

**A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE,
HELD OCTOBER 23, 2001**

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

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

COMMENTS FROM THE PUBLIC: Comments were not offered.

CONSENT CALENDAR:
Resolution 01-57; Chang;
1115 Fairview Drive: M/S/C Brown/Gelhaar to adopt Resolution 01-57, denying floor Area Review 01-02 and Building Depth Review 01-03 and Front Garage Review 01-01. 2 Ayes. Abstain: Levine.

Minutes of 9/25/01: M/S/C Gelhaar/Brown to adopt the minutes of September 25th, with corrections as provided earlier by Commissioner Brown. 3 Ayes.

Minutes of 10/9/01: Commissioner Engler arrived at this point.

M/S/C Brown/Engler to adopt the minutes of October 9th with corrections as provided earlier by Commissioner Brown. 2 Ayes. Abstain: Levine and Gelhaar.

CONTINUED PUBLIC HEARING:

HILLSIDE DEVELOPMENT PERMIT 00-08; MODIFICATION 00-62; MARKIS;
2201 CANALDA DRIVE: Chairman Levine announced that the applicant had requested a continuance to an unspecified date and confirmed that there was no one in the audience who wished to speak on this item.

M/S/C Brown/Gelhaar to continue Hillside Development Permit 00-08 and Modification 00-62 to a date uncertain. Unanimous.

PUBLIC HEARINGS:

**CONDITIONAL USE
PERMITS 328 AND 329;
MODIFICATION 01-52;
BUILDING DEPTH
REVIEW 01-09;
BRISBOIS; 718
HILLCREST AVE.:**

Planner Cantrell described the applicants' request to construct a new home that would exceed the City's 10,000 sf threshold and a detached, 976-sf Accessory Living Quarters unit (ALQ). Each request requires a Conditional Use Permit. The project also triggers Building Depth Review for the depth of the second story, which exceeds 60 ft along its east/west axis. A Setback Modification is also requested for a front yard setback encroachment.

The 51,225-sf project site is located at the southwest corner of Hillcrest Avenue and Alta Vista in the R-1-40,000 Zone. The property is just below the threshold that would qualify it as a hillside lot and, based on the City's definition of *hairpin lot*, both street frontages are considered as street frontage for the purposes of establishing setbacks, requiring a 37-ft setback on both streets.

The design places the house nearly within the center of the site in a North/South direction, with a 78-ft setback on Hillcrest and a 75-ft setback to the adjacent property to the south. The house would face Hillcrest, accessed via a new semicircular driveway off Hillcrest. The existing access off Alta Vista would be discontinued. The 31' 6"-high, Georgian Colonial designed home and attached 4-car garage, presents formal symmetry with considerable detail throughout the elevations. Pad elevation would be similar to that of the existing residence at 111 feet.

The guest house would be sited adjacent to the home's garage. It is set back an equivalent distance from Hillcrest as the adjacent guest house to the west, and separated from it by more than 30 ft. A separate two-car garage would immediately abut the ALQ. At 976-sf in area, the ALQ approaches the 1,000-sf code limit for this parcel; it accommodates two bedrooms, two bathrooms and a living room. Its main living area is oriented to the subject property's backyard and one of the bathrooms can be accessed from outside. Planner Cantrell stated that this ties in with use of the back yard, particularly with the planned installation of a pool. A

cribwall is shown along its west side and a retaining wall along the south side.

Planner Cantrell pointed out the detailed landscape plan, which shows large and abundant new tree plantings and which Staff felt mitigated the number of trees proposed for removal. Given the amount of grading that would occur, the draft conditions call out specifics for tree protection.

Planner Cantrell then summarized Staff's conclusions that the size of the proposed house, located in an estate area, is in scale with its surroundings, that the ALQ, located in the back corner of the site would be removed from any sensitive interface with neighboring properties; and though the second-floor depth is extensive, it is set back approximately 75 feet from the Alta Vista property line and is screened by landscaping. Addressing the front yard encroachment that results from the property's classification of a *hairpin lot*, Staff noted the lack of any property characteristic that would warrant applying front yard setback requirements on what is actually a side street, and determined that 30 ft was generous and appropriate.

Responding to a question from Chairman Levine, Planner Cantrell explained a comment in the Staff report regarding shortening the depth of the second story --- any shortening of the street side yard to meet front yard standards would not be justified, since regulating street side yards to meet front yard standards does not meet the purpose of front setback regulation. Planner Cantrell stated that reducing the depth by 7 ft would meet regulations.

