

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JUNE 14, 2005**

I. CALL TO ORDER:

Chairwoman Mehranian called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt, Engler and Gelhaar, City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Assistant Planner Lang and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Gelhaar led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. REORDERING OF THE AGENDA:

Chairwoman Mehranian advised that the agenda would not be rearranged.

VI. CONSENT CALENDAR:

A. M/S/C Gelhaar/Cahill to approve the minutes of April 26, 2005, with a notation added on page 14 at Commissioner Gelhaar's request. 4 Ayes; Davitt abstaining.

M/S/C Davitt/Gelhaar to approve the minutes of May 10, 2005 as submitted. 4 Ayes; Mehranian abstaining.

B. Resolution 05-39; re: Modification 05-18; Greenberg; 245 Berkshire Avenue. Commissioner Davitt confirmed that the condition accurately reflects the Commission's determination to allow the north-facing wall to remain.

M/S/C Gelhaar/Davitt to adopt Resolution 05-39; the motion passed 3-1-1; Cahill dissenting and Engler abstaining.

VII. CONTINUED PUBLIC HEARING:

Floor Area Review 04-19; Iskander; 4714 Olive Court:

Assistant Planner Lang recalled the Commission's review of this project on May 10th was continued with direction that a single-story profile be provided to the north and east. The direction was in line with condition 15 of Parcel Map 25567, which created this lot and 3 other parcels.

The project architect has submitted a single-story project for review with identical floor area; while it would be larger than other homes in the neighborhood, the site can easily accommodate the project. Further, different and code compliant setbacks and height dimensions are proposed as delineated in the Staff report.

Grading will be required and a retaining wall built at the rear. The wall will have to be relocated to accommodate infiltrators and trees that are required by the Parcel Map.

Assistant Planner Lang stated that the revisions allow Staff to recommend project approval with a condition that a new landscape plan, adhering to the requirements of the Map, be submitted for review and approval by the Director of Community Development prior to final occupancy.

Project architect Jay Johnson commented that the redesign would result in a significant reduction of export.

Commissioner Cahill confirmed that the redesign results in a longer home and one that is 2-ft closer to the easterly neighbor. He stated that the situation is worse for that neighbor with more viewable mass.

Responding to a question from Chairwoman Mehranian, Mr. Johnson advised that his clients plan to build a house every 2 years.

Chairwoman Mehranian opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Engler stated his belief that the applicant had met the criteria of the original Parcel Map.

Commissioner Davitt agreed, adding that he would not be comfortable supporting something other than what a former Planning Commission ordered. The single-story design was acceptable, even though it presented more massing.

Commissioner Gelhaar concurred.

Commissioner Cahill remarked that unfortunately, the original design that a majority of the Commission did not support, was endorsed by the most affected neighbor. He stated that he could accept the revised design with a condition for more landscaping i.e., quantity and size of plantings, particularly along the east wall.

Chairwoman Mehranian preferred the redesign.

Commissioner Engler asked to strike “final” on conditions 13 and 14 and replace with “before certificate of occupancy” and perimeter landscaping *shall* be installed prior to issuance of building permits on no. 14.

Commissioner Cahill commented that the neighbor to the east did not want an over abundance of landscaping in order to preserve his view.

Commissioner Engler stated that he was referring to the perimeter of the entire tract, rather than this individual lot.

Senior Planner Buss noted that each individual landscape plan must accommodate infiltrators. Comments regarding perimeter landscaping will be applied inside the individual lots; it would be a problem to have the infiltrators and landscaping installed before the houses are built, since we have no idea how the lots will drain.

Director Stanley advised that for this lot, the landscaping could be enhanced to screen the house and the Commission could require perimeter landscaping upon issuance of building permits.

Commissioner Cahill asked that he and the neighbor to the east be consulted for comments regarding the perimeter landscaping. That neighbor will eventually have two houses along the front yard and it would be worthwhile to get his input.

City Attorney Steres addressed Commissioner Engler’s request to change condition 14. He believed it should not be changed, as it addresses the retaining wall and the basis for its relocation. It has nothing to do with landscaping and infiltrators.

Director Stanley stated that a condition could be added stating that infiltrators shall be installed prior to final inspection of the house.

M/S/C Engler/Gelhaar to approve FAR 04-19, modifying condition 13, adding a new condition and requiring the Director to contact the easterly neighbor regarding landscaping. Unanimous.

VIII. PUBLIC HEARINGS:

Conditional Use Permit 388; Modification 04-76; Building Depth Review 04-10; Brisbois; 718 Hillcrest Avenue:

Assistant Planner Lang reported that the applicant's approval granted in October '01 had expired, and he has therefore re-submitted a proposal that is in substantial conformance with the original approval. She noted that a Conditional Use Permit to construct a code-compliant ALQ is no longer required by state law; however, a CUP is required for floor area exceeding 10,000-sf. A Setback Modification is required for an encroachment into the "front" setback on Alta Vista Lane and Building Depth Review is required for second-floor depth exceeding 60 ft.

The 51,225-sf property is located at the southwest corner of Hillcrest Avenue and Alta Vista Lane and qualifies as a hairpin lot. The project consists of a new, two-story home with attached four-car garage, comprising 10,990-sf and a detached Accessory Living Quarters Unit with an attached two-car garage, comprising 876-sf.

Staff ascertained several items that were not addressed in the original review:

Trees - 11 protected trees would be relocated or removed, though 10 protected trees would remain and 15 new, protected trees are proposed, some as large as 120" box size. Staff recommended that an arborist report be required so that any impacts could be mitigated and to provide a valuation of the affected trees and their canopies.

