

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD APRIL 24, 2007**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Hill, Gelhaar and Mehranian, Director of Community Development Stanley, Senior Planner Buss, Planners Clarke and Gjolme, Assistant Planner Lang and Deputy City Attorney Cobey. Commissioner Cahill was expected to arrive shortly.

**III. PLEDGE OF ALLEGIANCE**

Commissioner Gelhaar led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**V. REORDERING OF THE AGENDA**

Chairman Davitt noted the lack of any request to reorder.

**VI. CONSENT CALENDAR**

**A. Minutes of April 10, 2007**

**B. Resolution 07-33;Kilaghbian; 809 Valley Crest**

M/S/C Gelhaar/Mehranian to adopt the Consent Calendar. 3 Ayes; Davitt abstaining.

**VII. CONTINUED PUBLIC HEARING:**

**A. Hillside Development Permit 05-63; Green; 3800 Domal Lane:**

Senior Planner Buss recalled that the Commission initially reviewed this project approximately 3 months ago. At that time, a 2,900-sf house, which exceeded Hillside Guidelines was proposed at the north end of the lot. During the meeting, the applicant presented a modified project of approximately 2,700-sf which met the Slope Factor Guideline. The Commission continued the project for formal submittal of the revisions and asked the applicant to work with his neighbors with regard to their concerns.

The subject site is located on the east side of Domal Lane (a cul-de-sac), which is accessed from Sugar Loaf Drive. It is 13,700-sf in area and has an average slope of 41%. It has 213 ft of street frontage where there is a shallow shelf before sloping steeply downward to the east.

Mr. Buss advised that the project now before the Commission had been downsized even more than the initial cursory evaluation of the revisions. It is now 2,500-sf, including the garage; more than 3,00-sf below the Hillside Guidelines. The garage is now detached and located north of the house on the shelf area, and the original flat roof has been changed to a standing seam pitched roof. Portions of both floors are set into the hillside, though they are not completely subterranean. The two outside terraces were eliminated and replaced with a railed deck on the southern 20 ft of the roof.

A Power Point presentation showed that the house is now spread out between two floors and no longer below the garage. Off site parking is provided in front of the house; moving the garage northward helps with the height of downslope walls. Staff had some concern with the lack of fenestration --- details are not shown on the south and east side windows. New story poles were shown. The latest revisions result in the structure's east side being much lower than the initial design. Additionally, the neighbor at 3801 Domal Lane has submitted a letter of support based on her agreement with the applicant.

Since the applicant responded to all criteria requested by the Commission, Staff recommended approval per draft conditions with added conditions that a revised landscape plan be submitted for final review and approval by the Director of Community Development and that the fenestration on the east and south elevations be enhanced.

Responding to a question from Commissioner Mehranian, Mr. Buss advised that the applicant intends to retain as many trees as possible -- even those that are not protected. Staff's recommendation was that nearly all the trees remain.

The east elevation was displayed again for Commissioner Gelhaar. What he thought was another deck off the master bedroom is actually a landing for the steps that are below street level.

Commissioner Cahill arrived at 6:17 p.m.

Project architect Charie Tang, stated that the project was totally redesigned in response to the Commissioners' comments. Responding to Commissioner Gelhaar's question regarding the deck, she advised that it extends from the living room and is cut into the hillside. The Chinese Elm that Commissioner Mehranian was concerned about is located down the hill. Removing it would allow room to install a seepage pit.

Applicant Brian Green added that a 3-inch-diameter pine is the only tree slated for removal on the pad. The Chinese elm that was indicated for removal will be retained.

The City Engineer reviewed the plans and accepted the revisions. He felt this was likely the most difficult lot in the City to develop and stated that he met all the requirements.

Chairman Davitt opened the public hearing.

Sen Ji, 3800 Domal Lane, reported that he is a 10-year resident at 1340 Sugar Loaf, questioned how Staff could consider the soil to be solid and displayed photos of mud slides that have occurred in the neighborhood. He pointed out that eight neighbors reside below the project site; his concerns included flooding, erosion and weight of the septic tank on the soil. He disagreed with the Staff report with regard to off-site views and he believed the project would invade his privacy.

Steven Kabish, a 10-year resident at 1340 Sugar Loaf, which is east and south of the project. He stated "this is an extreme example of a lot that shouldn't be built on or at the most, should be sensitively built upon." He disagreed with Staff's findings and read a prepared statement. He recognized that the revisions represent an improvement over the initial submittal, but stated that the project would not enhance its setting. If there were any problems with the septic system or if there was a structural slide, the properties below would suffer. Though the balconies were removed, they were replaced with a roof-top terrace, where entertaining would occur. The Chinese Elm requested to be removed now provides major screening for his property. He asked that the roof-top terrace be eliminated, that the Chinese elm be retained and that a fence located 8-10 ft from the ridge line be relocated, as the hillside is sliding.

Dennis Lee, project engineer and geotechnical and structural engineer, addressed the Commission. His evaluation was that the slope is safe. Mr. Ji's presentation of slides are not related to this project due to distance. The slides shown of nearby properties are such small surface slides that he couldn't define them. He further advised that County Health had approved the septic system.

Mary Whitaker, 3801 Doman Lane, reported of having met with the applicant and Ms. Tang and that they assured her that only the Chinese Elm would be removed and that all efforts would be made to maintain the existing vegetation to shield her view of the project. She stated that her concerns were allayed.

Applicant Brian Green responded to comments. Regarding landslides, he reported that during percolation testing, a tractor punctured Ms. Whitaker's garden line. When her sprinklers activate, water runs down the hillside from a 2-inch puncture. The only tree that would be removed is the pine, and he stated he would not move his fence back "I've done all I can do; you can't talk to people who don't want to listen".

