

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD NOVEMBER 28, 2006**

I. CALL TO ORDER:

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

II. ROLL CALL:

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

III. PLEDGE OF ALLEGIANCE

Commissioner Gelhaar led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

Chairman Davitt stated there was no reason to reorder the agenda.

VI. CONSENT CALENDAR

A. Minutes of November 14, 2006: Chairman Davitt observed that he lacked a voting majority of Commissioners who were present at the November 14th meeting. He therefore continued approval to December 12th.

VII. CONTINUED PUBLIC HEARING

A. Hillside Development Permit 05-45; Modification 05-59; Building Depth Review 05-11; Conditional Use Permit 405; Alejo; 520 Haverstock Rd.: Senior Planner Buss provided a brief overview of this project which was presented at the November 14th meeting. The matter was continued due to a flawed Notice of Public Hearing, which failed to include a proposed pool in the front yard, which is a component of the Modification request.

The 72,418-sf site is located at the corner of Haverstock and Inverness and has an average slope of 45%. It is a previously graded lot, created in the 1970's; at that time, the County required that pads be graded and drainage installed as part of the Tract Map approval process. The lot configuration is such that the pad sits on a shelf surrounded by high slopes, so that off-site views are impossible, other than from standing on a high ridge at JPL, miles across the valley. The pad is nearly 25-ft higher than street elevation at the driveway entrance; that number increases to 75 ft heading eastward. The most adjacent

neighbor is approximately 15 higher in elevation to the west, whose sole concern is that his views to the South and East be preserved and not affected by landscaping. Staff initially had concerns with the proposed house size; however, after considering the house placement, recognizing that the only affected neighbor would have downward views and the difference in elevation between the street and the pad, house size became less of an issue. Senior Planner Buss pointed out that the most narrow elevation faces Haverstock, allowing the house to be "buried" into the hillside.

Staff determined that the requisite hillside findings could be made. Though the Notice of Public Hearing indicated 10,902-sf of living area, 610-sf is front-facing porch area and should not be included in those calculations. Additionally, there was a 310-sf reduction throughout, so that total floor area is actually 10,284-sf. If not for the slope factor, the allowed standard for the lot would be 16,233-sf.

The house orientation was displayed on Power Point showing the house facing west, toward the adjacent neighbor and 115 ft from the street from Haverstock. There is a 20 ft separation between the house from the rear property line at the closest point and overall height is 27 ft with the exception of a 32-ft-high turret, which qualifies as an architectural extension. A three-car garage is proposed at the rear, accessed by a reconfigured driveway, which would cut into the toe of the slope and wrap around the house. A pool is proposed between Haverstock and the front of the house, approximately 85 ft from the front property line. Other than requiring additional landscape to screen partial views from the neighboring home to the pool area, Staff did not identify any impacts from allowing a pool in the front yard. Senior Planner Buss pointed out that only the tops of the story poles are visible from Haverstock and one would have to stand on the lip of the site to see any homes down slope. A 20-ft-wide driveway is provided from the street to the motor court, per Fire Department requirements and the driveway gate pilasters meet Code.

The Modification would allow 6-7-ft-high retaining walls at the toe of the slope to accommodate the driveway, where a maximum of 5 ½-ft-high retaining walls are allowed. House sections were displayed on Power Point showing the component facing Haverstock is single story.

In conclusion, Mr. Buss commented that the Commission has significant discretion with regard to application of the Slope Factor Guideline, so long as the total floor area is below the maximum allowed by Code. Staff believed the project represented a unique situation, hidden by surrounding hillside, sited below Haverstock, which, in Staff's opinion, justify allowing a house larger than what is allowed by the Hillside Guidelines. He reminded the Commission that living area totals 9,950-sf.

Staff's recommendation was for approval as conditioned.

Responding to a question from Commissioner Cahill, Mr. Buss advised that a rough estimate for the pad size was 10,000-sf. The lot is 72,418-sf and could easily accommodate the requested 5,000-sf footprint. Approximately 5,000-sf of open space would remain on the lot.

Commissioner Gelhaar recalled that the story poles previously reflected the top of the eaves; he asked that the project architect advise if they now represented the ridgeline.

