

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD SEPTEMBER 23, 2003**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Davitt, Gelhaar and Levine, Deputy City Attorney Noonan, Director of Community Development Stanley, Planner Cantrell, Assistant Planner Gjolme and Planning Aide Shimazu. Commissioner Mehranian was expected to arrive shortly.

**III. PLEDGE OF ALLEGIANCE**

Chairman Engler stated that the salute to the flag should be part of every public hearing and announced that henceforth, it would be included in the agenda.

Commissioner Gelhaar led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC:**

Comments were not offered.

**V. CONSENT CALENDAR:**

Items were not submitted for review.

**VI. CONTINUED PUBLIC HEARING:**

**A. Hillside Development Permit 03-13; Variance 03-06; Modification 03-29; Building Depth Review 03-05; Monroe; 4322 Woodleigh Lane.**

Planner Cantrell recalled that this request was initially heard on June 24<sup>th</sup>, and was continued to allow the applicant time to evaluate a code-compliant, 10-ft north side yard setback. At the July 22 continued meeting, the applicant presented an alternate design, maintaining the garage at its existing nonconforming 3-ft setback, which encroaches into the angle plane. A comparison to the original design was provided to illustrate why the applicant preferred the original submittal.

Thereafter, the applicant accepted Staff's recommendation to provide a 5-ft setback to assure adequate protection for a large oak in that area and also

preserve a workable floor plan, avoid building over the garage wing and avoid overly vertical proportions. Given what he felt was mixed direction from some Commissioners, Mr. Monroe opted for a continuance. After considering several designs alternatives, he determined that a 5-ft setback would produce the most favorable result and he decided not to redesign. The low pad elevation, the wooded site, substantial distance from any neighboring home, and unanimous neighborhood support, led him to that decision.

Planner Cantrell addressed Finding #3, that *strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards*. He pointed out that proof of hardship is not required and that this project meets the purpose of its zoning. The intent of the side yard setback requirement is to avoid visual crowding – from neighboring properties or from offsite. Staff believed that the proposed 5-ft setback would have negligible effect, and continued to recommend positive findings and project approval.

Applicant Scott Monroe, explained the primary issue is the north side of the property, where the existing garage is located 3-ft from the property line. The roots and canopy of a mature oak reduce the development potential on the south side. He submitted a letter from the neighbor abutting the proposed encroachment, supporting his project.

Commissioner Mehranian arrived at this point.

Chairman Engler confirmed that the letter is based on the 3-ft setback.

Commissioner Levine asked if the neighbor would be willing to restrict the existing open space distance between both properties via a covenant.

Chairman Engler opened the public hearing. Comments were not offered, and the public hearing was closed.

Commissioner Davitt advised of having revisited the site. He stood by his prior comments stand and continued to support Staff's recommendation. He noted that moving the house an additional 5-7 ft to meet current setback requirements would result in crowding the adjacent home on the opposite side, which is nearly at the same elevation as the subject property. Given the protected large mature oaks on the neighboring property to the north, he doubted that neighbor could develop towards the applicant's property, since there would undoubtedly be issues with the trees.

Commissioner Levine stated that he could not support the requested encroachment.

Commissioner Gelhaar advised that his measurement of the oak would allow the applicant to move the first floor 4.7 ft to the south; and if 2.7 ft of house width was eliminated "somewhere", a code compliant setback could be provided. He advised that he could not make Findings 1, 2, or 3.

At Commissioner Mehranian's request, Mr. Monroe described his current proposal, which increases the project's distance from the oak.

Director Stanley commented that Staff's recommendation would provide substantial distance from the oak regardless of its longevity.

Chairman Engler advised that he did not attend the initial meeting for this project, but he did review the minutes. He commented on the significant difference in elevation from the adjacent northerly neighbor and the number of oak trees on that property. He supported Staff's recommendation, especially since the applicant was locating the project further from the large oak on his property.

Commissioner Mehranian stated that a 5-ft setback represented an improvement to the existing 3-ft situation. Her concern was protection for the oak and assurance that there is sufficient room for its growth.

M/S Levine/Gelhaar to deny Hillside Development Permit 03-13, Variance 03-06, Modification 03-29 and Building Depth Review 03-05. The motion failed on a majority dissenting vote by Commissioners Engler, Davitt and Mehranian.

