

PLANNING COMMISSION STAFF REPORT

January 26, 2016 Hearing

Property Owner:

Dong K. Joo
3943 Robin Hill Road
La Cañada Flintridge, CA 91011

Case Type / Number:

Setback Modification 15-11
Hillside Development Permit 15-28

Applicant:

Sunkyung Hwang
One Design Lab Inc.
2511 Beverly Boulevard
Los Angeles, CA 90057

Planner:

Gary Yesayan - Planning Aide

1. Request:

The request is for a Setback Modification to allow expansion of an existing undersized garage to encroach 6-feet into the required south side-yard setback at 3943 Robin Hill Road. This will improve access and storage of vehicles. The applicant also requests to legalize the enclosure and conversion of a prior carport into the subject garage. Additionally, since the lot has an average slope exceeding 15 percent, a Hillside Review is also required.

2. Location:

The project site is located near the terminus of Robin Hill Road, on the west side of the cul-de-sac within the R-1-20,000 zone.

3. Staff Recommendation:

Staff recommends that the request **BE APPROVED**, subject to the attached conditions.

4. Project Size:

Lot Area:	21,873 sq. ft.
Existing Residence + Garage	2,578 + 389 = 2,967 sq. ft.
Proposed New Area:	264 sq. ft.
Area after Addition:	3,231 sq. ft.

5. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Very 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).

6. Environmental Impact Review:

Staff has determined that the proposed project is Categorically Exempt from provisions of the California Environmental Quality Act (CEQA), under Section 2.5(a)(i) (Additions to existing structures) and 2.5(e)(1) (minor yard and setback variances) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Actions:

April 15, 2014 - Approval of Administrative Hillside Development Permit (HDP 14-04) for a 313 sq. ft. addition at the rear of the residence. This project was not completed and the approval has expired.

8. Pending and Potential Actions:

Pending building permits upon project approval.

9. Staff Analysis:

A. Context:

Robin Hill Road, where the project site is located, presents unique hillside topography. The street primarily serves as frontage for properties along the west side, while adjacent to the east, are the sloping rear-yards of properties addressed from Hampstead Road below. Almost all properties along Robin Hill Road include approximately 50 percent flat area at the front with the remainder of the lot comprised by a substantial hillside. Due to this configuration, allowable floor area for development in this area is greatly reduced. However, despite this constraint, most properties are developed with reasonable sized homes and adequate garage access. Unlike most



B. Project Description:

The project entails legalization and expansion of an existing undersized garage which was previously a permitted carport, enclosure of which was never authorized. As records indicate, the 389 sq. ft. carport was part of the original house built in 1962. However, it is presently being utilized as a garage. Although now enclosed, the location of the original carport has remained unchanged. The original configuration of the residence at the south side limits the usable width of the carport/garage. This also presents hardship when accessing the carport/garage. For this reason, the garage is proposed to be expanded 6-feet into the required 11-foot south side-yard setback. The expansion however, will maintain a 5-foot minimum south side-yard setback. Consequently, the existing driveway is also proposed to be expanded. As part of this project, an existing 22-inch tall retaining wall located along the south side of the driveway will be relocated and replaced with a new retaining wall not exceeding 6-feet in height and not exceeding 42-inches within the front-yard setback. The existing enclosure and the new expansion will be subject to structural review and approval by the Department of Building and Safety.

C. Floor Area and Slope Factor Reduction Discussion:

The subject lot is 21,873 sq. ft., with a maximum allowable floor-area of 6,125 sq. ft. Since the site is "hillside" with an average slope of 46%, the recommended maximum permitted area is reduced by a Slope Factor of 0.45, per Section 11.35.041 (A) (2). This results in an adjusted allowable floor-area of 2,756 sq. ft. If this guideline is applied, the existing house and the proposed garage expansion will exceed the allowed limit for the lot. However, per Section 11.35.041 (A) (2), if required hillside findings per Section 11.35.060 (D) are made, the Slope Factor Reduction Guideline does not need to be applied.



During an Administrative Hearing for Hillside Development Permit HDP 14-04, held on April 15, 2014, all the required hillside findings were made to allow a 313 sq. ft. addition at the rear of the residence without application of the Slope Factor Guideline (Resolution #14-21, attached). Nevertheless, the project was not vested and this approval has since expired. The substantial hillside topography only effects the heavily wooded area immediately west of the residence. In addition, the proposed garage expansion is approximately 10-feet below the residence to the south. There are no neighbors at the east (across the street and below this property). The requested 264 sq. ft. garage expansion is smaller than the previously approved 313 sq. ft. addition. After the expansion, the total floor-area will be 3,231 sq. ft. This is well below the 6,125 sq. ft. maximum, without application of the Slope Factor Guideline. After staff's review, all hillside findings were made under section 11.35.060 (D) of the Zoning Code to support approval for this project.

D. Hillside Development Permit and General Plan:

Issues: 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 that goal is the primary neighborhood compatibility policy:

Policy 4.5: Ensure that land divisions or new development in hillside areas do not alter the character of existing neighborhoods.

