

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD JUNE 10, 2008**

**I. CALL TO ORDER:**

Chairman Cahill called the meeting to order at 6:03 p.m.

**II. ROLL CALL:**

Present were Commissioners Cahill, Gelhaar, Curtis; Director of Community Development Stanley, Deputy City Attorney Vargas and Planners Clarke and Gjolme. Commissioner Hill arrived at 7:39 p.m. and Commissioner Davitt was absent.

**III. SWEARING IN OF JONATHAN CURTIS AS PLANNING COMMISSIONER**

City Clerk, Sylvia Baca stated that the execution of this Oath is required by Article 20, Section 3 of the State of California Constitution; she asked Mr. Jonathan Curtis to raise his right hand and repeat after her: "I Jonathan Curtis, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California that I take this obligation freely without any mental reservation or purpose of evasion and that I will, well and faithfully discharge the duties upon, which I am about to enter." City Clerk, Baca congratulated Commissioner Curtis.

**IV. ELECTION OF CHAIR AND VICE CHAIR**

This item moved to end of the meeting.

**V. PLEDGE OF ALLEGIANCE**

Chair Cahill led the salute to the flag.

**VI. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**VII. REORDERING OF THE AGENDA**

Item IV, Election of Chair and Vice Chair was placed last on the agenda.

**VIII. CONSENT CALENDAR**

No items.

**IX. CONTINUED PUBLIC HEARINGS**

There were no continued public hearings.

**X. PUBLIC HEARINGS**

**A. Modification 08-06; Call/Creighton; 4612 Encinas Drive:** Request to allow over-height walls within side and rear setbacks.

Planner Clarke stated that this house was approved by the Planning Commission on October 10, 2006. The area with the overheight walls contains a portion of the Hay Canyon Channel that runs adjacent to the eastern property line at the rear of the parcel. A portion of the retaining walls also extends into the rear and side yards of the property at 1224 Fernside Drive.

The project site is located at 4612 Encinas Drive on the east side of the street, between Fairview and Fernside Drives.

On October 10, 2006 the Planning Commission approved Floor Area Review (FAR) 06-09 to construct a new two-story residence on an 8,075 sf (gross area) lot. A FAR was required as the total floor and roofed area was 2,952 sf, 3.9% above the 2,659 sf standard for the lot, but within the 2,954 sf maximum allowed with approval of an FAR.

Planner Clarke indicated that the conditions of approval for the approved FAR include the following two provisions, which address the channel area at the rear of the property:

The landscape plan submitted as part of this approval indicates that the flood control channel is covered. If the covering of the channel is not approved by Los Angeles County Flood Control District, a new landscape plan shall be submitted for review and approval by the Community Development Director prior to issuance of building permits.

Prior to issuance of building permits, the portion of the deck that is within the Flood Control easement shall be removed or approved by the Los Angeles County Flood Control District.

Commissioner Gelhaar asked if the project will require any grading; the answer was no.

He continued with another question regarding Item 14 in the questionnaire that states "There is an existing single family home that will be removed. The lot is flat overall with a downward slope at the rear of the property. The slope terminates at the water channel." He stated that he went to the rear to look at it. He would not have pictured a high bridge being built over the channel. He noted that there has obviously been some grading done and requested to be enlightened about the code and what applies.

In response, Planner Clarke stated that the application was filed two years ago for the original house. The applicant applied for two permits: one to the City, and one to the

Flood Control District. The applicant's applied for a building permit to demolish the existing house and a building permit to construct the proposed house, now under construction. For the Channel, the applicant applied to the Flood Control District and was granted a permit to build the bridge. The permit is included as part of one of the attachments in the commissioners' packets.

Planner Clarke stated that the work description in the permit says, "Construct a concrete deck, or with the District's Channel, backfill pavement constructed portion of a spa." This is the area that was built up behind retaining walls. The City didn't review any grading plan associated with this as the area was part of the Flood Control District, which was reviewed and issued by them. In general, the issue of dirt quantity and the threshold of 50 cubic yards could be considered for a grading permit. It is City policy that dirt moved behind a retaining wall is not considered grading and no permit is required. There is an issue regarding the Flood Control District's issuance of a permit for the retaining wall and the bridge, and whether the applicant had to come to the City for a permit.

Commissioner Gelhaar stated that the applicant should have come to the City for permission on these oversized retaining walls before they picked the other size retaining walls.

Planner Clarke remarked that the applicant had a condition of approval from the City saying that the Flood Control District has to approve it. There is no mention in that condition of approval that the City would need to approve that.

Commissioner Gelhaar asked for Deputy City Attorney Vargas for his opinion as he disagreed with staff on this issue.

