

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
HELD JULY 14, 2009**

I. CALL TO ORDER - 6:03 p.m.

II. ROLL - Present were Chairman Davitt, Commissioners Cahill, Curtis, Gelhaar, and Hill, Director Stanley, Senior Planner Buss, Planners Gjolme and Clarke, Assistant Planner Parinas, City Attorney Steres and Consulting Architect Cantrell.

III. PLEDGE OF ALLEGIANCE - Commissioner Gelhaar led the Flag Salute.

IV. COMMENTS FROM THE PUBLIC - Edward Antonini of 4351 Chevy Chase Drive was concerned about traffic and impacts on property values and septic issues from proposed elderly care facility on Chevy Chase in his neighborhood. He wanted the issue put on a future Planning Commission agenda. He stated that he knew that it was considered a family use with fewer than six residents under State law but was concerned about impacts on sewers and septic systems. He said that there was a need to restrict commercial uses in residential zones. He said that 8 people would be living there and that it would be run as a lucrative profit-making business.

Craig Bloomquist of 4350 Chevy Chase Drive was concerned about the use which had no input from neighbors and about the impact of deliveries and ambulances. The owners of the facility may own another one on Gould Avenue and also maybe another one on Indianola Way. He noted limited control due to State regulations if six or less residents. Maybe City could work with State representatives to strengthen local government on the issue. He did not buy his house to have a group home by him.

Margo Kidushim of 4313 Chevy Chase Drive voiced concerns regarding the issue. Could the Commission ask how many people in audience are there for this issue.

City Attorney Steres gave legal overview of issue. This item is not on this agenda and can't be discussed at this meeting. He recommended that the neighbors look at the City of Newport Beach website for information. That city had a proliferation of the use and conducted a day-long workshop regarding it. However, the City was not successful in trying to change the State law and that is how far they felt they can go.

Margo Kidushim said that August 1, 2009 is the proposed opening date.

Gail Tucker, owner of the proposed business and who also owns the other facility on Gould Avenue, said that she had a beautiful house that she fixed up by putting money into interior decorating. She has a landscaper to keep the garden nice as you have to in order to get business. She said that the current facility has only 1-2 visitors every other day. Residents do not have cars but she and her mother do and that they have a van. The average age of residents is 90 years and they are in bed by 7:00 PM. The residents do not walk around the local streets and some are in wheelchairs due to mobility issues. She noted a comment about wheelchairs out front degrading the quality of the neighborhood which was a sad comment. This is not a medical facility and there are few ambulance calls and there is no medical staff at the house. She used example of people with memory loss or hip problems and how families can not take care of them. She provides a home in a small facility. Can elderly not just live in a community? She purchased the Gould Avenue house in June 2006 at the height of the market and said that her property value has gone up since then and property taxes were not lowered. No one knows what is in house and it looks like an extended family lives there. The house on Chevy Chase sold for \$2.4 million and she has a five year lease on the house.

V. REORDERING OF THE AGENDA – No changes.

VI. CONSENT CALENDAR – No items were offered.

VIII. CONTINUED PUBLIC HEARINGS:

A. Second-floor Review 09-06; Oh/Yu; 307 San Juan Way: A request for Second-floor Review to allow construction of a new 3,040 sq. ft. residence on an 8,450 sq. ft. lot. A Modification is also requested to allow the home to encroach 3 feet into the required 28-foot front yard setback.

Planner Gjolme gave an overview of the staff report.

Sam Oh spoke for the applicant. He said that they worked with staff on the design. He appealed the staff decision to not allow removal of a tree as it would be a nuisance particularly during construction as it's located in a drainage channel and the roots could rot. He said that the channel is dangerous for children and that he would need to redesign the entire house as the canopy overwhelms the middle of the lot. Moving the garage would be difficult and would require a whole new design.

Commissioner Cahill asked what possible options exist that might not require removal of trees.

Sam Oh responded that he had looked at options with staff and had moved the second floor massing and that a setback modification could be required if the house was redesigned.

Commissioner Gelhaar spoke about the possibility of filling in the drainage area and whether the oak tree would have to be removed to do that. An engineer should be hired to see what could be done there.

Sam Oh said that the oak tree takes up 2/3 of the drainage channel and that the water would be detrimental to the tree, even if a drainage pipe was installed.

Commissioner Cahill questioned if the tree could be trimmed and be able to survive. Two major branches of the tree are the main problem. He wanted to know if the tree has been looked at by an arborist.

Sam Oh responded that the arborist opposed cutting down the tree.

Planner Gjolme asked if the commissioner meant cutting or trimming the tree. He said that trimming could be too extreme and might kill the tree. Overall, the second floor of the house needed to be redesigned. Extensive trimming would unbalance the tree and lead to its death. Staff's position from the beginning was to shift the second floor massing to middle of the structure. Air space could be freed up for tree by moving the second floor. The house can be built with finessing the design, which has not been adequately done.

