

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE  
CITY OF LA CAÑADA FLINTRIDGE  
HELD SEPTEMBER 11, 2007**

**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

Present were Commissioners Gelhaar, Hill and Mehranian, Deputy City Attorney Guerra, Director of Community Development Stanley, Senior Planner Buss, Planners Clarke and Gjolme, Assistant Planner Lang. Commissioner Davitt was expected to arrive shortly

**III. PLEDGE OF ALLEGIANCE**

Commissioner Hill led the salute to the flag.

**IV. COMMENTS FROM THE PUBLIC**

Greg Frame requested reconsideration of item B on the Consent Calendar, which was a resolution denying his request of SFR 07-35. He requested the opportunity to redesign his project and to present it on October 25<sup>th</sup>.  
M/S/C Mehranian/Hill to continue SFR 07-35 to October 25<sup>th</sup>. Unanimous.

**V. REORDERING OF THE AGENDA**

Chairman Cahill called out the agenda items to determine opposition on any items. He explained that he and Commissioner Davitt had commitments with Back To School night, so they would be coming and going; he wanted to be sure that all controversial projects received a fair hearing. A show of hands from the audience reflected 3 items would be controversial and would include opposing testimony. He proposed moving item VIII D forward and continue with the controversial items first.

**VI. CONSENT CALENDAR**

Commissioner Gelhaar pulled item A from the Consent Calendar for discussion.

The following items were unanimously approved:

**B.** Reconsideration granted

**C.** Approving Lot Line Adjustment 07-02; 3828 Keswick Rd. and 1117 Roanoake Place

**D.** Approving Lot Line Adjustment 07-03; 5236 Bubbling Well Lane & 3423 Ayers Canyon Way

**E. F. and G.** Approving minutes of 6/26, 7/10 and 7/24/2007.

Item A, Resolution 07-80 regarding 5288 Gould Avenue, was discussed. Commissioner Gelhaar addressed draft condition 22C, which requires repair of the entire private drive and repaving the necessary areas at the applicant's expense. He inquired who would make the decision as to which areas need repaving.

Deputy City Attorney Guerra advised that it should be subject to the Directors of Community Development and Public Works.

Senior Planner Buss requested that the condition be clear that such repairs are subject to permission of outside property owners.

M/S/C Mehranian/Gelhaar to adopt Resolution 07-80 Unanimous.

**CONTINUED PUBLIC HEARING:**

**VII. Variance 07-07; Farestveit; 1351 Foothill Boulevard:**

Chairman Cahill announced that this item would not be heard as the applicant had withdrawn the request.

**VIII. PUBLIC HEARINGS:**

**D. Hillside Development Permit 06-08, Second-Floor Review 06-01, Floor Area Review 06-25, Modification 06-91; Troedsson/Payne/Charles; 5156 Oakwood Avenue:**

Planner Clarke re-familiarized the Commission with this project, which was first reviewed February 27, 2007. Neighbors had expressed concern with the proposed size of the house and its proximity to the horse trail. The Commissioners expressed concern with the structure's height, treatment of retaining walls, a landscape plan, the number of requested entitlements and potential acquisition of property at the rear from the County.

The subject site is a vacant, graded, flag lot located on the east side of Oakwood Avenue and behind 5160 Oakwood (which the applicant previously developed). It is located approximately 200 ft from Oakwood Avenue and is 15'-20' below street elevation. Flag lots abut the site to the north and south and at the end of the cul-de-sac. The east side of the property borders Gould Canyon Channel and equestrian trail.

Importantly, since the last meeting the applicants successfully purchased 2,782-sf from the County Flood Control District, which increased the lot size from 15,993-sf to 18,775-sf. This further resulted in a significant increase in the provided setbacks so that a Modification is not required, and the project's 4,683-sf now meets the Hillside Ordinances' Slope Factor Guideline.

A Power Point presentation showed the newly-purchased square footage and the house moved back from the south property line. A revised landscape plan allows more space for plant material to soften the visual effect on the neighbor to the east, though the project would still be visible from that direction.

Planner Clarke summarized the project and pointed out that the second story floor area is approximately 40% of the first floor's area. Height reaches 33' 7" at the highest ridge. Given the purchase of additional land and the revisions, Staff was in a position to recommend approval as conditioned.

Responding to a question from Commissioner Mehranian, Planner Clarke advised that the grading plan is always referred to as "conceptual" until the plan is approved by Building & Safety and grading commences.

Commissioner Gelhaar stated he wanted to be certain that Staff was comfortable with how grade was measured, as he believed that fill was imported to the site.

