

# CITY OF LA CAÑADA FLINTRIDGE

## ADMINISTRATIVE HEARING STAFF REPORT

~ July 17, 2017, 9:00 AM Meeting ~

**Applicant:**

Ambiance Additions  
Aaron O'Neil

**Property Owner:**

Dr. Thomas Chen

**Project Location:**

740 Forest Green Drive

**Project Planner:**

Gary Yesayan

**Application Type / Number:**

Hillside Development Permit 17-09 (Admin)  
Second Floor Review 17-07 (Dir)  
Director's Miscellaneous Review 17-15 (SB)



**Recommendation:**

Staff recommends approval of the proposed second-floor balcony enclosure subject to the conditions listed in Exhibit "A", attached to the draft resolution.

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**1. Request:**

The applicant is requesting a Hillside Development Permit, Second-floor Review and a Setback Modification to allow enclosure of a 298 square-foot second-floor level open patio at 740 Forest Green Drive. Per the City's Hillside Ordinance, second-floor additions that are 600 square feet or less, on hillside lots, require Administrative Hillside Review. Also, the proposed addition exceeds the City's Slope Factor Guideline but remains below the maximum permitted FAR. This is part of the requested Hillside Development Permit. The current residence includes a 1-foot front-yard encroachment. Since the enclosing wall will be in-line with the existing façade and within the front-yard setback, a Setback Modification is also requested.

**2. Location:**

The project site is located east of Angeles Crest Highway on Forest Green Drive. The residence is on a flag lot accessed from a cul-de-sac at Forest Green Drive. The lot is within the R-1-15,000 zone and designated as "hillside". All immediate parcels share the same zoning designation.

### 3. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Low Density Residential – up to 4 Dwelling Unit per Acre. The property is zoned R-1-15,000 (Single-Family Residential, 15,000 Square Foot Minimum Lot Size).

### 4. Environmental Impact Review:

Staff has determined that the original project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301(e)(1) (Additions to existing structures not exceeding 50-percent of existing floor area) and Section 2.5(a)(4)(i) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

### 5. Previous Actions:

March 9, 2017 - Approval of Director's Hillside Development Permit and Setback Modification for a new infinity edge pool, spa and associated equipment.

### 6. Pending and Potential Actions:

Department of Building and Safety structural review and building permit issuance.

### 7. Staff Analysis:

#### A. Project Description:

The project includes a conversion of an open second-floor level deck into an enclosed sun-porch. The 298 square foot sunporch will integrate with the existing structure while incorporating an all glass roof and other glass elements. The current open deck area is underutilized. Its enclosure will ensure proper maintenance and added usable space. The area of the enclosure is shown below.



B. Project Data:

Lot Area:	20,620 sq. ft.
Maximum Permitted Floor Area:	5,874 sq. ft.
Maximum Permitted Floor Area with SFG Reduction: 32% Slope // SFG Factor = 0.86 // 5,874 x 0.86	5,052 sq. ft.
Existing Residence: 1 <sup>st</sup> - floor, 2 <sup>nd</sup> -floor and Garage	5,262 sq. ft.
<b>New 2<sup>nd</sup>-floor Sun Porch:</b>	<b>298 sq. ft.</b>
Total Floor Area after Project:	5,560 sq. ft.
Total Floor-area Ratio (FAR):	26%

Setbacks and Height	Standard	Existing	Proposed
Front Setback (north PL):	25'-0"	24'-0"	24'-0"
Interior Side-Yard Setbacks (west and east PL):	10'-0"	10'-0"	30'-0"
Rear-Yard Setback (south PL):	15'-0"	100' +	N/A
Height:	28'-0"	24'-6"	24'-0"

C. Hillside Development Permit and General Plan:

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 this goal are the following objectives and policies:

Objective 4.1: New development and/or remodeling of existing structures and property will be designed, constructed, and maintained to preserve important views, topographic and other natural features, and the semi-rural character of the City's hillsides.

Policy 4.1.1: Preserve ridgelines, natural slopes, knolls, canyons, and bluffs in their natural state to protect important views and topographic and other natural features.

