

**A MEETING OF THE PLANNING COMMISSION OF
THE CITY OF LA CAÑADA FLINTRIDGE
HELD JANUARY 23, 2002**

CALL TO ORDER: Chairman Levine called the meeting to order at 6:00 p.m.

ROLL: Present were: Commissioners Brown, Engler, Gelhaar and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planner Buss, Planner Cantrell, Assistant Planner Gjolme and Planning Aide Shimazu.

COMMENTS FROM THE PUBLIC: Comments were not offered.

CONSENT CALENDAR: A. M/S/C Engler/Gelhaar to approve the Minutes of January 8, 2002 as submitted. Unanimous.

B. Resolution 02-03; denying amendment to Modification 00-52.

Chairman Levine announced that the applicant filed a request for reconsideration and confirmed that the Commissioners were willing to hear from the applicant as to the basis for the request.

Don Dean, project contractor, advised that moving the garage 2 ft to the North to provide a code-compliant setback as suggested by some of the Commissioners, would not allow his clients to park their camper van in the garage and, more importantly, would preclude an unobstructed view of the pool.

Commissioner Brown confirmed that Staff verified the new information regarding visibility of the pool.

Susie Masson, property owner, expressed concerns of safety and complete view of the pool.

M/S/C Brown/Gelhaar to reconsider Modification 00-74 with the proviso that the homeowners stake the site to facilitate review of project alternatives. Unanimous.

Assistant City Attorney Steres advised that the meeting to reconsider would be published and a notice of hearing mailed to the neighbors.

**CONTINUED PUBLIC
HEARINGS:**

**HILLSIDE
DEVELOPMENT
PERMIT 01-20;
MODIFICATION 01-49;
BILAUER;
4430 ROSEBANK DRIVE:**

Planner Cantrell recalled that this request was initially heard on November 13th mainly to respond to the Commission's concerns regarding house size. Public Comments also suggested that environmental issues were not addressed. The City enlisted the services of an environmental firm to conduct a field study. It was determined that the site is not a habitat of rare or endangered species.

He pointed out that the applicant proposes to leave the bottom portion of the site in a natural state and has offered a public access easement across that area.

Revised plans eliminate the setback encroachment and reduce the house size by nearly 1,600 sf. Staff believed that the floor area reduction adds to the grace of the project, particularly from the critical west and south elevations. The project now complies with the Slope Factor Guideline and the Floor Area is approximately two-thirds of what is allowed. The retaining wall height is lowered, although its encroachment into the west side yard continues to be necessary. Story poles were erected as suggested.

At the initial review, Staff reviewed the landscape plan positively; tulip trees and the mass of oaks would screen the house from below. The plan depicts Aleppo pines rather than redwoods in the driveway banks, which raised concerns of fire safety. The Landscape Architect now suggests that cork oaks would be a satisfactory substitute.

As before, Staff recommended positive findings and project approval as conditioned, including adherence to the Light Reflectance Value guidelines and requiring construction vehicles to park on site or along on Foothill.

Commissioner Brown confirmed that the retaining wall at the south end of the driveway continues to encroach into the west side yard setback; it peaks at approximately 6 ft and then tapers. Planner Cantrell noted that within a few feet to the North, it faces inward.

Commissioner Mehranian confirmed that the environmental report was comprised of what the Commissioners had received in their packets.

Planner Cantrell indicated that he had received only a verbal report and field notes and that the consultant would soon follow up with a formal report, reaching the same conclusions.

Responding to a question from Commissioner Mehranian regarding mitigation measures for dust, circulation and traffic, Director Stanley advised that because those issues are addressed in our Code, there is no reason to include mitigation measures. Traffic circulation can be dealt with in the conditions.

Commissioner Engler asked for the definition of "lot frontage" as defined in the Hillside Ordinance.

Planner Cantrell replied that the lot frontage requirement applies only to newly created lots --- this project involves an existing lot.

Commissioner Engler recalled a prior comment from the applicant that waste water would pump uphill. He stated that he would like to review a percolation test.

Commissioner Brown recalled prior discussion of a potential trail corridor through from the site to the YMCA. He asked if any thought was given to that aspect or is there any idea of what the trail would look like.

Director Stanley responded that a trail was something the Los Conservadores group stated they would like to see and noted that an easement across six other lots would be necessary to make that happen. Otherwise, there are no plans for a trail in terms of width, alignment or the route it should take.

Attorney Steres advised that, with the property owner's concurrence, a Conditional Public Access easement could be recorded and would be triggered only under certain conditions (e.g. if the other properties "fall into place"). The easement could be described in general terms, such as the lower portion of the property, with the exact location

to be determined at a later date. The covenant would be in favor of the neighboring property owner (the City) and would assure that when the City needed the easement, it would be there.

Responding to a question from Chairman Levine, Planner Cantrell advised that the applicant paid for the environmental field investigation, but the City selected the consultant.

Chairman Levine noted as a side issue that drainage to the neighboring property to the south should be investigated.

Commissioner Engler remarked that the Hillside Ordinance states that all existing trees should be depicted if 2" or greater trunk size.

Planner Cantrell commented that anything with a 2" trunk diameter is basically a shrub, and that we're really talking about one tree.

Applicant, Elizabeth Bilaver, explained the effort to comply with the Hillside Ordinance and stated she understood that some would prefer that the property remain vacant. She reiterated her prior comments that the buildable lot has been available to purchase for 5 years and her offer of an easement for a public trail with the proviso that other affected property owners do likewise. Ms. Bilaver advised that there is a sewer line on La Canada Crest and therefore a perc test is not necessary. She reported some success in contacting neighbors --some support the project and others were not home.

Landscape Architect, Roy Leisure, explained the proposed landscaping. The Commissioners had no questions of him.

Chairman Levine opened the public hearing.

Duane Waters, 2229 Crescent Ave., Montrose, president of Conservadores de Los Colinas, recalled the efforts to have Rockridge Terrace zoned open space "the plan was to get the entire site open". He asked that the City not allow construction in the area without an environmental impact study. He advised "there is a natural spring on the

property; while it might not be on the subject site, without an environmental study, we won't know; it could be a wetland area". Mr. Waters questioned if Staff should be in charge of the environmental review because of the complexity of the issues. He distributed a report from an environmentalist which the Conservadores had retained and a petition opposing the project which included residents of Montrose and La Crescenta.

Chairman Levine confirmed that the basic point of the Conservadores is that a full environmental impact report should be required for this project.

Commissioner Mehranian commented on the Bilavers' efforts to comply with the issues and questions raised at the initial meeting. She asked what solutions Mr. Waters had offered them.

Mr. Waters stated that he was new to this process and that the majority of residents "don't understand what's going on up there; they thought this was taken care of". He stated that he had a plan which involves a lot of work and some money, but that he hadn't discussed the plan with the others. He expressed his belief that it was speculative for the Bilavers to purchase the property and "someone should have known that the neighborhood would rise up".

