

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD OCTOBER 8, 2002**

CALL TO ORDER:

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

ROLL:

Present were Commissioners Brown, Engler and Gelhaar. Commissioner Mehranian was expected shortly. Also present were: Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell and Assistant Planner Gjolme.

**COMMENTS FROM
THE PUBLIC:**

Seta Bedrossian, 2244 San Gorgonio Road, requested reconsideration of the Commission's denial of her request to allow over-height pilasters and a fence to exceed 6 ft in height. She intends to lower a few of the pilasters and introduce landscaping.

Commissioner Brown advised of having spoken with Mrs. Bedrossian during the week. He felt that any fence along the driveway, even one that meets Code, would not be harmonious with the community. He was not inclined to grant reconsideration.

Chairman Levine commented that the fence now complies with Code, so that component is a non- issue.

M/S/C Engler/Levine to grant reconsideration. 3 Ayes; No: Brown.

Director Stanley advised Mrs. Bedrossian the matter would have to be re-noticed and the associate fee paid.

**CONSENT CALENDAR:
Minutes**

**Resolution 02-28;
denying
Modification 02-03;
Cahill; 1966 Lombardy
Dr.:**

M/S/C Engler/Brown to adopt the Minutes of September 20, 2002. 3 Ayes; Abstain: Gelhaar.

M/S Gelhaar/Levine to adopt Resolution 02-28. Seeing that there would be a tie vote, Chairman Levine suggested waiting for Commissioner Mehranian to arrive.

**Lot Line Adjustment 02-
03; Denton/Henneman;
500-01 Vendo Vista:**

Commissioner Gelhaar confirmed that the retaining walls on the lower portion of the property were permitted.

M/S/C Gelhaar/Brown to approve Lot Line Adjustment 02-03. 4 Ayes.

**CONTINUED
PUBLIC HEARINGS:**

**HILLSIDE DEVELOPMENT PERMIT 01-46;
BUILDING DEPTH REVIEW 02-05;
MODIFICATION 02-28;
ANDERSON;
870 ST. KATHERINE DR.:**

Planner Cantrell recalled that the project was continued from July 30, with direction to reduce the house size and the height of the retaining walls adjacent to the driveway. The revised plan shows a 775-sf reduction in floor area, and grading in the driveway area reduced the height of the retaining walls by approximately 2 ft. He recalled that story poles were mentioned, but they were not a consensus item. He noted that in this instance, the only house with a view to the project is located above the site. Staff determined that positive findings could be made and recommended project approval.

Brad Barcus, project architect, confirmed that the design is the same, but length and width reductions decreased the floor area throughout the home. Overall length was reduced by 8-9 ft. A new grading plan was submitted and crib walls now replace the retaining walls along the driveway. He displayed a photo simulation showing the project's roof height. He concurred with Staff's comment regarding story poles --- they serve a purpose when view blockage is an issue, but that is not the case with this project. Further, because the site will be graded, story poles would not convey a true elevation.

Responding to a question from Commissioner Engler, he explained that he steepened the driveway and in doing so, reduced the height of the walls. The landscape plan was modified so that shrubs would not block motorists' views. The overall cut totals 15-16 ft.

Commissioner Gelhaar confirmed that the revised submittal comprises approximately 5,500-sf, including the garage.

Chairman Levine opened the public hearing.

Steven Jones, 859 St. Katherine Drive, advised that he had requested story poles at the first meeting because of the project's location. He stated that while the project is not

visible from his property, it would be very visible as he turns up St. Katherine Drive. He requested an added condition requiring that view to be screened with landscaping.

Tom Ray, 887 St. Katherine Drive, stated that the project directly faces his property and would be part of his everyday existence. He asked how many modifications and Variances are allowed under the Ordinance.

Mr. Barcus responded to comments. He recognized the expressed concerns and pointed out that the entry point, which is the most visible component, would be single-story. Landscaping would screen the second story.

Commissioner Mehranian arrived at this point.

