

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD MARCH 12, 2002**

CALL TO ORDER: Chairman Levine called the meeting to order at 6:00 p.m.

ROLL: Present were Commissioners Brown, Engler, Gelhaar and Mehranian. Also present were Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.

**COMMENTS FROM
THE PUBLIC:**

Comments were not offered.

**CONSENT CALENDAR:
MINUTES of 2/27/02:**

M/S/C Gelhaar/Engler to adopt the Minutes as amended. Unanimous.

**LOT LINE
ADJUSTMENT 02-01;
NSHE ELLIOTT, LLC;
4261 BEULAH DRIVE:**

Commissioner Brown asked for assurance that the realigned boundaries would not affect the oaks. Senior Planner Buss advised that they were protected in any event.

M/S/C Brown/Gelhaar, allowing Lot Line Adjustment 02-01. Unanimous.

**CONTINUED PUBLIC
HEARING:
MOD 01-67;
NICHOLSON; 1331
JOURNEY'S END DR.:**

Planner Cantrell summarized the Commission's direction following the February 12th review of nonconforming site conditions. The Commission confirmed requirements for the fence and slope configuration, allowed 7-ft spacing between fence supports and requested further enhancement of the landscape plan, including replacement trees for the magnolia that was removed. Additionally, items not directly associated with the amendment were discussed.

Planner Cantrell then provided a status of the Commissioners' requests:

The slope has been cut back, the roadbed is exposed and the site marked for the 3-ft widening and 7-ft additional setback for the fence. Staff is satisfied, particularly with the line of sight. Paving of the 3-ft strip is pending the Commission's inspection.

Regarding the landscaping, the neighbor to the north had expressed a preference for oaks (rather than two carot-wood trees). The applicant successfully located two outstanding, container-grown Red Oaks that were guaranteed to survive; however, the new property owner has requested Brisbane Box trees as replacements out of a concern that oaks would litter the pool. Staff considered the requested substitution as excellent, noting that Brisbane box trees are part of the approved landscape plan. Additional landscaping was indicated for the slope and for privacy along the fence.

Staff concluded that the proposal is consistent with the Commission's direction and recommended positive findings and approval.

Commissioner Mehranian recalled the discussion regarding road repairs and requested the methodology of how and if it was resolved.

Planner Cantrell advised that Journey's End is a private street in that location; the neighbors have to resolve that issue among themselves - it cannot be tied to approval.

Commissioner Mehranian then requested clarification regarding notification to the easterly neighbor regarding landscaping.

Planner Cantrell responded that the east side landscaping was not an item before the Commission at this time. The Director of Community Development, in consultation with the neighbor to the east and with the applicant, will arrive on satisfactory landscaping, per a previously imposed condition.

Commissioner Engler confirmed that Planner Cantrell and the Director met on site with Mr. Russell, the neighbor who resides east of the project.

Commissioner Brown commented on the series of issues involved with this project i.e, the slope, curb and fence during which the street sustained damage due to all the "comings and goings". He asked that Staff and

Building and Safety would see to it that the necessary repairs are made.

Responding to a question from Commissioner Engler, Director Stanley advised that the landscape plan was approved on November 13th --- the only item for current review is mitigation for removal of the magnolia tree.

Planner Cantrell displayed photos of the container-grown trees, which meet the condition of a 6" trunk diameter. The trees are upwards of 14 ft in height -- taller than the typical 24" box tree.

Commissioner Brown confirmed that Staff confirmed all the site markings.

Director Stanley advised that he instructed the applicant not to install the wrought iron fence until such time that the Commission gave its approval. Further, Staff was present when the old curb was removed.

Commissioner Brown remarked that the original request by the Planning Commission was that the curb be stepped back 3 ft.

Planner Cantrell noted that it was not to be a "curb", but rather an inward sloping swale. He stated that the applicant had addressed the concerns expressed by the Commission on February 12th.

Chairman Levine invited the applicant to speak.

Lance Walter, representing the applicant, introduced his partner, Lou Walter and Dr. Ajalad, the homebuyer. Having taken the Commission's comments seriously, two surveys were done "to assure that the roadway is where it should have been in the first place" and he met several times with Mr. Russell, Mr. and Mrs. Mellstrom and Ms. Angona. He stated that he was aware of the concerns for the east side and was willing to go along with Staff's recommendations, even though "it was not on the table tonight". Addressing Commissioner Mehranian's comments, he stated that the street in front of the project would be cleaned and the potholes filled.

He agreed at the last meeting to pay their fair share of the repairs for Journey's End as a whole.

