

**A SPECIAL MEETING OF THE PLANNING
COMMISSION OF THE CITY OF LA CAÑADA
FLINTRIDGE, HELD MARCH 26, 2002**

STUDY SESSION

- CALL TO ORDER:** Chairman Levine called the meeting to order at 5:15 p.m.
- ROLL:** Present were Commissioners Brown, Gelhaar and Mehranian. Commissioner Engler was absent. Also present were: Assistant City Attorney Noonan, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.
- COMMENTS FROM THE PUBLIC** Comments were not offered.
- Review of the Hillside Ordinance.** Director Stanley and Planner Cantrell reviewed the Hillside Ordinance and revisions which were recently adopted by the City Council. The review extended to requirements for downslope wall heights. Due to the impending regular meeting, there was agreement to continue the Study Session to April 9.

REGULAR MEETING

- CALL TO ORDER:** Chairman Levine called the meeting to order at 6:04 p.m.
- ROLL:** Present were Commissioners Brown, Engler, Gelhaar and Mehranian, Assistant City Attorney Noonan, 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 March 12, 2002. M/S/C Engler/Gelhaar to adopt the minutes of March 12. Unanimous.

Resolution 02-16; denying
TPM 26509 and
Variance 01-14;
4827 La Cañada Blvd.:

Chairman Levine allowed the applicants' representative three minutes to address the Commission on this issue. Anders Troedsson, requested reconsideration of the Commission's denial to a date certain. Proposed revisions included placing limitations on future development to an overall floor area of 4,600 sf with second second-floor development to 1,200 sf maximum. Side yard setbacks would meet single lot requirements and would result is a much less bulky appearance than a single house.

Assistant City Attorney Noonan responded to a question from Chairman Levine; she advised that since the denial was unanimous, any Commissioner could make a motion for reconsideration.

Director Stanley emphasized that such a vote would only consent to setting a future hearing date for which the neighbors would be noticed.

Commissioner Brown reiterated earlier comments that there is potential to improve this project with regard to future development, but it must be voluntary. He expressed a willingness to evaluate Mr. Troedsson's proposal.

M/S/C Brown/Mehranian to forego action on the draft Resolution and to allow reconsideration of Tentative Parcel Map 26509 and Variance 01-14 to a date uncertain. Dissenting: Gelhaar and Engler.

**CONTINUED PUBLIC
HEARINGS:**

**HILLSIDE
DEVELOPMENT
PERMIT 01-20;
MODIFICATION 01-49;
BILAVER;
4430 ROSEBANK DR.:**

Planner Cantrell recalled that on January 23, the project was reviewed for the second time. A smaller house with lower terraced retaining walls was evaluated, as were the findings of the environmental consultant hired by the City. At that time, neighbors raised the possibility of there being natural springs on or near the subject site. He referred to the environmental consultant's completed report which was distributed to the Commissioners. Planner

Cantrell then provided responses to the concerns raised on January 23:

Natural Spring-- The project soils engineer has confirmed the absence of a spring beneath the site.

Cut and Fill - Approximately 600 cubic yards of dirt would be balanced on site.

Fire Department Requirements re: Brush Clearance - Planner Cantrell directly confirmed with the Fire Department that their requirements apply to land adjacent to structures. The Department's Fuel Modification Program is very stringent in terms of what is allowed to be planted adjacent to structures; however, those conditions do not apply to our city since we did not adopt the program.

Hydrology Report - This type of report is not required on a site with no tributary area. The submitted drainage plan shows dissipation of flow and the project Civil Engineer was in the audience to field any questions.

Landscape Screening Enhancement - oaks are now proposed to replace pine trees along the upper driveway. Oaks are also shown supplementing Tulip trees along the west property line, adjacent to City open space.

Upgrade of Tree Box Sizes to Conform with the Hillside Ordinance - Though this is a Guideline, the applicant is willing to provide eight trees of 36-inch box size and thirteen trees of 24-inch box size.

Sewage Pumping Information - The City Engineer has advised that there is nothing inherent in this project that raises technical concerns.

Substitute Retainng walls with Cribwalls if safe with the pool above:- Mr. Bilaver's professional opinion as a contractor, is that the strength of crib walls versus conventional retaining walls is unproven. Honeysuckle vines are proposed to screen the retaining walls; it is a vigorous plant and billows outward and would achieve the same results as crib wall planting.

Elevations of wall at west property line: Planner Cantrell referred to the model on display which showed the retaining wall. It would be 4 to 5 ft for the majority of its length and reach 10 ft at the lower corner.