Craig Stoddard, project architect, displayed a color rendering depicting a traditional Georgian Colonial design with a symmetrical entry. The roof material is slate and the dormers, gutters and downspouts would be copper. All windows have divided lights and black shutters. He felt that Staff's report covered the salient points and advised that nine homes in the neighborhood were granted CUPs for exceeding 10,000 sf in area. He stated that an ALQ is appropriate in this neighbor-

hood and concurred with Staff that this property should be considered a *corner* lot, rather than a *hairpin* lot. He then displayed a layout of the neighborhood showing that all houses on the subject block are oriented North/South. Regarding the building depth, Mr. Stoddard stated that the characteristics of this project do not present concerns typical of those that give rise to building depth review. He advised that he was willing to preserve two trees nearest the wall and protect the oaks during construction.

Commissioner Brown confirmed that Mr. Stoddard's offer to protect the trees included eliminating the retaining wall, thereby allowing the grade to slope downward. He further confirmed that if the existing ash trees were an issue, they would also be preserved.

Responding to a question from Commissioner Engler, Mr. Stoddard explained that he would be using a planted gravity/earth wall in an east/west direction.

Chairman Levine opened the public hearing.

Ted Slaughter, 736 Hillcrest, resides immediately west of the project site. He advised of having reviewed the plans and stated he supported the design and scale of the house and concurred with the logic of a Hillcrest access point. He pointed out the significant grade difference between the applicant's property and his, that is supported by a 50-yr-old retaining wall ranging from 8 to 15 ft in height. Though the wall appears to be holding up well, Mr. Slaughter was concerned that there be some kind of mechanism that would protect against any errant car since the applicant's garage entry and back-up area is immediately adjacent to the wall.

Other concerns were: water runoff from the Northwest which mostly drains into his yard and down back yards to Woodleigh Creek. Mr. Slaughter advised that he had recently installed diversion drains, but they don't pick up all the excess water. He suggested that the driveway that extends along the common property line could accommodate drainage lines. Lastly, when the water table is high there has historically been a problem with effluent seeping through the retaining wall. He

inquired if anything could be done in the applicant's new septic system to mitigate the problem.

Applicant, Roy Brisbois, thanked Mr. Slaughter for his comments and addressed his concerns. He stated that he, too, wanted a safe situation in the garage area, hopefully, the new septic system would handle what apparently is an existing problem with effluent and lastly, he felt that the grading at the driveway area would avoid water runoff to Mr. Slaughter's property.

Chairman Levine asked if Mr. Brisbois objected to conditions being imposed that would address Mr. Slaughter's concerns.

Mr. Brisbois reiterated his goal to have his property well screened from the Slaughter property, that there be no 'casual' water or effluent runoff and a safe situation for all.

Commissioner Engler felt that a subsurface drainage system would be required to divert runoff to Hillcrest Avenue.

Commissioner Brown noted that the plans show a guard rail atop the retaining wall.

Mr. Stoddard advised that it would be structurally designed to stop a vehicle and that the drainage culvert along the west property line at the driveway would address Mr. Slaughter's concerns.

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

Commissioner Brown commented that the size and design of the home was compatible with the neighborhood and the proposed depth of the second story was not a concern for him. He concurred with Staff's report that the definition of *hairpin corner* is flawed and he hoped the Commission would remedy that in a timely manner. He stated that the issues of runoff and a method to restrain vehicles, could be appropriately addressed via conditions of approval.

Commissioner Engler stated that Staff needs to review civil drawings in depth, especially for subsurface drainage. He also felt that bollards would be more attractive than a guardrail.

Commissioner Gelhaar stated that if the applicant was agreeable to the imposition of conditions to address Mr. Slaughter's concerns, he could support the project. He agreed with Commissioner Brown that the definition of *hairpin corner* needs to be revisited.

Addressing the effluent problem, Chairman Levine commented that the septic system would require County Health approval before start of construction.

Director Stanley advised that the drainage was subject to review and approval by the Departments of Public Works and Building and Safety. County Health would sign off on the septic system.

Commissioner Engler asked for a condition to preclude affluent from draining "sideways".

Chairman Levine concurred, stating he "wanted a condition that would preclude that from happening, regardless of who reviews".

Planner Cantrell suggested that the conditions could identify the existing problem to provide guidance for County Health review.

Commissioner Gelhaar asked for a condition requiring construction vehicles to park on site.

M/S/C Brown/Gelhaar to approve Conditional Use permits 328 and 329, Modification 01-52, Building Dept Review 01-09 with added conditions requiring a safety barrier at the top of the retaining wall and installation of a drainage system at its base, notification to the County regarding the problem with effluent and requiring construction vehicles to park on site. Unanimous.

