

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD MAY 8, 2001**

- CALL TO ORDER:** Chairman Orr called the meeting to order at 6:03 p.m.
- ROLL:** Present were Commissioners Engler, Levine and Mehranian. Also present: Deputy City Attorney Noonan, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Planning Aide Gjolme.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- CONSENT CALENDAR:** M/S/C Levine/Mehranian to adopt the Consent Calendar; Minutes of April 24, Resolution 01-27, approving HDP 00-40 and Resolution 01-28, denying TPM 26015. Unanimous.
- CONTINUED PUBLIC HEARINGS:**
- HILLSIDE DEVELOPMENT PERMIT 00-61; MILLS; 4040 CHEVY CHASE:** Planner Cantrell recalled that this project was continued from the April 10th hearing, when the Commission directed the applicant to better define the site plan, minimize retaining walls and ensure the viability of trees that would remain.
- The Commissioners' packets included a letter from Mr. Mills that itemized the revisions:
- Grading was eliminated in the vicinity of oaks
 - 220 ft of retaining and garden walls eliminated
 - Patio reduced by approximately 300 sf
 - Part of the roof was raised by 2 ft to accommodate mechanical equipment and
 - The rear yardpad was lowered 2 ft and bermed to the neighboring home
- A revised lighting plan shows a 50% reduction of fixtures ranging from 7 to 11 watts. The revisions have resulted in a reduction of imported soil from 1700 cubic yards to approximately 1200 cubic yards.

Staff believed that the revisions responded to the Commissioners' expressed concerns and recommended approval with positive findings.

Hamid Gabbay, project architect, stated that the revised plans reflected the Commission's direction. The roof design was revised to accommodate mechanical equipment. Thirteen light fixtures were removed to accommodate a neighbor's concern of excess lighting, planters were created around two oaks that were of concern to the Commission and the rear pad lowered by 2 ft, resulting in a major reduction in the amount of dirt import. He conducted a study of the most immediate homes in the neighborhood and found that they all exceeded the floor area proposed and range in floor area from 7,695 sf to over 10,000 sf. He read a portion of a letter from Kohei Eguchi, an adjacent neighbor, which supported the project.

Commissioner Mehranian asked for clarification of how the 2-ft elevation reduction was achieved.

Mr. Gabbay explained that the house itself was at the same elevation as originally presented --the back yard was lowered by 2 ft to reduce the amount of import.

A discussion followed regarding what Commissioner Levine felt was a discrepancy in the plans.

Planner Cantrell stated that the cut remained the same, but the amount of fill would be reduced.

Chairman Orr asked if any thought was given to lowering the house. He read from a letter submitted that day from Mark Spraic, who resides across the street. Mr. Spraic pointed out that all the surrounding homes on the east side of Chevy Chase are below grade.

Todd Mills commented that street elevation is 65 ft and the house is at 64 ft. The intent was to "nicely contour so that all the drainage does not rush downward". Mr. Mills expressed a "huge" concern with lowering the house, stating that the driveway would have to be lowered and the septic tank would be affected. He

advised that the depth of the septic system was "locked in with the County and that a change would require re-drilling, resubmittal and a modification of the septic system, which has taken 8 months to get through the County". Mr. Mills stated "it will take another 8 months just to lower another 2 ft and put me in a hole"; a situation that he did not want. He pointed out that Mr. Eguchi's home, which is below grade, is a different situation because of the Blue Line Stream on the property. Mr. Mills stated that lowering the home another 2 ft would present an extreme hardship.

Mr. Gabbay stated that there was no change at the entry. There are 3 steps, representing 18", from existing grade to the main level of the house. This was done to prevent interior flooding and to create a crawl space.

Director Stanley commented that Staff reviewed their notes and the meeting minutes and addressed the Commission's concerns with the amount of fill, oak protection and retaining walls.

Commissioner Engler stated that the minutes did not accurately reflect the Commission's concerns with regard to lowering the pad.

Mr. Mills responded to Commissioner Mehranian's continuing concern regarding tree preservation and retaining walls. He explained that only 4 oaks would be eliminated and berming has replaced retaining walls along the front and leading to the neighboring home.

Chairman Orr opened the public hearing.