Dr. George Ajalad, purchaser of the home, related that he was anxious to have closure on this property. He advised of having met with the majority of the neighbors and that the issues have not affected his perception of the neighborhood. He pointed out that when the fence is moved inward 7 ft for the entire length, it will abut the concrete decking of his pool. He asked if the Commission would consider changing the Red oak to a camphor tree, which is evergreen, has a larger canopy and not drop acorns into the pool. He also asked consideration to move the fence 2-3 feet to allow him to plant grass and give some sense of property. Dr. Ajalad asked that his requests be considered only if they would not cause further delay.

Ruth Ann Goldberg distributed a photo of the magnolia tree, which was removed.

Marjorie Buck, 1291 Journey's End Drive, read comments from Mr. Mellstrom, who could not attend. Comments included that Mr. Walter had shown a willingness to follow the rules. He wanted the Planning Commission to be involved in the final review and that all conditions of approval be met before the Certificate of Occupancy is given. He wanted conditions that sight lines be set in a quantitative manner and that the cedar fence on the north property line terminate where the wrought iron fence begins. Finally, he wanted the Commission to match the trees on the northeast corner, although Mr. Walter has assured him that would happen.

Jim Short, 1224 Journey's End, expressed disappointment that the buyers of the home want to move the fence outward. He asked that the Certificate of Occupancy be contingent upon repair of potholes and street clean up. He further asked that whatever the street costs are assessed at, that the monies be deposited with the Homeowners' Association, since sewer installation is imminent and it might be preferable to forestall street repairs until that occurs. Mr. Short conveyed appreciation to the Planning Commission for

their hands-on approach to this matter, and asked for one final meeting for the Commission review to verify that the conditions are met.

Franco Noravian, project architect, confirmed that 24" - box Brisbane trees would be planted beyond what was approved, as well as two 24" box Brisbane box trees to replace the magnolia.

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

Commissioner Gelhaar stated that he was satisfied with the progress and reminded the audience that what started this "was not just an out of control contractor --- lots happened from misunderstanding and in the midst of changes to the Ordinance". Regarding Dr. Ajalat's request for space around the pool decking, he was willing to reposition the fence outward by perhaps 6". As to the request for the Commission's continued involvement, Commissioner Gelhaar stated that he had confidence in the Director and his Staff to see that the conditions are followed.

Commissioner Brown stated that things were moving in a more positive direction and expressed appreciation for the way the issues were being handled now. Regarding Dr. Ajalad's request, he recalled that a coast live oak was discussed on February 12th and noted that the Commission was assured that it would be preserved since it is a protected tree. He felt that the fence setback was appropriate as conditioned to achieve the appearance of a front yard, with the understanding that other landscaping be kept low, to maintain a line of sight. He also felt that the roadway damage should be repaired and that Staff fully understood the conditions and the Commission's concerns.

Commissioner Mehranian concurred and stated that Mr. Walter's comments were reassuring. She requested that the conditions require the Director's approval for the two trees that would replace the magnolia.

Commissioner Engler remarked on the improved communication since the silent partners stepped in. He asked that when revised plans are distributed, Staff include the previous plans to avoid confusion.

Chairman Levine concurred with the comments regarding improved communication; he stated that "the whole process is the fault of the developer; I think the rules were broken to see what they could get away with". Because of the project's history, he wanted all conditions, including the landscaping and street repairs, to be completed prior to allowing occupancy. He stated that as long as Staff was clear with the Commission's direction, he was willing to allow Staff to handle. He emphasized that his reference to street repairs was "not just simply to fill pot holes; otherwise, as Mr. Short mentioned, the applicant could post a bond that would cover the cost of street repairs for both sides of the street where their truck parked".

Assistant City Attorney Steres cautioned against associating street repairs to the "entire street" as that would go beyond this project. Repairing potholes and general street repairs would be in line, but anything beyond that is a civil matter.

Commissioner Levine confirmed that Attorney Steres was on site just prior to the meeting. His concern was that patching potholes would not fix the problem.

Attorney Steres stated that if any of the property owners damage the street, there are remedies, but it is a civil matter.

Commissioner Engler reiterated a prior request that Public Works be asked to check the catch basin and be sure it is cleared.

M/S/C Mehranian/Gelhaar to approve Modification 01-67, adding two conditions; that all replacement trees shall be subject to approval of the Director of Community Development and requiring that all conditions be met prior to issuance of the Certificate of Occupancy. Unanimous.

PUBLIC HEARINGS:

**CONDITIONAL USE
PERMIT 309;
VARIANCE 02-01;
LA CANADA
METHODIST CHURCH;
104 BERKSHIRE PLACE:**

Planner Cantrell reported the applicant's master plan, which includes a 7,918-sf Fellowship Hall and a 6,000-sf church on the 3-1/2 site. A Variance for an oversized monument sign is also requested. Sign review as well as building design and landscaping are subject to future Design Commission approval. Total floor area on the site would more than double to nearly 23,000 sf.

