

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD OCTOBER 14, 2008**

I. CALL TO ORDER: 6:00 p.m.

II. ROLL:

Present: Commissioners Hill, Curtis and Gelhaar

Absent: Commissioners Davitt and Cahill

Staff: Director Stanley, Assistant City Attorney Vargas, Senior Planner Buss, Planner Clarke and Assistant Planner Parinas

III. PLEDGE OF ALLEGIANCE: Commissioner Gelhaar

IV. COMMENTS FROM THE PUBLIC: None

V. REORDERING OF THE AGENDA: None

VI. CONSENT CALENDAR: No items

VII. PUBLIC HEARINGS:

A. Conditional Use Permit 432; Valerio; 901 Foothill Blvd.: request to allow on-site sale and consumption of beer and wine at Chipotle restaurant.

Planner Clarke presented the case to the Commission. This is an application for on-site beer and wine sales. He shows pictures of site and floor plans including outdoor area. He notes that Alcoholic Beverage Control requirements are subject to city approval and recommends approval.

Chair Gelhaar states condition #11 may not be necessary.

Commissioner Curtis questions whether there is a limitation on the number of restaurants in the Town Center. Director Stanley replies that there are limits to the number from the original City Council approval.

The Chair opens the public hearing - 6:06 p.m.

The project architect appears at podium for questions but has no questions from Planning Commission.

Noting no requests to speak, the Chair closes the public hearing.

Commissioner Curtis expresses his support of the request with the dropping of condition #11. The remaining Commissioners concur.

Commissioner Hill moves / Commissioner Curtis seconds a motion to approve Conditional Use Permit 432 without condition #11 – approved 3-0 [unanimous]

B. Conditional Use Permit 433, Director’s Miscellaneous Review 08-26 & 08-32; Cook; 655 Berkshire Avenue: request to allow construction of a 1,386 sq. ft. accessory structure with an 883 sq. ft. basement. A Conditional Use Permit is required because total floor and roofed area on the property would exceed 10,000 sq. ft. A Director’s Miscellaneous Review is also required because the proposed accessory structure has a flat-roof, would encroach 10’-11” into the required 58’-3” front yard setback, and 2’-0” into the required 20’-0” east side yard setback. (6:07 p.m.)

Planner Parinas presents project to Planning Commission, She describes the site location and the request. She describes the building setbacks including the front encroachment, noting that the accessory structure has an overall height of 15’ and is not two story. She states that a staff concern regarding height of windows.

Director Stanley notes concerns regarding the all flat roof.

Planner Parinas continues: Because the structure is partially subterranean, the height limit can be met. The garage uses a car-lift internally to address space for cars. There is no proposal for a kitchen. She states that staff wants a covenant precluding any future kitchen in the building. She shows pictures of the site from various locations to establish the screening capability for the proposal, noting how the total site floor area compares to neighboring lots. She concludes and recommends approval of the project.

Commissioner Curtis has questions regarding septic system.

Director Stanley indicates that the project could use a director’s height modification to get away from flat roof pitch.

The public hearing is opened.

Robert Earle, the architect, did the original house 18 years ago. He notes the owner has memorabilia and collector cars that he wants to bring home. Due to screening vegetation, the building is less visible from the street. He is also trying to match the house architecture.

Chair Gelhaar states there are all the ingredients of a house in the building except for an oven. Who will live here?

Mr. Earle states that the owner wants the caretaker to be there and in main house. He states that the applicant understands that there is never to be a kitchen in the structure.

Chair Gelhaar closes the public hearing (6:23 p.m.).

Commissioner Hill notes that the building appears to be big but so is lot. He has been on the site more than once. He agrees with the staff recommendation with a covenant.

Commissioner Curtis concurs with Commissioner Hill, preferring the height and having no concern with the windows. The encroachment is okay with this site and agrees a covenant should be required to put all on notice.

Chair Gelhaar is concerned with a structure that looks like an accessory living quarters. His concern is that the building is in the side yard and not in the rear. He cannot support the project.

Commissioner Hill moves / Commissioner Curtis seconds a motion to approve the request with a covenant – Approved 2-1 (Gelhaar).

