

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON JULY 23, 2013**

- I. **CALL TO ORDER:** Chairman Gunter called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Vice Chairman Jain, Commissioners Der Sarkissian, McConnell and Walker, Director of Community Development Stanley, Senior Planner Buss, Planners Gjolme and Clarke and Assistant Planner Harris.
- III. **PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. **COMMENTS FROM THE PUBLIC:** There were no comments.
- V. **REORDERING OF THE AGENDA:** The items were re-ordered as follows: 8.C, 8.A, 8.D, 8.B, 7.A. Item 8.C was moved to the front of the agenda since the applicant and an adjacent neighbor had formally requested a continuance.
- VI. **CONSENT CALENDAR**
  - A. **Resolution of Denial:** Zone Change 13-04 (Fortunetellers) M/S/C Walker/Der Sarkissian to approve the resolution as submitted. Unanimous 5-0.
  - B. **Minutes:** June 11, 2013 M/S/C Walker/Der Sarkissian to approve the minutes as submitted. 4-0-1. Abstain – Commissioner Gunter.
- VII. **CONTINUED PUBLIC HEARINGS**
  - A. **Hillside Development Permit 12-24/Variance 12-01/Second Floor Review 12-08 (Dir)/Director's Miscellaneous Review 12-17 (SB)/Categorical Exemption; Eissa; 787 Greenridge Drive:** Request to legalize retaining walls (15'-0" maximum height) in the rear yard, additions at the first (447 sq. ft.) and second-floor (148 sq. ft.) level, a new sport court, back-yard restroom, remodeled pool and various other site improvements, including 42" walls in the front yard. A Variance is also required because the additional floor area exceeds the allowable floor area for the lot, the sport court encroaches into the side-setback requirement and is placed on fill, and the second floor addition encroaches into the required angle plane. The maximum allowed floor area for the subject parcel is 4,665 sq. ft. and the total floor area proposed would be 6,222 S.F. (inclusive of existing volume space, covered porch areas and the restroom by the pool). A Director's Second-Floor Review is required because some of the additional area is at the second-floor level. A Director's Miscellaneous Review (Setback) is required since the additional first-floor area encroaches 6" into the west side-yard setback requirement and the additional second-floor area encroaches 8'-6" into the east side-yard second-floor setback requirement but in no case is closer than the existing house. Additionally, the replaced pool equipment encroaches into the west side-yard setback requirement. Staff is recommending adoption of a Categorical Exemption. (Assistant Planner Harris)

Assistant Planner Harris gave an overview of the request which has been before the Commission before and showed the original Power Point slides in case there were any site specific questions about the request. She noted that the Planning Commission had requested technical reports pertaining to drainage, engineering, hydrology, etc. which had yet to be adequately provided. Given the time that has elapsed, the project was brought forward and denial was recommended.

Commissioner Der Sarkissian asked for more information about the extent of technical information that had been provided to this point.

Mrs. Harris responded that the some of the reports to this point were speculative and regarded as inadequate by Nader Samaan, the City's chief plan checker. Destructive testing and X-rays of the walls in question were not performed to determine their structural adequacy. Pre and post-project hydrology reports were not prepared. Structural calculations were incomplete and assumptions were made. Then higher bearing capacity of the soil behind the main wall was not supported by soils report. In short, necessary 'forensics' had not been provided to staff.

Chairman Gunter stated that it seemed some items turned in were determined to be inadequate and some were just not turned in at all. He asked Mrs. Harris to further clarify which documents were inadequate and which had not been submitted.

Assistant Planner Harris responded that the justification statements for the Variance, Second-floor Review and Hillside Development Permit were not submitted. Forensic analysis had not been done. The hydrology, geology and drainage reports were inadequate. A post drainage report, in particular, was requested and never received.

Commissioner Der Sarkissian questioned the need for a pre-construction drainage report. The walls have been built and the drainage patterns have changed. He believed only a post-construction drainage report was relevant at this time.

