

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON TUESDAY MAY 11, 2010**

- I. CALL TO ORDER:** Chairman Davitt called the meeting to order at 6:02 p.m.
- II. ROLL:** Present were Chairman Davitt, Vice Chair Hill, Commissioners Gelhaar, Cahill and Curtis. Director Stanley, Deputy City Attorney Guerra, Senior Planner Buss, Planners Gjolme and Clarke, Assistant Planners Lang and Parinas.
- III. PLEDGE OF ALLEGIANCE** – Chairman Davitt led the Pledge of Allegiance.
- IV. COMMENTS FROM THE PUBLIC:** No comments were received from the public.
- V. REORDERING OF THE AGENDA:** Some items on the agenda were reordered.

Item IX. A. was moved forward.  
Item VII. C. was moved forward.  
Item VIII. A. was moved forward

**VI. CONSENT CALENDAR**

- A. Minutes:** February 23, 2010. The minutes were continued to the next meeting.

**IX. OTHER BUSINESS**

- A. Draft 2010-11 Capital Improvement Plan:** The annual request for determination of conformance with the General Plan (Senior Planner Buss)

Senior Planner Buss gave a presentation in accordance with the staff report. He highlighted the four additions that were submitted after the staff report was prepared and delivered. These include the City Hall solar panels, City Hall insulation, City Hall lighting replacement, and a highway monument sign for Angeles Crest Highway.

A motion to approve was made by Commissioner Gelhaar and seconded by Commissioner Curtis. 5-0

**VII. CONTINUED PUBLIC HEARINGS**

- C. Conditional Use Permit 449; Platinum Energy (Chris Martin)/Kingsley Family Trust (Jane Kingsley); 1001 Foothill Boulevard:** A request to consider an application for a Conditional Use Permit to reopen the Union 76 gasoline service station with shop bays. The Conditional Use Permit is required for service stations in the Mixed Use 2

zone that have never had a prior CUP when triggered by a change in tenant. The applicant proposes no changes to the existing premises. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Senior Planner Buss) **[NOTE: TO BE CONTINUED]**

This item was continued from the April 13, 2010 meeting because of traffic concerns. Today the applicant has requested that the item be continued to a date uncertain. A dealer has been selected and he would like to make some revisions to the project and would like to meet with staff. It will be readvertised when the project is ready to move forward.

A motion to continue the project was made by Commissioner Cahill and seconded by Commissioner Gelhaar. 5-0

## **VIII. PUBLIC HEARINGS**

- A. Conditional Use Permit 382 and Variance 04-02; La Cañada Presbyterian Church; 626 Foothill Boulevard:** A request to consider amending condition #51 of approved Conditional Use Permit 382 and Variance 04-02 that allowed a major remodel of the La Canada Presbyterian Church (now vested). The condition requires the applicant to hire a Certified Sound Engineer or Industrial Hygienist to install two Noise Level Recording devices that will make a permanent record of noise 24 hours per day seven days per week from the date that the Chapel is approved for occupancy until the date of a future public hearing (after six months) by the Planning Commission. The ultimate purpose of the condition was to attenuate noisy activity adjacent to the residences. The condition, which has since become potentially onerous, was placed on the project at the behest of adjacent neighbors. The church and the neighbors now seek to amend the condition so that the Chapel (the final building) may be occupied. (Senior Planner Buss)

Senior Planner Buss described the original project and the condition that the applicant is requesting to change. He outlined the existing condition and how the condition is requested to be modified.

Commissioner Curtis asked staff if the word “shall” should be changed to “may” in the proposed Condition No. 51 language change.

Senior Planner Buss stated that the Commission could change that language if they felt that that was more appropriate.

Commissioner Cahill asked for clarification if this language was negotiated between the church and the affected neighbors.

Senior Planner Buss replied that the language was negotiated.

Commissioner Gelhaar commented that since the original language was negotiated by the neighbors and the church and now they have renegotiated the language perhaps the Planning Commission should honor that should honor that.

Senior Planner Buss stated that the current request was noticed in the same manner that the original case was noticed.

Robert Craven of 5279 Linda Vista Drive representing the church indicated that the original Conditional Use Permit was approved on March 10, 2005 and all of the conditions were worked out then. The church raised 18 million dollars to build their new facilities but the chapel couldn't be funded with the money that was raised. One member came up with the money and that member oversaw the construction of the chapel. He introduced Dave Mason who worked with the most affected neighbors regarding any issues that came up during the construction of the new facilities. He added that these two most-affected neighbors were involved in the negotiations of the new wording that is before the Commission tonight.