The site is located at the southwest corner of Berkshire Place and Oak Grove Drive in the Public/Semi Public zone. It has long been used by the United Methodist Church.

Planner Cantrell pointed out that the site is an isolated area of institutional uses (Hillside Learning Center is immediately to the south), and minimal traffic impacts other than peak high school hours. Across Oak Grove Drive is Hahamongna Park; residential areas are separated from the site by the freeway. The site is primarily accessed from Berkshire Place with immediate freeway connections.

Project Phasing:

The project would be constructed in two phase with the Fellowship Center construction preceding the church. In the event that the Church is funded and designed prior to expiration of the CUP, it would be reviewed for Code compliance and by the Design Commission. Planner Cantrell noted that the Commission could impose a condition requiring its review of the floor plan. The Fellowship Center would comprise just under 8,000-sf for classrooms, meeting rooms, administrative offices and a multi-purpose assembly room. It is designed as a rather subdued, low, rambling, single-story building with a higher roof over the assembly area.

As is customary for non-profit projects which depend on fundraising campaigns, a three-year approval timeframe was recommended.

Intensity of Use:

Planner Cantrell noted that intensity of use can be measured by the density of development and scheduling. Though the existing church would remain, the proposal would bring the lot coverage up to 14.9%, less than half the 35% lot coverage limit for the Public/Semi-Public Zone. A schedule of worship services and special events demonstrates an awareness of surrounding uses i.e, an outdoor concert in September would be scheduled to avoid conflict with the high school's football games.

As with other church approvals, it is important to ensure that the assembly facilities would not be used simultaneously. A draft condition was included to that effect.

Building Setbacks & Code Compliance:

The height of the Fellowship Center would reach 22 feet, well within the 35-ft maximum for the Public/Semi-Public Zone. Elevations were not submitted for the church at this point and a tower is indicated as part of the design.

Parking:

The project conforms to parking count requirements which are based on the largest assembly space and classroom use. A total of 116 spaces - 48 spaces in the west lot and 68 spaces in the east lot - exceeds the 9-space parking requirement.

Planner Cantrell recalled that when the Commission approved the nearby Hillside Learning Center, a condition of approval recognized an agreement with the church to share 26 parking spaces, which was the Center's shortfall of spaces for assembly use. He noted that the project gives the Church a parking surplus of 2 parking spaces, essentially balancing Hillside's deficit.

Given the rarity of Hillside Center's anticipated need for shared parking, the extent of the Church's parking and

the abundance of curbside parking, parking difficulties are not apparent.

Traffic:

The City's Traffic Engineer visited the site, reviewed the plan and submitted his report. His primary concerns were that "lot full" signs be posted whenever either lot's capacity is reached; red curbing of an area outside the Oak Grove driveway and marking of the passenger loading roundabout in the west parking for one-way circulation.

Landscaping:

The significant trees are preserved, including two large oaks at the street corner and a multi-trunk oak located in the courtyard. Staff recommended that decomposed granite be used in the courtyard in the vicinity of the oaks. At least 86 new trees are proposed to be planted, including six, California sycamores and five, 48"-box oaks. Planner Cantrell advised that the Design Commission would be evaluating landscaping details.

Variance for the Monument Sign:

A 7-ft-high x 18-ft-wide monument sign is proposed at the Northeast corner and angled to face both streets. After deducting the area of the base, the sign area would be 78 sf. Code allows 6-ft-high x 8-ft-wide and 30-sf of sign area.

Planner Cantrell noted that this situation is similar to Flintridge Sacred Heart Academy's proposal, which recently had overheight monument signs approved. Staff concluded that the effects of the sign are entirely positive; Design Commission approval will be required.

Commissioner Brown asked if there had been any discussion regarding removal of the numerous Pacific Bell poles. He also asked if significant grading would be required, given that at the west end, the property slopes upward.

Planner Cantrell advised that the poles are located in the City of Pasadena's right-of-way. Addressing the grading, the plan shows inward-facing retaining walls,

which Staff determined could be screened with landscape to be reviewed by the Design Commission.

Commissioner Brown lauded the efforts to retain the oak trees and asked Staff to recheck the buildings' setbacks from the oaks so that a problem similar to what happened on the St. Francis project does not reoccur. He also asked for confirmation that a significant oak near the parking lot, which is not shown on the plans, would be retained.

