

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD OCTOBER 26, 2004**

**I. CALL TO ORDER:**

Vice-Chair Gelhaar called the meeting to order at 6:00 p.m.

**II. ROLL CALL:**

Present were Commissioners Cahill, Davitt and Engler, City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Contract Architect Cantrell, Planning Assistant Gjolme and Planning Aide Shimazu.

**III. PLEDGE OF ALLEGIANCE**

Vice-Chair Gelhaar led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC:**

Randy Strapazon, 444 Georgian Road, addressed the Commission regarding its approval to allow the sale of beer and wine for off-site consumption at a new convenience store at the Chevron station. She believed that many community groups would have objected to that component had the request been made more public. Ms. Strapazon believes it is easier for youth to illegally purchase alcohol in a convenience store setting than it is from large markets where alcohol is sold.

Vice-Chair Gelhaar advised that the Commission's decision could be appealed to the City Council.

Senior Planner Buss added that the request was advertised in the local newspaper and notices mailed to all property owners within 500 ft of the site.

City Attorney Steres provided further information; the City Council called this item for review, making an appeal unnecessary. That meeting will also be advertised.

**V. CONSENT CALENDAR:**

**A.** M/S/C Davitt/Engler to approve the minutes of October 12 with a correction on page 10. Unanimous. Commissioner Engler reminded Staff that he requested the most recent traffic information data for the Foothill/Rinetti intersection.

**B.** Resolution 04-75, approving Conditional Use Permit 387; Chevron/Extra Mile; 623 Foothill Boulevard.

Vice-Chair Gelhaar pulled this item for discussion.

Project architect Larry Tidball stated that the draft conditions mailed to him differ from the revised set just distributed. He had no problem with revisions and stated that they accurately reflect his understanding of the proceedings. He commented that subsequent to closing the public hearing, the Commission discussed hours of operation for the convenience store. Since they could not provide input, he asked to do so now.

Jackie McGinnis, representing Chevron, asked for reconsideration of the hours the store doors are allowed to remain open to the public. (The draft conditions require their closure from 11:00 pm to 5:00 am and allows purchases from the cashier between those hours.) She advised that Chevron typically leaves the decision of when to close the doors with the cashier based on "how safe they feel". Safety precautions include a myriad of security cameras and a panic button in the cashier's area that automatically locks the doors. Ms. McGinnis related that late night customers have expectations of quickly accessing a well-lighted market with a very visible cashier and to have well-maintained interior restrooms and ATMs. She asked that either the hours be extended or that Chevron be allowed to set them. She noted that Ralph's market is open 24 hours and Vons closes at midnight--- both sell alcohol.

Responding to a question from Vice-Chair Gelhaar, Ms. McGinnis preferred the doors be allowed to remain open 24 hours or at the discretion of Chevron. The majority of their 24-hour operations close their doors at midnight.

There were no questions of the applicant. Vice-Chair Gelhaar invited testimony from the audience, however comments were not offered.

City Attorney Steres clarified that the resolution before the Commission reflects the decision made at the last hearing. If the Commission is amenable to making any changes to the Resolution, a motion for reconsideration would be appropriate. If the motion passes, Staff would schedule the matter for a future hearing. On the other hand, action can be taken on the resolution before them if they find it reflects their decision.

Vice-Chair Gelhaar asked if any of his colleagues wished to make a motion to reconsider. A motion was not offered.

Commissioner Gelhaar referred to revised condition #21 and noted it should be reworded to reflect that the applicant must provide a curb extension, bulb-out and planting, regardless of what the Public Works and Traffic Commission decides for the east driveway.

Attorney Steres concurred and provided revised language.

M/S/C Engler/Cahill to adopt Resolution 04-75 as revised by the City Attorney. 3 Ayes; Davitt dissenting.

Attorney Steres advised the applicant that they could raise the same concerns when the City Council reviews the project.

### **Reordering of the Agenda**

#### **VIII. Tree Removal 04-32; Iwanaga; 745 Lynnhaven:**

Vice-Chair Gelhaar then announced that the applicant for item A under Other Business had requested a continuance. After confirming that no one in the audience wished to address the requested tree removal at 745 Lynnhaven, he asked for a motion to continue.

M/S/C Davitt/Engler to continue Tree Removal 04-32 to December 14<sup>th</sup>. Unanimous.

#### **VI. CONTINUED PUBLIC HEARING:**

##### **Floor Area Review 04-12; Park; 4844 Hampstead Road:**

Assistant Planner Gjolme recalled that at the last meeting, the Commission directed Staff to verify the requested total project area. Staff's recalculations determined it to be 3,135-sf, slightly more than the 3,115-sf originally requested and 15-sf above the maximum allowed through floor area review. To address this, the applicant has removed 18 sf of area, reducing the total project to 3,117-sf, within the 40% maximum FAR allowed through floor area review on this property.

