

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON NOVEMBER 13, 2014**

- I. CALL TO ORDER:** 6:03 pm
- II. ROLL:** Chairman Walker, Vice Chairman Jain, Commissioners Gunter, McConnell and Smith
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar.

Michele Brown, 3757 Normandy Drive, noted that she and her husband Steven have lived in the city for over 20 years, and that she believes that there are misconceptions about them as complainers and troublemakers. She stated that her neighbor knows where the property lines are, and that the City issued permits on property she didn't own. Ms. Brown stated that she and her husband had lost hundreds of thousands of dollars equity and \$15,000 out of pocket expenses due to her neighbor's construction. She noted that the history goes back two-and-a-half years. She claimed that civil engineers used false property lines and noted four state investigations, claiming citations and misdemeanors. She characterized the recent Planning Commission approval as two Commissioners "railroading" the case. Ms. Brown stated that the wall is not necessary to finish the driveway, and claimed that her husband suffered a loss of wages due to the scheduling of the hearing. She noted that the City issued a notice with the wrong start time for the City Council hearing. She stated that "some people have claimed harassment". She noted her constitutional right to stand on own property, and stated that a Superior Court judge said that she can fight something that the government is allowing to happen. She claimed that the City approved illegal garages three times, and that the City Traffic Engineer claimed her driveway for public use. She stated that Ms. Lee was caught with false plans, and that they were trying to recover from the City approving her buildings. She claimed diminishing property values and harassment.

Sonia Race, owner of Zena's Health Corner, stated that over her three years of operation there had been not a single complaint. She noted that she is a mother of two, with a sick mother working in the shop. She stated that she had no problem with the previous landlord, and that she always paid rent on time. She noted that she serves healthful and fresh food, and gets mostly 5-star ratings. Ms. Race stated that her landlord, Commissioner Jain, bought the property for less than other developers who had been discouraged by her lease which does not expire until 2019. She stated that Mr. Jain was aware of the lease, and gave her a hard time by closing the parking until her attorney corrected that. She stated that, after that, Mr. Jain complained to the City about unpermitted window signs, then served a 3-day notice on Friday November 7 to "comply or quit", and removed chairs and tables from the patio. She stated that she has a copy of a City letter from 2008 allowing the outdoor furniture, and that customers are

miserable without it. She stated that Mr. Jain seems to think he can use his power as a planning commissioner, upon which Deputy City Attorney Guerra interjected that Mr. Jain's actions as a landlord are in his private capacity only. Ms. Race stated that if Mr. Jain wants to buy her out there are nicer ways. She noted that he has the right to make a profit, and that she has other places she can rent.

## **V. REORDERING OF THE AGENDA**

Commissioner Gunter noted that two of the cases are merely renewals, and that they should be moved up. The Commission concurred.

Commissioner Smith recused himself on the 5489 Ocean View Boulevard case because he lives within 500 feet of the subject property.

## **VI. CONSENT CALENDAR**

### **A. Minutes:** August 5, 2014

M/S/C McConnell / Jain to approve the minutes. 3-0 Chair Walker and Commissioner Smith abstained due to their absence at the subject meeting.

### **B. 4600 Ocean View Boulevard** and adjacent unaddressed parcels (APNs 5870-010-038 & 5870-010-039) Lot Line Adjustment 14-02 Triland Development LLC

### **C. 733 & 743 Craig Avenue** Lot Line Adjustment 14-03 Seung Choon Lim

Commissioner Gunter called the Lot Line Adjustment cases from the Consent Calendar for discussion.

Vice-Chair Jain recused himself from the Lot Line Adjustment 14-02 discussion due to his ownership of property within 500 feet of the site.

Senior Planner Buss noted that lot line adjustment actions are ministerial.

Starting with Lot Line Adjustment 14-02 on Ocean View Boulevard, he described the existing situation with three lots created in 1978 through a parcel map. One of the lots is developed with a house, at 4600 Ocean View Boulevard. He noted that the other lots had been intended for mixed use, but that the owners wanted to keep them with R-1 use and modify the layout. The new proposal would increase the size of Lots 1 and 2, eliminate the Rockland access for 4600, and make 3 lots approximately equal size. The flag strips would be increased from 7' each to 10' each.