Commissioner Mehranian asked if there was a comparison schedule of the activities "before and after" the project; if there was a methodology of the parking space count, if there was a timeline on the parking agreement between the Church and Hillside, and if the childcare center would be impacted during construction.

Planner Cantrell responded that there was no trip generation analysis; the parking ratio was based on a City formula for the assembly and classroom uses.

Commissioner Engler confirmed that with the surplus parking and the agreement with Hillside, Staff did not have a concern that overflow parking might impact the bike path.

Planner Cantrell added that while the curb is not painted red, it is illegal to park in the bike lane.

Chairman Levine opened the public hearing.

Bruce Bell, a member of the Building Committee, related the extensive process of getting a master plan to the point of requesting approval. He deferred to the project architect for questions.

Lew Dominy, project architect, requested that church members in the audience show their support by raising their hands. He noted that the site is buffered from residential areas; however, the negative side of that is its remoteness. His effort focused on creating a centered campus and eliminating traffic across the site. Mr.

Dominy related his design efforts to retain the oaks and keep the structures away from their drip lines. Responding to questions from the Commissioners, he advised that financial constraints preclude removal of the telephone poles for the time being; the retaining wall might be as high as 5 ft and the design team is attempting to keep the parking lot grade to 5% to accommodate the disabled. The site will be fenced during construction and egress will be directed away from the childcare center. Regarding parking, he pointed out that the Church is the grantor of the extra 22 parking spaces and that the parking arrangement with Hillside Center is mutually advantageous.

Mr. Dominy then addressed draft condition #17 which prohibits simultaneous use of the existing and new sanctuary with a one hour separation. He commented that oftentimes, a wedding and reception will follow each other from one assembly space to another and noted that the purpose of a social hall is to increase socialization of the Church.

Laurie Novak, representing the childcare center, advised that the center will serve the broader community, rather than only children from La Cañada Flintridge.

Commissioner Brown reconfirmed that all the large trees would be retained; he was concerned because some were not shown on the plan.

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

Commissioner Brown stated that it is a "great project" and sensitively designed.

Commissioners Gelhaar and Mehranian concurred and commented on the ideal location.

Commissioner Engler stated that the project would improve the corner and he looked forward to the new landscaping. He asked his colleagues how they felt regarding condition No. 17.

Chairman Levine stated that as a former member of the Design Review Board, he found it difficult to approve an oversize sign. He asked his colleagues if they would agree to vote separately on the two requests.

The Commissioners agreed.

M/S/C Engler/Gelhaar to approve Conditional Use Permit 309 with condition No. 17 amended to require the one-hour separation for *unrelated* assembly use, requiring review and approval of Staff of an arborist report and confirmation by staff that the oaks are protected during construction per the City's Ordinance. Commissioner Brown requested that the large ash tree in the middle of the proposed west parking lot be preserved. Unanimous.

M/S/C Gelhaar/Brown to approve Variance 02-01.
4 Ayes; No: Levine.

**CONDITIONAL USE
PERMIT 338;
VARIANCE 01-16;
NICKERSON;
345 BLYTHE ROAD:**

Assistant Planner Gjolme reported the applicant's request to expand and convert a workshop into a 758-sf office/guestroom. The 28,000-sf site is located on the north side of Blythe Road in the R-1-40,000 Zone.

A CUP is required whenever an ALQ is established and the Variance is required since the ALQ Ordinance does not allow Modifications for side setback encroachments. Assistant Planner Gjolme pointed out that although the required side yard setback is 14 ft, the workshop's non-conforming setback of 8'6" would be maintained. With that one exception, the proposal is Code compliant.

Staff concluded that the Variance was appropriate, given the maintenance of the existing building line and the numerous properties in the neighborhood with detached ALQs that do not meet current side yard setbacks. The change in use from a workshop to an office/guest room would likely produce less noise and be less intrusive. Staff recommended positive findings and project approval.

Anders Troedsson, project designer, advised that his client had contacted the most immediate neighbors

and received only positive comments.

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

Responding to a question from Chairman Levine, Mr. Troedsson advised that a new and separate septic system would be installed to accommodate the ALQ.

M/S/C Brown/Mehranian to approve Conditional Use Permit 338 and Variance 01-16 as conditioned.
Unanimous.

**TENTATIVE PARCEL
MAP 2509; VARIANCE
01-14; YUNKER;
4827 LA CANADA
BLVD.:**

Senior Planner Buss reported the applicant's request to divide a 37,327-sf parcel with a frontage of 120 ft, into two parcels. The property would be split down the middle and create two lots of approximately 18,663-sf each, in the R-1-10,000 Zone. Since the Subdivision Ordinance requires 70 ft of frontage for lots of the proposed size, a Variance is requested to allow 60-ft frontages on each lot. A Negative Declaration had been prepared on the project.

