

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JUNE 26, 2007**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Davitt, Gelhaar and Hill; Commissioner Mehranian was absent. Also present were: Director of Community Development Stanley, Senior Planner Buss, Planners Clarke and Gjolme and Assistant Planner Lang and Planning Intern Ballestar.

III. PLEDGE OF ALLEGIANCE

Commissioner Hill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Cahill elected to reorder the agenda and move to the end of the agenda, after Other Business. He confirmed that there was no objection to doing so.

VI. CONSENT CALENDAR

M/S/C Gelhaar/Davitt to approve the minute of June 12, 2007 as submitted. Unanimous.

VII. CONTINUED PUBLIC HEARING:

A. Hillside Development Permit 07-22; Floor Area Review 07-09; Second Floor Review 07-23; Ree; 3975 Hampstead Road:

Planner Clarke recalled that this matter was continued from the previous Commission meeting so that Staff could publish a corrected public notice that included volume space above the first-floor living room.

In May 2004, the Commission approved first and second-floor expansions to an existing 3,856-sf residence. A series of delays, mostly with regard to satisfying the County Health Department, resulted in expiration of the Commission's approval prior to start of construction. Consequently, the applicant had to re-file under current Code, which now requires Second Floor Review.

The applicant now proposes to add a 104-sf porch at the back of the house on the first floor, 900-sf to the second floor and a two-story living room

comprising 384-sf of volume space, which is included in floor area calculations. A total of 5,244-sf, (less than the 5,319-sf project that was initially approved) is requested.

The subject site is heavily wooded and rises from the street with an average slope of 36%. It is located on a curve just south of Stratford Drive and has 60+-feet of frontage. The house is sited high above and distant from Hampstead and more than 100 ft separates it from houses on either side.

Elevations were shown on Power Point. Though the south elevation represents the rear of the house, it serves as a front yard. Photos were also displayed that were taken from Ms. Charlotte Dewey's home and from where the story poles were visible.

Project architect Jay Johnson, reiterated that the initial project was slightly larger. A demolition permit was issued and part of the roof was demolished. Subsequent to demolition, his client was advised of the need for Health Department approval - which took 3 years ---- which resulted in the approval expiring and the need to re-file under new standards. He pointed out the home's distance from the street, the fact that oaks screen the structure and the large side setbacks reduce any impacts from the house on the neighborhood.

Responding to a question from Commissioner Gelhaar, Mr. Johnson explained that his client prefers to maintain the front balcony, as it allows views over the oaks.

Chairman Cahill opened the public hearing.

Charlotte Dewey, 3891 Hampstead commented that of the two reports prepared thus far, neither addresses the impacts to her home despite her property being most impacted by the project. She arrived too late at the first meeting to relate her concerns and reported she was amazed how much higher the project would be in comparison with the existing two-story home. Since her property is at a higher elevation, she would have views to the project's interior. She opposed the two-story volume space and the proposed height ; the story poles reveal that the structure would be overwhelming and she felt that privacy issues should have been addressed. Ms. Dewey disputed comments in the staff report; she felt the second-story windows appear industrial and that the project would not enhance its setting. As a thirty-year resident, she is aware that the large trees lining the narrow driveway affect passage and she questioned how fire equipment could access the site. She summarized her comments by requesting that the two-story volume space and the overall height be reduced and that the mass be mitigated.

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

Mr. Johnson reported that he had visited the Dewey home and believed that because her home is on top of the slope and surrounded by oaks, that she would not have views into the project. Her view corridor is only 20-ft wide in the direction of the project; more substantial views are afforded her in the opposite direction.

Chairman Cahill invited comments from the Commission.

Commissioner Hill remarked that he was not on the Commission when this matter was initially reviewed, but he felt that credence should be given to the initial findings. He reported of having made a site visit and stated that he could make the required findings to support the request.

Commissioner Gelhaar thanked Ms. Dewey for her input and advised that he viewed the story poles from her backyard. He stated that Ms. Dewey has magnificent views in other directions and that her view of the project would be downward. He complimented Mr. Johnson for color coding the retaining walls, as it made the project easier to visualize and requested that the condition addressing landscaping be modified to require landscaping under the balcony.

Commissioner Davitt stated that he took Ms. Dewey's comments seriously. While Ms. Dewey might have views of the proposed house, he doubted it would affect her negatively. He noted that the proposed square footage and height are within allowable limits and stated that the project was well designed for the lot and the area.

Chairman Cahill concurred and gave deference to the former approval despite the new standards. He noted the generous setbacks and that the house would be centrally located on a sunken pad.

