

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

July 14, 2015 Meeting

Applicant / Owner:

Riverside Investors LLC
1607 Verdugo Boulevard
La Canada Flintridge, CA 91011

Case Type / Number:

Setback Modification 15-09

Site Address:

5300 Alta Canyada Road

Case Planner:

Roger Cantrell ~ Consulting Architect/Planner

1. Request:

The request is to allow continued use of an existing detached structure with side and rear yard setback encroachments. The structure is considered as new construction because, with its proposed conversion to an unroofed pool house, its roof would be removed in order to conform to covered area limits for the entire site.

2. Location:

The site is on the north/east side of Alta Canyada Road, facing its intersection with Jarvis Drive, in the R-1-1 20,000 zone.

3. Staff Recommendation:

Staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

4. Project Size:

As an open-roofed structure, the project involves no additional floor area. Approved area is as follows:

Lot area:		19,658 sf	
Approved House:	First Floor	3,063 sf	
	Second Floor	2,170 sf	
	<u>Attached Garage</u>	<u>400 sf</u>	
	Total	5,633 sf	(0.29 Density)

5. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Low Density Residential – Up to 2 Dwelling Units per Acre. The property is designated R-1-20,000 (Single Family Residential – 20,000 Square Foot Minimum Lot Size). The site is occupied by a house under construction and the subject accessory structure.

6. Environmental Impact Review:

Staff has determined that the proposed project is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(c)(5) (accessory structures) and 2.5(e)(1) (minor setback variances) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action:

Second-floor Review 14-34 & Setback Modification 14-18. Allowed demolition, remodel and construction of a 5,633 sq. ft. 2-story residence. Approved on 10/14/2014 by the Planning Commission and 12/15/2014 by the City Council (on appeal).

8. Pending and Potential Actions:

Plan check and issuance of building permit.

9. Staff Analysis:

A. Background:

On October 14, 2014, the Commission approved the house addition project (SFR 14-34 & M 14-18). Through that review, the status of the subject accessory structure was discussed. The rest of the project reached the code limit for floor/roofed area without the structure, it could survive only as an open-roofed structure, and was proposed as such. However, because the Zoning Code identifies any structure having 30% or more of its roof as constituting a new structure, the accessory structure would need to conform to current setback requirements. Thus it was identified as necessitating either removal or a separate Setback Modification, leading to the current request.

B. Context:

Within the gently sloping, wooded sites characterizing upper Alta Canyon Road, the accessory structure was originally a detached three-car garage. While the current code allows for reduced setbacks of 5 feet side and rear for detached garages, the proposed reuse of the structure would be required to conform to conventional setbacks of 10 feet to the side and 15 feet to the rear. Thus its 4-foot side yard setback constitutes a 6-foot encroachment, while its 4-foot rear yard setback is 11 feet below the current code requirement.

The structure has been in place for many decades, with its downslope, screened setting avoiding any visual impact on neighboring properties related to its proximity.



*Above left:
Structure seen down driveway between subject house and neighboring house*



*Above right:
Structure front view*

*Right:
Structure seen from east side*



C. Project Description:

As shown in the project drawings, the structure's existing parameters would remain. Width would be 33 feet, depth 21 feet, and height 11 feet. Wall height would be 10 feet, with an additional foot comprised of the open beam structure. A plaster finish would be added to the existing block walls.

The side view shows the relationship between the structure and the slope behind. The role of the structure in retaining that slope raises concerns about the required strength of a retaining wall in the event the structure would be removed. The design from the side is simplified to allow for a single opening consistent with its new role as a pool house.

D. Setback Modification:

Discussion

The structure would continue to recede into the property relative to the higher elevations of the side and rear neighbors. Given the siting below those properties and the screening in between, the side and rear encroachments have no visual or privacy impacts. No views are blocked, no mass looms over a neighbor, and no enjoyment of privacy is diminished.