**CONDITIONAL USE
PERMIT 335; BYRAM;
840 ST. KATHERINE
DRIVE:**

Planner Cantrell reported the applicant's request for approval to construct a swimming pool in the front of his house. The site is on the south side of St. Katherine

Drive, between Chevy Chase Drive and Flintridge Sacred Heart Academy. In July, 1999, the Planning Commission approved construction of a new home and for over-height retaining walls in the driveway area. The steepest portion of the lot is adjacent to the street, which leads to an average slope of 44%, despite a fairly gentle slope over the majority of the site. Due to the extreme upslope, there would be no off site views of the front yard area where the pool is proposed. Staff's review of the findings led to a recommendation of project approval.

Commissioner Engler confirmed that the pool was shown in the original approved renderings.

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

Commissioner Engler recalled that the project was originally reviewed because of its height above St. Katherine and the depth of adjacent properties to the rear. He also recalled that the pool was reflected in the landscape plan.

Chairman Levine and Commissioners Brown and Gelhaar advised of having made site visits and the request did not raise concerns for them.

M/S/C Engler/Gelhaar to approve Conditional Use Permit 335 as conditioned. Unanimous.

**ZONE CHANGE 00-06;
PROPOSED REVISIONS
TO THE HOME
OCCUPATION
ORDINANCE:**

Director Stanley advised that the Draft Ordinance was not ready for consideration at this point. He asked that the Commission discuss the proposed revisions and provide input for Staff. Commissioner Brown disclosed that his wife tutors high school students at their home. Chairman Levine disclosed that a Home Occupation Permit has been issued for specific uses at his home. They asked the Assistant City Attorney Steres to comment regarding any potential conflict of interest.

Attorney Steres advised there are exceptions for actions that apply to the public in general. The Ordinance will have general application throughout the City and will

apply to all R-1 Zones. Based on those circumstances, they can participate in these discussions.

Director Stanley recalled that earlier this year, the Commissioners expressed a desire to update our Home Occupation Ordinance after hearing an appeal. On June 4th, the City Council provided direction regarding this matter --- minutes of that meeting were included in the Commissioners' packets. Four issues discussed by the Council were: language stating that an HOP is a *privilege, not a right*, the potential to allow employees other than relatives of the homeowner, traffic, including a definition of "discernible" increase in traffic (the Council seemed to prefer significant **and** sustained.) and a definition of a home based business.

Staff recommended eliminating redundant language in Sections I and 2 under Ordinance 53.

Commissioner Engler questioned how the City could determine that traffic was not significant without first establishing a base line.

Assistant City Attorney Steres advised that the majority of cities do not provide an objective definition. Rather, if there are frequent deliveries, customers and confirming public testimony the Commission could make a determination that it is above the "normal" level for a residence.

Chairman Levine confirmed that code enforcement for HOPs is triggered by complaints filed with Staff.

Recommended business hours, consistent with L.A. County Ordinance were: 8:00 a.m. to 8:00 p.m. and Revocation Process language will be added. Director Stanley suggested that the Commission accept public input and continue the matter to a date certain.

Chairman Levine opened the public hearing.

Tad Malone, 5329 Palm Drive, thanked the City for considering revisions to the Ordinance, specifically the *privilege* and *discernible traffic* language. He was pleased

that suggested revisions provided to the Council by a group of citizens were included in this iteration of the Draft Ordinance.

David Wilcox, 5354 Palm Drive, stated that he appreciated government listening to the citizens. He suggested re-thinking the *Display* language, as it would require someone to mail an item, rather than allowing a customer to stop by the house and purchase an item. He also advised that the citizens group drafted language to establish a standard for traffic.

Chairman Levine closed the public hearing and invited comments from the Commissioners with the understanding that there is significant work to be done.

Responding to a question from Commissioner Brown regarding frequency of deliveries to a home, Assistant City Attorney Steres recognized there is no exact science, but intensity of the use would be looked at.

Commissioner Brown inquired what the Council's input was with regard to hours. He noted that during "finals" week, tutoring oftentimes continues after 8:00 p.m.

Director Stanley responded that the Council asked Staff to review the County's ordinance. Staff initially felt that 10:00 p.m. was feasible.

Commissioner Brown stated that a 10:00 p.m. cutoff for a business that did not produce noise was acceptable, but "to have a situation that is against the law, and it's okay because your neighbor hasn't complained", troubled him.

Commissioner Gelhaar referred to the draft language and asked why staff was reluctant to require additional on site parking for an additional employee.

Director Stanley responded that onsite parking may be anywhere on site, including the driveway area and need not be covered parking.

M/S/C Gelhaar/Engler to continue Zone Change 00-6 to November 13. Unanimous.

