

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD JANUARY 25, 2005**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present were Commissioners Cahill, Davitt, Engler and Gelhaar, Deputy City Attorney Noonan, Director of Community Development Stanley, Planner Gjolme, Assistant Planner Lang and Planning Aide Shimazu.

**III. PLEDGE OF ALLEGIANCE**

Commissioner Gelhaar led the salute to the flag.

Commissioner Engler asked for a continuance for Continued Public Hearing item B, proposed revisions to the R-1 standards, to a less encumbered agenda.

The Commissioners concurred.

Chairwoman Mehranian inquired if anyone wished to speak on this item. A sole speaker opted to speak at the continued meeting.

Director Stanley reported that February's second meeting would be held one day later, on Wednesday, February 23. The President's Day holiday causes the City Council to meet on February 22.

M/S/C Gelhaar/Engler to continue Zone Change 04-02, proposed amendments to the R-1 standards to Wednesday, February 23. Unanimous.

**IV. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**V. CONSENT CALENDAR:**

A. M/S/C Cahill/Engler to adopt the minutes of January 11<sup>th</sup> as corrected by Commissioner Engler. Unanimous.

**VI. CONTINUED PUBLIC HEARINGS:**

A. **Conditional Use Permit 382; Variance 04-02; Tree Removal 04-64; La Cañada Presbyterian Church; 626 Foothill Boulevard:**

Senior Planner Buss reported that this matter was continued from November 23<sup>rd</sup> for clarification of specific items and to have the applicant erect story poles. A parking census was included in the Commissioners' packets. Revised plans remove building "F", Burcham Hall, from the project; the applicant now proposes interior remodeling only. It was previously shown as a new two-story with basement building. This modification represents a 6,000-sf reduction. The chapel, "E", was lowered by one foot and the upward sweep of the roof is more strongly expressed. Story poles were erected at the rear of the property and at the front to show the 25-ft front setback and the gable end of the church.

Responding to a question from Commissioner Engler, Senior Planner Buss explained that the parking census was compiled over 7 weeks. There is a reduction in the number of cars from what was initially submitted, but it is unclear if the census includes the Thursday Club and/or First Church of Christ Scientist parking lots. Staff preferred that the parking be scientifically quantified. Senior Planner Buss noted that when Vons remodels its shopping center, it might include a use that opens early, which would have an impact on available offsite parking for congregants.

Responding to a question from Commissioner Engler, Director Stanley stated that if the City had instituted a Parking District, the applicant could pay whatever their parking deficit is and that would be the end of it. The Planning Department's concern is the lack of specific information that a parking district would provide.

Commissioner Engler remarked that the Commission should encourage the City Council to resurrect a Parking District concept as called out in the Downtown Village Specific Plan. Doing so would relieve the pressure put on the applicants.

Responding to a question from Commissioner Davitt, Senior Planner Buss confirmed that the parking issue is concentrated on Sunday mornings, when 111 spaces are available on site.

Commissioner Engler stated that it might simply be a perceived problem.

Chairwoman Mehranian stated that she appreciated the magnitude of the project and thanked the church members and neighbors for attending the meeting. She commented that the manner in which the story poles were erected made it difficult to understand the mass and height of the structures and she confirmed that the applicant was given the guideline for story poles.

Project architect Lou Dominy, provided a Power point presentation. The revised project represents 56,000-sf, amounting to a 13% reduction in square feet from the original submittal.

**Parking** - He believed that the parking issue was addressed. There is a total of 126 spaces on site; they are providing 1 space for every 5 seats. He advised that the church has hand-shake agreements with Bank of America, World Savings and TJ Maxx to use their parking on Sunday mornings, which triples the parking required by code. This works well for all concerned – the church needs parking the most when those firms need it the least.

**Front setback encroachment** - Mr. Dominy reported that from the beginning, Staff's position was that the front setback encroachment would not be a problem in light of other encroachments along the Boulevard. He advised of having reviewed the approvals for St. George's Church, St. Bede's and Church of the Lighted Window – all which have front setback encroachments.

**Excess height** - The design includes 12:12 pitches, so that only the peaks of the rooflines and a corner of the gable roof would encroach into the front setback. Mr. Dominy stated that  $\frac{3}{4}$  of the frontage would present a much deeper setback than required; the eastern portion would remain open and landscaped.

**Trees** - the applicant proposes to either relocate two of the sycamores to the open space at the front or, bring in three sycamores at a cost of \$45,000, with a guarantee of survivability. The remaining third sycamore's roots are entwined with another tree and it is not salvageable.

**Neighbors** - a sun study was conducted for the La Cañada Pre School to assuage the owner's concerns that ridge height of "A" would shade the pre-school's playground.

A hydrology study was conducted in response to Mr. Browns concern regarding drainage flowing to his property. The church was willing to provide a performance commitment.

The mobile units at the rear would continue to be used until the front buildings are established. The chapel, building "E", would seat 102 congregants and is intended for smaller weddings and adult meetings.

**Construction schedule**- there would be no effects to the "pan handle" properties at the rear of the project during Phases 1 and 2. Project contractor, Paul Gentosi, advised that construction vehicles would be fenced at the curb

line and behind "C". Materials would be stored near Foothill and peak manpower would be 30-40 workers. There are also 45 parking spaces available on weekdays at the First Church Scientist.

Bob Craven, city resident, spoke on behalf of the church. He advised that the parking census was conducted over 4 weeks, including Christmas. There are three Sunday services, 8:00 a.m., 9:30 a.m., which has the most attendance and includes Sunday School, and 11:00 a.m.

