

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD SEPTEMBER 12, 2006**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Cahill, Gelhaar and Hill, Deputy City Attorney Cobey, Director of Community Development Stanley, Senior Planner Buss and Assistant Planner Lang. Commissioner Mehranian was expected to arrive shortly.

**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**

The agenda remained as submitted.

**VI. CONSENT CALENDAR**

A. M/S/C Gelhaar/Hill to approve the Minutes of June 20, June 27, July 11 and July 25<sup>th</sup>. 4 Ayes.

**VII. PUBLIC HEARINGS:**

**A. Modification 06-18; Hurlbutt; 4252 Chula Senda Lane:**

Assistant Planner Lang described the applicants' request to permit over-height fencing and a spa, both which encroach into required side yards. The applicants also seek to legalize their conversion of a tack room into habitable space, which also encroaches into required setbacks. All non-conforming structures were in place when the applicants purchased their property.

The subject site is located on the east side of Chula Senda Lane, in the R-1-40,000 Zone. It is irregular in shape with convex frontage and an angled rear property line; a flood control channel and a dedicated horse trail bisect the lot along a north/south course. Two bridges connect the bisected areas, providing access to the tack room. Further to the rear lies Woodfield Road, a private street, which extends along the north property line to the rear of the property. The private street, channel and horse trail were omitted when calculating lot area, netted 33,168-sf.

Modification issues - The over-height block wall topped with wood fencing extends along Woodfield and ranges in height from 7 to 9½-ft, exceeding the allowed maximum height of 6 ft. The in-ground spa encroaches 2 ft into the required 5-ft south side property line. The converted portion of the tack room (attached to a barn) is currently vacant, pending results of this hearing. Its setback along the curvature of Woodfield Road varies from 4' to 6', thereby encroaching into the required 20-ft street side yard setback and into the required 15-ft rear yard setback. Ms. Lang noted the fact that Woodfield is higher elevation as it wraps around the property. That, and mature landscaping, result in limited exposure of all encroaching components.

A PowerPoint presentation depicted the equestrian trail extending through the channel easement. The County submitted a proposed re-alignment in an easterly direction, which Staff concurred was the best location for the trail. The only remaining question was whether the tack room structure encroaches into the existing trail easement; a boundary survey would answer that question.

Assistant Planner Lang reiterated that all non-conforming uses are long-standing and well screened, with limited impact to the character of Woodfield Road, a private street, at a higher elevation. Staff recommended approval of the request subject to the draft conditions.

Director Stanley advised that draft condition 11 would have to be modified. The County-prepared map needs to be attached as an exhibit to properly delineate the easements in question and "either/or" language needs to be added, further clarifying that the applicant must either relocate the trail easement or remove any obstruction within its area.

Responding to a question from Commissioner Cahill, Director Stanley advised that if the trail easement, which crosses several properties, is re-located partially on Woodfield Road, signatures of all property owners whose land is presently traversed by the easement would be required. The County is in the process of obtaining the necessary consents.

Commissioner Gelhaar questioned the logic of adding "either/or" verbiage. He noted that the County wants the trail re-located and that horses have not traversed the trail for quite some time.

Director Stanley advised that he had discussed this issue with the City Attorney and noted that the City does not have a boundary survey of the applicants' property; however, if the City cannot connect the trail through the Hurlbutts' property, the only other option would be to work with the existing dedicated trail.

Applicant, Tom Hurlbutt thanked Staff for the straightforward report and reiterated that the non-conforming structures have been in place at least 10

years. He advised that, from his viewpoint, the easement issue is on hold pending resolution of the encroachment matters. He understood that the options are either to eliminate all encroachments or to relocate the horse trail according to the County's proposal. He agreed with Commissioner Gelhaar's comment that reactivating the existing easement was pointless, since no one has used it or contemplates using it.

Director Stanley stated that Mr. Hurlbutt would have to provide open, free and clear access throughout the existing trail easement on his property, if it were to remain, and that he would have to provide a survey.

Mr. Hurlbutt confirmed that he would be responsible for providing a survey. His preference was that the situation remain status quo, but that is not an option. He stated he would have to review the modified condition.

Commissioner Cahill reported of having made a site visit earlier that day and commented on that he preferred having only one easement, which is both legally recorded and used, rather than (a) a legal but unused easement and (b) a popular trail used for many years, the use of which may give rise to a prescriptive easement.

Mr. Hurlbutt conceded that cross-country runners, bikers and walkers use Woodfield and would continue doing so regardless of whether an easement existed to support this use..

