

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION MINUTES January 27, 2015 Meeting

- I. **CALL TO ORDER:** 6:06 pm
- II. **ROLL:** Chair Walker and Commissioners McConnell and Smith; Commissioner Gunter expected; Vice-Chair Jain absent
- III. **PLEDGE OF ALLEGIANCE**
- IV. **COMMENTS FROM THE PUBLIC:**

Dawna Thibodeau, owner of Harcourts Realty, notes that the architect for the project had provided misinformation in the application, and requests reconsideration. Chair Walker states that the reconsideration would be discussed when Commissioner Gunter arrives. Deputy City Attorney Guerra suggests pulling the item up for discussion from the consent calendar.

- V. **REORDERING OF THE AGENDA**

Chair Walker reorders Item VIIID to be heard after Item IX.

- VI. **CONSENT CALENDAR** – continued until after Commissioner Gunter's arrival during VIIIA.
 - A. **Minutes:** October 14, 2014
 - B. **Minutes:** December 9, 2014
 - C. **Minutes:** January 13, 2015
 - D. **1910 Glenhaven Drive:** Resolution of Approval
Hillside Development Permit (Admin) 14-21 / Second-Floor Review 14-25 / Variance 14-02 / Director's Miscellaneous Review 14-31 (SB)
(Trammel/Tripathi)
 - E. **965 Foothill Boulevard:** Resolution of Denial
Minor Conditional Use Permit 509
(RED Architectural Group / La Canada Retail LLC)

Deputy City Attorney Guerra notes that no quorum is present to adopt Item C, January 13 minutes. M/S/C Walker/McConnell to approve Items A, B, and D. 4-0

Chair Walker opens the public hearing for Item E.

Dawna Thibodeau, owner of Harcourts Realty, apologizes for misinformation that the architect for the project had provided in the application, and requests reconsideration. Chair Walker

notes that the Commission is not to discuss the merits of the case, but to determine whether or not it should be reconsidered.

Ms. Thibodeau states that the correct information is that the realty would be open from 8am to 8pm seven days a week. Matt Traino, of Town Center owner IDS Real Estate Group speaks in support of reconsideration, noting that the space had been vacant since 2008 and that it is difficult to find the right uses. He states that Harcourts is a 125-year-old business, and that this would be its first location in the Los Angeles region. He notes further that Ms. Thibodeau is a local resident. He requests reconsideration at a future meeting.

Chair Walker closes the public hearing. She notes that Commissioners Gunter and McConnell will be valuable in the discussion, having not been present at the project's initial review. Director Stanley states that one of the two prevailing votes would have to make the motion, with a majority of the Commissioners then voting on the reconsideration.

Commissioner Smith states that additional information got him to think more about the operation.

M/S/C Smith/Gunter to reconsider the item. 4-0

Deputy City Attorney Guerra notes that renoticing would be required, with the project to be scheduled most likely for the second February or first March meeting.

Chair Walker directs the agenda to the next item, VIII B.

VII. CONTINUED PUBLIC HEARINGS: none

VIII. PUBLIC HEARINGS

- A. **5255 Alta Canyon Road**
Picture Perfect Construction
Conditional Use Permit 507 / Fence Review 14-07:

Request to allow construction of a front yard swimming pool and associated front yard fencing.

Consulting Architect/Planner Cantrell presents the project in accordance with the staff report. He notes the long frontage relative to lot size, and reports the expansion of the lot through a lot line adjustment in 2007. Mr. Cantrell states that the existing chain link fence would be replaced per a draft condition, and that the hydrangeas proposed to be planted as screening along the street would be too fragile and too demanding for water and nutrients to be appropriate in that setting. Thus a draft condition is included for different screening plants meeting those requirements. With the wrought iron fencing and revised plantings per draft conditions, the project would meet the required findings.

Commissioner Gunter arrives at 6:20 p.m.

Chair Walker suggests adding the onsite parking condition of approval.

Commissioner McConnell asks about Condition 14 and the pillars. Mr. Cantrell notes that the Public Works condition only applies if there is a nexus, and that it should be deleted since the project does not involve the gate.

