

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD OCTOBER 11, 2005**

I. CALL TO ORDER

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

II. ROLL CALL

Present were Commissioners Cahill, Davitt, Engler and Mehranian, Deputy City Attorney Guerra, Director of Community Development Stanley, Planner Gjolme, Assistant Planner Lang, Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Cahill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA:

VI. CONSENT CALENDAR

A. M/S/C Davitt/Engler to adopt the minutes of September 13 as amended by Commissioners Cahill and Mehranian. Unanimous.

B. The minutes of September 27, 2005 were continued

C. Resolution 05-67, denying Hillside Development Permit 05-35, Building Depth Review 05-12; 4596 Leir Drive

Property owner, Nick Younanian, addressed the Commissioners prior to their acting on the Resolution. He requested reconsideration of his project before a full Commission, as only three Commissioners were present last week to hear his request.

Chairman Gelhaar stated that he was willing to grant reconsideration with two conditions 1) that story poles be erected and show all rooflines and, 2) that Staff hire an engineer at the property owner's expense, to determine the lowest elevation grade possible that would allow gravity feed to the street.

The Commissioners concurred to the proposed conditions and unanimously granted reconsideration.

VII. PUBLIC HEARINGS

A. Floor Area Review 05-12; Modification 05-37; McGoldrick; 4838 Alminar:

Assistant Planner Lang described the applicants' proposal to expand the rear portion of their home and to construct a new second floor. Total floor/roofed area would reach 3,019-sf, exceeding the 2,808-sf standard for the lot, but within the maximum allowed with Floor Area Review. Open area below a second floor balcony is included in the floor area calculations, and adds 70-sf to the project. A Modification is also requested to allow the first floor addition to encroach 1½-ft into the required south side yard. The new second floor would also encroach into the south side yard by 4½ ft.

The 7,800-sf property is located on the east side of Alminar Avenue just north of Revlon Drive. It accommodates a single-story home, a detached garage and a pool. Total proposed floor area is greater than other homes in the immediate vicinity, though larger homes are found further north on Alminar. Setbacks to the north side and the rear yard are generous. The existing and compliant, 30-ft front yard setback would be maintained (Staff recommended removal of a second floor balcony that would protrude into the front setback).

The project would add 166-sft to the first floor, at the rear southeast corner, where it would continue the existing building line and maintain the non-conforming 5-ft side setback. The south elevation would appear as a one-story wall with a steep, two-story roofline, encroaching 4½-ft into the required 13-ft, second-floor side setback. The opposite north side presents as a full two-story home.

The project would exceed the floor area threshold for the lot by 2.7%. Staff concluded that the new second floor would add mass to the home and alter the front facade significantly, thereby disrupting the visual scale of the immediate area.

Staff could not justify the second floor encroachment, as it would present a large expanse of roof (though sloping), to the south. It is also inconsistent with the surrounding neighborhood's scale and character, because it consists primarily of single-story homes. Staff recommended that articulation be provided along the south façade to break up the mass of the roof. Staff also pointed out that an air conditioning unit as shown within the side setback, requires written approval of the most affected neighbor.

Staff recommended denial of the Floor Area Review and the requested Modification for the second floor, and approval of the first-floor encroachment.

At Commissioner Mehranian's request, Ms. Lang displayed an overhead elevation showing the second floor roof encroachment at 15 ft.

Property owner, Brian McGoldrick addressed 3 issues: 1) whether there are two-story homes in the area. He displayed a large plot map depicting in color, where two-story homes are located above and below his home, including one that was approved by the Commission 2 weeks ago. He also pointed out that the home immediately to the rear of his is two-story. 2) the second-story encroachment is 4'6" sf, . He displayed a large, color elevation of the area that he would be allowed to build within, without review, that would be inappropriate and detrimental to the neighborhood setting. He provided 20 signatures of neighbors who support his project, including the neighbor to the south. 3) He displayed a board with the sq footage of homes without garages on Alminar and Revlon Drive, all which exceed the sq ft of his project. He noted that what Staff referred to as a balcony is actually a porch cover; it's size precludes placement of furniture of walking on it.

Concluding his presentation, Mr. McGoldrick stated that his request was reasonable for the area and he displayed a color rendering of his project.

Chairman Gelhaar opened the public hearing.