M/S/C Davitt/Gelhaar to approve Hillside Development Permit 07-22; Floor Area Review 07-09 and Second Floor Review 07-23 with an added condition that the area under the balcony be landscaped. Unanimous.

B. Hillside Development Permit 05-73; Modification 05-85; Gilmour; 3737 Madison Road:

Assistant Planner Lang advised that the former R-1 standards applied to this project.

The applicants propose to enclose a breezeway that connects the house to the garage to provide a third parking space. The garage would also be expanded to the rear for a total first-floor expansion of 189 sf. A new, 2,271-sf second floor is also proposed over the existing garage and central portion of the first floor.

The 26,262-sf subject site is located on the north side of Madison Road, between Inverness and Oxford Way, in the R-1-20,000 Zone. It is a through lot with 275

ft of frontage along Madison Road and 32 ft of frontage at the rear on Roanoke Place. The lot rises steeply from Madison to a flat building pad and then resumes its climb to Roanoke Place where another flat pad area will accommodate an ALQ, (not part of this request). The approximate 45-ft rise from front to rear results in an average slope of 26%. Total floor area including 100-sf of area under a cantilevered balcony and the 775-sf ALQ totals 6,469-sf.

A Power Point presentation depicted the existing profile and elevations as well as proposed encroachments. Required first-floor side setbacks for the lot are 20 ft, whereas the existing garage exhibits an 8 ft side setback and the proposed first-floor expansion on the southwest side presents a 5'-3" side setback. Additionally, the existing residence presents a 25 ½-ft front setback and the new second floor would be set back 33'-2" from the front property line --- both representing encroachments, given the required 42 ½-ft front setback for this property.

Ms. Lang pointed out that a wrought iron fence along the southwest boundary, encroaches as much as 18 ft on the neighboring property --- this situation as well as the dense landscaping tend to diminish the appearance of the requested encroachments.

Overall building height reaches 24'-1", below the 28-ft maximum allowed.

Staff evaluated the project for massing and view concerns and determined that impacts resulting from the new second floor would be negligible and that the hillside findings could be supported. Similarly, the requested front yard encroachments would not crowd the streetscape and would be screened by the difference between street and pad elevation and the dense landscaping. The requested side yard encroachment was not supportable as the second floor could be shifted to provide a greater setback.

Director Stanley commented that Staff had received a letter from the property owners at 3721 Madison in support of the project.

Commissioner Davitt inquired if shifting the second floor would be noticeable and inquired if Staff was more concerned with the numerical or visual aspect.

Ms. Lang recognized the dense vegetation, but felt that numerically, the requested encroachments were extreme.

Pete Volbeda project designer, reported the difficulty his clients experience in attempting to back up in front of the existing two-car garage. Further, the lot pie-shaped lot and location of the garage, pool and spa limit expansion to the southwest side of the property. He related that he extended the second-floor towards the center as much as possible and stayed away from the northeast

side where there is a lot of windows and glass. He pointed out the lack of view impacts.

Commissioner Gelhaar preferred the second-floor as proposed. He inquired if a compliant second-floor setback could be provided while maintaining the floor area.

Mr. Volbeda responded that he could, but he had concerns with building over the kitchen and living area. He pointed out that a three-car garage would be established by enclosing an existing breezeway and pushing it all back.

Commissioner Cahill remarked on the fence located on the neighboring property. He noted that that side yard of the neighbor's property is not useable for the most part, but they could use more land at the top. He inquired if the parties had given any thought to applying for a Lot Line Adjustment to realign the boundary lines.

Applicant James Gilmour, advised that the tract's developer "piece-mealed the lots; and that his is the only parcel built from the bottom-up." He related that quite a bit of his neighbor's front yard encroaches on his property; that situation has existed since the inception.

Chairman Cahill opened the public hearing.

Adjacent neighbor, Ky Lee, reported of having resided at 1104 Roanoke Place for 17 years. He was unaware of the yard encroachments when he purchased his property and stated that he wouldn't have a problem if the issue was resolved. He stated that his only objection was the proximity of the project to his home and the associated noise factor.

Commissioner Gelhaar confirmed that Mr. Lee was amenable to recording a Lot Line Adjustment.

Chairman Cahill confirmed that Mr. Lee's objection was increased noise levels and the proximity of the ALQ, as he was unaware of its intended use.

Rob Toaz, 1103 Roanoke Place, asked that the neighbors' privacy be considered. He was advised that the ALQ was allowed by right so long as it is code compliant.

