

PLANNING COMMISSION STAFF REPORT
July 26, 2016 Meeting

Applicant:

Keith Ward
12210 Wixom Street
North Hollywood, CA 91605

Case Type / Number:

Second-Floor Review 15-32
Setback Modification 16-05

Property Owner:

Niels and Marie Larsen
1103 Atlee Drive
La Cañada Flintridge, CA 91011

Site Address:

1103 Atlee Drive

Case Planner:

Susan Koleda
Deputy Director of Community
Development



1. Request:

Second-floor Review 15-32 is request for a new 680 square foot second-floor addition to an existing single-story residence at 1103 Atlee Drive. Setback Modification 16-05 is a request to permit the retention of the existing corner side yard first-floor setback of eight-foot and the retention of an existing, legal non-conforming garage located at the rear of the property with an eight-inch side yard setback and 8'-1" rear yard setback. Pursuant to the City of La Cañada Flintridge Zoning Ordinance, the removal of more than thirty (30) percent of the existing roofed-area to accommodate the second-floor addition qualifies the existing structure as "new". As such, any nonconformities on site must be brought into compliance with current code.

2. Location:

The project site is located along the north side of Atlee Drive, east of Cornishon Avneue, within the R-1-10,000 zone.

3. Recommendation:

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

4. Previous Actions: None.

5. Floor-area Data:

Subject lot area:	6,770 sq. ft.
Maximum allowed floor area: (36%)	2,437 sq. ft.
Existing habitable area:	1,312 sq. ft.
Existing garage (to be expanded to 20'x 20' interior)	440 sq. ft.
Proposed first-floor entry porch (excluded from floor-area per Section 11.11.050.B.3.d)	(80 sq. ft.)
Proposed second-floor addition (including covered balcony):	680 sq. ft.
Total floor-area after additions:	2,432 sq. ft.
Floor-area ratio:	36%

6. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Low Density Residential – up to 4 Dwelling Units per Acre. The property’s zoning designation is R-1-10,000 (Single Family Residential, 10,000 Square Foot Minimum Lot Size). The lot is presently developed with a single-story residence and a detached garage.

7. Environmental Impact Review:

Staff has determined that the proposed project is Categorically Exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the State Guidelines and under Section 2.5(a)(4)(ii)(additions) and 2.5(e)(1)(minor variances) of the City’s Local CEQA Guidelines.

8. Pending and Potential Action: Structural Plan Check, Los Angeles County Fire Department approval and issuance of building permits.

9. Staff Analysis:

A. Context:

The subject property is located on the north side of Atlee Drive east of Cornishon Avenue. Atlee is a short street south of Foothill Boulevard of seventeen parcels. The parcels on the north side of the street are comparable in size and configuration and most of them are situated at a higher elevation than the street. The existing residence and detached garage, which takes access from an ally north of the residence, are located at the east end of the street as it makes a 90 degree turn to the north toward the FIS site, located at the southeast of Foothill Boulevard and Cornishon Avenue.

Although the immediate adjacent structures are single story, there are three other two-story structures located on the north side of Atlee Drive. The subject house is located

behind a mature Oak tree located adjacent to the curb. The majority of the lots within the immediate project vicinity are under 10,000 square feet, with a maximum permitted floor-area ratio of 36 percent.

Other homes in the area vary in size and FAR as illustrated below:

