

**A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE,  
HELD APRIL 22, 2003**

- CALL TO ORDER:** Chairman Levine called the meeting to order at 6:00 p.m.
- ROLL:** Present were: Commissioners Engler, Gelhaar and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell, Assistant Planner Gjolme and Planning Aide Shimazu.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- CONSENT CALENDAR:**  
**Minutes** M/S/C Gelhaar/Engler to adopt the minutes of April 8, 2003 as amended by Commissioner Mehranian.  
Unanimous.
- Resolution 03-18; 5249  
Harter Lane; Shankwiler:** Chairman Levine recognized Alexandria Darras, who requested to speak regarding the impending resolution.
- Ms. Darras requested reconsideration of the Commission's denial related to the requested over height fence, pilasters and gates. She explained that the request is a safety issue. She and her husband have an autistic child who recently managed to scale two fences, one 6-ft high, and accessed a property with a pool. A tall fence would also provide security from nearby Angeles Crest Highway.
- Chairman Levine commented that while the Commission shared her concerns, it must review requests from the perspective of zoning law. Following confirmation that his colleagues were not inclined to reconsider the request, he called for a vote.
- Chairman Levine recalled another project where the Commission approved an over height wall for an applicant who cited and provided evidence of security concerns. Within a matter of months, the applicant moved to another home in the city. He advised Ms.

Darras of her right to appeal to the City Council, which could exercise more liberty.

Commissioner Engler noted that the fence could be relocated out of the front setback area and it wouldn't be a problem.

M/S/C Gelhaar/Engler to adopt Resolution 03-18.  
Unanimous.

**CONTINUED PUBLIC  
HEARING:**

**HILLSIDE  
DEVELOPMENT  
PERMIT 02-50;  
BUILDING DEPTH  
REVIEW 02-08;  
GREGORIAN; 5385  
VISTA LEJANA LANE:**

Planner Cantrell provided a brief overview of the project's history before the Commission. The project was initially continued due to concerns of view blockage, visibility of retaining walls, house size and truck trips for dirt export. In March, the continued hearing focused on off site views of the project and of the retaining walls. A majority of the Commissioners stated that view blockage was not an issue for them.

The revised project shows a lowered mansard roof at a height of 20' 4" --- more characteristic of a single-story height and avoiding interruption of horizontal views from 916 Big Briar. Planner Cantrell noted that the new ridge height is not unlike the originally submitted design showing a lower pad demonstrated through use of story poles. Roof surfaces and overhangs would dominate views of the building and the most visible south elevation, with little wall surface in the upper portion. These modifications, combined with exposed rafter tails, allow the revised design to fit its hillside setting and character of nearby homes. The Building Depth Review component remains, only due to the eave extensions, which do not add to the viewed bulk but rather refine and enhance the structure.

Refinements to the landscape plan include buff colored split face block for the retaining walls to blend into the hillside even before they are screened by oleanders. Additionally, toyon is shown as a rugged screen planting along the north side and would not exceed 20 ft in height and therefore not require topping to maintain views from the property to the north.

Planner Cantrell advised that the applicant had gone to great lengths to resolve the concerns expressed throughout the public hearing process. Staff determined that the house would fit modestly into the setting established by houses along Big Briar Way, including some that are at higher elevations or of greater structural height, and recommended positive findings and project approval.

Commissioner Mehranian commented that an overlay would have been helpful in visually understanding what was submitted and denied in comparison with the revisions.

Chairman Levine concurred and stated that overlays are something he has often requested. He stated that if it can't be done by computer, the overhead projector should be brought back.

Planner Cantrell observed that the design has reverted to the initial submittal in terms of the top of the mansard roof. Therefore, an overlay would result in drawing lines that coincide with each other at the ridge.

