

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

May 24, 2016 Meeting

Property Owner/ Applicant:

William and Betty Hsu
 P.O. BOX 303
 Verdugo City, CA 91046

Case Type / Number:

Reasonable Accommodation Review 16-01

Site Address:

4409 Chevy Chase Drive

Case Planner:

Harriet Harris ~ Assistant Planner

	1019	4435		4434	4433
1106		4427		4426	4425
4396	1020				4427
4390		4421		4420	4421
				4422	4419
4384		4415			4415
4380		4409		4410	4409
					4405
4376	4401	4403		4404	4401
					4393
4368	4393	4395		4392	4389
					4385
4362		4387		4384	4381
					4377
4356		4379			4373
				4374	4373
4348		4377			4369

1. Request:

The request is for Reasonable Accommodation Review to allow a 14'-0" circular driveway to accommodate wheelchair access.

2. Location:

The site is located on the west side of Chevy Chase Drive, mid-block between Foothill Boulevard and Descanso Drive, within the R-1-10,000 zone.

3. Staff Recommendation:

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

4. Project Size:

Lot area:	22,004 sq. ft.
Existing House:	3,653 sq. ft.
Existing Garage:	463 sq. ft.
Existing Pool House:	210 sq. ft.
Total:	4,326 sq. ft. (FAR: 0.20)

5. 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 is designated R-1-10,000 (Single Family Residential – 10,000 Square Foot Minimum Lot Size).

6. Environmental Impact Review:

Staff has determined that the proposed Reasonable Accommodation Review is Categorically Exempt from the California Environmental Quality Act, under Class 2.5(c)(1) (new construction) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action:

TR 14-33 which was approved February 3, 2015.

8. Pending and Potential Actions:

Plan check and issuance of building permit.

Possible encroachment permit issued by the Public Works Department.



9. Staff Analysis:

A. Context:

The subject property is located on the west side of Chevy Chase Drive, mid-block between Foothill Boulevard and Descanso Drive. Chevy Chase has a subtle descent from Foothill Boulevard as it extends south towards Descanso Drive. The slope of the street results in a subtle change in grade for properties along the street's course. The immediate neighborhood can be characterized as eclectic with many different style homes fronted by well-maintained yards.

The flat parcel is regularly shaped and is developed with a single-story residence, detached garage and pool. The detached garage is sited immediately next to the north side property line. A compliant, single-story addition is currently in plan check. The floor area figures above include the new addition. The existing circular driveway is non-conforming since the parcel is only 75'-0" wide.

B. Project Description:

The applicant is proposing to widen the existing circular driveway at the top of the driveway to allow wheelchair access for entering and exiting a handi-capped accessible van closest to the remodeled front porch and new ramp. The existing driveway is 12'-0" wide and the applicant is requesting to increase its width at the top of the driveway to 14'-0".

C. Reasonable Accommodation Review:

Discussion

According to Chapter 11.18.060 of the City's Zoning Code regarding reasonable accommodation for individuals with disabilities, it is the purpose of the Reasonable Accommodation Review and the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (collectively, the "Fair Housing Laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The purpose of this chapter is to establish procedures for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the city and to establish criteria for consideration of such requests.

Without the Reasonable Accommodation Review request, the applicant would have had to apply for a Variance to allow for a wider circular driveway than the code would allow under regular circumstances. Since a Variance would have been required, the Planning Commission is the reviewing authority. The applicant has provided evidence as part of the application identifying the need for the accommodation. In reviewing a project for reasonable accommodation special findings within the Zoning Code are required.

In summary, staff has no concerns with the request since the applicant has provided the evidence necessary and other homes in the neighborhood have non-conforming circular driveways on narrow lots. Since the driveway is flat work, the additional width requested will not be discernable when viewed from the front of the property.

Findings

1. Whether the housing, which is subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under the Fair Housing Laws.

The applicant has provided evidence that the house and associated non-conforming circular driveway will be used by an individual with disabilities and their family. Staff supports the finding.

2. Whether the requested accommodation is reasonable and necessary to make housing available to an individual with a disability as protected under the Fair Housing Laws.

The additional driveway width needed to allow for wheelchair access would be minimal and would not be discernable from the front of the lot. Staff supports the finding.

3. Whether there are alternatives to the requested accommodation that may provide an equivalent level of benefit.

Other alternatives would be impractical and would not be feasible.

4. Whether the requested accommodation would impose an undue financial or administrative burden on the city.

The requested accommodation would not impose an undue financial or administrative burden on the City since the driveway aprons will not be altered. Staff supports the finding.

5. Whether the requested accommodation would require a fundamental alteration in the nature of the city's land use and zoning or building program.

The requested accommodation would simply allow additional driveway width at the top of the driveway to allow for wheelchair access to and from the accessible vehicle. Other properties along Chevy Chase Drive have non-conforming circular driveways. The City's land use and zoning will remain unchanged. Staff supports the finding.

E. Recommendation:

Based on the above discussion, staff has determined that the project is reasonable and appropriate for the site. Thus, staff recommends that the Reasonable Accommodation Review request **BE APPROVED**, subject to conditions listed in Exhibit "A", attached to the draft resolution.

cc: William and Betty Hsu / P.O. BOX 303 / Verdugo City, CA 91046
William, Betty & Serena Hsu / 460 West Duarte Road, #A / Arcadia, CA 91007

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 16-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING REASONABLE ACCOMMODATION REVIEW 16-01
TO ALLOW A NON-CONFORMING DRIVEWAY TO BE
WIDENED FOR WHEELCHAIR ACCESS
AT 4409 CHEVY CHASE DRIVE
AS REQUESTED BY
William and Betty Hsu**

WHEREAS, a request by William and Betty Hsu has been received for a Reasonable Accommodation Review to allow a non-conforming driveway to be widened to 14'-0" for wheelchair access, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on May 24, 2016, after public noticing in the prescribed manner, held a public hearing and conducted a review of the request; and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(a)(existing facilities) 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 May 24, 2016, regarding the application for Reasonable Accommodation Review at 4409 Chevy Chase Drive, 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:

Reasonable Accommodation Review:

1. The housing, which is subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under the Fair Housing Laws and the applicant has provided evidence that the house and associated non-conforming circular driveway will be used by an individual with disabilities and their family.
2. The requested accommodation is reasonable and necessary to make housing available to an individual with a disability as protected under the Fair Housing Laws

and the additional driveway width needed to allow for wheelchair access would be minimal and would not be discernable from the front of the lot.

3. There are no alternatives to the requested accommodation that may provide an equivalent level of benefit as other alternatives would be impractical and would not be feasible.
4. The requested accommodation would not impose an undue financial or administrative burden on the city since the driveway aprons will not be altered.
5. The requested accommodation would not require a fundamental alteration in the nature of the city's land use and zoning or building program since it would simply allow additional driveway width at the top of the driveway to allow for wheelchair access to and from the accessible vehicle. Other properties along Chevy Chase Drive have non-conforming circular driveways. The City's land use and zoning will remain unchanged.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves the Reasonable Accommodation Review request at 4409 Chevy Chase Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 24th day of May, 2016.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
REASONABLE ACCOMMODATION REVIEW 16-01
4409 Chevy Chase 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 Reasonable Accommodation Review 16-01.
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 Reasonable Accommodation Review 16-01, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 12 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:
 - a. All zoning and related approvals are effective; and
 - b. All required building and grading permits for the project have been issued; and
 - c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees, 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. 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. 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.
13. An encroachment and/or excavation permit shall be required for any work within the public right-of-way.

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