Address	Lot Size	House Size	FAR	Number of Stories
1021 Atlee Drive	11,431 S.F.	2,452 S.F.	21.5%	1
1023 Atlee Drive	9,450 S.F.	1,958 S.F.	20.7%	1
1091 Atlee Drive	10,860 S.F.	1,816 S.F.	16.7%	1
1106 Atlee Drive	9,718 S.F.	2,261 S.F.	23.3%	1
1107 Atlee Drive	6,791 S.F.	1,608 S.F.	23.7%	1
1111 Atlee Drive	6,866 S.F.	2,327 S.F.	34.0%	2
1115 Atlee Drive	6,812 S.F.	2,042 S.F.	30.0%	2
1118 Atlee Drive	10,641 S.F.	1,851 S.F.	17.4%	1
1119 Atlee Drive	6,899 S.F.	2,068 S.F.	30.0%	1
1122 Atlee Drive	9,818 S.F.	2,272 S.F.	23.1%	2
1123 Atlee Drive	6,799 S.F.	1,378 S.F.	20.3%	1
1126 Atlee Drive	9,814 S.F.	2,091 S.F.	21.3%	1
1127 Atlee Drive	6,982 S.F.	1,390 S.F.	19.9%	2
1131 Atlee Drive	7,492 S.F.	1,862 S.F.	24.8%	1
1132 Atlee Drive	10,066 S.F.	1,663 S.F.	16.5%	1
1103 Atlee Drive	6,770 S.F.	1,912 S.F.	28.2%	2
Average:	8,066 S.F.	1,815 S.F.	22.7%	

Project site – floor area figures DO NOT include garages and other exterior covered area and are intended for general comparison only.

B. Project Description:

The existing 1,312 square foot single-story residence will be expanded by a total of 760 square feet. At the first-floor level, the existing playroom will be demolished and a new 80 square foot porch will be constructed. Interior remodeling of the existing first-floor is proposed. A new second-floor, totaling 680 square feet, is proposed and will include a master bedroom and bathroom, two single bedrooms and a bathroom. A small balcony will be located on the front (south) side of the residence facing Atlee Drive. The detached garage will be modified to provide an interior dimension of 20 feet by 20 feet, bringing the garage into conformance with current code.

As a result of the second-floor addition, the overall height of the building will increase to 26-feet. This remains below the maximum permitted height of 28-feet for the 6,770 sq. ft. lot. The roof of the garage will be modified from a gable to a hip roof, but the garage will maintain a compliant 12'-5" height.

The existing first-floor corner side yard setback of the residence is eight feet. This encroaches three feet into the required 11 foot corner side yard setback and is proposed to be maintained through the Setback Modification. All other first and second floor

setbacks for the existing residence and proposed additions are compliant.

The existing detached garage is located to the rear of the property. As there is an ally to the rear, the parcel is considered a through lot. As such there is no rear yard setback; front yard setbacks of no less than 25 feet are required on both frontages. The existing garage is located 8'-1" from the ally, encroaching 16'-11" into the required setback. Additionally, the existing garage is located 8" from the interior side yard property line, encroaching 4'-10" into the required 5'-6" side yard setback.

The development would result in a total floor area of 2,432 square feet, the maximum allowed for this 6,770 square foot lot.

	Requirement	Existing	Proposed
Front Setback:	25'	25'	25'
Side Setback:			
1 st Floor (corner):	11'	8'	8'
1 st Floor (interior):	5'-6"	10'	10'
2 nd Floor (corner):	13 feet	N/A	11'
2 nd Floor (side):	11'	N/A	11'
Rear Setback:	25 feet	8'-1"	8'-1"
Height:	28 feet	15'-6"	24'-10"

C. Second-Floor Review:

Issues

The existing residence totals 1,312 square feet, with a 400 square foot detached garage. Based on the size of the lot, a total of 2,437 square feet of total roofed area is permitted for the lot. With the addition of the new 680 square foot second-floor and increase in garage floor area for code compliance, the total roofed area will be 2,432 square feet or 36 percent of the lot area. This is compliant with current codes and similar to several other houses in the vicinity.

The overall building height and bulk will ultimately increase, as is the case with any new second floor. Since the neighboring properties are single story, the new second-floor addition will be noticeable. The existing mature Oak tree at the front, due to its size, will screen the second-floor from certain perspectives. The second-floor addition will be setback 33 feet from the front property line, which will reduce the visual bulk from Atlee Drive. Since the lot is under 10,000 square feet, the maximum height is limited to 28-feet. This is lower than the standard 32-foot maximum for two-story homes on larger lots. The height of the residence will increase to 26 foot at the ridge, compliant with current code.