Commissioner Curtis felt that the neighbors have agreed to the language proposed and can support the change.

Commissioner Cahill indicated his support for the language change and added that he felt that the new church is one of the nicest developments on Foothill Boulevard and a fine addition to the community.

Vice Chairman Hill agreed with his fellow commissioners and could support the language change.

Commissioner Gelhaar made a motion to approve the language change and Commissioner Curtis Seconded. 5-0.

- A. Hillside Development Permit 08-41/Modification 08-12/Variance 09-05; Mkrtyan/Leisure; 3700 Via Serrano Avenue:** A request allow a new 1,035 sq. ft. pool house, together with a Modification request due to portions of the walls encroaching within the required side setback, and a Variance for an over height wall for the proposed building. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke gave a presentation in accordance with the staff report. He summarized the changes since the last hearing. These changes included: increasing the proposed pool house's setbacks thereby eliminating the need for the setback modification and reducing the sizes of the pool house, equipment storage room and the pergola.

Commissioner Gelhaar asked what the distance between the retaining wall and the pool house is.

Planner Clarke responded that the distance between the retaining wall and the house is 6'.

Roy Leisure, the applicant's landscape architect, handed out a letter from the neighbors to the north indicating their support of the project. He indicated that they did what they could to reduce the mass and screen the building. He indicated that the retaining wall was originally approved in 2004 with the plan of building a pool house at that location that would be over-height because of its proximity to the previously approved wall. He also submitted a landscape plan.

Commissioner Cahill felt that the redesign satisfied the concerns they had before regarding the project. He was okay with the height of the retaining wall since it was pre-existing and he moved to approve the project.

Vice Chair Hill agreed.

Commissioner Gelhaar seconded the motion made by Commissioner Cahill

Commissioner Curtis concurred with his fellow commissioners and also seconded the motion.

5-0

- B. Second Floor Review 09-22/Hillside Development Permit 09-33; Vargas/Peters; 2048 Lyans Drive:** A request allow construction of a new two-story 4,217 sq. ft. house (including a 495 sq. ft. garage and 108 sq. ft. of covered patio) on a 18,768 sq. ft. hillside parcel. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Commissioner Cahill recused himself because he lives within 500' of the proposed project and Vice Chairman Hill recused himself because he is related to one of the project opponents.

Planner Clarke gave a presentation in accordance with the staff report. He highlighted the new information received and the changes since the project was last heard by the Commission.

Commissioner Curtis asked for clarification if the legal access was 20'.

Planner Clarke confirmed that this was the case. He added that it is 10' easement on both properties for a total of 20'.

Commissioner Curtis wanted clarification that if the Commission required that the actual easement be followed that 3 to 5 oak trees would need to be removed.

Planner Clarke clarified that the existing roadway is 20' and that 3' to 4' would be added to one side of the driveway. The 20' roadway includes property owned by Mr. Peters and property owned by Mr. Kagawa but probably also includes property owned by the Lyans. He stated that the road could probably be widened and still pass by the trees but that an arborist would be needed to evaluate and confirm that. He added that there was a tree in the middle of the road farther north on Lyans Drive, as well as, farther north on Rosebank Drive that have paving very close to their trunks and have survived. He suggested that an arborist report be prepared if the road was to be widened and that the applicant has agreed to do that.

Commissioner Curtis asked if the Fire Department wants 15' or 20' for the roadway.

Planner Clarke responded that the Fire Department is requiring 20'. He added that the Fire Department was also concerned about the hammerhead for turnaround for both the Peters and Kagawa house. He added that Mr. Peters was meeting with the Fire Department next week to address the issue.

Commissioner Curtis stated that if the applicant follows the legal access he would be paving right up against the trees and one of the trees is actually in the middle of the legal access. He asked the Deputy City Attorney if they are reviewing development projects they should also be looking to see if the project has legal access.

Deputy City Attorney Guerra confirmed that this was the case.

Commissioner Curtis also added that this could be an opportunity for the applicant and the neighbors to enter into a new access easement.

Planner Clarke replied that could be an option but the City could not require the neighbors to do that.

Commissioner Curtis concurred that it would have to be something that is voluntary.

Commissioner Gelhaar asked the Deputy City Attorney if the Commission had to require the applicant to move the road to follow the recorded easement or could they continue to use the existing road.

City Attorney Guerra responded that while it may not be preferable for the applicant to be required to move the road to make sure that it is accurate and consistent with the legal description and the easements.

Commissioner Gelhaar commented that in that case significant oak trees would have to be removed. He asked the Deputy City Attorney if they require the roadway to be relocated which would require the removal of trees could they deny the Tree Removal Request.

