

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

September 23, 2014 Meeting

Property Owner:

Gulied Malouf
4710 Oakwood Avenue
La Cañada Flintridge, CA 91011

Case Types / Numbers:

Second Floor Review 14-07
Setback Modification 14-12

Applicant:

Winnie Lam
PO Box # 103
Alhambra, CA 91802

Site Address:

4710 Oakwood Avenue

Project Planner:

Jo-Anne Parinas

1. Request: The request is for a Second Floor Review and Setback Modification to allow the construction of a 3,830-square foot two-story house. A Setback Modification is required because the project encroaches 2'-0" into the required 7'-0" first-floor north side setback.

2. Location: The site is located along east side of Oakwood Avenue, north of its intersection with Houseman Street, in 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	11,200 S.F. (without flag strip)
First Floor:	2,016 S.F.
Garage:	438 S.F.
Balcony Cantilever:	29 S.F.
Second Floor:	1,347 S.F.
Total Floor Area:	3,830 S.F. (0.34 FAR)

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). The site is currently developed with an existing single-story residence.

6. Environmental Impact Review: Staff has determined that the proposed SFR review is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(a)(4)(i)(Additions) and 2.5(e)(1)(minor variances) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. **Previous Action:** None

8. **Pending and Potential Actions:** Plan check submittal and issuance of building permit.

9. **Staff Analysis:**

A. **Context:**

The site is located along east side of Oakwood Avenue, north of its intersection with Houseman Street. The property under review is a 12,375 square foot flag lot with a flag strip fronting Houseman Street and its main street frontage on Oakwood Avenue. Since the flag strip is less than 20 feet in width, the flag strip is required to be eliminated from the lot area when calculating the maximum allowed floor area for the lot, which reduces the lot size to 11,200 square feet.



A survey of the immediate neighborhood shows that the neighborhood is composed of predominately single-story homes, however there are a few two-story homes present in the area. Currently the subject parcel has a one-story house with an attached two-car garage.

B. **Adjacent Properties Chart:**

The following table shows lot sizes, house sizes, floor area ratios and number of stories for 9 neighboring properties:

Address	Lot Size	House Size	FAR	Number of Stories
4700 Oakwood Avenue	14,861 sf	2,760 sf	0.19	1
4703 Oakwood Avenue	8,626 sf	1,289 sf	0.15	1
4709 Oakwood Avenue	8,672 sf	3,055 sf	0.35	2
4715 Oakwood Avenue	8,150 sf	1,414 sf	0.17	1
4717 Oakwood Avenue	8,124 sf	1,299 sf	0.16	1
4718 Oakwood Avenue	17,421 sf	4,380 sf	0.25	2
4725 Oakwood Avenue	8,369 sf	2,313 sf	0.28	1
4729 Oakwood Avenue	8,133 sf	1,988 sf	0.24	2
4730 Oakwood Avenue	22,095 sf	2,052 sf	0.09	1
Average (Mean):	11,606 sf	2,283 sf	0.21	--

4710 Oakwood Avenue	11,200 sf	3,363 sf	0.30	2
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(Project site – floor area figures DO NOT include garages and other exterior covered area and are intended for general comparison only.)

Under the FAR standard for lots of this size, the project site could support a house of 3,876 square feet. The project site is slightly smaller in size than the average lot size for the area and comprises 11,200 square feet as compared to the 11,606 sq. ft. neighborhood average. While the average size for homes in the area is 2,283 square feet, house sizes range from 1,289 square feet to 4,380 square feet. The proposed house, with a livable floor area of 3,363 square feet, would be 1,017 square feet smaller than the largest house and 1,080 square feet larger than the average house size in the survey. Although the proposal would result in the project site having one of the highest FAR in the neighborhood (one other lot has a greater FAR), the proposed house is smaller than one other home in the area (adjacent neighbor to the north at 4718 Oakwood Avenue), and not significantly larger in FAR than three other homes in the area (0.30 for the proposed compared to 0.25 for 4718 Oakwood Avenue, 0.28 for 4725 Oakwood Avenue, and 0.24 for 4729 Oakwood Avenue). The proposed house's architectural style and existing trees along the front of the property mitigate the visual/massing impacts on the neighborhood and allows the project to relate well to its location. Although the neighborhood is composed of primarily single-story homes, there are two-story homes present in the area and a broader survey of the area indicates that the neighborhood is in transition. In staff's opinion, the request is appropriate for the site and is not incompatible with the character of the area.