Mark Spraic, 3975 Chevy Chase, stated "the fact remains, the ridge is 24 ft above the street". He advised of having examined the file the day before, which did not include an exterior lighting plan. Staff just handed him a copy of the applicant's letter and the lighting plan that was submitted at the meeting; he stated that he was not about to review them now.

Bob Langdon, 4634 Lasheart, advised the Commission that "it is a bad argument to deny or approve the

request based on whether it would put the house in a hole". He acknowledged that lowering the pad might result in a problem with siting the septic system, but felt the Commission should consider compatibility with surrounding properties.

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

Commissioner Engler stated that he "had the same feeling as last time". He confirmed there are several ways to deal with the septic system issue and stated he would like to see the pad level lowered.

Commissioner Levine agreed, though he did not recall asking for the pad to be lowered last time. He commented that the majority of the homes in his neighborhood are below street grade "and they look fine". His biggest concern was lowering the pad and the amount of fill.

Commissioner Mehranian commented on the unique site and explained that the project was being especially scrutinized because of its location. She stated that she had an issue with the elevation and would want to see the pad lowered.

Chairman Orr commented that the applicant had "done a good job with the trees; the majority seem to be protected". He also felt that an attempt was made to protect Mr. Eguchi's home by introducing the berm. While substantial progress was made, he had a concern with the pad elevation and felt the architect needed to address that directly, rather than only lowering the rear portion of the property.

Mr. Gabbay stated that he apparently misunderstood the direction given at the initial meeting; he thought that the amount of fill was the concern. He asked that the Commissioners clarify if their concern was the height of the house or the height of the pad.

Chairman Orr stated that there was a sense that the pad is too high. He suggested lowering it in the area of the structure.

Mr. Gabbay remarked that the house is sited on the natural grade at the front and that lowering would be a major problem and would affect oak trees. He then approached the Commission table where a discussion ensued regarding this matter. Mr. Gabbay stated that lowering the pad substantially could result in flooding; he preferred to lower the house by a foot.

Commissioner Levine stated there was no supporting evidence that lowering the house would be subject to flooding would occur if the pad were lowered.

Mr. Mills asked the Commission what an acceptable number would be i.e., one foot, two feet?

Chairman Orr responded "the Commission cannot say - the net result is the house sits too high in reference to the street". He stated that if the Commission made a decision at this point, the applicant might not like the result. He explained the options, including an appeal to the City Council.

Mr. Gabbay requested a continuance to May 21. He was advised that Staff would need revised plans within a week to review and analyze.

Planner Cantrell suggested that Mr. Gabbay provide sections all the way through Chevy Chase, indicating where the fill is.

Commissioner Engler asked to review the engineering data, stating that the drainage, etc. "won't work".

M/S/C Levine/Mehranian to continue Hillside Development Permit 00-61 to May 22. Unanimous.

**ZONE CHANGE 00-02;
CITY OF LA CANADA
FLINTRIDGE; re:
REGULATION &
INSTALLATION OF
WIRELESS
COMMUNICATION
FACILITIES:**

Chairman Orr advised that the City Attorney had furnished a legal memo stating that because of a very recent court decision, there are legal concerns with the Draft Ordinance. The City Attorney's recommendation was to continue the hearing to provide time for him to review the recent case and its applicability to the Draft Ordinance.

Senior Planner Buss advised that representatives of the various wireless carriers were not in attendance since a consensus had not been reached among all the counsel involved. The Ninth Circuit Court of Appeal issued an opinion on April 25th, the day after the Commission's most recent hearing on this matter, which complicated the issue.

Commissioner Engler commented that any issues raised by the new ruling involved right-of-way issues. He stated that he was prepared to discuss the remaining portions of the Draft Ordinance. He confirmed that Staff's suggestion for a continuance would include an open, working session with the City Attorney.

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

Commissioner Levine stated "there was a presumption made by one of the City Council people that this would go before the Council at the same time the Nextel meeting was held. My counsel to Council is, I don't think presumptions should be made about what will be before them before it gets there. I think it sends the wrong message out to the community to expect something at a particular meeting - anybody who is on that E mail notification- and it's not going to be there".

M/S/C Orr/Levine to continue Zone Change 00-02 to June 26 with direction to the City Attorney to meet with members of the drafting committee in a timely manner so that a finished re-draft is presented to the Commission which addresses the legal issues raised by the 9th Circuit. Unanimous.