Marlene Roth, agent for the applicant, reported that the existing story poles accurately reflect the ridge height, but the walls are substantially lower than what the poles reflect. She recalled that the original plan had a total floor area of 7,494-sf and a ridge height of 210-ft above datum point. After having met with staff and meeting three times with neighbors, the plan was revised before the first public hearing, with the effective ridge height lowered through excavation. Additionally, her client agreed to a restriction of no future lots. Subsequently, the neighbors objected to that proposal, indicating they wanted a single-story home. The hearing was continued with direction from the Commissioners that the house was too large. The following revised plan reduced floor area and presented 6,066-sf of floor area, eliminated all truck trips for export by presenting a balanced site, reduced the visibility of retaining walls and augmented the landscaping. However, a balanced site resulted in raising the pad level 4 ft higher than the previous submittal. The neighbors on Vista Lejana

supported the submittal; however, those residing on Big Briar Lane continued to request a single-story development. The plan now before the Commission has the same 6,066-sf, but reaches a ridge height of 206 ft above datum point with no export and the retaining walls were substantially reduced in height so that they all comply with Code. Through redesign and compromise, the size and height of the house was reduced, there is minimized use of retaining walls, lot coverage is at 4.5%, floor area is 7.7% and the proposed height would be only 5 additional ft higher than the existing home. Ms. Roth requested approval as conditioned.

Property owner, Chris Gregorian, advised Commissioner Engler that the back yard has two levels at a 3-ft separation. The top of the retaining wall is the same height as the pool deck.

Ms. Roth advised Chairman Levine that the story poles represent the height of the mansard roof when her client proposed to lower the pad. The crosspiece represents the correct height of the revised project.

Landscape architect, Larry Tison, reported that the proposed trees would help to blend the structure. Thirty-five, 5-gallon oleander shrubs will be planted north and east and along the curved frontage.

Chairman Levine opened the public hearing.

Raj Rajagopalan, read a letter from Kirk Sellman of 908 Big Briar Way, who was out of town. Mr. Sellman contended that the revised design is exactly the same floor plan as last proposed with the exception of a totally flat roof, which lowers the oval height by 4½ ft. He was willing to accept this as a compromise, provided the pad was also lowered by 4 ft, thereby presenting a height similar to the existing home. Mr. Rajagopalan then distributed photos, which he felt demonstrated how the project would appear from his home. He stated that because the applicant insists on a two-story home, he was willing to accept a two-story if the pad were lowered at least 2 ft. Such a compromise,

combined with a flat roof would respond to his concerns. He also advised that a party is scheduled in his home in ten days and asked if the story poles could be removed as he considered them to be unsightly.

Eldon Horst, 920 Big Briar Way, continued to be concerned with the project's size and massing. He stated that the views are the reason everyone chose to live in the area and that further adjustment would be helpful to lower what he felt would be an obtrusive structure.

Ms. Roth reiterated the concessions made by her client and advised that substantial structural work was involved to lower the roofline. She advised that the story poles would remain until the project gets through the process.

Responding to a question from Commissioner Gelhaar, Mr. Gregorian advised that he had not yet chosen a roof tile. It could be flat brown tile or a Mission or "S" shape.

Planner Cantrell reminded the Commission of Staff's recommendation that the project conform to LRV guidelines; therefore, the roof color would be fairly dark.

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

Commissioner Engler confirmed that the mansard portion would be dark and felt the condition should specify that the flat roof match the mansard color.

Commissioner Gelhaar congratulated the applicant and stated that his concern was the massing and the view from below. A height of 20 ft, earth tone colors and appropriate planting sizes to shield the retaining walls serve to accomplish what he was looking for. He asked that the conditions be amended to require 15 gallon oleanders (rather than 5 gallon) and a darker roof color.

Commissioner Engler asked that the enhanced landscaping be "at the approval of the Director of Community Development".

Commissioner Mehranian felt the applicant responded to the Commission's direction and did not believe that view blockage was an issue in this case; however, she did have an issue with the proposed bulk and size. She stated that it was a little bigger than need be, but it was acceptable and she absolutely disagreed with lowering the pad.

Chairman Levine's concerns lay with how the house would be viewed, rather than view blockage.

Commissioner Engler confirmed with Mr. Tison that 15-gallon oleanders would be acceptable.

M/S/C Gelhaar/Mehranian to approve Hillside Development Permit 02-50 and Building Depth Review 02-08 with conditions as discussed and landscaping to be approved by the Director. 3 Ayes. No: Levine.

**FLOOR AREA REVIEW  
02-20; SMITH; 5164  
CASTLE ROAD:**

Assistant Planner Gjolme provided an overview of the request for first and second floor additions to a single-story home on a 34,400-sf lot with 75 ft of frontage. The initial hearing introduced a project with total floor area of 8,319-sf and an FAR of 24%. The Commissioners expressed concerned with the overall scale of the project and the hearing was continued. At the second hearing, the project was reduced to 6,384-sf, primarily by eliminating a partially sunken basement. The Commission again recommended further reduction of floor area and the hearing was continued.

