

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD NOVEMBER 14, 2006**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Gelhaar and Hill, Deputy City Attorney Cobey, Director of Community Development Stanley, Senior Planner Buss, Planner Gjolme and Assistant Planner Lang. Commissioners Cahill and Mehranian were absent.

III. PLEDGE OF ALLEGIANCE

Commissioner Hill led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

There were no changes to the agenda.

VI. CONSENT CALENDAR

A. M/S/C Gelhaar/Hill to approve the minutes of October 24, 2006.
Unanimous.

VII. CONTINUED PUBLIC HEARING

A. Floor Area Review 06-14; Toomarian; 1136 Flanders Road:

Assistant Planner Lang recalled that this project was first heard in early October and was continued due to concerns regarding excess floor area and expansion of an existing side yard encroachment.

The revised project shows a reduction in floor area from 4,342-sf to 4,164-sf and the project no longer requires a Modification, since the existing side yard encroachment would not be extended.

A Power Point presentation depicted where the floor area reduction occurred and which areas would be demolished. The elevations did not change substantially and balconies were eliminated. Ms. Lang noted that the lot is below street elevation and the abundant mature landscape screening on the east and west sides.

Staff recommended positive findings and project approval as conditioned.

Applicant Nikzad Toomarian, reported that his attempt to adhere to the Commission's comments and that he accommodated them as much as possible.

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

Commissioner Hill commented that he opposed the project the first time as it was "a little too large" and he had concerns with the setback encroachment. He made a second site visit and noticed that the "encroaching" garage is located immediately adjacent to a new garage on the adjacent property. Given the layout of the adjacent property and that of the subject site, to insist on a compliant setback would be a hardship imposed solely for the sake of meeting Code and not achieve anything. Commissioner Hill stated that he could make the finding and was willing to reverse his prior vote.

Commissioner Gelhaar remarked that he consistently refers to the General Plan and the goal to bring non-conforming encroachments into conformance, which he strongly felt the Commission should support. He did not believe the project could be built without removing the garage roof (which would void the garage's legal non-conforming setback), and commented that the front elevation had not changed much. Commissioner Gelhaar stated he could not make the require finding due to the non-conforming side setback and how the project would 'fit' into the neighborhood.

Chairman Davitt recalled his initial concerns with the balconies and floor area, which he felt was excessive for the lot. He concurred with Commissioner Hill regarding substantial compliance and he felt it was unreasonable to require a conforming setback.

M/S/C Hill/Davitt to approve Floor Area Review 06-14 as revised and as conditioned. 2 Ayes; Gelhaar dissenting.

VIII. PUBLIC HEARINGS

A. Modification 06-50; Schock; 4813 Commonwealth A venue:

Assistant Planner Lang reported the applicants' request to retain a substandard, side yard setback while removing the roof of a detached garage/guesthouse, located behind the residence. City policy is to require Code compliance whenever roofs are removed.

The 17,500-sf lot is located on Commonwealth Avenue, just south of Parkman Drive, in the R-1-10,000 Zone.

The structure's 990-sf of floor area would remain consistent and the new roof pitch would reach a maximum height of 13 ½ ft. (an increase in height of 1 ft). Except for the north side yard non-conforming setback of 1 ½ ft, rather than the 10-ft requirement, the project meets Code.

A Power Point presentation depicted site photos and a wide driveway shared with the adjacent neighbor.

Given the project's distance from the street and since the structure's scale and profile would not be significantly altered, Staff recommended approval as conditioned.

Commissioner Gelhaar confirmed that the project is limited to re-roofing. He suggested adding a condition similar to one on agenda item C, which calls for an inspection from Building & Safety to assure compliance with the Uniform Building Code.

Assistant Planner Lang advised that the garage and guesthouse were legally permitted, which is not the case with the Orchard Lane (item C) project.

Applicant John Schock related that the structure's roof leaks as a result of his neighbor's oak falling on his home and the garage.

Project architect Tom Pendlebury, further emphasized that a majority of the garage roof would remain; the leaks are mostly limited to the guesthouse portion. The plan is to simply add framing over the garage portion.

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

Commissioner Gelhaar reiterated his prior concern with the statement in the General Plan regarding bringing non-conforming structures into conformance when there is an opportunity to do so. He stated that if what the architect says is true, he could support the request but he could not if the roof is removed.

Director Stanley commented that Staff viewed the request more as a roof repair, since neither the structure or use would be expanded.

Mr. Pendlebury restated that the roof over the garage would remain, his client is only removing and reconfiguring the roof over the guesthouse portion.

