

ADMINISTRATIVE HEARING STAFF REPORT

~ September 18, 2017, 8:30 AM Meeting ~

Applicant:

Mr. Leo Cho

Property Owner:

Mr. Hong B. Park

Project Location:

1 Berkshire Place

Project Planner:

Gary Yesayan – Assistant Planner

Application Type / Number:

Hillside Development Permit 17-21 (Admin)

Second Floor Review 17-12 (Dir)

Director's Miscellaneous 17-17 (SB)



Recommendation:

Staff recommends **approval** of the proposed request subject to the conditions listed in Exhibit "A", attached to the draft resolution.

1. Request:

The request is for a Hillside Development Permit, Second-floor Review and Directors Miscellaneous Review to allow a 198.5 square-foot first-floor and 89 square-foot second-floor addition to an existing two-story residence. A Directors Miscellaneous Review - Setback Modification is requested for a front-entry modification. A 111.5 square-foot second-floor deck is also proposed which is exempt from floor area inclusion per City's Zoning Ordinance. All elements of the project comply with the Zoning Code.

2. Location:

The project site is the second lot located on the north side of Berkshire Place, west of the Interstate 210 Foothill Freeway. The site is within R-1-40,000 zone. The Land Use is Estate Residential / one dwelling unit per acre.

3. General Plan / Zoning / Existing Land Use:

The site is zoned R-1-40,000 with most of the lots slightly over 40,000 square-feet, apart from two lots directly north of the subject site. The Land Use designation is Estate Residential allowing a maximum of one dwelling unit per acre.

4. Environmental Impact Review:

Staff has determined that this project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301(e)(1) (additions to existing structures not exceeding 50-percent of existing floor area) and Section 2.5(a)(4)(i) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA. The project includes a 198.5 square-foot first floor and 89 square-foot second-floor additions to an existing 4,259 square-foot two-story residence.

5. Previous Actions: September 5, 2002 – Tree Removal Approval (back-yard oak).

6. Pending and Potential Actions:

Department of Building and Safety structural review and building permit issuance.

7. Staff Analysis:

A. Context:

In contrast to adjoining neighboring homes, the existing residence provides a 26-foot front-yard setback where the minimum Zoning Code requirement is over 100-feet based on the neighboring average. The site is effectively screened from neighboring views with ample trees as it sits below the hillside to its west, north and east. The subject residence does not have views to neighboring homes.

B. Project Description:

The project includes structural and cosmetic remodel of the residence without demolition of the existing roof. Individual elements of the project include relocation of the front-entry door and enclosure of a 10.5 square-foot covered front porch. The site includes a 15-foot restricted use area at the front; however, the front-entry modification will be outside the restricted use area and below the existing roof. It would also remain behind the forward projecting garage and the adjacent bedroom. Since the residence has a legal non-conforming front-yard setback, approval of the Directors Miscellaneous Review - Setback Modification is required for the front-entry modification.

At the first-floor level, to the rear, a 198.5 square-foot kitchen expansion and new laundry room are proposed. Above the kitchen expansion, behind the residence at the second-floor level, an 89 square-foot bathroom addition and a 111.5 square-foot deck are also proposed. The deck will be covered with a trellis-roof which will not contribute additional floor area to the site.

The existing 4,259 square-foot residence will increase by 287.5 square-feet, bringing the total floor-area on site to 4,546.5 square-feet not inclusive of the garage. This is substantially below the maximum permitted floor area of 7,918 square feet, with the 20-percent Slope Factor Guideline (SFG) reduction due to the 35-percent average slope of the lot. The following table shows the breakdown of the project data.