Considering the minor visual scale and location of the addition at the interior of the horseshoe-shaped home, Staff continued to view the project as reasonable and consistent with the floor area review finding.

There were no questions of Staff. Vice-Chair Gelhaar opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Davitt appreciated the clarification and the applicants' efforts to reduce the project so that it meets Code. He stated that the project did not raise any issues relating to massing and that he could support the project.

Commissioner Engler stated that he had a different slant on this project. He stated "houses have gotten big enough and I've looked at some houses on Bel Air that the Commission didn't approve and that go up to those limits; I really can't support this".

Commissioner Cahill found the addition to be relatively minor, and located in the center of the house, which is located midpoint on the property and not observed from the right-of-way.

Vice-Chair Gelhaar concurred.

M/S/C Davitt/Cahill to approve Floor Area Review 04-12 as conditioned. 3 Ayes. Engler dissenting.

## **VII. PUBLIC HEARINGS:**

### **A. Floor Area Review 04-13; Gavina; 4339 Oakwood Avenue:**

Assistant Planner Gjolme reported the request to allow two new accessory structures, a pool house and a one-car garage, to be constructed to the rear of the two story home.

The 24,150-sf project site is located on the west side of Oakwood, south of Georgian Road, in the R-1-20,000 Zone. It is a long, narrow lot, 75' x 322'. with 75 ft of frontage. The requested floor area would reach a total of 6,485-sf. The two-story home was approved through Floor Area Review approximately two years ago. FAR is again triggered since total project area exceeds the 4,500-sf threshold for lots with less than 80 ft of frontage.

The project would add 900-sf of area, yielding 6,485-sf of total floor and roofed area. The underlying limit for the property is 6,580-sf. The proposed 11-ft-high structures would not be seen from off site and would provide a compliant setback to the north. An existing oak with a trunk diameter of 36" is shown approximately 11 ft from each structure and centered between them. The separation is adequate and meets Ordinance requirements. The size and location of the structures would not increase the visual scale of the home nor result in a concentration of building mass. Staff supported the request and recommended approval. Draft conditions require removal of an existing structure located to the rear of the property; Staff recommended adding another condition requiring a protection barrier around the oak during construction.

Responding to a question from Commissioner Engler, Assistant Planner Gjolme estimated that the accessory structure to be removed is approximately 500-sf in area. A condition requiring its removal is carried forward from a condition imposed when the home was approved. He noted that final permits have not yet been issued on the house.

Responding to questions from Commissioner Davitt, Assistant Planner Gjolme confirmed that the original plans included the pool house, but it was removed

before the request reached public hearing stage. It represented excess floor area at the time.

Vice-Chair Gelhaar invited testimony from the applicant and the audience, however comments were not offered and the public hearing was closed.

Commissioner Cahill made a site visit and noted that all buildings would be at the rear of this very long property; there was approximately 100 ft beyond the storage structure. The neighbors apparently don't mind; one neighbor has a wall on the property line and the other neighbor's wall is 2 ft from the property line. The request is under the allowable limit, and he could support it.

Commissioner Engler asked that Condition #12 be modified so that all existing accessory structures at the rear of the property are demolished *prior to issuance of a permit for the new garage*, rather than "prior to final clearance for the new garage and pool house". He believed that would provide assurance that the structures would be demolished "before we start something else".

Commissioner Davitt and Vice-Chair Gelhaar agreed.

M/S/C Engler/Davitt to approve Floor Area 04-13 as modified. Unanimous.

**B. Zone Change 04-02, proposed amendments to Single-Family Residential Zones citywide:**

Director Stanley assured the Commission that this item could be continued for further discussion or modification. Staff notified a number of local architects for their comments.

**Volume Space** - was the source of much discussion on the bus tour. The proposal is to consider ceiling, eave, or top plate height exceeding 12 ft as constituting two stories when calculating floor area and required setbacks. Staff frequently struggles with this issue and the draft language would allow staff to capture that space. Director Stanley reported that Staff discovered two cases where a resident added a room after receiving approval-- the high roof allowed that to happen.

Responding to a question from Commissioner Engler, Director Stanley advised that second-floor setbacks might not be applied if the excess height is under a sloped roof --- that is addressed further in the document; however, if exterior wall height exceeds 12 ft, second-floor setbacks would be applied.

Responding to a question from Commissioner Cahill, Contract Planner Cantrell explained that top plate was included to cover projects that don't include sloped roofs, so parapets would be captured in height calculations.

He added that Dave De Angelis, a local designer, brought up a good point that as written, open rafter ceilings in single-story structures are discouraged. Staff concurred and added language that allows anything with a ridge height of 15-ft or less under a sloped roof to be excluded from this regulation.

Vice-Chair Gelhaar asked what 15-ft was based on.

Mr. Cantrell responded that it seemed adequate for most single-story construction and is also used for height limit on accessory structures. He recognized that it could make for a shallow pitch for deep rooms and noted that some increase could be in order.