Director Stanley advised that measurements were taken from the lowest, original grade to the highest grade. Allowances were made because the design includes stepped massing

Chairman Cahill confirmed that the height measured from natural grade at the rear of the house measures 28 ft and that the new lot area of 18,775-sf includes the "pole" portion of the flat lot, leaving a buildable lot area of 16,020-sf.

Project designer and co-owner Anders Troedsson, related that the adjacent home, which he also designed, is 4,739-sf, including the garage, on a 15,074-sf lot. He reported that the project's basic plan had not changed and was always based on acquisition of the Flood Control property. He pointed out that the median neighborhood floor area ratio is 18.7%, compared with the average of 25%, which is used more frequently. A landscape and planting plan was submitted and the retaining walls are now terraced and lower along the trail because of the property acquisition from the County. Additionally, he has the option to lease property along the Flood Control Channel, which would allow a construction delivery route from Angeles Crest to Green, then to Greencrest and down the Channel, negating the need to use Oakwood. From a visual perspective, the project would be seen only from 5164 Oakwood and from properties on Gould.

Landscape designer Jon Pride, reported that the one sickly sycamore would be removed and replaced by another sycamore at the front. Landscaping along the trail would consist of plant material growing through a wrought iron fence so that residents of Gould Avenue would only see a "green wall".

Responding to a question from Chairman Cahill, Mr. Pride advised that two redwood trees on the Plan would be 10-11 ft from the house.

Responding to a question from Commissioner Gelhaar, Mr. Pride reported that the 1 and 5-gallon plants would reach maturity in 3-7 years even if not well maintained. If well maintained, a 1-gallon plant will surpass a 15-gallon plant

within 2-5 years. He added that some of the plant material is difficult to find in larger sizes.

Chairman Cahill opened the public hearing.

Robert Gulak, 5160 Oakwood, reported he has resided in the home in front of the project and that he cannot see the story poles from his property. He hoped that construction would proceed quickly, as his family would be the most impacted by the project. He recognized the neighbors' frustration with the seemingly continual residential and sewer construction on Oakwood, and felt that perhaps construction of his home was likely the project that broke the camel's back.

Jim Kamby, 829 Green Lane, stated he was disappointed with the lack of dialogue with the Parks & Recreation Commission regarding the trails system. As a Parks and Recreation Commissioner, he was interested in that. He commented that in the past, the City has had the right of refusal whenever the County considers selling excess property and he endorsed the idea of diverting construction traffic; he wanted all staging, including construction debris to be on site.

Dan Evens, 5168 Oakwood, asked that the Sheriff police the site for Code violations and that the trail be kept free of debris, given the precedence set when the property in front was under construction, when disruptions were continual. He added that a 33-ft-high home is not consistent with the area.

Mr. Troedsson asked that the Commissioners deal with the false allegations seriously. Debris on the project in front was from the sewer contractor and he never put debris on the trail. Neither he nor his crews worked on Sunday and he read a letter from Michael Johnson, the neighbor residing directly south of his property, which calls-out the excellent and satisfactory cooperation by the applicant. Mr. Troedsson then pointed out other properties, which abut the trail with high fences and dense landscaping. He observed that the trail section behind his project is approximately 8 ft wide.

Responding to a question from Commissioner Gelhaar, Mr. Troedsson displayed a copy of the haul route, which has the County's approval. Approximately 150 cubic yards of dirt would be exported; all else would be balanced on site.

Commissioner Hill asked Mr. Troedsson if he could assure the neighbors that past construction practice on other Oakwood sites would not continue.

Mr. Troedsson responded that he would do everything possible to see that the law is followed, as he and his partners take those things very seriously.

Director Stanley advised the audience what to do when and should construction occur on weekends.

Chairman Cahill opened the public hearing.

Faye Therrian has lived across the proposed driveway for 13 years. She stated that the project is "a monster home on a postage-stamp size parcel", and was concerned that grading had occurred without a permit.

Ronnie Siegel, 5166 Oakwood stated that she was pleased that the applicant requested her input with the landscape plan; however, she would rely on her own planting to add more screening. She requested assurance that her property be respected during construction.

Director Stanley confirmed the legality of existing flag lots and inquired about construction crossing the horse trail. The Trails Ordinance prohibits construction traffic from crossing the trail system.

Mr. Troedsson stated that in that case, he might have to divert traffic up Oakwood.

Chairman Cahill requested comments from the Commissioners.

