

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JULY 22, 2003**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Davitt, Gelhaar and Levine, Deputy City Attorney Noonan, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell, Assistant Planner Gjolme, Planning Aide Shimazu and City Engineer Kwan. Chairman Engler was absent.

III. COMMENTS FROM THE PUBLIC:

Comments were not offered.

IV. CONSENT CALENDAR:

A. M/S/C Levine/Gelhaar to adopt the Minutes of July 8, 2003. 3 Ayes;
Abstain: Mehranian.

V. CONTINUED PUBLIC HEARINGS:

**A. Hillside Development Permit 02-62; Administrative Height
Modification 03-01; Bilaver; 4430 Rosebank Drive:**

Planner Cantrell recalled that this project was continued from the June 10th initial meeting, during which extensive public testimony was given. The Commissions' concerns centered on the driveway and the unusual design of providing parking on the garage roof.

Planner Cantrell responded to the concerns expressed on June 10th.

Commissioners Mehranian and Levine were troubled with locating a portion of the driveway over the house and with cars parked on the roof

The plan clarified the relationship between the driveway and the roofs. A roof plan delineates the roof pitch and where parking would be provided, including a revised parking area adjacent to the south side of the garage. The portion of the driveway atop the roof is shown as paved in tile to make it more aesthetically pleasing.

Chairman Engler requested staff to check the Negative Declaration, specifically Hydrology and Water Quality. "No impact" was checked, yet mitigation was called for in the Study Checklist, making it "potentially significant".

The check mark was actually a notation that traditional practice would be followed. Mitigation measures are not required for this project, which must comply with NPDES. The measures cited within the environmental checklist are standard procedures required of all projects.

Chairman Engler requested 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. He further requested that substantially be deleted regarding conformance of plans approved and those submitted.

A condition has been added, the sheets are numbered and *substantially* deleted.

Chairman Engler asked to hear directly from the City Engineer regarding the storm water system and the sewage ejector pumps.

City Engineer Kwan was present and also submitted a report, which was included in the Commissioners' packets.

A public comment addressed downslope wall height exceeding the 20-ft maximum.

The draft conditions require the south downslope wall to be reduced in height to comply with the standard.

Planner Cantrell reported that based on the positive findings contained in the June 10th staff report, positive findings and project approval as conditioned, was recommended.

Vice Chair Mehranian opened the public hearing.

Mark Hunter, 2056 Rancho Canada Road, stated that the environmental report failed to consider the effects on the adjacent area. Fire regulations require brush clearance within 200 ft of a residence, which would result in a portion of Rockridge Terrace "to be mowed". He disputed the finding in the Draft Resolution that the project would enhance its setting, stating that the house is very large and its impact on the surrounding area would be severe. He felt that the four retaining walls are out of character with the area and he commented that flat roof area exceeds the 25% guideline of the Hillside Ordinance.

Responding to a question from Commissioner Levine, Mr. Hunter advised of having contacted the fire department on multiple occasions to verify the 200-ft brush clearance requirement.

Planner Cantrell advised that Mr. Hunter's information applied to unincorporated areas of the County. Since La Cañada Flintridge is an incorporated city, different regulations apply. He checked with County Fire Inspector, Eric Bald, who advised that the 200-ft brush clearance requirement would not apply to this development since the City has not adopted the Fire Department's Fuel Modification Guidelines.

Duane Waters, 2229 Crescent Avenue, Montrose, addressed the Commission, as president of Los Conservadores del Las Colinas, which, he advised, owns the adjacent conservation easement. He stated that the project is insensitive, too big, and, though below the 4,500-sf threshold, it would loom in front of the mountain. He recalled that the former makeup of the Commission voted that the entire hillside be dual zoned and stated that is possible that the entire hillside, with the exception of the subject lot, would be zoned as Open Space. Addressing any intent to purchase, he advised that the Board voted to make an offer, but it had not yet presented it. Mr. Waters advised that the offer would not cause an economic loss for the property owner and would preserve the property as conservation land.

Since further comments were not offered, the public hearing was closed.

Commissioner Levine summarized his position "basically, the property is zoned R-1 and the owner wants to build a house on it".

Commissioner Gelhaar commented that while he preferred nothing happened on this property, it is privately owned and the owners have a right to develop it so long as their project is within Code; "that doesn't mean title can't change hands". He concurred with staff's findings and stated he would support the project.

Director Stanley commented on a letter received from Supervisor Antonovich's office, stating that should a grading plan be submitted for County review, it would be checked to assure that drainage increase would return to a sheet flow or to a "before development" standard.

Commissioner Davitt shared the perspective of his colleagues and noted that the project was reduced in size from over 6,000-sf to 4,500-sf. While he would welcome a mutual agreement to purchase the property, the issue before the

Commission was a request to construct a home in an R-1 zone, which he believed meets the spirit of the Hillside Ordinance.

Vice Chair Mehranian also preferred that the site remain open space, and noted that Los Conservadores have had over a year to make a purchase offer and buy the property. She pointed out that the applicant had gone a long way in responding to the Commission's requests and concerns. She asked if the City Engineer had anything to contribute that would shed light on the issue.

