

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD FEBRUARY 27, 2007**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Gelhaar, Hill and Mehranian, Deputy City Attorney Cobey, Director of Community Development Stanley, Planner Gjolme, Planner Clarke, Assistant Planner Lang and Contract Planners Cantrell and Carter. Commissioner Cahill was expected to arrive momentarily.

**III. PLEDGE OF ALLEGIANCE**

Chairman Gelhaar led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC**

Comments were not offered.

**V. REORDERING OF THE AGENDA**

Chairman Davitt advised there was no need to re-order the agenda. He then announced that item VII-C, Hillside Development Permit 05-53, Modification 05-69 and Floor Area Review for 5284 Gould Avenue, would not be heard and would be continued to a date uncertain. He then confirmed that no one in the audience wished to address the Commission on this matter.

**VI. CONSENT CALENDAR**

M/S/C Gelhaar/Mehranian to approve the minutes of January 23, 2007. 4 Ayes. The minutes of February 13<sup>th</sup> were not submitted.

**VII. PUBLIC HEARING:**

**A. Variance 05-10; Jacobs; 720 Foothill Boulevard:**

Contract Architect/Planner Roger Cantrell, described the request to allow a substandard rear yard setback for a new, single-story retail building over basement parking. The request also requires Design Commission approval.

The 10,729-sf site currently accommodates the longstanding Georgee's Pizza sandwich shop at the southeast corner of Foothill Boulevard and Hobbs Drive. It is located within the Village Center area of the Downtown Village Specific Plan, in the Mixed Use 1 Zone. The corner location provides 100ft of frontage along Foothill and 75 ft along Hobbs Drive. A 20-ft-wide alley to the rear extends east from Hobbs and serves as a buffer for residences to the south. It also provides dead-end parking to the rear for several businesses. Mr. Cantrell

pointed out that 4452 Hobbs, is buffered by the alley, a free-standing wall and screened fence that reach a combined height of 12 ft, and a two-car garage.

The design includes one level of full subterranean parking accessed from the rear. Five-ft setbacks would be provided on the two street frontages, and building height ranging from 20 ft at the low southeast corner to 14 ft at the high end is consistent with objectives of the Specific Plan. The rear encroachment occurs only at the east 56 ft of the building directly abutting the alley, where the enclosed ramp would lead to basement parking. Aside from that encroachment, the project conforms to code; there is also ample area to provide bike accommodations as required by the Specific Plan.

Commissioner Cahill arrived at 6:06 p.m.

The proposed 29 parking spaces exceeds the Code required 27 spaces. On-site trees are not slated for protection, though Staff concluded that the tree at the southwest corner is important to the Hobbs Drive streetscape. It is located on a curve and its preservation would not pose an undue hardship; therefore, the draft conditions require its preservation.

Staff further suggested that the design be reviewed by the City Engineer, who had reviewed an earlier iteration. Staff would like his comments with regard to exiting from the underground parking.

Staff recommended approval based on positive findings, noting that applying the required 15-ft rear setback on a property, which has 20 ft of separation (the alley) from adjacent residential property, would effectively be requiring 35 ft of separation. Mr. Cantrell stated that a 35-ft rear setback would result in irrational development and would not serve the purpose of setback regulations.

Commissioner Mehranian confirmed that sufficient parking is provided.

Commissioner Gelhaar commented that the Specific Plan allows residential use on two-story structures. He asked Staff if that option was discussed with the applicant.

Director Stanley responded that Staff analyzed the proposal as submitted. He added that the applicant had initially proposed a two-story with office use on the second floor; however when informed that the floor area exceeded what was allowed, the applicant returned with a single-story project.

Project designer Pete Volbeda, advised that his client would consider a retail/residential mixed use project if they were allowed a density bonus. Addressing the draft condition to save the tree on the southwest corner, he

advised that it currently pushing up the sidewalk; consideration should be given to replacing it. Otherwise, the draft conditions were acceptable.