Commissioner Mehranian stated that the acquisition of land from County Flood Control addressed most of her issues, though she was struggling with the project's height. There are no privileges being granted to this project in terms of proximity to the Trail. She stated that she had a positive attitude for the project and remarked that the applicant should do all possible to keep visible debris to a minimum.

Commissioner Hill stated that most of his issues were now addressed. He felt the land purchase from the County results in a house that fits in with the Gould neighborhood. He urged the applicant to make the construction process as smooth as possible for the neighbors.

Commissioner Gelhaar concurred and reported that he had spent a good deal of time on site and spoke to several neighbors. He was encouraged that Ms. Siegel was pleased with the landscape plan and advised that his concern was always the Gould neighborhood, as the Oakwood residents would not have views of the project. He supported the draft conditions and asked that 2 more be added: requiring that the project comply with the Trails Ordinance and prohibiting construction staging on the trail or on the street.

Chairman Cahill stated that every project brings disruption with it; however, the draft conditions address that aspect. Height is no longer an issue for him and the neighbor most affected at 5160 Oakwood doesn't have a problem with seeing the project's roofline from his property. He calculated the lot area not

including the "pole" portion and concluded that the project is well within what would be allowed on a rectangular lot. The adjacent lot is similar to the project site in size and configuration and has 31% lot coverage --- minus the "pole", he calculated it would be 29%. He stated that he could support the project and concurred with the added conditions suggested by Commissioner Gelhaar.

M/S/C Mehranian/Gelhaar to approve Hillside Development Permit 06-68, Second-Floor Review 06-01 and Floor Area Review 06-25 with two added conditions requiring compliance with the City's Trails Ordinance and prohibiting any construction staging on the street. Unanimous.

Chairman Cahill advised the audience of the right to appeal and temporarily left the meeting at 7:29 p.m.

**A. Floor Area Review 06-09; Creighton; 4612 Encinas Drive:**

Assistant Planner Lang recalled that this project, to construct a 2,952-sf, two-story residence was approved in October 2006. Plan check is complete and permits are ready to be issued; however, the project has not vested due to delays incurred with County Flood Control with regard to covering a channel. The Director is not in a position to allow the typical 12-month extension as Code has changed --- the project would need to apply for Second-Floor Review, pay new fees, and proceed through another public hearing process. The applicant is therefore requesting that the Commission modify condition 5 and allow additional time to vest the project.

Staff concluded that the request was reasonable and recommended approval.

Vice Chair Gelhaar opened the public hearing. Since testimony was not offered, the public hearing was closed.

Deputy City Attorney Guerra commented that if the Commission were to favorably decide the request, that it simply adopt a resolution modifying condition 5.

M/S/C Mehranian/Hill to amend condition 5 of the resolution and extend the expiration date. 4 Ayes.

**B. Telecommunications Permit 06-02; Royal Street Communications/Pacific Bell; 4815 Oak Grove Drive:**

Senior Planner Buss described the applicant's request to co-locate cellular antennas and related ground equipment on the SBC wire center site located adjacent to the JPL facilities.

The site is a separate parcel that is surrounded by the JPL west parking lot and contains a Pac Bell switching center, parking, two monopole antennas and related ground equipment. The new monopole - a "monopine" -- is designed

to look like a tree and would be located within a stand of trees on the east side of the parcel. The monopine would close a coverage gap in the system, specifically throughout the JPL site. The ground equipment pad would be placed on a pad adjacent and north of the monopine. It would be located 12 ft from the front property line, rather than the 25-ft setback required for the Public/Semi-Public Zone. Given the isolated location of the parcel, behind JPL security gates, Staff concluded that a waiver for setbacks was warranted and justified. Setbacks were not considered for the prior projects that were subject to a Conditional Use Permit and the Commission readily granted a setback waiver for Verizon Wireless was approved.

The new antennas would be 48 ½ -ft above ground level and located among the branches of the monopine.

Staff recommended approval, noting that the City encourages co-location. The draft conditions require an arborist to oversee installation of the equipment pad due to its proximity to a tree.

Consultant Lorena Flores, was present to respond to any questions the Commission might have.

Vice chairman Gelhaar opened the public hearing. Since testimony was not offered, the public hearing was closed.

Vice chair Gelhaar polled the Commissioners and confirmed that they did not have concerns with the request.

M/S/C Mehranian/Hill to approve Telecommunications Permit 06-02 as conditioned. 3 Ayes.

**C. Telecommunications Permit 07-01; Omnipoint Communications/T Mobile; So. CA Edison right-of-way near Angeles Crest Highway:**

Senior Planner Buss reported that this was a similar request to co-locate 12 cellular antennas in groups of 4, on an Edison transmission tower and install related ground-mounted equipment.

