

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JUNE 24, 2008**

I. CALL TO ORDER:

Vice Chair Gelhaar called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill (arrived at 6:02 p.m.), Curtis and Davitt, Vice Chair Hill and Chair Gelhaar.

Also present were Director of Community Development Stanley, Deputy City Attorney Vargas, Planner Gjolme, Assistant Planner Lang and Assistant Planner Parinas.

III. PLEDGE OF ALLEGIANCE

Commissioner Curtis led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

The agenda was not reordered.

VI. CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- A. Minutes of May 13, 2008
- B. Minutes of May 27, 2008
- C. Minutes of June 10, 2008

The Consent Calendar was deferred because the minutes were not available for consideration.

VII. CONTINUED PUBLIC HEARINGS:

There were no continued public hearings.

VIII. PUBLIC HEARINGS:

- A. Setback Modification 07-18 (SB); Byron; 5021 Castle Road: Request to allow a Setback Modification to allow an existing 6'-0" high decorative fence along the front and side property lines. The Setback Modification would allow retention of a 2'-1" and 2'-0" encroachment in to the required easterly and southwesterly first-floor side setbacks.

Commissioner Davitt indicated he lived within the 500 foot radius and therefore was recusing himself. He left the dais at 6:03 p.m.

Assistant Planner Lang explained that the parcel required a setback modification due to the parcel size. She displayed the decorative fencing, new portion along the south property line and existing wood fencing. She provided a view of the elevation depicting the pilasters. She presented a photograph of the view looking south. She stated the maximum height of the pilasters would be less than 6 feet. She stated the majority of the fence met the decorative view standards. She stated the southern pilaster was less than six feet tall. She explained the southern portion of the wall. She stated the pine tree in the public right of way would be protected. She presented documentation from the Public Works Director noting the roots had been cut but the tree was not damaged. She stated the solid portion of the wall was screened by the pine tree and plantings installed by the neighbors. She provided information on fencing on the properties surrounding the subject parcel. She stated review may not have been required on the older fencing on surrounding parcels. She stated staff would recommend positive findings and approval of the project.

Commissioner Curtis requested background on the Code Enforcement issue. Assistant Planner Lang stated the matter came to the City's attention while the City Code Enforcement division was in transition. She explained that the applicants had been notified that they would need to apply for the setback modification. Commissioner Curtis stated he was under the impression that the applicant thought they could build the wall and then were told that they had to apply. Assistant Planner Lang stated the wall was partially built when the applicant was informed that a setback modification was required. In response to Commissioner Curtis, Assistant Planner Lang discussed the permit requirements, including an electrical permit.

Commissioner Cahill discussed the fences of adjacent properties. Assistant Planner Lang explained that the fence regulations were based on the zoning of the property. In response to Commissioner Davitt, Assistant Planner Lang discussed fences on street side yards. She explained reverse corner lots and the need to retain visibility on corner lots.

Chair Gelhaar asked if a stop work order was issued for the project. Assistant Planner Lang explained that a stop work order was issued but later lifted due to possible staff error.

Ayad Alanizi, applicant, 5021 Castle Road, thanked his neighbors for signing the petition in support of the fence. He stated the beauty and security of the fence was obvious. He presented the petition.

Korina Minassian, 5038 Castle Road, indicated support for the proposed gate and fence. She stated they would like a similar fence but their property zoning would prohibit it. She discussed similar fences throughout the neighborhood. She discussed the security provided by the fencing. She urged the Commission to grant the application.

Chair Gelhaar closed the public hearing.

Commissioner Cahill stated he visited the property. He stated he had difficulty making the appropriate findings. He stated the project was not consistent with other development in the vicinity, would grant a special privilege, and there was no practical difficulty or unnecessary hardship.

Commissioner Hill stated he reviewed the project as if it was not yet built. He stated he could not make Findings 1, 2, 3 or 5 and therefore he could not support the project.