Responding to a question from property/business owner George Jacobs, Commissioner Gelhaar stated that the City lacks residential mixed use facilities. Currently, there are no apartments or condominiums for senior citizens who wish to remain in the community after selling their homes. He asked Staff if there was a way to exceed the allowed FAR based on a bonus that the Commission might want to encourage.

Director Stanley responded that he would have to research, adding that there is a bonus density for "senior" project elsewhere in the Specific Plan area. It could be that Mr. Jacobs would have to apply for a variance and advised there might be an issue with the required second-story setback as well.

Commissioner Gelhaar remarked that he liked the project as submitted; however this might be an opportunity to revisit the design if his colleagues agree.

Commissioner Mehranian suggested supporting the project if that was the wish of the majority; if the applicant wants to reconsider, he can do so and submit new plans.

Chairman Davitt agreed that it was preferable to move forward and advised Mr. Jacobs that should he be interested in a second-story residential use, there seemed to be encouragement to do so on the part of the Commission.

Commissioners Hill and Cahill supported the project as submitted.

Mr. Jacobs added that the tree on the southwest corner is trimmed three times a year and is unmanageable.

Director Stanley advised that all trees on commercial property are protected; the tree in question might be a City tree. There is a condition that it be preserved.

Mr. Cantrell advised that the Planning Commission could allow the Design Commission to endorse the selection of a replacement tree.

Chairman Davitt opened the public hearing. Since comments were not offered, the public hearing was closed.

Commissioner Mehranian stated that she was willing to support the request.

Commissioner Cahill advised that he did not have a problem removing the tree in question if it's a problem, but he would like to see it replaced with another on site.

Commissioner Gelhaar supported the project, but he would appreciate the applicant consider adding second-floor residential. He supported removing the tree and eliminating condition 12.

Chairman Davitt stated that it was a good project and he did not have concerns with the tree.

M/S/C Gelhaar/Hill to approve Variance 05-10 and eliminate condition 12. Unanimous.

**B. Conditional Use Permit 407; Gilmore; 1234 Pequeña Lane:**

Contract Planner Carter related the applicants' request to locate a swimming pool, spa and associated equipment in the front yard.

The 22,680-sf site is one of seven SFR properties located on Pequeña Lane, a 25-ft-wide, dead-end street, R-1-10,000 Zone. It is 132 ft wide by 205 ft deep with a gentle slope.

The front entry to the house is on the west side facing the "rear yard", whereas the living area and patio are on the east side, adjacent to the proposed pool's location. The amenities would be installed in the required front yard setback, behind a 15-ft-high hedge, which serves as a buffer between the subject site and 1230 Pequeña Lane. The proposed location for the pool and spa allows unobstructed views from the residence. A Power Point presentation depicted the property and the Hay Canyon Flood Control Channel which splits the property 2/3<sup>ds</sup> of the way towards the rear of the property. Access beyond the channel is via a pedestrian bridge.

Staff determined that the request is exempt from CEQA and that positive findings could be made.

Applicant John Gilmour related that the pool was not proposed for the west side of the property, as doing so would preclude views to the pool from the house. Further, the septic tank and a large tree are impediments. There are numerous windows on the east side, which allow views of the proposed pool. He advised of having contacted his neighbors and that all support the project.

Chairman Davitt opened the public hearing.

Craig Miller, 4848 La Cañada Boulevard concurred that the proposed location offers the best sight line for the applicants to watch their children. The dense hedging rules out adverse effects to the neighbors.

Wendy Burt, 1210 Pequeña Lane, reported that the Gilmour's are the social directors for the neighborhood and that in the myriad of times that she's visited them, she's never used what is viewed by the City as the front entry.

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

Commissioner Cahill observed that the proposed placement is the most logical and reasonable location and the most affect neighbor supports the project.

The Commissioners concurred.

M/S/C Mehranian/Gelhaar to approve Conditional Use Permit 407 as conditioned. Unanimous.

