

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD NOVEMBER 9, 2004**

I. CALL TO ORDER:

Chairwoman Mehranian called the meeting to order at 6:00 p.m.

II. ROLL CALL:

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

III. PLEDGE OF ALLEGIANCE

Commissioner Cahill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Charles Ajalat, 4412 Oakwood Avenue, requested a continuance of the public hearing for La Cañada Presbyterian Church, scheduled for November 23rd. He stated that many residents would be out of town for the Thanksgiving holiday and would not have the opportunity to comment on what he believed is an intrusive project. Mr. Ajalat distributed copies of five additional mitigation measures for the Draft Negative Declaration, which he believed should be included in the document.

City Attorney Steres advised that the Commission could not take action on Mr. Ajalat's request, since the item is not on the agenda. Mr. Ajalat provided a preview of the next meeting and made his concerns known; Staff would convey those concerns and the request for a continuance to the church.

Responding to a question from Mr. Ajalat, Attorney Steres reported the options available to the Commission for taking testimony on November 23rd.

Robert Craven, a church spokesman, reported that by coincidence, he attended this meeting to refresh his memory on the public hearing process. He reported that the church has worked extensively with the neighbors and Pastor Dennis has met with them on several occasions. The church is anxious to begin the project and he believed the public hearing should proceed as scheduled.

V. **CONSENT CALENDAR:**

A. M/S/C Cahill/Gelhaar to approve the minutes of October 26th. 3 Ayes; Mehranian abstaining.

Chairwoman Mehranian announced that the Commission had just concluded a Study Session on draft revisions to the R-1 standards. Rather than open the continued public hearing on that matter, she re-ordered the agenda to accommodate the public.

VI. **PUBLIC HEARINGS:**

A. **Hillside Development Permit 04-37; Modification 04-32; Williams; 405 Noren Street:**

Contract Planner Cantrell described the applicants' request to allow a residential expansion, that would convert the garage into habitable space, construct a new second floor and allow a replacement garage to encroach into the east side yard. The project presents a total proposed floor and roofed area of 3,588-sf.

The project site is located on the north side of Noren Street in the R-1-15,000 Zone and has an average slope of 34%. Noren and the surrounding area was developed in the 1950s and 1960s with a general similarity among the houses including single-story development, though there is a two-story home east of the subject property. Grading for the tract resulted in a very steep slope behind the houses on the north side of Noren; high above the slope are houses on Redwillow Lane.

A new garage, unlike the existing one, would face the street and jog along the east wall, 6 ft from the property line at its closest point. A recessed, 845-sf second story would be built atop a new family room and would partially extend over the new garage. It meets setback requirements, height, building depth and angle plane requirements.

While the major concern of view blockage is not raised by the project, viewed bulk is exaggerated by the design. Mr. Cantrell provided an alternate design that addressed the second-floor design, which notched the second floor so that it aligned with the walls below, eliminating the floating corner over the driveway. The City Alternate design also lowered the plate height by two feet, revised the pitch of the gable to correspond with the other roofs and reduced the size of the windows and shifted them so that the east window aligns with a first-floor window. Further as proposed, a skylight faces south; Staff recommended relocating it to the other side of the ridge to illuminate a hallway. Lastly, Staff did not recommend imposition of the Light Reflectance

Value guideline due to the project's modest elevation above houses to the south.

Addressing the Modification, which is triggered by the new garage, Mr. Cantrell noted that a portion would mirror the garage layout of the property to the East. Due to the lack of any significant effects, Staff recommended positive findings.

A neighbor's letter was included in the Commissioners' packets, which addressed CC & Rs for the tract that includes language prohibiting two-story construction. Mr. Cantrell pointed out that the City does not enforce private covenants among homeowners.

Applicant Tom Williams, related that he and his wife struggled whether to move to a larger property but decided that they did not want to leave their neighborhood and friends. The neighbors across the street support his project and he distributed letters from his two adjacent neighbors who would be the most impacted, in support of the design. He advised that the CC & Rs are 50 years old and clearly state they were to run for 5 years; if the neighbors chose, a covenant would not be required unless a written instrument was executed and recorded. Mr. Williams advised that his original title report did not reflect any CC & Rs. In conclusion, he related of his attempts to center the second-story as far back as possible to avoid affecting his neighbors. He requested that his project be approved as submitted and that he could accept a condition that he work with Staff regarding design details. He felt the alternative version had some validity but dealt with design preference and he was not confident at this point that the suggestions reflect their preference.