Preparation of legal documentation regarding a public access corridor:

The Assistant City Attorney would be involved following project approval. Perpetual access via easement or fee title would be recorded prior to issuance of permits. Planner Cantrell pointed out that the applicants have offered a 50-ft-wide strip for public use, which Staff regards as generous.

In conclusion, Staff recommended positive findings and project approval, including adherence to LRV guidelines and requiring construction parking on either Foothill or on site, but not on La Cañada Crest.

Commissioner Engler disagreed with the assessment regarding stability of crib walls and referred to the planted wall in the Link District of Foothill, which is fully planted.

Commissioner Brown referred to draft condition No. 15 which required the applicant to maintain landscaping on City property west of the site. He asked where that condition originated and commented that it is unusual to include such a requirement on someone else's property.

Planner Cantrell responded that it is not unlike a commercial project with a condition requiring installation of city street trees, or a homeowner's planting and maintenance of a parkway. He acknowledged that the situation adjacent to City parkland is unusual.

Commissioner Brown expressed concern with allowing a project to expand beyond its boundaries. He felt that mitigation should all be on site.

Applicant, Goran Bilaver, advised that the hydrology engineer and landscape architect were in the audience to respond to any questions. He stated he did not mean to infer that crib walls are unsafe, but he would feel more confident with solid concrete walls. He then presented a petition in support of the project.

Responding to a question from Commissioner Brown, Mr. Bilaver advised of having spoken with the neighbor downslope, who was unaware of any natural spring near the lower portion of the property.

Commissioner Engler commented that when he was on the ridge, he noticed a significant illegal discharge of wash water on the hillside from residences above the project site.

Chairman Levine thanked the applicant for arranging to have a model of the prepared.

Chairman Levine opened the public hearing.

Mark Hunter, 2056 Rancho Cañada, advised that he read the environmental report and was surprised with its conclusion, given that it did not address the Fire Department's 200-ft brush clearance requirement. He showed the vegetation that would disappear per the Fire Department's regulations and disputed the conclusions of the resolution. Mr. Hunter stated that the project would result in "4 acres of mowed land at the gateway to La Cañada Flintridge. Since the house would be located at the lower end of the parcel, he stated he would like to see an environmental report that included surrounding properties.

Commissioner Engler asked Staff to respond.

Planner Cantrell stated that the issue of brush clearance was independent of the house placement because the City is not enrolled in the Fuel Modification Program--- which the 200-ft dimension most likely refers to.

Chairman Levine confirmed that even if the Fire Department required 200 ft of clearance, the applicant could not clear beyond his own property lines.

Planner Cantrell expressed concern with Mr. Hunter's implication that the parcel shouldn't be developed because it would increase brush clearance requirements.

Commissioner Brown pointed out that the environmental report states the review included the subject parcel and adjacent open space.

Planner Cantrell stated that the report includes 10 acres on either side of the property. The consultant walked the site and did not find evidence of any endangered species.

Duane Waters, 2229 Crescent Ave., Montrose, requested clarification of his understanding that if the project was built, Mr. Hunter would have to clear his property since it is within 200 ft of the subject site. Speaking on behalf of Los Conservadores, he questioned reports and petitions which are submitted at the last minute and "we don't have time to review them". Mr. Waters doubted an environmental report which "only looked at this property and submitted a bill for \$300; I can't figure out what they did for that". He also did not have an opportunity to review the hydrology report.

He advised that a point raised at each meeting of Los Conservadores was whether an arrangement could be worked out for a "no lose situation". He stated "we are willing to sit down and talk and try to work out something where the entire hillside is not destroyed by this project".

Mr. Waters stated that the Negative Declaration clearly provides a mandatory finding that impacts on the surrounding environment, conservation areas and impacts on wildlife, have to be considered. He stated he didn't see where that was done. He noted that the Parks and Recreation Commission is designing a plan for Rockridge Terrace and he wanted to know how that plan would be affected by the project.

Chairman Levine explained the Planning Commission's charge to deal with the land use issues and reminded both sides of their opportunity to appeal the Commission's decision.

Commissioner Mehranian commented that this was the third public hearing where the Conservadores make statements regarding wildlife habitat, birds etc., without

providing confirming documentation. The lack of such documentation did not help the Commission to support their position and only gridlocks the project.

Chairman Levine recalled that Los Conservadores did in fact, present the Commission with information regarding wildlife species and the Commission asked Staff to research the material. The result of that research was the final report handed to the Commission that night.

Commissioner Mehranian recognized the sensitivity of the site, but disagreed with placing the burden of completing an Environmental Impact Report for the entire hillside area on the applicant.

Chairman Levine commented that the applicant had done their due diligence.

Responding to Mr. Waters' statement that a preliminary report was submitted, Commissioner Gelhaar stated that the opponents need facts to support their position.