**C. continued to a date uncertain as announced earlier.**

**D. Floor Area Review 06-24; Lourie; 425 Meadow View Drive:**

Assistant Planner Lang reported that the former R-1 standards apply to this submittal, allowing 4% over allowable FAR with Commission review and approval.

The 15,079-sf property qualifies as a hairpin lot and is located at the northeast corner of Meadowview Drive and Burning Tree Drive, in the R-1-15,000 Zone.

The applicants propose to add a new second floor to their home in the form of a 655-sf master bedroom suite. It would be located on the flat portion of the existing mansard roof on the north side. Overall building height would reach 27'-5" and a building depth of 32'-10". A new sundeck at the front with a small roof railing is also proposed. Setbacks and height are well within code requirements; the sole issue being the 603-sf over the standard FAR for the lot, but within what was allowed with Floor Area review.

A Power Point presentation showed existing versus proposed development and demonstrated that the addition would be primarily visible from the Burning Tree Drive frontage. It would be lower than the highest point of the home as it exists. Homes to the east and northeast are sited at higher elevations.

Staff determined that positive findings could be made and pointed out that bulk and mass would be minimized, given the project's proposed location.

Commissioner Gelhaar reported that he viewed the project area from the neighboring back yard and believed the project would impact the privacy of the neighbor's pool area. He noted the row of cypress trees separating the

properties and asked if Mr. Lourie was willing to lower them and open that view for his neighbor as a trade off for the view Mr. Lourie would gain.

Applicant Davit Lourie reported of having recently met with his neighbor. He was willing to remove the cypress trees if trimming them “does not do the job”. He pointed out that removing them entirely would allow views into his glass-walled living room.

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

Commissioner Hill stated that he did not have a problem with the request.

Commissioner Gelhaar commented that he could not make the required findings, as the project would affect the privacy of the neighboring property. He pointed out that an approval would result in the highest FAR of all the homes on the comparison chart.

Commissioner Cahill stated that he could make the finding and noted that the requested additional sq footage was allowed at the time the application was deemed complete.

Commissioner Mehranian observed that neighboring homes are at a higher elevation and that she could support the request. She complimented Ms. Lang on the Power Point demonstration, which clearly delineated the project over existing development.

Chairman Davitt expressed “extreme pleasure” that recent Code changes eliminated FAR (other than for properties with less than 80 ft of frontage). He preferred that the cypress trees be lowered if not removed and asked that a condition be added.

M/S/C Cahill/Mehranian to approve Floor Area Review 06-24. 4 Ayes; Gelhaar dissenting.

**E. Hillside Development Permit 06-68; Second Floor Review 06-01; Floor Area Review 06-25; Modification 06-91; Troedsson/Payne/Charles; 5156 Oakwood Avenue:**

Planner Clarke described the four inter-related requests to construct a new, two-story home on hillside property. Hillside review is required as the site has an average slope of 22%, Floor Area Review is required for projects more than 4,500-sf with street frontage less than 80 ft --- the lot has 36 ft of frontage. The Modification addresses a front yard encroachment, and Second Floor Review is required for all new second stories.

The 15,993-sf subject property is a vacant, graded, flag lot, located on the east

side of Oakwood., accessed by a driveway between 5152 and 5158 Oakwood. The building pad is approximately 200 ft from Oakwood and is 15-20 ft below street level. The lot slopes eastward towards the Gould Canyon Channel and to the south, where there is a single-family residence. The applicant advises that he is in escrow to purchase 2,782-sf of the flood control area from the County, which would increase the lot size to 18,775-sf.

An aerial view of the site was displayed and a brief history provided. The applicant was granted approval on March 23, 2006, to remove and box an oak located in the driveway area of the proposed project. The draft conditions require an arborist to evaluate and report on the health and survivability of the oak.

Plans were originally submitted in May 2006 to Building & Safety, without indication that this was a hillside property. Accordingly, building permits were issued, since Planning Commission approval was not required, and site preparation commenced. Thereafter, neighbors began calling Staff, which eventually led to issuance of a Stop Work Order on May 4, 2006. The applicant was advised to file for the necessary applications, and he did so on October 2, 2006. On November 1, during Staff's review for application completeness, the Zoning Code was amended. Consequently, the new regulations for Second Floor Review affected this project.