Joseph Alejo read a letter written by his father, whose travel itinerary precluded him from attending the meeting. The letter stated that the project architect was able to capture his dream of many years and that all neighbors on the notice list were invited to review the plans on site

Project architect Brad Barcus advised the Commission that his client was willing to meet all the conditions and that he had met with the neighbor to the west, who would like to participate in the plant selection. A color rendering of the project was displayed. Addressing the story poles, he gave a list of each pole's height to the framers. When the lot is slightly re-graded, one of the areas will be approximately 2 ½- ft higher, so that the wall height would reach 21 ft.

Director Stanley recalled that the Commission had requested that the story poles reflect the height of eaves from the ridgelines.

Mr. Barcus stated that there was no way to attach ribbons and it was difficult to keep them from sagging. He suggested a future alternative of superimposing and color coding story poles on the plans.

Responding to a question from Commissioner Mehranian, Mr. Barcus stated that he did not have actual numbers, but thought the pad size was approximately 30,000-sft. He recalled that at the first hearing, the project size included covered porches, balconies and the garage, which are not living space and are not included in floor area calculations. The original number was reduced to 9,974-sf of living area. Total floor area is now 10,983-sf.

Commissioner Gelhaar confirmed there has been a 310-sf reduction in living area.

Mr. Barcus stated he was willing to remove 1-ft-wide vertical slices through the house --- it wouldn't change the appearance of the structure, but would reduce the square footage.

Chairman Davitt opened the public hearing. Since comments were not offered, he closed the public hearing and solicited comments from the Commissioners.

Commissioner Cahill reported of having made a site visit and recognized the unique site with a house nestled into the hillside. Since he was not present for the first hearing, he asked if there was any opposition to the project.

Director Stanley read from the draft minutes.

Commissioner Cahill commented on the large home and stated "every once in a while, there is a property that can accommodate an estate; this is one of those instances." Using the assumption that the pad is approximately 24,000-sf and the remainder is hillside, 25% of the pad could accommodate a 6,000-sf home and the remaining area could accommodate another 6,000-sf home. The structure would not be visible from short or long range and the fact that the westerly neighbor does not oppose the project meant a great deal to him.

Commissioner Mehranian observed that the topography is such that the house would be nestled into the hillside rather than standing in profile to the skyline. While she would have preferred that the house was smaller, she stated she could support it, given the unique lot and the longer, rather than wide design. She did not have a concern with the pool or the retaining walls, so long as they were landscaped.

Commissioner Gelhaar expressed disappointment that the story poles were not modified as requested; he was particularly concerned with the ridgelines. This project reinforced his belief in the "story pole system" and the City's requirements to help visualize a project. He noted that Staff was in the process of clarifying the story pole requirements so that ridge and eave lines are clearly marked and footings be outlined. He concurred with the uniqueness of the site and commented that while the minimal sq. footage eliminated was helpful, he preferred even more reduction. He recognized that no one other than the westerly neighbor, with whom he spoke, could see the project and that property owner had minimal requests regarding landscape screening. Commissioner Gelhaar pointed out that the conditions require conferring with the neighbor regarding landscaping and that the retaining walls be screened. He did not have a concern with locating the pool as proposed.

Chairman Davitt reiterated his previous remarks that "the house is exactly where it should be --- tucked in." He felt that everyone was struggling with the proposed size of the home but he was unsure if a reduction would accomplish anything in terms of protecting views. He also felt the requested location for the pool was appropriate and that the conditions addressed his concerns.

M/S/C Gelhaar/Mehranian to approve Hillside Development Permit 05-45, Modification 05-59, Building depth Review 05-11 and Conditional Use Permit 405 as conditioned. Unanimous.

Deputy City Attorney Cobey confirmed that the approval was for a 9,974-sf structure.

Director Stanley asked that the applicant provide Staff with a revised plan showing the reduced square footage.

VIII. PUBLIC HEARINGS

A. Floor Area Review 06-13; Modification 06-43; Awad; 1716 La Floresta Drive:

Assistant Planner Lang described the applicant's proposal to convert 347-sf of second-floor attic space to habitable space. The resulting total floor/roofed area of 5,101-sf, triggers Floor Area Review, as the 4,500-sf threshold for parcels with less than 80 ft of frontage would be exceeded. The project would also encroach into the required north side and front yard setbacks, triggering a Modification, though the addition would maintain the existing non-conforming building line.

