

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD SEPTEMBER 24, 2002**

CALL TO ORDER: Chairman Levine called the meeting to order at 6:00 p.m.

ROLL: Present were Commissioners Brown, Engler, Gelhaar and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Planner Cantrell Assistant Planner Gjolme and Planning Aide Shimazu.

COMMENTS FROM THE PUBLIC: Nooshin Zarrabi, 4945 Gould Avenue, requested clarification regarding the Commission's decision regarding her request for an approval under the Decorative Fence Ordinance. She had no issue with the Commission's determination regarding the front wall but asked that she be allowed to maintain the wooden fence along Knight Way, as it has existed for 40 years. Maintaining the wooden fence was not an issue for the Public Works Commission and its removal would result in loss of privacy plus the expense of constructing a new property line wall. Mrs. Zarrabi felt any concerns would be assuaged if she were allowed to complete the landscaping project which has been on hold.

Assistant City Attorney Steres responded to a question from Commissioner Gelhaar, who was not present when the request was heard. He advised that if a request is made at the meeting following action, a motion to reconsider must be made by a Commissioner who originally supported the request (anyone could second such a motion). The vote was 3-1 to allow the request with added conditions, which included removal of the wooden fence. Commissioner Brown dissented.

Commissioner Engler confirmed that allowing reconsideration would open the entire matter for discussion.

Commissioner Mehranian recalled that the matter was heard last on a very lengthy agenda. Her recall was that a replacement fence would be allowed in the same

location, rather than forcing a 7-ft setback. While she preferred not to re-open the entire matter, she would support reconsideration.

M/S/C Mehranian/Brown to allow reconsideration of Decorative Fence 02-08. Unanimous.

Attorney Steres advised that the matter would be re-scheduled and notice mailed to surrounding property owners.

Judith Heinz, a neighbor, confirmed that the language "6-ft from original grade" in one of the conditions, would be clarified at the hearing.

CONSENT CALENDAR:

A. Minutes of 7/30/02:

M/S/C Brown/Engler to approve the minutes as amended by Commissioner Engler. 4 Ayes; Abstain: Gelhaar.

**B. Resolution 02-46;
approving HDP 01-40;
Palmerstone/Euston Pl.:**

M/S/C Brown/Mehranian to adopt Resolution 02-46. 4 Ayes; Abstain: Gelhaar

**C. Resolution 02-47; MOD
01-34; 615 Berkshire Ave.:**

Director Stanley reported of having received a letter from the applicant, requesting a continuance so that he could prepare a site plan showing the front yard area.

Jay Johnson, representing the applicant advised that his client was interested in removing more pilasters and potentially removing the planter wall, which would open and enhance the property. Rather than adopt the Resolution at this point, he suggested it might be preferable for the Commission to review the entire 'package'.

Chairman Levine confirmed that he was requesting reconsideration and doing so would put everything back on the table that was discussed at the last meeting.

Commissioner Engler felt the proposed revisions represented an improvement.

Attorney Steres commented that the resolution references an exhibit which Staff does not have; the

Commission could continue adoption of the Resolution to the next meeting, if it so desired.

Responding to a question from Chairman Levine, Director Stanley explained that the applicant was not able to prepare a fully revised plan for tonight's meeting. He preferred that the Commission review a complete plan and be satisfied that all options were considered.

M/S/C Brown/Engler granting reconsideration, since it provides maximum control and flexibility. 4 Ayes; Dissenting: Levine.

Director Stanley announced that the matter will have to be re-advertised at the applicant's cost.

D. Resolution denying Modification 02-41; 2244 San Gorgonio:

M/S/C Brown/Mehranian to adopt Resolution 02-48. Unanimous.

E. Resolution approving Final Parcel Map 25567; 1326 Olive Lane:

Commissioner Brown commented that he was not on the Commission when this land division was heard. His belief was that it is a huge mistake and that the cul-de-sac is a major problem. He asked if the Commission had any discretion at this point to deny.