Commissioner Gunter thanked staff for the full-size documents, noting that the small plans did not contain adequate information. He noted that the plans continue to refer to an

ingress/egress easement from Rockland Place for all three parcels. Senior Planner Buss acknowledged that the note was in error. Commissioner Gunter asked if it could be corrected before approval is granted, and Mr. Buss indicated that it could. Commissioner Gunter further noted that a new easement drawn on the map, different in shape and orientation from the old one. Senior Planner noted that the plan displayed on the screen was correct, with no cul-de-sac indicated. Commissioner Smith noted confusion caused by old easements. Commissioner Gunter confirmed with Senior Planner Buss that there are proposed two 10-foot-wide driveways, no landscaping, and no shared access. Mr. Buss further noted that the flag strips are grandfathered because the City no longer allows the creation of new flag lots, and the proposal was attempting to improve the situation. Commissioner Gunter questioned that two 10-foot-wide strips without reciprocal access would be an improvement over the existing 7'-7'-6' configuration with reciprocal access. Mr. Buss stated that the approval is not discretionary, and that conditions cannot be placed. He stated that the City could seek reciprocal access, but not condition an approval on it. Commissioner McConnell stated that he had thought that the cul-de-sac was a new easement, and that the plan was unclear. Mr. Buss stated that that was the reason that the other exhibit was included.

Commissioner Gunter questioned the plan's drainage, with parcels 1 and 2 draining over parcel 3. Senior Planner Buss stated that upslope parcels can have sheet flow drainage over lower parcels but not concentration, and that it is affected by the amount of impervious surface. Director Stanley added that the flow can't be increased or concentrated, that NPDES requires some retention onsite, and that neighboring properties have to accept sheet flow drainage.

Chair Walker voiced unease with making assumptions, and asked about the applicant's presence. Commissioner Smith asked if the City isn't doing something to make flag lots better, and asked if the lots are single-family residential by right. Senior Planner Buss stated that a single-story house could be built on each lot with only a building permit.

Director Stanley noted improvement from three flag strips to two. Mr. Buss noted the increased setbacks based on a lot width percentage. Commissioner Smith noted that he had had the same question as Commissioner Gunter regarding drainage, and that he was concerned that the lack of reciprocal access would lead to two gates. Commissioner McConnell asked if there had been any discussion to take two accesses from Ocean View. Mr. Buss stated that the house is blocking potential access strips, but Commissioner McConnell expressed doubt as to how long the house would remain in place. Director Stanley acknowledged that point.

Chair Walker opened the public hearing.

Project Engineer Ivan Chiu invited questions regarding access. Commissioner Gunter asked if the existing shared easement is voided. Mr. Chiu answered affirmatively, noting that it was on the larger exhibit only. Commissioner Gunter asked about reciprocal easements, and Mr. Chiu indicated that a 20-foot reciprocal driveway is possible. Chair Walker confirmed that resulting single-story houses would not be reviewed by the Commission. Mr. Chiu stated that he can prepare and show an easement.

Chair Walker stated that the options are to approve, to deny, or continue it, but not condition it. Mr. Chiu noted that all three lots are commonly owned. Mr. Buss, Chair Walker, and Commissioner Smith inquired of Mr. Chiu the possibility of creating easements to achieve a

functional 20-foot-wide driveway. Mr. Chiu answered affirmatively. Senior Planner Buss noted that no public notice would be required, and Director Stanley stated that the next available date for the case would be December 9.

Chair Walker closed the public hearing.

M/S/C McConnell / Gunter to continue the case to December 9. 4-0 Recused: Jain

Vice-Chair Jain returned.

Senior Planner Buss stated that the next case, Lot Line Adjustment 14-03, is located at the corner of Craig and Commonwealth. Over the years the lot was subdivided, with the large lot on the corner containing the original house in the area, potentially of historical significance. The applicant provided historical analysis that the house was no longer historic due to the compromises of past remodeling. Mr. Buss stated that the proposed Lot Line Adjustment causes the smaller lot to increase from 8,000 to 10,000 square feet, bringing it into conformance, and the lot width increased from 50 feet to 70 feet, also correcting a nonconforming condition. The LLA would leave Parcel 1 divisible into two 10,000 square foot lots with Commonwealth frontage. The lots would also meet width requirements and accommodate construction on Parcel 2 for the time being. He noted that adjusted lines run through structures, with the garage on Parcel 1 clipped. He stated that the applicant will demolish the structures and thus avoid setback issues.

Commissioner Smith asked about Condition 4, referring to start of construction. Mr. Buss responded that no construction is proposed, so the term-of-approval condition should just read 12 months, but that there is also a condition for demolition prior to recordation. Commissioner Gunter asked if the City controls recordation. Mr. Buss replied that the applicant has to provide final metes and bounds and an appropriate signed map, at which point the City sends it to the County for recording. Commissioner Gunter noted that the homes are not in the way, only the garages, so that perhaps the City should be clearer on the choices.