Mr. Waters then addressed the issue of a natural spring. He noted that there has been testimony supporting that assertion. His understanding from the last meeting was that a hydrology report would be prepared, which he hadn't reviewed - "there's too much for it to be laundry water". Mr. Waters reviewed overhead photos of the site which he believed to be wetlands. He asked how this development would affect a restored, viable environment and quoted Senator Schiff's statement that "there's lots of federal money that would help us".

Director Stanley confirmed that none of the photos displayed by Mr. Waters were of the subject property. Director Stanley questioned how any wetland area, 200 feet away from a project site, could be relevant.

Mr. Waters stated "we don't know the impacts - we'd like to know - I think there are experts who could tell us. Parks & Recreation should be looking at this".

Chairman Levine asked if the issues of most concern to Mr. Waters could be correctly summarized as those which deal with wetlands adjacent to the project as depicted by the photos which he feels show a wetland area.

Responding to a question from Commissioner Brown, Mr. Waters defined *wetlands* as an area where mud is created and a place where birds and animals can drink. He advised that at one time, he could swim in the area shown in the photos.

Chuck Sambar, 2134 Crescent Avenue, stated he was somewhat concerned that the Commission would take action while candidly admitting recent receipt of the report. He stated that the project was too pretentious for the area and clearly bisects Rockridge Terrace. He related of the 15-year effort to purchase the property and donate it as open space and stated "we were not aware this property was there". Mr. Sambar remarked that the position of the City Council is very clear with respect to Cherry Canyon, Rockridge Terrace and Oakmont View V. If this project is approved, Mr. Sambar assured the Commission they "would continue to fight".

George Solymar, 2203 Crescent Ave., Montrose, reported the existence of an active spring on his property 4 to 5 months during a year. He also has a pump in his basement because of water accumulation during the rainy season. He requested copies "of everything" and reported that the applicants had contacted him over the weekend, seeking support of their project, but he refused to sign the petition.

Chairman Levine stated that the applicants did what they were required to do - they paid for the services of an environmental consultant, who was retained by the City.

Mr. Waters was given another opportunity to state the position of his organization.

Mr. Solymar stated he would like to review the mitigation report with regard to "what's happening to all the water".

Rob Yahzian, 4429 Rockland Drive, 4429 Rockland Place, resides east of the project site, stated he was "not sure that mansionization is not a point".

Roy Leisure, project landscape architect, advised of having worked on other projects with blue line streams and wetlands. He cautioned that *wetlands* has become a "buzz" word and that the state has spent millions of dollars mapping the location of blue line streams and wetlands. He stated that there might be ground moisture, but nothing that requires protection per state regulation.

Steve Miller, Miller Geo Sciences, who submitted a letter explaining the lack of subsurface water on the site, advised of common misconceptions made between springs and seeps versus surface runoff. The project would reduce seeps if there are any and seeps are typically localized in "this" type of terrain. Regarding Mr. Solymar's need for a basement pump, Mr. Miller stated that can occur when there is poor drainage around a house and is generally a localized condition rather than a general condition such as a spring. He advised that the project's underlying conditions are comprised of bedrock. There is not a classic ground water basin such as silt and sand as seen on the north side of Foothill Boulevard.

Commissioner Brown asked for Mr. Miller's professional opinion if there is a reasonable possibility the project would have a significant impact on the area shown on the photos alluded to by Mr. Waters.

Mr. Miller responded that he hadn't seen the photos but that each specific condition is investigated separately; many of the concerns may not have a correlation to the project. His report states that there are no subsurface streams beneath the site. Mr. Miller advised that *stream* is often misused and generally applies when limestone caves are involved.

Commissioner Brown then confirmed there are no streams nor ground water basin beneath the property; he was trying to figure out what the potential impact would be on nearby properties.

Mr. Miller stated that if anything, it would improve conditions and have very little impact on subsurface conditions anywhere around the property.

Responding to a question from Commissioner Engler, Mr. Miller advised there is no evidence of conduits (fracturing) from the subject site directly to someone else's spring.

Civil engineer, Ivan Chiu, designed the grading and drainage plan and advised that an infiltrator system would preclude any additional flow down the slope.

Applicant, Goren Bilaver, stated that he was willing to install a separate pump to Foothill for emergency use.

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

Commissioner Gelhaar stated that he spent considerable time climbing around the hills, in response to the several concerns expressed at the last meeting regarding the existence of wet springs. His conversations with Mrs. Chase and other neighbors indicated that springs are not running now and haven't for several months, contradict statements made to him. He stated that he had not heard any testimony nor seen any factual evidence that overrides Staff's Negative Declaration. He stated the applicant had done an excellent job in following the Commission's suggestion to reduce the scale of the project. He noted that, as submitted, the project is 2/3 of what the recently revised R-1 standards allow. The original setback encroachment is eliminated and the earth tone colors and landscaping mitigate the structure and the retaining walls. Commissioner Gelhaar stated that he was willing to support Staff's recommendation and the project.

