

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE,
HELD OCTOBER 22, 2002**

CALL TO ORDER: Chairman Levine called the meeting to order at 6:00 pm

ROLL: Present were Commissioners Brown, Engler, Gelhaar and Mehranian. 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: Al Rudisell, 4610 Commonwealth Avenue, reported that La Cañada Properties had begun erecting signage on the Sport Chalet office building site. He questioned if this was premature and if the signs were permitted.

CONSENT CALENDAR: Minutes were not submitted.
Minutes of 9/24/02

**Resolution 02-59; Zarrabi;
4945 Gould Ave.:** M/S/C Brown/Gelhaar, adopting Resolution 02-59, approving Decorative Fence 02-08; Dissenting: Engler.

**Resolution 02-60; So. CA
Conservatory of Music;
245 Berkshire Avenue:** M/S/C Gelhaar/Brown to adopt the Resolution, denying General Plan amendment 02-02 and Zone Change 02-03. 4 Ayes; Dissenting: Gelhaar

**CONTINUED PUBIC
HEARING:**

**GENERAL PLAN
AMENDMENT 01-01;
ZONE CHANGE 01-01;**

Chairman Levine was recused at his request; V ice chair Engler requested Staff's report.

**CONDITIONAL USE
PERMIT 330;
ZENTMYER
PROPERTIES II. LLC/SO
CA EDISON; Southwest
corner of Foothill
Blvd./Indiana Ave.**

Senior Planner Buss recalled that this request was initially heard on September 10th. A continuance was granted, with the Commission directing the applicant to address parking, the potential to extend the equestrian trail loop and downsizing the building. The reviewed plan includes an 880-sf reduction in floor area and an associated reduction in parking spaces; there would be no parking south of the first tower. Senior Planner Buss reported that the trail issue was not resolved and that Edison and the PUC might have comments.

Vehicles and equestrians would access the site from Indiana Street; there is no direct access from Foothill. The applicant was prepared to present a revised façade depicting a single-story building, fronting Foothill, setback 11 ft and ranging in height from 14 ft to 21 ft. The massing would be broken to meet Code in terms of wall length and height. Once that is accomplished, the project will comply with Code. An elevator and stairway are located at the rear of the building (the low datum point) and lead patients upward to the floor level of the building. Parking was reduced from 57 spaces to 22 (a surplus of 2 spaces, given the proposed use and floor area).

Commissioner Mehranian recalled that last time, Commissioner Engler brought up the issue of safety with regard to the high voltage wires. She asked if Staff felt it was appropriately addressed.

Senior Planner Buss advised that the issue had been addressed in the Negative Declaration. He noted that the top of the building is quite a distance from the wires. Further, there is no overwhelming evidence regarding negative effects of electromagnetic field (EMFs).

Applicant, Gary Zentmyer, reaffirmed that he would cooperate with efforts to complete the equestrian loop; there is ample room on the site to accommodate that. Regarding EMFs, he advised that So. CA Edison (which is liable to its employees), has done long-range studies; there is no statistical information regarding harmful effects. He explained that the project represents a 100%, long-term lease medical building for Descanso Pediatric Group. Following the initial meeting and further discussions with Descanso Pediatric, the floor area was reduced nearly 900-sf. He questioned the property's Open Space zoning and pointed out that it is comprised of utility towers and rusty chain link fencing.

Cathy Smith reported that she has been a pediatric physician at Descanso Medical for over 20 years. They are simply running out of room and desire a state-of-the-art facility in which to practice and to hire more physicians. She stated that the building would be an

asset to the area and that all literature she has read confirms there is no impact from power lines.

Vice Chairman Engler confirmed that Mr. Zentmyer's contract is a land-lease agreement and if the City wished to enter into a similar agreement with him, the same conditions would apply.

Commissioner Gelhaar asked if the parking lot would be available to the public during non-business hours.

Mr. Zentmyer responded that would depend on authorization from his tenant. He recalled that his original submittal included additional parking for day use, but the idea was not favorably received.

Scott Sayre, project architect with McClellan Hunter Architects, discussed possible locations for the trail; he thought that it would work well on the site. He reiterated that the project involved only the front portion of the property and it would present a low profile from the Boulevard.