Director Stanley responded that a pre-drainage plan/report would show percolation rates and sheet flows prior to construction. The post-construction report would show changes to the pre-existing patterns and allow for an evaluation of potential adverse impacts that had resulted from the construction.

Commissioner McConnell asked why the item was before the Commission at this point; prior to completion of the required reports and studies.

Director Stanley responded that the project has already been delayed several times and has been on-going for several years. Final resolution is needed at this time.

Commissioner Der Sarkissian asked about the future implications and potential undue consequences of denying the project at this time.

Director Stanley noted that basically two options would be available if the project was denied tonight; deconstruction and reversion to the property's prior condition or an appeal of the denial action to the City Council.

Assistant City Atty. Guerra stated that the item could be turned over to code enforcement and ultimately the City Prosecutor if not resolved.

Director Stanley outlined the basic code enforcement process for the benefit of the Planning Commission.

Chairman Gunter noted that a denial today basically forces involuntary compliance.

Mr. Guerra commented that the focus tonight is the Hillside Development Permit, Second-floor Review, Director's Misc. Review and Variance and the findings associated therewith, which must be substantiated in order to approve the request.

Chairman Gunter agreed completely and noted that the information required to substantiate those findings has yet to be provided. Thus the denial recommendation was formulated at this point.

Commissioner Der Sarkissian felt a denial was somewhat illogical since it would essentially render a new project and de-novo hearing at some point in the future.

Shaker Eissa – homeowner - explained the timeline of his various submittals. He submitted everything requested but did not hear back from staff in a timely fashion. He noted personal problems that precluded meeting the last 2-week deadline set by staff.

Commissioner Der Sarkissian confirmed that Mr. Eissa was up to speed with and understood the deficiencies in the reports. He asked how much time would be needed to fully prepare the required technical information.

Mr. Eissa responded 2 months or so.

Commissioner Der Sarkissian confirmed that a soils, structural and civil engineer for drainage were involved at this point.

Chairman Gunter stated that the applicant turned in items in February and did not get a response from staff until May. However, since May, it did not appear as if anything had been done. In two more months, 100% of the information will supposedly be provided. He confirmed and reiterated that Mr. Eissa knew what was being requested of him.

Sassan Salehipour – project Engineer – was approached by the owner after the improvements were completed. He stated his profession as a civil and geotechnical engineer. He completed a forensic drainage review of the yard and walls, but noted that only two test pits were dug since the property is largely developed. His presumption was that the wall footings are within bedrock – quartz pyrite to be specific. He noted that hydrology studies are usually done on much larger properties and felt that such a study was not really pertinent on a smaller lot of this size. He could have addressed pre and post drainage if he had been involved with the project from the beginning. He explained that small tributary areas are defined in his report but are incidental in relation to the lot as a whole. He recommended rebar verification and a concrete compression test at this point but warned against deconstruction to confirm the main wall's footing size.

Commissioner McConnell asked how long it would take to complete the rebar verification and compression tests.

Mr. Salehipour responded about 2-3 weeks.

Commissioner Walker questioned the need for a hydrology report when a drainage report and plan seemed to suffice.

Director Stanley explained that a hydrology report had been requested by Mr. Samaan.

Commissioner Der Sarkissian confirmed that Mr. Salehipour was aware of Mr. Samaan's comments and their potential implications.

Mr. Salehipour responded that he had discussed the situation with Nader but still felt that some of his comments were 'irrelevant' and needed further clarification. He recommended 3-4 months to finish all the outstanding work needed.

Chairman Gunter confirmed that the construction did not unduly divert water from the site to neighboring properties.

Mr. Salehipour stated that most water not absorbed onsite is finding its way to the street, not to adjacent lots.

Arnold Graham – resident of area and familiar with project – stated that this was an illegal project from the get go and the applicant is again asking for time for something that should not have been done from the get go. He felt the Commission was being manipulated and that it was naive and irresponsible to even entertain the request. He stated that surface drainage has nothing to do with subsurface water behind the wall, which could lead to future failure. There is a liability to the home owners association if the wall fails. Nothing has been done in months and there is simply no justification for another continuance of the matter.