Attorney Steres responded that the item is not on the agenda for the commission to make findings whether the project is "a good idea" - that was decided in June, 2000. This is a pro forma act and recognizes that the applicant has met the conditions of approval for the Map. Any questions should relate to the conditions.

Commissioner Mehranian stated that she, too, was not a seated Commissioner during the public hearings. She stated that it was difficult for her to vote without more information.

Attorney Steres advised that the City Council approved the Map in June 2000. The Planning Commission may not add new conditions. Municipal and State law require that once the findings are made, the applicant proceeds to meet the conditions (public improvements, covenants and any bonding). Once those are

completed, the law requires that the matter go back before the Commission with a Resolution approving the final map.

A discussion followed. Attorney Steres reiterated that the Commission relies on the certification by the Director of Public Works, the City Engineer and the Director of Community Development, that the applicant has met all the conditions. He recognized that the Commissioners might not agree with the approval made two years ago, but nothing can be done about that at this point.

M/S/C Gelhaar/Levine to adopt Resolution 02-49.
4 Ayes. Dissenting: Mehranian

**CONTINUED PUBLIC
HEARING:
HILLSIDE DEVELOP-
MENT PERMIT 02-22;
BAROIAN;
355 CORONA DRIVE:**

Senior Planner Buss provided a brief overview on this item, which had been before the Commission on several occasions. The applicant was prepared to present several options for consideration. One option shows the house relocated closer to Corona Drive with a 'true' second story, another includes a subterranean garage, but would need a Variance for excess height. Other versions are approximately 54 feet away from the driveway at the east property line and both were reduced by 600-sf to meet the Guideline.

Marco Brambilla, project architect, stated that he incorporated everything the Commission requested into the revisions. He requested direction from the Commission so that he could proceed accordingly.

Responding to a question from Commissioner Mehranian, who asked if he had transparencies of the "before and after", he stated he did not, but there is a dramatic difference - the house has been lowered and reduced in area.

Commissioner Gelhaar confirmed that the story poles reflect the original version.

Mr. Brambilla commented that the grade was raised since dirt from the adjacent lot was transferred and the

driveway was lowered. The degree to which the structure would be lowered will be determined by the slope of the driveway. He noted that the grade is almost parallel with the street. His intention was that it not appear to rise unnaturally.

Commissioner Brown confirmed that the structure could be lowered even more if dirt was transported from the site.

Chairman Levine opened the public hearing.

Melvin Purdy resides just east of the adjacent and the associated lot, which is under construction. He was concerned over the lack of a retaining wall to preclude soil erosion from impending rains. Otherwise, he stated that he was pleased with the changes.

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

Commissioner Mehranian stated that the overall direction was positive. Her issues were, what happens to the building pad and what can be accomplished by lowering it.

Commissioner Engler preferred option 1, depicting the house and garage at the same level. He felt the overall pad level should be reduced so that it is below street elevation and that the size of the house should meet the Slope Factor Guideline.

Commissioner Gelhaar concurred that the design was headed in the right direction. He would like the story poles to reflect the intended pad and agreed that the house and garage should be on the same level.

Commissioner Brown stated the revisions were definitely a move in the right direction with the entrance from Corona. He shared the architect's concerns with lowering the pad elevation and requested input from the Traffic Engineer addressing the safety of an entrance off Corona. He also requested to see cross sections up the hill to get a good idea of where the house would sit. The proposed size of the house

continued to trouble him and his understanding was that the easement should not be included in the gross lot size; if that were followed, the result would be a more appropriate house size for this neighborhood.

Chairman Levine encouraged the applicant to attempt reducing the floor area even more and commented that if there was a need to protect the hillside from erosion, the applicant should do so.

Director Stanley stated that he would review slope stability with Building and Safety and noted that the engineer has determined that the project sits on solid bedrock.

Commissioner Engler pointed out that the slope on the adjacent lot was mechanically altered at the corner, making for an unstable situation.

Mr. Brambilla advised that the slope was worked on as recently as that afternoon. The project engineer required digging to bedrock. Rather than provide cross sections, he offered to furnish a model. He was prepared for a continuance at the earliest date possible.