The 15,019-sf parcel is located at the end of La Floresta Drive, a short, private cul-de-sac off Hillard Avenue, in the R-1-20,000 Zone.

A Power Point presentation showed a new bedroom, bath and reconfigured hallway under the existing roofline. A new dormer window would project forward to the front and maintain the existing a 25 ½-ft front setback rather than the 29 ½ ft requirement.

Staff determined that the project is consistent with development in the area and, since the addition would be under an existing encroaching roofline, Staff determined the request to be reasonable and worthy of approval.

Applicant Gary Awad, explained that the existing covered attic space was never built out. He distributed a letter from his adjacent neighbor supporting the project.

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

Responding to a question from Commissioner Mehranian, Director Stanley advised that the north side view of the new dormer would encroach into the required front setback; the remainder is under the existing roofline.

Commissioner Mehranian commented that the site is one of the smallest lots in the area. The requested floor area was not an issue for her.

Commissioner Gelhaar remarked that the design is well conceived and the project would provide a balance by adding a second dormer.

Commissioner Cahill stated that the applicant was simply converting un-useable space to useable.

Chairman Davitt noted the lack of negative impacts.

M/S/C Mehranian/Cahill to approve Floor Area Review 06-13 and Modification 06-43 as conditioned. Unanimous.

B. Modification 06-69; Carpenter; 3903 Alta Vista Drive:

Assistant Planner Lang reported the applicants' proposal to demolish and replace a 784-sf garage and carport with a 1,338-sf, 3-car detached garage and exercise/storage room for a net gain in floor area of 554-sf. Two, outward-facing retaining walls with a maximum height of 3 ½ feet are also proposed to create a wider pad for the garage.

The 35,965-sf lot is located on the northwest corner of Alta Vista and Highland Drive, in the R-1-40,000 Zone. It is designated as a *hairpin* lot, therefore, both street frontages qualify as 'front yards' and each is burdened with the requisite front yard setback. This results in a reduction of the street side yard on Highland, from 35 ½ ft to 24 ft. Ms. Lang noted that if not for the parcel's designation as *hairpin*, the project would be code compliant. Overall structural height would reach 21 ft, exceeding the 15-ft height standard for accessory structures, which is subject to the Director's review and approval.

Staff determined that the project is consistent with the neighborhood development. Requiring the garage to meet the 35'-3" front setback would serve no purpose and would impact the back yard area. Staff recommended project approval as conditioned.

Project designer Dave DeAngelis, reported that when he designed the house 4 years ago, the intention was always to do something with the carport and garage, which are in disrepair. He advised that were it not for 2 ft, the lot would not be designated as *hairpin* and he would not have to apply for a side yard Modification.

Chairman Davitt opened the public hearing; since comments were not offered, the public hearing was closed.

Commissioner Gelhaar stated it was a "nice project" and explained the definition of *hairpin* for the audience, noting that when confronted with these situations, the Commission has consistently dealt with one frontage as a side yard and the other as the front yard.

Commissioner Cahill agreed and noted that current Code would not require a public hearing.

Chairman Davitt and Commissioner Mehranian agreed that the project represented an improvement to the property.

M/S/C Gelhaar/Mehranian to approve Modification 06-69 as conditioned. Unanimous.

C. Hillside Development Permit 06-45; Modification 06-59; Chen; 920 Big Briar Way:

Planner Gjolme described the applicants' request to expand both floors of their two-story home on a 16,630-sf lot with an average slope of 38%. A Modification is required as the expansion would encroach up to 7 ft into the required east side yard setback. A 786-sf first floor addition is proposed, while the second floor would be expanded by 553-sf, for a total floor/roofed area of 3,926-sf.

The 16,630-sf, irregularly-shaped lot is located on the south side of Big Briar Way, east of Haskell Street, in the R-1-15,000 Zone.

The site plan was displayed on Power Point depicting the entire west half of the property as a severe downward slope, which limits available pad area to expand. The expansion was shown at the southeast corner and to the rear, resulting in an "L" shaped wing on the northeast corner at both levels. A second-floor deck is proposed and not roofed, so it is included in first-floor calculations only. To the east, the home would maintain a 9-ft setback; the 2nd floor expansion would clip the required 20-ft second-floor setback by approximately 7 ft along the east side.