Retaining walls - a crib wall along the west property line is approximately 8 ft at its highest point and would be located within the side yard setback. The easterly retaining wall along Alta Vista Drive reaches 5 ft at its highest point and would be located within the front yard setback. Further analysis is required to adequately mitigate any impacts caused by the walls.

Building Depth - approved at 107 ft; however, the single-story portion closest to Alta Vista Drive, where the wall height exceeds 10 ft, was not included in that calculation. Actual building depth along east/west axis is approximately 155 ft. Assistant Planner Lang noted that the lot can easily accommodate the proposed depth and that these are technical adjustments after more scrutiny was applied.

Setbacks - The front setback on Hillcrest is 70ft, rather than the 78ft originally reported - measurements should have been taken to the columns at the front portico, rather than from the front of the building. Further, the average "front" setback along Alta Vista Drive called for a 37-ft front yard setback requirement; current analysis revealed a 44-ft requirement. Despite these discrepancies, the setback provided along Hillcrest is generous and if Alta Vista is analyzed as a street side yard, the proposed 29'-6" would be more than adequate.

Staff recommended a continuance for additional information and clarification as noted.

Director Stanley advised there is a 10-ft-wide dedicated trail along the south and west property lines that was never considered and not indicated on the site or landscape plans. A few improvements are shown within the trail area, e.g., a trash enclosure and portions of a retaining wall. A ten-ft-wide, unused connecting trail is on the property across the street.

Commissioner Engler asked that the County stake the trail.

Assistant Planner Lang noted that one would be hard pressed to locate the trail easement; it is covered with tall brush and large trees and appears abandoned. The connecting trail across the street is just as poorly maintained.

Commissioner Cahill confirmed that the ALQ meets all setback requirements, and commented that it would be approximately 6 ft from the trail.

Applicant Roy Brisbois provided a brief history of his proposal, which was approved in late 2001. At that time, a neighbor had reasonable concerns, which were eventually resolved and he agreed to all the conditions imposed by the Commission. The approval expired and he re-submitted in October 2004. In November, he received a letter from Staff that the plans were complete. During the 8-month wait for a hearing date, not a single question was raised about the plan, the trail, or the trees, until he received a copy of Staff's report the previous Friday. He stated that he shares the City's fondness for trees and that the original and re-submittal show the extraordinary efforts to protect the trees. A total of 11 protected trees will be relocated on the property; in addition, 15 more protected trees, some as large as 10-ft boxes would be installed, amounting to a substantial increase in protected trees on his property. He added that if there was a problem, a study could have been ordered in 2001 or 8 months ago. Addressing the trail, Mr. Brisbois advised that as far as anyone can tell, it has never been used, nor has there been a suggestion to use it in the 50 years since its been recorded. He noted that 15 trees have grown in the middle of the trail. Lastly, the retaining walls were discussed three years ago. He concluded by stating that when this project and its impact on the neighborhood is viewed as a whole, it is the type of project that needs to be approved.

Commissioner Engler remarked that the Commission reviews re-submittals anew and it is obvious the trail is not being used, but the dedication has not been removed.

Chairwoman Mehranian stated that relocating 11 trees is a major issue that she was not clear on and the retaining wall was an issue for her.

Mr. Brisbois stated that something is wrong when project issues are raised eight months after a completion letter is mailed. He was never given an opportunity to hire an arborist and from a property owner's standpoint, he needed guidance. "Staff is saying 'we need more information, so let's continue', without advising what the issues are." Should the Commission not approve the re-submittal, he asked for a continuance to a date certain for Staff to complete its work.

Commissioner Davitt confirmed that the landscape plan had not changed.

Mary Barrie, chair of the Trails Council, reported that the trail section under discussion is one her Committee has been studying. She researched the trail and could not find any indication that the easements were vacated; however, there is documentation that the trail was used in 1984. She walked the trail and noted that most of the trees within the trail easement are small, and though not actively used, the trail could be re-opened for the community. Ms. Barrie stated that prior to Thursday, she was not aware of this project.

Commissioner Engler confirmed that the trail begins at Highland and ends at Berkshire and that the County owns the land in fee simple; it is not an easement. He noted that only one area appeared to be blocked.

Commissioner Gelhaar confirmed that the Trails Council's objective is that the easement be clear of all structures.

Director Stanley explained that the purpose of a Completion letter is to advise an applicant that the application is complete; project analysis would not have occurred at that point. He recognized that waiting 8 months is an inordinate amount of time, but the Department was short a planner and Staff incorrectly assumed that another analysis would not be necessary since the project had not changed. However, issues were identified that were not initially raised and which need to be resolved. He stated that it was the Commission's discretion whether to approve the project based on the original condition. Staff would prefer to have an added condition requiring the trees to be removed the trail and a landscape plan that shows a dedicated 10-ft-wide trail. Staff would return at the following meeting with a resolution.

Commissioner Davitt asked how the setbacks would be affected now that the trail has been identified.

Director Stanley responded that Staff was willing to accept setbacks from the property line, as long as the applicant realizes that there could be a trail within

6 ft of his property. Additionally, Mr. Brisbois would have to remove any structures located within the trail.

Commissioner Gelhaar, who was on the Commission when this project was originally reviewed, felt that Staff's confidence that the project was reviewed correctly, since a senior staff member had reviewed it. He stated that the trail issue could be easily handled by a condition and he did not have a concern with the building depth. Regarding the setback encroachment on Alta Vista, the Commission tends to consider hairpin lots as having a single front yard, rather than two. He was not confident that the oaks would survive relocation and supported a two-week continuance for Staff to check that aspect.