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

Commissioner Gelhaar stated that the applicant did everything asked of him and, as the engineer stated, showing photos of slides in other areas doesn't accomplish anything. His one concern was the roof-top terrace. He asked if it were possible to move the fence from the edge to preclude direct views to down slope properties or, perhaps a solid material rather than an open rail could be used. He agreed with Staff's findings and draft conditions, including the need for a landscape plan.

Commissioner Cahill commented that the applicant had done all he could possibly do to minimize the impact on the neighbors and that he addressed all the concerns expressed by the Commission. "Either it's this house or no house". He pointed out the difficulty with developing this legal lot and advised that the two main issues for him were safety and screening. He preferred a better comfort level regarding the steps taken to assure land stability and he agreed that there should be a landscape screening plan. He was indifferent with moving the terrace railing, but wouldn't object to it being pushed back a little.

Commissioner Mehranian stated her belief that the applicant and his architect had responded to the Commissioners' concerns. Since everyone is aware that land moves, the appropriate technology and studies have been applied. Regarding the terrace, she noted that it allows views over rooftops of homes, rather than to the interior of neighboring homes. The landscape plan was important to her, including retention of the Chinese Elm. She stated that she could support Staff's recommendations with a condition added to maintain the Chinese Elm and that she did not have a particular issue with the proposed terrace.

Commissioner Hill concurred that the applicant had done all he could do. He walked around the site to consider the new story poles and was unsure how different the view would be into the neighbor's property from a patio at ground level or the deck. It seemed reasonable to him that when the equities involved are weighed, the applicant should be able to have some sort of back yard or a place to sit outside and enjoy the weather. He stated that he could make the required findings and could support the project.

Chairman Davitt commented that the applicant followed the Commission's direction and his engineer had responded to technical questions. He pointed out that the applicant was only seeking approval to build on a legal hillside lot; there is no Variance or encroachments involved. He appreciated Commissioner Hill's comments regarding the terrace were valuable. One of the findings the Commission has to make deals with privacy impacts to neighbors.; any risk of impacting neighbors' privacy should be removed.

Commissioner Gelhaar stated that he viewed the site from the neighboring back yard and agreed with his colleagues that the terrace be allowed as proposed.

Chairman Davitt confirmed that the landscape plan should be approved by the Director of Community Development and work with neighbors regarding privacy screening issues.

M/S/C Mehranian/Hill to approve Hillside Development Permit 05-63 with added conditions requiring the landscape plan to address privacy issues and that architectural treatment be provided around the windows. Unanimous.

Chairman Davitt advised the audience of the option to file an appeal of the Commission's decision.

#### **VIII. PUBLIC HEARINGS:**

##### **A. Tree Removal 07-05; Muller; 1704 Bonita Vista:**

Commissioner Hill announced that a question had been raised regarding his participation in this matter, given the proximity of his home to the subject site. He reported of having used a County program to verify that he resided more than 500 ft from the applicants' home and Staff did likewise. It was therefore appropriate for him to participate.

Assistant Planner Lang reported the applicants' request to remove 4 deodars and one Canyon oak, all of which are protected by their species and diameter. The number assigned to each tree corresponds to the arborist report.

The applicants report that the location of tree #14, a 22-inch-diameter deodar, conflicts with the proposed circular driveway. It is rated C-, with an assessed value of \$9,950 per the City-retained arborist. Staff recommended positive findings for its removal.

Deodar cedar #21 is dead and rated F with no value. Positive findings were made to remove this tree.

Tree #24, a 12-inch-diameter deodar with a B+ rating and valued at \$3,650, is located in the area of a proposed vegetable garden. (A retaining wall around this tree was removed at the request of the arborist.) Staff could not make any of the findings and recommended denial of this component.

The remaining deodar, #28, a 30-inch-diameter deodar is rated B, and valued at \$19,850. There is evidence of fungal growth at the root, which has spread to the main trunk. The arborist recommended mitigation measures

in an effort to restore its health. Staff seeks direction from the Commission on this tree.

The canyon live oak with a diameter of approximately 16 inches, was rated C- to a D rating; its value was not assessed. Positive findings were made to remove this tree.

Assistant Planner Lang reported that under a separate application, the applicants received approval for a Director's Modification to relocate the garage. A circular driveway is also proposed, which is allowed, given the lot's dimensions. Additionally, plans for an extensive residential 2-story remodel were submitted, which had not yet analyzed. Ms. Lang asked that the applicants provide further details as to the proximity of that project to protected trees.

At this point, staff was requesting direction. If the Commission approves any removal, are replacement trees in order? Can existing trees be considered as replacement, given the heavily wooded site? Or, would a contribution to the City's Tree Fund be a more appropriate solution?

Commissioner Mehranian stated she would have preferred an opportunity to review the pending expansion plans in the event there are more requests to remove trees.

Commissioner Gelhaar confirmed that the garage relocation was approved at Staff level and that the lot meets the criteria to allow circular driveways. He recalled that the revised R-1 standards limit the percentage of allowed hardscape in front yards and he inquired if Staff included the sport court in the hardscape calculations.

Ms. Lang responded that the City Council mandated removal of the sport court. However, the applicant requested that the Council allow it remain until the sewer contractor is ready to work on his property, that way, all the work could be done at once.

Commissioner Gelhaar noted that the proposed circular driveway would cut into the existing chain link fence. He confirmed that the fencing would have to be removed, as chain link fences are prohibited in front yards. He did not want the circular driveway to be installed until the sport court is removed and hardscape percentage is calculated.