C. Setback Modification 08-09; Kilagblian; 2041 Los Amigos Street: request to allow 1st-floor additions that would encroach up to 5 feet into the required east side yard setback.

Planner Clarke presents to the Planning Commission. This is a re-approval of an expired project with a more modest request. The side yard setback is 11' and new area encroaches as much as 6'. There is a Flood Control channel along the east side. He shows the houses in area and the screening around the area. His presentation shows where setback line is required and where the house encroaches as well as the elevations.

Chair Gelhaar has questions about the channel location.

Chair Gelhaar opens the public hearing (6:33 p.m.).

The applicant's agent, Kurt Bednar, addresses the Planning Commission. He notes that this is a change from prior approval and the project has a new owner.

There are no further comments and the public hearing is closed (6:35 p.m.).

Commissioner Curtis stated that he looked at setbacks and noted that Flood Control owns adjacent area. He has no concerns regarding the side setback.

Commissioner Hill concurs with Commissioner Curtis, and so does Chair Gelhaar.

Commissioner Curtis moves / Commissioner Hill seconds a motion to approve the request: Approved 3-0.

D. Setback Modification 07-51 (Amendment); Fong; 5251 Haskell Street: request for an amendment to an approved Setback Modification to allow a freestanding wrought iron fence atop a 4'-6" high retaining wall to be extended 28'-0" along each side of the previously approved 61'-6" long wrought iron railing, increase the height of the freestanding wrought iron fence by 4-inches, and revert to the original landscape plan without revisions required by Condition 14 of the approval resolution.

Planner Parinas presents noting this project had a prior approval and that the amendment will add wrought iron fence the full length of the wall and increase its height by 4 inches. Also the landscape plan would be revised to better screen the wall. She notes that staff wants plant

material that will cover the full height of the wall. Therefore staff recommends denial of landscape plan but approval of wall and fence.

Chair Gelhaar questions staff regarding type and location of the fence. Does the block match the prior approval. Staff responds with a yes.

Applicant Fong states he is committed to working with staff on the landscape species and waits for staff to specify their choices.

Commissioner Curtis questions why the original fence only covered part of the wall.

Mr. Fong states that the landscape covered other areas but parts of the wall were not in a safe condition.

Chair Gelhaar indicated that the original landscaping was required to screen to the top of the fence for privacy of neighbor below.

Chair Gelhaar closed the public hearing (6:44 p.m.).

Commissioner Hill would not have approved the original request and can't support change in landscaping.

Commissioner Curtis noted the prior approved wall and fence combination, and that the fence should be extended for safety. He supports the staff recommendation for landscaping and would amend condition #14 to remove the covenant, but the landscaping shall be maintained in perpetuity though this condition.

The Assistant City Attorney indicated he was okay with wording change.

Chair Gelhaar agreed with Commissioner Curtis.

Commissioner Curtis moved / Commissioner Gelhaar seconded a motion to approve the request with the change to condition #14 removing the covenant requirement: Approved 2-1 (Hill).

E. Setback Modification 06-53 (Amendment); Rhody; 4270 Chula Senda Lane: request to construct a 484 sq. ft. detached 2-car garage that would encroach into the required north side and rear yard setbacks.

Director Stanley presents the request to the Planning Commission for a new two car garage that encroaches into side and rear setbacks. The property is a corner lot and has a Flood Control Easement. The structure would be a new 484 sf garage behind the easement. He notes that because the site already has another garage elsewhere on the site, he cannot utilize the rear and side 5' setback exception allowed in the code for a detached rear garage. Photos show that the site has had recent prior un-permitted grading in the location of the proposed garage. He states that with site constraints, staff can conditionally support the project.

Chair Gelhaar indicates that the garage could be moved forward to avoid the rear encroachment, but side movement could impact the oak tree. The current distance between tree and proposed structure is the minimum requirement for the tree.

The public hearing is opened (6:55 p.m.).

Mr. Bob Rhody, applicant, addresses the Planning Commission. He indicates that the drive apron is already there. Flood Control wants to be able to access the gate on the easement. He cannot move the garage forward or it will block the gate. The proposed location is just enough to be out of the way of Flood Control. The garage is to be angled from rear property line and the side lot line to avoid blocking Flood Control access.