Mr. Craven reported that he served on the LCF Citizens Committee that drafted the format of the Village Plan. One of the Plan's concepts was shared parking. The Committee envisioned a true village rather than the typical retail areas frequently found off freeways. Mr. Craven stated his belief that shared parking is an important aspect of a village concept and that self-sufficient parking is not logical for a church use. He pointed out the nearby parking available for Sunday use and stated that there is a synergy that results from shared parking i.e., various errands can be completed when parking with a centralized site. He asked that the Commission give serious consideration to the unique location of the Presbyterian church.

Gary Denis, church pastor for 15 years, advised that his congregation has no intention of being a "big" church; their value statement is to be a small church with a big ministry. There are currently 15 classrooms; the new design provides one more. The infant care space would be minimally increased within the same number of rooms. Over 7,000-sf is devoted to space for youth -- 42% are from congregation families. Pastor Denis reported that the church annually receives substantial donations from two businesses located in the Vons center, thanking the church for sending customers.

Chairwoman Mehranian opened the public hearing.

Michael Brown, 635 Georgian Road - his home borders the church property on the south. Since the last hearing, he and Mr. Ajalat narrowed issues of dispute to 3. 1) frequency and scope of use of "E", the Chapel. 2) What happens during construction with the modular buildings and 3) landscape screening of "D" and "E"

Mr. Brown noted that in 2000, the Planning Commission determined that the modular buildings at the back of the property were appropriate for Sunday use only. He hoped agreement could be reached for frequency of use of the chapel, which will replace the trailers. The proposed unlimited use for Sunday, prayer use and weddings, seemed more of a full time use to him.

It seemed to him that the trailers would be used 7 days a week during construction. A two-year process versus Sunday mornings only was represented a significant difference.

Charles Ajalat, 4412 Oakwood, continued to be concerned with visibility, mass, loss of privacy and noise. He likened buildings "D" and "E" to "commercial uses in the middle of a residential area" and observed that no one opposes the other structures. He asked that "E", the Chapel either be eliminated from the plan or, if approved, that its use be restricted to individual prayer use and 10-12 small weddings and funerals per year. Continuation of Sunday morning use was acceptable. He asked that "D" either be relocated on the site or restricted to single-story.

He asked that the modular trailers be used solely for Sunday morning classes during the construction phases. Lastly, he asked that the landscape plan be subject to review and approval by the Planning Commission. He distributed "before and after" pictures demonstrating that the buildings would be visible from his master bedroom and back yard.

Commissioner Engler asked if landscape screening was his issue.

Mr. Ajalat responded that he would withdraw his objections provided that restrictions be imposed on the chapel's frequency of use. He did not believe the church's presentation was fair and added that with few exceptions, the nearby homes are single-story. He was willing to accept a full landscape buffer for D and E if use restrictions were imposed.

Commissioner Davitt asked Pastor Denis to respond and explain how the chapel would be used other than for small weddings and funerals.

Pastor Denis replied that the chapel seats 110 and, as proposed, it would have unlimited use on Sunday mornings. During the week, groups would be using it for prayer services. He was willing to compromise and place a limitation of no more than 50 congregants at one time.

Responding to a question from Commissioner Cahill, Pastor Denis advised that 2 weddings or funerals would be held in the chapel per month, barring any crisis that required numerous funerals. He anticipated holding 12-15 small services per month and asked for flexibility within that number. He opposed limiting the chapel to adult use, stating that the youth need to use it as well.

Mr. Dominy was allowed rebuttal time. He agreed that the issues are noise and privacy - that is why the quietest uses are proposed at the rear of the site. He

agreed that the windows could be screened and was willing to work with the neighbors on the landscape plan. Addressing use of the modular buildings during construction, Mr. Dominy stated that they would be at a deficit parking situation for a while and need to use them full time for approximately 18 months. He understood that doing so necessitates an amendment to the existing CUP that allowed the modular buildings to be brought on site.

Commissioner Cahill confirmed the height of "A" at 37 ft measured from sidewalk to ridgeline. The chapel would be 23 ft in height.

Commissioner Engler commented that A and B seem to encroach into the oak canopies.

Mr. Dominy stated that he recently noticed the same problem and advised that he could slide the roof gable farther north; on A, he could shorten the gables.

Responding to a question from Chair Mehranian, Mr. Ajalat stated that being semi-retired, it is important that he have peace during the week as well as on Sunday mornings; he was less concerned with evenings. He suggested that a mutually agreed number be set for the chapel's use, giving the church as much flexibility as possible. Since the church was not certain as to the number of prayer groups it wanted, he suggested restricting the number of congregants within groups.

Michael Brown suggested that subject to restrictions, the applicant should follow Code as it relates to construction noise. He was told that the applicant contemplated holding Bible classes in the chapel; congregating outside is the concern, rather than what occurs inside. Lastly, he advised that he supports and attends the Parent Ed classes; however, he was informed that they might be held in the modular trailers. He suggested that holding them in "A" would be more prudent for what he felt was a fairly significant group activity.

Further commentary was not offered and the public hearing was closed.

Commissioner Davitt thanked the church and the neighbors for their presentations and commented on the considerable progress made since the last meeting. The availability of off site parking seemed to work well and it appeared that parking during construction would be appropriately addressed. He supported the requested square footage and the tree removal request, preferring to bring in new trees rather than to try relocation and for the Commission to review the landscape plan. Shifting the chapel was a positive move and would help mitigate noise. The concerns now focus on allowed use of the modular buildings. He believed restriction could be imposed that would

be sensitive to the neighbors and encouraged the applicant and neighbors to reach agreement on the remaining issues.