Responding to a question from Commissioner Brown, he confirmed that parking met Code for the proposed use. He stated that he would be delighted to add more parking, but Edison will not allow anything, including parking, within 50 ft of the utility poles

Commissioner Brown noted that the 55-year lease with Edison is for the property as a whole. He asked if there had been any discussion with Edison in the event the City wanted rights for a horse trail.

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Mr. Zentmyer advised that rather than hold discussions, Edison asks that proposals be noted on a site plan, which is then forwarded to their Facilities department. He summarized his comments, stating that it is a 'good' project with less than 7% lot coverage.

Vice Chair Engler opened the public hearing.

Marjorie Cates, a resident of Indiana Avenue, stated she was "thrilled" with the plan, which serves nearby

property owners' objectives and preserves the neighborhood's open space.

David Esterkus, 4455 Rockland Place, supported the project.

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

Commissioner Mehranian expressed appreciation for the reduction of building size and did not doubt it would serve the community, but she had a fundamental problem "with rezoning Open Space for a building. If we're creative and go back to the drawing board, maybe some day we can make it open space".

Commissioner Brown observed that the Foothill Boulevard Master Plan supports filling-in the gap. He stated that Mr. Zentmyer is aware of the village character that the Commission is moving towards and was dismayed that 'true' elevations were not submitted for the revised project. Similarly, he preferred to at least review a conceptual plan for the horse trail and saw no reason to rezone the portion of property that was not being developed. He stated that, rather than open space, the site presented "dirt" along Foothill; some day, it might contain a landscaped area with benches for the trail that could work with the building. He felt the project was the correct way to go, but preferred that the refinements be worked out before ultimate approval.

Commissioner Gelhaar questioned the open space zoning and noted that the site is "dirty, dusty and ugly". He felt the project was practical and stated he would like to see final elevations and parking available to the public during non-business hours.

Vice Chair Engler commented that the City recently concluded negotiations to rezone Rockridge Terrace as open space. He stated that if the subject site is an eyesore, "it's because nothing's been done". He was concerned that rezoning the site would set a precedent and stated "conventional wisdom dictates that you don't build under power lines". He did not believe this was the right time to give up open space.

Director Stanley addressed comments regarding building elevations and noted that the project would be reviewed by the Design Commission for building articulation, adding that its appearance could potentially change.

Commissioner Brown recognized that, but felt the other components should be worked out before the Commission considered voting.

Director Stanley advised that the Commission could continue the matter pending an agreement between the applicant and Edison or, it could approve the project and include such a condition. He suggested the former. Regarding comments for green space, he advised that a citywide park analysis for the City Council determined that the subject site would not accommodate an active park or a ballfield; a pocket park might be more feasible. He pointed out that the site is located within a commercial area with a freeway to the rear.

Senior Planner Buss observed that the General Plan's designation for this area is "commercial" and states that the site should continue that use.

Commissioner Brown commented it appeared there would be a 2-2 split vote. He preferred that a 'complete package' go before the City Council on appeal and therefore, opted for a continuance.

Commissioner Mehranian commented that perhaps there could be an agreement of some type of hybrid open space.

Vice Chair Engler asked Mr. Zentmyer if he would accept a continuance.

Mr. Zentmyer responded that he was leaning towards accepting a split vote and appealing to the City Council. He and his tenant have time constraints with regard to existing leases and options. He reiterated the difficulty and time consuming efforts in dealing with Caltrans and Edison.

Commissioner Brown stated that he would not approve the request without a trail component and with plans indicating what it would look like and when it would happen. He noted that the initial plan was to install a parking lot with walls and lights that would not produce revenue. He was suggesting to replace that component with an improved green space that would primarily be associated with the Trail.

Director Stanley commented that a condition could be added that precludes issuance of building permits until a pocket park and trail element is approved by the Parks and Recreation Commission and which is supported by Edison.

Assistant City Attorney Steres questioned the appropriateness of referring to the green space as a "park", since that connotes a public-owned facility. What is under discussion is an enhanced, landscaped area.

Commissioner Mehranian cautioned that returning with a detailed landscape plan that includes a trail would not assure her support.

Director Stanley asked if adding more landscaping would be getting closer to what she was looking for.

Commissioner Mehranian stated that it was an urban design issue for her; "it has a lot to do with how creative they get and what kind of overall impact it has from a planning perspective".