Policy 4.1.3: Ensure that development preserves the City's natural environment, setting, and viewsheds, through design, siting, and construction that avoids obtrusive breaks in the natural skylines and minimizes the visual impact of grading, intrusion of highly visible cut and/or fill slopes, building and roof lines, and/or roadway surfaces.

Policy 4.1.5: Continue to implement the City's Hillside Development Chapter of the Zoning Ordinance, which establishes standards to minimize landform alteration, preserve significant environmental features, and control development densities.

Policy 4.1.6: Encourage residences developed in hillside areas to be designed, landscaped, and built of materials that blend with the existing environment; use of bright or reflective surfaces will be disallowed.

#### D. Hillside Development - Discussion:

The proposed sun-porch is of reasonable scale for the site. The addition will not demonstrate excessive bulk from any vantage point considering the visually isolated location of the front yard. Since the enclosure is at the second-floor level, there will be no grading or hillside alteration.

The City's Hillside Ordinance includes a guideline that restricts excessive grading and development on hillside properties where the average slope exceeds 20-percent. This is through reduction of the maximum permitted floor area by an applicable factor. As such, the subject lot includes an average slope of 32-percent with a reduction factor of 0.86. The lot's standard buildable floor area is 5,874 square feet. With the Slope Factor reduction, it is reduced to 5,052 square feet. The proposed 298 square foot sun porch addition will result in a total floor area of 5,560 square feet. While this exceeds the Slope Factor Guideline, it remains under the standard limitation by 314 square feet. Since the site will not be altered, staff believes that this overage is reasonable. The project would not introduce unreasonable bulk or impact the character of the area, therefore maintaining 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** since the deck enclosure will allow for additional habitable space without affecting the site's hillside nature. The home's existing architectural style will be preserved to maintain the overall design consistency. Existing landscaping will provide screening of the proposed addition from the neighboring properties. *Staff supports the finding.*
- 2. The project will maximize potential for sensitive use and effective preservation of open space.** Site density would not be increased, while the site's open space would not be affected. The hillside area at the rear of the subject site will remain undisturbed. *Staff supports the finding.*
- 3. The project will not be detrimental to the public health, safety, or general welfare,** as the project conforms to the City's Zoning code standards and no aspect of the development is found to be a potential public health or safety concern. *Staff supports the finding.*
- 4. The project will not adversely affect the orderly development of property within the City** since the proposal is consistent with the character of the property and within density standards for the lot. *Staff supports the finding.*
- 5. The project will conform to the goals and policies set forth in the General Plan** as the scope of the project is reasonable, while the hillside setting would be

maintained, 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 sun-porch will not result in a change of use or intensification of development beyond those allowed in the General Plan and Zoning Code. Therefore, it 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. *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.** The proposed addition exceeds the Slope Factor Guideline; however, the location of the enclosure and the retention of all hillside areas justify the exemption. The sun-porch will be at the second-floor level which will not alter the existing hillside topography. The total floor area will remain below the maximum permitted buildable floor area by the Zoning Code. All other hillside standards are met. *Staff supports the finding.*
8. **The potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics.** The new second-floor sun-porch does not create excessive bulk and due to the flag lot nature of the lot, the porch is not visible from the neighboring properties. The existing landscaping further screens the addition. *Staff supports the finding.*
9. **The project does not create an avoidable or unreasonable impairment of the view from any other property** since the addition faces the back yard of the adjacent neighbor and is located behind dense vegetation. *Staff supports the finding.*

#### F. Setback Modification – Discussion:

The subject site is a “flag lot” with an approximate 15-foot wide access way (flag pole). Based on the lot’s configuration and the orientation of the existing residence the site’s northeast property line beyond the flag-strip is considered as its front and the area between the northeast property line and the building is classified as “front yard”. Per the provided survey, the existing residence is located a minimum of 10-feet from the front property line, with that position of the residence where the subject enclosure is to be located being 24-feet from the front property line, resulting in a 1-foot front-yard encroachment. The proposed second-floor patio enclosure and conversion into a sun-deck will be consistent with this existing condition. There will be no additional encroachments beyond what is already existing.