M/S/C Davitt/Mehranian to approve Hillside Development Permit 03-13, Variance 03-06, Modification 03-29 and Building Depth Review 03-05. 3 Ayes. Dissenting: Gelhaar and Levine.

## **VII. PUBLIC HEARING:**

### **A. Hillside Development Permit 03-29; Schubert; 3829 Chevy Chase Drive.**

Commissioner Levine was recused at his request. Deputy City Attorney Noonan briefly conferred with him and advised that a recent opinion by the Attorney General maintains that if a recusal is based on financial conflict, the Commissioner must leave the chambers. That was not the case in this instance, and while Commissioner Levine could technically remain in the chambers, Attorney Noonan preferred that he remain outside.

Senior Planner Buss described the applicants' request to add approximately 5,000-sf to their single-story home. The 51,836-sf, heavily wooded site, is located on the west side of Chevy Chase Drive on a terraced shoulder of hillside. It is located just north of its intersection with Highland Drive in the R-1-40,000 zone. A total of 7,803 sf, including the garage, is proposed. A concrete V ditch drains from the north through the subject site. The City Engineer is requiring installation of rip rap and wire screening at its entrance at the street.

The applicants propose to add about 2,100-sf to the first floor and construct a new second story of 2,900-sf. The first floor would extend southward and include a new, attached 4-car garage; the existing two-car garage would be demolished.

**Design** - Overall height reaches 28 ft; four turret roofs, considered as architectural extensions under the Ordinance, extend an additional 5-6 ft. The new second floor's 62'-10" depth will be modified to meet the 60-ft threshold. The draft conditions assure compliance.

Overall horizontal dimension is shown at 150 feet. Senior Planner Buss noted that while the Ordinance Guidelines recommends a maximum horizontal dimension of 120 ft, existing and additional landscaping would screen the house from all long-range views. Staff did not have concerns regarding this issue, but did recommend compliance with the LRV coloration guideline, since the house could be viewed from Chevy Chase through gaps in the landscaping. All setback requirements are met; 20-ft side yards and a 58 ft -front setback are provided. Cantilevers or dominant overhands are not proposed; the roof pitch at 12:12, lacks any flat areas.

**Landscaping** - Staff had concerns with the landscape plan, which includes adding additional pine trees along the property's frontage. Since many of the existing pines are in poor health, draft conditions require submittal of a revised landscape plan for review and approval by the Director of Community Development prior to issuance of building permits. Such plan must meet the Fire Department's guidelines for High Fire Severity Zone 4.

Chairman Engler commented that he had difficulty in deciphering the landscape plan, which depicts only existing landscape.

Senior Planner Buss advised that the applicants did not intend to install many new plantings, since the project does not impact existing plants.

Director Stanley remarked that a landscape plan is not a requirement; Staff included a condition based on prior discussions.

Applicant Jill Schuberth, believed that the project would enhance the neighborhood and the house, which has been in her husband's family for 54 years.

Project landscape architect, Christopher Cox, briefly described the condition of the large and heavily wooded, 50,000+-sf property. He expressed confidence that the project would be an asset to the community and advised that subtle exterior colors would be used. He advised that all trees along the front would be preserved; new plant material was shown in detail on the submitted landscape plan, with existing landscaping shown in silhouette.

The 20-ft-high pyracanthus will be removed and replaced with new, lower plant material. Significant number of new trees will be planted around the driveway and where the pyracanthus is removed. The front area will include a court yard and a water feature will be cut into the hillside with water flowing down. He advised that the goal is to achieve "calm" landscaping.

Mr. Cox further advised that he would be submitting a request for simple, 6-ft-high wrought iron gates and a six-foot-high stone material column at the entry. He requested that the condition requiring more trees along the frontage be eliminated. He felt it would be appropriate to view small portions of the interior from the street and pointed out that the existing site is heavily wooded. He stated that even a 24-inch box tree planted on the front slope would appear like a "lollipop among giants".