CONTINUED PUBLIC MEETING:

FLOOR AREA REVIEW 01-06; BUILDING DEPTH REVIEW 01-06; STODDARD and B&A, LLC; 4270 OAKWOOD:

Assistant Planner Gjolme recalled that this item was continued from September 11 with direction from the Commission to reduce the size of the project to better conform to the neighborhood character. The initial submittal consisted of a 6,880-sf residence on a 25,680-sf lot with 75-ft-of frontage.

Floor Area and Building Depth reviews are necessary because the proposed total floor area exceeds 4,500 sf on a lot with less than 80 ft of frontage, while the second floor exceeds 60 ft in depth.

Revisions include an overall floor area reduction of 580 sf (from 6,880-sf to 6,300 sf). This was accomplished by reducing the depth of the house from 123 ft to 108 ft and increasing the first floor setback from 7' 6" to 8' and the second story side setback from 15' to 16'. The home was also shifted forward 10' at the request of the neighbor to the north, reducing the front setback from 108' to 98'. Overall height was reduced by one foot from 30' to 29'. Responding to the Commission's concern with the number and height of the chimneys, the chimney in the dining room was eliminated and the remaining one reduced in height by 2 ft. Lastly, a detailed landscape plan was prepared and submitted.

Staff regards the revisions as positive and continues to view the project as appropriate for the site and area.

Craig Stoddard, applicant and project architect reiterated the changes since the first meeting. He also spoke with Mr. Ashford, who initially opposed the project and who now supports it, as do the neighbors directly across the street.

Commissioner Brown confirmed that Mr. Stoddard would be willing to add more landscaping on the north side between property lines and that the auxiliary structure would be demolished.

Chairman Levine opened the public hearing.

Elisabeth Powell, 4300 Oakwood Avenue, resides two homes up from the project site. She had a continuing concern with a need for greater side yard setbacks to allow easier access for emergency personnel. Ms. Powell suggested that 15-foot side yard setbacks be required. She recounted flooding problems incurred by a former owner of the property that resulted from the house being built on a cement slab. She asked if the new home would be similarly built.

Malcomb Wehrle, 4262 Oakwood, stated that he was pleased with the revisions, he found the design attractive and supported the project. He related of having experienced flooding at his home and installing subsurface drains on the side property line eliminated that problem. He also advised that the fence that extends from the center of the property to the rear is actually one to two feet on this property.

Mr. Stoddard advised that the fence would be relocated and that the existing basement will be removed and the site recompacted and inspected by a geologist. Contractors will park on site to the extent possible.

Chairman Levine closed the public hearing.

Commissioner Gelhaar lauded the architect on the "excellent job of listening to comments by the Commission and the neighbors". He stated that he could support the revised project with added conditions regarding relocation of the fence and requiring construction vehicles to park on site.

Commissioner Engler concurred, adding that the landscape plan reveals that adequate screening measures were taken.

Commissioner Brown commended the architect, noting that the setbacks are well in excess of what code requires. He expressed appreciation for the revisions and for his working with the neighbors.

Chairman Levine agreed.

M/S/C Brown/Gelhaar to approve Floor Area Review 01-06 and Building Depth Review 01-06 with added conditions to relocate the fence on the south side of the property to the property line and require construction vehicles to parking on site. Unanimous.

PUBLIC MEETINGS:

**BUILDING DEPTH
REVIEW 01-10 and
MODIFICATION 01-63;
NICHOLSON; 1331
JOURNEY'S END DR.:**

Planner Cantrell reported the applicant's request for approval of Building Depth review and a Modification to allow a wall to remain that was constructed approximately 3 ft from the roadbed and which exceeds the 3½-ft maximum height limit for walls when located in the front setback area.

Journey's End Drive is a private street west of La Cañada Boulevard, in the R-1-15,000 Zone. Requested total floor and roofed area is 7,164 sf on the 27,490-sf lot. The City's definition of *hairpin lot* and *front lot line* causes the entire street frontage as constituting the front lot line. Therefore, the average front setback requirement for this property based on front yard setback information provided by the applicant, is 25 feet. Also, the two interior property lines are considered as side boundaries, triggering the 60-ft Building Depth threshold for review. Planner Cantrell advised that he had counter duty when plans were submitted for permits shortly after new code requirements (including *hairpin* and *building depth review*) went into effect and that he failed to detect that the project was subject to Commission review. The house was basically constructed prior to the City receiving notice from a neighbor that the house might exceed the threshold.

Overall building height for this non-hillside lot would reach 28½ ft and roof surfaces, rather than walls, dominate the street elevations on the upper portions of the house.