Commissioner Cahill expressed concern with the status quo and the possibility of a future dispute as to whether there is an easement on Woodfield.

Director Stanley remarked that the goal for many was to recognize what is currently being used as a trail – Woodfield Road -- and vacate the existing easements on the Hurlbutt and adjacent properties.

Chairman Davitt opened the public hearing.

Mary Barrie, President of the Trails Council, agreed that the first alternative set forth in draft condition 11 (to reactivate use of the legal easement over the Hurlbutt and adjacent properties) is illogical; the Trails Council has no interest in disrupting people's back yards. Since Woodfield is a private street, the Council has a concern that unless a legal trail easement over it is recorded, a disgruntled property owner could close off the Woodfield trail as currently established (which is what occurred on the former Ricks' property many years ago). She related that the trail users have preferred to use Woodfield Road as a route since the 1940's – the dedicated trail over Mr. Hurlbutt's property and his neighbors, has never been used. The County's survey reveals that the County trail extends partly into the street and approximately 3 ft behind the Hurlbutts' barn. Another possibility is for the dedicated trail to traverse through the

Beebe and O'Dell properties and continue to cross the Hurlbutt property; she doubted that anyone would want that.

Sally Kalaghan, 4228 Chula Senda, spouse of Alex Beebe, stated that from a practical point of view, the stretcher currently acting as a barrier over the easement on the Hurlbutt property protects the property owners from unauthorized intrusions. She stated "no one has used the easement as a trail for 60 years, which has worked well for the trail users and neighbors", and confirmed that the Hurlbutt's did not construct the referenced structures.

Randy Strappazon, member of the Trails Council, advised that the existing easement trail, though not used by hikers or riders, facilitated delivery of feed, etc. The O'Dells were given permission to erect a solid wall across the easement trail, acting as a barrier between their lot and the adjacent lot now owned by the applicant, which would have to be removed to allow the easement to function again as a trail and the trail users would have to cross Ms. Beebe's property - not an ideal situation. She asked on behalf of the Trails Council that the Commission address the Hurlbutt application in a way that would lead to the vacation of the unused trail easement on the Hurlbutt property and establish a legal easement for the trail on and along Woodfield Road.

John O'Dell commented, "this had to be one of the best win-win situations" that he's seen. Alluding to previous comments regarding the trail, he stated that there were other events and concerns affecting the Commission's consideration of the encroachment and fencing issues described in the application. Some years ago, he had been granted permission to build a garage in the back of his property, which is adjacent to the Hurlbutt property. It was only in the course of seeking this approval that he was informed about the trail easement on his property. Thereafter, the County gave its approval to construct the garage so long as he did not pave over the trail easement. However, the City was unwilling to allow the garage because the structure would cross the easement.

A compromise was developed under which all affected neighbors would agree to vacate the trail easement running across their properties, and the trail easement would instead be documented and recorded as running on and along Woodfield Road, in the path actually taken by trail users. He described the efforts he had made to inform all the neighbors, who eventually all agreed to cooperate in vacating the trail easement running across their properties. The County then sent out a document setting for the agreement to be signed by all affected property owners. Following that, the Hurlbutts - who had originally agreed to this arrangement -- refused in September '05 to sign the agreement.

Some months later, a complaint as to the code infractions on the Hurlbutt property was filed with the City.

Commissioner Gelhaar advised Mr. O'Dell of City policy that when spas and spa/pool equipment are to be constructed within a side yard setback, the Planning Commission typically requires support for the project from the most adjacent neighbor. He asked Mr. O'Dell if he was "okay with the location of the Hurlbutt's spa and equipment.

Mr. O'Dell responded that it was important for the strained relationships among the neighbors to be resolved. If Mr. Hurlbutt signed off on the County's plan, he was okay with their existing locations and with a Commission requirement that Mr. Hurlbutt has the right to review his garage project and require a landscaping plan that would screen it from view from the Hurlbutt property.

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

Chairman Davitt stated that he wanted to ensure that the Hurlbutts were satisfied in the event that the O'Dell garage was built and that adequate landscape screening for the structure would be provided.

Mr. O'Dell related that the Hurlbutt's had a fence approximately 15-ft high that served as screening, however, it has since fallen. There is a series of trees on his property that might need to be filled in, and if so, that was acceptable.

Commissioner Mehranian asked what Mr. Hurlbutt thought about the Trails Council position.

