

**A SPECIAL MEETING OF
THE PLANNING COMMISSION OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD JULY 30, 2002**

- CALL TO ORDER:** Chairman Levine called the meeting to order at 6:00 p.m.
- ROLL:** Present were Commissioners Engler and Mehranian. Commissioner Brown was expected to arrive shortly and Commissioner Gelhaar reported earlier that he would be absent. Also present were: Assistant City Attorney Steres, Director of Community Development Stanley and Planner Cantrell.
- Due to the lengthy agenda, Chairman Levine advised that comments would be timed and held to 3 minutes, including those from the Commission. He asked that the applicants be as brief as possible and that Staff to likewise with the knowledge that the Staff reports were reviewed.
- COMMENTS FROM THE PUBLIC:** Christopher Cox, landscape architect for the St. Francis High School development project, recalled that an oak was removed from the courtyard during construction of the parking structure, contrary to the conditions of approval. The Planning Commission required his client to plant a 60-inch oak replacement within the western surface triangular parking lot across from St. Bede's. Mr. Cox advised that there is no room to accommodate a tree of that size in that area, and reported that a 60-inch box oak had recently been planted within the courtyard. He asked that the newly installed tree be accepted as complying with the condition of replacement.
- Director Stanley confirmed that because Mr. Cox was requesting a modification to a condition, the matter would have to be placed on a future agenda.
- CONSENT CALENDAR:**
Minutes of July 9, 2002
- Resolution 02-38;
Conditional Use Permit
349; Rubio's; 801 Foothill:** M/S/C Mehranian/Engler to adopt Resolution 02-38, denying Conditional Use Permit 349. 3 Ayes.

**Resolution 02-39; Lot
Line Adjustment 02-02;
Najarian**

Responding to a question from Commissioner Engler, Senior Planner Buss advised that the realigned property line would not change the future building pad for the lower lot.

Commissioner Brown arrived at 6:08 p.m.

M/S/C Mehranian/Engler to approve Lot Line Adjustment 02-39. 3 Ayes. Commissioner Brown abstained since he did not hear the discussion.

**CONTINUED PUBLIC
HEARING:**

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

Senior Planner Buss recalled that this item was continued from July 9, with direction to reduce the size of the house, explore an alternate driveway location and erect story poles.

The project involves a new, two-story residence with a total floor area of 5,394-sf on hillside property. The Planning Commission approved a similar proposal in 1999; however, the approval expired before the project vested. The applicant's approved grading plan ties the subject lot with the adjacent, commonly owned parcel in terms of a totally balanced site.

The site is located on the east side of Corona Drive at the bend near its intersection with Corona Drive. An existing pre-grade driveway is approximately 560 south of the intersection; an easement crosses it to serve two adjacent properties. Senior Planner Buss advised that the applicant was prepared to present a response to the Commission's direction --- the house has been reduced by 600-sf, story poles have been erected and options for the driveway location will be presented. He then corrected a statement in the Staff report regarding fill height above natural grade of the pad, and advised that 11.9 ft is the maximum fill on the site.

Responding to a question from Commissioner Mehranian, Senior Planner Buss advised that the revised Hillside Ordinance requires a minimum front setback of 25 ft *and* averaging. 'Averaging' is difficult to calculate for this property, as it is a hairpin lot, the lot to the south

is under construction and parcels to the south front off various driveways.

Assistant City Attorney Steres noted that a 20-ft front yard setback would be permitted if the Commission could make the findings that doing so would minimize grading, building visibility or paving.

For the record, Chairman Levine confirmed that the applicant had vested on the adjacent lot.

Marco Brambilla, project architect, related that development of this site was the product of two years of cooperation among the neighbors, the Commission and Staff. He pointed out that though the project complies with the recent revisions to the Hillside Ordinance, the square footage was reduced by 600 sf. and story poles demonstrate that the house would be well below the height of existing trees. Regarding the issue of grading, he commented that a balanced grading project between 365 and 355 Corona would be the most sensitive approach. He suggested using "355" as a staging area for 365 Corona to minimize traffic, dust and noise. Detailed options of driveway access points were displayed and included: a reduced footprint and access near the two-car garage; a new driveway south of the existing driveway located near the oaks. He questioned the logic of having two contiguous driveways. A third option would be access from somewhere along Corona, which he felt would be problematic for visibility, guest parking would not be possible and he would still need an easement from the neighbor. Mr. Brambilla noted that each option maintained 25-ft front setbacks.

Mr. Brambilla then displayed the house façade as seen from the driveway --- approximately 4 ft. below driveway level, sunken and not blocking any views. He noted that originally, the house was a two-story design with bedrooms on the upper floor. The current design depicts just the opposite, with the bedrooms on the lower level, resulting in less visible mass. Scaled renderings of driveway options were then displayed; the closer to the street, the greater the visual impact. Mr. Brambilla stated that he listened closely to the Commission's direction and

worked closely with Staff to make the project the most appropriate and sensitive.

Responding to a question from Commissioner Mehranian, Mr. Brambilla stated that Staff erroneously assumed that a reduction of floor area would require a redesign. He advised that the pad elevation is mostly established by the maximum height and the building pad.

Commissioner Brown confirmed that the story poles reflect option 'A', though they present a slightly larger size development and reflect the highest point of the eave line, rather than the roof.. He further confirmed that the driveway area is included in the total lot area calculations.

Chairman Levine opened the public hearing.

John Kane, 345 Corona Drive, distributed photos of the common driveway, which he described as a one-car lane. He related of having backed out on the street several times because of another vehicle heading out. Mr. Kane, a 25-year resident, considered the idea of adding more vehicles to the driveway as "nothing but trouble" and suggested that the most appropriate site for a driveway was near the existing stop sign.

Responding to a question from Commissioner Brown, Mr. Kane reported he has not been successful in determining if his driveway extends to the legal easement because of the mature oleanders and boulders.

Sally Kane commented that the approximately 300-ft-long driveway serves as the private drive for two houses. She preferred a new driveway taking access off Corona.

John Ramseyer, 244 St.Katherine Drive, related his concerns with traffic and students from Sacred Heart Academy driving down the street. It appeared to him that construction would continue in the area for the next 4 years and asked the Commission to impose a condition restricting the hours of construction from 8 :00 a.m. to 5:00 pm, rather than from 7:00-7:00 p.m., as Code allows,

and to only allow work on weekends that does not create noise.

