

CITY OF LA CAÑADA FLINTRIDGE PLANNING DEPARTMENT
ADMINISTRATIVE HILLSIDE REVIEW
STAFF REPORT

~ February 27, 2017 Meeting ~

Property Owner:

Armik Aghakhani
870 Saint Katherine Drive,
La Cañada Flintridge, CA 91011

Case No.: HDP 16-38 (Dir.) / (Admin)

Site Location: 870 Saint Katherine Drive

Applicant:

Jon Brouse
AIA & Associates
12930 Ventura Boulevard
Studio City, CA 91604

Project Planer: Gary Yesayan

Per the review criteria set forth in Section 11.35 – Hillside Development of the Zoning Code, staff has reviewed your request for a Hillside Development Permit for a proposed project within the back yard of the property at 870 Saint Katherine Drive.

Project Description:

As part of a general rear-yard improvement, the existing pool and spa have been demolished and a new pool is proposed along with additional structures. An 11-foot tall view-deck with a 3-foot railing will be constructed within the back yard area, east of the pool. The view-deck will include a bar and lounge area underneath. This remains below the maximum 15-foot height requirement for accessory structures.

The 47,045 square foot hillside lot has an average slope of 44% and a correlating slope factor of 0.54 per Section 11.35.041, Table-1, of the Hillside Ordinance. With this applied, the lot's maximum allowed buildable floor area is reduced to 6,026 square feet from its potential 11,159 square feet. The subject lot includes a 3,049 square foot of Restricted Use Area which is outside of the project vicinity. The new 556 square foot view-deck will increase the existing floor area on site from 7,335 square feet to 7,891 square feet. Although the existing floor area and the addition exceeds the adjusted 6,026 square feet limit, it remains below the maximum permitted floor area without the slope factor reduction. While the project qualifies for staff-level review based on the size of additional floor area, per Section 11.35.041.A.2, Administrative Hillside approval is required since the findings must be substantiated by the Administrative Hearing Officer or Planning Commission. Said findings are listed below and are supportable in staff's estimation.

As part of this project, an 8-foot tall “crib-type” retaining wall is proposed within the back yard. The “crib-type” retaining wall will be located at the south end of an existing retaining wall which was approved as part of Hillside Development Permit 01-46 at the October 8th, 2002, Planning Commission Hearing (Resolution No. 02-54 is attached for reference). The retaining wall was later approved by the Department of Building and Safety on August 31st, 2004. Per the Hillside Ordinance, “crib-type” retaining walls not exceeding 8-feet in height may be approved through Director’s-Level Hillside Review. However, further structural review of the “crib-type” retaining wall and the relocation of an existing catch basin will be required through the Department of Building and Safety. Additionally, a trellis structure, a decorative wall with a water and fire feature along with a barbeque area is proposed within the back yard of the property abutting the aforementioned retaining wall.

While there are several elements to the proposed development, the overall project scope is reasonable and would not adversely affect neighboring views or negatively impact the hillside nature of the lot. Based on this review staff was able to make the following findings:

Findings - Hillside Development Permit:

- 1. The project, through elements of architectural and landscape design, will enhance its setting.**

The project proposes to improve the back yard of the residence by introducing a new pool, view deck and an outdoor recreation area. The hillside nature of the property will be maintained and the main development will occur within the existing flat area of the lot. *Staff supports the finding.*

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

The accessory trellis structure and the view-deck will not impact the hillside portion of the lot. The additional floor area will not significantly increase the bulk of the main residence, while a majority of the site’s open space, including sloping yard area to the rear and front, would not be affected. *Staff supports the finding.*

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

The development on the property is sensitive to the site and no aspects of the improvement would be detrimental to the public health, safety, or welfare. *Staff recommends the finding.*

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

The pool, trellis, view-deck and the retaining wall are consistent with the character of the property and are within density standards. *Staff recommends the finding.*

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

The scope of the project is minor, while the hillside setting would be substantially maintained, 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 service.

The project enhances the existing residential use and will not create any problems in the neighborhood. *Staff supports the finding.*

7. There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development.

The excess floor area is a result of application of the Slope Factor Guideline, which safeguards hillside lots from overdevelopment is applied as needed. Given the location, size and scale of the project, overdevelopment would not occur. Thus, the guideline's application is not necessary in this case. *Staff supports the finding.*

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 construction of the pool, the trellis structure and the view-deck is below the neighboring property at the east. There will be no excessive bulk added to the residence. Views from neighboring properties will not be impacted. *Staff supports the finding.*

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

Given the addition's limited size and position at the 1st-floor level, no appreciable view impacts of any significance would occur. *Staff recommends the finding.*

10. Additionally, for any project on a lot or parcel with an average slope of forty (40) percent or greater:

- a. **The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far,**

Since the view-deck is below the neighboring property at the east, there will be no view impact. The neighbors at the west and south are below the project site where the proposed developments are not visible. *Staff recommends the finding.*

- b. **The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property,**

The proposed pool, trellis structure and the view-deck within the back yard do not have any potential to cause fire, flood, mudslide or other environmental risks. The proposed crib-type retaining wall will be built to support an existing slope in addition to relocation of an existing catch basin. All elements of the project will undergo structural and drainage review. *Staff recommends the finding.*

- c. **The privacy of the residents of other properties will not be unreasonably compromised.**

The pool, trellis structure, view-deck and the retaining wall do not have potential for unreasonable privacy impacts. The location of the subject lot is above the west and south neighboring properties which are minimally visible from the level of the project site. Due to mature trees and the extensive downslope, the view-deck will not increase the visibility of neighboring properties below. Additionally, the structures will not impact the privacy of the neighbor above the project site to the east. *Staff recommends the finding.*

Based on the above findings, staff recommends that the request **BE APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to the draft resolution.