Commissioner Curtis indicated concurrence with his fellow commissioners. He stated the fence was nice looking and the construction and quality were superior. He discussed the other legal non-conforming fences in the neighborhood. He stated he had difficulty making the findings.

Chair Gelhaar concurred with the other Commissioners.

MOTION Commissioner Cahill moved and Commissioner Curtis seconded a motion to deny Modification No. 07-18. The motion carried 4-0.

Chair Gelhaar explained the options available to the applicant.

- B. Hillside Development Permit 04-68; Floor Area Review 04-14; Setback Modification 05-36 (SB); Jain; 5471 La Forest Dr: Request to allow an amendment to an approved Hillside Development Permit, Floor Area Review and Setback Modification to allow the project's approval to be extended for an additional 12 months.

Planner Gjolme provided a summary of the project. He stated it was before the Commission in 2005 at which time a two story home was approved. He explained that discretionary approvals were good for one year and the approval had been extended through 2007. He explained that, due to plan check issues with the County, it was necessary to amend the approval to extend the project. He stated permits had not yet been pulled and construction was yet to be vested. He stated the only opportunity to keep the approval alive was to re-amend the extension approval. He stated the staff

was recommending approval of the amendment to allow an addition 12 months.

Commissioner Curtis asked the difference between the previous approval and current standards. Planner Gjolme stated a second floor review would be required. In response to Commissioner Curtis, Planner Gjolme explained that the setback modification requirement was no longer necessary.

Chair Gelhaar asked if Commissioner Curtis had to recuse himself since he was not present at the previous hearings. Staff indicated that was not necessary.

MOTION Commissioner Cahill moved and Commissioner Curtis seconded a motion to allow an amendment to Hillside Development Permit 04-68; Floor Area Review 04-14; Setback Modification 05-36 (SB); Jain; 5471 La Forest Drive, to allow the project's approval to be extended for an additional 12 months. The motion carried unanimously.

- C. SFR 07-57; Setback Modification 07-55; Chung; 1113 Uintah St: Request to allow a Second Floor Review and Setback Modification to construct a new 3,696-sf two-story single-family residence.

Assistant Planner Parinas provided an overview of the proposed project. She displayed the site plan. She stated the proposed floor area was 3696 square feet. She explained the proposed setbacks and encroachments. She stated the gable end would be modified and therefore improves the project. She displayed the front elevations. She stated the applicant had worked with staff to reduce the impacts of mass and scale. She stated the size of the house had been reduced and the overall height was below the 28 foot limit but the scale was still not compatible with the neighboring area. She presented possible design suggestion. She presented photographs of the site including the story poles. She discussed the design styles of surrounding homes. She stated staff was not necessary opposed to a two story but the scale of proposed house in relation to surrounding area. She stated staff was recommending that the request be continued with direction to the applicant to modify the design of the proposed house to minimize the impacts related to size and scale.

Samuel Oh, representing the architect, discussed modifications to the plans. He stated they would have submitted changes based on the requests had they known. He stated the elevations to the west were very similar. He explained the purpose of the second floor location. He stated they had minimized the privacy issues by window placement. He stated the house did not impede views and the bulk and mass was covered by foliage.

Lisa Novick, 1111 Uintah Street, presented a PowerPoint presentation showing the view from her home. She stated all homes on her street were one story, ranch style houses. She stated the look of the new house was contrary to the look and feel of the street. She stated the looming effect would be increased by the nature of the site. She provided a map of the properties in the neighborhood showing the size of the lots. She stated there was room on the lot for the desired house without impacting the neighbors. She expressed concern regarding the looming and massing effect. She stated it was not sensitive to the architectural integrity of the street. She stated the proposed house would ruin the curbside appeal of her home. She expressed concern regarding the solar impacts and stated their views of the sky and sunset would be impacted. She stated the asymmetrical style was disproportionately on their side of the lot. She discussed the history of the project, which initially started as a remodel. She stated their trust was put aside and good faith had not been shown. She requested the standards be adhered to. She expressed concern regarding the architectural style. She stated the structure was designed to maximize the mass, was too close to the street, and too close to the property lines. She stated the proposed project would negatively impact their life. She stated the encroachment increased the issues. She stated the value of their home would be decreased. She suggested mitigating changes including moving the structure back on the property, requiring compliance with the setback requirements, reducing the mass effect over the street, and setting back the second story from the street and nearer the center of the first story. She stated the project was not okay just because the foundation was already poured.