The Commission did not have questions of the applicant.

Chairwoman Mehranian opened the public hearing. Comments were not offered and the public hearing was closed.

City Attorney Steres commented on the CC & Rs. The Declaration of Restrictions recorded in 1955, covers 84 lots and includes language as to its duration, how it can be changed, and allows for private enforcement. In reviewing the project, the Commission reviews City regulations and does not make any determination regarding the validity or enforceability of private restriction.

Commissioner Cahill concurred with Staff's conclusions. The second-story is well recessed and the sole encroachment corresponds with the neighboring property. While he felt the design alternate included positive suggestions, he

could support the project without requiring the applicant to accept them and asked that Staff explain the draft condition.

Mr. Cantrell responded that draft condition 12 requires the project to be revised in accordance with the design concepts of the alternate proposal. He stated that focus should be on the floating corner and the height of the wall, which affect how the mass is seen and ties in with the Hillside findings. The intent was to allow flexibility.

Commissioner Cahill confirmed that revisions would be subject to the Director's approval and did not oppose the condition as drafted.

Commissioner Gelhaar concurred.

Commissioner Engler did not have concerns with the project as designed noting that it is nicely sited against the hill. If the applicant was amenable to working with Mr. Cantrell on design issues, that was also acceptable.

Chairwoman Mehranian agreed.

M/S/C Gelhaar/Cahill to approve Hillside Development Permit 04-37 and Modification 04-32 as conditioned. Unanimous.

B. Hillside Development Permit 04-54; Perry; 5243 Redwillow Lane:

Planning Aide Shimazu described the applicants' request to construct a new 905-sf second-floor to their single-story home. Redwillow Lane extends northeast from Knight Way and terminates in a cul-de-sac.

The 14,200-sf project site is located at the end of Redwillow Lane in the R-1-15,000 zone. It is developed with a single-story home and detached two-car garage. Given its location at the end of a cul-de-sac, it has 49-ft of frontage and flares as it extends to the rear, reaching a width of 200 ft. The designation of Hillside is somewhat misleading and results from a steep bank at the rear third of the property. Otherwise, the site is at street elevation and is at the identical elevation of surrounding properties.

The 905-sf project would add second-floor a master bedroom suite with two open balconies at the south and west sides. While the project yields a floor area ratio greater than the average residence in the area, Staff believed the difference was reasonable, given the ample setbacks provided: 32 ft and 29 ft at the sides and 36 ft at the rear. Concerns of visible bulk and view blockage are not raised by the project. Staff recommended positive findings and project approval as conditioned.

Commissioner Gelhaar asked if the balcony that cantilevers out was included in floor area.

Project architect Bedros Darkjian, advised that his clients agree with all the conditions. He addressed a neighbor's letter that expressed concern with loss of privacy. Mr. Bedros stated that he stood on the roof looking toward that neighbor's home and the view consisted of rooftops.

Property owner Doug Perry, related that he has lived in his home since 1998 and his intent was to create a structure that adds to the integrity of the neighborhood. He pointed out that an adjacent neighbor recently added a second story.

Chairwoman Mehranian opened the public hearing.

Kent Frewing, 455 Noren Street, advised that he resides below the site alluded to by Mr. Perry that recently added a second-story. He related that views of the hillside were replaced with a view of an obtrusive wall that looks down into his pool area. He believed the instant project would have views into his side yard and would also affect neighbors to the Southeast, who are on an even steeper hill below the applicants' home. He disagreed with Staff's positive conclusion of finding 9 and believed that the project would create an avoidable or unreasonable impairment of views from other properties.

Natalie Nguyen, 449 Noren Street, stated that she supports improving properties in general, but because she lives downslope from the project site, she was concerned with loss of privacy.

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

Commissioner Engler reported of having made a site visit; the proposed floor area did not trouble him, but he believed that moving the addition forward and eliminating a balcony would resolve the neighbors' concerns.

Commissioner Gelhaar visited the site and spoke with neighbors. He believed the concerns of privacy loss could be addressed if both balconies were eliminated. He noted that the beautiful view from the ground floor would be maintained.

Commissioner Cahill stated that the proposed floor area and view from Redwillow were not a problem. He made a site visit but upon hearing comments, believed that perhaps he didn't adequately visualize the project. If

the applicant was amenable to Commissioner Gelhaar's suggestion, he would support the request but if removing the balconies was an issue, he was willing to revisit the site and view it as well from the Frewing's home.