Commissioner Gelhaar confirmed with Ms. Bilaver that she was not interested in selling her property.

James Wammack, 2159 Crescent Ave., Montrose, advised that his home is 2,000 sf in area and he doubted if there were any in the neighborhood that exceeded 4,000 sf.

Commissioner Gelhaar asked Mr. Wammack if he would "be in favor of the project if it were some other square footage".

Mr. Wammack stated that he would, but that he hadn't spoken with the applicants. He then stated "it's a ridiculous project where it is and even if it's available, it's a ridiculous place to build".

Chairman Levine commented that since Mr. Wammack indicated he wasn't necessarily opposed to the project "if you had to pick a number, what size do you think would be appropriate for a house on that lot"?

Mr. Wammack responded "certainly not 8,000".

Carol Buddinger, 4112 Walton Oaks, Montrose, stated that her sole concern was the direction of drainage runoff.

Jay Chase, 2169 Crescent Avenue, Montrose, confirmed that there is a natural spring that runs into his yard 9 months out of a year.

Chairman Levine verified that Mr. Chase was unsure from where the spring originates.

Commissioner Gelhaar confirmed that the spring is currently running.

Joel Markss, 2159 La Cañada Crest, agreed that an environmental impact report was necessary. He recalled asking at the last meeting how the applicant intended to screen the exposed, high walls on the east exposure. He felt the applicant should bear the cost of complying with Fire Department regulations for 200 ft of brush clearance around the site, even though that would extend to City property.

Mark Hunter, 2056 Rancho Cañada Road, stated that the 200-ft brush clearance regulation amounts to 3 acres of land that would have to be cleared. He stated that Staff was remiss in requiring an environmental study of only one acre, since the project would create an "enormous visual and biological impact". He advised of having spoken with Mr. Bilaver shortly after the property was purchased and expressed his "shock" that anyone would be interested in the subject site.

Fran Jesse, 2102 La Cañada Crest #4, stated that she would be subject to noise, vehicle lights, etc. by vehicles using the project's terraced driveway, which is 4 to 5 ft outside her dining room.

George Salaman, resides 4 homes below the project site. He felt that the project is actually a three-story structure, rather than two-story and that he was still in the process of determining the height. Mr. Salaman expressed concern that the pool might leak, which would bring more water to his property downslope. He advised that there is a storm drain on his property, which draws water from "somewhere".

Leland Waters, 2229 Crescent Avenue, Montrose, stated that Rockridge Terrace is the gateway to La Cañada Flintridge and strongly suggested "that the Commission consider how this project goes against the spirit". He advised that nearly every weekend, children play on the hillside and the noise reverberates "all over the hillside". He felt that construction noise and noise in general from someone living on the hillside would have a negative impact.

Christa Johanson, 4436 Rosebank Drive, sold the project site to the applicant. She advised that there are no longer deer in the area as a result of the freeway construction and that the freeway generates more noise than children playing.

Project architect, Morris Brown, pointed out that the height and size of the home comply with Code and that Code requires that all sheet flow be directed to discharge as before construction.

Commissioner Brown asked about the amount of excavation the project would require.

Mr. Brown advised that it would all take place under the house, some fill would be required under the driveway. He was unsure at this time how many cubic yards of dirt would need to be moved.

Applicant, Goren Bilaver, advised the Commission that the base of the lower story poles is 3-4 ft above proposed finish grade. The living room floor would be approximately 16" above the major oak on the site. He believed they would need to excavate 2-3 ft on the east side and approximately 7 ft on the opposite side.

Commissioner Engler asked about the amount of cut and fill for the driveway and the methods that would be used to disperse water from the driveway, garage and house so that it reverts to sheet flow.

Mr. Brown advised that cut and fill would range from zero to 6 ft and that specific requirements would be set by Building & Safety --- "all water seeps through vertical joints and that creates the sheet flow". He did not have the calculations but once water becomes sheet flow, it "absolutely will not flow to any other property - that is not allowed".

Dan Kimber, 4415 Rockland Place, stated that his perspective of the project site is horizontal. He stated "the hillside begs to be considered for preservation and that at least an EIR should be prepared".

Roy Leisure, Landscape Architect for the project, understood that only non-native species were on the site and nearby hillside. The coastal sage and oak would be preserved, but he encouraged everyone to work together to introduce native species so that the entire area is more reflective of the native environment of California.

Commissioner Gelhaar inquired how Mr. Leisure proposed to screen the views of the walls.

Mr. Leisure responded that he was interested in screening as much as possible and the only limiting factor was allowing him to go beyond the property line to irrigate and landscape. There are native species called out on the landscape plan outside the wall, provided that the City allows doing so.

Commissioner Engler asked how the 10-ft-high wall at the upper end of the driveway would be screened.

Mr. Leisure did not believe that the wall would be significantly visible as it would be partially screened by vegetation in front of it, as well as by the house. He offered to attach vines so that it would "disappear" and noted that new plantings across the driveway are also proposed. Responding to a further question from Commissioner Engler regarding the Hillside Ordinance

requirement for 36"-box trees , Mr. Leisure stated that the landscape plan would meet those requirements.

Elizabeth Bilaver responded to comments: sheet flow and drainage would meet Code, only the dry weeds would be removed; the roots would remain for erosion protection purposes; the proposed hammerhead on her property would facilitate fire department access to the area; excavation would not be a phenomenon to the area as the anticipated public trail would need to be excavated. Ms. Bilaver advised that the fire she referred to at the initial hearing occurred approximately 8 months ago near the condominiums on La Canada Crest --- her neighbor, Mrs. Johanson, attempted to contain the fire with her garden hose until the fire department arrived. Ms. Bilaver also felt that the requests for an environmental impact report were a delaying tactic.

Further commentary was not offered and the public hearing was closed.

Commissioner Engler stated he had continuing technical concerns regarding waste water disposal and was not satisfied how it would be handled. He asked if an emergency generator would be provided to pump water uphill in the event of a power outage. The landscape plan did not depict the required large trees or screening of the walls, a hydrology report was not submitted and he could not make findings #2 and #8 addressing sensitive use and effective preservation of open space and mitigation of visible bulk.

Commissioner Mehranian thanked the applicants for offering a portion of their property for a public trail easement, for the environmental report, for reducing the floor area and lowering the retaining walls and expressed disappointment that the Conservadores had not attempted a discussion. Remaining concerns included the spring, pond, species, drainage and some analysis of what happens when an 8,000-sf home is built on a hillside where there are homes below. Commissioner Mehranian felt that more research was needed and was not prepared to vote on the request at this point.

Commissioner Brown asked if Staff had the opportunity to review the environmental documentation submitted by the consultant that the City selected.

Director Stanley advised that he had. In terms of plant life, the report concluded that a lot of non-native species have been introduced to the area and the subject site and identified it as a disturbed habitat. Since the area is surrounded by urban development and the freeway, there is no connection with any wildlife corridor. He suggested that if a continuance was in order, the consultant should review and respond to the concerns raised.