Director Stanley recommended November 12 and notified the audience that there would not be further notice given of the continuance.

M/S/C Gelhaar/Engler to continue Hillside Development Permit to November 12th. Unanimous.

CONTINUED PUBLIC MEETINGS:

**MODIFICATION 02-31;
GILLINS;
317 SAN JUAN WAY:**

Commissioner Brown was recused at his request.

Assistant Planner Gjolme reported that a formal staff report was not submitted; the project is identical to that reviewed on July 30, when the Commission directed the applicant to submit a master site plan for the lots east and north of the project that are commonly owned and which will be developed. He reminded the Commission that the project initially included a floor area ratio component; however, that has since been withdrawn.

The sole issue is the front yard along Carmel; which serves as a side yard in Staff's opinion. He noted that when adding the parkway area, the setback from Carmel totals 31 feet. The pool shown on the plan is not included in this project; as shown, it encroaches into the front yard setback and would need another entitlement. Assistant Planner Gjolme informed the Commission that code-compliant plans for the two adjacent homes were submitted for plan check and are not before the Commission for review.

Project architect, Jay Johnson, stated that the continuance provided an opportunity for him to meet with some of the neighbors. He invited all residents on the mailing list to review the plans. Mr. Johnson addressed a petition claiming that the house would be 13 ft closer to the curb than most properties along Carmel Road. He advised that the house would actually be setback 2 ft more than what is required for corner lots. The home across the street is not only larger than the project, but is set back 24 ft from the curb. He stated that if this proposal were denied, the next step would be a redesign to meet the 42-ft setback along Carmel, leaving very little space on which to build. He pointed out the large, irregular corner radius of the property and discussed mitigation which includes the existing mature oaks and a front porch which breaks the verticality and is in keeping with the character of the neighborhood.

After a show of hands, Chairman Levine advised that audience comments would be limited to three minutes each.

Commissioner Mehranian confirmed that the house across the street, which is closer to the street than Mr. Johnson's project, would have to comply with the new definition for corner lots if it were to be presented today.

Bill Holmes, a resident of Carmel Road, confirmed that the proposed 2,940-sf home meets Code. He asked the Commission to exercise foresight and expressed his belief that the project would "bulk-up the street". He felt the project should meet the required setbacks

Chris Holmes thanked Mr. Johnson for reducing the sq. footage, but was concerned with visibility around the corner, even though the oleanders were removed. Mrs. Holmes stated that the project compromises visibility and she opposed allowing the setback encroachment.

Alana Carson, 307 San Juan Way, read a prepared statement. She reported that the same arguments, which she referred to as "scare tactics", were made the prior evening to the City Council, holding that if the project is not allowed, a larger home, that met Code, could be built. Ms. Carson stated that the City's neighborhoods are being overbuilt and soon, it would be too late to overcome the adverse effects. She distributed photos of every home on San Juan and half-way up Carmel and Del Monte, and pointed out that out of 109 homes, 15 are two-story and 8 of those are new.

Karen Sherwood, 4821 Carmel Road, stated she was pleased with the reduction in square footage, but felt the "rules should be followed". She was concerned with visibility around the corner and the safety of the ten neighborhood children who oftentimes play in the street.

Director Stanley confirmed for Chairman Levine that the Commission could impose a condition addressing landscaping and line of sight concerns.

Jo Seastrom, a 51-year resident of San Juan Way, felt it was important to pursue installation of a stop sign; the problem is from Crown to the east, to Carmel Road.

Director Stanley advised that Public works was conducting a citywide traffic analysis. He suggested that Ms. Seastrom write to the Director of Public Works with her concerns and suggestions.

Mr. Johnson believed that the landscaping, rather than the house, might impede visibility around the corner. He offered to eliminate any fencing around the corner and install shrubs rather than trees. Fencing in the backyard would be comprised of 3-ft of 'solid' and 3-ft of 'open'.

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

Commissioner Gelhaar commented that he has found application of the “two-front-yard” definition to be unfair. He noted the proposed home would be 31 ft from the curb, compared with the 22-ft separation between the house across the street and the curb. In fairness and for the sake of consistency, he would consider Carmel Road as a side yard. He supported the project and requested an added condition requiring that any landscaping not impede views around the corner.