City Engineer Kwan remarked that Chairman Engler's concerns were addressed - the City would take steps to assure that the drainage would not be concentrated flow. He recommends grinder pumps (allowed under UBC), for properties that have to pump their sewage.

M/S/C Gelhaar/Davitt to approve Hillside Development Permit 02-62 as conditioned. Unanimous.

Vice Chair Mehranian advised those opposing of their right to appeal to the City Council within 15 days.

B. HILLSIDE DEVELOPMENT PERMIT 03-13; VARIANCE 03-06; MODIFICATION 03-29; BUILDING DEPTH REVIEW 03-05; MONROE; 4322 WOODLEIGH LANE;

Planner Cantrell recalled that this project was continued from June 24th, with the Commission reaching consensus that a code compliant north side yard setback be provided. The applicant proposed to construct a replacement garage at the existing 3-ft north setback, compared to the 10-ft requirement. Staff's recommendation was to allow a 5 ft setback, which would be closer to compliance and not result in a crowded appearance. The applicant has accepted this recommendation.

For this meeting, the applicant submitted an alternative proposal, leaving the garage at its nonconforming 3-ft north side setback, which Code allows, and that would encroach into the required angle-plane. This was compared to the initial proposal with a 7 ft encroachment that would be well within that limitation and a garage further away from the street and a much shorter structure facing the north property line. Planner Cantrell the reviewed the arguments favoring a 5-ft setback. It would address the need for a deep recess at the southwest corner and preserve a large oak in that area and would facilitate preserving a workable floor plan. It would also allow the two-story mass to have adequate width to achieve good proportions; a narrower second

floor would be too vertical for an attractive visual effect. Additionally, a 5-ft setback would avoid building over the garage wing and provide generous second-floor setbacks. Staff did not determine any impact difference between a 5 ft and a 3-ft, code compliant encroachment, and felt it was important to remember the site constraints are the basis for the request i.e., numerous oaks, a pool and a slope. Staff determined that the low pad elevation, the wooded site and the substantial distance to any neighboring home as considerations in supporting the original design, which is the applicant's preference. The alternate layout using the existing garage was submitted to illustrate the design choices.

Commissioner Gelhaar advised that his measurement of the oak was 24" in diameter, rather than 40" as indicated on the plan. Based on that, he felt the first floor could be moved 5 ft to the south and meet the City's Tree Protection Guidelines.

Planner Cantrell commented that consideration should be given as to how the branches would be affected by the eaves.

Applicant, Scott Monroe, advised that he measured the oak tree in question and that it is approximately 30" in diameter." Commissioner Gelhaar's suggestion would require cutting into the tree's canopy. His proposal to move the garage 11 ft to the rear protects all the older oaks, and allows the house to fit and appear as if it's been there for years. He pointed out that all the neighbors support his design; the most affected neighbor's home is sited back and approximately 40 ft. lower in elevation. That neighbor also has a 20-ft-high retaining wall along the common property line and his home lacks windows facing the proposed encroachment. Mr. Monroe stated that he and his wife want a traditional home and if he is forced to force it in, the result would be a garage door visible from the street. He stated that the best solution for him and his neighbor is to allow the existing 3-ft setback to continue.

The Commissioners did not have any questions. Vice-Chair Mehranian opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Gelhaar stated that the project is beautifully designed among the large oaks, but he felt the architect could design a home within Code. He added that setback requirements not only protects neighbors, but the openness of the community as well. He advised that he could make all the findings for the different components, with the exception of finding #3 for the Modification.

Commissioner Levine stated that he made a site visit and noted “the Commission has tried for years to increase the space between homes”.

Commissioner Davitt visited the project site. He stated that the negligible difference between a 3-ft and a 5-ft setback was defensible and logical. Moving the house towards the other side would impact the adjoining neighbor even more, since that property is at grade with the subject site. As submitted, the impact would be negligible to the adjoining neighbor in terms of view, due to the change in elevation. He stated that he could support the project as conditioned.

Vice Chair Mehranian stated it was difficult to support the Modification for the reasons cited by Commissioners Gelhaar and Levine.

Applicant, Lindsey Monroe, advised that she and her husband purchased the property because of the oaks. She expressed concern that moving the home over as suggested by Commissioner Gelhaar would require lopping large branches off a 250-year-old oak.

Commissioner Levine remarked that the Commission was only suggesting that they revisit the design and determine whether the oaks could be protected.

Commissioner Gelhaar clarified his earlier statement; he was not directing to move the house over, but rather to consider a house that meets code. He acknowledged that could mean moving the house or it might require a redesign.

Director Stanley clarified for the applicant that the Commission’s direction is to comply with the north side setback.

Vice Chair Mehranian commented that was a choice for the applicant to make. A redesign would not necessarily have to show a 7-ft, code compliant setback.

Director Stanley confirmed for the applicants that if they returned with the same design, a denial would be the likely outcome.

The applicants requested a continuance.

Ms. Monroe advised that another option is to apply for a tree removal permit to remove the oak and replace it with three trees elsewhere on her property. She explained that option was not her preference.

Vice Chair Mehranian commented that as an overall directive, the Commission wouldn't favor removing an oak of that size.

