

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD OCTOBER 25, 2005**

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Commissioners Davitt, Cahill, Engler, Mehranian, City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Gjolme and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Commissioner Engler led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR

Chairman Gelhaar pulled item B for discussion.

A. and C. M/S/C Davitt/Cahill to adopt items A and C: minutes of September 27, 2005, and Resolution 05-69; 4838 Alminar Avenue. Unanimous.

B. Minutes of October 11, 2005 – under “Other Business”, Chairman Gelhaar requested additional language stating “Director Stanley would send a mailer to residents that garages must be maintained with two, 9’ x 20’ clear areas available for vehicle storage at all times.”

M/S/C Mehranian/Davitt to adopt the minutes as modified. Unanimous.

VI. CONTINUED PUBLIC HEARING

Tentative Tract Map 53647; Variance 02-10; Flintridge Properties, Inc., and Certification of the Final Environmental Impact Report:

Senior Planner Buss recalled that at the June 16th meeting, the public hearing was closed and the Commissioners indicated it would be helpful to make site visits after the lots were staked, to get a better sense of the layout. The Commissioners individually did so.

Minor changes made since the June meeting included combining Lots 2 and 5 (at Staff’s suggestion), and adjustment of boundary lines between Lots 7 and 8.

The basic request has not changed: creation of 12 lots and 1, thirty-acre open space lot, that would consume most of the eastern half of the project area on a total of 47.11 acres. He recalled that at the June meeting, the applicant eliminated Lot 3 from Haverstock and another lot from Palmerstone. Access for yet another lot was moved from St. Katherine to Palmerstone.

The Commission has yet to resolve the issue to a new Lot 5 --- Staff favored a single lot, since the existing lot would be proximate to a Blue Line Stream. Certification of the EIR which was finalized in May '05 is also required. John Spranza with EIP Consultants, the City's environmental consultant, and a representative from Public Works were present to respond to pertinent questions.

Mr. Spranza responded to a question from Commissioner Mehranian regarding the 100-ft No Impact Zone. He explained that the Department of Forestry's recommendations for 100-ft buffers around streams was referenced.

Commissioner Mehranian then referenced staff's report stating that the City *may* require a conservation easement to assure protection of a 100 ft buffer, and inquired whether Staff endorsed doing so.

Senior Planner Buss responded that the applicant proposes that the western edge property line of the new Lot 6, be 100 ft from the Blue Line Stream and extend into the Open Space area. An alternative was allowing the property line closer to the Blue Line Stream and require the western ___ ft of Lot 6 to be under a Conservation Easement - a recorded covenant stating that the property owner owns it, but cannot build on it. Staff believes it is more appropriate to establish "hard" lot lines and having the lot line 100 ft away from the Stream.

Director Stanley pointed out that at the last meeting the lot was wider and encroached into the 100 ft buffer. The revised map just submitted, resolves that issue, since a 100-ft buffer is provided.

Commissioner Engler referenced the findings required to approve a variance and confirmed there have not been any tracts developed subsequent to adoption of the 1993 Land Use Element. He could not support the variance.

Commissioner Davitt requested confirmation that the Commission was not sanctioning future house sizes and that the figures provided are simply to point out the potential maximum square footage.

Director Stanley noted that each development would be subject to public review. The Commission is not guaranteeing the ultimate house size allowed on any of the lots.

Senior Planner Buss added “nor are we guaranteeing lot sizes, pad location, sizes or cross sections of grading or driveway entrances. The __pads?__ shown on the plans are simply to point out feasibility.

Commissioner Cahill pointed out the discrepancies in the map legends regarding lot sizes.

Mr. Buss acknowledged the differences and suggested that the Commission clarify that with the applicant.

Chairman Gelhaar reminded the audience that only the Tract Map and its lot lines were under consideration and re-opened the public hearing.

Following a show of hands of those who wished to speak to the issue, Chairman Gelhaar allowed 20 minutes for applicant and 3 minutes for those opposed, with a total maximum of 20 minutes.

Peter Kudrave representing the property owners recalled that at the last meeting, it was agreed that the Commissioners would make field trips to the site after the boundaries surveyed and staked. He summarized the revised plan and explained that in the process of ensuring a 100-ft buffer from the Blue Line Stream, some reconfiguration occurred with several lots.

Major pending considerations

- 1) certification of the EIR
- 2) approval of the Variance to allow the requested clustered concept
- 3) arrangement and size of lots, specifically 5 and 6

He found Staff’s survey of the area as very clinical, giving no opinion, other than drawing observations that the proposed lot sizes were at least as big, if not larger, than those in the surrounding neighborhood.

Mr. Kudrave reviewed comments from the community -- Dr. Levine published a newspaper article questioning the wisdom of approving lots less than 2.62 acres in size. For the record, Mr. Kudrave provided evidence that Dr. Levine subdivided his property, creating two lots of 1.14 acres each. Bruce Feng’s desire to close Monarch and create a cul-de-sac, separating it from Bramley Way, was more of a policy issue for the City to resolve; he would not oppose it so long as it would not hurt or delay the project.

Commissioner Cahill’s query regarding the lot sizes shown on the presentation board and Staff’s report, --- the difference resulted during the process of figuring out the 100-ft buffers.

Mr. Kudrave then reviewed the requested 12 lots:

Lots 2 and 5 – formerly Lot 5. Consolidated 5 into Lot 2 and labeled as ‘Lot 2’. Its conceptual layout has not changed.

Lot 4 - pre June there were 2 lots. Now have a good sized lot behind a high berm that wraps and looks northwesterly towards La Crescenta/Tujunga.

