

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD MAY 22, 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 were Deputy City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Planning Aide Gjolme.

**COMMENTS FROM
THE PUBLIC:**

Mayor Portantino requested to address the Commission at this point because of a prior commitment. He thanked Chairman Orr for his seven years of leadership on the Commission and for the tone he set; he is a person of strong convictions and always voted his conscience. The Mayor thanked him on behalf of the City Council, wished him well and congratulated Commission- designate Gelhar.

Councilman Martin stated that he often admired the Chairman's use of the English language and his skills of conducting meetings.

Chairman Orr stated that he would be leaving many friends behind. His positive experience in City government has provided an impetus to continue in that line upon his move to Rancho Mirage.

**SWEARING OF NEW
COMMISSIONER:**

The oath of office was administered to Charles Gelhaar by City Clerk Fancett. Commissioner Gelhaar was welcomed by the Commission and Staff.

**CONSENT CALENDAR:
MINUTES OF MAY 8**

M/S/C Levine/Mehranian to adopt the minutes of May 8 as corrected. 4 Ayes. Abstain: Gelhaar.

**RESOLUTION 01-31;
DENYING
MODIFICATION 01-12;
5028 WALMAR AVE.:**

M/S/C Levine/Mehranian to adopt Resolution 01-31. 4 Ayes. Abstain: Gelhaar.

**CONTINUED PUBLIC
HEARING:**

**HILLSIDE
DEVELOPMENT
PERMIT 00-61;
MILLS; 4040
CHEVY CHASE DRIVE:**

Planner Cantrell recalled that the last hearing on May 8th, focused on the pad elevation. The applicant has followed the direction of the Commission and lowered the pad 2 ft and provided a site section. The further lowering of the pad and rear yard result in a further decrease in the amount of required fill. Planner Cantrell pointed out that this is a lot of less than 10% slope, aside from the stream that traverses it. He asked that the Commissioners be mindful that homes along Chevy Chase are generally lower in elevation because of the steeper slope of the properties, rather than siting of those homes below grade. Staff determined that the proposed elevation is reasonable, that the revisions are consistent with the original analysis of finding, and therefore recommended approval as conditioned.

Commissioner Engler confirmed that the house was lowered 2 ft than reflected on the submittal at the last meeting.

Hamid Gabbay, project architect, described the changes made since May 8th: the house, garage and rear pad were lowered 2 ft. Compared to the initial submittal, the rear yard is 4 ft lower. The house elevation is now 4 ft below street elevation. Additionally, 1,100 cubic yards of fill are eliminated, as are 200 linear feet of low retaining and garden walls. As noted at the last hearing, sixty per cent of the outside lighting was eliminated and none of the remaining fixtures would use more than 11 watts. The plan preserves 39 of the 43 oaks, it has the support of the majority of nearby neighbors. Mr. Gabby stated his belief that the changes represent the maximum for safety purposes and is at the limit of the building code.

Commissioner Mehranian confirmed that compared with the initial submittal, two more oaks would be preserved.

Mr. Gabbay then approached the Commissioners' table and explained on the plans why the crawl space could not be less than 18".

Commissioner Engler recalled that the applicant was directed to submit engineering data supporting his contention that the septic would not work if the house was lowered any further. Commissioner Engler felt there should not be a problem if he had a slab on grade.

Mr. Mills advised of having spoken with the City Engineer and that he did not have supporting data.

Commissioner Levine stated there was nothing to support their assertion if you put slab on grade, the septic would not work. He noted that the fill would be creating a flat area in the back - "there appears to be 18" you don't have to import".

Mr. Gabbay conceded that 18" of fill would be imported to create a flat area for the back yard.

Mr. Mills stated that fill import would make the back yard more user friendly and preclude a step-down situation. He offered to lower and sink the living and family rooms if that was the criterion the Commission was looking for, but noted that would still require 500-600 cubic yards of fill.

Mr. Gabbay cautioned that Mr. Mill's offer would mean a higher ceiling and would not lower the ridgeline.

Commissioner Engler stated that he did not have a problem with the house, but he didn't get the supporting data he requested.

Commissioner Levine asked what had happened to the applicant's prior concerns with flooding and his willingness to lower two rooms.

Mr. Gabbay responded that his only concern was with lowering the house below existing grade.

Chairman Orr asked what Mr. Mill's reaction was to the letter received that afternoon by the City from neighbor, Mark Spraic.

Mr. Gabbay commented that the house meets all thresholds of the Hillside Ordinance and that Mr. Spraic would not in any way be affected by this project. He then advised the Commission that he has been a Planning Commissioner for 8 years in the City of Beverly Hills and that he was present to defend the project. "The impression given is that I've been somehow trying to cheat the Planning Commission; and I have been questioned in an accusatory tone. I have not treated anyone in that way".