Commissioner Brown noted that drainage was a major concern at the first meeting and had not yet been addressed at length.

Planner Cantrell stated that while a hydrology report was not submitted, the City Engineer's comments reflect that he did not have any concern beyond the scope of building plan check. Regarding the ESA report just submitted by Mr. Waters, Planner Cantrell had the impression that it analyzed an area larger than the building site - possibly the entire Rockridge Terrace area and possibly the properties east of the project site, as it refers to swales east of the building site.

Commissioner Brown commented that clearly, the project is an incursion into open space as development stops at the top of the ridge. The Planning Commission's role is not to decide whether the City or the Conservadores should purchase the property, but rather with the planning issues associated with a legal, buildable lot. He noted the significant progress made; the house size now meets the Standards and Guidelines of the Hillside Ordinance. From the perspective of neighbors upslope, the project is sited so that it appears as a single-story home and would not eliminate any view shed. Conversely, the elevation of the house and the two retaining walls present a significant visual issue from downslope. He felt that the lower walls could be screened by landscaping and asked if crib walls were a viable option.

Planner Cantrell stated that some caution would have to be taken because of the pool upslope and felt it appropriate to assume that technically it was possible.

Commissioner Brown agreed with Commissioner Engler that questions remain with the landscaping plan and the effectiveness of screening the driveway cuts. Unanswered questions remain relating to drainage and environmental issues, all of which Staff needs to review. In conclusion, the size and shape of the house were acceptable; but the issues that were raised need to be mitigated. He also requested an elevation of the wall as it would appear from City property.

Commissioner Gelhaar concurred with Commissioner Brown's comments and expected a more detailed landscape plan if the matter were continued. He supported the redesigned, 7,000-sf home and felt that the environmental issues were adequately addressed. Because of the issues of spring water, he felt that a hydrology report was mandatory. Otherwise, he could support the project with submittal of a more detailed landscape plan, a hydrology report and a condition regarding an easement for public use per Attorney Steres' advice.

Chairman Levine concurred with Commissioner Engler's concerns regarding visible bulk. He was also very concerned with drainage and any wall that would capture drainage that was not filled with concrete and how that could impact the neighbors below. He felt the landscape plan "needs a lot of work". On a personal standpoint, he felt a more sensitively-designed home was possible. Regarding environmental concerns, he doubted the presence of endangered species or sensitive plants on the subject site and was inclined to endorse the information provided by Staff. If there is a natural spring in the area, he wanted information as to its origin and soil stability information. As an aside, he felt a model of the project would be a helpful tool but it was certainly not a necessity.

Chairman Levine commented on what appeared to be a lack of comfort level by a majority to approve the project but there seemed to be a willingness to continue the

project. He apprised the applicant and the audience of the options, including an appeal to the City Council.

Mr. Bilaver requested a continuance to a March meeting.

A short discussion followed, with Ms. Bilaver requesting more definitive information. She stated that she was willing to redesign but wanted some assurance that it would be acceptable to the Commission.

Chairman Levine explained that the Commission's determination is made on the findings, rather than personal likes and dislikes. He itemized concerns of drainage, the natural stream, visible bulk, a detailed landscape plan and the driveway walls.

Commissioner Gelhaar commented that nothing prevented the applicant from contacting the Commissioners individually.

Given that the public hearing was closed, Assistant City Attorney Steres asked in what form, if any, would the public hearing be reopened. He advised against reopening the record and rehashing issues such as an environmental impact report. Since the public hearing was closed, the Commission could continue the matter to have the remaining issues researched by Staff. If a redesign was submitted, however, they would be subject to public comment.

Chairman Levine felt the reopening the public hearing would be more appropriate and concurred that he didn't want to revisit issues that were covered.

M/S/C Brown/Mehranian to continue Hillside Development Permit 01-20 and Modification 02-49 to March 26 and reopen the public hearing. Unanimous.

**CONDITIONAL USE
PERMIT 331;
MODIFICATION 01-53;
HILLSIDE DEVELOP-
MENT PERMIT 01-57;
MEYERHOFER;
5228 ESCALANTE DR:**

The Commission recessed for five minutes and reconvened at 8:11 p.m.

Planner Cantrell recalled that this project was continued from December 11th. At that time, the Commissioners indicated that the front yard pool and the front yard fence encroachments were unacceptable and expressed a

preference for relocating the pool. They did indicate however, that the north side yard setback encroachment for both floors of a proposed residential expansion was supportable

The revised proposal depicts the pool 25 feet from the front property line (5 ft more than the required front setback for hillside properties), with a solid screen fence along the required 20-ft front setback line. This proposal also results in a 1' 7" further reduction of the side yard setback since the house would slide back towards the side property line.

Planner Cantrell noted that the screen fence is barely above the threshold for a building permit or Planning Department approval and would screen the pool from street view. Staff believed this proposal had merit beyond the previous design. The requirement for a Conditional Use Permit is intended to assure that front yard pools do not disrupt front yard settings - there are no 'hardship' findings for this type of approval.

Staff determined that the change in setback for the house was not necessary to achieve the revisions and therefore recommended against approval of further encroachment.

Commissioner Gelhaar confirmed that this aspect was discussed with the project architect.

Commissioner Engler requested "a clear definition of when a yard ceases to be a front yard and becomes a side yard".

Attorney Steres advised that Code refers to the *required* front yard setback; however, when a pool is proposed in front of a house, a CUP is required.

Michael Pinto, project architect, related his efforts to resolve the Commission's concerns without having to completely redesign the project. He pushed the new addition back 4 ft, hoping to acquire enough property so that the pool was no longer within the front yard. This also enabled him to move the 5-ft-high pool enclosure back and out of the required front yard setback. Rather than having front, side and rear yards this property has

two yards because of the shape of the lot and orientation of the house. Mr. Pinto advised he chose what was the most sensitive area to site the pool insofar as screening it from neighbors.

Commissioner Brown confirmed that all mechanical equipment would be removed from the rooftop.

Responding to a question from Commissioner Engler, Mr. Pinto advised that the pool equipment would be located in a small enclosed area at the side of the house and outside the setback area. He agreed to roof it to mitigate noise.

Sherry Sclafano, 5222 Escalante Drive, stated that the proposed location for the pool would be the least impacting to her property.

Sally Kingston, 5220 Escalante, supported the configuration as proposed.

Vahe Manzarjian, 5238 Escalante, preferred that the house encroachment be minimized as much as possible. He stated that the northerly corner of the proposed addition would be visible from his front doorway and driveway. Also, his future plans include adding living space near or above his garage.

Applicant, Mark Meyerhofer, stated that he struggled to create a balance between comments from the last meeting and how the City defines front and side yards for his property. He felt that he addressed the concerns and that the revisions would be considered in a positive light.