Commissioner Cahill stated that the 8-month delay was unfortunate, but noted that the applicant has delayed his project by 3 years. He was not concerned with the building depth and concurred with Commissioner Gelhaar that it would be appropriate to consider Hillcrest as the front yard and Alta Vista as a side yard for purposes of establishing side setbacks. He stated that this was a good opportunity to address the trail and noted that the easement was shown in the deed when Mr. Brisbois purchased his home. He suggested that the trail be void of any structures and be maintained in a condition that it could be walked on. Lastly, it was not clear to him why 7 trees had to be relocated since only 4 are in the way of the proposed home.

Commissioner Engler stated that the main issue was the trail and he believed it could be administratively resolved without additional delay. He supported adding a condition requiring the applicant to replace the relocated trees if they did not survive for two years and stated he would like to see the project go forward.

Commissioner Davitt agreed that the trail easement could be handled administratively and he did not have concerns with the building depth. He suggested that a certified arborist be retained to evaluate whether the trees would survive relocation; the Commission could add a condition requiring their replacement depending on what the arborists says. He also preferred that the project proceed.

Chairwoman Mehranian preferred a two-week continuance so that Staff could get an opinion on the proposed tree relocation. She was also not clear on the retaining wall.

Commissioner Gelhaar stated that he would support an approval at this time if Commissioners Davitt or Engler could fashion an appropriate condition.

Director Stanley advised that there is an additional oak that appears to be in a tree well on the landscape plan; historically, oaks do not survive those situations. Staff also needs information on a retaining wall that creates the tree well. He asked that the Commission require a new site plan showing the trail easement with the structures relocated outside the easement.

Assistant Planner Lang suggested that the plan also address reduced grading around an oak tree in the front yard, per an original condition of approval.

Director Stanley advised that an oak canopy near the ALQ trellis also needs to be clarified on the plan. He suggested that Staff return with a resolution incorporating an arborist's recommendations. The applicant will have to submit a revised site plan and pay a deposit so that Staff can hire an arborist. He offered to put the item on the Consent Calendar.

Mr. Brisbois informed the Commission that the 14 new trees were intended to replace any tree that didn't survive relocation.

Director Stanley agreed with that concept and observed that the 14 trees are very large.

Mr. Brisbois expressed concern that if he built a wall on his side of the property, the result would be a 220-ft-long walled alley, when combined with his neighbor's wall. He felt that would create the potential for crime, trash, etc., if the City does not activate the trail.

Director Stanley commented that one of the Commissioners requested that the area be opened.

M/S/C Engler/Gelhaar to approve Conditional Use Permit 388, Modification 04-76 and Building Depth Review 04-10, subject to conditions as discussed, with a resolution and exhibits under the Consent Calendar at the next meeting. An arborist is to be retained at the applicant's expense to address the concerns raised. Unanimous.

B. Hillside Development Permit 04-05; Bilaver; 4430 Rosebank Drive: Senior Planner Buss reported that this was the applicant's third request to construct a home on hillside property with an average slope of 40%. The original request proposed a 7,800-sf, two-story home; the second request was for a 4,500-sf home in the middle of the slope. The two prior requests were eventually approved but successfully appealed to the City Council by a neighborhood organization.

The project site is located off the southern end of Rosebank Drive, a private street accessed from Foothill Boulevard at the west end of the City. It is 43,120-sf in area and zoned R-1-20,000. It's west boundary abuts City-owned open space, known as Rockridge Terrace. Staff did not receive any comments to the Notice of Intent to file a Draft Negative Declaration, which was distributed to the Commission and notice given to the public for review some time ago.

The current design has reduced the floor and roofed area to 3,600-sf and relocates the house below the crown of the hill, where most of it is built into the hillside. It now more closely relates to structures lining La Cañada Crest Drive and Rancho Cañada Road, and fills a gap in a consistent row of structures at the top of the slope, lower in elevation. The reduced floor area makes the proposal smaller than many nearby structures and the 58-ft-width is significantly smaller than the 120-ft maximum allowed by Ordinance guidelines. The project's overall height is 35-ft and the criteria for stepped massing is met through retaining walls at each side of the house and a significant step-back of the garage level.

There will be no export of cut and fill material.

The house is setback 20 ft from the angled north property line -- Senior Planner Buss noted that this component is eligible for Administrative Review. Code allows a front setback reduction of no less than 20 ft for one-story construction so long as the following two findings can be made: 1) the project minimizes grading, building visibility, or paving, and 2) the project achieves compatibility with the neighborhood setting. The Commission's direction has consistently been to locate the house as far up the hill as possible to minimize marring the hillside, to limit its visibility and to fit-in with nearby development. The house presents a single-story development from the front and is nearly parallel with the angled front property line. All other setbacks meet or exceed Code requirements. Staff believed the findings could be made.

An attached two-car garage over the west side of the house allows a 55-foot-wide hammerhead and the requisite two, on-site, parking spaces. The average slope of the driveway measured from its highest point to the hammerhead is 16.3%; the average slope of the entire driveway is 11%, well below the 17% maximum allowed. Its 20-ft width is twice the requirement. The Fire Department has approved the proposal in its entirety.

Senior Planner Buss commented that at 3,600-sf, the project easily meets the 6,950-sf Hillside Guidelines for this lot and pointed out that 10,374-sf would be allowed if this were a flat lot.

Retaining walls down slope create a useable flat area, while those along the sides of the home assure that stepped massing conforms to height limits. All walls will match the color of the house and will be screened by landscaping.

Staff reviewed all issues related to the Hillside Ordinance and completed an environmental evaluation. Comments were not received from Staff's distribution of the Negative Declaration to the Commission and the public some time ago. The applicant has complied with the Fire Department's 200 ft weed abatement requirement and does not disturb the area where the single oak on site is.