Responding to a question from Commissioner Cahill, Ms. Lang felt there might be options to retain tree #14 and still provide access to the garage. She suggested that the architect clarify that point.

Commissioner Mehranian confirmed that when Staff approved the garage encroachment, it was with the assumption that tree #14 would be removed. She further confirmed and was disappointed that Staff did not consider different scenarios that could have saved the tree.

Applicant Ridge Muller reported on the development of his property, the status of sewers and his thoughts on the trees. He did not want to remove tree #24 near the vegetable garden. The basis to request removal of tree #28 is the arborist's statement that he would not certify the tree. It is at risk of falling, as it leans to the west. He would prefer to treat and retain it; removal is up to the City. The arborist has offered to work with him regarding the proposed residential expansion so that it would not interfere with tree #28. The canyon oak has been poorly managed over time and is in poor condition. Addressing Commissioner Mehranian's comments, he reported that there were no other options to site the garage where it would not impact other trees and noted that there are approximately 55 trees in the yard. Mr. Muller stated that despite the fact that tree #14 is odd looking and not attractive, he would like to retain it or, replace it with large specimen trees where they wouldn't interfere with the driveway. Regarding sewers, he anticipated connection within 2-3 months, as the main trunk line is being installed further down Bonita vista. The sport court will be removed when the heavy equipment for sewers is on his property.

Discussion followed between Attorney Cobey and Mr. Muller whether he was withdrawing his request to remove tree #28. Mr. Muller stated that he would withdraw his request and retain the tree recognizing the statement by the City-retained arborist that it is a "fall risk".

Assistant Planner Lang read from the arborist report stating that tree #28 appeared to be stable at this point.

Responding to Commissioner Cahill's question regarding the chain link fence, he advised that it would eventually be replaced. He intentionally left it up knowing that he would need a construction fence. Further, moving the garage to save deodar #14 would result in affecting other protected deodars.

Chairman Davitt opened the public hearing.

John Polito 5334 Alta Canyada Road, stated that he was unsure which trees were involved in the request. He asked that the Commission provide assurance that the work is carefully done, as the trees are valuable to the neighborhood. Speaking on behalf of his wife, he opposed removing tree #14.

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

Commissioner Cahill reported of having made a site visit. He did not have concerns with approving removal of #21, #24 or the canyon oak, given the heavily wooded site. He agreed that #28 should be maintained if it's healthy. He was struggling with removal of #14, but in light of the 55 trees on site, he most likely could support removal. He was concerned with the amount of hardscape and confirmed that the sport court would be removed when sewers are available to his street. Lastly, he recommended that tree replacement be required where #14 would be removed.

Commissioner Mehranian asked for confirmation that #trees 14, 21 and the canyon oak were the only trees now under consideration.

Deputy City Attorney Cobey suggested that discussion should include the idea that tree #14 and the canyon oak are not ready for review until issues of the amount of hardscape and sewer availability are resolved.

Commissioner Mehranian agreed and was concerned that the situation could change, especially when the sport court is removed. Perhaps the only tree ready for discussion is the dead deodar. She asked to hear from the applicant as to a reason for the Commission to consider removal at this point.

Senior Planner Buss stated "there is no question that the sport court will be removed --- the City Council required its removal". The 50% maximum for hardscape in front yards is a performance factor. When the circular driveway is ready for installation, City Staff will determine the amount of concrete necessary; if it amounts to 50% or more of the front yard area, "it won't happen".

Attorney Cobey summarized the situation; a permit to remove the canyon oak and tree #14 could be granted with a condition requiring code-compliant installation of the circular driveway.

Commissioner Hill agreed with Staff's recommendation to maintain trees #24 and #28. The question then, was whether the Commission would require replacement trees and/or contributions to the City's Tree Fund. He reported of making a site visit over the weekend and witnessed the incredible number of trees on the property. From a fairness standpoint, he did not favor requiring replacement trees or a contribution to the Tree Fund.

Commissioner Gelhaar was pleased that tree #28 was off the table. What concerned him most was Staff's lack of analyzing whether the driveway is

needed; his plan was not to scale and did not show the garage or driveway. He asked that Staff take another look as to where the garage is and where the driveway has to go and double check if Tree #14, which is a nice looking tree, can be saved. A condition to that effect was acceptable; otherwise, he could support removal of #14, 21 and the canyon oak. He agreed with Commissioner Hill that it would not be practical to require replacement trees, but he did support requiring a contribution to the City's Tree Fund, which provides the necessary funding for to purchase trees for other parts of the City.

Chairman Davitt supported removal of #21 and the canyon oak. Tree #14 could be removed with a condition that a scaled plan be presented to Staff's satisfaction demonstrating that it cannot be saved. Otherwise, tree #14 must remain. He also made a site visit and agreed with Commissioner Hill that replacement trees are not necessary on this site.

Commissioner Mehranian disagreed with allowing removal of trees because there a lot of existing trees . She agreed with Commissioner Gelhaar's comments regarding tree #14 and would support it's removal provided it is proved to Staff that it can't be saved. She also agreed requiring a contribution to the City's Tree Fund.

Commissioner Gelhaar noted that that tree #14 is valued at \$9,950 and tree #24 is valued at \$3,650. He felt that a total of \$10,000 contribution to the Tree Fund.

Commissioner Cahill stated he could accept that amount.

Commissioner Hill questioned imposing a condition dependent on whether tree #14 can be saved. He stated "something can always be done to save #14 by not putting in a circular driveway, but we have testimony from the applicant that maintaining #14 in it's present location would pinch the driveway to the width of a single car.

Chairman Davitt stated his intention that the driveway width meets the needs of the lot.