Commissioner Brown asked how Staff's recommendation that the side setback be no less than 9' 7" would impact his project.

Mr. Meyerhofer advised that he would have to shorten the rooms by 1' 7".

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

Commissioner Gelhaar commended the applicant and his architect on the redesign and supported the project per Staff's recommendation.

Commissioner Brown agreed with those comments as well as with those of the neighbors. He recommended editing the conditions to prohibit all rooftop equipment, not just upon the addition.

Commissioner Mehranian and Chairman Levine concurred and had no further comments.

M/S/C Brown/Mehranian to approve Conditional Use Permit 313, Modification 01-53 and Hillside Development Permit 01-57 as conditioned by Staff and eliminating "on the addition" from condition No. 12. Unanimous.

**HILLSIDE
DEVELOPMENT
PERMIT 01-41;
MODIFICATION 01-55;
PETROSSIAN;
657 FOXWOOD ROAD:**

Planning Assistant Gjolme recalled the applicant's request to add a new second floor to an existing 3,318-sf, single-story home, was continued from December 11th. The proposal consisted of a 6,483-sf, two-story residence that complied with the standards and guidelines of the Hillside Ordinance. A 3-ft encroachment into the required 20-ft front yard setback was also requested. At that time, the Commissioners expressed serious concern with the substantial massing given the home's proximity to the street. Direction was given to reduce the height and scale and to submit a detailed landscape plan and erection of story poles.

The revised project shifts the home back several feet at both floors so that a 20-ft compliant front yard setback is now presented. This results in a floor area reduction of 30 sf. Assistant Planner Gjolme noted that the western half of the roof was redesigned to lower the eave height and reduce the verticality. The eave line was lowered from 20 ft to approximately 13 ft and a straightforward gable configuration above the garage was converted to a hip element. Lastly, a landscape plan was submitted and features three, 48-inch-box oaks as well as shrubs along a rising bank at the front of the house. At the east, eight, 24-inch toyon trees are proposed.

While Staff considered the revisions as positive, the basic proportions remain unchanged; essentially, a 6,500-sf-

two-story residence, nearly 100 ft in width is still proposed in proximity to the street and continues discordant with neighborhood development. Staff could not make Findings 1, 5 and 8 and could not support the request.

Armen Shamazarian with the Amak Group, explained his efforts to reduce the mass. He noted the 9-ft difference in elevation along the street as it extends to the east. He attempted to shift the second floor almost 30 ft from the front property line to address the concerns of view blockage from neighbors across the street. He then displayed a section showing the height of the house compared with the pad level of the neighboring home across the street. He felt the landscaping reduced the appearance of mass on the east side and noted the eight, 24-inch-box trees which are proposed for the east side. Mr. Shamazarian was willing to install landscaping along the curb line and front property line with City approval.

Assistant Planner Gjolme noted that although a sloping roof replaced the previous vertical facade - the overall height was not changed.

Pete Petrossian, property owner, described the revisions and how they responded to concerns expressed by the Commission and neighbors. The setback encroachment was eliminated and the landscaping would negate a clear of the facade. He noted that the view from across the street is approximately 15 ft above street level and his home is 8-9 ft below street level. He felt that the revisions to the roofline preserve that neighbor's view to the extent possible. Mr. Petrossian pointed out that the project is well within the guidelines of the Hillside ordinance .

Chairman Levine opened the public hearing.

Jack Schlomer, 650 Foxwood, who resides across the street, continued to believe that the project is a "mansion too close to the street". He stated that he would not have purchased his home 15 years ago "if what is being proposed was there".

Bonnie Schlomer, did not believe the revisions were noticeable and stated that the project was not in character with the neighborhood.

Don Wittman, 669 Foxwood, resides directly west of the site, stated that the project was "a monster". He acknowledged that his view would not be affected and that Mr. Petrossian was correct that the house would not be visible until one was immediately in front of it. Given the proposed size of the house and the fact that his property is downslope, he requested that the Commission require construction of a wall that would direct runoff to the street, rather than allow it to run downslope.

Georgia Dillon, 647 Foxwood, advised that the story poles were erected that day. She stated that the project was proportionally unchanged, that is was a stark departure from other residences on Foxwood and that it represented a clear case of mansionization.

Mr. Shamazarian responded to comments and pointed out that the existing house is 27 ft from the front property line and 10-12 ft from the curblin, making it difficult to erect story poles along the west. He agreed to "sump pump or double sump pump" to direct drainage to the street.

Chairman Levine closed the public hearing.

Commissioner Brown felt that the design continued to appear obtrusive and the view from the Schlomer property was still a concern. He stated that square footage is not the issue, but rather how the house is presented. The design was unacceptable to him and he suggested doing away with the current plans for a total redesign.

Commissioner Mehranian stated that her concerns as noted in the minutes from the last meeting persisted i.e., bulk and massing. She felt the project called for a creative redesign.

Commissioner Engler concurred and suggested that the owner consider eliminating the pool and moving the house to the rear.

Commissioner Gelhaar stated that it would be difficult for him to support a proposal on the subject property that included a raised roofline. He could not make the findings, including finding #9 which Staff felt could be made.

Chairman Levine stated that the project was "too big" and the transparency overlay revealed that essentially the same bulk was proposed. He advised the applicant that a vote taken that evening would be for denial and asked the applicant if he preferred a vote or a continuance.

Mr. Petrossian requested a continuance to February 26.

M/S/C Brown/Mehranian to continue Hillside Development 01-41 and Modification 01-55 to February 26. Unanimous.

**CONDITIONAL USE
PERMIT 339; SETBACK
MODIFICATION 01-34;
LA BRUNA, JR/ LOS
ANGELES COUNTY
DEPARTMENT OF
PUBLIC WORKS; 615
BERKSHIRE AVENUE:**

Chairman Levine announced that the Commission would be reviewing the setback encroachments and the over-height structures. He did not believe the Commission necessarily needed to review the project's history and preferred to move forward. His colleagues agreed.

Director Stanley recognized the Commission's directive, and restated the original request. Importantly, because the property is defined as a *hairpin* lot, the entire frontages along Berkshire and Woodleigh is considered as the "front yard" for the purposes of establishing setbacks. An application was received for a setback modification to install a decorative fence and pilasters up to 8 ft in height, a driveway gate, pilasters and light fixtures which exceeded 11 ft in height, a backstop of approximately 12 ft in height at the southwest corner of Woodleigh and the horse trail, a batting cage up to 12 ft in height and a 10-ft-high combination wall/chain link fence along the horse trail, at the northwest corner of the property -----all which encroach within required setbacks.

He advised that the applicant is negotiating to purchase property from the County along the horse trail. Should that come to fruition and sufficient property were acquired, a "new" property line would be established and the batting cage would no longer encroach into the rear setback.

He advised of having met on site with Mr. La Bruna and Mr. Johnson to discuss options. Significant revisions include:

Batting cage: a height reduction from 16 ft to 12 ft, plus additional landscaping.