Commissioner Brown stated that he would rather not see a house built in this area and because the

Conservadores or the City did not purchase the subject lot, the Planning Commission is left to deal with planning issues associated with a legal lot. Addressing CEQA and the Negative Declaration, the standard he looks to is whether a fair argument can be made that this project would cause a significant environmental impact. Initial reports from neighbors indicated that the open space might support endangered species even though a majority of the site is cleared of brush annually. A subsequent report, which analyzed the project site and ten surrounding acres, indicates the area was surveyed in linear transects spaced at 30 to 100-foot intervals, and determined there is no threatened or sensitive plant or wildlife nor suitable habitat to support such. Regarding natural water, all indications are that this property could contain its own runoff.

Addressing the project itself, Commissioner Brown stated he would like additional conditions imposed: 1) driveway and wall colors to match the submitted model in terms of earth tones, 2) a darker, Tuscany-type tile as the applicants indicated they preferred, would be more appropriate than the red tile shown on the model; 3) connection to the sewer system; 4) move the wall at the west side inward from the staircase down so that all mitigation landscaping is on the applicant's property. With those additional conditions, the project meets all requirements of the Hillside Ordinance and he would support it.

Commissioner Mehranian expressed support for Rockridge Terrace and wetland preservation. Her expectation from comments made at the initial hearing was that the opposition would provide factual evidence of ground water, wildlife corridors, etc., that would give the Commission a strong base to support the Conservadores' position. She stated that if the project was located on a typical City block, the Commission would not request an environmental report for the entire block from an applicant. She felt the applicants had gone out of their way to comply with the Commission's suggestions and made compromises. Commissioner Mehranian asked that the conditions include: a separate pump as suggested by Mr. Bilaver,

traffic and parking mitigation during construction and monitoring of the landscape plan. With those added conditions, she was ready to support the project.

Commissioner Engler stated that his children live in one of Mr. Sambar's buildings and from their balcony, he saw deer and raccoons traverse the property. He stated that he would like to see an emergency generator and a warning system should any of the pumps fail and a dual pump system. Though these are not required by Code, he noted that the applicant would be pumping sewage almost 400 ft uphill. He also wanted further study as to how the sheet flow would be dispersed and protect the properties below the site and expressed disappointment that the opposition failed to present more information as to what was occurring on the property environmentally. He stated that if they had such information, it should have been presented.

Chairman Levine expressed appreciation for the photos and the model. He had some concern that Staff and the applicant provided information just before the meeting and with the footer on the environmental report referencing Ahmanson Ranch though he was not questioning the report or its conclusions. Chairman Levine concurred with his colleagues that the opposition had ample time to hire its own expert to support its findings and noted that that if the project was approved an appeal and contradictory expert findings could still be filed with the City Council. Addressing the house, he stated that he liked it, but not necessarily that big or where it is. Regarding concerns of mansionization, he stated that it probably wasn't, if one considered the city as a whole, but it is larger than any other home in the area.

Commissioner Engler commented that the observations of wildlife should be done at night, rather than during the day.

Director Stanley stated that observations are many times conducted during the day and that biologists are trained to look for signs of wildlife.

Commissioner Gelhaar made a motion to approve Hillside Development Permit 01-20 and Modification 01-49 with conditions as drafted and with any other his colleagues might wish to add.

Deputy City Attorney Noonan read revised language for draft condition #18, requiring a 50-ft-wide public access corridor, extending along the southern portion of the property.

Commissioner Brown asked if it would be more practical to require an irrevocable offer to dedicate since the design of the trail had not been determined.

Attorney Noonan explained that one of the reasons wording requiring trail design prior to issuance of permits was deleted is because the trail design is not available yet.

Commissioner Brown suggested that an irrevocable offer covering the entire lower portion of the property up to a setback from the house would provide more flexibility and would preclude someone from having to guess which 50 ft to pick.

Director Stanley suggested language "an irrevocable offer of a width up to 50 ft between the south property and a specified distance from the retaining wall. The distance from the retaining wall to the southern property line ranges from 150 -180 ft.

Commissioner Brown requested that the conditions he referred to earlier be included – the roof material, driveway and wall earth tones, sewer connection as approved by the City Engineer, relocating the wall inward so that all landscaping, including that currently called out to be on City property, is entirely on the applicants' property.