C. Project Data:

Lot Area:	40,740 sq. ft.
Maximum Permitted Floor Area:	9,898 sq. ft.
Maximum Permitted Floor Area with SFG Reduction: 35% Slope // SFG Factor = 0.8 // 9,898 x 0.8	7,918 sq. ft.
Existing Residence: (Habitable Only)	4,259 sq. ft.
New 1 st -floor Area:	198.5 sq. ft.
New 2 nd -floor Area:	89 sq. ft.
New Floor Area exempt from FAR: (Front Entry & Deck)	10.5 sq. ft. / 111.5 sq. ft.
Total Floor Area after Project:	4,546.5 sq. ft.
Total Floor Area Ratio (FAR):	11%

Setbacks and Height	Standard	Existing	Proposed
Front Setback:	100-feet +	25-feet	32-feet
Interior Side-Yard Setbacks:	20-feet	20-feet +	N/A
Rear-Yard Setback:	15'-0"	15-feet +	15-feet +
Height:	28'-0"	26'-4"	19'-6"

D. Hillside Development Permit and General Plan:

Goal 4 of the General Plan Land Use Element pertains to Hillside Areas: *Maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources.*

Supporting this goal are the following objectives and policies:

Objective 4.1: New development and/or remodeling of existing structures and property will be designed, constructed, and maintained to preserve important views, topographic and other natural features, and the semi-rural character of the City's hillsides.

Policy 4.1.1: Preserve ridgelines, natural slopes, knolls, canyons, and bluffs in their natural state to protect important views and topographic and other natural features.

Policy 4.1.3: Ensure that development preserves the City's natural environment, setting, and viewsheds, through design, siting, and construction that avoids obtrusive breaks in the natural skylines and minimizes the visual impact of grading, intrusion of highly visible cut and/or fill slopes, building and roof lines, and/or roadway surfaces.

Policy 4.1.5: Continue to implement the City's Hillside Development Chapter of the Zoning Ordinance, which establishes standards to minimize landform alteration, preserve significant environmental features, and control development densities.

Policy 4.1.6: Encourage residences developed in hillside areas to be designed, landscaped, and built of materials that blend with the existing environment; use of bright or reflective surfaces will be disallowed.

F. Hillside Development – Findings:

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

The addition will be architecturally harmonious with the existing house. The existing landscaping provides ample screening of the proposed addition from the neighboring properties. *Staff supports the finding.*

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

The hillside area at the rear of the subject site will remain undisturbed since the additional floor area will be located on the flat area of the lot and attached to the main residence. *Staff supports the finding.*

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

The project conforms to the City's Zoning code standards and no aspect of the development is found to be a potential public health or safety concern. The first and second-floor additions are reasonable in size and consistent with the existing structure. *Staff supports the finding.*

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

The proposal is consistent with the character of the property and within density standards for the lot. *Staff supports the finding.*

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

The scope of the project is reasonable, while the hillside setting would be 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 proposed first and second-floor additions will not result in a change of use or intensification of development beyond those allowed in the General Plan and Zoning Code. 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. *Staff supports the finding.*

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

There are no special conditions or requests to exceed or deviate from Hillside provisions. The new additions will meet all the required height, floor area, and all other applicable developments standards. The project will not alter the existing hillside topography. The total floor area will remain below the maximum permitted buildable floor area for this lot per the Zoning Code. *Staff supports the finding.*

- 8. The potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics.**

Due to the topography of the lot and the location of the residence, the additions will not be visible from the neighboring properties. The existing landscaping will further screen the addition. *Staff supports the finding.*

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

The addition is below the neighboring properties and heavily screened with existing vegetation. *Staff supports the finding.*

G. Second Floor Review – Discussion:

The design of the existing two-story residence fits well within its current setting. The front elevation unlike the rear, includes dormers atop the first-floor creating an illusion of a single-story house. The visible second-floor is only above the attached garage. The main bulk of the second-floor is behind the house where it is hidden from outside views. The proposed second-floor addition will have no impact on the front elevation. The expansion is behind the house and aligned with the established perimeter of the structure. The size and location of the second-floor is reasonable. The second-floor expansion will not create additional height and will remain outside of all required setbacks. Per this review, staff made the following findings.

