

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD NOVEMBER 13, 2007**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Davitt, Gelhaar and Hill, (Commissioner Mehranian was absent). Assistant City Attorney Vargas, Director of Community Development Stanley, Senior Planner Buss, Consultant Architect/Planner Cantrell, Planners Clarke and Gjolme, Assistant Planners Lang and Parinas and Planning Intern Ballestar.

**III. PLEDGE OF ALLEGIANCE**

Chairman Cahill led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**V. REORDERING OF THE AGENDA**

Chairman Cahill confirmed that his colleagues did not object to hearing items VII-C and VII-H , as they were basically requests for continuations..

**VI. CONSENT CALENDAR**

**A. Lot Line Adjustment 07-04** - Approved 4 Ayes; Hill abstaining

**B. Minutes of October 23, 2007** M/S/C Gelhaar/Davitt to approve the minutes as submitted. Unanimous.

**VII. PUBLIC HEARING:**

**Reordered item VII-C: Hillside Development Permit 05-45; Modification 05-59; Building Depth Review 05-11; Conditional Use Permit 405; Alejo; 520 Haverstock Road:**

Senior Planner Buss reported the applicant's request to amend a condition and extend the project's expiration date for another 24 months. Construction has not begun due to delays incurred while dealing with the various County agencies. The project remains unchanged; the request was limited to extension of the approval date.

Chairman Cahill opened the public hearing and since comments were not offered, the public hearing was closed.

M/S/C Gelhaar/Davitt to approve the request. Unanimous.

**Reordered item VII-H: Modification 06-62; Cosgrove; 1625 Fairmount Ave.:**

Chairman Cahill polled the Commission and verified that a staff report was not warranted, given the nature of the request. He opened the public hearing and since comments were not offered, the public hearing was closed.

M/S/C Davitt/Gelhaar to allow the extension as recommended by Staff.  
Unanimous.

**A. Second Floor Review 07-50; Darling; 5236 Stardust Road:**

Consultant Architect/Planner Cantrell described the applicants' proposal to demolish an existing 2,397-sf, single story home and replace it with a 3,690-sf, two-story residence.

The subject site is located on the west side of Stardust Road, a long, continuous, dead-end block. Homes overlook Crown Avenue, and rear property lines abut those below on Crown Avenue.

The project would be constructed on the existing building pad, following existing building lines. A new, attached, two-car garage would continue to provide access from the opposite side.. The pool at the rear would remain. The project is entirely code compliant.

Architecture - The design is Craftsman and includes the hallmarks of that style: well articulated wood features, a prominent front porch, a low pitch roof with broad eave overhands and informal, rambling massing. The second-floor is minimized by its graduated setbacks, its low eaves and the small scale windows.

Though the project is only subject to Second-Floor Review, a chart comparing the project's FAR with that of neighboring homes was provided. The project is slightly less than the 3,704-sf maximum allowed FAR. Staff believed that additional minimal landscaping at the west would easily screen views of the second floor from Crown; the story poles were shown on Power Point.

Staff determined that the house was attractively designed, that it would preserve the existing scale and character of the surrounding neighborhood and that it is consistent with the City's Residential Design Guidelines. Positive findings and project approval, as conditioned, were recommended.

Commissioner Gelhaar commented that creating the basement would require approximately 100 truck loads of export and requested that a haul route be required, given the proximity to the schools near Crown Avenue.

Project architect Craig Stoddard, displayed a color and materials board. His clients did not have an issue with installing more landscaping on the west side,

but did not want to plant anything that would grow tall an eventually obscure their view of the horizon.

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

Commissioner Gelhaar lauded the design and the project. Having viewed the story poles from all directions, he did not believe more landscaping on the west side was necessary. He supported the project with an added condition requiring submittal of a haul route plan to Public Works for review and approval that would not interfere with any of the numerous schools in the area.

Commissioners Hill and Davitt concurred.

M/S/C Davitt/Gelhaar to approve Second Floor Review 07-50 with an added condition requiring a haul plan as discussed. Unanimous.

**B. Second Floor Review 07-51; Zaines; 1046 Lavender Lane:**

Consultant Architect/Planner Cantrell related the applicant's proposal to demolish a 2,249-sf, single-story home and replace it with a two-story home inspired by architect Paul Williams' Spanish Colonial designs from the 1920s.

The project site is located on the south side of Lavender Lane and centered within the long block between Angeles Crest Highway and La Cañada Boulevard. It is significantly lower than properties on the north side of Lavender lane and approximately 6 ft lower than the lot to its west.

Lavender Lane was developed in the late 1950s with a uniform development pattern, which has since given way and it now a mixture of single and two-story homes.