Commissioner McConnell asks whether the sport court on the adjacent property obtained a Conditional Use Permit. Director Stanley responds that the court is longstanding, and may predate the Conditional Use Permit requirement.

Chair Walker opens the public hearing. No comments are offered, and Chair Walker closes the public hearing.

Commissioner Smith recalls having met with the property owner, discussing many options that the property owner considered. He also recalls viewing the rear yard and looking around the neighborhood. Mr. Smith states that the swimming pool would be visible and the he would feel uncomfortable approving the pool so close to the road.

Commissioner Gunter states that, due to project siting and the configuration of the neighborhood, the project does not seem right.

Commissioner McConnell states that the project would require landscape screening in order for the swimming pool to be hidden from the street and thus consistent with the required findings.

Chair Walker reports having taken photos of a property on Flintridge Avenue that had a wall and landscaping that were required for its CUP. Staff displayed the photographs.

Commissioner Gunter asks about the height of the barbeque. Mr. Cantrell states that the City does not have that information.

Chair Walker opens the public hearing.

Applicant Dawn Poole from Picture Perfect Construction states that the height of the barbeque counter is 36 inches, or 42 inches if there is a bar area which is not proposed.

Director Stanley clarified that the maximum allowable height within the front setback is 42 inches, including the grill lid.

Ms. Poole explains that the property owner is not opposed to constructing a wall within the property to better screen the pool.

Chair Walker calls for a motion.

Commissioner Gunter states his willingness to continue the project, noting that there would be a possibility that there are items that could be done to make the project better.

Commissioner Mc Connell notes that the concern would be visual, and suggests moving the pool wall further from the street.

Chair Walker asks the applicant about the timeframe and summarizes the concerns of wall configuration, barbeque, and screening.

Ms. Poole states that March 10 would allow time for refinement, with submittal two weeks prior to that date.

M/S/C Gunter/McConnell to continue the project to March 10. 4-0

Chair Walker directs the Commission back to the Consent Calendar items.

B. 4429 Bel Air Drive
De Angelis Designs
Second Floor Review 14-33

Request to construct a new code-compliant 2,200 sq. ft. 2-story residence.

Assistant Planner Harriet Harris states that the application includes a tree removal permit request along with the Second Floor Review. She notes that the 7,500 square foot lot is typical for the neighborhood. The tree removal would involve a 19-inch oak at the northwest corner of the project.

Ms. Harris notes that the story poles were installed to the corners of the eaves rather than the walls, so that they are 18 inches beyond each corner as it should have been marked, and as a result the roof ridge is 8 inches higher than it should be.

Referring to the site plan displayed on the screen, Mrs. Harris points out the existing detached garage to be demolished and the aforementioned oak to be removed, stating that the excavation would be closer to the trunk than allowed, and that arborist had recommended removal and possibly replanting. She notes the code-compliant setbacks and angle-plane. She notes the windows on all elevations.

Ms. Harris reports that the neighbor to the south had contacted her. Ms. Harris displays photos that she took at the neighbor's second floor, which is situated behind the rear plane of the proposed house addition. Ms. Harris concludes with photos showing the mix of one- and two-story houses in the neighborhood.

Chair Walker asks about relocation or replacement of the oak. Ms. Harris responds that it would be replaced per the Tree Ordinance.

Commissioner McConnell notes that the north side setback is dimensioned as 5'-2" on the plan, not 5 feet. He states that on the survey the lot line splits the existing wall, while on the site plan the new retaining wall is totally on the property. With the proposed house indicated as being built on the existing footprint, Mr. McConnell stated concern about the accuracy. Ms. Harris states that she also noted the discrepancy of the wall relative to the property line, and suggests that the architect explain it.

Commissioner McConnell seeks clarification on the total 9-foot height of the fence and retaining wall. Assistant Planner Harris explains that it is inward-facing and thus allowed by code.

Commissioner Smith asks if the idea of the photos from the neighbor's windows was Ms. Harris' idea. Ms. Harris responded that it was. Commissioner Smith notes that he would have expected the neighbor's concern to be the living room & dining room windows, but instead it is screening the wall. Ms. Harris responds that their main concern is the amount of light, since their dining room is dark. Commissioner Smith confirms with Ms. Harris that the courtyard in front of the neighbor's house would not be unduly impacted.