Vice-Chair Gelhaar invited testimony.

Dave DeAngelis stated that staying under 15 ft for accessory structures is fairly difficult if he has a roofline over 6:12. He understood that the City wants to see sensitive designs and control the volume space and mass, but he felt that a 15 ft ridgeline height was too low to allow for vaulted ceilings. On Cape Cod or traditional designs with an 8:12 roof pitch, will "hit" 15 and 16-ft pretty quickly, even on single-story structures.

He addressed the City's regulation that includes eaves when calculating building depth. He felt it was somewhat discriminating; e.g., a Cape Cod design typically has 12" eaves, whereas a Craftsman home will have 30" eaves. He believed the City would be better off if eaves were excluded from building depth calculations and if building depth was measured to the end of the building wall. He also suggested that eave depth be increased from 30" maximum to 42 inches.

Responding to the Vice-Chair's request for Staff comments, Mr. Cantrell agreed with Mr. DeAngelis and added that perhaps depth review should have more carefully considered eaves when originally discussed.

**Floor/Roofed Area Limit** - this is a standard with a review limit, which allows exceeding the standard by a certain percentage through the review process. Staff's recommendation was to eliminate the process with the exception of projects over 4,500-sf on lots with less than 80 ft of frontage. Two refinements were also proposed: that language reflect the 80/4500 provision is a review threshold rather than a code limit and that the 80-ft threshold apply to the average lot width, rather than to frontage. An overhead exhibit was shown

further explaining how the “average” lot width is determined. We currently use this method to establish lot width on irregular lots and would like it to apply to 80-ft-wide lots also.

Anders Troedsson, local designer, asked how these proposals would apply to flag lots.

Director Stanley responded that there is a section devoted to flag lots. The City does not recognize flag lots as having street frontage.

**Additions exceeding a certain percentage of existing floor area** – Staff decided not to recommend this threshold and believed that there are sufficient provisions covering this concern. Equity is an issue as larger homes are allowed larger additions.

The Commissioners concurred.

### **Building Mass**

**Porch height** – the idea was to put some limitations on the entry structure. Overhead examples were displayed in Photoshop form. Staff’s recommendation was to limit entry structures/porches to eave heights of no more than 1 foot above the adjacent eave or 12 ft, whichever is less.

Dave DeAngelis stated that a ft above adjacent eave might work for a 2,000-sf home, but would be too restrictive for larger homes.

Anders Troedsson stated that this recommendation definitely needs more consideration. There needs to be separation between the bottom of the eave to the top of the roof. Staff’s suggestion would result in them touching each other in many cases. Depending on the roof angle and the size of the eave material, there has to be the ability to allow proportional separation between the roof and the eave.

Mr. Cantrell stated the intent was that the 1 foot -- or whatever number is agreed upon, -- would serve as the separation between the bottom of the eave and the roof. He agreed that the numbers could be adjusted. He pointed out that this isn’t a code limit that would require a Variance if exceeded, but rather a review threshold. He noted that porch height was identified as a number one concern on the bus tour and even before that, with the CCSRDR Committee. He preferred to err on the restrictive side with the knowledge that this is a threshold.

Director Stanley commented that there are other ways to approach this problem. Staff can definitely work with the numbers. He remarked that there

is definitely a continuing problem in the City, including on single-story homes. It goes hand-in-hand with the volume space restriction.

Anders Troedsson felt that providing a definition of *porch* would be helpful. The examples shown on the overhead were more entry stoops of some sort. He noted this restriction would have a substantial impact on a southern plantation design with a broad veranda or porch around it. He suggested that perhaps it should be a percent of the width of the structure relative to the width of the opening.

Vice-Chair Gelhaar wanted everyone to understand “we’re talking about a review threshold and that there will be exceptions”. He did not want these issues coming before the Planning Commission.

**Roofs** – again an item discussed on the tour. For new structures, no more than 25% of the roof may be flat without review. Director Stanley noted that this would not impact homes such as those on Via Serrano that have a roof pitch and a flat area to accommodate mechanical equipment. Trying to capture homes with less than a 2:1 pitch or more than 25% of roof area is flat. Any non-compliant design would be required to go through a review process per the draft findings provided.

Mr. Cantrell commented that this regulation was taken from the Hillside Ordinance. The Draft Ordinance for R-1 cites a threshold for Administrative approval based on neighbors’ unanimous consent.

Commissioner Cahill remarked that requiring unanimous consent would be giving a single person a lot of power over a project.

Attorney Steres explained that unanimous sign-off wouldn’t mean a project was denied, it would simply not be eligible for administrative approval and would be bumped up for Planning Commission review.

**Roof equipment** – This would prohibit any roof mounted equipment unless approved by the Director of Community Development, who will ensure that any such equipment is not visible from offsite and that it is adequately screened from offsite view. The screening is to be integrated into the design.