Chair Walker commented that on the previous Lot Line Adjustment, staff had stated that the Commission couldn't place conditions, but on the current one they are. Senior Planner Buss stated that it can be approved if it meets setbacks and other requirements, so that after the encroaching structures are removed the project can be ministerially approved. Deputy City Attorney Guerra stated that "a condition is a condition", and the City cannot approve the project if it is inconsistent with the Zoning Code; the proper course is demolition first, then review and approval.

Chair Walker asked if the project should be continued or denied. Mr. Guerra recommended continuing to a date uncertain.

Chair Walker opened the public hearing.

Project Architect Dave De Angelis, referring to Lot 2, inquired about the reduced setback for a rear garage. Director Stanley stated that the minimum would be 5 feet, and that the garage will have to be removed and the lot line adjustment brought back. Chair Walker asked about the jogged sideyard lot line. Mr. De Angelis stated that it was necessitated to allow adequate

frontage for the lot along with adequate area for the adjacent lot to be divisible. He added that 70 feet is a good width for home design. Commissioner McConnell asked about the possibility of four lots, and Mr. De Angelis responded that it would not work. He stated that the first house could be under construction while the Map is being processed for the other two lots.

Chair Walker confirmed that the project could be continued to a date as early as December 9, with no need for a date certain because no notice is required. She closed the public hearing.

M/S/C McConnell / Smith to continue the project to a date uncertain. 5-0

## **VII. CONTINUED PUBLIC HEARINGS**

### **A. 4812 Gould Avenue:** Second Floor Review 14-27 Toker / Alvarez / Um

[Continued from October 14, 2014] Request to allow construction of a new two-story residence at 4812 Gould Avenue. Staff is recommending approval of a Categorical Exemption for this project. (Planning Aide Yesayan)

Planning Aide Yesayan stated that the project had been continued to allow modification due to privacy concerns with regard to the rear balcony. He reviewed the parameters of review due to the two-story height and the height of the entry portal at over 12 feet. He noted the demolition of the existing one-story house and displayed story pole photos. Mr. Yesayan noted that landscape screening for privacy of south and north neighbors had been agreed upon.

With regard to the rear balcony, he recalled that the Commission had directed modification, which resulted in a shortened balcony with the end screened with a solid panel. The bedroom windows had been replaced by clerestories as recommended by Commissioner Smith.

Mr. Yesayan displayed five nearby entry structures of similar height as that proposed. He stated that the porch does not comply with the guidelines, but that staff believes it is mitigated by the 55-foot setback and the obscuring effects of the large front yard tree. Staff had recommended lowering the structure, but the applicant did not favor that revision. Mr. Yesayan noted the height as 22 feet to the eave.

Vice-Chair Jain noted that he hadn't been at the previous review. He asked about the height of the entry structure's arch, and if the structure would be allowed if it had usable space above the arch. Mr. Yesayan replied that no further usable space was allowed without adjustment elsewhere because the house was already at the maximum allowable floor area.

Commissioner McConnell confirmed that the space removed and the space added balanced. Commissioner Smith asked confirmed that the City process assures that it is the revised set of drawings that get stamped and built. Commissioner Gunter inquired about Condition 21 with regard to a covenant for the existing driveway. Planning Aide Yesayan replied that it is a Public Works condition, and offered two alternate conditions to clarify that it covers only the public driveway apron. Director Stanley noted that the first alternate should be used to be limited to the public right of way.

Chair Walker opened the public hearing.

Alon Toker, project engineer, stated that the square footage was balanced by taking away area from the master bedroom, and that the top of the entry arch is 14'-6" tall. He also stated that the owners want to retain the porch height.

Nate Lewis, southerly neighboring property owner at 4808 Gould, stated that he and his wife Carol moved there because of backyard privacy. With the potential project impact, they had requested mitigation to what would otherwise be a direct view into their spa. He thanked Planning Aide Yesayan and Planner Gjolme for diligence about the issue, and stated that the landscaping condition is reasonable. Mr. Lewis added that he used to live on upper Gould, where the required landscaping for a project had died, and hoped to avoid that from happening on this project through a condition with teeth. He noted that the conditions to the north are much more severe than on his side, and he would support any efforts to mitigate the project's privacy impacts on the north.