Lots 5-6 are a product of moving 5 from the pre-June location adjacent to Lot 6. EIP took two weeks to determine how far back the lots should be from the Blue Line Stream, which resulted in the 100-ft rule.

Lot 7 - essentially unchanged. Lot 7 was previously approached by a driveway off Palmerstone. At Bruce Feng’s request it is now approached from Bramley, which he acknowledged was an improvement. Consequently, Lot 7 was dropped approximately 12 ft in elevation, providing Mr. Feng a nice perspective beyond his house.

Lot 8 - no change

Lots 9, 10, 11 - refined in their approach and how the pads worked out.

Lots 12 and 13 (moreso 13) – are a byproduct of walking the site with Commissioner Engler, who asked why they couldn’t be accessed from Euston Place rather than St. Katherine. Consequently, Lot 13 went up in elevation, closer to Euston, resulting in a natural transition. Lot sizes were generally maintained.

Off the subject, Mr. Kudrave commented that he was asked by a Councilmember at the Scoping Session to provide calculations and contours of each lot to assure that the City was not considering undersized or non-buildable lots. Consequently, minor engineering took place on the site and lots were created. He stated that his approach has always been to sculpt into or partly in-and-out of the hillside. Each site contains a minimum 10,000-sf pad. Most are 10,000 -- 12,000-sf.

He noted the comparison between the clustering concept and adherence to the Hillside Ordinance, which allows build-out of 17 lots at 2.6 acres each. That would consume 44.5 of the 47 acres. The same concept with 12 lots at 2.62 acres each, would use nearly 32 acres of the site. The clustered concept with 12 lots would use 15.39 acres, less than half the total area, with an average lot size of 1.28 acres.

Trades offs and differences of streets and infrastructure required under the two concepts:

Streets - Hillside Ordinance – requires 1,200 liner feet of new streets.

Clustered concept - no new streets required. Monarch, though never improved, is a legally recorded street.

Sewers - Hillside Ordinance concept would require 13 lots to connect

Clustered Concept - requires 11

Private sewage system - Hillside Ordinance requires 4 on a sewage system, while the clustered concept requires only 1 lot (Lot 4)

Grading - the 17-lot Hillside Ordinance concept would require moving 185,000 cubic yards of dirt. The 12-lot concept would move less than 85,000 cubic yards.

Mr. Kudrave referred to Staff's report addressing separate Lots 5 and 6, and the concern of overcrowding or creating a similar situation as the existing adjacent house to the East, or perhaps negatively affecting a prominent ridge. He displayed a model which he believed dispelled those concerns.

He distributed a comparison of the average lots in the area, compared to Lots 5/6 which exceed the average lot size. Wrkd hard during last 5 years. His clients have listen when he advised to pull back or to not contest an issue that might be perceived as contentious. Confident that the proposed 12 lots is a superior parcel plan designed to accept future development of custom homes in the high standard of LCF.

Chairman Gelhaar opened the public hearing and invited those in favor of the project to speak first.

Arnold Graham, resident of the City and counsel for the applicant, addressed Staff's concerns with separating Lots 5 and 6. On the western side of the property where "the purported Blue Line Stream is, and which has been severed in previous years by upstream development, there is a requirement of a riparian setback, which is not defined anywhere". Earlier iterations provided a 75 feet setback, though there is only one tree within 75 ft of the Stream. Regardless, the EIP Consultant suggested it should be 100 ft setback, so adjustments were made to protect the single tree. On the north side, the original proposal had the lot extending across the knoll. There is a philosophical issue whether significant land features, including the riparian stream, should be under private or public ownership. He noted that whatever is not under private ownership falls under the ownership of the homeowners' association.

In his experience, significant features are better protected under private ownership as there is more direct control. He felt that to be consistent, that logic should apply to the knoll. Nevertheless, his clients conceded on that as well, and retracted the property line 40 ft from the knoll. The result is a pad of 10,000-sf, that fully protects the stream and a very desirable lot is achieved. Mr.

Graham remarked that the lot is a valuable asset, and that a property owner should not be penalized by an artificial definition of a boundary. He agreed that significant land features and riparian rights should be protected, but that should be accomplished without penalizing the owner e.g., deed restrictions, use controls and a number of methodologies can accomplish the same goal. Asking that the Commission allow the boundary for proposed Lot 6 to extend into the Blue Line Stream.

Responding to a question from Commissioner Cahill regard the factual size of Lot 6; it seems to be the smallest at 1.35 acres, but the presentation board shows it half that size.

Mr. Kudrave advised that .7 is the correct number and results from accommodating the Blue Line Stream setback which came to light approximately 3 weeks ago. He clarified that the proposed boundary line is 40 ft from the pre-June line, which seemed acceptable, rather than 40 ft from the knoll.

Commissioner Cahill commented that the only criterion for the Blue Line Stream is that development be a certain distance away. Therefore, if Lot 6 was expanded to include the Stream, the result would be a lot 2-3 times larger than the current size. Through covenants, the goal of protecting the Stream could still be accomplished.

Senior Planner Buss commented that the Commission had similarly imposed conditions on parcel maps in the past.

Chairman Gelhaar opened the public hearing.

Randy Strapazone, 444 Georgian, spoke on behalf of the La Cañada Flintridge Trails Council and as a trail user. She believed the project presented an opportunity to add to the City's Trail system. She referenced the General Plan which states that the City should continue to seek dedication of land and/or establish fees for recreational trails as a requirement of new residential land division where such dedication or fees have the opportunity to augment the existing trail system. Ms. Strapazone asked that a trail plan be incorporated into the project and that part of the open space be dedicated for public use.