Commissioner Brown asked if the trees could be brought in further across the front for screening purposes and requested information regarding the height of the driveway retaining walls.

Mr. Barcus stated that he was open to suggestions to add or relocate the trees; originally, the driveway walls approached 11 ft in height - they were replaced with crib walls.

Chairman Levine closed the public hearing.

Commissioner Brown expressed appreciation for the reduction in floor area, particularly the width, which is the most prominent angle. Rather than a 6,350-sf home, a 5,500 sf structure, including the garage, is proposed. The Assessor's rolls indicate that the project would be smaller, and larger, than many homes in the area; consequently, the Commission's determination would be based on strict application of the guidelines rather than requiring it to conform with the neighborhood. He stated that he could support the project if tree planting continued across the front.

Commissioner Gelhaar concurred regarding added conditions to require tree and crib wall plantings.

Commissioner Engler recommended that a 7-8-ft section of wall adjacent to the driveway could be reduced in height.

Commissioner Brown confirmed with Mr. Barcus that doing so would not necessitate a wall of similar height somewhere else.

Chairman Levine appreciated the design but shared the neighbors' concerns regarding visible mass. Absent a photo from the St. Katherine vantage point, it was difficult for him to support the project.

M/S/ Brown/Gelhaar to approve Hillside Development Permit 01-46, Building Depth Review 02-05 and Modification 02-28 per the revised plans with added conditions: 1) that the trees be brought across the south frontage to the driveway, subject to the approval of Staff; 2) that the retaining wall across the same frontage be reduced in height to no greater than 7 ft.; 3) that the landscape plan be subject to approval by Staff.

Commissioner Gelhaar asked that none of the trees be of a protected species, because they could not be topped or removed without a permit in the event of view blockage.

Commissioner Brown commented that it would be ironic to prohibit trees that the City encourages to be planted.

Director Stanley advised that oaks would take more than 20 years to reach maturity because of the slope.

Commissioner Brown suggested that the Commission discuss this matter in the future; he was willing to amend his motion in this case to stipulate that the trees not be of any protected species.

4 Ayes; Levine dissenting.

Consent Calendar item:

**Resolution 02-52; Cahill;
1966 Lombardy Road:**

M/S/C Gelhaar/Mehranian to adopt Resolution 02-52. 3 Ayes; Dissenting: Brown and Engler.

**CONDITIONAL USE
PERMIT 350;**

**VARIANCE 02-04;
FLOOR AREA REVIEW
02-13;
SCHWARTZ/CIOFFI;
1447 EL VAGO ST.:**

Chairman Levine announced that the applicant had submitted a written request for a continuance to November 12th. A single member of the audience advised that he had intended to speak on the subject, but chose not to, in light of the request.

M/S/C Brown/Engler to continue Conditional Use Permit 350, variance 02-04 and Floor Area review 02-13 to November 12, as requested. Unanimous.

Director Stanley advised that there would be no further notice mailed to the neighborhood.

PUBLIC HEARINGS:

**HILLSIDE DEVELOP-
MENT PERMIT 02-27;
WEIRICK; FLOOR
AREA REVIEW 02-16;
FRONT GARAGE
REVIEW 02-02:**

Assistant Planner Gjolme reported a request for a single-story expansion on a spacious 61,420-sf property. The project site is located at the end of Durham Place in the R-1-40,000 Zone and has a 63-ft wide frontage and an average slope of 21%. It is a through lot, with frontages on Durham Place and Chevy Chase Drive. The pie-shaped property is upslope; its side property lines splay, widening the lot considerably. The project consists of a 1,310-sf, first-floor expansion along the southern half of the home. A 3-car garage would extend along the front

In addition to Hillside Review, Floor Area Review is required because the project area exceeds 4,500-sf on a lot with less than 80 ft of frontage. Front Garage Review comes into play because the 28-ft garage width represents 44% of the property frontage. Despite multiple levels of required review, Staff believed that the project's design is sensitive to its setting. Concerns typically raised with hillside development are not raised by this project --- the site is in a remote location and there is no prominent view of the house from any vantage point. Setbacks easily meet Code and the home's low profile would continue. The proposed total project area of 8,673-sf is misleading since 2,500-sf is devoted to roof overhang area. Staff recommended positive findings and project approval.

