

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD MARCH 27, 2001**

- CALL TO ORDER:** Chairman Orr called the meeting to order at 6:02 p.m.
- ROLL:** Present were: Commissioners Engler, Levine and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- CONSENT CALENDAR:** M/S/C Engler/Levine to adopt the minutes of March 13 as amended. Unanimous.
- CONTINUED PUBLIC HEARING:**
- HILLSIDE DEVELOPMENT PERMIT 99-13 (amd); TROEDSSON; 5424 PALM DRIVE:**
- Prior to presentation of the Staff report, Commissioner Levine stated that he would have a difficult time resolving this request. He had requested copies of the minutes of all prior meetings and because they were not included in his packet, he did not have that as a reference.
- Director Stanley offered to check the minute books for Commissioner Levine during Staff's presentation.
- Senior Planner Buss advised that Staff had reviewed the permits for this property. The building packet included a report from the Building Inspector, who inspected the wall for a 10-ft height. Further, the applicant lowered the wall height from 10 ft to 8 ft. Engineering plans were included.
- He then provided the history of the original approval granted to prior owners, which included 3-ft high walls. The property was subsequently sold to the applicant, whose revised floor plans required higher walls
- Commissioner Engler noted the lack of an engineering stamp on the detail; he did not feel that the plan was

clearly defined. He concurred with the Building Inspector's notation that the structural engineer needs to make a site inspection and concurred with Commissioner Levine, that without reviewing the minutes, etc., it was difficult to relate to the size of the house and where the wall is in relation to the original plans.

Responding to a question from Chairman Orr, Senior Planner Buss advised that the Commission needs to determine if it would allow the height of the wall as requested. The inspection falls under the purview of the Department of Building & Safety.

Anders Troedsson, property owner and project architect, stated that it was never his intention to build a wall that "would not work". The 10-ft-high wall was called out on the plans that were originally approved by the Commission; but because the application did not verbally call out the wall, it was not included in the approval. Staff marked the plans "approved at a 3-ft height, pending further Planning Commission approval". The design, details, engineering, inspections were all done. The Soils Engineers inspection report reviewing and approving the size of the footings was included in the Commissioners' packets.

Commissioner Mehranian, who was not seated on the Commission when the prior requests were deliberated, confirmed that the Commission approved a request by prior owners, to construct a new house. Mr. Troedsson then purchased the property and filed an amendment to that approval for design and elevation changes. That also was approved. The instant amendment request represents a change in the height of the retaining walls.

Mr. Troedsson then explained that he erred in using the plans prepared by the previous owners' surveyor. "Those plans were completely inaccurate; the house approved by the Planning Commission and Building & Safety would never have fit on the lot". Mr. Troedsson stated he soon realized that a 4-to-10 ft-high wall would be required.

Commissioner Engler confirmed that the final design was consistent with what the Commission approved.

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

Director Stanley noted that the applicant had the prerogative of filing a separate application to construct an 8-ft-high wall. Such an application would be considered on its merits and absent any of the underlying associated requests.

Commissioner Levine offered a few comments without benefit of referencing the minutes. He commented on his continual dislike for what he termed "piecemeal" projects -- "we have approved a 3-ft wall and we end up with an 8-ft-high wall". His interest in reviewing the minutes stemmed from his recall of voting to deny the project. He had no problem with relying on Building & Safety to monitor the structural aspects of the wall. From the information in the packets, the 10-ft-high appeared sufficiently substantial to accomplish the goal, but he would most likely abstain from voting without having reviewed the minutes of the prior meetings.

Commissioner Mehranian stated that she was having a difficult time with this request, as it was not clear to her what changed following the initial approval. She stated that she would be amenable to continuing this matter, if only to review the history.

Commissioner Engler commented that Mr. Troedsson made an honest mistake and became involved with an erroneous survey. When he got into the project, his corrected survey indicated there would be a greater surcharge on the wall than previously indicated and he had to go to a deeper depth for the footing and construct a higher wall to match the footprint that was approved. Commissioner Engler stated that he fully understood how that happened, but he wanted a structural engineer to sign off on that issue and provide a copy of the approval to the City.

Chairman Orr remarked that the problem began when the applicant proceeded to build the wall without first coming in for the amendment he now seeks. By doing so, he foreclosed the Commission's ability to include a condition as mentioned by Commissioner Engler.

Commissioner Mehranian stated that if she was being asked to solely consider the wall, without any context, she was ready to vote with a condition added that the wall be inspected by a structural engineer.

