

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

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Cahill, Gelhaar, Hill, Director of Community Development Stanley, Planners Clarke and Gjolme, Assistant Planner Lang, Contract Planner Carter and Contract Architect/Planner Cantrell. Commissioner Mehranian was absent. Deputy City Attorney Cobey arrived at 6:30 p.m.

III. PLEDGE OF ALLEGIANCE

Chairman Davitt led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC

Comments were not offered.

V. REORDERING OF THE AGENDA

There was no request to do so.

VI. CONSENT CALENDAR

Minutes of December 12, 2006 and January 9, 2007.

M/S/C Gelhaar/Hill to approve the Consent Calendar. Unanimous.

VII. CONTINUED PUBLIC HEARING:

A. Modification 06-73; Schwartz/Cioffi; 1447 El Vago:

Chairman Davitt announced that the applicant had requested a continuance to March. M/S/C Cahill/Hill to continue to March 27th. 3 Ayes, Gelhaar dissenting.

VIII. PUBLIC HEARINGS

A. Second Floor Review 06-09; Frame; 4314 Bel Air Drive:

Planner Carter described the applicant's proposal to demolish a single-story home and detached garage and replace it with a two-story, 4,006-sf home and attached garage. Maximum allowed floor area for the lot is 4,012-sf.

The 11,793-sf subject site is located on the east side of Belair near Descanso Drive, in the R-1-10,000 Zone. The project complies with all R-1 standards and provides a 37.5-ft front setback and a rear setback of 155 ft. Properties in the immediate vicinity are evenly split between single-story and two-story homes.

The proposed residence is 40' x 80' and 28 ft in height, with gable and hip roofs, dormer windows, double-hung windows and a covered front porch with wooden posts. Elevations of the Minimal Traditionalist design style were displayed on Power Point.

Though the City's recently adopted Residential Design Guidelines encourage garages to the rear of a lot, the narrow lots on Belair make that difficult. Staff determined that the mass and height would blend with neighboring structures and the neighborhood development pattern. It would not affect neighboring views and privacy is afforded by existing mature landscaping.

Staff recommended positive findings and project approval.

Applicant and property owner Greg Frame reiterated that the project complies with Code and advised that the garage doors "will look better than the computer generated drawings".

Doug LeBlanc, 912 Descanso, who resides south of the subject site, advised that he reviewed the plans with regard how they relate to his backyard. He did not have any issues with the structure but it would be helpful if landscaping was provided to fill in the gaps in the screening material.

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

Commissioner Cahill advised of having made a site visit and agreed with staff's findings. He stated that the narrow lot would not accommodate a recessed garage and was pleased to hear Mr. Frame's comment that the garage doors would be of higher quality than demonstrated on Power Point. So long as the existing foliage is maintained, he could support the project.

Commissioner Gelhaar reminded Staff that submitted plans must show adjacent structures. He appreciated that the staff's report included information whether nearby homes were single-story or two-story and the 3 dimensional plans were very helpful.

Commissioner Hill advised that he drove up and down the block slowly and concluded that the neighborhood is in transition. The design is compatible with neighboring development and he was prepared to make the required findings.

Chairman Davitt state that the project was well designed and compliment staff on the report preparation. He noted that the draft conditions require a landscape plan to provide more screening for Mr. LeBlanc's property.

M/S/C Cahill/Hill to approve Second Floor Review 06-09 with an added condition that the existing trees be maintained and that the design of the garage doors be submitted to the Director's review and approval. Unanimous.

B. Hillside Development Permit 05-72; Floor Area Review 06-19; Modification 06-57; Lee; 125 Inverness Drive:

Contract Planner/Architect Cantrell related the applicants' request to demolish a single-story home and garage and construct a new two-story house, garage, pool and deck. The property's average slope of 32% equates to a Slope Factor Guideline of 0.86, or 4,978-sf. Proposed floor/roofed area exceeds the standard allowance for the lot (5,788-sf) by 54 ft, as well as the modified Slope Factor Guideline. The site sits in a cove on a sharp curve.

Mr. Cantrell advised that this application preceded the Second Floor Review Process and the Residential Design Guidelines.