Total floor/roofed area of 4,246-sf, including the garage and an existing 951-sf guesthouse, is below the allowable 5,383-sf allowed for this parcel. The home and attached two-car garage represent 3,295-sf. The new residence would be built upon the existing building pad, generally following the existing building lines. Driveway access remains as is as would the one-story guesthouse near the southwest corner of the lot.

Generous graduated setbacks at the front and sides and the fact that the house would be half a story below that of the neighbor to the west (a single-story home), service to mitigate the mass. It is code compliant and complies with the City's Residential Design Guidelines.

Staff regarded the submitted design as worthy of the claim of continuing the Paul Williams' tradition in massing and detailing, and recommended positive findings and project approval.

Designer Mark Hutchins related his client's wishes that the house contain Mission, Spanish Revival and Mediterranean features. He took 300 photos of old neighborhoods in Los Angeles and Santa Barbara and applied some of those features to the submitted design, while being careful not to overdo. He provided a color rendering of the project with proportionate massing, a relatively shallow roof, unglazed Mexican tile, all casement windows are set in with vertical divides and wrought iron grills imported from Mexico. He would like to use a varnish window if the Fire Department will approve. The front door is cast stone and the chimneys have tile inserts with tile caps. The entire property will be landscaped and will be sensitive to the slope of the lot. A much larger lawn and a pedestrian pathway from the street are proposed for the future.

Commissioner Gelhaar inquired why the non-conforming guesthouse would remain, given the scope of work on the property.

Mr. Hutchins responded that it would be renovated (including a new tile roof); his client would reside in the guesthouse during construction.

Chairman Cahill opened the public hearing.

Linda Rowland, 1102 Lavender Lane, who resides immediately west of the subject site, was concerned with preservation of privacy. Her home is single-story and large olive trees had been removed from the subject site.

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

Commissioner Hill reported of having made a site visit; he felt the design was beautiful and would fit the neighborhood. The only qualm he had was the guesthouse, which encroaches into the setbacks. He noted that the City encourages removal of non-conforming structures when possible.

Commissioner Davitt also made a site visit. He did not have any issues with the project nor with the guesthouse, as it would serve a functional purpose.

Commissioner Gelhaar also lauded the design and requested an additional condition requiring that the guesthouse be brought into conformance with required setbacks following construction of the main house.

Deputy City Attorney Vargas advised against adding such a condition, given the lack of nexus. The only request before the Commission was Second Floor Review.

Chairman Cahill concurred that the guesthouse is not compatible with the rest of the lot, but did not support requiring it to be demolished to achieve compliant setbacks. He commented that this project was one of the most

interesting he has reviewed during his tenure on the Commission; "it is beautifully designed and represents California at its best." He commented that the Commission continually hears that property owners require more space --- at 3,295-sf, this house accommodates 4 bedrooms, 3 garages, a family room, a study and an entertainment room. Additionally, it is 1,000-sf less than what is allowed on this lot. He suggested that this project be a prototype for similar situations that will arise and he supported this project as submitted.

M/S/C Hill/Davitt to approve Second Floor Review 07-51 as submitted.  
Unanimous.

**D. Modification 07-52; Christensen; 4906 Oakwood Avenue:**

Assistant Planner Parinas described the applicant's proposal to demolish an existing garage and replace it with a three-car, detached garage and wood working studio at the rear of the property.

The project site is located on the east side of Oakwood, at the corner of Oakwood and Knight Way.

The project consists of a 1,178-sf garage with a wood working studio at the north side of the garage - the south elevation faces Knight Way. The City allows 5-ft rear and side setbacks for detached garages when located at the rear of a property so long as the width and depth of the garage does not exceed 25 ft and the eave height does not exceed 8 ft. Since the project exceeds those parameters i.e., the structure measures 31-ft x 38-ft and the height measured from the south elevation reaches 9 ½-ft, a Modification is required.

A Power Point presentation showed a Dutch gable roof with a skylight, sectional doors with glass window inserts, and a steel coiling door on the east side of the garage. Given the lack of interior separation between the studio and the vehicle parking area, Staff questioned the need for the side door and was concerned that if the door were left open, there could be noise impacts from machinery and that the back yard could become an extension of the studio. A draft condition was included to eliminate the roll-up door.

Staff determined that the project would be architecturally consistent with the residence and that a greater rear yard setback would be provided than the existing garage. Staff recommended project approval as conditioned.

Project architect Robert McCoy, responded to a concern voiced by Commissioner Hill that wood working machines tend to make a lot of noise. Mr. McCoy advised that the structure would meet all Title 24 mandates for sound and weather --- the walls are fully insulated and the roof would have double insulation. There aren't any windows facing west and a freeway sound wall is 4 ft outside the proposed door on the east side. He advised that 100 ft of lot area were lot in order to comply with current setback requirements and

reminded the Commission that his client works with wood as a part time hobby.