M/S/C Levine/Gelhaar to continue the matter to September 23. Unanimous.

VI. PUBLIC HEARINGS:

**A. HILLSIDE DEVELOPMENT PERMIT 01-36 (amendment);
GAZARIAN; 1874 PALM TERRACE COURT;**

Planner Cantrell recalled that the Commission's approval on November 12, 2002 included a landscape plan with a number of trees, including some on the west side of the ravine, which was labeled "native restoration zone". As an aside, an application is pending to fill in the ravine to create a large lawn area. That, and a request to construct a pool house is scheduled later this year. Staff agreed to bring this component to the Commission in advance at the applicant's request in order to facilitate construction activities related the new house, which would be unaffected by the outcome of the future amendment hearing.

The applicant has removed numerous trees from the site and is requesting to remove 7 more, mostly eucalyptus, which are known to be combustible and to shed limbs without warning. They would be replaced with an abundance of oaks and sycamores, which is the basis for Staff generally supporting the request. Tree #4, a eucalyptus with a 30" trunk diameter does not currently present problems, but would conflict with planned fill. Staff prefers that removal of this tree be addressed when the proposal to fill the ravine is reviewed. Tree #5, a eucalyptus with a 36" trunk diameter is very close to the applicant's proposed home and a common side property line. Confirmation that the neighbor eagerly supports its removal is recommended as a condition.

Planner Cantrell commented on the importance of restricting this hearing to the requested tree removal. The trees removed from the "native restoration zone should be evaluated in the context of replacement trees for that area. Since this portion of the property would not conflict with construction of the home, Staff's recommendation was to defer consideration of the removed trees to the future hearing.

Director Stanley reported that he made the determination to bring this matter before the Planning Commission, since the approval implied that the removed trees would be preserved. The applicant advised that the narrow pathway to the rear of the lot constricted access for construction materials.

He was stopped from further tree cutting and stumps of the removed trees were left for the Commission's review.

Commissioner Gelhaar asked if the Commission had the option of reviewing the plan in its entirety.

Director Stanley responded affirmatively, but noted that it would delay the house construction. Responding to a comment from Commissioner Levine, he advised that Mr. Gazmarian did not intentionally violate conditions of approval. A number of trees were not identified on the original plan.

Commissioner Mehranian concurred with Commissioner Gelhaar, stating that it would be difficult to make a decision without knowing what the comprehensive plan is.

Commissioner Davitt confirmed that the remaining components are scheduled for September.

Attorney Noonan advised that should the Commission determine that based on the information given, it is not prepared to make a decision, it is within their prerogative to continue the matter.

Commissioner Levine stated that rather than continuing this matter, "what we're saying is we don't think it's appropriate to hear".

Attorney Noonan observed that an application was pending. Should the Commission not find good cause to permit removal, it can allow the public hearing to run its course or, it could deny the request with the proviso that the applicant was not prejudiced from submitting the same request in the future.

M/S/C Gelhaar/Davitt to continue the matter to a date uncertain. 4 Ayes.

Commissioner Levine advised that he would abstain but he would have supported including this request as part of the pending package, so that the Commission could review the requested amendment in its entirety. He was unsure if continuing only this portion of the request to a date uncertain would accomplish that.

M/S/C Levine/Gelhaar amending the motion so that the issues raised in this matter be combined with the overall development project, including the house, grading and landscape plan. Unanimous.

Mr. Gazmarian asked if he could commence with construction of his home, as he was approximately one week from pulling permits.

Director Stanley advised Mr. Gazmarian that he had a valid approval to construct a house so as long as there is no further grading and the existing trees are not touched.

B. CONDITIONAL USE PERMIT 374; FITNESS FUN 4 KIDS; 2196 FOOTHILL BOULEVARD:

Planner Cantrell reported the applicant's request to allow a gymnastics instruction studio for children in the CPD Zone. The site is the easternmost tenant space, previously occupied by Crown Books, within the three-tenant building at the southwest corner of Foothill and La Cañada Plaza Drive. The other tenants are Super Cuts and Little Artists. Allowing the CUP would establish an entitlement to operate a gymnasium instruction business regardless of whether the applicant remains as a tenant. Planner Cantrell advised that parking, circulation and effects on residential areas are typically considered when evaluating a change in use.

Business hours would be from 9:00 a.m. to 7:30 p.m., seven days a week. The number of employees would vary; two would work on Saturday afternoon and Sundays, three on weekday mornings and four on weekday afternoons and Saturday mornings, equating to four full-time positions.

Parking: The 29 unassigned spaces present a nonconforming situation, since current code requires 42 spaces, based on floor area for retail uses. Staff observed the site on several occasions, and believes that existing parking would accommodate the new business. Street parking on both sides of La Cañada Boulevard provides 6 additional spaces and the property owner intends to add 4 parking spaces. The employees' handbook and the lease agreement prohibit employee parking in the center's parking lot. There is a que lane behind the handicap stall at the southeast corner which is well-suited for drop off purposes.