Commissioner Engler stated that he liked the design, but felt the project could meet Code if it were redesigned as a single-story home and the pool eliminated. He opposed any type of solid fencing along Carmel Road.

Commissioner Mehranian stated that as a stand-alone project, the home fits in the neighborhood and is not extreme. There are numerous two-story homes in the neighborhood and she was unsure if a redesign would resolve the concerns of visibility which were a consequence of the large oak trees. A code-compliant structure would present more bulk and the visual safety issue would persist. She recognized that the neighborhood was accustomed to having only one home on the site, where there would now be three, but this project, when analyzed individually, was supportable.

Chairman Levine concurred, adding that the Commission was required to review the project as a single house on a single lot. He stated that the project fit quite well, given the house across the street. He felt the concerns of visibility should be referred to Public Works and found Commissioner Engler’s suggestion to eliminate the pool and redesign to single-story to be interesting. Chairman Levine stated that he liked the design, but “there’s more to it than that”.

M/S/ Gelhaar/Mehranian to approve Modification 02-31 with an added condition that the landscaping not restrict views around the corner.

2 Ayes; Dissenting: Engler and Levine. The motion failed.

Commissioner Engler asked if the applicant would be willing to redesign to a single-story project.

Mr. Johnson stated that he was not, but would like a continuance to redesign.

Director Stanley encouraged the Commission to make a determination; noting that the many continuances have taken a toll on the Department's workload. At the last meeting the Commission requested additional information in order to make a determination, and that has been provided.

Mr. Johnson stated that he wanted a two-story home and pointed out that the more the house is pushed back, the more it appears box-like. He felt the submittal was the best design for the lot -- removing the porch would lessen the encroachment, but he felt it was a positive design feature. He was willing to remove the fence at the perimeter if that would help move the project forward.

Chairman Levine allowed Robin Levra, 329 San Juan Way, to address the Commission. She owns the property across the street that has been alluded to. Her concern was with high school students who turn the corner at high speed. She noted that her yard is open and lacks fencing; she preferred that fencing and tall landscaping be prohibited along San Juan.

A discussion ensued whether to allow fencing or landscaping along the San Juan Way frontage.

Commissioner Gelhaar amended his motion, restricting landscaping in the right-of-way to 18" in height and prohibiting walls or fencing within the front setback along San Juan Way and the transitional corner radius. Fence height over 42" along Carmel Road shall be composed of open material and not exceed 6 ft in overall height.

Commissioner Engler seconded the motion. 4 Ayes.

**MODIFICATION 02-03;
CAHILL;
1966 LOMBARDY DR. :**

Assistant Planner Gjolme recalled that this request was reviewed in March and again in May, and was denied. A request for reconsideration was granted in July.

The applicant has revised his project by transposing the addition and flipping the profile from North to South. The ridgeline was shifted to the North which lowered the south end of the roof considerably, yielding a 10-ft vertical facade, opposed to the 15-ft originally proposed. The result is the appearance of a single-story. The second floor is hidden under the sloped roof and provides a 15-ft setback (below the 20-ft requirement). A total height of 26 ft is still proposed, but the maximum height is reached at 25 ft from the south-side, common property line. The result is a 7-½ ft encroachment at the first floor level and a 5-ft encroachment at the second floor.

Staff continued to support the project based primarily because the house is sited between converging side property lines, and the desire to save a significant, mature tree. These factors make the required setbacks overly restrictive. An overhead transparency depicted the existing structure from Mrs. Rice's property; the common property line is heavily screened by mature landscaping which would be augmented. Staff considered the revisions as sensitive and, if seen at all from Mrs. Rice's property, would be viewed as single-story.

Project architect, David Surrier, explained that the location of the addition preserves the character of the Wallace Neff-designed home, and is the only viable location that would not destroy the flow of the house. Other options were considered, however the location of the septic tank was a problem. His client was also willing to construct a 6-ft-high fence along the common property line (between the new addition and the property line) and install more landscaping.