Commissioner Hill requested that photos of the structure from the street be displayed again. He stated that setbacks are required for a reason and generally, they make a lot of sense. He believed this house demonstrates the reason for setback requirements and noted that it is visible from the street. He advised that he could not make the required findings.

Chairman Davitt observed that new floor area is not proposed and the structure is legally permitted. The property owner has a right to re-roof the structure. He supported the request and he was willing to add a condition per Commissioner Gelhaar's suggestion.

M/S/C Gelhaar/Davitt to approve Modification 06-50 with an added condition that removing the garage roof will require code compliant setbacks. 2 Ayes; Hill dissenting.

B. Hillside Development Permit 06-50; Floor Area Review 06-15; Campbell; 5089 Fallhaven Lane:

Planner Gjolme described the applicant's request to allow a 982-sf expansion to his single-story home. Floor Area Review is required as the resulting total floor area of 4,616-sf would exceed the threshold for lots with less than 80 ft of street frontage. The 27,520-sf lot has 50 ft of frontage.

The subject site is located at the north end of a cul-de-sac in the R-1-20,000 Zone. The 50-ft-wide frontage is disproportionate to the lot, which widens considerably to the rear and falls 30 ft to a wooded ravine on the west side; an average slope of 19% triggers hillside review.

The expansion is all single-story and mostly to the rear of the house, increasing the depth from approximately 90 ft to 100 ft. Two open trellis are proposed – one to the rear and a larger one at the front. Setbacks exceed the standards for the 125-ft-wide lot and the south setback is nearly three times the requirement.

Staff recommended positive findings and project approval.

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

Chairman Davitt remarked on the unique configuration of the large lot, the single-story expansion and the generous setbacks.

Commissioner Gelhaar concurred and complimented the architect.

Commissioner Hill agreed.

M/S/C Hill/Gelhaar to approve Hillside Development Permit 06-58 and Floor Area Review 06-15 as conditioned. Unanimous.

C. Modification 06-58; Sanchez; 2009 Orchard Lane:

Planner Gjolme described the applicant's request to add 600-sf of single-story floor area to a structure that was originally permitted as a 950-sf two-car garage and storage area. Kitchen and bathroom facilities were later added to the storage area without permits. The subject garage was originally used by the neighboring property at 2005 Orchard Lane; however, a new garage has since been constructed on the subject site. The Modification addresses non-conforming rear and front setbacks that are consistent with the existing structure, but less than what Code requires. It also addresses the illegal conversion of the storage area to habitable space.

The 5,580-sf lot is a legal lot and is the product of an approved and recorded lot merger. It is located more than 200-ft from its access off Orchard Lane.

The addition would increase the footprint to 1,550-sf and provide a 5'-3" rear setback, below the 15-ft requirement and a 21-ft front setback (excluding the road easement), below the required 25-ft-minimum. These setbacks far exceed the existing 1-ft front setback provided by the garage and consistent with those presented by neighboring homes.

The existing height of 14 ft would be maintained and a garage door would be added. Planner Gjolme noted the considerable grade change to the north where a neighboring structure is well upslope and along the common property line. Planner Gjolme summarized the request for a modest first-floor expansion and while encroachments are presented, they are consistent with the location of a legally constructed structure. While Staff is sensitive to Commissioner Gelhaar's comments regarding non-conforming structures, the lot's unique characteristics and lack of a formal street setting should be considered. The draft conditions require that the existing structure be reviewed by Building & Safety for compliance with UBC standards.

At Commissioner Gelhaar's request, Planner Gjolme reviewed the details of the previously approved lot merger. He confirmed that the access easement was not included in lot area calculations for floor area.

Responding to a question from Chairman Davitt, Planner Gjolme related that had the garage/storage area not been permitted, it was unlikely that Staff would support this request. The issue is more of legalizing a change in use.

Project architect Aly Haidar, stated that his client purchased a legal lot with a legal structure which she simply wants to expand. He confirmed that roofs would not be removed.

Sei Rhee, 2007 Orchard Lane distributed a photo and advised that easement is functionally 9-ft-wide at points. He was concerned with the occasional blockage of the driveway easement by vehicles and with off site drainage flowing to his property.

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

Deputy City Attorney Cobey reported that she is currently working on the District 3 sewer project with Public Works. It is unlikely the main sewer line will be extended to serve the subject property as the driveway is too narrow. It appears that the only way it could happen is if an easement is acquired over a neighboring property. "This raises the question of how disposal is currently handled". Further, utility easements were not located that serve this property.