#### G. Setback Modification – Findings:

10. **Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard setback requirements** since the proposed enclosure area encroaches 1-foot within the required 25-foot front-yard setback, but the addition aligns with the existing façade. There will be no new encroachments beyond what is already existing. *Staff can support this finding.*
11. **The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner which is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council,** because the location of the proposed patio enclosure would not result in any view blockage to adjacent neighbors and would be compatible with development on site and in the immediate area. The proposed addition will not be visible from the street and will be screened from neighboring properties by existing landscaping throughout the lot. *Staff supports the finding.*

#### H. Second Floor Review – Discussion:

The two-story residence has a 2,270 square-foot second floor with an open patio facing the front (northwest property line). The overall height is 28-feet, which is the maximum allowed on hillside lots. The proposed enclosure of the second-floor level patio will have a separate glass roof with a total height of 24-feet. The second-floor area already exists but is not roofed; therefore, previously not contributing to the overall floor area. Due to the conversion into a now covered sun-porch, an additional 298 square foot of floor area will be added. As such, any additional floor area at the second-floor level requires a Second-floor Review.

#### I. Second Floor Review – Findings:

12. **The two-story design includes adequate setbacks, screening and modulation** along its rear and sides. The second-floor sun-porch includes a 1-foot front-yard setback encroachment consistent with the existing structure. Setback Modification is requested for this condition. The proposed design includes adequate screening and design elements for visual aesthetics. *Staff supports this finding.*
13. **The two-story design preserves the existing scale and character of the surrounding neighborhood.** The minor 298 sq. ft. addition at the second-floor level does not impact the scale or the bulk of the residence. It remains in harmony with the neighboring homes and is not visible from the street. Given the minor scale of the addition and its location, no negative impact on the surrounding neighborhood is anticipated. *Staff supports the finding.*

14. **The two-story design protects public views, aesthetics, privacy and property values of the neighbors** as it is in a visually secluded area and behind ample mature landscaping. The neighboring privacy is not impacted and the addition utilized a previously open second-floor level deck area. *Staff supports the finding.*
  
15. **The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council** since the addition is to an existing second-floor and consistent with its architecture style and character of the main residence. *Staff supports the finding.*

J. Recommendation:

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

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE ADMINISTRATIVE HEARING OFFICER  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING HILLSIDE DEVELOPMENT PERMIT 17-09 (ADMIN)  
SECOND FLOOR REVIEW 17-07 (DIR) AND  
DIRECTOR'S MISCELLANEOUS REVIEW 17-15 (SETBACK MODIFICATION)  
AT 740 FOREST GREEN DRIVE  
AS REQUESTED BY  
DR. THOMAS CHEN**

**WHEREAS**, a request by Dr. Thomas Chen has been received for a Hillside Development Permit, Second Floor Review and a Director's Miscellaneous Review – Setback Modification to allow enclosure of a 298 square-foot second-floor level open patio at 740 Forest Green Drive. A Setback Modification is requested to allow the addition to maintain an existing 1-foot front-yard encroachment, said requests attached hereto and incorporated herein by reference; and

**WHEREAS**, after publication and posting of the request and the hearing in the prescribed manner, the Administrative Hearing Officer, on July 17, 2017, held a public hearing on the project; and

**WHEREAS**, the Administrative Hearing Officer 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 15301(e)(1) (Additions to existing structures not exceeding 50-percent of existing floor area) and Section 2.5(a)(4)(i) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

**WHEREAS**, on July 17, 2017, the Administrative Hearing Officer reviewed the facts contained in the staff report dated July 17, 2017, regarding the application for a Hillside Development Permit, Second Floor Review and Director's Miscellaneous Review 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 Administrative Hearing Officer finds the following:

**Section 1:**

**Hillside Development – Findings:**

1. The project, through elements of architectural and landscape design, will enhance its setting since the deck enclosure will allow for additional habitable space without affecting the site's hillside nature. The home's existing architectural style will be

preserved to maintain the overall design consistency. Existing landscaping will provide screening of the proposed addition from the neighboring properties.