The landscape plan is generous both in quantity and sizes of shrubs and particularly its trees. The north side of the house would be completely screened by Brisbane box trees and yew pines as well as other shrubs and vines. Additional plantings are proposed in heavy masses along the east side, though it is now

heavily screened. Jacaranda trees would provide foreground focus along Journey's End.

Regarding Building Depth Review, the north side is 68 ft deep and the second floor's east side reaches 78-ft-3". These dimensions are moderated somewhat by the considerable articulation of the facades and, more importantly, by setbacks which greatly exceed the 20-ft minimum requirement. Further, the angle of the north facade to the north property line results in an average setback of approximately 48 ft. To the North, that property is at a slightly higher elevation -- the driveway and garage of that property abut the subject property. The property to the East is at grade with the subject property, sloping to the south. Planner Cantrell stated that the length of both elevations is mitigated by distance, topography, landscape screening and lack of sensitive interface. This situation does not present concerns of potential crowding typically found when structures and yards closely front side-by-side.

Planner Cantrell advised that when a freestanding, low wall and fence along the north frontage were removed, their "grandfathered" status was lost. They were replaced with a six-ft-high wall along the north portion of the street frontage, extending approximately 100 ft along Journeys End Drive. Granting the Modification request would legitimize the replacement wall. The wall is designed to retain approximately 3 ft of dirt with another 3 ft of freestanding wall above the re-graded yard. Planner Cantrell pointed that it functions to enclose the rear yard, despite the *hairpin lot* regulation requirement that subjects it to front yard setback requirements. Further, with a pool proposed, a 5-ft minimum height wall is a state requirement. He added that while the wall would be regarded as crowding in the majority of neighborhoods, it could fit into the Journey's End setting, screened with landscaping as proposed. He noted that there are numerous instances of some combination of walls, hedges and/or fences of similar height constituting an opaque situation along the street. In summary, Planner Cantrell stated that as proposed, the wall presents a rational solution to a functional problem related to the normal use of the site

and its back yard, while keeping with the special surroundings on Journey's End Drive.

Staff determined that positive findings could be made for both requests and recommended approval.

Commissioner Engler confirmed that the applicant could conceivably have a fence that would enclose the pool without requiring the wall to be of the proposed height.

Chairman Levine commented that the house and everything around it is pretty well completed. He asked what ultimate recourse the Commission had at this point, "other than to start tearing some stuff down" and questioned what would happen if the Commission did not approve the request.

Planner Cantrell noted that the Commission's evaluation is not predicated on whether the project is built.

Assistant City Attorney Steres noted that the staff report explained how the project came before the Commission. The application must be reviewed pursuant to the findings that need to be made and it is subject to approval, conditional approval or denial. If denied, the decision is subject to appeal to the City Council and would include the Commission's basis for denying the project. He reminded the Commission that the wall and Building Depth Review are separate issues.

Project architect, Franco Noravian, explained that he was not aware of the Code revisions when he was designing the project but had he known, he would "probably" have designed it similarly and brought it before the Commission. He stated that this was a "good design", because it is 'L'-shaped and steps back from the street, opposed to a 60' x 60', two-story box that would have met Code.

Addressing the wall issue, Commissioner Gelhaar asked Mr. Noravian to describe what the prior wall consisted of and where it was located.

Mr. Noravian advised that an 18" to 24"-high stone wall was located at the roadway. The new wall is set 3 ft back, allowing ample room for landscape screening. Portions of that wall that remain will be removed to provide a gentle slope to the street. It was also his understanding that the contractor was advised by Staff that a permit was not required for a freestanding wall.

Commissioner Gelhaar confirmed that the former wall extended for approximately 100 ft, similar to the replacement wall. Remaining portions of the former wall will be removed.

Responding to a question from Commissioner Engler, Planner Cantrell advised that the auxiliary living quarters unit over the garage existed prior to this project and is therefore *grandfathered*. Only interior modifications were made and they did not trigger ALQ review.

Responding to a further question from Commissioner Gelhaar regarding the ALQ, Mr. Noravian explained that roof members were replaced because of termite damage and windows were replaced, but sq footage was not added.

Chairman Levine opened the public hearing.

Jeff Mellstrom, 1347 Journey's End Drive, who resides immediately north of the project site, provided history of "how this came about". Construction of the house was proceeding when the new wall was constructed. Because he questioned the proximity of the wall to the road, he visited the Planning Department and confirmed that "it definitely isn't right". A Stop Work Order was then issued. Mr. Mellstrom advised that he was subsequently contacted by the builder asking for his signature of support for an Administrative Modification. Mr. Mellstrom stated that the builder acknowledged that the "wall was against the rules, but he was going to build it anyway and get approval for it". He commented that was when he "decided to start looking into things". He then distributed photos depicting the six-ft-high wall and the narrowness of Journey's End.