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

Commissioner Gelhaar commented that the ALQ was not under consideration, so the Commissioners could not address it. He did not object to the first-floor or to the front yard encroachments as they would not be obvious, given that the

house is sited higher than street elevation. However, since the second-story would be new, he believed it should meet the required side setbacks.

Commissioner Davitt remarked that the design was appropriate and adequately proportioned. He supported the Hillside Permit and the Modification for the front and side yard encroachments. He recognized Commissioner Gelhaar's comment regarding a compliant second floor, but from a practical standpoint, he was unsure what that would accomplish. As proposed, the project would not affect the neighbor and given the distance between neighbors, 10-12 ft would not make a difference with regard to noise. He stated that there was justification to make the findings and that he could support the project as proposed.

Commissioner Hill advised that he did not have an issue with the request with the exception of the requested side yard encroachment, particularly because it is not built yet. He questioned how much would be gained by allowing it versus the City's goal to bring structures into conformance. He noted that one corner of the garage is 5 ft from the property line and that the fence could be moved. Given the lot size, he believed the second-floor could be built to code without undue hardship.

Chairman Cahill reported that the "numbers" concerned him when he read the staff report, but his site visit revealed that even though the fence could be moved, useable space would not be the result, as the fence would simply drop off a precipice. The 10 ft that belongs to the neighbor is the cause of this problem. He believed that Mr. Lee's home, at 1104 Roanoke, was the sole property that could be impacted by a potential increase in noise and he doubted that the new second-floor would be the cause of such an impact. Chairman Cahill stated he could understand some leeway be given to the new second-floor; however, some modulation would be appropriate and might result in a better form and a reduced height. He suggested that a 10-15-ft second-floor setback on the southwest side would be easier for him to support.

Commissioners Gelhaar and Hill were amenable to such a compromise.

Commissioner Davitt confirmed with Mr. Gilmour that he could accept an increase in the southwest side setback so that a 12 ft is provided.

M/S/C Davitt/Gelhaar to approve Hillside Development Permit 05-73 and Modification 05-85 with an added condition that the second-floor setback be a minimum of 12 ft from the southwest property line. Unanimous.

Senior Planner Buss advised that Staff would present a revised resolution for adoption at the next meeting.

VIII. PUBLIC HEARINGS

A. Hillside Development Permit 04-68; Floor Area Review 04-14; Modification 05-36; Jamison; 5471 La Forest Drive:

Planner Gjolme reported that unanimous approval was granted for a 6,000-sf, two-story home in July, 2005. The Director subsequently extended the approval for one year, as allowed by Code. The project has not yet vested due to continued and prolonged review by the County agencies, and the expiration date of July 12, 2007 is rapidly approaching. The Director is not allowed to issue a second extension, and the applicant will be required to re-file and comply with recent code changes and increased fees. The only available method to extend the approval further is for the Commission to modify condition 5. The applicant is requesting the Commission to do so, and grant an additional 12 months for the project to vest.

The spacious 61,000-sf site located near the isolated terminus of La Forest Drive. Planner Gjolme noted that the Floor Area Review and Modification components originally requested no longer apply to this request in light of code changes.

Responding to a question from Commissioner Davitt, project designer Arun Jain advised that the project should vest in 5-6 months.

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

Commissioner Davitt concurred with Staff's recommendation to grant an additional 12 months.

Commissioner Hill, who was not on the Commission when the request was initially reviewed, thanked Staff for the background reports, which he found helpful in supporting the applicant's request.

Chairman Cahill and Commissioner Gelhaar concurred and suggested eliminating the word *final* 12 months extension.

The motion passed unanimously.

B. Variance 07-01; Modification 07-12; Hillside Development Permit 07-10; Perasso; 4071 Dover Road:

Planner Gjolme reported the applicants' request to legalize a sport court and an outdoor fireplace, which were both constructed without the required permits. Due to the property's 27% average slope, hillside review at staff level is also required.

The 31,799-sf subject site is located on the north side of Dover Road, just south of its intersection with Cambridge Road, in the R-1-40,000 zone.

Code requires sport courts to be located in rear yards and since this one was constructed in the front yard, a Variance is required. A 27' x 32' basketball court was constructed on an at-grade slab, 5 ft from the north property line, where a 12-ft setback is required, and 35 ft from the front property line. A 5-ft-high, free standing sound wall serves as a noise buffer and tall shrubs preclude views of the court along the entire north side and from the front. The 27' x 32' court was built on a slope that falls to the street, which necessitated two, outward facing and code-compliant, 18-inch-high retaining walls to accommodate a 3-ft grade change.