Commissioner Engler supported the project, adding that he did not have concerns with the setback encroachment or tree removal. He preferred that the sycamores be replanted and noted that St. Bede's was required to install trees within the parkway. The requested height was acceptable with the exception of where the buildings encroach on the tree canopies, as was the parking, though much of it is provided with a lot of reciprocity. He suggested restricting parking to one side of Woodleigh and Oakwood or using the ample off site parking across the street, and asked the applicant to work with Planning staff to resolve. He stated it was difficult for him to believe that the church did not want to increase its membership, since it has the capability.

Commissioner Cahill expressed appreciation for holding most of the active uses to the front of the site. The design was acceptable and would be consistent with existing architecture and lowering the height of "A" was helpful, as it appeared to loom at 41 ft. He concurred with Mr. Craven that the need for off site parking is limited to Sundays, but he had not resolved the front setback issue. He was unsure whether a 10ft setback or more was proposed; the Staff report alludes to 3 other churches with 25-ft front setbacks. The buildings cited by Mr. Dominy with zero setbacks were obviously constructed in the past. He noted the dichotomy between east and west of Commonwealth - east of Commonwealth, buildings such as World Savings and the Post Office are considerably set back. He noted that the Downtown Village Specific Plan calls for the area east of Commonwealth to have more horizontal open space versus west of Commonwealth. Tucking the add on rooms between the existing and new sanctuary would provide a greater setback and a more pleasant street view. He supported future review of the landscape plan by the Commission and the tree removal, given the replacement commitment. Addressing buildings "D" and "E", he stated that rotating the chapel was positive, but he was concerned with usage and associated noise. He had hoped there would have been an arrangement by this time between the church and its neighbors reflecting what they need, rather than leaving all options open.

Commissioner Gelhaar asked staff to respond to Commissioner Cahill's comments regarding setbacks for other churches. He believed they were granted variances.

Director Stanley advised that only St. George's asked for and received a variance.

Commissioner Gelhaar announced that he is a member of the church and elected not to recuse himself from the hearing. He remarked that he was impressed with the construction phasing and with the submitted information. He supported the project and agreed that the sycamores should be removed and replaced rather than trying to relocate them. He stated that the degree of the encroachment is insignificant compared to the street frontage. He also supported the design and excess height for building "A". An added condition regarding Building D and protection of adjacent tree is needed and he supported Staff's recommendation for construction hours. Addressing parking, Commissioner Gelhaar stated that the City has created a dilemma in many respects for developers of projects within the Downtown Village Specific Plan area. "The City Council overturned a Sport Chalet project that would have included a parking structure and a Parking District. To hold businesses accountable for a parking deficit when the City is to blame is wrong." He advised that the church does an excellent job in monitoring traffic through its traffic monitors.

Chairwoman Mehranian complimented both sides for the consensus reached and stated she would like to build on it. She noted that an expansion or modifications will accommodate the existing needs and will increase the use. As a courtesy to the community, the story poles should have been more reflective of the project's mass. She agreed with Commissioner Cahill's concern with the setback encroachment, but it was not as significant a point for her at this point; if it were the entire facade, she would have a problem. Her continued concerns were: growth projection, allowed usage, protection of tree canopies and allowed hours of construction.

Noting the consensus to support the project, Director Stanley cited the remaining issues that need to be worked out between the neighbors and the applicant. Staff could present a resolution of approval with conditions at the next meeting.

It was agreed that a meeting would be held at City Hall, with Director Stanley moderating; George Garfield would represent the church.

A short discussion ensued regarding the Negative Declaration for the project, which Staff prepared. Senior Planner Buss expressed concern that some of the recommended mitigation measures could conflict with the Commission's decision.

Commissioner Cahill confirmed that the church did not have concerns with the mitigation measures.

Attorney Noonan advised that the Draft Mitigation Measures can be modified based on the Commission's findings and conclusions; she and Senior Planner Buss would review them. She was comfortable with including a resolution on the Consent Calendar on February 8 with the understanding that it might have to be pulled and discussed.

M/S/C Gelhaar/Davitt to approve Conditional Use Permit 382, Variance 04-02, Tree Removal 04-64 with conditions as discussed. Unanimous.

The Commission recessed at 8:12 p.m. and reconvened at 8:20 p.m.

## VII. PUBLIC HEARINGS

### A. Hillside Development Permit 04-69; Clark; 4095 Robin Hill Road:

Planner Gjolme described the applicant's request to construct a 1,227-sf, two-story addition to his single-story home. The project site is located at the west end of Robin Hill Road, in the R-1-20,000 Zone. The 26,711-sf lot is located upslope from the street's cul-de-sac and has an average slope of 25%. A short, 20-ft-wide flag strip that rises 20 ft from the street provides access.

The two-story addition would extend at an angle along the east side of the residence. The existing garage would be converted to habitable space and be replaced by a new, 400-sf garage with an 800-sf study atop. The project meets all setback and height requirements and the proposed 4,228-sf floor area is well below the allowed 7,100 maximum allowed.

Nearby homes are larger, two story structures and are adequately separated by distance and varying topography. The most immediate neighbor at 4097 Robin Hill is situated behind a prominent knoll and 10-15 ft downslope from the subject lot. Planner Gjolme commented that the lack of windows on the project's northeast facade preclude views to that neighbor. Nonetheless, Staff suggested that 2-3 trees planted on the subject property's easterly inward jog would benefit the downslope property.

Staff found that the scope of the addition to be reasonable and of modest scale and would not present excessive massing. Staff recommended positive findings and project approval as conditioned.

Project architect Marita Vidal, thanked Staff for being cooperative and responsive

Commissioner Cahill stated that the project represents a reasonable expansion and concurred with Staff's conclusion.

Commissioner Gelhaar concurred with the exception of condition 12, which required the additional trees. He stood on the neighboring property and questioned what would be accomplished with more landscaping.