Commissioner Engler confirmed that the project does not include removal of any tree.

Commissioner Mehranian commented on the narrowness of the street; she was concerned with impacts from construction vehicles.

Assistant Planner Gjolme advised that a condition could be added requiring construction vehicles to park on site to the extent possible.

Project architect, Vaughn Trammell, was in the audience in the event the Commissioners had any questions.

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

The Commissioners unanimously concurred with Staff's determination.

M/S/C Gelhaar/Mehranian to approve Hillside Development Permit 02-27, Floor Area Review 02-16 and Front Garage review 02-02 with an added condition regarding parking of construction vehicles. Unanimous.

**HILLSIDE DEVELOPMENT PERMIT 02-41;
WIKTOR; 2106
EARNSSLOW DRIVE:**

Assistant Planner Gjolme reported the applicants' request for a 1,070-sf expansion, including an 810-sf second floor on hillside property.

The project site is located on the south side of Earnslow, and extends east of Ocean View Boulevard, terminating in a cul-de-sac. Earnslow Drive accommodates only 6 developed lots and rises slightly to the east. The project site contains a generally flat building pad and a steep upslope to the rear, which constitutes a majority of the lot's 30% average slope.

A new second floor would encroach 6'--8" into the required east side yard setback and maintain the first-floor wall line. Also proposed is conversion of a single car garage and adjacent carport into a two-car garage that would preserve the existing 20-ft front yard setback (below the 25-ft requirement).

Staff determined that the project was modest in size and well suited to the area, and recommended positive findings.

Commissioner Mehranian asked what the basis was for the 4-ft encroachment at the front.

Assistant Planner Gjolme responded that the existing carport encroaches into the required setback; the project is consistent with the existing situation.

Applicant, George Wiktor, explained that if he was “forced” to comply with the required setback, the project would not be feasible.

Commissioner Brown confirmed that Mr. Wiktor had contacted all his neighbors, including the one to the east.

Chairman Levine inquired if there were any other two-story homes in the area.

Mr. Wiktor displayed a photo board, providing evidence of several in the area.

Assistant Planner Gjolme pointed out that exclusive of the second-floor’s east side encroachment, the project qualifies for an Administrative Modification.

Chairman Levine opened the public hearing. Comments were not offered and the public hearing was closed.

The Commissioners had no further questions or comments.

M/S/C Gelhaar/Mehranian, approving Hillside Development Permit 02-14. Unanimous.

Commissioner Gelhaar accepted Commissioner Mehranian’s amendment to add a condition requiring that construction parking be accommodated on site and along the project’s street frontage. Otherwise, a construction ride-share program shall be instituted. Unanimous.

VARIANCE 02-05; BIG LOTS; 2243 FOOTHILL BLVD.

Planner Cantrell described the applicant’s request to allow a new wall sign with 6-ft-high letters, and to replace the oversize pole sign along Foothill with a code-compliant monument sign.

The Design Commission approved the request on October 3, contingent on Planning Commission approval of the Variance for excess letter height.

Planner Cantrell advised that current Code allows 27-inch-high letters, including a bonus for distance from the Boulevard. Staff's position was that through the required test of hardship and effect, some level of a Variance is justified. He pointed out that the building's scale and distance from Foothill constitute a hardship. He noted that Code-compliant letter height was clearly out of scale with the building and would not be readable. A photo overlay comparison was provided, depicting letter heights of 3 ft., 3'-6", 4' and 5'. After much deliberation, the Design Commission determined that 4-ft-high letters would be appropriate. Planner Cantrell noted that the sign manufacturer now advises that in order to have adequate width space between the building columns, the letters need to be 4½-ft-high. He stressed that this is an important project to the City ---it not only upgrades the building signs but also removes an enormous pole sign.