Dorothy Melendy, 309 Inverness Drive, described Corona as the pipeline down to the city and up to Sacred Heart Academy. She asked the Commission to prohibit construction traffic from 7:45 a.m. to 8:15 .m. and advised that, in her area, construction noise is a problem during weekends. She also asked the Commission to consider what is beginning to be a "hallway effect" along Corona; this project appeared close to the street with no hillside to visually and mentally separate it from the street,

Mr. Brambilla responded to comments regarding the high volume of traffic in the area, stating that taken in perspective, he is adding one house. He related that the design sensitively placed the driveway as close as possible to its own parking – near the edge of Corona.

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

Commissioner Engler stated that he was not satisfied with the size of the house and could not support the project.

Commissioner Brown commented that he was having difficulty in dealing with the two concepts. He stated that the house was probably too big for the lot and he felt that access should taken from downslope. He suggested relocating the house down the hill. He considered the driveway as a private street and felt that an argument could be made that it should not be included in total area calculations.

Commissioner Mehranian felt the applicant could be more creative with the grading with regard to the size and visibility.

Chairman Levine concurred with comments regarding the impact of construction noise and related vehicles; and the proposed size of the home. He asked Staff to solicit an opinion from Public Works regarding the driveway exit and the concerns of safety. He then offered the applicant the option of a continuance, noting that if he

called for a vote, the project would most likely be denied. He then asked Staff how a continuance would affect the proposed storing of dirt on this site while the adjacent lot is under development.

Director Stanley advised there is a deadline as to how long the fill can remain on 365 Corona Drive. The Director can extend the deadline to allow temporary storage, or require that it be moved off site, which could introduce more impacts.

Commissioner Brown stated that he did not want anything done that would limit development options on this site.

Mr. Brambilla requested a continuance to the first possible date.

M/S/C Engler/Mehranian to continue Hillside Development Permit 02-22 to September 24th.
Unanimous.

PUBLIC HEARINGS:

**HILLSIDE
DEVELOPMENT
PERMIT 01-40;
NAJARIAN;
PALMERSTONE/
EUSTON PLACE:**

Senior Planner Buss described the applicant's request to construct a new two-story house, on the east side of Palmerstone Drive at its intersection with Euston Place, AKA Lot 6, of Tract 43113. The applicant proposes 4,774-sf of living area on the 48,379-sf site. Since the Hillside Ordinance requires that covered spaces such as under porches and balconies be included in floor area calculations, a total covered floor area of 5,514-sf. is presented. Senior Planner Buss noted that this project is subject to the regulations of the former Hillside Ordinance.

Approximately 20% of the lot would be disturbed by this project. The house is designed so that the upper floor is slightly below street level and appears as a 17-ft-high, single-story structure from Palmerstone. Assessor's data of surrounding development was included in Staff's report and demonstrates that the percentage of living area compared with the lot size, would be the lowest in the area. There are no view blockage issues raised by the

project and it would not be prominent from distant views. A terraced retaining wall along the downslope side of the house would range from a maximum of 8-9 ft in height, tapering to day light at the property line. It would be screened by landscaping. Staff recommends that it be lowered to 5½-ft within the setback area to meet Code. The landscape plan meets Fire Zone 4 requirements

A spring biological assessment was conducted by a consultant chosen by Staff. The site was given a clean bill of health with the notation that a more 'wet' year could yield different results. Senior Planner Buss noted that the project provides for three onsite parking spaces versus the Hillside Ordinance's requirement of four. Staff believed that an exemption to allow street parking to serve as the fourth space was appropriate, given that the cul-de- sac serves only the subject property.

Lastly, decorative fencing is shown on the site plan. Because insufficient information was submitted for that component, it will have to be addressed in the future.

Senior Planner Buss summarized the request as a 27-ft-high, two, story structure that would appear as single-story from the street because of its placement in a cut on the side of the hill. The majority of the site would remain in its natural state; landscaping would screen the retaining wall and the majority of the lower floor and Euston Place would be improved along the frontage of the property. The project complies with the angle plane requirement and all setbacks and thought it presents more than twice the floor area allowed by the Hillside guidelines, it is half the area allowed by the Slope Factor. Staff determined that the project complies with the intent and spirit of the Ordinance and recommended positive findings and project approval, while recognizing that the size of the home might be an issue.

Commissioner Mehranian asked who would pay for the street improvements on Euston Place.

Senior Planner Buss advised that a condition of approval for Tract 43113, addressed that concern. He quoted the condition, ..."should access be from St. Katherine Drive, "Euston Place shall be improved only to the extent

necessary to provide vehicular access to the subject site”.

Senior Planner Buss recalled that originally, the garage was located at the opposite end of the house, but that design was modified during the environmental review. The pool was eliminated from the plan, the house size reduced and the garage moved with access off Palmerstone. If the lower lot is developed, Euston Place, off St. Katherine Drive, could remain as is.

Responding to a question from Commissioner Brown, Senior Planner Buss advised that the Guidelines did not change when the new Hillside revisions were adopted, however, the underlying floor area standards did change.

Chairman Levine opened the public hearing.

John Ramseyer stated that 300-sf over the Guideline was “clearly outrageous” and he asked the Commission to restrict the hours of construction.

Senior Planner Buss clarified for the audience that the house is more than 5,900 sf under the allowable area. It is when the Slope Factor Guideline is applied that the excess occurs. Allowed floor area is 11,426-sf. The Slope Factor Guideline allows 2,285-sf.

Dorothy Melendy, 309 Inverness, reiterated Mr. Ramseyer’s concerns regarding construction-related traffic.

Hal Thomas, 1734 Fairmount, is a 49-year resident of the City. He stated that a “man’s house is his castle; I don’t care if the house is painted black with pink dots”.

Project architect, Vartan Jangozian, explained that the project is almost a balanced cut and fill project. Approximately 740-sf represents area covered by balconies. Actual living area accounts for 4,000-sf.

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

Commissioner Mehranian stated that she liked the design and that it included many good elements. Her issue was

the degree that it exceeded the Guideline and preferred that it be reduced in size.

Commissioner Brown commented on the confusion that at times arises as to whether a design should comply with the Hillside Ordinance *Standards* or *Guidelines*. The City Council has directed that applying *Guidelines* is appropriate when dealing with hillside sites. He counted eight homes in the area with square footage in the 2,000-sf range and did not believe that reducing the project's area would be out of character. Commissioner Brown stated that exceeding the Guideline by 3,900 sf was excessive.

Commissioner Engler concurred and noted that lack of comparisons with the slope factor guideline.

Chairman Levine was also troubled with the proposed size of the home. He thought Commissioner Engler's comment regarding a review of slope factor comparisons for the neighborhood was interesting. He provided the applicant with options, based on his belief that if he called for a vote, the request would be denied.

The applicant requested a continuance to September 10th.

Chairman Levine requested Staff to provide slope factor information for other neighborhood properties.