Commissioner Engler noted that structural drawings were not submitted and advised that he was not prepared to approve the project until he sees friction walls or something that goes to bedrock. There was no mention of a pump station for sewage.

Senior Planner Buss stated that those issues are handled by Building & Safety. They are not within the Commission's scope of authority, nor are they part of a hillside approval.

Project designer Kurt Bednar, reported that he was brought on board to demonstrate how the project meets the Hillside Guidelines and to determine what it is the neighbors want. He added that some input from the neighbors would be helpful. He reviewed the minutes of the prior meetings and called for a meeting with the Conservadores de Las Colinas, however, only Mark Hunter of that organization and Senior Planner Buss, attended. Mr. Hunter raised issues having to do with how his property would be effected by the Fire Department's brush clearance policy.

Mr. Bednar reported that his client wanted to provide an easement that would allow residents to cross his property and reach the YMCA. It would include landscaping and benches, etc. for equestrians, to blend with the future Rockridge Park. Based on that information and neighbors issues expressed in the minutes, Mr. Bednar proceeded with the revised design. His client believed this design responds to concerns and assures a viable project.

Chairwoman Mehranian opened the public hearing.

Mark Hunter, a resident of Rancho Canada Road and a board member of Los Conservadores, read a prepared statement. He requested a continuance since the plans were not finalized until the Friday before the hearing. When he met with the property owner and Mr. Bednar, he was told that the house would be 3,000-sf and stated "the actual legal maximum for this lot is 4,500-sf, and the

current project is only 20% below that". He believed the hydrology report was inadequate, he was concerned with the proposed movement of dirt to fill a spot behind a retaining wall near a steep slope above Crescent Avenue and Walton Oaks Lane, and believed that the house intrudes into the hillside.

Duane Waters with Los Conservadores, was concerned with landslides and reiterated prior concerns with a pond and underground aquifers of unknown origins and other problems that do not exist in other parts of the city.

Chuck Sambar, owner of an apartment complex at 2134 La Cañada Crest Drive, reported that he has witnessed flood damage in the area and read from a newspaper article addressing the potential for soil failures in hillside neighborhoods.

Bob Sanders, 4121 Walton Oaks Lane, Montrose, distributed photos of a fissure adjacent to the project site. He was unsure with the stability of the hillside and stated that Walton Oaks Lane experienced water and mudflow from the recent winter rains. He did not believe the hillside should be developed further and stated "it sound extremely dangerous" to build this home.

Brian Skyers, P.E. , G.E., stated that the project would put more load on the slope and that the test pits do not address the upper and lower slopes individually. He added that he was not saying it couldn't work out, but his initial review was 1) the hydrology report is not accurate, 2) brush clearance affects the fissure stability, 3) he questioned the accuracy of the geotechnical report; the fill, retaining walls "and who knows what happens with future property owners?"

Responding to a question from Commissioner Gelhaar, Mr. Skyers stated that the grading plan referenced fill and retaining walls, but that he hadn't reviewed the most recent grading plan or the updated hydrology report.

Commissioner Cahill asked if it was possible that by doing "something", the property could be reinforced.

Mr. Skyers responded that perhaps the upslope could be improved, but with the additional rift, he had concern for those residing down slope.

Commissioner Cahill asked if it was his opinion that the hill should not be built on.

Mr. Skyers advised that he had not reviewed the reports that well, but felt they would be one-sided.

Commissioner Cahill asked if Mr. Skyers was simply opining that what is proposed is problematic.

Mr. Skyers stated "other things could add risk to the surrounding neighborhood", but was not saying there couldn't be something that would lessen the effect.

Chairwoman Mehranian asked if he had specific recommendations on how to reinforce that side of the hill that would entitle the Bilavers to build the project?

Mr. Skyers responded that he understood the purpose of the fill was to reduce export; he would be more comfortable if the fill was not placed at the head of the slope.

Rose Montoto, a resident of Organ Lane in the City, expressed concern with the integrity of the slope. She distributed photos of the damage to her home from the winter rains and advised that water from the hill has nowhere to go but Walton Oaks and Crescent Avenue.

Carol Burgeur, 4112 Walton Oaks, Montrose, was concerned with safety and stated "no swale will accommodate the water that comes down that hill".

Project civil engineer Ivan Chu, advised of having repaired many landslide areas in the City, and the only way to repair those sites is to embed piles in bedrock per recommendations of a Soils Engineer. The grading plan shows a retaining wall at the top of the slope. The loose dirt will be removed and 4-9-ft-deep cuts made into bedrock. He advised that those walls would stabilize the top slope, as would the retaining walls near the house. He explained how the project would stabilize the slope and the retaining walls would be designed to County standards.

Commissioner Gelhaar asked if Mr. Chu had seen the slope failure on the adjacent property and if so, was there any difference between that property and this project.

Mr. Chu responded that he had seen it; the project site is not as steep as the one that failed. There is no erosion on the applicants' property and not much water gathers at the top of the slope.

Commissioner Engler asked at what level were the test borings done.

Mr. Chu responded that he did not perform the work, but they are typically 20-ft deep.

Responding to a question from Commissioner Engler, Senior Planner Buss advised that the drawings are exhibits to the soils report and part of the conditions. The applicant is required to follow the recommendations of the engineer and geologist. There will also be further evaluation at the time of construction. Hillside projects do not include or require construction drawings; the information provided allowed Staff to write the environmental evaluation and determine whether the project was feasible.

Commissioner Engler stated he would not vote on this project unless he reviewed some of the referenced reports.

