A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE HELD
JUNE 25, 2002

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

ROLL: Present were Commissioners Brown, Gelhaar, and Mehranian. Assistant City Attorney Steres, Director of Community Development Stanley, Planner Cantrell and Assistant Planner Gjolme.

COMMENTS FROM THE PUBLIC: Comments were not offered.

CONSENT CALENDAR:

Minutes of June 11, 2002 M/S/C Gelhaar/Brown to adopt the minutes with a change to page 11 per Commissioner Mehranian. Unanimous.

Resolution 02-28; denying Modification 02-03; Cahill; 1966 Lombardy Dr.: Chairman Levine stated his understanding that the applicant wished to address the Commission regarding the possibility of a reconsideration. He confirmed that his colleagues did not object to hearing from the applicant.

Applicant and property owner, Michael Cahill, requested reconsideration of the Resolution of denial. He advised of having consulted with a landscape architect who has augmented existing landscaping and included bamboo plantings and ivy. When added to what exists, the project would be significantly, if not totally, hidden from any view. Additionally, after being inspired by a suggestion from his neighbor's daughter, his architect reworked the roofline so that the addition would appear as a single-story addition from the Rice property. A 10-ft setback would continue, but the second story would begin at the 15-ft setback line. Mrs. Rice's daughter conceded to him that the revisions would diminish the visual impact, but would "not support anything in that area, no matter how much it is modified". Mr. Cahill stated that he had no other viable alternative left and that the proposed setbacks are greater than any other in the neighborhood. He also submitted a letter from his landscape architect, affirming the value of the eucalyptus tree.

Chairman Levine allowed the neighbor an opportunity to comment.

Kay Kane, spoke on behalf of her mother, Betty Rice, who resides south of the project. Ms. Kane stated that in reality, the project would be located directly in front of her mother's living space. She noted that the Cahill property is 5-ft higher in elevation than is her mother's, making the project even more visible. She stated that she could not support the revisions.

Commissioner Brown stated that his original concern was that the parties would reach a compromise. He stated that the redesign and the additional landscape screening represented a big step in a new direction. Preserving the eucalyptus was a significant issue for him; He commented that Mrs. Rice's property is comprised of three lots and there is the likelihood that it would be divided.

M/S Brown/Mehranian to reconsider Modification 02-03.

Assistant City Attorney Mark Steres advised that if the motion passed, a notice would be sent to the neighbors advising of a meeting date when support and opposition to the project can be presented.

Commissioner Gelhaar remarked that eucalyptus trees are not protected and though La Cañada Flintridge is designated as a *Tree City*, he would prefer that it be known as *the neighborly city*. He stated his belief that this was becoming an issue of "tree rights" versus those of a neighbor's, "I strongly feel that we're going down the wrong road and I will not support a reconsideration".

Chairman Levine regretted that the tree was not a protected species as he felt it should be preserved, but he could not support the side yard encroachment. He conceded that the applicant made great strides to diminish impact to the neighbor. He called for a vote on reconsideration.

M/S Brown/Mehranian to allow reconsideration of Modification 02-28. The motion failed on a tie vote.

Attorney Steres suggested calling for a vote on the Resolution.

M/S Gelhaar/Levine to adopt Resolution 02-28, denying Modification 02-03. The motion failed on a tie vote.

Attorney Steres suggested holding the matter over to the next meeting when all five Commissioners are expected to be seated.

M/S/C Brown/Mehranian to carry over Resolution 02-28 to July 9. Unanimous.

Resolution 02-31; denying Hillside Development Permit 01-41; Petrossian; 657 Foxwood Rd.:

Chairman Levine advised that the applicant requested permission to address the Commission regarding reconsideration. He verified that his colleagues were amenable to allowing the request to speak.

Pete Petrossian, applicant and property owner, advised that home following the vote of denial at the previous meeting, he made a stronger effort towards eliminating any view blockage from his neighbors' home. He submitted a revised front elevation. Additionally, his Landscape Architect will submit a plan for the entire property. He requested reconsideration of the denial to July 23.

Jack Schlommer, who lives across the street and upslope from the subject property, opposed granting the request. He advised that when he purchased his home, the applicant's residence blocked his view; the recent submittal "only adds to that".

Bonnie Schlommer felt that the most recent submittal "still rears upward and still blocks" her view. She stated that the proposal belongs on a larger lot.

Commissioner Gelhaar advised of having visited the Schlommer residence and took the liberty of super-imposing the proposal on the current design. He was not in favor of granting reconsideration, stating that the most recent proposal continues to obstruct the views from the Schlommer home.

Commissioner Mehranian stated that a property owner is entitled to develop his lot so long as it is done in a sensitive manner. She commented on the importance of reviewing the redesign and was willing to grant reconsideration.

Commissioner Brown remarked that it behooved the Commission to continue to work with the applicant, particularly when it is clear that a submittal is moving in the right direction.

Chairman Levine stated that he did not have a problem with supporting reconsideration and commended the applicant for moving his project in the right direction.

M/S/C Mehranian/Brown to allow reconsideration of Hillside Development Permit 01-41 to a date uncertain. 3 Ayes. No: Gelhaar.

Chairman Levine commented on the numerous requests waiting to for Planning Commission review.

Director Stanley advised that Staff was considering adding a third meeting in July.

Resolution 02-32; approving Tentative Parcel Map 26509; Troedsson/Yunker; 4827 La Cañada Blvd.:

Commissioner Brown referred to the wording of the Ordinance; he wanted it abundantly clear to any future property owner, that stricter standards than what is required by Code, might apply to future lot development.

Attorney Steres commented that the conditions require single-story development and design review by the Planning Commission. A recorded covenant, which includes the conditions, will run with the land, putting each future property owner on notice.

Commissioner Gelhaar requested reconsideration as neighbors who oppose the project just arrived.

Attorney Steres stated that reconsideration is typically requested by an applicant when new facts, redesign, etc. is involved. He cautioned that if reconsideration were to be granted, new circumstances should be presented.

Commissioner Gelhaar withdrew his request.

Chairman Levine reiterated his previous comments that he wanted "complete subjective review". He was concerned if condition #15 captured the subjectivity that he was looking for.