Chairwoman Mehranian commented that eliminating the balconies would resolve the privacy issue.

Commissioner Gelhaar pointed out that if the project meets FAR standards if the balconies were not included in Staff's calculations.

Mr. Perry commented that having a two-story home adjacent to hi allowed him to understand Mr. Frewing's concerns He offered to eliminate the back balcony and maintain the side balcony as it would not be the cause of any privacy issues.

Mr. Darkjian felt that eliminating the back balcony was a good compromise. He pointed out that he could have designed a home with less sq. footage and included a deck.

Commissioner Engler reiterated that he supported the proposed floor area, but asked if the project could be moved further forward.

Mr. Perry stated that he attempted to preclude having a "straight up and down wall" and that eliminating the balcony was heading in that direction. He felt that a straight, two-story wall would be aesthetically unappealing.

M/S/ Gelhaar/Cahill to remove both balconies and that the roof over the dining room slope be continued to avoid the possibility of adding a balcony in the future.

Director Stanley informed the Commission that the balcony at the rear, comprised of 80 sf is enclosed, and was therefore included in floor area calculations.

The motion carried with 3 Ayes; Engler dissenting.

C. Modification 04-65; Olivieri; 2005 Orchard Lane:

Assistant Planner Gjolme described the applicants' request to construct a new garage and a new second-floor bedroom above it that would encroach into the required front setback. Total floor area for the residence and additions would reach 3,365-sf.

The 12,200-sf project site is located along an 11-ft-wide private drive, that extends north from Orchard Place, in the R-1-15,000 zone. The narrow road accommodates properties on each side in proximity to the roadway. A new, 525-sf, two-car garage and a 480-sf bedroom above would comprise a new wing on the east side of the home. Overall building height would reach 28 ft measured end-to-end and 21 ft measured from street level. The home is set back 6'-6" from the northwest corner as would be the garage; the bedroom above would be recessed and provide a 9-ft front setback. Assistant Planner Gjolme reported that the subject lot lacks a garage and uses one on an adjacent, commonly owned property immediately north, which does not accommodate any other structure. The northerly property consists of two parcels, which were recently merged by the City.

Staff determined that the proposed garage is needed and would remedy a non-compliant situation and could justify the encroachment in light of the existing substandard front setback. However, the second-floor was problematic and difficult to endorse. Staff concluded that it would present a two-story façade prominently viewed from the long, narrow roadway. Though the street setting is isolated and there are other two-story encroachments nearby, Staff found the second-floor beyond the scope of Modification findings as proposed. Staff supported eliminating or relocating the second-floor and shifting the garage toward the interior, thereby increasing the front setback.

Responding to a question from Commissioner Gelhaar, Assistant Planner Gjolme explained that a Certificate of Compliance was processed with a condition that the two northerly, commonly-owned parcels be merged. A chain of title evidenced that the lots were created prior to 1948 and needed only 5,000-sf at that time.

Property owner Joe Olivieri, pointed out that the project is well below the 4,100-sf allowed by Code. He disputed that a 21-ft-high structure with the second story recessed 9 ft presents an imposing two-story facade as noted in Staff's report. He pointed out that the stairwell as proposed would allow access to the rear yard without having to outside and around the garage or access another stairwell to the left of the house. It would also change the driveway configuration and requiring an extensive amount of import and removal of trees. Safety issues include quick access to the rear yard to reach his young children and allowing an SUV to head out of the driveway. Lastly, if the second-story was shifted, he would lose his mountain views.

Responding to a question from Commissioner Gelhaar, Mr. Olivieri advised that there is approximately 6 ft difference in elevation between the north end of the street and the house pad.

Commissioner Engler requested Staff's response to Mr. Olivier's comments.

Assistant Planner Gjolme did not believe grading would be onerous if the retaining wall was shifted to the west and the second-story slid back. He pointed out the comment in the staff report that allowing the project as proposed could be considered reasonable as it preserves existing setbacks. However, Staff felt the second-story should be shifted towards the interior in order to support the garage location as proposed.

Commissioner Engler remarked that the stairwell could be replaced with a breezeway access to the garage and yard.

Director Stanley added that the narrowness of the street, combined with a new two-story structure and others at minimal setbacks are leading to an overcrowded appearance.