Director Stanley again cited the homes recently constructed on Via Serrano. The roof equipment is well screened from the street, but is very visible from St. Katherine, above.

Commissioner Davitt confirmed that this regulation would not apply to existing equipment; however if it were to be modified, relocated or the size

increased, planning review would be required. He stated that if a homeowner was replacing a unit with the same size or smaller, that should be allowed without review.

There were no comments offered from the public.

**Second-Story Review** – draft language is similar to Hillside Review process, except Administrative Review was eliminated. Suggested threshold: 0-600-sf would require Director’s review, and anything over that would go to the Planning Commission. Suggested findings were included.

Commissioner Cahill questioned why we would want to have an across-the-board review of all second-stories.

Director Stanley advised that new, code-compliant second-stories are the basis for a majority of complaints. Neighbors resent the lack of notification and frequently raise concerns of design and privacy. He felt review would encourage single-story development.

Commissioner Cahill acknowledged that most folks would prefer a single-story home rather than a two-story immediately adjacent, but asked if there is an overriding feeling that this town should have only have one-story homes?

Director Stanley responded there was not, but other issues such as neighborhood compatibility come into play.

Commissioner Cahill suggested that the draft finding be clarified. As written, it could be interpreted that site constraints would have to be overcome in order to qualify.

Commissioner Davitt felt it would be unfair to require a new, code-compliant second-story addition to the Planning Commission based on the opposition of a single neighbor.

Vice-Chair Gelhaar agreed, and added that projects of 600-sf or less should be subject to Director’s Review.

Commissioner Cahill’s viewpoint was that residents need a safe harbor so they know that projects within set parameters are not subject to discretionary review.

Director Stanley noted that the City tried that ---- that’s why we have the angle plane, floor area limits, second-floor setbacks and still, there are issues. He suggested modifying the language so that 100% of the neighbors’ approval

would not be necessary or, if the Commission does not agree with this component, it could so advise the Council.

Mr. Cantrell remarked that the most troublesome aspect to many residents is the lack of notification. Even if neighbors do not oppose a project, they simply want to be notified before construction begins.

Director Stanley added that a Neighborhood Notification process could leave it up to the neighbors whether to appeal a project.

Dave De Angelis felt that any new two-story home would require Planning Commission, given that most new second-floors exceed 600-sf. He opposed having to obtain neighbors' approval when a project meets Code; he understood the necessity when encroachments, etc. are involved. He expressed concern with setting too many tight design parameters to avoid review. He believed that some people would simply design very small, tight additions that might not fit with the existing structure but will comply with new regulations; it would be the least expensive choice and would accomplish a goal. He supported Planning Commission review.

Anders Troedsson believed that subjecting the majority of second-floors to review was too restrictive. He cautioned that there is no way to legislate design, no matter the design or construction parameters ---there will always be projects that conform to those parameters that are not aesthetically pleasing. He believed it would be an enormous task for the Commission to review the majority of new construction, as most projects include new or expanded second floors of more than 600-sf.

Wes Seastrom, 4550 Alveo Road, lauded the Commission for inviting input from local architects and designers, who understand what needs to be tweaked to make a project work in "the practical world". He expressed concern that subjecting all second stories to some sort of review was the beginning of residential design review and agreed that having neighbors approve a project is not the place to start. He was very troubled with allowing 1 person in the Planning Department or 3 people (a majority of the Commission) to dictate good design, based on their own taste and feelings. Mr. Seastrom advised that neighborhoods change and the housing stock need to be revitalized; what was once incompatible and out of character with a neighborhood, is now the norm.

Ray Iskander, a 28-year resident of the city, opposed reviews for new second-floor or second-floor additions. He felt it would result in residents enlarging the ground floor, which would create more hardscape, and adding imbalanced, minor second-floor additions to avert a review process.

Randy Strapazon related that she attended the City Council meeting when second-floor review was discussed and there was a lot of support in the audience for this issue. She felt that there has been a lot of abuse with regard to adding second stories during the last ten years.

Local developer Gary Zentmyer, pointed out that the city has become a very attractive place to live and people who move here want large two-story homes. He reported that during the '40s and '50s, 2,500-sf homes were the norm; that is no longer the case. He believed this was reflective of the demographics and property values.

Local designer Kurt Bednar, suggested that applying certain development standards to specific areas in the city might alleviate some problems. He concurred with Mr. De Angelis that homeowners will build to the maximum; he was concerned that some of the imposed parameters have led to "some crazy looking designs" which are neither compatible with the existing home nor the neighborhood. He agreed with the idea of neighborhood notification, but opposed giving neighbors control over a project.

Mr. Cantrell referred to the significant public review for hillside projects; there is very little negative feedback about the process. He believed there is a general recognition that it provides protection from incompatible development. He stated that any decision by the Planning Commission has a subjective element. He stressed the importance that the focus be on the review process, and read the draft finding: *"The two-story structure is reasonable as shaped by site constraints, and the project includes adequate setbacks, screening, modulation, diminution of upper mass and design detail"*.