Erik Ek – 781 Greenridge Drive – stated he is very disappointed with the process. A 15' tall wall at the back of the lot is excessive. He had no idea about the depth of the wall's footings or the stability of the wall and was very concerned about its structural integrity. He wasn't sure what the best course of action was; approve, deny or continue. Mr. Ek relayed his strong desire and hope for a final solution to the matter one way or another.

Commissioner Walker noted a previous letter from Mr. Ek that stated the last thing he wanted was deconstruction of the house additions given the disruption from the original construction. His main issue was the safety of the sport court and wall as currently built.

Richard Elmassian – 720 Forest Green; 2<sup>nd</sup> oldest resident of the area – explained that the neighbors were not against Mr. Eissa, but were simply here to do the right thing. He was also concerned with safety and hoped for assurances that the wall would not fail during the rainy season. A 90-day time limitation to prepare the remaining documents seemed reasonable at this point. He concluded that the Mr. Eissa needs to do everything to satisfy the requirements of the City.

Brian Palmer – 756 Greenridge; representing the homeowners association – felt Mr. Eissa had done a great job with screening the project. His main concern is the structural integrity of the walls since we 'just don't know what's down there'.

Chairman Gunter asked if Mr. Eissa has been coordinating with the HOA as requested.

Mr. Palmer stated that Mr. Eissa has been responsive to a degree, but he could not comment on the adequacy of the plans and reports at this point.

Chairman Gunter closed the public hearing.

Commissioner Walker believed that the project should not be considered in its entirety at this point. Breaking up the various elements and respective entitlements seemed to make the most sense from a procedural point of view. She felt that the wall would need to be deconstructed in part to verify its adequacy, but noted that the house is completed and the neighbors do not seem to have a problem with it. She acknowledged that the timing and communication working with the City had been difficult. 2-3 months of additional time was a better option at this point than code enforcement.

Commissioner Der Sarkissian substantially agreed with Mrs. Walker. The applicant is guilty and should not have done this, but that ship has sailed. Mr. Samaan may be concerned with bigger picture – sheet flow from the hill to the rear – thus his desire to see a hydrology report. He was hopeful that a compromise could be reached on the hydrology issues. Forensics for the wall is definitely needed. Although costly and destructive this has to be done to confirm the integrity of the wall. He noted the grim possibility of having to reconstruct the entire wall. He too wanted to resolve the situation once and for all for the benefit of the owner, HOA, etc. He felt that the owner needed an agent to complete the findings.

Commissioner McConnell stated he had no history with the project or plans to review at this point. He needed more background information to assess things, and agreed that the project should be broken up and acted upon in phases. He didn't have an issue with the house expansion based on what the neighbors have said. He was concerned that 90 days may not be sufficient time to fully resolve all the issues. It is difficult to establish a timeline with the uncertainties. He was in support of a continuance for possibly up to 120 days in order to give the applicant one last chance.

Chairman Gunter was very concerned with the project but believed that the applicant was acting in bad faith. He appreciated business and family responsibilities, but stated that does not give someone a free pass on City codes, rules, etc. He outlined the high threshold for granting a Variance, which he did not believe was possible for the project. The homeowner has continued to demonstrate an unwillingness to play by the rules. He did not feel that another 90 days will make a difference since not enough has happened to this point. A denial action, however, put the onus on the applicant to get things completed once and for all. Enough is enough. His strong recommendation was to move forward with a denial which would force the applicant to remediate the situation.

Commissioner Der Sarkissian disagreed with Mr. Gunter since the City moved things along slowly as well. All a denial would do is force a re-filing fee. Required forensic work will be quite expensive and is a severe enough penalty. He continued to support a continuance.

Commissioner McConnell suggested a compromise - if plans are not submitted by a certain date, then the project is immediately returned for denial.