Carrie Grochow, northerly neighbor at 4820 Gould, spoke regarding the front yard tree, noting that Gould has deodars all along its east side. Noting further that the tree is no longer a protected species, she asked if the owner is required to keep it. Chair Walker read Condition 14 requiring it be protected. Ms. Grochow stated that La Canada Irrigation District has a test spot next to the southerly driveway within the subject property, and that they frequently take samples there; she wanted to let the new owner know about that. She expressed appreciation for the landscaping, but cautioned that it should not be allowed to grow too large. She praised the changes in the balcony and plans.

Commissioner Gunter noted that the landscape condition is based on approval by the Director of Community Development approval, so that neighbors should communicate with the City.

Commissioner Gunter noted that construction parking should be accommodated on site, and Chair Walker noted Condition 11 on that concern.

Chair Walker closed the public hearing.

Commissioner Smith expressed appreciation for the changes, and stated that overall it would be a good project that fits well into neighborhood. He supported the findings.

Commissioner Gunter stated that, as Commissioner McConnell had mentioned, it is awkward to miss a first review. Mr. Gunter stated that the setting, location, setbacks, and style are acceptable but that the reliance on the front yard tree to find the front porch approvable is troubling. Mr. Gunter stated appreciation that there are other homes in the area with overheight porches, but noted that many of them were built before the ordinance was in effect. He noted that this is nearly a perfect "don't do" example, an intentionally oversized statement to add height and mass to front door, and thus opposite to the Guidelines. Mr. Gunter acknowledged that it would be screened from view, but stated that the ordinance doesn't account for that. He could not make the required findings because the front porch would not comply with the Design Guidelines.

Vice-Chair Jain recalled having visited the site and studied the plan. He concurred with concern about the front entry. He stated that if something happened to the front yard tree, it would take many years to replace its screening effect, during which the entry would be open to view. He recommended that the applicant look again at modifying the entry. He could not make the required findings.

Commissioner McConnell asked if the porch would conform if the opening were only 14 feet high.

Planning Aide Yesayan replied that the 12-foot limit is from threshold to eave.

Chair Walker agreed with Commissioners Gunter and Jain, noting that deodars can fall down with storms. She thanked the applicant for improvements to the rear of the house, and encouraged neighbors to get together to discuss landscaping. She could not make the findings. She reopened the public hearing to ask the applicant if he would want a continuance rather than a denial.

Mr. Toker responded that he had anticipated this vote and come prepared with an alternate porch design which he offered with a drawing print for each Commissioner. Chair Walker responded that the Commission cannot review plans on that basis, and stated that the Commission can continue it to the December 9 agenda.

M/S/C Gunter / Jain to continue the project to December 9. 5-0

## **VIII. PUBLIC HEARINGS**

### **A. 5489 Ocean View Boulevard:**

Hillside Development Permit 14-19 / Second Floor Review 14-19 / Setback Modification 14-09 / Variance 14-04  
Nefas

Request to allow a 1,395 sq. ft. first floor expansion of an existing house, a new 430 sq. ft. second floor, and encroachments into the side and front setbacks. The Variance would allow an encroachment into the south side angle plane. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Harris)

Commissioner Smith recused himself from the hearing and left the room.

Assistant Planner Harris recalled that the previously approved project was slightly modified, citing the statistics within the staff report. The garage would be elevated above street level, correcting a flood condition related to the existing downward sloping driveway. Storage would be utilized below the elevated garage.

Ms. Harris noted a slight angle-plane encroachment and the deletion of a property line retaining wall per Commission direction at the original hearing. Another revision was the hiping of the roof, serving to lower the visual mass of the garage. She recommended approval based on positive findings.

Commissioner McConnell opined that a variance request is a significant matter, and inquired as to what was discussed to lead to its original approval. Assistant Planner Harris recalled that the discussion centered on that it was a minor encroachment, with some talk about reducing the garage and shifting it west, but stairs within the garage posed a hardship. Director Stanley added that the slope and shape of the lot were Variance factors.

Commissioner Gunter confirmed with Ms. Harris that the Zoning Code had not changed since the original project approval.

Chair Walker opened the public hearing.

Tony Nefas, owner, stressed how the project will remove a flood hazard to a garage currently approximately 5 feet below street level. He recalled the installation of an inadequate debris basin in the early 1960s and three floods since then. He also noted that the project will eliminate an overly sharp transition to the driveway and thus create less need to use street parking. He also stated that the new rooflines will enhance the appearance.

Chair Walker closed the public hearing.