He advised Commissioner Hill that the project includes a sawdust collection system. Mr. McCoy note that the subject site is fully developed and questioned how his client could comply with draft condition 11, which requires all construction parking to take place on site. He stated he was baffled why vehicles could not park at the curb, which is rarely used.

Director Stanley observed that condition 11 has an option that street parking is allowed if the applicant can demonstrate that on-site parking is not feasible.

Chairman Cahill asked that the applicant provide a traffic circulation plan to Director Stanley to assure that traffic would not be impeded. He added that he did not mind the concept of having a door on the east side, but he was concerned that noise from the machinery would affect the neighbors to the east, despite their having provided written support.

Applicant Carl Christensen stated he did not recall specifically showing that the neighbor the east-side door.

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

Commissioner Davitt stated that inherently, he did not have issues with the request and it would improve the existing zero setback situation. He believed the request was reasonable and that concerns with regard to noise were resolved in the design.

Commissioner Gelhaar took the opportunity to remind the applicant of City Code, which requires that garages be maintained in a manner that leaves room for vehicles.

Commissioner Hill stated that he could not support the project in its current form; he could not make the required findings.

Chairman Cahill advised that he could support the project, but he had a concern with the east-side door. Practically speaking, it would provide access. He inquired if there was a mechanism to require that the door be closed whenever machines are in operation.

Director Stanley commented that the east-side door is not critical and could easily be relocated.

M/S/C Gelhaar/Davitt, to approve Modification 07-52 as conditioned by Staff and amending condition 11, requiring that the door on the east side be eliminated. 3 Ayes; Hill dissenting.

**E. Conditional Use Permit 185 (amendment C); Flintridge Sacred Heart Academy; 440 St. Katherine Drive:**

Planner Gjolme reported the applicant's request to amend a long-standing Conditional Use Permit that allowed a substantial expansion to the Academy in 1994.

The Academy is located on a 41-acre site at the extreme southeast corner of the City, abutting the boundary lines of Pasadena and Glendale.

The request before the Commission is to allow additional lighting in the parking lot of the westerly lot. The applicant proposes to install 5 light standards that would flank the western line of the 200-ft-long upper parking lot. They would be spaced approximately 40 ft apart. Each standard is 12 ft high, but when combined with the base, their total height reaches 14 ft. Staff regards the request as modest, given the other lighting on site.

A Power Point presentation depicted new landscaping, including trees in the planter area, and housing for the fixtures that would be shielded on all sides. The issue of spillover lighting beyond the property line is uncertain at this time, but given the number and height of the fixtures and the considerable separation from St. Katherine Drive and Wendover Road, Staff anticipates that it would be negligible. Planner Gjolme noted that the fixtures relate solely to the parking lot and would be surrounded by three, two-story structures on campus, that would absorb the light. The closest home, at 607 Wendover Road, is upslope and at the same level as the parking lot. The closest fixture to that home would be approximately 250 ft away. Staff believes that any off-site impacts would be limited.

Planner Gjolme noted that the original approval in 1994, allowed 35-ft-high light standards for the athletic field and tennis courts --- much higher than what is proposed.

Staff recommended project approval with a condition similar to the original approval, requiring review of any impacts 3 or 6-months after approval.

Commissioner Davitt confirmed that after revisiting the project in whatever timeframe is established, Staff would simply file a written report with the Commission, rather than holding another public hearing. This would be in keeping with a condition imposed on the original CUP approval in 1994.

Kent Allmon, the Academy's Facilities Director, reported another light source would be a flag pole light - upward and away from the neighbors and it would

only illuminate the Flag. Should any complaint be filed, he offered to install timers to turn off the lights at curfew. He advised that the lights on the building down slope are on all night for security and there's never been a problem with neighbors. In the past, a few neighbors had complained about lighting in the upper patio; he was able to turn half of them off and the neighbors were completely satisfied.

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

Commissioner Gelhaar stated that he agreed with Staff's findings and conditions. Commissioners Hill and Davitt concurred.

M/S/C Davitt/Gelhaar to approve amendment C to Conditional Use Permit. Unanimous.

**F. Modification 07-42; Shah; 5188 Princess Anne Road and an appeal to the Director's determination regarding deposit for Tree Removal 07-21:**

Assistant Planner Lang reported that construction was recently completed on the 8,284-sf residence, including approval for 6-ft-high perimeter walls. Due to site conditions, they were constructed over the allowed height. The applicants request is to maintain the over-height walls located along the south, west and east-sides and front property lines as follows:

An 8-ft-high inward-facing retaining wall was constructed on the east side, where a 5 ½-ft-high retaining wall is the maximum allowed.

