

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JANUARY 11, 2011**

- I. **CALL TO ORDER:** The meeting was called to order at 6:00 p.m.
- II. **ROLL:** Present were Chairman Cahill, Vice Chairman Curtis, Commissioners Davitt, Der Sarkissian, and Jain. Community Development Director Stanley, Senior Planner Buss, Planners Clarke and Gjolme, Assistant Planners Lang and Parinas.
- III. **PLEDGE OF ALLEGIANCE -** Vice Chairman Curtis lead the Pledge of Allegiance.
- VI. **COMMENTS FROM THE PUBLIC:** No comments were received from the public.
- V. **REORDERING OF THE AGENDA:** Items VIII B and VIII A were reordered before item VI.
- VI. **CONSENT CALENDAR:**
 - A. Minutes: May 11, 2010
 - B. Minutes: May 25, 2010
 - C. Minutes: June 22, 2010
 - D. Minutes: July 27, 2010
 - E. Minutes: October 12, 2010
 - F. Minutes: October 26, 2010
 - G. Minutes: November 23, 2010

Vice Chairman Curtis made a motion to approve minutes with corrections submitted by Commissioner Der Sarkissian and Vice Chairman Curtis; Commissioner Davitt seconded. Commissioners Der Sarkissian and Jain abstained from items A and B. A and B: 3-2-0; C-G: 5-0.

VII. CONTINUED PUBLIC HEARINGS

- A. **Hillside Development Permit 06-18/Second Floor Review 09-03; Barcus/Paredes; 3950 Robin Hill Road:** A request to allow construction of a new two-story 3,460 sq. ft. residence plus 67 sq. ft. of cantilevered area, and related site work on a 28, 686 sq. ft. vacant, hillside lot. The project also includes retaining walls of various heights up to a maximum of 10'-0". Staff

is recommending that the Planning Commission approve a Negative Declaration for this project.

Director Stanley thanked the neighbors that were present on 1/10/11 meeting. He reported that the main concerns expressed at the meeting were the size of the house and drainage. He reported that staff met with the Public Works Director Hitti to discuss possible solutions regarding drainage. Assistant Planner Lang will discuss the possible solutions in more detail. City Engineer Ying Kwan and Senior Engineer Nasser Shoushtarian will talk about site drainage and Public Works drainage improvements and the site's drainage issue history. Director Stanley added that the neighbors also had concerns about street lights; the requirement regarding street lights will be deleted. He informed the Commission that the catch basin upstream of the driveway complied with the Hillside Ordinance for the benefit of the neighbors.

Assistant Planner Lang presented the project in accordance to the staff report.

Director Stanley explained the photo analysis prepared by staff.

City Engineer Kwan introduced Senior Engineer Shoushtarian. He discussed the site drainage and public works drainage improvement history. He explained that beyond the cul-de-sac is a private driveway which had a drain that was prone to clogging and runoff issues. He discussed the Conditions of Approval for the project that Public Works is requiring.

Vice Chair Curtis asked if the project would improve the drainage onsite. He also asked what the hydrology report was based on.

Senior Engineer Shoushtarian clarified that the project will improve drainage because extensive drainage facilities are being proposed. There will be no drainage impacts on the downslope neighbors. He stated that the study is based on a 50-year bulk and burn.

Chairman Cahill asked where the 18" pipe ends.

Senior Engineer Shoushtarian answered that the 18" pipe ends at the back of 4020 Hampstead Road.

Chairman Cahill opened the public hearing.

Carlos Paredes, applicant/property owner, explained that he provided all the required materials necessary for review and has been working with staff. He purchased the property years ago in hopes of building his dream house.

Brad Barcus, architect, presented the rendering of the front elevation. He also showed the rear elevation which shows the wall with the proposed landscaping. He explained that the proposed color is not white. The proposed color will be tan in order to blend into the hillside. He stated that his client is prepared to comply with all the Conditions of Approval. The footings of the walls will be constructed with piles and the block wall will be built on a grade beam instead of digging up the entire slope in order to preserve the Oak trees and the hillside. Conventional footings will be used on the upper retaining wall.

Commissioner Davitt asked that if Mr. Barcus has spoken to the Arborist.

Mr. Barcus stated that they will consult with the arborist and show the arborist where the wall would be prior to the start of construction. He stated that they don't want to remove the trees' canopies and if necessary, they are prepared to move the proposed walls to accommodate the Oak trees.

Commissioner Der Sarkissian asked what building material and color are going to be used for the wall.