The proposed site is located adjacent to the Edison substation north of the La Cañada Country Club. The antennas would be approximately 64 ft above ground level and a microwave dish would be attached at the fifty-foot level. A steel platform with an equipment cabinet and a GPS unit would be located within the tower's four support system. The platform would be screened by a seven-foot-high chain link fence containing green vinyl slats. All wiring would be routed underground.

Jason Kozora representing T-Mobile, explained that the proposed project would close a gap in the area on the Crest. A GPS antenna is placed on each

site; each site needs to know which site to hand signals off to. Without the GPS antenna, calls would be dropped. GPS sites are also used for 991 calls and locating the trouble site.

Vice chair Gelhaar opened the public hearing.

Joseph Graziani, 5850 Angeles Crest Highway, resides adjacent to the transmission towers. He disagreed with Staff's report, which stated that the project would not impact humans and observed that the Report is silent regarding health risks to nearby families. He stated that microwaves are a concern and that analog meters can demonstrate risk, but not accurately. Mr. Graziani stated that the EPA has issued warnings and that there is reason for concern. He further disagreed with Staff's determination that the visual impact would be negligible and advised that he would see the project from his home, given the likelihood that other carriers would soon be co-locating on the towers. He found it acceptable for these sites to be located in mountain areas, but not near humans. He concluded by stating that he did not receive a notice of public hearing until August 31<sup>st</sup>.

Commissioner Davitt arrived at 7:53 p.m.

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

Mr. Kozora responded to comments and noted that Mr. Graziani's house is approximately 150-200 ft distant from the transmission towers and homes to the north are approximately 300 ft away. He noted that the City encourages carriers to co-locate and that the subject facility would work for all 911 calls irrespective of the wireless carrier. Topography is a challenge for the gap in frequency and allowing this request would provide a maximum amount of coverage. The project is in full compliance with FPC and FDA requirements and with health requirements in terms of emissions (this project would produce less than .1% of the allowable emissions)

Deputy City Attorney Guerra reminded the Commission that issues of electromagnetic waves are not within the jurisdiction of the Planning Commission. As long as providers comply with the permitted levels assigned by the FDA and PUC, a project would be determined to meet health requirements in terms of emissions.

The Commissioners indicated that they were prepared to make the required findings.

M/S/C Mehranian/Hill to approve Telecommunications Permit 07-01 as conditioned. 3 Ayes, Davitt abstaining.

The audience was advised of the right to appeal the Commission's decision.

Planner Gjolme then advised that the applicant for item VIII-E for 5028 Jarvis Avenue, requested that their item be tabled until a full Commission was seated.

**G. Conditional Use Permit 417; Hillside School and Learning Center; 4331 Oak Grove Avenue:**

Planner Gjolme reported the applicant's request to expand the first-floor educational therapy room by 406-sf at the northwest corner of the two-story building and add a 108-sf snack shop immediately south of the main building.

The Hillside School is located on Oak Grove Drive, near the corner of Berkshire Place, in the Public/Semi-Public Zone. The site is 22,640-sf in area and if approved, total development would reach 7,715-sf. within the 35%, 7,924-sf allowed for the site.

The project presents compliant setbacks and would not affect the required parking requirements. Materials and color would match existing and the project would extend into a patio area and would not be visible for the most part.

Staff recommended approval as conditioned.

Vice-chair Gelhaar opened the public hearing. Comments were not offered and the public hearing was closed.

Commissioner Davitt state that he did not have any concerns with the request, as it is minor in scope and would not affect the available parking. He was prepared to make the findings. The Commissioners concurred.

M/S/C Davitt/Hill to approve Conditional Use Permit 417 as conditioned. 4 Ayes.

**H. Second-Floor Review 06-13; Floor Area Review 07-07; Kim/Choi/ Chung; 4300 Oakwood Avenue:**

Planner Clarke recalled that the Commission had twice considered the applicants' request to construct a 6,336-sf residence, including a 441-sf, detached garage on a 22,940-sf parcel. The Commission's approval was appealed to the City Council by the Allied Lower Oakwood Homeowners' Association (ALOHA). The Council remanded the project to the Planning Commission for redesign and directed that the sq. footage be reduced to be more compatible with the neighborhood and to reduce the 2<sup>nd</sup> story bulk as viewed from the street.

