

**MINUTES OF THE REGULAR MEETING OF  
THE PLANNING COMMISSION OF  
THE CITY OF LA MIRADA**

**April 19, 2018**

**CALL TO ORDER**                      The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chairman Lee Olsen in Council Chambers at City Hall, 13700 La Mirada Boulevard, La Mirada, California.

**PLEDGE OF ALLEGIANCE**        The Pledge of Allegiance was recited.

**ROLL CALL**                      Present:        Chairman Lee Olsen  
   Vice Chairman Scott Anderson  
   Commissioner Michael Saenz  
   Commissioner Steve Soto

   Absent:        Commissioner Keith Chung

   Staff:         Gabriel Bautista, Community Development Director  
   Eric Garcia, Associate Planner  
   D. Craig Fox, City Attorney  
   Arturo Cervantes, Administrative Analyst II  
   Norma Stein, Secretary

**APPROVAL OF MINUTES**

**1.        MINUTES OF THE REGULAR MEETING OF MARCH 15, 2018**

**Vice Chairman Anderson moved, and Commissioner Saenz seconded to approve the minutes of the March 15, 2018 Planning Commission meeting.**

**MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:**

**AYES:        Chairman Olsen, Vice Chairman Anderson, Commissioner Saenz,  
   Commissioner Soto**

**NOES:        None**

**ABSENT:     Commissioner Chung**

**ABSTAIN:    None**

**PUBLIC HEARING**

**2.        CERTIFICATE OF COMPATIBILITY NO. 60:**

Administrative Analyst II Arturo Cervantes provided a brief review of the staff report via

a PowerPoint presentation. Mr. Cervantes stated that Ms. Susan Martinez ("Applicant") submitted an application for a Certificate of Compatibility to develop a new, one-story, 4,590 square foot single-family residence with an attached 733 square foot, three-car garage (the "Project") at 15406 Olive Branch Drive, within the Single-Family Residential (R-1-15,000) Zoning District.

Mr. Cervantes mentioned that the Certificate of Compatibility Application process is intended to provide a means to review and ensure that the design, scale and mass of any new structures maintain harmony, compatibility, and sensitivity to the existing architecture, character, and mass of existing structures within the surrounding neighborhood.

Mr. Cervantes reviewed the zoning map to show the location of the proposed project. He stated that the project is in an area surrounded by residential zones. He also stated that the homes in the surrounding area are larger in size, with most parcels averaging over 15,000 square feet each.

Mr. Cervantes mentioned that the 23,086 square foot parcel is located on the southeast corner of Ocaso Avenue and Olive Branch Drive and with an average width of 132.5 linear feet and a depth of 207 linear feet. He added that the subject site is currently developed with a 2,212 square foot two-story home with an attached garage. He also mentioned that the existing residence was built in 1972 with three bedrooms, three bathrooms, den, living room, and dining room with no additions. Mr. Cervantes added that the abutting properties are currently developed with single-family homes.

Mr. Cervantes stated that the Applicant proposes to replace the existing two-story home with a one-story, single-family residence with an attached three-car garage. He added that the main residence will have a total of 4,590 square feet of livable area and a height of approximately twenty-two feet. He also stated that the home will retain the sites contours and existing retaining walls.

Mr. Cervantes mentioned that the newly proposed home will consist of six bedrooms, eight bathrooms, an office, a 173 square foot family room, and an 884 square foot living room. He added that a 737 square foot porch will span the front of the home, which will be connected to two opposed curved stairways and that the proposed 733 square foot attached garage will be located toward the rear of the home.

Mr. Cervantes stated that the residence will be constructed using stucco finish, a standing seam metal roof, and decorative wrought-iron elements around the entry way and stairs. Finishes and colors shall consist of neutral, earth-tone colors with complementary accents. He also mentioned that an open porch, connected by two opposed curved stairways, will span the front side of the home leading to the main entry. The height of the building will be approximately twenty-two feet.