The 20,190-sf site sits in a cove on a sharp curve and is the second parcel from the Pasadena boundary where Inverness runs north/south. It is a through lot, located where Inverness is terraced above Normandy Drive at its south end. The Normandy frontage is entirely covered with native vegetation, similar to neighboring parcels. It slopes downward, where the slope is more narrow than the top half; consequently, there are limited views from down slope. An exception to the spacious pattern is the crowded space between the project's north side, where the encroachment is proposed, and the south side of the neighboring house at 155 Inverness.

The master bedroom suite would occupy the entire north portion of the second floor, where a 16-ft side yard setback is provided, compared with the required 20 ft setback. The first floor is set back 10 ft, where an 11'-2" side yard is required. Lastly, an arched wall would extend from the southeast corner of the garage to within 3 ft of the north/south portion of the east side property line. Its proposed height of 11 ft makes it subject to an 11'-2" setback. Lastly, a pool and deck are proposed at the top of the slope that falls to Normandy Drive. The pool is shown mostly at grade, whereas the deck would extend over the slope. The deck shows approximately 5 ft of clearance from its underside, which triggers setback compliance. Mr. Cantrell noted that the draft conditions address landscape screening for the area under the deck.

The architectural treatment is straightforward, with Spanish influences, including a clay tile roof, balconies, curved parapets, refined moldings and casements and an arched colonnade. Mr. Cantrell noted that since only concept drawings were submitted, the draft conditions require that the windows on the north and south-facing elevations be recessed at least 2" and exposed rafter tails or narrow fascia boards with pronounced molding profile be provided. The project would be visible from long range, but only as part of a low density fillscape.

The building program replaces a visible motor court area and shifts useable open space to the rear. The only parcel with a view over the site is at 102 Inverness Drive; however, that house is sufficiently elevated so that it's long range views would continue.

Staff had a concern that the project could create a floating effect ????? and therefore suggested installation of tall accent trees to augment existing landscaping as well as protection of existing tree and shrub cover on the east side of the house. LRV compliance was also suggested, given the project's visibility from a variety of spots down slope. From closer range, the house would be visible from the 2nd floor level only and would be softened by new landscaping.

Addressing construction transport and traffic, Mr. Cantrell noted it is helpful that only minimal grading would be required; however, because of constricted streets in the area and possible conflicts with Flintridge Sacred Heart Academy traffic, the conditions require submittal of a haul route and schedule.

Proposed floor area exceeds the standard for the lot by 54-sf and the Slope Factor Guideline by 810 sf. Staff determined there is no compelling reason for the excess 54-sf. Further, the extent of the slope does not lead to grading or view problems; therefore, application of the Slope Factor would not be appropriate in Staff's view.

A neighborhood comparison chart showed the project to be within a few sq. ft of the largest home in the neighborhood, and 2,312-sf above the mean average house size. The density is beyond the range of the homes on the chart.

Impacts would be limited and any concern of massing would be at the north side. Staff saw no compelling reason or site constraints to justify the requested encroachment and the requested deck encroachment did not appear reasonable.

Staff recommended approval of the hillside component as conditioned and denial of the requested Modification and Floor Area.

Commissioner Gelhaar confirmed that the existing deck would be replaced with one that encroaches into the side yard.

Project designer B. Yang, commented that the staff report was thorough and fair. Addressing the deck, he advised that the replacement would be at the exact level as the existing one, but oriented differently --- it would not be larger. He could definitely recalculate and eliminate the excess 54 sf of floor area. The arched wall was decorative and defines the motor court and the yard. He offered to eliminate one of the arches, but noted that 3 provide a

better rhythm. He observed that the wall would be approximately 60-70-ft away from the adjacent neighboring home.

The north side encroachment is caused by the slope and tightness of the lot. It allows a turnaround area for his client, who currently backs out of the long driveway into the street. He added that the new footprint is approximately 1 ½ ft further back than the existing one.

Commissioner Gelhaar confirmed that the Fire Department did not require a hammerhead and questioned why the deck was not include in floor area calculations as if seemed much higher than 7 ft off grade

Mr. Yang commented that the plan was in error; the new deck would be lower.