Project architect Elvin Aoyagi, stated that mandating compliance with the required 25-ft front setback would set an unfair precedent, as two adjacent two-story homes present 3 ft and 8-ft front setbacks. He advised that the project as designed over the garage is the most economical. He believed the best alternative would be to use the existing stairway to access additional space over the living room; however, it would require complex construction, and triple the cost and wouldn't resolve anything. Mr. Aoyagi stated that all the neighbors support the submitted design, which works well for his clients and the site and addresses issues of safety and convenience.

Catherine Olivieri commented that the project would only be seen by the neighbors on the private drive. She related their intent to maintain the integrity of their older home; they would lose their vaulted living room ceiling if the second-floor was shifted as staff proposed. She stated further that Staff's recommendation would result in the garage door opening into her formal living room. She believed their architect has designed the best solution.

Commissioner Gelhaar asked what the difference in elevation is between the road and driveway pad in front of the garage.

Mr. Aoyagi responded that it is an unusual site and the yard includes a severe drop. He felt it would take a considerable amount of fill in the garage were shifted toward the home.

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

Commissioner Engler remarked that he understood the need for access to the rear yard and didn't want it eliminated, but it could be accomplished by constructing a breezeway. He supported Staff's recommendation to eliminate the second-story.

Commissioner Gelhaar concurred, adding that he might consider supporting a second-story if story poles were erected; the project is difficult to visualize.

Commissioner Cahill reported that he drove down the private drive, but did not see the property closely. His impression was one of being crowded, though the 21-ft height as seen from the street is not much higher than most single-story homes. At this point, he supported Staff's findings; commenting that it is an unusual lot, completely hidden and that all impacted property owners support it, which leaves open the possibility of supporting Commissioner Gelhaar's position with story poles to help him visualize the project.

Chairwoman Mehranian supported Staff's position, adding that she would not want to see a second-story.

Mrs. Olivieri requested a continuance for the opportunity to erect story poles and to have a full Commission vote on her project. She reported that Commissioner Davitt spent a good deal of time on the site and wanted to hear his thoughts.

M/S/ Gelhaar/Cahill to continue Modification 04-65 to December 14th. 2 Ayes; Engler and Mehranian dissenting. The motion failed for lack of a majority.

Attorney Steres advised that a tie vote is considered a denial. He asked if there was an interest to continue with the option of redesign or for installing story poles.

Commissioner Gelhaar stated that in fairness, he would like to continue the matter and provide Commissioner Davitt the opportunity to comment.

M/S/C Gelhaar/Cahill to continue Modification 04-65 to December 14th before a full Commission and giving the applicants the option whether to redesign and/or erect story poles. Unanimous.

**VII. CONTINUED PUBLIC HEARING:
Zone Change 04-02; amendment to Single-Family Residential Zones
citywide:**

Chairwoman Mehranian commented on the two-hour study session held prior to this meeting with local architects, designers and landscape architect. She felt they provided valuable input on this matter and suggested continuing the public hearing so that Staff could incorporate comments into a draft document.

A short discussion followed whether to continue the public hearing or to open the public hearing for discussion. The conclusion was that hearing comments would be helpful to Staff.

Commissioner Cahill opened with a general comment that we need to be certain that we have a review procedure in place for those projects “where the rules don’t work”. It could be an exemption or an appeal process. He advised that there is confusion on the part of lay people between a review process and a Modification - we need to be clear and there should not be a presumption for or against a project.

Including Volume space in Floor Area calculations: Commissioner Cahill acknowledged that “free volume space” is an ill that needs to be rectified, but he expressed concern with creating a rule that would harm the majority while trying to deal with a minority of projects. He reported that he and Director Stanley toured the sites visited on the bus tour held earlier in the year. He felt strongly that single-story structures with pitched roofs should be allowed up to 20 ft in ridge height. This would solve the issue of vaulted roofs on single-story homes. He also felt that a “true” attic (under a sloped roof and not built out), should not be included in floor area calculations, as they can be used for storage space, similar to basements. He stated that we need clear exemptions that don’t penalize attractive projects.

Second-story review - his review of the statistics provided by Staff reveal that on average, 3 or 4 would be reviewed at each Commission hearing.

Director Stanley commented that setting a threshold would eliminate some of those projects coming before the Commission and might have a deterrent effect that would encourage single-story development.

Specific design requirement - should be addressed by an architect. We need to be certain we have a process for exemptions that allow design diversity.