Commissioner Gelhaar stated that the reality is that the neighbors are willing to accept the plan as proposed.

Mr. Zentmyer advised that he could return with a schematic drawing, but it might be subject to Parks & Recreation and certainly to Edison.

Following discussion, the Commission decided to continue the matter to a date uncertain and to discuss the possibility of holding a special meeting later in the evening.

M/S/C Gelhaar/Brown to continue General Plan Amendment 01-01, Zone Change 01-01 and Conditional Use permit 330 to a date uncertain. 4 Ayes.

Chairman Levine returned to the table.

CONTINUED PUBLIC MEETING:

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

Assistant Planner Gjolme reported that this matter had been before the Commission on two prior occasions. The project involves a first-floor expansion and a new second floor.

The applicant voluntarily revised the project to address concerns of viewed bulk by eliminating 415-sf of project area to the extent that 5,585-sf of total floor area is now proposed. The second floor was reduced by 515-sf, which resulted in reducing the building depth from 58 ft to 48 ft. The roof pitch was reduced, yielding an overall height of 27 ft (only at a single ridge near the center of the home) and setbacks were increased. Staff provided an expanded survey of are development as requested, which shows that the project is reasonably consistent with the average Staff supported the project and recommended positive findings.

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

Commissioner Gelhaar commended the applicant on the reduced size and for working with his neighbors. He noted that two mature trees serve as further mitigation.

Commissioner Engler observed that the neighbors must certainly have been contacted; otherwise, they would be present as they were initially.

M/S/C Gelhaar/Mehranian to approve Floor Area Review 02-08 as revised and conditioned. Unanimous.

Chairman Levine then determined to hear the Sport Chalet request out of order, based on the number of

people who indicate they wished to speak on the matter.

PUBLIC HEARINGS:

**CONDITIONAL USE
PERMIT 324 (amd); LA
CANADA PROPERTIES;
839 HOUSEMAN ST.:**

Director of Community development Stanley reported the applicant's request for relief from condition #20 of Conditional Use Permit 324. The CUP was approved June 12, 2001 and required the applicant to construct a barrier across Houseman Street, west of the Beulah Drive extension. The condition addressed concerns expressed by neighborhood residents and was also included as a mitigation measure in the Focused Traffic Study for Sport Chalet corporate office building. The Study focused on Beulah Drive, a driveway that would allow access to Marvin Street and traffic along Craig and out to Angeles Crest Highway. It did not review traffic that might flow to Houseman street if there were no barrier. The Commission was referred to the minutes of prior meetings, which cite the applicant's agreement to build, maintain and pay for the barrier in question.

Director Stanley advised that Staff did not find any evidence to suggest deleting the condition as requested, and recommended denial. He noted that if the Commission amended the condition, the traffic study might have to be reviewed. There is currently a temporary fence across Houseman Street; the City issued a Temporary Occupancy Permit with the knowledge that Sport Chalet would be filing this request.

Commissioner Engler asked what validity the City Engineer's report had if there was no associated traffic analysis.

Director Stanley responded that it is the Engineer's professional opinion and based on his experience.

Commissioner Brown asked what the rationale was in wanting to delete the condition.

Director Stanley reported there was unease about emergency vehicle access, though the Fire Department has not expressed a concern; access is available from

Marvin and Beulah Drive. He noted that the barrier would have to be designed as a crash gate.

Chairman Levine asked why Sport chalet was granted a Temporary Occupancy Permit prior to meeting all conditions of approval.

Director Stanley responded that this is frequently done – the city requires a bond in such instances and we have those funds on hand.

Fred Schneider, a member of the Board of Directors and manager of construction activity, advised that additional traffic reported by neighbors along Houseman either construction related or from installing utilities in the street. Those issues are now resolved. He displayed a map showing where the 13 office employees live in the City – 3 of whom would use Houseman Street to get to work. Given that Sport Chalet constructed the extension of Beulah and paid for the bulb-outs, the employees are encouraged to use Beulah. He advised that Map quest directs traffic from Commonwealth to the office building. Mr. Schneider presented a petition with 64 signatures supporting removal of the barrier and read a letter from a neighbor stating that the gate is an inconvenience and precludes a safe route to Paradise Elementary School. He stated that a barrier would present a safety hazard and should not be allowed to permanently block a private road. He concluded by stating that it is impossible to gauge any impacts to Houseman Street unless it is opened.