Vice-Chair Gelhaar commented that "design" has always been an issue for him. He reported that the Citizens Committee for Single-family Residential Design Review on which he served, studied this concept extensively. The consensus was "no subjective design". He suggested modifying the finding by eliminating "design" and replacing it with "structure", so that the finding would read: *The two-story structure is reasonable as shaped.....*", and eliminating "design detail".

Mr. Troedsson stated that subjectivity would never be removed from the process, no matter how many guidelines, ordinances and/or reviews are enacted.

Mr. De Angelis added that his biggest concern is overwhelming Planning Staff. It currently takes 4 months to reach the Commission with a hillside project. Adding second-story design to Staff's workload could significantly delay projects even more.

Vice-Chair Gelhaar advised that the City Council shared that concern and asked Staff to evaluate that issue.

Commissioner Cahill confirmed with Mr. DeAngelis that 75 to 80% of his clients opt for two-story designs for the extra space, which preserves green space as mentioned by a speaker. He agreed that the burden on Staff would increase.

Commissioner Engler related that the majority of complaints conveyed to him deal with fear of not knowing the extent of an adjacent development. Loss of privacy from second-story windows looking into back yards is a big concern.

Commissioner Davitt asked if Staff had any idea what the volume increase would be.

Director Stanley responded that Staff did some initial work and those numbers are available. He noted that eliminating Floor Area review would decrease the numbers somewhat, but acknowledged that the draft revisions would increase staff review time.

Vice-Chair Gelhaar assured the audience that the City Council had concerns with that aspect as well; they did not want to increase the down time for a resident.

**Natural Grade Datum Point** - the natural grade datum point, of finished grade, whichever is lower, would be used to measure building height. There have been instances when a house exceeds allowed height and a homeowner will build a planter or retaining wall around the house and fill it in to raise the datum point. This method does not affect the visible mass.

Commissioner Engler advised that most communities measure top of curb as the datum point. Since many areas of this community lack curbs, he felt this was a good step and would avert "endless arguments" which the Commission deals with.

Commissioner Cahill asked how this would affect sloped properties.

Director Stanley acknowledged that measurements would have to be taken from the lowest point of natural grade and would result in a home that was consistent with that particular lot. He related that in more than one instance, homeowners brought in dirt and raised a pad adjacent to the street, to give the home a higher presentation. This was done despite the original pad being level

with the street; this regulation would address that. Additionally, if there was a significant slope, the project would be reviewed by the Planning Commission.

Mr. Troedsson confirmed that this regulation does not make allowances for site constraints into consideration. He found this too restrictive and described a flag lot he was interested in that would require 6-7 ft of import to fill an eroded area and bring it up to level with adjacent grade.

Director Stanley reported of situations where pads were raised, resulting in the homes being elevated over adjacent yards and eliminating the privacy of neighbors.

Mr. Cantrell pointed out that the grading restriction would apply only to the structure, and not when grading for a patio for example. He also noted the need to add an exclusion for projects that require hillside review. While it wouldn't address Mr. Troedsson's case, as with most regulations, staff tries to cover the big problems and there will always be instances where perhaps some properties are unfairly affected.

Local architect Craig Stoddard asked how height would be measured if a pad was created through a grading permit.

Director Stanley responded that assuming development was simultaneously presented, building height would be measured from original grade.

With that information, Mr. Stoddard felt the draft language was too restrictive, impractical and would prohibit grading properties for a house pad.

Director Stanley remarked that part of the community's charm is that the existing terrain is maintained, rather than creating artificial pads, which often result in an unnatural look. He added that if the Commission believes provisions are in order to address grading permits for pads, Staff would work on it.

**Graduated Front Yard Setback** - Director Stanley described the regulation as one way to deal with second story presence on a street. It encourages a stepped look.

Commissioner Cahill confirmed this would apply to a home centered between 2 others that are each setback 25 ft. The 2<sup>nd</sup>-story portion would have to be set back 40 ft., despite the two adjacent homes being sited much farther forward.

Director Stanley advised that this would encourage either single-story development or a stepped look.

Commissioner Cahill's view was that if it isn't inconsistent with nearby development, why require a new development to be pushed further back.

Director Stanley stated that it is one way of dealing with a box 'look', and if a homeowner still wants a 'box' it will have to be set back.

Vice-Chair Gelhaar stated that he was unsure about this proposal and solicited comments from the audience.

Mr. DeAngelis commented that he originally thought the footprint of the entire building would have to be pushed back 1 ft for each 2 ft over 12 ft – he now understood that Staff was referring only to the second floor. He advised this application would prohibit Monterey design homes as seen on Mountain Street in Glendale where the second floors are cantilevered with wood corbels to break the two-story elevation.