Responding to a suggestion from Chairman Levine to consider expanding to the East, Mr. Surrier advised that it would place the house too close to the garage and violate Code. If the addition were attached to the garage, it would encroach into the side yard.

A superimposed diagram showed multiple design options. An elevation depicted the previous design compared with the revision. Another reflected what could be constructed if the tree were removed --- while further from the property line, it would be even more intrusive to the Rice property.

Property owner, Michael Cahill, highlighted the practical difficulties imposed by the location and position of his home's location at the corner of a 90° triangle. His home was designed by Wallace Neff, a highly regarded architect in So. California. Wallace Neff, Jr., a student of architecture and architectural historian at USC, wrote a letter to the Commission stating that the worst possible scenario would be to change the front of the house in any way. Because his property is defined as a *hairpin lot*, the boundary line that abuts Mrs. Rice's property is a back yard for her and a side yard for him - the consequence is that he is subjected to a much greater setback. Otherwise, his project would meet Code. An arborist report was submitted, stating that the 48-inch-diameter eucalyptus tree was one of the finest specimens he has encountered. Mr. Cahill advised that preservation of the tree is what drove the design. He requested reconsideration for the "B" alternative, which is the most sensitive option and responds to Mrs. Rice's concerns of privacy. The only upstairs window facing the Rice property was eliminated and a single-story structure is presented at 24 ft from her property line. The structural revisions, the proposed 6-ft-high fence and additional landscaping would mitigate any concerns.

Chairman Levine asked if Mr. Cahill would remove the tree if his request were denied.

Mr. Cahill responded that rather than deface the historical design of his home by expanding at the front, he would remove the eucalyptus.

Chairman Levine referred to one of the options which depicted the addition covering the cesspool. Since that option was a problem with Code, he asked Mr. Cahill if

he would consider moving the septic tank and somehow attaching the addition to the garage.

Mr. Cahill explained that it might be technically feasible, but would ruin the architectural design. He reiterated that every option was considered.

Landscape architect, Larry Moss, stated that the eucalyptus was approximately 80 years old and one of the finest specimens he's seen. He felt it would be a disservice to the community to allow its removal and noted that if it were removed, the Cahill's home and the addition would be easily visible from Mrs. Rice's property. Mr. Moss responded to a question from Commissioner Brown and advised that the tree probably had a life span of another 80 years.

Lindy Arthur who lives 3 doors from the Cahills, stated that this is not a neighborhood issue. She noted that the addition would not be visible from the street and disputed claims of mansionization, stating that a 1,127-sf addition is reasonable, given the 25,000-sf property. Ms. Arthur reported that the proposed 10-ft setback is greater than many in the neighborhood. She cited 1906 Tondolea, as having less than 10 ft from its exterior wall to the neighboring wall and the home across from 925 Lombardy, which is under construction, with less than 9 ft between the exterior wall to its neighbor. She stated that the Cahill's request is reasonable and applauded their efforts to save the eucalyptus tree.

Tanya Cahill, described her desire to create a family life and add a study for her husband and an extra bedroom. She pleaded that her family be allowed to have what Mrs. Rice has.

Chairman Levine opened the public hearing.

Joe Kane, 4621 Alta Canyonada and son-in-law of Betty Rice, requested the Commission to deny the request. He stated that setbacks were established so that one neighbor does not feel that one home is more important or more historic than another and that the flaming eucalyptus tree has made this "a hardship case". His

research was that their lifespan is approximately 100 years and therefore, the subject tree had only 20 years of life left. Mr. Kane observed that the project is more than half the size of his mother-in-law's home. He advised of having tested his position with a third party and chose Jay Johnson, to show the Commission that the Cahill's design could be slightly modified and meet Code.