Commissioner Mehranian likewise asked that her earlier referenced conditions be included: the additional pump, monitoring and inspection of the landscape plan by Staff in light of the much stronger and enhanced landscape plan submitted by the applicant. She agreed to wording that requires Staff's

inspection of the landscaping to verify compliance with the approved plan prior to issuance of a Certificate of Occupancy.

Chairman Levine addressed the habitat corridor and asked if it solely related to listed or sensitive species or *any* species.

Deputy City Attorney Noonan advised that it applied to any species.

With the information, Chairman Levine requested that the conditions require a re-evaluation of the environmental report to whether there is a wildlife corridor on the site and that the evaluation be done during night hours.

Attorney Noonan advised that CEQA allows the Planning Commission to make a determination, based on what they heard, whether the project would cause a significant impact on the environment. Should the Commission find that it would, it can request a focused EIR . She pointed out a lay person and a biologist's definition of a wildlife corridor can differ - a wildlife corridor is typically comprised of significant acreage with wildlife (ranging from a bear to a raccoon) running through. If a subject site is small in area and surrounded by uses, the fact that animals are seen on the site does not necessarily make it a *wildlife corridor*. Attorney Noonan advised that the Commission cannot approve the project and require a focused EIR.

Commissioner Brown requested another condition to prohibit fencing or development from the most southern portion of the property thereby providing 130 ft of corridor.

Commissioner Engler stated that he was not happy with the retaining wall and felt it should be replaced with a planted crib wall to soften the upward view, he asked for an emergency generator system on site to handle the sewage disposal in the event of power outage as well as a dual fuel system pump as a reserve - all subject to review and approval by the City Engineer.

Director Stanley confirmed that Commissioner Engler's request for planted crib walls applied only to the walls at the rear of the house.

Commissioner Mehranian seconded the motion, including all the requested additional conditions. The motion passed unanimously.

Chairman Levine advised the audience that any appeal must be filed within 15 calendar days.

**HILLSIDE
DEVELOPMENT
PERMIT 01-41;
PETROSSIAN;
657 FOXWOOD ROAD:**

Assistant Planner Gjolme recalled that this request had been before the Commission on three prior occasions; each time the Commission expressed concerns of visual bulk and incompatibility with the neighborhood.

The applicant's revisions includes shifting the house approximately 18 ft to the east to take advantage of the grade differential between the house and the street. The vertical profile is thereby reduced and the setbacks for both levels are increased. Additionally, revisions to the second floor include a 65-ft setback to the west and a 35-ft front yard setback along its westernmost section which mitigate the project's visual impact. East side setbacks meet code. Assistant Planner Gjolme advised that the revisions would require removal of an oak with a 12" trunk diameter; however, that would be offset by three, 36"-box oaks at the front and eight, 24"-box Toyon trees at the east side. Aside from reconfiguration of the structure, a maximum building height of 25' 6" would span only 15 ft. Assistant Planner Gjolme noted that the floor area was reduced by 1000 sf since the original submittal.

Staff determined that the repositioning of the home, the front yard screening and the scale reduction of the second floor are positive elements. While a 25-ft-high structure would have some view impact for the neighbor across the street, that property is at a higher elevation and the impact would be comparable to two, single-story homes at identical grade.

Planner Gjolme stated that staff supported the project and acknowledged there might be issues with some view blockage and encouraged further discussion.

Responding to a question from Commissioner Mehranian, Assistant Planner Gjolme stated that much of the reduced area consisted of volume space; the exterior massing was reduced, but there wasn't a significant amount of actual floor area lost.

Applicant, Pete Petrossian, distributed a photos of the property and a comparison of the existing and proposed building lines. He stated that the revisions respond to all the concerns expressed by the Commission and the neighbors. He stated that the design was drastically changed as viewed from the street and shifting the house from west to east allow greater street views to the Northwest. Mr. Petrossian stated that the two-story portion of the house is oriented at the east side of the house and abundant landscape screening would mitigate the view from the street, though it would be seen eastbound along Foxwood and the grading plan responds to concerns of runoff . He related his efforts to meet with all three neighbors; one letter was unanswered and two efforts to contact the neighbors across the street were not successful.

Chairman Levine opened the public hearing.

Jack and Bonnie Schlomer, who reside across the street, stated that the revisions were of no benefit from their perspective. They stated that they were not pleased and that the 25-ft-high home dwarfs all homes in the area. They publicly thanked Commissioner Gelhaar for viewing the project site from their home.

Commissioner Gelhaar felt it would be helpful if the applicant had the same opportunity.