Deputy City Attorney Guerra responded that it would be premature to make a recommendation either way as the proposal was not before them.

Commissioner Curtis thought that it was important to note that there are oak trees on the adjacent lot and that the applicant has stated that he would have to submit a Tree Removal Request if requested to relocate the roadway.

Commissioner Curtis continued by addressing the site's drainage. He pointed out that the site is lower than the natural drainage of the area. He asked how the project would deal with the run-off that would come from the higher properties. He asked if this was addressed through the hydrology report.

Planner Clarke responded that the project was reviewed by the Public Works Department and that was not brought up as a concern. He added that those issues are usually dealt with during the building permit process. He continued by saying that the applicant could be required to concentrate the run-off from above and pipe it down below or pump it back up to Lyans Drive.

Commissioner Curtis asked if the driveway encroachment on the Kagawa's property needed to be dealt with by the Planning Commission or if it was a matter that should be dealt with by code enforcement.

Deputy City Attorney Guerra responded that it would be a civil matter between the property owners and could possibly be a code enforcement matter.

Director Stanley clarified that the project applicant doesn't have to follow the easement. Since the applicant owns the two adjoining properties he can move the driveway on to his property and record an easement with himself thereby avoiding the trees.

Chairman Davitt asked if in that case they would require a lot tie.

Deputy City Attorney Guerra replied that he would just need to record an easement for access.

Director Stanley added that the project could be conditioned so that rather than removing the trees the applicant has to provide access by some other means. The applicant could then record an easement across his other property to his other lot for road purposes.

Norm Peters, the project applicant, stated that he brought up the oak tree issue 13 months ago. He added that since he owns both lots he can provide the access he needs so that the oak tree will not be an issue. He stated that the tree that looks like it is in the middle of the road is actually on the Lyans property. He doesn't want to remove any oak trees and they should not be an issue.

Commissioner Gelhaar asked if he would provide any easements he needs.

Mr. Peters responded that he would be willing to provide the easements. He expressed concern that since the beginning of the project he has addressed all the Commissioners and neighbors concerns and then at the last minute more issues have come up from the neighbors. He has included the immediate neighbors as much as possible. He has addressed the oak trees, the hammerhead, the easements, the height of the structure, and the deed and view restrictions. He asked about the plans that the Lyan's architect Jay Johnson presented to him and will he be required to address that.

Chairman Davitt responded that they need to focus on the current application.

Commissioner Gelhaar added that he is sure that Mr. Johnson will speak and Mr. Peters will have an opportunity to respond to that.

Mr. Peters concluded by saying that there was a house approved on that lot a number of years ago that was 4' higher than the house he was proposing.

John Lyans, of 2054 Lyans Drive gave a brief account of his family's history in the area. He wishes to maintain his quality of life and would like to maintain some of his views. He indicated that the project wasn't quite what they were hoping for. He explained that he had to sell off two of the lots.

Richard Lyans, son of John Lyans stated that he is helping his parents navigate this process. His first concern was regarding #9 on the supplemental application as it relates to view obstruction from any property. He informed the Commission that the applicant responded to that item by saying that he was stepping the structure down the hillside so that it avoid any view obstruction. Mr. Lyans disagreed with that statement as he felt that there was a huge view obstruction from the Lyans and Kagawa properties. The second concern was that the story poles were incomplete. He indicated that the story poles showed the ridge line but not showing the whole outline of the house. He showed a picture and stated that 2/3 of the view of the horizon would be lost. He explained that they don't expect Mr. Peters to build the design that Jay Johnson developed but merely to show that there were alternatives that had less impact on the views that the proposed design. He added that the City has guidelines that if a view can be preserved that it should be addressed. Initially they thought he was building a home for himself but now he feels that it is a spec home. He concluded by saying that Mr. Peters never offered to work with the neighbors. He hoped that the Commission could protect his parent's view.

Jay Johnson, the architect representing the neighbors asked Planner Clarke to read the finding for Second-Floor Review that pertains to neighborhood compatibility. He feels that the project as proposed is not compatible with the neighborhood because it is too close to the street. He feels that 10' from the curb is too close and that it should be the front yard and not considered the side yard as determined by staff. He felt that not only is it incompatible with the neighborhood but that it is incompatible with the whole city. He then asked Planner Clarke to read the finding that pertains to view preservation. He asked what is considered reasonable and unreasonable with respect to view preservation. He asked the Commission if they saw the plan that he designed that sits 6' lower on the property and preserves 6' more of the Lyans' view. He felt that the plan he proposed is very feasible, the retaining wall heights are less than those proposed by the applicant. He realizes that there is some disagreement about how much grading is involved for the plan. He maintains that his plan does not require more grading as suggested by Mr. Peters because it just sits down further on the lot. He maintained that it was just an issue of cost not only for the additional grading but also for installing a sewage pump because the home would be sited lower than the street. He concluded by saying that the project doesn't meet two of the findings that are required for approval.