The latest revision depicts a 857-sf reduction for a 5,527-sf home with attached garage. The second floor was reduced by 300 sf and is now centered. Living room space was eliminated from the first floor for a total of 557-sf and the garage was reduced in size. Setbacks remain substantial, particularly along the south side where the first floor setback ranges from 24 to 44 ft and at 34 ft, the second floor exceeds the

required setback by 13 ft. Additionally, the height was reduced from 32 ft to 24 ft. This revision represents 2,800-sf of floor area eliminated since the original submission and 3,100-sf below what Code allows.

Commissioner Mehranian confirmed that a landscaped plan had not been prepared.

Assistant Planner Gjolme commented that the lot was sufficiently spacious and the project limited in scope to the extent that Staff did not believe a plan was necessary.

Applicant William Smith, explained that he has reduced floor area as much as possible and that he expects his 81-year-old mother in law to move in with his family. Addressing Commissioner Mehranian's comment, he recognized that his neighbor was upset that a pine tree had been removed and felt a simple solution would be for the neighbor to planting screening, since he lives 100 ft away.

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

Commissioner Mehranian expressed appreciation for the reduction in floor area and remarked that had this version been presented initially, she might have approved it. She requested to see additional landscaping.

Commissioner Gelhaar thanked the applicant for listening; his original concern was the appearance of a three-story home from the rear. He stated that the project meets all his expectations and that he could support it

Commissioner Engler concurred and asked that "to the extent feasible" be stricken from condition 12 and that a new condition, prohibiting any future storing of business related construction equipment on site, be added.

Chairman Levine read from the prior minutes where the applicant agreed to add landscaping and to remove construction vehicles from the site.

Assistant City Attorney Steres advised that if the Commissioners were concerned about a particular sight line, they should specify what that is.

Commissioner Mehranian stated that she would like the opportunity to review a landscape plan, and not necessarily require her approval.

Attorney Steres suggested leaving approval to the Director and he will advise Commissioner Mehranian when it is available for review.

M/S/C Engler/Gelhaar to approve Floor Area Review 02-20 as revised and as modified with 2 added conditions. Unanimous.

Mr. Smith advised Commissioner Mehranian that he would appreciate any suggestions she might have as to what she would like to see planted in the back.

**PUBLIC HEARING:**

**ZONE CHANGE 03-02;  
CITY OF LA CAÑADA  
FLINTRIDGE;  
Regulations applicable to  
Accessory Living  
Quarters Units:**

Senior Planner Buss reported that Governor Davis had signed Assembly Bill 1866, requiring all local governments to eliminate the existing public hearing process for ALQs. Effective July 1, 2003, all cities in California must allow and approve ALQs administratively and automatically. The intent is to relieve second unit projects from "unnecessary" conditions and procedural obstacles.

A Draft Ordinance was included in the Commissioners' packets to reflect these changes. Standards applicable to zoning, whether the unit may be detached, floor area and setbacks continue in effect. Architectural design complimentary to the main dwelling will be determined by Planning Staff. A recorded covenant will still be required; however the annual certification process will be eliminated. Staff modified the Draft Ordinance to make it consistent with the Zoning Ordinance and state law. It includes eliminating the "separate address" required (since they are allowed to be rented) and the

limitation of no more than 3 persons residing in the Unit, as that was found to be unconstitutional. Ministerial review will also apply to hillside projects. One area not addressed is those instances when an ALQ results in floor area over 10,000-sf, which triggers a CUP.

Commissioner Engler expressed concern with the possibility of increased septic problems; he felt ALQs should be restricted to areas served by sewers.

Chairman Levine stated that assuming our streets are designed to handle traffic based on a single house on each lot, second units could effect traffic.

Senior Planner Buss felt that question could best be answered by a traffic engineer. He added that the proposed revisions fall in line with past actions of the Commission. Staff would advise the Council of Commissioner Engler's comment regarding sewers; it might be a mitigating factor.

Director Stanley advised that new Health Department requirements are fairly restrictive and doubted we would see a proliferation of ALQs in areas without sewer service.

M/S/C Gelhaar/Mehranian recommending that the City Council approve Zone Change 03-02 regulating Accessory Living Quarter units with an added condition that ALQs be allowed only in areas served by sewers. Unanimous.