This is further supported in the Hillside Development Ordinance, Section 11.15.020.a, which states:

Existing community character, as defined by such factors as visual appearance, density, road widths and vegetation shall be preserved and/or enhanced.

The proposed garage expansion is of reasonable scale for the site and will not demonstrate excessive bulk from any vantage point. Thus, typical hillside development issues related to view impairment and intrusive massing are not evident. The project would not introduce unreasonable bulk or impact the character of the area, therefore achieving consistency with the Hillside Ordinance and upholding the spirit of the City's General Plan.

E. Hillside Development - Findings:

- 1. The project, through elements of architectural and landscape design, will enhance its setting:** The proposed expansion of the garage will improve access and usability of this hillside property. The new construction will be consistent with the existing architectural character and design of the residence. Staff supports the finding.
- 2. The project will maximize potential for sensitive use and effective preservation of open space:** The substantial hillside area of this lot will remain unaltered. The garage expansion will be along the south side where the hillside topography is minimal and it is well below the neighbor to the south. The site's hillside and existing open space would not be affected. Staff supports the finding.
- 3. The project will not be detrimental to the public health, safety, or general welfare:** The expansion will allow ease of use and improved access to the garage and residence. No aspect of this proposal will be detrimental to the public health, safety, or general welfare. Staff supports the finding.
- 4. The project will not adversely affect the orderly development of property within the City:** The design of the original residence and the location of the carport restricts safe and efficient access of vehicles to and from the carport/garage. The proposal will alleviate an existing hardship while maintaining consistency with the character of the property and remaining within density standards. 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. The proposal is 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 garage expansion will allow for improved access and storage for two vehicles. There is no evidence of potential nuisance, hazard or reason for enforcement. 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:** With an average slope of 46% and the corresponding reduction of the maximum allowed floor area, the site is unduly restricted since there is no opportunity for further expansion; however, since the hillside portion of the lot is undeveloped and heavily wooded, it will not be impacted by the proposed expansion. Additionally, the location of the residence and the carport/garage limits reasonable access and storage of vehicles. This condition is unique and applies to this lot. The proposed expansion will improve garage access for this lot. Staff supports the finding.
8. **Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics:** The proposed garage expansion is positioned below the neighboring properties. There will be no visual bulk or view impacts. Additional screening is not required. Staff supports the finding.
9. **The project does not create an avoidable or unreasonable impairment of the view from any other property:** The proposed expansion is of reasonable size considering the size of the subject property and affected project area. The structure would not cause any view blockage from any other property since it is lower than all the other neighboring properties. Staff supports the finding.
10. **Projects on a lot or parcel with an average slope of forty (40) percent or greater:**
 - a. **The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far:** The proposed garage expansion is of reasonable scale for the site and will not demonstrate excessive bulk from any vantage point, near or far. Staff supports the finding.
 - b. **The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property:** The garage expansion along with a new retaining wall will help support the existing slope along the south side. The expansion will be subject to structural, fire, drainage and all other

Building and Safety related reviews prior to building permit issuance. Staff supports the finding.

- c. **The privacy of the residents of other properties will not be unreasonably compromised:** The garage is located below the neighboring property to the south and not prominently visible from any other location. This expansion will have no impact on neighbor privacy. Staff supports the finding.

F. Setback Modification - Discussion:

The original residence “as built” includes a carport and a narrow driveway providing access to and from Robin Hill Road. In comparison with the neighboring properties with similar lot configurations, the subject lot does not have adequate vehicle storage or access to the street. The expansion of the existing garage and the driveway, although creating a new side-yard encroachment, will not affect the hillside area of the lot nor create any additional negative impacts. Furthermore, the expansion will maintain a 5-foot minimum side-yard setback. Considering the original design of the residence, the requested expansion will allow storage and improved access to the garage.

G. Setback Modification - Findings:

1. **The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.** Properties within the immediate vicinity, exclusive of the subject site, have sufficient garage access and vehicle storage. The garage expansion will legalize an existing carport conversion and will bring the garage size into conformance with the Zoning Ordinance. 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 encroachment will bring an existing deficient garage into compliance with the Zoning Code, as it relates to interior garage dimensions. 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.** As built, the design of the residence and the location of the attached carport/garage restricts sufficient storage of vehicles. The requested expansion, although creating a new encroachment, will allow for improved access to the street and sufficient vehicle storage space. The proposal will retain a 5-foot minimum side-yard setback. 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 garage expansion is of

minimal scale and consistent with the character of the immediate neighborhood. Staff supports this finding.

- 5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot:** The expansion of the garage will not alter the character of the residence or impact the neighboring properties. The expansion will not create visibility or view impacts. The development will be consistent with the existing residence. Staff supports this finding.

H. Recommendation:

Based on the above discussions, staff recommends that the request for the Hillside Development Permit and Modification **BE APPROVED**, subject to the conditions listed in Exhibit "A" attached.

