

**A MEETING OF THE PLANNING COMMISSION OF  
THE CITY OF LA CAÑADA FLINTRIDGE HELD  
JUNE 10, 2003**

- CALL TO ORDER:** Chairman Levine called the meeting to order at 6:00 p.m.
- ROLL:** Present were Commissioners Engler, Gelhaar and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.
- SWEARING-IN OF COMMISSION APPOINTEE DAVITT:** City Clerk Wahlsten administered the oath to Michael Davitt. Director Stanley formally congratulated Commissioner Davitt on behalf of the Planning Staff. He advised of having met with him earlier to review his role as a Commissioner.
- Councilmember Spence congratulated and welcomed Commissioner Davitt on behalf of the Mayor and City Council, and thanked him for volunteering his time on behalf of the community.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- ELECTION OF CHAIR and VICE-CHAIR:** Commissioner Gelhaar prefaced his motion by thanking Chairman Levine for his very effective two-year stint as Planning Commission Chair. M/S/C Gelhaar/Levine, to elect Commissioner Engler as Chair and Commissioner Mehranian as Vice Chair for the coming year. Unanimous. Commissioner Engler advised that he would assume his role at the following meeting.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- CONSENT CALENDAR:  
Minutes of May 13, 2003** M/S/C Gelhaar/Engler to adopt the Minutes. 4 Ayes, with Davitt abstaining.
- Parcel Map 26509;  
Troedsson;  
4827 La Cañada Blvd.:** Commissioner Gelhaar stated that he continued to believe the Map is contrary to the Land Use Element of the General Plan.

Attorney Steres made a revision to Section 1 of the Draft Resolution.

M/S/C Mehranian/Davitt to approve Parcel Map 26509 as revised. 3 Ayes; Levine dissenting. Abstain: Gelhaar.

Given the length of the agenda, Chairman Levine asked Staff to apply the time clock on all items. He reported Staff's request to hear the final item, conformance of the 2003-04 CIP, out of order. Public Works staff was in the audience to respond to any questions.

The Commission granted Staff's request.

**OTHER BUSINESS:  
2003-04 CAPITAL  
IMPROVEMENT PLAN:**

Director Stanley reported that state law requires the Planning Commission to annually review the City's Capital Improvements Plan, which identifies public works projects for the next fiscal year. The recommendation was for the Commission to find that the Plan conforms to the City's General Plan.

**CONTINUED PUBLIC  
MEETINGS:**

A revised project list included proposed work on The Link area in the Gateway District.

Chairman Levine confirmed that an affirmative vote would only indicate concurrence regarding conformance, regardless of the Commission's support for any item or expenditure for such item.

The Commission did not have questions of Staff.

M/S/C Engler/Gelhaar determining that the proposed CIP for Fiscal Year 2003-04 conforms with the goals and policies of the General Plan. Unanimous.

**MODIFICATION 03-09;  
BUILDING DEPTH  
REVIEW 03-02; KING;  
4738 PALM DRIVE:**

Chairman Levine advised the audience of the applicant's request for a continuance to June 24<sup>th</sup>. He confirmed that no one in the audience wished to speak on the matter.

**FLOOR AREA REVIEW  
03-07; SCHILLER; 4844  
FAIRLAWN DR.:**

M/S/C Gelhaar/Engler to continue Modification 03-09 and Building Depth Review 03-02 to June 24. Unanimous.

Planner Cantrell reported the request to allow new house area to exceed the 4,500-sf review threshold by 740-sf.

The project site is located on the east side of Fairlawn Drive, on a narrow cul de sac frontage. in the R-1-15,000 Zone. Lot area is 17,468-sf with total frontage less than the 80-ft threshold. Though single-story homes line the lower portion of the street, the 5,243-sf project would complete a pattern of two-story homes ringing the cul-de-sac. Three properties abut the subject site; the most exposed is a downslope lot to the south, where the garage faces the subject property. Its low elevation, combined with existing tree screening and distance provide a comfortable separation. The only windows facing that property are single bathroom windows on both floors. A draft condition limits the sill height to no lower than 6 ft to ensure privacy for the southerly neighbor.

The new house would be oriented at an angle to the property lines. North and south-side setbacks greatly exceed Code requirements, while hipped roofs and a low eave relative to the ridge height reduce the perceived size of the house. A landscaping plan (not required for Floor Area Review) depicts general enhancement of existing plantings, including retention of the large trees at the south end. Eliminating the long driveway provides an opportunity for additional plant materials.

Two drains at the southeast corner of the site direct drainage to east-west culverts. The property owner to the south reports overflow to his property when those drains are not maintained. Staff noted that the new driveway configuration would direct sheet flow to the street and improve on-site absorption. Staff recommended that a hydrology study be submitted for review and approval by the City Engineer.

Lastly, Planner Cantrell recalled that this project was continued on May 13 because of uncertainty as to when easements for the property would be quitclaimed. The applicant has since provided evidence that this was accomplished. Even so, the issue of easements does not impact this review, since there is adequate area on this site to allow a floor area review regardless.

Staff recommends positive findings and project approval.

Commissioner Mehranian noted the lack of a comparison chart in her packet and questioned the basis of Staff's finding that the project is compatible with the neighborhood.

Planner Cantrell responded that the site plan reveals generous setbacks and the design minimizes the two-story aspect. An examination of the other homes on the cul-de-sac demonstrates that the project "fits".

Commissioner Engler recalled that a comparison chart was included with the initial report. He questioned Staff's recommendation to raise the height of the south-facing window. He felt that lowering it changes the dimensions and design compatibility.