Jay Johnson reported that he was retained as a consultant to look at the project with an open mind; he is familiar with the Cahill's home and is a fan of architect Wallace Neff. The crux of the matter depends on whether the Commission can make the finding of *hardship* and whether a reasonable design could save the tree. He then displayed his idea of a reasonable addition which he stated was more in keeping with a home designed by Wallace Neff. He recessed the southern portion of the addition by 5 ft , which allows a 400-sf study. He then removed 134-sf from the second floor, "reducing the rooms by only inches; it works the same and meets the required 15-ft setback". He advised that his clients support his solution.

Commissioner Engler questioned how Mr. Johnson's plan would affect the exterior roofline.

Commissioner Brown confirmed that, for the most part, the second floor remains the same and only 130-sf was eliminated from the first floor.

Sandra Burkhardt, 557 Lone Pine Lane, who resides across the street and west from the project site, stated that she had reviewed the plans. She did not believe it would be a hardship to meet Code given the size of the property. Ms. Burkhardt cited what she felt were inherent dangers with eucalyptus trees i.e., falling limbs and stated that because the eucalyptus tree is located among oak trees, that it is not readily visible.

Robert Johnson, who resides across from Mrs. Rice, concurred with Ms. Burkhardt and did not believe what Mr. Cahill submitted was a compromise.

Michael Cahill responded to comments from Mr. Kane regarding "following the rules". He pointed out that the Modification process exists for projects when the rules are impractical or don't necessarily work. Mr. Cahill advised that Mr. Johnson did not meet with him to discuss what his family's needs are, or the functionality of the office space --- a place for a desk and two chairs is insufficient as the room would also serve as a library, den and a study. He commented that the numbers dispensed by Mr. Johnson were "absolutely incorrect" and would reduce his usable living space more than 32%; what represents a "minor design modification" eliminates a significant 5 ft where the staircase is located. Otherwise, the stairs would be in the center of the room and significantly reduce useable living space from 474-sf to 323-sf. Mr. Cahill was concerned that the Rice's were alarming neighbors with unfounded reports of mansionization. He stated that the project would compliment the neighborhood, would preserve the existing design and a mature eucalyptus tree, add more landscaping and add only 550-sf of footprint. At under 5,000-sf in area, his home would be well under the sf of other homes in the neighborhood.

Mr. Cahill summarized his comments, advising that his architect has worked on numerous homes designed by Wallace Neff and is very competent. He informed the Commission that given the size of Mrs. Rice's property, it can be legally divided into 3 lots and stated that it is no secret she is entertaining purchase offers. Mr. Cahill stated that he failed to understand Mrs. Rice's objections and requested approval of his revised plan.

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

Commissioner Brown advised the audience that the City Council has established procedures for varying standards --- that's how Code works.

The shapes of properties are so diverse in this City that creating a general rule in itself creates different setbacks for each lot. The subject property is so irregular in shape that it results in calculations that establishes a setback which, in his view, is different from the prevailing setbacks in the community. He stated that the encroachment would not impact the community as it would be unseen from other homes and is really a matter between the Cahill and Rice properties. He disagreed with Ms. Burkart's statement that the tree is not visible – he advised of having made several site visits and it is visible throughout the surroundings. Commissioner Brown stated that the Commission needed to make the finding of *practical difficulty*. He noted that if the eucalyptus tree were in another location, it would be very simple to expand this house without the need of a Modification. He believed the tree is worth preserving to the extent that it should fall under the umbrella of protected trees.

Commissioner Brown stated that the project's impact on the Rice's property is mitigated significantly by the revised plan. There would essentially be a one-story, fully landscaped exposure to that property. He observed that fairness issues come into play and noted that the Rice property has two structures which are located only 5 ft and 10 ft from the common property line. While Mrs. Rice has a right to maintain those structures, they do not demonstrate an impact on the Cahill property. He asked that a condition be added requiring preservation of the eucalyptus tree.

Commissioner Mehranian stated that she wanted to preserve the integrity of a Wallace Neff designed home and the eucalyptus tree. She believed that Mr. Johnson's efforts represented a compromise, which she could support.

Commissioner Engler believed that the proposed location is “right for that room” and opposed any architect telling another property owner what should be built on another property. He reported that he related that to Mr. Kane earlier in a phone conversation. Addressing the proposed enhanced landscape plan, he encouraged Mr. Cahill to eliminate any bamboo.