In response to Commissioner Gelhaar's request for his opinion, Deputy City Attorney Vargas stated that he had a conversation about this with the City Manager, Mark Alexander, and their conclusion is that even if there is an easement across City regulated property, that doesn't negate the requirement to get City permission to do certain things on that easement.

Planning Director Stanley noted that's why staff had the applicant come to the Planning Commission. The issue was discovered when staff visited the site after the applicant went to the Flood Control District for approval, was granted a permit, and construction was started on the walls. Flood Control did not notify the City, so that was a problem with their process. There should have been notification to the city. We currently have an on-going dialogue with the County Public Works Department to ensure they will notify the city in the future. Directory Stanley stated that he thinks the applicant thought he was doing the right thing and didn't think he was trying to get away with anything.

Commissioner Cahill questioned if the purpose of the bridge is to level the property from one side to the other, and if the retaining walls are going to be subject to the regular wall requirements.

Commissioner Curtis questioned if any information from a safety standpoint is relevant and wondered if the project would have to come back to the Commission.

Commission members further discussed the grade of the site, landscaping and oak trees.

Planner Clarke added that if County Flood Control didn't approve the project, the applicant would have to come back to the Director.

Director Stanley noted that the Planning Commission is reviewing the screening of walls/vines/shrubs/landscaping on top. He asked the Commission members if they wanted to put in shrubs.

Commissioner Curtis questioned why the applicant couldn't fill in the channel.

Director Stanley replied that if the channel wasn't there, the applicant would need a grading permit to fill it in.

Commissioners asked questions about the acceptability of chain link fencing. Director Stanley indicated that since the applicant is coming in for a Modification, that could be part of it, with the staff recommending decorative block or something visually pleasing. Questions were raised with the Assistant City Attorney about putting a fence on top of the raised portion.

Chairman Cahill opened the public hearing.

Bryce Call, the builder, indicated that the applicant intends to construct a decorative wrought iron fence, so neighbors can see. He intends to screen and put plants along slope on both sides of structure. Grading was discussed when the permits were pulled from the county. There was approximately 100 cubic yards of backfill. The County didn't issue a separate grading permit.

The neighbor to the south, Dorothy Kanner (4606 Encinas Drive) expressed concern about having a 6' fence above the wall. She noted it's just going to be a change.

James R. Stoker, 4555 Encinas Drive, asked whether there was ever a public hearing for this bridge. He asked whether this project would increase the probability of the channel being clogged; would a basement suffer water damage from the wash itself, particularly from overflow; noted that the site is currently fenced off, but it's a potential future

attractive nuisance and not sure how to prevent it from being dangerous and high above the wash. He said the walls are not marked, so when would the City hold a hearing. Was this bridge approved by flood control?

Chair Cahill indicated that this was the public hearing. Additionally, the walls were already there, so a facsimile (marked walls) is not needed.

Director Stanley indicated that the applicant didn't require any public hearing from Flood Control. In terms of the amount of water that was carried through there, the County made sure that it wouldn't have an impact.

Chair Cahill explained that the property is owned by the applicant and Flood Control only has an easement over that part of the site. Therefore there are no "air-rights" issues.

Director Stanley indicated that there would be the bridge and a wrought iron fence on top.

Mr. Stoker was concerned that it may be a hazard to children.

The owner, Gregory Creighton, noted that the back part of property adjacent to Dorothy Kanner's property, previously had a garage located there that was at least 10' high. The new structure will be lower than the previous garage.

Commissioner Gelhaar asked why did the applicant build it to this height.

Mr. Creighton didn't consider the height initially. Then the neighbor indicated that if he built it to this height, the retaining walls would keep it level across both yards and his neighbor would gain usable yard area, which he also wanted.

Commissioner Gelhaar noted that the application indicated there would be no grading and now there is grading. Commissioner Gelhaar explained the slope at the back and flood control channel and the changes in the grade that have occurred.

Mr. Creighton stated that he didn't lower it, and that the city had no regulations to follow on this type of project. He submitted everything that was required of him.

Doug Abajian, 1224 Fernside Drive (the neighbor that this connects to), stated that he fully supports building those walls to be able utilize his yard. With no other speakers, the Chair closed the public hearing.

Commissioner Gelhaar stated that this is a modification that requires certain findings. The first finding is whether the proposed project is compatible and consistent with

other development. There was no other development like this in the vicinity and so state that he could not make that kind of finding – it is self imposed. The applicant had built the walls without coming to the Planning Commission first. He could not make that finding either. He stood at the neighbors property to the south and looked at what she would see. He felt that it dramatically impacts her and therefore can't support the finding.

Commissioner Curtis took a hard look from all views (visited the site). He noted that the channel is densely landscaped and didn't quite see the impact as my fellow Commissioners. His concern was what would be on the top of the channel, the impacts and the potential for setting long term standards for other projects; these walls are high. There is a question can you make the first finding and mitigate the impacts.