The proposed home consists of 4,189-sf, plus an attached 494-sf garage. A full subterranean basement would accommodate a game room. Planner Clarke advised that only the 14,757-sf "flag" portion of the lot is considered for purposes of FAR calculations. Further, the lot's 22% average slope triggers the Slope Factor Guideline, which allows a house of 4,459-sf.

The site, story poles, floor plans, elevations and the neighborhood, were shown on Power Point. Planner Clark noted that the neighborhood is mostly comprised of single-story homes.

Staff believes there is ample opportunity for new structures to provide compliant setbacks and therefore did not recommend approval of the Modification component.

Lastly, Planner Clarke advised that staff had met with some of the neighbors at their homes and at City Hall; there is concern with duplication of problems that arose when the applicant constructed the home in front of the subject lot.

Commissioner Cahill commented that if the lot frontage was greater than 80 ft , the allowed FAR could not be exceeded; whereas, lots with smaller street frontage are subject to more review by the Planning Commission.

Director Stanley cited options available to the Commission: approve the standard at 4,685-sf and hold the floor area to the Hillside guideline, approve something greater, or something in between. The Trails Committee was made aware of the negotiations to purchase property from Flood Control; they reviewed the matter and concluded "they didn't need it".

Applicant Anders Troedsson thanked Planner Clarke for his outstanding report. He questioned whether the FAR requirement for lots with less than 80 ft of street frontage applied to flag lots, since the concern was with narrow, deep lots, where new development could be imposing --- that is not the case with flag lots, which tend to be secluded. The project represents an excess of 180-sf over the underlying 4,500-sf. He reported that the structure conforms to the lot "as is", and is 470-sf smaller than what would be allowed if he currently owned the additional property to the rear. He expects that the purchase from Flood Control will be concluded within two months.

The comment that the project would be the second largest home in the neighborhood is incorrect; it would be the 5<sup>th</sup> largest, according to Building & Safety records, which are more accurate than the Assessor's records referenced by Staff. Mr. Troedsson stated that the majority of the second floor is pushed back as he recognized from the beginning there would be sightline issues.

**Setbacks** - the project is more than 90 ft distant from the property to the north at the closest point. The house further north is more than 150 ft distant. Homes across Gould Canyon are more than 115 ft away and are buffered by the flood control channel and trees. The home to the south is 37 ft away and the project's closest point to the home to the west is 62 ft. The 5-ft front yard encroachment represents a column on an open porch. Mr. Troedsson noted that the setback increases towards the east so that the center of the house is setback 23 ft., equating to a 36-ft front setback. He recognized that he could move the house back, closer to that neighbor but his intention was to provide as much separation as possible.

**Grading** - Responding to a question from Commissioner Gelhaar regarding a grading permit, Mr. Troedsson advised that removal and recompaction under the footprint does not require a grading permit, however, he would submit a grading plan for work done at the southwest corner of the property. Excess dirt will be used to backfill. Additionally, the retaining walls were not required to be shown.

Commissioner Gelhaar advised that his calculations show an average slope of 24%. He asked Mr. Troedsson why his original plans reflected a 15% slope.

Mr. Troedsson responded that he used an average slope less than 15%. Staff would not allow him to use his calculations, as he is not a licensed surveyor.

**Height** - the project is 20 ft below street elevation and has an overall height of 28 ft.

Chairman Davitt referenced Mr. Troedsson's comment that he used a 10-12-year-old survey, and asked if it should be updated.

Director Stanley responded that the survey is acceptable as long as it bears the stamp from a licensed surveyor. He pointed out that Staff used that survey as well as the City's Geographic Information System to determine that the site qualifies as hillside; based on that, a Stop Work Order was issued. He added that the site was heavily vegetated when the survey was done and that anytime more than 50 cubic yards of dirt are moved, it is considered as grading.