Attorney Steres stated that the condition addresses concerns made by the Commission. Details such as window sills, doors, etc., are not included; condition 15 was more in line with what Commissioner Brown suggested. He offered to add language that Planning Commission approval may include more stringent development standards than are in effect at the time of an individual property owner's application.

M/S/C Brown/Mehranian to adopt Resolution 02-32 to include language as suggested by Attorney Steres. 3 Ayes; No: Gelhaar.

Chairman Levine advised the audience of the right to appeal the Commission's decision.

PUBLIC HEARINGS:

HILLSIDE DEVELOPMENT PERMIT 99-70 (amd.); CONDITIONAL USE PERMIT 298 (amd.); VARIANCE 99-15 (amd.); MODIFICATION 02-23; JENNINGS; 4055 CHEVY CHASE DRIVE:

Planner Cantrell reported that a new residence, guest house and related site work were approved in March, 2000. During the course of construction, field revisions were made to the pool and landscaping which were contrary to the Commission's authorization and were before the Commission as amendments. Additionally, the applicant is requesting that a new outdoor fireplace be allowed at 15 ft from the west property line, compared with the required 20-ft setback.

Because changes to the approved plan included removal of an oak tree with multiple trunks totaling more than 36 inches, the project is subject to CEQA. An environmental analysis and a draft Negative Declaration were prepared.

Planner Cantrell advised that the majority of changes occurred around the pool area on the west side of the property – several trees (oaks and pines), indicated to be

maintained on the plan were removed and the configuration of the pool was changed.

Pool – the former approval allowed a rectangular pool, notched around a cluster of oak tree trunks. As installed, the pool extends further downslope and into the area where the trunks were located.

Trees - The applicant has replaced the removed trees in numbers that far exceed any "replacement" ratios used by the City. Ringing the property are 142 ficus nitidas, 5 oaks and a variety of other trees, mostly centrally located on the property. Planner Cantrell noted that the ficus nitidas are typically used as hedging material, though they can grow to the height of large trees. Staff had a concern with the differing irrigation needs of ficus and their proximity to the drip line of existing oaks and with the formal, linear appearance that the ficus would introduce to this expanse of Chevy Chase Drive. Staff's recommendations included removing some of the ficus trees to preclude a regimented landscape pattern and relocating those ficus trees that are within the oaks' drip line, further into the property. Additionally, three, 48"-box replacement oak trees are recommended for the street frontage and along the west boundary. Finally, pavement was placed without approval, in proximity to the trunk of a focal oak near the guesthouse. The draft conditions of approval address that potentially damaging situation.

Fireplace – an outdoor fireplace is proposed that would encroach 5 ft into the 20-ft westerly side yard setback. At 12 ft in height, the chimney meets the accessory structure height maximum of 15 ft. Staff could not determine a compelling need for the requested setback reduction and felt there were other solutions available. Planner Cantrell pointed out that a chimney on the *house* would be allowed to encroach 2 ft within the required setback through the Administrative Setback Modification process – should the Commission find that it would be reasonable to allow a freestanding chimney the same consideration, an encroachment to that extent could be authorized.

Staff recommended that the revisions be approved with the exception of the setback encroachment and allow the project to proceed with adjustments to the ficus trees and including additional replacement oaks at the street frontage. The totality of the revisions would result in a more heavily screened site than what was originally approved.

The Commissioners' packets included letters from two neighbors; one who objects to any retroactive approvals, and the other from the adjacent neighbor with a concern that more trees could block his views.

Commissioner Gelhaar expressed concern with planting protected trees that would eventually block the views of the neighbor upslope. He stated "we're asking for problems down the road".

Applicant, Steve Jennings, distributed photos of his home to the Commissioners. He accepted responsibility for anything or anyone involved with his project. Regarding the oak tree adjacent to the pool, he advised that the oak was not removed to accommodate the pool redesign, but months before during the grading process. He stated that he had so apprised the Planning Department and was sorry that the same factual mistake continues.

Pool – He noted that the Commission approved the design over a year ago and that he always wanted the pool to be on the same level as the main house. Last year, for reasons unknown to him, the Health Department required a second septic system. When he requested to move the guest house, the County directed him to put in a new septic system and insisted that it be located in front of the pool house. Over objections by the soils geologist, it was done, but necessitated moving the pool down slope, which in turn necessitated a higher retaining wall. The City Manager since advised Mr. Jennings that Staff might have been in a position to assist him with the County, had Staff been apprised of the situation. Mr. Jennings stated that those circumstances led to redesigning the pool and that it was his mistake in not advising the Planning Department. He pointed out that the redesign did not represent a significant change -

the street setback is the same, the pool is in an "L" shape and it was lowered 6 ft.

Trees – Mr. Jennings noted that the Staff Report alluded to four pine trees, which were removed. He noted that that they are not protected trees and that he removed them for reasons of his health. He sated that the number of new trees far outweighs anything that he removed.

Oaks -- He is aware that three oaks were removed – one specifically to accommodate the original pool design. He conceded that it was a mistake not to notify the Planning Staff, but he didn't believe "that a wrong decision is an unreasonable one, nor thoughtless or malicious". Mr. Jennings advised that the multi-trunk oak near the pool should have been marked for removal, just as ten others were approved for removal with no mitigation requirements, as its branches would have extended into the pool.

He referenced a letter from his neighbor, confirming that the 10—inch oak and 12-inch oaks were leaning. Since that neighbor's patio is within 5 ft of the common property line, there were concerns about safety. Mr. Jennings advised of significant discrepancies in the landscape plan in terms of what is currently on the property and disputed Staff's report that trees were removed from the rear of his lot. He accepted Staff's recommendation to plant three additional oaks and pointed out that though approved landscape plan called for 12 new trees, he has installed over 170, including new oaks. He was also willing to change to a drip system at the front to eliminate over watering the oak trees.

Regarding the proximity of the large oak to the driveway, he referred to the submittal from the arborist at Miller Tree Service, stating that there are no consequences to that oak. Mr. Jennings noted that the arborist advises that the oak is 19" in diameter, rather than 24" as noted in Staff's report, and given that the driveway is 55" away from the trunk, he requested that the situation be allowed to remain as is.