Bob Harper stated that he resides around the corner, on Revlon Way. He supported the project based on his knowledge of the neighborhood and the tasteful design. He stated "the gray issues are minimal compared to the enhancement the project would make to the neighborhood."

Raymond Glienna, 4919 Revlon, resides one street over from the project site. He opposed the project and preferred to see it scaled down to meet the maximum sq footage allowed, thereby eliminating the need for Commission review.

Renee Glienna Klang, opposed the project, stating that many of her neighbors are concerned with mansionization and are beginning to feel "dwarfed". She stated that Mr. McGoldrick represented that the entire neighborhood is evolving into a two-story neighborhood, and that is not the case. She reported that Mr. Priest, who lives behind the project, told her that the plans did not match the letter he signed.

Kim Carnow, 4929 Revlon, shared the shared the same concerns. She stated "two-story homes are nice, but one-by-one, we will begin to look like San Marino", and preferred that the area remain as is.

Mr. McGoldrick rebutted to comments. He felt that the wording in the Notice of Public Hearing that was mailed to surrounding neighbors was confusing, as the floor area numbers include covered areas and the garage. In reality, he was requesting to have a 2,440-sf home, which is smaller than half of the homes in the photos he displayed and also smaller than the one on his street that was recently approved by the Commission.

Ms. Lang confirmed that the 3,019-sf figure includes the garage. The home itself is proposed at 2,549-sf.

Director Stanley clarified that at 27 ft in height, the project is 1 ft below the 28-ft maximum allowed for this lot.

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

Chairman Gelhaar observed that he typically comments last, but because he was puzzled by Staff's report, he elected to speak first. He questioned Staff's finding that "the project would add mass and alter the front facade and disrupt the scale of the immediate area", and pointed out that statement could be applied in every two-story project that comes before the Commission. Staff further found that "as designed, the project is not compatible with its neighborhood because it would introduce second-story development". Chairman Gelhaar noted there is no ordinance in the City that prohibits two-story homes; furthermore, there is a two-story home immediately to the rear of the project. He noted that the applicant left the garage in the rear yard, which the Commission encourages. Removing the proposed balcony would allow him to support the request, which would make the project 141-sf above the standard for this lot. He felt the sloped roof mitigates the massing and he was willing to allow the small encroachment in lieu of what could be constructed.

Commissioner Davitt advised of having made a site visit over the weekend and reached many of the same conclusions regarding neighborhood compatibility. He supported the design and considered the requested encroachment as minor. He did not believe the design was out of character with the area and could support the request if the balcony was removed.

Commissioner Engler stated that he would "maintain the same position as always", and would not support "a creeping 2.7% above the standard for the lot".

Commissioner Mehranian recognized that second story homes are not prohibited. Nonetheless, she believed the project represented a very large home for the area and stated that she found it difficult to approve any aberration outside the guidelines.

Commissioner Cahill visited the site over the weekend and shared Chairman Gelhaar's comments regarding compatibility. He questioned Staff's finding that second story homes are not compatible with single-story development, pointing out that is the case throughout the City. His position was that the second-story home had to "fit". He stated that Mr. McGoldrick's design is one that we should encourage; he took a two-story wall and made it a single-story with a steep roof. He noted that the triangular-shaped area that encroaches into the setback amounts to 10-sf. and the excess sq footage is half of 1% of what is allowed. The balcony did not concern him because it would not protrude and is more of a grill.

M/S/C Davitt/Gelhaar to approve Modification 05-37 and Floor Area Review 05-12 with an added condition that the balcony be eliminated from the plans.

Commissioner Cahill remarked that he could approve the project as submitted, but would support the motion, if necessary to obtain an approval.

Director Stanley advised that a portion of the triangular area is proposed for storage area and was not included in floor area calculations and is not permitted by Code. He confirmed that the motion requires that the front and rear balconies be eliminated from the plan.

3 Ayes. Engler and Mehranian dissenting.

Chairman Gelhaar advised those opposing the project of the appeal process.

Deputy City Attorney Guerra advised that Staff would return with a Resolution of Approval in two weeks.

B. Modification 05-62; Walbrecht; 925 Flanders Road:

Planner Gjolme reported the applicants' request to allow a 371-sf, first-floor addition to encroach 3½-ft into the required 8½-ft west side yard setback. The addition would maintain the existing building line, set back 5 ft from the property line. He noted that this type of request is typically processed through an Administrative Modification; however, lack of the adjacent westerly neighbor's endorsement triggers Commission review.