Natural grade datum point - he was unsure at this point.

Graduated Setback – he found comments from the study session suggesting that setbacks be tied to lot size rather than height to be interesting.

Decorative Fences and shrubs – he strongly opposed any limitation to the height of shrubs. He advised of having driven around the City and found that many homes have curb appeal, while others have an abundance of shrubs and landscaping that, for the most part, screen the house and are very attractive. He did not agree with comments that planting shrubs is a way of “getting around” the Ordinance and pointed out that the Ordinance sets standards for the fence, not the residence.

Addressing fences, he believed the Director should have the authority to grant discretionary exemptions and that an Administrative Approval process was in order. He stated that we need to create exemptions for a number of reverse corner properties that need privacy barriers in order to have useful backyards.

Vehicle access – 20-ft setback for driveway gates – he did not support this proposal. There are a number of properties with gates at the property line adjacent to stone pillars that are very attractive and serviceable.

Basements – he was not in favor of restricting basements; they pose no massing problem and allow free space. He concurred with sentiments offered by many of the architects and designers that basements allow homeowners increased use of their property without impacting anyone. He did not believe that eliminating them would preclude illegal occupancy of homes; there might be others ways to address that concern.

Commissioner Gelhaar provided his comments.

Neighborhood notification - is important

Neighborhood approval – would like to see it eliminated

Basements- this has been discussed many times and he was now convinced they are not a problem. He felt it would be advantageous to somehow restrict street parking between 2:00 a.m. and 5:00 a.m. to solve the number of vehicles that service a home.

Commissioner Engler comments that when rules get finite, it becomes difficult to get through the process.

Street parking – he “wholeheartedly” supported Commissioner Gelhaar and felt we should alternatively limit parking on both sides of the street.

Natural grade datum point - he stated that once the level of the house is established, that is the base datum point for that property. He commented that some property owners are creating artificial grades to erect fences by piling dirt around the house. He disagreed with Staff's recommendation.

Attorney Steres believed that he has an example from other cities that give flexibility to the Director to establish a datum point.

Second stories - he believed it would be good to have some sort of review and "would eliminate a lot of disasters that we all hear about".

Driveways - He did not understand why the architects opposed restricting circular driveways as proposed.

Commissioner Cahill remarked if we use the Beverly Hills formula, the amount of area that can be paved in the front yard would decrease.

Director Stanley commented that a required landscape area and circular driveway are separate issues. Staff's proposal would allow circular driveways on properties with 100-ft of frontage or greater. A number of cities require a percentage of landscaping in the front yard; that information would be provided at the next meeting.

Balconies - language needs to be clarified, specifically relating to visual support.

Decorative Fence - has the opposite view of Commissioner Cahill; if they are allowed everywhere, all neighborhoods would look the same. This could be a stopping point and we would have a balanced city. If the consensus is to maintain decorative fences, the lot size/zoning requirement should be eliminated.

Freestanding play equipment - concurs with Staff's recommendation

Chairwoman Mehranian - provided general points and noted that specific issues are still evolving. She supported some type of residential design review. A concern was that the number of cases before the Commission would increase as there are many projects that guidelines would not capture.

Neighborhood approval - eliminate it.

Circular driveways should be based on a percentage of property size.

Flat roofs - need to be specific; she recognized that we prefer to discourage them, but was concerned with penalizing some homeowners. She agreed with Commissioner Engler to oppose roof-mounted mechanical equipment in residential areas.

Commissioners Engler and Gelhaar stressed the importance that staff provide the architects and designers with a summary of the study session for their comments and that those comments be forwarded to the Planning Commission.

M/S/C Gelhaar/Mehranian to continue Zone Change 04-01 to January 25, 2005. Unanimous.

VIII. OTHER BUSINESS:

The Commissioners unanimously agreed to go dark for the second meeting in December.

Report and file: Commissioner Gelhaar reported on the Administrative Hearings over which he presided.

IX. COMMENTS FROM THE DIRECTOR

Director Stanley advised that Staff would be presenting a fee increase plan for planning applications to the City Council on November 15th. Fees have not been raised since 1997.

Also, the Council will conduct a public hearing on the Chevron project, based on the call-up provision.

X. ADJOURNMENT

M/S/C Gelhaar/Cahill to adjourn at 8:45 p.m. Unanimous.

Secretary to the Planning Commission