Chair Walker opens the public hearing.

Project architect Dave DeAngelis states that he takes responsibility for the story pole placement at the eaves, which they did not correct because it seemed like a simple explanation. He recalls meeting with the neighbor to the south and learning of her concern about light, and explaining that since the project is to the north, it would not block sun but rather reflect it. He notes the limitations of lot width, with a 5-foot setback on each side for plantings. He describes the 19-inch oak between houses on 50-foot lots as difficult, stating further that the proposed floor area is only 2,270 square feet. He states that it is not a great specimen oak, and that the tree 20 feet away much is nicer. He states willingness to add another tree somewhere. With regard to the walls on the north side, he would use a 30—inch retaining wall to lower the grade in order to comply with the angle-plane.

Commissioner Gunter asks if the neighboring owner doesn't agree, would the proposal be to simply have the building walls retain the earth? Mr. DeAngelis responds affirmatively, noting that it would be irrelevant to the structure.

Commissioner Smith asks if contact has been made with the north neighbor. Mr. DeAngelis states that his client had contacted them, but that it's a rental house and they are difficult to locate.

Chair Walker closes the public hearing.

Commissioner McConnell states that he cannot make the required findings. He notes concern about the straight 2-story massing in front, describing it as "looming". He further states that the elimination of the side driveway is not in keeping with the street pattern, and that such driveways help separate houses. He notes the tightness of the 5-foot sideyard setbacks. He recommends that the project be moved back further on the lot, since the oak would be removed anyway.

Commissioner Gunter recalls visiting the site. He notes that the house is proposed to the limits. He further notes that the removal of the existing nonconforming garage from zero lot lines would benefit the neighbors. He states that the modulation in front is adequate, and that the project meets City requirements. He supports positive findings.

Commissioner Smith recalls having visited the site twice. He acknowledges Commissioner McConnell's comments, but regards the project as a good addition to neighborhood. He states that it could move back further on the site, but that is beyond the Commission's role. He appreciates the correction of nonconformances, and regards the tree replacement favorably. He notes thoughtful window placements, and that his living room window concern was addressed by the neighbor. Commissioner Smith states that he can make positive findings.

Chair Walker concurs with Commissioners Smith and Gunter. She states understanding of narrow lot constraints, and the difficulty of driveways placed between houses. She notes that the design would tastefully fit in well with other nearby 2-story houses. She recommends positive findings.

Commissioner Gunter requests that Director Stanley obtain more vertical dimensioning of the house prior to construction drawings; Mr. Stanley confirms the request to be prior to plan check for Director's review and approval.

M/S/C Gunter/Smith for project approval with additional dimensioning per discussion. 3-1 No: McConnell

Chair Walker announces the 15-day appeal period.

C. **655 Hillcrest Avenue**
Ken and Lori Gorvetzian
Second Floor Review 14-41

Request to allow construction of a compliant 8,600 sf 2-story residence on a non-hillside lot.

Planner Gjolme introduces the code-compliant 2-story house comprising 8,600 square feet on a relatively flat lot of over an acre. He notes that the area would be 2,500 square feet below code maximum, with second-floor setbacks well exceeding the minimum, and height one foot under the 32-foot maximum. He also notes a great extent of modulation.

The garage wing would project forward 50 feet. While the existing structure has setback encroachments on both north and south sides, the new structure would have a four foot surplus. To the portion of the garage closest to the street there would be a 48-foot setback as compared with a 35-foot requirement. The large flat pad abuts a slope to the rear, with average slope at 14%, just under the hillside threshold.

Mr. Gjolme displays the front and rear elevations, describing the proposed house as stylish and graceful, traditionally massed, some Cape Cod detail and flavor, attractive, and well-proportioned. He notes the variation in roof planes, shingle siding, and focal gable in particular. He displays the side elevations, noting that on the east the second floor would have only one window, while the west would have several bedroom and bathroom windows. He reports having scrutinized the windows on west favorably for privacy concerns. Mr. Gjolme cites a primary roof height of 26 feet along the west side, and notes an opportunity for additional landscape screening for the 665 Hillcrest neighbor.