The revised project shows a 604-sf reduction; the initial project was 6,336-sf and it is now at 5,732-sf. Without the detached garage, total floor/roofed area is 5,291-sf. The first floor was reduced by 150-sf and the second-floor is 454-sf smaller. A design change from a mixture of Tudor now presents a more

coherent Mediterranean style and more modulation is provided on both floors, as well as the formerly stark north elevation. A balcony at the center rear of the second floor was relocated at the southeast corner.

A Power Point presentation depicted the former home, which has been demolished, with the proposal. The second floor is now considerably smaller than the first floor. The width of the rear elevation was unchanged; however, the side elevations are now modulated. Staff determined that positive revisions were made and that the City Council's directives have been followed. Staff recommended positive findings and project approval.

Vice chair Gelhaar opened the public hearing.

Larry Stone, 4261 Oakwood, reported that the Notice of Public Hearing did not reveal there was any reduction in the house size and that the project continues to exceed the Guidelines. While ALOHA recognizes that the appearance is improved, the group is still concerned with mansionization and the apparent reluctance of the Commission to address that. As admitted to by the applicant, the project is for multi-families – they are concerned with septic issues and street parking, particularly with the parcel's 70-ft width. He applauded the reduction in floor area and felt the Commission would now approve the changes. He asked that the Commission support the community's citizens.

Planner Clarke stated that the Notice of Public Hearing included the original floor area in the event that there would be further changes.

Deputy City Attorney Guerra advised that the Notice was legal.

John Horrall, 4271 Oakwood, reported that mansionization began in his neighborhood 6 years ago. Each change became the new standard, rather than the exception. He reiterated that the neighborhood is single-family and that the applicants have stated to the City Council that 3 families would occupy the home. He urged the Commission to see that the Guidelines are adhered to.

Project architect Kenneth Kim explained the basis for using the 3 last names on the application is because in Korea, women do not change their last names when they marry.

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

Vice chair Gelhaar remarked that the Commissioners' conclusions must be based on the findings.

Commissioner Hill recalled that he initially voted to approve the project and after the Commission's vote was reversed by the City Council, he drove the street again, numerous times, parked his car on Foothill and walked to the site.

He decided that he erred when he voted for approval. He stated that he struggled with "compatibility", when every neighborhood is fluid and changing. He recognized the revisions and the design style change, but he did not feel it was at the stage where he could say it complied with the Residential Guidelines. He did not believe the project fit the neighborhood and he was unable to make the required findings.

Commissioner Davitt stated that he reviewed the minutes from the City Council's hearing. He believed that the design fits the 23,000-sf lot and that the design changes were responsive to the Council's direction. He noted there are larger homes in the neighborhood.

Commissioner Mehranian asked that a condition requiring an arborist to oversee the oak trimming be included and felt that the revisions were an improvement compared with the former plan. She further believed it should not be a concern of the Commission as to the number of people who reside in a home.

Vice Chair Gelhaar stated that he could make the findings.

M/S/C Davitt/Mehranian to approve Second-Floor Review 06-13 and Floor Area Review 07-07 with an added condition as requested by Commissioner Mehranian. 3 Ayes; Hill dissenting.

Vice chair Gelhaar advised the audience of the right to appeal

**E. Variance 07-08; Robbins; 5028 Jarvis Avenue:**

Planner Gjolme described the applicants' request to allow a 177-sf, first-floor addition to the rear of a two-story home. A Variance is required as total floor/roofed area, including the pool house and a detached garage, exceeds the 3,715-sf maximum allowed for the 10,500-sf lot. Nonetheless, total project area would be below the 4,107-sf approved through Floor Area Review in April 2004.

The request before the Commission is to allow a 177-sf, first-floor expansion of the family room at the rear northeast corner of the residence. Planner Gjolme explained that allowing the request would not increase the overall floor area. It has been determined that floor area calculations for the initial project overestimated the size of a rear deck at 276-sf. Code requires that only deck area with vertical clearance more than 7 ½ ft above grade qualifies as floor area. Staff has verified that only the outermost portion of the deck falls under that criteria, and that nearly 200-sf were incorrectly included in floor area calculations.

Code changes enacted last year leave the applicant no other recourse but to file for a Variance. A Power Point presentation displayed a matrix comparing the

original project with the current request. Only 86-sf of the deck counted towards Floor Area. Another matrix displayed the lot area of individual homes within the 500-ft radius as well as their existing and allowable Floor Area. The subject lot is the smallest and in some cases, significantly smaller. Looking at the square footage that the other properties could support, the subject lot is restricted to the smallest amount of floor area.

The project would have a minimal effect on the visual scale of the existing home, it would be completely absorbed by the existing first-floor, it would not be visible from off site and would be exchanged for deck area that was originally miscalculated.