A 6-ft-high retaining wall/freestanding wall combination on the west side steps up approximately 30 ft to the rear corner, following the contour of the lot and exceeds the 3'-6" height maximum allowed for outward facing retaining walls. Additionally, a 7-ft-high retaining wall at the rear of the house and within the west side yard setback, exceeds the 6-ft is the maximum allowed.

On the south side, a wall/fence combination comprised of 5 ½-ft of retaining wall with a fence on top, reaches a height of 9'-10", which exceeds the 3 ½ -ft maximum height allowed.

The front yard gate was constructed through a Decorative Fence permit; however, the pickets on top of the fence result in an over-height fence; it needs to be lowered to 6 ft.

The southerly portion of the decorative fence inside the front setback is also over-height. A 4'-4"-high wrought iron fence was installed atop an existing retaining wall, where the total height exceeds the allowed 6-ft.

Chairman Cahill confirmed that Staff's recommendation was to approve the south, east and west walls.

Applicant Rajesh Shah, advised that the 8-ft-high retaining wall was engineered; structural calculations were submitted and approved by Building & Safety. The fence along Angeles Crest provides security; otherwise, anyone could easily trespass on his property.

Chairman Cahill inquired if the spikes on the wrought iron fence at the front were necessary or served a purpose, since the fencing is over-height.

Mr. Shah offered to remove the spikes, but doubted that it would make a difference. He reported that only portions of that fence is over-height due to the grade change.

Director Stanley commented that the over-height areas involve more than the spikes.

Agop Khanjian, project designer reiterated that his client was willing to lower the fencing by removing the spikes.

Director Stanley clarified that the 8-ft-high east retaining wall was approved. Afterward, the wall was pushed outward and curved. Building & Safety reviewed and confirmed it was safe. The remaining walls need permits and inspection.

Chairman Cahill opened the public hearing.

Brenda Bachrach, 5187 Princess Anne Road, resides west and down slope of the project site, objected to the wall. She reported that lower portions of the retaining walls were falling and the footings are now visible from her property. Portions of the footings extend to her side of the property by as much as 5" and she believes the wall is over height. Ms. Bachrach related of having resided in her home for 23 years; the former home (since demolished), was level with her roof, whereas the applicant's home begins at the same elevation of her roofline, and when cars are in the motor court, lights shine into her home, as does the light from the lamppost. Construction vehicles, visitors park perpendicular and block her driveway.

Harris Bachrach advised that the wall is an eyesore to the neighbors and the community and was done in a haphazard manner. He asked that someone view the wall from his side of the property.

Responding to a question from Commissioner Gelhaar, he confirmed that dirt was backfilled against the wall. He stated "we're looking at the tallest house on the highest spot overlooking the entire neighborhood. We are so dwarfed, at least give us a wall that is decent enough to look at".

Responding to Chairman Cahill's request to clarify what it is he wanted, Mr. Bachrach asked that the wall be demolished and replaced with one that is more professionally constructed.

Sunny Asche, 915 Valley Crest, related scenarios where differing parties could be responsible for demolishing and replacing the wall. The most unattractive portion is where circles were painted in stone to resemble a stone wall. She believes the applicants' home is the reason that the home on the south side has not sold.

E.M. Standish, 5180 Princess Anne Road, resides south of the project, related of the positive experience with the applicant when the wall on his side was constructed. He believed it to be an attractive, but understood the Bachrach's concerns. Lastly, he suggested that the faux stone wall would look better if it were all brown.

Mr. Shah responded to comments. He stated that lowering the wall would only add to any impact caused by lights to the Bachrach household. He reiterated that work stopped on the wall pending the Commission's decision. He advised of having offered to install vines on the Bachrach property to cover the wall, however the Bachrachs did not want to install irrigation to maintain the vines. He encouraged the neighbors to contact him to discuss any issues they might have.

Mrs. Bachrach disputed Mr. Shah's statements; she stated that irrigation was never discussed and asked that any plants removed from her property be replaced. Further she was told by the applicant that the painted circles on the wall was done per the City's direction.

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

Commissioner Hill felt it best to focus on the requests before the Commission. He questioned if the request was ripe for consideration at this point and pointed out that if the matter did proceed, he was unable to make the required Findings.

Commissioner Davitt expressed appreciation for Commissioner Hill's suggestion to focus on the issues at hand. He supported the request as conditioned by Staff - that the wall height be lowered and that it be completed after proof is submitted that the retaining wall is engineered and permits issued.

Commissioner Gelhaar remarked that his concerns extended beyond the decorative fence, including identifying which walls are actually retaining dirt. Since he could not make the findings at this point, he suggested denying the request or continuing it for more information. The decorative fence request

was not complicated ---- the applicant needs to built it the way it was approved, but high retaining walls were a concern.