Mr. Hurlbutt stated "It's not a bad idea."

Commissioner Cahill agreed with Mr. O'Dell's comment regarding a win-win situation. It seemed that the Trails Council and neighbors want to recognize what is "on the ground" and that Mr. Hurlbutt wants the encroachments recognized. He added that Mr. Hurlbutt needs to recognize that if the trail is not re-directed along the proposed realigned trail through his property, the City and the property owners might find themselves with two trails to deal with i.e., a route along Woodfield Road, popular with trail users for such a long period that its use may have given rise to a prescriptive easement, and a recorded, though unused, trail easement through their own land. He agreed with retaining the condition that if there is no agreement by the applicant to relocate the existing trail easement that any barricade should be removed from it. He did not like the idea of leaving anything vague.

Commissioner Cahill left the meeting at 6:50 p.m.; he had earlier advised staff he would be doing so.

Commissioner Gelhaar asked Mr. Hurlbutt if he could accept an agreement from the O'Dell's to submit a landscape plan to the Planning Commission

reflecting that whatever is built on the northwest corner of their property would be screened from the Hurlbutt property.

Mr. Hurlbutt responded affirmatively.

Responding to a question from Commissioner Gelhaar as to how to make that happen, Deputy City Attorney Cobey stated that the most efficient resolution would be for the neighbors to develop and execute an agreement among themselves, rather than the having the Commission impose a condition affecting project that was not formally before the Planning Commission and might not be built. She suggested a continuance to allow the neighbors to work together and sign an agreement to allow the existing trail easement to be relocated to Woodfield provided that the O'Dells record a covenant stating that any garage built on their property would be screened from view from the Hurlbutt property.

Chairman Davitt confirmed that such an agreement among the neighbors could require Planning Commission review of the landscape plan for the O'Dell garage.

A question was raised by the Commission as to why a continuance would be needed if the neighbors undertook to reach agreement in this fashion.

Attorney Cobey responded that if such an agreement was not reached, the Commission would need to take up the Hurlbutt application again. Alternatively, she advised that the Commission could approve the instant request noting the applicant's apparent inclination now to join with his neighbors in agreeing to relocate the trail easement, and add a condition requiring landscaping if the O'Dell garage project is ever built. Mr. O'Dell would waive his right to a separate hearing on that issue. She stated that both she and the City Attorney, however, were more comfortable with the approach taken in condition 11 attached to the resolution accompanying the staff report.

Chairman Davitt had earlier advised Staff that he would have to leave the meeting early, and did so at 6:55 p.m. The gavel was given to Commissioner Gelhaar.

Commissioner Hill stated that he was becoming more uncomfortable with going forward at this time; it would be more appropriate to use whatever time it takes to ensure that everyone gets what they want. His sense is that the applicant felt likewise.

Director Stanley commented that if there was agreement among all parties, there would be no reason to continue the hearing. He did not believe the Commission had the authority to review a landscape plan on a third party's property.

Attorney Cobey suggested allowing the Director to review a landscape plan if Mr. O'Dell waives his right to a future hearing on the question of whether landscape screening would be required for any garage built on his property.

Mr. O'Dell agreed, so long as everyone had enough time to review the paperwork.

Mr. Hurlbutt stated "We're here because of a complaint registered to the City by Mr. O'Dell."

Commissioner Gelhaar closed the public hearing and asked for comments from his colleagues.

Commissioner Mehranian commented that the matter had become more complicated, as the Staff report did not address the trail issue. She preferred a continuance.

Commissioner Gelhaar did not believe that was necessary, given Mr. O'Dell's statement that he might not build his garage and his agreement to submit a landscape plan for Planning Department approval, that would mitigate the Hurlbutt's view of any future structure that might be built on the northeast section of his property.

Commissioner Hill stated that if the parties were ready, he was prepared to address the findings.

Commissioner Gelhaar stated his understanding that the Hurlbutts would sign the agreement relocating the trail easement to be recorded within 3 months, provided that: 1) the O'Dell's agree to waive a future hearing as to whether landscape screening would be required for a future freestanding improvement such as a garage, located on their property, 2) the O'Dell's agree to submit a landscape plan for whatever structure they build that could be objected to by the Hurlbutt's from a view standpoint and 3) the Commission approves the application before it.

Commissioner Gelhaar advised those members of the audience who had further comments, that the public hearing was closed.