Backstop - existing 16-ft-high chain link backstop fence changed in configuration to a combination of a 4-ft high retaining wall with an 8-ft high wrought iron fence atop, plus additional landscaping.

Fence along Horse trail - a 4-ft-high retaining wall with a 6-ft-high chain link fence atop, representing over-height fencing within the setback, remains. The applicant is negotiating with the County to purchase property along the horse trail that would reduce the extent of encroachment.

Decorative Fence: was originally proposed as a 2-ft-high retaining wall/6-ft high decorative fence combination. The revised plan has the retaining wall pushed away from the fence along both frontages, creating a 4-ft distance (space for landscaping) between a 3 ft-high retaining wall and the 6-ft high decorative fence.

25 pilasters continue to be proposed but are now reduced in height from 8 ½ ft to 7 ft.

the height of the fence panels were reduced from 8 ft to 6 ft

Pilasters at the driveway gate remain at 11' 2" high, including the light fixtures.

Staff supports this redesign with the recommendation to reduce approximately nine pilasters so that the appearance is consistent with neighborhood development.

Sports Court: the baseball field and batting cage were defined as a "Sport Court " as defined in the Tennis Court Ordinance by use and composition. The Ordinance requires sport courts to present a 15-ft perimeter setback over and above the customary setback requirements.

The original proposal included a back stop located behind home plate, **separate from the existing chain link fence**, a chain link fence with a retaining wall approximately 4 ft in height, a retaining wall along the northwest portion of the property with the existing batting cage with poles up to 16 ft and netting up to 12 ft.

A Conditional Use Permit is also required to allow the sports court to be lighted. Box fixtures at a height of 12 feet are requested. The applicant advises they would be totally screened by mesh fabric and preclude light spill. Director Stanley noted, however, that the fixtures or the light would be seen from Woodleigh.

Staff's recommendation for the backstop was to build-up the retaining wall from the street to approximately 6 ft in height. This would create a 6-ft-high, inward-facing retaining wall, with a 6-ft high wrought iron fence on top, that would dovetail into the 6-ft along Woodleigh. From the street, it would appear as a 6-ft-high, wrought iron fence.

The applicant advises that he can purchase additional property from the County along the horse trail and gain enough setback to comply with Code. Rather than accept liability for an easement for trail purposes that would cross his property, he prefers to plant a tall hedge to screen the wall from the street and trail.

Staff's recommendation is that the batting cage comply with the setback standards of the Tennis Court Ordinance.

Commissioner Engler asked which required the 15-ft perimeter fencing - the "flat" sports court or the fence structure?

Director Stanley responded that it is the fence structure.

The Commission needs to 1) determine the definition of a sports court 2) do they consider the ball field and fencing to be part of a sports court and, 3) is the fence necessary for the use of the field?

Commissioner Engler noted the lights on the batting cage pole and questioned the legality of more lights on utility poles.

Commissioner Brown confirmed that there are no ordinances controlling back yard lighting other than those cited in the Tennis Court Ordinance.

Commissioner Mehranian asked what would happen to the setback and the fence in the absence of a *sports court* definition.

Director Stanley advised that the fence would be reviewed as a setback modification. He felt it would be difficult to make the finding of 'hardship' --- is there a hardship that is not self-created? The findings of consistency with the neighborhood is also problematic.

Director Stanley then provided clarification for Commissioner Gelhaar regarding setbacks. The Tennis Court Ordinance requires a 15-ft perimeter setback for sport courts; however, the requisite zoning setbacks apply over and above that requirement.

Jay Johnson, representing the applicant, thanked each Commissioner for taking the time to meet with him and Mr. La Bruna on site. He felt those meetings were very productive. Mr. Johnson recalled that the Commissioners had requested a detailed event timeline for review. He asked if they were comfortable with what was submitted.

Chairman Levine acknowledged receiving the timeline and asked Mr. Johnson to please address the setback and CUP issues.

Mr. Johnson addressed the decorative fencing along Woodleigh and Berkshire. Because of the downward slope from the property to the street, it became necessary to propose a 2-ft-high retaining wall to bring the yard to

grade. A decorative fence would be installed atop the wall. This arrangement allows landscape opportunities to screen the pilasters and the fencing.

Regarding the number of pilasters proposed, Mr. Johnson noted that it complies with the Decorative Fence Ordinance which allows 15 ft between columns. He displayed a photo board of properties in the neighborhood with pilasters less than 15 ft separation and one with more than 20 pilasters. He felt that the decorative fencing on the property at Flintridge and Commonwealth, with 17-ft spacing would be appropriate for this project which would require eliminating 5 pilasters, for a total of 20. Mr. Johnson felt that Staff's recommendation to reduce the total number to 15 pilasters was excessive.

Commissioner Brown confirmed that the site plan conforms to a property survey and that the surveyor was in the audience should there be any questions.

Responding to a question from Commissioner Engler, Mr. Johnson provided the pilaster dimensions as: 3 ft at the base, tapering to approximately 18" at the top to minimize the appearance of bulk.

Mr. Johnson then addressed the batting cage. He displayed an aerial view of the site as he felt it important to address the openness of the surrounding area. He pointed out that if his client were requesting a tennis court rather than a ball field, all setback requirements could be met and the Commission would be reviewing code-compliant, 10-ft-high fencing and lighting fixtures. Mr. Johnson advised that the batting area is much smaller in size than a traditional sports court for basketball or volleyball and it is located in the most remote area on the property. He disagreed with Staff's determination that the lighting would be visible from off site, and provided a cross section to substantiate his opinion that when the hedge reaches maturity, anyone walking or driving would not see the lighting as the fixtures would be shielded to preclude light spill.

Commissioner Brown advised of having made a site visit the previous night. The light was directed downward and the shadow did not extend beyond third base.

Mr. Johnson noted that the Olsons, who reside west of the project would be the most impacted and they submitted a letter of support. He advised the Commission that the lighting consultant was in the audience to respond to any questions.

The Commissioners had no questions of the consultant.

He then referred to Staff's report which states that the batting cage remains at 16 ft in height with fencing atop a retaining wall --- "it is not". The fencing is located approximately 3-ft inward from the retaining wall and allows room to plant a hedge that would completely screen the batting area from off site, including from the horse trail.

Responding to a question from Commissioner Mehranian, Mr. Johnson reiterated that it is not a 16-ft-fence, but rather a 12-ft-high fence on grade and separated from the retaining wall.

Staff further recommended that his client purchase additional property so that the batting cage met the 15-ft setback requirement. Mr. Johnson stated his clients would be willing to do so if the encroachment impacted the community; however, he considered the encroachment as a technicality as no one would be aware where the property line is; it would "simply be a line in the dirt", and would not serve to mitigate anything. He stated "what really matters is that space has been provided to install and maintain adequate landscape screening".

Chairman Levine asked if the Trails Council had been contacted out of concern that horses might spook by noise from the batting cage.