Director Stanley confirmed that story poles would be helpful.

M/S/C Mehranian/Engler to continue Hillside Development Permit 01-40 to September 10th.
Unanimous.

**HILLSIDE DEVELOP-
MENT PERMIT 01-46;
BUILDING DEPTH
REVIEW 02-05;
MODIFICATION 02-29;
ANDERSON; 870
ST. KATHERINE DR.:**

Planner Cantrell reported the multiple components of the project: a Hillside Development Permit to construct a new two-story home, Building Depth Review for second-floor depth exceeding 60 ft and a Modification to allow retaining walls exceeding height limits within front and side setbacks.

The project site is located on the south side of St. Katherine Drive, within the long, straight portion between Figueroa Street and Flintridge Sacred Heart Academy. It is an upslope lot comprised of 47,045 sf. Proposed roofed area, including the garage, porches, etc reaches 7,491 sf. Views are mid and long-range to the West and North; the site is most prominently viewed from the Glendale hillsides overlooking Chevy Chase Canyon.

Hillside issues - The house would be located far within the site, 68 ft from the front property line at the closest corner of the garage, and approximately 90 ft where the front of the house parallels the street. There would be very limited views of the house from the street as approached from the west. The adjacent home at 860 St. Katherine is highly visible and at such a high elevation that there is no possibility of view blockage. No other homes within view are near the project.

The driveway would have a comfortable gradient of no more than 12.5%, and the driveway would be located in the safest position possible, near the center of the straight portion of St. Katherine Drive and continuing eastward, along part of the frontage 860 St. Katherine frontage. Staff recommended a deeper approach for a wider entry radius to facilitate entry from the West. Though this would necessitate a higher retaining wall at that point, Planner Cantrell noted that a retaining wall height above the 3' 6" maximum would be needed, regardless of the access point. At the rear of the house, along the east property line, the pad cut necessitates an inward-facing retaining wall, 5' 6" in height -- the maximum allowed for inward-facing wall height.

Planner Cantrell described the house as rambling, yet restrained, with moderate hipped roofs broken in a variety of massing components. The project conforms to all code standards, but exceeds the Slope Factor Guideline for total floor and roofed area by 4%, or 1,912-sf. The roof ridge would be lower than the east side property line and 20 ft below the bottom of the neighbor's house wall. Consequently, there is a need for landscaping to preclude the two houses from being seen as a single unit from some elevations.

Building Depth – exceeds the 60-ft threshold, due to the orientation of the lot rather than the function of the house. (The rear of the house is considered to be a side property line, according to Code definitions.) Therefore, the 117' 3" length is under review; Planner Cantrell noted that the figure is below the Hillside Ordinance's 120-ft Guideline for building width.

Landscaping – Staff expressed concern with providing adequate soil for substantial plant growth. The landscape architect submitted plans showing use of tree wells that encourages them to break through the bedrock and prevent roots from girdling. The landscape architect reports that using this approach will allow the trees to reach the same ultimate height as in level conditions, although growth may be 1/3 slower. Planner Cantrell noted that the trees are plentiful and would provide the screening that is essential to the project and reduce the net effect of visible bulk by screening the base of the neighboring home.

Floor area/density – comparisons reveal that the project is within the range of recent neighborhood development, and density approaches the most immediately neighboring houses at 850, 860 and 859 St. Katherine Drive.

Staff concluded that the context and effectiveness of the landscape screening make the project's numerical excess above the Slope Factor Guideline reasonable. Draft conditions include conformance with the City's LRV Guidelines, and once the driveway is cut, construction parking should be provided on site.

Staff recommended positive findings and project approval.

Scott Anderson, property owner, addressed the Commission. He noted that the house is stepped into the hillside to reduce the mass. A neighborhood meeting was held to discuss the project and was well attended.

Project architect, Brad Barcus, displayed a color rendering of the project.

Stephen Jones, 859 St. Katherine Drive, lives northeast and across the street from the project site. He reported of having left the neighborhood meeting unaware of how the house would appear on the site. He stated that the rendering demonstrates that the house would loom above the driveway and he was unsure if the proposed landscaping would screen it. He requested the project be continued and that story poles be erected.

Paula Davis, 860 St. Katherine Drive, who lives above the site, stated that she did not have a problem with the house but asked that the landscaping neither shade her pool nor obstruct her views.

Ray Walsh, 900 St. Katherine Drive, stated that he was generally supportive of the project. He emphasized the importance that drainage be addressed and requested that construction hours be restricted from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Brad Barcus reported that he had spoken with Mr. Ramseyer, 244 St. Katherine Drive, who supports the project but wanted construction work prohibited on weekends.

Chairman Levine confirmed that was acceptable to Mr. Barcus. He further confirmed that the landscape plan would be modified with shrubs replacing trees to respond to Mrs. Davis' concerns.

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

Commissioner Mehranian stated that she would like to see the square footage reduced, as she could not make the finding that the project enhances its setting.

Commissioner Engler stated that he generally liked the project, but that he would prefer it be reduced by approximately 800 sf. He expressed concern with the vertical retaining walls, and preferred plantable crib walls on both sides of the driveway.

Commissioner Brown noted the excess over the Guidelines and stated that it was time to get serious about enforcement. He added that compatibility was not a significant issue, since there are both large and smaller homes in the area, but the sq footage is not hidden. He stated that the Commission has an obligation to avoid hillside development such as the City of Glendale's hillsides with large homes, close together.

Chairman Levine stated that "it is a good design", and agreed that it should be reduced in size. He commented that he was not necessarily supportive of Staff's recommendation to widen the driveway access and observed that story poles would be helpful. He reported that it appeared to be the desire of the Commission that the scope of the project be reduced and advised the applicant of the options, including an appeal to the City Council.

Mr. Barcus requested a continuance to October 8th.

M/S/C Mehranian/Brown to continue Hillside Development 01-46, Building Depth Review 02-05 and Modification 02-28 to October 8. Unanimous.

Director Stanley announced to the audience that a further notice of the continued hearing would not be issued.

**VARIANCE 02-03;
MODIFICATION 02-24;
FLOOR AREA REVIEW
02-10; BALISY;
521 KNIGHT WAY:**

Senior Planner Buss reported the applicants' request for first and second-story additions that would encroach in the rear and second-floor setbacks; a Variance to allow the second floor to pierce the required angle plane and a Floor Area Modification to allow a 2% over the allowed floor area.

The site is located on the north side of Knight Way between Gould Avenue and Indianola Way in the R-1-20,000 Zone. It is a flag lot and abuts the Gould Canyon Channel on its east side; it is accessed from a 365-ft-long and 10-ft-wide, driveway. The lot's configuration and setting ensure that no other residential property could be located within 65 feet of the east property line.