Director Stanley advised that Building & Safety would not issue permits without County Health Department approval. Regarding Mr. Rhee's concerns, he suggested that the Commission add a condition that any new impervious surfaces do not add to any drainage problems.

Commissioner Hill asked if it was accurate that the septic system was not permitted.

Chairman Davitt re-opened the public hearing to allow the applicant to respond.

Mr. Haidar advised that his client has 2 permits for the 2 existing septic tanks.

Applicant Xitilali Sanchez advised that she purchased the subject property a year ago and though she was advised that sewers were imminent, she had a septic system installed anyway, so that she could live there.

Chairman Davitt closed the re-opened public hearing.

Commissioner Hill stated that when considering encroachments and any impacts, it appears there would be little or none, given the visually isolated area. His concerns dealt more with sewage disposal and suggested adding a condition requiring connection to a permanent sewage system.

Director Stanley commented that if the applicant went through the Temporary Septic System process, it requires her to connect to sewers within 6 months of their being available. If she didn't go through that process and had a permanent system approved, there would be no need to apply for a Temporary System Agreement.

Commissioner Gelhaar was concerned that a neighbor could refuse to grant an easement and the City might not run a line to her property.

Chairman Davitt remarked that regardless, it would get caught in the system.

Commissioner Gelhaar stated he was familiar with the unique and dense neighborhood; a legal merger of two lots has been processed. Based on that, he could support the project, noting that septic/sewer issues will be worked out.

Chairman Davitt concurred and stated that Staff did a good job in piecing together this complicated and unique situation.

M/S/C Gelhaar/Hill to approve Modification 06-55 as conditioned.
Unanimous.

Commissioner Gelhaar requested that Staff investigate what is “going on the other side of the neighboring wall”, where a structure was built on the property line.

D. Hillside Development Permit 05-45; Modification 05-59; Building Depth Review 05-11; Conditional Use Permit 405; Alejo; 520 Haverstock: Senior Planner Buss advised at the outset that Staff had re-advertised a notice on this project for November 28th. A component of the CUP, to allow a pool in the front yard, was not included in the original Notice of Public Hearing. This project will therefore be continued - at least for the pool component --- to November 28th. He suggested that the Commission open the public hearing, invite public testimony and discuss any issues it might have with the applicant. Finally, he reported that this application was deemed complete prior to the recently adopted changes to the Zoning Code.

The request is to construct a new, two-story residence comprising 11,903-sf (including the garage and covered porches and balconies) on a pre-graded hillside lot.

The subject vacant lot is located on the south side of Haverstock Road at its intersection with Inverness Drive. It is 72,418-sf in area with an average slope of 45%; a majority of the slope is on the east side of the lot. It is the last and largest lot created from a tract map approved in 1970 with more than 350 ft of frontage on Haverstock and 65 ft on Inverness. It has been in its current state for 35 years.

A condition of the Map was that the lots be graded and drainage improvements installed. Senior Planner Buss advised that the drainage system was checked by the City Engineer and a soils analysis was done - both were found to be adequate. The concrete drainage system and driveway were shown on Power Point.

The subject pad sits in a bowl with hillside topography encircling it to the east, south and west, obscuring all views except from the north. There is nearly 25-ft difference in elevation between the pad and the driveway entrance at the street. That number increases to 75 ft heading eastward, making it difficult to see the house from the street.

The most adjacent neighbor to the west, is situated approximately 15 ft higher in elevation. No other homes have downward views to the subject site.

The house is Mediterranean in design and presents the most narrow elevation north to Haverstock. Building height measures 27 ft; a turret, considered as an architectural element, reaches 32 ft in height- both fall within the maximum allowed height. A 3-car garage is shown at the rear; a hammerhead would accommodate additional parking. Building Depth Review is triggered, as the

house is more than 133 ft deep. A Modification is required to allow retaining walls to exceed the maximum height allowed when located within setbacks. A CUP is required for homes more than 10,000-sf in area and for pools located in the front yard between the street and the house. Addressing the Hillside Permit, Senior Planner Buss commented that application of the Slope Factor Guideline reduces the allowed floor area more than 4,300-sf ----- a 16,000-sf home would be allowed if the site were flat. The garage accounts for 759-sf and roofed patios/balconies represent an additional 860-sf, which translate to 10,284-sf of living area.