Findings

1. **The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.**

The subject structure was consistent with zoning regulations at the time of its construction and has existed for many decades in harmony with the two neighboring properties, with its lower elevation, modest height, and landscape screening combining to prevent any impact of modest setbacks. Staff supports the finding.

2. **The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone.**

The project supports the existing single-family use of the property in a manner that is modest in comparison with most other neighborhood structures. Staff supports the finding.

3. **Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards.**

The removal of the solid roof resulted from the remainder of the construction attaining the maximum allowable floor area. Because of the extent of roof removal, the Zoning Code treats the accessory building as if it were new construction. To require the removal, relocation, or reduction of the structure due to setback encroachments would constitute an unnecessary hardship as well as a practical difficulty, given the role of the deep structure in retaining the adjacent slope, without any benefit to neighboring properties. The finding can be made.

4. **The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity.**

The encroachment would maintain neighborhood scale, and would have no visual effect on the only potentially affected neighbors. Staff supports the finding.

5. **The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood.**

The project would retain the existing building aside from the replacement of its roof with an open structure, without any adverse view or aesthetic impacts on the neighborhood setting. The finding can be made.

E. Recommendation:

Based on the above discussion, the proposed design subject to Setback Modification approval complies with code standards meets the required findings. Therefore, staff recommends that the requested Modification **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

C: *Riverside Investors, Inc. / 1607 Verdugo Blvd. / LCF, CA / 91011*
Samuel Aslanian / 19951 Turnberry Drive / Tarzana, CA / 91356

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SETBACK MODIFCATION 15-09
FOR AN EXISTING ACCESSORY BUILDING
CATEGORIZED AS "NEW" DUE TO ROOF REMOVAL
AT 5300 ALTA CANYADA ROAD
AS REQUESTED BY
RIVERSIDE INVESTORS INC.**

WHEREAS, a request by Riverside Investors Inc. has been received for a Setback Modification to allow continued west side and rear yard setback encroachments for an existing accessory structure categorized as "new" due to the replacement of its solid roof with an open structure, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on July 14, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Setback Modification request; and

WHEREAS, the Commission 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 Class 2.5(c)(5) (accessory structures) & 2.5(e)(1)(minor setback variances) 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 July 14, 2015 regarding the application for Setback Modification at 5300 Alta Canyada Road, 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 Planning Commission hereby finds the following:

Section 1.

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity, because the subject structure was consistent with zoning regulations at the time of its construction and has existed for many decades in harmony with the two neighboring

properties, with its lower elevation, modest height, and landscape screening combining to prevent any impact of modest setbacks.

2. The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone, because the project supports the existing single-family use of the property in a manner that is modest in comparison with most other neighborhood structures.
3. Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards, because the removal of the solid roof resulted from the remainder of the construction attaining the maximum allowable floor area. Because of the extent of roof removal, the Zoning Code treats the accessory building as if it were new construction. To require the removal, relocation, or reduction of the structure due to setback encroachments would constitute an unnecessary hardship as well as a practical difficulty, given the role of the deep structure in retaining the adjacent slope, without any benefit to neighboring properties.
4. The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity, because the encroachment would maintain neighborhood scale, and would have no visual effect on the only potentially affected neighbors.
5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood, because the project would retain the existing building aside from the replacement of its roof with an open structure, without any adverse view or aesthetic impacts on the neighborhood setting.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Setback Modification for an accessory structure at 5300 Alta Canyon Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 14th day of July, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
SETBACK MODIFICATION 15-09
5300 Alta Canyon Road

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 Setback Modification 15-09.
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 site plan labeled Setback Modification 15-09, Sheet A-1, except as otherwise stated in these conditions.
5. All buildings and structures shall be of the design as shown on the elevation drawings labeled Modification 15-09, Sheets A-5, A-6, and A-7, except as otherwise stated in these conditions.
6. 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 project 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 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 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.

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. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
9. 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.
10. 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 Setback Modification. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
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. 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 Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

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