Planner Gjolme commented that there would be a view of the project from the street below and that screening was appropriate. It is a subjective call for the Commission to make.

Commissioner Gelhaar stated he could support the project without condition 12.

Commissioners Engler and Davitt supported the project as conditioned.

M/S/C Davitt/Engler to approve Hillside Development Permit 04-69 as conditioned. Unanimous.

**B. Floor Area Review 04-15; Building Depth Review 04-09; Liang; 4218 Shepherds Lane**

Planner Gjolme related the applicants' request to allow a 1,323-sf, single-story addition along the north side of their two-story home. The 32,428-sf parcel is located on the east side of Shepherds Lane, near its inter-section with Descanso Drive, in the R-1-20,000 zone. It is irregular in shape, with 90 ft of frontage and side property lines that splay outward to the rear to a lot width of over 200 ft.

Floor Area Review is required as total floor and roofed area would reach 9,532-sf – above the 8,236-sf standard for the lot, but within the 9,533-sf maximum allowed with Floor Area Review. Building Depth Review is required because, although single-story, the 10-ft high exterior wall extends the building's depth to 90 feet, surpassing the 60-ft review threshold. The project does not involve the second-story.

The landscape plan includes a bank of 30 Carolina cherry trees along the north property line to buffer views from the north where the neighborhood is sited at a slightly higher grade.

All setbacks are generous and a modest height of 15'-6" would be well below the home's 26'-6" height. Though the total project area is significantly greater than others in the area, the lot size corresponds and supports the requested floor and roofed area. Planner Gjolme noted that FAR of 29% is comparable with other properties in the neighborhood. The single-story presentation located at the rear, with a low roofline and proposed landscaping would not disrupt the character of the neighborhood, satisfied Staff's initial concerns. Staff recommended approval as conditioned.

Project designer Dave DeAngelis, related that he began designing this home in 2001 and construction was complete in 2003. Since then, his clients found that their children require more space; the intent is to convert the existing master bedroom to guest quarters and add a master suite on the first floor. He addressed four issues of concern which are typically raised: mansionization, bulk, privacy and landscape screening. The project is not "mansionization" - it is not a large house on a small property. Approximately 25,000-sf of open area would remain, which is larger than many lots in the area. Privacy - the addition is single-story, so there are no privacy issues. There are no windows on the north side and the only clear glass on the addition is on French doors facing south; all other windows are leaded glass. Bulk - the addition is to the rear and single-story, low profile. Landscaping - his clients intend that the entire structure be screened. He distributed photos depicting the mature grove of redwoods and advised that his clients are willing to add as much landscaping as the Commission sees fit. He stated his belief that the findings have been satisfied and that the design meets the parameters of what the Commission has encouraged.

Applicant, Ken Liang stressed that the intent was to have the least invasive addition possible with no encroachments. He emphasized the existing and extensive landscaping, that will be enhanced.

Chair Mehranian opened the public hearing.

Greg Everhart, 4224 Shepherds Lane, stated that he vehemently opposed the project as it would negatively impact his back yard. He purchased his home 4 years ago because it is a large lot with lots of open space. "You can never mitigate the fact that there's a 15-½-ft high structure that runs two-thirds of my rear yard, even though it doesn't encroach - you can always see through the trees". He believed the project would impact pool area, approximately 25 ft from the property line. He reviewed the plans and felt strongly that it would diminish the value of his home.

Responding to a question from Chair Mehranian, Mr. Eberhardt stated that windows would allow views into his family room and master bedroom. He presented a petition signed by 9 neighbors opposing the project.

Dorothy Conley, 4365 Cobblestone Lane, resides to the rear of the project, advised that visibility and mass were her concerns; the redwoods planted by the applicant do not screen her home. She stated that the project represents a dramatic impact from her yard.

Robert Veeh, 4235 Shepherds Lane recalled that the Eberhardts requested a Modification to encroach into the front setback when they built their home. He did not believe applicants' request was excessive.

Mr. Liang responded to Mrs. Conley's concerns and stated that he was open to planting more trees – he noted that he had removed a tree at her request. He intended to plant redwoods across the east side of his property so that Mrs. Connely would have the same screening that other adjacent homes enjoy. He commented that her home is 40 ft from the end of the proposed addition and that she has a 30-ft view across the southern end of his property.

Mr. Liang stated that the best view from the Eberhardt property is into his spacious back yard. He noted that more landscaping would be installed along the northern side, providing a 3-6-ft-thick coverage from the Carolina hedge and redwood trees.

Joe Conley stated that the applicant's home obscures his view of the hills to the west and felt that more redwoods would fence him in even more.

Chairwoman Mehranian closed the public hearing.

Commissioner Engler stated that it is a huge lot and the single-story addition fits the property.

Commissioner Gelhaar made a site visit and got a perspective from the neighbor's yard as well. He stated that the proposed 90-ft length bothered him and that it would result in loss of sky views from the Eberhardt's home. He commented that it is a beautiful home and a beautiful addition, but he could not make the findings.

Commissioner Davitt made a site visit and return for another from the Eberhardt's home where the impact of the building depth changed his mind. He could not support the project.

Commissioner Cahill made a site visit and observed that there is approximately 126 ft of setback excluding the 90 ft. building line. The 90 ft represents approximately 42% of the property line – not long relative to the lot size. A single-story project was critical and very accommodating to the neighbors and the leaded glass windows assure there would be no views to the neighboring yard. He noted that 700-sf of covered patio exaggerates the floor area calculations.

Chairwoman Mehranian advised she was also on the Eberhardt's property and stated there is a reason for Building Depth Review. The project was difficult for her to support.

Commissioner Gelhaar made a motion to deny the request, which died for lack of a second.