H. Second Floor Review – Findings:

- 1. The two-story design includes adequate setbacks, screening and modulation.**

The second-floor addition is harmonious with the existing architectural character. Ample setbacks are provided without any encroachments. Dense vegetation

within the lot and steep hillsides provides adequate screening of the addition and the residence itself from neighboring views. *Staff supports this finding.*

2. The two-story design preserves the existing scale and character of the surrounding neighborhood.

The addition is consistent with the architectural character of the house. The character of the surrounding neighborhood will not be impacted since the second-floor addition is behind the main residence and completely obscured from views. Given the scope of the project no negative impact on the neighborhood is anticipated. *Staff supports the finding.*

3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors.

The project area is visually secluded and behind ample mature landscaping. The neighboring privacy is not impacted as the addition faces the back-yard and screened from neighbors. The addition will increase the habitable floor area without affecting any neighboring views. *Staff supports the finding.*

4. The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council.

The addition is to an existing two-story residence and consistent with its current architectural style and character. *Staff supports the finding.*

I. Director's Miscellaneous Review (Setback Modification) – Findings:

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard setback requirements.

The location of the existing residence is non-conforming with respect to its front-yard setback. The proposal is to relocate the front door to enclose an existing covered porch. Since the proposed addition will not encroach further into the front-yard setback than the existing building line, the addition would be consistent with the existing encroachment of the residence. *Staff supports the finding.*

2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner which is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council.

The proposed addition utilizes building materials consistent with the existing structure, and results in a development that is harmonious in scale and mass with the surrounding neighborhood. The location of the proposed addition would not result in any view blockage to adjacent neighbors and would be compatible with development on site and in the immediate area. Staff supports the finding.

J. Recommendation:

Based on the above review, discussions and findings, staff recommends that the request for the Hillside Development Permit, the Second-floor Review and the Director's Miscellaneous Review, **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached.

RESOLUTION NO. 17-XX

**A RESOLUTION OF THE ADMINISTRATIVE HEARING OFFICER
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING HILLSIDE DEVELOPMENT PERMIT 17-21 (ADMIN)
SECOND FLOOR REVIEW 17-12 (DIR) AND
DIRECTOR'S MISCELLANEOUS REVIEW 17-17 (SETBACK MODIFICATION)
AT 1 BERKSHIRE PLACE
AS REQUESTED BY
MR. HONG B. PARK**

WHEREAS, a request by Mr. Hong B. Park has been received for a Hillside Development Permit, Second Floor Review and Director's Miscellaneous Review – Setback Modification to allow a 198.5 square-foot first-floor and 89 square-foot second-floor additions and a front-entry modification. A 111.5 square-foot second-floor deck is also proposed which is exempt from floor area, said requests attached hereto and incorporated herein by reference; and

WHEREAS, after publication and posting of the request and the hearing notice in the prescribed manner, the Administrative Hearing Officer, on September 18, 2017, held a public hearing on the project; 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 15301(e)(1) (Additions to existing structures not exceeding 50-percent of existing floor area) and Section 2.5(a)(4)(i) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

WHEREAS, on September 18, 2017, the Administrative Hearing Officer reviewed the facts contained in the staff report dated September 18, 2017, regarding the application for a Hillside Development Permit, Second Floor Review and Director's Miscellaneous Review 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 – Findings:

- 1. The project, through elements of architectural and landscape design, will enhance its setting** since the addition will be architecturally harmonious with the existing house. The existing landscaping provides ample screening of the proposed addition from the neighboring properties.