Commissioner Curtis asked Mr. Johnson if the shifted garage location proposed by Mr. Peters is still feasible with his recommended design.

Mr. Johnson replied that it would work and if he put the whole driveway on his property that it would work in that location.

Corey Peters (the son of the applicant). He stated that the house could be huge. He believes that his father purchased the right to build on the lot and to build a house that he will be happy with.

He confirmed that it is a spec house but that it is not just about the money. His father is passionate about building and feels that his father has made many concessions to the neighbors.

Omel Nieves, is the lawyer for Norm Peters. He was hired to help Mr. Peters navigate this difficult process with difficult issues. He felt that it is clear from the impartial staff report prepared by staff that all of the requirements set forth by the City have been satisfied and in some circumstances have exceeded the requirements. He added that Mr. Peters has made major concessions. He has made the house lower and smaller to accommodate the neighbors and the City to try to avoid conflict. He even made additional concessions tonight regarding the roadway. He added that it is a fairness issue. Mr. Peters has followed the rules and the project should be approved as proposed.

Jennifer Wolpert of 2052 Lyans Drive. She shares the private drive with the Lyans, the Kagawas, and Mr. Peters. She asked why the house cannot be lowered to restore the view of two of the direct neighbors. She felt that based on Mr. Johnson's presentation there are options. She reminded the Commission that Mr. Peters cited drainage issues as to why he couldn't lower the house. She pointed out that according to staff's presentation the drainage would be addressed during the building permit process. She felt that such a big issue should be addressed as part of this process and not just during the building permit process. She concurred with Mr. Johnson's presentation that the proposed project is not compatible with the neighborhood. She asked the Commission to request a redesign to preserve the neighbor's views.

Judy Trumbo, of 2056 Lyans Drive. She is a former planner and she felt that the project is not sensitive to the neighbor's views. She felt that finding #1 for the Hillside Development Permit regarding harmonious design and sensitivity to the built and natural setting could not be made. She felt that the major view of the Verdugo Mountains would be impaired. She felt that the east to west width could be narrowed to preserve more of the view, as well, as setting it further down the slope. She also felt that finding #8 which relates to massing and bulk impacts could not be made. She added that she felt that what is being viewed as the street-side yard should be considered the front yard, thereby moving the house further back from the street and further down the slope thereby reducing the visual impact. She also agreed with Mr. Johnson's point about finding #9. She concluded by saying that just reducing the building's floor area and overall height does not address the findings.

John Kagawa, of 2060 Lyans Drive, showed a photograph of the story poles from a different angle and what it would look like with the building silhouette on it. He felt that the concessions made by the applicant are not enough. He asked the Commissioners to consider the project as if they were the neighbors and most impacted by the project.

Commissioner Curtis clarified if the picture that was presented by Mr. Kagawa was looking west and if he had views of the mountains right now looking south from his house. He also asked Mr. Kagawa is his living room and kitchen face west.

Mr. Kagawa clarified that the picture was taken from his driveway and that his living room and kitchen face west.

Samuel Kwon of 2072 Lyans Drive explained that one of the previous owners made the vacant lot into a park-like setting that is enjoyed by a lot of the neighbors. He lives farther away than some of the more impacted neighbors but he felt that if the project was to be built a real treasure would be lost. He added that many people enjoy the parcel as it is. He concluded by saying that the project height should be lowered.

Sharyl Mazziotti indicated that she works for Mr. Peters. She explained that he is a builder and he would be an asset to the neighborhood.

Mr. Peters responded to the concerns. He explained that he has made many major concessions. He asked staff to show the slide showing the 50' view restriction corridor. He explained that that he honored the view corridor which offers view of Los Angeles. He clarified that the proposed house is 10' from the curb but it is actually 18' from the property line since the driveway was illegally constructed on his property. He had a civil engineer calculate the amount of exported soil that would be required if he built the project that Mr. Johnson proposed and it was 1,100 cubic yards of soil. He pointed out that the garage location on Mr. Johnson's plan will block the view completely of the Kagawa house and affect the drainage. His proposal requires 434 cubic yards of exported soil. He added that he has made major changes and that the project is compliant with the City's standards. He would like to move forward and have a decision tonight.