Commissioner Gunter recalled being a Commissioner at the previous project approval, and stated that he still supports it. He stated that the addition is appropriate, and that the flood damage had been significant. He stressed that safety is important and that a Variance is not granted lightly. Commissioner Gunter cited the steepness of the lot, angle of the street, and damage to the property as factors in the Variance, and noted that it was only the eave that encroached in the angle plane. He stated this it is not special privilege, with the steep driveway hazard and the removal of the unnecessary stairway.

Vice-Chair Jain concurred with Commissioner Gunter, having also been on the Commission at the previous approval hearing where the Variance discussion had been "elaborate". He cited the steep grade and the elevation of the neighboring property high above as considerations, and stated his support.

Commissioner McConnell noted that there were two renewal projects on the night's agenda, and it is difficult for Commissioners who were not on the Commission at the time. He stated that design changes could have eliminated the need for a Variance, but that he would not second guess the Commission decision. He also requested that Planning staff look into expiration rules, which perhaps should be more closely tied to the building permit and not to require renewed Commission review.

Chair Walker concurred that positive findings are appropriate, citing her long visit to the site and impression of the hazards involved. She stated that the applicant had been responsive to Commission requests with each design.

M/S/C Gunter/Jain to approve the project as submitted. 4-0-1 Recused: Smith

Commissioner Smith returned to the meeting.

**B. 3887 Chevy Chase Drive:**  
Hillside Development Permit 14-37  
Katz

Request to allow a 53 sq. ft. addition to an existing residence, enclosure of a 538 sf existing gazebo and retaining walls with a maximum height of 6' 8" as measured from adjacent grade. The project is identical to a project approved on January 10, 2012 (HDP 11-31); the current review is necessitated by the expiration of the prior approval. Staff is recommending approval of a Categorical Exemption for this project. (Consultant Planner Cantrell)

Consulting Architect/Planner Cantrell reviewed the limited scope of the previously approved project: retaining walls, pergola enclosure, and a laundry room enclosure. The site is a hillside lot but without long-range or downslope views that make such sites sensitive.

Commissioner McConnell asked why permits were never pulled.

Mr. Cantrell advised him that he could ask the applicant, but that it was not really pertinent to the project or to the findings.

Commissioner Smith questioned the extent of retaining wall work and confirmed that the action tonight to legalize what has already been done. He noticed in the minutes discussion about additional language to be added to the conditions of approval. Was it done?

Mr. Cantrell stated that the discussion was the requirement of an arborist report, which was written and enclosed in the Commissioners' materials for the current review.

Commissioner McConnell asked why the project was brought back to the Commission. Mr. Cantrell responded that the 2-year Planning approval had expired earlier this year.

Larry Dunn, project contractor, stated that the issue at hand was trying to permit previous work done without permits that was previously approved by the Commission. He recalled that it took considerable time to get the required permits ready, and by that time the Planning entitlements had expired.

Commissioner McConnell asked what date the project was submitted for permits. Mr. Dunn replied that it was well over a year ago. Mark Houston, project designer, explained the timing of the permit process and confirmed that the permits were ready to issue.

Vice-Chair Jain stated that he could approve the project since it hasn't changed.

Commissioner Gunter concurred.

Commissioner Smith stated that after the fact approvals are awkward but the he was agreeable to approval.

Commissioner McConnell stated that the expiration might not be the applicant's fault but partly the City's fault, and that it should be approved as submitted.

Chair Walker said that there could be issues on both sides. She advised of having visited the site and concluded that positive findings are appropriate.

M/S/C Jain/Gunter to approve the project as submitted. 5-0.

C. **534 Starlight Crest Drive:**  
Hillside Development Permit 13-17  
Fonseca / Firozeh

Request to allow the construction of a 520 sq. ft. solid-roofed patio cover over an existing deck. All setbacks would be satisfied. The addition would result in total floor area above the adjusted standard for the lot as modified by the Slope Factor Guideline (SFG) and, therefore, qualifies for a higher level of review. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Harris)

Assistant Planner Harris stated that the project was unique, since projects under 600 square feet are typically only Director's Review approvals, but that there is a provision that floor area exceeding the Slope Factor Guidelines necessitates an Administrative or higher hearing. She recalled that the project did go through that hearing almost a year ago, where the Administrative Hearing Officer elevated it to Commission review. Following that Administrative Hearing, staff went back and forth with the applicant and then communications dropped. Since a dormant open case can't be withdrawn by staff, it is presently before the Commission.