Mr. Barcus stated that the lower and upper walls will be block and stuccoed. He pointed out that there is a Condition of Approval regarding color and materials; they will comply with the Condition of Approval.

Commissioner Der Sarkissian asked if there was a drop on the lower level

Mr. Barcus stated that the stairs were not shown on the original plans.

Wes Lind, engineer, explained that the hydrology map includes 5.9 acres of offsite area, the area further south drains to the existing catch basin and drains down the hill. The larger area which goes to the north end of the subject property drains to Robin Hill Road and proceeds northerly to the catch basin; water is then carried easterly down the slope in the 18" pipe to the property below the subject property (10, 25, 50 year Q - 50 year bulk and burn was used to establish the capacity of the street). The Qs that were developed shows that the street can carry the capacity of a 50 year bulk and burn. The water spillage is fairly equal. If the drain of the private street were to plug up, the street would still have the capacity to carry the water. He videoed the storm drain pipe and found that it is in good condition and works well. The percolation test was conducted - 2,400 gallons for the well. There is no anticipation of problems for the areas down below. Other septic tanks will have a similar capacity. The project will improve the drainage on the site. It will not fix all the drainage problems for the neighbors down below, but will not negatively impact them either.

Mel Blaney, 4027 Hampstead Road, stated that the 18" pipe floods directly into his property. In 2005, drainage from the pipe caused \$10,000 worth of property damage. In

2007, drainage from the pipe caused \$5,000 worth of damages. He is concerned with massing of the home. The average slope is 60% and equals to a slope factor of 0.20. The proposed house is 225% in excess of the slope factor guideline. The project site slopes down to his house 63% and towers 80 feet over his property. He is opposed to the project and requests the Commission to review the project carefully.

Bill Waller, 4031 Hampstead, stated that 13 years ago a similar project was reviewed by the Planning Commission on the neighboring lot and the Planning Commission asked for a redesign to build a smaller house. The property owner of the project site knew that the lot would be hard to develop when they bought the lot. The hillside ordinance was written to preserve the hillside. The project is exactly what the hillside ordinance is trying to protect against. The lot violates the hillside ordinance guidelines by 235%. The house should be in compliance with the hillside ordinance. The fact that staff recommended a project that exceeds the hillside ordinance by 235% is unheard of. He read section 11.35.045 C of the Hillside Ordinance.

Anne Buettner, 4021 Hampstead Road, stated that the proposed house is a beautiful house. Her concern is related to the stability of the hill because it is very steep.

Deborah Johannes, 3955 Robin Hill Road, stated that when she bought her house she was assured that the house was built to the compaction standards but when the storm came the hillside did not hold. The hydrology report stated that the area is a "seismically induced hazard zone." She showed photographs of the damage to her property. She stated that it's not about the view; she is concerned about safety and protecting the community.

Joshua Smith, 4005 Hampstead Road, stated that he is disappointed with the project. The covenant in the Hillside Ordinance should be considered. The proposed house looks over his property.

Eugene Sekiguchi, 4041 Hampstead Road, stated that he was a foundation and soils engineer. He explained that Robin Hill Road is made with cuts, and below that is undisturbed dirt. The bedrock is fine but until you get down to the bedrock there is no stability. No one knows how deep the bedrock is. It is slippery between the bedrock and the soil above it. He would like assurance that the soil will hold for the safety of the neighbors below. Mr. Sekiguchi stated that dependence on the street for drainage does not solve anything. He urged Commissioners to ask the applicant to redesign the project to mitigate concerns.

John Hoffman, 4035 Robin Hill Road, stated that the biggest argument in favor of the City's incorporation is to prevent construction of large homes on steep slopes. The project is what the Hillside Ordinance was designed to prevent.

Eliot Hayes, 4019 Hampstead Road, agrees that the project violates hillside ordinance. He is not against building safe and attractive structures. He believes that the project would not be safe. What assurance does his family have? The personal risk involved is real. The lot has stayed vacant because it is unbuildable.

Mary Beth Rehman Dittu, 4145 Commonwealth Avenue, stated that she loves the community and would hate to see an ordinance disregarded.

Brad Barcus stated that he looked vary carefully at 4031 Robin Hill Road project in his research. That project was not comparable to the Paredes' lot. That project proposed a much larger and wider home; they didn't have the required parking, the building had a higher FAR, and the house was taller. He stated that 3,000 s.f. is a nice size home and is in keeping with the average in the neighborhood. The depth of the bedrock is included in the soils report that was prepared by a qualified geologist. The dry well is 70 feet deep because a part of that is fill. He stated that they are removing a large portion of soil behind the building and re-compacting as geologist the required. The house and walls would have footings that are tied into the bedrock. He stated that he has years of experience building hillside homes. The drainage will improve things even if the amount of water is not being reduced; the water will be "clean water." There are no faults on the lot. The lot will not slide off the hill. The hole for the footings will be drilled approximately 20 feet into the bedrock. The lot is neither a "spec lot" nor a "throw-away" lot.