Responding to questions from Commissioner Davitt, Planner Gjolme advised that the miscalculation was made originally by the applicant and that the unfinished storage area under the deck does not achieve 7 ½-ft of clearance.

John Schmidt with Behr Construction and project designer, commented that the original submittal was complex and that all parties are chagrined at having missed the deck's clearance.

Vice chair Gelhaar opened the public hearing, since testimony was not offered, the public hearing was closed.

Mr. Gelhaar disagreed the premise that the subject lot should be allowed more floor area because adjacent lots are larger and can accommodate larger homes. He noted that the garage has been converted into a recreation room, containing large exercise equipment and a pool table. He then quoted Code, which requires that garage space must be maintained for vehicle use. Based on his calculations, including the pool house and the garage which he felt was converted to habitable, a floor area of 4,684-sf is presented, or 44.6% --- the highest in his memory. He stated that this was mansionization in his view and he could not make Findings 1,2 or 3.

Commissioner Mehranian agreed with Commissioner Gelhaar's comment regarding mansionization and stated there was no logic to the concept that the project should be allowed based on prior miscalculations.

Commissioner Davitt commented that while the request was minor in scope, but he disagreed with Staff's justification. His issue was that the mechanism to approve this project was a Variance, which requires 5 positive Findings. Though he could make Findings 3,4 and 5, he could not make Findings 1 and 2.

Commissioner Hill advised that he could not make Findings 1,2,3 or 5 and could not support the request.

M/S/C Mehranian/Hill to deny Variance 07-08. 4 Ayes.

Vice chair Gelhaar advised the audience that a resolution of denial would be presented for adoption at the next hearing, after which the 15-day appeal period would commence.

A two-minute recess was taken at 9:02 p.m.

**F. Second-Floor Review 07-17; Hillside Development Permit 07-16; Ghazarian/Baghramian; 4224 Beresford Way:**

Planner Clarke reported the applicants' request to add 3,525-sf to their single-story home, which would result in a two-story home, a new 470-sf garage and 865-sf of porches and decks. The result would be 6,905-sf of floor/roofed area.

The 38,484-sf hillside lot is located on the east side of Beresford Way, in the R-1-20,000 Zone. It has an average slope of 25% and there are significant downward slopes to the east, south and north. The existing home is sited on a flat pad adjacent to the street – there is also a flat patio area to the rear of the house. The proposed 6,905-sf of floor/roofed area is less than the 8,974-sf allowed by the Slope Factor Guideline and also less than the total build-out permitted by the Zoning Code.

The project extends the west side of the house and would accommodate first and second floors at a maximum height of 28 ft. A portion of the project would wrap around to the rear of the existing garage, while a new two-car garage would also be provided, thereby meeting Code requirement for four parking spaces.

A Power Point presentation depicted elevations, sections and floor plans of the project, as well as a pool proposed at the southeast portion of the rear yard, adjacent to the flat pad. Creation of pool area will require retaining walls up to 6 ft in height at the pool's southwest corner. A 384-sf deck for the pool area was also depicted.

Retaining walls are further proposed along the new driveway leading to the new garage. The northern wall would range in height from 2' to 3", while the wall on the south side would face inward and reach 5-6' in height outside the front setback.

The remodeled house would present a Spanish-Mediterranean style and is well modulated and articulated. Compliant setbacks are presented and the angle plane requirement is met.

Staff recommended project approval as conditioned.

Project architect Craig Stoddard, confirmed that approximately 150 cubic yards of export would be required (the equivalent of 10-15 truckloads), mostly due to the lower addition.

Vice chair Gelhaar opened the public hearing.

David Van Wyk, 4246 Beresford, who resides downhill and west of the site, distributed a photo taken from his back patio and family room showing that there a large gap in the vegetation along the western border between his house and the project. The gap happens to be where the tallest portion of the project would be. He requested that all westerly retaining walls be screened with landscaping and that the invasive vegetation on the oaks be removed to assure their viability. He requested assurance that the retaining walls would be located as shown on the plans. Mr. Van Wyk was also concerned with drainage and dirt runoff to his property, which could end up in his pool. He suggested planting ground cover to help with drainage and asked that runoff be directed away from his property. He reported that the applicant made significant grade changes and wanted that checked by an engineer. Lastly, he was unsure where the septic system would be located and asked that construction traffic be addressed.