The property is located on the west side of La Cañada Boulevard, between Flanders and Pequeña. Properties north of Pequeña are zoned R-1-20,000, while those to the south, towards Flanders are zoned R-1-7,5000. At three times the minimum lot area, the subject site is one of the largest parcels in the area. Staff viewed the request as a test case whose outcome would likely serve as a precedent.

The applicant provided Staff with a statistical analysis of lot widths north and south of the project site along La Cañada Boulevard to define the neighborhood. After making corrections, it was determined that for the R-1-10,000 Zone, the average lot width was 80 ft with a median of 75 ft and a "mode", or lot width found most frequently, of 50 ft. Staff concluded that the applicant provided a compelling argument that 60-ft-wide lots are reflective of the neighborhood's character.

Numerous concerns expressed by neighbors pertain to privacy issues of future development, because of the potential of two-story homes and an 18,000-sf lot allows homes larger than the existing neighborhood development. Those issues are issues better addressed when the Variance is considered. Senior Planner Buss noted that if the Variance is denied, the proposed parcel map becomes moot. Typically, there are limitations that a Planning Commission can impose on a Parcel Map; however, the Variance presents an opportunity for that to happen. Senior Planner Buss advised that the applicant is willing to accept a condition restricting development to regulations relevant to 70-ft-wide lots.

Staff's only concern with future development is the potential of two-story development; however, the City does have the building depth review process and regulations that limit development of lots with less than 80 ft of frontage to 4,500 sf --that includes garages, covered porches, etc. Anything over that floor area triggers Planning Commission review.

Commissioner Engler confirmed that most likely, none of the parcels were created after the 1976 County Ordinance which the City adopted.

Commissioner Brown confirmed that if the request were denied, an 8-9,000-sf, two-story home, could be constructed with 12-ft setbacks by right. He asked if the Commission could restrict new development to single-story.

Assistant City Attorney Steres questioned if a 10-ft difference in lot width was sufficient nexus to impose that type of limitation. He pointed out that none of the surrounding lots are restricted to single-story; as long as projects meet the floor area standards, two-story homes are allowed. He noted, however, that because side setbacks are based on lot width, the placement of a house on a long, narrow lot could create an impact. Therefore, a nexus could be made if the Commission desired to require more stringent setbacks. The suggestion of not allowing the house to be sited further back than the required front setback, could also be a mitigation measure.

Commissioner Brown commented that the project presented an obvious increase in density; the trade-off was two smaller houses versus one that is very large.

Senior Planner Buss recalled that the applicant on the Palm Terrace project volunteered to set floor area limitations.

Chairman Levine stated that as much as he disliked flag lots, he felt that such a configuration would be appropriate in this case.

City Attorney Steres commented that the property immediately to the south is a flag lot. A Variance application would have to address that and perhaps a General Plan amendment.

Chairman Levine asked Attorney Steres to investigate if a flag lot was an avenue the applicants could pursue.

Anders Troedsson spoke on behalf of the applicant. He advised of having researched the possibility of creating a flag lot and found out that it would be almost impossible. It seemed that the only options were to either purchase 20 ft of property from the neighbor to the south or apply for a Variance to the required lot width. Unfortunately, purchasing 20 ft of land from the neighbor would affect their driveway and garage configuration. In surveying the neighborhood, he found that 50-ft frontages occurred most often. Additionally, the General Plan designation for this area is 4 units per acre, or approximately 10,000 sq ft per lot. Therefore, to conform with the General Plan and neighborhood development, he felt the best avenue was to apply for a Variance for non-conforming frontage. Mr. Troedsson pointed out that the average lot for the area which is comprised of R-1-7,500, R-1-10,000 and R-20,000 Zones is 10,418 sf with average side yard setbacks of 5 ft. He reiterated that his clients were willing to provide a greater setback than the 10%. He stated that allowing the request was the only way to assure that mansionization would not occur on this property. The submittal would allow floor area of approximately 5,600 sf. including covered porches, garages, etc. If the property is maintained at 37,327-sf-

a 9,200- sf residence with 12-ft side yard setbacks and no public review could be constructed. The City establishes front yard setbacks by averaging the two adjacent properties' setbacks, and because existing front setbacks along La Cañada Boulevard are not great, a 9,200-sf home, could be built setback 40 ft from the street and completely out of character with the neighborhood. He stated that by allowing the lot split, any home over 4,500-sf would automatically trigger a public review process, where height, bulk, siting, privacy issues, etc. could be addressed. A 4,500-sf home is allowed a front width of up to 46 ft wide whereas, a 9,200-sf home could meet code at a width of 96-ft . He emphasized that the proposal is the only way to maintain the character and content of the neighborhood.