Planner Cantrell advised that the condition was included after the neighbor expressed concern regarding privacy and it was agreed to by the applicant.

Project designer Dave De Angelis, advised that the easement issue was resolved (abandoned easements were still on record that reduced the property size because they were used for access). The lot is now officially over 17,000-sf and the project complies with the floor area ratio for a lot of that size. The sole basis for review is the narrow frontage caused by the property's location at the end of the cul-de-sac; he noted that the average lot width reaches 180 ft. Four of the fifteen lots in the area accommodate homes over 4,000-sf in area and all but three are between 17,000-sf and 20,000-sf in area with plenty of frontage to build up to 4,000-sf without review.

The design is traditional Georgian with dormers, shutters and hipped roofs, and he opted for a two-car garage, rather than a larger one facing the street. Raising the grade around the new driveway area will alleviate the drainage issue - all roof water would drain to the street.

Property owner, Ken Gorvetzian, stated that he was comfortable with Staff's report with the exception of two draft conditions: 1) raising the height of the bathroom window, and 2) the requirement for public review upon removal of any tree.

His sense was that raising the sill height to 6 ft would render the window unusable. A toilet fixture in front of the window places anyone 3 ft away from the window in order to open it. Mr. Gorvetzian advised that concern for his neighbors' privacy led him to put only two windows on the south side, in non-living areas and oriented away from the neighboring property. He did not believe there is an issue of privacy and requested that the condition be deleted.

Addressing the condition regarding removal of any trees, he requested to be held to the same standard as any other resident of the City, even though he has no intention of removing any trees at this point.

As a point of information, Chairman Levine advised that on many occasions, and to address concerns of privacy and aesthetics, the Commission has imposed a condition requiring that non-protected trees remain.

Commissioner Davitt requested clarification of the recommended condition, given that the proposal does not include removal of any tree.

Planner Cantrell responded that the condition ensures that the trees would not be removed in the future. A recorded covenant would alert future property owners of that fact.

Commissioner Engler confirmed that it would be easier to subject the applicant to an administrative review, rather than a full Commission review.

Chairman Levine opened the public hearing.

Eddie McDougal, 1335 Olive Lane, stated that the windows on the east elevation look down on her property and she was therefore concerned with removal of any trees. She was also concerned with drainage that currently crosses her property and asked what type of fencing was proposed along the east property line.

Dave De Angelis reported of having invited all nearby neighbors to review the project on a certain date, however, no one showed up.

No further comments were offered, and the public hearing was closed.

Commissioner Gelhaar supported the project and stated he was inclined to allow the bathroom window "as submitted" since the existing trees serve to screen the property. He suggested: eliminating condition #13 requiring a 6-ft sill height for the bathroom windows,

modifying #14 to require Planning Department review of removal of any trees shown on the landscape plan indicated "not to be removed",

add a condition requiring on-site parking for construction vehicles to the extent possible.

Commissioner Engler stated "it's a great house and well-sited on the property". He was pleased that the elevation and grading were reviewed and that a hydrology report is required. He agreed with Commissioner Gelhaar's suggestion to add a condition regarding construction parking.

Commissioner Mehranian requested assurance regarding tree protection.

Commissioner Davitt stated that the design is compatible with the area. He supported administrative review regarding tree removal and agreed that a condition requiring on-site construction parking would be a big help.

Chairman Levine suggested striking *to the extent possible* from the condition requiring on-site parking "or carpooling to the area". He did not have a problem with allowing administrative review for tree removal, and add that all drainage shall be directed to the street and not across anyone's property to condition #12.

Dave De Angelis expressed concern with the Chair's suggestion that *all* drainage be directed to the street. The plan is to capture 95% of surface water; however, "all" may not be feasible.

Director Stanley reported that the City Engineer will review the hydrology plan to confirm that runoff is minimized.

Given that information, Chairman Levine asked that “it will not cause any damage to any other property” replace his previous request.

M/S/C Gelhaar/Engler to approve Floor Area Review 03-07, deleting draft condition 13 addressing bathroom window heights, modifying draft conditions 12 and 14 regarding drainage per the Chair’s suggestion and allowing Planning Staff review of removal of existing trees marked “not to be removed” on the landscape plan, and adding a condition (15) requiring on-site parking or carpooling. 4 Ayes; Mehranian dissenting.

Commissioner Mehranian stated that while she supported the project, she did not agree with administrative review of the trees.

**PUBLIC HEARINGS:**

**HILLSIDE  
DEVELOPMENT 03-26;  
CHARLES; 3991  
HAMPSTEAD ROAD:**

Assistant Planner Gjolme reported that this project was unanimously approved by the Commission over a year ago, but since building permits were not timely sought, the approval expired. The applicants are once again before the Commission seeking approval for an almost identical project, with two exceptions: a reduction in overall floor area of 230-sf, which shifts the second floor from the north side property line and elimination of a deck along the east side of the house.

The project is completely code-compliant and, due to the topography, the typical concerns attributed to hillside projects of view and massing are not raised.

Staff recommended positive findings and project approval as conditioned.

Since there were no questions from the Commissioners, Chairman Levine opened the public hearing.

Project architect, Noel Hart, reported that the design was straightforward and that he was in attendance to respond to any questions or concerns.

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

The Commissioners had no comments.

M/S/C Mehranian/Gelhaar to approve Hillside Development Permit 03-26 with an added condition requiring on-site parking or carpooling of construction workers. Unanimous.

**HILLSIDE  
DEVELOPMENT  
PERMIT 02-62;  
ADMINISTRATIVE  
HEIGHT MODIFICA-  
TION 03-01; BILAVAR;  
4430 ROSEBANK  
DRIVE:**

Planner Cantrell recalled that a former project was approved on this site and successfully appealed to the City Council by Conservadores de Los Colinas.