Victor Levine, 400 Inverness Drive - responded to Mr. Kudrave's implication that he "didn't want to play by the rules". The property he divided was a 6-acre parcel of which 1.3 acres were divided prior to adoption of the Hillside Ordinance. He stated that the Ordinance was specifically designed to prevent clustered development of undersized parcels in steep terrain. He added that it was difficult for him to understand what the motivation would be to grant

variances when it is not clear whether houses can be appropriately built. He further believed it was illogical to compare the proposed development with homes that were constructed prior to adoption of the Hillside Ordinance. He also questioned the EIR which states there would be little effect on wildlife and was concerned that existing landslides on the fire road at Monarch would only worsen. He concluded, stating "to imply that strict application of the Ordinance would cause hardship and difficulty to a developer who is looking to maximize his profit by creating as many undersized, packed-in lots as possible..... the City shouldn't sacrifice itself for the profit of developers."

Elaine Davis, 206 Inverness Drive - is pursuing a lot line discrepancy with her Realtor, surveyor and Title Co., regarding proposed Lot 1; it would be helpful if that could be resolved. Also, since her property is located below Monarch, she experiences runoff when it rains and asked that the project remedy that.

City Attorney Steres explained that the Map does not accurately represent boundary lines in its current form. The process requires all property lines to be surveyed after a tentative map is approved. Nonetheless, a dispute could remain, depending where the survey lines are drawn, but it is more a private matter between property owners. A few feet one way or the other probably would not impact the final map.

John Burrows spoke as a resident of 808 Inverness for more than 25 years. The Blue Line Stream is 300-400 ft away from his home and is where the wildlife gathers. He stated he was very concerned with "what's going on in the hills", one-way traffic continues on Inverness because of damage from the '04-'05 rains and every time you disturb the hills, you get more water." He cited the "terrible walls allowed on the Corona Drive development" and he believed that Staff's report dismissed the Hillside Ordinance. He opposed the project and urged the Commission not to rush a decision.

Bruce Feng, 525 Palmerstone Drive, adjacent to Lot 7, distributed a copy of his October 19th letter to the Commissioners written on behalf of the Durairaj and the Bird families. They all oppose the project as designed, specifically the conditions addressing viewshed and safety. He felt the architect did a good job in lowering Lot 7; however, there is still a viewshed issue since the ridgeline is impacted. Lot 8 was raised; he asked that the Commission require that it be accessed from Bramley Way, potentially allowing the lot to be lowered when the pad elevation is designed. He asked that Lots 7 and 8 be limited to an elevation of 1,518 ft on Palmerstone Drive. Lastly, he supported creating 2 cul-de-sacs at Monarch and Bramley, which are currently connected. Doing so would create a 230-ft (approximate) buffer between the cul-de-sacs, which could accommodate emergency access and a wildlife crossing. He believed that 2 cul-de-sacs would calm traffic and would preclude unfamiliar traffic on

St. Katherine where there are many blind corners. He advised that graffiti, vandalism, etc., has been greatly deterred in his area, a boxed canyon, because it facilitates police intervention.

Roma Marr, 230 St. Katherine Drive, was concerned with increased traffic and suggested that speed bumps be installed. She related "there is a huge amount of runoff down St. Katherine, especially since Via Serrano was developed and wildlife has markedly decreased in recent years due to nearby developments". She also suggested that a three-way stop be installed at Berkshire and Highland to calm the steady flow of traffic to Pasadena, which would only be exacerbated by the proposed development.

Joyce Melendy, 309 Inverness, expressed frustration that a planned on-site public meeting did not happen; there was no opportunity for the neighbors to walk the site with Staff or the developer. She was concerned with protection of wildlife and questioned how homes could be constructed on the steep terrain – she has direct views to Lot 1 and the corner of Lot 2. After confirming that the lots would be graded, she was concerned that doing so would allow larger homes. Ms. Melendy addressed recommendation 9C pertaining to retaining walls. She did not believe they would maintain the appearance of the neighborhood and felt they were needed only because the hillside would be carved. She still awaits the retaining walls on Corona to be screened. She also asked that Monarch and Bramley remain connected, rather than creating two cul-de-sacs, as it would reduce through traffic to Sacred Heart Academy.

Alex Durairaj, 575 Palmerstone Drive, stated it would be a huge mistake to connect Bramley Way and Palmerstone. Unlike St. Katherine, those streets are very narrow and barely accommodate parking on both sides. He reported that several serious accidents have occurred on the U shaped curve that surrounds Lots 7, 8, and 9. He lives below proposed Lot 5/6 and related that 1½-ft of the hillside was lost to erosion during the last heavy rains. Water runs down his lot and across, requiring him to re-grade and divert the water around his lot. He was also concerned that large capacity septic systems would be required for the size of homes proposed.

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

Peter Kudrave responded to comments. He discussed the issue of trails with Staff, but since it is currently unknown who would own the open space, he couldn't make a commitment, it is up to the City and community to decide. Responding to Mr. Levine's comments: proposed lot sizes and their appropriateness for the community, Mr. Kudrave stated the fact that Mr. Levine got in under the wire on his land subdivision, shouldn't close the gate for others; 1.41 acres is the average size of the proposed lots. Inferences by Mr.

