would be overpowering; but on this site, “it’s a positive, and reducing the height would be out of proportion and less pleasing”.

Chairwoman Mehranian opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Davitt stated that he could support the over height wall facing the Flint Canyon Tennis Club and recalled discussion from the first meeting that this was a unique situation. He confirmed that height is measured from the lowest adjacent grade and stated that based on the Ordinance, he was unsure there is a need for over height walls at the front, though an argument could be made that they are aesthetically pleasing. In that sense, he continued with his prior position of not supporting the over height walls at the front of the property.

Commissioner Gelhaar concurred.

Commissioner Cahill considered the Club to be a commercial property; therefore, security and privacy issues are to be considered. While he was not seated on the Commission for the initial hearing, his general impression was that the front walls are not obtrusive; he is 5’10” and was able to look over the walls; they appear 5’-10” from the street. He believed that the significant drop in elevation from the street equates to special circumstances and that he could support that component as well.

Chairwoman Mehranian supported the over height fence facing the Tennis Club and the gates, but was struggling with the continuous solid wall around the property, though it was aesthetically pleasing to her.

Commissioner Gelhaar remarked that the City has a Decorative Fence Ordinance and while the gates were acceptable, “it’s the solid wall that should

be redesigned to conform to the Ordinance". He asked if the Commission could vote on the separate components of the request.

The City Attorney advised that the Commission could add a condition stating that the approval applies only to the north wall.

Applicant Mike Greenberg advised that he spoke with the Senior Building Inspector because there was confusion as to what was considered the front setback; there is no right-of-way described in his title report. The Inspector advised him that he did not need permits for columns under 15 ft in height or fences under 6 ft-high. He noted that he is allowed up to 36" of retaining wall plus 6 ft atop; none of the front walls exceed 6 ft in height on the high side; they and the wing walls at the front are retaining dirt. The only spot where 6-ft is exceeded is where the walls meet the columns in front. Mr. Greenberg reported that two, award-winning architects have advised him that "even" walls would not look right (those void of vertical modulation).

Mr. Greenberg informed the Commission that his work frequently requires him to be out of town and he needs assurance that his property is secured. The Sheriff advised him that 1,500 motorists drive down Berkshire daily; since many of them drive beyond the speed limit, he believed the walls protected his property.

Commissioner Cahill remarked that this case is an example where regulations don't work and the neighbors don't object. "There is no issue other than we're making it an issue".

Commissioner Gelhaar made a motion to approve Modification 05-18 that all walls, other than the north wall, must comply with the Decorative Fence Ordinance and that an application for same be filed.

Commissioner Davitt requested clarification on Mr. Greenberg's statement that Code allows 6-ft-high walls atop 3-ft-high retaining walls.

Director Stanley stated that code allows 6-foot solid walls and fences atop 3-foot retaining walls, but only within the side and rear setbacks and with neighbor endorsement if outward-facing. In this case, staff measured overall height from the lowest adjacent grade along the inside of the wall and identified a height issue. Further, the portion of the wall visible from the higher grade along the street exceeded not only the 6-foot maximum allowable height at points, but also conflicted with the non-solid composition required by the Decorative Fence Ordinance.

Commissioner Gelhaar asked if permits were pulled for the retaining walls.

Director Stanley responded that any wall more than 6-ft in height requires a building permit. No wall under review was inspected nor were permits pulled.

Planning Aide Shimazu commented that the entire front wall retains dirt since street grade is much higher than the property's grade. The side wall also retains dirt because the property elevation is higher than the Tennis Club's.

Responding to a question from Commissioner Davitt, Director Stanley advised that the Decorative Fence Ordinance does not deal with retaining walls. There is a section in the Building Code that talks about inward-facing retaining walls once you are out of the front setback.

Commissioner Gelhaar amended his motion to approve Modification 05-18 with a condition that the fence, gates and walls, other than the north wall, be subject to the Decorative Fence Ordinance.

Second: Davitt. The motion passed with 3 Ayes; Cahill dissenting.

Director Stanley advised the applicants of their right to appeal and that Staff would return at the next meeting with a resolution.