Fireplace –A letter was submitted from the most affected neighbor supporting the encroachment. He stated that

there is no other practical location for the fireplace other than to the north, facing the street, where the vertical chimney would be obvious and within his sweeping view. He stated that it is not an imposing structure.

Commissioner Brown referred to the neighbor's letter expressing concern that more trees would block his view. He asked if replacement oaks could be planted elsewhere on the property.

Mr. Jennings offered that one 48-inch-box oak installed at the frontage would help accentuate the entrance and if another could be planted on the south side, it would block views from the neighbor's deck to his master bedroom. The fact that the area is very inaccessible is a problem; it might take a crane to plant a large tree; and he doubted that it could be done manually.

Chairman Levine opened the public hearing. Comments were not offered and the public hearing was closed. Chairman Levine solicited comments from his colleagues.

Commissioner Mehranian summarized the issues: the driveway and drip line of the oak, the ficus trees, the log or removed trees and accuracy of the plans. She commented on a pattern of unauthorized changes. Commissioner Mehranian observed that the line of ficus trees at the front needed to be reworked to be consistent with the appearance of Chevy Chase; the driveway issue could be resolved with new landscaping. She recommended 6 more trees over Staff's recommendations.

Commissioner Gelhaar supported the work done by the applicant with the pool and the driveway, but was concerned with planting any protected tree that would eventually obstruct views from the neighboring property to the south. He supported staff's recommendation regarding replacement oak trees and preferred that the outdoor fireplace meet Code. He then asked staff to address the discrepancy between its recommendation and Mr. Jennings' arborist.

Planner Cantrell commented that the City does not have a resident arborist, but there is general knowledge that it is unwise to plant higher water-consuming plants under oak trees.

Commissioner Brown agreed with Commissioner Gelhaar regarding the pool and the driveway and noted that redoing the driveway might cause damage to the oak. He supported Staff's recommendation regarding replacement trees, but given testimony, was now concerned with placement of those trees. The idea of planting oaks near the entrance seemed plausible and he shared Staff's comment that the appearance at the front should be more natural. Addressing the fireplace, even though the current neighbor does not have a problem with the encroachment, a future owner might. There appeared to be plenty of other locations on the property where it could be accommodated.

Chairman Levine referred to the Health Department's septic requirements, which necessitated relocating the pool – he stated "sometimes, a property cannot accommodate all things". He agreed that the Chevy Chase frontage should be more natural in appearance and added that he did not have concerns with the other requests.

M/S Brown/Gelhaar to: Deny the requested set back encroachment, delete draft condition #13, modify #14 to require three replacement oaks as recommended by Staff. At least one of those oaks is to be planted near the driveway area and the other two, to be planted at the review and approval of the Director.

Mr. Jennings requested to speak – he advised that because Chevy Chase is a busy street, the row of ficus trees protects his property from speeding vehicles. He noted that, for the most part, there is an unbroken line of oaks along Chevy Chase; the ficus trees serve as a secondary barrier. He felt the ficus are more noticeable only because they are newly planted.

Commissioner Brown remarked that Staff's report talks about clustering oaks, which would not impact the screening.

Commissioner Mehranian commented that condition #12 seemed vague as written; she asked that language be added to reflect the Commission's desire that the frontage revert to the natural appearance of Chevy Chase Drive.

Director Stanley stated that Staff was interpreting that to mean "less ficus trees", specifically along the frontage. The Commission also referred to clustering. He advised that Staff would return at the next meeting with reworded conditions.

The motion passed unanimously.

The Commission took a 5 minute break and reconvened at 8:00 p.m.

REORDERING OF AGENDA:

Chairman Levine advised of having received a request from a member of the audience who could not remain much longer because of a scheduled flight.

Attorney Steres advised that she could certainly address the Commission, but her request could not be heard without Staff presenting a report.

Chairman Levine confirmed that the Commissioners did not object to hearing the item out of order.

MODIFICATION 01-23; SHEICK; 5540 VISTA CAÑADA PLACE:

Assistant Planner Gjolme reported the applicants' request to allow an existing, over-height fence, located within the required front yard. The request also seeks retroactive permission for an air conditioning fan to encroach into the north side yard setback.

The subject property is located on the east side of Vista Cañada Place, north of Angeles Crest Highway, in the R-1-15,000 Zone, where fencing in the front setback is limited to a height of 42 inches. Additionally, the wrought iron fencing was installed within the public right-of-way. At its July 19th meeting, the Public Works & Traffic Commission considered the request and allowed the fence to remain with the customary request for a signed letter acknowledging that the fence would

be removed in the event of future street improvements and a Hold Harmless Agreement.

The AC fan was installed along the north side of the detached garage, 5 ft from the property line and adjacent to the driveway. Mechanical equipment is subject to a setback amounting to 10% of the lot width, or 13-ft setback in this case.

The 14,000-sf site slopes upward and the wrought iron fencing spans for 125 ft along the curved portion of the 200-ft-wide frontage. It reaches 8 ft at its highest point. Given the extensive frontage and 25-ft upslope at the south end, Staff determined that a 3'-6" fence would not be in proportion with the property and that reducing its height to 6 ft as allowed in the Decorative Fence Ordinance with approval, would be a reasonable compromise.

Addressing the mechanical equipment, Staff's recommendation was to allow it, given its separation from neighboring homes and the adjacent driveway. A letter form the neighbor to the north, supporting the encroachment was distributed.

Applicant, Mata Sheick, stated that the new fencing, which was installed in 1999, extended existing fencing and she was unaware of the Code violation. She was concerned that a 6-ft-high fence would be only 4-ft in height at its lowest point because of the sloping topography. She reported that on two occasions in 1999, bears were sighted in the back yard. Upon reporting to the police and the Department of Fish & Game, she was advised that the only recourse was a barrier at least 7 ft in height, since bears are very agile and can jump shorter barriers. Regarding the air conditioning unit, Ms. Sheick advised that it serves the guest house and that it is located under the garage eave.

Commissioner Gelhaar confirmed that there was fencing on a portion of the property frontage when she purchased the home.

Chairman Levine invited testimony.

Joan Crossley, 5554 Vista Cañada, advised that her issue was with the AC unit, which she felt was unsightly and which encroaches into an easement that the applicant does not own. She stated that the matter of the over height fence was entirely up to the Commission.