The CPD Ordinance does not address a parking ratio applicable to gymnasium use. The applicant indicates a maximum of 15 students at any given time. Given that scenario, there would be no parking deficit, compared to retail use, which would require 18.75 spaces.

Noise: - At the rear of the project site is 30-ft-wide access easement and across from that is a two-story apartment building on Rockland Place, atop

parking at grade. The subject building is masonry and Staff is not anticipating transfer of noise.

A final minor point was the trash enclosure on the east side . While it is substantially screened from Foothill views by a brick wall, but its lack of a gate leaves it exposed to views from the east and could allow an errant dumpster to roll out and down the unobstructed descent. Staff recommends that a gate be installed.

Finally, the applicant reported that special events would be held approximately twice a month and therefore a maximum of 25 occupants at any one time is being requested. Staff supported that request with an added condition requiring a 6-month review after the business opens.

Vice Chair Mehranian stated that she was trying to understand what the busiest day would be.

Business owner, Sarah Lowe, responded that there would not be a "busiest day", but rather busier times of the day. She described the business franchise and advised that weekend use might be slower; Sundays would be open for scheduled birthday celebrations, with a 7:1 ratio for grade school children. Parent/child classes would be held in the morning, while grade school programs are scheduled Monday through Thursday afternoons. She then made a Power Point presentation describing the worldwide motor skill development program for children.

Responding to a question from Commissioner Levine, Ms. Lowe confirmed that she was requesting a maximum of 25 occupants at any one time. She further advised that "Parents Survival Night" would be held a couple times a month until 10:00 p.m. That program might also be repeated during the holiday season.

Ms. Lowe confirmed for Commissioner Gelhaar that Saturday afternoons and Sundays are available only for scheduled birthday parties.

Commissioner Davitt inquired if employees of Super Cuts and Little Artists are required to park off site.

Planner Cantrell responded that he was unaware of such regulations; however, those two tenants are not operating under Conditional Use Permits.

Vice Chair Mehranian opened the public hearing.

Hank Jacobs, 4325 Alta Canyon, supported the request on behalf of his 7-year-old daughter, who has outgrown Memorial Park.

Bill Gilmore, 4455 Rockland Place, resides to the rear of the project site. He stated that this would be a better use than what has occupied the tenant space for 20 years.

Wil Johnson, 4629 Lone Pine, reported that the gym would provide a unique opportunity for his two children.

Sally Morillo, 4275 Chevy Chase Drive, wholeheartedly endorsed the request.

Property owner, Larry Fishman, 4228 Beulah Drive, advised that the employees of the other two tenant spaces are highly encouraged to park off site. He submitted photos of the parking lot, taken throughout the week, verifying that parking is not problematic.

Vice Chair Mehranian commented that she believed Little Artists holds birthday parties on weekends.

Mr. Fishman advised that they will not be renewing their lease when it expired in September.

Ms. Lowe then advised that she planned holding open house approximately twice a year, when there might be more than 20 occupants at a time.

Commissioner Gelhaar pointed out that the draft conditions cite 9:00 a.m. to 8:00 p.m. as operating hours. He asked if she was asking that to be extended, given her comments regarding a 10:00 p.m. cut off for Parents Night.

Ms. Lowe responded that she would accept whatever wording that would allow her to incorporate those few later nights.

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

Commissioner Davitt supported the request. He stated that he lives in the area and did not recall ever seeing the parking lot impacted.

Commissioner Levine supported the proposed hours, the requested 25 occupancy maximum, the occasional Parents Night and the parking. He stated that he could vote for approval, including the 6-month review.

Commissioner Gelhaar concurred, and considered the request as representing a wonderful experience for younger children.

Vice Chair Mehranian also concurred, adding that she had a minor concern with the different activities and she was not clear how many parking spaces would be used at any given time.

Commissioner Gelhaar felt that the 6-month review would address those concerns.

M/S/C Levine/Davitt allowing CUP 374, modifying condition 15 to allow 25 occupants at any given time, allowing one Friday or Saturday Parents Night until 10:00 pm twice monthly, allowing open house twice a year, and requiring a 6-month review following commencement of operation.
Unanimous.

C. HILLSIDE DEVELOPMENT PERMIT 03-30; MODIFICATION 03-34; VARIANCE 03-09; BRESTING; 660 FOXWOOD ROAD:

Assistant Planner Gjolme described the applicant's request to allow a 1,600-sf, single-story addition to a 482-sf detached garage, to provide parking for 9 vehicles. A Variance is required since the southwest corner of the existing garage at 21 ft in height, exceeds the code maximum of 15 ft. The entire *addition* would comply with the 15-ft maximum. A Modification addresses the request to expand the garage at a setback of 6 ft, which would be more generous than the existing 3-ft setback, but well below the 20-ft requirement.

The project site is located along the south side of Foxwood Road, between Woodleigh and Pomander Place, in the R-1-40,000 Zone. The 48,000-sf site has over 200 ft of frontage. The garage, located at the most western portion of the site, would be expanded 10 ft toward the interior and 41 ft forward. It would increase in area from 482-sf to 2,098-sf and present a 72-ft front setback. Though the overall height of 21 ft results from an existing condition, the entire addition complies with the 15-ft height maximum for detached structures. A currently unused and adjacent hiking trail to the west would not be affected due to an elevation change between the driveway and the trail. Visibility from nearby homes would be limited, due

to substantial screening bordering the driveway to the west --- a draft condition assures that it would be maintained.