Chairman Levine inquired why the applicant couldn't "just comply with what was approved"?

Craig Levra, 329 San Juan Way and CEO of Sports Chalet, stated that once opened, Beulah Drive would be used exclusively, as it presents easier access. He stated that they, and others, have every right to use every public road and requested that the Commission rescind the requirement for a traffic barrier across Houseman Street. Mr. Levra advised that the barrier has caused confusion for vendors since opening to the extent that Sport Chalet has requested renaming the unnamed

portion of Houseman Street to 1000 Sport Chalet Drive. He reported that Sport Chalet was making every attempt to be a good neighbor and their website shows how to reach the office from Beulah Drive. In conclusion, Mr. Levra recalled that the Downtown Village Specific Plan's circulation studies call to minimize traffic along foothill Boulevard; while Houseman is not the North Road, it traverses east to west and serves as a defacto North Road and could reduce traffic on Foothill Boulevard.

Jack Attwood, 635 Berkshire Avenue, serves on the Board of Directors and as agent for La Canada Properties. He provided a historical reference of the Day Care Center's approval; neighbors on the east side of Houseman did not want parents to use Houseman to pick up their children from the Center, so Mr. Olbertz constructed "his own road" (a driveway that accessed Marvin Street). Mr. Attwood stated that all residents, including those who reside west of Beulah, have historically used Houseman. Mr. Attwood advised that he chose not to object to condition #20 earlier out of concern that it would delay the project. He provided a historical overview of the approval granted to Sport Chalet in 1988, which was later rescinded by a new City Council, followed by Sport Chalet's decision that it was time to relocate, followed by City Management assurance that if they stayed in the community, the corporate office project would be fast tracked. "Now that the North Road connects to Houseman, it seems that we ought to start using it and test what the traffic patterns would be before constructing a barrier that might not be needed." He stated that a gate has been designed and they are prepared to install it, but it seemed more practical to test what the traffic would be without it.

Chairman Levine opened the public hearing.

Diane Holloway, 804 Houseman Street, stated that implementation of the North Road should happen after homes in the Island Area are gone. She reported that the barrier creates a cul-de-sac and allows the increased number of small children in the neighborhood to ride their bikes and be safe.

Alan Harris, 4603 Orange Knoll, a 20-year resident of the Island Area, has driveway access off La Porte, opposite Commonwealth. He recalled hosting a neighborhood meeting when Sam Allen was CEO of Sport Chalet. At that meeting, Mr. Allen assured the neighbors there would not be access to the commercial area of Sport Chalet that would pass through a block or more of residential area. He felt Sport Chalet was reneging on that promise. Mr. Harris stated that until Sport Chalet buys all the homes, "they owe it to us to keep it closed."

Alan Rudisell, 4610 Commonwealth, stated that knowing the barrier would remain was a major reason that his family moved to the Island Area. He stated that he understood "it might be short term run, it could be 5 years, 10 years, or 1 year, before major changes will affect the residents." Given Sport Chalet's testimony, he questioned if Sport Chalet ever intended to fulfill its obligation to construct a barrier. He reported that construction of the office building was a major impact to his neighborhood and the source of two petitions to the Public Works and Traffic Commission requesting stop signs and restricted parking. He felt that removing the barrier would allow residents of upper Commonwealth using Houseman as de facto road to the freeway. He asked that the Commission deny the request and at the appropriate time, construct the North Road.

Patty Wynn Hughes, 804 La Porte Drive, stated that if Sport Chalet wanted to be a good neighbor, they would remove the six dumpsters from the street.

Jennifer Rudisell reported of having contacted the Fire Department to determine whether an additional access road would benefit emergency access. She was advised that typically, one substantial access is required and that Beulah Drive meets that purpose. Commonwealth Avenue is only 1-ft wider than the minimum clearance and would not be an emergency responder's first choice. Ms. Rudisell noted the lack of evidence that removing the barrier would alleviate traffic, since the DVSP and the traffic analysis for the office building did not include her neighborhood. She stated that traffic

would be alleviated when the North Road is completed. She felt the Planning Commission included the condition requiring a barrier as a good faith indicator to the neighborhood.

The Commission recessed and reconvened at 8:06 p.m.

Chari Manuel read a prepared statement. She was concerned of having to experience problems that were alleviated when the barrier was installed.