Chairman Davitt asked for a show of hands of those who wished to speak on this item and limited comments to 3 minutes. He opened the public hearing.

Jack Williams, 109 Inverness Drive, reported that he also represented the owners of 135 Inverness. He believed that staff's presentation focused on the encroachments, rather than the southeast portion of the deck, which is 6 ft high and the 8-ft-high archway -- both which were not minimal, as stated in the staff report. He believed that the driveway at the rear would be a problem for the Fire Department and reminded the Commission that the goals and objectives of the City Council is to maintain the character of the community and protect the hillsides from overdevelopment.

Muriel Williams opposed the deck's encroachment. Though her home is 70 ft away, she believed her property would be visible from the southeast corner of the deck. Additionally, the proposed archway would rest at the edge of a steep, sandy slope, be visually intrusive and block views from her property.

Kirk and Carol Ridd, 135 Inverness, stated they would be the most affected by the project due to proximity to the project. They submitted a letter outlining their concerns with loss of privacy from north-facing windows and a balcony with views to their sun deck and bedroom. They believed their morning sun would be cut off and stated that were surprised with Staff's recommendation to disregard the Slope Factor Guideline without explanation. Lastly, Mr. Ridd reported problems in the area with soil erosion and year round dampness. They have a sump pump under his home and reported there was 4" of standing water under the existing home following heavy rains.

Mr. Yang rebutted to comments. He pointed out that the project has been pulled back considerably from the top of the slope, so that the area will be more stable than the existing situation. The arched wall is solid out of consideration for the Ridds' privacy and the windows they are concerned about face away from their home.

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

Commissioner Hill stated he had concerns with the requested encroachments. While standing on the existing deck, which provides great views, the story poles revealed the proximity to 135 Inverness. The second floor's encroachment on the north side is problematic and he would be more comfortable if the second floor was redesigned.

Commissioner Gelhaar advised that he spend a good deal of time driving through the neighborhood, and appreciated the neighbors' comments. He disagreed with Staff's conclusions in several areas. First, he felt it important to apply the Slope Factor Guideline; though the structure sits in a cove, he believed the structure to be massive. Its density is 2 ½ times the neighborhood median and nearly twice the size of the next largest home. He felt that all setbacks should meet Code and he "just as soon" eliminate the deck. If the house were smaller, a large yard area would be available and negate the need for a deck. He added that the Commission's inclination has been to eliminate balconies if there are privacy issues, and in this case, the deck is like a "balcony". The General Plan calls for bringing non-conforming situations into conformance --- since the existing structure would be totally removed, he saw no reason to allow the requested encroachments. He could not make Findings 7 or 8.

Commissioner Cahill commented that the designer had done a good job and the structure was not overly high, though he agreed with some of the public comments. He noted the findings necessary to allow a project to deviate from standards --- he could not justify the north side encroachment as it crowds the property line and the house to the North. Nor could he support the arched wall, since it would be viewed from the Williams' home. He recognized the desire to have a deck near the pool, but its size and placement so close to the edge of the property line is not warranted -- he could support a smaller deck. He stated that he struggled with the proposed house size; were it not for the neighboring home, the size would not be problematic. As the designer pointed out, moving the house back would only serve to crowd the neighboring home. The two-story-high atrium, while beautiful architecturally, is proposed for the middle of the property. It did not seem fair to him to essentially give free air space to the subject property and crowd the air space to the neighboring lot by granting a Modification. He recommended that the overall house size be reduced, but not necessarily to meet the Slope Factor Guideline.

Chairman Davitt stated that a new house is a good opportunity to construct a code compliant project and preferred that only hillside review be required. He felt this was a great example of why we have the Slope Factor Guideline. He added that the project needs to be more sensitive to the neighbors. Seeing the likelihood that the project would not be approved, he gave the applicant the option of a vote or a continuance for redesign.

Mr. Yang requested a continuance and stated that he would work with Staff.

Director Stanley suggested a continuance to a date uncertain and that the project would be re-noticed.

M/S/C Gelhaar/Hill to continue Hillside Development Permit 05-72, Floor Area Review 06-19 and Modification 06-57 to a date uncertain. Unanimous.