Arnold Graham, attorney for the applicant, stated that in any kind of construction the information is relied upon the professionals. The hillside ordinance has been complied with. Staff has prepared an FAR analysis. The neighborhood will not benefit by having a 1,500 s.f. house on the project site. Building a 1500 s.f. house would not be economically feasible.

Chairman Cahill closed public hearing.

Commissioner Der Sarkissian asked about the cost of the dry well.

Mr. Lind replied the drywell would cost approximately \$12,000 to \$14,000.

Commissioner Der Sarkissian stated that there are 3 issues: size, geology, and water. The water issue is there and will not be solved. Would the issue be mitigated by adding more dry wells? In regards to geology, although the house will stay, the dirt will probably go down. This is an issue that should be addressed. The caissons would help stabilize the hill. Commissioner Der Sarkissian stated that he is troubled with the size of the house because the guidelines are being violated by a much higher number. The size of the house would not change anything except the appearance of the house from below the hill. It would not be worth building a 1,500 s.f. house on the lot. A compromise would have to be reached. He is concerned about the previous slides that have occurred in the neighborhood.

Commissioner Jain stated that the structural system will control and mitigate the problem. He is not comfortable with the size of the house as proposed and its view from the east side. He suggested breaking up the building along the master bedroom area and garage so that the house does not look as big. The house should be redesigned to reduce the size. He stated that a conventionally designed retaining wall would not be adequate.

Commissioner Curtis stated that he is satisfied with the location. Applicant did a great job in dropping the building below the street and preserving the trees. The landscaping was a good example on what we should be doing in the City. The house is distant from neighboring homes (80-100 feet away). He concurs with fellow Commissioner regarding the stability issue. If it is not on a hillside, the size of the proposal is consistent with the neighborhood. The challenge is the size: the findings would have to be met for approval. He would like to see the project redesigned.

Commissioner Davitt agrees with Commissioner Curtis that staff has been very helpful. In regards to drainage, the Planning Commission has to rely on the information presented by the professionals; the situation is going to improve but will not get fixed 100%. On a percentage basis, the house is substantially greater than the slope factor guideline. The slope factor guidelines are important. The house can be redesigned to be reduced in size. Since the view from the street is a first floor, it might help to move the house closer to the street. The bridging and retaining walls are a good thing. He stated that he would like to see the location and proposed colors of the retaining walls resolved.

Chairman Cahill stated that the lot is challenging. He thanked staff for the extensive review. He agreed with Commissioner Davitt that the Planning Commission has to rely on professionals who have knowledge. The Commission heard from the City Engineers and the applicant's engineers. Is this building going to make things worse or better? From the experts, it sounds like the building will make things better. The building is being proposed to be constructed the right way. 2 ½ times the slope factor guideline is a very dramatic number, however the slope factor guideline reduces the size that can be built on the lot by 20% which is the same that would be allowed on a 6,000 s.f. lot. Even though the numbers are big, the house doesn't seem like it would impose on the neighbors below it. His inclination is to approve the project, but would like the applicant to consider revisiting the design. He stated that holding the applicant to the slope factor guidelines is not reasonable.

Chairman Cahill summarized that the Planning Commission is asking the applicant to reduce the size and visibility of the house. The actual height and location of the retaining wall should also be addressed.

Mr. Barcus asked for a continuance to a date uncertain. He will work with staff to redesign the project.

Commissioner Davitt made a motion to continue the project to a date uncertain. Commissioner Der Sarkissian seconded; 5-0.

- B. Hillside Development Permit 10-38/Second Floor Review 10-26/Modification 10-26; Sheene; 5401 Palm Drive:** A request to allow construction of a new 5,005 sq. ft. split-level residence on a 17,340 sq. ft. lot. A Setback Modification is also requested to allow a new attached two-car garage to encroach 2'-6" into the required 10'-6" north side yard setback. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project.

Planner Gjolme presented the project in accordance to the staff report.

Chairman Cahill asked how big the Redwood tree is.

Planner Gjolme stated that the Redwood tree is approximately 30" in diameter and 90 feet tall.