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

This meeting was continued from March 27. The request is to allow a retaining wall to exceed the maximum allowed height of 42" within the front yard setback and to exceed the allowed 6 ft maximum height on the side property line. The wall is located one foot from the front property line where it begins at a height of 3' 4" and proceeds along the north property line for a length of 85 ft. Its maximum height reaches 8' 8".

Senior Planner Buss recalled the number of issues the Commission wanted to look at: reducing the height of the wall, decreasing its encroachment into the front setback, investigate covering the wall with another material, such as stucco, and an engineer's report on the wall.

Staff did not receive information from the applicant's engineer, but did make another site visit with the Director of Community Development and the Senior Building Inspector. A memo from Inspector Bartlett was included in the Commissioners' packets, indicating that a course of block could be removed from the top and front edge of the wall and noted that it is retaining dirt from the northerly neighbor's property.

Chairman Orr commented that he thought the initial grading created the situation where a wall of the proposed height was needed. He stated that his basic problem was with the permit that was granted.

Senior Planner Buss noted that there is an opportunity to install landscaping between the driveway and the wall; while it would not totally screen the wall, it would screen a substantial portion of the front portion.

Director Stanley commented that an alternative would be to plant vines that would extend over the wall.

Responding to a comment from Commissioner Engler, Director Stanley acknowledged the Building Inspector's statement that the wall could be reduced in height and still be 'safe', but not to the extent that it would be at a code-compliant height.

Commissioner Engler commented on the lack of engineering data to back that statement - that is why he requested an engineer's report. Commenting that many walls in the neighborhood are capped with brick; he stated it would be more appealing to him if the applicant cut the top of the wall with a concrete saw, capped the riser with brick and then screened the area on the street side. He stated that he did not like the stepping design as proposed by the applicant.

Applicant, Robert Grossman, advised that the purpose of constructing the wall was to allow access to the back yard. He acknowledged that "there was a goof-up" when the permit was taken - that 's when it was determined that footing to support a 9-ft wall was necessary. He explained how he could lower the wall and stated that he needed to move the driveway and grade it to the wall in order to access the back yard.

Commissioner Engler again asked Mr. Grossman if he was willing to saw-cut the wall and cap it with brick.

Mr. Grossman felt stepping the wall was more attractive. Commissioner Levine agreed.

Commissioner Mehranian suggested planting vines on the side and allow them to grow over the wall.

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

Commissioner Mehranian stated that if the issue of the wall height and its screening could be resolved, she would be ready to vote.

Commissioner Levine stated "it's not going to stay built the way it is and have my vote"; an 8-ft high wall extending along the property line was a big problem for him.

Commissioner Engler stated "it would be fine" if it were tapered and capped with brick and screened.

Chairman Orr stated that he couldn't approve the request "this is a situation where the applicant was going to put a wall up and he did it and he was going to seek forgiveness rather than permission and there hasn't been a whole lot of effort to try to seek much forgiveness here, so I'm prepared to vote it down".

The available options were then explained to the applicant.

M/S/C Mehranian/Engler to deny Setback Modification 01-12. Unanimous.

Director Stanley advised the applicant of the 15-day appeal period from the date of decision.

PUBLIC HEARING:

**HILLSIDE
DEVELOPMENT
PERMIT 01-14; WALSH;
393 FLINTRIDGE OAKS
DRIVE:**

Commissioner Engler advised Deputy City Attorney Noonan that the applicant is a contract architect on a project that he is administering for the City of Los Angeles. Attorney Noonan advised that because there is no compensation involved, the Conflict of Interest Code would not apply.

Planning Aide Gjolme reported the request to expand a single-story residence by 3,960 sf, including a new second floor. The 35,590 sf site is located on the west side of Flintridge Oaks (a cul-de-sac) in the R-1-40,000 Zone. Half of the site's frontage is along the cul-de-sac. The front half of the lot is flat, while the rear portion falls approximately 30-40 ft to the west. The rear area which comprises all of the lot's 18% average slope, is densely planted with oaks.