**PUBLIC MEETING:**

**MODIFICATION 03-09;  
BUILDING DEPTH  
REVIEW 0302; KING;  
4728 PALM DRIVE:**

Following a show of hands as to the number of interested parties who wished to speak on this project, Chairman Levine directed the three minute timer be set for the public hearing portion.

Assistant Planner Gjolme described the applicants' request to expand the first floor of their home and allow a new, 2,749-sf second floor, attaining a depth of 76 ft along the north side (beyond the 60-ft depth threshold for review). The Modification would allow the second floor to encroach up to 5-1/2 ft into the required 20-ft side

yard setback and an expansion of the detached garage , that would maintain an existing substandard 2-ft north side yard setback.

The garage is located along the north side of the property and in front of the residence; the proposal expands the garage 2'-9" to the front and 1'-8" to the rear to provide 3 parking spaces. It would be reconfigured so that access would be from the south side, rather than face Palm Drive, and a new gable roof, matching the main house would reach a Code compliant height of 15 ft. Assistant Planner Gjolme pointed out that the garage remodel qualifies for an Administrative approval since the encroachment would not increase; however, the adjacent neighbor to the North rescinded her support. A slight north/south slope produces an overall building height ranging from 29 ft to 32 ft and angle plane compliance is achieved. Deducting the 600-sf garage and 600 ft of verandas, the outcome would be a 6,200-sf home that meets the 7,500-sf standard for the lot.

The 28,746-sf property is located on the east side of Palm Drive, between Lombardy and Lyans Drive, in the R-1-20,000 Zone. It is currently developed with a 3,000-sf, single-story home and a 470-sf, detached garage at the front of the residence. The home's 73-ft front setback, which is well above the neighborhood average, would be maintained.

Addressing the 76-ft building depth on the north side (compared with the 45-ft depth on the south side), Assistant Planer Gjolme stated that a combination of siting and design mitigate concerns of adverse massing. The north façade incorporates three distinct offsets, which produce setbacks ranging from 14 to 31 feet. A bedroom and alcove at the northwest corner of the second floor is shifted toward the center, providing a setback ranging from 21 to 34 feet (above the 20-ft requirement). He stressed that the total FAR and height for the home and garage comply with Code; he encouraged discussion to focus only within the context of Building Depth Review and the Setback Modification. Staff believed that the design was sensitively thought out and noted that the applicant spent a good deal of

time discussing this project with the neighbors; approximately 25 neighbors have provided signed support of the project. Overall, Staff considered the requested exceptions as minor in visual scale, noting that the project is mostly Code compliant.

Staff recommended positive findings and project approval with a condition that the second floor provide complaint setbacks with the exception of the alcove, where a 16-ft setback would be provided. Assistant Planner Gjolme noted that this could be achieved with only minor reconfiguration.

Applicant, Theresa King, thanked the Commission and staff for their time and related efforts to address concerns, which resulted in lowering the height of the house and the garage. She advised that 20 out of 23 neighbors have provided signed approval, with two abstentions. Initially, 100% were in support, including the Chow family.

Project architect, Juan Aceytuño, Jr. advised of having spent many years designing this project. He explained that the majority of the elements point to a traditional design that complements the neighborhood and meets his clients' needs. He pointed out that the veranda surrounds the entire first floor, the roof transitions to hop roofs that provide 4-sided receding lines. The balance of volume is tempered by various gable ends, round elements to create a home that has a distinctive style and one that will enhance the property's value as well as those of the neighborhood. Mr. Aceytuño related that he worked extensively to comply with Code and stated "it is a comfortable design with extensive support from the community".

Commissioner Gelhaar requested that he explain the process of the garage conversion.

Mr. Aceytuño explained that the intent is to move the cupola forward to the permitted setback, approximately 2'-9". In lieu of garage doors facing the street, a bay window and a gable end would enhance the street view. The garage doors would face south and mitigate noise from cars to Mrs. Chow's property. The roofline must

be raised to accommodate the new width but would remain at approximately the same height and meet Code. The rear of the garage would be moved back approximately 1-½ ft

Commissioner Gelhaar expressed concern with a non-conforming garage that would basically be demolished and replaced with a new, non-conforming garage.