A 13-ft-high fireplace was constructed at the north end of a semi-circled patio, set back 5'-9" from the north property line, where a 12 ft setback is required. The fireplace is angled toward the lot's interior resulting in an average setback of approximately 7 ½ ft. A dense stand of bamboo shields the fireplace from the neighboring home to the north, which is 35 ft away.

A Power Point presentation depicted other basketball hoops in the area; one constitutes a front yard sport court and is not much different than what is requested, and much more visible. The other hoop could be defined as "temporary" in nature. Photos of the front yard depicted dense landscape screening and there are no views of the court looking back to the northwest. Staff was unsure of acoustical impacts, given its distance from the street.

The required findings were briefly reviewed. Given the severe upslope nature of the terraced lot's rear half and the lack of visibility, Staff believed that the sport court was sited appropriately. Similarly, Staff determined that the fireplace's location at the mid-section of the patio's curved line was practical. The neighbor's garage and driveway provides even greater separation so that the neighboring home is 30-35 ft distant from the fireplace. Planner Gjolme observed that moving it to the southeast would bring it closer to a large tree. Given the lack of impacts to the most adjacent neighboring home, Staff's inclination was to recommend approval.

Responding to a question from Commissioner Gelhaar, Planner Gjolme confirmed that this matter resulted from a code enforcement action, but he was unsure if a complaint was filed or if Enforcement simply received an inquiry if all was 'okay'.

Commissioner Gelhaar commented the lack of any mention regarding the front setback.

Planner Gjolme advised that the required front setback is 58 ft – the fireplace is approximately 80-90 ft from the front setback.

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

Commissioner Hill reported of having walked the site and the first thing he noticed was the basketball hoop on the neighboring property. Neither the court nor the fireplace are visible driving by and since the sport court is not far from the street noise impacts should not be a problem. He believed it was practically located. Addressing the fireplace, while it encroaches into the side property line, the neighbor's garage and driveway provide a buffer so that smoke should not be a problem. He concurred with Staff's recommendation and was prepared to make the required findings.

Commissioner Gelhaar commented that the findings to approve a Variance are not easily made. He believed that the driveway provided an appropriate place for a basketball hoop. Since there is no "right" to have a sport court and there is no desperate need to have one, he advised that he could not make findings 1,2 and 5 for the court. He also believed there were other locations on the site that would accommodate the fireplace.

Commissioner Davitt stated that the small area devoted to the sport court does not pose a negative impact on the neighbor or the neighborhood. His concern was that all the work that was done without a permit and he stated it was unfortunate that the contractor did not handle that aspect. He stated that both components are located in the most logical locations and that he could support the findings for both requests due to the uniqueness of the lot.

Chairman Cahill reported of having made a site visit and he concurred with Commissioners Hill and Davitt's comments regarding the findings. The court is sheltered and he noted that at times, the Commission has allowed pools to be located in front yards. Allowing the court would not be precedent setting as the house across the street accommodates paving in the front yard and the neighboring property includes basketball hoops. Regarding the fireplace, while there is no compelling reason to have it where located, it is practically located and he did not see a reason to relocate it, as it does not impact anyone.

M/S/C Davitt/Hill to approve Variance 07-01, Modification 07-12 and Hillside Permit 07-10. 3 Ayes; Gelhaar dissenting.

C. Modification 07-21; Burgard; 1109 Wiladonda Drive:

Planner Gjolme reported the applicant's request to remove and reconfigure the roof of her home while retaining substandard 5-ft side yard setbacks.

The 10,200-sf subject site is located on the north side of Wiladonda Drive, one lot west of its intersection with Hayman Avenue, in the R-1-10,000 Zone.

Site photos were shown on Power Point. The majority of homes within this section of Wiladonda have attractive rooflines; whereas, the subject roof is noticeably shallow in comparison. The applicant proposes to expand her single-story home to the rear by 1,031-sf, and continue the existing building

line on the west and to the rear. The proposed total floor area of 3,637-sf complies with the standard for the property. A previous request to maintain the existing structural setback (5 ft versus the required 7 ½ ft) was approved by Staff through an Administrative Modification; however, since the proposal now involves removing the entire roof, the prior approval is revoked. A second Modification was required to re-approve the proposed additions, reconfiguration of the roof and to retain the existing 5-ft side setbacks. Planner Gjolme noted that the house is a modest design, with a roof height ranging from 13 to 20-ft and hip ends descending toward the side property lines. Staff recommended retention of the existing 5-ft setback. The house to the west sits upslope and a majority of the new square footage would be sunk and well below the westerly neighbor. There would be no significant benefit in terms of views or privacy by requiring the house to be moved in 2 ½ ft to be code compliant, and similarly trimming the garage might result in a substandard garage size.