Chairman Levine asked if there was anything Mr. Troedsson's clients were willing to offer below what Code allows, other than the 7-ft side yard setbacks.

Mr. Troedsson stated that he would have to confer with his clients but felt they would be responsive to that suggestion. His conceptual designs do not include front-facing garages and the driveways would be parallel to the side property line, which would provide a 12-ft side yard setbacks.

Chairman Levine opened the public hearing.

Jim Sullivan 1204 Pequeña Lane, advised that his backyard abuts the project site. He referred to the "mode" which he stated Staff used to justify the request as "just a number that keeps coming up". Mr. Sullivan stated that if Pequeña Lane was included in the statistics, the mode would become 70 ft. He felt that a 70-ft frontage should be required and that he was mostly concerned with loss of privacy.

Pat Wilson, stated that once the property is divided, "anyone can put anything they want". Her concern was that two homes appear as condominiums. Her home is at a higher elevation than the project site and she was certain that she would be looking into someone's bedroom. She also felt that off street parking and length of construction were matters of concern.

Steve Hage, a 30-year resident at 1220 Pequeña Lane, stated that he would "hate to see double-stacked box car homes".

Jim Ogden, spoke on behalf of his mother who resides at 1214 Pequeña Lane, opposed the Variance. He advised that the history of the area is clusters of small houses - "all of La Cañada Boulevard is being torn up for large houses".

Marsha Bowman, 1204 Pequeña Lane, stated that allowing the Variance would be a grant of special privilege and that she would rather take her chances with a larger home on the site.

Dick Counter, 4815 La Cañada boulevard, resides south of the project site. He summarized a letter which he had submitted and quoted from the Draft Housing Element which refer to the scale of a surrounding neighborhood. Mr. Counter stated that the Variance "would create a lot unlike the surrounding neighborhood and, in fact, encourage mansionization". His concerns were visual impacts and density.

Applicant, Pat Yunker, advised that she was raised on the subject property and that her father lived there for 51 years. Her two options were to seek a Variance to allow two, 60-ft-wide parcels or to sell the property as it exists. She advised that her family did not want a large mansion in the area; it was felt that two homes would be more in keeping with neighborhood development and ensure privacy. The possibility of creating a flag lot development was investigated and it was determined that it was not feasible. Ms. Yunker stated that she was well aware of the effect a large home can have on a neighborhood as there is a similar situation across from her home and would agree to a condition requiring a lower floor area ratio than what Code allows.

Mr. Troedsson reiterated that two, 60-ft-wide lots would ensure neighborhood review prior to development of the property; otherwise, a 9,200-sf home could be constructed without any review process.

Chairman Levine confirmed that Mr. Troedsson was willing to allow structures of any size to undergo public review.

Chairman Levine closed the public hearing and solicited comments from the Commissioners.

Commissioner Engler stated that he supported the Subdivision Ordinance and its requirement for 70-ft-wide lots which he felt helped to control density.

Commissioner Brown stated that in terms of current Code, he agreed with Commissioner Engler. He could not support splitting the lot and potentially having the same frontage, more square feet and less setback area. On the other hand, he felt ground could be gained if smaller, single-story homes were constructed and the setbacks addressed --- that would be a trade off to having a very large home. However, he was unsure that the Commission had the authority to impose such restrictions and felt it would have to be a voluntary, irrevocable offer from the applicant.

Commissioner Gelhaar felt that there is a distinct dividing line between the west and east side of La Cañada Boulevard; lots on the west side are approximately 80 ft in width. He stated it is very difficult to make the findings.

Commissioner Mehranian shared the concerns expressed by the neighbors, but there is the compelling argument that smaller lots would have smaller homes. She stated that it was difficult to support the configuration of the two lots and that she supported the Ordinance.

Chairman Levine concurred that homes on the west side of La Cañada Boulevard all seem to have larger street frontages. He stated that it would be difficult not to support the Ordinance.

He took a straw vote of his colleagues as to whether they would support a flat lot configuration. The Commissioners unanimously rejected the suggestion.

M/S/C Engler/Gelhaar to deny Tentative Parcel Map 26509 and Variance 01-14 and directing Staff to return with a resolution with appropriate findings on March 26. Unanimous.

PUBLIC MEETINGS:

**MODIFICATION 02-08;
STEIN;
501 HIGHLAND DRIVE:**

Planner Cantrell described the applicants' request to construct a new deck around an existing pool, which would encroach within the required west side yard setback. A Hillside Director's review is also required.