Lisa Novick of 1111 Unitah Street was concerned about the 150-200 year old oak tree. She works as an outreach person for the Theodore Payne Foundation. She noted that an oak tree is on the City's logo and the City has an ordinance to protect oak trees. However, developers can ask to ignore the law and chop down trees. If the developers were concerned about the drainage channel and children, they could buy another lot. Oak trees can survive falling limbs and winter and summer rains as they evolve over time. She supported the arborist report finding that change would hasten the death of the tree. We should look at the tree as an asset in energy saving. The house needs to be redesigned with the tree seen as an asset that can reduce energy bills. 400 different species of insects can feed on a native oak but non-local plants are not so good. The City should stand by its laws. If the developer wants to move into a community they should not chop down mature oak trees.

Sunny Asch of 915 Vista Valley Crest said that she was involved with other tree issues in her neighborhood, including liquid amber trees. She had to take down a mail box to protect a liquid amber tree. She supported the comments from Lisa Novick and Planner Gjolme. If people are told by realtors or builders about chopping down trees, these issues would not occur as frequently. She had to abide by rules and so should everyone else.

Sam Oh said that he has met speakers before for other cases. Meeting them is inevitable. He said that the oak tree was not meant to be in the drainage channel and that he was willing to plant another smaller oak tree elsewhere on the property. He said that the design changes could be difficult and that a 20' X 20' garage was needed. He worked on that issue with the City and the arborist and that it was very difficult to comply with. He also said that the tree creates a nuisance and covers 2/3 of the channel and that there could be problems in case of a flood. You can not see roof shingles due to tree's thickness.

Chairman Davitt closed the public hearing.

Commissioner Hill agreed with the staff report and thought that a redesign was needed other than moving the second floor back.

Commissioner Cahill thought that the applicants should give consideration to minimizing the impacts on the tree by redesign and exploring tree trimming to allow for a two-story house rather than rush to cut tree down. Since last hearing he thought that there would be a redesign as we are a tree city. He believed that not enough information was provided and that alternatives needed to be considered before cutting down the tree.

Commissioner Curtis agreed with the other commissioner comments. He did not think that options had been explored enough to consider it an extreme hardship. The applicant needs to look at the size, shape and topography of the site and needs to look at the property and the neighborhood. The property came with the tree. The applicant needs to work with staff on the issues and at this time he supports a continuance. They need to discuss the setback issue with the garage, which could be flipped if needed.

Commissioner Gelhaar also supports a continuance. The tree has been neglected for many years and is unbalanced considering the size of the canopy. An engineer should look at the drainage area. It might be a hardship if you can not fill in the drainage channel. Another arborist needs to review plans and have another look at options. The project may be redesigned to save the oak tree.

Chairman Davitt agreed with the commissioners and staff. He asked Sam Oh if he wanted a vote or a continuance. Sam Oh agreed to a continuance to a September meeting but none was specified.

Director Stanley said that date uncertain would allow staff to renote the item.

MOTION – Commissioner Gelhaar moved and Commissioner Curtis seconded a motion to continue to a date uncertain. Motion carried 5-0.

XI. PUBLIC HEARINGS:

A. Conditional Use Permit 414 (Amendment) and Tree Removal 09-08; Vons; 631-663 Foothill Boulevard: A request for an amendment to a Conditional Use Permit to allow façade remodeling and parking lot reconfiguration of the Plaza de La Cañada shopping center. A Tree Removal permit is also required since 29 trees would be removed to accommodate the new parking lot layout.

Consultant Architect Cantrell gave an overview of the project from the staff report.

Commissioner Gelhaar asked if a curb extension and bulb out were required for the project.

Architect Cantrell said at the corner there would be a bulb out.

Director Stanley referenced the Downtown Village Specific Plan and the Chevron station across the street from that.

Commissioner Curtis was not at other Commissioner hearings regarding the project and wanted to know if this was an amendment or a new Conditional Use Permit (CUP).

Architect Cantrell said it was just a downscaling of prior approval.

Commissioner Curtis asked if it replaced other CUP. He also asked about trees near Building C and the breezeway.

Public hearing:

Wesley Fieldhouse from Vons noted had project has being in process for 6 years. He also noted that the investment money for the project had been reduced due to the economy and the conservative nature of company. Vons and Pavilions want to upgrade all stores to a current lifestyle standard within a budget. Von had a budget and subtracted costs and tried to change outside of building including

parking. He also said that he was open to following arborist and landscape architect's plans to maintain trees.