Levine of uncertainty whether the lots are buildable are improper. He couldn't prepare a 10-12,000-sf lot pad without grading; he was not scouring the hillsides. Monarch Drive is not a fire road; it is a dedicated, legal street with a sewer that runs to Pasadena. Addressing mudslides, he related of having walked the rough terrain on Monarch over a dozen times and he assured the audience that the type of grading, City regulations and imposed conditions would improve the water runoff from Monarch. Additionally, the utility poles would be realigned more aesthetically. Addressing Ms. Davis' concerns of boundary discrepancies, he advised that he used a 1991 aerial survey; it doesn't mean the lot line cannot move. Mr. Kudrave related that there has been a "pinching down" of Bramley Way at the gate to the Feng's property and on the upper road. Surveys indicate the cause being private development into the public right-of-way; these and other encroachments have to be resolved with the City. He advised that the Tract is mandated to improve each public street that serves the project to a proper and legal width. Water runoff from Monarch is due to lack of grading. Mr. Burrows' concerns prior to any official hearing was with development in his back yard. Those concerns should be addressed as he's on the other side of the Stream. Regarding concerns for the wildlife, Mr. Kudrave remarked that every property in the area once accommodated wildlife, existing development did not eradicate wildlife, nor would this one. He assured the audience that his clients were not developing 47 acres - 64% of the site is being donated for wildlife and open space. Regarding comments that the hillsides would be carved, he stated that Haverstock is an intelligent cutting away of severe grading done years ago, no different than the neighboring lot - the driveways are nearly identical. "To suggest that we're scouring or cutting away massive amounts of hillside is inappropriate." Addressing Mr. Feng's comments regarding the elevation of lots 7 and 8, Mr. Kudrave stated that he went out of his way to lower lot 7; Lot 8 is off the shoulder and the most natural; its pad is on a flat knoll to minimize grading. Remarks requesting and opposing a cul-de-sac are for the City to resolve.

He observed that the EIR diligently addresses the proposed 12 homes and points out the fractional changes compared to the existing conditions. The streets are designed, graded and paved to conduct water as the City directs and away from neighboring properties. Each property would include a fire hydrant, improving the fire protection. Grading for each lot uses the natural contours for minimal disturbance, rather than fighting them. Massive retaining walls are not proposed and are similar to minor walls permitted throughout the City.

Responding to a request from Commissioner Mehranian for clarity on his position of the trail issue, Mr. Kudrave stated that he supported a trail, but it was not his decision. Whoever owns the open space will have to deal with

that; whether it is a homeowners' association or the City. His clients are offering the 30-acre open space lot to the City at no cost.

Commissioner Cahill commented that the question is whether the open space becomes public or part of the development.

Chairman Gelhaar asked if it was possible to impose a condition requiring a horse trail prior to recordation of the final map.

Director Stanley advised that an Irrevocable Offer of Dedication to the City could be required; it would be the City's discretion whether to accept the offer.

City Attorney Steres commented that if the Tentative Map is approved and open space area created, the City intends to change the zoning in that area and protect it from future subdivision. At this point, the City has not made a decision regarding the open space area; there will always be a cost involved in maintaining a 30-acre parcel. He offered to draft a condition that gives a lot of flexibility as to how the open space is owned, maintained, etc., so that all can be resolved in a timely fashion. He pointed out that if the open space parcel is owned by the homeowners' association, it would be under those individual property owners' control as to how they want to manage it.

Commissioner Mehranian asked that a condition be drafted requiring that an extension of the City's trail system be provided within the open space area.

Chairman Gelhaar asked Attorney Steres to work on draft language.

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

Commissioner Cahill did not have the opportunity to review the changes since walking the property a couple months ago. His perception then was to favor the clustered concept, as it would benefit the community and be consistent with the dictates of the Hillside Ordinance to preserve the hillsides. He observed that while "clustering" might impact a portion of the hillside, it would have a positive and beneficial impact on 57% of the site, represented by open space. He considered 'clustering' more problematic for the immediate neighbors than being an issue with the Hillside Ordinance.

Commissioner Cahill believed the open space should not only be preserved, but available to the public. He requested a condition requiring an offer to the City (not indefinite, as the area would become a fire hazard), so the City has to "play or leave". He reiterated that since grading was not presently under review, the lot boundaries are not set in stone; each lot would be reviewed on its merits and in connection with other lots. One of his concerns while walking

the site was how the lots would be sited; his impression was that they were put into the shoulders and contours so they had a very natural and non-invasive appearance. In terms of lot size, only Lots 6 and 13 seemed problematic, both are under one acre, which is quite lower than the average in the neighborhood and the hillside minimum. Addressing the requested reconsideration of Lot 6, he stated that either the back or front yard would be open space, the boundary line could be established over the Blue Line Stream and create a 2-acre property, but all that would be accomplished is a larger property with less area for the public. He commented that the applicant might not be able to accommodate the pads as proposed. While he wasn't prepared to cast a yes at this point, he was definitely in favor of approving the request.

Addressing concerns of "massive grading", he preferred to revisit the site to consider some of the revisions, e.g., the Monarch/Bramley connection and see some of the access issues raised by Mr. Feng. He saw the house Mr. Levine built on 1.4 acres and thought it was very tasteful, well placed and could serve as an example of what many of these houses could look like.

Commissioner Mehranian recognized the amount of work and thought given to this request; at the same time, it represents a qualitative change to the area. She pointed out that the EIR delineates the issues and how they could be mitigated and reiterated that grading or development were not under consideration at this point. She commended the applicant for the clustered design and the open space area, "it is a great idea and benefits the City". She was having difficulty visualizing the cul-de-sacs as requested by some of the neighbors, and agreed to reduce the number of lots to 11 and combining Lots 5 and 6. Should the project be approved, insisted on a condition requiring that the City's trail system be extended within the open space area.