Commissioner Mehranian made a motion to approve Modification 06-18, amending condition 11 to acknowledge the applicant's intention to join his neighbors in agreeing to relocate the trail easement, and to approve the Modification requested on the condition that the applicant shall, and agrees to remove the said improvements if the instrument relocating the trail is not recorded with the County within three months of this approval. A new condition shall be added, stating that subject to relocation of the trail easement, the following condition is placed on the development of any new outbuildings

on the O'Dell lot: Any new accessory buildings on said lot, such as a new garage, shall be appropriately screened from view from the north by landscaping, as described in a landscape plan to be submitted to the Director of Community Development for review and approval. In reviewing said Plan, the Director shall seek the comments of the neighbor directly to the north.

Commissioner Hill stated he was not comfortable "with changing things in midstream without giving the neighbors the opportunity to address the Commission".

Commissioner Gelhaar commented the reason he was not allowing further testimony was because the neighbor most affected agreed with the motion and he had clearly stated earlier to the audience that the period for public comment had closed.

Commissioner Gelhaar seconded the motion, which carried 3-0.

Commissioner Gelhaar advised the audience of the opportunity to appeal the decision to the City Council within 15 days after the resolution is adopted by the Commission on September 26<sup>th</sup>.

**B. Floor Area Review 06-12; Dilbeck; 4833 Castle Road:**

Assistant Planner Lang reported the applicants' request to convert an attached garage into habitable space. A new detached, three-car garage with attached recreation room and covered patio is also proposed on the south side of the property, facing the residence.

The 38,080-sf project site is a flag lot, located on Castle Road, just north of Cross Street in the R-1-15,000 Zone. It has 25-ft of frontage and is more than 300 ft deep. Floor Area Review is triggered, given the frontage and the resulting floor area of 6,209-sf. The total floor area complies with the maximum allowed for the lot. There are approximately ten trees of varying size and species in the way of the proposed garage; one protected sycamore would remain and two other non-protected sycamores (due to their size) are proposed to be relocated on site. The others would be removed. Maximum height of the proposed garage/recreation room/patio is 15 ft; it meets all code standards for accessory structures. It would be more than 250 ft from the street and tucked into a corner. It is designed without windows on the south elevation, similar to the accessory structure on the adjacent property. Site photos were displayed on Power Point.

Staff recommended project approval subject to the draft conditions provided.

Project architect, James Coane pointed out that the project matches the English design of the home and that the project meets all setbacks, the angle plane requirement and would not be visible from the street.

Applicant, Leah Dilbeck explained that she had spoken with her most immediate to the south, who had concerns with the proposed tree removal. She was willing to add more landscape screening if necessary.

Commissioner Gelhaar opened the public hearing.

Scott Williamson, 2225 Cross Street, resides south of the project; his northernmost property line is adjacent to the proposed structure. He distributed a binder with photos take from his backyard and he stated that a 26-ft-wide by 62-ft-deep and 15-ft-high structure and chimney would dominate his living room and all areas of his backyard. He disputed the staff report and draft resolution which state that the project would not create any negative massing effects and that privacy or view impacts are not anticipated. He objected to the design of the proposed structure and reviewed the required findings. The cottonwood trees slated for removal provide privacy to his property. He advised of having purchased his home 4 years ago based on the setbacks and privacy and would not have purchased it if the proposed project was there and the cottonwood trees gone.

He was also concerned with drainage and advised that he's had to create a system with 10-inch lines to divert water to his driveway, which is 200 ft away. The proposed garage/recreation room is in the middle of the water flow. Mr. Williamson advised that he was willing to work with the Commission and the Dilbecks in a respectful and courteous manner to resolve this problem.

Director Stanley advised that the Commission could add a condition requiring City Engineer review of the request for drainage issues.

Responding to a question from Commissioner Hill, Mr. Williamson stated that requiring landscape screening would be a band-aid, rather than alleviating his concerns.

Commissioner Mehranian asked how he would be affected if the cottonwood trees remained and any other required landscaping was of the same size.

Mr. Williamson stated that he would shake hands "right now" if the proposed structure were built on the other side of the cottonwoods.

Applicant Kirk Dilbeck related that he intends to install a pool on the north side of his property, including a retaining wall and drains to take water across his property to the street. He advised of having discussed this with Mr. Williamson.

Leah Dilbeck requested landscape screening options; her gardener suggested planting blue hibiscus.

Mr. Coane related that as you begin sliding the structure forward, it becomes visible from the street.