M/S/C Engler/Mehranian to approve Hillside Development Permit 99-13 (amendment) with an added condition that a structural observation of the wall be conducted by the structural engineer and that he sign the prints, acknowledging that they are in accordance with his design and that he approves what's been installed. 3 Ayes. Abstain: Levine, based on his prior comments.

PUBLIC HEARING:

**CONDITIONAL USE
PERMIT 308; SETBACK
MODIFICATION 00-35;
KING; 4618 ENCINAS:**

Senior Planner Buss reported the applicant's request to install a swimming pool/spa within the front yard and a Modification to allow a 5-6 ft-high wall within the public right of way. He noted that the Public Works Commission approved an encroachment permit allowing the wall to be located as requested.

The project site is south of the Encinas/Fernside Drive intersection, adjacent to Hay Canyon Channel, in the R-1-7, 500 Zone. The property is currently developed with a single-story home, an attached garage and deck within the southern portion of the irregularly shaped lot. The applicant's request is to allow installation of a swimming pool in the front yard on the north side, as the property lacks a rear or a northerly side yard. Recent amendments to the R-1 standards require a Conditional Use Permit for any pool proposed in the front yard.

Further, because County Code requires a 60-inch-high barrier for outdoor pools, the applicant is proposing a 5 to 6-ft-high masonry wall for a length of 124 ft along Encinas Drive. The wall would exceed the 42"-high maximum allowed for walls located within the front setback areas and would encroach into the public right-

of-way. Landscaping is proposed to soften the effect of the wall. Properties to the rear and across Hay Canyon Channel have backyard walls and natural landscaping.

On February 21st, the Public Works and Traffic Commission approved the requested permanent encroachment.

Senior Planner Buss pointed out that two immediate neighbors have similar solid walls facing the street, one, which encroaches into the public right-of-way.

Staff recommended approval as conditioned.

Commissioner Engler confirmed that the County Flood's easement extends to the property line

Commissioner Mehranian asked if the landscaping details were discussed to mitigate the visual impact of the wall.

Senior Planner Buss suggested a condition could require a landscape plan.

Chairman Orr felt that Staff's reporting that there are similar walls in the immediate neighborhood was misleading. In fairness, if there are any, they are not in sight of this property. He felt that point should be made if this matter proceeded beyond the Planning Commission.

Applicant, Tom King, commented that a property on Flanders with a similar wall is visually, if not physically, adjacent to his home.

Director Stanley advised that the Flanders property similarly has a wall that encroaches into the public right-of-way.

Mr. King continued, stating that the proposed area for the pool represents the best use of the narrow property. They decided to construct a landscaped wall rather than fencing because it would present a more attractive appearance. He commented that the neighbors "overwhelmingly" support his project.

Applicant, Nancy King, referred to the letters of support that were included in the Commissioners' packets.

Chairman Orr opened the public hearing.

Glen Martin, 4629 Encinas Drive, supported the project, stating that it represents a vast improvement from his property's viewpoint and that he was looking forward to its completion.

Alex Taylor, 4609 Encinas Drive, resides across the street from the project site. He supported what he felt was a very attractive project and solicited the Commission's approval

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

Commissioner Mehranian stated that she was prepared to vote so long as a condition was added that there be some level of review and approval by the Director of Community Development for the landscaping.

Assistant City Attorney Steres suggested expanding condition No. 12 to require "landscaping shall be installed pursuant to landscape plans approved by the Director of Community Development".

Commissioner Engler stated he understood the site constraints and asked if the plan could be reversed; i.e., the existing deck could be relocated to the front of the property and the pool located more towards the rear of the property. He referred to the return on the north end and asked if County Flood gave permission to do that. He also suggested interspersing the wall with wrought iron fencing.

Commissioner Levine recognized that the design was attractive and acknowledged the site's constraints insofar as placing the pool, but he had a problem with the proposed height and length of the wall along the street. He commented that perhaps a pool was not an appropriate amenity for that lot.

Chairman Orr agreed with Commissioner Engler regarding site constraints; however, the impact of adding a 124-foot-long solid wall in that neighborhood concerned him. Perhaps more abundant landscaping would mitigate the situation. He requested at least 4 or 5 alternate designs that would not be so obtrusive for the neighborhood.

Commissioner Engler remarked that this exemplified the problem when pools are located in front yard areas. Further, he doubted that the County Flood District would permit the wall to be built into their easement.