Mr. Gjolme displayed the story poles, which highlight the smaller and lower mass of the adjacent house to the west. He states that the new house would primarily look down on the east roof of the neighboring house. He cites dense screening extending from the front a limited distance, and a Chinese elm in front needing pruning but providing screening and softening value.

He concludes by noting that the project is a large house on a large lot in an estate area,

appropriately designed and sited for lot and area, and consistent with City regulations and required findings. He notes that with the basement excavation exported soil would warrant a haul route condition.

Chair Walker asks if the story poles had been verified. Mr. Gjolme states that he had confirmed their accuracy at ground level.

Chair Walker reports receipt of a letter from a neighbor regarding ingress and egress for construction crews. Planner Gjolme advises that there is sense to the request, although it is something that the City hadn't done. Deputy City Attorney Guerra advises that he will consult with Director Stanley on such a condition.

Commissioner Gunter asks if feedback from neighbors has been received. Mr. Gjolme replies that it has not, aside from the aforementioned haul route correspondence.

Commissioner Smith notes that the staff report had not included a reference to the basement. Mr. Gjolme responded that it has no nexus to the second-floor review.

Commissioner Smith notes that the drawings didn't dimension the height of the ridge above the garage, and Mr. Gjolme responds that he had scaled it from the drawings.

Chair Walker opens the public hearing.

Project architect Craig Stoddard notes that the landscape plan is not yet complete, but that he can accept a condition keeping the Chinese elm but would prefer keeping it open-ended. He reports having talked with the west neighbor but not the east.

Dr Kim, neighbor to the east at 645 Hillcrest, reports having lived there for 32 years. He states concern with the 6-foot retaining wall in the event of erosion from heavy rain. He voices appreciation that the house would be more to the west side. Chair Walker points out to Dr. Kim Condition 13 requiring an onsite drainage plan.

Toni Johnson, 633 Hillcrest, identifies herself as having written the aforementioned letter regarding site access. She states her concern about trucks, and recommends that they come up Foxwood and turn right on Alta Vista.

Chair Walker closes the public hearing.

Commissioner McConnell states that he can make all the findings, and has no problem with adding a construction traffic condition.

Commissioner Smith recalls visiting the site, and praised the project as well-designed and well-screened to the west. He confirms with Director Stanley that the retaining wall of concern to Dr. Kim was in fact on Dr. Kim's own property. Commissioner Smith states that he can make all findings.

Commissioner Gunter mentions that he has found the comments from the speakers thoughtful. He states that he likes the house very much, with its thoughtful design and restraint from

reaching the code limits. He notes favorably the placement of the light wells outside the setback. He states appreciation of Planner Gjolme's concern with the west side, but would prefer no screening condition, given the great setbacks and the chance to reward the applicant for doing right thing. He recommends removing the second part of Condition 20. Commissioner McConnell notes that it is a very long extent of building, so that the tree should be retained. Commissioner Gunter agreed, but wishes to acknowledge the applicant by leaving it up to his judgment as the landscape plan is completed.

Chair Walker agrees with Commissioner Gunter, noting that the landscape plan will be provided, and that there is ample room. She notes that the owner and architect showed great integrity. She recalls visiting the site, and praised the house's siting and contextual design. She also expressed appreciation for the light well setbacks, and states that she can make all the findings. She endorsed adding Condition 25 regarding the haul route.

Deputy City Attorney Guerra states that the City can direct all vehicles on the haul route, although it could be difficult to enforce. Chair Walker suggested that the neighbors can monitor it and call the City if it is not being observed.

Chair Walker encourages a motion without a screening condition. Commissioner Smith notes that it would give a great deal of discretion. Commissioner Gunter states the circumstances – that nobody is complaining, the house is set far back, and the Commission still wishes to impose screening. Chair Walker notes that there is a hedge discussion farther on the night's agenda. She ponders whether the City is helping neighbors in such cases, concluding that either way would be acceptable.

Director Stanley clarified that the condition refers to tree screening, not hedges. Planner Gjolme states that the goal is not to buffer the house from any view, but to provide a couple of trees to soften the exaggerated profile from seen from the house below and from the street ascending from the west. Commissioner Gunter requests on philosophical grounds to strike the word "screening".