Mr. Troedsson advised of having contacted the former owner of the property and the surveyor regarding the substantial difference in elevation. The surveyor was confident in his work product and pointed out that the former owner "did a lot to the property".

Responding to a question from Chairman Davitt, Mr. Troedsson advised there would be no further grading, but the retaining walls would be backfilled. He submitted letters from two neighbors to the south in support of the project.

Chairman Davitt confirmed that placement of the pool and spa equipment had not yet been detailed. Mr. Troedsson doubted that he will include those amenities but if he does, they would conform with Code.

Director Stanley suggested that if a pool is approved, the Commission might want to consider if it wants the equipment facing the trail.

Responding to a question from Commissioner Cahill, Mr. Troedsson advised that after the purchase from Flood Control is completed, the project would be 470-sf below the Slope Factor Guideline allowance. He stated that because the house is 20 ft below street elevation, application of the Slope Factor Guideline is not necessary --- eliminating 180-sf would not make a perceivable difference.

Responding to a question from Commissioner Mehranian, Deputy City Attorney Cobey stated she would not recommend imposing a condition that included acquisition of the Flood Control Property in question. She stated that a timeframe, e.g., might work, but the applicant could not do any site work during that time.

Director Stanley added that the Commission could continue the matter pending the land purchase.

Commissioner Gelhaar confirmed that Staff determined the proper slope factor application was .95.

Mr. Troedsson reported he was told that if slope percentage exceeded .5, he was to defer to the highest number.

Chairman Davitt opened the public hearing.

Ronnie Siegel, 5166 Oakwood, has resided north of the project for 15 years. She distributed photos and read a statement. Her concerns included impacting the trail system to the west, the plans do not show how the frontage is treated or the 6-8-ft-high grade change or retaining walls. She questioned if the boxed trees are salvageable and recommended having an arborist review that aspect, she wanted a detailed planting plan with plants identified and asked that she be allowed to review the plan. Re-evaluate the plans to better understand the slope treatment along the trail and ensure the character of the trail system, reduce the square footage of the house, submit plans from a licensed surveyor and a civil engineer to address the grade and drainage issues. Ms. Siegel stated that she and her neighbors wanted a guarantee that proper landscape screening would be installed and related of problems that occurred when the applicant built the house on the front lot.

Dan Evans, 5168 Oakwood, resides northwest of the project and is a member of the Trails Council. He stated that he strongly opposed the project and asked that it be denied. His opposition was based on environmental issues, the applicant's past actions and lack of trust. Mr. Evans stated that he was stunned upon seeing the story poles and questioned of the work done to date has weakened the hillside. He related of what he described as an endless stream of problems that ensued during construction of the house on the front lot, including 14 calls to the Sheriff to report work on Sundays and holidays. He concluded by stating that the project does not meet the standards of the Hillside Ordinance and is too large for the lot.

Jim Kambe, 829 Green Lane, a Parks & Recreation Commissioner, stated he was concerned with having a large structure of the trail system. He felt the Trails Commission should revisit purchasing the land from Flood Control, as it would make a nice resting spot. He runs on the trail 4-5 times a week and noted that the boxed oak is dead and reported there is rubbish stored on the trail.

Faye Therrian, 5155 Oakwood, stated she was unsure "why the house had to be so large". Her biggest concern was construction traffic.

David Hensley related of having resided at 5104 Oakwood since 1962, at the bottom of the subdivision. He believed the problems associated with the house in front were caused by the subcontractors, rather than the developer. He favored the project noted as he frequently hikes the trail, he is aware of the "monster houses" that have been built along the trail. Mr. Hensley believed that the project was in scale with the site and though it is hillside property, the

house would be tucked down and inside. He reported that he had retained the service of Ms. Siegel in the past and recalled that when she moved into her home, the trail in the area of her home was open and wide until she built a fence and added screening. He felt the applicant should be allowed to do the same.