The 44,500-sf site is at the south terminus of Rosebank Drive, south of Foothill Boulevard, in the R-1-20,000 Zone. It abuts a row of multi-family buildings to the west and similarly sited homes to the east, all of which overlook the permanent open space of Rockridge Terrace and homes farther south in Montrose. The average slope of the site is 40%, and there is only one significant tree, a 30-inch oak on its southern half. Unlike the previously approved project, this proposal sites the house as close as possible to the north end of the parcel. Retaining walls along the side property lines, and which previously required a setback modification, have been eliminated.

The rear setback to the house would exceed 200 ft and the lowest yard terrace would have a rear setback of approximately 90 feet. Concerns expressed at the hearing for the previously approved project were that, to some extent, the house interrupted the open space extending from Rockland Place to the YMCA. The current design responds to those concerns and includes a condition providing for a 50-ft-wide, east-west public access easement across the lower portion of the property. The current design reflects a house of less prominence, though sited higher on the property, since it relates more to the structures lining La Cañada Crest and Rancho Canada, and is somewhat farther from the houses below. It would visually fill-in a small gap in the fairly consistent row of structures at the top of the slope, and at a slightly lower elevation than those structures. The scale, with significantly reduced floor area, would be smaller than many of the nearby structures. Its 87-ft width would be far less than the 120-ft maximum allowed by the Hillside Ordinance guidelines.

Fire truck access and four-car parking is provided through use of the roof. As viewed from its sides, the house steps with the slope. It would not exceed 28 ft in any section and the extent of "stepping" is seen on the west elevation. As submitted, the house exceeds the 35-ft maximum by one ft; a draft condition requires that it meet Code. Additional height is attained by a tower at the Northwest corner of the structure, which reaches the 40-ft maximum for architectural extensions and provides architectural punctuation. Aside from the south elevation, the house would be effectively buried into the hillside and would minimize any effect of interrupting the surrounding open space. The project meets Code requirements for setbacks and height (as conditioned). The landscape plan retains the single large oak near the east property line as well as the lower 90 ft of native plant growth. Proposed plantings are suitable for slope and drought conditions; numerous screening trees are proposed, and some would be planted approximately 50 ft below the upper level finish floor elevation. Staff recommended two additional oaks at the south end of the house for more complete screening and that the landscape architect specify tree wells because of the slope. Additionally, more than 150 shrubs are shown to be installed on the landscape plan. Staff also included a draft condition requiring transitioning the cultivated growth into the natural chaparral.

Planner Cantrell stated that the significantly reduced size of the home now comprises less than half of the underlying density standard and is well below the slope factor guideline.

Draft conditions include: a dual pump sewage system, which was adopted as part of the earlier approval, compliance with the City Engineer's recommendations, restricting construction vehicle parking to Foothill Boulevard, and notification to neighbors along Rosebank of the construction and delivery schedules to avoid disruption of their personal schedules.

The submitted colors are close to white for the walls and a light clay color for the roof. Staff recommended conformance with the City's Light Reflectance Value (LRV) Guidelines for a more subtle effect. The conditions also ensure that the driveway retaining walls would blend into the hillside, regardless of the landscape screening.

Planner Cantrell stated that the applicant had gone to great creative lengths to come up with a better solution than the previously approved design. The house was significantly reduced in floor area, and the house was moved up the hill as desired by the neighbors.

Staff has determined that positive findings could be made and recommended project approval.

Commissioner Engler asked that the condition regarding transition planting include ground cover.

Commissioner Mehranian confirmed that there had not been any environmental work done by anyone, since the Commission last dealt with this project.

Applicant and property owner, Goran Bilaver, introduced himself and offered to answer any questions the Commission might have.

Chairman Levine opened the public hearing.

Mark Hunter, 2056 Rancho Canada, questioned the accuracy of the public hearing notice, which describes the project as a two-story house. He noted that the plans and Staff's report describe a three-story home, which would be even more exceptional for the neighborhood. He pointed out that over 25% of the roof is flat, exceeding the Hillside Ordinance guideline. Additionally, the garage roof is mostly flat due since the intent is to park to vehicles on it. He felt that feature was tantamount to upslope neighbors viewing a parking lot. It appeared to him that a downslope wall is 24 ft in height, rather than the 20-ft limit. The Fire Department's brush requirement of 200 ft from every corner would drastically affect the appearance of Rockridge Terrace. Mr. Hunter stated it was disingenuous of Staff to compare the massing with some of the multi-family to the west. He believed the comparison should be made with the homes to the east in R-1 zones.

Commissioner Gelhaar confirmed that Mr. Hunter's home is 2700-sf in area.

Chairman Levine requested staff to address the issues of two-story versus three-story and parking atop the garage.

Planner Cantrell commented that the house has been described as two-story plus basement, but it could reasonably be described as a three-story house. Two guest parking spaces are located atop the garage and would be visible from upslope homes. The Commission has not generally required screening of surface parking. While he had not compared the flat roof with the Guideline, he noted that 25% is a *guideline*, not a *standard*. This solution was presented to accommodate the siting preferred by the neighbors. He pointed out that the roof would not be perceived from below.

Director Stanley noted that flat roofs have been allowed. He recalled a recent hillside approval, which included a flat roof with a mansard in front of it.

An overview depicted the driveway doubling as a roof. Planner Cantrell advised that in that context, it could technically be considered as "flat roof area". He pointed out the 400-sf garage is also flat with a mansard around it.