At the second-floor level, the addition will introduce several new windows and openings. This includes a new bathroom and bedroom window on the front elevation as well as an uncovered 26 square foot balcony located between two dormer windows. The balcony area will be setback 33-feet from Atlee Drive. On the west (interior side yard), one new

bathroom window is proposed. To the east (corner side yard), two new bedroom windows will provide views to the north-south portion of Atlee Drive. To the rear, in addition to a covered 17 square foot balcony, one bedroom and one bathroom window are proposed. The rear balcony is setback 64-feet from the north property line. Although there is not dense landscaping along the north property line, there are no residential properties to the north and therefore there will be no privacy impacts.

Findings:

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

The second-story addition is setback 33-feet from the front property line, 18-feet beyond the minimum 25-foot front yard setback requirement for the lot. Additionally, an existing mature Oak tree located adjacent to the curb will provide visual screening of the second-floor from Atlee Drive. The new second-floor provides the required 11-foot second-floor side yard setback to the east and west property boundaries, consistent with current standards. Along the north property line, the existing residence provides a 54'-6" setback and the new second-floor will provide a 64-foot setback. While there is not dense landscaping at the rear, there are no residential properties located to the north that would be impacted by the proposed second-floor addition. The addition exhibits modulation in it has been designed to be consistent with the existing residences in terms of architectural features and characteristics. *Staff supports the finding.*

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

Although positioned between single-story structures, the new two-story design is compatible with the existing neighborhood. This can be seen through the presence of three other two-story residences located on the north side of Atlee Drive east of Cornishon Avenue. Due to the size of the lot, the proposed height will be limited to 26-feet, consistent with the maximum permitted height of 28-feet. In addition to height consideration, the second-floor addition is substantially setback from the street and recessed to minimize the appearance of mass and to preserve the character of the existing neighborhood. *Staff supports the finding.*

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

While the overall height and the size of the existing structure will increase, the proposed addition is reasonable in size and scale. The house to the west of the project site would potentially be the most impacted as it is single-story; however, the west elevation of the second-floor additional has been designed with only one bathroom window to preserve the privacy of this neighbor. The south elevation overlooking Atlee Drive will include one bedroom and one bathroom window, as well as a 26 square foot uncovered balcony. The second-floor addition is setback 33-feet from Atlee Drive and will be largely screen by a

mature Oak tree located adjacent to the curb. The second-floor addition will also include one bedroom and one bathroom window along both its north and east elevations, as well as an uncovered 17 square foot balcony facing north. The north elevation is substantially recessed from the rear property line and there are no residential properties to the north, while the east elevation overlooks the north-south portion of Atlee Drive along which three residences front. Based on the limited number and placement of new windows and balconies, no privacy impacts are anticipated because of the project. *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 scale, massing and materials utilized for the addition will be consistent with the existing structure. The City’s Residential Design Guidelines were applied to the project to achieve a design, which through modulation, setbacks and limited overall height would create minimal impacts as observed from the neighboring properties and from the public right-of-way. *Staff supports the finding.*

D. Setback Modification:

Issues

The project site has three existing encroachments; one associated with the main residence and two associated with the detached garage at the rear. The existing residence is located eight feet from the east, corner side yard property line. With a required corner side yard setback of 20 percent of the lot width or 11-feet, the residence encroaches three feet into the required setback. No expansion of floor area is proposed on the first-floor of the residence and the majority of the east elevation is screened from the front yards of the residences to the east by a tall row of oleander bushes.

The rear garage has a 25-foot required setback from the ally, currently sits 8’-1” from the property line and therefore encroaches 16’-11” within the required setback. On the interior side, a setback of 5’-6” is required and the garage is located eight inches from the property line; therefore the garage encroaches 4’-10” into the required side yard setback.