Chairman Orr asked if there was any flexibility on the applicants' part to come up with alternate designs for the wall.

Mrs. King stated that they are open to modifications, but would like something more permanent than a fence.

Mr. King expressed concerns of safety associated with a wrought iron fence and explained that they intended to beautify the area.

Commissioner Levine stated that he was "not a fan of wrought iron" and felt there were ways to make a solid wall appear less linear.

Following further discussion, Chairman Orr confirmed that the applicants were willing to continue this matter to April 10 for the purpose of presenting alternative designs. Commissioner Engler suggested that the applicants contact the County Flood Department and advise them of the proposal.

M/S/C Levine/Engler to continue Conditional Use Permit 308 and Setback Modification 00-35 to April 10. Unanimous.

Chairman Orr advised that there would be no further public notice.

Commissioner Engler asked if there were any limitations involved when the City approves encroachments into the public right-of-way.

Director Stanley stated that there would typically be an encroachment permit allowed. Staff is exploring whether the City Council needs to approve the encroachment.

**HILLSIDE
DEVELOPMENT
PERMIT 01-03;
MODIFICATION 01-06;
VAN BEBBER;
5252 CASTLE ROAD:**

Director Stanley described the applicant's proposal for a 1,000 sf, first and second-floor expansion. A first-floor family room expansion towards the rear raises no issues. The request focuses on a 600-sf library proposed atop an existing attached garage. It would vertically align with the garage, but cantilever 2-ft on the south side and encroach 4' 3" into the required 20-ft side yard setback. Importantly, it would maintain a 15' 9" setback established by the existing kitchen.

The 17,000 s-f property is located on the northeast side of Castle Road between Escalante Drive and Ocean View Boulevard, in the R-1-15, 000 zone.

Substantial, mature landscaping at the rear of the property would screen the additions. The addition might be partially viewed from the adjacent residence to the southwest; however, landscaping and a lower pad level serve to assure any visibility would be minimal.

Staff determined that the project is suitable in scale, for the site and the proposed encroachment provides needed balance and consistency with the existing house.

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

Commissioner Engler confirmed there would be no angle plane issues.

The Commissioners concurred that the project was appropriate for the site and the neighborhood.

M/S/C Levine/Engler to approve Hillside Development 01-03 and Setback Modification 01-06 as conditioned. Unanimous.

PUBLIC MEETINGS:

**MODIFICATION 01-09;
ZALAMEA;
4528 ROCKLAND:**

Director Stanley reported the applicant's request to add 269-sf of storage area to an existing, detached garage. The site is located on the east side of Rockland Place, north of Foothill Boulevard in the R-1-5,000 Zone.

The request presents a 10-ft encroachment into the required rear yard setback and 3 ft into the required 5-ft side yard setback. Director Stanley pointed out that the existing garage, with a 2-ft side yard setback, is considered to be legal, non-conforming. He noted the lot is irregular in shape with a severely angled rear property line that connects side boundary lines that differ in length by 44 ft. At 13 ft in height, the storage area would be lower than the existing garage ridgeline and the portion of the roof facing the neighbor would be sloping away from that property.

The property is well maintained and the intent is to provide storage for recreational vehicles that are currently parked in the driveway. Staff recommended project approval as conditioned.

Chairman Orr invited testimony however; there were no comments.

Commissioner Engler noted the well-maintained property and stated that the applicants were "doing the right thing in getting the vehicles out of view".

Commissioner Mehranian concurred, adding that storing the vehicles would be an improvement for the neighborhood.

M/S/C Mehranian/Engler to approve Modification 01-09 as conditioned; 3 Ayes; No: Levine.

**MODIFICATION 01-12;
GROSSMAN;
5028 WALMAR AVE.:**

Senior Planner Buss presented the applicant's request to allow a retaining wall that exceeds the allowed maximum height within the front and side yard setbacks on non-hillside property. The site is located on the east side of Walmar Avenue, about 300 ft north of Lynnhaven Lane in the R-1-20,000 Zone.

A permit was issued in October that would conform with Code -- i.e., 3½ ft maximum height within the front setback and 6 ft maximum height outside the front setback. Shortly thereafter, the City learned that an over height wall had been constructed, extending for the entirety of the property line

The upslope wall ranges in height between 3' 4" and 8' 8" and begins one-foot from the front property line for a length of 85 feet. After making the cut, the contractor apparently determined that it would be unsafe to leave the dirt unsupported and continued constructing an over height retaining wall. The Building & Safety Inspector advises that the wall footings can sustain a wall up to 9 ft in height.