Attachments:

- Draft Resolution and Conditions of Approval of Hillside Development Permit 16-38.
- Resolution 02-54 of Hillside Development Permit 01-46, Modification 02-28 and Building Depth Review 02-05 - Planning Commission approval of October 8, 2002.
- Building Permit of retaining walls indicating maximum height of 7'-0" to 11'-0"

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE ADMINISTRATIVE HEARING OFFICER
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING HILLSIDE DEVELOPMENT PERMIT 16-38
FOR A 556 SQ. FT. DECK CONSTRUCTION
THAT WOULD EXCEED FLOOR AREA STANDARDS
AS MODIFIED BY THE SLOPE FACTOR GUIDELINE (SFG)
AT 870 SAINT KATHERINE DRIVE
AS REQUESTED BY
MR. ARMIK AGHAKHANI**

WHEREAS, a request by Mr. Armik Aghakhani has been received for a Hillside Development Permit to allow a 556 sq. ft. view-deck construction to exceed floor area standards as modified by the Slope Factor Guideline, along additional code compliant back yard improvements, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission Administrative Hearing Officer, on February 27, 2017, held a public hearing and conducted a review of the request; and

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

WHEREAS, the Administrative Hearing Officer has reviewed the facts contained in the Staff Report dated February 27, 2017 regarding the application for a Hillside Development Permit, and heard and considered the testimony of the applicant and the public; and

WHEREAS, based on the evidence presented by the application materials, staff report, and public testimony, the Administrative Hearing Officer finds the following:

Section 1:

Hillside Development Permit:

1. The project, through elements of architectural and landscape design, will enhance its setting since the project proposes to improve the back yard of the residence by introducing a new pool, view deck and an outdoor recreation area. The hillside nature of the property will be maintained and the main development will occur within the existing flat area of the lot.

2. The project will maximize potential for sensitive use and effective preservation of open space because the accessory trellis structure and the view-deck will not impact the hillside portion of the lot. The additional floor area will not significantly increase the bulk of the main residence, while a majority of the site's open space, including sloping yard area to the rear and front, would not be affected.
3. The project will not be detrimental to the public health, safety, or general welfare. The development on the property is sensitive to the site and no aspects of the improvement would be detrimental to the public health, safety, or welfare.
4. The project will not adversely affect the orderly development of property within the City as the pool, trellis, view-deck and the retaining wall are consistent with the character of the property and are within density standards.
5. The project will conform to the goals and policies set forth in the General Plan as the scope of the project is minor, while the hillside setting would be substantially maintained, consistent with the direction of the City's General Plan.
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 service. The project enhances the existing residential use and will not create any problems in the neighborhood.
7. There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development. A special condition is due to an excess floor area. This is a result of application of the Slope Factor Guideline, which safeguards hillside lots from overdevelopment and is applied as needed. Given the location, size and scale of the project, overdevelopment would not occur. Thus, the guideline's application is not necessary in this case.
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 construction of the pool, the trellis structure and the view-deck is below the neighboring property at the east. There will be no excessive bulk added to the residence. Views from neighboring properties will not be impacted.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property given the addition's limited size and position. No appreciable view impacts of any significance would occur.

10. Additionally, for any project on a lot or parcel with an average slope of forty (40) percent or greater:
 - a. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far since the view-deck is below the neighboring property at the east, there will be no view impact. The neighbors at the west and south are below the project site where the proposed developments are not visible.
 - b. The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property. The proposed pool, trellis structure and the view-deck within the back yard do not have any potential to cause fire, flood, mudslide or other environmental risks. The proposed crib-type retaining wall will be built to support an existing slope in addition to relocation of an existing catch basin. All elements of the project will undergo structural and drainage review.
 - c. The privacy of the residents of other properties will not be unreasonably compromised. The pool, trellis structure, view-deck and the retaining wall do not have potential for unreasonable privacy impacts. The location of the subject lot is above the west and south neighboring properties which are minimally visible from the level of the project site. Due to mature trees and the extensive downslope, the view-deck will not increase the visibility of neighboring properties below. Additionally, the structures will not impact the privacy of the neighbor above the project site to the east.

Section 2:

NOW, THEREFORE, be it resolved that the Administrative Hearing Officer approves the Hillside Development Permit, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 27th day of February, 2017.

Administrative Hearing Officer

ATTEST:

Secretary to the Administrative Hearing Officer

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 16-38 (Dir.)
870 SAINT KATHERINE 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 HDP 16-38 (Dir).
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Director of Community Development 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 site plan labeled HDP 16-38 (Dir) except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 12 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 under-floor inspection" have been made and received approval from the Division 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 under-floor 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, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.
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 HDP 16-38 (Dir). 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 Director of Community Development Department does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division 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 Department 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. This approval does not constitute a building permit or authorization to begin any construction. The proposed "crib-type" retaining wall shall be no taller than 8-feet and is approved contingent upon structural review and approval by the Department of Building and Safety.

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