Duane Waters, 2229 Crescent Ave., Montrose, addressed the Commission as president of Los Conservadores, which holds an easement over the adjacent property. He reiterated prior comments that the Conservadores do not wish an economic loss for anyone, but he feels the project would destroy the value of the property the Conservadores created. He referred to the submittal as a "mansion project" and stated that no one will have an appetite to invest further to complete purchase of easements if this project were approved.

Mr. Waters stated "the 80-ft frontage guideline is a good one because it prevents flag lots from destroying the value of other properties". He observed that the subject site has 20 ft of frontage on Rosebank. He expressed surprise that the house is not 1,500-sf rather than 4,500-sf and noted that the plans are marked "3-story house". He stated that the house is totally out of character with the neighborhood, given that "the real neighbor is the conservation open space". Mr. Waters stated further that the Conservadores do not see any basis for allowing a height variation or for the Negative Declaration, as they do not believe enough environmental work had been done. He asked "what standard is the Commission going to apply to force the Conservadores to

put up enough evidence to get more environmental work done on this project”?

Commissioner Mehranian recalled that testimony referred to a year-round natural spring and wildlife habitat. At some point, it was acknowledged that the property owner should not be asked to provide environmental work for the entire area. In light of the appeal filed by the Conservadores of the Commission’s approval to the City Council, she thought perhaps more environmental work had been done.

Mr. Waters advised that a neighbor had a presentation to make in that regard, and expressed disappointment that the environmental work presented by the Conservadores on the last project is not referenced in the City’s file.

Chairman Levine advised that the report and all testimony was considered when the Commission made its determination. Additionally, Staff indicated that this project does not present any changes to the environment. He referenced Mr. Water’s comment that future investment in Rockridge Terrace would be endangered if this project were built, with full knowledge that the Commission approved a previous project and what the impact were.

Commissioner Gelhaar confirmed that Mr. Waters lives downslope from the project and asked the sq footage of his home.

Mr. Waters declined to state, adding that it is not relevant.

Commissioner Gelhaar requested specific knowledge of any environmental issues that impact the subject property.

Mr. Waters stated there is a well and springs “up there” He questions what impact the project would have on those them.

Commissioner Gelhaar observed that a hydrologist reported there are no springs under this lot; his report is in the file that Mr. Waters has reviewed.

Chairman Levine stated the Commission was looking at the same lot and the same property, though a little different situation; "it's still a buildable lot". It seemed to him that there has been ample opportunity to do something.

Director Stanley confirmed for the record, that the City selected Saphos Environmental to conduct a biological assessment of the site, with the applicant absorbing the cost.

Carol Bergner, 4112 Walton Oaks Lane, Montrose, resides directly below the project; her home is 2,400 sf. She expressed concern with mud and soil erosion to her lot if the Fire Department requires a 200-ft brush clearance and with sheet flow from the project. Drainage from her home flows to a private culvert, which is maintained by nearby property owners.

Chairman Levine advised that condition #22 addresses drainage. He inquired of the City Attorney if there would be any liability on the City's part if an approved drainage plan didn't work for any reason.

Assistant City Attorney Steres advised that an approval on private property would not create liability for the City.

George Solymar, 2203 Crescent Ave., Montrose, advised that he has a private storm drain and played a video depicting water flow on his property. He believed that the video refutes the environmental document and reported that after rains stop, water continues to seep.

Commissioner Engler confirmed that the video was taken in February and March. He stated there is a difference between a natural spring and storm water and, if he read the hydrology report correctly, it is storm water.

Mr. Solymar advised that his neighbor recalls a year-round lake in the area.

Gloria Magarow, 2101 Waltonia, is a member of the Conservadores. She stated that she would like to see the integrity of the lot preserved and felt a win-win situation was possible if the owner could be compensated for their property. "Just because you own a lot, doesn't mean you can slap a mansion on it".

Leland Waters, 2929 Crescent Avenue, Montrose, stated that the layout of Rockridge Terrace forms an amphitheater and "the project creates its own eyesore".

Mike Zerebko, 2224 Crescent Avenue, Montrose, stated that the bordering properties are considerably smaller the project and that the project's visual aspect is the problem.

RaFfi Azian, 4419 Rockland Place, stated that no one has mentioned the loss of wildlife.

Commissioner Mehranian stated that the Commission is not given many choices absent any plan to purchase the property.

Dan Kimber reported having lived in his home on Rockland Place for 50 years. He asked if there is a "higher cause" the Commission could consider when making its determination

Chairman Levine responded that the Commission must look to the required findings. Investment of funds by the City or private parties is not an issue for the Commission's consideration.

Chairman Levine confirmed that it is the Conservadores' intent to purchase the property if it were for sale. Mr. Waters stated that the Conservadores are willing to purchase the property at a reasonable price -- "at least what the applicant paid for it, and then some".

Commissioner Engler confirmed no offer has been made by the Conservadores.

Mr. Solymar remarked that the same question should be posed to the applicant.

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

Mr. Bilaver responded to comments. He advised that the house had been on the market for 6 months without anyone contacting the broker. During the four years he has owned the property, he has not been approached by anyone seeking to purchase the lot. Mr. Bilaver noted that every

property has a boundary and he couldn't help it if his property abuts five acres of open space.

Responding to a question from Chairman Levine, Mr. Bilaver stated that he was not interested in selling his property as he wants his children to attend City schools.

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

Attorney Steres cautioned that questions regarding possible sale and/or purchase were not relevant; the Planning Commission's issue is whether the application meets the findings of the requested Hillside Development Permit and Administrative Modification. He expressed concern with a speaker's comment that the public hearing notice refers to a two-story house and Staff's response that it is three-stories. He recommended that the Commission continue this matter and re-notice it and allow anyone else who attends that meeting to speak on this application.