Director Stanley suggested that the Commission might want to offer the applicant a continuance for redesign.

Commissioner Gelhaar withdrew his motion.

M/S/C Davitt/Cahill to continue Floor Area Review 04-15 and Building Depth Review 04-09 to March 22<sup>nd</sup>. Unanimous.

Director Stanley advised the audience that they would not receive further notice of the continued hearing.

**C. Amendment to Hillside Development Permit 00-40; amendment to Modification 01-17; Luis Lluís; 5350 Harter Lane**

Planning Aide Shimazu reported the applicant's request for retroactive approval for unauthorized relocation of an oak tree. The prior approval required that the tree remain as noted on the approved landscape plan. Also proposed are new crib walls, a swimming pool, trellis, sport court and associated site work.

The nearly one-acre site has an average slope of 28% and is accessed from an extension road off the east side of Harter Lane, in the R-1-15,000 Zone. A 10-ft-wide equestrian trail easement runs along the east side of the property, 4-5 ft below the pad and extends parallel to the driveway, across the property.

A new, 6-ft-high, inward-facing retaining wall is proposed along the west side in the rear yard and would extend a previously approved block wall. A new pool would be in the center of the rear yard in the area where the oak was relocated. An over-height combination crib wall/wrought iron fence is proposed to enclose the pool. The crib wall alone reaches a height of 5'-5"; Building Code requires a 5-ft enclosure.

An unlighted sport court would not meet the required 15-ft perimeter setback; draft conditions require compliance.

There is a Stop Work Order in effect for illegal grading done in the rear yard.

If the Commission approves the request, the applicant must obtain a grading permit. Additionally, the applicant has made a \$20,000 deposit, which is equal to the value of the relocated oak.

Lastly, there is non-compliance with conditions imposed on the original approval with regard to the equestrian trail and Staff recently learned that the trail was lowered subject to approval of a grading plan.

Addressing the relocated tree, Staff has no option other than recommending that the oak be removed, given that the relocated tree is clearly dead. Three alternatives were provided to the Commission: require restitution equal to the replacement value of the relocated oak (\$20,000); require a replacement oak of the same size, species and in the original location; install landscaping equal to the replacement value of the oak.

Apart from the tree issue, the requested amendment is supportable; however, a neighbor's letter expresses concern with visual impacts from the sport court and crib wall.

Commissioner Gelhaar commented that the property line is not clearly defined nor is the height of the crib wall.

Director Stanley commented that it appeared the illegal rear yard grading extends beyond the property's rear boundary. The applicant has yet to provide an accurate description of his property (a condition of the former approval) so that the trail location and design can be determined. Staff previously allowed removal of an oak with the agreement that a 10-ft-wide trail easement would be provided.

Commissioner Engler asked for a continuance until a complete survey is submitted "so we know what we're talking about".

Chair Mehranian did not disagree but asked how important it was to the project.

Director Stanley advised that a survey as well as staking the site to show the location of the wall would be helpful.

Landscape architect Roy Leisure, reported that he was retained when the Stop Work Order was issued. A portion of the wall on the east side was within the trail and his client wanted it pushed back - that is why the crib wall extends along the full length of the property. His plan moves the wall away from the

property line. He advised that his client is willing to comply with whatever the Commission decides and wants to rectify the loss of the oak.

Chairwoman Mehranian asked if the crib wall was discussed with the Trails Council.

Director Stanley responded that the original site plan approval had a wall on the stream side, off the horse trail, rather than on the house side. The applicant wanted to lower the trail elevation to separate his home from the trail. He, the President of the Trails Council and Councilman Brown met at the site to discuss lowering the trail with the understanding that the applicant would provide clear information as to the trail's location and that a 10-ft wide trail was maintained, except in the area where it meets the house, where 8-ft was acceptable. The trail would continue to the north, splitting off westerly to Harter Lane. Beyond that, it must revert to 10 ft.

Mary Barrie, President of the Trails Council's recall of the site visit was that the crib wall was needed because the grading was completed. She advised that the trail now varies in width from 8 ft. to 10 ft (the landscape plan shows it ranging from 6 ft to 10 ft), and questioned how a 2-ft-wide crib wall could be allowed - it is the only access point for the County's tractor. Ms. Barrie asked that the irrigation and drainage plans be carefully studied as this site's drainage has historically eroded the trail. She requested a legal description of the entire trail dedication area so that it is clear what the property owner intends to give the City. She asked if the City still intended to vacate the public access road.

Director Stanley responded that it is not part of the request.

Chairwoman Mehranian opened the public hearing.

Maria Kaegi, 5725 Evening Canyon, reported that her property's west boundary abuts the subject site. She advised of having walked the trail and found extreme erosion in the location where the wall would start. She expressed concern that erosion would eventually fill the bottom of the canyon.

Responding to a question from Commissioner Gelhaar, Director Stanley advised that water is draining under the fence along the east side of the project site and eroding the trail; a crib wall would address that issue. The original dedicated trail is actually located in the streambed area.

Greg Eisenbrand, 729 Evening Canyon, advised that the concrete spillway, put in 40 years ago, was designed to carry runoff. Five years ago, trucks dumped boulders, dirt and building material on the side of the spillway near the

applicant's property. Over time, they have fallen and reduced the size of the cross section and the east side of the channel has eroded. Mr. Eisenbrand did not believe it was the applicant who dumped the materials.

Ms. Kaegi related that the former owners, the Pizzos, gave someone permission to dump and later put up chains to keep trucks out. When they moved the applicant purchased the property, more dirt was brought in, changing the entire landscape.