Area topography screens the house from view – there are no short-range views of the project. Senior Planner Buss observed that “there are not a lot of impacts”, especially when the narrow portion of the house faces the street and retreats into the hillside. Cut and fill is not involved since the pad is pre-graded. The City Engineer’s report cites the need to go through any alluvial that has developed on the pad over the years for the foundation footings. The applicant is willing to drill to bedrock to place support piers.

The architect has contacted the adjacent neighbor, who does not have concerns with the project. Nonetheless, Staff would like to see more landscaping to assure privacy for both properties.

Staff found the project compliant with the various guidelines. The house is 27 ft above finished grade and the project does not raise concerns typically raised by hillside projects. The most proximate distant view would be somewhere near JPL standing on an elevated plane. The driveway location does not raise safety concerns and the cul-de-sac configuration negates traffic issues. The topography and location mitigate any concerns regarding view. Staff determined that the project was a reasonable development and compatible with large homes found in the area.

Commissioner Gelhaar requested that the elevations be shown again on Power Point. He pointed out that the east elevation faces retaining walls, the north elevation which faces Haverstock, is the most narrow side of the house. The project meets all required setbacks and angle plane; the closest the house gets to the property line is the toe of the slope at the rear eastern corner. The west elevation is the most modulated, has a 32-ft-high architectural feature, with a diameter of 15 ft. Since the former Code applies, the high entry is allowed. The driveway would be cut into the toe of the slope on the west side. The adjacent home has a pool and basketball court, where mature vegetation makes it the most screened area. He pointed out that the neighbor does not want additional landscaping to the degree that it would obscure his long range views.

Applicant Ernesto Alejo provided an overview of his family’s journey to America and this community.

Project architect Brad Barcus, addressed the Commission and displayed a color rendering of the project looking at the house towards the south at an angle. He pointed out that the front portion projects much further than the remainder of the structure and that the house is only one-room deep against the hill. The over height retaining walls are a result of the Fire Department's requirement for a 20-ft-wide driveway – the hammerhead can accommodate fire trucks.

Chairman Davitt asked Mr. Barcus to elaborate on his conversations with the adjacent neighbor and to provide dimensions for the balconies.

Mr. Barcus stated that the balconies range from 7 to 9 ft in depth. The neighbor wants to retain his views and asked that the selected plants be of a height lower than his windows.

Commissioner Gelhaar stated that to alleviate the neighbor's concerns, landscaping should be installed on the flat pad to the side of the balcony. He asked the architect to consider putting approximately 3,000-sf underground, and recalled that a nearby property owner converted 4,000-sf of floor area to basement area, which is not included in floor area calculations, to overcome the concern of visual mass.

Mr. Barcus observed that the steep eastern portion of the property "is what hurts"; if that were eliminated, the project would not require application of the slope factor. Because the house is set so far into the canyon and extensively modulated, he hoped that the Commission would look at the Slope Factor differently.

Director Stanley commented that generally, the Slope Factor is applied when houses are prominently viewed; this project is mostly hidden.

Mr. Barcus advised that Victor Levine, a neighbor, had expressed concerns that the requested floor area would set a precedent. A trade off would be to stretch the house and set it back. Mr. Barcus related that from the outset, he reduced the appearance of height by maximizing articulation and providing a single-story in places. "Even if the sq. footage were reduced, would it change what someone would see?"

Commissioner Gelhaar noted that the story poles do not show the ridge or eave lines; he asked that they be shown by using different colors of snow fencing as it is important to visualize the top of the roof height.

Director Stanley requested that colored tape be used to show the ridge line for the next meeting.

Commissioner Gelhaar reiterated that it would be helpful if roof and eave lines were different colors.

Chairman Davitt opened the public hearing.

Sammy Muthiah, 540 Haverstock, advised that he reviewed the plans with the applicant. He reported of experiencing a mudslide at the rear of his home that knocked out a retaining wall. He asked what the distance is between his property and the applicant's to preclude a reoccurrence. He also recommended adding landscaping that would reach hedge level at the rear to maintain his privacy, as he has a view of the project from his master suite.

Senior Planner Buss stated there is probably 14 ft at the closest point between the retaining wall and Mr. Muthiah's property line. Much will depend on the difference in elevation, the surcharge and engineering, which has yet to be done. Inward-facing retaining walls are allowed at a maximum of 5 1/2-ft height; the plans show 6-ft-high walls, which is what triggered the Modification. Further, all drainage must flow to the street via the existing drainage system.

Director Stanley stated that all walls will have to be engineered through Building & Safety and there may be some revisions in the field. He confirmed that Mr. Muthiah's concern is the drainage behind the retaining wall, which he advised would flow to the street. He believed the retaining wall would be below Mr. Muthiah's property line.