M/S/C Gunter/Smith to approve the project as submitted with Condition 20 modified and Condition 25 added as discussed. 4-0

Chair Walker directed the agenda to Item IX.A.

- D. **Drive-Through Facilities**
City of La Canada Flintridge
Downtown Village Specific Plan & CPD Zones
Zone Change 12-02

Consideration of amendments to the City's Downtown Village Specific Plan (DVSP - Ordinance No. 312) and the Community Planned Development (CPD) Zone (Chapter 11.14 of the Zoning Ordinance) pertaining to the allowance and development standards for drive-through facilities.

Senior Planner Buss notes that the background information and history are in the staff report. He reports that the City Council directed staff to look at developing the ordinance, through both

the Public Works Commission and the Planning Commission, with the City Council then deciding whether or not to pursue an ordinance. Mr. Buss recalls that the matter was before the Planning Commission in 2012 or 2013, and more recently to the Public Works Commission. He describes it as being similar to the previous ordinance. He states that the current work looks at the inventory of properties that would remain eligible for drive-through lanes after applying four standards:

1. Entry/exit a minimum of 50 feet from an intersection or other drive-through;
2. Drive-through a minimum of 150 feet from a residential parcel;
3. Minimum 240-foot stacking area; and
4. Not block other access.

Mr. Buss reports having looked at Mixed Use 1, Mixed Use 2, and Community Planned Development zones, finding that no parcels on the south side of Foothill Boulevard would qualify. Among those that qualify were the Verdugo Boulevard Park & Ride lot and the northwest corner of Foothill and Ocean View.

He notes that the City Council had asked which existing lots would qualify, and that the Shell station that was the impetus for the study would not. The City Traffic Engineer had recommended stacking distance for 12 cars; if that is reduced to 8 cars, the existing drive-throughs would qualify.

Chair Walker asked if the Shell station could qualify if augmented through a lot line adjustment or other measure. Mr. Buss responded that acquisition of Craig Avenue through a street vacation would achieve that. Commissioner Gunter asks if it wouldn't make sense to rezone the Shell site. Mr. Buss responds that no zone allows drive-throughs. Chair Walker asks if the cart is not being put before the horse by figuring out the zoning first and then if the City wants to allow drive-throughs. Mr. Buss notes that the City is dealing only with the Zoning Code and not the Downtown Village Specific Plan. Ms. Walker comments that all this work was done while the property that brought it forward doesn't qualify. Director Stanley notes that staff had done the analysis that the City Council had wanted.

Commissioner Gunter notes that the staff report stated the City Council's desire for a selective process using a limit, and that the regulations show that a long enough lane can achieve that. Director Stanley notes that there would be other criteria as well as Conditional Use Permit review. He describes it as an exercise in automotive access, not city character, and that further criteria can be added. Commissioner Gunter notes that, in the retail area, the City has prohibited some uses due to character, but that this doesn't do that, contrary to 20 years of City efforts. Commissioner McConnell suggests a finding that the drive-through would not detract from pedestrian qualities. Director Stanley responds that such a finding could be added.

Commissioner McConnell identifies time at drive-through window as another important variable, and Mr. Buss notes that stacking can be adjusted accordingly. Commissioner Smith comments that it is interesting that no existing drive-through lanes could meet the stacking requirement. Commissioner Gunter agrees with Mr. McConnell that time at the window is an important consideration. He further states that how the regulation is being used is integral to whether the City should consider it. He comments that maximizing efficiency should not be the primary goal, that inefficiency can be good in creating a park-and-walk environment. Commissioner Smith

shares the concern about a walkable area. Commissioner Gunter expresses further concern about the City abandoning a policy that is working well to suit one property; he hopes that the City will not throw out the baby with the bath water for maximizing efficiency.

Commissioner McConnell suggests that stacking in the rear of a property can preserve the walkable feeling of the front. Commissioner Smith confirms with Senior Planner Buss that a "shopping center" involves multiple businesses on a property with reciprocal parking and access. Mr. Smith notes that the noise section should deal with nighttime ambient levels, since that would be a more sensitive time period.

Chair Walker recommends further work, particularly relating the regulation to zones. Senior Planner Buss notes that the focus could appropriately be MU2 with auto-oriented businesses rather than the Village Center.