2. The project will maximize potential for sensitive use and effective preservation of open space. Site density would not be increased, while the site's open space would not be affected. The hillside area at the rear of the subject site will remain undisturbed.
3. The project will not be detrimental to the public health, safety, or general welfare, as the project conforms to the City's Zoning code standards; and no aspect of the development is found to be a potential public health or safety concern.
4. The project will not adversely affect the orderly development of property within the City since the proposal is consistent with the character of the property and within density standards for the lot.
5. The project will conform to the goals and policies set forth in the General Plan as the scope of the project is reasonable, while the hillside setting would be largely maintained, 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 sun-porch will not result in a change of use or intensification of development beyond those allowed in the General Plan and Zoning Codes. Therefore, it 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.
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. The proposed addition exceeds the Slope Factor Guideline; however, the location of the enclosure and the retention of all hillside areas justify the exemption. The sun-porch will be at the second-floor level which will not alter the existing hillside topography. The total floor area will remain below the maximum permitted buildable floor area by the Zoning Code. All other hillside standards are met.
8. The potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics. The new second-floor sun-porch does not create excessive bulk and due to the flag lot nature of the lot, the porch is not visible from the neighboring properties. The existing landscaping further screens the addition.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property since the addition faces the back yard of the adjacent neighbor and is located behind dense vegetation.

### **Setback Modification – Findings:**

10. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard setback requirement since the front of the existing residence encroaches 1-foot within the required 25-foot front-yard setback, the addition aligned with the existing façade will maintain this encroachment. However, there will be no new encroachments beyond what is already existing.
11. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner which is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council, because the location of the proposed patio enclosure would not result in any view blockage to adjacent neighbors and would be compatible with development on site and in the immediate area. The proposed addition will not be visible from the street and will be screened from neighboring properties by existing landscaping throughout the lot.

### **Second Floor Review – Findings:**

12. The two-story design includes adequate setbacks, screening and modulation along its rear and sides. The second-floor sun-porch includes a 1-foot front-yard setback encroachment consistent with the existing structure. Setback Modification is requested for this condition. The proposed design includes adequate screening and design elements for visual aesthetics.
13. The two-story design preserves the existing scale and character of the surrounding neighborhood. The minor 298 sq. ft. addition at the second-floor level does not impact the scale or the bulk of the residence. It remains in harmony with the neighboring homes and is not visible from the street. Given the minor scale of the addition and its location, no negative impact on the surrounding neighborhood is anticipated.
14. The two-story design protects public views, aesthetics, privacy and property values of the neighbors as it is in a visually secluded area and behind ample mature landscaping. The neighboring privacy is not impacted and the addition utilized a previously open second-floor level deck area.
15. The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council since the addition is to an existing second-floor and consistent with its architecture style and character of the main residence.

**Section 2:**

**NOW, THEREFORE,** be it resolved that the Administrative Hearing Officer approves the Hillside Development Permit 17-09, Second Floor Review 17-07 and Director's Miscellaneous Review 17-15, subject to the conditions listed in Exhibit "A," attached to this resolution.

**PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of July 2017.**

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Administrative Hearing Officer

ATTEST:

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Secretary to the Administrative Hearing Officer

**EXHIBIT-A**  
**CONDITIONS OF APPROVAL**  
**HILLSIDE DEVELOPMENT PERMIT 17-09 (ADMIN)**  
**SECOND FLOOR REVIEW 17-07 (DIR)**  
**DIRECTOR'S MISCELLANEOUS REVIEW 17-15 (SETBACK MODIFICATION)**  
**740 FOREST GREEN 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 HDP 17-09, SFR 17-07 and DM 17-15.
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 plans labeled HDP 17-09, SFR 17-07 and DM 17-15 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 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, 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 HDP 17-09, SFR 17-07 and DM 17-15. 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 Administrative Hearing Officer 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. 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. This HDP 17-09, SFR 17-07 and DM 17-15 approval shall be null and void if any of the above conditions are not fully met. Any revision to the approved project may require a Substantial Conformance review or an Amendment subject to all applicable review process and fees.