Commissioner Davitt related that he shared many of the sentiments expressed by his colleagues and generally agreed with their positions. Remaining issues of concern for him were: Lots 5/6 -- he was leaning towards siding with Staff's position that they be combined as one lot, at the same time, he was sensitive to the design issues the applicant presented - it was an unresolved issue for him. Addressing the issue of Monarch/Bramley - as Mr. Kudrave stated, the project is evolving from all the changes. He advised of having revisited the site over the weekend and requested that the latest modifications, layout, size of open space, etc., - be shown in one document. He acknowledged the neighbors' concerns, but believed the project was well conceived and within the spirit of the Hillside Ordinance. He wanted assurance that a haul route with timelines for equipment and delivery materials be required, similar to what was imposed on the Sacred Heart Academy project and inquired about notification to neighbors regarding the same. He supported the project from a conceptual standpoint.

Senior Planner Buss commented that a haul route was mentioned in the EIR, and agreed that a specific condition was preferable. Regarding notification to neighbors of heavy equipment on the roadways, large equipment would be needed for road improvements, but the majority would be confined within the site.

Commissioner Engler reported that he and Mr. Kudrave spent a considerable amount of time on site; he felt the applicant did a good job in laying out this project. Had the request been submitted at an earlier time and place, he would most likely be more supportive, but, as submitted, he believed it conflicts with the Land Use Element of the General Plan and the Hillside Ordinance. Fewer lots on the island between Monarch and Palmerstone and perhaps combining some of the lots, might convince him to support a modified variance, but as submitted, the project would set precedence in the area. He agreed with his colleagues that a little more time would be helpful

Chairman Gelhaar commented that the neighbors impacted by this project are no different than others who live on hillside parcels that were carved from subdivided land. The fact that this project proposes to do the same is not a reason to deny the request. He reported of having made two more site visits and believes that clustering is "definitely the way to go". He appreciated the aspect of open space and supported the lot sizes as proposed, including separate Lots 5 and 6. He advised that the process to grant a variance is why this project made sense to him; the 53 conditions, plus 123 mitigating conditions imposed by what he believed is an outstanding EIR, address every issue raised.

It seemed to him that a majority preferred a continuance. He inquired how much time was needed to prepare a revised and accurate final version of the Map and allow the Commissioners to tour the area again.

Commissioner Cahill asked that the Commission be given all revised documentation before the next hearing.

Commissioner Engler remarked that the issue of the open space was not resolved. He heard what seemed to be an offer to donate the open space and requested a response from the City at the next meeting.

Attorney Steres advised that was impossible, as it is a much broader issue for the City Council. He offered to draft a condition that answers the question of open space and provides flexibility as far as ownership and maintenance of the open space.

Chairman Gelhaar felt strongly that there should be more than one way to escape the area in the event of emergencies.

M/S/C Mehranian/Davitt to continue the public hearing for Tentative Tract Map 53647 to November 22nd. Unanimous.

VII. PUBLIC HEARINGS:

Hillside Development Permit 05-31; Schaefer; 3933 Robin Hill Road:

Planner Gjolme described the applicant's proposal to expand both floors of his home along the north side property line.

The subject property is a deep flag lot nearly two acres in size, located at the end of an isolated cul-de-sac. The applicant's two-story home is set back nearly 600 ft from the street and, at 2,900-sf, is well below the maximum floor area allowed for the lot. Two adjacent lots to the southeast are similarly configured in size and isolation from other homes along Robin Hill.

An improved concrete drainage channel, designated as a Blue Line Stream, runs along the north side of the property and extends easterly offsite. A 100 ft section of the Stream would be diverted northerly to accommodate the addition, and require cutting back the upslope to construct a 4-ft-wide channel bed. This in turn requires a new 4-5-ft-high, inward-facing retaining wall along the Stream's new course. Importantly, Fish & Game reviewed and determined that the limited scope of the request does not require a Stream Bed Alteration Agreement. Staff views this aspect of the request as appropriate – it involves re-routing a channeled streambed rather than impacting a natural riparian streambed.

The residential expansion does not raise any issues. Building density would be well below allowable limits for the spacious and isolated site; 4,304-sf of total floor/roofed area is proposed. Except for the two immediate neighbors, the expansion would not be visible from offsite.

With concept review and approval from Fish and Game, Staff believed this aspect was also appropriate and could substantiate the lack of any potential environmental impacts. The project is well designed in relation to its hillside site and Staff recommended positive findings and project approval.

Applicant Tom Schafer, commented that the project represents a minimal addition and would be visible only from the driveway. He felt the only potential concern would be the movement of the drain and that was approved by Fish & Game. He also sought and received input from the L.A. County Water Control Board and the Army Corps of Engineers. Illustrations of prior

hillside erosion covered the streambed were shown on Powerpoint; Mr. Schaefer stated the project would improve that situation.

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

Commissioner Mehranian supported the project; it is minor in scope and not visible.

Commissioner Davitt concurred. There would be minimal impact on a 2-acre lot. The project did not raise any issues for him.

Commissioner Engler did not have any concerns with the project, but requested 2 additional conditions: that a deputy inspector be retained to be on site during placement of concrete and rebar for the retaining wall, 2) that the inspections recommended by the geological engineer be observed and that the observation reports be sent to Building & Safety for recordation.

Commissioner Cahill agreed with Staff's finds and his colleagues' remarks. As an aside, upon reading Staff's report addressing the Blue Line Stream, he envisioned a more natural, sylvan situation. He noted that the conditions for the Flintridge Tract just discussed, require a 100 ft setback from the Blue Line Stream - this project will be 12 ft away.

Chairman Gelhaar concurred.