Project architect Jay Johnson, reported of having made every attempt to work within the Ordinance guidelines during the year that he's worked on this project. A new septic system was installed in anticipation of project approval. Grading will not be required, other than what is necessary for new landscape installation. His view was that hillside review is a technicality in this case, given that the significant slope extending along the rear of the site is the trigger for hillside review. Mr. Johnson advised that his clients are sensitive to the idea of maintaining the existing design; the dormers and roofline modulation result in the house appearing smaller than its actual size. His clients reviewed the plans with their neighbors and received full support.

There were no questions from the Commission.

Chairman Engler opened the public hearing. Comments were not offered, and the public hearing was closed.

Commissioner Gelhaar commented that while the project is large, so is the property. He agreed with Mr. Cox that planting additional trees would be superfluous. His sole issue was that the tallest roof section is 7 ft higher than the rooftop. He concurred to eliminate condition #14, regarding additional landscaping, but preferred to see the roofline confined to 28 ft in it's entirety.

Commissioner Mehranian commented on the significant size of the project. She was unsure at this point whether more trees are needed, but wanted assurance that the project would be compatible with the informal landscaping along Chevy Chase. She requested a detailed landscape plan so that she could cast an informed vote, and concurred with Commissioner Gelhaar's comments regarding the roofline.

Commissioner Davitt agreed that the turrets are too high and preferred they be lowered. While he was sensitive to the overall tree situation, a large home is proposed and tree removal near the garage would result in a large open space.

Chairman Engler stated that he did not have a problem with the size or depth of the house; he measured the turrets and they are 36' in height. He was more concerned with screening the house, which currently sits very naturally among the pines. A large French Country home will change that. He felt that the submitted landscape plan was inadequate. He requested a revised landscape plan for Commission review and an elevation of the house from Chevy Chase.

Attorney Noonan stated that the appropriate question was if the applicant was willing to return with a revised landscape plan and reduced turrets.

Director Stanley remarked that the Hillside Ordinance allows architectural extensions to exceed the 28-ft height maximum. He asked if the Commission wanted all the turrets lowered to 28 ft.

Commissioner Davitt commented that doing so would defeat the purpose, since they wouldn't look like turrets.

Mr. Johnson requested a continuance to address the Commissions comments and asked if the story poles could be removed at this point.

Director Stanley responded that it was the applicants' option; but if the matter is appealed, the Council would want to see them.

M/S/C Davitt/Gelhaar to continue Hillside Development permit 02-59 to October 28. 4 Ayes.

**VIII. PUBLIC MEETINGS:**

**A. Floor Area Review 03-14; Modification 03-40; Partamian; 223 Kirst Street:**

Assistant Planner Gjolme described the residential expansion, including a new second-floor, that would exceed the maximum floor area allowed for the lot. The Modification request addresses an 8'-6" encroachment into the required 30-ft "front" setback along Burgoyne Lane. The 8,350-sf project site meets the definition of a hairpin lot and is located at the highly visible Northeast corner of Burgoyne Lane and Kirst St., in the R-1-7, 5000 Zone.

Though the first floor would be minimally expanded (157-sf), it would encroach into the Burgoyne Lane setback, where a 30-ft setback requirement is required, due to the hairpin definition. Assistant Planner Gjolme noted that if Burgoyne were considered as a side street, which is clearly how it functions, given the lot configuration and the orientation of the home, a 16-ft setback would be required - which is provided at both floors. He pointed out that the existing garage maintains a setback of 16' 6". Additionally, minor entry projections along the south facade would encroach 1 ft into the required Kirst Street setback. The project presents an overall height of 25 ft; the second floor, centered over the first floor, increasing its setback along Burgoyne as it extends southward.

Assistant Planner Gjolme observed that over half of the lot, or 4,500-sf, would be devoted to setback area if the 30-ft front setback was applied along both street frontages. While Staff supported providing setback relief, it was difficult to justify any excess floor area given the modest, single-story scale of the neighborhood.

Responding to a question Commissioner Levine, Assistant Planner Gjolme advised that 30 ft seemed to be the norm.

Architect, David Applebaum, reviewed his design process, which began by meeting with Staff, when he was advised that floor area could add no more than 4% of the subject lot area. He noted that complying with Code along Burgoyne would push the project eastward and eliminate the back yard. Also, strict application of floor area standards would result in a "Pizza Hut" roof. He believed that the design created enough single-story roofline with the second story stepping back so that the apparent massing is at human scale. He advised that he pushed the second floor south and east as much as possible to avoid impacting the neighbors.