C. Floor Area Review 06-26; Modification 07-08; Dilbeck; 4833 Castle Road:

Assistant Planner Lang described the applicant's request to convert an attached two-car garage into a family room and replace the garage with an 818-sf, detached, 3-car garage that would encroach into the front setback area. A new, 1,278-sf recreation room is also proposed. Total floor/roofed area would reach 6,731-sf, triggering the 4,500-sf review threshold for properties with less than 80 ft of street frontage. The subject site is a flag lot with 25 ft of street frontage.

The 38,080-sf site is located on the west side of Castle Road, north of Cross Street, in the R-1-15,000 Zone.

Ms. Lang recalled that last fall, the Commission approved and modified a Floor Area Review request which presented code compliant setbacks. Rather than proceed with that project, which required moving the garage to the north, the applicant opted to rethink their plans and submitted redesigned plans.

The current plan includes a 3-car garage facing south, which encroaches 10 ft into the required 25-ft front setback. The appearance from the street is of a 2-car garage, as tandem parking is provided. Assistant Planner Lang noted that the openness of the lot would be maintained and the substantial landscape screening acts as a buffer.

The recreation room would be sited behind the home and accommodate a gym, fireplace and bathroom. An adjacent patio, though not walled, would have a solid roof, and is therefore calculated in floor area. Elevations were shown on Power Point and showed windows on the east and north facades of the recreation room would face neighbors

Commissioner Gelhaar commented that the site plan does not identify protected trees and he was concerned that grading would be required for the recreation room due to the property's slope. He further confirmed that the existing garage had been converted to habitable, but that final permits had not been issued pending resolution of this request.

Ms. Lang advised that the trees on the south side of the property are protected.

Project architect James Coane, noted that Floor Area Review for this large lot is required solely due to the short frontage. The project was designed in true English architecture to match the home and the redesign is his clients' reaction to the neighbor's former concerns and what would work for them. Addressing Commissioner Gelhaar's concerns, he stated that the City's check list does not require non-protected trees to be shown, and the recreation room might be moved 4-5 ft.

Applicant Leah Dilbeck advised that there are sycamore trees on the south side and that the entire perimeter is lined with cottonwood trees, which will remain. She believed the redesign accommodates her neighbors as they would not have views of the structures. Any retaining walls would be kept low as they need as much play area as possible for their children.

Aileen Jauffrey, 1837 Castle Road, resides east of the project site. She attended the meeting out of concern that the cottonwood trees would remain. She noted that Mrs. Dilbeck is a Realtor and she was concerned that the recreation room would be used for realty business groups or corporate events.

Leah Dilbeck responded that the Dilbeck sign displayed recently was for easy identification purposes for her mother-in-law's party. She advised that the room would be used as a gym for her husband and that corporate events would not be held there.

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

Commissioner Gelhaar stated he was uncomfortable approving a project without knowing the exact placement of the recreation room. He observed that the checklist states "no grading"; if grading is required, he was concerned with the impacts from trucks hauling dirt. He was wrestling with what type of condition to impose. He did not have an issue with the requested garage encroachment.

Commissioner Cahill commented that the 25-ft-wide street frontage did not reflect the 38,000-sf + property and that the requested FAR was well below what is allowed for the property.

Commissioner Hill advised that he did not have concerns with the request and was prepared to make the required findings. His sole issue was with the recreation room if it were to be relocated.

Chairman Davitt concurred and pointed out that a draft condition requires maintaining the existing landscaping. Regarding the recreation room, he agreed it would be to everyone's benefit to move it, but the Commission needs to know "where". He asked that a condition be added that any relocation be subject to the Director's approval.

Director Stanley commented that the room could not be any closer to the property lines than shown on the submitted plans.

M/S/C Gelhaar/Hill to approve Floor Area Review 06-26 and Modification 07-08 with added conditions stating that if the recreation room is not built exactly where and as shown, that revised plans are subject to the Director's approval and if the structure is relocated, its setbacks shall only be increased. Any grading shall require submittal and approval of a haul route schedule. Unanimous.