Jim Settles, 5717 Evening Canyon Drive, reported that there has been noticeable erosion within the last few years. He lives above the project site and was concerned that noise from the sport court and pool would be amplified in the canyon.

Judy Eisenbrandt expressed concern as a Realtor that property values would diminish due to noise from the sport court. She was also concerned with the potential of mud slides and her home being affected due to gradual erosion.

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

M/S/C Egler/Gelhaar to continue requested amendments to Hillside Development Permit 00-40 and Modification 01-17 to a date uncertain. The applicant is to provide a complete survey, contour lines and radius of the entire property. Unanimous.

Director Stanley stated that staff would check for NPDES compliance and confirm that the applicant is exempt from the two-year construction completion requirement.

**D. Conditional Use Permit 389; Variance 04-06; McCluggage; 4110 Woodleigh Lane**

Planner Gjolme described the applicants' request to expand their two-story home and construct new accessory structures, which combined would exceed 10,000-sf of total floor and roofed area.

The nearly 2¼-acre site is located on the east side of Woodleigh Lane, one lot from its intersection with Flintridge Avenue, in the R-1-40,000 zone. It is mostly flat at the front and exhibits a gradual slope toward the rear. Overall slope is 14.8%, and therefore not classified as 'hillside'.

The first floor would be expanded by 2,063 sf, including 800-sf of covered patios; the second floor would be expanded primarily along the north and south sides by 745-sf. A third-floor attic would also be expanded by 377-sf.

The second floor additions would maintain the existing 33-ft height --- the one-foot excess height requires an Administrative Height Modification, which was endorsed by all adjacent neighbors and approved by Staff. A new, 400-sf pergola would extend 40 ft southward and attach the home to an existing accessory structure.

A new, 1,000-sf accessory structure, comprised of a two-car garage at the front and cabana at the rear is also proposed. A grade change causes the garage to be sited several feet below the cabaña and results in a building height of 25 ft, triggering the need for a variance.

An existing 3-story accessory structure, located south of the residence, is comprised of a three-car garage, a second-floor ALQ and an upper loft. Minor changes would add 30-ft of new floor area. It is 30-ft-high and considered to be legal, non-conforming. At the rear of the property, a code-compliant accessory structure is proposed in the form of an enclosed, 193-sf gazebo.

The total project would increase existing floor/roofed area from 6,915-sf to 13,476-sf.

The circular driveway configuration would be retained and modified. A new entry would be flanked by large specimen trees located within the right-of-way. Given the proximity of an oak to the street and potential effects from driveway paving, the draft conditions require Public Works' approval and an arborist review. Lastly, decorative driveway gates and pilasters are proposed and subject to staff level Decorative Fence approval.

Planner Gjolme advised that Staff determined the CUP component as straightforward; the site can easily accommodate the project and still provide 70-80ft setbacks to the north. The Variance for the excess height on the existing, non-conforming ALQ is consistent with development in the neighborhood, as the adjacent property accommodates an over-height ALQ. The excess height on the garage/cabaña structure is caused solely by the grade change; 7-8 ft of that height results from steep pitches on the roof, which diminish the visual mass and are architecturally consistent with the home. He pointed out that the subject site is adjacent to a vacant lot and is heavily landscaped. Staff determined that the four structures would be well distributed within the site and while the numbers might initially cause concern, the design is well modulated and detailed.

Project architect Denise Tomlan, displayed a concept model, which was not representative of the total project area. She pointed out that the project is approximately 7,000-sf below the 21,000-sf of floor/roofed area that is allowed

on this property. The excess height on the residence represents an extension of an existing ridge; similarly, an 8-ft extension is requested on the garage/cabaña accessory structure. The cabaña height is mandated by the pool elevation and the grade change causes the need for a Variance. Ms. Tomlan stated that the heavily wooded site has been mostly untouched since it was built in 1926. One 12"-diameter oak located at the front and in declining health will be removed to accommodate the new driveway.

Planner Gjolme advised that if not for the change of grade, the garage/cabaña would fall under Staff review. Code allows an Administrative Height Modification for accessory structures at or below 21-ft

Chairwoman Mehranian opened the public hearing. Since public comments were not offered, she closed the public hearing and solicited comments from the Commissioners.

Commissioner Cahill stated that nothing visible from the street is problematic and the project suits the site.

Commissioner Davitt concurred and commented that a site visit makes it obvious how the project fits the site.

Commissioner Gelhaar complimented the owners and architect on the beautiful site and design.

Commissioner Engler confirmed that the removal of the oak at the driveway would be handled at Staff level.

M/S/C Davitt/Gelhaar to approve Conditional Use Permit 389 and Variance 04-06 as conditioned. Unanimous.

**E. Conditional Use Permit 389; Pepe's Restaurant; 927-29 Foothill Blvd.**  
Senior Planner Buss reported the applicant's request to expand an existing restaurant, which predates cityhood, and extend the service of alcohol into a new outside dining area. A quick-service take-out facility, Pepe's Express, is also proposed for the corner at 931 Foothill. Total floor area would be 4,083-sf.

The project site is located at the corner of Foothill and Marvin Street and zoned Mixed Use 1 in the Downtown Village Specific Plan (DVSP).

The applicant intends to punch through the western wall, into 929 Foothill to relocate the bar, increasing the size of the bar and the area it serves.