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

Mr. Troedsson responded to comments and referred the Commission to a letter submitted by Michael Johnson, who resides immediately adjacent to the house in front of the project site. The letter recalled numerous complaints filed with the City in regard to construction of the that house and related that the problems were quickly resolved and an excellent working relationship was established with the applicant and his partners. Mr. Troedsson observed that Ms. Siegel's home is two-story, 150 ft distant and easily 30 ft above his property. He advised there was no problem with providing a detailed landscape plan and reported that Ms. Siegel declined his offer that she collaborate with him on the landscaping; she believed it would be a conflict for her.

Mr. Troedsson stated that imported fill was never brought to the site and that those were serious allegations.

Addressing the trail, he pointed out the lack of screening on properties across the Channel, and that numerous homes along the trail are closer and taller than his project. Once the purchase is concluded with Flood Control, the house will be set back 20 ft from the property line. It is not in his interest to have a large retaining wall facing the Channel; it will be terraced.

Regarding the Flood Control inlet, Mr. Troedsson advised that it is located on the property south of his. He followed the erosion control plan established by Building & Safety and sandbagged around it. He is unaware of what happened to it, and the County advised they thought it was abandoned or vacated.

Trees - the redwoods are not protected and he is therefore not required to install protective fencing around them. He reported that a certified arborist had Valley Crest Tree box the oak and it suffered due to the heat wave that stuck the area; it is not in his interest that the oak die, as it was costly to have it boxed.

Mr. Troedsson reported that he cannot get another survey - as no surveyor will certify "what was". He asked two surveyors to do so and they declined.

Responding to Mr. Evans' comments, he reported that Mr. Evans refuses to meet with him. Unless Mr. Evans wants to buy the subject site, there is no reason why he should donate it as open space. Mr. Evans remarked "there are

numerous violations of the Tree Ordinance"; Mr. Troedsson didn't know what that meant.

He questioned Mr. Kambe's comment that the house would loom over the trail, since the first floor would be setback 20 ft and the second floor setback another 10 ft.

In conclusion, Mr. Troedsson reported that from the 20 letters he sent to neighbors inviting them to the site to review the plans, he received 3 calls supporting the project. No one else responded. He recognized that impacts from his project at the front and from two other projects on lower Oakwood were an imposition to the neighbors. He was anxious to hear details regarding opposition to the project --- it is 20 ft lower than street elevation, so there is no view obstruction to the Evans' home that is 20 ft higher in elevation. He further advised that he never worked on the front house on weekends or holidays; it could have been a subcontractor and if it was, he apologized.

Further comments were not offered and the public hearing was closed. Chairman Davitt called for a 5 minutes recess; the Commission reconvened at 8:26 p.m.

Commissioner Gelhaar stated that even before the neighbors spoke, he decided that he would vote for denial or a continuance, based on reading the staff report and his site visit. The retaining walls are a significant factor insofar as how they will be mitigated, which makes landscaping an important issue. Because the property is a flag lot and the project would not be seen from Oakwood, he considered the neighborhood differently than what the staff report chart depicted. He believed the neighborhood was more realistically Gould Avenue, as that's where the mass is. He noted that homes on Gould are in the 1,700-sf range and 1 ½ stories, in his opinion. He asked to see any available grading plans and the retaining wall plan. He could not make finding 7 under the Hillside Ordinance and could not make finding #8 until he reviews a landscape plan. He could not make finding 1 for Second Story Review, though he appreciated the modulation and most of the setbacks, (he did not support the front yard encroachment), but screening along the Wash is non-existent, nor could he make finding 2, as he felt that Gould Avenue equates to the surrounding neighborhood. He also could make findings 2 and 3 for the Modification.