The project site is a through lot, extending downward from Highland Drive to Cambridge Road in the R-1-40,000 Zone.

The proposed deck would replace a narrower one by cantilevering toward the north. Due to the steep slope, the deck would reach a height of approximately 12 ft above grade. At its closest point, the deck would be set back 5 ft from the west property line, compared with the required 20-ft setback. The neighboring home to the west, where the encroachment is proposed, is at a considerably lower elevation, but is screened from view by a hedge on the shared property line.

It would not be visible from the front, but would be distantly viewed from Cambridge. The pool equipment would remain in its current location and underneath the new deck.

In conclusion, Planner Cantrell stated that the encroachment is not perceivable from offsite and when considered with the circumstance of the pool's existing location, enable positive findings can be made.

Commissioner Brown noted the currently, the pool equipment is enclosed. He asked if that would continue.

Planner Cantrell advised that landscaping is shown as a mitigation.

Applicant, Gene Stein, explained his efforts to provide easy and safe circulation around the pool. The existing deck is only 2-ft-wide on the left side; he asked to be allowed to extend it by 4 ft.

Commissioner Brown confirmed that the chain link fence on the west side would remain and would be landscaped.

Landscape architect, Christopher Cox, distributed a photo of the deck. His client would like to expand it on the south side also, however the septic tank placement prohibits that. He explained that cut-outs of sufficient size would allow two trees to protrude through the deck.

Director Stanley confirmed that the cut-outs are large enough to allow tree growth. Mr. Cox advised that the deck is a good distance up the tree trunks.

Further comments were not offered.

Commissioner Mehranian stated that she could support the project; it is not obtrusive and protects the trees.

Commissioner Engler stated that he would like some mitigation for the noise from the pool equipment by enclosing it. Mr. Stein agreed.

M/S/C Gelhaar/Mehranian to approve Modification 02-08 with added conditions that the pool equipment be enclosed and that the deck shall not in any way hinder the growth of the trees. Unanimous.

**MODIFICATION 02-10;
FLOOR AREA REVIEW
02-02; BON;
239 STARLIGHT CREST:**

Assistant Planner Gjolme reported the applicants' proposal for a residential expansion.

The 8,525-sf property is located on the east side of Starlight Crest Drive, North of its intersection with Starlane Drive, in the R-1-10,000 Zone.

The project involves a first-floor, bedroom and bath, comprised of 396-sf . The addition triggers a 39.7% floor area ratio (FAR) and exceeds the 36% maximum

the property. An Administrative Modification is required because the addition would encroach 1 ft into the required 6' 4" north side yard setback.

Assistant Planner Gjolme pointed out that the proposal would not extend beyond the existing building line and the resulting setback would be greater than the existing 4' 6" side yard setback exhibited on the north side of the home. The neighbor to the north has submitted written support for the project.

Staff considered the project as appropriate, of modest scale and, given the lack of visibility from the street. Assistant Planner Gjolme reminded the Commissioners that a compelling need or justification do not have to be made for the Floor Area Review process.

Dave De Angelis, project designer, advised the project was designed for wheel chair accessibility.

Responding to a question from Commissioner Gelhaar, Mr. De Angelis advised that the homeowners' association had reviewed and approved the project. His clients are awaiting the confirming paperwork.

Further comments were not offered from the audience.

Commissioner Brown commented that the project would definitely impact the community park area at the rear of the property.

Commissioner Mehranian commented that learning the basis for the project sheds a different light on the request, but she had difficulty with making the findings, given that the property is fully developed with a two-story home and the impact to the open area at the rear.

Commissioner Engler stated that he did not have a problem with the project, but he would like evidence that the homeowners' association signed off.

Commissioner Gelhaar stated that he could support the project with a condition requiring the homeowners' association written approval. He added that he was not

particularly excited about the addition extending towards the common area which is used by the public.

Chairman Levine stated that he did not have concerns with the project, particularly since it maintains the same or greater than the existing setback.

M/S/C Gelhaar/Engler approving Modification 02-10 and Floor Ara Review 02-02 with an added condition that written evidence of the homeowners' association be provided prior to issuance of building permits.

4 Ayes; No: Mehranian

OTHER BUSINESS;

**TREE REMOVAL
PERMIT 02-03;
GERAGOS;
134 COMMONWEALTH:**

Director Stanley reported that the property owner had appealed a condition of approval which he imposed to allow removal of two oak trees that were reported as "dead or dying". A site visit confirmed the situation; however, one oak with a trunk diameter of 20" had suffered root damage from a utility trench dug immediately adjacent to it and its roots appeared to have been cut. Director Stanley determined that the conditions violated the City's Tree Preservation and Protection Ordinance. He approved removal of the oaks with a condition requiring a 36" box-size oak be planted on the property as replacement.