M/S/C Engler/Davitt to approve Hillside Development Permit 05-31 with added conditions 15 and 16 as called out by Commissioner Engler.
Unanimous.

B. Hillside Development Permit 05-39; Gosselin; 4977 Terracita Lane:

Planner Gjolme reported the applicants' request to construct a 10-ft-high retaining wall in the rear yard. Additional site improvements include a new pool and spa, terraced yard areas and a covered patio.

The subject site is 44,426-sf in area and located just south of the Terracita Lane/Louise Drive intersection, in the R-1-20,000 zone. Significant downslope borders the building pad to the east and west, yielding an average slope of 37%. The two-story home is on the western 2/3 of the lot along the north property line. The immediate area retains a secluded character, largely a product of the street's short limited course, the unusual hillside topography and the arrangement of homes in the area.

Three, tiered yard areas are proposed between the south end of the home and the south side property line. Lower and mid areas would be comprised of new

lawn, while the upper area would contain a new pool and spa. The focus of the request is a new retaining wall to the rear of the improvements, where the lot falls steeply to the west. Wall height would be staggered to match the tiered course of the new lawn areas and descend in height from 10 to 6 ft. as it extends southward. Landscaping is shown along base of the wall to ensure visual integration with the slope. Soils and Geology Reports are being prepared, but not submitted; draft conditions require compliance with recommendations of those documents as well as submittal of a drainage plan subject to review and approval of the City Engineer.

Staff does not anticipate any hillside issues resulting from the improvements. The retaining wall would be at the rear, where a wooded ravine provides substantial separation from nearby properties; the closest is 400-500 ft away. Acoustic and view impacts from the pool would be negligible given the isolated street setting and minimal vehicular traffic. The residence would remain as is, and the various components are distributed throughout the site.

Since preparation of the staff report, the accuracy of the survey and site plan were questioned by a neighbor, who wants assurance that the improvements would not extend beyond the south side property line. The site plan erroneously called out an existing wall, giving the impression that the new wall would extend beyond the south property line. Not the case; the entirety of the project would be developed on the subject lot. Clarification was shown on a Powerpoint presentation.

Staff recommended approval as conditioned.

The applicants were in the audience to respond to any questions.

Chairman Gelhaar opened the public hearing.

Adjacent neighbor to the south, Ed Lew, was concerned that the plans he reviewed showed an existing wall encroaching on his property. He requested a continuance to resolve the issue with the applicant.

Commissioner Mehranian confirmed that Mr. Lew's issue is separate from the applicants' request.

Craig Gosselin reiterated that the existing wall is a matter for he and Mr. Lew to resolve and has nothing to do with his request.

Sophie Lew requested clarification regarding placement of the pool.

Planner Gjolme explained that neighborhood endorsement is required to allow locating the equipment 5 ft from the property line. Otherwise, it would have to be set back to comply with the required side yard setback, based on the width of the property.

Mrs. Lew requested assurance that the project would not cause drainage to flow on her property.

Planner Gjolme advised that a drainage plan would be required during the plan check process.

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

Commissioner Davitt did not have a problem with the project, adding that it was sensitively designed. From a practical standpoint, he understood the Lew's concern, but it is not within the Commission's purview to settle a property line dispute. He asked that the conditions spell-out the requirement parameters for location of the pool equipment.

Commissioner Engler agreed and stated he could support the project with the added conditions that a that a deputy inspector be retained to be on site during placement of concrete and rebar for the retaining wall, 2) that the inspections recommended by the geological engineer be observed and that the observation reports be sent to Building & Safety during the grading process.

Commissioner Cahill – no problem with the project in concept, but favored a continuance because the wall would be connected to another wall that is in controversy. He preferred to vote following discussion by neighbors.

Commissioner Mehranian encouraged the neighbors to resolve their dispute and supported the project.

Chairman Gelhaar supported the project also, adding the neighbors' issue is a civil matter that would hopefully, be resolved between them.

M/S/C Davitt/Engler to approve Hillside Development Permit 05-39 with added conditions regarding the pool equipment and those requested by Commissioner Engler. 4 Ayes; Cahill abstaining.

Chairman Gelhaar advised the audience of the appeal process.

C. Modification 05-54; Adhami; 4724 Castle Road:

Planning Aide Shimazu reported that the City issued a Stop Work Order after acting on received a complaint that a residence had been partially demolished

without a permit. The request is subject to Commission review since the roof, which encroached into the front and west side setbacks, was removed.

The subject site is a flag lot located on the east side of Castle Road, between Lyans and Cross Street, in the R-1-10,000 Zone. It is 10,670-sf in area, after deducting the flag strip and the area consumed by a Flood Control channel that runs through the east portion of the site. The project involves the addition of 1,437-sf, for a total of 3,741-sf (within the standard for the lot), by expanding the first floor and constructing a new second-floor. The proposed second floor is exempt from Commission review since it complies with Code.

The former roofline extended perpendicular to the side property lines with a gable end on the west side, which encroached into the required angle plane. The new ridge would run north/south with a hip end at the west and importantly, comply with the angle plane requirement. Additionally, a two-story, covered front porch would encroach 11 ft into the 25-ft required front setback, beyond the existing 7-ft encroachment.

The intent of the project is to improve the use of the home and enhance the aesthetics of the property. Staff determined that the requested encroachment on the west side would be less intrusive and would maintain the building line, but Staff cannot make the required Finding for the cantilevered front porch that would encroach beyond the existing building line.

A letter of opposition was submitted by a neighbor residing three homes away who believes they would be impacted by cantilevered front porch, despite existing screening. They were also concerned that demolition had occurred without benefit of permits. Mr. Shimazu pointed out that the draft conditions require permits after the fact for all construction. Staff recommended project approval with the exception of the front porch.