Chairman Levine concurred; his preference was to defer Commission discussion until the matter is re-noticed.

Commissioner Mehranian expressed concern with the driveway over the house and cars parked on the roof.

Commissioner Engler asked that Staff check the Negative Declaration under Hydrology and Water Quality, #7 c, d, and f. "No impact" was checked off, yet mitigation is called for, making it *potentially significant*. He further asked that the conditions be modified regarding feathering new growth into the natural chaparral and asked that all plans be numbered to comply with conditions 2 and 5.

For the record, Commissioner Mehranian stated that she can make better decisions as Commissioner, if she knows the context of an issue. She stated that it would be helpful to know if there are any plans to purchase the subject property.

Commissioner Engler questioned the wording requiring that all plans be *substantially* in conformance with the plans submitted. He also asked to hear directly from the City Engineer regarding the storm water system and the sewage ejector pumps.

Chairman Levine commented that he had a concern with cars parked on the roof and felt there were options to better allow the house to blend into its surroundings.

M/S/C Gelhaar/Mehranian to continue Hillside Development Permit 02-62 and Administrative Height Modification 03-31 to a date uncertain. Unanimous.

**HILLSIDE  
DEVELOPMENT  
PERMIT 02-53;  
BUILDING DEPTH  
REVIEW 03-06;  
YOUNANIAN;  
4596 LEIR DRIVE:**

Planner Cantrell described the applicant's request to construct a new, two-story home and to create yard area east of the house through grading and retaining systems. The 20,638-sf site is located at the south portion of Leir Drive, accessed from Conle Way, in the R-1-10,000 Zone. Proposed house and garage total 5,869 sf. The property slopes sharply to the East, with downward views of Ocean View properties, which are mostly well screened.

Just south of the site is the Agoston property, which received approval to import fill and create a yard on the slope facing east. Three years later, with construction complete and landscape screening grown, the project is not noticeable from its most prominent viewpoint on Foothill at Ocean View. The instant project, located adjacent and north, has a similar component, but set back further and thus less visible.

The subject site abuts the back yard of a property on Conle Way, with a house sited approximately 20 ft higher than the proposed home. An attached three-car garage is shown at the northwest side of the house, which meets all setbacks. Code is also met at the northeast property line, while other setbacks greatly exceed Code standards. A round tower marks the entry, reaching a 26-ft height. (It was lowered 2 ft from the original design by lowering the pad elevation and the height of the second floor.) The remainder of the second story reaches approximately 23 ft. The house steps back from the ground floor over much of the intricate plan, creating intermediate roofs that prevent views of massive walls. The second floor would have minimal width as viewed from the east, the most sensitive view of the mass from downslope.

Similar to the Agoston property, yard expansion would provide landscaped terraces 5 ft in width with 2:1 slopes

with low cribwalls reaching an aggregate height at the pool level of approximately 3 ft below the house pad level. Required fill would be far less than for the Agoston property. Terraced cribwalls would have rounded corners to integrate them into the slope. They need to be expanded to allow the bottom wall to have a 25-ft radius, per the contour requirement of the Hillside Ordinance.

Staff recommended a more gradual transition at the north portion of the site, moving the walls away from the large eucalyptus tree at the bottom of the property. Doing so would maintain effective screening of the site and allow privacy between the subject property and properties to the east. Another recommendation is to install 5 oaks in addition to the proposed tree plantings.

The house reaches Code maximum for floor and roofed area; view blockage from the house above on Conle Way is a significant issue. The primary ridgeline would only block the view below the mountains, but the entry tower would block more, nearly reaching the ridge of the San Rafael hills. Planner Cantrell noted it is not the amount of view blockage as much as the location of the entry tower as the focal point upon entering the Conle Way home. There are three solutions: eliminate the tower, lower the building pad, or shift the tower out of the focal view from the Conle Way house. He pointed out that the tower was lowered as much as possible in relation to the rest of the roof, which in turn was lowered through pad and second floor height reduction. Its deletion would be a harsh measure as it is an important component for the applicant. Pad elevation is as low as possible without requiring pumping for sewage disposal and site drainage, which also seemed excessive to Staff. Staff considered shifting the tower to be the least extreme measure. Doing so would meet the Hillside Ordinance's allowance of a 20-ft front setback, opposed to the 25-ft provided, the garage could be moved north and west and the tower could be shifted west approximately 13 ft. This approaches the radius length of the entry tower roof and would mitigate its view impact.

The City Engineer reviewed the project and added standard technical conditions, including prohibition of increased runoff to properties below.

With the recommended adjustments to the site plan and design, Staff recommended approval based on Hillside findings.

Planner Cantrell clarified for Commissioner Gelhaar where Staff was recommending shifting the tower and confirmed that the lot drains primarily to the east. The proposed oak trees would be dispersed on the lot to soften the view of the house.

Project architect, John Ott, took issue with draft condition 15. He stated that in no way would it make economic sense to lower the pad 4 ft. Doing so would require 20,000 sf of site drainage to be pumped up to the street and also require a fairly large back up pump. He recognized that the area near the pool, at a lower elevation, would need a sump pump.

He pointed out that the Conle Way home is sited 20 ft higher than the subject home and stated that Staff's suggestion is not a viable solution. Aside from drainage issues, there would be problems with the driveway and encroachment problems with the front and side yards. As proposed, the project conforms with Code. Mr. Ott advised that the design took neighborhood impacts into consideration, and if the neighboring property owner was standing, he would have a clear view of the mountains. His client opposes giving up the tower, a fairly large entry is the focal point.