Robert Craven from 5279 Linda Vista Drive said that he remembered when Vons first came to La Cañada Flintridge and felt they should have done this 6-7 years ago like Ralph's. While Vons was a good asset the City had been too accommodating to them. He said that the walkway suggested by two Design Commissioner members was a good idea but not pushed in staff report. By removing the dry cleaners you could have a walkway and have a more attractive parking lot in the back. He noted that originally there was a two-story department store in the center and back parking made sense then but now the parking is used by a church and the Assistance League so little usage. Distance from Foothill to the first driveway - 100' approximately. The Trader Joe's was setback similarly from Foothill Boulevard on Gould with right turn on red light allowed. He believed that the no-right hand turn headed west was a good idea and wondered how they would enforce no-employee parking in the front parking. He asked about the parking for employees and how it would be monitored (complaint driven and tied to CUP). He also mentioned the pedestrian crosswalk at the Presbyterian Church. Walk to post office difficult from Presbyterian Church and he met with traffic engineer regarding issue. Engineer could not recommend crosswalk there as too dangerous and too close to other crosswalk. Vons could spend a small amount of money to have workable back parking lot.

Director Stanley noted that bulb-outs were shown at mid-block location but that the details need to be worked out. He did not think that a bulb out would work at Conrad's.

Pat Anderson, CEO of the Chamber of Commerce, thanked Vons for getting so far in the process. She wanted to ensure the minimum amount of disruption to existing businesses in the center. She questioned how long the construction would take and if the parking changes would be done in sections and if so, was there a phasing plan. She asked about way finding signs indicating parking in the back and accessible by breezeway.

Una Shrivastlasce, owner of the La Cañada Books and Toys since 1991, questioned if there would be façade changes for all the store fronts or just Vons and TJ Maxx. She noted that the parking lot reconfiguration will be a disturbance and asked how long construction would take. She supported a breezeway so that back parking could be utilized. She felt that the maintenance of the center has gone down over time and has caused tenants costs. She wanted to know the status of the project as it was time to order for the Christmas season. She said that there was not enough parking at peak times in the center.

Robert Craven said that the pad for the other building as a future phase should not be included on the plans.

Wesley Fieldhouse responded to questions raised in the public comments. He said that the remodel will take 3 months and should be finished by the fall with nothing undone past the middle of December. The construction will be done when center least used and the property would be accessible at all times. The existing breezeway would be quickly enhanced. There is a limited budget for the project and work has to meet the budget requirements but that maintenance issues could be addressed. He said that driveways on Oakwood Avenue could be removed. Detailed plans will be prepared recognizing the importance of parking and all walls will be touched as part of project and all roofs replaced. Changes will be more elaborate for Vons and TJ Maxx as they are anchor stores in the center.

Commissioner Curtis was told that the existing monument sign would be replaced.

Commissioner Gelhaar questioned if the second driveway on Oakwood Avenue was necessary.

Fieldhouse responded by saying one driveway was fine and that if a second driveway needed, they can look at the issue with staff

Commissioner Cahill was told that the pad of the restaurant was eliminated on revised plans.

Public hearing closed by Chairman Davitt.

Director Stanley asked if the Commission wanted just one driveway into main parking lot from Oakwood Avenue which would protect pedestrians and provide more parking spaces.

Consultant Cantrell said flexibility would be good and that the traffic engineer would review that option.

Commissioner Cahill noted that the Commission had approved a larger project before and would vote to approve the current project and agreed with staff comments.

Commissioner Curtis applauded Vons for investing in the city in these challenging economic times. He did not see a nexus for a new breezeway. Vons will respond to maintenance issues raised in hearing and which were not the purview of the

Commission. Change Condition of Approval 3 on page 1 to “prior to building permit”. Condition 13 for parking management plan to be changed for submitted “prior to building permit”. Remove first 4 words of Condition 38.

Commissioner Gelhaar was glad that Vons was going forward but was disappointed that it was not a Pavilions. He agreed with the points raised by commissioners and staff and would be helpful for the applicant to work with the traffic engineer on entryways.

Commissioner Hill liked the idea of a breezeway but understands budget issues. He agreed with Mr. Craven about scale of the project reduction. He would like a few more trees in the center of parking lot but would support the project.

Chairman Davitt said that number of entrances should be reduced to one.

Attorney Steres noted reduction in number of parking spaces and can add condition that changes to the driveways be reviewed by the City traffic engineer.

MOTION - Commissioner Curtis moved and Commissioner Gelhaar seconded a motion to approve project subject to approve subject to changes to the Conditions of Approval with approval by the traffic engineer. Motion carried 5-0.

B. Second-floor Review 08-26 and Tree Removal 08-45; Yi/Troedsson; 5180 Alta Canyada Road: A request for Second-floor Review to construct a 5,873 sq. ft. two-story residence on a 23,520 sq. ft. lot. In conjunction, the applicant is also proposing to remove three protected Deodar Cedar trees.