Commissioner Engler asked that Staff investigate the recently remodeled accessory structure, as it appears to be an ALQ, with a toilet, bedroom area and the appearance of a kitchen. He pointed out that only attached ALQs are allowed in R-1-10,000 zone. He questioned if it was originally permitted as an ALQ. He noted the very narrow driveway and recalled that ALQs are only permitted if the driveway is 20-ft wide minimum.

Planning Aide Shimazu advised that he would check the permit file.

Mario Vega, representing the applicant advised the Commission that his client thought they hired a competent and responsible contractor. Upon discovering the lack of permits, the contractor was fired on the spot.

Chairman Gelhaar asked that the contractor be identified for the record at some point.

Ms. Habib, planning facilitator, responded to Chairman Gelhaar's concern that there was probably an issue with asbestos, since it is an older home.

Director Stanley advised of having contacted AQMD, who took samplings of where the construction pile was and the way stream. Additionally, the applicant hired a certified agency. All samplings came back negative. AQMD advised it is not pursuing this issue.

Chairman Gelhaar opened the public hearing.

Sally Eisenhofer, who has resided at 4730 Castle Road, since 1945, expressed concern with the work that continues without permits as recently as the prior week. She advised that she remained "suspicious even if the project is approved; there is no effort or assurance this is going well". Ms. Eisenhofer stated that she was not concerned with west side encroachment, but she did have an issue with the cantilevered porch, which would protrude beyond the existing encroachment. Lastly, she related that there is a sewer easement on the 12-ft-wide driveway.

No further comments and the public hearing was closed.

Commissioner Engler asked if the contractor was currently legally operating. .

Planning Aide Shimazu related his understanding that permits were issued for garage and the accessory structure remodel.

Commissioner Cahill stated it was unfortunate that work done without permits; he was not pleased about that. On its merits, he agreed with Staff; the 5-ft encroachment is "already there" and reconfiguration of the roof would be more aesthetic from the side, as it would push the roof away. The front yard encroachment not necessary nor justifiable and clearly, permits are required.

Commissioner Mehranian concurred with Staff's recommendation.

Commissioner Davitt agreed that the side setback encroachment was supportable but the front porch encroachment was excessive. He suggested that Staff investigate the legality of the ALQ first.

Chairman Gelhaar could not make the findings for the request. He believed the rights to maintain the encroachments were lost when the roof was removed and he preferred to see the entire house demolished and made code compliant.

M/S/C Cahill/Mehranian to approve Modification 05-54 as presented by Staff, including denial of the front porch extension. 3 Ayes; Engler and Gelhaar dissenting.

Chairman Gelhaar advised the audience of the appeal process.

D. Modification 05-66; Chung; 1109 Wiladonda Drive:

Planning Aide Shimazu reported the applicant's proposal to remodel his home and continue existing east and west side yard encroachments. A new front porch would encroach 2½ ft into the required front yard setback. A large, non-protected tree would be removed at the rear to accommodate the project.

An Administrative Modification was recently approved by the Director allowing a first-floor addition at the rear of the home, with a condition that the existing roof and wall setbacks be maintained. During plan check, the property owner advised of his desire to increase the roof height, which requires Commission review.

The subject site is located on the north side of Wiladonda Drive, in the R-1-10,000 Zone.

At this point, the property owner wishes to increase the roof height by 3 ft with hips of 4:12 pitch, achieving a modest overall height of 16 ft, while complying with the angle plane requirement. The low profile of the single-story home would be maintained well below the allowed 32 ft height and well distanced from adjacent properties. Staff is confident that the requested 2' 6" encroachment would have minimal impacts, considering the existing 5-ft setback and the limited scope of the request.

Project would be an improvement to the property. Staff recommends approval as conditioned.

Nicky Jasvic with the architectural firm, spoke on behalf of the property owner. She related that the roof shape would be maintained, but the material would be updated to asphalt shingle, which requires new structural members to comply with required pitch height.

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

Commissioner Engler stated that he could easily support this project and commented on the attractive design.

Commissioners Davitt and Mehranian and Cahill concurred.

Chairman Gelhaar observed that this applicant followed procedure and pulled before the roof was removed.

M/S/C Davitt/Engler to approve Modification 05-65 as conditioned.
Unanimous.

E. Hillside Development Permit 05-27; Building Depth Review 04-15; Ahn; 500 Highland Drive:

Planner Gjolme related the applicants' request to expand the first floor of their home and construct a new second floor on hillside property. The depth of the second floor exceeds the 60-ft threshold for review, triggering Building Depth Review.

The nearly 73,000-sf site is a deep through lot, with 200 ft of frontage on Highland Drive, extending 600 ft up to Inverness. A large stand of trees fronts Highland Drive and behind that, the house is sited upslope and set back 35 ft from Highland Drive. To the rear of the house is a two-story garage/guest house and storage building. Steep banks rise to the east and west. Despite a large building pad, the steep slope and rising banks comprise the entire south half of the lot, generating an average slope of 39%.

The project comprises 2,950-sf and would increase the home's size to 5,941-sf. Floor area and setback requirements are easily satisfied, while the second floor would generally mirror the first-floor footprint and reach a depth of 90 feet along a north/south axis. Total floor area for the expanded home and guest house would be 7,749-sf, easily accommodated by the 1.7-acre site. The numerous trees that flank the front and sides of the residence are sufficiently distant so that their canopies would not be affected by the project. Staff concluded that the concerns typically raised by hillside project are not present – the pad is isolated from the street and sunken in relation to neighboring lot to the east and west. The spacious site, with an average depth of 600 ft and its wooded characteristics, easily accommodates the proposed second-floor depth and floor area.