Director Stanley advised that the draft conditions require submittal of a haul route plan for review and approval by Public Works and the City's Traffic Engineer. Further, as of October 15<sup>th</sup>, the applicant is required to sandbag the site to prevent any runoff in accordance with NPDES requirements. Prior to issuance of building permits, the County's Health Department will evaluate the project and make a determination as to the required size of the septic system as well as an expansion area of similar size. Percolation will also be tested.

Chairman Cahill returned to the meeting at 9:24 p.m.

Kevin Efting, 4181 Chevy Chase Drive, who resides east and downhill from the project, was mainly concerned with drainage and inquired if soils and septic tests had been done. He was also concerned if the septic system would face his property or be in proximity to his property line.

Director Stanley advised further that the County's Plan Check process prohibits all new impervious surfaces from increasing the flow of water offsite. A soils report will be required and the percolations tests are taken at a depth of 10 ft straight down. If located on a slope, an additional 10 ft testing would be required.

Mr. Efting reported that the neighbor to the north wants the septic routed to the east.

John Marshall, 4218 Beresford, resides south of the project site. Since Beresford is 24-ft wide, he was concerned that construction vehicles would block access; he requested a condition precluding construction parking on Beresford between 7:00 a.m. to 7:00 p.m. He observed that the applicant proposed building on a steep grade at a hairpin curve and advised that when the contractor was laying out story poles in the street, it nearly caused a collision. He was also very concerned with soil stability and compaction and related that for two months, he witnessed trucks importing dirt to extend the building pad and never saw any compaction take place. He noted that a majority of the lot was not buildable prior to the importation of dirt.

Director Stanley related that the City should have been advised when the dirt was being imported and advised that a condition could be added requiring submittal of a grading permit if found to be necessary during Plan Check. He also pointed out that the draft conditions address construction staging.

Christine Morris, 4211 Beresford noted that two pine trees would be removed and asked if the 100-year-old oak would be preserved, as it has evolved part of the neighborhood's character.

Director Stanley responded that the Commission could require that all trees shown as "to remain" be protected and their perimeters be fenced 3 ½ times the diameter of the tree. He noted that the draft conditions also require an arborist's report.

Christine Rodemich, 4209 Hampstead Road, stated that her chief concern is safety, as her home and driveway are at the south end of Beresford. She requested a flagman to warn motorists when a street will be closed to traffic. She also advised of being aware that dirt was brought in to the site.

Joan Feehan, 4159 Hampstead Road, related that she uses Beresford as an alternate route to Chevy Chase. She is familiar with the subject site and has witnessed the change --- the lot is now wider due to truckloads of dirt brought in. Neighbors say that at least 100 truckloads were delivered. If the dirt is not compacted, the neighbors residing down slope would suffer the consequences. She also reported that there is not a lot of support from the Sheriff's office when violations are reported.

Bonnie Marshall, 4218 Beresford Way, was also concerned with soil stability and the import and advised that neighbors in fact reported it to the City on several occasions. She reported that the parcel adjacent to hers at 4169 Chevy Chase has been under continual construction for 12 years. Ms. Marshall requested assurance that the allowed hours and duration of construction would be followed and penalties imposed absent compliance and cautioned that the power lines hang low, making them vulnerable to being hit by construction trucks.

Director Stanley advised that the City Council adopted an ordinance that limits active building permit to two years with a possible one-year extension. Additionally, the City now has a citation process with associated fines ranging from \$200 up to \$1,000 for non-compliance. Addressing the project before the Commission, he again referenced the draft condition, which require submittal of a haul route, subject to review and approval by Public Works and the City's Traffic Engineer, who may add even more conditions. Deliveries to the site must be allowed, and they must be done safely and a flagman may be required.

Eugene Rodemich, 4209 Hampstead, reported of having witnessed trucks bringing in dirt in November 2005. He expressed concern with building a house on new fell and wanted assurance that the site is safe. He stated it would be a great inconvenience if the street was closed to allow construction vehicles to access the site and he doubted that a flagman would be used.

Roy Leisure, landscape architect, reported of having worked on a home nearby and recalled the neighbors' anxiety, as there was not a lot of parking space for construction vehicles. He stated that the subject lot is uniquely different and easier to work with; there is lots of room for staging materials. Beresford is much narrower than many other narrow streets in the City and his team developed a plan that was sensitive to those issues. They would not be allowed to build anything on uncertified fill; the fill would have to be removed or re-compacted. Regarding the back yard, a retaining wall with footings will mitigate off site drainage and they would do all possible to direct water out to Beresford. The septic tank was recently expanded for this project and is subject to the Health Department's approval; he noted that it is sometimes difficult to locate secondary systems. All retaining walls would be screened with landscaping and the only trees slated for removal is an ash and a fig tree. He stated they could bridge over tree roots if necessary.