Due to removal of more than 30 percent of the existing roofed-area to accommodate the second floor, the entire project is considered “new”. Based on this, the applicant has been required to bring the existing legal nonconforming garage into compliance with



current code, including expanding the garage to have an interior dimension of 20 feet by 20 feet. In assessing the Setback Modification for the existing garage, staff have reviewed the existing garages that access the ally between Atlee Drive and the FIS site. There are eight properties that access the ally, all with detached rear garages. All eight garages are located with similar setbacks; approximately eight feet from the ally and built less than one foot from the adjacent property. To bring the subject garage into compliance without the approval of the Setback Modification would result in the garage being approximately six feet from the residence and the removal of a large portion of the usable rear yard area.

Findings:

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

The Setback Modification would allow for an existing encroachment of three foot into the required 11-foot corner side yard setback for the first floor of the residence and the retention of the existing garage with setbacks of eight inches from the interior side property line and 8'-1" from the ally. The retention of the existing setbacks is compatible with existing development on the site and with other development in the immediate vicinity. This is evidenced by the eight existing detached garages, located on each of the properties located on the north side of Atlee Drive, that have similar setbacks from both the ally and the adjacent properties. Additionally, the project would increase the total floor area devoted to residential use but will not result in the lot being developed beyond the permissible floor-area ratio. The proposed addition will be consistent with current codes with respect to setbacks and will not create any new encroachments. *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 retention of the existing encroachments will not grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone. The requested Setback Modification would allow retention of existing encroachments with respect to the first floor of the residence and the detached rear garage. No new structural encroachments are proposed. This will not grant a special privilege as all eight properties located on the north side of Atlee Drive have existing garages with similar setbacks. Due to the prevalence of narrow lots within the vicinity, most properties within the project vicinity display minor structural encroachments. This request will therefore not grant a special privilege and will be consistent with the development within the neighborhood. *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 Setback Modification is being approved concurrently with approval for a new second floor for the residence. The existing setbacks for the garage and the first floor of the residence will be preserved, while the second-floor addition will be code compliant with regards to setbacks, height, angle plane, total floor area and all other applicable zoning standards. Mandating conformance to the required setback for the existing residence and garage would entail demolition of a portion of the side of the residence and the entire garage, a practical difficulty and unnecessary hardship. Since the encroachments are existing and the project is only considered “new” due to removal of more than 30 percent of the roof and not complete demolition, retention of these existing encroachments is reasonable. *Staff supports the 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.

There is no evidence to suggest any impacts to public health, safety or general welfare are currently exist due to the existing encroachments of the main residence and garage. The Setback Modification is being requested to maintain existing encroachments and conjunction with new construction, however, no new encroachments are proposed. The existing garage located 8'-1" from the north property line and eight-inches from the west property line. This is consistent with the setbacks of the garages on each of the eight properties located on the north side of Atlee Drive. Due to the narrowness of the lot, similar to other lots in the vicinity have comparable setbacks for both the residence and the garage. Therefore, the location of the residence and garage is consistent with that located on adjacent properties and will have no impact on the use or enjoyment of adjacent properties. *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 side yard encroachment of the residence and the side and rear yard encroachments of the existing garage will have no impact on the scale and character of the surrounding neighborhood due to each encroachment being associated with an existing structure. No new encroachments are proposed with the construction of the new second-floor. As the encroachments are existing, the approval of the Setback Modification will preserve the existing scale and character of the surrounding neighborhood and there will be no impacts to public views or aesthetics. *Staff supports the finding.*

E. Summary/Recommendation:

Based on the review and project evaluation, all findings for the Second-Floor Review and Setback Modification can be made. Staff therefore recommends that the request **BE APPROVED**, subject to the conditions of approval listed in Exhibit “A”, attached to the draft resolution.

cc:

Applicant:

Keith Ward

12210 Wixom Street

North Hollywood, CA 91605

Property Owner:

Niels and Marie Larsen

1103 Atlee Drive

La Cañada Flintridge, CA 91011

RESOLUTION NO. 16-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SECOND-FLOOR REVIEW 15-32
AND SETBACK MODIFICATION 16-05
LOCATED AT 1103 ATLEE DRIVE**

WHEREAS, a request by Keith Ward on behalf of Neils and Maria Larsen has been received for Second-Floor Review 15-32 and a Setback Modification 16-05, said request attached and incorporated by reference; and