Mr. Aceytuño commented that the garage is in the best location for the site. Moving it in 10 ft from the property line would allow him to raise the height of the roof and have a more expansive garage than what is proposed – it would also be so close to the house that he would have to attach it and lose the passageway that provides visual relief. Locating the garage at the rear would result in 1,800-sf of concrete replacing landscaping and endanger a mature avocado tree that provides screening.

Chairman Levine remarked that as proposed, the garage might be in the best location for this project, but it might not be the best location for the adjacent neighbor.

Mr. Aceytuño stated that the garage “has always been there” and proposed increases to the height and width are minor.

Chairman Levine allowed the Chows to address the Commission, since they are the primary objectors.

Susan Chow, 4746 Palm Drive, resides directly north and is the most affected neighbor. She recognized the right to build, but stated that the potential impact on her home is so great that she must oppose the project. She requested that Code be strictly enforced and advised that the proposed garage would block sunlight and restrict airflow to her home’s bedroom windows. She felt that, as designed, rain from the garage roof would come down on her property. Addressing the residence, she stated that it is inappropriately “deep and huge”, incompatible with neighborhood development and would deny her right of peaceful enjoyment of her home.

Commissioner Mehranian addressed the assertion of loss of bedroom light and air and asked if that was the case now.

Ms. Chow advised there was some limitation now, but the project would exacerbate that.

Commissioner Engler advised Ms. Chow that the applicant could raise the roof to 15 ft in height, move the garage doors to the other side, but not widen the garage, without public review.

Visman Chow, read a prepared statement. He asked that the application be denied since applicant had not satisfied the burden of proof to approve a Variance.

Chairman Levine explained to Mr. Chow that a Variance was not under consideration.

Mr. Chow asked that the Commission see to it that the applicant abide by Code to ensure that rights are protected for both parties.

Chairman Levine opened the public hearing.

Cindy Steckbeck stated that Ms. Chow

misrepresented the King's plans, making it seem larger than designed. She stated she wasn't clear how many others were aware of that. Ms. Steckbeck supported the project.

Andrew Demetriou, 4747 Palm Drive, lives across the street and looks directly at the house and garage. He advised of having spent a lot of time reviewing the plans and believes it is sensitive to the neighborhood.

Stephen Fuersteman, 4748 Palm Drive, is a tenant, residing at the rear of the Chow property. His initial understanding was that the Modification would not impact the Chow property. His issue was with use of the Chow's very narrow driveway. He felt the alcove on the north side would overlook his quarters and that the second story would encroach on the Chow's property and his quarters.

Chairman Levine clarified the difference among *standards*; guidelines and “triggers”, all which require varying degrees of review.

John Worley, 2933 Lyans Drive, referred to the City shield, which he felt represents the community’s values and what the community has in common. He stated “many homes clearly violate the character of neighborhoods that we all treasure” and asked that the Commission uphold the regulations and preserve “what we all treasure”.

Kim McNamara, 4825 Hillard, resides to the rear of the King residence. She stated that she was initially supportive of the project until she reviewed the plans at the City for 3 hours. She felt the garage should remain a 2-car garage with the same footprint, or construct a new one, with the doors “turned”. She did not have a problem with the 2<sup>nd</sup> story, but objected to the alcove and the dormer.

Karen Veeh, read a letter from the owner at 4716 Palm Drive, supporting the Chow’s viewpoint and impact to their home. She stated that the project “moves the bar towards mansionization, as most homes in the neighborhood are approximately 2,500 sf.

Scott Benz, 1919 Lombardy, resides around the corner from the project. He pointed out that the size of the property with 100 ft of frontage could accommodate an even larger home that would meet Code. The project does not extend to the highest threshold, and the upward roofline eliminates much of the visual mass.

Eunice Lau, 5033 Alta Canyonada, advised of having attended a presentation by the Kings and was told the garage would be on the same blueprint. She stated that as proposed, 40% of the garage would encroach into the setback, given the existing encroachment. She stated that guidelines were established for good reason.

Bob Lirra, who lives directly south of the project, spoke in favor of the design, which he felt would enhance property values. He did not consider the encroachment

to be significant and noted that the process assures that there is an opportunity for all to be heard if there are exceptions. He concluded by stated the plan is well designed and noted that it would be above his home.

Edwin Kahn, 5234 Castle Road, supported the Chows. He viewed this as a repeat of his project, which was denied and appealed to the City Council, whose decision resulted in an unsatisfactory compromise for him and his neighbor. He urged the applicant to be less aggressive with their encroachment, encouraged the Chows to make concessions, and asked the Commission to listen from the Chow's perspective.