Responding to a question from Commissioner Cahill, Senior Planner advised that it would be the project geologist whose recommendations are followed. All documents are checked by Building and Safety or County Plan Check and certified by the County Engineer and the City Engineer. He noted that City Engineer Kwan had submitted a report that this is a viable project.

Commissioner Cahill asked contract engineer Elroy Kipke if the project would stabilize or hurt the land, or both.

Mr. Kipke stated that he is not a geologist or technical engineer, so he couldn't answer that question, but he believed that quality construction would likely stabilize a slope. He advised that the County would process the project through its Geology Section.

Commissioner Cahill asked if there was anyone at the City level who could form an opinion. He was concerned that if anything was missing, or if more information was required, we could ask the geotechnical engineer or geologist for more information.

Cindy Frazier, 4117 Walton Oaks, Montrose, doubted that the project would stabilize the slope and felt that daily irrigation would impact the homes down slope.

Applicant, Gordon Bilaver stated that he had submitted every possible study the City requested. The earth slide referred to originates 3-4 homes from his property; it is loose soil that has nowhere to go but down. His Soil Engineer's testing verified there is bedrock within a couple of feet from the slope. Mr. Bilaver stated that he understood the concerns of neighbors down slope, but the problem did not originate with his property; the situation would not

change if he didn't build his home. He suggested that the neighbors would have to do something to prevent further slides.

Chairwoman Mehranian assured the audience that the Commission understood the pros and cons of the request. Hearing no further requests to provide testimony, she closed the public hearing and requested comments from her colleagues.

Commissioner Cahill commented that he listened carefully to the neighbors, specifically those residing down slope, but he did not believe a moratorium on hillside development was needed. He concurred with the importance of safety --- in this case --- land stability, and acknowledged the submitted Geology and Soils reports with recommendations. Addressing concerns regarding drainage, he remarked that every project affects drainage, and viewed this as an opportunity to see that the project improves the situation. He stated 3,600-sf is not totally out of line with some of the neighboring homes and certainly smaller than the apartment house at the top of the crest. He believed the project was supportable with an added conditions addressing drainage and land stability and formalizing the need for approval by the City and the County's Geologists.

Commissioner Gelhaar concurred with Commissioner Cahill and observed that the engineering reports state that the house should be built as designed and in the proposed location. He expressed confidence with the review process and requested added conditions: that the project comply with all conditions in the Geo Science hydrology report, requiring a 50-ft-wide access easement at the lower portion of the property, compliance with LRV guidelines, submittal of a revised landscape plan and requiring construction vehicles to park on Foothill Boulevard.

Commissioner Davitt stated that he was on the Commission when the second design was reviewed and issues were raised whether a house of any size should be built on this property. The most important issue to him was safety for the house and neighbors. He stated that not being an engineer, he couldn't opine whether the project would hold or degrade the slope, but as Commissioner Cahill noted, there is a process where experts make those decisions. He believed that allowing the process to continue would assure greater scrutiny in light of recent slope failures in California. He expressed confidence that the process would check itself. Addressing development of the lot, he stated that what the applicant had done through the appeal process was commendable. The size has been reduced and it meets standards of the Hillside Ordinance. He concluded by stating that it is a legal lot and Mr. Bilaver has a right to build on it.

Commissioner Engler read draft condition 10, which addresses the applicant's defense and indemnification of the City from any action related to approval of this request. He commented that if the applicant has met all requirements, he "would like to review the reports before voting on it. Until I do so, I'm not in a position to approve anything."

Chairwoman Mehranian noted that the three issues: house size, open space and safety, had been through 3 iterations. Safety issues were not as pronounced at the time; most concerns were related to open space. While she preferred that the property remain open space, that hasn't happened and the Commission cannot prohibit this project. She pointed out that predictions need to be factual; she recalled predictions that BART in San Francisco would collapse in an earthquake, yet it has remained solid, despite the fears and dire predictions of many.

M/S Gelhaar/Cahill to approve Hillside Development Permit 04-05 with added conditions: 1) construction vehicles shall park on Foothill Boulevard 2) house color shall be approved by the Director of Community Development 3) the applicant shall comply with the conditions contained in Cal Civic and Geo Science reports.

Chairwoman Mehranian asked that the retaining walls be screened. Director Stanley confirmed that the condition addressing landscaping would be modified. Senior Planner Buss stated that special gravel might have to be imported and placed adjacent to the retaining walls. There is also engineering criteria for retaining walls to allow drainage, etc.

Director Stanley commented that if there was a concern that the reports were submitted from the applicant's experts, the Commission could require the applicant to pay a deposit for a third-party peer review and opinion.

The motion carried with 4 Ayes; Engler dissenting.

C. Tentative Tract Map 53647; Variance 02-10; Flintridge Properties, Inc., west/northwest of Saint Katherine Drive, between Haverstock Road and Palmerstone Drive:

Senior Planner Buss described the applicant's request to subdivide 47.11 acres of vacant property into thirteen, single family residential parcels and one, 32.46-acre open space parcel. The project site is located North and Northeast of St. Katherine Drive, between Haverstock and Palmerstone Drive, in the R-1-40,000 Zone and is the last remaining large tract of land in the City. Based on the 48% average slope of the property, and applying the slope factor, the

required minimum lot size is 114,285-sf, or 2.62 acres. The requested Variance addresses "substandard" parcels averaging 1.13 acres (excluding the Open Space parcel). Without the Variance, development would be scattered throughout the entire site, rather than clustered as proposed, allowing a large portion of the site to remain unaffected and in its natural state. Senior Planner Buss noted that the allowed density for the site, at 40,000-sf per lot would allow 51 lots; however, application of the Slope Factor Guideline substantially reduces that number to 17 parcels. Once approved, the lots could be separately sold and each lot would require separate Hillside Permit review.