Chairman Cahill separated the request into three components: the 8-ft-high wall on the east side was supportable --- engineering reports were submitted and permits issued and it faces inward. The wrought iron fence on the east side was constructed on top of an existing wall, and the neighbor supports it, so that was not an issue for him. The westerly sidewall is over height and when the spiked wrought iron fence atop is considered, he preferred that it be lowered to meet Code. He agreed with Staff's condition that the painted stones in front are not in keeping with the neighborhood and need to be modified. Lastly, he concurred with Commissioner Gelhaar's comments that the City needs proof that the western wall is sound. He could support the request with the following conditions: 1) have Engineering check the west wall 2) lower all fences and walls to regulation height, preferably eliminating the spikes 3) eliminate the painted front fence.

Commissioner Gelhaar stated he could support such a motion with an added condition requiring that the west wall be landscaped on the Bachrach's side.

Director Stanley cautioned that could only be accomplished with the Bachrach's permission.

M/S/C Cahill/Davitt to: 1) approve the east retaining wall, 2) approve the south wall/fence combination, 3) approve the west wall/fence combination, subject to the following conditions: a) the final design shall be subject to structural engineering inspection and approval by the City, b) the west fence be lowered including where it continues to the front to comply with Code and the spikes removed, 3) the front stone painting shall be removed and restored to a natural color, 4) landscaping to be installed on the west side of the wall on the neighboring property with the property owner's permission. All subject to the Director's review and approval. 3 Ayes; Hill dissenting.

#### **TR 07-21 - Shah**

Assistant Planner Lang reported that the applicant submitted a request to remove three deodars. Deodar #6 located in the rear yard has signs of advanced decay. Deodar #1 which was damaged by construction, is located at the driveway entrance and estimated to be 58 ft high with a crown spread of 40 ft to the west and east and another 40 ft north to south. Deodar #5 in the upper driveway, is estimated to be 56 ft high with a crown spread of 32 ft north to south and 32 ft east to west. It, also, was damaged by the construction; its roots were cut to accommodate a low masonry wall and its entire root zone was paved over. The applicant asserts that the Fire Department's requirements mandated removal of one of the deodars, however he has not provided evidence to that effect.

A City-retained arborist recommended removal of trees #1 and #5 out of concern for their structural integrity, and removal of tree #6 due to its compromised health. Thereafter, the applicant expressed a desire to remove tree #6 and to maintain trees #1 and #5. Director Stanley approved the request to remove tree #6 and imposed a condition that the applicant deposit \$16,200 with the City for a two-year period, to assure that trees #1 and #5 would survive. The applicant paid the deposit on June 27, 2007 and immediately filed an appeal, requesting return of the deposit. Mr. Shah contends that the two-year waiting period had been met, given that the damage occurred more than two years ago.

Staff has been unable to verify when the trees were damaged and recommended that the appeal be denied.

Responding to questions from Chairman Cahill, Ms. Lang advised that two years was determined to be a reasonable amount of time to evaluate the trees' viability and since an exact date of damage to the trees cannot be ascertained, Director Stanley set the effective date of the two-year period as the date that the arborist evaluated the trees. Additionally, \$16,200 is the value of the larger tree only; Director Stanley determined that amount was sufficient at this time.

Commissioner Gelhaar observed the arborist' notations that trees #7 and #8 appear to be in poor condition due to construction wounding the lower trunks; they will have to be removed should the decay advance.

Assistant Planner Lang added that the arborist wanted those trees monitored every three months at a minimum.

Chairman Cahill reported that during his site visit, Mr. Shah informed him that Staff's request to provide more room on-site to park cars and the Fire Department's request to remove one of the deodars, led him to believe that he had approval to relocate the fence closer to the tree.

Ms. Lang confirmed that the initial Decorative Fence approval required him to step back the fence to allow for vehicle parking in the driveway; however, a review of that file discloses that the trees were not shown on the site plan. The Fire Department has certain requirements for driveway width.

Property owner Rajesh Shah, related that tree #1 was the main issue. He related that Director Stanley stated that removal of #5 was "okay to remove because of the Fire Department's requirements for a 20-ft-wide driveway". He acknowledged that some of the plans do not show the trees, however they are all shown on the topographic map. He reported that in 2004, former Planning Aide Shimazu required him to provide a stacking area to preclude motorists from having to park in the street, which meant bringing the fence closer to the tree in question. He advised that only minor root cuts were made to tree #1,

and that it has remained viable, as evidenced by the photos, which he distributed.

Commissioner Gelhaar asked how the roots were damaged on trees #7 and 8.

Mr. Shah responded that he was unaware of how that happened and assumed that it was caused by a contractor. He noted however, that the damage was superficial.

Chairman Cahill opened the public hearing.

Sunny Asche stated that it was worth the risk to try and save the trees.