Responding to a question from Commissioner Engler, Senior Planner Buss stated that he is in the midst of determining whether the wall was constructed to the satisfaction of the structural engineer.

Commissioner Engler stated that it appeared to him that the wall was built contrary to typical design practices -- the footings would typically be on the opposite side to prevent the overturning motion.

Director Stanley advised that the contractor contacted Building and Safety after having made the cut. Because we were experiencing heavy rains and because it was an engineered wall, Staff allowed him to build the wall up to 6-ft height at which time he was to stop, pending Planning Commission approval. Director Stanley reiterated that the footings and rebar were inspected for the ultimate height.

Applicant, Robert Grossman, felt that he was caught in the middle of this; apparently, there was a misunderstanding between his contractor and 'permitting'.

Responding to a question from Commissioner Engler, Mr. Grossman advised that the contracting crew excavated, tied the steel and called for an inspection. After they were advised that it was "too high", the wall

was reengineered. At that point, the City Manager and a council member met with Building & Safety on site. At some point thereafter, the Inspector advised it was "okay to pour for a 9ft wall". He stated that he had no idea where that information came from. Commissioner Engler confirmed that at that point, he had engineering data for the footing.

Chairman Orr invited testimony, however comments were not offered.

Commissioner Levine stated that he "had a real problem with this wall".

Commissioner Mehranian concurred, --"the sequence of events and the way it developed and at this point, it's there".

Commissioner Engler concurred somewhat. He added that if it is not retaining soil for the full length, perhaps the top could be cut to a reasonable level.

Chairman Orr commented that the property immediately to the south has physical similarities to the project site, including slope (before it was cut) and it accommodates a wall that is much more reasonable in height. He stated that the proposed block wall is very obtrusive, too high and that he would not have approved allowing it in the front setback, protruding to the street. He felt the neighboring property exemplifies what could have been done with this site and the nature of conditions he would have imposed on this wall, had he the opportunity to do so.

Commissioner Engler suggested that Mr. Grossman determine: the grade on the property immediately North of his and find out the height requirement to retain the surcharge; then reduce the wall height accordingly for safety purposes.

Following a lengthy and complex discussion, Chairman Orr summarized what needed to be done: 1) a structural engineer needs to address the issues raised by Commissioner Engler 2) the height needs to be

reviewed, 3) review the intrusion into the front setback - is it necessary? 4) address the appearance of the wall.

Mr. Grossman agreed to a continuance to May 8th.

Commissioner Engler suggested that Mr. Grossman retain the services of a structural engineer to determine if the wall is sound.

M/S/C Levine/Mehranian to continue Modification 01-12 to May 8 pursuant to the guidance offered by Commissioners Engler and Orr. Unanimous.

**OTHER BUSINESS:
Budget Request:**

Director Stanley advised that he neglected to include a City Prosecutor, which is on the Council's agenda as a budget item. Other items include Implementation of the Downtown Village Specific Plan, update of the General Plan and zoning Map corrections.

Responding to a question from Commissioner Mehranian, the latest date to add an item would be April 10th, at the next Planning Commission meeting.

On another matter involving matters that are continued, Commissioner Engler asked if the Commissioners could leave their reports on the back table so that Staff could retrieve and include them in the packets when it is next discussed

Commissioner Engler then requested a status on the letter received from Eileen Ferber regarding construction completion, property maintenance on Linda Vista and the adjacent area.

Director Stanley advised that the Planning Technician was looking into the matter. Chairman Orr stated that he would follow through with a letter to the City Council as he felt the complaint was related to the point of hiring a City Prosecutor.

Community Newsletters:

Chairman Orr suggested that public education in the newsletters regarding the responsibilities of City departments would be in order.

Commissioner Levine asked that the newsletter address the need to leash dogs.

DIRECTOR'S REPORT

Director Stanley reported that the Planners Institute in Monterey was useful and educational. Chairman Orr stated that he attended useful seminars on GIS mapping programs.

Chairman Orr was interested making an appointment with Staff to review the program. Based on what he saw in Monterey, it would be a very useful tool, particularly from a planning standpoint.

ADJOURNMENT:

M/S/C Levine/Mehranian to adjourn at 8:25 p.m.
Unanimous.

Secretary to the Planning Commission