Hugh Lee, 806 Houseman Street, supported Staff's recommendations.

Jay Johnson, 4600 Viro Road, spoke as a taxpayer in the community. He stated that everyone should have access to public streets and sympathized to a degree, with the neighbors wanting a cul-de-sac. He also lives on a heavily used street, as do many residents who would like to have a safe play area for their children. Mr. Johnson considered the barrier as granting a special privilege to this neighborhood that others are not given.

Mr. Levra responded to comments and stated that no one in the room representing Sport Chalet disagreed with Sam Allen commitment or vision made years ago. He advised that Mr. Olberz spent 2 ½ million dollars and countless hours to build a stand-alone commercial project. In 1998, an approval was granted, only to be overturned 30 days later. "The City then elected to spend over half a million dollars of our money to develop a Specific Plan. He asked the neighbors not to blame Sport Chalet for the conundrum "we're all in. Sport Chalet did not ask for the North Road and if anything, opposed it; we believed the North Road is the 210 freeway in La Canada." He stated that Sport Chalet's frustration equaled that of the neighbors - "if we're going to have traffic mitigation on Foothill - where does it start? We had to spend a boatload of money to build all these roads and make them wide enough for emergency vehicles, bulb outs, and all that's been discussed. Sooner or later, someone in the City is going to have to make hard decisions on the future of the Downtown Village Plan, communicate with our residents and decide the future course of action."

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

Chairman Levine commented that the parties should honor the way the project was approved.

Commissioner Brown recognized the emotions on both sides "that go way back," that the area is in transition and the competing interests involved. He stated he was delighted that Sport Chalet was in town, delighted with the corporate office building and for the opportunity for the City to begin development of Specific Plan's Phase II. The record reflects that concerns were raised and the response was "there's going to be a barrier, so don't worry about it," and the concerns were dropped. This isn't a permanent solution and he expressed dislike for barriers in the middle of a road that would otherwise be functional. Commissioner Brown noted that once the extension of Beulah is opened and the City is aware what Caltrans will allow, it needs to be looked at again. Without prejudice, he would allow the applicant to return once there's an opportunity to determine the traffic flow and see what development occurs, but for now, the the applicant needs to comply with the agreement made.

Commissioner Mehranian agreed that it might not be the best decision to have a barrier in the street, but the decision was made in context. This is a phase of many that will evolve and at this point, she supported Staff's decision.

Commissioner Engler stated that he did not hear any compelling evidence that would sway him to repeal the condition. He agreed with Mr. Levra that "the City has to step up to the plate" and look at the infrastructure of the entire City "or it's never going to happen - it can't be borne on the back of the developer's."

Commissioner Gelhaar commented on the wisdom of the Public Works and Traffic Commission which did not want to make a decision until it could determine the impacts of the building and the traffic circulation. He suggested that his colleagues take the same approach. He made a motion requiring a 6-month traffic study,

paid by Sport Chalet, with and without the barrier, followed by installation of right-turn-only and left-turn-only signs to force traffic down Beulah. Each phase would include traffic counts. After all that information is available, have the applicant return to the planning Commission for a final decision on the barrier. The motion died for lack of a second.

M/S/C Levine/Mehranian to deny the requested amendment to Conditional Use Permit 324. 4 Ayes. Dissenting: Gelhaar.

**CONDITIONAL USE
PERMIT 353
DEL GUERCIO; 4359
WOODLEIGH LANE:**

Assistant Planner Gjolme described the applicant's request to allow a first floor addition that would include a second kitchen, which qualifies as an attached Accessory Living Quarters Unit (ALQ). Total proposed sq footage is 950-sf, out of which, 682-sf would comprise the ALQ. The 23,510-sf property is a corner lot, located at the southwest corner of Georgian Road and Woodleigh Lane, in the R-1-20,000 Zone.

The focus of the request, the second kitchen, would be oriented toward the interior of the lot and located at the southeast corner of two bedrooms that will be converted into an ALQ area. The Unit would appear as a linear extension of the home and would not be seen because of its orientation and mature screening along Georgian Road. Staff recommended positive findings and project approval as conditioned, including construction vehicles to park on site to the extent possible.

Responding to a question from Commissioner Mehranian, Assistant Planner Gjolme advised that the entire project is code compliant – the sole issue before the Commission the second kitchen, which must be addressed as an ALQ unit.