The 10,123-sf subject site is located on the north side of Flanders Road, east of Angeles Crest Highway, in the R-1-10,000 Zone. Requested floor/roof area would reach 3,141-sf.

The proposal is comprised of a first-floor expansion at the northwest corner of the home, which is the only way to expand, since the east half of the lot accommodates a pool. Minor expansion to the front is also proposed. The

western portion of the roofline would be reconfigured from a hip roof to a gable end, with the new ridge perpendicular to the property line. Doing so raises the overall structure height to 15 ft at the 5-ft setback line, with height reducing as the roof slopes to the front and rear. The result is new massing introduced above the existing eave height as currently viewed from the west. To avoid that, Staff recommended maintaining the existing hip roof to preserve the existing visual scale from the west and reduce the overall profile of the addition.

There were no questions from the Commissioners

Chairman Gelhaar opened the public hearing.

Joan Dempsey, representing Hazel Kelley, 931 Flanders Road, who resides west of the subject site. She reported that, as proposed, Ms. Kelley felt the roof overhang would be 2 ft from her patio and cause water to drain on her property.

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

Responding to a question from Commissioner Engler, Planner Gjolme advised that Staff was recommending a hip roof along the west end, which would have an 8-ft eave height, compared with approximately 15 feet as proposed. The draft conditions ensure that the existing height be maintained. As drafted, the conditions would most likely preclude water from draining on the neighboring property.

Further comments were not offered.

Commissioners Mehranian and Cahill concurred with Staff's recommendations.

Commissioner Engler supported the request, since it would maintain existing building lines on both sides.

Commissioner Davitt remarked that Staff's recommendations would alleviate Ms. Kelley's concerns.

Chairman Gelhaar agreed.

M/S/C Engler/Mehranian to approve Modification 05-62 as conditioned.
Unanimous.

C. Hillside Development Permit 05-18; Paton/Irie; 4534 Daleridge Road: Chairman Gelhaar requested to be recused from this item, as he presided over the Administrative Hearing at which he denied the applicant's request.

Vice Chairman Davitt requested Staff's report.

Planning Aide Shimazu reported that the applicant subsequently appealed the denial, which was sustained by the Planning Commission on July 26, 2005, with a condition that building permits be obtained within 30 days. Since the applicant failed to do so, she was advised by Staff of her options to either request reconsideration from the Planning Commission or demolish the wall. At its September 13th meeting, the Commission granted her request for reconsideration.

While there has been compliance on the majority of requirements, the safety of the illegally constructed retaining wall continues to be an unknown factor and should go through plan check for the safety of the current homeowner. Additionally, a landscape plan has yet to be submitted. Staff continued to recommend approval as conditions, including issuance of a building permit and completion of the wall, within 30 days of approval and installation of landscaping, approved by the Director, prior to final inspection.

Commissioner Davitt confirmed there is now compliance with 9 of the 11 conditions; the landscape plan and over height fence remain open issues.

Commissioner Mehranian questioned why the Commission should consider approval with two items yet to be resolved by the applicant.

Commissioner Cahill inquired if this was simply a request for an extension of time.

Director Stanley confirmed that was the case, since compliance was not achieved in the allotted timeframe. The plans went through the Plan Check process and were returned for 2 corrections. The retaining wall continues to be an unknown factor.

Commissioner Cahill confirmed that Staff was suggesting another 30 days to comply with all conditions.

Responding to a question from Commissioner Mehranian, Director Stanley advised that absent the extension, the wall would have to be demolished or the case would be referred to the City Prosecutor.

Mr. Shimazu stated that structural details of the fence and design have yet to be submitted.

Applicant Carole Paton, advised that her soils engineer was unavailable to timely complete his report. She reported of having spoken with Staff in August and believed that all was in order.

Responding to a question from Commissioner Mehranian, Director Stanley advised that he was looking for shrubs to be installed downslope to completely screen the wall. At no point did Staff advise Ms. Payton that it was permissible to go beyond the 30 days imposed by the conditions of approval. Building and Safety signed-off on the retaining wall that morning; however, the fence/wall combination is still over height.