C. Variance 05-02; La Cañada Flintridge Educational Foundation; 975 Foothill Boulevard:

Assistant Planner Lang reported the applicant's request for an off-premises sign that would track the progress of non-profit fundraising. A 12.5-sf monument sign would be placed within an existing planter area in front of SportRentals at the northeast corner of Foothill and Angeles Crest Highway. It will not be lighted and the applicant has agreed to landscape the planter. The project is subject to Design Review if approved.

A Variance is required because 1) the sign qualifies as a bulletin board and as such is limited to a maximum size of 12-sf. The sign area of 12.5-sf does not include the vertical support members or the stone base. 2) code requires a minimum distance of 50-ft between ground mounted signs. The proposed two-sided sign would be located 10'-9" from the existing pole sign, which would remain.

Staff recommended positive findings and project approval.

No one was present in the audience to represent the applicant.

Chairwoman Mehranian opened the public hearing; comments were not offered and the public hearing was closed.

Responding to a comment from Commissioner Cahill regarding sign size, Assistant Planner Lang advised that the stone base is included in the sign area calculations but the columns are not.

Commissioner Cahill advised of having made a site visit and did not consider another sign to be offensive. He supported landscaping and was certain that the Design Commission would see to it that the sign would not detract from the area.

Commissioner Gelhaar concurred.

Commissioner Davitt commented on the sign's proximity to the corner.

Assistant Planner Lang advised that the City Engineer and the Traffic Engineer reviewed the proposal and were satisfied it would not create visibility problems.

Chairwoman Mehranian remarked that the Educational Foundation is very effective in the City and is entitled to a prominent display in town to continue its effective fundraising activities.

M/S/C Davitt/Cahill to approve Variance 05-02 as conditioned. Unanimous.

D. Building Depth Review 05-3; Verbinski; 4345 Woodleigh Lane:

Assistant Planner Lang described the applicant's proposal to construct a new, 17'-7"-high, second-floor deck and a trellis at the rear of the home's northerly wing. A code compliant, 1,120-sf pool house is also proposed northwest of the home.

The nearly 65,000-sf site, with gently rolling lawns and a wooded perimeter, is located on the west side of Woodleigh Lane, just south of its intersection with Georgian Road. It is over 300 ft deep and could easily accommodate the project. Generous setbacks would be provided, including over 85 ft at the north side, and over 112 ft at the rear. Total floor and roofed area would reach 9,949-sf.

Building Depth Review is triggered since the deck/trellis addition would yield an overall building depth of 93'-10"; however, it is well articulated and centrally located on the parcel. New floor area would result in the form of a 670-sf roofed patio space below.

View and massing concerns are not raised; the added, and open, 8'-4" depth would not present a significant change and existing perimeter trees and landscaping would screen the project from off site views. Staff recommended positive findings and project approval as conditioned.

Project architect, Craig Stoddard, commented that Staff had addressed the project thoroughly; the main concern of off site views is not an issue.

Chairwoman Mehranian opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Gelhaar stated that the project was well designed on a huge lot in the middle of the city. He concurred with Staff's findings and emphasized the condition 14 calls for field verification that total floor area does not exceed 10,000-sf. If so, the area of the pool house or newly created first floor patio shall be reduced.

M/S/C Gelhaar/Davitt to approve Building Depth Review 05-03 as conditioned. Unanimous.

E. Modification 05-19; Wannier; 5131 and 5127 Gould Avenue:
Continued to June 28, per earlier action.

IX. OTHER BUSINESS:

A. Tree Removal Permit 05-47; Martinet; 4052 Hampstead Road:

Planning Aide Shimazu reported the applicant's request to allow removal of 3 oaks, located in the rear yard. Removal of three or more protected trees on a residential parcel requires Planning Commission approval.

The applicant was granted a Tree Removal Permit and a subsequent amendment, which allowed total removal of 2 oaks. Subsequently, a contractor, who was preparing the rear yard to install a pool and spa, informed the City that he had erroneously removed an oak that was to remain, and left an oak that was to be removed to accommodate the pool and spa.

Chairwoman Mehranian requested assurance that the Commission had an accurate picture of the property's current state.

Director Stanley noted that Staff's recommendation of approval included a condition requiring on site tree replacement or a monetary contribution to the City Tree Fund.