Commissioner Curtis asked staff to clarify if the side setback is 18'.

Planner Clarke responded that at the closest point the project is setback 18'-8" from the front property line to the porch and increases to 20'.

Commissioner Gelhaar stated that he visited the property several times. He appreciated the fact that Mr. Peters has made some changes. He felt that the one issue remaining was related to finding #9 with respect to view impacts of the project from the living quarters of the neighbors. He can make all the other findings but still cannot make finding #9. He felt that the Lyans were most affected neighbors and that the view from their living room is severely impacted. He wanted the ridgeline of the roof lowered 5'-11" to protect the Lyan's views from their primary living quarters.

Commissioner Curtis visited the site twice and spoke with the applicant and the neighbors. He thought that the house was a thoughtful design and that many of the impacts had been mitigated. He liked that the house has been lowered but was concerned that if you lower it anymore that you would be looking at just a roof and he felt that it would look awful. He would like to add conditions requiring the relocation of the road and drainage.

Chairman Davitt visited the site and appreciated the views. He recognized that looking at a vacant lot versus a structure is a big difference. He felt that the efforts put forth by Mr. Peters have made a difference from the previous design. He can make all the findings except finding #9. He thought that the ridgeline should be reduced and that would protect some of the views and make it more compatible.

Commissioner Gelhaar asked his fellow commissioners how they felt about approving the project and adding a condition to lower the ridgeline 5'-11" but that he could be happy with lowering it 4'. He also suggested added conditions for the access and the proper easements.

Commissioner Curtis responded that those added conditions would address his issues.

Planner Clarke expressed concern about the impacts on the driveway access to the garage if you lowered the ridgeline.

Commissioner Curtis added that you could lower the pad elevation or change the slope of the roof to lower the house.

Planner Clarke responded that it could be conditioned so that the applicant could have the option on how to lower it.

Chairman Davitt asked the applicant if he would be willing to do that.

Mr. Peters expressed concern about the exporting of the soil and the impact on the neighbors below. He added that he already had changed the pitch of the roof and that it would be difficult to lower it even more. He could lower the foundation of the house but that would affect the garage which has to be on the north end of the property and you would be looking at just a roof. He stated that if he makes the garage even lower he will have too much slope to the garage which would result in a drainage problem. He would also be sacrificing his view if he lowers the house on the slope. He indicated that he has met all the parameters and would like a vote tonight so that he can move forward.

Director Stanley asked the applicant if there was a way that the garage could remain at its level and the rest of the house could be lowered.

Mr. Peters responded that he could do that.

Planner Clarke added that is how it is currently designed.

Commissioner Gelhaar commented that the predominant view is through the garage.

Planner Clarke indicated that the current design has the house at 119' and it steps down from there. He stated that the garage could remain at that level and the rest of the house could be lowered. The maximum slope of a driveway can be 17% and the garage cannot be lowered any more at its current location.

Commissioner Gelhaar commented that perhaps the project should be continued for a redesign. He stated that he could not approve anything less than 4' lower for the ridgeline of the garage and house. He looked at the view impacts for the Lyans' living room and his opinion was that the garage at its current location blocked that view.

Commissioner Curtis looked at the garage and felt that it may not be an unreasonable impairment of the view and that perhaps it could not be avoided. He would be okay with the garage remaining at its current elevation.

Chairman Davitt asked the size of the garage and if it could be lowered at all.

Planner Clarke responded that it is a 20 x 20 garage.

Mr. Peters responded that he can lower house but not the garage.

Director Stanley asked the applicant the current driveway slope.

Mr. Peters responded that the average slope of the driveway is 17%. And that he wanted a decision tonight.

Chairman Davitt felt that the project should be continued for redesign and they shouldn't negotiate the project here with the neighbors and that he wanted to look at the specific issues they were discussing.

Commissioner Gelhaar asked staff if he viewed the story poles from the Lyans' living room.

Planner Clarke responded that both he and Director Stanley did go into the Lyans' house but that all his photos were taken from the porch and other exterior locations.

Commissioner Gelhaar referred to the site plan and indicated that the garage was very visible from the Lyans' living room.

Commissioner Curtis felt that the neighbors were open to discussion regarding the relocation of the garage back to the originally proposed area.

Director Stanley reread finding #9 and discussed whether or not the project creates an unavoidable or unreasonable impact and impairment of any view from another property. He commented that it does not address the views from the interior of the house. He suggested that the house could be lowered and the garage could remain as is. He added that a flat roof could also be utilized but that may not be consistent with the neighborhood. There is a variety of one and two-story homes in the neighborhood.