Current development consists of a partial two-story home of traditional design and an attached, three-car garage. Behind and detached from the garage, is an unfinished recreation room, apparently constructed by the original owner without permits, which encroaches 6-½ ft into the rear setback. The conditions of approval require that permits be obtained for this structure.

The applicants propose a 55-ft garage extension at the west side to create a workshop and allow an architectural offset between the floors. The requested extension would add approximately 2' 6" to the garage depth and encroach 3 ft into the rear yard. Staff did not support this component of the request as it has the potential of affecting adjacent neighbors.

The second floor encroachment on the east side of the house extends the existing building line consistent with other homes in the neighborhood, and would remain 56-ft from the adjacent property line. The highly irregular shape of the lot and the adjacent channel make compliance dispensable in this case.

Floor Area Review - The proposed excess floor area represents 325-sf, or 2.07% of the overall project. Senior Planner Buss reminded the Commission that the only finding which needs to be made is the project's compatibility with the neighborhood setting.

Variance - the east side building envelope encroachment is a by-product of what is essentially a triangular-shaped lot, which makes it difficult to site square structures. The purpose of the angle plane regulation is to assure that whatever the difference in elevation between two properties, structural height would be mitigated by distance.

Director Stanley noted that the angle plane encroachment faces the 50-ft-wide Channel and would not be visible. The applicant could clip that roofline to meet Code; however, it would appear odd.

Commissioner Brown confirmed that the project was not moving any closer to the Trail and that Staff was not

recommending approval of the garage expansion on the west side.

Patrick Walsh, 5042 Indianola, resides immediately to the West, advised that the second-story expansion would have views into his back yard and pool area. He displayed a photo taken from his patio to the project site and suggested that the problem could easily be remedied by installing landscaping in a very specific area.

Applicant, Diane Balisy, agreed to the suggestion and noted the lack of windows on that wall to preclude what Mr. Walsh was concerned about. She advised that the area currently appears stark as they begin to prepare the grounds for planting.

Director Stanley reminded the audience and the Commission that a draft condition requires his review and approval of landscaping along the shared property line.

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

Commissioner Engler noted that air conditioning was slated for installation; he inquired if the detached recreation room qualified as an ALQ.

Senior Planner Buss stated that he was unsure if the structure was habitable under Code and that he would request an inspection.

Assistant City Attorney Steres commented that if the structure is legal and non-conforming, permits need to be obtained and it needs to go through the ALQ process. Initially, Building & Safety needs to determine whether the structure is habitable.

Commissioner Brown recalled that the Commission approved a similar project that included removal of the structure upon sale of the property.

Commissioner Engler concurred with Staff's recommendation and asked that an additional condition prohibit windows on the west side of the house.

Commissioner Mehranian noted that the small, dead tree which was removed along the fence needed to be replaced.

Chairman Levine confirmed that if the recreation room was determined to be *habitable*, the applicant would have to proceed with the ALQ process.

Ms. Balisy commented on the need for consistency – the ‘flag’ area was included for the neighboring properties, but not for hers.

Attorney Steres advised that it should not be included in the floor area calculations; he was unsure if it was counted in the lot size numbers. Staff noted that it was not.

M/S/C Brown/Mehranian to approve Modification 02-24, Variance 02-03, Floor Area Review 02-10 per Staff’s recommendation, with added conditions prohibiting windows on the west side second story addition, require replacement of the tree that died with one of an appropriate size and type, and amend condition 14, requiring a recorded covenant prohibiting the addition of bathroom or kitchen facilities in the recreation structure.

Commissioner Engler felt that the conditions should state “no more modifications other than those currently contemplated”.

Ms. Balisy stated she would be comfortable with such language.

Director Stanley confirmed that air conditioning and heating was acceptable in the recreation room. The motion passed unanimously.

**HILLSIDE DEVELOPMENT PERMIT 02-31;
MODIFICATION 02-26;
CHEN;
4150 FOREST HILL DR**

Director Stanley reported the applicant’s request to construct retaining walls, 5-ft in height, along the sides of an existing driveway on hillside property. The request could be approved under an Administrative approval, however, a Modification is also required since a portion of the wall would exceed the 3’ - 6” maximum height

allowed within the front yard setback. Further, the wall would extend into the public right-of-way, requiring Public Works and Traffic Commission approval.

The site is located on the south side of Forest Hill Drive, south of its intersection with Padres Trail in the R-1-20,000 Zone.

The proposed walls would retain existing cuts at both sides of the driveway, which are beginning to erode. The wall on the west side would be installed with the protection buffer zone of a large oak, however the wall should not impact the tree, per the arborist report submitted. Staff recommended positive findings and project approval as conditioned.

Commissioner Mehranian confirmed that the arborist report recommends hand digging the footings in the location of the wall.

Commissioner Engler confirmed that the walls are proposed at the same height as the cut slope.

Comments were not offered from the audience and the applicant declined to speak.

Chairman Levine preferred that a crib wall be installed around the tree.

Director Stanley cautioned that the end result might be a more visible wall.

M/S/C Brown/Engler to approve Hillside Development Permit 02-31 and Modification 02-26 as conditioned. 3 Ayes. No: Levine.

**HILLSIDE DEVELOPMENT PERMIT 01-19;
BUILDING DEPTH REVIEW 02-01; FLOOR AREA REVIEW 02-07;
ARIATHURAI;
5202 JESSEN DRIVE:**

Planner Cantrell explained the various components of this request; the Hillside Development Permit would allow construction of a new, two-story home; Building Depth Review is triggered by a second-floor depth exceeding the 60-ft threshold, and Floor Area Review is required since the 4,500-sf threshold is exceeded for properties with less than 80 ft of frontage.

The project site is located east of the Fire Department gate at the east end of a private road between 5210 and 5220 Jessen Drive and north of the Fire Department gate at the north terminus of La Sierra Drive, in the R-1-15,000 Zone. It is nearly 5 acres in area; proposed total floor and roofed area would reach 9,950 sf.

Planner Cantrell recalled that a previous application to construct a home and an ALQ Unit was approved in 1998, contingent on subsequent approvals for the pedestrian trail and bridge components. The applicant did not obtain approval for those elements and the approval for the house expired. Therefore, the current design is a new project.

A two-story home over a garage cellar, would be developed in the northern portion of the site, near the fire road and far removed from other residential properties. It would be cut into the north slope with its back walls serving as retaining walls. It is configured in a gentle, concave shape as seen from the south. Homes on La Sierra and Palm Drive have views into and over the subject property. Unlike the previous house, which was accessed from a bridge off La Sierra Drive, the new project would be accessed only from the private road off of Jessen. The truck trail, which crosses the streambed, would remain untouched. The applicant is willing to dedicate access to the existing trail from Jessen Drive for hikers and equestrians.