Responding to a question from Commissioner Brown, Planner Cantrell advised that the monument sign is allowed by right.

Director Stanley reported that the property owners intend to remove the wall that spans the property and replace it with planters. That component will require Design Commission review.

Assistant City Attorney Steres advised adding a condition which requires removal of the pole sign prior to issuing permits for the wall sign.

Commissioner Brown stated he was looking for some indication of the landscaping for the monument sign.

Planner Cantrell provided Commissioner Engler with the criteria for a bonus sign. It is a quarter % of added height or area for every foot from the Boulevard, with a maximum of 50%. At 200 ft from the Boulevard, the applicant has met the 50% criteria.

Commissioner Engler stated that he needed to know the distance from the Boulevard to the front of the building in order to make a decision.

Planner Cantrell assured him that the sign would not reach over 4 ft by applying the bonus.

Patience Casey of Coast Signs, advised that subsequent to the Design Commission's review and approval for 4-ft-high letters, it was discovered that a sign that size would not span the three bays between the four poles. She advised that 4½-ft-high letters could span the poles and wire would not hang over. She advised that the existing pole sign is 25-ft-high. Her client is willing to accept its removal if over-height letters are allowed. She advised that this location is one of the largest stores. Her client agreed to work with the property owner to make sure that the landscaping is what the Design Commission wants.

Responding to a question from Commissioner Gelhaar, Ms. Casey explained that the Design Commission approved 4-ft-high letters based on erroneous information that she had provided. There is a 24-ft span between the inside of the poles and in order to have a proportional distance between the letters and not have the structure exposed beyond the ends of the sign, 4½-ft-high letters are needed.

Chairman Levine stated that it was simply a matter of cost.

Joe Paneno, co-owner, advised that he was working closely with a landscape architect to develop continuity throughout the Center. He reported the great effort it took to convince Big Lots to remove the large pole sign. He felt that 4½-ft-high letters would look better and visually, would not be noticeable.

Planner Cantrell advised that if 4½-foot-high letters are approved, the matter would necessarily revert to the Design Commission for approval. He felt that ½-ft seemed a minor issue; it is of little concern that approval is gauged exactly to the width of the columns. Actually, the sign should go beyond or a little short of the columns otherwise, a sign of the identical width as the column bays would call attention to the columns. A 4-ft-high sign

could have thin steel supports cantilevering from the inner pair of columns without extending to the outer pair.

Commissioner Mehranian, stated that the overwhelming consideration of the community was to downscale everything in general. She stated "the size of the lot is what it is, but the request is to double what is allowed. If it is possible to go with 4'-ft-high" letters, "go for it".

Chairman Levine preferred to leave the letter height at 4-ft, noting that the Design Commission would be reviewing the project again for other components.

Commissioner Gelhaar stated that he could support with what the Design Commission approved, and thanked the property owner for removing the pole sign.

Commissioner Brown asked that any motion include the landscaping that was depicted on one of the sub-elevations. He viewed the request as a trade off.

Commissioner Engler felt it would be granting a special privilege to allow over-height letters. He stated that if the Design Commission wanted to approve 4-ft-high letters, the formula for bonus signs should be revised. He stated that he could not support the request.

Assistant City Attorney Steres commented that there are many issues not tied with the Big Lots sign.

The Commission agreed to table a vote on this component, pending discussion of the KFC pole sign.

**VARIANCE 02-06;
DESIGN REVIEW 02-25;
PANENO PARTNER-
SHIP; 2245-65
FOOTHILL BLVD.:**

Planner Cantrell reported that, in addition to replacement of the Pic 'N' Save pole sign, the applicants propose to replace the KFC bucket pole sign with a new monument sign that would exceed the maximum length, height and area limits of the Sign Ordinance. The monument sign would contain a directory of the tenants and be located within an expanded planter between the two westernmost driveways.