M/S/C Der Sarkissian/McConnell to continue the item for 3 months to a date certain of October 22, 2013 with expedited review by Building/Safety to ensure the adequacy of the required documents. Approved 3-1. No – Chairman Gunter.

## VIII. PUBLIC HEARINGS:

- A. **Telecommunications Permit 13-02/Categorical Exemption; Synergy for T-Mobile West, LLC/Southern California Edison; So Cal Edison Right-of-Way near 5850 Angeles Crest Highway:** Request to add a dish antenna to an existing cellular antenna set mounted on a Southern California Edison power transmission tower. Staff is recommending adoption of a Categorical Exemption. (Senior Planner Buss)

Chairman Gunter confirmed that a full staff report was not necessary.

The Commission had no questions.

Senior Planner Buss briefly reviewed the project, which involved the addition of a dish antenna to the existing array on the Edison ROW. There were no issues given the limited scope of the project.

Jesse Gilholm – applicant for Synergy – stated that the request was straightforward and was available to answer any questions the Commission might have.

The Commission had no questions and further discussion did not occur.

M/S/C McConnell/Walker to approve the request as submitted. Unanimous 5-0.

- B. **Minor Conditional Use Permit 441 (Amendment)/Categorical Exemption; Urban Army/Diet For Health/Vons Companies, Inc.; 637-A & 643 Foothill Boulevard:** Request to add a diet counseling/tutoring component to an existing Pilates studio use in an existing building in the Mixed Use 1 zone of the Downtown Village Specific Plan. Staff is recommending adoption of a Categorical Exemption. (Assistant Planner Harris)

Commissioner Jain excused himself from this item and the next item due to the proximity of his property and a conflict of interest.

A staff report was not requested and the Commission had no questions for staff.

Applicant Jennifer Rubendall spoke about the business and was available for any questions.

Chairman Gunter closed the public hearing.

Commissioner Walker commented that she was sensitive to zoning and retail uses in the DVSP. Since this property was not a retail use to begin with, she had no problem with it. However, losing an existing retail space for a non-retail use would be an issue for her.

Chairman Gunter shared the concern, but noted that Pilates is a use that often complements surrounding retail uses.

M/S/C McConnell/Walker to approve the project as submitted. Unanimous 4-0.

- C. **Second Floor Review 13-07/Categorical Exemption; Chun; 425 Woodfield Road:** Request to allow construction of a 7,800 sq. ft. 2-story residence on a 31,183 sq. ft. lot. The project complies with all floor area, setback and height limits for the subject lot. Staff is recommending adoption of a Categorical Exemption. (Planner Gjolme)

Chairman Gunter confirmed that no one in the audience was in attendance for the case.

M/S/C Jain/Walker to continue the request to the 9/10/2013 PC meeting at the request of the applicant. Unanimous 5-0.

- D. **Conditional Use Permit 489/Categorical Exemption; Pride/Chindris; 902 Flintridge Avenue:** Request to construct a new swimming pool and spa in the front yard of an existing house. Staff is recommending adoption of a Categorical Exemption. (Planner Clarke)

Planner Clarke gave an overview of the request for a front yard swimming pool. The project was code compliant but a CUP was required given the location of the pool between the house and street. The house under construction is a permitted project and not before the Planning Commission for review. The pool has ample setbacks and could not realistically be located behind the house. Project approval was recommended.

Commissioner Walker asked if the existing fencing around the property satisfied the pool fencing requirement.

Planner Clarke responded that it may need to be upgraded in places since there are gaps.

Jon Pride – landscape designer – stated that the remodel of the house lent to the location of pool. Only location with any sun is the proposed location for the pool. A small cut will expose a portion of pool wall at the corner. Grade will be restored to cover it and lower exposed wall height. The owner has already planted hedging along the outside of the perimeter fence. He stated that one branch of an oak tree approx. 4 feet of the ground was removed after arborist review and endorsement was obtained.