Mr. Johnson advised that his client had spoken with a representative of the Council, but another review might be needed because of the revisions.

Regarding the infill practice area which was previously considered as a baseball field when a backstop was included in the plan. A big change is a “decorative” fence to replace the backstop and much lower than what was the backstop. The decorative fencing would match that along Berkshire and Woodleigh and would be 6 ft in height, with the exception of the area behind home plate. Mr. Johnson stated “it would be a stretch to call this a sports court – it is a 6-ft-high fence on the property line with the single exception”. He recognized that Staff’s suggestion to build a 6-ft-high retaining wall with a 6-ft-high fence atop would technically meet code, but the reality is that the fencing would be the same height and the only difference would be 1 to 2-ft of retaining wall above grade. While that might be feasible, the wall system company advised that the entire support system would have to be modified to raise it to 6 ft and importantly, might affect the sycamore tree. Once the entire fence is screened with a hedge, no one would see a wall or fence of any height and questioned the point of raising the wall to a 6-ft height. He asked that it be allowed as proposed --a 4-ft-high wall with an 8-ft-high fence atop.

Commissioner Gelhaar pointed out that a decorative fence by definition, cannot include the fabric mesh.

Commissioner Brown asked what the justification was for a 12-ft overall height rather than 10 ft, and if there were no fabric on the wrought iron, the additional two feet “doesn’t do much”.

Mr. Johnson responded that it was for safety purposes – it would avoid balls from going over home plate, or into the horse trail or the sidewalk.

Applicant, Angelo La Bruna, stated that because of his property being defined as a *hairpin lot*, he basically has two front yards and no privacy. His house sits 12 ft above street level and three sides of his yard are exposed. Mr. La Bruna stated he would at least like to contain a portion of his back yard -- landscaping would not accomplish that and would not contain a baseball.

Responding to a question from the Commissioners, he advised that the *hairpin* definition was enacted well after he purchased his property and questioned if the intent was to expose corner lots so that others could look in from every side. The definition affects his property in that he has no privacy in the back yard.

Commissioner Mehranian felt that the issue of privacy could be solved without fabric.

Mr. Johnson commented that the Commission has imposed landscape screening as a condition of approval on many occasions. When the hedge, which would be planted outside the fence reaches maturity, the fabric would not be visible. In conclusion, he felt that the significant improvements proposed would effectively conceal the ball field and batting area.

Commissioner Gelhaar asked what the plans were for the fence on the east side of the house, the dog cage on the Woodleigh side and the storage shed which is visible from Berkshire.

Mr. La Bruna advised that the chain link fence would be removed and be replaced with a pond. A hedge on the south side would serve to screen that area. The dog and storage sheds will be relocated to the second tier toward the Olson's property and landscaped.

Commissioner Mehranian asked Mr. La Bruna to speak to the frequency that the ball field would be used and the traffic it would generate.

Mr. La Bruna responded that he had given this a lot of thought. It was difficult to say how he could limit the use, because his family uses the field also. Approximately 10 to 12 children would use the practice field at one time. In a three month period, it could be used from 10 to 30 times a month. When baseball season is over the field would not be overused. He noted that the site could accommodate 12 cars and he would encourage parents to park on site.

Commissioner Gelhaar asked Mr. La Bruna if he ever thought about donating his property to the city as a park.

Mr. La Bruna responded that he hadn't.

Chairman Levine announced that he would stop discussion on this matter at 10:45 pm to hear the last item on the agenda and then revert to this request.

Mr. Johnson then addressed draft condition #16, requiring separate fencing for the pool to comply with the County's requirement of 4" space between pickets. The decorative fence as proposed reflects 6" spacing, however it could be revised to meet the 4" spacing requirement.

Commissioner Brown expressed concern with inviting a lot of children and families to the property where there is an unfenced pool and the focus of attention would be below on the baseball field.

Mr. Johnson suggested that the Commission impose a condition that his client work with Building & Safety to arrive at a satisfactory solution if the concern was for immediate safety while the decorative fence was being installed.

Mr. La Bruna confirmed with the Commission that once the decorative fence is installed, the pool does not need to be separately fenced; the Commissioners were recommending separate fencing out of an abundance of caution.

Chairman Levine re-opened the public hearing.

Ken Black, 4204 Woodleigh Lane, who resides directly east of the project site, stated he would be the most affected by the project, yet he unequivocally supported it. He was not concerned with potential noise, traffic, parking or potential foul balls.

Robert Antonopolis, 4251 Woodleigh, resides three doors from the La Brunas. He stated that much thought was given to screening the field to make it as least intrusive as possible.

Jack Attwood 835 Berkshire Avenue, has resided two doors from the site for twenty years. The Olsen's home is immediately east of his and both their properties slope downward at the rear. He advised that neither of them can see the batting cage and advised of having reviewed the landscape screening and lighting with Mr. La Bruna and was satisfied. Mr. Attwood noted that the majority of properties along Berkshire are 1½ acres in area --- some up to 3 acres; many with similar screening as is proposed or high, solid walls. He felt sure the La Brunas would put in a tennis court as have other neighbors, "and was delighted to see this baseball field".

Jeff Mardarosian, 5135 Green Crest, commented that "sometimes, the purpose of rules are forgotten" and asked that the Commission address the purpose of the Ordinance. Earlier in the evening neighbors addressed the Commission on other projects with concerns of bulk and visual intrusiveness. He noted that all neighbors affected by the La Bruna project have spoken in support. Mr. Mardarosian believed that the project met the purpose of the Tennis Court Ordinance - views are not affected, the site is a low-lying area, the Trails Council was contacted and if they were concerned with horses being spooked, he suspected they would be present. He saw no reason to deny the application.

Linda Swick, 1131 Sheraton Drive, advised the Commission that allowing exceptions requested would be providing a service to the community. She stated the community would applaud the Planning Commission if they approved the request.

Mr. La Bruna confirmed that a 130-signature petition in support of the project was submitted earlier in the meeting.

Chairman Levine closed the public hearing at 10:40 p.m. Because of the late hour, he elected to put this request temporarily aside and hear the last item on the agenda as a courtesy to that applicant.

PUBLIC MEETING:

**FLOOR AREA REVIEW
02-01; LOCKER;
905 MILMADA DRIVE**

Assistant Planner Gjolme advised this was an identical request which was approved by the Commission on October 10, 2000. The approval expired and therefore, the applicant was required to file a new application.

A 1,890-sf, first-floor addition is proposed to the rear of a single story residence. Total floor area would reach 4,396-sf, and exceed the maximum of 4,166 sf allowed for this lot. An Administrative Setback Modification is also requested to allow a 3-ft encroachment on the east side.

Assistant Planner Gjolme pointed out that a code-compliant, two-story project of comparable size could be developed without Commission review. Though the proposal represents a home larger than most homes in the area, a single-story project would integrate better in the neighborhood.