All setbacks far exceed Code minimums – the smallest for the entire project would be approximately 70 ft; the side yard setbacks to the east and west would be well over 200 ft and the south setback over 90 ft. The house would step down the slope, reaching a maximum overall height of 40 ft and conforming to the Hillside Development Ordinance height limit of 28 ft across any transverse section. Total floor area is less than $\frac{1}{4}$ the Code standard and less than $\frac{1}{3}$ the Slope Factor Guideline. Planner Cantrell noted that the lot is many times larger than the average size for the area and, while the project represents the largest home in the neighborhood, it would have the lowest density of any property in the neighborhood. Preserving the parcel intact and building at low density, the project would

preserve and enhance the hillside character. The project preserves the streambed and its banks, would improve the Fire Department's access from Jessen Drive and totally preserve existing access from La Sierra. The concerns of visible bulk and view blockage which are raised in many hillside projects are not present in this design. The project would not be seen from downslope and would not block any long-range views. The muted color palette observes the Light Reflectance Guidelines and blends into the screened setting. Preservation of hiking, equestrian and Fire Department routes assures continued access to the hills behind the site.

Planner Cantrell summarized the landscape plan as preserving the natural setting to the maximum extent. All protected trees would remain and the design does not conflict with any tree limbs. The drought-tolerant plant list includes slope-retaining shrubs and groundcover, colorful detail plants and new trees limited to California sycamores and western redbuds.

A biological study conducted by a consultant selected by the City, concludes that no significant biological species would be affected by the project. An updated soils/geology report indicates suitable conditions for construction of a similarly sited house.

While the project is technically subject to Building Depth review, its physical characteristics have no resemblance to the type of project for which the regulation was intended. The setbacks from property lines far exceed Code minimums and the interfaces on both sides are far less sensitive than the typical side-to-side relationship for which the Code was drafted. Planner Cantrell related another technical review requirement from the 2001 Code revisions is floor area review for any house exceeding 4,500-sf on a lot with less than 80 ft of frontage. He recalled that when initially discussed, the requirement was to be based on lot width, rather than frontage, and was later changed to apply to frontage in order to include larger homes on flag lots. He stated that the subject lot is vastly different from street-fronting or flag lots. The sum of its minimal frontages combine for a total of less than 80 ft. Importantly, the dimensions allow siting the house at a tremendous distance from

adjacent properties ---i.e., 90 ft from the south property line and over 200 feet from developed properties to the west.

The draft conditions require a bond for repairs of any damage to Jessen Drive caused by construction traffic. (Access from La Sierra Drive was not recommended due to its constriction and slope and increased exposure of the streambed to large vehicles.)

In conclusion, Staff determined that the project upheld the spirit of neighborhood compatibility as outlined in the General Plan as well as with the spirit and letter of the Hillside Development Ordinance. As conditioned, it would fulfill a substantial building program and fit into its surroundings.

Responding to a question from Commissioner Mehranian, Planner Cantrell advised that the applicant is not proposing any work near the streambed or its banks and he expected the various Agencies to sign-off.

Answering a question from Commissioner Brown, Planner Cantrell reported that the Trails Council had repeated input in the former project. The current proposal conforms to what the members wanted, though they did not review it.

Assistant City Attorney Steres confirmed for Commissioner Engler that while the property might fall under the definition of a *flag lot*, it exists as such and is not considered to be a newly created flag lot.

Marc Reusser, representing the applicant, noted that the project complies with the General Plan and that a Negative Declaration was issued by the City as well as by the environmental consultant. Fish & Game is not involved in this scenario. The new access was verbally approved by the Fire Department and is currently under its formal review. The project far exceeds setback requirements and represents 3.3% lot coverage. The County has reviewed all the retaining walls. Concerns regarding view obstruction are eliminated for the most part and residents of Palm Drive would have downward views to the site. The hiking and open space trails

would be untouched, a subdued color palette is proposed and the grading plan, which would be balanced, has thus far been favorably received by the County. Mr. Reusser displayed a photo board of other homes in the City which were built in 1920-30 and which are similar in style and detailing as the project.

Chairman Levine opened the public hearing and reminded the audience of the three-minute time limitation to speak.

Brad Burt, 5263 Palm Drive, stated that he spoke on behalf of a large group of neighbors who live on Palm. He stated that the project represents extensive code violations and requested denial on that basis. He suggested re-positioning the house to a more suitable place on the property to eliminate the need for floor area review. By his calculations, the height reached 40 ft, he termed the project monolithic and questioned how a project could be allowed to exceed Code by 300% for building depth.

Bill Abel, 5233 Palm Drive, expressed his belief that a 5-ft minimum undercut would be necessary outside the building line. Assuming the soil is 'good', he believed that 200,000 cubic feet of dirt would have to be moved. He noted that the garage door is 20-ft from the trunk of a large tree and questioned how the applicant could back a large vehicle out of the garage. He failed to see any stepped massing and remarked that there are no vertical breaks in the long retaining wall. Mr. Abel stated there are "blatant, obvious Code violations".

Marry Barrie, president of the Tails Council, advised that she was made aware of the project the previous day. She requested a continuance so that she could explore the details.

Karen Perper, 5255 Palm Drive, concurred with Mr. Burt and Mr. Abel's comments. Her chief concern was the massive scale within a constricted portion of the canyon. She noted that the project had gone through several iterations and was adjacent to an active fault; "the current plan does not provide for stabilization".

Laura Olhasso, 5145 Solliden Lane, requested clarification of a statement in the Staff report “the back walls of the house would serve as retaining walls and that the rear retaining wall would fulfill soils deflection requirements”. She asked what that meant.

John Welch, 4849 Fairlawn Drive, reported that he is a 45-year resident of the City and hikes the site daily. He felt that any development in the area should be consistent with the large number of hikers seeking wilderness conditions in an urban setting.

Wesley Whitaker, 5245 Palm Drive, resides east of the project site. He stated that everyone has the right to build on their property, but exceeding regulations, sometimes by 100%, shows disregard for other residents who have adhered to the Ordinance.

Bill Olhasso, 5145 Solliden Lane, reported that he walks the trail three times a week. His concern was that the applicant is unaware of what happens during torrential rains and doubted that any construction could withstand them.