C. Project Description:

The request involves the demolition of approximately 51% of the existing residence, expansion of the first-floor and the construction of a new second-floor. The proposed house would have a 2,016-square foot first floor, 438-square foot garage, 29-square foot balcony cantilever, a 1,347-square foot second floor, and a 992-square foot basement. The proposed basement would not count towards the overall floor area calculation for the lot because it is completely below grade. The first floor contains the following rooms: dining room, living room, kitchen, garage, game room, two bathrooms, and two bedrooms. The second floor has a laundry room, two bedrooms, a bathroom, a bonus room, and a master bedroom suite.

The first floor of the proposed house is set back 5'-0" and 9'-2" respectively from the northerly and southerly property lines while the second floor is set back 14'-5" and 15'-10". The house is set back 30'-10" and 80'-5" respectively from the front and rear property lines. Approval of a Setback Modification is required because the project involves the retention of existing house's legal non-conforming north side setback and demolition of greater than 30-percent of the existing roof area, thus, deeming the proposed construction as a new house.

The proposed residence is within allowable floor area limits for the lot and compliant with respect to height, and angle plane. The overall height would be 25'-4", well below the 32-foot limit for the site.

The project compares with code standards as follows:

	<u>Standard</u>	<u>Proposed</u>
Floor Area:	3,876 sq. ft.	3,830 sq. ft
Front SB:	27'-6"	30'-10"
North Side SB		
First Floor:	7'-0"	5'-0" (existing)
Second Floor:	14'-0"	14'-5"
South Side SB		

First Floor:	7'-0"	9'-2"
Second Floor:	14'-0"	15'-10"
Rear SB:	15'-0"	80'-5"
Height:	32'-0"	25'-4"

D. Second Floor Review

Issues

The purpose of Second Floor Review is to ensure that two-story development is appropriate, in terms of scale and design, for both the subject property and immediate area. Although a review of the Adjacent Properties Chart on page 3 indicates the neighborhood is composed of primarily single-story homes, there are two-story homes present in the area and a broader survey of the area indicates that the neighborhood is in transition. The proposed residence is of a Spanish architectural style. The Spanish architecture is evidenced by the home's gable roof, roof tiles, multi paned windows, and wood details. The proposed house features a variety of planes and has significant modulation provided on all elevations. In staff's opinion, the request is appropriate for the site and is not incompatible with the character of the area. Further, the proposed house is not out of scale with other homes in the neighborhood.

Although the proposed second-floor has a balcony and bedroom windows, staff has minimal concerns regarding privacy impacts upon the north, south, and east side neighbors. The balcony would not have any privacy impacts since views from the balcony are oriented towards the rear of the property and the neighbors to the rear are distant and are screened by existing landscaping and trees. North and South side views to and from the proposed deck would be screened by the existing trees on site. The proposed north elevation has four windows: two bedroom windows, a window to allow light in to the staircase, and a window that serves the laundry room. The north side windows are oriented towards the north neighbor's side yard and would not look into the neighbor's backyard because the neighbor's two-story house would block views to and from the backyard. The proposed South elevation has three windows: two windows that serve the master bedroom and a bathroom window.

The City's Residential Design Guidelines address four primary considerations, which are italicized in bold font and followed by Staff's favorable analysis:

- ***Neighborhood Compatibility:*** The proposed Spanish style house is compatible with other homes in the neighborhood. The size of the home is proportionate to the site while the overall visual scale of the home would not be excessive due to the existing mature trees that provide buffering from the street, the presence of two-story houses in the area, and the use of compliant second-floor setbacks.
- ***Site Development:*** The second floor would comply with height, angle-plane, and front, side and rear setback requirements. The first-floor side setback encroachment is long-standing and would be retained as part of the project. Based on the zoning code's floor area standards and earlier analysis, the subject lot is able to support the size and shape of the proposed house.
- ***Physical Design Components:*** The proposed Spanish architectural style is well represented in the building materials utilized, which include: multi paned windows, roof tiles, and wood details. The proposed house would preserve the privacy of adjacent

neighbors: the proposed house is distant and screened from the rear neighbors, and is screened by existing landscaping and trees from views to and from the north and south side neighbors.

- **Landscaping:** The subject property has existing mature trees onsite that provide screening and visual buffering of the proposed residence from street and neighboring views.

Findings

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

The proposed second-floor setbacks are sufficient given the height of the house and its low profile. The elevations of the house would have sufficient modulation and diverse building materials to create a house that is consistent with its architectural style. Existing mature trees in front of the house would provide some visual buffering from street view. Staff supports this finding.

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

While the neighborhood is predominately single-story, existing two-story houses are located immediately to the north and west of the project site. While one of the largest homes in the neighborhood, the proposed two-story house's low profile, height, and existing mature trees help preserve the character and scale of the neighborhood. Staff supports the finding.