Responding to a question from Commissioner Gelhaar, Assistant Planner Lang stated that the garage/recreation room would have to be moved 34'+ to same the cottonwood trees.

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

Commissioner Hill remarked that he had a problem with the structure's placement as proposed and preferred that it be shifted, regardless of it being seen from the street. He noted that there is an available compromise by shifting the structure to allow more landscaping on the applicant's side.

Commissioner Mehranian stated she was not advocating moving the structure, but rather maintaining the cottonwood trees, or submit a landscape plan prepared by a landscape architect that would screen the proposed structure. She could not support the project as submitted.

Commissioner Gelhaar commented shifting the structure 10-12 ft north would provide 17 ft between the neighbor's wall and the south side of the structure for landscape screening. He stated he was not prepared to approve the request unless the applicant submits a "major" landscape plan subject to the approval of the Director of Community Development and an arborist's written report addressing the viability of relocating some of the trees to mitigate views from the Williamson property.

Director Stanley confirmed that the Commission could accept an "either/or" condition; either the structure is relocated northerly to preserve the cottonwood trees or a comprehensive landscape plan shall be submitted by a landscape architect and a hydrology study for review and approval by the City Engineer.

M/S/C Mehranian/Hill to approve Floor Area Review 06-12, with a condition requiring that the proposed structure be shifted northerly 12 feet and a significant landscape plan be submitted to the Director of Community Development for review and approval. Alternatively, the proposed structure shall be relocated so that the cottonwood trees are maintained, such plan shall be subject to the review and approval by the Director and a hydrology study shall be submitted for the review and approval of the City Engineer. 3 Ayes.

**C. Building Depth Review 06-08; Azar; 4325 Woodleigh Lane:**

Senior Planner Buss described the applicant's proposal to expand and remodel both floors of his 5,391-sf home, construct a new garage and add a covered

terrace. Building Depth Review is required since the second floor depth of 77 ft exceeds the 60-ft threshold for review.

The 36,145-sf rectangular-shaped lot is located on the west side of Woodleigh, just south of Georgian Road in the R-1-20,000 Zone. It is served by a circular driveway that rises approximately 5-ft higher than street grade, and is developed with a pool, gazebo and a detached garage/guest house that will be demolished.

The applicant proposes to add 470-sf of new first-floor area and 908-sf to the second floor. Mr. Buss noted that existing house depth exceeds 60 ft and the project would expand that another 2-3 ft to the rear. Otherwise, the mass of the house would generally remain as it has since 1926. First floor additions would be within the confines of the required setbacks. Second floor expansion to the rear expands the existing building, which provides an 18-ft side setback and exceeds the required second-story setback of 20 ft for this lot. The applicant has the option of either applying for a Director's Modification or scaling back the second-floor addition and maintain the status quo. The garage/guest house is slated for removal and replacement with a new, 3-car garage relocated to the front. Significant and mature landscaping was shown on PowerPoint, which makes the issue of visibility nearly non-existent. Distance between the project and neighbors ranges from 34-44 -ft.

Staff determined that the project maintains the existing scale and character of the neighborhood and would not be seen from off site. Staff recommended positive findings and project approval.

Responding to a concern expressed by Commissioner Gelhaar regarding a proposed second-floor balcony on the west elevation, Senior Planner Buss displayed an aerial photo showing 10-ft-high fencing, mature landscaping and a tennis court that would separate the balcony from the neighboring property.

Project architect Jay Johnson was in the audience to respond to any questions.

Commissioner Gelhaar opened the public hearing. Since comments were not offered, the public hearing was closed.

M/S/C Mehranian/Hill to approve Building Depth Review 06-08 as conditioned. 3 Ayes.

## **VIII. OTHER BUSINESS**

### **IX. COMMENTS FROM THE COMMISSION**

Commissioner Gelhaar proposed that the Commission study limiting parking of construction vehicles to one side of the street i.e., trucks working on even address would park on the right side of the street. If there are ongoing projects on opposite sides, all construction vehicles would have to park on 1 side. He

asked that his colleagues and staff observe the problem as they drive around town.

**X. COMMENTS FROM THE DIRECTOR**

Director Stanley advised that Building "B" of the La Cañada Properties project would be reviewed by the Design Commission on Thursday and by the City Council the following Monday. Also under discussion, will be areas located in the DVSP Zone that were zoned Institutional rather than commercial.

**XI. ADJOURNMENT**

M/S/C Hill/Mehranian to adjourn at 8:07 p.m. Unanimous.

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Secretary to the Planning Commission