With no one else to speak, the public hearing is closed (7:01 p.m.).

Chair Gelhaar states he is frustrated for lack of Flood Control documents. He states he needs more information from Flood Control to see if the gates can be moved. He would like to have the garage meet the setback requirements. He wants all other alternatives exhausted first.

Commissioner Curtis agrees with Commissioner Gelhaar. There is not enough information to ensure that this is not a grant of special privilege. He asks for more information.

Commissioner Hill agrees completely. This should happen only if there is no other way to go. A new project should meet all setbacks. He needs more information.

Chair Gelhaar asks the applicant whether to continue or vote, which would appear to result in a denial.

Mr. Rhody states he would like a continuance.

Commissioner Curtis moves / Commissioner Hill seconds a motion to continue the matter to a date uncertain. Approved 3-0.

F. Conditional Use Permit 434; Chu; 4140 Woodleigh Lane: request to construct a 700 sq. ft. detached garage on the subject property. A Conditional Use Permit is required because total floor and roofed area on the property would exceed 10,000 sq. ft.

Planner Clarke presents to the Planning Commission. This is a request for a 700 sf garage addition that pushes the total project floor area over 10,000 sf requiring a Conditional Use Permit. He shows pictures of the site and the existing screening and walls, noting that the garage is at the center of the rear of the property 142' away from street and behind the house. The neighbor at 4124 Woodleigh has stated that he cannot attend the meeting and sends an e-mail which is presented to Planning Commission at the meeting.

Chair Gelhaar asks questions regarding landscaping at rear of structure. Staff responds that no additional landscaping has been conditioned.

Mr. Jason Shield, applicant, addresses the Planning Commission. He states the twenty foot rear setback would make it difficult to enter garage with a vehicle. The landscaping that was there was not screening much.

Commissioner Curtis asks what the structure looks like?

Mr. Shield responds that all is to match the existing house and design.

Chair Gelhaar closes the public hearing (7:15 p.m.).

Commissioner Hill states that he does not have a problem regarding architectural treatment and notes that the garage cannot be moved to meet setbacks without other problems. However, he does want additional landscaping approved by Community Development Director.

Commissioner Curtis agrees since the materials will match the house. The landscaping shall completely shield the garage from the adjacent house. The purpose of the CUP is to impose conditions so that adverse impacts are mitigated. The landscaping should be required.

Chair Gelhaar agrees with the location, the screening, and the materials to match the house.

Commissioner Curtis moves / Commissioner Hill seconds a motion to conditionally approve with materials of the garage to match the house and landscape screening subject to Director of Community Development approval that completely obscures the garage from the adjacent property. Approved 3-0.

VIII. OTHER BUSINESS: None

IX. COMMENTS FROM THE COMMISSIONERS (7:19 p.m.)

Chair Gelhaar asks if the plot plan for Chipotle that had listed adjacent tenants was valid. Director Stanley replies that it is not real yet.

Commissioner Hill notes the recent action by the City Council on the appeal on Los Amigos. He states the Planning Commission should more closely look at what City Council does and take that guidance as an indication of direction for future determinations. Chair Gelhaar states that he does not see that case as guidance, especially the movement of a protected tree. Commissioner Hill state he will watch larger houses that are built closer to other houses.

X. COMMENTS FROM THE DIRECTOR (7:25 p.m.)

Director Stanley announces that the Parking study will be presented to City Council on Monday, October 20th. There will be recommendations directed to staff from this meeting.

Director Stanley also noted that the appeal on Castle Road is also going to the City Council on Monday, October 20th. The applicant appealed the Planning Commission's denial.

He reminded the Commission that November 11th is a holiday and asked if they wanted a meeting that week. The Commission members responded that they would be okay with having a meeting or not depending on case load.

Director Stanley noted that Naoki Shimazu, former staff member, was in the audience and observing.

XI. ADJOURNMENT:

MOTION Commissioner Curtis moved and Hill seconded a motion to adjourn at 7:30 p.m.
The motion carried unanimously.

Secretary to the Planning Commission