Commissioner Gelhaar confirmed that there is no noise impact from the AC unit to Ms. Crossely's home.

Further comments from the audience were not offered.

Commissioner Brown advised of having spoken with the neighbor across the driveway, who would be the most impacted from a noise standpoint and she had no problems with it, but preferred that it be screened. He stated that it seemed to be a practical location for the Unit. Addressing the fence, Commissioner Brown stated that he had a concern with any fence over 6 ft in height. He felt the design of the fence makes it more noticeable and that it could easily be reduce in height and still serve the concern of wildlife.

Commissioner Gelhaar stated that he did not object to the AC unit since it is acceptable to the neighbor to the north and that the fence height should be lowered to 42".

Commissioner Mehranian concurred.

Chairman Levine stated that he had a problem with the AC unit ; "an easement should be for ingress and egress and should remain clear". He also agreed with Commissioner Gelhaar regarding lowering the fence height and noted that the applicant was not requesting approval for a Decorative Fence.

Assistant Planner Gjolme advised that because the property is zoned R-1-15,000, it does not qualify for a Decorative Fence.

Attorney Steres advised that the instant request was the only way for the applicant to seek approval.

Commissioner Gelhaar made a motion to deny the request. The motion died for lack of a second.

M/S Brown/Mehranian to approve Modification 02-03 as conditioned by Staff. Opposed: Gelhaar and Levine.

Director Stanley suggested voting separately on the two requests.

M/S/C Brown/Mehranian to approve the encroachment for the AC unit. 3 Ayes; Opposed: Levine.

M/S/C Brown/Mehranian to approve the fence, subject to its being lowered in height to 6 ft.
Commissioner Levine confirmed that the motion included the pilasters.
3 Ayes; Opposed: Gelhaar.

Chairman Levine advised the audience of the appeal process.

PUBLIC HEARINGS:

HILLSIDE DEVELOPMENT PERMIT 02-22; BAROIAN; 355 CORONA DRIVE:

Senior Planner Buss advised that this project would be re-noticed for July 9. The published notice was defective since it reflected what was requested in the application, rather than the actual floor area as determined by Staff.

HILLSIDE DEVELOPMENT PERMIT 00-07; BAROIAN; 365 CORONA DRIVE:

Senior Planner Buss reported that this project (and the one immediately adjacent and just addressed) was the subject of much discussion when it was approved in July of 2000. Subsequently, a time extension was granted which required construction to begin by 7-25-02. Senior Planner Buss explained that the Grading Permit ties the two lots – as together, they present a balanced cut and fill situation. Building & Safety has approved the grading plan for this site and the applicant is prepared to pull the associated permits, however; the approval for *355* Corona has expired. Since expiration is imminent for this project as well, the applicant is seeking additional time to start construction. He noted that the Hillside Ordinance and the R-1 standards have subsequently been revised – the biggest difference that would affect this project is that floor area is more stringent, bringing this project 1,250-sf over the Guideline. Otherwise, the project is for the most part, identical to the earlier approval. Staff's only suggested modification is to require the turret, approved

at a height of 30 ft, to be lowered so that the entire roofline is at the 28-ft.

A 5,680-sf, two-story home is proposed on an existing building pad at 365 Corona, on the shoulder of the hill at the intersection of Highland Drive. The average slope is 46%, resulting in a slope factor of 0.45. The revised Hillside Ordinance requires retaining walls within 20 ft of a house may be considered as part of the building height. Staff recommended that the retaining wall at the terrace match the contour line of the hillside, keeping the height at 2′ or 3′. Since the project sits below another home, maintaining an overall height of 28 ft assures that it would be well below the floor level of the home located upslope. Staff's review of the Architectural Guidelines did not reveal any changes that would affect the project. The landscape plan would mitigate the retaining wall behind the house and at the northwestern corner and all prior conditions were carried forward. As conditioned the project meets R-1 standards and of the Hillside Ordinance with the exception of the 1,249-sf overage of the Slope Factor Guideline.

Senior Planner Buss reiterated that Building & Safety is prepared to issue grading permits and septic permits . Staff recommended positive findings and project approval, recognizing that the 1,249-sf over the Guideline needs to be addressed. If approved, draft condition 15 should be eliminated; otherwise, a redesign should be considered by the Commission.

Commissioner Gelhaar asked for an explanation regarding the staff report's reference to delays in plan checking.

Senior Planner Buss explained that the sites were approved approximately 14 months apart. Because the properties are "tied", the applicant needed both approvals in place prior to beginning the plan check process.

Responding to a question from Commissioner Brown, Mr. Buss advised that the approval for 355 Corona expired 5-26-01.

Project architect, Marco Brambilla, reported of having worked with the Planning Commission and Staff for 3 years on the two projects. He noted that the approval requires planting oaks and to retain the indigenous plants. He stated that the design is sensitive to the home upslope and that he did not object to any of Staff's recommendations, including height, etc. Mr. Brambilla then explained the cause for delays, including the County's rewriting Code for retaining walls, there were grading issues, then a bond was required. The project was ready to begin construction for 6 months, but it wasn't started because of the connection with the adjacent lot, whose approval was still pending. He advised of having acted with due diligence and that everyone "was kept in the loop".

Civil engineer, Jonathan Segherian, requested an extension for an approval that continues in force. He related of an extensive plan check period and that Soils and Geology reports for both sites were given to the County for concurrent review with the grading plan. He reiterated that grading could not begin until both permits were approved to the "finest levels", reflecting drainage, septic, retaining walls and final siting of the house; the process took almost 18 months. After being advised that the City requires bonds to assure that the project would not be abandoned, they had to return to plan check and to Staff.

Commissioner Gelhaar confirmed that the applicant began the permit process within weeks after approval was given.

Chairman Levine opened the public hearing.

Mervin Purdy, M.D., resides in the homes upslope from the project site. He did not oppose the project, but was concerned with the stability of the retaining wall located 10-15 ft between his home and the project.

Chairman Levine advised Dr. Purdy of the extensive plan check review to which that the retaining walls would be subjected.

John Kane, 345 Corona Drive, stated that both projects lack compatibility with the neighborhood. His biggest concern is the other home, and stated that both projects are double the size they should be.

