



**PLANNING COMMISSION STAFF REPORT**

February 9, 2016 Hearing

**Applicants:**

Emilio Verdugo  
4324 Grandview Blvd.  
Los Angeles, CA 90066

Michael Waters  
4686 E. Ontario Mills Pkwy.  
Ontario, CA 91764

**Property Owner:**

Wells Fargo Bank N.A.  
11601 Wilshire Blvd.  
Los Angeles, CA 90066

**Site Address:**

5546 Alta Canyonada Road

**Project Planner:**

Jo-Anne Parinas

**Case Types/Numbers:**

Hillside Development Permit 15-38 (Admin)

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- 1. Request:** The applicant requests a Hillside Development Permit to allow construction of a 5'-0" tall inward facing retaining wall on a hillside lot. The Setback Modification for the gate has been withdrawn and is no longer being requested.
  - 2. Location:** The property is located on the east side of Alta Canyonada Road, south of the Alta Canyonada Road terminus.
  - 3. Staff Recommendation:** Staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.
  - 4. General Plan/Zoning/Existing Land Use:** The General Plan Land Use Map designates the site Low Density Residential (up to 4 dwelling unit per acre). The site is zoned R-1-15,000 (Single Family Residential – 15,000 Square Foot Minimum Lot Size). The site is presently developed with a single-story residence.
  - 5. Environmental Impact Review:** Based on the review of the Initial Study Questionnaire and related materials, staff has determined that no significant environmental impacts would result from the project, which is exempt from the requirements of the California Environmental Quality Act (CEQA) under 2.5(c)(5)(accessory structures) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

**6. Previous Approvals:**

None.

**7. Pending and Potential Actions:**

Plan check submittal and issuance of building permits.

**8. Staff Analysis:**

A. Context: The project site is located east side of Alta Canyon Road, south of the Alta Canyon Road terminus where the public street ends and becomes a private drive enclosed with a chain-link gate. The 23,810-square foot lot is upslope from the street and continues to slope up toward the rear. The site is currently improved with a single-story house, profiled by the slope beyond to the rear.



B. Project Description: The proposal involves the construction of a 125'-0" long, 5'-0" tall (maximum height) inward facing retaining wall located along the northeast side of the property. The retaining wall is being constructed in order to stabilize the slope and prevent future erosion. The proposed retaining wall is an Administrative Level Hillside Development Permit application. The project is being reviewed by the Planning Commission because the project initially included a Setback Modification application for a driveway gate. The Setback Modification request was withdrawn after the public hearing notice was published and mailed out; staff does not want to delay the review of the project. The proposed inward-facing retaining wall is exempt from setback requirements. Section 11.11.050.E.10.c.i. of the La Canada Flintridge Municipal Code allows inward-facing retaining walls up to 5'-6" in height to be located within any required setbacks.

C: General Plan & Hillside Development:

**Issues**

Goal 4 of the General Plan Land Use Element pertains to Hillside Areas:

*Maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources.*

Supporting that goal is the primary neighborhood compatibility policy:

*Policy 4.1.2: Ensure that land divisions or new development in hillside areas do not alter the character of existing neighborhoods.*

This is further supported in the Hillside Development Ordinance, Section 11.15.020.a, which states that:

*Existing community character, as defined by such factors as visual appearance, density, road widths and vegetation shall be preserved and/or enhanced.*

Major hillside concerns include visible bulk (appearance), safety, conserving natural resources (landscaping), and neighborhood character.

The proposed inward facing retaining wall would contribute minimal visible bulk. The retaining wall is being constructed in order to stabilize the slope along the northeast side of the project site. In staff's opinion, the project would not have any negative impacts to the neighboring properties because it would not be visible from the adjacent lot to the east and would be distant from the adjacent neighbor to the south, while the area to the north of the project site is Angeles National Forest area. A condition of approval has been included in the draft resolution requiring the retaining wall to be finished with an earth-tone color subject to Director's approval. Thus, as conditioned, typical hillside development issues related to view impairment and intrusive massing are not evident. The project would not affect the existing residence and would not significantly disturb the site or neighboring view-sheds, and would not introduce unreasonable bulk or impact the character of the area, thus achieving consistency with the Hillside Ordinance and upholding the spirit of the City's General Plan.

## Findings

- 1. The project, through elements of architectural and landscape design, will uphold the policies of this chapter, and will be harmonious with the better aspects of the built and natural setting.**

As conditioned, the proposed retaining wall would be finished in an earth-tone color and would blend with the hillside. Staff supports the finding.

- 2. The project will maximize potential for sensitive use and effective preservation of open space.**

The project would be located within a developed portion of the lot. The site's open space would not be altered. The proposed retaining wall would stabilize the existing slope and prevent future erosion. Staff supports the finding.