Attorney Cobey remarked that Commissioner Gelhaar was suggesting was since denial of the permit would put an unreasonable hardship on the property owner. In order to make the required Findings, it is necessary to understand the driveway criteria.

Senior Planner Buss added that the driveway must meet the Fire Department's standards.

Commissioner Hill asked if it was fair to require a contribution to the Tree Fund if the Commission can make the Findings when the applicant has shown good cause to remove the trees? Given the number of trees remaining on site, this did not seem to be an appropriate case to require a contribution.

Chairman Davitt agreed from a philosophical standpoint, stating that the Commission was approving removal and then being punitive by requiring a contribution to the Tree fund.

Commissioner Cahill commented that some of the Commissioners are on the cusp with Tree # 14; therefore, if it needs to be removed, a contribution is suggested.

Commissioner Mehranian stated that rather than being punitive, the Tree Ordinance requires a replacement whenever a protected tree is removed --- if not on the subject property, then elsewhere.

M/S/C Gelhaar/Mehranian to approve removal of tree #21 and the canyon oak. Tree #14 may be removed with a condition that Staff analyzes the plans to determine whether it can be saved with the circular driveway. Unanimous.

M/S/C Gelhaar/Mehranian to require a \$9,950 contribution to the City's Tree Fund if Tree #14 is removed. 3 Ayes; Hill and Davitt dissenting.

**B. Modification 07-07; Esner; 4901 Castle Road:**

Planner Clarke related the applicant's request to legalize an over-height cooking area located with the rear yard setback, as well as a fireplace located within the rear and side yard setbacks. Because the Notice of Public Hearing did not include the fireplace component, the City Attorney's advice was that public testimony be limited to the over-height cooking structure and continue the matter to May 8<sup>th</sup>.

The 19,440-sf project site is a flag lot on the west side of Castle Road, adjacent to Sunnybank Drive, in the R-1-15,000 Zone.

The cooking structure is 6'-8" high and includes a cooking area, grill and a wet bar. It is located 1-ft from the rear property line, where a 15-ft setback is required. Planner Clarke noted that setback regulations do not apply to structures under 6 ft in height. Structures between 6 and 10-ft in height are allowed with 5-ft setbacks with an approved Modification. Otherwise, the 15-ft regulation stands.

A neighbor's phone call brought this matter to Code Enforcement's attention and citations were issued for the cooking unit. A 9-ft-high fireplace is also proposed to the left of the cooking unit. A brief Power Point presentation depicted the unusual lot configuration and the subject site which is the last of 3 parcels on a flag lot. At this time, Staff's recommendation was to continue the item to May 8<sup>th</sup>, when both structures can be discussed simultaneously.

Commissioner Hill confirmed that the cooking unit would be allowed if less than 6 ft in height, but it must be setback a minimum of 5 ft.

Chairman Davitt opened the public hearing and advised the applicant that the Commission would not take action at this point.

Applicant Stewart Esner's interpretation of Code was that setbacks did not apply if a structure is under 6 ft in height. With that in mind, the front of the cooking structure is 11 ft from the fence; only its side encroaches at 6'-8". He felt the real issue was whether the cooking structure was an intrusion on the neighbors when it is comprised of wood beams and slats and low wattage lights that is screened with mature and dense landscaping. He pointed out that the closest neighbor is quite a distance from the cooking area.

Commissioner Hill made a site visit over the weekend, but could only view the structure from the driveway, since the gate was locked. He confirmed that the cooking structure is "L" shaped and that Mr. Esner had measured the 11 ft correctly.

Deputy City Attorney read the Code section which applies to this project.

Kathleen Strangis, 4910 Ocean View Boulevard reported that 6-8 weeks ago, she heard construction at the back of her property and saw workers constructing a cinder block base of some sort. She advised Mrs. Esner that she thought there was a setback issue; however, Mrs. Esner's contractor reportedly checked with the City and was advised that permits were not required. She reported that her bedroom is proximate to the cooking unit.

M/S/C Gelhaar/Davitt to continue Modification 07-07 to May 8<sup>th</sup>.  
Unanimous.

**C. Second Floor Review 06-13; Floor Area Review 07-07; Kim/Choi/Chung; 4300 Oakwood Avenue:**

Planner Clarke recalled that this matter was initially considered on March 13, at which time the Commission continued the hearing in order for the applicant to respond to concerns expressed by neighbors and to retain the

services of an arborist, who was to report on an oak in proximity to a proposed deck and the house. The Commission also requested more architectural details on the north, second-floor elevation. The arborist report was included in the Commissioners' packets, which included 3 recommendations; pruning, that the deck be of permeable materials and that construction fencing be provided to protect other trees on site. Elevations shown on Power Point demonstrated the added fenestration on the north side.

Given that the elevation and the arborist's recommendation addressed the issues raised by the Commission, Staff determined that positive findings could be made for both requests.

Chairman Davitt opened the public hearing

Alice Hill, 4335 Oakwood, stated that her issues was with the size of the house. She reviewed the materials and was unsure if the applicant intends to maintain the other structure on the lot. She referred to the Staff report and noted that the project comes in at 25.4% FAR; only 3 other properties out of the 24 listed are that high. She stated that the project is much larger than nearly all homes on the street and much larger than homes on the north end between Berkshire and Georgian. Ms. Hill stated that the house is out of character for that end of the street and even the few two-story homes are small. She asked that the Commission take a hard look at the project, as she did not want a duplication of what happened to Commonwealth Avenue and stated she was surprised at Staff's recommendation.