David Morris, 4537 Alveo Road submitted and read a prepared statement. He asked that the wall be removed--- from his property down slope, the fence/wall combination appears as a single, over height structure. He cited what he believed were site plan discrepancies and pointed out a vertical crack in the wall, which he believed is a sign of vertical instability. He stated that his family was in imminent danger as his children play down slope of the wall.

Commissioner Mehranian recognized the applicant's failure to act timely, but if 9 of 12 conditions have been met thus far, would he not want the process continued to assure the wall's safety?

Mr. Morris responded that there is no evidence the wall is safe as presented to the Planning Commission or to Building & Safety. He asked that it either be removed or assurance provided that proper footings will be done.

Kenji Irie, current property owner, advised that he purchased the home without knowledge about the issue with the wall, and that he felt victimized. He shared Mr. Morris' concerns that the wall be property built. He assured Mr. Morris that he intended to satisfy his concern of privacy and offered to plant bamboo in front of the wall

Since further comments were not offered, the public hearing was closed.

Commissioner Engler confirmed that work has not begun. It appeared to him from the design, that the wall would be safe. Since time is of the essence with impending winter rains, he stated he could grant an extension with a condition that a deputy inspector be on site 100% of the time.

Commissioner Cahill commented that the whole point is to get the wall inspected and assure its safety. He would support another 30 days in which to complete the project.

M/S/C Cahill/Mehranian to approve a 30-day time extension to complete the project. 4 Ayes.

Mr. Shimazu confirmed that the landscaping does not have to be installed within the 30 days.

Director Stanley advised the audience of the appeal process.
Chairman Gelhaar returned to the Chambers.

VIII. OTHER BUSINESS

Discussion - availability of garages in the R-1 Zones for vehicle storage.

This item was on the agenda at Chairman Gelhaar's request. While making site visits over the years, he has noticed that many garages are crammed with items to the extent that there is no room to park a car. He read from Section 11.38.030 of the Municipal Code, which reads: "every single-family residence shall have on the same lot or parcel of land, one or more garages, or other enclosed structure, providing storage space for two vehicles, conveniently accessible and located at a place where the erection of structures is permitted. Each vehicle storage space shall be at least 9-ft wide and x 20-ft deep". He asked how that could be enforced. He pointed out that the Home Occupation Ordinance does not allow garage space to be used for home-based businesses on the basis that there must be space provided for 2 vehicles.

Director Stanley noted that Code does not mandate that vehicles must be parked inside a garage. It merely states that two, 9 x 20 spaces be provided for vehicles.

Given that information, Commissioner Engler questioned the purpose of requiring garages.

Responding to a question from Chairman Gelhaar, Attorney Guerra stated that based on the Chair's reading of Code, it seemed that garages could be used for storage, but that their primary purpose is to accommodate vehicles.

Chairman Gelhaar agreed that so long as two, 9' x20' spaces are available for cars, a homeowner could use any remaining space for storage.

Director Stanley advised that the Planning Department does not have the Staff to enforce storage space versus vehicle parking space. He pointed out that

Code Enforcement works on a complaint basis and to his knowledge, we have not received a complaint on this subject.

Commissioner Engler stated that if the law is on the books, it should be enforced.

Commissioner Davitt commented that the problem is the lack of code enforcement staff.

Commissioner Mehranian observed that some garages cannot accommodate the larger sport utility vehicles. At this point, given the available resources, the best solution would be to educate the public.

Chairman Gelhaar addressed the reporter in the audience and asked that he get the pertinent information out to the public.

IX. COMMENTS FROM THE COMMISSIONERS

Commissioner Cahill requested a status on the R-1 revisions before the Council regarding fences.

Director Stanley advised that discussion is ongoing; the recommendation is that a building permit be required for fences over 42 inches in height.

Commissioner Cahill asked to include a recommendation that fence materials for the interior and exterior be the same. There are obvious examples along Angeles Crest Highway where doing so would have helped the appearance for the neighbors and the community.

X. COMMENTS FROM THE DIRECTOR

Director Stanley reported that the R-1 revisions were continued to October 17th and that the continued appeal on the Bilaver case on Rosebank Drive is also scheduled the same night.

XI. ADJOURNMENT

M/S/C Mehranian/Cahill to adjourn at 7:45 p.m. Unanimous.

Secretary to the Planning Commission