Commissioner Curtis commented that dropping the house down would create a situation where all you would see is the roof of the house and he did not think that would look good. He added that he felt that only compatible house would be a single-story house. They already discussed lowering it by 4' and he felt that the only issue that remains is the garage and whether or not it created an unreasonable impact.

Commissioner Gelhaar asked the applicant if he could lower the garage at all.

Mr. Peters replied that he could possibly change the pitch of the garage roof and reduce it by a foot.

Director Stanley if it could be a flat roof and how much it would lower it.

Commissioner Gelhaar stated that could go along with a condition to redesign of the roof subject to the review an approval of the Director of Community Development. He added that the house should be lowered 4'.

Chairman Davitt said that they could also leave that up to the Director of Community Development.

Commissioner Curtis added that he wanted to include a condition that said the approved roadway would have legal access and avoid impacts to oak trees as determined by an arborist with the appropriate easements. He suggested that it be added to Condition No. 20. He suggested that City Attorney review be required for Condition No. 23. He suggested adding a condition that a drainage plan be prepared subject to the review and approval by the Director of Community Development and the City Engineer.

Chairman Davitt asked for clarification of what was recommended for the roof of the garage.

Director Stanley clarified that the house should be lowered 4' and the garage reduction would be subject to the Director of Community Development.

Commissioner Gelhaar stated that the Director knows what the Commissioners are trying to accomplish and he leaves it up to him to review the final height.

Commissioner Curtis asked for clarification if the hydrology report referenced in Condition No. 14 was that same as the drainage plan.

Planner Clarke replied that they are different and the drainage plan would be in addition to the hydrology plan.

Commissioner Curtis made a motion to approve the project. Commissioner Gelhaar seconded. 3-0 with Vice Chair Hill and Commissioner Cahill having recused themselves.

Chairman Davitt explained that the action that the Commission took tonight can be appealed to the City Council within 15 days.

## **VIII. PUBLIC HEARINGS**

- B. Second Floor Review 10-06/Director Misc. Review 10-08 (SB); Izadi; 4393 Chevy Chase Drive:** A request to consider a request for Second-floor Review to allow construction of a new 1,012 sq. ft. 2<sup>nd</sup>-floor. In conjunction, a new roof would be constructed atop an existing non-conforming garage at the northeast corner of the lot and Director's Misc. Review (Setback) is required to accommodate the garage

alteration. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme gave a presentation in accordance with the staff report. He highlighted the proposed changes that the architect has presented since the staff report was written. He indicated that the applicant offered to provide louvers and planter boxes attached to the second-floor windows that would minimize the size of the windows and visibility to the north. He added that the applicant is proposing to plant 24" box Carolina Cherry trees.

Commissioner Gelhaar asked if the applicant is proposing to remove the existing landscaping on the south side.

Planner Gjolme stated that he didn't think it would need to be removed but deferred to the applicant.

Commissioner Curtis asked if there were conditions included requiring the planter boxes and a landscape plan.

Planner Gjolme deferred the addition of conditions to the Commission but recommended that a condition requiring the planter boxes be included.

Craig Stoddard, the project architect, stated that they wanted to remove the oleanders on the south side. He added that the neighbors were in favor of removing the oleanders and replacing them with planting that is a little more attractive. They also liked the idea of the louvered planter boxes.

Commissioner Cahill thought it was a beautiful design and could vote to approve it.

Commissioners Curtis and Gelhaar concurred with Commissioner Cahill.

Vice Chairman Hill agreed and liked the idea of the Carolina Cherry Trees but wasn't sure about requiring the planter boxes.

Planner Gjolme explained that the inclusion of the planter boxes was brokered with the neighbor and they would be included on a revised set of plans.

Chairman Davitt agreed and thought the project was a nice design.

Commissioner Cahill made a motion to approve the project with the added condition of planting the Carolina Cherry Trees and adding the louvered planter boxes to the second-floor south facing windows. Commissioner Gelhaar seconded. 5-0

At 8:35 p.m. Chairman Davitt excused himself from the rest of the meeting.