The Commissioners had no questions for the applicant.

Charman Levine opened the public hearing; comments were not offered and the public hearing was closed.

M/S/C Gelhaar/Mehranian to approve Conditional Use Permit 353 as conditioned. Unanimous.

**MODIFICATION 02-64
LA BRUNA; 615
BERKSHIRE AVE.:**

Director Stanley provided an historical reference for the Commissioners of the last two meetings: On September 10th, a continued revocation/modification hearing addressed removal of mesh screening fabric attached to the wrought iron fence along Woodleigh and a hedge height identical to the height of the wrought iron fence. On September 24th, the applicant requested reconsideration of the modified conditions and offered a reciprocal agreement to revise the landscape and fencing plan along Berkshire by reducing the number of pilasters from 14 to 8, eliminating a planter wall and restricting landscape height to 18 inches, in exchange for permission to maintain the mesh screening on the wrought iron fence.

Director Stanley stated that the applicant's proposal would create a greater openness and more visual accessibility to the house from Berkshire. It would also eliminate 3 pilasters along Woodleigh Lane, resulting in 32-ft spacing, consistent with the revisions along Berkshire. Staff continued to recommend that the mesh screening be allowed along Woodleigh; so long as the hedge is maintained, it would visually buffer any view of the fabric mesh screening. A "before and after" site plan was included in the Commissioners' packets, depicting preservation of trees, lawn area and an elevation of the wrought iron fence shows how the shrubs would range in height equal to the height of the fence.

Applicant, Angelo La Bruna, stated that the revised plans were a good-faith effort of his willingness to work with the commission. He felt the revisions represented a win-win- situation for the Commission, the community and safety of the children.

Commissioner Gelhaar had two comments: he noted the reference to the batting cage on the lighting spec sheet and requested that Mr. La Bruna explain the safety issue.

Director Stanley confirmed that Mr. La Bruna had submitted an application for lights on the batting cage and it is a pending item.

Concerned with children running into the wrought iron fence and putting their hands through the fence, possible breaking an arm. Typically, on a field like this, there is a chain link, where you can throw your shoulder against it. Further a solid contrast is needed to pick up the ball when it's coming towards you; a solid wind screen makes it easier to pick up.

Commissioner Gelhaar asked why anyone would run into the fence, since batting is not allowed on the field.

Mr. La Bruna responded that there are no games or batting, but there is infield practice and "we do hit pop fly's to them; so if a ball tails off to the side, they're going back with their hand looking for the fence." He advised Commissioner Gelhaar that the adults hit pop fly's with a fungo bat, so they are controlled hits, however, it is possible that the balls could go over the fence.

Chairman Levine did not recall the specific conditions, but he was unsure if adults hitting pop fly's was permitted.

Director Stanley reviewed the conditions and advised that games are hard ball pitching were prohibited. There was no mention made regarding hitting practice pop fly's.

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

Commissioner Engler stated that he never had a big problem with the mesh. He drove by the site and noted that the Carolina Cherry hedge will soon cover the entire fence, if they haven't already done so. He expressed appreciation for the openness being proposed along Berkshire Avenue, stating that he was "doing the right thing"; he could support the revisions.

Commissioner Mehranian stated that she appreciated the plan and the efforts put forth; she supported allowing the mesh because of the safety issue.

Commissioner Gelhaar stated "the safety issue is as bogus as could possibly be", there's probably 99% of people in this town who learned to play baseball without a green background mesh screen." He advised the applicant that he shouldn't be having kids run into that fence; "the whole purpose of telling you not to allow pitching was to prevent balls from going over that fence." He stated that the Decorative Fence as originally approved is fine, and in no way would he agree to leave the mesh screening up. He stated that it would be years, if ever, that the bottom portion of the mesh screening would be covered.

Commissioner Brown noted that by Code, Woodleigh is a 'front yard' and Code prohibits solid walls or fences within front yards. He recalled originally suggesting "if we're going to treat it is a side yard, let him put in a good looking wall", but that suggestion was voted down. He stated that we now have a fancy construction fence; we've gone from chain link with green mesh to wrought iron with green mesh. He stated that it looks "tacky and inappropriate in that area; we may have created the problem by not allowing something solid in the first place". He concurred with Commissioner Gelhaar that safety is not the issue but rather about creating a solid wall "because we wouldn't allow a regular solid wall we now have this construction fence." He asked how the Commission could handle the next resident from the Flintridge area who requests a green mesh fence along the street. He stated that her supported the 'diamond', the project and stated that the proposal for the front yard represented a big improvement and coincides with what the Commission is trying to achieve, but he couldn't support the request because of the mesh.