- 3. The project will not be detrimental to the public health, safety, or general welfare.**

The project would obtain the necessary building permits and conform to building code standards, therefore, would not be detrimental to the public health, safety, or general welfare. Staff supports the finding.

- 4. The project will not adversely affect the orderly development of property within the City.**

The proposal is consistent with the character of the property and has not effect on density standards. Staff supports the finding.

- 5. The project will conform to the goals and policies set forth in the General Plan.**

The scope of the project is reasonable, as evidenced by basic consistency with other properties in the area, and the hillside setting would be retained, consistent with the direction of the City's General Plan. Staff supports the finding.

6. **The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public services.**

The project will not result in a change of use or intensification of development beyond those allowed in the General Plan and zoning codes. Therefore, it will not create a nuisance, hazard, or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public service. Staff supports the finding.

7. **There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of one or more of the provisions set forth in this chapter to permit project development.**

No code provisions are being exceeded. This finding is not required.

8. **Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics.**

The proposal will not present visibly excessive bulk from any vantage point. As conditioned, the retaining wall will blend with the hillside setting. Staff supports this finding.

9. **The project does not create an avoidable or unreasonable impairment of the view from any other property.**

The project does not create an avoidable or unreasonable impairment of the view from any other property. The project will contribute negligible visible bulk and would be minimally visible from offsite. Staff supports the finding.

9. **Recommendation:** Based on the above discussions, staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING HILLSIDE DEVELOPMENT PERMIT 15-38  
FOR A 5'-0" TALL RETAINING WALL  
AT 5546 ALTA CANYADA ROAD  
AS REQUESTED BY  
WELLS FARGO BANK**

**WHEREAS**, a request by Wells Fargo Bank has been received for a Hillside Development Permit to allow construction of a 5'-0" tall inward-facing retaining wall on a hillside lot, said request attached hereto and incorporated by reference; and

**WHEREAS**, after publication and posting of the request in the prescribed manner, the Planning Commission, on February 9, 2016, held a public hearing on the project; and

**WHEREAS**, the Planning Commission determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act (CEQA) under Class 2.5(c)(5)(accessory structures) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

**WHEREAS**, the Planning Commission has reviewed the facts contained in the staff report dated February 9, 2016 regarding the application for Hillside Development Permit and heard and considered the testimony of the applicant and the public; and of the Zoning Code.

Section 1.

**Hillside Development Permit Findings**

1. The project, through elements of architectural and landscape design, will uphold the policies of this chapter, and will be harmonious with the better aspects of the built and natural setting. As conditioned, the proposed retaining wall would be finished in an earth-tone color and would blend with the hillside.
2. The project will maximize potential for sensitive use and effective preservation of open space. The project would be located within a developed portion of the lot. The site's open space would not be altered. The proposed retaining wall would stabilize the existing slope and prevent future erosion.
3. The project will not be detrimental to the public health, safety, or general welfare. The project would obtain the necessary building permits and conform to building code standards, therefore, would not be detrimental to the public health, safety, or general welfare.

4. The project will not adversely affect the orderly development of property within the City. The proposal is consistent with the character of the property and has not effect on density standards.

5. The project will conform to the goals and policies set forth in the General Plan. The scope of the project is reasonable, as evidenced by basic consistency with other properties in the area, and the hillside setting would be retained, consistent with the direction of the City's General Plan.

6. The project will not result in a change of use or intensification of development beyond those allowed in the General Plan and zoning codes. Therefore, it will not create a nuisance, hazard, or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public service.

7. The proposal will not present visibly excessive bulk from any vantage point. As conditioned, the retaining wall will blend with the hillside setting.

8. The project does not create an avoidable or unreasonable impairment of the view from any other property. The project will contribute negligible visible bulk and would be minimally visible from offsite.

**NOW, THEREFORE,** Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Hillside Development Permit and related site work at 5546 Alta Canyon Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

**PASSED, APPROVED AND ADOPTED** this 9<sup>h</sup> day of February 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

**CONDITIONS OF APPROVAL  
HILLSIDE DEVELOPMENT PERMIT 15-38  
5546 Alta Canyon Drive**

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Hillside Development Permit 15-38.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the plans labeled Hillside Development Permit 15-38, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Department of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by Resolution of the City Council.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City,

even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this Hillside Development Permit and Modification. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Director of Community Development that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors, and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

12. The following Public Works Condition of approval shall be adhered to:

a. The plans shall indicate how run-off behind the proposed retaining wall would be discharged to the street prior to building permit final. Concentrated drainage to the street shall not be allowed.

b. The curb and gutter shall be connected in order to retain the sediment onsite.

13. Any work conducted on the public right-of-way requires an encroachment permit issued by the Public Works Department. There shall be no work conducted on the public right-of-way without an approved encroachment permit.

14. The retaining wall shall be finished with an earth-tone color in order to blend with the hillside. The proposed color and material shall be reviewed and approved by the Director of Community Development.

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