The perimeter of the first-floor would be expanded to the front and sides and the carport converted to a two-car garage. A 2,320-sf, second-floor would be added, achieving a depth of 54 ft, providing 20-ft side yard setbacks to the north and south. The project would reach a maximum height of 28 ft at only the top of a single sloping roof element. All setback, height and floor area figures easily comply with applicable standards. Though the project introduces new mass, Staff does not consider the altered scale of the home as excessive, given the estate-scale of the immediate neighborhood. Planning Aide Gjolme pointed out that the project is 2,500 sf below the maximum allowed on this lot.

View impacts would be minimal, since the home is sited below street level and is profiled against a dense backdrop of mature trees. He reminded the Commission that the sole nexus for Hillside Review in this case is the rear yard area which is not associated

with this project. Staff recommended positive findings and project approval.

Commissioner Engler confirmed that there is at least 40-ft separating the project and the Wada's home to the south.

Chairman Orr opened the public hearing.

Applicant, Gerard Walsh, pointed out that his home is "in a ravine", 10 ft below street elevation and the Wada property.

Jay Johnson, addressed the Commission as the project architect for his clients, the Wadas, who reside immediately south of the project site. He advised that the Wada's property is on the same grade as the applicants. There is a concern with privacy as "there area lot of windows looking into their pool area". He stated that the contemporary design represents a distinct departure from the architectural context of the Meadow Grove area; all other homes in the immediate neighborhood are single-story and traditional architectural style.

Commissioner Engler questioned Mr. Johnson's point; "you've gotten up here in front of us in prior times and said that La Cañada is in a transitory state and that two-story homes are okay adjacent to single-story homes, so you're a bit out of character on that one". He agreed with the need for more landscape screening.

Commissioner Levine did not have a problem with Mr. Johnson's comments, as he was representing his clients.

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

Commissioner Engler stated that he would like to see more screening along the Wada's property line. Regarding the windows, he felt that perhaps the architect could modify them somehow.

Commissioner Mehranian stated that other than the need for landscaping along the southern property line, she did not have concerns with the project.

Commissioner Levine stated that he did not have any particular problems with the project. He agreed that a condition should be added to increase the landscape screening to mitigate concerns of privacy.

Mr. Kaplan noted that there is a large tree along the south property line and only the natural landscaping was depicted on the plans. Regardless, he did not have a problem with adding additional screening. He pointed out that he had no interest in that view since it is from the master bath area.

Following discussion, the Commissioners agreed to add a condition requiring submittal of a landscape plan, subject to review and approval of the Director prior to issuance of any building permits

M/S/C Mehranian/Levine to approve Hillside Development Permit 01-14 with an added condition regarding landscaping as noted. Unanimous.

**CONDITIONAL USE
PERMIT 320;
VARIANCE 01-03;
JOHNSON; 4234
SHEPHERDS LANE:**

Planner Cantrell described the applicant's request to install kitchen facilities in an existing, detached Accessory Living Quarters unit. A Variance is required because of the existing nonconforming rear setback and because at 18,66 sf, the property has less than the required area for its zone.

The project site is located on the east side of Shepherds Lane, north of Descanso Drive, in the R-1-20,000 Zone.

The subject one-story structure is located 10 ft from the south side property line, where there is a 6-ft-high fence, covered with ivy and dense screening of trees and shrubs for the majority of that shared boundary. The ALQ is also 5 ft from the east (rear) property line, where there is a lower-lying property on Cobblestone Lane.

The applicants intend to install a new swimming pool and to convert the ALQ to a more functional pool and guest house, including a new bathroom and kitchen

area. Planner Cantrell advised that at 550 sf, the project easily complies with 700 sf area limit for ALQ on parcels of this size. It also complies with parking requirements, and with the spirit of the ALQ Ordinance by relating to the yard rather than toward any adjacent property. There is no change in floor and roofed area.

At the rear, the applicants propose to install mechanical equipment that could be intrusive to the neighboring property. Draft conditions require relocating it outside of the setback area unless its intended location is accepted by the most affected neighbor. Further, an acoustical enclosure should be provided for the equipment to reduce any concern about its proximity to the property to the rear.

Staff recommended positive findings and project approval with conditions as noted.

Commissioner Engler asked what the current function of the ALQ is and commented that this would be an extensive remodel. He felt it should be brought to current Code.

Jay Johnson, project architect, advised that the structure will be used as a pool/guest house. He met with the neighbors and has their support. Mr. Johnson further advised that the pool equipment might be moved to the side, where it could more easily be accessed for maintenance.