Tina Skaggs, 358 Corona Drive, stated that the house is too large and the "huge" retaining wall would affect the value of her property.

Sally Kane stated that neither the design nor the size of the home fits the neighborhood where the homes are of low profile and on large lots. She stated her belief that the project slopes straight up on Highland Drive and "will be the only two-story sticking up".

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

Mr. Brambilla advised that the construction plans are completed and checked. The retaining wall at the side would be only 2 ft in height; the highest wall is against the mountainside and would not be visible. Addressing the house design, he related of extensive meetings with Staff to design a roofline and materials that would be compatible with the neighborhood. He stated that the design is "quite sensitive and is almost like a self-standing project" since there is only one neighbor to the North at a higher elevation of 30-35 feet. He pointed out that the landscape was designed to screen the house from off site views.

Responding to a question from Commissioner Brown, Mr. Segherian advised that the cut generated from this project would provide the fill for 355 Corona.

Responding to a question from Commissioner Mehranian, Mr. Brambilla advised that the sole purpose of this hearing was to seek a time extension. He stated that it would be a "terrible hardship to ask that the house be downsized at this point".

Chairman Levine asked if the foundations could be poured if an extension was not granted.

Mr. Brambilla responded affirmatively, so long as the City issues the Grading Permit, which has been approved.

Mr. Kane stated that the project should not be approved because it is "sitting on air space".

Chairman Levine closed the public hearing.

Commissioner Brown commented that his primary concern is the significant prominent location of this site, which can be viewed from a large portion of the valley. He noted that the community standards have changed since approval was granted; he was sympathetic that bureaucracy has delayed the project, but he could not vote for a continuance that would allow the project to go forward without meeting the revised standards.

Commissioner Gelhaar confirmed that Staff believed that the applicant exercised due diligence. He stated that it would be unfair to change the approval for this project after the permits were approved. If the project were before the Commission today, he would ask that it conform to current standards, but he felt "the applicant did everything he could to get it done in time". He asked to strike condition #15 and replace it with a condition requiring on site parking for construction vehicles.

Commissioner Mehranian recalled that landscaping and buffering were major issues when the project was reviewed. She preferred that the project be reduced in size to meet the Guidelines, without causing further delay to the applicant.

Chairman Levine asked if the City would issue a Grading Permit upon request.

Senior Planner Buss commented that he felt both sites would have to be issued permits because of their connection.

Chairman Levine remarked that it appeared the Commissioners sympathized with the unfortunate

circumstances but it seemed they would prefer a reduction of square footage.

Commissioner Mehranian made a motion to approve Hillside Development Permit as conditioned and require the sq. footage to meet the slope factor guideline.

The motion died for lack of a second.

Commissioner Brown expressed concern with giving a "blank check" as the Commission has no way of knowing what changes the reduction would look like. He asked staff if there was a way to continue with the permit process and allow the Commission to review the plans.

Senior Planner Buss advised that a hearing was calendared for the adjoining lot, which is approximately 600-sf over the Guideline and much less obtrusive. He suspected that if a redesign was required on the instant project, that it would affect the grading plan and the County would have to revisit the plans, since the pressure on foundations would be changed.

Commissioner Brown commented that he was unsure how many sq feet of reduction was necessary, but he didn't want to cause an unnecessary hardship for the applicant.

M/S Levine/Gelhaar to strike condition #15, add a condition that all construction vehicles park on site and to grant the time extension as requested. Commissioner Gelhaar stated that it was grossly unfair to ask the applicant to restart the process. Dissenting: Brown and Mehranian.

Attorney Steres suggested a continuance to July 9 when it was expected that a full Commission would be seated. Perhaps the applicant would like to present a modified design at that time.

M/S/C Mehranian/Brown to continue Hillside Development Permit 00-07 to July 9. Unanimous.

Chairman Levine suggested that the applicant and Staff check the grading permit as it might provide options of how to get the foundations in place, etc., prior to June 25.

Commissioner Brown commented that story poles would be helpful if they returned with a specific proposal.

SETBACK MODIFICA-01-34; LA BRUNA, JR., 615 BERKSHIRE AVE.:

Director Stanley referred to a letter from the applicant requesting a continuance; he asked if the Commission wanted a staff report before deciding whether to grant a continuance. He responded to a question from Chairman Levine and advised that approximately 70% of the applicant's letter was correct; the remainder was subject to discussion.

Commissioner Brown commented that there seemed to be confusion between the violations that were remedied and those that remain. He stated that he would like to consider a continuance, but wanted a clear deadline as to when the violations must be rectified.

Chairman Levine stated that the violations should have been taken care of; the Director's letter of May 22, 2002 set a definite deadline.

Commissioner Brown was concerned that the conditions did not set a deadline. He stated that the chain link fencing along Woodleigh and the fabric, the backstop and the foul pole should be removed within 30 days, regardless whether they are replaced.

Director Stanley suggested that if the Commission was going to discuss these issues, it might be helpful if Staff presented its report.

Chairman Levine agreed and stated that if it was going to be discussed, he was not looking to continuing this matter.

Commissioner Brown stated that the idea of establishing a 90-day review period was so that the Commission could see "how this thing worked when it was finished". Since the completion was being continuously delayed, a

review will be necessary, but he wanted the illegal items taken care of immediately. The review itself could be set for 90 days hence. Commissioner Gelhaar concurred.

Chairman Levine read a portion of the Director's letter to the applicant and stated that it was very clear to him as to when all illegal structures were to be removed.

Commissioner Brown agreed, but felt there is a difference between a letter from Staff and the Commission setting a deadline. He felt it important that the Commission set a deadline for enforcement purposes.

Director Stanley commented that enforcement would be another matter. A deadline for removal was set with the understanding that a hearing for revocation would be calendared. If the deadline he set is going to be set aside, other actions, such as getting the City Prosecutor involved might be necessary in order to get the fence removed.

Commissioner Brown felt that the Commission had more authority to attain enforcement, than the City Prosecutor.

Chairman Levine again read from the Director's letter, outlining what the Planning Commission required. He stated there had been very little response from the applicant.

Director Stanley pointed out that the applicant had submitted a completion schedule as requested and included additional requests. The fact that Mr. La Bruna did not comply with the "deadline letter" could be explained by his intent to request a continuance at the revocation hearing.