Staff prepared a photo simulation of two alternate signs submitted by the applicant --- the first meets Code at 6-ft in height, 8-ft in length and 30-sf of sign area. The other is 9 ft in height with 81-sf of sign area and requires a Variance. Staff believed that a Code-compliant sign would be out of scale with its surroundings and difficult to read from necessary distances, as evidenced by the photo simulation of the two sign sizes as seen from Ocean View Boulevard. The sign would be comprised of a stucco frame around a wood field with metal letters and externally lit. It would be aesthetically improved through enhanced landscaping.

Planner Cantrell noted that the question remained whether KFC would accept a 9-ft-high sign; this was more of an accommodation than removal of the Big Lots pole sign. Staff concluded that replacing a pole sign that exceeds 25-ft in height with a 9-ft-high monument sign would greatly improve the appearance of the Center and the West-end of the Boulevard as a whole. He reviewed the findings required to grant a Variance; the scale of the Center and distances from viewed points constitute elements of hardship. Further, the scale of the center dictates approval for aesthetic reasons.

The Design Commission concurred, and approved a 9-ft-high sign as measured from sidewalk grade, conditioned upon approval of a variance.

Commissioner Mehranian stated that it was not substantiated for her that a 9-ft-high sign was needed and asked how the need was determined.

Planner Cantrell stated that it could come down to a choice between a 9-ft-high sign or a bucket pole sign over 25 ft in height.

Chairman Levine concurred that eliminating the "bucket" was desirable, but noted that many corporations will acquiesce to a particular city's regulations and submit a sign not in keeping with its typical corporate logo, colors, etc.

Planner Cantrell pointed out that other tenants would be identified on the sign and that it needs to be legible from the street. An example would be the Ross monument sign, exceeding 7 ft in height, but its surroundings give an impression that the sign is much lower.

Chairman Levine commented that the 707 Foothill directory sign is much more subdued.

Planner Cantrell advised that visibility from Ocean View is a problem, where Altadena Dairy precludes visibility of KFC.

Commissioner Engler confirmed that the Ross sign and other over-height signs were approved under the former Ordinance.

Assistant City Attorney Steres advised that when evaluating the finding of *Special Circumstances*, the Commission should be looking at existing scenarios; the question of which ordinance applies is irrelevant.

Commissioner Engler reiterated that he looks to the current Ordinance for guidance. Attorney Steres explained that is why a Variance was requested.

Commissioner Brown inquired if this request would have any impact on the remaining, unattractive, tenant signs.

Attorney Steres advised that the existing signs have a legal status to remain –including future tenants. However, any renovations that impact the sign itself would revoke its ‘grandfathered’ status.

Applicant, Joe Paneno, 1948 Lombardy Lane, reported that it was he, rather than KFC, Cal Med or the cleaners, who filed for the Variance. He stated it has been an uphill battle in dealing with three different corporations to get this far. Mr. Paneno asked the Commissioners to remember that the existing signs are legal, non-conforming and that this was a rare opportunity to improve an important site in the City. He stated he was trying to find a middle ground that would be appealing to KFC and the cleaners and that unless one of the

Commissioners has a direct connection with KFC, this was the best he could offer.

Commissioner Brown confirmed that KFC would accept a 9-ft-high sign.

John Paneno, co-applicant, recalled that ever since the shopping center was built in 1965, he's heard that the City's goal was a village concept. He noted that in reality, a 2-ft exception was being requested. KFC is located behind the dairy and is set back further than any other tenant.

Mr. Paneno asked that the Chair "look at the big picture - a 35 ft-high sign versus 9 ft."

Commissioner Brown confirmed that new landscaping would extend along the property frontage.

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

Commissioner Gelhaar stated that the additional height was well worth the trade-off.

Commissioner Brown agreed, adding that the City cannot always get what it wants. The submittal represents a great improvement. If the request is not granted, the 35-ft-high KFC bucket remains. He felt the Commission needed to recognize what its reach is and, with an added condition requiring landscaping across the frontage, he could support the request.