Parking: Absent formation of a Parking District, the DVSP defers parking requirements to those of the Community Planned Development Zone (CPD). Available parking was depicted overhead on Power point showing that the project requires 136 spaces, compared with the required 123 spaces for the existing use. Senior Planner Buss pointed out that the restaurant is not and never has been parked to Code there are only 58 on-site, striped parking spaces for all the commercial buildings up to the corner. A spread sheet was included in the Commissioners' packets showing available parking in the immediate area, other than Taylors, the Dance Studio and the Shell station, which have stand-alone parking. There is parking at the rear of the restaurant and 5 spaces available at 4512 Marvin St., an unoccupied residential lot north of the restaurant. That, and all surrounding properties, including the project site, are owned by Norbert Olberz/La Cañada Properties. Staff was concerned that if the Commission accepted off site spaces towards required parking, it would be the beginning of locking-in patchwork development, and is contrary to the goals of the DVSP. Senior Planner Buss explained the applicant does not control nearby parking spaces, as does Taylor's Restaurant, which also leases its site from Olberz/LC Properties.

Chairwoman Mehranian asked if Staff would change its recommendation if the applicant produced an agreement for shared parking.

Senior Planner Buss responded affirmatively and reiterated that if the request is approved as requested, the Commission would be locking-in that situation for the future.

At Commissioner Engler's request, Senior Planner Buss explained the purpose of a Parking District: developers pay into a fund and the City develops a parking area for those who are short of on-site parking.

Commissioner Engler stated "all we need is a vehicle to put in place and then these people can pay into the Fund". He asked to go about acquiring In Lieu fees.

Senior Planner Buss explained that an area of benefit needs to be established, what the costs will be and assign and collect fees --- based on an equitable basis - to the point where a parking structure could be built.

Director Stanley advised that Staff has presented the concept to the City Council; however, due to the cost of parking structures, the per-space cost was prohibitive, ranging from \$17,000 to \$20,000. Potential developers/businesses would have to contribute that sum. The City Council determined that the

concept would not work. In the instant case, a single property owner, Olberz, has control of what goes on.

Commissioner Gelhaar confirmed that in each situation, the City would acquire land and build a structure.

Chairwoman Mehranian stated that there should be an interim solution; businesses such as Pepe's should be allowed to expand.

Responding to a question from Commissioner Engler, Senior Planner Buss stated that Code clearly stated the amount of parking to be provided, though the Commission can give relief. In the instant case, the applicant has an agreement with La Cañada Properties for 31 spaces in the lot north of the Ski Shop. The question is: does Code accurately reflect the applicant's need for parking?

Director Stanley advised that from the aerial view, it appears that some of the spaces at 4519 Marvin encroach into the right-of-way.

Victor Bugarin, stated that he and his dad have owned Pepe's over 40 years and they simply want to improve the restaurant. He advised that the kitchen and aisle space do not meet current code and advised that Mr. Olberz offered to tear down the home at 4525 Marvin, which would add another 16 spaces. He was willing to accept less seating, if that made it more acceptable.

Project architect, Jay Johnson, stated that the project would convert a semi-blighted site into a beautiful one and increase pedestrian activity and outdoor dining. He believed that all involved want to see the project work and stated that Staff's concerns are valid. Addressing concerns that using 4512 Marvin for parking would be introducing a commercial use in a residential area, he believed the opposite was the case. He related of having asked Mr. Olberz if "4512" could be demolished and used for more parking. Mr. Olberz does not want to displace an elderly tenant, but offered to demolish 4519 Marvin, which would provide 16 more parking spaces. Mr. Johnson related that the adjacent Sport Chalet Ski Shop has only 4-5 cars in the evening; a total of 50 spaces are available there if the City allowed shared parking. He advised that there is an agreement between Sport Chalet and Pepe's to use 4537 for employee parking.

Responding to a comment from Commissioner Engler, Director Stanley advised that reducing parking spaces to 8 x 20 would require a Variance.

Commissioner Davitt stated that Pepe's has been in it's current location "forever" and that it is not representative of what Foothill should look like in

its current state. He felt the Commission should do what it could to make this happen. He summarized available parking as follows: secure a written agreement that 4537 Marvin be used for employees only; parking at 4525 Marvin (a residence) be used exclusively for customers; a written agreement giving the applicant exclusive use of 5 spaces at 4512 Marvin; shared parking is available from 4519 Marvin and at north of the Ski Shop. He stated that he could support the request with those conditions.

Commissioner Gelhaar and Chair Mehranian concurred.

Commissioner Cahill stated that he would like to see the restaurant expand, but the Commission is charged with the orderly development of Foothill Boulevard. If the request is approved as proposed, the Commission would be assuring that nothing could be done in the area for a long time, given the money, time and expense put into this project. He added that the only way to precipitate good development is to prohibit hodge-podge development from continuing. He saw this as an opportunity and reflection point for this to be a catalyst; approving a short fix would be denying a greater and better development.

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

Mr. Johnson advised that his client has a three-year lease and that if a preferred proposal comes forth, Mr. Olberz could timely pursue it.

Mr. Bugarin advised that he has paid rent on a month-to-month basis for 20 years.

Commissioner Gelhaar stated that he strongly disagreed with Commissioner Cahill and believed that the City created the dilemma, since the City Council decided not to proceed with a Parking District.

Director Stanley elaborated on his prior statement; it would have been unreasonable burden for the City Council to charge a business owner \$17,000-\$20,000 per parking space based on deficient parking. The City Council referred the matter to the Chamber to provide a solution. Staff looks to the DVSP, which was adopted by the City Council, who wanted to plan long-term.

Attorney Noonan advised that a Shared Parking Study is routinely required in these instances, to assure that a business is adequately parked and that it would not affect parking for nearby businesses. She suggested having the

applicant submit a shared parking analysis and signed agreements to assure that adequate parking is provided at peak times.

Chair Mehranian stated that she would support doing it if it wasn't an economic burden on the applicant.

Director Stanley commented that a parking engineering consultant should analyze and prepare a study.

Commissioner Engler confirmed that parking would have to comply with the landscape and lighting requirements of the DVSP, which would further reduce the number of parking spaces.