Margaret Kindred, 5481 Ocean View Boulevard, supported the Chow's viewpoint and suggested extending the garage to allow tandem parking.

Julie Markowitz, 4810 Palm Drive, lives north of the project site. She reviewed the plans extensively and felt the project represented a beautiful addition to the community and that it is appropriate for a lot of this size. She stated that she is tire of looking at a garage door so close to the street.

Alice Law, 1824 Orchard Lane, asked that the Commission respect the privacy of the Chows.

Debra Doty, 1945 Lombardy Lane, resides around the corner. She state she was pleased to support a project that represents an improvement and prefers the garage as designed rather than at the back of the house, which would require a long driveway.

Dennis McNamara, 4825 Hillard, who resides to the rear of the project site, stated that the encroachment would be exacerbated when the Chows remodel their home.

Joanne Berg, a 40-year resident of 1908 Lyans Drive, commented that the house currently appears to have been incrementally expanded. She recognized that the garage might currently infringe on the Chow's property, but noted that condition existed when the Chow's purchased their property. She felt the project represented a great improvement.

Ms. Chow responded to comments. She stated that many of her neighbors expressed concern "about what's happening to our City; there is no need for huge houses". She stated that she did not mislead neighbors but rather pointed out where the encroachment would be.

Commissioner Engler stated that he hoped the audience realized that without the requested Modification, a house of the size projected meets Code.

Mr. Aceytuño, project architect, pointed out that the eaves are within the setback and that the Chows' home is approximately 10 ft forward of the garage. He advised that the Chow's driveway infringes into his client's property by at least 10". Regarding the Chows' assertions, he advised that the eaves are within the setback and that the Chows' house is in front of the garage by at least 10 ft and 4 ft higher. The garage would not impact views that do not exist.

Teresa King referred to her letter in the Commissioners' packets responding to the Chows' assertions regarding noise from the garage door, rainwater, privacy and the front setback. She noted that approximately 50% of the garage would remain intact and the roof would be extended. The back wall and portions of the side footings would be retained. She advised that her architect mulled the idea of relocating the garage but determined that the existing location is the most satisfactory and would have the least impact. She acknowledged the incorrect perception that the design would impact the Chows, but if she relocated it and raised the roof, it would be a far worse situation. Addressing comments requesting that the north side encroachment be denied, Mrs. King related that if that were to occur, the articulation would be reduced and not be as dramatic and would present a flat wall to the Chow residence. The alcove provides definition and would be hidden by a large avocado tree, and the garage and would not be seen by the Chow's tenant.

Commissioner Mehranian confirmed that if the avocado tree were not there, Mrs. King would maintain the landscaping and install another tree. Mrs. King noted that the Chows also have a tall redwood tree and miscellaneous trees on their property to serve as screening.

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

Commissioner Engler stated he was not concerned with the building depth or the garage, but he did have minimal concern with the alcove.

Commissioner Gelhaar complimented the architect on the excellent design, adding that it would be a beautiful home that fits the R-1 standards. He felt that the term *mansionization* was overused and did not apply to this project. He referred to the definition of *mansionization* as found in the General Plan – a house too big for its property. Commissioner Gelhaar stated there was no question that the Chow property would have a new home on it at some point. He stated that he could support the south side setback, but could not make the finding for the northerly encroachment. He did not have concerns with the building depth, but had “a real problem” with allowing a non-conforming structure to become ‘conforming’. He did not believe there was any way to rebuild the garage without removing the roof and 3 cement walls.

Commissioner Mehranian remarked on the new profile of Palm Drive due to recent construction activity. Many neighbors attested that their properties had recently undergone renovation or were in transition; that told her that this home would “work” on this lot. She was unsure whether denying the depth review would relieve or mitigate any impacts and encouraged further exploration of an alternative for the alcove window.

Chairman Levine stated that architecturally, the home is beautiful and fits the lot. He was somewhat concerned with the overall length didn't have a problem with extending the garage until Commissioner Gelhaar advised the extent of dismantling that would be

necessary. He recalled a large home which was denied by the Commission, and the applicant indicated he would basically built a large box that met Code. Given Staff's recommendation that the project comply with the north and south setbacks except for the alcove, Chairman Levine asked if Staff would want to revisit the plans.

