

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD NOVEMBER 8, 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, City Attorney Steres, Director of Community Development Stanley, Planner Gjolme, Assistant Planner Lang, Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Chairman Gelhaar led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Victor Levine 400 Inverness, addressed the Commission regarding the public hearing for Flintridge Properties Tentative Tract 53647, which is scheduled for a continued public hearing on November 22. He stated that many residents will be out of town on the 22nd for the Thanksgiving holidays and asked that the public hearing be rescheduled for December 6th and the public hearing re-opened, to allow comments on the revised project.

Bruce Feng 525 Palmerstone, concurred, and noted the number of project modifications, which residents have not reviewed. He stated that it is incumbent on the Commission to allow ample opportunity for comments.

John Burrows 808 Inverness, remarked that the project somehow indicate how the project will be viewed against the skyline. He also believed that the EIR should be revisited since it was prepared prior to damage done by last winter's rains.

Alexandra Levine asked that residents be allowed to address issues of fire, traffic and safety.

Loretta Savery, 451 Inverness, supported prior comments and stated she had concerns with the EIR.

Diana Singleton 397 Inverness, advised that she became aware of the project only recently and agreed that the community needs to provide input.

Chairman Gelhaar encouraged the speakers who referenced the Draft EIR to review the document as it speaks to the majority of their concerns. He also suggested that speakers avail themselves and be knowledgeable of the approximately 200 draft conditions of approval.

Discussion followed regarding changing the date for the continued public hearing. City Attorney Steres explained that legally, the item must be on the November 22 agenda, at which time the Commission could decide to either act and vote on the matter or continue it as requested.

Responding to a question from Commissioner Cahill, Director Stanley advised that since the Tentative Tract was continued to a date certain, the City is not obliged to advertise and re-notice residents.

City Attorney Steres suggested that interested parties attend the November 22nd meeting prepared to speak, but he believed the residents' message was clearly understood by the Commissioners.

V. PUBLIC HEARINGS

A. Tentative Parcel Map 063584; Head; 320 Baptiste Way:

Senior Planner Buss described the applicant's request to create two, single-family residential lots from six parcels, totaling 25,200-sf, in the R-1-7,5000 zone. Each new lot would be approximately 12,600-sf. The site currently accommodates a shed, pool, garage and a residence, which would end up crossing a proposed property line. The draft conditions require all structures to be demolished prior to approval of the final map.

The project is rectangular in shape, similar to many lots in the area. Though there is sufficient land to create three lots, the 145 ft of frontage falls short of the required 180 ft of frontage (60 ft for each lot). The applicant is therefore proposing two lots greater in area than the underlying zoning. Staff determined that the project is straightforward and complies with the underlying zoning and General Plan, and recommended approval as conditioned.

Applicant Jon Head agreed with all conditions with the exception of No. 20, which requires that drainage be designed to flow to the street. He requested that Public Works have discretion as it is impossible to drain the entire property to the street.

Senior Planner Buss commented that he did not have a problem with that request, as the City Engineer will approve the grading and drainage.

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

Commissioner Mehranian confirmed that the proposed parcels would be of comparable size to adjacent lots. She stated that she could support the request and noted that additional infrastructure is not an issue.

Commissioner Cahill noted that the proposed lots exceed the underlying zoning and he agreed to modify condition 20, since the City Engineer has more expertise with drainage.

Commissioners Davitt and Engler and Chairman Gelhaar concurred.

M/S/C Davitt/Cahill to approve Tentative Parcel Map 063584, modifying condition 20 to read "or as approved by the City Engineer". Unanimous.

B. Floor Area Review 05-19; Singh; 437 Woodfield Road:

Planner Gjolme described the applicants' request to construct an 854-sf, detached pool house at the northeast corner of their property. The project site is located on the east side of Woodfield Road, south of Chula Senda Lane, in the R-1-40,000 Zone.

Granting the request would result in total floor and roofed area of 9,374-sf, which exceeds the 8,632-sf standard for the lot, but is allowed with Floor Area Review. The pool house would comprise 595-sf; a covered patio along its south elevation adds 250-sf, for a total of 854-ft. Side setbacks are shown at 13½-ft and a 15-ft rear setback is provided. Dual gables reach 14'-8" along the high ridge, meeting the 15-ft maximum allowed.

Staff determined that the project would be logically positioned on site, with limited visibility from the street and neighboring homes. Staff determined that the sole finding, that through its siting, screening and/or massing effects, the project is compatible with its neighborhood setting.

Mrs. Singh addressed the Commission, stating that the pool house would be more convenient for her family and she requested consideration of her request.

Chairman Gelhaar opened the public hearing.

Craig Stoddard, project architect had nothing to add, but was available for any questions.