Christy Skinner, 4355 Oakwood, stated that the applicant was asking for an FAR 50% greater than the threshold, which is significantly more than the neighborhood average. There is only 1 home larger in the chart provided by Staff. Her concern was that new standards were being created by default. She reported that extensive landscape screening was required to shield the house under construction next door to her until the area suffered from a freeze, and the majority of landscaping did not survive.

Doug Porter, 4220 Oakwood, resides 3 houses north of the subject site. He believed that the project's first floor would be seen from his home and stated it would appear as an apartment building. He stated further that he did not necessarily object to the proposed size of the house, "but it's sort of the dividing line between north and south Oakwood". He believed it could be architecturally changed to make it less adverse to the neighbors.

Kenneth Kim, project architect, pointed out that the project meets Code and that the subject lot is largest on the chart in the staff report. The second

story would be minimally seen from the street and the 3 oaks serve as a buffer.

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

Responding to a question from Commissioner Mehranian, Planner Clark stated that similar comments regarding scale and massing and the north/south boundary, at the prior hearing.

Commissioner Gelhaar and Chairman Davitt recalled that at the prior meeting, the Commission's direction was that assurance be provided that the oak at the rear would not be affected by the development and that the north elevation be articulated.

Commissioner Mehranian stated that since an arborist report had been provided and if the recommendations are followed and the north wall articulation addressed, she could support the project.

Commissioner Hill stated that he spent quite a bit of time on site and driving on the street. Addressing compatibility, he wondered if the neighborhood had so evolved from what it was at one time that this project would be compatible --- someone will always have the largest and the smallest house. He stated that the project is not incompatible with in terms of size of style; there are lots of fairly new houses built in the last few years that appear similar, and this neighborhood is clearly changing. He related that some months ago, during a joint meeting with the City Council, he specifically asked the Council how he should look at neighborhoods when determining compatibility -neighborhood as they exist, or what they are becoming? Unfortunately, he did not get a response that he "could latch on to". Commissioner Hill stated that older homes are reaching the end of their useful lives, given the property values in this City. He stated that he was struggling with this case, as he initially felt the project was compatible, but was now unsure, after hearing the recent comments.

Commissioner Gelhaar commented that if the lot were 80-ft in width, it would not require Commission review for floor area. He noted that the Commission has consistently regarded narrow lots as if they met the 80-ft requirement, and applied increased setbacks. His recollection was that this house is 80 ft from the street, so the massing would not be as readily apparent; that is why he supported it last time subject to the 2 remaining items. He did not believe it was too big for the neighborhood and felt that the architect did a good job with the design.

Commissioner Cahill stated that he understood the neighbors desire to keep things within the range of what they're used to. The aerial photo

demonstrates “that the new house is pretty much the size of what was demolished and that very little of the lot would be covered by the house”. It is set back a considerable distance from the street and complies with all setbacks. Though large, it did not seem to him to be too big for the lot. The fact that 5 ft triggers a threshold is something to consider, but it shouldn’t make 4,500-sf a “cap”.

Chairman Davitt recalled that he did not have concerns with the proposed size of the house at the first meeting. He noted that the applicant responded to direction given. He believed that the house was well designed and while he was sensitive to its size, he pointed out that the lot size can support the requested floor area.

M/S/C Mehranian/Gelhaar to approve Second Floor Review 06-13 and Floor Area Review 07-07 with the draft conditions provided and an added condition requiring that an arborist be on site during trimming of the oaks. Unanimous.

**D. Second Floor Review 07-12; Deisbeck/Troedsson; 951 Descanso Drive:**

Planner Clarke described the applicants’ request to demolish the existing home (the pool would remain) and replace it with a 3,743-sf, two-story home and 407-sf, detached garage. A 1,293-sf basement is also proposed.

The rectangular-shaped site is located on the north side of Descanso Drive, between Chevy Chase and Bel Air. At 12,450-sf, it is slightly smaller than the 13,197-sf neighborhood average. The project consists of a French Country design, with the south elevation fronting the street. It demonstrates compliant setbacks and provides adequate screening and modulation. Staff determined that the project preserves the scale and character of the neighborhood and is consistent with the City’s Residential Design Guidelines.

Project designer, Anders Troedsson, reported of having sent two notifications to all neighbors, to arrange a meeting to discuss the project; a few of the neighbors have submitted letters of support. Mr. and Mrs. Park who live on the corner of Descanso and Bel Air, had an issue with a window in the master bath. Mr. Troedsson advised that it is an 18” wide by 2-ft-high window. He preferred to maintain it for ventilation, though he was willing to install opaque glass. Lastly, he has had conversations with the Geisbauers on Bel Air, who are concerned with screening. Mr. Troedsson advised that he has offered to purchase and install new landscaping on the Geisbauer property. The design recreates a French Country look; the existing rose bushes, perimeter vegetation, crepe myrtles and citrus trees will all remain.

Chairman Davitt opened the public hearing.

Jim Geisbauer, 4307 Bel Air , reported that he would see the project from his back yard. He has discussed the matter at length with Mr. Troedsson and wanted the record to reflect the agreement regarding landscaping.

Patrick Park, 939 Descanso Drive, stated that the 2<sup>nd</sup> floor window on the east elevation is a concern. He asked that it be blocked or screened, as it has views into his home.

Mr. Troedsson rebutted to comments. He stated that he would not force the issue with Mr. Park --- he would like ventilation and light into the master bathroom; it is a small window and would be opaque. All other windows face south.

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

Commissioner Hill related that the project did not raise concerns for him. Mr. Park's issue can be resolved with translucent glass and Mr. Geisbauer's with additional landscaping.