Visual or use impacts are not anticipated, given the continued single-story design and preservation of the front setback. Staff continued to recommend positive findings and project approval.

Applicant, Paul Locker, advised that the plan has Fire Department and Health Department approval.

Chairman Levine invited testimony.

Edwina Johnson, 904 Milmada Drive, resides across the street from the project site. Concerns voiced at the initial meeting persisted; she felt the house was too large for the lot. Ms. Johnson urged the Commission to deny the request.

Harry Hong, 905 Milmada Drive, believed that the angle plane was exceeded and that the attic space was not included in the floor area calculations.

Assistant Planner Gjolme advised that nothing changed from the first proposal. Attic space is addressed with a condition that attic ties do not allow 6 ft of clearance, therefore habitable area is not created.

Further commentary was not offered and Chairman Levine requested comments from his colleagues.

Commissioner Mehranian stated this was not a difficult decision to make; she concurred with Staff's determination.

Commissioner Engler was pleased that a single-story design would be maintained.

Commissioner Gelhaar's only concern was with the excess floor area.

Commissioner Brown commented that the end result could be much worse if configured as a two-story expansion without Commission review. He felt that as proposed, the impact on the neighborhood would be minimal. While this was "a close one", he could support the request.

M/S/C Mehranian/Engler to approve Floor Area Review 02-01 as conditioned. 4 Ayes. No: Gelhaar.

**Continued discussion re:
La Bruna;
615 Berkshire Avenue**

Chairman Levine requested comments from the Commissioners.

Commissioner Gelhaar first congratulated the applicant for the tasteful and elegant remodel to his home and thanked John Moe for producing the timeline, which he found to be very helpful.

Decorative Fence - he could support if the pilasters were reduced to 30" at the base. He did not have a problem with their spacing as proposed.

CUP for the lights - he could not support. He stated that the light issue goes beyond the amount of light that is reflected and goes to the issue of noise. He was concerned with noise generated by a batting cage at night and its impact to the entire neighborhood, rather than just the immediate neighbors.

Retaining wall and fence - he did not have any concerns with the horse rail area or the windscreen and could support those elements.

Batting Cage - could not make the findings of Compatibility, Special Privilege and Neighborhood Preservation. He suggested eliminating the batting cage from the plans.

Backstop wall and fence - he did not have a problem with the backstop with the wrought iron fence,

no matter how comprised, but would like to see the height consistent with the fencing along Woodleigh.

Additionally, he would like to see the pole for foul balls, removed. Finally, as a general statement, he felt that allowing hedges alongside decorative fences defeats the purpose.

Commissioner Brown stated that in reality, the purpose of the project is a "ball diamond". His biggest concern was that it looks like a public/semi-public use in a residential neighborhood, though much of the proposed mitigation goes a long way to alleviate that. "The tradeoff is that it makes it somewhat less useable and protected as a ball field". He advised of having spoken with the neighbors who live across from the ball diamond on the east side of Woodleigh, who expressed definite concerns of noise and foul balls entering their yard. Commissioner Brown stated that clearly "children from the neighborhood and community would come to this property" -- which he felt was positive, but it had to be weighed against the residential component. Because he could not fully assess the "foul ball situation" or whether noise from the batting cage would affect horses etc., he suggested a condition to require a one year review of the conditions to assess any impacts. He also suggested adding conditions addressing parking -- e.g., if more than five non-family members are on site, that parking be on site and prohibiting actual baseball games. He asked that the additional driveway off Woodleigh be removed as should the chain link fence on the east side of the house. The dog run and the storage shed are to be relocated to the west, rear portion of the property.

Decorative Fence -- no strong feelings one way or the other, whether 15 or 17 ft centers. He concurred with Commissioner Gelhaar --- a 30" base for the pilasters should work and would reduce the appearance of bulk from the street.

Lighting the batting cage ties back to his suggestion to review the project in a year as it was difficult to assess the impacts at this point. The batting cage is on a part of the property that is buffered unlike others because of the

horse trail, no one is in a direct line of sight and “we’re not dealing with a neighbor over the fence”. This is a situation where the spirit and purpose of the setbacks is more than carried out by the horse trail being there. When he viewed the lights, they were narrowly focused and there was minimal spillage. His sense was that the impact would be less than the 20-ft-high standard allowed for tennis courts and on a much bigger area. The batting cage is lower, more focused and in a partly enclosed area.

The landscaping around the decorative fence along Woodleigh between the driveway and the horse trail seems consistent with the general area. Finally, he was troubled with fabric along the fence on the exposed side and he was not inclined to approve.

Commissioner Mehranian thanked the applicant for submitting the chronology as requested. While she understood that the project is welcomed by many in the community, as a Commissioner, she had to review the request from a planning perspective.

Decorative Fence - in agreement to remove a total of 5 pilasters and allow a total of 20.

Batting cage - she did not have a problem with the revisions, including the wrought iron fence. She was wrestling with the setback encroachments. While it could be viewed as a technicality in this case, it was an issue of setting a precedent, though she was leaning more towards approval because of the lack of impact.

Infill area - no specific concerns

The fabric was a concern

Lastly, some type of follow-up to assess the impacts such as traffic, foul balls, etc. was essential.

Commissioner Engler recognized the considerable support for this project and advised that he and other Commissioners have received numerous queries from the community asking “what’s going on”.

Decorative Fence - wanted to see a code compliant decorative fence around the property, and 30 x 30 pilasters, no concern with the spacing

Backstop - no problem with raising the fence and agrees with doing so by adding another course of block

Fabric- no problem with the screening mesh along the horse trail, but wanted it removed from the Woodleigh side.

Batting cage - 12 foot height is acceptable

Lighting - no concerns as proposed, but remove the lights from the utility poles.

Agreed with Commissioner Brown that a 6-month or one year review requirement to review impacts to the community in general.

Setbacks -buy additional property from the County so that setbacks meet Code.

Chairman Levine complimented the applicant on the renovations to his home.

Decorative fence - concurred with Commissioner Engler regarding spacing and size and number of pilasters

Mesh fabric - not acceptable anywhere

Batting Cage - while he personally did not have a problem with its location, as a Commissioner, he could not make the finding of hardship for a property of this size.

Parking issues - could be easily resolved by requiring all parking on site

Noise, traffic, - looking to restrict the hours of operation for the batting cage and use of the field

Backstop - no problem with another course of block

Remove the lights from the utility poles

The Commissioners were prepared to vote and agreed to separate the issues.

Commissioner Engler made a motion to require that the decorative fence comply with Code in all aspects.

Commissioners Brown and Gelhaar stated they did not have a problem with a 7-ft-high fence.

The motion died for lack of a second.

M/S Brown/Mehranian to approve the decorative fence as proposed, subject to removing 5 pilasters as pointed out by Mr. Johnson and that their base be reduced to 30" in width.