Chairman Orr stated that Mr. Spraic's point was that the roof was raised to accommodate the lowering of the house.

Mr. Gabbay stated that the latest submittal shows the house lowered by 2 ft. and the rear yard lowered 4 ft.

Planner Cantrell stated that the additional 2 ft of roof height is in such a limited area as to qualify as an architectural extension, and that this was analyzed in the previous meeting's memo and presented at that meeting.

Chairman Orr commented that despite the project meeting the standards and guidelines of the Hillside Ordinance, the Planning Commission needs to make the findings. The concern is whether this house would enhance the neighborhood or be a detraction.

Chairman Orr re-opened the continued public hearing.

Marc Spraic stated that he lives across the street from the project, and was unsure if progress was made since the last hearing. He felt there were other available options to site the house and encouraged the Commission to take into account the impact the project would have on the street.

Responding to a question from Chairman Orr as to what his preference was, Mr. Spraic felt the house should be moved back and lowered.

Commissioner Gelhar confirmed with Mr. Spraic that his home is approximately 25-30 ft above street level. !

Commissioner Levine then commented on the letter that was received late in the day from Mr. Spraic. He stated that it is difficult for the Commission to evaluate and weigh late comments when making a decision, especially when the Commission asks the applicant to have their revisions in at an early date.

Assistant City Attorney Steres advised that the Commissioners have the discretion of acknowledging receipt of the letter and stating they have not read it.

Chairman Orr closed the public hearing.

Commissioner Mehranian expressed appreciation for the efforts made by the applicant since the last hearing. She advised of continuing concerns with the elevation and pad, "it would be interesting to review supporting data as to how much lower it could go" and was "satisfied with the oaks".

Commissioner Levine remarked that the Commission might need modified plans given the lack of septic information that was requested and the applicant's statement that he was willing to lower the rear portion of the house which would further reduce the amount of fill.

Commissioner Engler disputed Staff's determination that the built-up roofline to hide the HVAC was an architectural extension. Therefore, the building height was reduced to 28 ft and conditions added requiring replacement of the oaks and Commissioner Levine's comments, he could support the project.

Commissioner Gelhaar advised of having met Planner Cantrell on-site and having read the minutes. He stated that he had no problem supporting this project as presented.

For the record, Assistant City Attorney Steres noted that Commissioner Gelhaar was in the audience on May 8th and heard all the comments and discussion.

Chairman Orr stated he was unsure of the necessity of requiring tree replacement, given the abundance of oaks

that would remain. He stated he could support the project as long as the information requested by Commissioner Levine was included in the file.

Commissioner Levine made a motion to approve Hillside Development Permit 00-61 with the following added conditions: that evidence of a viable septic system be provided with the lowering of the pad, that the floor level of the rear portion of the structure be reduced by 1 ft., which in turn would reduce the amount of fill to approximately 500 cubic yards, and provide appropriate funding to the City to replace the oaks on a one-to-one basis with 40" box size oaks.

The motion died for lack of a second.

Commissioner Mehranian made the same motion, but "insisted" that the replacement trees be installed on site.

Commissioner Gelhaar noted that the abundance of oaks on site, but that he could support the motion.

The motion passed unanimously.

OTHER BUSINESS:

Director Stanley thanked Chairman Orr for his seven years of service on the Commission as well as on the General Plan Advisory Committee.

**REOPENED
COMMENTS FROM
THE PUBLIC:**

Walter Kimbrough, , 4853 Revlon Drive advised that he received a community notice that Planning Commission meetings convened at 7:00 p.m. He was in the audience waiting to speak under Comments from the public.

Upon hearing Mr. Kimbrough's explanation, the Chair agreed to reopen the Comment portion of the meeting.

Mr. Kimbrough, addressed the Commission regarding a pending application that has resulted in an impasse. Mr. Kimbrough was advised that he may not include a City easement when calculating his lot area. He advised that because of an impasse, he retained a lawyer who wrote a letter on March 23 and is still waiting for a response.

Director Stanley advised that the issue is one of proper application; Mr. Kimbrough contends his application is for Modification, while Staff contends it should be for a Variance, which requires different findings for the Commission to make. He then handed a copy of the City's response to Mr. Kimbrough's lawyer.

Commissioner Engler remarked that citizens deserve a quicker response than having to wait 2 months.

Dan Roberts, 4848 Revlon Drive and James Ryan, who resides across the street from Mr. Kimbrough, expressed similar concerns regarding City ownership of what they felt was their property.

Chairman Orr encouraged them to contact Staff and Assistant City Attorney Steres.

Comments from the Public was again closed.

ADJOURNMENT:

M/S/C Levine/Engler to adjourn at 7:30 p.m.
Unanimous.

Secretary to the Planning Commission