Chairman Levine expressed appreciation for what the applicant had submitted, but he could not support it because of the mesh.

Director Stanley commented that given how the majority was leaning, the landscape plan along Berkshire would revert to the original plan i.e., a planter, wrought iron and pilasters and the condition restricting the hedge height along Woodleigh would remain.

Responding to a question from Commissioner Mehranian, Director Stanley stated that in exchange to be allowed to maintain the mesh screening, Mr. La Bruna has offered to remove a number of pilasters, remove the wall planter and provide a more open look along Berkshire.

Discussion followed whether the Commission could vote on the resolution that was before it before reconsideration was granted.

Attorney Steres advised that the Commission's vote to reconsider wiped out its prior action. The revisions in front of the Commission represent a new package. He explained that a piece-meal approval would not be accepted by the applicant and he would simply pursue his pending appeal for the mesh and hedge height to the City Council. M/S/C Gelhaar/Brown to deny Modification 01-34. 3 Ayes; dissenting: Engler and Mehranian.

PUBLIC MEETINGS:

**FLOOR REA REVIEW
02-12; MODIFICATION
02-34; LYNCH;
4723 ALMINAR AVE.**

Assistant Planner Gjolme reported the applicants' request to legalize a residential addition and an addition to a detached garage which were constructed without permits and are considered illegal and non-conforming.

The request consist of the following:

- an existing 332-sf addition to the rear of a detached garage that encroaches 4'-9" into the south side setback and 14 ft into the rear setback;

- an existing 624-sf residential expansion that encroaches 9" into the required north side yard but maintain the setback established by the home.

Floor Area review is also required since total sq footage would exceed the maximum allowed for the lot by 124 sf.

The project site is located on the west side of Alminar, between Baptiste Way and Daleridge Road, in the R-1-7,500 zone. It is 7,800-sf in area and is 57 ft wide.

Staff did not consider the residential additions (both illegal and proposed) as problematic, given their single-story profile, placement to the rear of the home, and consistency with the legal 5-ft setback established by the front half of the house.

The garage was legally constructed with a 1-ft south side setback; the illegal addition maintains that building line but also introduces a 1-ft rear yard setback. Though the rear portion of the lot is visually buffered with trees and landscaping, a 6-ft-high fence and separation is provided by the horse trail; the magnitude of a 14-ft encroachment seems extreme. Staff felt a reasonable compromise would involve removal of 4 ft from the storage room to provide a 5-ft rear setback as required for detached garages. This would yield a total area of 2,850 sf, which translates to an FAR of 37%, just over the 36% maximum allowed for the lot.

Staff recommends project approval, with a condition requiring partial demolition of the room to the rear of the garage and recordation of a covenant that limits use of the storage room to non-habitable uses only.

Commissioner Gelhaar confirmed that the storage room requires a 15-ft, rear setback and that the Commission was not determining whether the addition met the building code.

Mary Whitcomb, project architect, explained that the project represented essential living space for the family. His client purchased the home as is and the non-permitted additions have existed for over 20 years. Since there are no permit records, it is unknown when or how the garage was constructed. His client prefers to leave the garage and storages area 'as is' and offered to cap the chimney and perhaps "do something" with the French doors. Mr. Whitcomb pointed out that many homes in the area have similar or greater encroachments.

Co-applicant, Tom Lynch, advised of having purchased his home in 1999; the encroachments have been there for 20-25 years. He understood the need for Building & Safety check and review. He requested to be allowed to maintain the 4 feet of the room behind the garage, which Staff recommended be demolished.

Sandy Lynch advised that requirement removal of part of the structure would impact dollars they intended to spend for front facade improvements.

Chairman Levine invited testimony from the audience, however no one wished to speak.

Commissioner Gelhaar expressed concern with the excess sq. footage. His solution was to remove the entire storage area that is attached to the garage so that it met the 15-ft setback requirement.