Ron Taft, landscape architect, displayed an exhibit of the site and provided a brief overview of the tree removal request. Originally, the pool was to be

located at the southern portion of the property, but after a bout with the Health Department, the decision was made to relocate the pool. Unfortunately, the arborist marked the wrong tree for removal; he was on site and stopped the cutting after 2 oaks were removed. Mr. Taft pointed out the site is heavily wooded with 3 very large sequoias, elms and other mature trees. His landscape plan uses the oak woodland planting plan. He requested approval of the request, noting the limited area to install the pool so that it is outside the tree canopies, leach lines and setbacks.

Commissioner Davitt stated that Mr. Taft had handled the situation appropriately. There is no where else to site the pool and there is an abundance of trees on site.

Commissioner Cahill expressed appreciation for the way Mr. Taft approached the situation and thanked him for presenting the exhibit, which clarified the request.

Chairwoman Mehranian recognized that a mistake was made, but stated that as a matter of principal, she could not support the request.

M/S/C Cahill/Gelhaar to approve Tree Removal 05-17 as conditioned. 4 Ayes; Mehranian dissenting.

C. 3710 Madison Road

Staff was seeking direction from the Planning Commission. The project architect has taken exception to the Director's determination that a project no longer qualifies for an Administrative Setback and must proceed to a full Commission hearing.

The applicant submitted applications for Administrative Hillside and Modification review for an application to construct a two-story, 6,000-sf home. While Staff was reviewing the request, the property owner opted to build a single-story home and in essence demolished the home; the garage, breezeway and a covered patio were demolished without a permit. Only the framing remains.

Issues before the Commission: given the magnitude of what was demolished, are the existing encroachments maintained? Is the floor area grandfathered?

Given the scope of unauthorized work, Director Stanley considers the home to be demolished and advised the applicant to apply for a full Modification before the Commission. The project architect, Jay Johnson, agreed with the Modification determination, but not the floor area component.

Commissioner Cahill asked what would be different if the walls were still in place.

Director Stanley responded that Mr. Johnson wants to maintain the same footprint and despite the extent of unauthorized demolition, he considers this to be addition.

City Attorney Steres quoted the section from Code which, under given circumstances, subjects floor area between 601-sf and 1,200-sf to Administrative Review; anything greater requires review by the Planning Commission. Staff believes that the project would now constitute new development and is subject to Commission review.

Commissioner Cahill confirmed that the applicant intended to change the roofline.

Assistant Planner Lang commented that Staff does not have the benefit of knowing what the former roofline looked like.

Commissioner Gelhaar confirmed that the issue is the loss of time between Administrative Review and scheduling the project for a public hearing.

Planning Aide Shimazu advised that the applicant applied too late for an extension of their approval to build a two-story home.

Director Stanley advised that if the applicant had applied for a demolition permit, Staff would have caught it. His policy is that once a roof is removed, a structure loses its grandfathered status.

Commissioner Davitt was inclined to allow Administrative Review, noting that it was arguable whether the demolition was intentional.

Chairwoman Mehranian was concerned that doing so might send the wrong message to other applicants. She felt that Administrative Review would reward the applicant for coming in with a less obtrusive home

Commissioner Cahill quoted from a letter submitted from Mr. Johnson, which stated that only the rafters and roof materials would change. If that was the case he did not believe there was a need for Commission review and Administrative Review was sufficient to handle the garage and breezeway.

M/S/C Cahill/Gelhaar determining that the existing floor area shall not be considered as "new", anything else would be new. 3 Ayes; Mehranian dissenting.

X. COMMENTS FROM THE COMMISSIONERS:

Commissioner Gelhaar questioned the City Attorney if, generally speaking, could the field of view for security cameras extend beyond the property line of the homeowner.

City Attorney Steres stated that he would research the issue and advise.

XI. COMMENTS FROM THE DIRECTOR:

Director Stanley reported that the Bywater and Liang appeals would be heard by the City Council on June 6th. The project architect for Bywater eliminated 10 ft from the second story and articulated the blank wall. Staff views the revisions more favorably than the original submittal.

Responding to a question from Commissioner Gelhaar regarding additional staffing for the Department, Director Stanley advised that the City Manager has requested that he justify the request.

XII. ADJOURNMENT

M/S/C Davitt/Cahill to adjourn at 8:07 p.m. Unanimous.

Secretary to the Planning Commission