Planner Gjolme gave an overview of the project.

Commissioner Hill asked for the slide from page 9 to be displayed showing the trees and then asked if the house is moved back could both trees be saved.

Planner Gjolme said that this was considered and that this would require the auto court be redesigned which would also impact the trees.

Director Stanley noted that many options were considered for the site. He asked that two 60” sycamores be planted as a Condition of Approval prior to issuance of occupancy permit.

Commissioner Cahill asked if the house could be reoriented through flipping the footprint and if that could save the trees. He asked if the proposed house would

loom over neighbors and if stacking the house was for the benefit of the neighbors to the north.

Director Stanley said that driveway would loom over downslope neighbor.

Commissioner Gelhaar had questions about Condition of Approval 15 regarding light wells and why it was a policy to require them to be held to the minimum size required by the Building Department. He understood the access issue. Unless there was some impact why should the City require the minimum Building Department size.

Planner Gjolme said that it was City policy.

Director Stanley spoke about basements and outdoor patios. It's not intended to be a huge area since this would establish a new low datum point.

Commissioner Gelhaar wanted basements looked at individually.

Commissioner Curtis asked if the house could be moved back to save the trees. He was concerned about the impacts on neighbor to the rear. He noted that deodars are highly flammable and that there was a 35' setback required for fire protection purposes. He has a copy of the Los Angeles County fire code for reference.

Planner Gjolme stated that a protection buffer is need. He is not sure if a 35' setback required.

Director Stanley said that he would have to be looked at.

Public hearing:

Anders Troedson said that it was a great staff presentation and that he could answer questions of commissioners. The primary issue was with a multi-trunk tree being removed. He said that it was a long process designing the project and considering the trees and visual impacts. He said that the siting of the house is as proposed. He said that there would be more grading to establish a pad if the orientation of the house was changed. He said that saving trees by moving the house back could result in reducing the rear setback and increasing the front setback. There was a hardship created by the location of the tree in a buildable area and that he could relocate or provide new trees. There was an application to remove 3 trees while maintaining 12 other trees on site.

Commissioner Hill asked if the deodar by the garage could be moved.

Applicant Troedson said that an arborist would review the status of trees. He could move or replace with nonflammable protected class trees. He would prefer to not have flammable trees.

Chairman Davitt closed the public hearing.

Commissioner Curtis thanked staff for another excellent report. He said that there are adequate setbacks and that he supports the project and was not strong on saving the tree. He supports removing it and mitigating it.

Commissioner Gelhaar agreed with Commissioner Curtis and then read from the City tree ordinance regarding deodars. He said that all three deodars should be removed as too inflammable and he thought it unreasonable to move house because of trees. He could support project as proposed.

Commissioner Hill would like to save trees but house can not be built without removing some trees. He will support project as proposed.

Commissioner Cahill said that the placement of the house was balanced to the lot and that it was a hardship because of tree locations and can make findings.

Commissioner Davitt agreed with others and noted that tree should be removed and either replace or remove. It's a well designed project and that he supports the added Condition for two additional sycamores as proposed by staff.

MOTION - Commissioner Gelhaar moved and Commissioner Curtis seconded a motion to approve Second Floor Review 08-26 and Tree Removal 08-45 with the following new Conditions of Approval: three 60" box sycamores are required to be planted on the property prior to occupancy; replacement tree which is protected class but not a deodar required to be planted subject to approval by the Director; remove Condition 17. Motion carried 5-0.

C. Hillside Development Permit 06-55 and Second Floor Review 07-10; Merritt/Barcus; Lot 8 of Tract No. 8882 (3850 Windermere Place): A request for a Hillside Development Permit to allow a two-story house with approximately 9,200 square feet of floor area (5,900 sf of actual floor area and 3,300 sf of volume/attic space), including garage, and related site work on a 41,382 sf lot. A Second Floor Review is required since the house is two stories. The house is designed so that Windermere Place is the front of the lot and would be the main access. Windermere Place is an unimproved city street.

Senior Planner Buss gave an overview of the project based on the staff report.

Commissioner Gelhaar questioned the major unresolved drainage issues. He also spoke about access to the site from Windermere Place not meeting public street standards and that the street needs to be lowered to the property line. He noted 11' change of elevation on property line dramatically impacting driveway and retaining walls. He questioned why the item was on the agenda without the issues resolved.

City Attorney Steres and staff wanted a hammerhead as a public improvement and not for it to be located at the proposed house.

Commissioner Gelhaar interpreted that the City engineer said that it had to match existing natural grade. He asked if the street could be raised by 11' to meet City standards.

City Attorney Steres said that it could be improved but that staff would prefer a lower elevation on Windermere as a design issue.

Commissioner Cahill questioned front and rear setbacks on page 6 of staff report. He suggested changing front of house to Hampstead from Windermere if setbacks would change.