D. Hillside Development Permit 06-76; Second Floor Review 06-04; Modification 06-14; Chen; 1717 Bonita Vista Way:

Commissioner Hill announced that he resides within 500 feet of the project site and requested to be recused from the hearing and left the room.

Planner Gjolme reported the applicant's proposal to expand the first floor of his home and construct a new second floor, that would yield total floor/roofed area of 4,356-sf. The 15,807-sf site qualifies as hillside due to a modest upslope from the street to the building pad and shear, vertical cuts at the rear. At 17% average slope, the Slope Factor Guideline is not triggered.

The subject site is located on the north side of Bonita Vista Drive, one property west of its intersection with Fairmount, in the R-1-20,000 Zone. Bonita Vista is a narrow and comparatively isolated street with abundant tree cover.

The second floor is the focus of this request. It would be centrally located atop the existing house and provide 20-ft code compliant east and west side setbacks. Since more than 30% of the roof would be removed, the project is considered as a "new house" under the Zoning Code and must meet current setback requirements. Current code requires a 37 ½-ft front setback, where a 25 ft setback is provided. Existing side setbacks are 7 ft and 10 ft, compared with the 11 ½-ft requirement. The introduction of Second Floor Review increases the prospect that new second floor projects will require demolition of more than 30% of the existing structure. It is therefore likely that Modifications to retain existing setbacks will be accompanying new second floor projects. Planner Gjolme posed the question --- can compliant first-floor setbacks be required without causing an undue hardship, and are compliant first-floor setbacks necessary to mitigate an existing impact.

Staff believes the requested Modification is justified as second-floor setbacks are compliant. Further, if one looks at the site plan and the lot proportions, the west side setback ranges from 10 to 15 ft, with an average of 12 ½ ft (exceeding the 11 ½ ft requirement). The east property line is also angled. Considering the minor encroachments and that the encroaching area is single-story, long-standing and of limited depth, staff did not view the encroachments as problematic. The modest design would increase the height from 16 ft to 24 ft

and the second floor would be concealed within vertically expanded attic space.

The home's width remains more than twice the proposed roof height; a positive way to introduce second floor area without demonstrating large second floor mass. There are other two-story homes in the area. The property is buffered by numerous pine trees, and is heavily wooded in all directions. Given the buffering qualities of the pines and the benefit to the streetscape, the draft conditions require protection of the pines during construction and their retention thereafter.

There are no long range views of the project, it is sensitively designed and represents a reasonable expansion profile. Staff recommended positive findings and project approval.

Project designer Demery Mathews related her goal that the design minimize the impact of the second story. The second story is tucked under the roofline, consideration was given to the neighbor with regard to placement of second-story windows. Her client made every effort to contact the neighbors and distributed copies of the plan. Addressing the Modification, Ms. Mathews noted that 95% of the interior walls would be maintained and stated that it would be a hardship to meet current code for first-floor setbacks. She related of having collaborated with neighbor and architect, Georgie Kager, who provided valuable input.

Commissioner Gelhaar inquired why the applicant didn't tear down the entire house and meet current required setbacks, since the first floor would be dramatically changed.

Ms. Mathews responded that it might have to do with tax implications.

Director Stanley advised that there is no longer an advantage between a remodel and a tear-down. Building & Safety places a valuation on the project and reports it directly to the Tax Assessor.

Chairman Davitt opened the public hearing.

Steve Stathatos, 1733 Bonita Vista, who resides immediately west of the subject site, took issue with some of Staff's comments and questioned if Staff had made a site visit. He stated that none of the photos of two-story homes showed on Power Point are on Bonita Vista --- they are all on adjacent streets and all meet current setback requirements. Grading was done without a permit until stopped by Code Enforcement. He objected to what he termed as "Staff's pro waiver of the setback encroachment" and stated that the project is realistically a new house. The chart prepared by Staff demonstrates that it would be one of the largest homes on one of the smallest lots in a neighborhood of single-story

homes. Mr. Stathatos related that his home is set back and his front yard is where his family spends most of their time. He believed that his existing view would be obliterated and replaced with a view of the applicant's master bedroom. The project would shade his yard most of the morning. Since the house sits on a knoll, a second story would become monolithic. He requested that the Commission require compliant setbacks and eliminate windows that overlook his yard.