Commissioner Engler stated that the enhanced landscaping was a nice gesture, but he was still "hung up" on the *special privilege* issue.

Commissioner Mehranian agreed that the proposed sign represents an improvement, but stated that she preferred not to be associated with it.

As a former member of the Design Review Board, Chairman Levine was opposed to any can sign, which he felt the monument sign represented. He stated, "it is a

metal can sign with stucco". He stated it would be a tremendous improvement if the submittal were redesigned.

Planner Cantrell objected to the characterization of the submittal as a can sign, which he stated was clearly not the case.

Chairman Levine allowed the sign representative to address the Commission.

Ms. Casey advised that the design and material of the sign is negotiable --- only the proposed size is before the Commission.

Commissioner Brown inquired if the cabinet could be made of wood. He asked if the Commission could agree on a size and refer the material, hopefully a more rustic appearance, to the Design Commission.

Chairman Levine stated he was looking for something in the line of the river rock bus stop across the street.

Planner Cantrell noted that Staff would typically be in favor of such a suggestion, but the sign needs to relate to the building --- river rock would be alien to the building. He felt that a more neutral sign would be more appropriate.

Commissioner Brown remarked that it seemed the Design Commission made its decision on the Big Lots sign based on incorrect information. He suggested that the Planning Commission provide the Design Commission with an envelope insofar as size is concerned. The applicant could then either proceed with 4-ft-high letters or return to the Design Commission for something slightly larger.

Attorney Steres recommended casting separate votes for the two signs.

Commissioner Brown made a motion to approve the request at a maximum size that would span the posts and not exceed 25' 2" in height, letter height of approximately 4' 3" in height, remove the trash receptacle and the old Pic

'N' Save sign and expand the new landscaping across the property frontage.

Planner Cantrell advised there would be a design problem if the motion would only allow sign width to match the width between the posts; he anticipated that the Design Commission would deny such a recommendation. He encouraged maintaining letter height at 4 ft or expand sign width somewhere beyond the posts – he was unsure what that would translate to in terms of letter height.

Commissioner Brown was concerned that the photos were not precise.

Director Stanley suggested allowing the Design Commission to determine what size is appropriate. Planner Cantrell observed that the Commission could rest assured knowing that the Design Commission found 5-ft-high letters to be excessive.

Commissioner Brown amended his motion to approve letter height at 4 feet and not to exceed 4' 6".

Commissioner Engler stated that the requested height is right for the size of the building but he would not support the request as he believed the Ordinance needs to be revised with regard to allowed bonus for distance from the Boulevard.

Planner Cantrell pointed out that the distance of the signage from the street is 224 ft , only 10% above the bonus cap.

Attorney Steres advised that it was not merely a factor of distance --- if this were a much smaller building, Staff would not be recommending 4-ft-high letters.

Commissioner Gelhaar seconded the motion.
Dissenting: Engler, Mehranian and Levine.

Following further discussion, Chairman Levine made the following motion: to include the same language as Commissioner Brown's motion, but leaving the letter height at 4 ft.

Commissioner Brown reminded his colleagues that the Design Commission's approval was based on an incorrect depiction. 4 Ayes: No: Engler

Monument sign: M/S Gelhaar/Brown to approve Variance 02-05 with a comment that the sign is not to exceed 9 x 12, that the KFC bucket and pole are to be removed and that landscaping be added at the base.

Commissioner Brown confirmed that the Big Lots monument sign is not subject to Planning Commission review; he felt they should correspond to each other.

Chairman Levine agreed.

Ms. Casey stated that her client was willing to change the design if they would allow the extra size.

Commissioner Brown agreed to maintain the existing sign face, but with a wooden frame as requested by Chairman Levine.

Chairman Levine made a motion to approve the monument sign at a maximum height of 84", exclusive of base and frame, with a wood frame and using the concept of river rock, externally lit, landscaping at the base and subject to review by the Design Commission. Stucco is not to be used on the sign.