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

Commissioner Levine stated that the Variance was an issue for him; the only way he could consider allowing the project was to limit its use as a guest house. Permanent occupancy "would be a huge problem"; he stated that he would not support the Variance if that permanent occupancy was contemplated.

Commissioner Engler concurred, but asked how the Commission could address that issue.

Director Stanley stated that the Commission could prohibit 'permanent' residency' in the required covenant, but advised that the City encourages Accessory Living Quarter Units as they allow the City to meet our low and moderate income housing requirements under the Housing Element of the General Plan.

Commissioner Mehranian confirmed that the City receives credit from the State for ALQs that are permanently occupied.

Commissioner Levine stated "it may be legal, but I've got a problem".

Commissioner Engler requested a condition that the structure meet current earthquake standards.

Director Stanley stated that it would need to meet current the Uniform Building Code.

M/S Engler/Mehranian to approve Conditional Use Permit 320 and Variance 01-03 with an added condition that the renovated structure meet current Code.

Commissioner Levine amended the motion to preclude the ALQs use as a rental or for 'permanent' residency.

Director Stanley expressed concern with adding conditions as stated by Commissioner Levine that there has not been any policy direction from the City Council in this regard.

Chairman Orr confirmed that the Commissioners unanimously concurred with Commissioner Levine's amended motion.

The amended motion passed 3-1. No: Levine.

OTHER BUSINESS:

**CONDITIONAL USE
PERMIT 310; JEI
LEARNING CENTER;**

Planner Cantrell reported that this use received Commission approval in November, 2000. The conditions included that adjustments in the operating schedule could be requested without a public hearing.

The applicant is now requesting additional hours for summer school sessions from 8 a.m. to 11 a.m., Monday through Friday. These proposed hours respect the peak restaurant hours. Planner Cantrell informed the Commissioners that problems related to parking have not been reported or observed since the business has opened.

Commissioner Engler asked what would happen if Magpie's restaurant begins to open at an earlier hour. He stated that he was not inclined to grant the request.

Commissioner Mehranian expressed a similar concern; should Magpie's or Pilar's restaurant become more popular, more cars would be a problem.

Commissioner Levine confirmed that Staff has not received any complaints regarding JEI and asked if Staff had conducted a formal investigation of the parking situation.

Planner Cantrell recalled the lengthy discussions on this matter during the two public hearing. This use is not a big parking generator and represents more of a drop-off and pick-up situation.

Commissioner Levine remarked that the Commission did not receive information regarding new student population that would result from the requested hours. He noted that enrollment could double.

Planner Cantrell commented that there is no problem in the afternoon when the restaurant is open, so there would clearly be no problem in the morning, when the restaurant is closed.

Director Stanley suggested limiting approval for this summer only and direct Staff to report in the fall.

The Commissioners were amenable to that suggestion.

M/S/C Levine/Mehranian to allow addition summer operating hours for this year only, with staff reporting to the Commission in the fall. The applicant would have to file another request for next year. Unanimous.

**COMMISSIONERS'
COMMENTS:**

Chairman Orr reported that the Commissioners were invited to attend the LCF Coordinating Council Les Tupper Community Service Award meeting on May 14th at JPL.

DIRECTOR'S REPORT:

Commissioner Engler reported that at 4191 Cambridge (at Berkshire), the back fill is now up to the wall.

OTHER BUSINESS:

Director Stanley advised that he would contact the Building Inspector.

ADJOURNMENT:

Chairman Orr announced that he had recently sold his home and that he would soon be moving to Rancho Mirage. He stated that it had been an exhilarating seven years for him on the Planning Commission; something he would not forget.

Director Stanley thanked Chairman Orr on behalf of Staff for his commitment and for the expertise he brought to the Commission. He introduced Charles Gelhaar, who was in the audience -- the City Council appointed Mr. Gelhaar to the Planning Commission only the night before, to replace Stephen Del Guercio, who was recently elected to the City Council.

The Commissioners welcomed Mr. Gelhaar.

Director Stanley advised that the Design Commission held a preliminary review meeting regarding a corporate office building proposed by Sport Chalet.

M/S/C Engler/Levine to adjourn at 8:15 p.m.
Unanimous.

Secretary to the Planning Commission