After Chairman Levine requested clarification, Commission Brown amended his motion that the decorative fence approval be limited from the driveway, around the front to Berkshire, including the driveway entry gate, (the driveway area to the horse trail would be addressed in a separate motion).

Director Stanley pointed out that the plan shows 26 pilasters, including the driveway entry gate. He confirmed that the Commission wanted that number reduced by five.

3 Ayes; No: Levine and Engler

M/S Brown/Gelhaar to approve the decorative fence from the driveway to the horse trail, including the 12-ft-high gate; raising the interior retaining wall by 1 ft for a maximum height of the fence at the back stop of 8 ft. Fabric mesh is not permitted.

Chairman Levine was concerned with imposing a condition on property that is not owned by the applicant.

Assistant City Attorney Steres advised that the County signed off and has therefore granted permission to have this construction work done on their property.

Commissioners Gelhaar and Mehranian agreed that on this particular issue, they were not concerned who owns the property.

Commissioner Brown restated his motion: to approve the wrought iron fence from the driveway gate to the horse trail and around the corner of the horse trail to the existing chain link fence. No fabric. The interior-facing retaining wall would be raised by 1 ft and the backstop no higher than 6 ft.

Commissioner Engler stated that his issue with the fabric mesh pertained only along Berkshire – he was not concerned with allowing it along the horse trail and observed that it might help the horses.

After confirming with Commissioner Engler that he would require the mesh to be cut off where the curve ends at the backstop, Commissioner Brown agreed with that amendment.

Chairman Levine noted that technically, there is no longer a "backstop".

Director Stanley confirmed that they were now thinking of allowing the mesh to stop at the proposed retaining wall. The applicant is proposing two, 12-ft-high panels and a 12-ft-high gate. He confirmed that the Commission would allow those 3 to be covered along the horse trail.

Mr. La Bruna explained that he needed some type of solid material for safety purposes. Children run into the fence frequently when chasing balls --- a wrought iron situation would allow their arms and legs to go through.

Mr. Johnson suggested adding a condition that the screen could not be installed until the hedge covers the fence.

Commissioner Gelhaar commented that practically, once the hedge grows, the fabric would not be seen.

Commissioner Brown agreed and asked if there was any support for an amended motion to allow mesh once the hedge is grown. There was no affirmative response.

Chairman Levine called for a vote on the standing motion: 4 Ayes. No: Levine

Director Stanley advised that Staff would include a resolution for the decorative fence at the next meeting.

Responding to a question from Chairman Levine, Attorney Steres advised that the draft conditions would be expanded to reflect what the applicant needs to acquire from the County to accomplish what has been discussed.

Commissioner Brown felt that all conditions should apply to the remaining items, particularly future review of the project, parking.

Commissioner Mehranian made a motion to approve the batting cage as proposed, not including the lighting.

Chairman Levine felt that the batting cage should be determined on its entirety and include its height, lighting and location.

Commissioner Brown felt the Commission should define what they were addressing. Since there is a belief that the applicant can buy additional property - there's a question of how much property, in terms of whether a setback modification would be required.

Commissioner Mehranian confirmed that as proposed, the revisions do not include purchasing any more property.

Commissioner Gelhaar cautioned against a decision based on the applicant acquiring property from the County, as that could take years.

Attorney Steres commented that in a sense, there is a complication since one of the conditions requires acquisition of additional property to accomplish some of the approvals the Commission just reviewed. That is separate from acquiring additional property for the purposes of meeting the required setbacks.

Commissioner Gelhaar suggested voting on the batting cage as it is located, without any condition of ownership.

Chairman Levine restated his earlier comment that he thought the batting cage is in the right location, but he would not vote for it as he could not make the hardship findings.

Attorney Steres pointed out another issue with some of the improvements, regardless of whose property they are on, is maintenance. Even if more property is not acquired, there ought to be some type of recorded agreement addressing the right to access another property to maintain the landscaping.

Commissioner Brown observed that if approval is given conditioned on acquisition of 15 ft of land, the hardship finding is moot and there is no 'maintenance' issue.

Director Stanley pointed out there was still the problem of an encroachment for a portion of the cage along the Olson's property. At this point, no one knows if Mr. Olson would be willing to sell any of his property. Moreover, two panels of the batting cage would not meet setback requirements.

Attorney Steres recalled a prior request reviewed by the Commission to locate a pool adjacent to a flood control channel. The same arguments were made as to whether the requirement setbacks were a technicality and those issues involve the findings. His concern was that the entire batting cage and screening is on the La Bruna property, so that you have the owner maintaining those improvements.

Commissioner Brown seconded the motion.

Attorney Steres repeated the motion: to approve the batting cage in its current location as proposed, not including the CUP issues.

No: Engler, Gelhaar and Levine.

Commissioner Brown confirmed that Commissioner Engler would be in favor of the motion with the understanding that 15 ft be purchased to meet the setback requirement.

Director Stanley confirmed that it was an issue of making the required findings.

Commissioner Brown asked how the batting cage could be reconfigured to meet setback requirements.

Director Stanley reported that the required side yard setback is 20 ft; however Staff was prepared to support a 15-ft setback as required by the Tennis Court Ordinance.

The Commissioners acknowledged an impasse with regard to finding a solution at this point.

Commissioner Gelhaar made a motion to approve the north side retaining wall and 6-ft-high fence, including the windscreen fabric.

The motion died for lack of a second.

Chairman Levine was concerned with dealing with this on a piecemeal basis. The decorative fence could be dealt with separately, but the batting cage, the infield, parking restrictions, lighting, noise, foul balls, are all tied on other issues.

John Moe, in the audience, confirmed that property from the adjoining neighbor had to be in the form of ownership rather than an easement.

Due to the late hour, the Commissioners decided to continue the remaining issues.

Director Stanley advised that Staff would return at the next meeting with a resolution that will address the decorative fence elements which were approved. Mr. La Bruna could begin constructing the decorative fence only after the Resolution is adopted and the requisite 15 day appeal period lapses.

After consultation with the applicant, the public hearing was continued to February by unanimous vote.

**DECORATIVE FENCE
01-02; CANYON;
752 GEORGIAN RD.**

M/S/C Engler/Mehranian to continue Decorative Fence 01-02 to a date uncertain per the written request submitted by the property owner. Unanimous.

**COMMENTS FROM
THE COMMISSIONERS:**

Commissioner Brown advised regarding the Nicholson project on Journey's End. The Commission had imposed a condition that the new fence be located "inside" the large tree that was depicted on the approved site plan. He advised that the tree has been removed and asked Staff to make a site visit and advise.

**DIRECTOR'S
COMMENTS:**

Director Stanley advised that the City Manager would like to meet with the Chair and Vice-Chair sometime the second week of February. He asked that they check their calendars and advise.

Discussion on revisions to the Hillside Ordinance would be heard by the City Council on February 4.

ADJOURNMENT:

M/S/C Gelhaar/Brown to adjourn at 12:05 a.m.
Unanimous.

Secretary to the Planning Commission