Ms. Harris reviewed the numbers: lot size 18920 square feet, 520 square foot patio, Slope Factor Guideline of 4,206 sf as compared with the proposed 5,105 sf. She displayed the plan. Originally staff recommended approval. The current situation was unclear as to whether the owner wished to proceed, but staff continued to recommend approval.

Chair Walker asked where Ms. Harris went to assess the project's visibility, and whether it was anywhere other than Burning Tree Drive. Ms. Harris stated that it was further down Burning Tree but not across the valley.

Commissioner McConnell inquired about City policy regarding activity or expiration. Director Stanley answered that applications don't expire unless they are withdrawn or a determination made. He added that the last conversation on the project was in May. Ms. Harris added that there was followup communication in October, with the project architect submitting additional plans.

Vice-Chair Jain asked if the applicant was made aware of the current hearing. Assistant Planner Harris responded that the notice, staff report, draft resolution, and agenda were emailed to the applicant. Deputy City Attorney Guerra added that the City gave them due process, and that the Commission's options are to move forward or to direct staff to make one more attempt with the application; moving forward would involve approving or denying the project.

Chair Walker opened the public hearing. No comments were made, and she closed the public hearing.

Vice-Chair Jain recalled twice attempting to visit the project site but failing to get access or in particular to see the deck. On that basis he said that he could not evaluate the project.

Commissioner Gunter stated that he was the Administrative Hearing Officer on the project. He had been concerned about its excess over the Slope Factor Guideline before the project, and he didn't want to make the condition worse. He stated that the project creates absolutely avoidable bulk, and that he would be comfortable denying it.

Commissioner McConnell recalled looking at the project site from Meadowview and the golf course. He stated that the house is substantial to begin with, and concurred with Commissioner Gunter's comments.

Commissioner Smith agreed, having viewed the site from only Burning Tree, and noting that it is already over the Slope Factor Guideline. He would recommend denial.

Chair Walker concurred, stating that the view from Burning Tree is not as big an issue as from the country club and down Godbey, where she characterized the house and deck as looming, and one of the few 2-story houses on the knoll.

MSC Gunter/McConnell to deny the project. 4-0 Abstain: Jain

D. **4321 Beulah Drive:**  
Second Floor Review 14-28  
Troedsson / Mata

Request to allow construction of a new 2-story residence and attached garage comprising 3,117 sq. ft. The existing single-story residence and detached garage would be demolished in conjunction with project approval. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme)

Chair Walker recused herself because of her residence within 500 feet from the project. Vice-Chair Jain assumed the role of Chair.

Planner Gjolme offered a brief report. He noted that the project was code-compliant and before the Commission for only Second-Floor Review. He identified the 3,117 sf area as the maximum for the site, and noted the compliant 5 and 10 foot setbacks. He stated that the architecture speaks for itself: graceful, well-massed, of quaint Spanish revival design, well-detailed, with rich heavy lighting fixtures and wood members. He also described the neighborhood setting as rich and eclectic, illustrated with several slides. He noted that the 25-foot height is 3 feet below the code limit. Mr. Gjolme stated that staff believes that the project is a good fit, meeting all directives of the residential design guidelines, and recommends positive findings.

Commissioner McConnell mentioned that the three windows on the north would have a direct view into neighboring yard. Planner Gjolme replied that there is a large open yard space next door, with the more sensitive patio area tucked in to the side of the house away from view, and that there is an opportunity for additional screening if deemed necessary.

Commissioner Smith inquired about the "EM" box on the south side; Vice-Chair Jain identified it as an electrical meter.

Vice-Chair Jain opened the public hearing.

Project designer Anders Troedsson praised Planner Gjolme's presentation. He identified the windows on north side as taken into account as the master bathroom and closet, more looking at the roof of the neighboring house than anything else. Commissioner Smith asked about the air conditioning location; Mr. Troedsson stated that it would be at the minimum setback or closer if he can get approval from the neighbors in back.

Patty Terry, neighbor on the south side for 56 years, stated that her big concern was windows. She also expressed concern about the patio in front, which would be flush with her daughter's bedroom. Planner Gjolme noted that it's within a 6-foot walled enclosure, creating more of an entry courtyard than a recreational patio area. Ms. Terry voiced acceptance of that, but voiced concern with construction crews who in her experience can damage landscaping and sprinklers. Vice-Chair Jain pointed out that Condition 11 directs construction parking onto the project site. Ms. Terry's final concern was construction crews' practice of washing materials down driveways into streets and eventually the ocean. Vice-Chair Jain pointed out mandatory Best Management Practices, and encouraged Ms. Terry to call in any violation.