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

The proposed second-floor front, side and rear setbacks protect neighboring properties and minimize the impacts of the proposed house on the neighborhood. The proposed house is of Spanish architectural style and is compatible with the designs of houses in the neighborhood. The proposed second floor would have minimal privacy impacts to north, south, and east side neighbors because there is existing landscape screening on site. 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 use of materials proposed for the project relate well with the site and are consistent with the directives of the City's Single Family Residential Design Guidelines. Staff supports the finding.

E. Setback Modification

Issues

The existing house has a legal non-conforming 2'-8" first floor south side setback and a 5'-0" first floor north side setback. The project will increase the south side setback to 9'-2" (2'-2" greater than the required 7'-0" first floor side setback) and would retain the existing 5'-0" first floor north

side setback. The legal nonconforming status for the existing first floor setback encroachments is lost because the project would require the demolition of more than 30-percent of the existing roofed area. Per Zoning Code Section 11.01.030, the project is considered a new structure, therefore, is required to comply with current code standards. The retention of the 5-foot north side setback is viewed as reasonable considering the longstanding nature of the encroachment (dating from 1940). Requiring a compliant 7'-0" south side setback would entail complete demolition of the existing house, causing unreasonable and unnecessary hardship inconsistent with the purpose of the zoning regulations. One of the intentions of establishing setback requirements is to alleviate possible massing and crowding impacts to adjacent neighbors. Since the north side setback is longstanding, the proposal would not cause any additional crowding or massing impacts to the north side neighbor. The 30-percent roof removal/new construction requirement was included in the code to ensure that complete demolition and reconstruction does not occur when residential additions are approved. A Condition of approval has been added to the draft resolution requiring the retention of walls along the north side of the house as presented by the project plans.

For the purpose of determining neighborhood consistency, staff conducted a survey of the immediate area to identify other properties in the neighborhood with north side yard setback encroachments. The survey identified the following properties with nonconforming north side setbacks:

Address	Required Side Setback	Existing North Side Setback
4700 Oakwood Avenue	10'-0"	4'-0"
4715 Oakwood Avenue	6'-0"	0'-0"
4717 Oakwood Avenue	6'-0"	3'-0"
4725 Oakwood Avenue	6'-0"	0'-0"
4729 Oakwood Avenue	6'-0"	0'-0"

Findings

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

The size and architectural style of the proposed house is consistent with the size and architectural styles of homes found in the neighborhood. The proposed setback encroachment is comparable to the setback encroachments present on neighboring properties. 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 project maintains the existing single-family use of the property while comparable encroachments are presented by structures on other properties in the immediate area. Five other properties in the neighborhood have homes that encroach into the required side setback. In addition, the proposed 5'-0" north side setback is longstanding and the project would simply retain an existing setback encroachment. 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 existing house has a longstanding first floor north side setback encroachment. The project would simply retain the existing 5'-0" north side setback. Requiring a compliant 7'-0" south side setback would entail complete demolition of the existing house, causing unreasonable and unnecessary hardship inconsistent with the purpose of the zoning regulations. Staff can support 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.

The proposed setback encroachment would not be detrimental to the public health and safety because the proposal would conform to building code standards. The setback encroachments would not yield an adverse crowding or massing effect. 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 size of the proposed house is within the floor area standards allowed for the lot. The proposed house is of Spanish architectural style and is compatible with the size and designs of houses in the neighborhood. Significant public views are not apparent and would not be impacted beyond the effects associated with a two-story house in any event. Staff supports the finding.

10. Recommendations:

Based on the above discussions, staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

RESOLUTION NO. 14-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SECOND FLOOR REVIEW 14-07
AND SETBACK MODIFICATION 14-12
FOR A NEW TWO-STORY RESIDENCE WITH
NORTH SIDE SETBACK ENCROACHMENTS
AT 4710 OAKWOOD AVENUE
AS REQUESTED BY
GUILIED MALOUF**

WHEREAS, a request by Guilied Malouf has been received for a Second Floor Review and Setback Modification to allow construction of a new 2-story residence with north side setback encroachments, said request attached hereto and incorporated by reference; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on September 23, 2014, held a public hearing on the project; and

WHEREAS, the Planning Commission determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act (CEQA) under Class 2.5(a)(4)(i) and (e)(1) 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 reports dated September 23, 2014 regarding the application for a Second Floor Review and Setback Modification, and heard and considered the testimony of the applicant and the public; and of the Zoning Code.

Section 1.

Second Floor Review Findings

1. The proposed second-floor setbacks are sufficient given the height of the house and its low profile. The elevations of the house would have sufficient modulation and building materials to create a house that is consistent with its architectural style. Existing mature trees in front of the house would provide some visual buffering from street view.