The property owner asserts that the property is heavily wooded with oaks and specifically appealed the condition of approval. Staff's position is that the violation must be addressed in accordance with Code.

Staff recommended that the Planning Commission uphold the Director's determination and deny the appeal.

Commissioner Gelhaar confirmed that the Director was only requiring the oak adjacent to the trench be replaced since he determined that the trenching could have been the cause for the tree's decline and the fact that the oak was not protected during construction. He further confirmed that the replacement tree could be planted on public property with City approval.

Commissioner Brown commented that the applicant has removed the trees.

Commissioner Engler confirmed that the property owner could either comply with the condition, or provide the City with the replacement cost so that the tree would be planted on public property.

Chairman Levine confirmed that no one in the audience wished to comment on the appeal. He stated that a referral to the City Prosecutor seemed appropriate in this case.

Director Stanley noted that he approved removal of the trees with a specific condition.

M/S/C Brown/Mehranian to deny the appeal and uphold the Director's determination. Unanimous.

**TREE REMOVAL
PERMIT 02-04; SHIM;
438 RICHMOND RD.:**

Director Stanley reported the property owner's appeal of the Director's determination that removal of a multi-trunk oak with a combined diameter of approximately 61 inches, does not meet the criteria for *emergency removal*. Director Stanley determined that the removal is subject to environmental review by the Planning Commission because the trunk diameter exceeds 36 inches.

An arborist's report was submitted stating that the tree is an immediate hazard to life and property. Director Stanley advised of having spoken with the arborist and was advised that the tree could survive the time it would take for environmental review. The Director pointed out that the house is under construction and not occupied and emphasized that the basis for the distinction is that if the tree is allowed to be removed on an emergency basis, he cannot require a replacement. If the Commission upheld the Director's determination, Staff would return with recommendation for replacement.

Director Stanley explained the environmental process for Commissioner Gelhaar; Staff would prepare a Negative Declaration for public review, a 20-day notice,

notice would be published with notice to the neighbors and a hearing scheduled before the Planning Commission. The typical 15-day appeal period would also apply.

Property owner, Joon Shim, disputed the Director's determination that the tree did not pose an "immediate" danger. He submitted a letter and stated "everyone has a different interpretation of what *immediate* is". He felt the tree is unsafe and that the limbs could fall and crush the house. Mr. Shim reported that his insurance company asked that the tree branches overhanging the roof be cut back.

Commissioner Mehranian commented that she frequently receives similar letters from her insurance carrier.

Commissioner Gelhaar asked if Mr. Shim was willing to replace the tree with perhaps, three, 42"-box oaks elsewhere on his property.

Mr. Shim responded that there are currently many large trees in the backyard

Commissioner Brown confirmed that only one branch affects the new second story that is under construction.

Further comments were not offered.

Commissioner Engler questioned the assertion of "imminent danger" since the house is not occupied.

Commissioners Gelhaar and Mehranian concurred, stating that if the house were occupied, they might consider differently.

Commissioner Brown felt that the matter could be handled within the timeframe prescribed for environmental review.

Chairman Levine stated that his vote would not be determined based on occupancy of the house or lack of it.

M/S/C Mehranian/Gelhaar to deny the appeal and uphold the Director's determination. Unanimous.

Mr. Shim asked if he would be allowed to remove one branch, since the Ordinance allows property owners to trim a protected tree if less than 25% is removed.

Chairman Levine suggested that Mr. Shim contact Staff before he did anything to the tree and advised him of the option to appeal the Commission's decision to the City Council.

**COMMENTS FROM
THE COMMISSION:**

Commissioner Mehranian asked if Staff had checked 4040 Chevy Chase. Director Stanley advised that Staff made a site visit and confirmed that the removed trees were not of a protected species and that the oaks are properly fenced from construction debris.

Responding to Commissioner Brown's request, Director Stanley advised that the Commission could hold a Study Session at 5:00 pm before the next meeting to review the Hillside Ordinance.

Commissioner Engler asked Staff to report on the newly constructed walls at 1629 Verdugo.

**COMMENTS FROM
THE DIRECTOR:**

Director Stanley advised of a joint meeting with the City Council in May. He asked the Commission to let him know of any specific items they would like to discuss with the Council. Assistant City Attorney Steres advised that it would be held prior to the Council's regular meeting - it will not be televised and will be conducted at its own pace.

ADJOURNMENT:

M/S/C Mehranian/Gelhaar to adjourn at 9:45 p.m. Unanimous.

Secretary to the Planning Commission