**C. Hillside Development Permit 08-40/Setback Modification 08-11/ Tree Removal Permit 10-11; Hanna; 3958 Hampstead Road: A request to consider**

an amendment to an approved Hillside Development Permit and Setback Modification to allow relocation of a two-car garage and extension of an inward-facing retaining wall, which is necessary to widen the site's existing driveway in accord with Fire Department regulations. The amendment would also address the wall's current 13'-14' height, which exceeds the 10-foot height previously approved. Two oak trees would be removed in conjunction with construction of the retaining wall and widening the driveway. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme gave a presentation where he highlighted the changed project including an increase to the height of an already approved retaining wall. The wall will also be extended 115 linear feet along the driveway to accommodate widening of the driveway as required by the Fire Department. He indicated that the garage would also be relocated to a secondary pad area on the far west side of the property. As part of the revised project the applicant is proposing to remove two oak trees along the driveway. The applicant has also added 3'-4' of freeboard along the top of an already approved 3' retaining wall to the south which also needs to be addressed. He concluded by saying that he would like to include a condition for arborist review to confirm the new wall will not impact the trees. He asked that the Commission to consider the removal of the two trees if the arborist deems that the wall will impact the trees or if the trees are retained, that they will be replaced if and when necessary.

Commissioner Gelhaar asked about the retaining wall on the north side and why does it need to be higher. He continued by asking if the freeboard could be replaced with a wrought iron fence.

Planner Gjolme explained that freeboard was added to the originally approved retaining wall and that the Commission could approve the wall in its current configuration or require alteration.

Commissioner Curtis asked about the code section that requires the neighbor's endorsement if an outward facing wall combination is higher than 6'.

Planner Gjolme stated that doesn't apply because the north wall is out of the setback.

Commissioner Gelhaar asked if the drawings indicated any heights for the south extension of the 15' high retaining wall.

Planner Gjolme indicated that he walked the site and looked at the contours on the plan and estimated that the wall extension would be approximately 3' to 6' in height.

Commissioner Curtis asked why the house was so far along in the construction process before the Fire Department reviewed it.

Director Stanley stated that we now include a condition that states that if the Fire Department requires any substantive changes to the project that it would need to be reviewed by the Planning Commission. He added that this project was approved before the addition of that condition.

James Stoker, of 4555 Encinas Avenue, indicated that he uses the trails adjacent to the project and is not a neighbor. He felt that the walls would be visible from off-site. He provided photographs of the project from a distance. The higher part of the wall is visible. He was concerned about the safety of the wall and about access to the back of the wall. He felt that the height of the wall should be counted towards the overall height of the house since it is closer than 20' from the house.

Planner Gjolme disagreed with Mr. Stoker's position of including the wall height in the overall height of the house considering the lack of the wall's contributing visibility.

Mr. Stoker continued that with respect to the relocation of the garage he felt that the garage would now be visible from Hampstead Road and tower over the neighbor. He concluded by saying that he felt that all of these proposed changes would require a new hydrology plan since the drainage would be modified.

Wayne Smith, of 3950 Hampstead Road, is concerned about the south-facing wall. He thinks it will be seen from their side of the road. He really doesn't have an issue with the project but he has had issues in the past regarding the construction parking in front of their house over the years because of the many construction projects in the vicinity. He indicated that the workers and the delivery truck drivers don't seem to care about the parking and traffic problems that they are creating for the neighbors.

Commissioner Gelhaar asked staff who residents should call if they encounter issues with parking that is related to construction projects.

Director Stanley responded that the residents could call the Sheriff's Department on the weekends but that he has sent out the code enforcement officer or a building inspector to investigate these concerns and the contractor is notified that they need to comply by parking on-site. Staff can also issue a stop work notice if necessary.

Planner Gjolme stated that this has become an issue because there are four construction projects in the immediate vicinity and that he has talked to the property owner and the contractor for this project and required that they prepare a parking management plan. It was made clear to the property owner that the workers had to park on-site.

Commissioner Curtis felt that a stop work order would send a message to the owner and contractor.

Director Stanley indicated that we wouldn't use the sheriff or immediate vehicle towing to mitigate the problem instead we would issue a stop work notice and send them a notice and/or a citation. He indicated that he would check with code enforcement to see if more complaints were received regarding the parking problems in this area. He explained that deliveries would be allowed from the street with noticing and/or a flagman.

Mr. Smith stated that very often the truck is left unattended.

Vice Chairman Hill asked staff if there was a code enforcement officer on duty every workday.

Director Stanley explained that the City has contracted code enforcement staff for 3 days per week and that Assistant Planner Lang fills in on the other days. He added that we could also send out a building and safety officer to investigate certain complaints.

Planner Gjolme clarified that the 3' to 4' retaining wall was approved with the original project but the applicant has since added a freestanding portion on top of it for an overall height of 6' to 7'.

Commissioner Curtis asked about the potential addition of wrought iron on top of the 14' retaining wall.

Planner Gjolme stated that he did not see the wrought iron on his last site visit but that if it was added it would not be visible.