Mr. Mellstrom stated he felt that the staff report was misleading in referring to the project as an "addition". He stated this was a *scraper*, with only the ALQ left and that the applicant had no constraints other than Code. He stated they could have chosen to conform with Code, and chose not to do so. He stated that reasonable development of a house this size could have been done on this lot without violating zoning ordinances and then reviewed each finding made by Staff. He disagreed that the wall is consistent with neighborhood development and distributed photos of the properties alluded to in Staff's report. Mr. Mellstrom stated "it is outrageous that this is a standard for development" and that the proposed plantings at the wall would only serve to further the narrow roadbed and present a forbidding, claustrophobic feeling. He stated that no other property would be allowed to build a 6-ft-high concrete wall along the roadway. He disputed the finding of Unnecessary Hardship, stating that this is a "spec" house which could have been oriented to have a very private back yard "without "the backyard along the roadside issue at all". Mr. Mellstrom expressed concern that the work had progressed to the extent that it is very difficult for the Commission to require changes. He advised of having spoken with Staff in July when the wall was under construction and since then, the pool was installed. He reiterated his belief that there can be reasonable development on the site and satisfy the requirement for 5-ft-high fencing around the pool without the need for a 6-ft-high wall along the roadway. Lastly, Mr. Mellstrom spoke to the issue of the blind curve where the wall was constructed and the safety of the numerous children in the neighborhood. He stated he felt very strongly that plantings along the wall would only serve to further narrow the road.

Referring to the requested building depth, Mr. Mellstrom stated "this building never should have been approved as it was. This house is an imposing, towering bulk that rises 50 ft above the roadway below it". He stated further that the property was graded to create a peninsula held up by a 7-ft-high retaining wall,

which is 30" from the house, opposed to what the plans depict, with a house perched on top.

In summary, Mr. Mellstrom stated that the subject house would always be out of place in the neighborhood and expressed disappointment that it was approved without Building Depth Review, so that the neighbors would have had the opportunity of providing input to the Commission.

Responding to a question from Commissioner Brown, Mr. Mellstrom advised that the prior situation consisted of a wall, set back "somewhat" with a 3-ft-high chain line or wire fence atop.

Betsy Kraft, 1318 Journey's End, who resides across the street from the subject site, stated that the house doesn't fit with the neighborhood and that the rendering displayed by Mr. Noravian was disingenuous because it failed to show the large slope in front of the house. She read a letter requesting that the project be required to meet Code.

Bill Dryer, 1304 Journey's End, advised of having lived in the neighborhood since 1958. He stated the previous wall was no more than 18" in height with chain link fencing atop and covered with shrubs and trees of which some were over 100 years old. He pointed out that since Journeys End is a private street, it is not maintained by the City; he felt the applicant should pay for repairs to the street caused by construction vehicles. Mr. Dryer commented on the lack of fences or walls "of that height in the neighborhood" and expressed his belief that the contractor was insensitive in not considering neighborhood development and by not discussing the project with neighbors.

William Bradford, 1332 Journey's End, stated that he had no issue with the building depth, but did have a problem with the wall and would not consider it harsh to require its removal. He felt that roots of shrubs, trees, etc planted alongside the wall would encroach into the private street and suggested that curbing be installed to preclude rain from runoff to Journey's End.

Mr. Bradford disputed use of the term Accessory Living Quarters, stating that it was always a garage with a playroom above and "never livable".

Bill Russell, 1327 Journey's End, related that he resides east of the project and that he tried to meet with the property owner to no avail. He expressed dismay that the architect did not contact the neighbors and stated that "it's a monster out of control". He asked what would stop this from reoccurring elsewhere in the City.

Marjorie Buck 1291 Journey's End, stated that the house is out of scale with the neighborhood and "hope it doesn't happen again".

Jim Short, 1224 Journey's End, felt this situation was analogous to a project that was denied by the Commission for an over height retaining wall that encroached into the right-of-way. He stated that the Commission required the wall to be torn down and rebuilt at a proper size.

Commissioner Gelhaar confirmed that Mr. Mellstrom could "live with the north building wall", and concurred with Mr. Russell that the east elevation was lacking in character. He asked Mr. Russell what it would take to make it acceptable to him.

Mr. Russell responded that a row of mature redwood trees would be helpful.