Chairman Levine requested Director Stanley's report.

Director Stanley related that at the May 28th Commission meeting, the 90-day review of the project was continued and a revocation and modification hearing was set for 6-25. Mr. La Bruna submitted a written request for a

continuance to July 9 as neither he nor his architect would be available this evening. Director Stanley then reviewed the items that should have been completed: wrought iron fencing along Woodleigh, the use of screening fabric only during periods of active use of the field. Several site visits confirm that the screening fabric remains continuously in place since the project's approval. Of note, the applicant does not deny that fact; he does not want to remove the fabric until the wrought iron fencing is installed. At the driveway's entrance, the shed was removed however the foul pole remains in place ---Mr. La Bruna now requests to transform it to a flag pole, stating that he would install the associated equipment – i.e., a finial, turnbuckle, lanyard and flag, however, it would remain located within the setback area. The wrought iron fence along the horse trail has yet to replace the over height and encroaching chain link fence and backstop.

The conditions of approval include the standard 12-month requirement to begin construction, which could have been the source of some confusion on the part of the applicant, as his letter pointed out. A single light remains attached to the batting cage and must be removed since Mr. La Bruna withdrew his Conditional Use Permit application. (Security lighting was removed from the Edison poles and affixed to nearby trees, per issued building permits.)

Director Stanley noted that the applicant's representative submitted a letter with numerous attachments, which while not thoroughly reviewed, seemed to be substantially correct. He observed that a number of items had been addressed following the applicant's receipt of the letter. Staff concluded there must have been an interpretative misunderstanding with the conditions of approval, but felt the Commission was clear that the 90-day period was established to allow it the opportunity to see a practice game and any impacts. Director Stanley stated that the point of returning before the Commission was to either require removal of the

illegal structures, or have the Commission determine otherwise.

Chairman Levine confirmed that his colleagues had the opportunity to review the applicant's June 20th letter and attachments. His recall was that on May 28th, a number of the Commissioners made it clear that they wanted total compliance by June 25th.

Director Stanley advised that Mr. La Bruna did not want to remove the chain link fencing until the wrought iron was installed. There were also issues with the Department of Public Works, which requested hand digging near the roots of trees in the right-of-way.

John A. Moe, advised that he was representing Mr. La Bruna, who was currently out of the state and because Jay Johnson, Mr. La Bruna's architectural representative, was on vacation. Mr. Johnson had earlier submitted a written request for a continuance to July 9. He distributed an 11-point timeline of events.

Mr. Moe recalled that prior to the May 28th hearing, Mr. La Bruna wrote a letter requesting a continuance in writing, as he had made a commitment to his son. This was done with the knowledge that Mr. Johnson would represent him on the 28th. Mr. Moe advised that Mr. La Bruna did not have an understanding that a continuance would not be granted until Commissioner Brown, mentioned to him during a site visit that the meeting was going forward. Unfortunately, Mr. Johnson did not timely arrive on the 28th for the hearing. Mr. Moe then addressed comments regarding statements made at the last meeting. Mr. La Bruna's letter acknowledges that what is printed in a newspaper is not necessarily reflective of comments made by the Commission and may not be an accurate portrayal of what was stated. The press quoted Commissioners' that "Mr. La Bruna has not acted in good faith", that "not much has happened", and that "he had not focused attention on this matter".

Mr. Moe then rebutted those statements, advising that Mr. La Bruna had dealt with two County agencies and

with not less than four City agencies on his project. "The statement that not much has happened is categorically false when it was made on May 28th and is certainly false tonight."

He then listed the numerous requirements of the conditions of approval. The day after the first meeting, he proceeded with making repairs to the pool fence. Mr. Moe then read from the list of bullet points that he had earlier distributed to the Commission, citing the conditions completed from February 27 to June 25th and included installation dates for wrought iron fencing, removal of the backstop, installation of hedging, followed by removal of the screening fabric on August 2

He stated that the wrought iron fencing appears to be the most contentious and confusing for the applicant and for the City. In May 2001, Mr. La Bruna purchased wrought iron fencing per written authorization from the County Parks & Recreation Department and authorization from LA County Flood Control. However, as a result of issues that arose subsequently, all work on the fence ceased. May 7, 2002, new structural calculations were submitted to the City for a second wrought iron fence ---required because the fence had to be custom built for a higher elevation. May 16, fabrication commenced, on June 5 holes were board; however, an issue arose regarding 'hedge height'. It was Mr. La Bruna's understanding that the Commission approved a hedge height of 6-8 ft, but was told during the boring of the holes, that the hedges could exceed 36" in height. Following a meeting with Director Stanley and the Director of Public Works and reworked the fence so that a third design was approved. The new design requires a fence in front of the wall (rather than atop the wall). The process to fabricate a third wrought iron fence has started with the intent of having it installed by July 26 and have the backstop removed concurrently. The Carolina cherry hedge is to be installed on August 2, and the removable fabric installed on the wrought iron fence. The conditions also obligated the applicant to park cars in the driveway when more than 5 people use the field – on every occasion, that has happened as well as new asphalt to assure sufficient space for cars to park in the driveway.

Mr. Moe stated that the conditions do not require removal of the batting area lights; however, the Director's letter requests that it be removed. It is Messrs. La Bruna and Johnson's understanding that the pending CUP relative to installation of these lights. On February 23, when Mr. La Bruna was asked if he was revoking the CUP, he responded that he was, and that he would resubmit a similar request for future consideration. Mr. Moe's understanding is that subsequently, Messrs. La Bruna and Johnson met with Director Stanley, who advised that a new CUP would not be necessary; that the Commission would consider the lights when it considered the use of the cage and operation of the field. Nevertheless, the light has been disconnected.

Removal of the fabric – the conditions require removable fabric on the wrought iron fencing. Since it is being fabricated, he cannot comply until it is in place. Another issue which Mr. Moe understood was important to the Commission was for Mr. La Bruna to purchase property contiguous to the horse trail – that process has also begun.