The applicant was in the audience to respond to any questions the Commission might have.

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

Commissioner Gelhaar concurred with Staff's recommendations and expressed appreciation for the single-story design.

Commissioners Davitt and Hill and Chairman Cahill agreed.

M/S/C Gelhaar/Hill to approve Modification 07-21 as conditioned.
Unanimous.

REORDERED AGENDA ITEM:

IX. OTHER BUSINESS:

A. Continued – Appeal of the Director's determination re: Fence Review 07-02; Burks; 890 Flintridge Avenue:

Chairman Cahill noted that this item was continued due to a 2-2 split and he remarked that with Commissioner Mehranian's absence, the Commission was again in the same position. He advised of having made a site visit, read the entire report and minutes of the last meeting. Therefore, only a brief staff report was necessary.

Planning Intern Rhys Ballestar, showed the site plan on Power Point and provided a brief overview of the property owner's appeal of the Director's determination to allow an over-height fence with brick pilasters, to be located within the front setback. The subject site is located on the south side of Flintridge Avenue and accommodates a circular driveway with two brick pilasters at each driveway entry.

The proposed 6-ft-high, wrought iron fence would be located behind an existing 3-ft-high retaining wall located on the high grade side in the front yard. The result would be a fence appearing to be 9-10-ft in height from street grade. Planning Intern Ballestar advised that Staff could not support a Fence Review at the height requested. Should the applicant insist on a fence over 6 ft in height, he should seek relief via a Setback Modification.

Applicant Chris Burks, distributed plans that included signatures of all surrounding neighbors, supporting his project. He reported of having resided in his home for 25 years and that the neighbors are very close and watch-out for each other. He explained that the proposed fence height would provide a level of security for his property and the neighbors who share the driveway. The fence would be a smaller version of the fence on the immediately adjacent property and would provide a uniform look for the neighborhood.

Chairman Cahill invited public testimony.

Scott Deacon, 881 Flintridge Avenue, who resides across the street, supported the request. He suggested that Mr. Burks simply remove the retaining wall and create a slope so that he wouldn't need a Modification and could erect a 6-ft-high fence on the front property line.

Linda Deacon related the importance that the issue of security is critical. Many of the residents are elderly and the open access where the fence can be and has been easily jumped is a serious risk.

Further public comments were not offered.

Mr. Burks reported that in the past two years, thieves have accessed three homes along the private drive. He stated that he was passionate about the originality of his home and wanted to preserve it. He recognized that if the wall didn't exist, he could build a fence without a problem; however, he preferred to leave the wall as originally constructed in the 1920.

Commissioner Davitt remarked that the proposed fence would be higher than the existing entry gates.

Mr. Burks responded that there is not a substantial grade difference and if the fence was behind the retaining wall and lower than the wall, it wouldn't present much of a hurdle. When the money is spent and all is said and done, he would want a fence that is in scale with the property and the neighborhood and that provides the security he needs.

Responding to a question from Commissioner Gelhaar, Mr. Burks advised that alarms have been engaged and he has caught strangers in his yard. He has

private security that walks the property during the day; no stranger has made it inside his home to date.

Chairman Cahill offered his comments first, since he was absent at the initial hearing. He made a site visit and believed that the concerns for safety are valid. The "community" of 5 homes presents an unusual situation; the applicant's property is clearly the entrance to those properties. The only issue is the historical nature of the wall; otherwise the applicant would remove it with no problem. Chairman Cahill stated that the Evenson property, immediately adjacent, has a beautiful wall buffered with plants and he would like to see something similar on Mr. Burks property so that all the brick is not visible. He requested a landscape plan that would soften the fence/retaining wall combination.

Director Stanley clarified that Mr. Burks would have to apply for a Modification, as the Decorative Fence Ordinance does not allow a wall/fence combination higher than 6 ft., as discussed at the first hearing. He requested direction from the Commission.

Chairman Cahill asked if there was any way to short circuit the process and confirmed there are no Notice procedures for fence review.

Commissioner Davitt related that he is very familiar with the area and that his position had not changed. He did not doubt that whatever Mr. Burks constructed would be high quality, but he was struggling with the fact that Mr. Burks has options. As proposed, he stated he would have to deny the request as other options would respond to his security and aesthetic concerns.

Commissioner Hill stated he understood why the Director denied the request regardless of the security concerns. He advised of having driven up and down the street again and noted the numerous attractive fences. He believed the project would maintain the character of the property and enhance it, with or without shrubs. He added that the lot was unusual and that the project could be built by demolishing the existing retaining wall and bulldozing the slope.

