

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

July 14, 2015 Hearing

Applicant:

James Jaquez
7713 Paso Robles Ave.
Van Nuys, CA 91406

Case Number:

Setback Modification 15-07

Property Owner:

Francisco and Alma Medina
1832 Bara Road
Glendale, CA 91208

Site Address:

2215 San Gorgonio Road

Case Planner:

Gary Yesayan – Planning Aide

1. Request:

The request is for a Setback Modification to allow a single-story addition to an existing residence that would encroach into the required 10-foot west and east side-yard setbacks. This project is classified as *“new construction”* since complete removal and replacement of the roof is necessary. Therefore, Planning Commission review and approval is required to maintain existing side-yard encroachments.

2. Location:

The project site is located on the north side of San Gorgonio Road within the R-1-15,000 zone.

3. Staff Recommendation:

Staff recommends that the Setback Modification **BE APPROVED**, subject to the conditions of approval attached to this report.

4. Project Area Figures:

Lot Size:	15,620 sq. ft.
Maximum Permitted Floor-area:	4,874 sq. ft.
(Project Proposal) Single Story Residence & Garage:	4,250 sq. ft.

5. General Plan / Zoning / Existing Land Use:

The General Plan Land Use Map designates the site as Low Density Residential (up to 4 du/ac). The site is developed with a single-family house and an attached 2-car garage. The proposed project will expand the existing single-family house, maintain the 2-car garage and include a new patio.

6. Environmental Evaluation:

Based on the review of the Initial Study Questionnaire and related materials, staff has determined that no significant environmental impacts would result from the project, which is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 2.5 (c) (1) (New Construction of Single-Family Residences) and 2.5 (e) (1) (Minor yard and setback variances not resulting in the creation of any new parcel) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action: None

8. Pending Actions:

Building & Safety Plan Check & Permit Issuance upon Planning Commission's approval.

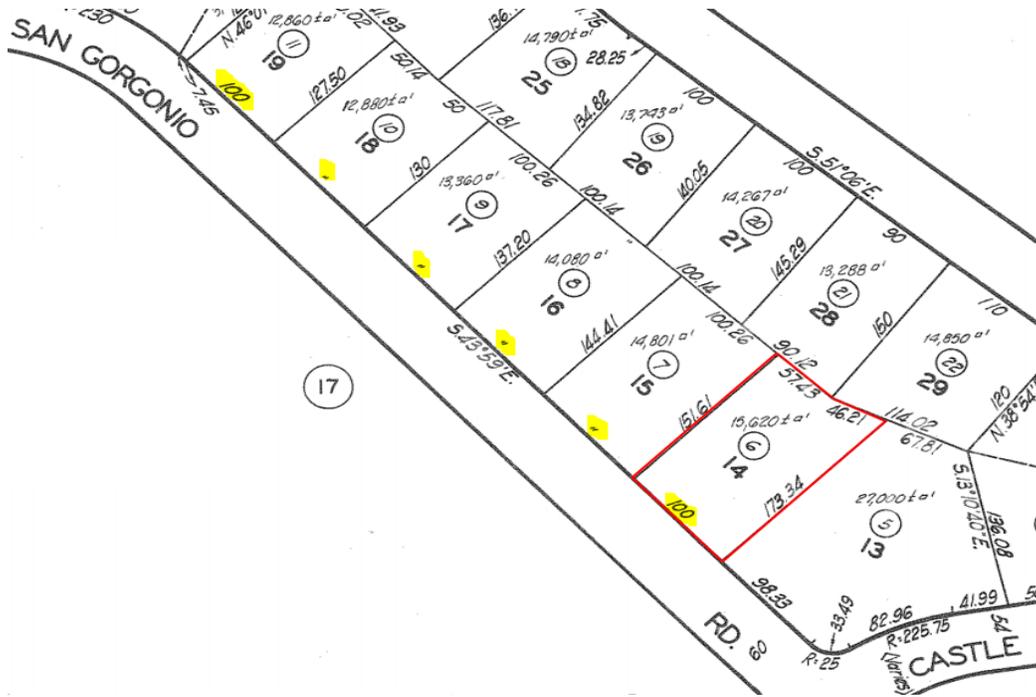
9. Staff Analysis:

A. Context:

The project site is located at the north side of San Gorgonio Road in a neighborhood with predominately single-story homes. Most houses display similar architectural characteristics within the project vicinity. The expansion of this residence will mainly be toward the rear and minimally visible from the street and surrounding neighbors. The general remodel of this house will not substantially alter its mass or character. The entire north side of



San Gorgonio road has uniform lots with 100-foot frontages. Side yard setback requirement for all these lots are 10-feet. Most homes are estimated to have side-yard setback ranging from 9 to 10-feet. This is consistent with the project site's encroachment. The Assessor's Tax Map below shows the project lot outlined in red and the neighboring lots with uniform 100-foot frontages.



B. Project Description:

The existing house, originally built in 1957, has legal non-conforming side-yard setbacks. As the chart below shows, the required side-yard setback for this lot is 10-feet. The house currently has 9'-0" west and 9'-2" east side-yard setbacks, which result in 1-foot and 10-inch side-yard encroachments. To preserve consistency with the existing footprint and achieve a seamless transition, the new addition is proposed to maintain these setbacks and respective encroachments. The project includes a 1,357 sq. ft. single-story addition to an existing 2,072 sq. ft. single-story house with an existing 423 sq. ft. garage. As part of the expansion, a new 398 sq. ft. covered patio will be constructed at the back of the residence. A 62 sq. ft. code compliant entry porch is also proposed, but is exempt from floor area inclusion. After the addition, the total floor area will increase from 2,495 sq. ft. to 4,250 sq. ft. The existing house has a ceiling height of 9'-5" which will be raised to 10'-0". Additionally, the overall height of the main roof will be 18'-10" with 19'-10" dormers. The total height of the structure will remain below the maximum permitted height of 32-feet for this lot.