Mr. Moe stated that Mr. La Bruna has complied with the remaining conditions meticulously. No games have been played on the field, the field has been used for infield practice only, there has been no fast hardball pitching to batters and no full swinging by batters -- only bunting is permitted and the driveway is used to park cars. Mr. Moe stated that the crux of the issue is "by what time was the wrought iron fencing to be installed"? The conditions provide for 12 months to commence construction "if he didn't have 12 months to commence construction, what was the 12-month period for?" He noted that no construction item was more problematic than the wrought iron fencing and that Mr. La Bruna was under the impression that he had 12 months to comply. Nevertheless, he is prepared to complete the new wrought iron fence by July 26. Addressing use of the field, Mr. Moe stated there was no question in Mr. La Bruna's mind that the 90-day review period was for the use of the batting area and of the field. To his knowledge, there have not been any complaints.

He then summarized his understanding that there is a pending request for lights and to convert the foul ball pole to a flag pole. He reiterated that the light on the batting cage has been disconnected and that it was never included in the conditions of approval. Mr. La Bruna is prepared to remove the fabric once the wrought iron fencing is installed, at which time landscaping will be installed. He asked that the Commission consider all the evidence before them and stated that if Mr. La Bruna had an obligation to comply within a certain timeframe, that should have been reflected in the conditions. He related that it has been Mr. La Bruna's dream to teach boys the game of baseball and decided to do something because of the poor conditions of the fields in the City. Mr. Moe concluded, advising that he has seen Mr. La Bruna's ability to teach boys the game of baseball and because of that, he supported Mr. La Bruna and asked the Commission to consider the evidence before it. If Mr. La Bruna had an obligation to install the wrought iron fence or commence construction prior to 12 months, that should have been stated in the conditions, if the conditions required specific items to be addressed within a timeframe, that also, should have been stated in the conditions. "The idea that he is a rouge citizen, not trying to comply with the obligations he has, are belied by the fact that he's gone to two agencies in the County to get permission and numerous agencies within the City to obtain permit, upon permit, upon permit, to proceed with work that he understood he had to proceed with."

Chairman Levine and Commission Brown confirmed that Mr. La Bruna had ultimately reviewed and approved the letter submitted, with a single correction page 15, 2nd paragraph, where 'May 28th' should read 'June 28'.

In response to a question from Commissioner Mehranian, Mr. Moe confirmed that this was the first time the Commission was learning about the issues with the wrought iron fence. He explained that they began boring the holes for the second fence on June 5, when a concern arose regarding the proximity of oak trees – Mr. La Bruna contacted the City and that issue has since been resolved.

His understanding was that in the context of boring the holes, that the issue of the Planning Commission's approval of a 6-8-ft hedge height came up, "which is incredibly important ingredient to this fence to Mr. La Bruna because of his privacy". Director of Public Works Castellanos advised that regardless of what height the Planning Commission approved, he would need approval from the Public Works Commission for a 6-8-ft-high hedge. A later arrangement among both Directors and Mr. Johnson, the project architect, resulted in moving the fence back approximately 2 ft and removing it from atop the brick wall. The problem is that, the custom fence under fabrication, now has to be re-fabricated because of the change in height.

Commissioner Gelhaar confirmed that the brick wall would not be removed.

Director Stanley commented on the extensive discussion between Staff and Mr. La Bruna regarding the final course of brick on the wall, which had to be extended because of the grade difference of the curb, wall and the existing driveway. The original plan was to install the wrought iron atop the brick wall, however, it was later discovered that structurally, the crib wall was not engineered for the weight and height of the wrought iron fencing. Mr. La Bruna then asked if the fence could be relocated. Eventually, Public Works authorized the wall footings within the right-of-way since they would be underground, but later returned with the issue of protecting the roots of the oaks on City property. There was then discussion of putting the wrought iron fencing in front of the crib wall. The hedge begins at the driveway area two feet from the property line and extends to the backstop where it would be in the public right-of-way ---that is where it must be lowered to 3 ft in height. The problem is that Mr. La Bruna wants hedges of 6-8 ft in height for privacy.

Mr. Moe commented that Mr. La Bruna interpreted the conditions to allow 8-f-high hedges; as reflected in the plans.

Director Stanley responded to a question from Chairman Levine regarding the height of the wrought iron fence.

Where it begins at the crib wall in the backstop area, it is 12-ft in height, which would only be visible from the interior of the La Bruna property. He noted that the Commission approved a 4-ft-high wall with an 8-ft-high fence atop. Addressing the requested lighting, he felt the minutes of the prior meeting clearly state that the Conditional Use Permit was withdrawn, but the discussion was not clear as to whether the box for the lights could remain.

Chairman Levine closed the public hearing.

Commissioner Mehranian supported a continuance as requested, having heard an update and the status.

Commissioner Brown found the situation disheartening and stated that no one is more supportive than he in seeing that kids have a place to play. He then responded to Mr. Moe's remarks. He noted there was never a requirement for the applicant to provide additional parking; the condition regarding screening fabric allows its temporary placement during period of field activity only; the idea of waiting to install the fence so that the applicant can have permanent screening is not understandable. Addressing the comment regarding the absence of any full-on batting, Commissioner Brown pointed out that the conditions specifically prohibit that activity in any event. He expressed concern that Mr. La Bruna has chosen which parts of the approval that he wanted to comply with and noted that "basically, we've gone through another baseball season". He preferred to require that all illegal items removed by the Commission's July 25th meeting, regardless whether replacements are in place i.e., the chain link fencing, the fabric along Woodleigh, the foul ball pole, the wrought iron fencing from the horse trail to the retaining wall and backstop needs to come down and the light needs to be removed from the batting cage. He stated that if there was any doubt before or, if by oversight was not included in the conditions, they can now include them in the conditions.

Commissioner Gelhaar concurred and added it was an unreasonable assumption to think that the windscreen should remain until the wrought iron fence is installed.

He recognized that there could have been confusion with the "12 months to commence construction" language, but stated that he strongly agreed that a specific date be set to remove the illegal structures.

Chairman Levine referred to the conditions, which provide for a 90-day review period. He stated that he is an advocate of baseball fields, but was never supportive of this project. He agreed with all of Commissioner Brown's comments but on the other hand, he was unaware of any testimony or observations from anyone who spoke before the Commission that "there is a problem with what's been going on there". He stated his belief that "it couldn't have been any clearer on what we wanted done and completed by, not July 25th, but by today". The minutes were clear and Director Stanley's letter reflected the minutes. He stated that he was very reluctant to continue the matter for another 30 days.