Senior Planner Buss did not review average setbacks of houses on Hampstead but it would seem to meet area setback.

Director Stanley said that you may not need to know neighboring setbacks because you may be able to reduce setback for hillside reviews.

Commissioner Curtis questioned drainage issues because of the road location and also Windermere Walk. Is it up to applicant where to get access?

Senior Planner Buss discussed drainage plan and how drainage worked. Applicant can choose which is front yard on through-lot with 25' setbacks for both front and rear yards.

Commissioner Hill had no comments at this time.

Pubic hearing:

The owner of the property, Philip Merritt, thanked the Commissioner and the Planning Department. He moved to the city 23 years ago and has been a local

doctor since then. This project would be the fourth home he has developed in the city with two of the houses used on Home Tours before. He selected Brad Barcus as he was a hillside expert with over 33 years of experience and the most knowledgeable hillside expert in the country. He said that he has worked with Planner Buss for 4 years now to build a house worthy of La Cañada Flintridge. He said that he had his architect and engineer present at the meeting.

Architect Barcus stated that he could address the architectural issues raised by the staff presentation through minor changes to the plans. The height of the building can be reduced as can the volume space by 1,300 sq. ft.

Commissioner Gelhaar questioned the retaining walls and the Windermere Place elevations. Can elevations be lowered?

Architect Barcus deferred to the engineer for the question.

Engineer Wes Lynn stated that he worked on access issues for the site. The original subdivision was approved in the 1920s. Significant changes were made to the topography of the site when it was subdivided through grading – only the nose is currently at natural grade. He noted that the only drainage to the site was from the north and south properties. He used basic hydrology methodology used by Los Angeles County for drainage and flood control. It was developed for 40-acre sized properties. He studied Windermere from a Fire Department perspective. He also looked at a 20' wide road. He discussed the work required and the size of the road for access. He noted how imposing walls could be and what standards could be used. A formal access could be built and a 15' road could be provided with walls reduced. Garage can be located at the top with adequate area for fire access available. Hammerhead can be provided. The question is how imposing the project would be and what standard should be used. A driveway has to be less than 20% in slope according to City standards, but 15% or more would be more realistic. Drainage can be taken care of with a pipe under the road. In summary, a hammerhead can be provided but it would be imposing, a 20' public road which can be done and even more imposing than a 15' road and there can be a turnaround by the garage.

Commissioner Gelhaar asked what needed to be done to get 15%. If you go with natural grade back to property line you could lower retaining walls but unsure if slope requirements can be met.

Engineer Lynn noted that a flat road would not be possible. Road to Windermere possible with digging into the ground even with 20% slope.

Architect Barcus showed a rendering and enlarged pencil drawings of the project. He suggested that the Commission look at slides 10 and 11 which are renderings from two different points. He spoke about slides and how elevations changed. There is conflict between retaining walls and roads and impacts to neighbors. He discussed proposed landscaping and mentioned that the landscape architect was in the audience.

Director Stanley asked about 3 oak trees shown on plans.

Merritt said that they were proposed to be planted and that they show two year growth on the graphic. Canopy thinned out so that you could see through in the graphic but that they would block off views.

Commissioner Hill asked if drawing shows two-year growth.

Applicant Merritt said that trees will screen property over time.

Commissioner Curtis asked if the proposal will result in elimination of neighboring oak trees.

Applicant Merritt said that there were 7 trees with 2 graded "D" in arborist report which are in poor health and that the trees would be impacted.

Commissioner Gelhaar asked what street width is required.

Attorney Steres said that according to the director of Public Works, the City would accept 20' alley and not 15'.

Commissioner Gelhaar asked if any or all proposed retaining walls could be crib walls.

Engineer Lynn said there are a variety of crib walls that could be used and that plantings could be incorporated into the design.

Director Stanley said that crib walls may not be allowed and that he would have to check with Building and Safety.

Chairman Davitt noted that Commissioners had lots of written materials provided and that there was no need to read into record.

Fred Engler of 1244 Inverness Drive asked if there are standards for alleys and if the proposed road has to be put out for bid under California law and/or if it was subject to prevailing wage laws.

Senior Planner Buss said there were standards that had to be adhered to.

Attorney Steres said that competitive bids were not necessary. He noted example of subdivision where developer builds roads. No answer to prevailing wage laws at this time and would have to check.

Cecelia Boysen of 1218 Inverness Drive moved to the area 7 years ago because of the open space and oak trees. It was not for the house but for the open space and live stream in winter. She said that she would speak about access through Windermere and the size and location of the proposed house. Would the Commission approve a driveway on Windermere that was a mile long? She had a slide presentation that she showed. She said that all issues could be resolved if the access was changed to Hampstead. She asked the Commission to look at what codes and guidelines were being broken. There would be no issues if the access road came from Hampstead. The driveway would be shorter and have need of much lower retaining walls and have less impact.