Sherri Rubendahl, 1711 Bonita Vista, sides east of the property. Her concern was that the project's kitchen area would have views directly to her living room and that there would be views of her pool area from the new second floor. She also pointed out that the majority of homes on Bonita Vista are single story.

Michael Burch, 5257 Alta Canyon, resides north of the subject site. As an architect, he stated "the second floor is as modestly scaled as any second floor could be". He did not have concerns with the request.

Architect Georgie Kager, 1730 Bonita Vista, advised that collaborated with the applicant, who from the inception, wanted a sensitive proposal. She advised That the applicants like their home, they simply need it to be larger. Ms. Kager recognized the neighbors' concerns and commented that the 2nd story could have been much more impacting.

Diane Wilk, 5357 Alta Canyon, lives to the north of the subject site. She reported that she currently has views into the Chen's living room window, but it isn't anything that screening could not rectify. She and her husband were pleasantly surprised upon reviewing the plans; had it been new construction as they feared, it would not have been as sensitive or modest as the proposal. Of all the properties, hers is the most affected as both properties have views of each other. She recommended that the large pittisporum tree at the end of the property be maintained and that a little more landscaping be added.

Ms. Mathews responded to Mr. Stathatos' comments and advised that her client's master bedroom would remain on the first floor, where its always been. The lot is irregularly shaped, the floor area is less than allowed and referring to the project as "monolithic" was an overstatement.

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

Planner Gjolme advised the Commission that he had made 3 site visits.

Commissioner Cahill advised that he had made a site visit. He complimented the designer on an excellent, low profile design that is 8 ft higher than the existing residence and several ft lower than the maximum allowed. Additionally, the second floor is tucked under the roofline. He commented

that when a second story is added, the project essentially qualifies as new construction; however, it would be unreasonable to require the structure to be torn down. He agreed that the trees which provide screening should be preserved and stated the project was sensitively designed and meets the second-floor guidelines.

Commissioner Gelhaar commented that this project was the first second-story addition that the Commission has reviewed since adoption of the revised R-1 standards. His interpretation is that the Council members had some discomfort with second stories in general, and that they were trying to provide an incentive not to build second stories. He believed the Council members knowingly required Planning Commission review when 1/3 of the roof is removed. He stated that the designer had done a great job with the design; the problem is that it is higher than the street elevation. The story poles revealed to him that there is significant massing involved. Addressing preservation of the pine trees, he stated it was "nonsense" to preserve trees that trouble the Fire Department. He recommended that the entire house be demolished and that a code compliant house replace it. He could not make Hillside findings 5, 7 and 8. Finding 1 for Second Floor review and Findings 2 and 3 for the Modification.

Chairman Davitt believed that the second story blends with the neighborhood and logical, practical and the type of design that should be encouraged. He believed that Staff interpreted the Code property.

M/S/C Cahill/Davitt to approve Hillside Development Permit 06-76, Second Floor Review 06-04 and Modification 06-104 with an added condition that the trees at the front be preserved. 3 Ayes; Gelhaar dissenting.

Commissioner Hill returned to the Commissioners' table.

E. Modification 06-96; Navarro; 5027 Commonwealth Avenue:

Planner Clarke described the applicants' request to demolish a carport and construct a garage and storage area that would provide a 5-ft setback where a an 11'-3" side setback is required

The 20,572-sf project site is located on the west side of Commonwealth Avenue, between Springhaven and Lynnhaven Lane, in the R-1-20,000 Zone.

A Power Point presentation showed the existing house with a detached carport and attached bonus room, connected by the breezeway. A turnaround area is also provided, which allows heading out to Commonwealth. Also depicted was the rear wall of the carport and an adjacent slope leading to the neighboring property, at a higher elevation. Planner Clarke noted that the garage would be at the same height as the exiting carport, negating any impacts to the adjacent neighbor.

Given the insignificant impacts that would result from granting the request and that the encroachment would not be visible from off site, Staff recommended approval as conditioned.

Commissioner Hill commented his impression upon visiting the site was that the property owner was legalizing a garage, since the carport appears to be enclosed.