Project architect Craig Stoddard, advised that a soils report had been prepared by a licensed geologist and that a successful percolation test was conducted. The geologist recommended placing the septic system in the front yard and advised that he 'hit' water 55 ft down, so that is not an issue. A civil engineer would draw a drainage plan to handle on site drainage. Lastly, he stated it would not be a problem to add landscape screening on the west side.

Commissioner Gelhaar advised that he stood in the area proposed to accommodate a balcony on the west side and was concerned with view impacts to the neighboring pool.

Mr. Stoddard agreed that the balcony might afford views into the neighboring property. It is unlikely that it would be used much and he included it to break the elevation. Another balcony faces that back yard, however an outdoor fireplace would block views to the adjacent property.

Applicant Arax Baghramian reported of having purchased the subject site 3 years ago and that she has photos of how the property appeared. They did a lot of clearance and hauling away of debris and dirt was brought in for "patching to flatten the down slope area".

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

Commissioner Hill stated he needed more information to make a decision and that he was not comfortable with guessing what the project would look like. He could not now make the Finding that "the project will not create a hazard" since he has not seen an engineer's report and neighbors estimate that "a few, or a hundred truck loads" of dirt were imported.

Commissioner Mehranian stated that was a complex project. Issues of a narrow street, hauling, soil compaction, trees are best left to the expertise of professionals. She was confident that the project could not be built without the authorization of engineers and that she could support the project.

Commissioner Davitt commented on the numerous challenges, but they deal more with road issues, traffic flow, safety, septic, soil compaction and drainage, which will be addressed prior to issuance of any permits. He was comfortable that the process will check hydrology, soil stability, compaction and septic. The project itself is well designed and the architect did a good job, given the site conditions. There are no setback encroachments and it would not be obtrusive. He felt the ancillary conditions would be answered by engineers and stated he could make the Findings with an added conditions requiring that an arborist be retained, that more landscaping be provided on the west side and that on-site trees be protected and the west-facing balcony be removed.

Chairman Cahill reported of having made a site visit; his five issues were size -- - while the lot is large, it is mostly unbuildable and would contain approximately 6,000-sf of house minus the covered parches, etc., though it would not be highly visible from Chevy Chase. Grading and soil stability were issues, including the shadow of soil importation --- he stated that he wouldn't mind a condition requiring extra analysis of the soil conditions. His third concern was the traffic on a narrow, hairpin street, but it did not appear there was any way to avoid that. Hopefully, Public Works will see that traffic is mitigated to the greatest extent possible --- a traffic management plan would be helpful. Lastly, he supported a condition that an arborist be on site and require bridging over root systems if required.

Director Stanley remarked that an arborist is typically allowed to alter the landscape plan if necessary and bridging is not a requirement. Public Works has reviewed the soils and hydrology reports, and added their own conditions. The County will also require more detailed and specific reports. Addressing

concerns regarding the import of dirt to the site, he advised that absent certification of the fill the applicant will have to re-excavate.

Commissioner Davitt asked that condition No. 17 be modified to include: "prepared and certified by a licensed arborist for all mature trees proximate to the residence".

Director Stanley suggested adding a condition addressing construction deliveries e.g., either a flagman or traffic control devices.

Planner Clarke noted that a condition removing the balcony should be subject to review by the Director.

M/S/C Mehranian/Cahill to approve Second-Floor Review 07-17; Hillside Development Permit 07-16 with added conditions requiring screening on the west side, removal of the rear balcony subject to review and approval of the Director of Community Development, submittal of an analysis addressing soil stability, requiring a traffic control plan during construction deliveries and adding verbiage to condition 17 that invasive vines be removed from existing trees. 4 Ayes; Hill dissenting.

**IX. OTHER BUSINESS**

Commissioner Gelhaar reported on two Administrative Hearing over which he presided earlier that day and which were approved with conditions.

**X. COMMENTS FROM THE COMMISSIONERS**

There were no comments.

**XI. COMMENTS FROM THE DIRECTOR**

Director Stanley advised that the General Plan Advisory Commission would be meeting on October 4 in the event anyone wished to attend.

The City is in the process of hiring one of the eleven consultants who submitted proposals to prepare a parking management plan for the Specific Plan area; however, the City Council may want to expand the boundaries.

**XII. ADJOURNMENT**

M/S/C Hill/Davitt to adjourn at 10:34 p.m. Unanimous.