Commissioner Gelhaar concurred and confirmed that Mr. Troedsson would submit a haul route to Public Works for the basement work. He also asked the applicant to consider relocating the pool equipment so that it is code compliant, given that a new spa is proposed.

Commissioner Cahill complimented Mr. Troedsson on the design and asked that the translucent window and the landscaping be subject to the Director's approval.

Commissioner Mehranian stated that the design fits the neighborhood. Landscaping was an issue, but adding it as a condition would assuage her concerns.

Chairman Davitt concurred and asked for 3 additional conditions: that the master bedroom window facing the Park residence be translucent, that adequate landscape screening for 4307 be provided, subject to approval by the Director, that the pool equipment be relocated to be code compliant and that a haul route be provided to Public Works.

M/S/C Gelhaar/Mehranian to approve Second-Floor Review with conditions as noted by Chairman Davitt. Unanimous.

Chairman Davitt called for a 5-minute recess and the Commission reconvened at 8:54 p.m.

**E. Second Floor Review 06-03; Shah; 4925 Angeles Crest Highway:**

Planner Gjolme described the applicants' request to demolish a single-story residence and replace it with two-story home of Mediterranean design and a detached garage to the front. The project is entirely code compliant with the exception of an over-height entry. Total floor/roofed area would be 3,640-sf, which is supported by the 10,200-sf lot. He reported that the applicant had reconfigured the project by working with Staff.

The subject lot is rectangular in shape, approximately 60' x 160'. Immediately south is a similar lot size that accommodates a two-story home. It is located on the west side of Angeles Crest Highway, the City's dominant north/south thoroughfare with considerable traffic volume speeds and a 100-ft right-of-way. This made defining the neighborhood character somewhat difficult, given the diverse lot sizes and the mix of house designs.

The existing garage would be retained. At Staff's suggestion, it would be extended forward to provide a code-compliant 20 x 20 garage. It is shown set back 54 ft from the front property line. Planner Gjolme noted that the existing home has a substandard south side setback of 5 ft, which the project will remedy.

A Power Point presentation showed the Mediterranean design with arched windows and stucco facades and a hip tile roof, reaching a maximum height of 28 ft. at its highest pitch. It's location behind the garage causes it to be set back 90 ft from the front property line. Staff does not anticipate any adverse effects as it relates to the street setting.

The 1,432-sf second floor includes a landing leading to a covered balcony above the first-floor entryway; the combination causes the over-height entry. The applicant made a concerted effort to limit the number of 2<sup>nd</sup> floor windows; the second floor has 2 windows on the south side (one is a small transom bathroom window) and 4 on the north side. There is a letter on file from Mr. and Mrs. Rady, who share a common property line with the applicant, expressing concerns with regard to loss of privacy from the second floor, given the adjacency of their pool/patio area.

The one element that Staff struggled with was the two-story entry tower. Though allowed, they are individually subject to review if over 12 ft in height. As proposed, the tower is approximately 3 ft higher than the second floor eave and minimally recessed. At mid-level of the tower, there is a first floor porch and 2<sup>nd</sup> floor covered balcony above. While it provides relief on the front elevation, the amount of exposed fascia and distance between the end of the balcony opening to the upper eave --- Staff found to be top heavy and provided an alternate elevation showing greater separation between

the ridge of the house to the ridge of the porch roof, which alleviates the excessive appearance of the front elevation. The draft conditions required the tower to be dropped approximately 3 ft.

A Power Point elevation compared the existing and proposed rooflines and existing trees. Planner Gjolme noted that of the four windows on the second-floor's north side that align with the Rady property, two are clerestory bathroom windows, a third is a fairly large, centrally located window in a walk-in closet. The last window is incorporated into an angled bump-out that projects more to the northwest, rather than directly to the Rady's yard. Staff believes that the window arrangement was sensitively thought-out in terms of location and scale, though the closet window could be conditioned to be more of a transom window with translucent glass.

Commissioner Hill confirmed that there is room on the subject site and the Rady property to plant screening material.

Project architect Agop Khanjian, thanked Planner Gjolme for his assistance and patience and stated that he carefully studied the City's ordinances. He agreed to change-out the windows on the north side as recommended. He was amenable to modifying the tower's elevation per the City alternate but noted that it would very difficult to align it with the roof pitch. He felt that the tower is more elegant as designed, but he was willing to lower it if directed to do so.

Planner Gjolme recognized that it would be a design challenge to drop the tower's pitch and pointed out that the house is set back nearly 100 ft from Angeles Crest Highway, where there are other two-story homes with two-story entries.

Responding to a question from Commissioner Hill regarding adding landscape material, Mr. Khanjian stated that his client's would not have views of the Rady's patio/pool area, because the house is set too far back.

Planner Gjolme commented that the rear setback is 33 ft.

Chairman Davitt opened the public hearing.

Mohammed Rady, 4939 Angeles Crest Highway, advised that because there is a two-story home north of his property, he put a master bedroom, pool and family room on the south side of his home. He believed that the project affects the privacy of his rear yard and the fact that the project is set back so far worsens his situation, as it allows views to his property. He further believed that someone standing on the front balcony would have views into

his master bedroom. He stated that the project represented a “huge invasion of privacy” and would affect the market value of his home.

Responding to a question from Commissioner Mehranian, Mr. Rady stated that the distance between the project and his home is exactly as depicted on Power Point. He resides in a single-story home, which is approximately 7 ft higher in elevation than the subject site.

Commissioner Gelhaar felt that the bathroom and closet windows could easily be translucent and that he might agree with Mr. Rady’s concern regarding the balcony. He stated that this project was a classic example as to the necessity of story poles and he was inclined to continue the matter for story poles.