Commissioner Gelhaar stated that he always felt Mr. Cahill could come up with a design within the setbacks and Mr. Johnson had demonstrated that. He opposed the 10-ft encroachment, but could accept a 15-ft setback and also agreed that bamboo plantings were not appropriate.

Chairman Levine commented that there was not much change in the design in his thinking. He agreed that the tree should be protected and stated that “it is the right place for the addition.” He stated it is an attractive proposal and fits the house, but to be consistent with his objection to new encroachments, he could not support the revised design.

M/S/C Gelhaar/Levine to deny Modification 02-03. 3 Ayes: Dissenting: Brown and Engler.

**FLOOR AREA
REVIEW 01-08;
GAVINA;
4339 OAKWOOD
AVENUE:**

Chairman Levine confirmed that the applicant had requested a continuance to October 22.

M/S/C Gelhaar/Brown to continue Floor Area Review 01-08 to October 22. Unanimous.

**PUBLIC
HEARING:**

**CONDITIONAL
USE PERMIT 354;
RANDALL/
CURVES FOR
WOMEN;
1111 FOOTHILL:**

Planner Cantrell reported the applicant’s request to establish a weight management and fitness studio in the Downtown Village Specific Plan’s Mixed Use 2 zone. The 1,400-sf tenant space is a portion of the former Hastings Hardware. Office hours are proposed from 7:00 a.m. to 10:00 p.m. with one employee. No more than 6 clients are

expected at a time and classes are not part of the program.

Planner Cantrell noted that the subject block includes a mix of uses, including retail and office and there are no residences nearby that would be affected by the proposal. A nominal parking deficit of 6 spaces has existed over 50 years – the property, without the separate driveway lot, has 8 “grandfathered” spaces, amounting to a 6-space deficit per current Code. He pointed out that there are low intensity uses surrounding the site; the property has a wide frontage, which accommodates ample curb parking. A standard condition is included, requiring in-lieu fees for a future Parking District.

Commissioner Brown requested clarification regarding available parking; his concern was that a future tenant for the remaining space will create a larger parking deficit.

Planner Cantrell explained that a retail use would require 5 spaces per thousand sf. This property has 8, *grandfathered* retail spaces. The proposal equates to the lowest parking demand, which is office use.

Business owners, Randy and Catherine Gonzales, reported their understanding that the property owner would develop the adjacent space and create six more spaces.

Commissioner Brown stated that the property owner should understand and be on notice that this tenant would be taking 2/3 of the allowed spaces.

Responding to a question from Commissioner Mehranian, Planner Cantrell stressed the value of shared parking, since the subject use is more intense in the early morning and late afternoon. He was unsure if the 6 spaces are for the applicants’ exclusive use and did not recommend such a restriction.

Planner Cantrell noted that the proposal is a less intense use than retail, which is allowed by right and without review.

Responding to a question from Commissioner Brown, Mr. Gonzalez stated his preference for operating hours was 6 a.m. to 9 p.m.

Commissioner Mehranian confirmed that the assumption of no more than 6 clients at one time is based on the applicant's experience.

Chairman Levine opened the public hearing; comments were not offered from the audience and the public hearing was closed.

Commissioner Brown stated he would be more comfortable if the property owner were present. The only issue for him was parking; not so much this use but the future adjacent tenant use.

Commissioner Engler confirmed that there is available parking across the alley. He stated that he could support the request with an added condition that the CUP would expire upon expiration of the parking agreement.

Commissioner Gelhaar concurred.

Chairman Levine commented that regardless of the future occupancy, it would be less than the former hardware store use.

Commissioner Brown reported that he was aware that a tutoring service was investigating leasing the other portion, which would be a high demand use.

M/S/C Engler/Gelhaar to approve Conditional Use Permit 354, with an added condition tying the CUP to the availability of 6 parking spaces. Unanimous.