Planner Clarke advised that it is open at the rear.

Project designer Dave DeAngelis confirmed that the carport is in poor condition and covered with plywood at the rear. The new garage would have a pitched roof and he explained that relocating the garage to provide compliant setbacks and reduce the turnaround space.

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

Commissioner Hill remarked that typically, he has a difficult time endorsing setback encroachments. Generally speaking, when site conditions change, non-conforming situations should be updated to meet current Code. This seemed to be an exception. Weighing the equities, it was more practical to all the carport to remain where it has been since 1990; the encroachment would not affect anyone.

The Commissioners concurred.

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

F. Modification 06-95; Thatcher; 1000 Oxford Way:

Planner Clarke reported that the City was advised of a wall under construction without permits. The submitted application is to legalize unauthorized construction of a concrete block wall fronting Chevy Chase, with an average height of 6'.

The 27,900-sf subject site is located on the southwest corner of Oxford and Chevy Chase. The property slopes down from Chevy Chase, where the wall is located, before gently rising approximately 10 ft to the building pad.

Since the wall is 220ft long and is adjacent to oaks and vegetation, Staff retained the services of an arborist (paid by the applicant) to assess any impacts to the trees. The report noted that a new irrigation system is saturating surrounding soil and recommended that the sprinkler heads be redirected.

Additionally, during a site visit, Staff observed a chain link fence contiguous to the wall along Oxford Way. The fence is of recent construction and located within the front yard setback. Planner Clark noted that chain link fencing is not permitted along a street's frontage and therefore included a condition requiring that it be removed and replaced with a stucco wall similar to the existing wall (if approved), or with wrought iron fencing.

Responding to a question from Commissioner Gelhaar, Planner Clarke advised that the City Engineer made a site visit and confirmed the wall is not located on City property.

The applicant stated that he built the wall to reduce traffic impacts; e.g., noise vibration and vehicle lights.

Applicant James Thatcher commented that he is not prone to building without permits. He determined that Chevy Chase was a side yard after visiting City Hall on several occasions. Based on those visits, his understanding was that permits were required for larger structures only. When he purchased his home, he didn't realize the sound emanating from traffic on Chevy Chase and reported that it is currently impossible to converse in the front yard. He reported that Chevy Chase is frequently used as a race track along the curved portion and reported 3 recent accidents near his home --- one involved a motorist driving through his neighbor's 6-ft-high solid wall. Mr. Thatcher stated that he would install plants to screen the wall, which does not appear to be 6-ft high from Chevy Chase.

Commissioner Cahill confirmed that the wall will be stuccoed on the interior side as well.

Mr. Thatcher advised that the wall has not been capped, making it easier for the inspectors. The rebar has not been added as construction stopped upon receipt of the Stop Work Notice. He observed that it will appear similar to what his neighbor has.

Commissioner Hill confirmed that a proposed ficus hedge would hide the wall.

Chairman Davitt opened the public hearing.

Complainant neighbor Bob Lang advised that he withdrew his objection after finding out that the wall would not continue down Oxford Way.

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

Commissioner Gelhaar inquired what the applicant intended once the chain link fence was replaced on Oxford Way.

Mr. Thatcher responded that he was open to suggestions; his concern was with safety and traffic noise.

Director Stanley commented that he would be allowed wrought iron fencing above a 3 ½-ft-high wall.

Commissioner Gelhaar felt there was more than a single safety issue; the neighbor reported that dense vegetation obstructed views exiting Oxford Way to Chevy Chase. The project was supportable so long as the wall is designed properly, but he wanted the matter referred to Public Works for line of sight issues.

Commissioner Cahill stated appreciation for the applicant not wanting car lights shining into his yard as well as the safety issue. His concern was that the wall not be highly visible and asked that it be stuccoed on the outside, painted and that a planting plan be submitted and subject to the approval of the Director of Community Development.

Commissioner Hill reported that he did not have difficulty turning from Oxford to Chevy Chase. His original thought was that if the wall was screened with landscaping, he could support the request.

Chairman Davitt concurred with the recommended conditions.