Assistant Planner Gjolme stated he would want to review the amended plans.

Director Stanley added that should the Commission concur with that viewpoint, it would not be subject to public review. Addressing the garage, he recalled that the Commission has allowed similar requests for single-story additions. He inquired if it would help the process if the applicant were required to maintain the wooden framework, and allow expansion along the existing building line.

Commissioner Gelhaar stated he did not believe there was any way for that to happen; the curbs would have to be moved, which would necessitate removing the wall.

Chairman Levine asked the architect if more than 50% of the garage would remain.

Mr. Aceytuño stated that the footprint would be maintained and that he could retain the roof and side wall. He was also willing to comply with Staff's recommendation and provide a 20-ft side yard setback.

Assistant Planner Gjolme advised that Staff's recommendation included moving the alcove inward 2 ft, providing a 16 ft setback.

Commissioners Engler and Mehranian supported Staff's recommendations.

Commissioner Gelhaar stated that the garage continued to be a problem for him.

Chairman Levine stated that a solution would be to leave it "as is and do something to make it match the house".

Mr. Aceytuño stated that he could maintain 50% of the existing garage.

Responding to a request from Chairman Levine, Director Stanley stated that historically, if someone wants to extend a building line, it would be allowed at an administrative level. In this case, though both east and west walls would be removed; the walls on the north and south side and the majority of the roof would be retained. The applicant is allowed to add the wood framing, stucco wall and the roof extension.

Chairman Levine commented that most of those cases maintained the line of sight and extended to the rear.

Commissioner Engler remarked that Staff might want to review the garage plans.

Commissioner Mehranian made a motion to approve Modification 03-09 and Building Depth Review 03-02 with conditions as drafted by Staff. The motion died for lack of a second.

M/S Gelhaar/Engler to approve Building Depth Review 03-02.

Chairman Levine confirmed concurrence was not necessary to separate the requests and called for a vote. 2 Ayes; Commissioner Mehranian stated she could not vote "without knowing what happens to the garage".

Noting that Chairman Levine did not vote, Assistant City Attorney Steres advised that if he abstained, the vote would fail 2-1-1.

Chairman Levine abstained and the motion failed.

Commissioner Gelhaar made a motion to approve the Building Depth Review and the Modification with added conditions that the north second floor setback be

20 ft, including the alcove and that the garage must conform with the existing setback requirement of 10 ft.

The motion failed for lack of a second.

A discussion followed regarding maintaining the garage "as is", raising the roof and reorienting the doors.

Chairman Levine confirmed with Mrs. King that she was not interested in maintaining a two-car garage.

Commissioner Gelhaar made a motion to approve the Building Depth Review and deny the Modification. The motion failed for lack of a second.

Director Stanley requested clarification regarding concern with the garage's setback.

Chairman Levine stated that his concern was the same as Commissioner Gelhaar's -- the extent of work needed on the non-conforming garage made it more of a tear-down than a remodel. If it could be done without tearing out the walls, he stated he would probably support the Modification for that element.

Director Stanley provided an example of a substandard carport with a flat roof. Staff could administratively approve a remodel that included removing the roof and erecting a solid wall.

Chairman Levine stated that his concern was the most impacted neighbor.

Commissioner Gelhaar commented that since this would be a complete new home, now is the time to address non-conforming structures.

Chairman Levine recalled a Victorian home with a garage that encroached into the setback, which he voted to deny. Though he believed the applicant sited the garage in the right place, that belief was not indicative of his support as a Planning Commissioner.

Director Stanley remarked that the City encourages facing garage doors away from the street. Relocating

the garage inward would increase the curbside appeal and mitigate notice to the Chow residence. The design includes two gable ends; if hip ends were maintained, there would not be any view or height issues and a lot of the gable ridge would be out. Mrs. Chow would maintain the majority of her existing view.

Commissioner Engler stated that the third parking space would be rotated and a courtyard created to face the entrance of the house.

Director Stanley felt that option would obscure the architectural value of the house. He noted that the design achieves much of what Staff looks for; moving the garage to the back would be detrimental and a good deal of landscaping would be lost.

Mr. Aceytuño addressed the Commission with his concern that discussion had declined from the Chow's concerns to the garage. He advised that there are means for the engineer to maintain a majority of the garage structure. He offered to redesign the garage to include hip roofs to match the lower veranda - it would cut down on the massing and perceived height of the roof.