Attorney Noon advised that the parking study would take all that into consideration.

Mr. Johnson stated that he understood the logic in requiring a parking study if his client had a long-term lease. He suggested adding a condition to revisit the CUP in one year to review any parking issues that might arise.

Chairwoman Mehranian remarked that shared parking is not a long-term solution, but a study would provide more accurate information.

Commissioner Gelhaar asked if it was within the Commission's authority to approve the request as suggested by Commissioner Davitt.

Senior Planner Buss responded that the Commission would have to make the required findings. He expressed Staff's concern that the Commission would be setting a precedent contrary to the standards set by the City Council when it adopted the DVSP.

Commissioner Davitt remarked that the Commission often allows exception.

Commissioner Engler commented that the alternative would be to allow the buildings to deteriorate for years.

Attorney Noonan reminded the Commission that a CUP runs with the land and whatever is allowed goes on forever unless there is a revocation process.

Director Stanley reported that a project at the former Flower Pavilion will soon be before the Commission. A parking study is being compiled by the owners of property between Chevy Chase and Bel Air to hopefully improve the

circulation and increase parking. He believed the same thing could happen in this situation.

Chairwoman Mehranian stated that she would like to look at shared parking in a different light. The Commission needs to see what is out there and what's available. She asked that the consultant be given parameters and return with Commissioner Davitt's recommendations.

Commissioner Gelhaar stated that if the study will do what the Commission is trying to accomplish and legitimize the outcome, "it's probably what we should do".

Commissioner Cahill commented that if is the Commission's intent to approve the request, a parking study is a waste of time.

Director Stanley expressed concern that the Commission would be allowing other uses to give away some of their required parking for shared parking purposes. He felt it was certain that the intensity of use would be expanded.

Commissioner Davitt asked if there was a way for the CUP to apply only to Pepe's, rather than run with the land; if Pepe's goes out of business, the CUP would expire.

Attorney Noonan offered to research if more restrictions can be imposed on the CUP.

Director Stanley suggested that the Commission entertain the idea of reducing the allowed seating, to get closer to the required parking.

Chairwoman Mehranian stated that whatever question is asked from other businesses, should be asked of the applicant. She disagreed with bending the rules because a restaurant has a history with the city or because it's popular. She believed that it could set a precedent and be unfair to other businesses. She was looking for a thoughtful, creative "package" and would not support adopting a resolution at this point, with so many unknown factors.

Commissioner Engler commented that the only thing that will make the DVSP work is low bond indebtedness; low interest loans would encourage owners to upgrade their businesses.

Commissioner Gelhaar suggested continuing the matter to the following meeting to allow Staff to draft specific conditions.

Commissioner Davitt noted that even if the applicant only took two lots for his exclusive use, it would be an improvement over the existing situation.

Mr. Johnson stated that he considered this as a band aide solution for 3-4 years until someone comes in with a bigger and better plan.

M/S/C Engler/Mehranian to continue Conditional Use Permit 383 to February 8<sup>th</sup>. Unanimous.

## VIII. OTHER BUSINESS

### A. Tree Removal Permit 04-66; Lim; 4381 Beulah Drive:

This item was before the Commission for reconsideration of a condition of approval regarding tree replacement and location.

At it's January 11<sup>th</sup> meeting the Commission allowed removal of a 42-inch-diameter oak, with a condition that a 48-box oak be installed in the same location, in the rear yard. Planning Aide Shimazu cited an arborist's report, which detailed the cost and difficulty of complying with that condition. Specifically, the oak would cost \$3,000 in addition to brining in a 100-ton crane is required to remove the diseased oak. This is in comparison with installing an oak in the front yard for approximately \$700.

Given the fact that there are mature oaks in the back yard, Staff recommends approval of the request for reconsideration of condition 9, to allow installation of a new oak in the front yard.

Commissioner Engler remarked that cost was not important to him.

Commissioner Cahill favored leniency, the Commission imposed a condition on a situation that was not created by anyone. He supported allowing the applicant to plant a smaller tree elsewhere on the property.

Mr. Lim advised that it is not possible to get a 100-ton crane into his back yard.

Commissioner Gelhaar commented that he had wanted a replacement tree installed in the same location to assure that the area would remain open. He suggested recording a covenant prohibiting development in the area. Otherwise, he could accept installing a 36-inch-box oak in the same location as specified in condition 9.

Commissioner Cahill pointed out that if the applicant wanted to further develop the site that he would have to through the process. He supported the request for reconsideration.

Commissioner Davitt supported requiring a 36-inch-box tree in the same location.

Director Stanley suggested giving the applicant the option of installing two, 24-inch-box oaks.

M/S/C Davitt/Mehranian modifying condition 9, allowing a 36-inch-box oak to be installed if it can be accomplished without a crane, or, two, 24-inch-box oaks in the same location, subject to the Director's approval. Unanimous.

Director Stanley noted that the arborist report states that a replacement tree(s) would not be affected by soil contamination.

**IX. COMMENTS FROM THE COMMISSIONERS**

Comments were not offered.

**X. COMMENTS FROM THE DIRECTOR**

Director Stanley advised that the Presidents' Day holiday causes a re-arrangement of schedules. The City Council will meet on Tuesday, February 22, which moves the Planning Commission's meeting to Wednesday, February 23. Additionally, the municipal elections fall on the Commission's first meeting in March. He asked the Commissioners check their calendars and advised of their availability for March 10<sup>th</sup> or 11<sup>th</sup> or the following week.

**XI. ADJOURNMENT**

M/S/C Engler/Davitt to adjourn at 11:35 p.m. Unanimous.

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Secretary to the Planning Commission