Planner Gjolme suggested that the arch on the balcony facing the Radys could be somehow sealed or blocked a trellis, etc.

Commissioner Mehranian was concerned that eliminating the north windows and sealing off the side arch would result in a huge blank wall.

Patricia Rady stated that she was very concerned with having large, two-story homes on either side; it gives the feeling of being in an apartment. She stated that she would not accept windows “looking at her house” and if the project is approved, she wanted mature evergreen trees planted initially.

David Chong, 4937 Angeles Crest Highway, resides on a flag lot to the rear and side of the project. He also was concerned with privacy.

Mr. Khanjian rebutted to comments and pointed out that a significant grade change between the lots would lower the impression of the project.

Planner Gjolme concurred.

Since further comments were not offered, the public hearing was closed.

Commissioner Gelhaar reiterated the need for story poles. He related of having walked the property and was aware of the considerable difference in elevation between the subject site and the Radys’. Based on that he stated he could support the request with added conditions that the balcony be removed or the north arch be closed off to preclude views to the side, that the north side windows be translucent and that a landscaping plan to mitigate privacy issues for the neighbors be submitted for review and approval by the Director.

Commissioner Cahill was also concerned with the balcony. He agreed that it should either be removed or be solid on the north side. Further, because the angled window seems to allow views to the Rady property, he suggested that it be either stained glass or translucent. The north side windows should also be translucent and a landscaping plan should be submitted per Commissioner Gelhaar's suggestion.

Commissioner Mehranian agreed with comments. Her preference was to eliminate the balcony, though she could support a solid wall on the north side.

Commissioner Hill also concurred, though he did not believe it was equitable to require the applicant to install mature landscaping; he believed that requiring translucent glass on the windows would provide what the applicant was seeking. That, and a landscape plan should mitigate concerns.

Chairman Davitt concurred with the Commissioners' comments. He stated that there needs to be landscaping to buffer the mass. Additionally, the applicant might reduce the size of the 4 x 4 closet window and he felt the north side of the balcony should be sealed.

Planner Gjolme requested comments regarding lowering the entry tower.

Commissioner Mehranian did not believe the house would be as imposing, since the side would be solid.

Planner Gjolme stated that with the change for a solid wall combined with the difficulty of lowering the tower, he would support the tower as submitted, since views would be limited to Angeles Crest.

M/S/C Mehranian/Gelhaar to approve Second Floor Review 06-03 with added conditions to add "somewhat" mature landscaping, that the 4, second-floor windows on the north side be translucent and that the north arch of the balcony be made solid. Unanimous.

**E. Hillside Development Permit 06-89; Second Floor Review 06-14; Modification 06-107; Giragosian; 1464 Sugar Loaf Drive:**

Planner Gjolme described the applicants' request to expand the first floor of their home and construct a new second floor and attached 3-car garage, on hillside property. Since the new second floor would require significant demolition of the existing roof, a Modification is required to allow a 28-ft front setback, rather than the required 33-ft setback and to retain 9-ft north side setback, where 14 ft is required. Neighborhood development is comprised of diverse architectural styles and single and two-story homes.

The subject site is located on the west side of Sugar Loaf Drive between Starland Drive and Domal Lane, and has an average slope of 34%, which triggers the Slope Factor Guideline. It is 21,108-sf in area and slopes upward from the street to a level pad in the center of the lot. Thereafter, the upslope continues to the rear property line and the City's boundary. The terrain beyond slopes sharply toward properties in the City of Glendale. The grade difference is most pronounced at the southeast corner where the grade difference between the street and the pad is approximately 10-12 ft. At the northeast corner, driveway access is level with the street.

The request is to allow 5,600-sf of floor/roofed area (which the lot can support), and to maintain the setbacks of the existing house. A Power Point presentation showed a floor area matrix of homes in the area; the proposed density of 24% is above the .16 average for the area and would exceed the Slope Factor Guideline by 350-sf.

The applicants are requesting to reconstruct their new home in the same location as the existing home. They propose to partially demolish the southeast corner of the house and maintain its existing encroachments. Given the complexities of the construction and new design, Staff felt it reasonable to assume that the majority of the existing house would be demolished. A substandard 18-ft front setback would be increased to 28 ft – along the street curve. Though it is below the 33-ft requirement for the lot, the required front setback is somewhat skewed by the property immediately south, which has a setback of nearly 55 ft. Planner Gjolme advised that a 28 ft front setback is typical or greater than those of all other properties on the same side of the street. Additionally, the existing house provides a 9 ft setback on the north side, which is below the 14 ft requirement for the lot.

The large Mediterranean design would reach a low overall height of 26 ft at its highest peak. The second floor is shifted from the north side of the lot and begins to increase in width as it extends away and in distance from the northerly neighbor. It also includes a front balcony on the north side. The project under review has evolved from the initial submittal, which had a number of design issues, and Planner Gjolme commended the applicant for acting on Staff's comments prior to bringing the project before the Commission. Changes included dropping the entryway so that it aligns with the garage eave and precludes an exaggerated front entry. There is now a pattern of arched windows horizontally aligned on the first floor; a bay window had included a second balcony, which seemed forced and arbitrary and didn't help the elevation on the south end. Staff suggested that it be capped with a hipped roof and converted to a bay bump-out. The applicant complied with all of Staff's suggestions made during the initial review and

Staff believes the result is a better product. One window is proposed on each side elevation, so in terms of view issues from the second floor, there should not be any privacy concerns for the neighbors. The second floor includes an 800-sf, centrally located volume space, which serves as a bridge between the master bedroom wing on the south and another bedroom on the north side – the only live-able space on the second floor. Staff believes that the volume space needlessly exaggerates the scale of the house.