Commissioner Curtis asked if it is going to be a fence or a wall on the north side.

Planner Gjolme clarified that as proposed on the plan, it would be a fence. The fence is compliant.

Commissioner Curtis stated that Condition #13 should be removed because sewer connection is available.

Chairman Cahill opened the public hearing

John Ulfeldt, 5415 Palm Drive, requested that a 6'-0" tall block wall with weep holes be installed along the property line for fire protection. He is happy with the improvements and likes the colors.

Mr. Sheene, designer, stated that the property owner will build the wall as requested by the neighbor.

Commissioner Jain asked if the deck can be lowered by one foot.

Mr. Sheene stated that it can be lowered up to two feet but he would have to consult with his client.

Planner Gjolme explained that the applicant and staff discussed lowering the deck.

Commissioners Curtis and Davitt stated that they are in support of the project.

Commissioner Der Sarkissian asked if it is possible to recess the side fence from the street since it is so visible.

Planner Gjolme stated that the fence would have a negligible visual effect.

Chairman Cahill stated that he is in support of the project and is ready to approve it.

Commissioner Der Sarkissian made a motion to approve the project with modified Conditions of Approval: added #28 to construct the wall prior to constructing residence the residence; remove condition #13. Commissioner Curtis seconded the motion; 5-0.

VIII. PUBLIC HEARINGS

A. Conditional Use Permit 463; Issakhanian/Manuelian; 823 Foothill Boulevard:

A request to amend the conditions of approval for an existing liquor store. Staff has determined that the project is exempt from CEQA as it will not have any significant effect on the environment.

Senior Planner Buss presented the project in accordance to the staff report.

Chairman Cahill opened the public hearing.

Kathy Sivov, property owner of 831 Foothill Boulevard, stated her concerns that the property owner of the project site blocked the driveway that was previously being shared by other businesses with bollards. Blocking the alley driveway ingress/egress is a safety hazard. She pointed out that the trash can on the project site has been over-flowing.

Senior Planner Buss stated that the Traffic Engineer did review Mrs. Sivov's concerns and wrote a letter in support.

Michael Issakhanian, property owner, explained that the alley is blocked but they do not intend on keeping the bollards up. The bollards are going to be removed. They have not removed the bollards because they are not operating yet and they are liable for anything that happens on the driveway.

Commissioner Davitt stated that he can make the findings for the CUP. He encouraged the neighbors to work out the problems with traffic.

Commissioner Der Sarkissian asked the applicant if he has any plans for remodeling.

Mr. Issakhanian stated that he plans on changing the façade.

Commissioner Der Sarkissian stated that when the item was reviewed by the City Council, the City Council hit the issues right on. The important thing is to maintain the store and improve the façade. The store should be more open. He believes that some of the Condition of Approval included in the draft resolution is not enforceable, specifically, the condition regarding trash. He proposes that the Commissioners impose what was discussed by the City Council regarding façade improvement.

Commissioner Jain agrees with fellow Commissioners.

Commissioner Curtis stated that the condition of approval regarding loitering is very useful. He concurs with Commissioner Der Sarkissian's comments regarding openness of the front façade.

Chairman Cahill concurs with his fellow Commissioners. He would like to make a recommendation to the Design Commission to take into account the design of the front façade and support a more open design.

Commissioner Curtis proposed to delete Condition of Approval #8.

Commissioner Der Sarkissian explained that the façade should be more visible, with a higher level of lighting. The store should be designed for maximum visibility from street traffic.

Director Stanley stated that there is a standard in the Downtown Village Specific Plan addressing active windows. He suggested tying the condition of approval to the Specific Plan.

Commissioner Curtis made a motion to approve the project with modified Conditions of Approval: removing #8 and adding #9 façade treatment with active windows in accordance with the specific plan, Commissioner Der Sarkissian seconded; 5-0.

- B. Hillside Development Permit 10-44/Second Floor Review 10-31/Modification 10-28; Paul/Vickery/Gross; 5545 Rock Castle Drive:** A request to construct a 382-square foot second-floor addition, 457-square foot second-floor volume space, and 447-square foot first floor addition to an existing single-story house on a 38,420 sq. ft. hillside lot. A Setback Modification is requested to allow a 13'-0" first floor north side setback encroachment, and a 4'-3" second floor north side setback encroachment. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

A request for continuance to a date uncertain was received from the applicant.

Commissioner Der Sarkissian asked what the reason was for the continuance.

Assistant Planner Parinas explained that the applicant is considering a possible redesign.