Commissioner Der Sarkissian noted a grade change along the pool's location that would result in an exposed wall. He stated that a 5-foot tall pool wall 8" thick will not work. The wall will be thicker and larger to accommodate the pool and it will be closer to the property line and fence than what is shown on the plans. He thought that widening the pool could increase separation

at the corner, where the pool as proposed was very close to the fence and driveway. A slight reconfiguring would allow for additional setback and screening.

Commissioner Jain stated that a raised pool and deck would preclude creation of a berm to lower visible wall height as seen from the driveway. The pool and deck are right at the edge of fence. A fence atop the pool wall will be needed for safety.

Mr. Pride responded that the existing perimeter fence satisfies the pool safety fencing requirement. There is no deck proposed at the corner. He was not sure what Commissioner Jain was referring to.

Commissioner Jain noted that a 12" limb had been removed and it appeared to be more than 25% of the tree's gross canopy. Absent removal of the limbs, the pool's location would not work. He felt the trees were trimmed to accommodate the pool.

Mr. Pride explained that the screening will grow quickly and no fencing is proposed atop the coping. The desire for privacy was shared by the neighbors as well as the property owner. The trimmed trees could be monitored for 1-2 years if there was a concern over their future vitality. He submitted an arborist report that endorsed the trimming as proposed and completed.

Director Stanley noted that the proposed trimming was reviewed prior to occurring and was confirmed to be compliant at the time.

Commissioner McConnell asked about pool elevations as referenced by Commission Jain and a concern from a neighbor.

Commissioner McConnell stated he could easily hop the fence and enter the pool.

Mr. Pride responded that that could be said of numerous pools throughout the City that are served by 5' safety fences.

Chairman Gunter inquired about the side setback requirement for the lot.

Planner Clarke responded that the side yard requirement for a pool is 5 feet, which is satisfied by the proposal.

Dick Ratliff – neighbor – stated that he built the house next door. The pool definitely needs to be screened. He felt that any raised vantage point around the perimeter of the pool will lead to undue exposure and potential privacy concerns.

Commissioner McConnell preferred to have elevation to better understand what is proposed prior to taking action.

Commissioner Jain felt an increased 7-foot side setback would work better. He also desired to see a section and elevation prior to voting on the request.

Commissioner Der Sarkissian had no problem with the pool in general. He felt it needed to be reconfigured slightly to work better with the lot. He was amenable to a continuance as well.



Commissioner Walker visited the site and was concerned with the pool's exposed corner. She liked the existing fence very much but felt it did not do much to buffer the pool, although the next house is amply separated by the driveway. She confirmed that the entirety of the pool was located outside of the required front setback for the property.

Commissioner Der Sarkissian expressed the need for properly dimensioned plans.

Chairman Gunter stated that the lot was unique and that he had no problem with a pool in this location. He felt more information was needed to fully understand the scope of project since the grade change was a serious concern. The coping as proposed will be at the height of the fence pilaster and could be problematic. A plan with better grades and dimensions was needed at this point.

Commissioner Walker questioned if the Commission would be amenable to the project at this time if the setback was increased by 2 feet.

The Commission was not comfortable with just an increase to the setback and reaffirmed the need for more information.

Director Stanley stated that revised plans would be needed by mid-August to ensure a continuance to the September 10, 2013 meeting.

M/S/C Der Sarkissian/Jain to continue the project to a date certain of 9/10/2013. Unanimous 5-0.

- IX. OTHER BUSINESS:** There was no other business.
- X. REPORT OF DIRECTOR'S REVIEWS:** There were none.
- XI. COMMENTS FROM THE COMMISSIONERS:** There were none.
- XII. COMMENTS FROM THE DIRECTOR:** Director Stanley informed the Commission that the Call up Ordinance would be reviewed by the City Council at the August 5, 2013 meeting and that the new tree ordinance would be effective on July 31, 2013.
- XIII. ADJOURNMENT:** The meeting was adjourned at 8:46 p.m.