Don Witteman, 669 Foxwood, who resides directly west of the project site, stated that he spent a good deal of time at Mr. Petrossian's home reviewing the revised plans and spent an afternoon at the Schlomers' home as well. He recalled suggesting that the applicant extend his development down the slope but now realizes that the subject site is steeper than his. Mr. Witteman stated the importance to note that the Schlommer's home is essentially one-story higher than the project and he questioned if anyone is guaranteed a view when there is

a vacant lot across the street. He recognized that the Scholmer's would lose some view but stated that the applicant had the right to build a home and that significant changes had been made.

Georgia Dillon, 647 Foxwood Road, stated that her concerns with the design and landscaping was based solely on how the proposed structure would impact the neighborhood. She advised that the applicant offered to review the plans with her, but she preferred to review them at City Hall. Ms. Dillon disagreed with Staff's evaluation and stated that the project was too massive for its siting on the pad and because of its proximity to the street and insignificant screening, its proposed design and size would be out of character with other homes on Foxwood. She stated that shifting the home a few feet to the east does nothing to alleviate massing. Addressing the landscaping, Mr. Dillon commented on the minimal screening mitigation possibilities and advised that the applicant removed three large Alepo pines as well as the natural chaparral on the downslope side. Her concern was with getting water to that area.

Mr. Petrossian remarked on the substantial setbacks from the street and east and west property lines, which allow ample space for large oaks and ground cover as indicated on the landscape plan. He related of his conscious effort to eliminate any windows at the second level to assure privacy for the Dillons as well as more trees adjacent to their property. Mr. Petrossian stated that his goal was to enhance his property as Mr. Witteman has accomplished and to bring a sense of pride to the neighborhood. Approximately 40% of the house is two-story.

Responding to a question from Commissioner Brown, Mr. Petrossian advised that the existing house is 18' 8" in height.

Chairman Levine closed the public hearing.

Commissioner Engler stated that he was disappointed with the outcome of the latest revision. He appreciated moving the second story eastward but continued to feel that the pad should be lowered or the pool relocated.

He was unaware that the rear yard had been cleared and stated "when that happens, Staff should require an entire landscape plan".

Director Stanley stated his belief that the clearing took place prior to submittal of the application.

Commissioner Mehranian expressed appreciation for the revisions and stated that it was a definite improvement. Her concerns were not with the size of the house but rather with the visible bulk it presented.

Commissioner Brown concurred that the revisions were a move in the right direction, but he was troubled with what Mr. Petrossian just submitted. He had been optimistic about what he thought the revisions were; however the photos were a cause for concern and he could not support the request.

Commissioner Gelhaar stated he could not support the request as he could not making finding #9 regarding unreasonable impairment of views from other properties.

Chairman Levine remarked that the applicant had done a good job in trying to mitigate the concerns expressed. While the project is much more attractive than the previous submittals, if he could somehow lower the pad, it would probably "work". Since it appeared that if a vote were taken, it would not be positive, Chairman Levine explained the available options to the applicant.

Commissioner Gelhaar stated that it was a "view problem" for him and if the house were lowered by 7 or 8 ft, he would be satisfied.

Mr. Petrossian stated that view blockage was minimized. The Schlomers have stated that the project eliminates their view of Foothill Boulevard from their living room; Mr. Petrossian advised that he has the identical situation. He requested specificity from the Commission with regard to "how much lower", because, the comment from one of the Commissioners that "he cannot go one inch above the existing roofline", is not acceptable.

Commissioner Brown stated that he was not fixed on a formula but felt that the overall view should not be significantly deteriorated.

Commissioner Gelhaar expressed his preference to keep the project at the existing roofline but encouraged the applicant to work that out with his neighbors. If that happened, he stated that he could probably support the project.

Mr. Petrossian stated that he would make every effort to talk with the Schlomers if they were willing to speak with him and requested a continuance to April 23.

M/S/C Mehranian/Gelhaar to continue

Responding to Chairman Levine's offer to mediate any meetings at City Hall, Mr. Petrossian stated he would attempt to resolve the issue and would keep him updated on his progress.

REORDERING OF THE AGENDA:

Following confirmation that no one in the audience wished to speak on the Public Hearing item, Chairman Levine elected to move ahead to the Public Meeting items to accommodate the public.

PUBLIC MEETINGS:

**MODIFICATION 02-03;
CAHILL;
1966 LOMBARDY DR.:**

Assistant Planner Gjolme reported the applicants' request to construct a 1,225-sf, two-story addition that would encroach up to 13½ ft into the required 20-ft south side yard setback. The 26,285-sf property is located on the southeast corner of Lone Pine Land and Lombardy Drive in the R-1-10,000 Zone. It is irregularly-shaped with curvilinear frontage along Lone Pine and Lombardy for approximately 300 ft. The angle of intersection between the two streets exceeds 135° and does not meet the definition of "corner" lot. Therefore, the entire frontage is considered "front yard". Proposed total floor area of 6,428 sf is easily within the 7,000-sf maximum allowed for the property.