Jenine Standish, 5180 Princess Ann Road, who has resided east of the subject for 33 years, advised that she has never seen the trees in such good condition. They have been thinned and trimmed and cared for properly.

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

Chairman Cahill solicited comments from his colleagues.

Commissioner Hill agreed with the Director's decision.

Commissioner Davitt appreciated the applicant's desire to save the trees; however, given the arborist's advice that construction had damaged the trees and put their survival at risk and since the property owner was not assessed for other trees that are also compromised, he believed the Tree Ordinance should be followed. He supported the Director's determination.

Commissioner Gelhaar supported the Director's decision, but preferred that the deposit be increased to \$42,000, which is the combined value of trees #9, #5, #7 and #8, which sustained root damage as a result of Mr. Shah's project.

Chairman Cahill recognized that the appellant's actions damaged the trees. The appellant's position is that those actions were taken, in one case, where the Fire Department would have required that trees be removed and in the other case, he contends that he was required to relocate the fence at the City's behest and that he is being required to pay for both situations. Chairman Cahill acknowledged the damage to other trees in the back yard, but it seems that the damage was done by contractors. He supported the appeal and to have the deposit returned to the appellant. The deposit was required as security for the owner not taking negative action against the two trees and his actions are consistent with that.

M/S/C Hill/Davitt to deny the appeal. 3 Ayes; Cahill dissenting.  
Chairman Cahill advised the appellant of his right to appeal.

**G. Hillside Development Permit 06-23; Modification 06-88; Yu; 3715 Normandy Drive:**

Planner Clarke advised that this request was deemed complete prior to the R-1 revisions, and therefore, was not subject to Second-Floor Review.

He described the applicants' request to construct a 1,263-sf second floor to their existing 3,060-sf single-story home. If approved, the resulting floor/roofed area would be 4,323-sf. The Modification would allow retention of existing side and rear nonconforming setbacks.

The 15,710-sf lot is located on the south side of Normandy Drive at its intersection with Normandy Court, adjacent to the City of Pasadena's border. The lot is unusually configured - it has 300 ft of curved and sloping frontage along Normandy Drive, its west portion is regarded as the rear yard and the side setback is oriented southward. All second-floor bedrooms would access an east-facing balcony, and would not impact neighbors' privacy.

The project complies with FAR, Slope Factor Guidelines, height, and angle plane. The detached garage is set back 14'-10" from the rear property line, rather than the 15-ft requirement. The encroachment is limited to the bottom of a steep incline. The south side yard encroachment consists of 7" into the required 16'-4" setback. While neither setback would be increased, their non-conforming, grandfathered status would be lost upon removal of the roof.

The subject lot is smaller than the average in the neighborhood, while the living area, exclusive of the garage and covered areas, is greater than the neighborhood average. This results in an FAR greater than the neighborhood average.

A Power Point Presentation showed the existing encroachments. Planner Clarke observed that the proposed second story would most significantly affect 3731 Normandy Drive.

Staff worked with the project architect with regard to constructing a second floor in a manner that would not interfere with the views of the neighbor to the west. A roof plan and floor plan were exhibited, showing the east elevation accommodating all the bedrooms and balconies with views to the hills and the city of Altadena. The most impacted house would be 3731 Normandy, to the west, as verified by the story poles, where at one point, there would be only 25 ft of separation from the project.

Staff determined that the project was supportable. Planner Clarke pointed out that the 34 ½-ft-wide second story is centered over the 78-ft-wide first floor and would be set back from the front to reduce view impacts to 3731 Normandy Drive. Existing non-conforming setbacks would not be increased and requiring

them to comply with Code would not produce a significant benefit. Staff recommended approval as conditioned.

Project designer Patrick Panlaqui, pointed out that 75% of existing first-floor walls would be maintained, albeit some non-compliant. The new second floor would be setback and centered. The original scheme included a 55-ft-wide second floor, which, after conferring with Planner Clarke and Director Stanley, was reduced to 33 ½- ft wide and lowered. The second-story west elevation, facing 3731 Normandy, would have only a few windows, out of concern for that neighbor's privacy; the majority are on the east side to take advantage of the views. Massing is staggered and the 1,263-sf second floor consisting of 3 bedrooms and 2 bathrooms, is an efficient use of space.

Chairman Cahill opened the public hearing.

James Weiler, 3790 Normandy, requested that the record reflect that neither he nor his neighbors received a notice of public hearing. He then reported that CC & Rs were imposed on this Tract and restrict development to single-story.

Commissioner Gelhaar advised Mr. Weiler that enforcement of private CC & Rs do not fall under the Commission's purview and are a civil matter.