Kurt Bednar added that the proposed regulation would also prohibit Monterey Colonial designs and enclosed dormers on second floors. He stated that some lots more easily accommodate a particular design; it seemed discriminatory against certain designs.

**Sideyard Setbacks** – Staff formalized the policy which the Commission consistently applies for lots with 80 ft or less of frontage and exceeding 4,500-sf of total floor/roofed area. Setbacks of 8 ft for the ground floor for interior side yards and 16 ft for the second floor and ground floor exterior side yards – as if they had 80-ft of street frontage.

Comments were not offered.

**Remodeling Limitations for Administrative Modifications** – Staff frequently encounters abuse of the Administrative Modifications process. Many times, the wall to be expanded is maintained but the roof is gone. Such projects are realistically tear-downs rather than expansions. The second part of this regulation states that projects that demolish more than 30% of existing floor area shall comprise a new house and are not eligible for an Administrative Setback Modification.

Vice-Chair Gelhaar reminded Staff to replace "house" with "structure".

Mr. DeAngelis asked who and when and how would determine that too much is torn down or just enough was torn down to comply. He advised that the County Assessor holds that regardless if all walls are standing, if some of the

materials are removed, it is considered and assessed as a new structure. He stated the need for a definition of "Demolition".

**Driveways** - Circular driveways are sometimes not appropriate for the neighborhood and sometimes takes up more than 50% of the frontage of the house. This will prohibit circular driveways on lots with less than 100 ft of frontage and will codify the Public Works standards into the Zoning Ordinance

Ray Stockus, 4464 Chevy Chase Drive, resides across the street from the Barkley Community Center. He was thinking of installing a circular driveway on his 75-ft-wide lot for safety reasons, as Chevy Chase is a busy street and there is a lot of traffic coming and going with the Community Center. He suggested a Director's review for situations such as his.

**Minimum Landscaping within the Front Setback** - requires that 50% of the area within the front yard setback be maintained with landscaping. Photos of homes with paved the front yards were displayed. This concern was raised during the bus tour.

Vice-Chair Gelhaar noted the opportunity for appeal, which Staff might want to consider for circular driveways as well.

**Detailed Design Problems** - Mr. Cantrell related the history on this issue. Approximately 10 years ago, he was involved in an effort to address design problems with the understanding that the city did not want residential design review. In the intervening years, bad design concepts have thrived in So. California, sharing a number of common characteristics. The first item was the overheight porch, which was addressed as a code item. However, there are finer levels of detail that lead to inferior designs. This was something he brought up to the City Council with the other code revisions, and the Council supported it. The history includes the CCSRDR, which was formed to investigate whether a recommendation for design review to the Council was appropriate. The Committee agreed there should be standards that deal with the finer details of design. The question then becomes, what happens when the standards are exceeded; it is not realistic to expect these details to go through a variance proceeding. The Committee ultimately held that there should be thresholds for some level of design review either by Planning Commission, the Design Commission or a City Architect.

Fascia and Eaves, Window Surrounds, Balconies, and Roofing were discussed with Photoshop examples shown. Mr. Cantrell and the designers in attendance agreed that the specific numerical thresholds should be carefully considered and a workshop prior to the next meeting was suggested.

Lastly, adjustment to code items that were not discussed with the City Council, but which Staff believes should be made post haste, were reviewed:

**Exterior Side Yard Fences** - a glitch in existing code includes exterior sideyard fences under "exceptions for changes in grade". It needs to be relocated into a new section for reverse corner street sideyards.

**Detached Garages** - while Staff and the Commission believed that having detached garages located at the rear of properties was desirable, an unintended result was when they are located adjacent to a street side yard. Staff recommended that the 20% rule apply to the street side.

**Decorative Fence and Shrub Regulations** - This was one of the Commission's goals for '04-'05. Some Commissioners felt it was discriminatory to allow Decorative Fences only in the R-1-20,000 and R-1-40,000 zones., Shrubbery exceeding the height of decorative fences was seen by some Commissioners as defeating the purpose of the Ordinance.

Staff's suggestions addresses where fence could be located -setback from the centerline of the street - it will have to vary. Also, shrubs would be limited to 3'-6" in height along 25% of the frontage and could not extend more than 25% of the front yard depth.

Director Stanley noted that some natural areas in the City such as Chevy Chase Drive have shrubs much higher than 3'-6".; however there are no decorative fences along that street.

Commissioners Engler and Gelhaar supported eliminating Decorative Fences altogether.

Commissioner Cahill questioned the need for all houses to be visible. He advised that he drove around the city the night before and found there are many fences as well as a tremendous amount of shrubbery in front of many homes. Many homes in the golf course area are very visible and have curb appeal, while other properties accommodate beautiful dense landscaping, which is very much a part of the character of this area. He was unaware of any vision on the part of the community to eliminate or regulate shrubbery.