Mr. Noravian stated that he was unaware of the controversy in the neighborhood and advised that a survey was available should anyone wish to review it. He reported that the initial plans were to expand the house; however, it was discovered that the one-story footings could not support a second floor. He stated that the house might appear over height, but invited the neighbors to review the landscape plan which shows a berm created in front of the retaining wall as well as new plantings along the east side.

Chairman Levine closed the public hearing.

Commissioner Brown stated that his major issue with the project is the wall along the roadbed. He couldn't find anything similar in the area; it crowds the roadbed and would be monolithic regardless of landscaping. While the front yard would open the corner, the wall would continue to be a big concern. Given that the property falls under the City's definition of *hairpin* curve, he confirmed with Staff that the pool was installed beyond the front yard setback. He pointed out, that installing the pool in the back yard would have pushed the house closer to the street, so he viewed the pool's current placement as a trade off. Commissioner Brown stated he had no sympathy for the fact that the wall is "there", because it was apparently not approved or permitted. Regarding the Building Depth Review, he had more sympathy because the plans had been approved and permits issued. Commissioner Brown concurred that the east wall was monolithic, though it is set back more than required and landscaping in that area will be augmented. The height of the home is not before the Commission as it meets Code, though it is dominant. He concurred with Commissioner Gelhaar's comment for reasonable mitigation to the building depth and noted that removing the game room over the garage would reduce the appearance of bulk.

Commissioner Gelhaar stated that he sympathized with the neighbors and advised that he drove around the neighborhood many times to try and find a solution. He expressed support to remove the 6'-high wall, replacing it with one that conforms to Code. With regard to the building depth on the North side he noted that it does not quite meet the 60-ft threshold and that neighbor is reasonably comfortable with that aspect. Regarding the depth on the east side, facing Mr. Russell, Commissioner Gelhaar stated that he might find it acceptable if the architect and property owner worked with the neighbors and substantially increased the size of the trees to be installed along that side. He felt that 36" box trees would be more appropriate than the 15"-box trees shown on the landscape plan.

Commissioner Engler stated “no on both issues” and that he was tired of contractors and architects who ignore the City’s ordinances. He stated that the excess depth and the wall should be removed.

Chairman Levine stated that he liked the rendering presented by Mr. Noravian, and agreed with the neighbors that the house is too big for the neighborhood. He was unsure what specific changes would make a difference and felt that attention should be given to the house color. Chairman Levine stated that he could not support the wall nor the excess depth and stated he was inclined to extend the Stop Work Order until the architect and property owner return with a solution addressing the overall depth. He remarked that a more accurate rendering that includes the grading would be helpful and added that the submitted rendering was “totally misleading”.

Chairman Levine summarized the Commissioners’ comments – there appeared to be unanimous agreement that the wall as constructed should be removed. As to the Building Depth, comments ranged from removing the game room to removing the excess depth and/or a continuance.

Assistant City Attorney Steres commented that the Commission could bifurcate the issues and vote on them separately. He reminded the Commissioners that 60 ft is not a development standard, but rather a trigger for public review that allows the Commission to review a project and its impact on the site and surrounding neighborhood.

Commissioner Brown encouraged the applicant to address the bulk, size, landscaping and articulation.

M/S/C Engler/Brown to deny Modification 01-63.
Unanimous.

Commissioner Brown stated that the Building Depth could be continued if the applicant was willing to work on the landscaping, grading and perhaps building color.

Mr. Noravian opted for a continuance and at the earliest date possible.

Attorney Steres reminded the Commissioners that Staff had not issued a complete Stop Work Order.

Chairman Levine stated that he wanted a "total Stop Work Order".

Commissioner Brown noted that the applicant could proceed under the auspices of the Stop Work Order, so long as he understood he was doing so at his risk.

Director Stanley explained that the Stop Work Order did not apply to the total project but rather, to second-floor areas subject to Building Depth Review. He noted that the first story is not under review.

The applicant was advised that revised plans would have to be submitted by the end of the following week in order to continue the matter to November 13.

M/S/C Brown/Gelhaar to continue Building Depth Review 01-10 to November 13. Unanimous.

Attorney Steres advised that a resolution denying Modification 01-63 would be prepared for the next meeting. Chairman Levine advised the audience that there would not be further notice.

**BUILDING DEPTH
REVIEW 01-08;
FLINTRIDGE
INVESTMENT GRUP.
4221 BEULAH DRIVE:**

Assistant Planner Gjolme reported the request to construct a new, two-story home within the central portion on a vacant lot.

The 25,312-sf lot is located on the west side of Beulah, just north of Berkshire, in the R-1-40,000 Zone. The property to the south accommodates a 6,000-sf home; a riding trails separates the two properties. To the north, a 4,000-sf home sits on a lot of identical size and configuration.