I. Attachments:

1. Resolution and Conditions of Approval for MOD 15-11 & HDP 15-28
2. April 15, 2014 - Staff Report, Resolution & Conditions of HDP 14-04 Approval
3. Project Plans

CITY OF **LA CAÑADA FLINTRIDGE**

RESOLUTION NO. 15-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SETBACK MODIFICATION 15-11 AND
HILLSIDE DEVELOPMENT PERMIT 15-28
FOR A SIDE-YARD SETBACK ENCROACHMENT
AT 3943 ROBIN HILL ROAD
AS REQUESTED BY
DONG K. JOO**

WHEREAS, a request by Mr. Dong K. Joo has been received for Setback Modification and a Hillside Development Permit to allow after-the-fact approval of a carport conversion into a garage and expansion of said garage, which would result in a 6-foot encroachment into the required south side yard setback, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on January 26, 2016, 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 (a) (i) (Additions to existing structures) and 2.5 (e) (1) (minor yard and 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 January 26, 2016 regarding the application for Setback Modification and Hillside Development Permit at 3943 Robin Hill 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, Findings:

Hillside Development Permit:

- 1. The project, through elements of architectural and landscape design, will enhance its setting:** The proposed expansion of the garage will improve access and usability of this hillside property. The new construction will be consistent with the existing architectural character and design of the residence.

2. **The project will maximize potential for sensitive use and effective preservation of open space:** The substantial hillside area of this lot will remain unaltered. The garage expansion will be along the south side where the hillside topography is minimal and it is well below the neighbor to the south. The site's hillside and existing open space would not be affected.
3. **The project will not be detrimental to the public health, safety, or general welfare:** The expansion will allow ease of use and improved access to the garage and residence. No aspect of this proposal will be detrimental to the public health, safety, or general welfare.
4. **The project will not adversely affect the orderly development of property within the City:** The design of the original residence and the location of the carport restricts safe and efficient access of vehicles to and from the carport/garage. The proposal will alleviate an existing hardship while maintaining consistency with the character of the property and remaining within density standards.
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. The proposal is consistent with the direction of the City's General Plan.
6. **The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public service:** The garage expansion will allow for improved access and storage for two vehicles. There is no evidence of potential nuisance, hazard or reason for enforcement.
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:** With an average slope of 46% and the corresponding reduction of the maximum allowed floor area, the site is unduly restricted since there is no opportunity for further expansion; however, since the hillside portion of the lot is undeveloped and heavily wooded, it will not be impacted by the proposed expansion. Additionally, the location of the residence and the carport/garage limits reasonable access and storage of vehicles. This condition is unique and applies to this lot. The proposed expansion will improve garage access for this lot.
8. **Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics:** The proposed garage expansion is positioned below the neighboring properties. There will be no visual bulk or view impacts. Additional screening is not required.
9. **The project does not create an avoidable or unreasonable impairment of the view from any other property:** The proposed expansion is of reasonable size considering the size of the subject property and affected project area. The structure would not cause any view blockage from any other property since it is lower than all the other neighboring properties.

10. Projects on a lot or parcel with an average slope of forty (40) percent or greater:

- a. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far:** The proposed garage expansion is of reasonable scale for the site and will not demonstrate excessive bulk from any vantage point, near or far.
- b. The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property:** The garage expansion along with a new retaining wall will help support the existing slope along the south side. The expansion will be subject to structural, fire, drainage and all other Building and Safety related reviews prior to building permit issuance.
- c. The privacy of the residents of other properties will not be unreasonably compromised:** The garage is located below the neighboring property to the south and not prominently visible from any other location. This expansion will have no impact on neighbor privacy.

Setback Modification:

- 1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.** Properties within the immediate vicinity, exclusive of the subject site, have sufficient garage access and vehicle storage. The garage expansion will legalize an existing carport conversion and will bring the garage size into conformance with the Zoning Ordinance.
- 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 encroachment will bring an existing deficient garage into compliance with the Zoning Code, as it relates to interior garage dimensions.
- 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.** As built, the design of the residence and the location of the attached carport/garage restricts sufficient storage of vehicles. The requested expansion, although creating a new encroachment, will allow for improved access to the street and sufficient vehicle storage space. The proposal will retain a 5-foot minimum side-yard setback.
- 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 garage expansion is of minimal scale and consistent with the character of the immediate neighborhood.

5. **The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot:** The expansion of the garage will not alter the character of the residence or impact the neighboring properties. The expansion will not create visibility or view impacts. The development will be consistent with the existing residence.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby **approves** the Hillside Development Permit and Setback Modification to legalize and expand an existing garage with a new side-yard setback encroachment at 3943 Robin Hill Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

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

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"

**CONDITIONS OF APPROVAL
SETBACK MODIFICATION 15-11 AND
HILLSIDE DEVELOPMENT PERMIT 15-28
3943 ROBIN HILL ROAD**

Planning Department 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 15-11 and HDP 15-28 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 15-11 and HDP 15-28 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 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 15-11 and HDP 15-28. 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.
12. The proposed garage expansion and the retaining wall shall maintain a 5-foot minimum side-yard setback from the south property line. The south property line shall be identified on site during inspection.
13. Within the front-yard setback retaining walls shall be no taller than 42-inches and no taller than 6-feet beyond.

Public Works Conditions

14. 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.

15. 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.
16. Acquire Public Works Permit and remove existing pillars and lights within public right of way and provide proof of survey to indicate the recently constructed steps are not in public right of way.

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