**PUBLIC
MEETING:**

**FLOOR AREA
REVIEW 02-09;
BUILDING
DEPTH REVIEW
02-03; TOLKIN;
4864 CARMEL
ROAD:**

Assistant Planner Gjolme reported the applicants' request to construct a new, 3,120-sf, two-story home on a 7,800-sf lot. The maximum allowable floor area for the property is 2,808-sf, requiring review for 300 sf of excess area. Building Depth Review is also required because the 62-ft-deep second floor exceeds the 60-ft review threshold. A basement area of approximately 1,200 sf is exempt from floor area calculations.

The subject property is located on the east side of Carmel Road, between Santa Inez and San Juan Way in the R-1-7,500 Zone. The applicant proposes to demolish the existing home and garage and construct a new home and pool. The project is straightforward, complies with height and setback requirements and includes a generous 12-ft north side setback at both levels. However, the proposed size is well above the neighborhood average and the 40% floor area ratio would be the highest in the area. Staff had a concern with the north facade, which has a depth of over 60 ft, 20-ft-high and a noticeable lack of articulation. Assistant Planner Gjolme noted that even a compliant two story home would exceed the neighborhood average. He stated that it was difficult for Staff to make the required findings since the project would have a disruptive effect on the scale and character of the area. Petitions in support of and opposed to, the project were included in the Commissioners' packets.

Applicant, John Tolkin, advised that he was trying to accommodate living space for his four children. He presented a power point display of two-story homes in the neighborhood, including homes with minimal setbacks. He stated that the project represents a reasonable home on a small lot. He felt that the findings could be made in terms of massing and screening; view blockage is not a concern and the excess floor area would not be visible from street view. Mr. Tolkin advised

that he has 100% support of his neighbors and that Mr. Holmes, who generated a petition opposing the project, told him he was unaware that the house was so sensitively designed, and left the meeting. He stated that Staff's list of comparable homes in the area is not accurate and does not include expansions; he provided examples.

Commissioner Gelhaar confirmed that the 2nd floor deck is not included in square footage calculations. He reported of having met with the applicant and related his strong feeling about exceeding allowed floor area; he could not support the request.

Responding to a question from Commissioner Engler, Mr. Tolkin advised that the basement area is shown as optional and would accommodate a furnace.

Commissioner Mehranian did not have a concern with the excess second-floor depth, but supported Staff's recommendations with regard to the excess floor area.

Commissioner Brown agreed that the project was sensitively designed, but he could not justify the excess floor area.

Chairman Levine provided the applicant with his options, including a continuance for redesign or a denial by the Commission could be appealed to the City Council.

Mr. Tolkin commented that he could have designed the house to meet the allowed depth, but a "wedding cake" design would have been the result.

Commissioner Brown advised him that the depth was not an issue for him; he would consider the request differently if the sq footage was reduced.

M/S/C Mehranian/Gelhar to deny Floor Area Review 02-09 and Building Depth Review 02-03. Unanimous.

**OTHER
BUSINESS:**

**Determination of
Substantial
Conformance; CUP
308/MOD 00-35;
King;
4618 Encinas Drive:**

Director Stanley recalled that in May, 2002, the Commission made a determination that the street-facing wall did not conform to the approved plan. The applicant has made all required changes with the exception of an archway that was included on the approved plan. He pointed out that the archway was not addressed by the Commission in May – only niches, a doorway, buttresses and lowering of the wall were referenced. While Staff believes that the Commission intended to include the archway since it is shown on the approved plan, the revisions combined with the landscaping provide a positive effect. A findings of substantial conformance would be appropriate, provided that the entire wall height be reduced to 6 ft.

Commissioners Brown, Gelhaar and Mehranian agreed to make a finding of substantial conformance with the wall “as is”. Commissioners Levine and Engler disagreed.

**COMMENTS
FROM THE
COMMISSION:**

Commissioner Mehranian requested a status on the Jennings matter.

Director Stanley advised that he had resolved the landscape plan with Mr. Jennings’ attorney. A more natural appearance and different shrubbery will be installed.

ADJOURNMENT:

M/S/C Engler/Gelhaar to adjourn at 10:23 p.m. Unanimous.