Mr. Reusser responded to comments. The flat roof is indicative of Spanish revival roofs. The grading is balanced; the retaining wall is not higher at any point than the top plate of the wall. He advised that state guidelines allow walls, driveways or terraces to be located within the driplines of oaks. The Fire Department’s issue with driveways is that 20 ft clear to the sky is provided; so far, “it’s a go”. Public Works checks the grading. Mr. Reusser noted that his client has never attempted to prevent the public from using his privately-owned land and is willing to grant an access easement for the public. He asked Staff to address the alleged building violations.

Planner Cantrell advised that the term “Code violations” had been misused. While the project exceeds certain Code thresholds for review, they are of no concern because of the siting. He noted that one block away, there is a house of more than 220 ft in length and another on Alta Canyada exceeding 300-ft in length.

Project architect, Jim Fenske, addressed shoring of the hillside behind the house. The structural engineer will advise where the caisson would be installed.

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

Commissioner Engler advised that he could not make the required findings regarding preservation of open space or the finding of 'special conditions or unique characteristics'. He stated further that he would prefer that the project be reduced in size.

Commissioner Mehranian felt that the project met the special conditions or unique characteristics because of its size, but stated that the applicant should be mindful that the Commission must review the project in context. She stated that the project "is everything that La Cañada Flintridge is not" and that it would have a negative impact on the pedestrian and horse trails.

Commissioner Brown commented that he could not reconcile the magnitude of the floor area over the threshold. The report from Saphos Environmental indicates that the study was carried out when a number of the species and habitats were not present and the report specifically recommends that spring protocol surveys be conducted. Coordination with Fish & Game is also suggested. Commissioner Brown noted that the Commission must find that it reviewed the Initial Study Questionnaire under CEQA and determine that the project would not have a significant impact. He questioned the conclusion that there isn't a potential substantial adverse affect either directly or through habitat modification, without knowing what is there. He felt it was clear that the site is an area unlike what the Commission typically deals with in terms of infill and stated that the recommended surveys need to be completed to reach a definitive conclusion with regard to the biological status.

Chairman Levine remarked that Commissioner Brown's concerns were important and indicated that the Commission should not review the project until spring when the appropriate surveys could be done. He felt

that the design was an improvement over other submittals but was concerned with the size of the project in comparison with other homes in the area. Chairman Levine then addressed the applicant, advising that if a vote were called, the probable outcome would be denial, with the option of an appeal to the City Council. He advised the applicant of his available options.

Property owner, Dr. Ariathurai preferred a continuance and asked if Saphos Environmental could review the recommendations and forego waiting until spring.

Planner Cantrell advised that the statement in the report and alluded to by Commissioner Brown, is identical to the one made on a report for another project in the Rockridge Terrace area. He wanted to correlate the Saphos research with that of Fish & Game on an earlier submittal.

Chairman Levine asked that if the item was continued, that it be scheduled for a less involved agenda when a three-minute time clock would not be necessary.

Commissioner Brown made a motion to continue Hillside Development Permit 01-19, Building Depth Review 02-01 and Floor area Review 02-07 until spring protocol surveys can be done and that the project be re-noticed.

Chairman Levine was concerned that if that data exists and is available, deferring the matter until spring would be unreasonable.

Attorney Steres advised Staff's preference for a continuance to a date uncertain. Once Staff has concluded its research, it would be re-noticed and the matter would proceed.

Commissioner Engler stated that he would like to see the data before it is re-calendared for a hearing.

M/S/C Brown/Engler to continue to a date uncertain and take into account the concerns expressed.
Unanimous.

PUBLIC MEETINGS:

**FLOOR AREA REVIEW
02-11; ONDREJCKA;
4319 BELAIR DRIVE:**

Senior Planner Buss described the applicant's request to construct a new, 2,991-sf house that would exceed the floor area standard for the lot by 291 sf. The 7,500-sf property is located on the west side of Belair, just north of Descanso Drive, in the R-1-10,000 Zone. The existing home would be demolished and replaced with one of 2,991-sf. The project meets the rear setback, height and the angle plane requirement. It was pointed out that project will be required to be set back one additional foot to meet the average front yard setback and that the fireplace will need to be redesigned to meet the 5-ft sideyard setback.

The only finding relevant to a floor area or building depth review is compatibility with its neighborhood setting. Staff determined that the project presents a well-modulated project, with a generous setback from the street, reduced mass by emphasizing the roof rather than high walls and recommended project approval.

Neither the applicant nor anyone in the audience requested to comment.

Commissioner Brown expressed concern that the project represented a change in the neighborhood. No other lot on Belair accommodates a house of the proposed size, much less what is allowed by Code. He stated that Belair has a distinct *feel* with many small and charming homes. He could not make the finding and felt the project sets a negative trend.

Commissioner Engler concurred.

Chairman Levine commented that a study session addressing what the Commission can do to minimize the size of homes in the area would be a positive step.

M/S/C Brown/Engler to deny Floor Area Review 02-11. Unanimous.

**FLOOR AREA REVIEW
02-14; MODIFICATION
02-31; GILLINS;
317 SAN JUAN WAY:**

Commissioner Brown was recused at his request, as the applicant is a friend of his.

Director Stanley presented the applicant's request to allow a new, 3,170-sf, two-story home on an 8,190-sf lot.

The property is located on the Northeast corner of San Juan Way and Carmel Road in the R-1-7,500 Zone and qualifies as a *hairpin lot*. San Juan and Carmel are considered as "front yards", triggering 28-ft setbacks along both frontages. The Modification addresses: a 13-ft encroachment into the "front" setback along Carmel, an 18-inch, second floor encroachment into the east side yard and a six-ft-high, solid fence within the Carmel Road front setback. Director Stanley noted that the applicant has eliminated the need for floor area review as originally submitted.

The house would be sited along the eastern portion of the property with driveway access from San Juan, where a two-car garage would meet the required "front" setback. The home's formal entry would face Carmel Road, where only a 15-ft setback is provided. The 18-inch, second-floor encroachment would be under the sloped roof and not visible from the street. The remaining components meet Code. A pool is shown on the site plan in the front yard area, but is not part of this request as it would require a CUP.

Jay Johnson, project architect, reiterated that in response to written concerns from neighbors, the project was reconfigured to meet FAR. He distributed photos showing that oaks mitigate views of the house from Carmel Road and that the project is consistent with neighborhood development. Mr. Johnson pointed out that setback requirements for a *hairpin lot* would result in a wider and visually larger structure. It would also eliminate the backyard and affect his client's privacy. Addressing the fencing, he noted that though the neighbor has a 6-ft-high, solid fence to the property line, his client agreed with Staff's recommendation to limit the height of the solid fence to 42".

Chairman Levine invited comments from the audience.

David Bolls, 4850 Carmel Road, felt that a Code-compliant project would be consistent with the neighborhood. He stated the greater issue is that a 6-lot property was subdivided and "they're trying to jam 3 houses in a space that won't accommodate them".