2. **The project will maximize potential for sensitive use and effective preservation of open space** since hillside area at the rear of the subject site will remain undisturbed since the additional floor area will be located on the flat area of the lot and attached to the main residence.
3. **The project will not be detrimental to the public health, safety, or general welfare** since the project conforms to the City's Zoning code standards and no aspect of the development is found to be a potential public health or safety concern. The first and second-floor additions are reasonable in size and consistent with the existing structure.
4. **The project will not adversely affect the orderly development of property within the City** as the proposal is consistent with the character of the property and within density standards for the lot.
5. **The project will conform to the goals and policies set forth in the General Plan.** The scope of the project is reasonable, while the hillside setting would be 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** as the proposed first and second-floor additions will not result in a change of use or intensification of development beyond those allowed in the General Plan and Zoning Code. 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.
7. **There are special conditions or unique characteristics of the subject property and its location or surroundings which justify exceeding one or more of the provisions set forth in this Chapter to permit project development.** There are no special conditions or requests to exceed or deviate from Hillside provisions. The new additions will meet all the required height, floor area, and all other applicable developments standards. The project will not alter the existing hillside topography. The total floor area will remain below the maximum permitted buildable floor area for this lot per the Zoning Code.
8. **The potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics** since the topography of the lot and the location of the residence screens the second-floor addition from neighboring views. The existing landscaping will further screen the addition.
9. **The project does not create an avoidable or unreasonable impairment of the view from any other property** since the addition is below the neighboring properties and heavily screened with existing vegetation.

H. Second Floor Review – Findings:

1. **The two-story design includes adequate setbacks, screening and modulation** consistent with the architectural character of the existing house. Ample setbacks are provided without any encroachments. Dense vegetation within the lot and steep hillsides provides adequate screening of the addition and the residence itself from neighboring views.
2. **The two-story design preserves the existing scale and character of the surrounding neighborhood** since the addition is consistent with the architectural character of the house. The character of the surrounding neighborhood will not be impacted since the second-floor addition is behind the main residence and completely obscured from views. Given the scope of the project no negative impact on the neighborhood is anticipated.
3. **The two-story design protects public views, aesthetics, privacy and property values of the neighbors** since the project area is visually secluded and behind ample mature landscaping. The neighboring privacy is not impacted as the addition faces the back-yard and screened from neighbors. The addition will increase the habitable floor area without affecting any neighboring views.
4. **The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council.** The addition is to an existing two-story residence and consistent with its current architectural style and character.

I. Director's Miscellaneous Review (Setback Modification) – Findings:

1. **Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard setback requirements** as the location of the existing residence is non-conforming with respect to its front-yard setback. The proposal is to relocate the front door to enclose an existing covered porch. Since the proposed addition will not encroach further into the front-yard setback than the existing building line, the addition would be consistent with the existing encroachment of the residence.
2. **The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner which is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council.** The proposed addition utilizes building materials consistent with the existing structure, and results in a development that is harmonious in scale and mass with the surrounding neighborhood. The location of the proposed addition would not result in any view blockage to adjacent neighbors and would be compatible with development on site and in the immediate area.

Section 2:

NOW, THEREFORE, be it resolved that the Administrative Hearing Officer approves the Hillside Development Permit 17-21, Second Floor Review 17-12 and Director's Miscellaneous Review 17-17 (SB), subject to the conditions listed in Exhibit "A," attached to this resolution.

PASSED, APPROVED AND ADOPTED this 18th day of September 2017.

Administrative Hearing Officer

ATTEST:

Secretary to the Administrative Hearing Officer

**EXHIBIT-A
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 17-21 (ADMIN)
SECOND FLOOR REVIEW 17-12 (DIR) AND
DIRECTOR'S MISCELLANEOUS REVIEW 17-17 (SETBACK MODIFICATION)
AT 1 BERKSHIRE PLACE**

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 17-21, SFR 17-12 and DM 17-17 (SB).
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 plans labeled HDP 17-21, SFR 17-12 and DM 17-17 (SB) 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 Department 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, 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 17-21, SFR 17-12 and DM 17-17 (SB). 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 Administrative Hearing Officer does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department 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 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 HDP 17-21, SFR 17-12 and DM 17-17 (SB) approval shall be null and void if any of the above conditions are not fully met. Any revision to the approved project may require additional review subject to applicable review process and fees. # # # # #