Mr. Weiler presented slides of the subject property and from his home on Power Point and pointed out where he believed the project violates standards of the Hillside Ordinance. He stated that the project would block central views and would create an unavoidable impairment of views, as verified by story poles. All his views of downtown Pasadena and of that city hall's dome would be obliterated by the project as proposed. Other slides showed how the project would have views into his home. He asked that the Commission deny the request.

Planner Clarke read an e mail from Rick Collins at 3731 Normandy Drive and presented slides from inside and outside of Dr. Collins' home, depicting how the project would impact his privacy and have views into his home as well as his outdoor patio/pool area. He believed it would also negatively resale value.

Applicant Jing Yu, 371 Normandy, advised that the CC & Rs alluded to by Mr. Weiler do not apply to her property. She explained that the house was intentionally designed to preclude views into Dr. Collins' home. She related of having discussed the project with Dr. Collins and followed many of his design suggestions.

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

Commissioner Davitt commended the applicant and designer for their efforts considering that they wanted a two-story home in this area on this particular lot. He recognized the accommodations made on behalf of the neighbor residing down slope; however, he noted that the project must meet the criteria of the Hillside Ordinance. He stated that the negative impacts to neighbors and view preservation precluded his support and that he could not make the required findings.

Commissioner Gelhaar recognized that while the designer might have submitted the best possible design for this lot, he determined that the subject lot cannot sustain a 2-story home, unless the pad is lowered approximately 7-ft so that the roof level would align with the upslope neighbor's pad height. He pointed out that this was only the second time he has reached such a conclusion during his 7 years on the Commission. He reported of having made 2 site visits and viewed the story poles from Mr. Weiler's property and was convinced that the impacts would be too great. Having said that, he believed that the slides showing impacts to 3790 Normandy Drive were taken with a telephoto lens and were exaggerated.

Commissioner Hill referred to Mrs. Yu's testimony; it is not within the Commission's authority to interpret or determine whether a property benefits or is burdened by CC & Rs. He could not make the required findings and while he was not prepared to say that he could never make the findings to allow a second story, he believed this design was too large.

Chairman Cahill concurred that the submitted best design was possibly the best the designer could do with a second story on this lot. His site visit made it apparent that this home would present a large, looming presence from down slope, given the proximity of Mr. Weiler's home.

Observing that it appeared the request would likely be denied if he called for a vote, Chairman Cahill offered options to the applicant: request that the Commission vote at this time; a continuance for a redesign, though it did not seem that any of the Commissioners felt there were options where a redesign would work; appeal to the City Council within 15 days should the request be denied.

Planner Clarke advised that if the project were denied, Staff would present a resolution of denial at the next meeting.

At the applicant's request, Chairman Cahill repeated the available options.

**Did the applicant request a vote?**

M/S/C Gelhaar/Hill to deny Hillside Development Permit 06-23 and Modification 06-88. Unanimous.

Deputy City Attorney Vargas advised the applicant that she would have 15 days to file an appeal to the City Council after the resolution is adopted on December 11<sup>th</sup>.

## VIII. OTHER BUSINESS

### A. Tree Removal 07-49; Los Angeles County Library; 4545 Oakwood Ave.:

Planning Intern Ballestar described the applicant's request to remove 6 trees from the Library's frontage on Oakwood. The City's Tree Preservation and Protection Ordinance designates and protects all trees, regardless of their species, on properties zoned other than Residential. It also states that when two or more trees are proposed for removal on a parcel other than Residential, the Planning Commission shall determine whether and upon what conditions a permit shall be granted.

The Crown Oaks Arborist report that was recently submitted, refers to residential properties ---- the subject site is zoned Public/Semi-Public.

As part of a new landscape design, 2 jacarandas, 2 acacias, 1 lagerstromeria and 1 brachychiton are proposed to be removed and replaced with native species.

The existing trees are blocking the facade signage at the southeast corner of the library and one is crowding the canopy of nearby oaks. A Power Point Presentation of existing landscaping evidenced the issues raised by the applicant.

Mr. Ballestar reported that Staff could not substantiate the findings required to support the request. There is no question that the tree canopies compromise the visibility of the library sign, but Staff believes there may be alternatives to mitigating the interference. Further, while the existing oaks appear to be competing for space, Staff cannot justify the observations without an arborist retained by the City. Despite this conclusion, Staff concluded that a native species garden would be beneficial, as it would require less water and lower maintenance. Staff recommended denial while acknowledging the project's positive aspects.

Director Stanley advised that the report from Crown Oaks Arborists was not received until after the staff report was completed.

Cassy Aoyagi, project designer with C & K Landscape Design, advised that the proposed California native garden is part of a La Canada Beautiful project. A Power Point presentation showed the site after it was cleared of ivy. She advised that the garden would be an educational and demonstration garden for the community. One of the two mature oaks, the more majestic of the two, is completely obscured by jacaranda and acacia canopies. Additionally, the jacarandas are leaning due to their proximity to the oaks. Lastly, the garden would be use as a promotion for low water usage.