Mr. Cervantes mentioned that the proposed residence will have a front yard setback of approximately 70 feet, a rear yard setback of 37 feet and interior side yard setbacks of at least 10 feet. He stated that the Project will not exceed the maximum permitted lot coverage of 40% or the maximum permitted floor-area ratio of 0.55.

Mr. Cervantes stated that site improvements will include the removal of all chain link fencing along the perimeter of the site and the relocation of a utility meter adjacent to the right-of-way.

Mr. Cervantes stated that the applicant will be required to obtain the necessary approvals and permits from the Los Angeles County, Department of Public Works Building and Safety Division, and Fire Department, as well as other agency as may be required, prior to development of the site. He also stated that in addition, the applicant will need to comply with the State of California Model Water Efficient Landscape Ordinance (MWELO), which requires the subject site to utilize drought tolerant landscape materials with automatic, permanent irrigation.

Mr. Cervantes mentioned that any work in the public right-of-way, such as the installation of a new driveway apron, shall be reviewed and approved by the City of La Mirada's Public Works Department prior to such work taking place.

Mr. Cervantes mentioned that the Project, as conditioned, complies with the development standards of the City's Zoning District in which it is to be located, and is consistent with the General Plan's Low Density Residential land use designation. He added that the Project is permitted within the Single-family (R-1) Zoning District, subject to the approval of a Certificate of Compatibility and that the Project is consistent with the City's Housing goals and policies aimed to preserve the character and quality of the City's neighborhoods.

Mr. Cervantes stated that the proposed Project, as conditioned, complies with the minimum setback requirements, parcel size and width. He added that the proposed Project is consistent with the goals of the General Plan Land Use Element, Policy 1.4, which states the City should establish, maintain, and enforce standards that regulate property use in a manner that protects the public's health, safety, comfort, convenience, and welfare.

Mr. Cervantes mentioned that the proposed Project, as conditioned, will not be economically or aesthetically detrimental to existing or previously approved uses or structures within the surrounding area and that the site will be developed in harmony with the surrounding residential homes and community. He added that the proposed Project has no potential to erode, the established surrounding neighborhoods as the proposed Project is in proportion to the mass, scale and design of the existing residential properties in the neighborhood.

Mr. Cervantes stated that the Project is aesthetically compatible with the existing uses and structures within the neighborhood and that the characteristics of the neighborhood allow for a unique mix of architectural styles with large living areas and ornate entry ways. He added that as part of the development, the applicant will install new or upgrade utilities to accommodate the Project.

Mr. Cervantes briefly reviewed previous approvals of similar projects on adjacent properties within the same neighborhood.

Mr. Cervantes mentioned that the Project will be required to comply with the regulations, policies, and standards of all required agencies, including, but not limited to, Building & Safety, Fire Department, Public Safety, and Public Works.

Mr. Cervantes mentioned that upon review and consideration of the application and plans, staff has determined that the proposed Project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332.

Mr. Cervantes explained that as part of the public hearing process, all property owners within a 300-foot radius of the subject site were notified of the project and that no comments had been received.

Mr. Cervantes concluded by recommending that the Planning Commission conduct a public hearing, adopt the Categorical Exemption, and adopt Resolution No. P-03-18 recommending that the City Council approve Certificate of Compatibility No. 60 to develop a one-story, single-family residence with an attached three car garage at 15406 Olive Branch Drive, within the Single-Family Residential (R-1-15,000) Zoning District.

Chairman Olsen opened the public hearing and asked if anyone wished to speak in support of the matter.