Commissioner Cahill briefly reviewed the 4 separate requests. He did not have a problem with the HDP request as the site can obviously be built on and he did not think a two-story home would be inappropriate. He acknowledged Commissioner Gelhaar's concern with the project's view from the trail; the potential of a wall with a fence atop could have a non-green, tunnel effect. While that could be mitigated, plans need to be submitted, as a detailed landscape plan including trees, would make a big difference. Commissioner

Cahill commented on the different readings regarding height; lowering it would be a positive move. Regarding the Modification, he saw no need or hardship to grant the encroachment; only heard that it's a good idea. Addressing the Floor Area Review, the narrow frontage was not a concern – he viewed the lot as 14,000-sf. Staff's calculations state that a house of 4,400-sf can be constructed, despite the 30 ft of frontage. The only basis he could justify a larger house would be if the County property is acquired, but he was struggling as to why a larger house is warranted. He advised the applicant it would be worthwhile to possibly scale down the house and submit a detailed landscape plan.

Commissioner Mehranian observed that the property is a legal parcel and that there are many imposing properties along the trail. She stated that she was struggling with the variable of the County parcel, as it would make a difference. She liked the design and a two-story home was acceptable; however, there are too many unknowns at this point, including the landscaping.

Commissioner Hill commented that it did not appear the project was sufficiently complete for a vote and that a continuance might be in order. He initially thought the setback would be a big concern for him, and as the applicant pointed out, the encroachment is minimal. However, after hearing from the neighbors, it is clear that more information is needed. He encouraged the applicant to provide information regarding landscaping and how it would mitigate views of the structure from across the trail. He related of having difficulty finding the project, even with the story poles, and felt the neighborhood was in reality the trail system. Commissioner Hill emphasized that he was not suggesting that the house be invisible and there was no need to strive for that, but there were legitimate issues that need to be addressed.

Chairman Davitt concurred that more information was needed in order for the Commission to make a decision e.g., the treatment of the retaining wall and its mitigation and a landscape plan for the entire site. He agreed with Staff's conclusion that a new project should not present encroachments into the setback. If the matter was continued for redesign, he preferred that some of the requested entitlements be eliminated, though he was not saying that a second story is not appropriate for the site. If a pool and spa are contemplated, they need to be shown on the plans. He gave the applicant the option of a vote or continuance for redesign.

Mr. Troedsson opted for a continuance and stated he would appreciate specific direction, especially from Commissioner Gelhaar.

Commissioner Gelhaar stated he would be pleased to do that, and encouraged Mr. Troedsson to contact the Commissioners individually. He added that the

design was beautiful and asked that Mr. Troedsson focus on landscaping the site for the benefit of the Gould Avenue neighborhood.

Commissioner Gelhaar complimented Planner Clarke for a tremendous job on one of the more complicated projects that he's reviewed as a Planning Commissioner.

Commissioner Cahill added that it would be good to know there was an attempt at collaboration with the neighbors.

Director Stanley commented that per the conditions of approval, a grading plan is needed. Questions remain as to fill, the retaining walls and from where to measure height. The grading plan should identify the amount of fill on the site and Staff needs to evaluate it and will refer it to Public Works for review of grading and drainage issues.

Commissioner Hill stated that an arborist report on the redwoods would be helpful.

Deputy City Attorney Cobey added that the pool and related equipment should also be shown on the plan.

Mr. Troedsson remarked that he has a landscape plan, but it is not ready for presentation at this point. He stated that he preferred to wait until the property acquisition from the County is concluded.

M/S/C Mehranian/Hill to continue Hillside Permit 06-68, Second Floor Review 06-01, Modification 06-91 and Floor area Review 06-25 to a date uncertain. Unanimous.

**F. Hillside Development Permit 04-36; Conditional Use Permit 386; Modification 04-57; Kim; 3901 Hampstead:**

Planner Gjolme reported that the one-year approval for this project to vest would expire the following day. A prolonged one-year review by County Plan Check and County Health delayed "start of construction" within 12 months of the approval. The Director does not have the authority to grant a time extension due to the Code change requiring second floor review. He pointed out that the scope of the project had not changed and that the majority of plan check issues have been resolved; the applicant was simply requesting a 12-month extension to the original approval.

Staff recommended approval of the request.

Commissioner Gelhaar stated that he preferred not to approve complicated projects for 24 months as suggested in the staff report.