Chairman Engler remarked that eliminating 20-sf from the closet in the guest bedroom on the east side would provide a code-compliant setback.

Mr. Applebaum commented that doing so would only eliminate 10-sf and that the idea was to articulate the wall as much as possible.

Applicant, Cynthia Partamian reported that she would like this home to 'grow' with her children. She believed that the average sq. footage of the neighborhood would increase, based on comments from her neighbors, who all support the project.

Chairman Engler invited testimony.

Susan Partamian encouraged the Commission to grant the request.

Further comments were not offered.

Commissioner Levine advised that he drove by the site. He inquired if any homes in the area approach the size of the proposed project.

Assistant Planner Gjolme responded that there are 2 or 3 in the general area, but the project would be the largest in the immediate area.

Commissioner Levine did not question the 20-ft excess or the hairpin situation, but it troubled him that the project would significantly exceed the 2,000-sf average of homes in the neighborhood.

Commissioner Davitt made a site visit and he noted there are three, two-story homes in the immediate area and the project did not appear out of place in comparison. He agreed with Commissioner Levine that the excess floor area is an issue, but he concurred with Staff's recommendations and supported the request.

Commissioner Mehranian had nothing to add and concurred with Staff's recommendations.

Commissioner Gelhaar observed that the Commission has consistently allowed "front" yards to be considered as "side" yards when reviewing hairpin lots. He agreed that the neighborhood is changing, but noted that if everyone was allowed an extra 21 feet, the floor area standard would be pointless. He agreed with Staff's recommendation.

Chairman Engler concurred, adding that the line has to be drawn at some point.

Commissioner Levine stated that “effectively, this house is 1,000-sf larger than the neighborhood average”.

M/S/C Gelhaar/Mehranian to approve Modification 03-40 and to deny Floor Area Review 03-14. 4 Ayes. Levine dissenting.

**B. Building Depth Review 03-08; Slaughter; 736 Hillcrest Drive:**

Assistant Planner Gjolme described the applicants’ request to add a new second floor to their home that would exceed the 60-ft review threshold.

The 49,587-sf site is located on the south side of Hillcrest Drive, between the intersection of Flintridge Avenue and Alta Vista Drive, in the R-1-40,000 zone. It is square in shape, with a width and depth over 200 ft. It is underdeveloped in comparison with properties in the immediate neighborhood, which is typified by grand homes with significant street frontages.

Along with a 576-sf, first-floor addition, a new 2,584-sf, second floor would reach 72 ft at it’s farthest extension. It would be visible from westerly views, were it not for the significant 132-ft setback. Maximum building height would reach 30 ft. The total floor and roof area of 6,807-sf is nearly 5,000-sf below the maximum allowed for the lot.

Overall, Staff did not discern any negative impacts arising from this project and recommended approval as conditioned.

Applicant Ted Slaughter, expressed agreement with all recommendations and conditions.

Chairman Engler invited testimony from the audience; however, none was provided.

The Commissioners concurred with Staff’s recommendations.

M/S/C Davitt/Gelhaar to approve Building Depth Review 03-08. Unanimous.

A three minute recess was taken.

**IX. OTHER BUSINESS:**

**A. Discussion Regarding Standard Construction Parking condition:**

Chairman Engler recalled that the direction to Staff was to craft language which the Commission could then add to, delete, or modify, as the situation warranted.

Director Stanley referred to the draft condition language submitted in the Commissioners' packets for discussion. Staff attempted to cover all potential circumstances.

The Commission then took time to review Commissioner Levine's version, which he just submitted.

Commissioner Gelhaar commented that he would like to prohibit construction deliveries on Saturdays.

Commissioner Levine explained how he structured his version of the condition. He addressed what he termed a "black and white" concept, which requires an applicant to submit a Parking Management Plan for material deliveries. He was concerned with burdening an applicant with having to notify neighbors of each delivery; prohibiting deliveries on weekends would provide respite to other property owners.