Commissioner Gelhaar commented that he was convinced there are options available to the applicant. He believed that a wrought iron fence atop the retain wall was an appropriate solution and he supported the Director's denial.

Director Stanley remarked that the vote ended in a 2-2 tie, the applicant would need to apply for a Modification. Assuming that a full Commission is seated when that is heard, it appeared that a Modification would be approved.

Chairman Cahill observed that everyone with the exception of two Commissioners supported the project. He recommended that Mr. Burks apply

for a Modification. He further advised that he was not available for the July 24th meeting.

Director Stanley commented that in light of Chairman Cahill's absence on July 24th, the matter would have to wait until September, as the Commission is dark in August. He asked that the Commission take a vote for the record.

M/S/C Hill/Cahill to uphold the appeal. Dissenting Davitt and Gelhaar.

REORDERED ITEM VIII D under PUBLIC HEARINGS:

D. Zone Change 06-02; City of La Cañada Flintridge; proposed amendments to the Animal Keeping Standards:

Senior Planner Buss recalled that Staff was directed to return with language that would clarify the County's Animal Keeping Standards in terms of the number and types of animals allowed in the City's residential zones. Importantly, only animals specifically authorized may be maintained in residential zones.

The Commissioners' packets included a revised Draft Ordinance that has been reviewed by the City Attorney.

The alternate language was then reviewed. There had been discussion and agreement that roosters may not be maintained once they are 2 months old.

Wild animals in residential zones: the existing Ordinance addresses a minimum number allowed if the lot is less than 10,000-sf in area, but is silent as to what can happen on larger lots. Staff approached this issue similar to how the City deals with the number of horses allowed on one site, and also suggested a maximum of 12 "wild" animals on properties of 25,000-sf or greater.

Commissioner Gelhaar inquired why "dwelling unit" was not changed to "parcels".

Senior Planner Buss stated that it could be changed to "parcels"; however, this section dealt mostly with multi-family units.

Commissioner Davitt provided an example of a 15,000-sf lot with a house in front and an ALQ in back and asked if Staff's language meant that 6 dogs were allowed.

Mr. Buss responded that there are more restrictions with regard to dogs.

Chairman Cahill noted however, that the proposed language would allow twice as many rabbits and monkeys.

Commissioner Davitt advised that this was a major concern for him and he emphasized the need to be consistent throughout the document.

Mr. Buss suggested eliminating “per dwelling units” in 11.32.040, Wild Animals in residential zones.

Director Stanley commented that the language could read either “each parcel” or “for each primary dwelling unit”.

Chairman Cahill stated that it would have to be clear that ALQs are not primary units.

Chairman Cahill confirmed that the County Code was adopted in 1977; this city uses an updated 1986 version, though the County has made more recent modifications.

Senior Planner Buss asked if the Commissioners wanted to allow 12 “wild” animals as proposed, similar to what staff proposes for chickens and rabbits.

A short discussion resulted in a compromise number of 9.

Mr. Buss advised that rabbits were added as an animal that the Commission would want to recommend for approval. Cats were also added; existing language makes no provision to allow cats. The outcome is that 3 dogs and 3 cats would be allowed per each residential unit. Additionally, any combination of 6 chickens, ducks and geese would be allowed on lots with a minimum area of 15,000-sf.

Chairman Gelhaar read prepared language which he believed would provide clarity: “In any residential zone, for each (parcel) dwelling unit, the occupant may keep for his personal use not more than three dogs over four months of age and not more than three cats over four months of age.” The Commissioners agreed to add this language.

Chairman Cahill asked about minimum setbacks for chicken coops and pens; they should be maintained closer to the property owner’s home than to a neighboring property. He felt that a minimum setback of 15 ft should be established for chicken coops.

Following discussion, it was agreed that coops and pens should be set back a minimum of 50 ft from any dwelling on an adjacent property, with a minimum 15-ft perimeter setback, and they should not allowed within street side yards or in front of a residence.

Commissioner Gelhaar remarked that beginning with page 10 and onward, there is suddenly many references to the City Manager. He felt it more

appropriate to change that to the Director of Community Development. Following discussion, the Commissioners agreed to leave it all to the City Manager.

Director Stanley referred to page 4 under Property Registration. It should read that every property "with corralled animals or coops" in any single-family residential zone on which allowed animals are kept shall be registered with the City on forms provided by the City Clerk, etc.

Commissioner Gelhaar confirmed that peacocks would not be allowed, despite the fact that they run wild in some areas of the City.