Chair Cahill looks at the project like a land reclamation project without impeding the channel, not making it higher. He agreed with Commissioner Curtis's comments. He also said there should be landscaping on the side, and the wrought iron fence sounds reasonable.

Commissioner Hill having arrived only a few minutes before this point (at 7:39 p.m.) abstains from voting due to being delayed in traffic and hearing only two speakers.

Cahill moves and Curtis seconds to approve the Modification with added conditions that the landscape plan would be reviewed and approved by Director Stanley, and the fence is constructed of wrought iron with the design approved by Director Stanley; 2-1-1 (Gelhaar deny, Hill abstain) Approved

**B. Hillside Development Permit 08-26; Second Floor Review 08-16; ADDC Inc./Howell; 780 Greenridge Drive:** Request to allow an 810 square foot second-floor addition to an existing two-story house on a hillside lot.

Planner Gjolme provides a PowerPoint presentation. He notes that this is a very large property comprising over 46,150. The site is a level pad at front with significant down slope to the rear. The 37% average slope qualifies the property as hillside. The original house was approved through a Hillside review in 1998. The Greenridge area is typified by numerous 2-story estates.

Planner Gjolme notes that staff regards the addition as straight forward. The proposed location is the only viable location for expansion on site; there is no room to the rear. He notes the slope factor, and that there are no issues - the project is code compliant. The cross-section shows the vertical and horizontal profile of the site and the height of the project. Under the original approval, the retaining wall was used to expand the level yard area. The plan includes a significant amount of screening.

Planner Gjolme states that this proposal is a logical extension of the home's profile. It has limited massing. The story poles are in place as shown in the photos. It fits the site and the neighborhood. Looking at it directly, it extends downslope. The location appears as one level pad (existing). Looking more to the west, there are more large two-story homes/development along the ridge. There are no houses downslope.

Commissioner Curtis asks if hillside review would be required for further development on the site. Planner Gjolme confirms that any additional development on the site would require additional hillside review.

Chair Cahill opens the public hearing.

Applicant, Arun Jain, the designer of the project, presents himself to the Commission as ready to answer any questions. (There are no questions from the Commission.)

With no one else to speak, Chair Cahill closes the public hearing.

Commissioner Hill agrees with the staff report completely. This is a logical edition to the project. Without having seen the project before, the addition would not be noticed.

Commissioner Curtis did visit the site on Saturday, the story poles were helpful. He notes the neighborhood is full of diverse lot types and structures, that staff has done a good job of pointing out the compatibility. Driving around, he notes the neighborhood massing, especially the rooms above garages. He states the project is mitigated by curb, street; and existing landscaping southeast of the structure. He doesn't want to have a solid row of houses. He also notes that if there is future expansion, the project would potentially be crossing a line (for too much mass) if there are many more proposals in this area.

Commissioner Gelhaar agrees with the intelligent responses of his fellow Commissioners. His first concern is whether the project is too big for the property; this is a large house on a large lot, but it fits in good with the lot and neighborhood. Agrees with staff on the findings.

Chair Cahill agrees with the other Commissioners and asks for a motion.

Hill moves and Gelhaar seconds for approval of the project as conditioned. Unanimous. (4-0).

#### **IV. ELECTION OF CHAIR AND VICE CHAIR**

This item moved to this place on agenda.

Chair Cahill outlines that each year the seats change. He makes a motion that the current Vice Chair (Gelhaar) move to the Chair position, and that Commissioner Hill be elected to Vice Chair. Commissioner Curtis seconds this motion. Motion is approved unanimously (4-0).

**XI. OTHER BUSINESS (None)**

**XII. COMMENTS FROM COMMISSIONERS**

Commissioner Hill apologizes for being late due to traffic. Commissioner Gelhaar stated that Commissioner Cahill did an excellent job and thanked him. He also welcomed Commissioner Curtis.

**XIII. COMMENTS FROM THE DIRECTOR**

Director Stanley also welcomes Commissioner Curtis to the Planning Commission. Commissioner Davitt is just on vacation so there won't be a gap between the seats permanently. He notes that there is one serious item to talk about - it was heard on the last agenda. Staff would like a clarification on a retaining wall.

Planner Gjolme reminds the Commission that they approved the house but struggled with the retaining wall at the back. The project was approved, but eliminated the 14' wall at the rear. The applicant has submitted a plan to staff including a 5' rear retaining wall in the same location. Staff is inclined to approve the plan with the new wall.

Planner Gjolme indicated that there is still a Director approved landscape plan that is required. The Commission provides a consensus that they have no problem with staff's implementation of the condition.

**XIV. ADJOURNMENT**

Meeting was adjourned at 7:18 p.m.

*Robert Stanley*

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Secretary to the Planning Commission