Responding to a question from Commissioner Gelhaar, Ms. Ayagi advised that the garden design flows in shade and non-shade and was designed around the two oaks.

Linda Fults, president of La Canada Valley Beautiful, believes the City would be in the forefront by installing a drought resistant garden. Her volunteer committee and the library staff are very excited as there will be books and articles in the library associated with the garden. While she lamented the need to remove trees, she noted the numerous trees that her committee has planted throughout the community.

Further comments were not offered.

Commissioner Gelhaar, a former member of La Canada Valley Beautiful, lauded the concept of a drought resistant garden being available to residents so they could understand how to implement such measures on their properties. He stated it is important for the City to have this project completed and save the oaks.

Commissioner Hill observed that it appeared there may have been a misunderstanding. The submitted application requests removal of trees to allow for a more visible sign, whereas the Commission was being asked to approve the request in order to install a drought resistant, landscaped garden with native trees and plants. While he wanted to approve the request, he was unsure if he could make the findings.

Director Stanley reported of the difficulty Staff had to making the findings. However, the arborist report - which staff only received recently and after preparation of the staff report --- talks about the oaks being crowded. With scientific evidence that the native oaks are being impacted, he believed Staff could now recommend positive findings.

Deputy City Attorney Vargas stated that based on the arborist report and testimony, he believed that positive findings could be made.

Based on the new information and presentation, Commissioner Davitt stated that he could support the request.

Chairman Cahill concurred with Commissioner Hill's comments; upon reading the staff report, he thought the request dealt with visibility of a sign. The landscape plan presents an integrated garden and would preserve the oaks, which are definitely centerpieces of the site.

M/S/C Gelhaar/Hill to approve Tree Removal 07-49 to protect an urban oak grove. Unanimous.

**IX. COMMENTS FROM THE COMMISSIONERS**

Commissioner Gelhaar encouraged Staff to update the R-1 brochure with the updated revisions as soon as possible.

On other matters, there was brief discussion at last meeting as to how the Commission should interpret Code regarding the allowed height for front yard columns with light fixtures atop.

Director Stanley stated that he believed the Council's understanding is that the lights are to be included in the overall allowed height. He intends to prepare a memo to the Council members and clarify their interpretation.

A new Assisted Living Facility has been established on Gould Avenue, adjacent to the freeway. He understands that there is not a lot the City can do to regulate such establishments, but he was surprised that the City did not receive notice from a state agency.

Director Stanley advised that the state issues the operating license (regulated by the County). The City is prohibited from treating care facilities any differently than a residential use, but we can require a business license on a no fee basis. The only way the City becomes aware when care facilities are established in a neighborhood is from a resident, or when the facility is advertised. He assured the Commission that child care facilities, assisted living facilities and rehabilitation facilities are all highly protected by the state.

Commissioner Gelhaar then commented that he recently became aware of major grade changes in back yards, which can dramatically impact a neighboring property.

Director Stanley advised that if a cut or fill is protected by a retaining wall, it is not considered to be 'grading' by Building and Safety. He noted that recent code changes require any outward facing retaining wall above a certain height to have the neighbor's sign-off on non-hillside lots.

Chairman Cahill believed that as a good will gesture, there should be some type of notice to abutting neighbors whenever a fence on a lot line is proposed. Doing so would provide an opportunity for neighbors to talk and, most likely, resolve any problems. He added that we should require equal dignity on both sides of a fence.

Director Stanley commented that we could revisit the Fence Section under the R-1 standards. Staff's intent is to bring a draft Grading Ordinance before the Commission for review.

Discussion followed on the problem of constructing retaining walls and increasing the grade height adjacent to a neighboring property, which allows views over a neighboring property.

Chairman Cahill remarked that recently, some projects do not include a comparison chart showing how a project stacks up to the R-1 standards. Such information is very helpful and he asked that it be provided consistently.

**IX. OTHER BUSINESS:**

**XI. COMMENTS FROM THE DIRECTOR**

Director Stanley reported that the City Council would be hearing two appeals of the Commission's action: the Greg Frame on Bel Air - Mr. Frame is appealing the Commission's condition that the garage include a hip roof. Mr. Frame prefers a gable roof to match the house. The other appeal was filed by neighbors of the approved project on Beresford .

The next GPAC meeting is scheduled for November 29th. He also reported that the Department's Administrative Assistant, Mirna Stanley, has announced her retirement.

**XII. ADJOURNMENT**

M/S/C Davitt/Hill to adjourn at 10:01 p.m. Unanimous.

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Secretary to the Planning Commission