

CITY OF LA CAÑADA FLINTRIDGE

MEMORANDUM January 12, 2016 Meeting

To: Planning Commission

From: Robert J. Stanley, Director of Community Development

Subject: Setback Modification 15-09
5300 Alta Canyada Road
Continued Hearing

Background:

On October 14, 2014, the Commission approved the house addition project (SFR 14-34 & M 14-18). Through that review, the status of the subject accessory structure, originally a garage at the rear of the property, was discussed. The rest of the project reached the code limit for floor/roofed area without the structure, so it could be retained only as an open-roofed structure, and was proposed as such. However, because the Zoning Code identifies any structure having 30% or more of its roof as constituting a new structure, the accessory structure would need to conform to current setback requirements. Thus it was identified as necessitating either removal or a separate Setback Modification, leading to the current request.

The Commission reviewed the structure at its July 14, 2015 meeting (staff report and minutes attached). At that time, the Commission discussed concerns about the structure's continued role in retaining the upslope, potentially affecting the neighboring property to the rear. The project was continued to the date certain of September 8, 2015, to allow the applicant time to prepare calculations and structural design to assure that the structure would be adapted to current standards to retain the slope, and to attain Building & Safety approval of said calculations and design.

The applicant had not achieved the required approval by the September 8th date, and the project was continued at that time, without review, to the date certain of October 13, 2015. It was not yet ready for approval at that hearing, at which time the case was continued to a date uncertain.

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Update:

On November 18, 2015, Building & Safety (Nader Samaan) approved the submittal for replacement of the structure's solid roof with an open structure, and the associated permanent and temporary measures to assure continued support of the slope above. The submittal consisted of architectural Sheets A1-A4 and structural Sheets S1-S4. Sheet S1 includes the engineer's design for temporary bracing.

Recommendation:

The submittal and approval satisfy the Commission's requirements as stated at its July 14, 2015 meeting. On that basis, and on the design's compliance with required findings as contained within the July 14, 2015 staff report, staff recommends that the requested Setback Modification **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

*Attachments: July 14, 2015 Planning Commission Staff Report
July 14, 2015 Planning Commission Minutes
11/18/2015 Bldg & Safety Approved Drawings (Sheets A1-A4; S1-S4)*

C: *Riverside Investors, Inc. / 1607 Verdugo Blvd. / LCF*

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 16-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SETBACK MODIFICATION 15-09
FOR AN EXISTING ACCESSORY BUILDING
CATEGORIZED AS "NEW" DUE TO ROOF REMOVAL
AT 5300 ALTA CANYADA ROAD
AS REQUESTED BY
RIVERSIDE INVESTORS INC.**

WHEREAS, a request by Riverside Investors Inc. has been received for a Setback Modification to allow continued west side and rear yard setback encroachments for an existing accessory structure categorized as "new" due to the replacement of its solid roof with an open structure, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on July 14, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Setback Modification request and voted to continue the project review pending Building & Safety structural approval, to the date certain of September 8, 2015; and

WHEREAS, the Planning Commission, on the date certain of September 8, 2015, voted to continue the incomplete project to the date certain of October 13, 2015; and

WHEREAS, the Planning Commission, on the date certain of October 13, 2015, voted to continue the incomplete project to a date uncertain; and

WHEREAS, the Planning Commission, on January 12, 2016, after publication and posting of notice in the prescribed manner, held a public hearing on the Setback Modification 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 Class 2.5(c)(1) (new construction) & 2.5(e)(1)(minor 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 July 14, 2015 and memo dated January 12, 2016, regarding the application for

Setback Modification at 5300 Alta Canyon 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 hereby finds the following:

Section 1.

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity, because the subject structure was consistent with zoning regulations at the time of its construction and has existed for many decades in harmony with the two neighboring properties, with its lower elevation, modest height, and landscape screening combining to prevent any impact of modest setbacks.
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 project supports the existing single-family use of the property in a manner that is modest in comparison with most other neighborhood structures.
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 removal of the solid roof resulted from the remainder of the construction attaining the maximum allowable floor area. Because of the extent of roof removal, the Zoning Code treats the accessory building as if it were new construction. To require the removal, relocation, or reduction of the structure due to setback encroachments would constitute an unnecessary hardship as well as a practical difficulty, given the role of the deep structure in retaining the adjacent slope, without any benefit to neighboring properties.
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 the encroachment would maintain neighborhood scale, and would have no visual effect on the only potentially affected neighbors.
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 project would retain the existing building aside from the replacement of its roof with an open structure, without any adverse view or aesthetic impacts on the neighborhood setting.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Setback Modification for an accessory structure at 5300 Alta Canyon Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2016.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
SETBACK MODIFICATION 15-09
5300 Alta Canyon Road

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 Setback Modification 15-09 (Approved Bldg. & Safety Set 11/18/2015).
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the site plan labeled Modification 15-09, Sheet A-1 (Approved Bldg. & Safety Set 11/18/2015), except as otherwise stated in these conditions.
5. All buildings and structures shall be of the design as shown on the plan drawing labeled Modification 15-09 Sheet A-2 and the elevation drawing labeled Modification 15-09, Sheet A-3 (Approved Bldg. & Safety Set 11/18/2015), except as otherwise stated in these conditions.
6. 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 project 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 first required inspection has been made and received approval from the Division of Building and Safety. 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.
7. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
8. 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.
9. 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.
10. 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 Setback Modification. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
11. 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.
12. The project shall conform to Sheets A1-A4 and S1-S4 as approved by Building & Safety on November 18, 2015.

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