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

Commissioner Cahill supported the request and agreed with Staff's analysis that siting and massing effects were not issues.

Commissioner Engler agreed, and added that the rising hill at the rear and the fact that the property sits down along the channel mitigate any concerns.

Commissioner Davitt also agreed that the pool house was well sited on the lot.

Commissioner Mehranian's sole issue was the habitability of the structure.

Planner Gjolme explained that the submitted project is for a pool house, not Accessory Living Quarters.

Chairman Gelhaar pointed out that oaks and miscellaneous trees effectively screen the project from the northerly neighbor.

M/S/C Engler/Mehranian to approve Floor Area Review 05-19 as submitted. Unanimous.

C. Variance 05-08; Modification 05-61; Weisenberg/Nicolaides; 4733 Castle Road:

Assistant Planner Lang described the applicants' request to construct a new, 200-sf, second floor that would result in floor area exceeding the standard for the lot. She pointed out that the existing home exceeds the maximum allowed floor area by 428-sf. A Setback Modification is also required as the proposed addition would encroach 5 ft into the required south side, second-floor setback.

The 5,492-sf property is a flag lot, located just south of Cross Street, in the R-1-5,000 zone. Allowed floor area for the lot is 1,977-sf; existing floor area is 2,406-sf, which the project would increase to 2,606-sf.

Proposed is 277-sf of new second floor above the attached garage. Only 200-sf counts as floor area since the remainder would be under a sloped roof. It would be under the existing roofline and visible only from the front, where a dormer window is proposed. The front setback would remain unchanged, as would the existing substandard 14-ft rear setback.

Staff determined that the project would have limited effect on the neighborhood and noted that several homes in the immediate area exceed their allowed FAR and would require Variances if built "as is" today. The generous 25 ft setback minimizes any impact and two driveways would serve to separate the project from the southerly neighbor.

Commissioner Cahill confirmed that the addition is sited within the allowed envelope with the exception of one window.

Chairman Gelhaar inquired if the non-conforming garage was permitted, as he had difficulty turning his car in the driveway.

Planner Lang responded that the house was permitted in 1967, but the file is unclear as to what was included in the original permit; the office may not have been permitted either. She noted that the solid roofed patio constitutes 96-sf.

Applicant, David Weisenberg, advised of having purchased his home 5 years ago. He was unable to shed any light on permits and advised that he has not done any remodeling or expansion since then.

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

Commissioner Engler stated that he was troubled with the entirety of the situation and asked Staff to investigate any non-permitted structure. He advised that he could not make Finding 1 for the Modification and Finding 2 for the Variance.

Commissioner Davitt advised of having made a site visit. Notwithstanding the minimal request, the small lot is currently overdeveloped and he could not make finding 2 for the Variance.

Commissioner Cahill stated that he could support the request and noted that some nearby homes are also on small lots and exceed current FAR requirements. Further, the requested improvement would be located under the roof with zero impact.

Chairman Gelhaar stated that he was very troubled by the non-conforming garage situation, adding that the property needs a two-car garage. He could not make Finding 1 for the Modification and Finding 2 for the Variance. He also noted that a continuance would not be useful.

Director Stanley remarked that Staff could conduct a record search for the property and asked if the concern was the lack of permits.

Chairman Gelhaar asked if a condition could be added that the garage be brought into conformance. That was a trade-off he was willing to make, but would still want the permits researched.

Attorney Steres advised that the applicant could be given options.

Chairman Gelhaar responded to Mr. Weisenberg's request to explain the "non-conforming garage". He advised that the stairway in the garage precludes use of the garage for 2 vehicles.

Mr. Weisenberg advised that his goal was to create as little impact as possible; what the Commission is suggesting would be a significant change to his property.

M/S/C Engler/Davitt to deny Variance 05-08 and Modification 05-61. 4 Ayes; Cahill dissenting.

D. Hillside Development Permit 05-28; Modification 05-50; Brockway; 3965 Hampstead Road:

Planner Gjolme described the applicants request to construct a new, 5,745-sf, two-story home and attached 3-car garage on hillside property with an average slope of 32%. The Modification addresses an over-height, outward facing retaining wall that would be located within the front setback.

The upslope lot is 24,390-sf in area and located between Stratford Drive and Madison Road in the R-1-20,000 Zone. It rises from Hampstead to the vacant, level pad and continues a steep upslope to the south. It is accessed by a rough driveway at the northeast corner. The surrounding area is wooded and undulating, so that views of the site's interior are limited. Across Hampstead to the north, the lots are down slope and those homes are not visible from the street.