Hampstead is a fully developed road with utilities in place. She said that the surface of the driveway was 9,000 sq. ft. and that 1,000 sq. ft of horizontal retaining walls are proposed. She showed slides with cross sections with street heights with one slide with a view from her kitchen window. She showed what trees would be impacted from grading which she got from the arborist report. She said that Windermere acts as a natural drainage with a blue line stream and passageway for wildlife. She asked the Commission to preserve character, discourage flag lots and use available circulation capacities and emergency access. Lots of trees would be removed for the project. She said that the Fire Department does not like one-exit streets. The house is much bigger than allowed with a large amount of grading required. Her house has full view of the proposed house. Taking access from Hampstead would eliminate the issues and she is for this solution. If you remove a few trees you can get good entrance but she would prefer if the house was moved back 10'. She respects the owner's right to build a house but wants the City to uphold its guidelines. She raised points in Negative Declaration in written comments provided.

Attorney for neighbor Boysen, Frank Gooch spoke. City would be donating City land to Merritt for no cost. He said that a street is being required that no one in the neighborhood wants and would only be used by the subject property. It would function as a private street and not public if developed as an alley. He said that the

definition of an alley in the Zoning Code was being violated. He noted that all involved in designing the project are good in their fields. He said that the reasons to use Hampstead are as follows: trees would be impacted by proposed driveway according to arborist report; alleyway would be against city codes; large amount of retaining walls required; land not used in 75 years. He noted letter from neighbor McCarthy that a Negative Declaration not adequate for the project. The applicant Merritt has a right to build a house but that neighbors have legal rights too, particularly if the City did not adequately review access from Hampstead.

Sean McCarthy of Inverness Drive lives across the street from the site and is concerned about impacts on deer and property values. He is a general contractor with 9 homes constructed over time and does not know how they can build retaining walls without guard walls or without looking like a freeway outside his house. He was open to developing property but not as proposed.

Architect Barcus spoke about emergency access as a priority and types of roads. He said that the amount of fill was not related to the height of walls. He said that using Hampstead had its own set of problems including putting the proposed building on the highest point of the site. He does what he can to design so that houses are nestled on sites. It's not practical to get on site from Hampstead. Trees will need to be trimmed as part of the proposal but replacement trees will be provided and it is the best compromise particularly for firefighter access with staircases provided for emergency access.

Commissioner Gelhaar asked applicant Merritt that if he could design access from Hampstead would it be an option for him to consider.

Applicant Merritt replied categorically no. The lot was on the market for one year. He was approached by a realtor who said that there was access from Windermere. He and architect Barcus went to the City with this as the preferred access until neighbors got involved. He said that he would not build if Hampstead used. You can not fit house into code requirements using Hampstead. It's not safe or practical to use it within California standards. He does not want to pay for retaining wall costs. Hampstead access would impact views even more. He can not shield house on higher part of lot.

Arnold Graham, attorney for applicant Merritt, and resident of the city for 27 years responded to neighbors Boysen and McCarthy's issues. Raising the house and being able to see it is contradictory. He said that they will accommodate what the City wants. Design for 15' rather than 20' which is better as less concrete. He said that the wall was only 30'- 40' long and only marginally (1') over height of Boysen wrought iron fence. Another existing wall has a higher elevation on south side. He

also said that Windermere and Hampstead are not in a natural condition and have changed over time. Properties around Windermere have been elevated over time. He wants to elevate Windermere in order to get public access to his client's property. He will be matching the properties on either side. Using Windermere is part of the settlement agreement with the City. Use of Windermere will not affect neighbors.

Chairman Davitt closed the public hearing.

Commissioner Gelhaar is in agreement with applicant Merritt in that the Commission has a responsibility for making required findings. Is the Commission required to approve entrance from Windermere.

Steres noted that access from Windermere is part of the settlement agreement, subject to codes and findings and design. The design from Windermere is what the Commission is reviewing. The decision would not be made solely on access from Windermere but that design would come into play in making findings.

Hill asked if applicant has the right to access from Windermere.

Steres said yes but the Commission is not required to approve specific proposal. The Commission needs to weigh all issues raised before making a decision.

Commissioner Hill asked engineer Lynn if freeway appearance could be reduced by filling in the gully.

Engineer Lynn said that legal permissions would be required from neighbors so it would not be workable.

Commissioner Hill asked engineer Lynn about vertical height of retaining wall using slide from Powerpoint presentation.

Engineer Lynn said 8' and tapers down (off microphone).