The property currently drains to the east, but the cribwalls will mitigate; the upper area drainage would flow to the street.

Commissioner Gelhaar confirmed there is no storm drain on the property. He asked how much further could the pad be lowered and still use gravity flow.

Mr. Ott responded "zero"; as designed the house elevation is 6" at the top of curb and if the pad were lowered further, he would have to "sump pump everything". He advised that he tried to lower the tower's roofline, but it didn't work and the roofline began to appear disjointed.

Project manager and civil engineer, Hrach Javadesian, stated that he could comply with all conditions except #15. He reiterated Mr. Ott's concerns with lowering the pad and moving the house to the north and west would create more problems as the house would sink into the ground and would bring the two-story portion closer to the street. He related that the house was lowered from 28'; to 24' 9" in response to Staff's concerns.

Property owner Nick Younanian, reported that the pad was lowered to the greatest degree possible; rotating the house to the west would result in loss of views to Los Angeles from the master bedroom.

Chairman Levine opened the public hearing.

Scott Carlson addressed the Commission on behalf of his clients, Mr. and Mrs. Plaga, who reside on Conle Way. He stated that their view of the turret is unacceptable, as it would be in the center of their view corridor (photos were included in the Commissioners' packets). He believed that as proposed, the turret is unreasonable and avoidable and it seemed to him that a design could have been achieved without impacting neighbors. Mr. Carlson advised that his clients do not object to the 24'-9" ridgeline and that they agreed with the staff report in its entirety. He requested that his clients be allowed to provide input regarding tree planting to ensure that their views are not impeded.

Mr. Ott responded, advising that the tower would be approximately 65 ft from the Plaga's home. He recognized that the project would partially impact their view, but he considered it unreasonable for them to want to retain the entire view. He also felt it would be unreasonable for the Plagas to be involved in tree placement.

No further commentary was offered from the public. Chairman Levine closed the public hearing.

Commissioner Mehranian stated that she strongly concurred with Staff's suggestions and that if the floor area was reduced, she would not insist on compliance with the depth review threshold.

Commissioner Davitt advised of having made site visits to the subject property and to the Plaga's home. He stated it is a good project and good design; however accepting one of Staff's three options is a reasonable expectation and would not create an undue hardship for the applicant. He was unsure at this point regarding the issue of trees.

Commissioner Gelhaar supported developing the lot. He stated that he is very sensitive to the issue of view protection and that the finding is not an arbitrary decision. He agreed with most of Staff's suggestions. He would like to see one of the options of condition 15 followed, the tower lowered to the same roofline as the second floor. Addressing the oaks, since the Tree Ordinance prohibits topping of trees, he did not believe protected trees should be planted, as they could reach a height that would obstruct views. Commissioner Gelhaar stated he was not prepared to take action at this point and preferred to review a redesign with the story poles redone with the ridgelines highlighted.

Commissioner Engler also made a site visit and he believes that the radius of the tower is misrepresented by the story poles. He concurred with Commissioner Engler's comments regarding condition 15 and noted that the Commission did not require any trees on the Agoston property, focusing instead on screening of the cribwalls.

Chairman Levine commented on the lack of house size comparison chart. He had a concern with the view issue and felt the applicant made a good argument regarding impacts resulting from lowering the pad. He believed that the large setbacks should be maintained and disagreed with the idea of reorienting the house. He also requested that a condition be added requiring on-site parking of construction vehicles.

Mr. Younanian reported that the story poles currently reflect the higher 28-ft height for the structure and distributed photos of where the tower would be seen against the ridgeline.

Chairman Levine provided the applicant with his options of requesting a vote, which, if resulted in a denial, could be appealed to the City Council, or request a continuance.

Mr. Ott requested a continuance to a date certain.

M/S/C Gelhaar/Engler to continue Hillside Development Permit 02-53 and Building Depth Review 03-06 to July 8<sup>th</sup>.  
Unanimous.

**HILLSIDE DEVELOP-  
MENT 03-17;  
MODIFICATION 03-25;  
MESROBIAN; 1220  
FLINTRIDGE AVE.:**

Assistant Planner Gjolme reported the applicants' request to allow a 2,100-sf, first floor addition to their 2,400-sf, single-story home. The expansion would encroach 5 ft into the required 15-ft rear yard setback. Additionally, a new 10-ft-high inward-facing retaining wall is proposed along the south side property line. Requested total project area is 4,500-sf.

The 20,000-sf project site is located near the terminus of Flintridge Avenue, south of Robin Hill Road, in the R-1-20,000 zone. The house is situated upslope and visually isolated by the topography, thereby negating view of the house.

The project would expand the house to the south and to the rear and nearly double the footprint. Assistant Planner Gjolme noted that the encroachments amount to sliver encroachments – two of which comprise approximately 100-sf. Staff believes the encroachments are justified, considering the layout of the site --- the house is sited within the center of the pad, a sloping bank at the front, a pool at one side and a driveway and motor court on the other. These factors favor expansion to the rear and justify some relief from the setback requirements in Staff's estimation.

The retaining wall along the south side property line ranges from a maximum height of 10 ft, decreasing as it extends forward toward the street where a code compliant height of 3 ft is achieved within the front setback. Staff did not consider the wall to be problematic considering its location and the fact that the house screens the wall from view.

Total floor area is almost 1,200-sf below the maximum allowed for the lot and the typical view and massing concerns associated with hillside projects are not created by this request.

Project architect, Nora Sarkissian, presented a model and a color board and described the inherent site and house

restrictions. She advised that the first consideration was view preservation of the view corridor of the neighbor to the southwest. The only logical expansion is at the southeast and northeast corner, preserving the character of the site. The retaining wall addresses aesthetic and safety issues; its height is due to the higher elevation of the southeast neighboring property.