He opposed eliminating decorative fences, noting that doing so would eliminate privacy enclosures in many cases. He pointed out the Director's example of a garage located at the rear of a corner property facing the street. In that case, the neighbors would benefit from greenery that would screen the garage to a degree and beautify the area.

Director Stanley added that Staff was also addressing line of sight issues; some landscaping extends into the public right-of-way and impede visibility.

Commissioner Engler pointed out that the Fire Department and Public Works seem to handle that problem.

Vice-Chair Gelhaar remarked that the Ordinance prohibits construction of decorative fences in a manner that creates total visual obstruction. "If we allow property owners to plant bushes at any height, why have an ordinance?"

Commissioner Cahill felt it was a matter of privacy rather than one of getting around the Ordinance.

Commissioner Engler asked if it is appropriate that the Ordinance discriminates in favor of properties in the R-1-20,000 or R-1-40,000 zones.

Mr. Bednar advised that many properties in the community lack back yards; the front yards are used as play areas for their children. He cited Daleridge and Baptiste and Starlight Mesa as examples of areas that need higher fences for security.

Commissioner Cahill remarked that perhaps tall fences should be controlled more as we could end up with unpleasant situations; however, there are a myriad of examples where greenery, shrubs and fences coexist beautifully.

Commissioner Davitt suggested inviting landscape designers and architects to the next meeting to get their thoughts on this subject.

Dave De Angelis commented that existing Code "discriminates" by allowing only certain lots in certain zones to have guest houses, height is determined by lot width, etc. He regarded the Decorative Fence Ordinance as a good thing if used wisely.

**Freestanding Containers and Portable Play Equipment - Setback** requirements apply to all "structures", which is defined as something that is permanently attached to the ground. Staff's view is that portability of an object is irrelevant and that the greater issue is the object's impact to neighbors. If the object is stationary, such as play equipment, Staff recommended an approach based on fence height and limiting height to 3'-6" within the front yard setback and 6 ft when located in the side and rear yards. Outside of those areas, the height limit for accessory structures (15 ft) should apply.

One examples is a portable storage shed purchased at home improvement stores; these typically exceed 6 ft in height and are generally located against a

property line, where they can be very visible to the adjacent neighbor. Many complaints are generated when jungle gyms are placed within street side yards of reverse corner lots; there is not much Staff can do since they are not defined as "structures". Staff has also received complaints of tarps placed in front yard to cover cars. It makes it difficult to enforce under the Property Maintenance Ordinance.

Gary Zentmyer was advised this would not apply to motor homes.

Mr. Troedsson confirmed that setbacks for an accessory structure would apply to a detached playhouse, which he felt was restrictive for the smaller lots.

Mary Barrie, President of the Trails Council, advised of an ongoing problem with back yard fences, over height walls and drains that extend into the trails. A particular concern is when chain link fences are replaced with thick cinder block walls. Since the majority of the trails are 10-ft-wide, a huge problem ensues. She asked if a permit was required to install a fence.

Director Stanley responded that Staff would be making that recommendation to the Commission. A majority of cities require building permits for walls and fences.

Mr. Cantrell addressed Mr. Zentmyer's concern with motor homes. He stated that the City could craft a definition for "structure" that would apply to anything built, constructed, fabricated, formed, regardless of method, location or creation, regardless of portability. Anything within those setbacks would be restricted to that height. He questioned how you could argue that an 8-ft-high motor home stretching along a side yard is less impacting to a neighbor than something attached to the ground. He recommended considering something that general.

Director Stanley expressed concern with applying height to vehicles at this point, noting that many SUVs are higher than 8 ft in height.

**Basements** - Some of the Commissioners expressed concerns with population density and parking problems as a consequence of allowing basements, which are currently exempt from review. Draft language was provided at the Commission's direction despite the Director's position that basements should not be included in floor area calculations as they do not add to the visual bulk and mass of a structure.

He noted that state and federal law are very generous when defining "family" and cities are prohibited from regulating the number of "family" members occupying a house.

Vice-Chair Gelhaar recalled that one of the concerns is multiple families living in single-family homes. The Commission has reviewed some very large homes with very large basements. The Commission was pondering how to preclude basements from being used as habitable space, but was informed by the City Attorney that there is not a lot that the Commission can regulate in this arena.

Craig Stoddard commented that he has practiced architecture in this area over 20 years; many of his residential designs include basements. He felt they relieve garages from being used for storage and allow vehicles to be parked in the garage. Basements are frequently used as media rooms, exercise rooms, poolrooms, etc. and are a frequently requested amenity. He stated that he is unaware of any basement that has been modified and used illegally and questioned why the Commission would want to penalize the entire community. Mr. Stoddard suggested that if there is a genuine concern, the Commission could limit their size, but to include them in floor area would be a hardship.

Commissioner Davitt did not recall that prior discussions included prohibiting basements outright, but rather perhaps restricting their use by excluding bathrooms or kitchens, and whether they should be counted toward floor area.