A flag strip on the east side provides a 20-ft buffer for the neighbor at 912 Big Briar, while the home at 916 Big Briar is to the rear of the site. The west and front elevations were displayed on Power Point, highlighting the scale of visible addition. The project appears minimal from the east and wraps around on the west side; the most noticeable change would occur at the rear, where the house would be extended by 10 ft.

Staff recognized that 7 ft could be considered as a substantial numerical encroachment and that the project exceeds the Slope Factor Guideline by 68 ft; but felt that some liberty could be given in light of the significant size of the flag strip, which provides separation, the bank of landscaping and the absence of view impacts. Planner Gjolme noted that the net change to the home's profile would be minimal and that it could have been processed through an Administrative Hearing, were it not for encroachment.

Staff recommended positive findings and project approval.

Commissioner Mehranian commented that Planner Gjolme's Power Point presentation showing "existing and proposed" was most helpful.

Project contractor Bob Rhody, complimented Planner Gjolme on his thorough presentation. He pointed out the steepness of the subject lot and noted that the project was limited to the building pad; the hillside is not be involved. Further, there is approximately 44 ft of separation between the subject property and the most adjacent neighbor.

Applicant, Amy Chen, advised of having shown the plans with all her neighbors and submitted signatures of support.

Kirk Sellman, a resident of Big Briar Way, reported that the original developer of the tract carefully laid out the pads for one and two-story homes so that views would not be affected. He noted that the project would reasonably expand an existing two-story home and that mature landscaping serves as a buffer between his back yard and that of the applicants.

Chairman Davitt invited public testimony. Since commentary was not offered, the public hearing was closed.

Commissioner Cahill advised that he was unable to make a site visit in this instance and that Planner Gjolme's presentation was very helpful.

The Commissioners concurred that the project was logical and well designed.

M/S/C Cahill/Gelhaar to approve Hillside Development Permit 06-43 and Modification 06-59. Unanimous.

D. Floor Area Review 06-22; Brockmeyer; 4341 Bel Air Drive:

Planner Gjolme reported the proposal to demolish a single-story home and replace it with a two-story home and detached garage, comprising 2,998-sf of floor/roofed area. The project exceeds the allowed maximum floor area for the lot by 298-sf. A fully submerged basement is also proposed and excluded from floor area calculations.

The 7,500-sf lot is located on the west side of Bel Air Drive, north of Descanso Drive, in the R-1-7,500 Zone. Properties on the east side of Bel Air have similar street frontage, but are deeper, and therefore accommodate greater sq. footage. The west side is a mix of single story and two-story homes.

A consolidated design approach is proposed that frees-up back yard area. Planner Gjolme noted that 62% of new area devoted to the first floor. Existing non-conforming setbacks would be replaced by compliant 5 and 10-ft first and second-story setbacks; a height of 24'-10" is reached at a single point --hip ends extend to the north and south, providing 19 ft-structural height at the sides; a 34-ft front yard setback and an attached garage are proposed. A Power Point presentation showed the two adjacent homes, each with driveways abutting

the subject lot. New tree plantings are proposed at both side property lines and a rich color and material palette is proposed. Staff determined that the subject lot can accommodate the excess floor area, despite the fact that the two adjacent homes are single-story. Photos of nearby two-story homes in the area were displayed; this proposal is smaller in scale and within the overall neighborhood range.

Applicant Dale Brockmeyer, reported that he grew up in La Cañada and that he respects the neighborhood. He believed the design is compatible with neighborhood development and that the requested excess floor area would have a minor effect from the exterior. He observed that his project would correct two setback encroachments and that the height is 3 ft below the overall height maximum and 9 ft below the maximum at both sides. The second floor is stepped back and all second-floor windows would be frosted or clerestory to protect views to neighboring properties. He offered to add more trees to buffer the project with his neighbors' consent.

Chairman Davitt opened the public hearing.

Ruth Bolton, who resides south of the subject property, stated that she had no objections and "it was great to have something so nice immediately adjacent".