Responding to a question from Commissioner Mehranian, Ms. Sarkissian advised that landscaped retaining wall would screen an unkempt steep hill, randomly covered by ivy. She also produced a current survey and confirmed that her plans depict the correct property lines.

Chairman Levine opened the public hearing.

Earl Mays, 1217 Flintridge Circle, requested to see the exact location of the encroachments and was concerned with slope erosion that might result from construction of the wall.

Chairman Levine explained that the wall is a vertical retaining wall.

Commissioner Engler advised that it would have to be structurally engineered and would no doubt alleviate the existing situation. He suggested that Mr. Mays present his survey to Staff for comparison purposes.

Ms. Sarkissian reported that Mr. Mays' home is depicted from her visual estimation; however, the property lines are accurately shown.

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

Commissioner Davitt reported of having made a site visit that morning. He believed it was a good project and sensitively designed; the continuation of single-story development removed a lot of issues for him. He believed the proposed wall would be an improvement and he encouraged the two parties to resolve any property line issues. He supported the project as conditioned.

Commissioner Mehranian concurred.

Commissioner Engler complimented the architect on the sensitive blending of the expansion with the existing structure.

Chairman Levine requested that conditions of approval be added requiring verification of property lines and on-site construction parking.

Director Stanley responded to a concern expressed by Commissioners Engler and Gelhaar regarding the phrase in the conditions of approval, stating the project *substantially conforms to approved plans*. He advised that if Staff later determined there were deviations from the plan, the matter would be referred to the Commission.

M/S/C Engler/Mehranian to approve Hillside Development Permit 03-17 and Modification 03-25 as amended, eliminating the word *substantially*, including the numbered plans where appropriate, added conditions addressing on-site construction parking and landscape screening of the wall and verification of property lines. 4 Ayes; Levine dissenting.

A 5 minute break was taken, with the Commission reconvening at 9:02 p.m.

Commissioner Gelhaar requested to be recused, consistent with his position and action on the lot split.

**PUBLIC MEETINGS:**

**FLOOR AREA REVIEW  
03-10; TROEDSSON;  
4821 LA CAÑADA  
BLVD.:**

Senior Planner Buss described the applicant's request to construct a 4,350-sf, single-story home, which is subject to floor area review as conditioned by the City Council. The 18,663-sf lot is located on the west side of La Cañada Boulevard, in the R-1-10,000 Zone. The design has the same characteristics as the adjacent lot to the north, which was previously approved. Habitable space is proposed at 3,750-sf plus a 600-sf attached, two-car garage facing the street. The general height measures at just under 14 ft, with an overall depth of approximately 167 ft. Side yard setbacks are shown at 7 ft with a single encroachment by a fireplace into the southern side setback.

Staff recommended project approval as conditioned.

Applicant, property owner and project architect, Anders Troedsson, advised that the design and layout is similar to 4827 La Cañada Boulevard, immediately adjacent. The house would be higher than the one to the north since it follows the natural progression of the street. All the neighbor support the structure and are pleased with the single-story design.

Responding to a question from Commissioner Engler, Mr. Troedsson advised that the screen wall slopes and terminates at the southeast corner, with a wrought iron screen in the center.

Commissioner Davitt confirmed there is 3,750-sf of proposed living space.

Mr. Troedsson explained *attached versus detached* garage at Commissioner Mehranian's request. He advised that the detached garage on the adjacent lot was not something he necessarily supported; however, he did so at the behest of the Commission. He did not believe it alleviated or reduced the visual depth of the structure, since the separation would only be seen when viewed from the if one had a "clear shot" of it. He felt that the jog in the north elevation to provide the same effect.

Addressing the basement area, Director Stanley advised that any portion of a structure that is 100% below grade is exempt from floor area, since it is not perceived mass.

Chairman Levine opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Mehranian commented that she supported the project from the inception and verified that construction for both lots would be staggered due to construction of the basements.

Commissioner Davitt visited the site and met with the property owner. He stated that the Mr. Troedsson did a good job of utilizing the lot.

Chairman Levine advised that he could not make the required findings.

Commissioner Engler expressed dislike for constructing houses on substandard lots, though he supported the design.

M/S/C Mehranian/Davitt to approve Floor Area Review 03-10 with conditions including on-site construction parking and that the plans be accurately dated. 3 Ayes; No: Levine.

Commissioner Gelhaar returned to the table.

Chairman Levine commented that after conferring with Commissioner Engler during the break that he now agreed not to eliminate *substantially* with regard to the Mesrobian project at 1220 Flintridge Avenue.

**DECORATIVE FENCE  
03-07; MOSS; 4200  
CHEVY CHASE DRIVE:**

Director Stanley reported that the City received a complaint that a new, 6-ft-high green chain-link fence had been installed along the Chevy Chase frontage of the subject property. Following notification to neighbors requesting comment, the request to allow the fencing to remain was denied, since chain link does not comply with the material criteria of the Decorative Fence Ordinance. The applicants appealed the Director's decision, making the following argument:

That the subject fence replaced a pre-existing fence of the identical material

That the fence is not easily seen, given the mature vegetation

That chain link fences are not uncommon in their neighborhood.

Director Stanley advised that because the fence encroaches into the public right-of-way, the applicants will have to apply for a PRAC (public right-of-way above ground construction) permit from Public Works. He further advised that the Fire Department is now requiring the City to remove all shrubbery out of the right-of-way for line of sight purposes; therefore, this fence would eventually be visible.