Staff recognized that the project would introduce an accessory structure of considerable size ; however, the proposed 72-ft front setback, compliance with floor area limits, the single-story profile and the limited visibility of the project, were considerations to justify approving the request. The Variance is a technicality, since it relates to the existing garage and has nothing to do with the expansion. The Modification itself qualified for Staff level approval.

Applicant, Stephen Bresting, advised of a proposed saw cut across the driveway for drainage purposes. Further, the existing excess height results from a 6-ft-high retaining wall at the rear of the garage; if measured from the front, the garage meets Code.

The Commissioners did not have any questions of the applicant.

Vice Chair Mehranian opened the public hearing. Comments were not offered, and the public hearing was closed.

Commission Gelhaar commented that he as not troubled with the existing height, but he did have a problem with the requested setback encroachment. He noted that the subject property is quite large, allowing a code compliant expansion.

The Commissioners concurred.

Mr. Bresting advised that he is an antique auto collector of 1910-1919 cars, which are primarily used for parades and shows. While storing them covered in the driveway is an option, he stated a preference to garage them. Mr. Bresting observed that the size of the garage would not be evident from the street, nor from the side, and that he could not expand to the east because of the retaining wall.

Vice Chair Mehranian commented that if she called for a vote, the outcome would likely be a denial. She advised Mr. Bresting of his options.

Mr. Bresting requested a continuance to September 9th.

Responding to a comment from Commissioner Levine, Mr. Bresting advised that he had considered expending underground, but that it was cost prohibitive.

M/S/C Levine/Gelhaar to continue Hillside Development Permit 03-30, Variance 03-09 and Modification 03-34 to September 9th. Unanimous.

D. HILLSIDE DEVELOPMENT PERMIT 03-15; MODIFICATION 03-35; CHILSON; 4174 HAMPSTEAD ROAD:

Planning Aide Shimazu described the applicant's request to construct a new retaining wall up to 12-ft in height within the required front setback, to create a deck. There is currently no area for recreational use due to the steep topography. The inward facing wall would be perpendicular to the front property line and screened from street view by the existing freestanding wall along Hampstead. It would expand eastward for 23 ft, ranging from 4 ft to 12 ft high, then make a 90° turn northward, where it would decrease to 4 ft. in height, over a span of 21 ft.

The plan requires removal of two, non-protected elm trees and would potentially impact an oak with a trunk diameter of 17", which stands in the center of the proposed deck. Staff recommended a redesign that would shift the proposed wall downslope and create deck area between the new wall and the base of the oak. Doing so would continue to provide reasonable recreational area. Regardless, an arborist report will be required to assure that the oak would be protected.

Applicant, Ed Chilson, reported that his home has settled over the years; he intends to use fill to stabilize and ensure its integrity. He advised that a wooden deck was in the location where he proposes to build a new one, but it collapsed 5-6 years ago from slope erosion. He stated his intent to follow the foundation of the former deck. Mr. Chilson further explained his project and advised that he fully intended to abide by an arborist's recommendations, but the stability of his home was the bigger problem.

Vice Chair Mehranian opened the public hearing; since comments were not offered, the public hearing was closed.

Commissioner Davitt made a site visit and stated that the project appears to be necessary. It would not be visible from the street and as long as an arborist's report is followed, he could support the project as conditioned.

Commissioner Levine remarked that he was concerned with the applicant's statement regarding the stability of his home and stated he would like the City to investigate its safety.

Commissioner Gelhaar stated that in light of conditions 12, 13 and 14, which include submittal of revised terrace and landscaping plans for review and approval by the Director prior to permit issuance, and with an additional condition requiring onsite construction parking, he would support the project. He inquired if the City could act on Commissioner Levine's suggestion.

Director Stanley advised that an Inspector could not enter the building unless he was invited or unless an Inspection Warrant was issued.

M/S/C Levine/Mehranian to approve Hillside Development Permit 03-15 and Modification 03-35 with an added condition to require construction vehicles to park on site or in front of the residence. Unanimous.

A four minute recess was taken, with the Commission reconvening at 8:03 p.m.

Commissioner Levine reported that during the break, Mr. Shimazu pointed out the difficulties of allowing parking along Hampstead Road, which is very narrow.

M/S/C Levine/Gelhaar to reconsider the parking condition. Unanimous.

M/S/C Levine/Gelhaar to approve Hillside Development Permit 03-15 and Modification 03-35 with construction parking on site or at a suitable location offsite, allowing construction workers to carpool to the job site. Unanimous.

VII PUBLIC MEETINGS:

A. FLOOR ARE REVIEW 03-13; LANGWORTHY; 1637 TORCIDA DRIVE:

Assistant Planner Gjolme described the applicants' request for a 133-sf, first floor addition at the rear of their two-story home. The 24,190-sf site is located at the end of Torcida Drive in the R-1-20,000 Zone. Total floor area of 6,723-sf would exceed the 6,590-sf underlying standard for the lot and the 4,500-sf maximum for a lots with less than 80 ft of frontage. He noted that the site lacks street frontage, given its location at the end of Torcida, a private street extending from Alta Canyada.