Mr. Troedsson noted that the owner has a 12-year-old daughter, so the concerns would be similar to Ms. Terry's. He further noted that the entry courtyard would have a water feature for a peaceful ambiance. Commissioner Smith expressed concern that the wall could be lower than the 6 feet called out. Mr. Troedsson stated that a lower wall would defeat the intention, and that he would like it taller, but that 6 feet is fine.

Vice-Chair Jain closed the public hearing.

Commissioner Smith recalled visiting the site and being intrigued by the design. He stated that it fits the neighborhood and deals adequately with the neighboring properties' privacy. He voiced support for positive findings.

Commissioner Gunter voiced appreciation for a completely code-compliant project, and for its nice organization, neighborhood fit, and height well below the maximum allowed. He also noted that the angle plane intent is met by this house because it is close only at critical points, unlike some other houses that are built to the angle-plane limit all around. He noted the courtyard entry as adding value to neighborhood by providing a little activity at the street. Commissioner Gunter supported positive findings, adding that the project is what the City's guidelines are intend to achieve. He added that the project can accommodate 100% of its construction trucks on site.

Commissioner McConnell advised of having visited the site, and that his main concern had been the windows on the north side, but that Planner Gjolme had answered that concern. Mr. McConnell supported the findings.

Vice-Chair Jain recalled visiting the site, and complemented the design.

M/S/C Smith/Gunter to approve the project. 4-0-1 Recused: Chair Walker

Chair Walker returned to the meeting.

**E. 1910 Glenhaven Drive:**

Hillside Development Permit (Admin) 14-21 / Second-Floor Review 14-25 / Variance 14-02 / Director's Miscellaneous Review 14-31 (SB)  
Trammel / Tripathi

Request to allow a 135 sq. ft. first floor addition, a 279 sq. ft. second floor addition and a new 3'-0" to 6'-0" high retaining wall that would create an additional off-street parking space. The Director's Miscellaneous Review is required because the new entry would encroach 2'-0" into the 25'-0" front-yard setback requirement but would be behind the existing garage. The Variance is required because the added floor area would yield a total floor area that exceeds the allowable floor area limit for the lot. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Harris)

Chair Walker noted to the Commission that the applicant had requested continuance to December 9.

M/S/C Jain/McConnell to continue the project to December 9. 5-0

**F. 176 Lamour Drive:**

Setback Modification 14-16  
O'Brien

Request to construct a 6-foot tall wall and driveway gate within the required rear yard setback of the subject lot, which is along Foothill Blvd. The property fronts Lamour Drive and is considered a 'through-lot'. A Setback Modification is required since fences and walls within the rear setback of through-lots are limited to a maximum height of 3'-6". Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme asked if the Commission would like to waive the report and obtained a positive response. As such, the staff presentation was not given.

Chair Walker opened the public hearing.

Applicant Tim O'Brien thanked the Commission for the approval.

Commissioner Smith asked about consideration that existing landscaping be maintained. Planner Gjolme responded that the landscaping is mostly City plantings within the Foothill Boulevard right of way.

Chair Walker closed the public hearing.

M/S/C McConnell/Smith to approve the project. 5-0

**IX. OTHER BUSINESS:** None

**X. REPORT OF DIRECTOR'S REVIEWS**

**A. 1015 Flintridge Avenue:**

Director's Miscellaneous Review 14-26 (SB)  
Kim

Approved conversion of an existing foyer into a living room area with a new "roofed" main entrance. A 110 sq. ft. ground level balcony is included at the rear of the structure. The new living room, along with the balcony adds an additional 290 sq. ft. of floor area to the overall residence. This 8,854 sq. ft. lot allows for a maximum buildable floor area of 3,187 sq. ft., and with the new 290 sq. ft. addition, the total floor area will be 3,184 sq. ft. (compliant).

**B. 1911 Tondolea Lane:**

Director's Miscellaneous Review 14-30 (SB)  
Esnaashari

Allowed the construction of a new 950 sq. ft. single-story addition and a 451 sq. ft. garage to an existing single-story residence. It will encroach into the required 25-foot minimum front-yard setback. The existing non-conforming structure is located 20-feet from the front property line and the proposed addition will not encroach any further into the front-yard setback than the existing structure. The new garage will be 21'-6" from the front property line. The addition will extend along the east section of the residence maintaining the required minimum side-yard setback of 6'-6" and located at 7'-4" from the east property line. With the new 1,401 sq. ft. total addition the floor area will increase from 1,874 sq. ft. to 3,275 sq. ft. which is at its maximum allowed buildable floor area of 3,276 sq. ft. for this lot.