The applicant makes the argument that relief from the required setbacks is justified because the pad size is restricted by the slopes and the curved nature of the pad. Staff argues that since the project represents the largest house in the area, applying the Slope Factor Guideline would be appropriate; eliminating 350-sf of area would assure a better relationship between a house of this size and the pad.

A basic landscape plan was submitted which retains existing landscaping and includes a supplemented lawn area and a 36-inch jacaranda as a signature tree and 4 liquid ambers that would flank the garage.

Photos of neighboring two-story homes, some with over height entries and others more traditionally designed were included in the staff report. Staff recommended project approval with application of the Slope Factor Guideline.

Project architect Oksen Babakhanian, related that the actual living area is 4,412-sf – new code changes require that the volume space be counted separately on each floor. He was concerned that applying the Slope Factor guideline would require eliminating 1 of 2 bedrooms; his clients have 4 children and need a 5-bedroom house. He felt that the volume space allows a high ceiling in the living room, which his clients would like to have. Since ¼ of the lot is consumed by slopes, allowing the requested FAR would not affect anything and applying the Slope Factor Guideline doesn't work for his client.

Chairman Davitt opened the public hearing.

Brad Kolb, 1506 Sugar Loaf, who resides north of the subject site, reported of having submitted a written statement. He confirmed that the existing small shed would be demolished and that Staff did not include it in the FAR calculations. Mr. Kolb asked that the requested encroachments be carefully considered, though the front yard encroachment seemed reasonable to him. He supported Staff's recommendation that the Slope Factor Guideline be applied and stated that this was not a simple remodel --- he asked that the north side setbacks meet Code. He wanted to maintain as much of his view as possible and he felt that the proposed trees along the driveway would

affect views from his home. He advised that he was unaware of the balcony proposed over the garage, which he felt would have views directly to his back yard. There is also a boundary line dispute, which prompted him to have a second survey done on his property. His surveys show boundary lines different than the submitted plans. Mr. Kolb asked that the Commission deny the requested north side encroachment and the balcony "and scale it back" until he and the applicant agree on the boundary lines.

Deputy City Attorney Cobey commented that each of the parties has surveys that conflict. It seemed that the Commission could not regard that as a dispute between property owners because of the setback encroachment issue. She suggested that a third survey be commissioned if the parties would accept that outcome.

Mr. Kolb stated that he would have to speak with his attorney, given the fact that he has had two surveys done.

Attorney Cobey suggested that the parties' surveyors discuss their findings, as the encroachments cannot be calculated if the property boundaries are in dispute. An allegation was made that the applicant was notified of the dispute by certified mail.

Chairman Davitt agreed, adding that he understood the importance of the situation, but the boundary issue must be resolved, since the property line affects the requested entitlements as well as the slope factor and lot coverage.

Applicant, Saro Giragossian, reported that there are other issues between him and Mr. Kolb and stated that Mr. Kolb had moved a fence. His surveyor is more than willing to talk with Mr. Kolb's surveyor.

Mr. Kolb advised that his first survey was done in 1999 and that his property was surveyed again --- same company, different surveyors --- after Mr. Giragossian approached him. He stated that his fence is approximately 20 ft from the property line. Responding to a question from Commissioner Cahill, stated that his preference is to seek legal counsel and that the issue be resolved publicly.

Deputy City Attorney Cobey recommended that the Commission give the two parties a reasonable amount of time to reconcile the survey issue. If it is not resolved by that time, the City should commission a third survey, at the applicant's expense, and make a decision based on that survey with the applicant's understanding that he is at risk of legal action by his neighbor if Mr. Kolb disagrees with the third survey - but that would be the case in any event.

Mr. Babakhanian suggested that the Commission could make its decision based on the existing 5-ft north setback despite his survey showing it at 9 ft.

Chairman Davitt opened the public hearing.

Melissa Schiller, 3912 Starland Drive was concerned with the viewable mass from Sugar Loaf Drive since the building pad is upslope from the street. She asked that the Slope Factor be applied and that the front elevation be softened by landscaping.

M/S/C Gelhaar/Hill to continue Hillside Development Permit 06-89, Second Floor Review 06-14 an Modification 06-107 to May 22. Unanimous.

**IX. OTHER BUSINESS**

**Report only: Administrative Hearings**

Commissioner Gelhaar reported on the outcome of two hearings over which he presided, which were both approved.

**X. COMMENTS FROM THE COMMISSIONERS**

Commissioner Gelhaar reported that the story poles at 951 Descanso are a good example for reference purposes. He absolutely did not want the yellow "police tape used and it's worthless if the wind blows. He also requested that the Story Pole Guideline be updated - the eaves and roof poles are to be painted different colors.

He also asked that the applications be updated to require applicants to show proposed basements and pools; the Commission needs to know how many cubic yards of dirt would need to be hauled off site.

**XI. COMMENTS FROM STAFF**

Senior Planner Buss announced that a public meeting would be held on the General Plan update at Descanso Gardens on May 10<sup>th</sup> from 6:00 to 8:00 p.m. on May 10<sup>th</sup>.

He notified the Commissioners that their meeting minutes are available on the City's website should they need to reference minutes of any past meeting.

Director Stanley and Planner Clarke will be appealing the Regional Housing Needs Assessment numbers assigned to the City at the SCAG offices.

Interviews for Assistant Planner will begin in one week.

Planner Gjolme advised that Staff's checklist was revised to include basements, pools, grading, etc.

**XII. ADJOURNMENT**

M/S/C Hill/Cahill to adjourn at 10:36 p.m. Unanimous.

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Secretary to the Planning Commission