Director Stanley confirmed that the motion included maintaining the sign area, removal of the bucket and its pole, a wood frame, landscaping and voluntary approval that the two monument signs be similar in appearance.

PUBLIC MEETING:

Second: Mehranian. 4 Ayes; No: Engler.

**RECONSIDERATION
OF DECORATIVE
FENCE 02-08; ZARRABI;
4945 GOULD AVE.:**

Planning Aide Shimazu recalled that the Commission decided to allow reconsideration of its conditional approval for a decorative fence. Specifically, the applicant requests clarification from which grade the wall should be measured for the allowed height of 6 ft. The property owner also requests the Commission to consider allowing replacement of the wooden fence in the identical location,

(within the right-of-way), as suggested by the Director of Public Works.

Further, Staff request clarification from the Commission as to what constitutes "build up" against the wall, since there is none. The current height of the wall is 6 ft above finished grade as verified by staff. Also requested is clarification regarding *finished grade*, since landscaping is underway.

Right-of-way issues: The Commission required removal of the wooden fence or its replacement behind the front property line (and out of the right-of-way), that complies with the Decorative Fence Ordinance. Planning Aide Shimazu noted that the Ordinance prohibits any fence over 42" in height to be composed of materials or constructed in a manner that results in visual obstruction. The applicants contend that an open fence would eliminate their privacy, given their corner location. Since there were concerns raised at the last hearing regarding the dilapidated appearance of the wood fence, the applicants offered to construct a new, solid wood fence in the same location. They also applied to the Public Works Commission to continue the 6-ft encroachment.

A memo from the Director of Public Works set forth the position of the Public Works Commission that had the encroachment consisted of a wood fence, there would be no need to vacate the public right-of-way---the concern was with the more permanent nature, and more difficult to remove, masonry wall. Further, requiring removal of the existing wood fence along Knight Way at this time would result in a slope within the right-of-way proximate to a school. The slope would require City maintenance and perhaps installation of a fence as a safety measure.

Staff's recommendation was that the Commission rescind the condition requiring removal of the boundary fence and allow its extension into the public right-of-way and to provide clarification as requested.

Responding to a question from Chairman Levine, Director Stanley advised that it is customary to measure height from the lowest point at finished grade. *Finished grade* cannot be determined until the landscaping is complete.

Applicant, Nooshin Zarrabi, read a prepared statement. She advised that the gate and wall had been lowered to 6 ft or lower under the supervision of the Planning Department. She accepted the recommendations of the Director of Public Works.

Chairman Levine invited comments.

Judith Heinz, 4937 Gould Avenue, stated that she agreed in substance with the previous Planning Commission decision. Her understanding was that to comply with building requirements, neither side of the wall could exceed 6 ft in height. Ms. Heinz stated that the applicants benefited from their decision to have Knight Way as the 'front' yard and Gould as the side yard. She stated that a 6-ft-high solid fence along Knight Way violates planning setbacks and encroaches into the right-of-way and a part-stucco, part-wood fence was out of character with the neighborhood and would reduce property values. Ms. Heinz added that she recognized the concerns of privacy, but other property owners in the area have the same concerns and she doubted that the Commission was contemplating allowing them to construct 6-ft-high fences or to enclose their yard. She felt that a viable option was to plant hedges.

Robert Reilly, 4937 Gould Avenue, reiterated the development advantages conferred when the applicant chose Knight Way as frontage. He expressed concern that drivers of large vehicles backing out of the site would have difficulty seeing small children crossing the street.

Walter Doehler, 510 Knight Way, stated that eliminating the right-of-way encroachment would be an improvement and relocating the fence back 5 ft would enhance views at the corner.

Mrs. Zarrabi responded to comments and stated that she did not create the slope and would never have knowingly built the wall in the right-of-way.

Commissioner Mehranian's recall was that the prior approval was to replace the wooden fence and allow it to remain in its current location.