The 7' x 18' addition would align with a covered patio at the northwest corner of the residence and would not affect the scale of appearance of the home. Considering the lack of visibility from offsite and of any disruption

to the character of the neighborhood, Staff recommended project approval, noting that the project demonstrates the purpose of Floor Area Review.

Contractor, Brad Coleman, 549 Paulette Place, reported that he built the home and was representing the property owner, who was out of town. The Commissions did not have any questions of Mr. Coleman, and there were no comments from the audience.

M/S/C Levine/Mehranian to approve Floor Area Review 03-13 as conditioned. Unanimous.

B. MODIFICATION 03-37; TOLBERT; 5030 HILL STREET:

Planning Aide Shimazu described the applicants' request to demolish a carport and replace it with an 800-sf, detached three-car garage and storage area that would encroach 17' 6" into the required 25-ft front yard setback. The site accommodates a detached garage at the rear, the house, a pool and the carport, which is located 4' 6" from the front property line.

The subject flag lot is located on the east side of Hill Street, between Green and Olive Lanes, in the R-1-15,000 Zone. All adjacent properties are flag lots. Properties to the north and northeast are 6-8 foot higher in elevation; the property immediately east is 4-5-ft lower, while the adjacent property to the west is approximately the same elevation. The garage would be oriented to the west and would be visible from the street. As proposed, the existing garage would not be accessible to vehicles; the owner proposes to convert it into a storage/cabaña for the pool.

The Commission did not have questions for staff or the applicant.

Vice Chair Mehranian invited comments, however none were offered.

Commissioner Gelhaar commented on the uniqueness of flag lots and felt that adherence to the front setback requirement was illogical in this case. He concurred with staff's findings and conclusions, with an added condition requiring construction vehicles to park on site.

Commissioner Levine confirmed that a two-car garage could be built within Code.

Commissioner Davitt commented on the uniqueness of the subject lot and those adjacent; he felt that allowing the request would be a positive improvement.

Vice Chair Mehranian expressed support for the project.

M/S/C Gelhaar/Mehranian to approve Modification 03-37 with an added condition regarding construction parking. Unanimous.

C. MODIFICATION 03-42; FRANCOIS/MOSS; 4200 CHEVY CHASE DRIVE:

Planning Aide Shimazu described the applicants' three-pronged request to allow a 2,497-sf residential expansion, which encroach into the required 62' 6" front setback.

The 60,367-sf subject site is located at the northeast corner of Berkshire Avenue and Chevy Chase Drive in the R-1-40,000 zone. Beside the single story home, an attached two-car garage, a pool, pool house and tool shed are located at the rear, while a guesthouse stands west of the residence facing Berkshire Avenue.

The applicant proposes to convert the existing two-car garage into a maid's room, mud room, wine room and china storage. A new attached 878-sf, 3-car garage and 321-sf of living area is proposed for the north side, which would provide a 54'-10" front yard setback.

Also on the north side, a 244-sf porch is proposed that would encroach 8 ft into the front setback.

Along the south side, a new addition would bump forward 3'-6" into the front setback.

Lastly, a 6-ft-high, freestanding wall that would enclose trash containers, would encroach 26'-6" into the front yard setback.

The applicants assert that the new garage encroachment would not negatively affect street vies. While this is correct, Staff notes that there are no benefits derived from this requested encroachment and it could easily be redesigned to meet code. Staff recommended denial of this component.

Staff supported the new living area and front porch's 3'-6" encroachments, as site constraints make it impractical to comply with Code.

Regarding the wall for the trash enclosure, Staff noted that it would be heavily screened and would be 2-3 ft lower that street elevation. Its 35-sf area would not disrupt the appearance of the front yard and its location next to the new garage would be suitable and functional.

Director Stanley clarified that Staff's recommendation was that the new garage be pushed back and out of the front yard setback.

Project architect, Tom Burger, acknowledged there were alternatives to the garage. He pointed out that the house elevation is several ft lower than curb elevation. He spoke with the adjacent neighbor, who asked that he avoid pushing the house any closer towards the side setback. Given what he called the unparallel relation of the house to the street and the small triangular encroachment, he requested to be allowed to maintain the garage area in its current location.

Vice Chair Mehranian inquired if he had considered relocating the trash enclosure.

Mr. Burger advised that the idea was to that it accommodate a dumpster sized receptacle. If he turned it 90°, it would be more visible. He believed that as proposed, it would be as unobtrusive as possible.

Vice Chair Mehranian invited testimony; however, comments were not offered.

Director Stanley advised that a letter of endorsement had been received from the adjacent neighbor.

Commissioner Davitt commended the applicants on maintaining a single-story development. He supported Staff's recommendations and stated that he would like to hear his colleagues' comments regarding the encroachment of the garage conversion.

Commissioner Gelhaar did not have concerns with the garage and expressed appreciation for maintaining the single-story design.

Vice Chair Mehranian and Commissioner Levine concurred.