The proposed 5,745-sf home would be centrally located on the pad and set back from the street. The lot's average slope is associated with a Slope Factor Guideline of .86, which reduces allowed floor are to 5,700 sf. A broad, two-story home is proposed, with the second floor mirroring the first floor except at the west end. The overall length of 115 ft and depth of 45 ft are within guidelines and the side and rear setbacks comply with Code. The 53-ft front setback, below the 65-ft required for this lot would be visually augmented by existing trees. The structure's overall height of 31 feet is allowed by the Hillside Ordinance, given the stepped design and the 28-ft-height compliance measured from adjacent grade. Nevertheless, Staff determined that a 3-ft reduction in height would not create a hardship.

A 30-ft long retaining wall with a maximum height of 5 ft, would begin at the inner curve of the upper driveway and extend eastward. It would be set back 46 ft from the front property line, rather than the 65-ft front setback requirement for the lot and exceed the 42-inch-high maximum allowed for walls and fences in the front setback. A majority of landscaping would be retained to screen the wall and new plantings is proposed. Staff further

recommended new tree plantings to buffer the house from views which were discovered after erection of the story poles.

Staff concluded that requiring a maximum overall height of 28 feet would be reasonable and that the Modification is justified, considering the home's rising setback from the street - Planner Gjolme noted that the steep bank to the rear precludes moving the home further back. Application of the LRV Guideline was not considered necessary, since the house is setback and screened. Staff recommended project approval as conditioned, including improvements to the landscape plan and the standard City Engineer's conditions.

Responding to questions from Chairman Gelhaar and Commissioner Cahill, s, Planner Gjolme advised that the story poles do not show the central ridgeline.

Chairman Gelhaar confirmed that the Commission could require that all ridgelines be no higher than 28 ft. and noted that the application states that the project would not require grading.

Planner Gjolme advised that there would be some grading required for the wall and that the pad would be minimally lowered.

Applicant Tim Brockway advised that the project was designed to meet Code as much as possible and that the garage was set lower to preclude any view obstruction by the western neighbor.

Chairman Gelhaar opened the public hearing.

Charlotte Dewey, 3891 Hampstead Road, reported that there are significant drainage problems in the area, including septic overflow from the property above at 3875 Hampstead. She was also unclear if the property line was correctly indicated on the plans.

Planner Gjolme advised that rear property line is 45 ft from the house; the sloping bank is approximately 15 ft from the house. He added that draft condition #15, submitted by the City Engineer addresses drainage.

Wayne Smith, who resides east of the project site at 3957 Hampstead, stated that the story poles indicate that the project would be more visible from his property than it would setbacks were compliant with Code. He was hoping that more trees or shrubbery would be required between the bank of trees and the house. He also doubted that the existing trees would shield views from the project into his pool area and suggested that opaque windows be considered on the project's east side. He advised that construction vehicles from surrounding projects continually park in front of his home; he did not want

that to occur on a daily basis. Mr. Smith reported that a previous owner drilled many test holes, but the property would not perk; he was surprised with the proposed development. Lastly, he advised that someone had been sporadically living in a trailer on the project site and inquired if that was permissible.

Planner Gjolme responded that Staff required a revised landscape plan to address upslope views of the house. Regarding the two windows on the far east side, they could either be smaller or made of opaque glass. While he was unsure if the applicant had an approved percolation test from the Health Department at this point, it would be necessary to construct the project.

Commissioner Engler advised that a trailer was on the property when he made two site visits.

Mr. Brockway advised that it is a self-contained 5 wheeler and acknowledged that he has spent the night in it on occasion.

Commissioner Davitt confirmed that the east side windows are part of the master bedroom.

Responding to a question from Commissioner Mehranian, Mr. Brockway advised that the site was successfully tested according to Health Department requirements.

Mrs. Smith advised that the trailer has been on the subject property since May 2004, and she believed that Mr. Brockway has been living in it since then. She was also concerned that the property adequately perks.

Director Stanley explained the various Health Department approvals that are required prior to permit issuance. Additionally, once plans are submitted, they are available for public review. He then advised Mr. Brockway that an R-1 property must have a residence as a primary use before storing anything on the lot. Now that the City is aware of the situation, everything must be removed from the site until he has permits.

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

Commissioner Davitt stated that he did not have issues with the house; it fits the lot and is not intrusive. Since this is a new home, he preferred that the overall height meet the Ordinance's 28-ft standard and also wanted LRV guidelines imposed. The trailer, etc., should be removed and he looked forward to comments from his colleagues regarding the windows on the east side.

Commissioner Mehranian stated that she could support the project, including Staff's recommendations with regard to additional landscaping and that the overall height be lowered to 28 feet.