2. While the neighborhood is predominately single-story, existing two-story houses are located immediately to the north and west of the project site. While one of the largest homes in the neighborhood, the proposed two-story house's low profile, height, and existing mature trees help preserve the character and scale of the neighborhood.

3. The proposed second-floor front, side and rear setbacks protect neighboring properties and minimize the impacts of the proposed house on the neighborhood. The proposed house is of Spanish architectural style and is compatible with the designs of houses in the neighborhood. The proposed second floor would have minimal privacy impacts to north, south, and east side neighbors because there are existing landscape screening on site.

4. The scale, massing and use of materials proposed for the project relate well with the site and are consistent with the directives of the City's Single Family Residential Design Guidelines.

Setback Modification Findings

1. The size and architectural style of the proposed house is consistent with the size and architectural styles of homes found in the neighborhood. The proposed setback encroachment is comparable to the setback encroachments present on neighboring properties.

2. The project maintains the existing single-family use of the property while comparable encroachments are presented by structures on other properties in the immediate area. Five other properties in the neighborhood have homes that encroach into the required side setback. In addition, the proposed 5'-0" north side setback is longstanding and the project would simply retain an existing setback encroachment.

3. The existing house has a longstanding first floor north side setback encroachment. The project would simply retain the existing 5'-0" north side setback. Requiring a compliant 7'-0" south side setback would entail complete demolition of the existing house, causing unreasonable and unnecessary hardship inconsistent with the purpose of the zoning regulations.

4. The proposed setback encroachment would not be detrimental to the public health and safety because the proposal would conform to building code standards. The setback encroachments would not yield an adverse crowding or massing effect.

5. The size of the proposed house is within the floor area standards allowed for the lot. The proposed house is of Spanish architectural style and is compatible with the size and designs of houses in the neighborhood. Significant public views are not apparent and would not be impacted beyond the effects associated with a two-story house in any event.

NOW, THEREFORE, Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Second Floor Review for a new 2-story residence and related site work at 4710 Oakwood Avenue, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2014.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

**CONDITIONS OF APPROVAL
SECOND FLOOR REVIEW 14-07
SETBACK MODIFICATION 14-12
4710 OAKWOOD AVENUE**

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 14-07 and Setback Modification 14-12.
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 plans labeled Second Floor Review 14-07 and Setback Modification 14-12, 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 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 and assessments to the City of La Cañada Flintridge, as established by Resolution of the City Council.
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 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. 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. 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.

13. Any work conducted on the public right-of-way requires an encroachment permit issued by the Public Works Department. There shall be no work conducted on the public right-of-way without an approved encroachment permit.

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.

15. Applicable tree protection guidelines for all protected trees (Oak tree at rear and Sycamore trees in front of the house) proximate to the residence shall be strictly adhered to during all phases of construction, including installation of chain link protection barriers prior to the issuance of building permits. A protection barrier plan shall be submitted to the Planning Department and approved by the Director of Community Development. The protection barrier shall be installed prior to building permit issuance.

16. The applicant shall prepare a Haul Route Management Plan. The plan will describe the route, queuing and destination of the trucks for removal of dirt from the site, as well as the frequency of operation. Frequency of operation shall include days of operation, time of operation and the time spacing of vehicles between pickups. The Haul Route Management Plan shall be reviewed by the Director of Public Works and the Director of Community Development. In particular, the plan shall prohibit hauling operations on Saturdays and Sundays, and on days when other large trucks are scheduled to be in the area (trash on Mondays). Times of operation shall also address local school operations and any other similar activities that would be affected by the movement of large trucks. As part of the plan, the applicant shall fund a temporary city employee to act as the Haul Route Manager for the city. This person shall be responsible for managing the plan and shall report directly to the City Engineer or the Director of Public Works. No permits of any kind shall be issued until the Haul Route Management Plan is approved by both Directors and the Plan Manager hired.

17. The location of all mechanical equipment shall be indicated on the plan prior to building permit issuance. If mechanical equipment is proposed to be located on the roof, a Director's Review application shall be submitted and must be approved prior to placement.

18. The building walls (both interior and exterior) on the north side of the property shall be retained per the submitted project plans.

19. The following Public Works Condition of approval shall be adhered to:
- a. A drainage plan shall be provided.
 - b. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted. The Plan shall comply with the requirements of NPDES permit for construction sites less than one acre prior to grading permit issuance.
 - c. An Urban Storm Water Mitigation shall be submitted.
 - d. The site plan shall indicate all existing and proposed improvements within the public right of way.
 - e. No above ground structures shall be constructed in the public right of way.
 - f. Mailbox shall be approved by Public Works prior to installation.
 - g. The driveway apron shall conform to the provisions of Chapter 8.01 of the Municipal Code and Standard Plans for Public Works Construction, latest edition and must meet driveway slope standards.

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