Mr. Stoddard expressed concern that including them in floor area calculations would basically eliminate them.

Commissioner Davitt liked Mr. Stoddard's suggestion of limiting basement size. As an option, he suggested that single-story homes could be allowed basements without counting them towards floor area.

Commissioner Cahill stated that in his review of the R-1 standards, he learned that a property owner is allowed to rent a home to up to four different tenants. He suggested looking into that.

Mr. Troedson advised that some cities require additional parking space when a certain floor area threshold is achieved. Massing is a non-issue with basements; "what is above ground must meet Code and does not affect basements".

Mr. DeAngelis advised that he is working on four projects that include basements that will be used as screening rooms, exercise rooms and rumpus rooms. He felt that basements were a bonus for La Cañada families.

Commissioner Engler suggested that perhaps basements should be allowed without including them in floor area calculations, but require them to provide additional parking area on site.

Ray Iskander opposed including basements in floor area and supported previous comments regarding their usefulness, adding that the space is energy efficient.

Gary Zentmyer related that he uses the basement in his house for a bike shop and workshop, and it includes 3 parking stalls.

Vice-Chair Gelhaar commented on the significant number of garages that are used for purposes other than parking vehicles and he's noticed a lot of cars parked on the street. He asked if his colleagues would support two recommendations to the Council 1) that it adopt an ordinance requiring all garages to be available at all times for parking vehicles and 2) that it prohibit street parking between the hours of 2:00 a.m. and 5:00 a.m. He felt this could lead to limiting the number of vehicles parked on the street and the number of families living in a single-family home.

Mr. Troedsson commented that all of these ideas come down to whether the City has the staff to enforce them. He agreed with restricting garages to parking vehicles.

**Through Lots** - staff was recommending that the rear yards that interface a second street, be considered as street frontage and that setbacks be applied based on the neighborhood average for structures. The Decorative Fence Ordinance could apply to fences.

**Front Garage Review** -would define "front of the house" and would also apply to garages that take access off side streets or from the rear on through lots.

**Refinement of Hairpin Lot Definition** - Rather than require front yard setbacks to apply to both street frontages, Staff was suggesting limiting that application to only one frontage. The shorter of the two frontages would be considered as the "front" yard.

Finally, Director Stanley referred to the sundry clean-up language that remained from pre-incorporation days that Staff was suggesting be eliminated and/or revised.

Commissioner Cahill asked if a staff member could accompany him to the sites that were included on the R-1 tour, since he was not on the Commission at that

time. He also suggested a round table discussion with the architects and landscape architects to refine remaining issues.

It was agreed to adjourn to 3:00 p.m. on November 9<sup>th</sup>, before the regularly scheduled Commission meeting.

As a point of order, Attorney Steres advised that the Commission did not have to adjourn to 3:00 p.m. on November 9<sup>th</sup>, especially if for whatever reason it could not be held then. He suggested conducting a Study Session that requires 24-hour posting. The public hearing however, should be continued to November 9<sup>th</sup> so that the item does not have to be re-notices.

M/S/C Davitt/Cahill to rescind the previous motion. Unanimous.

M/S/C Davitt/Cahill to continue the public hearing to November 9<sup>th</sup>. Unanimous.

**IX. COMMENTS FROM THE COMMISSIONERS:**

Commissioner Cahill commented on language he discovered in the zoning code that allows up to four roomers in a single-family home. Given the concerns expressed by Commissioner Gelhaar regarding density and parking, he asked if there was a way to prohibit roomers.

City Attorney Steres offered to provide Commissioner Cahill with a memo that he provided the other Commissioners regarding definition of "family, single-family zones" and how the California Supreme Court has ruled in some cases. He advised that there are some limitations, including an absolute limitation that cities cannot zone so that only blood relatives can reside in a single-family dwelling. On the other hand, renting rooms cannot extend to a where a commercial business is being conducted. He recalled a case in a beach community where a bed and breakfast operation was being conducted in a single-family zone. The city's challenged to that use was upheld by the courts.

The Commissioners briefly discussed Vice-Chair Gelhaar's proposal regarding garages and overnight street parking.

Commissioner Cahill did not have a problem with the overnight parking but he did not believe that restricting garages to vehicle parking could be enforced.

It was agreed that Staff would attach the parking code from the city of San Marino for the next meeting.

**X. COMMENTS FROM THE DIRECTOR**

Director Stanley reported that he and Senior Planner Buss attended the APA conference last week. One of the sessions dealt with a parking model from the city of Ontario; the model surveyed all available parking and license plates and existing uses, which allowed them to come up with a 24-hour model of parking intensity throughout the day. This would be a useful tool in determining what parking impacts a new use would have on surrounding areas.

Aerial photos will soon be available on our GIS program

**XI. ADJOURNMENT**

M/S/C Engler/Davitt to adjourn at 10:00 p.m. Unanimous.

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Secretary to the Planning Commission