M/S/C Gelhaar/Cahill to approve Modification 06-95 with two added conditions: that a planting plan to screen the wall be submitted and subjected to approval by the Director of Community Development and that the plan be referred to the Traffic Engineer to review line of sight issues. Unanimous.

G. Conditional Use Permit 408; Modification 06-106; Devine; 1101 Olive Lane:

Planner Clarke described the applicant's request to locate a spa within the front yard, between the house and the street. The Modification addresses a proposed arbor associated with the spa, to encroach 6 ft into the front yard setback. A second arbor would provide entry from Hill Street, and would encroach into the side yard setback.

The 29,180-sf subject site is located at the northwest corner of Olive Lane and Hill Street, in the R-1-15,000 Zone.

The proposed spa would be located adjacent to an existing pool in the front yard. The associated arbor would reach 11 ½-ft in height and encroach 6 ft into the required front setback.

Twenty feet of an existing side wall along Hill Street would be removed and replaced by a 9'-5"-high arbor comprised of a brick base wall, topped with 1'-

8" of lattice work and would encroach 9'-6" into the required 14 ½-ft setback from Hill Street. A similar situation on a neighboring property was exhibited on Power Point.

Planner Clarke note that the front yard logically functions as a back yard and that it would be logical to place the spa adjacent to the exiting pool.

There is significant and dense landscaping along the property's perimeter, which serves as a visual buffer and the draft conditions require maintaining the shrubbery along both street frontages.

Staff determined that the project would not alter the scale and character of the neighborhood and that it's design, scale and materials complement the existing development on the property.

Project designer Jon Pride related that while two arbors are not necessary, they add architectural interest to the property. Originally, the gate was going to be at the front wall, but he later decided to open the wall and install an arbor 6 ft back.

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

Director Stanley advised that the recently adopted Residential Guidelines allow 8-ft-high arbors at entryways. The project exceeds that by 1'-5", but Staff did not have concerns with the design.

Commissioner Cahill commented that the design elements make sense and the spa is proposed in the right location. The arbors would enhance the property and allowing one 1 ½-ft higher was not a problem.

Commissioner Hill lauded the design and concurred that it would enhance the property.

Commissioner Gelhaar asked if the tall hedges conflict with the goals of the Traffic Engineer; he visualized the same problem as Oxford/Chevy Chase.

Director Stanley responded that the Department's policy is that if an encroachment has existed over a long period of time, Staff does not require it to be corrected. At this point, it does not conflict with City policy.

Chairman Davitt agreed with his colleagues and stated that he could make the findings.

M/S/C Davitt/Gelhaar to approve Conditional Use Permit 408 and Modification 06-106 as conditioned. Unanimous.

IX. OTHER BUSINESS

Commissioner Gelhaar reported on an Administrative hearing over which he presided earlier that day. The project involved a 6-ft-high retaining wall that is necessary due to slope failure. A landscape plan included screening the wall.

X. COMMENTS FROM THE DIRECTOR

Director Stanley reported that he was preparing the Department's annual report for the City Council and that he would provide a copy to the Commissioners. He distributed statistics of walk-in traffic to the Department and phone calls received during the course of the year. Walk-in traffic amounted to 5,600, an increase over the previous banner year of 4,400 walk-ins. Similarly, phone calls surpassed 2005 --- the Department fielded 12,000 calls in 2006.

XI. COMMENTS FROM THE COMISSIONERS

Responding to questions from Commissioner Gelhaar, Director Stanley advised that there are 700 open cases in Code Enforcement. The City Council recently adopted a comprehensive Code Enforcement Program and established administrative fees so that Code Enforcement officers can write a citation --- all was effective February 12th. He further advised that staffing needs were based on projections of an increased caseload due to Second Floor Review.

Commissioner Cahill inquired on the status of maintaining chickens on residential property. Commissioner Hill advised of having received "more e mail than ever and all have to do with chickens". He recalled that the Commission discussed the number of allowed chickens and suggested perhaps the issue of noise should be discussed.

XII. ADJOURNMENT

M/S/C Hill/Gelhaar to adjourn at 9:02 p.m. Unanimous.

Secretary to the Planning Commission