Assistant City Attorney Steres advised that if the Commission could not solve the garage issue, it could approve the Building Depth Review and approve the Modification for the house only.

M/S/C Gelhaar/Mehranian to approve the Modification request for the residence, deny the Modification for the garage and approve the Building Depth Review. 3 Ayes. No: Levine.

Chairman Levine explained that his opposition referred to separating the requests. He confirmed that Mrs. King's preference was for a continuance to June 10<sup>th</sup>.

M/S/C Mehranian/Engler to reconsider the motion. Unanimous.

M/S/C Mehranian/Engler to continue Building Depth Review and Modification 03-09 to June 10. Unanimous.

**OTHER BUSINESS:**

**APPEAL OF TREE  
REMOVAL PERMIT 03-  
15; KUMAR; 5245 VISTA  
LEJANA:**

Planning Aide Shimazu reported the applicant's request to remove a sycamore tree located in the center of a rear yard patio. The tree has a trunk diameter of approximately 28" as measured 4 ft above grade. The applicant reported that the tree posed a threat to her property and its roots were damaging patio tiles.

Following the Director's denial, the property owner appealed, stating that the roots now appeared to be interfering with the house foundation and appeared to be damaging exterior walls, as evidenced by cracks in the wall.

Staff again reviewed the site and determined that the cracks seem to be stucco cracks and, without a report by a structural engineer, there is no evidence that the tree roots are interfering with the home. Further damage to the patio could be prevented by removing some of the tiles. The tree appears healthy and there is no substantial amount of dead wood or evidence of disease. Staff's opinion is that removal of the tree would diminish the character of the property and recommended that the Planning Commission uphold the Director's determination and deny the appeal.

Commissioners Gelhaar and Mehranian concurred with Staff's recommendation.

M/S/C Mehranian/Gelhaar to deny appeal of Tree Removal Permit 03-15. Unanimous.

**COMMENTS FROM  
THE COMMISSION:**

Commissioner Gelhaar commented on the appeal of the Cahill project recently heard by the City Council. The Council overruled the Commission's majority decision and upheld Mr. Cahill's appeal. He inquired if the Council had received copies of all the Commission's meetings and further asked that the Commission receive copies of all appeal letters.

Director Stanley advised that the Commission should be receiving copies of all appeals to its decisions and apologized if that was not the case in the recent past.

Commissioner Engler was given an update on the over height structures on Verdugo Boulevard and La Tour Way and on the Eguchi property.

Commissioner Mehranian inquired if Staff could provide "before and after" overlays of pending projects.

Director Stanley responded that part of the problem is the short amount of time between some meetings; however, staff could present side-by-side projections.

Chairman Levine advised that he had viewed the Cahill appeal on television and became concerned when Commissioner Gelhaar addressed the Council as representing the Commission rather than as an individual Commissioner. He stated, however, that he would not have a problem if the Commission chose a representative to speak on its behalf in such matters. He stated he was also troubled upon hearing a comment by Council- member Spence, which he felt was directed towards him. Chairman Levine made statements supportive of the project but voted to deny the request because of his steadfast policy not to grant new setback encroachments. He stated that, at times, his personal views differ from those he has as a Planning Commissioner.

Director Stanley suggested that Chairman Levine speak directly with Councilmember Spence, who conveyed a concern when any commissioner has a preconceived policy in terms of projects that come before the Commission. Stating in the record that a project is ideally located and appropriately designed and then, because of personal practice, deny the project because it represents a new encroachment, is not a finding, but rather a personal policy, contrary to the legal process. Director Stanley stated that, unfortunately, the Chairman's statement was quoted during a very contentious public hearing. After expending a good deal of time and money, applicants expect and are entitled to fair treatment.

Commissioner Gelhaar remarked that is why he asked if the Council had received all of the Commission's

minutes, because the Chair's comments regarding findings were not quoted.

**COMMENTS FROM  
THE DIRECTOR:**

Director Stanley advised that the recruitment process was underway to replace former Commissioner Brown.

Following discussion, the Commission decided to cancel the May 27<sup>th</sup> meeting due to lack of a quorum and lack of opportunity for the Commission to study the materials and make site visits.

**ADJOURNMENT:**

M/S/C Gelhaar/Mehranian to adjourn at 9:47 p.m.  
Unanimous.

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Secretary to the Planning Commission