WHEREAS, the request applies to a single parcel within the R-1-10,000 (Single Family Residential) zone district, referred to on the County Assessor's roles as APN 5814-001-008, and is located at 1103 Atlee Drive; and

WHEREAS, Second Floor Review 15-32 is an application to construct a new 680 square foot second-floor on an existing single-story residence and Setback Modification 16-05 would allow for the retention of the existing first-floor corner side yard setback of eight-feet and the existing interior side yard setback of eight inches and rear yard setback of 8'-1" of the detached garage located to the rear of the residence and accessed via an ally located to the north of Atlee Drive; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission the Planning Commission, on July 26, 2016, held a public hearing and concluded said hearing on that date; and

WHEREAS, the Planning 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 pursuant to Section 15301 (Existing Facilities) of the State Guidelines and under Section 2.5(a)(4)(ii)(additions) and 2.5(e)(1)(minor variances) of the City's Local Guidelines for the implementation of CEQA; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated July 26, 2016 regarding the application for Second-Floor Review and a Setback Modification at 1103 Atlee Drive, and heard and considered the testimony of the applicant and the public; and

NOW, THEREFORE, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

Section 1.

Second-Floor Review 15-32:

1. The two-story design includes adequate setbacks, screening and modulation because second-story addition is setback 33 feet from the front property line, 18 feet beyond the minimum 25-foot front yard setback requirement for the lot. Additionally, an existing mature Oak tree located adjacent to the curb will provide visual screening of the second-floor from Atlee Drive. The new second-floor provides the required 11-foot second-floor side yard setback to the east and west property boundaries, consistent with current standards. Along the north property line, the existing residence provides a 54'-6" setback and the new second-floor will provide a 64-foot setback. While there is not dense landscaping at the rear, there are no residential properties located to the north that would be impacted by the proposed second-floor addition. The addition exhibits modulation in it has been designed to be consistent with the existing residences in terms of architectural features and characteristics.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because although positioned between single-story structures, the new two-story design is compatible with the existing neighborhood. This can be seen through the presence of three other two-story residences located on the north side of Atlee Drive east of Cornishon Avenue. Due to the size of the lot, the proposed height will be limited to 26-feet, consistent with the maximum permitted height of 28-feet. In addition to height consideration, the second-floor addition is substantially setback from the street and recessed to minimize the appearance of mass and to preserve the character of the existing neighborhood.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors because while the overall height and the size of the existing structure will increase, the proposed addition is reasonable in size and scale. The house to the west of the project site would potentially be the most impacted as it is single-story; however, the west elevation of the second-floor additional has been designed with only one bathroom window to preserve the privacy of this neighbor. The south elevation overlooking Atlee Drive will include one bedroom and one bathroom window, as well as a 26 square foot uncovered balcony. The second-floor addition is setback 33 feet from Atlee Drive and will be largely screen by a mature Oak tree located adjacent to the curb. The second-floor addition will also include one bedroom and one bathroom window along both its north and east elevations, as well as an uncovered 17 square foot balcony facing north. The north elevation is substantially recessed from the rear property line and there are no residential properties to the north, while the east elevation overlooks the north-south portion of Atlee Drive along which three residences front. Based on the limited number and placement of new windows and balconies, no privacy impacts are anticipated because of the project.

4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the scale, massing and materials utilized for the addition will be consistent with the existing structure. The City's Residential Design Guidelines were applied to the project to achieve a design, which through modulation, setbacks and limited overall height would create minimal impacts as observed from the neighboring properties and from the public right-of-way.