Commissioner Mehranian stated that while she agreed with many of her colleagues' comments, continuing the matter for 30 days to hear the applicant and setting a deadline to remove the illegal structures would be appropriate.

Chairman Levine commented that he and Commissioner Brown had left messages for the applicant that his request for a continuance was not guaranteed and that he should have a representative present at this meeting.

Assistant City Attorney Steres advised that on May 28th the direction of the Planning Commission was not at the noticed hearing on the issue, but he agreed with Commissioner Brown that, following this noticed hearing, setting a deadline is more supportable insofar as enforcing the approval, especially with the worded conditions.

Commissioner Brown asked that, pursuant to the Commission's review that an additional condition be added that requires all of the enumerated illegal items to be removed on or before July 23. He asked if the Commission would want to include a deadline for the affirmative items.

Commissioner Gelhaar referred to the timeline submitted by Mr. Moe. Unless there was something missing, the Commission could require that those dates be met.

Commissioner Mehranian noted that the wrought iron fence is not scheduled to be installed until 7/26. She was concerned that the property, and its pool would not be fenced for two days.

Director Stanley advised that the only condition for the pool was to install a self-closing gate on the driveway entrance.

Chairman Levine suggested using the timeline submitted by Mr. Moe and require removal of all illegal structures and the lighting and denying the request for a flag pole.

Director Stanley advised that the applicant was to submit a landscaping plan for review and approval.

A discussion followed regarding the applicant having sufficient time within which to comply. The suggestion was made to hold a special meeting in August. Commissioner Mehranian felt that would be more workable as it would allow the applicant to meet the deadline and preclude having an unfenced property with an open pool.

Commissioner Brown stated that an alternative would be for the applicant to certify at the bottom of his submitted schedule that by an established date, all the items on his schedule would be completed.

Director Stanley noted that the Commission could determine that if compliance is not met by August 2nd, the matter could be referred to the City Prosecutor without another meeting.

Commissioner Brown commented that another meeting on the batting cage might be necessary.

Director Stanley questioned if the Commission would still want a 90-day to review use of the field.

Commissioner Brown felt that it would be practical to set 90 days from August 2 in terms of a regular review; another revocation hearing could be scheduled if necessary.

Director Stanley asked if there was any concern about the height of the Carolina Cherrie hedge along Woodleigh.

Commissioner Gelhaar stated that he didn't think any hedges should be allowed, but the Commission agreed that he could do so.

Commissioner Gelhaar and Chairman Levine clarified item 11 on the schedule regarding *removable fabric*. The fabric is to be allowed on the fence only during active use of the field and then it is to be removed.

Commissioner Brown suggested that rather than using the applicant's submitted timeline, simply use his August 2 date to have all illegal items removed and all new items approved installed, followed by a 30-day review for the first meeting in September.

Attorney Steres confirmed that the motion did not include installation of decorative fencing from the driveway and along Berkshire, which is subject to a 12-month "start of construction date". Director Stanley noted that if the decorative fencing is not installed within 12-months of the date of approval, he must request an extension prior to the expiration date, or his vesting right is lost.

Commissioner Gelhaar asked if the Carolina Cherry hedge was included in the August 2 date.

Director Stanley stated that it was the applicant who wanted the hedge for privacy purposes.

Commissioner Brown asked his colleagues if they wanted to limit the height of the hedge to the height of the fence.

Chairman Levine confirmed that Director Stanley's comments regarding a 3-ft-height related only where it was in the public right-of-way.

It was agreed to add a condition that the hedge be no higher than the fence height --- 6 ft along Woodleigh until it reaches the backstop, where it could reach 8 ft in height.

Director Stanley summarized the motion: removal of all illegal structures i.e, the chain link fencing along Woodleigh to the entrance gate on the horse trail side and including the driveway fence, the foul ball pole, the light box inside the batting cage.

Commissioner Brown asked why removal of the fabric screening shouldn't be removed immediately, since it has no safety benefit. The Commissioners concurred.

Director Stanley continued, stating that he would want a landscape plan submitted within a week and installed prior to August 2 and the wrought iron fence is to be installed by August 2nd. The Commissioners concurred.

Commissioner Brown included to the conditions: the matter is continued for review to the first meeting in September, limit the height of the hedge to the fence height and removal of the fabric screening within three days.

M/S/C Mehranian/Gelhaar to add conditions to Modification 01-34 as deliberated. Unanimous.

MODIFICATION 02-22; CARTER; 4820 HILLARD AVE.:

Assistant Planner Gjolme described the applicants' request to add a new, 1,679-sf, second-story that would encroach 10 ft into the required 20-ft south side yard setback.

The project site is a spacious corner lot at the Southeast corner of Hillard Avenue and La Taza Drive, in the R-1-20,000 zone. Both street frontages exceed 100 ft in area; however, with 137 ft of frontage, Hillard qualifies as the 'front' of the lot. There is a 13-ft-wide flag strip immediately adjacent to the south, where the encroachment would occur and which can never be

developed. The new second floor would be recessed at the north and align with the first floor at the south, where a 10-ft, non-conforming setback exists. The existing situation combined with the 13-ft flag lot provides a 23-ft side setback, which Staff considered as unique to the lot and which mitigates the encroachment. All other R-1 standards are met.

Staff recommended positive findings and project approval.

Marco Quezada, designer and contractor, advised that his clients purchased the home 2-3 months prior. He explained that the submitted design works best, as offsetting the second floor would give an unbalanced appearance from the front.

Commissioner Gelhaar stated that he could support the project with two added conditions: that the existing landscape screening on the south side be maintained and that constructions vehicles park on site.

Commissioner Brown concurred and requested that the conditions include that a landscape plan be submitted, showing the existing trees along the south property line and prohibiting vertical trimming of those trees other than minor clearing for construction activity.

M/S/C Brown/Gelhaar to approve Modification 02-22 with added conditions as discussed. Unanimous.

ADJOURNMENT

M/S/C Mehranian/Brown to adjourn at 10:50 p.m. Unanimous.

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Secretary to the Planning Commission