Jill Morgan, 4824 Carmel Road reported that her chief concern was with visibility on the dangerous corner. Existing trees block motorists views to an extent and the proposed fence would add to that problem.

R. Carson, reported of having resided on San Juan Way for 30 years. She lamented the loss of trees from clearing the site and felt that introducing a two-story home in the neighborhood would affect her privacy.

Mike Boshard reported that he has experienced a significant amount of development during his 35-year residency at 4848 Del Monte Road. He felt the project should meet Code.

Mitch Kasaki, 318 San Juan Way, who has lived in his two-story home for 27 years, was grateful that the project would eliminate a historically unkempt site, including overgrown landscaping that precluded views around the corner. He related that existing street conditions include curbs and a 4-ft-wide culvert down the center; during heavy rains, there has been as much as 12-ft of water in his front yard. Mr. Kasaki asked that this be investigated.

Mr. Johnson responded to comments; he felt it important to mention that he did not subdivide the property. The newly-created lots are of identical size as those on San Juan and Carmel Road. Addressing concerns that a two-story home would affect safety and visibility at the corner, he noted that a single-story home would not change that situation. Mr. Johnson reported of having invited all the neighbors to review the plans with him.

Further comments were not offered.

Chairman Levine commented that the home was attractively designed. Referring to the floor area comparison sheet, he noted that most nearby homes are considerably smaller, though a few are larger. He questioned if a continuance was in order to allow the public an opportunity to review the revised plan.

Director Stanley pointed out that what was before them represented the same project as initially submitted, but with sq footage over FAR eliminated.

Commissioner Engler expressed concern with the line of sight around the corner. He felt that a 31 ft setback was adequate and that he would not approve any wall or fence along the side yard.

Commissioner Mehranian felt the design was compatible and commented that to a degree, the trees dictate the design. She recognized that the project now complied with FAR guidelines, but felt it was still too big.

Director Stanley remarked that if the Commission required a 28-ft front setback on Carmel, the result would be a long, narrow structure. He suggested reversing the structures so that the garage was facing Carmel, similar to the house across the street. He noted that the corner radius is much larger than a typical corner. When considering corner properties, Code states that if either frontage is less than 50 ft exclusive of the radius, both frontages are to be considered as *front yards* for the purpose of establishing setbacks.

Mr. Johnson advised that the large oak precludes reversing the structures.

Commissioner Engler motioned to approve the project with a condition prohibiting any solid fence, even if it met Code, within the front yard.

The motion died for lack of a second.

Commissioner Mehranian stated she had a major concern knowing that two more houses were on the horizon and that the appearance of the neighborhood could change. She stated that this raised issues of urban design and added that she needed to review the entire project and was not ready to support the request.

Chairman Levine stated that until the definition of a *hairpin* lot is changed, he could not support this project. Carmel is not a side yard under current definition.

Commissioner Mehranian made a motion to deny the project. The project died for lack of a second.

Attorney Steres noted that Chairman Levine had not yet voted.

Mr. Johnson then confirmed that Commissioner Mehranian would be more comfortable if she could have a look at the design for the three homes and that she could support a continuance with that proviso.

M/S/C Levine/Mehranian to continue Modification 02-31 to September 24. The motion passed 2-1-1. No: Engler; Abstain Brown.

**OTHER BUSINESS:
Request for overhead
utility connection;
Stoddard;
4270 Oakwood:**

Commissioner Levine requested to be recused as he is employed by So. CA Edison.

Director Stanley reported that under-grounding of utilities to the nearest utility pole is required for new homes in this City. In the instant case, the nearest pole is located on the neighboring property. Because the property owner has refused the necessary easement to run the service from the pole to the new home, the applicant is seeking a waiver to the "undergrounding" requirement. Edison has given the applicant two options: "overhead" the wires from the existing pole to a new one that would have to be installed at the edge of his property and under-ground from there; or, forego undergrounding entirely. The applicant would like to run power from the existing pole directly to his home, which Staff feels that under the circumstances, would be the least obtrusive alternative.

Commissioner Brown confirmed that Staff did not contact the neighbor.

Property owner and project architect, Craig Stoddard, advised of having attempted to work out something with the neighbor for three months. The neighbor finally advised that he did not want to sign a legal document. While Edison has an overhead easement, it does not have an underground easement; therefore, the only way to comply with code would be to erect a

second pole for approximately 20 ft of wiring and then underground. Mr. Stoddard advised that the new property owners plan to move into the house in October.

Commissioner Brown confirmed that the Commission could impose a condition for future undergrounding.

Mr. Stoddard advised that there is an underground utility line in place.

Director Stanley advised that a bond or letter of credit could be required.

Commissioner Brown advised that he had spoken with the neighbor, who has plans for a rather large expansion of his home. He felt that a condition should be imposed on that project that an easement to the applicant's lot be provided.

M/S/C Brown/Mehranian to allow overhead utilities with a condition that the applicant pay a deposit per the Ordinance and the City Attorney's instructions. 3 Ayes.

**Hillside Development
Permit 99-70 (amd);
Jennings;
4055 Chevy Chase Drive:**

Director Stanley recalled that on June 25, 2002, the Commission approved an amended site plan which included a relocated pool and revisions to the required landscaping. The Commission shared Staff's concern with the introduction of linear hedges along Chevy Chase. Additionally, the Commission required relocation of ficus trees that were installed within the drip line of oak trees because of the invasive root system and substantial water needs. Mrs. Jennings conferred with Staff and submitted a revised landscape plan which retains the ficus among the oaks and presents them in a curved manner along the center frontage. Hedges are now proposed in front of the ficus to disrupt the appearance of uniformity. Director Stanley advised that ivy was now proposed for the slope area, which he believed would be detrimental to the oak trees. He recalled that the Commission required removal of ivy on a project on Dover Road out of a similar concern.

Director Stanley concluded that the proposed revisions did not meet the direction given by the Commission and

gave the applicant the option of returning to the Commission for its determination.

Responding to a question from Commissioner Brown, Director Stanley advised that the base of oaks should be cleared of plantings to prevent them from irrigation, which causes oak fungus . The revised plan shown grass fairly close to the oaks. He pointed out that the original plan submitted by the applicant is very similar to what Staff is proposing.

Applicant, Steve Jennings, stated that he felt he "was caught in the process" and that what seems to be a minor issue is a large concern for him. He advised that the Certificate of Occupancy is being withheld pending resolution of the landscape plan. Mr. Jennings stated that he took issue with Staff's position and reported that when his wife approached Staff with the revisions, she was told there "was no problem", though the Director would have to sign off. Mr. Jennings stated that 9 days later, the Director made a site visit and overruled Staff; basically ignoring Mr. Jennings' concerns and the recommendations of his arborist. Mr. Jennings reported there are countless properties in the city with ivy next to oak trees, which was situation when he purchased his property --- he removed the ivy only to be certain that the poison oak was eradicated.