Director Stanley summarizes concepts to be incorporated: stacking length by type of use; type of CUP findings; not for maximizing efficiency of cars; location of stacking – in rear?; clarify "shopping center" and noise levels at night.

Chair Walker opens the public hearing. With no comments received, she closes the public hearing.

M/S/C Gunter/Smith to continue the discussion to a date uncertain. 4-0

IX. OTHER BUSINESS:

A. 1931 Tulip Tree Lane (APPEAL)

Troedsson/Anderson
Director's Miscellaneous Review 14-40

Consideration of an appeal of an approved Director's Miscellaneous Review (Setbacks) to allow a 2,043 square-foot 1st-floor addition that would encroach into the required front, east and west side-yard setbacks, but in no case closer than the existing building line.

Assistant Planner Harriet Harris recalls that the Director's Review approval dates from mid-December. She describes the project on its 15,183-square-foot lot net of the private drive. She notes that the project would encroach 1'-9" into the east side setback and 4'-3" on the west. To the front, the breezeway would encroach 10'-5" into the 51' required setback. Since none of those setbacks were smaller than those for the existing house, the project qualified for Director's Review.

She displays the house plans and setbacks, along with elevations. Ms. Harris further emphasizes the west side of the master suite addition and its windows. She mentions the maximum height of 16'-5" and displays site photos with story poles that the project designer offered after the appeal was filed.

Commissioner Gunter asks about the rationale for Condition 12, dealing with limits of demolition. Ms. Harris states that it is a standard condition for all Director's Review cases,

merely stating a code limitation. Mr. Gunter states that he could not find documentation that 30% is not being demolished. Ms. Harris responds that California framing is used, avoiding roof removal. Mr. Gunter refers to Sheet A2.1, the roof plan, showing 30% to be demolished. Ms. Harris reports that the set of drawings reviewed and approved at staff level did not include that sheet. Director Stanley recommends that the Commission ask the project designer.

Chair Walker asks about the breezeway. Ms. Harris notes that the angle of the property line is such that the breezeway addition is no closer to it than the closest corner of the house, and thus within the limits of Director's Review.

Commissioner Smith notes that on the West Elevation, the Bedroom 1 window is not on the plan.

Chair Walker states that the Director not having seen Sheet A2.1 is critical to discussion because the project might not qualify for Director's Review. Mr. Stanley notes that the condition is in place, and the designer is present to answer the question on the previous omission of the drawing sheet. Commissioner Gunter emphasized that the drawing shows over 30% of the roof removed.

Chair Walker expresses discomfort with the approval under those conditions. Deputy City Attorney Guerra requests a recess for discussion.

Director Stanley advises that his discussion with the project designer confirmed that the drawing sheet is more recent than the Director's Review approval, and that there were mistakes in the roof plan that led to exceeding the 30% threshold despite California framing. He tells the Commission that it is up to them to continue the review, but in any case the hearing is noticed.

Deputy City Attorney Guerra notes that the new plans raise questions, and suggests that the project should be continued after conducting the hearing.

Chair Walker states that the corrected plans should go to the Director for review, which could also determine that it is no longer eligible for Director's Review. Mr. Guerra states that if roof removal is found to be over 30%, the project would need to be brought back for a full Modification review. Chair Walker concurs with Mr. Guerra, stating that no action should be taken on plans which are not complete or accurate.

Chair Walker opens the public hearing.

Deputy City Attorney Guerra reminds the audience that no action will be taken tonight, so they don't have to speak at this time.

Appellant Glenn Anderson introduces himself and his wife Sharon, stating that they live at 1937 Tulip Tree lane, adjacent to the west of the project. He points out that they are only asking that the 9'-3" setback on the west side be maintained. He recalls that he and his wife were concerned upon purchase of their house that the neighboring house was uncomfortably close on their east side, but that it was acceptable because of the house's limited depth. If it had been as proposed, extending back 35 feet in front of highly used family and dining rooms with views to mountains, it might have discouraged them from buying. He cites privacy and property

value concerns. Mr. Anderson notes that codes exist to preserve the look and feel of the neighborhood, and exceptions should only be for hardship. He questions whether the tiered back yard limits development. He states that the owners purchased intending to do a remodel, evidenced by a survey they contracted during escrow, so that they knew the limitations of the lot.