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

M/S/C Mehranian/Gelhaar to amend condition #5 of the approved project to allow for an additionally 12 months to vest the project. Unanimous.

Chairman Davitt referenced Staff's suggestion for a 24-month approval for complicated project and asked if this case was an anomaly or was it something Staff was experiencing due to the workload?

Director Stanley recognized that the issue of a code change will not always be relevant; however, septic issues for properties on the south side of Foothill many times take a year to resolve, then the project goes to Plan Check, which makes it very close to get the footings installed prior to the approval deadline.

Planner Gjolme recognized that this project was caught in a code change situation; however, Staff received one-year extension requests on a weekly basis and all have to do with the larger and more complex cases. Getting grading, soil, hydrology and septic typically takes longer than 12 months.

Commissioner Gelhaar commented that if that was the case, he did not have a problem with Staff's request.

The Commissioners concurred to allow a 24-month approval for the more complicated projects.

## **VIII. OTHER BUSINESS**

Director Stanley asked that the Commissioners select 2 of its members to represent the Planning Commission on the General Plan Advisory Committee (GPAC). Current projections are to meet 5 times over a 2 ½-year period, beginning April 1, 2007. There will be lots of information to digest between meetings. The Committee will consist of 1 representative from each commission, with the exception of the Planning Commission, which will be represented by 2 commissioners, 5 at-large members of the community, one representative each from the Chamber of Commerce and School District and 2 City Council members. Each position will have an alternate.

Chairman Davitt noted that the Council asked that only those commissioners whose terms will not expire in 2 years offer to serve.

Responding to a question from Commissioner Hill, Director Stanley advised that while meeting times had not been discussed, he imagined that they would be held at night to accommodate work schedules. He cautioned they could be lengthy meetings with 15 people providing input and since they are public meetings, the public can comment.

M/S/C Davitt/Mehranian, appointing Commissioners Hill and Gelhaar to the General Plan Advisory Committee. Unanimous.

**IX. COMMENTS FROM THE COMMISSIONERS:**

A discussion ensued regarding story poles for Second Floor Review.

Director Stanley related that thus far, their requirement has been limited to hillside projects.

Commissioner Gelhaar felt they should be required for second stories as the same issues surface for non-hillside projects.

Director Stanley commented that story poles could be problematic when only a portion of the house is removed.

In those instances, Commissioner Gelhaar stated the poles need only show the proposed height.

Commissioner Mehranian agreed that a less complicated story pole would be appropriate in those cases.

Commissioner Hill suggest that a computer simulation of the project would be sent with the hearing notice.

Deputy City Attorney Cobey remarked on the importance of story poles to evaluate the massing, as one of the big concerns is aesthetics.

Planner Gjolme confirmed that story poles would be required only for projects that need Commission review.

Commissioner Cahill commented that if a project has two-story homes on both sides, story poles probably aren't needed, whereas a two-story proposal adjacent to a single-story home would need to erect story poles.

Planner Gjolme noted that the Director has the discretion to waive the story pole requirement on certain hillside cases --- second floors could be similarly handled.

Commissioner Hill commented on another matter; he discovered what appeared to be an open cistern during his site visit to the Oakwood project, which was heard earlier and continued.

Director Stanley advised that he had a concern with the safety factor and noted that it was not shown on the plans. He has discovered that some developers have found it easy and less costly to have a septic system dug when the rig is on site for perc testing --- all that is done without benefit of a building permit.

Commissioner Hill inquired if there any penalties for grading without a permit.

Director Stanley explained the Citation Ordinance that was recently adopted by the City Council.

Deputy City Attorney Cobey advised that a condition could be imposed that a project monitor be assigned at the developer's expense - it would have a deterrent effect.

**X. COMMENTS FROM THE DIRECTOR**

The Director did not have further comments.

**XI. ADJOURNMENT**

M/S/C Hill/Gelhaar to adjourn at 9:24 p.m. Unanimous.

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Secretary to the Planning Commission