M/S/C Levine/Davitt to approve Modification 03-42 with the garage encroachment as submitted by the applicant and modifying condition #12 to eliminate notice to neighbors or the planning department of construction material deliveries and restricting delivery of movement of construction materials on *Saturdays* or *Sundays*. Unanimous.

D. MODIFICATION 03-18; SARDO; 1629 VERDUGO BOULEVARD:

Assistant Planner Gjolme reported the applicants' request to allow an existing 5-ft-high block wall to remain located within the required front yard setback, where walls are limited to 42" in height. Light fixtures atop several pilasters reach an overall height of approximately 7 ft. Though the wall was erected within the public right-of-way, the property owner was recently granted an encroachment permit from the Public Works Commission.

The subject site is located along the north side of Verdugo Boulevard, just east of Lenzgrove Lane, in the R-1-7,500 Z one.

Verdugo Boulevard is a paved 50-ft-wide street within an 80-ft-wide right-of-way, characterized by higher traffic volume and speed. Assistant Planner Gjolme commented on the several over height fences and walls in the general area and immediately adjacent to the subject site. He stated that the wall, which spans more than half the frontage, is set back 8-9 ft from the curb and is visually articulated. Despite its illegal construction, Staff recommended approval, given the character of the Verdugo Boulevard corridor, with a condition that all light fixtures be removed with the exception of the two lighting the driveway entrance.

Vice Chair Mehranian recalled another similar project, which the Commission denied, where an applicant presented a survey showing over height walls in the neighborhood.

Commissioner Gelhaar expressed concern that there might be other property owners making similar requests of the Commission. He suggested removing 3 rows of block as an acceptable compromise.

Responding to a question from Commissioner Davitt, Planning Aide Shimazu advised that the Department was made aware of the over height wall approximately a year ago, when a complaint was filed.

Commissioner Davitt advised that he made a site visit and noted that nearly every house along Verdugo has a block wall of some sort and the problem with it being located within the public right-of-way has been resolved. He agreed with the draft conditions requiring eliminating the lights with the exception of two at the driveway, and would support removing three rows of block.

Commissioner Levine commented that the Commission had directed Staff to investigate illegally constructed structures along Verdugo and have those property owners proceed through the system.

M/S/C Levine/Gelhaar to deny Modification 03-18. Unanimous.

VII. OTHER BUSINESS:

**A. APPEAL OF HILLSIDE DEVELOPMENT PERMIT 00-09
(AMENDMENT); ADJIARATIAN; 2264 LAUGHLIN.
APPELLANTS: LO/KIM**

Senior Planner Buss provided a brief history of this case. On May 10, 2000, the Director approved a request for a minor residential addition and a new wooden deck on piers. The piers would be hidden by a downslope freestanding block wall at the rear of the property. The purpose of the freestanding wall was to screen the piers and the deck's underside. Landscaping was also required for the wall and downslope area.

The property has since changed owners 3 times. The most recent owner removed the deck, replaced it with a concrete deck, accentuated with bricks, pilasters, wrought iron and light fixtures. He also placed fill behind the freestanding wall, which was not designed or installed to retain dirt. All work was done without inspection or permits.

Upon receipt of a complaint from an adjacent neighbor, the Director required the current property owner to apply for an amendment to the former hillside approval and to retain the services of a structural engineer. The engineer changed the design from a retaining wall to a simple span wall between two supports. The top of the wall is now anchored by a new slab at the top and the bottom portion is supported by the existing footing. This solution was planchecked and approved by the City's plan check architect and the Senior Building Inspector; however, due to the pending appeal, permits have not been issued. A copy of the Building Inspector's memo was attached to the Staff report, which states that the proposed compaction of dirt along the outside "toe" of the wall would reduce the exposed wall height to 3 ft. and that jute matting and ground cover would permanently stabilize the area.

The Director of Community Development approved the amended project on June 9, 2003, which included specific conditions.

Two neighbors, who reside downslope, appealed the Director's decision, based on concerns of safety and aesthetics.

Staff continues to recommend approval with conditions, which address the safety and aesthetic concerns expressed by the two appellants.

Commissioner Levine inquired if the posts and lights would have to be removed once the dirt is removed.

Senior Planner Buss advised that the wall would have to be lowered, since it was originally the height of the bottom of the former wooden deck.

Vice Chair Mehranian invited testimony.

Hyun Kim, 2263 Colmena Street, resides south and downslope from the subject site. He believed that allowing the property owner to place dirt along the wall presents a safety issue, and he stated that heavy rains or an earthquake could cause the wall or dirt to fall onto his property. He stated further that the wall was poorly constructed and that soil is currently piled at a 2:1 ratio.

Director Stanley commented that Building & Safety's Sr. Inspector reports that the proposed soil compaction, jute matting and landscaping would resolve Mr. Kim's issues and result in less visual exposure from his home. Due to Mr. Kim's concern that landscaping would not grow on the slope, Staff recommended adding dirt.

Commissioner Gelhaar confirmed with Mr. Kim that he preferred irrigated landscaping rather than more soil.