Commissioner Gelhaar was shocked by the height of the existing south wall and indicated that he was hesitant to approve a retaining wall extension where the height of the wall is not clearly indicated. He felt that they should approve a maximum height for the Director of Community Development to review. He suggested a limit of 6' maximum and that the wall will taper.

Director Stanley was surprised that they did not have an engineered plan for the new walls.

Commissioner Gelhaar suggested that they require an engineered plan subject to the review and approval of the Director of Community Development. He asked if the intent of Condition No. 13 was to address the screening of the walls. He suggested that they condition the project that the garage is built last so that the pad area could be utilized for parking for the rest of the project. He wanted to require arborist review to see if the two affected trees could be saved.

Planner Gjolme indicated that Condition No. 13 would address the screening of both the walls.

Commissioner Cahill agreed with Commissioner Gelhaar.

Commissioner Curtis indicated he was also surprised by the height of the wall but was satisfied with the proposed mitigation. He added that he would like to also require a hydrology report and drainage to be reviewed by the Director of Community Development and the city engineer if necessary.

Vice Chairman Hill agrees with his fellow commissioners regarding the arborist report and engineered plan.

Commissioner Cahill stated that he would like the City to step up its enforcement of the parking along the street and issue stop work orders if necessary.

Director Stanley stated that staff could do periodic checks of the project site. He also asked of the Commission wanted to reduce the amount of freeboard on the north wall and require it to be replaced with wrought iron.

Commissioner Gelhaar indicated that landscaping should be required on both sides of the wall.

Planner Gjolme asked the Commission for clarification regarding the maximum height of the retaining wall.

There was some discussion regarding the necessity of the freeboard on top of the previously approved retaining wall to the north.

Director Stanley suggested that the Commission require the north wall be reduced to its original height and wrought iron could be placed on top if necessary for safety purposes.

Director Stanley reminded the commissioners that they wanted to add a condition to indicate the maximum height for the wall and an engineered plan for his review and approval. He added that they wanted an arborist to review the potential impact on the two oak trees and a hydrology report and drainage plan if necessary. Finally, the Commission wanted the retaining wall lowered to its approved height of 4' but that wrought iron on top was okay.

Commissioner Gelhaar made a motion to approve the project subject to the discussed conditions. Commissioner Curtis seconded. 4-0

- D. Modification 10-06 (Setback)/Director's Miscellaneous 10-11; Restivo; 4338 Oakwood Avenue:** A request for a Setback Modification to construct a 1,291-square foot stable with north side and rear yard setback encroachments. The stable would encroach 3'-0" into the required 7'-6" north side setback and would encroach 10'-0" into the required 15'-0" rear yard setback. The project would reconstruct a fire damaged stable that has been demolished. The proposed stable would not encroach further into the required setbacks than the previously demolished stable. A Director's Miscellaneous Review application is required because the proposed stable would have a flat roof. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Vice Chairman Hill asked if applicant needed a formal presentation.

The applicants indicated that they did not need a formal presentation and have read the staff report.

Commissioners Gelhaar and Cahill indicated that they agreed with staff.

Commissioner Curtis asked for clarification if the back of horse stalls are solid or open.

Assistant Planner Parinas indicated that according to the plans the back of building is solid.

Commissioner Curtis made a motion to approve the project. Commissioner Gelhaar seconded. 4-0

## **X. COMMENTS FROM THE COMMISSIONERS**

## **XI. COMMENTS FROM THE DIRECTOR**

Director Stanley reported that the Flanders Road appeal was continued by the city council due to concerns that the neighbor on the south side had regarding the height of the chimney and screening of the new second floor. It was continued so that the applicant could work with staff on a redesign.

Commissioner Gelhaar asked if the Merritt project had been formally appealed.

Director Stanley explained that they met with the applicants and that they have until tomorrow to file their appeal.

Director Stanley added that the City Council also considered the code change regarding the CUP requirement for residential projects over 10,000 S.F and the clarification of floor and roofed area. He indicated that the City Council changed the language from “and/or” to just “or”. It would be on the next meeting’s agenda for a second reading.

### **A. Report of Director’s Approvals since the last meeting:**

- 1. Hillside Development Permit 10-11; Rossi; 660 Pomander Place:**  
Granted 402 sf ground floor addition and enclosure of existing covered 74 sf (patio).
- 2. Tree Removal Permit 10-12; De Angelis Designs; 2025 Lyans Drive:**  
Granted removal of a 28” deodar cedar and a 29” deodar cedar.

### **B. Other Comments**

**XII. ADJOURNMENT** Vice Chairman Hill adjourned the meeting at 9:34 p.m.