Daniel Veltkamp, a resident, addressed the commission and expressed that he has been to several Planning Commission meetings to speak on the remodel of properties in his neighborhood which includes the project site. Mr. Veltkamp mentioned that he lived two blocks away from the current subject site. Mr. Veltkamp stated he is in support of the project and express that he encourages the Applicant regarding the subject site. He expressed that he looks forward to the new upgrades and knows it will improve the neighborhood. Mr. Veltkamp express and requested that the Applicant use current building practices and keep up with the appearances. He also addressed and asked the commission if they could expedite the project. Mr. Veltkamp expressed his concern that the project adjacent to the subject site has been inactive for 6 years and is still unfinished. Mr. Veltkamp encouraged Commissioners and City Council to drive by and look at the property. Mr. Veltkamp mentioned he would like the appropriate members to encourage the owner of that site to expedite completion of the unfinished project. Mr. Veltkamp stated that the property owner has ignore all the cities laws on

finishing the project. He also mentioned that the past rain storms brought down the existing wall in the rear of the property and that the walls are still in the footings stage and has been for over 2 years. Mr. Veltkamp express that he is concerned that the unfinished project is an eye sore and has concerns of losing property value within the neighborhood. He also expressed that as a community we need to expedite the unfinished project.

Commissioner Soto asked Mr. Veltkamp for the address was of the unfinished project that he was referring to.

Mr. Veltkamp respond that the address was 12934 Ocaso Avenue.

Jim Bessler, a resident, addressed the commission and expressed that he is also concerned about the property at 12934 Ocaso Avenue. He also expressed and suggested that City staff give a time limit regarding residents involved with approved upgrading projects. Mr. Bessler explained that the property has had opened wall footing, rebars that have been rained on for 3 ½ years and that the footings have been poured in sections instead of one continuous pour. He also stated that Channel 4 news came out to do a story on the unfinished project. Mr. Bessler stated that he lives directly across the street from the property which has been an eye sore for him and the City for 3 ½ years. Mr. Bessler expressed that he feels like the owner of the property is slowly progressing the project like a hobby and it is discouraging him against the city.

Mr. Henry Martinez, spouse of the applicant, explained that he has lived at the subject property for 31 years and that he will do his best to expedite the project. He also mentioned that him and his wife have been saving up for year to start the project and will follow the rules of the project.

Chairman Olsen asked if anyone wished to speak in opposition to the item.

No member of the public spoke.

Chairman Olsen closed the public hearing and opened the item for discussion

Chairman Olsen asked about parking provisions, he wanted to know if it was based on the single-family home or if it was related to the number of bedroom or occupants.

Community Development Director Gabriel Bautista responded and stated that the parking requirement was based on the fact that the project is a single-family home which requires a minimum two-car garage with a minimum twenty-foot-long drive-way. Mr. Bautista added that the proposed project will provide a three-car garage and a long driveway which will provide parking for several stacked vehicles.

Commission Soto stated that the proposed project will add to the aesthetics of the city

and he fully supports the project. He added that he is concerned with the project at 12934 Ocaso Avenue and requested that staff provide an update on the status of the project.

Mr. Bautista responded and stated that the project at 12934 Ocaso Avenue was approved by the Planning Commission a few years ago and that the project proponent initiated construction by grading the site which was completed within a reasonable time. He added that the next phase of construction was the construction of retaining walls which progressed at a very slow pace. He further added that during the heavy rains that occurred last year, the soil became saturated causing the upper slope and existing retaining wall to fail. Mr. Bautista added that the project proponent has been making progress but that it has been very slow. He added that staff checks-in with the project proponent periodically for project status updates and that staff checks the site on occasion including recently before predicted rain and noticed that plastic had been laid out to prevent further soil saturation. He also explained that staff spoke to the project proponent regarding the failed retaining wall a month and one half ago and that we were advised that the project proponent needed access to the adjacent property in order to perform work but that the access was not being granted and that there is now pending litigation.

Commissioner Soto asked if there is any recourse staff can take to expedite the project and establish a completion date.

Mr. Bautista responded and stated that staff has encouraged the project proponent to make progress but that they have a small work crew on the project. He added that, according to the project proponent, the current delay is a result of the pending access agreement and litigation with the adjacent property owner. Mr. Bautista also stated that the project proponent has verbally communicated to staff that they intend to replace the neighbors damaged wall but that they need access in order to do so.

Commissioner Soto asked City Attorney Craig D. Fox if there is anything the City can do legally to expedite the project because three years is a long time.