Commissioner Der Sarkissian motioned to continue the project to a date uncertain. Commissioner Jain seconded the motion; 5-0.

- C. Second Floor Review 10-34/Modification 10-27/Variance 10-08; Coane& Assoc/Pernecky; 4384 Chevy Chase Drive:** A request to allow 1st and 2nd-floor expansion totaling 2,500 sq. ft. to an existing two-story residence. A Setback Modification is necessary since existing substandard side setbacks at the 1st-floor level would be retained as part of the project. A Variance is also requested to retain 1st-floor angle-plane encroachments to the north and south. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project.

Chairman Cahill asked if anyone in the audience is present to speak about the project.

Since no one in the audience was present to speak about the project, Planning Commission asked that the staff report is deferred.

Chairman Cahill opened the public hearing.

Chairman Cahill closed the public hearing.

Commissioners Curtis, Davitt, Der Sarkissian, and Jain are all in support of the project as proposed.

Chairman Cahill is in support of the project.

Commissioner Davitt made a motion to approve the project, Commissioner Curtis seconded the motion; 5-0.

- D. Second Floor Review 08-05; Kang; 2051 Los Amigos Street:** A request to consider amending landscaping and balcony Conditions of Approval for Second Floor Review 08-05 for a new two-story house on a 26,491 sq. ft. site previously approved by the Planning Commission. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Clarke)

Planner Clarke presented the project in accordance to the staff report.

Commissioner Cahill opened the public hearing.

Ellen Dipprey, 2053 Los Amigos Street, stated that the staff report addressed her concerns adequately: 4-foot wide landscape strip. She added that the required shrubs and trees would have to be a substantial height in order to provide privacy. She is concerned with massing.

Duane Dipprey, 2053 Los Amigos Street, said that the existing oleanders and eucalyptus trees provide screening. The existing oleanders and trees should be left there while they are building, before they re-do the landscaping.

Richard Gueglielmino, 2055 Los Amigos Street, urged the Planning Commission to expand the landscape area as recommended by staff and change the planting to a faster growing species. He would like the Planning Commission to consider a retaining wall to raise the planting and screening.

Paul Oh, applicant, stated that he does not mind moving the house to accommodate screening. He pointed out that the rear and front balconies do not have views of the side.

Commissioner Cahill closed the public hearing.

Commissioner Davitt stated that he would like see an increase to the northern landscape area to 4'-0", a retaining wall to increase the landscape area, and for the oleanders to be retaining during construction. The balcony looking south is okay, but is unsure with the other balcony.

Commissioner Der Sarkissian observed that a fire truck would not be able to get on the driveway from the street. He asked why the oleanders are coming out and how much the house would have to be moved to the south in order to save the oleanders. The oleanders are providing privacy screening. He would support moving the house to the south and front to save the oleanders. He does not believe the balcony would impose on the neighbor's privacy.

Commissioner Jain stated that the balconies are not creating a negative impact. He can support the project.

Commissioner Curtis concurred with his fellow Commissioners. He is okay with the balconies. He asked if the retention of the oleanders would have to be added in the Conditions of Approval. He would like to leave the condition of approval regarding the windows as is. He is in support of the change.

Commissioner Cahill concurred with fellow commissioners. He proposed that the oleanders be kept. If the oleanders would have to be removed a landscape plan should be submitted and approved by the Director of Community Development. The proposed plantings should be eliminated.

Commissioner Curtis motioned to approve the project with modified conditions to maintain the oleanders and the planter area as approved by the Director of Community Development prior to building permit final. Chairman Cahill seconded the motion; 5-0.

IX. OTHER BUSINESS

- A.** A request by the Mayor for a Planning Commission volunteer to potentially serve on a committee to consider establishing a Mills Act (historic preservation) program in the city.

Planner Clarke explained that the request was initially brought up by a property owner. He explained the details regarding the Mills Act and the concerns of the City Council.

Commissioner Der Sarkissian asked about the frequency of the meetings.

Planner Clarke clarified that there would be a total of 4 meeting until March.

Commissioner Der Sarkissian volunteered.

Commissioner Curtis volunteered to be the alternate.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Davitt stated that on Oceanview Boulevard at the 210 freeway big trucks are parked on the bridge. It is a hazard because you can't see when you are going to turn.

Director Stanley stated that he will notify Cal Trans to see if there is anything that can be done. If it is legal to park there, the City can not do anything about it.

XI. COMMENTS FROM THE DIRECTOR

The Director had no comments.

XII. ADJOURNMENT: The meeting was adjourned at 10:55 p.m.