Loretta Savery, 451 Inverness reported of having met with Messrs. Alejo and Barcus to review the plans and appreciated their cooperation. She reported of drainage issues in the area; 431 Inverness experienced partial collapse of a retaining wall, which resulted in extensive flooding of her basement. Ms. Savery believed the staff implies there is no problem in the area; there is no update of the drainage that would assure her that the pre-existing condition was addressed. She added that aesthetically, the house is beautiful, but "it would be a monster house in the neighborhood", nearly three times the size of the average home in the area. She disagreed with Staff's report, which states that the project falls "within the range of floor area of surrounding lots", noting that the house is 58% above the average of 9%. Ms. Avery concluded by stating that while the project represents a magnificent dream house, it was being "crammed on a lot", it is aesthetically displeasing when there is a great difference between the house size and the lot.

Victor Levine, 400 Inverness, resides northeast of the subject site. He thanked the applicants and their architect for arranging to meet and review the plans. He stated "if a house of the proposed size was approved, they couldn't do any better on a flat surface". His understanding for the lot being vacant for 30 years was because it wouldn't perk; the former property owner asked if he could run a septic line through Mr. Levine's property. He referenced the staff report which describes the house in terms of floor area, but what concerned him most was the size - 23 of the 46 homes within the 800-ft radius are under

4,000-sf. He stated that this project is beyond anything in the area and would make it easier for the Commission to approve another 11,000-sf home.

Since further comments were not offered, the public hearing was closed.

Chairman Davitt remarked that the Commission would not be voting on this project at this point and that a resolution had not been drafted.

Director Stanley asked that comments be restricted to the house – the pool would be discussed at the continued hearing.

Commissioner Gelhaar commented that the house is “exactly where it should be sited”, and observed that it would be seen by only one neighbor. He asked the applicants to consider replacing some of the floor area into basement area and that the story poles be configured to provide a better view of the rooflines. He felt it was a good idea to plant trees between the balconies to mitigate privacy issues and suggested that the neighbor plant a hedge on his property so that he could control the height of landscape screening. He was not concerned with the building depth and the proposed retaining walls were acceptable so long as their height is mitigated with landscaping.

Commissioner Hill remarked that he would not be providing comments since he would be absent for the continued hearing.

Chairman Davitt concurred with Mr. Levine’s comment that, for its size, it couldn’t be better designed. He advised that he was wrestling with the proposed square footage, but because the lot is so unique, he was not prepared to say where square footage should be eliminated. He asked the applicants to work on the story poles and landscaping for the upslope neighbor and agreed with Commissioner Gelhaar’s comments regarding landscaping. He did not have an issue with the Modification or Building Depth Review.

Commissioner Gelhaar reminded the applicants and their architect as to the availability of the Commissioners to discuss the project on an individual basis.

M/S/C Hill/Gelhaar to continue Hillside Development Permit 05-45, Conditional Use Permit 405, Modification 05-59 and Building Depth Review 05-11 to November 28th. Unanimous.

IX. OTHER BUSINESS

A. Joint meeting with the City Council regarding policy direction
Director Stanley advised that the next available date was December 4th at 6:00 p.m., prior to the Council’s regularly scheduled meeting. Discussion will also include the Tree Ordinance, specifically deodars, as they tend to increase the hazard of a spreading fire.

Deputy City Attorney Cobey advised that she and the City Attorney discussed this issue and concluded that there was not necessarily a conflict between protecting deodars and recognizing that they pose a fire hazard. The solution would be to discourage new plantings; the exception would be when the Commission requires a removed deodar to be replaced with another.

Given that information, Commissioner Gelhaar commented that as a matter of policy, the Commission should not require deodars as replacement trees.

X. COMMENTS FROM THE COMMISSIONERS

Chairman Davitt requested that Staff check on a large storage contained on a long-standing construction project on Sunnybank, across from Castle.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley reported that he and Senior Planner buss had attended an Arroyo Verdugo COG meeting, which projected the City's growth in terms of household units for the next 30 years. He intends to provide written comments to SCAG. Director Stanley also intends to attend a San Gabriel Valley COG meeting.

The Residential Guidelines were returned from the City Council without comment. A disclaimer was included in the Glossary section and in the beginning to consult the Zoning Ordinance for more specifics.

XII. ADJOURNMENT

M/S/C Hill/Gelhaar to adjourn at 8:36 p.m. Unanimous.

Secretary to the Planning Commission