Commissioner Brown observed that the addition at the rear does not interfere with the grill, but the requested new sq. footage would crowd the area. He noted that removing the wooden temporary units along the driveway would help the situation.

Mr. Lynch commented that those, also, have been there for 20 years. He agreed to remove them, noting that he stores bikes, a lawnmower, etc. there and he would need replacement storage area.

Commissioner Mehranian made a motion to approve Floor Area Review 02-12 and Modification 02-34 as conditioned, removing the rear portion behind the garage and to remove the two wooden storage units. The motion died for lack of a second.

Commissioner Brown made a motion to delete draft condition No. 13 that required removal of the westerly 4 ft of the storage room to the rear of the garage and adding a condition that the 2 wooden storage units and any other units along the driveway, be removed. The motion died for lack of a second.

M/S/C Gelhaar/Engler to approve Floor Area Review 02-12 and Modification 02-34, modifying condition #13

requiring removal of the entire storage structure behind the garage as well as the two storage units in the driveway. 3 Ayes; Dissenting: Brown and Mehranian.

Director Stanley advised that the applicant will be required to go through an after-the-fact permit process and must comply with current Code.

Commissioner Engler encouraged the applicant to research Country records to determine whether permits were issued.

Chairman Levine advised the applicant of the appeal process.

**MODIFICATION 02-52;
PATEL;
4736 HILLARD AVE.:**

Assistant Planner Gjolme reported the applicant's request to legalize over-height fencing, driveway gates and pilasters that were installed without City approval.

The project site is located on the east side of Hillard Avenue, just south of its intersection with Lila Lane, in the R-1-20,000 Zone. The 21,543-sf lot is developed with a 3,500-sf, single story home and a circular driveway.

The modification would allow four, seven-ft-high pilasters, with light fixtures and two driveway gates approximately 7 ft. in height. Assistant Planner Gjolme noted that the request includes approval for five-ft-high wrought iron fencing – the Decorative Fence Ordinance open fencing up to six ft in height with approval. The entire project is out of the public right-of-way and on private property. He noted that code-compliant structures would provide adequate privacy and entry definition; Staff could not find a compelling justification to allow the over height fixtures.

Applicant, Ganesh Patel, apologized and stated that he was unaware of the need for Commission approval. He advised that proposed landscaping would mitigate the height and reported that “up and down Hillard, the majority of fences are in the public-right-of-way.” His neighbor's property accommodates 7' 6"-high pilasters and 100 ft. away, there is an 8-ft-high gate.

There were no comments from the Commissioners.

Commissioner Engler found the project difficult to approve.

The Commissioners concurred that it should be brought into compliance with Code.

M/S/C Gelhaar/Mehranian to deny the request and to adopt the draft Resolution as conditioned. Unanimous.

Chairman Levine provided the applicant information regarding his right to appeal to the City Council.

OTHER BUSINESS

Tree Removal 02-41;
Lundgren; 5074 Walmar
Avenue:

Director Stanley reported that Mrs. Lundgen had submitted a letter requesting a continuance as her husband was out of the country.

M/S/C Brown/Engler to continue Tree removal 02-41 to a date uncertain. Unanimous.

COMMENTS FROM THE COMMISSIONERS:

Commissioner Engler requested that Staff agendize Commissioner Gelhaar's request to enact requirements for story poles similar to the City of Carmel as a policy.

Commissioner Brown requested Staff to investigate the height of pilasters at 425 Woodfield Road and 4257 Chula Senda, a project long completed, maintains pallets of brick, roofing materials, etc., along the horse trail.

Commissioner Gelhaar asked if there was a news regarding a retail component for Sport Chalet and asked how long we should allow the poor maintenance of rental homes owned by Sport Chalet to continue. He also inquired about the outdoor displays at sport Rentals.

Commissioner Engler asked Staff to check to height of pilasters and lights at 4040 Stratford.

Chairman Levine advised that Trader Joe's continually displays palettes near the trash bin areas.

**COMMENTS FROM
THE DIRECTOR:**

Director Stanley requested the Commissioners if there was any interest in holding a special meeting for the Zentmyer project. A discussion followed, without setting a date.

ADJOURNMENT:

M/S/C Mehranian/Gelhaar to adjourn at 9:45 a.m.
Unanimous.

Secretary to the Planning Commission