Chairman Cahill opened the public hearing.

Jeanette Norman, 1023 Green Lane, reported that she intended to bring 2 horses on to her 20,450-sf property and that a 15-ft setback would waste a lot of area. She did not consider a horse to be any different than a dog at a property line and noted that some dogs tend to bark frequently, whereas a horse would not make noise.

Senior Planner Buss advised that Ms. Norman owns a flag lot and a 15-ft setback would result in a very narrow back yard. He recognized that a 15-ft setback would create a "no-man's" area on every lot even though a corral could be 150 ft from a neighboring property. He suggested that the setback could be broadened to address pools, etc., located on an adjacent property.

Commissioner Hill conceded that the suggested setback could result in unintended consequences. He acknowledged Ms. Norman's point that horses would likely to be more quiet than a dog.

Chairman Cahill remarked that perhaps something akin to the language for a/c units would be more practical; corrals would be considered as structures and could be 5 ft from the property line with the written approval of the most adjacent neighbor.

Commissioner Hill stated he would not be comfortable with giving a neighbor veto power.

Commissioner Gelhaar asked if there was an appeal process set up, since Mrs. Norman's parcel is unique.

Mr. Buss responded that to the contrary, her situation will be the rule, rather than the exception.

Chairman Cahill commented that there should be an appeal process with either notice to neighbors, or eliminating the need for notice.

Commissioner Hill suggested that the 15-ft setback could be applied to barn animals and fowl and eliminated for horses.

Andrea Sahai, 4438 La Granada Way, reported that she has maintained 9 chickens for 12 years without problems and advised that they are environmentally friendly.. She got rid of a rooster after a neighbor complained.

William Johnson, related that this draft was vastly improved over the last effort. As a preface, he reported of having attended the General Plan update meeting, where the consultant wanted to draft a list of what made La Cañada Flintridge special. He asked the audience for suggestions. Mr. Johnson stated that animal keeping was the #1 choice of everyone there; this city is unique because it is semi-rural. He feared that the proposed language is more restrictive than surrounding cities.

Prohibition on animal keeping states that if an animal is not specifically allowed, it is prohibited. He stated that would be the most draconian of all city ordinances he has encountered. Quail, pheasant, and partridges that gamekeepers maintain, would be prohibited. He suggested deleting that sentence and replacing it with a list of animals that are prohibited.

Addressing the allowed number of animals that could be maintained, he suggested that idea is more appropriately applied to horses, donkeys and mules, as it does not 'fit' with poultry. As drafted, chickens, ducks and geese up to the age of 2 months could be kept on a premises in addition to the specified animals. Since chickens are eligible for slaughtering at 6-months, he felt the Ordinance should allow maintaining chickens up to 6 months old. The draft language also requires the mother of such animals to also be kept on the premises. Mr. Johnson related that he has chicks shipped to his home from Iowa, where the mother hen remains, so it would be impossible for him to comply with Code.

The Draft Ordinance also requires barns, structures, coops and pens to be Located a minimum of 50 ft from a neighbor's dwelling and advised that the City of Los Angeles requires a 35-ft distance for chicken coops. He believed the existing Ordinance is sufficiently specific with regarding to cleanliness. As drafted, he doubted that anyone could maintain animals, including horses and obey the rules.

Mr. Johnson questioned by boarding of chickens, ducks and geese was added, since elementary schools often order fertilized eggs and incubate them so the students can watch them incubate. He questioned what would become of the hatched chicks under the Draft Ordinance.

Responding to a question from Chairman Cahill, Mr. Johnson said that 12 was an acceptable number for chickens. Rather than having unintended

consequences, he suggested following other cities' ordinances which are more lenient.

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

Commissioner Hill felt that progress was being made and noted that the City is attempting to solve problems which many years ago, did not exist. He was concerned that overacting might affect property owners who have maintained chickens without problems. He stated that Mr. Johnson made some good points in that the City would not want to eliminate horse keeping, and he was unsure if the Commission would want the Director of Community Development to make determinations regarding nuisance situations. He recognized Ms. Norman's comments that a neighbor's dog barking at the property line is more of a nuisance than a horse that would simply stand at a property line. He questioned if the Commission was heading was getting more restrictive than necessary and suggested continued work on the Draft Ordinance.

Commissioner Gelhaar stated that the Draft Ordinance was definitely headed in the right direction and noted that it would be impossible to please everyone. Since the City has received complaints about the maintenance of chickens, he felt it was appropriate that they be maintained at an appropriate distance from neighboring properties. He supported a continuance so that staff could incorporate what was just discussed. He added that he did "not believe in unintended consequences unless they were defined".