The applicant has demolished the prior structure and proposes to construct a 6,781-sf two-story home with two garages that would be separated by a motor court. Assistant Planner Gjolme noted that the project meets

Code with the exception of an 84'-8"-deep second floor. Depth exceeding 60 ft would be most apparent from the north; however, that façade exhibits substantial articulation to the extent that 32% of the second floor is setback 37 ft. from the side. Only 41 ft of the second floor would be built at the 22-ft setback line, well within the 60-ft threshold.

The area subject to depth review would be screened from the south by distance and a large maple tree. Assistant Planner Gjolme emphasized that the project meets height, angle plane and setback requirements; Staff concluded there would not be any adverse massing effect resulting from the proposed building depth, particularly when a code compliant project would yield a house of almost identical proportions. Importantly, the neighbor to the north supports the project as proposed.

Project architect, Brad Barcus, addressed the Commission and advised that a goal was to preserve all the trees, specifically the prominent maple in the back yard. The original garage was located at the rear of the property with a driveway at the north property line and he wanted to preserve that configuration. He noted that the garage doors face each other so they are not visible from the street".

The substantial landscaping along the north side would be enhanced and existing landscaping at the front would sufficiently screen the majority of construction materials. Mr. Barcus commented that there is not enough room to store all material and trucks onsite. His proposal was to limit parking along one side of the street i.e., the area on the west side from the existing driveway to the horse trail could accommodate 4 construction trucks. Further, the Building Inspector authorized installing a construction fence along the curb to discourage workers from eating lunch and leaving debris.

Bob Andresen, 4245 Beulah Drive, advised that he has resided 3 doors north of the subject site for 44 years. He remarked that this proposal represents the 4th tear-down on his street in the last year and a half and he

was “tired of construction trucks blocking the narrow street” .

Commissioner Brown confirmed that the existing problem stems from an 8,000-sf home under construction on Beulah.

David Kirscheimer, 4227 Beulah, who lives north of the project site, stated he had no problem with the requested excess building depth and commended Mr. Barcus for setting an example by discussing the project and plans with neighbors. He stated that he was as concerned as anyone with mansionization but the large setback on his side together with maintenance of the landscaping and location of the pool serve as mitigating factors. Addressing parking of construction vehicles, Mr. Kirscheimer suggested that restricting the width of vehicles would be helpful. He then lauded Bob Ford, who graded the site, for his willingness and cooperation to make repairs to his home that were caused by vibration of the large graders.

Further commentary was not offered and Chairman Levine closed the public hearing.

Commissioner Engler concurred with Mr. Andreson’s comments and noted that the nature of the City is changing. He commended the architect for siting the garages at the rear.

Commissioner Gelhaar made a site visit and acknowledged the problem with construction vehicles on Beulah Drive. He expressed support for the project and pointed out that the draft conditions require construction vehicles to park on site to the extent feasible. He stated that the City would rely on the applicant to conform.

Commissioner Brown concurred and suggested it would be more practical to reword the condition and recognize the fact that there is insufficient room on site. Addressing Mr. Kirscheimer’s comment regarding overly wide vehicles, he requested a new condition to prohibit overnight street parking of any trailer. Overall, he stated that it is a good project.

Chairman Levine commented that not all trades need to carry large equipment to a site. He asked that a condition be added to state that when construction workers do not need a vehicle, a carpooling program be in place that allows them to park off site and not on the street.

Mr. Andreson then distributed a letter from a neighbor who could not attend the meeting.

M/S/C Engler/Gelhaar to approve Building Depth Review 01-08 with added conditions as discussed.
Unanimous.

**COMMENTS FROM
THE
COMMISSIONERS:**

Commissioner Gelhaar requested a status regarding a decorative fence 4725 Hillard ; he recalled that Staff had written a code enforcement letter on July 31.

Assistant Planner Gjolme advised that the property owner is aware he is in violation but has not yet submitted an application. The next step is a letter to the District Attorney.

Commissioner Engler thanked Staff for the prompt code enforcement regarding streambed protection at 4070 Dover Road.

**COMMENTS FROM
THE DIRECTOR:**

Director Stanley advised that the City Council would review proposed revisions to the Hillside Ordinance at its next meeting. Also, the contract for the City Prosecutor will be on the consent calendar.

He advised of having met with Mr. Pearlman, Mr. Olberz and their architect regarding the Sport Chalet project. They reviewed two scenarios with the offices above retail or adjacent to it. His opinion was that either scheme would require either City Council or Planning Commission review.

ADJOURNMENT:

M/S/C Gelhaar/Brown to adjourn at 9:33 p.m.
Unanimous.