Commissioner Gelhaar said that it was puzzling to him what the Commission is supposed to accomplish tonight and that he supports a continuance. Major issues of concern to him as for most hillside developments are privacy for neighbors, size and location of retaining walls and if they can be reasonably mitigated via landscaping. Also, important is the amount of dirt that has to be moved and if it can be balanced on site. To make a decision he needs to see story poles or lines with retaining walls and heights and pads shown. Overall, he needs more information in order to be able to make findings. He needs to know how much

grading will be required and what impacts it will have and the impacts of the project on neighboring privacy. Location of the pad and ability to look down from pad to neighbors needed or if fence needed. Amount of landscaping and where located on applicant's property if possible is needed to be shown.

Commissioner Hill agreed with Commissioner Gelhaar's comments, particularly with story pole comments. Could neighbors get together so as not to build retaining walls. Direct contradictory comments from speakers. He visited the site three times and noted that Windermere access is a challenge but that it could be accessed. Privacy issues can be resolved but more information required. Hammerhead resolved. Not ripe for decision tonight as more information was required.

Commissioner Cahill looked at project site but not from neighbor's property as he could not get access. Access from Windermere was created for that purpose in the 1920s and the settlement agreement says owner entitled to it. It makes more sense to use Windermere for access compared to Hampstead. It would be good to get more information. If majority of Commission was going for the approval of access from Windermere, neighbors should think of mitigation measures. Fire issue minor as it's the only property that can be affected by fire. House is beautifully designed house but inflated in size. Slope factor has house built into property but house is still big with slope factor less. Reduce size of house. Privacy is very important with landscaping significant. He noted that headlights not a nice thing to have in your living room and back yard and that he wanted it shown how that will not be factor.

Commissioner Curtis thanked Planner Buss for presentation. He has reviewed all plans and thinks Commissioner Cahill has hit the nail on the head.

Chairman Davitt visited site over the weekend and agreed with other commissioners. He would like to see it closer in size to slope factor guideline size. He noted that privacy with downslope neighbor is critical but can be addressed as can screening. It's important to see how a house would fit on the site. He asked applicant if he wanted a continuance.

Applicant Merritt wanted specifics particularly for privacy as he thought that rendering addressed that.

Chairman Davitt said areas near driveways could be addressed with more information provided. He needs visual assurance from plans and that it can be achieved for screening and what plants will be provided.

Commissioner Gelhaar asked what could be done to mitigate front yard and suggested berms or 6' wood fence. Privacy is a critical issue but applicant has a right to build a house. He has visited the site and visited the neighbor. He would want trees for privacy. Applicant can talk to commission members individually to get more specifics.

Chairman asked staff for date to continue.

Director Stanley said that it should be date unspecified as information needed and it is unknown when it will be available.

MOTION - Commissioner Cahill moved and Commissioner Gelhaar seconded a motion to continue the item to a date uncertain and to renote the hearing. Motion carried 5-0.

D. Zone Change 09-06; La Cañada Flintridge; City-wide: Consider an amendment to the City's Zoning Ordinance pertaining to development standards for fences and walls. More specifically, the amendment would require fences and walls to be installed with the finished side facing the neighboring properties or public right-of-way. The amendment will also include the possible prohibition of chain-link fencing.

Assistant Planner Parinas gave a presentation in accordance with the staff report.

Commissioner Cahill stated that he was the one who suggested including vinyl fences in the list of prohibited materials.

Commissioner Gelhaar indicated that he would like to remove vinyl fences in the list of prohibited materials. He stated that he did some research and found that vinyl fences now are not just a thin plastic material; vinyl fences now can be made to look like wood and can be any color.

Commissioner Curtis concurred with Commissioner Gelhaar. He added that he has seen bad looking vinyl fences in subdivisions, but he has also seen many good looking vinyl fences.

Commissioner Cahill asked how the undesirable type of vinyl fencing could be prohibited.

City Attorney Steres stated that this is the reason why he made the suggestion to be specific on what is prohibited and to include a language in the draft ordinance that allows the Director to make the final determination.

Commissioner Curtis stated it is unfair if a property owner spends money to install a property line fence without his/her neighbor sharing the cost and have the finished side facing the neighboring property. He added that all lots are different and landscaping could already be present onsite to screen the unfinished side of the fence.

Commissioner Cahill stated that many property owners replace and install property line fences without notifying their neighbors, and they face the unattractive part toward the neighbor's property or the street.

Commissioner Gelhaar pointed out that if property owners are required to face the finished side of fences toward the neighboring property, then they would install a fence that is finished on both sides because they would want their fence to look good on their side as well.

Commissioner Curtis suggested adding "except as approved by the Director of Community Development" to the language to have some discretion in the code as opposed to mandating the installation of the smooth side of the fence facing towards the neighboring property. He asked what will be achieved by notifying neighbors.

Director Stanley stated that notifying the neighbors would avoid property line disputes.