The project consists of a 1,225-sf, two-story addition at the south end of the residence and would provide a 6' 6" side yard setback at both levels.

The addition would be wedged between an oak tree with a trunk diameter of 24" and a large eucalyptus tree with a trunk diameter of 48". An arborist's report states that the proposed addition would require minor pruning and includes recommendations during construction. Assistant Planner Gjolme reported that preservation of the eucalyptus is the basis for the design and resulting encroachment.

Staff acknowledged that numerically, the proposed encroachments (11 ft at the first-floor and 13' 6" at second-floor level) are significant, but determined they could be justified due to the house being wedged between converging property lines. The addition would not be visible from the street and the only neighbor with even a partial view is immediately south, where fencing, landscaping and trees provide an adequate buffer. Assistant Planner Gjolme noted that the neighbor has provided written support of the project.

In summary, Staff recommended positive findings and project approval.

The applicants concurred with Staff's analysis and had no further comments.

Commissioner Mehranian stated that her only issue was with assurance regarding survival of the oak.

Director Stanley commented that the Commission could add a condition requiring replacement should the oak not survive within two years of the project's completion.

Commissioner Brown advised that he was unable to enter the property, but did view it from the neighbor's yard. He concurred with Commissioner Mehranian that it would be wise to impose a condition to protect the oak. He acknowledged struggling with the "practical difficulty or unnecessary hardship" finding on a property of this size, but understood the rationale to preserve the trees. He pointed out that the project would have minimal impact and the abundant landscape screening on the property as well as the

support of the adjacent neighbor.

Commissioner Engler stated a preference to remove the eucalyptus tree and build out the other direction.

Commissioner Gelhaar also viewed the project from the neighbor's property. He expressed concern with any construction that would jeopardize the oak and noted that the eucalyptus is not a protected tree. He stated that he could not make the findings of hardship or special privilege because of extent of available property.

Chairman Levine stated he did not have the opportunity to make a site visit and advised of his consistent decisions as a Commissioner regarding encroachments. If the proposal is to align with an existing building line, he generally does not have a problem.

Director Stanley advised the Commission for informational purposes that the tree protection buffer is a guideline and reminded them of the arborist's statement.

Mr. Cahill requested permission to address the Commission. He related that this project was studied for approximately seven months out of concern with where to add an additional bedroom, since the home is a Wallace Neff design. Originally, a larger addition was planned, but when the arborist advised them that the eucalyptus was one of the finest specimens of a flaming eucalyptus in California, they decided to reduce the scope of the project. Mr. Cahill stated that the configuration of his property is the result of a subdivision which left his home sited atypically. He stated that there is no other way to build that would not impact the trees and affect many of the architectural aspects of his historical home.

Chairman Levine observed that it appeared a vote of denial was imminent and asked Mr. Cahill if he preferred a continuance for redesign or an appeal to the City Council.

The project architect requested direction and advised that he's already working on a way to bridge a foundation to protect the oak.

Chairman Levine stated that "it would not happen for me on that side because of my position on side yard encroachment".

Mr. Cahill advised that every house on the street has an equivalent setback.

Commissioner Gelhaar addressed neighbors support of encroachments and stated that a future neighbor might object to the encroachment. He stated "I have a problem with anything that infringes on that setback".

He confirmed that Commissioners Engler and Gelhaar would not support an encroachment. Chairman Levine stated that the applicant would have to reduce the degree of encroachment for him to support the project. Commissioners Brown and Mehranian were solely concerned with protection of the oak.

Chairman Levine stated he would probably abstain from voting since he did not make a site visit and informed the applicant that a 2-2 vote was tantamount to a denial.

Mr. Cahill invited the Commissioners to visit the property and requested a continuance to April 23.

M/S/C Mehranian/Brown to continue Modification 02-03 to April 23. Unanimous.

**FLOOR AREA REVIEW
02-03; HOTCHKIN;
1711 FAIRMOUNT AVE.:**

Assistant Planner Gjolme reported the applicant's request to allow a 214-sf, first-floor addition which would exceed the maximum floor area for the lot. The property is located on the north side of Fairmount, west of its intersection with Jarvis Avenue in the R-1-20,000 Zone. He pointed out that as currently developed, the floor area standard for the lot is exceeded by 512 sf. A total of 6,690 sf is being requested.

The project would be at the rear of the residence, setbacks would exceed Code by an average of 20 ft, height is not an issue and the structure's overall profile would not be impacted. Assistant Planner Gjolme noted that a previously approved project is under construction and was included in the existing floor area calculations. Lastly, he reminded the Commissioners that to approve a Floor Area Review only neighborhood compatibility need be demonstrated, rather than findings of compelling need and/or justification.