**C. 4085 Hampstead Road:**

Hillside Development Permit 14-25 (Dir.)  
Wu / Cheng

Allowed legalization and completion of the construction of six separate crib-type retaining walls, stairs and a deck within the rear yard of a hillside property at the address above. Per the revised plans received on August 28, 2014, the crib-walls are comprised of interlocked "Fulton Terracotta" blocks and terraced to provide room for landscaping. The renovation of the deck and stairs, along with the crib-walls are located within the northwest corner of the property. The deck maintains the 15'-0" minimum rear-yard and 10'-6" side-yard setbacks and are no taller than 15'-0" in total height. All crib-walls will remain under the 8'-0" maximum permitted height under this review.

**D. 1819 Fairmount Avenue:**

Hillside Development Permit 14-34 (Dir.) / Director's Misc. Review 14-38 (SB)  
Poole

Allowed construction of a new spa on a hillside lot and pool/spa mechanical equipment to encroach into the required west side-yard setback. The new spa will be located 12-feet from the west property line and will be outside of the required 10'-0" minimum side-yard setback for this lot. The proposed pool/spa equipment will be located 5'-0" from the west side-yard property line at the rear of the residence. The existing 6-foot tall wood fence provides some buffer between the pool equipment and the neighbors to the west. As an added measure additional landscaping shall be installed west of the pool equipment, extending 30-feet south along the fence to screen any potential noise.

## **XI. COMMENTS FROM THE COMMISSIONERS**

Commissioner McConnell recalled being told by a neighbor on Indianola that the Building & Safety Department had lost plans to an approved project. Planner Gjolme recalled a Commission-approved project at 4917 Indianola, but had not heard of lost plans.

Chair Walker commented that she would like to reinstate time restrictions on speakers, with the option of the Commission extending the period when appropriate. Commissioner McConnell asked if Ms. Walker's intention was for time limits during the public comments portion of the agenda only, which she affirmed. Deputy City Attorney Guerra recommended an across-the-board limit. Director Stanley noted that it is the prerogative of the chair in any event. Chair Walker queried the Commission on a 5-minute limit versus a 3-minute limit, resulting in a consensus for three minutes. Commissioner Gunter clarified that speakers are invited to the lectern once, for a total of three minutes.

Chair Walker asked about a City procedure regarding date uncertain continuances. Director Stanley replied that date uncertain continuances are normally appropriate when the applicant doesn't know how long it will take. A period of 30 to 60 days is usually required. He stated that if staff stops hearing from the applicant staff calls them or writes via email or letter. Chair Walker recommended using certified letters, perhaps not email. Director Stanley stated that so far there has not been a major problem with such communication. Commissioner McConnell suggested that a project should be deemed denied beyond a time limit; Deputy City Attorney Guerra said that it would be workable if put into the code.

Chair Walker stated that the Commission should call staff with questions prior to public meetings, avoiding a combative appearance in public hearings. She noted that some questions are educational for public, but contentious questions should be ahead of time. She stated that she wants to encourage a positive unified approach. Director Stanley noted that a question can always be asked ahead of time and then again at the Commission meeting.

## **XII. COMMENTS FROM THE DIRECTOR**

Director Stanley asked the Commission to ask staff for information before making an accusation that staff did not do something, especially loss of Building & Safety plans. On the current agenda there was a project that the applicant changed, and another where they just missed the deadline. Commissioner McConnell stated that he doesn't want to repeat review because of a condition, and that if the project is in plan check there's no reason to go back to the Commission. Director Stanley noted that the applicant had the opportunity for a time extension

and failed to request it, which was their fault. He stated that the Commission can make the terms of approval whatever length they want.

Director Stanley noted City Council items at the upcoming November 17 meeting:

- a. The appeal of the Lee retaining wall on Normandy Drive;
- b. The second reading of an ordinance extending liquor store hours;
- c. Discussion of unpermitted construction

Commissioner Smith asked about the Greenberg approval. Director Stanley replied that it is going back to discussion because the City Council couldn't come to agreement on the resolution because part of discussion was overturning some of the Planning Commission conditions.

Commissioners Smith and Jain noted that they are not receiving Planning emails.

Director Stanley asked about a quorum for December 23, but receiving no immediate definitive response. He stated that he would send out a test email.

**XIII. ADJOURNMENT:** 9:19 pm