Commissioner Engler stated that he changed his thinking after reading comments from Public Works. He made a site visit and believes that the slope has changed somewhat --- he felt the City should take another look at it. He asked that Public Works consider installing a rail from the stucco wall to the corner and perhaps add asphalt, and allow children to cross the street. Commissioner Engler felt that the wood fence should remain in its current location to protect schoolchildren. Addressing the 6-ft-high stucco wall, he felt it should be measured from the low datum point and stated that it is 6' 10" from the lot point now. He further advised that the pilasters are spaced at 14' 2", rather than 15' as required by the Decorative Fence Ordinance.

Planning Aide Shimazu advised that the spacing was approved by Staff after contacting the neighbors.

Commissioner Brown stated he had not changed his opinion; the only change is that we now know Public Works did not require removal of the wood fence from the right-of-way. He confirmed that the City does not intend to widen Knight Way, so whatever the Planning Commission requires would not shorten the driveway. He supported replacing the wood fence, he was not concerned with the interior wall height, but felt there should be 6 ft of wall height as viewed from the street. He understood that the applicant was agreeable to leaving the Gould frontage completely open (not even a 42-inch-high wall); if that was correct, he suggested adding another condition.

Commissioner Gelhaar felt the City has frustrated the applicant by "making them jump through hoops". He advised that the applicant has cooperated with Mr. Doehler, the neighbor to the rear, allowing him to erect a 9-ft-high fence (a 3-ft retaining wall, topped with a 6-ft-high wood fence) within their setback to mitigate the applicants' new second floor. He stated that removing the chain link fence, which extended towards Gould, makes for a much safer situation and looks better. He supported removing the section of wall per Public Works and replacing it with wood, replacing the existing wood fence with another wood fence and allowing the wall where it is and at the height it is.

Chairman Levine confirmed that the 5-ft wooden fence along Knight way would be replaced with one of the same height and material.

M/S/C Brown/Gelhaar amending the prior approval for Decorative Fence 02-28, to replace the existing wood fence in the same location and of similar materials as approved by Public Works; removal and replacement of the portion of the stucco wall that encroaches into the right-of-way with a matching wood fence; and, with the consent of the applicant, an added condition precluding any walls of any height would be built along Gould to Knight and extend to the subject wall.

4 Ayes; No: Engler.

Chairman Levine confirmed that a resolution would be prepared for the October 22nd meeting and that the appeal period would commence from that date.

OTHER BUSINESS:

Determination of Family Counseling as a conditionally permitted use in the Public/Semi-Public Zone:

Director Stanley reported of having received an inquiry from Church of The Lighted window regarding use of the separate building on Verdugo Boulevard, formerly occupied by Jake's Karate Studio. Code specifies that the Planning Commission may determine that a use is comparable to those which are specifically called out as conditionally permitted.

"Churches ... including customary incidental educational and social activities..." are conditionally permitted uses. Staff determined that family counseling is similar to services commonly available on church property and is similar to educational support. Staff's recommendation was for the Commission to consider Family Counseling as a conditionally permitted use in the Public/Semi-Public Zone and subject to the conditional use permit process.

Chairman Levine confirmed that the Commission's decision would apply for any property zoned Public/Semi-Public.

M/S/C Brown/Gelhaar finding that family counseling services are comparable to other uses that are allowed in the Public/Semi-Public Zone. 4 ayes; No: Levine.

**COMMENTS FROM
THE COMMISSIONERS:**

Commissioner Gelhaar asked for his colleagues' thoughts regarding the City of Carmel's standards for story poles. He suggested adding language as to when they could be erected and when they should be removed.

The Commission concurred that it would be worthwhile to discuss.

**COMMENTS FROM
THE DIRECTOR:**

Comments were not offered.

ADJOURNMENT:

M/S/C Mehranian/Gelhaar to adjourn at 9:15 p.m.
Unanimous.

Secretary to the Planning Commission