Staff concurs that the fence is not currently intrusive due to heavy vegetation and that chain link fences are commonly found within the immediate area; however, their installation dates are unknown and the Ordinance discourages use of chain link within front setbacks.

Appellant, Bernard Francois, commented that his property is a corner lot. Since Chevy Chase fully screened and Berkshire is completely open, he felt the most important side was the open one – the mailbox, etc. is located on Berkshire. He believed that the green chain link provides better screening than a decorative fence, as it blends with the mature vegetation.

There were no comments offered from the audience.

Commissioner Gelhaar remarked that the Commission would hopefully, soon be reviewing the Decorative Fence Ordinance. The point of allowing decorative fences is to allow view through them; he believed that tall shrubs planted in front of or behind a decorative fence defeats that purpose. He supported Staff's position.

Commissioner Mehranian concurred with Staff's finding.

Commissioner Davitt commented that it was difficult for him to see the fence during his site visit and that it appeared that the subject fence replaced another that was in disrepair. He inquired if the Ordinance made any allowances for replacement fencing.

Director Stanley responded that it could, if it was legally installed, but it was a non-conforming use because of its location within the right-of-way. Once such uses are removed, they cannot be replaced.

Chairman Levine stated that he could partially uphold the Director's decision and could sustain the appeal only on condition that the entire fence be removed if the shrubbery dies.

Mr. Francois stated that he could accept such a condition and agreed to correct the encroachment issue.

Commissioner Gelhaar felt the Chair's suggestion as a reasonable compromise.

M/S/C Levine/Gelhaar, upholding the appeal with a condition that the fence be removed if any of the shrubbery dies. 4 Ayes; No: Engler.

**OTHER BUSINESS:**

**Crabtree; 4281  
Hampstead Road:  
appeal of the Director's  
determination that a  
playhouse falls under  
the definition of  
structure.**

Director Stanley reported that a complaint was received of a playhouse under construction within the side yard setback. He noted that building permits are not required for structures under 120-sf in area. Though the Zoning Code does not define *playhouse* or *play equipment*, the 12-ft-high playhouse with a peaked roof presents as a permanent structure and he determined that it should comply with the setback requirements. The property owner appealed that decision, which is now before the Commission for resolution.

The appellants' position is that as sited, the playhouse is in the best location on his property and that it is moveable, similar to play equipment. Staff disagreed, and pointed out that play equipment such as swings and jungle gym sets are not enclosed and are more visually transparent. Director Stanley observed that the purpose of established setbacks is to ensure privacy between properties and to mitigate view impacts.

Appellant Bill Crabtree, reported that his intent was to simply building a playhouse for his grandchildren, rather than to disrupt his neighbor's views. He distributed photos of what the completed project would look like and advised that he lowered the structure approximately 3 ft and eliminated any windows on the side, after being aware of his neighbors' objections. He reported that the playhouse is sited in an area that previously accommodated horses and where it would not be distant from his home.

Responding to a question from Commissioner Mehranian, Mr. Crabtree advised that his property is terraced. The only other location that could accommodate the playhouse is 100 ft away, where he could not watch his grandchildren.

Contractor Brad Coleman, advised that he has constructed several similar structures. The play house sits on pre-cast cement piers for security purposes rather than a fixed location.

Commissioner Engler questioned the moveability of the playhouse; estimating that it could weigh 1,600-2,000 pounds.

Greg Van Hale, 4204 Mesa Vista Drive, felt the fact that a contractor was hired, proves that the playhouse is a structure. He noted that it is sited at the extreme point of the applicant's property.

Commissioner Gelhaar asked if he would feel differently if the playhouse were 6 ft in height, similar to the height of allowed fencing.

Mr. Van Hale responded that Code, which dictates setbacks, should take precedence.

Clare Van Hale distributed photos of the playhouse without the tarp. She advised that it was fastened to a poured concrete slab. Mrs. Van Hale stated the playhouse is too close to the property line and towers over their sports court, located in their lower yard area.

Chairman Levine requested comments from his colleagues.

Commissioners Gelhaar and Mehranian determined the playhouse fell under the definition of "structure".

Commissioner Davitt advised of having made a site visit that morning. He commented on the size of the playhouse and stated that the need for 2 x 4's to support it and the poured concrete led him to define it as a "structure".

Commissioner Engler commented that if the playhouse can be easily moved as asserted, the applicant should find another place for it on his property.

M/S/C Gelhaar/Mehranian to deny the appeal and sustain the Director's denial. Unanimous.

Chairman Levine advised the appellant of his right to appeal the decision to the City Council.

**COMMENTS FROM  
THE  
COMMISSIONERS:**

Commissioner Davitt apologized for not introducing his wife and children, who were in the audience for his swearing-in. He stated he was looking forward to working with the Commission and Staff.

Commissioner Engler inquired when the Decorative Fence Ordinance was scheduled for review.

Director Stanley responded that he did not recall it as an item the City Council selected for review during a goal setting meeting, and offered to verify.

Commissioner Engler asked for a status on the 4070 Dover property and was advised that the owner must first apply for a PRAC permit before the Commission reviews the over height wall.

Chairman Levine asked staff to check on the PETCO site. Dog cages and caretakers on the walkway during weekend adoptions make it impossible for a cart or wheelchair to pass.

Director Stanley offered to check on it and noted that PETCO was providing a community service.

**COMMENTS FROM  
THE DIRECTOR:**

Director Stanley advised that the Cosgrove appeal on the Goldstein property would be heard by the City Council on the following Monday.

**ADJOURNMENT:**

M/S/C Gelhaar/Engler to adjourn at 10:15 p.m.  
Unanimous.

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Secretary to the Planning Commission