In response to Commissioner Cahill, Ms. Novick indicated she was not opposed to a second story as long as it did not loom over her property.

Ann French, 1115 Uintah, concurred with the previous speaker. She expressed concern with the initial permit not being followed. She stated new construction should not encroach into the setbacks. She urged the Commission to deny the encroachment.

Rob Fuelling, 4805 Grand Avenue, expressed concern regarding the second floor structure due to the view impacts. He indicated support for a single story home.

Joe Kertes, 1101 Uintah, commended Ms. Novick for her presentation. He expressed concern regarding loss of his views.

Mr. Oh stated there was ample room to move the home back, however, the elevation was too high. He discussed increased construction costs associated with moving the house back. He stated the house would not impede the view corridor. He indicated opposition to only allowing ranch style homes.

He explained that the project was new construction due to the need for a new roof. He stated they would not move further back due to construction costs. He explained the proposed windows.

Chair Gelhaar closed the public hearing.

Commissioner Hill stated he could not make any of the required findings. He concurred with the concerns raised by Ms. Novick.

Commissioner Curtis thanked staff for working with the applicants and property owners to come up with something more compatible with the neighborhood. He requested the matter be continued while staff works with the applicant and neighbors. He expressed concern with the proposed setbacks. He asked if the future street was included in the lot size. He asked about setbacks in the neighborhood. He requested the City Attorney look in to the legal non-conforming issue to determine if it was actually a new structure. He suggested any new proposal be superimposed on photos to show the difference. He requested the Commissioners be allowed access on the site to review the project.

Director Stanley and City Attorney Vargas explained if more than 30% of the roof was removed, the legal non-conforming status was lost. He stated the Planning Commission could conduct a study session to discuss the any future changes to the ordinance and policies.

Commissioner Davitt stated the lot and situation were unique. He suggested the house be designed consistent with all the codes. He stated a two story house could fit if redesigned. He suggested the applicant be more consistent with City Code and redesign the project.

Commissioner Cahill agreed with the other Commissioners and Mrs. Novick. He stated the lot was odd shaped and the house was pinched into the funnel. He suggested the house be moved back deep into the lot. He stated the setbacks should conform.

Chair Gelhaar concurred with the comments by the other Commissioners. He stated a two story home should be moved back. He stated the sideyard setbacks should meet Code.

MOTION Commissioner Davitt moved and Commissioner Hill seconded a motion to continue SFR 07-57; Setback Modification 07-55; Chung; 1113 Uintah St: Request to allow a Second Floor Review and Setback Modification to construct a new 3,696-sf two-story single-family residence to a date uncertain. The motion carried unanimously.

IX. OTHER BUSINESS

There was no other business.

X. COMMENTS FROM COMMISSIONERS

Chair Gelhaar expressed concern regarding the backlog of minutes. Director Stanley stated staff was working on finding someone to prepare the minutes. He discussed the types of minutes prepared for the Council and other commissioners. Chair Gelhaar stated he would not be able to attend the next General Plan update session. He requested a goal be added to the General Plan to protect the privacy of residents.

Commissioner Cahill asked about removal of 30% of the roof being considered new development. Director Stanley explained that grandfathering was lost if roof was removed. He stated roof replacement was different.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley announced the upcoming GPAC meeting on housing on Thursday.

XII. ADJOURNMENT

MOTION Commissioner Curtis moved and Hill seconded a motion to adjourn at 7:28 p.m. The motion carried unanimously.

Secretary to the Planning Commission