Staff recommended positive findings and project approval.

Sang Kwon, representing the property owner, reiterated the requested floor area.

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

Commissioner Cahill concurred with Staff's findings; the size and configuration of the property support a 7,749-sf of floor area for the home and

guest house. The deep and large lot, sheltered from the neighbors justifies the building depth.

Commissioner Mehranian recognized the size of the property, but “it is a very large home”. She could support the project because of the lowered pad and existing trees that screen the project from view.

Commissioner Davitt agreed that the house is large; however, the lot is extremely large. He could support the request, given the topography and design.

Commissioner Engler did not have a problem with the project, but asked that the conditions require compliance with the Light Reflectance Value.

Chairman Engler concurred with h

M/S/C Mehranian/Davitt to approve Hillside Development Permit 05-27 and Building Depth Review 05-10 with an added condition requiring LRV compliance. Unanimous.

VIII. OTHER BUSINESS

A. Code Violation: 4715 Hayman Avenue:

Planning Aide Shimazu reported that the City issued a Stop Work Order after receiving a complaint that a roofed patio at the south side of the subject residence was being expanded and enclosed without a building permit. A site inspection revealed that the expanded patio was only a few inches from a protected Chinese elm. The applicant subsequently deposited funds for Staff to retain the services of an arborist to assess any impacts to the tree. The arborist determined that while the tree’s roots were not damaged, the eventual growth of the tree would impact the patio. As an aside, the illegal addition complies with the side setback and floor area.

On September 21, 2005, Director Stanley determined that the situation was a self-created hardship and required that the addition be removed and the patio restored to its original condition. The applicants subsequently appealed the Director’s decision to the Planning Commission. Mr. Shimazu noted that the applicants are willing to pay all applicable permit fees and relocate the Chinese elm or install new trees on their property.

Site photos were displayed, authenticating that the tree would eventually damage the patio, since its trunk is only inches away. Staff could not justify the tree removal request since construction was illegally initiated and recommended denial of the appeal.

Victor Starker spoke on behalf of the applicants and apologized for not following procedure in pulling building permits. He related that it was a misunderstanding with the contractor, who thought that since the roofed patio and its concrete slab existed, that permits were not required. Space will be used as office space. He noted that the addition complies with setbacks and the floor area limit. He referenced the consulting arborist's report which concluded "I would prefer to see this tree removed and a new tree planted on the property in a more appropriate location." Mr. Starker phoned the arborist and verified that his conclusion was reached not because of the addition, but because of the tree's size and its proximity 7-8 ft from the house. Mr. Starker reiterated that Mr. and Mrs. Hur are willing to plant one or two Chinese elms elsewhere on the property.

Chairman Gelhaar invited testimony, however comments were not offered.

He referred to a letter received from Walter Weiss, the adjacent neighbor expressing concern on another matter. The appellants raised the slope level on their side of Mr. Weiss' 6-ft-high, code compliant pool wall, so that the wall height is now only 4 ½ ft high. Mr. Weiss was concerned with privacy and safety. Chairman Gelhaar asked who was responsible for either raising the wall or lowering the datum point on the Hur's property.

Director Stanley stated that the Building Inspector would determine if there is a safety issue. A notice will be issued and might be issued to Mr. Weiss.

Planning Aid Shimazu responded that Building & Safety had some hesitation as to which party is responsible. There is no legal clarification when a person at a higher elevation raises the grade on his property, which results in a violation on the adjacent neighbor's property, on a lower grade. This may have to be resolved between the neighbors, since Code requires pools to have 5 ft of perimeter fencing.

Chairman Gelhaar confirmed that Staff would respond to Mr. Weiss' letter and requested comments from his colleagues.

Commissioner Mehranian supported the Director's decision.

Commissioner Cahill commented that typically, there is a series of tests and findings presented to the Commission for removal of a protected tree. He asked if that was not applicable in this case.

Mr. Shimazu responded that the matter before the Commission is a code enforcement issue; a tree removal permit has not been filed but that remains an option for the appellant.

Given that information, Commissioner Cahill stated that it is merely a question of whether what was done was legal, and it obviously was not. He supported the Director's finding.

Commissioners Engler and Davitt and Chairman Gelhaar concurred.

M/S/C Mehranian/Engler to deny the appeal and sustain the Director's determination. Unanimous.

IX. COMMENTS FROM THE COMMISSIONERS

Commissioner Engler asked Staff to check on the Dover Road project; there is grading and a retaining wall under construction in the front yard and a trailer parked in the road for approximately 5 days.

Director Stanley advised that the Fire Department required 5 ft perimeter access. To do that, they had to dig into the hillside, which necessitated construction a retaining wall (which will be subject to Administrative Review). Unfortunately, the contractor began the site changes without permits, so a Stop Work Order was issued. Staff is currently awaiting revised plans.

X. COMMENTS FROM THE DIRECTOR

Director Stanley introduced Mary Jo Hanold, the Department's Clerk Typist, who was assisting with the minutes.

R-1 was continued by the City Council to November 7th.

The Bilaver project on Rosebank was also continued with direction to prepare all engineering plans and have them reviewed by the County prior to the Council making a decision. The Council also asked that the Fire Department revisit the stretch from Foothill to the project driveway and make sure they can get equipment in there.

XI. ADJOURNMENT

M/S/C Engler/Mehranian to adjourn at 9:35 p.m. Unanimous.

Secretary to the Planning Commission