Commissioner Davitt also believed that progress had been made. He stated it would be helpful if Staff include modifications and written comments from the community at the next hearing.

Chairman Cahill commented on the City's semi-rural environment and recognized that some properties are well suited for animal keeping, while doing so on other properties might introduce impacts. He agreed that the Commission should not move on the item at this point and he agreed with some of the public comments. He did not believe there was a reason to limit the number of chickens to 12 if someone had a large lot; his concern was where they would be maintained on a property. He suggested a 7-ft setback would work for horses and a 15-ft setback for chickens and fowl. He also believed that the Modification process should always be available. Chairman Cahill suggested further that the public hearing be closed at this point and requested one more rewrite before moving this forward to the City Council.

Responding to a question from Commissioner Hill whether the Commission would accept written comments if the public hearing was closed, Chairman Cahill stated that this was the 3rd hearing and while he valued the public's input, he believed both sides had clearly presented their viewpoint.

Director Stanley remarked on future opportunities for public input when the City Council holds public hearings.

M/S/C Davitt/Hill to continue Zone Change 06-02 to July 24th. Unanimous.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Gelhaar referred to two appeals, which were heard by the City Council. One item was remanded to the Commission for further design work. On the second item, Planning Staff recommended upholding the appeal, which was contrary to the Commission's determination. Despite the Council unanimously upholding the Commission's decision, Commissioner Gelhaar felt it was improper for Staff to make an opposing recommendation to what the Commission decided. He preferred that Staff take a neutral position.

Commissioner Hill recalled the case alluded to by Commissioner Gelhaar and the fact that Staff's original recommendation was to approve the project. He doubted that Staff was offended when the Commission denied the request or when the Council upheld the Commission's denial on appeal. He stated that he took no offense to Staff's position and commented that 3 Commissioners just disagreed with Staff's recommendation on the Fence Review for Mr. Burks and again, he doubted that Staff was offended. He concluded by stating that reasonable minds can differ and "that should be the end of it".

Director Stanley reported that Planning Staff would continue to make professional recommendations to the Council, despite the fact that those recommendation might differ with the Commission's decision. He advised that Staff has never failed to report the Commissions' determination to the City Council, and that it is not the Commission's role to prepare staff reports or to manage the Planning Department; that is what he was hired to do. The City Manager's directive with regard to appeals is that the staff reports include recommendations. Director Stanley advised that his duty is to answer to the City Manager rather than the Commission, as the CM answers to the City Council. Differing recommendations are based on educated and professional basis and are not meant to slight the Commission any more than the Commissioners intend to slight Staff when their conclusions differ.

Commissioner Gelhaar commented that he and Mr. Stanley had discussed this and he understood that planning staff in some cities does not make specific recommendations or statements that the Council substantiate Staff's recommendation.

Director Stanley advised that those cities only provide reports --- our City Manager wants recommendations with options to approve, deny or modify an appeal.

Commissioner Hill confirmed that the Council receives copies of the Commission's meeting minutes and Resolution and conditions of approval or denial.

Chairman Cahill observed that the City Council hears appeals de novo. Since Staff is mandated to provide a recommendation, it was reasonable to state if and why the Planning Commission took other action. He felt Staff addressed that by providing background information, including minutes and resolutions.

On another matter, he referenced the two items on tonight's agenda that requested extensions resulting from delays with the Health Department. He inquired why the County's process takes so long.

Director Stanley responded that it has to do with the septic situation. The Regional Water Quality Control Board has enacted stricter regulations as to how much nitrogen is allowed to enter the ground. Much of the delay results from what happens between the Quality Control Board and the County Health Department. An applicant needs to demonstrate if the project will allow the site to percolate - the County looks at the number of bedrooms as well as the rooms that could be converted to bedrooms and water fixtures. There have been times when the County requires extension areas such as leach fields to be provided. The Ree project on Hampstead which was just heard, was delayed because the house was demolished without a permit.

Similar to the Ree project, where a neighbor addressed the Commission regarding impacts, there have been other times

Chairman Cahill commented that there have been times when a resident addresses the Commission, such as Mrs. Dewey, regarding impacts. Had he known about her concerns ahead of time, he would have visited her property. He asked that Staff convey any early feedback to the Commission.

XI. COMMENTS FROM THE DIRECTOR

Further comments were not offered.

XII. ADJOURNMENT

M/S/C Davitt/Hill to adjourn at 10:01 p.m. Unanimous.

Secretary to the Planning Commission