Project designer Anders Troedsson states that he had we addressed each of the appeal items, and takes full responsibility for any inaccuracies or mistakes. He notes that he has worked for 30 years in the city and understands the intent of the requirements. Mr. Troedsson recalls the objective of building in the flat portion of the site, with the flow of the floor plan resulting from the siting. He notes that they had the option to build a second floor, which would have limited privacy as compared to the one-story design. Mr. Troedsson recalls that on the day the story poles were installed, the appellants cut their hedge down. He states that setting the house back four feet further would not change the appellants' view. He concludes that the relationship had been difficult to evaluate due to the hedge.

Regarding the 30% issue, he recalls having met with staff to discuss that requirement. He acknowledges a mistake on the plan, noting that most of the roof will be California framed. He also mentions having deleted the bedroom window.

Chair Walker closes the public hearing.

Deputy City Attorney Guerra notes that no notice will be required if the case is continued to a date certain. He suggests the first meeting in March to allow time for revised plans and review. Director Stanley states that first he will have to confirm consistency with the Director's approval, with the approval voided and nothing to appeal if the project is not consistent.

M/S/C Gunter/Smith to continue the appeal to March 10. 4-0

Deputy City Attorney Guerra announces that the action constitutes notice, so that no other public notice will be distributed.

B. Residential Hedge Height

Discussion regarding current and potential requirements.

Director Stanley introduces the emerging discussion as having originated with a letter from John Spencer asking the City Council to consider a hedge height ordinance. Mr. Spencer's concerns were the shade and crowding impacts of high hedges next to property lines. Mr. Stanley recalls taking the matter to the City Council on December 1, at which time they referred it to the Commission for consideration. Mr. Stanley states that in the past the City Council and Planning Commission considered regulations in pursuit of view preservation and ultimately rejected the idea.

Director Stanley referred to the information provided by staff on hedge regulations. Staff had checked regulations of 6 nearby cities, of which 4 have some hedge regulation, but of those three had only driver's-line-of-sight regulation similar to that in La Canada Flintridge. South Pasadena was notable for its front yard hedge height limit.

Mr. Stanley concludes by asking if a problem exists, and if so does the City move forward for a height limit – rear and side as well as front? He notes that Mr. Spencer had provided Laguna Beach as an example. Its system involves review upon a claim, a process the City could investigate. He notes that Mr. Spencer has brought a PowerPoint presentation.

Commissioner McConnell states that he can't be impartial because a neighbor has tall hedge he doesn't like.

Deputy City Attorney Guerra informs Mr. McConnell that he can stay. Since it is a Citywide ordinance, he can raise any concerns he has.

Chair Walker states that she has a hedge that she is fond of.

Deputy City Attorney Guerra states that if the discussion affected one specific property, she should abstain, but not this situation.

Commissioner Gunter notes that Mr. Spencer had spent a lot of time on this issue, and inquired if there had been other residents raising the issue. Director Stanley indicates that there has not been.

Commissioner Smith asks about the Laguna Beach process – whether it's only a guideline, and only enforceable upon complaint. Director Stanley responds that it is only activated upon a claim, no criteria aside from findings. Commissioner McConnell notes that they also require before-and-after photos.

Commissioner Smith confirms with Director Stanley that currently the City Council is seeking direction from the Commission.

Chair Walker opens the public hearing.

John Spencer, 4731 Castle Road, notes that this is a personal issue, but that he has seen phenomena around town the last 10 years and doesn't want others to suffer. He shows a slide of the back yard of his 1965 flag lot property. His yard is small -- 20 feet from the back of house to the back wall. The small depth was mitigated in past because of an open view, but now there is a 20-foot-and-growing Ficus nitida hedge. He recalls that when it was planted approximately 6 years ago, it was 2 feet taller than the existing fence, and it has grown 15 to 18 inches per year. Mr. Spencer displayed slides of other hedges: the corner of Flanders and La Canada Boulevard (hedge along street; "house will be entombed when hedge grows up"), La Granada Way (hedge between houses, trimmed in backyard, but unchecked near street), Ocean View Boulevard (4500 block – two sideyard hedges and a large front hedge blocking sun and mountain views).