As a point of clarification, he related that the earlier approved floor area came in at 32% rather than 30% and permits were erroneously granted. Therefore, the revised total floor area of 6,426 sf is still within the 6,800 sf allowable through Floor Area Review.

Attorney Noonan advised that so long as the total square footage is shown, the matter could proceed. She noted that the public was given the correct information on which to comment.

Responding to a question from Chairman Levine, project architect, Craig Stoddard, advised that the staircase on the left side of the house is temporary and for ease to take construction materials to the roof. Mr. Stoddard acknowledged that his plans should have reflected the portion "under construction".

Commissioner Brown confirmed that the application accurately reflected the project.

Attorney Noonan advised that the applicant relied on the prior approval and began construction. She noted that the matter before the Commission was to review a 6,690 sf home.

Chairman Levine solicited comments from his colleagues.

Commissioner Gelhaar advised that he made a site visit on Sunday, but since there wasn't anyone on site to

explain why plans did not match what he saw on site, he returned the following day. Other than the inaccurate plans, he stated he could support the request.

Commissioner Brown commented that the large lot was quickly becoming filled with two overages on floor area and an encroachment.

Chairman Levine concurred.

Assistant Planner Gjolme noted that the proposal is comparable to the sq. footage of homes in the neighborhood.

Commissioner Engler stated that he thought the project was underway when he made his site visit.

Director Stanley reminded the Commissioners that to approve the project, they need only find it to be compatible with the neighborhood setting.

With that information, Commissioner Brown noted that the proposed floor area is compatible with the neighborhood development.

Commissioner Gelhaar noted that the ongoing construction is consistent with the building line.

M/S/C Gelhaar/Levine to approve Floor Area Modification 02-03 with an added condition per Chairman Levine that all construction parking be on site. 4 Ayes; Dissenting: Mehranian.

PUBLIC HEARING:

**GENERAL PLAN
AMENDMENT 02-01;
CITY OF LA CAÑADA
FLINTRIDGE;
HILLSIDE PARCELS;
CITYWIDE:**

Director Stanley reported that the General Plan's Land Use Element currently prohibits flag lot development except for tract maps on hillside properties. The Hillside Ordinance similarly follows suit. During recent revisions to the Hillside Ordinance, the City Council elected to eliminate that provision. Therefore, an amendment to the General Plan is appropriate to provide consistency between the Zoning Code and the General Plan. A policy under Goal 7 of the General Plan would also be modified.

Director Stanley recalled that the Commission reviewed this issue in February. Staff recommended adoption of the resolution recommending that the City Council amend the General Plan.

Commissioner Brown confirmed that the amendment would not affect new private streets; we would require new private streets to meet the same standards as City streets.

M/S/C Brown/Mehranian recommending that the City Council adopt General Plan Amendment 02-01 to apply the prohibition of flag lots to hillside tract maps. Unanimous.

OTHER BUSINESS:

**FISCAL YEAR 202-03
BUDGET REQUESTS:**

Director Stanley advised that this item would be continued to the next meeting since the Department's project list was not provided to the Commissioners. Staff is seeking recommendations for budget items, which are not administrative.

**COMMENTS FROM
THE COMMISSIONERS**

Commissioner Gelhaar stated that his idea of story poles goes way beyond what has been furnished by applicants. He asked that Staff draft standards, including vertical members that provide the entire footprint and the entire profile revealed. He felt that a handout for the public would also be helpful.

He also asked whether the Commission had any recourse for residents who present unsubstantiated 'facts'. He stated that because of testimony, the Commission required an environmental review, which can be very costly.

Director Stanley responded that the Commission's vote is the recourse; public hearings are meant to be a forum for the layperson rather than a court of law. The Commission's decisions are based on Staff's analysis, public input and its own observations.

Commissioner Gelhaar suggested including the Decorative Fence Ordinance on the agenda for the joint meeting with the City Council. He felt that allowing

shrubs to be planted alongside decorative fences defeats the purpose.

Commissioner Engler advised that the Blue Line Stream at 4070 Dover Road has been trenched down its center.

Director Stanley advised that Fish & Game is aware of the trenching and that the streambed would have to be refurbished to its original condition.

**COMMENTS FROM
THE DIRECTOR:**

Director Stanley advised that Staff held a developer's workshop in conjunction with the Housing Element update. May 6, 2002 is tentatively set for a joint meeting with the City Council.

ADJOURNMENT:

M/S/C Engler/Gelhaar to adjourn at 9:35 p.m.
Unanimous.

Secretary to the Planning Commission