Commissioner Cahill agreed with those comments, particularly lowering the height. Adding trees between the subject site and the neighbor to the east would be appropriate and provide privacy to both parties. He stated that it would be helpful to move the house back, as it seemed sited too forward on the pad. The retaining wall was supportable as conditioned.

Commissioner Engler concurred with all the comments, mainly Commissioner Cahill's suggestion to move the house back and reduce its profile. He confirmed that the City Engineer would review the driveway plans. He agreed that the LRV guideline should apply, as the house could be seen across the canyon and asked that all construction vehicles park on site.

Director Stanley asked that the neighbors be aware that some construction vehicles would be delivering or stopping at some point in the street.

Planner Gjolme pointed out the high degree of articulation on an overhead presentation and noted that a full two-story profile would not be visible from the street.

Chairman Gelhaar stated that the overhead presentation assuaged his concerns with the two-story home as sited. He requested that significantly-sized trees be installed on the east side and that the wall be landscaped to screen it. He was unsure if obscure glass was needed on the east side windows.

M/S/C Davitt/Mehranian to approve Hillside Development Permit 05-28 and Modification 05-50 with added conditions: that the windows on the east side be reduced and comprised of opaque glass, that the structure's height be lowered to 28 ft and that LRV guidelines apply, that large trees be planted on the east side, front and landscaping installed to screen the retaining wall, and that construction vehicles park on the subject site. Unanimous.

E. Appeal of Denial re: Decorative Fence 05-14; Eguchi; 3990 Chevy Chase Drive:

Planning Intern Mikhail advised that Staff received a letter from the property owner's attorney requesting a continuance to January.

Chairman Gelhaar confirmed that no one in the audience wished to comment on this matter. He suggested that the matter be continued to a date uncertain.

M/S/C Davitt/Mehranian to continue the appeal of Decorative Fence 05-14 to a date uncertain. Unanimous.

VI. OTHER BUSINESS

There were no items for discussion

VII. COMMENTS FROM THE COMMISSIONERS

Commissioner Engler requested a status on Dover Road.

Director Stanley advised that a Stop Work Order had been issued because everything had been demolished. An Administrative Hearing will be held to allow retaining walls up to 6 ft in height at the rear of the house and a gazebo on an upper level. House additions were approved through the same hearing.

Commissioner Engler requested a copy of the approval. He then asked Staff to investigate setback compliance for 1125 Descanso Drive, a large home that is framed and is replacing a single-story Ranch design.

Chairman Gelhaar commented that while reviewing the General Plan, he noted a statement that encourages non-conforming uses to be brought into compliance with City Code. With that information, he would not be so quick to approve non-conforming, existing setbacks.

Commissioner Cahill asked Staff to comment on the City's policy regarding diversion of sheet flow to neighboring properties. He was referring to a problem on La Floresta Drive.

Director Stanley advised that Staff was aware of the situation. Once drainage leaves a property, it must be returned to sheet flow. The Building Inspector made a site visit and advised that there is a low spot, though water has historically run across many properties. Rip rap, an energy dissipater, has been installed. He invited the Commissioners to review the plans in Building and Safety.

VIII. COMMENTS FROM THE DIRECTOR

Director Stanley advised that the City Council reviewed the R-1 standards at a lengthy meeting where second-story review was a sticking point. Council member Brown, who was absent for the previous meeting, expressed concern with the proposal to require second-story review "on everything", which would require more staffing. He believed that only a few homes are problematic and suggested that the Director review all two-story projects. Should he detect a problem, those cases would be referred to the Planning Commission.

Mayor Portantino was concerned that the general public would not be notified and consequently lose the opportunity of appealing a Director's determination to not refer a second-story to the Planning Commission.

The Council also prefers to restrict the number of chimneys allowed along a side yard and wants to maintain the Decorative Fence Ordinance as currently written. Language limiting the height of shrubbery behind or in front of decorative fences was eliminated.

The matter was continued to a date uncertain and the Council members agreed to hold a meeting devoted to R-1 revisions.

Lastly, Director Stanley advised that this would be the final meeting for Planning Aide, Naoki Shimazu, who will be returning to his homeland. He noted that Mr. Shimazu handled a tremendous caseload, including code violations, Commission projects and managing the City's CDBG program. The Commissioners were invited to remain after the meeting for refreshments to toast Naoki.

Commissioner Mehranian thanked Naoki for his attention to details and wished him well.

Commissioner Davitt stated that it had been a pleasure working with Naoki.

Commissioner Engler commented that he appreciated Naoki's prompt response to his inquiries.

The Commissioners wished him every success and thanked him for his service to the community.

IX. ADJOURNMENT

M/S/C Engler/Cahill to adjourn at 8:15 p.m. Unanimous.

Secretary to the Planning Commission