Mr. Spencer states that tall hedges can be fine if mutually agreed upon. He states that he doesn't like his house any more. His complaints include vermin, plant diseases, the need to trim on his side of the hedge, nullification of his own landscaping, and loss of enjoyment and value of own property. He acknowledges that there can be mitigating circumstances, such as a buffer from a commercial area, or a dust or sound barrier. He states that he has accepted the loss, but

doesn't want to see it for others. He notes that a hedge is fine but not too tall, and the City should come up with mitigation or a vehicle for mutual agreement.

Chair Walker acknowledges much thoughtful research and thanks Mr. Spencer.

Commissioner Smith states his mixed feelings, though noting that Mr. Spencer has raised many good points. He sees the merit, but notes that similar consideration was made before for view preservation. He states his view that local government cannot solve all problems, but that there is merit here.

Commissioner Gunter refers to Mr. Spencer's slide of a home at La Canada Boulevard and Flanders Road. He notes that the property was surrounded by growth 6 feet wide 10 feet tall his entire adult life. He states that some things are legal but wrong, but that the law cannot fix everything. He further notes that the system is already burdened. He states that he would be opposed to adding a new ordinance that is so personal and changeable over time, and cannot support an ordinance, all things considered.

Commissioner McConnell recalls that he and Commissioner Jain were in favor of a view preservation ordinance. Regarding light and views, he offers his own property as an example. His house was designed with a majority of windows to take in light, but a neighbor's plants have removed his light, with a dramatic effect on his living space and yard. While recognizing property rights, he states that it is the City's duty to protect people with a fair and open process.

Director Stanley notes that the City has heard from one person with a concern, although there are probably others. He recalls that the previous consideration was purely a view preservation concern.

Commissioner Smith expresses his reluctance to burden staff, and that many cases are of little concern. Commissioner McConnell reminds the Commission of the point of second-floor review, that adjacent property owners are not adversely affected.

Chair Walker states that it is difficult to come up with an ordinance to address the various types of properties. She shows her hedge, which she values as providing mutual privacy. She notes that in her neighborhood it is common for former views of mountains to become blocked by maturing landscaping. She expresses admiration for Laguna Beach's process, but asks how it is enforced without criteria behind it. She states that she would not be opposed to exploring a claim-driven process, but not hedge height regulations.

Commissioner Gunter expresses concerns about expense, that it would become a process limited to those with means. He notes that there are things that neighbors have to work out, which is preferable to regulation. Chair Walker states that it would not be regulating so much as giving people who have no light a way to come forward and present that it's a problem for them, and as such it might make conversations between neighbors more agreeable.

Commissioner McConnell notes that the State already regulates shading of solar panels.

Chair Walker asks if the Commission would be committed to writing an ordinance if it elects to discuss the matter further. Director Stanley answers that the Commission could continue it for further discussion without such a commitment. He also notes that there is one Commissioner absent who could contribute to the discussion. He asks if the Commission wishes to direct staff to provide additional information. Commissioner Smith expresses concern that regulation could become cumbersome, but that he will read the Laguna Beach regulation again. Commissioner McConnell suggests a process to document that residents have reached out to their neighbors. Commissioner Smith calls for more discussion. Commissioner McConnell requests more information on case law, which Deputy City Attorney Guerra supports.

Director Stanley states that staff will bring back case law and further information on how the process works in Laguna Beach. He further states that staff will distribute a listserve request for other cities' information.

Chair Walker requests a continuance to a date uncertain. Director Stanley states that it can go on a light agenda.

X. REPORT OF DIRECTOR'S REVIEWS: None

XI. COMMENTS FROM THE COMMISSIONERS: None

XII. COMMENTS FROM THE DIRECTOR

Director Stanley announces that the February 2 City Council meeting will include a discussion of the Tree Ordinance, and that the City Council's review of the 2048 Lyans Drive project, continued from an appeal hearing, would resume at their February 17 meeting.

XIII. ADJOURNMENT

M/S/C Walker/Smith to adjourn the meeting. 4-0 10:02pm