Barring denial of the Map, the Planning Commission is required to read the Final Environmental Impact Report (FEIR) prior to acting on the tentative map.

Senior Planner Buss introduced the EIR consultants and Staff who were present to address any questions the Commission might have: EIP Associates, the City Engineer, the Director of Public Works and a CEQA consultant.

John Spranza, EIP Associates, displayed the original and revised design for the project on PowerPoint. He reviewed CEQA's enforcement ability, the EIR process, scope of the EIR, conclusions of the Draft EIR and the next steps.

A public Scoping Session was held in December 2002, followed by release of an Initial Study on July 2nd, identifying potential impacts and addressing public comments made at the Scoping Session. The DEIR was released for public review in 2003; the public comment period ended June 16, 2003. The EIR process was then suspended pending redesign of the project. After the final design was submitted, the FEIR was circulated for review on May 13, 2005. This public hearing was the last opportunity for public comment prior to certification of the FEIR. Mr. Spranza provided an overview of the 14 issues analyzed in the EIR, each with its own section. Issues identified included aesthetics, grading, view sheds, biological resources, safety, traffic, hydrology, recreation and land use. The DEIR concluded there were six significant and unavoidable impacts resulting from the original design. The redesign reduced the number of lots from 18 to 14 and the number of building pads from 17 to 13. The open space lot increased in size from 18 acres to 32.46+. Grading and fill was reduced by 60%, as were resulting impacts that could occur to the stream downhill. Potential conflicts with the General Plan and the Hillside Ordinance were also minimized and So. California Edison's issues with potential relocation of power lines through the site have been resolved. He then explained why the redesign did not require recirculation of the DEIR.

Commissioner Davitt confirmed that the Final EIR was part of the process under consideration at this time.

City Attorney Steres commented that the DEIR, comment and Response to Comments were included as an extra chapter due to the project's redesign.

Commissioner Cahill inquired who made the findings of fact booklet.

Attorney Steres responded that it was prepared by EIP Associates and reviewed by Staff and the City Attorney's office. Its very specific structure is dictated by CEQA as to the type of information contained - and unlike the findings that the Commission typically makes. The booklet is a summary of the Final EIR (cumulative impacts, a Mitigation Monitoring Program, etc). Both documents are conclusions made by the City and based on numerous technical reports.

He added that the revised design resolved many of the impacts; the applicant took the potential impacts to heart and basically went back to the drawing board. The significant impacts are now deemed "less than significant"; there would no longer be grading in the middle of the site near the prominent ridge or heading downhill, to the Bramley/Monarch intersection.

Director Stanley pointed out that a main road, several parcels and a cul-de-sac were eliminated from the project and much of that area would revert to Open Space. He reminded the Commission that development of each lot would be subject to the hillside review process.

Attorney Steres cautioned that this was not a conceptual plan; it is very specific--homes would be built on the pads created by this Map.

Senior Planner Buss requested direction from the Commission rather than addressing certification of the EIR at this point, and noted that the comment period for the EIR had elapsed. He cited lingering Staff concerns: 1) parcels three and four are shown on the west side, the most environmentally sensitive portion of the project, where granitic material makes it difficult to cut pads and driveways. Cut and fill slopes and high crib walls would be seen from off site. Those lots would also require septic systems due to their distance from the clustered development that would be served by the Pasadena sewer line. Studies and percolation tests indicate that Lots 3 and 4 could only support two-bedroom homes, unless additional studies demonstrated otherwise. 2) There is also the potential to create a cul-de-sac on the west side for lot six for Fire Department access. 3) The open space lot should be rezoned so that it becomes permanent open space; the applicant prefers to donate the parcel to a non-profit or the City to maintain, but initially, it would be the responsibility of a homeowners' association. 4) Improvements need to be made to Monarch

Drive, Bramley Way and perhaps the Pasadena sewer line. 5) An Edison transmission line that extends over a number of parcels will have to be realigned; it could possibly be under-grounded, though more costly.

Senior Planner Buss summarized his presentation and advised that the applicant would be given two years to complete the improvements, per the conditions of approval, before the City Council reviews the final map. The City has been tough, but fair with the applicant, who could have argued some of the findings. He noted that the cost of the EIR and various studies is approaching \$300,000. Most of the issues were addressed in the EIR, which went from a project with significant impacts to one where the majority all the impacts can be mitigated.

Commissioner Gelhaar noted the considerable number of mitigation measures and asked who would bear the responsibility to monitor.

Senior Planner Buss responded that some cities hire a Mitigation Monitor, paid for by the applicant, whose sole responsibility is to assure compliance with conditions.

Commissioner Davitt asked how a non-profit would become involved in the open space area.

Senior Planner Buss advised that the Santa Monica Mountains Conservancy often steps-in when there is linkage.

Commissioner Engler confirmed that the developer would not be required to fully develop Monarch Drive with curbs, gutters and street lights. Given that it is a rural Estate Residential area, street lights on Monarch would not be compatible with the neighborhood.

Peter Kudrave, city resident and project facilitator, introduced Wes Johnson, a co-owner of the Tract. He reviewed the history of the original application, which included 18 acres of open space, compared to the 32.46 acres in the revised design. He stated that the concept is one of extremely low density with lot sizes ranging from one to two acres. The project consists of high-end custom homes that minimize grading and maximize views. Grading would be "extremely minimal" - 6,000 to 8,000 cubic yards per lot; conceptually there is a cut and fill situation for each lot. New roads will not be required, but Monarch Drive would be improved and provide better access, circulation, emergency vehicle access, etc. He had earlier submitted a Will Serve letter from the City of Pasadena to serve 11 of the 13 residential lots. The transmission lines will be

efficiently relocated to Monarch, regardless if under grounded and will clean-up what is now a cluttered area.