Commissioner Davitt thanked Commissioner Levine for his effort, and noted that most projects cannot accommodate construction parking on site. The negative he saw with Commissioner Levine's version was that the Commission would have to debate the issue with each project; he preferred to leave that to Staff. While he was unsure at this point whether allowing construction to occur on Saturdays is a good idea, since existing Code allows it, then material deliveries ought to be similarly allowed.

Chairman Engler commented that there are times when on-site "loading and unloading" is not feasible and noted that many construction sites have dumpsters in the right-of-way sans use of flashers or barricades.

Director Stanley advised that LCF is a contract city and we rely on the County to enforce these issues. He encouraged Chairman Engler to report such problems to Public Works.

Chairman Engler felt that solution resulted in inequitable treatment, as any relief would result from only those projects reviewed by the Planning Commission.

Director Stanley stated he preferred that the Public Works Commission deal with the issue of equipment on public streets. He then addressed the concerns he had with some of the language submitted by Commissioner Levine (regarding construction on Saturdays and dumpsters on City streets). He suggested discussing this at the joint meeting with the City Council, including a possible ordinance.

Attorney Noonan remarked that the Commission had valid concerns, as there are residents who are issued counter permits and do not have conditions applied to their projects. She felt it would be wise to bring this to the attention of the City Council so that restrictions are applied comprehensively. Attorney Noonan commented on the Ordinance process, which would need time for 1<sup>st</sup> and 2<sup>nd</sup> readings. While this issue falls under CEQA, it would likely fall under a Categorical Exemption. She then explained that with an Urgency Ordinance, certain findings must be made. However, to insulate the City, it could be done both ways; i.e., an Urgency Ordinance could be adopted at the first reading.

Senior Planner Buss clarified that the City allows construction 7 days a week --- it is only "noisy" construction that is prohibited.

Attorney Noonan added that the Commission should be cognizant that it is currently applying parking management in a inconsistent manner; in the interim, the solution would be for Staff to administer.

Director Stanley felt that some of the wording of Commissioner Levine's submittal was unrealistic i.e., the "loading and unloading" verbiage. He advised that Staff would handle on a complaint basis.

The Commission then reviewed Commissioner Levine's suggested wording line-by-line, striking reference to prohibiting material deliveries on Saturdays.

Commissioner Levine responded that the wording is subjective; when the Commissioners make their site visits, they will determine whether a Parking Management Plan is required.

Attorney Noonan confirmed that the Commission wanted to discuss an ordinance with the City Council and advised that Commissioner Levine's modified wording would be inserted in all standard conditions.

**B. Discussion regarding requirements following illegal removal of protected trees:**

Director Stanley advised that language proposed by Commissioner Levine is not supportable by law. He wanted a "no build area" where a protected tree is illegally removed i.e., the property would be treated as if the tree was never removed - canopy, roots and trunk.

Commissioner Gelhaar agreed that replacement trees should be planted in the same place as the removed tree, but he did not support a "no build area" concept.

Attorney Noonan observed that Code allows fines, criminal persecution, etc. She advised it is within the purview of the Commission to require "same location" language, which could prevent a developer from building what they might have wanted to do all along i.e., build in a particular area.

**X. COMMENTS FROM THE COMMISSIONERS:**

Comments were not offered.

**XI. COMMENTS FROM THE DIRECTOR:**

1. CUP 339; La Bruna; 615 Berkshire. Director Stanley advised that the 45-day review period was underway to determine if there are any impacts from lighting the ball field. Staff visited the site at night while baseballs were being hit. The lights were minimally visible only through a corner at the corner backstop, and the crickets were louder than the bats hitting the balls.

2. HDP 03-30; Solis; 2055 Rancho Cañada Place: Director Stanley reported that a 500-sf, second floor addition was administratively approved. Code requires that Staff notify the Commission of such approvals.

3. SCAG RTP - The So. CA Association of Governments' Transportation Plan was electronically mailed to the City Council and the Planning Commissioners for their information.

4. R-1-Tour - Director Stanley advised that a 4:00 p.m. weekday might work, since December seemed to be the only available date for everyone.
5. Joint City Council/Planning Commission meeting: more options were provided. The Commission suggested a non-Commission Tuesday.

**XII. ADJOURNMENT:**

M/S/C Davitt/Levine to adjourn at 8:40 p.m. Unanimous.

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Secretary to the Planning Commission