Setback Modification 16-05:

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity because the Setback Modification would allow for an existing encroachment of three foot into the required 11-foot corner side yard setback for the first floor of the residence and the retention of the existing garage with setbacks of eight inches from the interior side property line and 8'-1" from the ally. The retention of the existing setbacks is compatible with existing development on the site and with other development in the immediate vicinity. This is evidenced by the eight existing detached garages, located on each of the properties located on the north side of Atlee Drive, that have similar setbacks from both the ally and the adjacent properties. Additionally, the project would increase the total floor area devoted to residential use but will not result in the lot being developed beyond the permissible floor-area ratio. The proposed addition will be consistent with current codes with respect to setbacks and will not create any new encroachments.
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 retention of the existing encroachments will not grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone. The requested Setback Modification would allow retention of existing encroachments with respect to the first floor of the residence and the detached rear garage. No new structural encroachments are proposed. This will not grant a special privilege as all eight properties located on the north side of Atlee Drive have existing garages with similar setbacks. Due to the prevalence of narrow lots within the vicinity, most properties within the project vicinity display minor structural encroachments. This request will therefore not grant a special privilege and will be consistent with the development within the neighborhood.
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 Setback Modification is being approved concurrently with approval for a new second floor for the residence. The existing setbacks for the garage and the first floor of the residence will be preserved, while the second-floor addition will be code compliant with regards to setbacks, height, angle plane, total floor area and all other applicable zoning standards. Mandating conformance to the required setback for the existing residence and garage would

entail demolition of a portion of the side of the residence and the entire garage, a practical difficulty and unnecessary hardship. Since the encroachments are existing and the project is only considered “new” due to removal of more than 30 percent of the roof and not complete demolition, retention of these existing encroachments is reasonable.

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 there is no evidence to suggest any impacts to public health, safety or general welfare are currently exist due to the existing encroachments of the main residence and garage. The Setback Modification is being requested to maintain existing encroachments and conjunction with new construction, however, no new encroachments are proposed. The existing garage located 8'-1" from the north property line and eight-inches from the west property line. This is consistent with the setbacks of the garages on each of the eight properties located on the north side of Atlee Drive. Due to the narrowness of the lot, similar to other lots in the vicinity have comparable setbacks for both the residence and the garage. Therefore, the location of the residence and garage is consistent with that located on adjacent properties and will have no impact on the use or enjoyment of adjacent properties
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 side yard encroachment of the residence and the side and rear yard encroachments of the existing garage will have no impact on the scale and character of the surrounding neighborhood due to each encroachment being associated with an existing structure. No new encroachments are proposed with the construction of the new second-floor. As the encroachments are existing, the approval of the Setback Modification will preserve the existing scale and character of the surrounding neighborhood and there will be no impacts to public views or aesthetics.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves Second-Floor Review 15-32 and Setback Modification 16-05 at 1103 Atlee Drive, subject to the conditions listed in Exhibit “A”, attached to this resolution.

PASSED, APPROVED AND ADOPTED this 26th day of July, 2016.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
SECOND-FLOOR REVIEW 15-32
SETBACK MODIFICATION 16-05
1103 ATLEE 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 Second-Floor Review 15-32 and Setback Modification 16-05.
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, building elevations, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained substantially as shown on the plans labeled Second-Floor Review 15-32 and Setback Modification 16-05, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 24 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 project approval expiration 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 & 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, 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 Second-Floor Review and Setback Modification. 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. 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. Any work in the public right-of-way shall conform to City standards, codes and requirements.

13. An encroachment and/or excavation permit shall be required for any work within the public right-of-way.
14. Any subsequent substantive change to these approved plans by the Fire Department or any other agency having subsequent approval authority shall cause these plans to be returned to the Planning Commission for additional review and approval prior to permit issuance.

Planning Conditions:

15. Primary wall and roof colors shall be reviewed and approved by the Director of Community Development or his designee prior to issuance of building permits.
16. Unless this approval is appealed to the City Council, story poles shall be removed promptly (within one week) after expiration of the 15-day appeal period. Verification of this shall be required prior to submittal of the project for plan check OR prior to issuance of building permits for those projects where “at-risk” plan check is in process or has already been completed.

Public Works Conditions:

17. The project shall comply with Los Angeles County’s Low Impact Development Standard.
18. 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.
19. Prior to any construction (including, but not limited to, drive 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 encroachment permits from the Engineering Division.