Mr. Jennings then related addressed the hedges and stated that they are shrubs in reality and do not provide the screening that he requires for the Northeast corner of his property.

Commissioner Engler confirmed that the applicant is in possession of a landscape plan, which the Commission approved. Other than the non-permitted removal of an oak tree, he questioned why the plan was not followed.

Mr. Jennings responded that the plan was approved approximately three years ago and that it was difficult for him to visualize how the plan would relate once the site was graded and the structures were complete. Apart from the oak tree and pool issues, that is why he made changes to the landscape plan.

Jim Miller, owner of Miller Tree Service in Pasadena, addressed the Commission. He reported that the slope is 1:1 where ivy is proposed and is the "small variety" of ivy. The rock at the base of the oaks would allow water to drain away from the crown of the trees. He concurred with the suggestion to stagger the ficus along Chevy Chase, as doing so would give more character to the property.

Responding to a question from Commissioner Brown, Mr. Miller confirmed that a small area of grass is proposed (approximately 6-8-ft wide) for effect only, and is not near the oaks. He suggested removing a few ficus trees and replace them with an oak in the corner.

Following confirmation that the rocks at the base of the oaks would span for 6-8 ft, Commissioner Engler reported of having contacted Design Commissioner Moss, a landscape architect, who advised that rocks at the base of oaks present a detrimental situation since damage would be unseen. He advised of problems that the City of Los Angeles has endured with ficus trees and their invasive root system damaging the public rights-of-way.

Mr. Miller advised he was following precepts of his training as a certified arborist; rocks should be at least 1 ft from the crown of the tree. He concurred with Commissioner Engler's comments regarding the root systems of ficus trees.

Further comments were not offered.

Commissioner Mehranian concluded that along the frontage, a ficus should be removed and replaced with an oak, which should resolve the dripline issue. She did not have an opinion regarding removal of the ivy. These options or reverting to the original landscape plan were both acceptable to her.

Commissioner Engler felt the original landscape plan should be followed.

Commissioner Brown stated that one of the required 48"-box oak planted in the corner would respond to the

Jenning's concern for privacy and is in line with Mr. Miller's comments. He stated that the revised landscape plan does not comply with the condition which prohibits ficus trees in the dripline of the oaks. The condition also requires that the ficus be installed to provide a 'clustered effect', rather than the row of ficus as proposed. He commented that the depth of the property allows the applicant to easily stagger the ficus and still provide the desired screening. He did not object to the proposed groundcover. It seemed to him that the applicant desired to create an effect along Chevy Chase that neither the Director nor the Commission desire. Commissioner Brown pointed out that the Decorative Fence Ordinance prohibits solid fencing within the front setback, which is what the proposed solid, straight row of ficus trees would confer.

Chairman Levine concurred, adding that if ficus trees cause the problems referenced by Commissioner Engler, he would support eliminating them entirely from the plan. Regarding the privacy issue, he noted that the size of the property, where the home is situated and the existing oaks more privacy than what most people enjoy. His preference was to follow the original landscape plan with the exception of the groundcover. He also requested a definite answer regarding the effects of decorative rocks at the base of trees.

Mr. Jennings advised that staggering the ficus along the front has never been a problem, but that he had "a big issue" with removing a ficus from the corner as it affords privacy for his front-yard pool.

Commissioner Mehranian remarked that she drives by the site daily and the pool area is not visible because of the property's higher elevation. She emphasized the importance of knowing where the applicant stood in terms of moving the ficus away from the oaks and staggering the ficus plantings along Chevy Chase.

Mr. Jennings commented that the pool area is in clear view from a pedestrian's viewpoint.

Chairman Levine asked if the Certificate of Occupancy could be issued pending resolution of the landscaping.

Director Stanley responded that when Staff discovered the pool relocation and non-permitted oak removal, Mr. Jennings was told that a C of O could be issued with the condition that cash security was deposited with the City. Mr. Jennings refused that option.

Commissioner Levine asked Mr. Jennings if he was now willing to make a security deposit in order to have a C of O issued.

Mr. Jennings responded that the Commission's determination at the last meeting, justified his opinion that the "\$50,000 cash demand was unreasonable and punitive".

Director Stanley commented that the City has required a cash deposit from applicants on countless projects in order to release a Certificate of Occupancy. Rather than being punitive, it is consistent with policy. Staff has found that otherwise, pending items tend to languish for an extended time.

Commissioner Brown confirmed that Staff did not have a problem with the proposed groundcover, given the arborist's positive statements. He stated that moving the ficus from under the tree canopies and clustering them shouldn't take long.

Director Stanley reported that he made it very clear to Mrs. Jennings at the site, that the ficus trees must be clustered and the one near the large oak in the corner had to be removed and replaced with three more oaks. Since Mrs. Jennings stated that would not happen. Director Stanley commented that if the landscape plan was going to be revised he preferred that it be brought before the Planning Commission or alternatively, revert to the original approved plan.

Mr. Jennings stated that the "rock" issue was not an issue for him; they are proposed because he was told they would protect the oaks; if that is not the case, he would remove them. He stated further that clustering the oaks along the front was not a problem and defined "front" as the area from the driveway to the north property line.

Commissioner Brown advised that the entire Chevy Chase frontage and the side of the front yard need to be clustered and staggered per the Director's approval.

Mr. Jennings stated that he understood and advised that the sole remaining issue was the Northeast corner. The oak is so large that the only way to protect its dripline would be to remove the ficus altogether. Because of privacy concerns, he felt something had to be planted in the area under the oak canopy; he suggested oleander.

Commissioner Brown commented that whatever he installs, it must be approved by the Director - another oak per Mr. Miller would suffice, even though it might not provide all the privacy which he desires.

Justine Adamack, representing the Jennings, reiterated the Commission's directive and asked if a Certificate of Compliance could be issued with a condition that her client could later return with a revised landscape plan.

Commissioner Brown responded that if her client submitted a plan that is satisfactory to the Director, the matter would be concluded. Thereafter, they could submit a revised plan for review at will.

**COMMENTS FROM
THE
COMMISSIONERS:**

Commissioner Mehranian noted that the mesh fence cover had not been removed from the La Bruna property.

Director Stanley advised that the applicant had filed an appeal to the City Council to allow the mesh to remain.

ADJOURNMENT:

M/S/C Mehranian/Engler to adjourn at 11:50 p.m.
Unanimous.