Mr. Fox responded and explained that this is a common problem that happens all the time. He stated that if the city expires the permits, then progress is stopped altogether, not improving the situation. He added that if the city obtains a court order establishing a completion date and the project proponent fails to comply, due to lack of funds or other reason, the judge will not force a tear down of what has already been built. He added that if there is a safety concern with the site, a judge can force the installation of a perimeter fence to secure the site. Mr. Fox stated that some cities are looking into requiring completion bonds, deposits or other evidence guaranteeing that the project can be completed, but that there is no guarantee the courts will enforce it, should owners use the deposit funds for other more important matters that could arise. He also added that this a common issue, property owners do just enough work on their project

to keep the permits active. He concluded by stating that it is hard to punish people when they just no longer have the funds to complete their project.

Commissioner Saenz asked if the project proponent has stated they lack funds to complete the project.

Mr. Bautista responded and stated that in speaking with the project proponent, the one pending item for repair of the collapsed wall is the pending litigation. He added that the project proponent was directed to speak with an attorney when she approached the affected property owner about signing the access agreement.

City Attorney Craig Fox added that the project proponent has a right to go to court to enforce "party fence rules" which would allow access to the adjacent property to do the work but that, that would cause the project proponent to incur additional expenses in legal fees.

Commissioner Saenz asked if the City had any recourse to confirm, with the affected neighbor, the validity of what the project proponent was stating.

Mr. Bautista responded and stated that initially staff was in regular contact with the affected property owner and that staff had informed them that the projects proponent intended to make repairs, however, now that litigation is pending, staff has ceased communicating with the affected property owner. He added that staff did still communicate with the project proponent and that she was advised to continue making progress on areas of the project not affected by the fallen wall. He added that there has been some progress but that it has been very slow with a small crew.

Commissioner Soto asked if the project proponent has mentioned that lack of funds is holding up the project.

Mr. Bautista responded and stated that the project proponent has not indicated that shortage of funds is an issue. He also stated that with a two man crew, progress will be very slow.

Mr. Veltkamp asked if he could join the conversation.

Chairman Olsen replied that the public hearing was already closed.

Vice Chairman Anderson expressed that it going to be a great addition and upgrade to the area and that he hopes it gets pushed through.

Commissioner Saenz stated that after looking at the plans he is looking forward to the finished project with great architecture and wished the applicant luck.

Chairman Olsen requested a motion.

**Commissioner Saenz moved, and Commissioner Soto seconded to adopt the Categorical Exemption; and adopt Resolution P-03-18 recommending that the City Council approve Certificate of Compatibility No. 60 to develop a one-story, single-family residence with an attached three car garage at 15406 Olive Branch Drive, within the Single-Family Residential (R-1-15,000) Zoning District.**

**MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:**

**AYES: Chairman Olsen, Vice Chairman Anderson,  
Commissioner Saenz, Commissioner Soto**  
**NOES: None**  
**ABSENT: Commissioner Chung**  
**ABSTAIN: None**

**PUBLIC COMMENT PERIOD**

There were no public comments.

**COMMISSION ANNOUNCEMENTS**

There were no announcements.

**STAFF ANNOUNCEMENTS**

Mr. Bautista mentioned to the Commissioners that staff will have a Zoning Ordinance Amendment "Accessory Dwelling Units" on the agenda for May 17, 2018 meeting.

Mr. Bautista provided a brief update on the status of various projects.

Commissioner Soto requested that if possible, he would love to see staff contact the project proponent on Ocaso for an update on the status of the project. He added that he would hate to have a project like the one proposed today be next to an incomplete eyesore.

Chairman Olsen and Commissioner Soto both expressed concern over the safety of the slope.

**ADJOURNMENT**

There being no further business to come before the Commission, the Planning Commission adjourned the meeting at 7:11 p.m. to the next regular meeting to be held on Thursday, May 17, 2018.


Submitted:

Attest:



Regular Meeting of the Planning Commission  
April 19, 2018

  
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Norma Stein, Secretary

  
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Lee Olsen, Chairman