Jiming Lindai, 4345 Bel Air, who resides immediately north of the subject, distributed a letter challenging and objecting to the project. She advised that the main activity and patio are all on the south side of her property and the bedrooms and bathrooms are on the north side. She felt the project would severely reduce her family's quality of life and property value. She reported that from October through March, the project would cause the north side of her home to be left in shadows and she submitted a sunlight calculation to confirm her fears. Ms. Lindai stated further that the activity rooms would be in darkness for half a year and the house would remain cold, translating to an annual increase of \$350 in heating bills. She understood that the project is exempt from Second-story Review and objected to the structure and designed and the excess floor area.

John Lindai advised that the appearance of the mutual driveway might change if they construct a carport or, they may expand into the patio area. His point was that the appearance of the vacant driveway is not a permanent situation.

Mr. Brockmeyer was given the opportunity to rebut. He advised of having attempted to contact the Lindais on multiple occasions, offering to meet and discuss their concerns; however, there was no response. She pointed out that his request is for Floor Area Review, rather than Second-story review.

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

Commissioner Gelhaar supported the design and commented that the General Plan encourages resolution of non-conforming situations, which this project does. He remarked that at the highest ridge, this project presents a height of 25 ft, compared with the 28 ft allowed.

Commissioner Cahill stated that the project was well designed and appropriate for the lot. He believed the neighborhood is in transition with many property owners building two-story homes. This design is modest and low profile, compared with some other homes in the area.

Commissioner Mehranian agreed and stated that while the project might affect the neighbor, only Floor Area Review is before the Commission to consider.

Chairman Davitt advised of having made a site visit over the weekend and, while he understood the neighbors' concern, he noted that even hedges can reduce sunlight.

M/S/C Gelhaar/Mehranian to approve Floor Area Review 06-22 as conditioned. Unanimous.

IX. OTHER BUSINESS

There was no report.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Gelhaar reiterated his concerns that story poles accurately reflect a project; the foundation and retaining walls should be outlined. He found Mr. Barcus' suggestion interesting; perhaps if the tops of poles were in different colors, we wouldn't need ribbons extending between poles.

Director Stanley commented that Mr. Barcus' rendering helped his presentation, but he doubted that Mr. Barcus' suggestion would clarify a project for neighbors.

Commissioner Cahill observed that some non-hillside projects could warrant story poles.

Director Stanley pointed out that more effort is involved with remodels, as story poles have to be attached to the roofs, etc. He advised that Staff is aware of what the Commission wants but it is difficult to delay a project pending installation of story poles.

Commissioner Gelhaar asked if the "to-do" list could be referred at the joint meeting with the City Council to preclude the Commission from taking time to study issues that the Council does not support.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley reported that the meeting had been changed from 6:00 p.m. to 5:45 p.m. on December 4th, to accommodate a closed session. Responding to a question from Commissioner Cahill, Director Stanley advised that he suggested a joint meeting as there seemed to be a disconnect between Staff's recommendation and the Commission's parallel vote, which the Council unanimously overturned.

Commissioner Gelhaar commented that in light of the Council's concerns with Prop 90, which did not pass, perhaps the Council should consider an overlay zone on Ocean View.

Addressing Commissioner Gelhaar's request to consider a Surveillance Camera Ordinance, Deputy City Attorney Cobey stated that it is a significant issue, primarily in terms of publicly owned cameras and 4th Amendment issues that might arise. She advised of having broadcast a general inquiry to all City Attorneys and that the only ordinance she found was in Sunnyvale, CA. Other peripheral things she thought of was to camera owners register with the Sheriff (enforcement process would be needed for non-compliance). Attorney Cobey noted that in most cases, infringement of privacy issues would be a civil matter between neighbors.

Commissioner Cahill agreed with Commissioner Gelhaar's sentiment but wondered if the subject would ever come up again.

Attorney Cobey suggested running the idea by the Council; if they are keen on the idea, she offered to call the City Attorney in Sunnyvale.

Commissioner Gelhaar stated that was a simple solution and would address his concern.

The follow-up list was then reviewed. Attorney Cobey was requested to ask City Attorney Steres to provide the definition of 'blight' to Commissioner Cahill.

There was discussion regarding having applicants provide an overlay of existing and proposed floor area; Director Stanley commented that the applications could be changed to require that applicants "shade" the project area.

XII. ADJOURNMENT

M/S/C Cahill/Gelhaar to adjourn at 8:50 p.m. Unanimous.