Commissioner Cahill pointed out that there was a complaint brought forward where a property owner came home and notice that her neighbor installed a fence on an area where she believed was not the location of the property line. Had she been notified prior to the installation of the fence, then she would have been able to intervene in some way.

Commissioner Curtis asked if the neighbor notification would be a burden to staff.

Director Stanley stated that the Planning Division already has a neighbor notification process for other reviews.

Commissioner Hill pointed out that Section G of the code as it refers to low-level lighting being limited to 100-watts, is outdated because now-a-days a 100-watt compact fluorescent light bulb would probably be equal to a 400-watt incandescent light bulb's brightness.

Director Stanley stated that the item was added to the code approximately 3 years ago. At the time some one asked for a description of low-level lighting and the use of 100-watts as a way to describe low-level lighting was agreed upon because no one understood what lumens were. He added that the Commission could direct staff to take a look at the item again. Not allowed on vacant lots.

Commissioner Hill suggested that the description of low-level lighting be changed from watts to lumens.

Director Stanley stated that he wants to make sure that the Commission understood that since we are clarifying that fences and walls are accessory structures, a vacant lot can not be fenced unless there is a primary use. He explained that fencing in vacant lots detracts from the overall look and streetscape.

Commissioner Gelhaar stated that there are trip and fall issues and other liability issues that come along with not allowing vacant lots to be fenced. He does not think we should exclude the ability of people to put fence up on a vacant lot since the City is going to have a fence ordinance that would require nice fences. Commissioner Gelhaar asked the City Attorney about his experience dealing with lawsuits regarding trip and fall issues on vacant lots and what his requirements are.

City Attorney Steres explained that in a legal aspect, owners of vacant lots without fencing can do certain things to protect their rights, such as: installing "no trespassing" signs and record documents in the County Recorder's Office to stop prescriptive easements.

Commissioner Hill asked if there have been many property owners of vacant lots asking if their property could be fenced in.

Director Stanley confirmed that the City has received many inquiries about fencing vacant lots. He added that staff would like to prohibit fencing of vacant lots because of aesthetic reasons. He explained that when property owners do not live onsite property maintenance issues arise, such as: trash collecting within the fenced lot, the fence not being repainted, or graffiti not being removed.

Commissioner Hill concurred with Director Stanley.

Chairman Davitt opened the public hearing.

Pat Anderson, Chamber of Commerce, asked if the light is measured by watts instead of lumens, could someone have multiple 100-watt light bulbs.

Director Stanley confirmed that multiple 100-watt light bulbs on a single fixture are allowed by the current code.

Ms. Anderson suggested that the Commission reconsider changing the measurement from watts to lumens because if a property has a 100-foot frontage with four pilasters and each pilaster has a fixture with four 100-watt light bulbs, the fence would be very bright and would have a lot of lumens.

Assistant Planner Parinas asked if she could bring up one comment for the record. She stated that David Ford of Southern California Edison (SCE) expressed concerns about the City requiring SCE to remove chain-link fencing enclosing SCE properties if chain-link becomes a prohibited fence material. Ms. Parinas clarified that existing chain-link fencing would be considered legal-nonconforming and would be allowed to remain.

Chairman Davitt closed the public hearing.

MOTION - Commissioner Hill moved and Commissioner Curtis seconded a motion to continue Zone Change 09-06 to July 28, 2009 with directions for staff to provide an analysis on watts and lumens. The motion carried 5-0.

X. OTHER BUSINESS

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Gelhaar showed photograph of care facility referred to during public testimony earlier in the meeting. He was concerned about parking.

Attorney Steres noted that cities had extremely limited control over facilities. They are looked under the State law at as single family homes. He will look at regulations from Newport Beach for guidance.

Commissioner Cahill announced that he would not be attending the second meeting in July.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley informed the Commission that the City Council would be looking at the overlay zone for office again for the DVSP at the next Council meeting. He said that the Council wanted information building-by-building and

would look at office uses issues and overlay zone. He walked Boulevard looking at building with Assistant Planner Parinas.

Commissioner Davitt brought up change of tenant issue.

Attorney Steres said that real estate offices were also an important issue.

Director Stanley also reported to the Commission on Director Reviews HDP 09-17 at 5360 Carter Lane for deck replacement and HDP 09-11, SFR 09-10 and DMR 09-14 at 5148 Oakwood for conversion of underfloor area to living space with first floor becoming second floor.

Senior Planner Buss noted that Brian Kelly had a Substantial Conformance to cut off a wing of house and moved the pool from the edge of the lot and is more private.

Commissioner Gelhaar brought up GPAC meeting where project discussed. They cut into hill to construct house and will it expose cut?

Senior Planner Buss said more wall there but at corner away from others. Landscaping for retaining wall will follow and responsibility is with property owner. Permits have been pulled.

XIII. ADJOURNMENT - 11:29pm