	STANDARD	EXISTING	PROPOSED
Floor Area:	4,874 sq. ft.	2,495 sq. ft.	4,250 sq. ft. total
Front Setback:	34'-0"	36'- 0"	37'- 6"
West Side-yard Setback	10'- 0"	9'- 0"	9'- 0"
East Side-yard Setback	10'- 0"	9'- 2"	9'- 2"
Rear Setback:	15'- 0"	74'- 0"	54'- 0"
Height:	32'- 0"	16'-3"	18'- 10"

C. Setback Modification:

The existing roof of the subject house is structurally unstable. Therefore, complete removal and replacement of the entire roof is necessary. Per the zoning ordinance, removal of more than 30% of the existing roofed area qualifies any remodel as *"new construction."* The proposal is to expand the existing house, while maintaining the legal non-conforming setback encroachments and reconstruct the roof which would be of slightly increased pitch and overall height. Mass, view or any impacts attributable to the longstanding encroachments would be negligible and as such, adverse impacts are not anticipated.

Findings:

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

The non-conforming side-yard setbacks of the existing residence would be maintained. The project will not result in further encroachment and would match the existing elevation with a seamless extension. The project would provide 9-foot side-yard setbacks consistent with the existing house. Staff supports this 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 maintains the existing single-family use of the property. The encroachments are minimal and longstanding. All lots along the north side of San Gorgonio Road have 100-foot frontages. Most homes have side-yard setbacks ranging from 9 to 10-feet which is consistent with the project site and the request. Staff supports this 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 preservation of the existing footprint will maintain the uniformity of the entire structure resulting in a seamless expansion. Given the minimal extent of the encroachments, remedy is not required as necessary since a new use or privacy impact would not result. Staff supports this finding.

- 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.**

Despite introduction of new encroaching area, the project is sensitively designed and sited, and consistent with the scale of the immediate neighborhood. View and privacy effects would be less than significant given the character of the site and immediate area. Staff supports this 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 home's existing side-yard setbacks would be preserved. The architectural character will not be altered and no view impacts will be created. Most homes within the area are single-story with similar architectural character. Staff supports this finding.

D. Summary and Recommendation:

Overall, the project would expand the existing residence; however, it will maintain the basic location of the existing footprint. The addition will not intensify the existing encroachments. Staff has determined that this proposal would not adversely impact the character of the immediate neighborhood. For that reason, staff recommends that the Setback Modification **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.



RESOLUTION NO. 15 - Draft

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SETBACK MODIFICATION 15-07
FOR SIDE-YARD SETBACK ENCROACHMENTS
AT 2215 SAN GORGONIO ROAD
AS REQUESTED BY
ALMA MEDINA**

WHEREAS, a request by Alma Medina has been received for Setback Modification to allow existing side-yard encroachments to remain in conjunction with expansion and remodel of an existing residence, 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 meeting and conducted a review of the request; and

WHEREAS, the Planning Commission has 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) (1) (New Construction of Single-Family Residences) and 2.5 (e) (1) (Minor yard and setback variances not resulting in the creation of any new parcel) 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 2215 San Gorgonio 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 finds the following:

Section 1.

Setback Modification:

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity. The non-conforming side-yard setbacks of the existing residence would be maintained. The project will not result in further encroachment and would match the existing elevation with a seamless extension. The project would provide 9-foot side-yard setbacks consistent with the existing house.

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 maintains the existing single-family use of the property. The encroachments are minimal and longstanding. All lots along the north side of San Gorgonio Road have 100-foot frontages. Most homes have side-yard setbacks ranging from 9 to 10-feet which is consistent with the project site and the request.
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 preservation of the existing footprint will maintain the uniformity of the entire structure resulting in a seamless expansion. Given the minimal extent of the encroachments, remedy is not required as necessary since a new use or privacy impact would not result.
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. Despite introduction of new encroaching area, the project is sensitively designed and sited, and consistent with the scale of the immediate neighborhood. View and privacy effects would be less than significant given the character of the site and immediate area.
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 home's existing side-yard setbacks would be preserved. The architectural character will not be altered and no view impacts will be created. Most homes within the area are single-story with similar architectural character.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Setback Modification requests to retain the existing side-yard encroachments at 2215 San Gorgonio 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
MODIFICATION 15-07
2215 SAN GORGONIO ROAD

Standard Conditions

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 labeled MOD 15-07 except as otherwise stated in these conditions.
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 project plans labeled MOD 15-07 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 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.
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 and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council. 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 MOD 15-07. 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 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.
11. All construction/contractor parking shall be on-site only. At the time of approval, if it is deemed by the Planning Commission 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.

Public Works Conditions

12. Project shall comply with Los Angeles County's Low Impact Development standards, as deemed applicable.
13. This project **disturbs less than one acre of land**, the project is subject to the following minimum construction requirements:
Sediments from areas disturbed by construction shall be retained on site, using structural drainage controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities, or adjacent properties via runoff, vehicle tracking, or wind.

Construction-related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediments and pollutants.

14. Prior to any construction (including, but not limited to, driveway approaches, sidewalks, curb and gutter, etc.), trenching or grading within public or private street right-of-way, the applicant shall submit a street improvement plan consistent with the approved Site Plan and conditions of approval and obtain construction encroachment permits from the Engineering Division.
15. Any proposed mailbox structure shall be approved and permitted by Public Works.

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