Stephen Lo, 2271 Colema, who resides downslope and adjacent to Mr. Kim, commented that the central theme he heard stressed by the Commissioners was the need to adhere to Code and regulations. He stated that the wall is an illegal structure and when the property owner was "caught", he showed reckless disregard for City codes when he continued construction. He noted that it was not constructed as a retaining wall and the soil is putting pressure on it. He recommended lowering the wall.

Civil engineer, Raffi Abkarian, spoke on behalf of the property owner. He noted that the Director's approval in May 2000, allowed a wall of approximately 9½ ft in height. The plans he submitted take the load off the balcony and the footings now meet Code. The structural engineer suggested tying rebar to the slab to prevent sliding. He advised that nothing has occurred since 2000.

Responding to a question from Commissioner Mehranian, Mr. Abkarian advised that upon purchasing the property, his client removed the guardrails from the deck and replaced them with wrought iron. Commissioner Gelhaar confirmed that the original wall had extended for the entire width of the property.

Mr. Abkarian confirmed that the slope is 2:1. The purpose of the backfill and landscaping is to meet Code and minimize the height of the wall.

Director Stanley clarified that the original approval allowed a freestanding wall and a deck. If backfill is to be allowed, the engineer's opinion is that the deck must have footing along the entire width of the wall, and the slab must extend along the entire wall width and be tied into the wall.

Commissioner Levine stated "put it back the way it was, get rid of the wall". He expressed sympathy for the neighbors who reside downslope and who look up at the deck, which is "totally ugly".

Commissioner Gelhaar commented that the engineering study is based on the assumption that the slab is tied-in properly. He asked "what happens if it's not in compliance"? He stated there are a number of things which he did not like about this project, including piling dirt against the wall. He concurred with Commissioner Levine's comments.

Senior Planner Buss responded that the project must meet Code, whatever it takes. The wall must be tied horizontally. Staff recommended allowing dirt to be piled against and outside the wall to minimize the visual aspect. There is an engineer's stamped report stating that a 2:1 slope with jute matting and landscaping would screen the wall.

Commissioner Davitt confirmed that the decorative wall was approved on June 9, 2003.

Vice Chair Mehranian remarked that the project should revert to what was approved in 2000.

Commissioner Levine asked that the "illegal" wall be removed.

Director Stanley advised that could be done by simply removing the dirt. The city cannot force the property owner to remove the wall.

Commissioner Levine asked that the dirt, pilasters and wrought iron be removed.

Director Stanley responded that doing so would result in the downslope neighbors looking at a 6-ft-high wall, albeit covered with vines.

M/S/C Gelhaar/Levine to uphold the appeal and deny the amendment.
Unanimous.

B. APPEAL OF DEPOSIT AMOUNT REQUIRED BY THE DIRECTOR FOR PURPOSES OF SECURING AN ARBORIST'S REVIEW; NOVITSKY; 887 MONARCH DRIVE:

Planning Aide Shimazu reported that on June 5th, the property owner filed a Hillside Development Permit to legalize two decks that were constructed without permits. Due to the proximity of oak trees, Staff determined that an arborist's report was necessary to identify any impacts the decks could have on the oaks, as well as any mitigation measures.

Thereafter, Staff requested a quote from the City Arborist for review services. A deposit of \$750.00 was requested from the property owner, advising that any unused portion of the deposit would be returned. The applicants are appealing the amount of deposit requested and have provided a written estimate from their arborist estimating review cost to be \$100.00. Staff solicited several quotations from arborists, which varied from \$350 to \$700; Staff therefore believes that the requested deposit amount is reasonable.

Responding to a question from Commissioner Davitt, Mr. Shimazu advised that the Tree Ordinance allows Staff to select an arborist to prevent conflicts of interest.

Property owner, Norm Novinsky, stated that his appeal was more an issue of principal than money. He felt that he needed to at least question the amount of deposit requested and believed that his arborist would be fair and reasonable.

Further comments were not offered.

Commissioner Davitt commented on the disparity between the bids, but felt that if the City begins to make exceptions, it could set a precedent. He confirmed that any unused funds would be returned.

Commissioner Levine stated that he was amazed with the cost difference, given the reports that he's reviewed in the past.

Commissioner Gelhaar stated it is important for the City to control the consulting arborist and concurred with Commissioner Davitt's comments. Commissioner Davitt asked if Staff considered getting two bids.

Director Stanley responded affirmatively, especially since enforcement is a high priority.

Mr. Novinsky remarked that the decks are 7-ft above grade. He believed that any impediment could be observed by sight and therefore, \$750.00 seemed "a bit overdone" to him.

M/S/C Davitt/Gelhaar to uphold the deposit amount set by the Director and deny the appeal. Unanimous.

IX. COMMENTS FROM THE COMMISSIONERS:

The Commissioners did not have comments.

X. COMMENTS FROM THE DIRECTOR:

Director Stanley reminded the Commission that the City Council would not conduct meetings until September.

The public tour of the West End/Gateway District was well attended; a consultant's report will be presented to the City Council following the August recess.

XI. ADJOURNMENT:

M/S/C Davitt/Levine to adjourn at 9:30 p.m. Unanimous.

Secretary to the Planning Commission