After discussions with Staff, he revisited lots three and four as proposed and concluded "there was a better way to handle this". Lot 3 was eliminated and Lot 4 enlarged to two acres in size and positioned to the northwest so that it wouldn't impact neighbors.

Mr. Kudrave read the conclusions of the Final EIR and saw this hearing as an opportunity for dialogue and welcomed constructive criticism and suggestions.

Chairwoman Mehranian opened the public hearing.

Victor Levine, 400 Inverness Drive, stated that he had a different perspective than Mr. Kudrave. He stated that the project size was reduced as it became clear that a larger project would not clear the approval process. He asked the Commission to review the remaining difficulties with this project, specifically the requested Variance to create lots less than the 2.62 acres as required by the Hillside Ordinance. He noted that the majority of the proposed lots are one-acre, resulting in a cluster of undersized lots at the eastern end. Without question, the project would severely impact the wildlife habitat. He urged the Commission to protect this property and its natural oak woodlands from unacceptable damage.

Dr. Levine questioned Staff's matrix "to create statistics to compare what is proposed. The problem is that those properties are not at a 48% grade." He questioned the purpose of establishing a minimum lot size "if developers can skirt that requirement?" He then displayed a photo of the ridge across his home and a natural slide that occurred this spring. Short of grading the entire property, he did not understand how the City could prevent "another Inverness" or what we've seen in Laguna Beach. Lastly, he questioned Staff's conclusions for making positive findings for the Variance.

Bruce Feng, 525 Palmerstone, concurred with Dr. Levine's comments and reported that he represented several nearby property owners. While he appreciated the proposed open space parcel, he did not believe a clustered development upheld the spirit of the Hillside Ordinance. He noted that the original Lot 14 is now proposed to be split into Lots 7 and 8; Lot 7 abuts his property and is across the street from a neighbor he represents. Mr. Feng stated that if Lots 7 and 8 are not restored, he would like to work with Mr. Kudrave to lower the pad elevation on Lot 7 to 28 ft below the adjacent elevation of Palmerstone to maintain his view. Doing so would also give Lot 7 access from Bramley Way, rather than from Palmerstone. Lastly, on behalf of property owners of 525, 555 and 575 Palmerstone and 555 Bramley Way, pro

rata reimbursement was requested from the developer for their costs to upgrade the Bramley Way and Monarch Drive sewer lines.

Muthusamy Muthiah, 540 Haverstock was concerned with proper drainage and related that he has acquired a bid of \$70,000 to rebuild a 6-ft-high retaining wall that failed during the rains. He asked the Commission to consider the appropriateness of Lots 3 and 4.

John Burrows, 808 Inverness, submitted a letter opposing the project and asked that the record include what transpired previously with regard to the EIR. He believed the Draft EIS should be re-circulated. He stated that a staff report was not available until just before the meeting and asked to hear what the City Engineer had to report about the problems on Inverness Drive, which washed away during the winter rains. He disputed comments that the applicant considered the neighbors and the area "when they talk about destroying the hill and removing truck loads of dirt. Go back to basics and determine what a legal lot is; this is the opportunity to uphold the Hillside Ordinance".

Dorothy Melendy, 309 Inverness, who resides across from proposed Lots 1 and 2 and a portion of proposed Lot 5, expressed concern with stability of the slope. She advised that water only recently stopped flowing from the winter rains. Ms. Melendy stated that she has resided in her home for 38 years and has "watched the carving of hillsides". She urged the Commission to follow the Ordinance and suggested that fewer lots would translate to fewer impacts.

Peter Kudrave responded to comments. He advised that there were never more than 18 lots proposed, and agreed that the deer paths would be altered; however, no lot would invade the woodland area. He stated that the proposal is a most generous project and would allow nearly 70% of the land to remain open. Mr. Kudrave reminded the audience that 12 future neighbors would develop the lots, rather than his clients. References to the recent earth slides in Laguna Beach and comparisons to Inverness Drive, a street that may not have been developed properly, were not relevant. Addressing proposed Lots 7 and 8, he noted there were offsetting benefits in doing so - it minimizes grading and by reducing the area of development, more open space is preserved. He didn't make the equivalent that this project could fail because of what happened somewhere else.

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

Responding to a question from Chairwoman Mehranian, Attorney Steres advised that the Commission could discuss the issues separately or provide collective comments. He noted that members of the audience alluded to

“density” and “lot size” with regard to the requested Variance and explained that the allowed density per the Hillside Ordinance is 17 lots. The application initially proposed 14 lots and that has now been reduced to 13 parcels. What the project does not meet in the minimum 2.6-acre lot size, which is why a Variance is required.

John Spranza acknowledged receiving letters from Messrs. Feng and Burrows and advised that those issues were addressed in the Draft EIR.

Commissioner Davitt asked Staff to elaborate on comments made requesting compliance with the Hillside Ordinance.

Chairwoman Mehranian requested clarification regarding combining Lots 3 and 4.

Senior Planner Buss explained that the Variance represents a trade-off between creating a large open space parcel, or processing an application for a Residential Planned Development that would allow 5,000-sf lots, and scatter homes throughout the entire site. Staff did not believe that would be characteristic of the estate-size parcels in that part of the City. He noted that the applicant missed the code revision that changed the minimum lot size from a Guideline to a Standard, by one week.

Attorney Steres commented that the Commissioners could consider the Variance in the broader scope of whether granting it would be wise. Positive findings could be made in a general sense and, perhaps after looking at each lot individually, findings could not be made for a particular lot due to other factors.

Director Stanley noted that larger lots does not necessarily guarantee less development. Additionally, a property owner could modify the landscape.

Commissioner Davitt asked if there was ever a plan for 2.6-acre lots that met Code.

Commissioner Engler followed-up on the question and asked why the Commission shouldn't be considering 2.6-acre parcels.

Director Stanley responded that Staff believed that a clustered development, that would allow lots smaller than what Code requires, and one, large open space parcel, would benefit all concerned. If 2.6-acre lots were proposed, property owners would want to erect fences, hedges, etc., and totally change the natural appearance of the hillside.

Commissioner Davitt thanked the applicants and neighbors for their input. He believed the Draft EIR was an effective document and supported the concept of a clustered development to get more open space. Alternatives to the EIR eliminating Lots 3 and 4 and another that reduced developable lots to 9, were not thoroughly discussed, though the most recent proposal to eliminate Lot 3 and enlarge Lot 4, changed that. He appreciated Attorney Steres' comment that each Commissioner could provide an overall viewpoint, but he preferred more study on the individual lots.

Chairwoman Mehranian stated that she would like to walk the site at some point to visualize the project.

Commissioner Cahill made a site visit and stated that he had spent a lot of time reviewing the documents. While he didn't have a good, three-dimensional opinion at this point, a project consisting of 12 homes on 47 acres seemed very reasonable.

The Draft EIR includes 50 mitigation measures, including many sub-measures. The issue of land stability was raised and is something that concerns him and should be given attention at the City level. He noted that living in an earthquake zone has not affected hillside development, but whatever is ultimately approved, the conditions should be worded to assure that the land is stable. The remaining issue then, is whether to cluster the development or expand it throughout the area. He believed a clustered development would result in fewer impacts on the community as a whole. Homes would occupy 31% of the vast tract of land and at this level, it appeared reasonable and supportable.

He commented on the numerous accommodations by the property owners along the way and state that 37 acres of open space represent a great and permanent gift to the community. He agreed that walking the site would be useful and he suggested that rudimentary staking lot boundaries would be helpful to visualize their location.

Commissioner Gelhaar advised that he read the Draft EIR and found it to be very impressive. He encouraged those who spoke to read Section 6, which addresses many of their concerns. He felt strongly that a Mitigation Monitor should be hired by the City and paid by the developer for this project.

He addressed a clustered development versus an RPD that would disperse building pads throughout the site. A clustered concept would result in homes of approximately 5,000-sf, whereas larger lots would allow 6,000-8,000-sf

homes. He had a concern with developing Lot 4 (after it was combined with Lot 3) and preferred that the applicant "give up" that end of the project.

Commissioner Engler stated that he had misgivings with the proximity of Lots 9 and 10 and 12 and 13, with Lot 13's access off St. Katherine and the steepness of the driveway for Lot 12. While he treasurers open space, he questioned "if we need that much". He concurred with Commissioner Cahill that walking the site would be most helpful.

Chairwoman Mehranian stated that he understood the open space, natural habitat and ridgeline protection issues and was grateful that the property was being reviewed in an environmentally sensitive manner. She complimented Staff for stressing the clustering concept and agreed with Commissioner Gelhaar regarding Lot 4.

Director Stanley confirmed his understanding that the Commission would like to hold a noticed meeting on site. Staff will work with the applicant to be sure that the lots are staked, etc., for the meeting.

Responding to a question from Commissioner Gelhaar, Attorney Steres advised that staff was not anticipating a vote to certify the Draft EIR at this time. Following the on site meeting, the Commission will most likely be presented with a resolution for certification of the DEIR and another for the project itself.

Commissioner Gelhaar thanked Senior Planner Buss for "devoting a good portion of his life on this project.

Commissioner Cahill concurred, stating it was obvious that it took a tremendous amount of work to get the project to this stage.

M/S/C Davitt/Gelhaar to continue Tentative Tract Map 53647 to a date uncertain. Unanimous.

IX. OTHER BUSINESS

A. Receive and file: Commissioner Gelhaar reported that he had presided over an Administrative meeting earlier in the day for 4534 Daleridge Road. He denied the request to allow a 5-ft-high retaining wall that was constructed without permits.

X. COMMENTS FROM THE COMMISSIONERS:

Commissioner Cahill asked for clarification on how Staff measured building depth for single-story development.

Director Stanley advised that Staff measures from where the roof meets the outside wall height. Wall height over 10 ft qualifies towards building depth.

Attorney Steres commented that the Commission proposed to change the measurement from 10 ft to 12 ft. in its revisions of R-1 standards, currently being reviewed by the City Council.

Commissioner Engler advised that the Jennings' home on Chevy Chase is for sale. He asked Staff to check on the pool next door that is exposed to views from Chevy Chase.

XI. COMMENTS FROM THE DIRECTOR:

Director Stanley reported that the City Council recently heard two appeals; the Bywater matter on Oakwood was continued. The project architect articulated the wall on the north side and reduced the length, which garnered Staff's support. On the Liang (Shepherd's Lane) matter, the Council sustained the property owner's appeal and eliminated the Commission's requirement for the hedge height.

Hearing on the proposed revisions to the R-1 standards is scheduled for July 5th.

XII. ADJOURNMENT

M/S/C Engler/Davitt to adjourn at 11: 15 p.m. Unanimous.

Secretary to the Planning Commission