

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF MEMO

April 25, 2017 Meeting

To: Planning Commission

From: Chris Gjolme - Planner

Subject: Conditional Use Permit 472 (Amendment); 835 Berkshire Avenue;
Park residence.

Date: April 5, 2017

A. Background:

The project involves the construction of a sizeable 2-story estate and associated grading to the front and rear. Due to a myriad of design and landscaping issues, the project was before the Planning Commission on six occasions: March 13, 2012, July 10, 2012, September 25, 2012, May 14, 2013, July 9, 2013 and September 24, 2013, where project approval was finally granted.

At the May 14, 2013 meeting, after three prior meetings, the Planning Commission expressed their satisfaction with the revised plans and the overall design and siting of the proposed residence. The Planning Commission, however, could not support the project because of the uncertainty with the landscaping along the east side of the property and the height of the house. The Planning Commission continued the project to its July 9, 2013 meeting with direction to the applicant to submit landscape and grading plans.

At the July 9, 2013 meeting, the Planning Commission again expressed satisfaction with the design and siting of the new house, but noted inconsistencies with the site, grading and landscape plans. The Planning Commission directed the applicant to improve the coordination of the plans and another continuance was granted. On September 24, 2013, the Planning Commission reviewed a final set of revised plans that met with their satisfaction, and project approval was granted.

B. Update:

Construction of the residence and site grading is largely complete. However, discrepancies between the approved grading plan and current site conditions have been discovered to the rear of the house along the east side property line. The changes were deemed significant enough by the Director of Community Development to warrant an amendment to the approved project. Of the two entitlements, the amendment falls

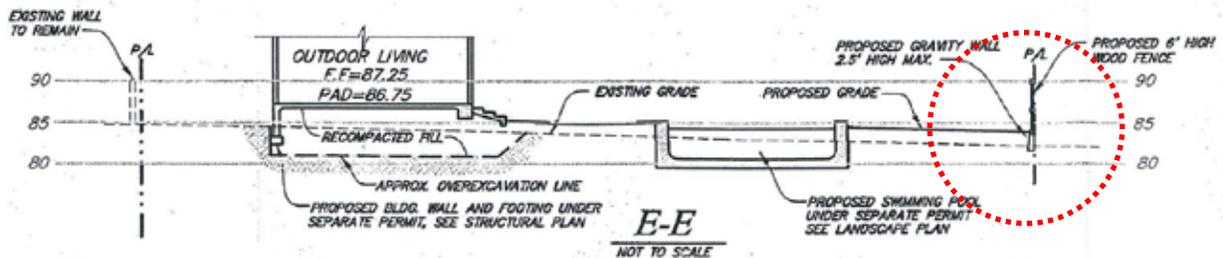
within the scope of the Conditional Use Permit since the Second-floor Review applies only to the new residence. Several CUP findings are more general and apply to the site and 'totality' of the project.

C. Amendment Request:

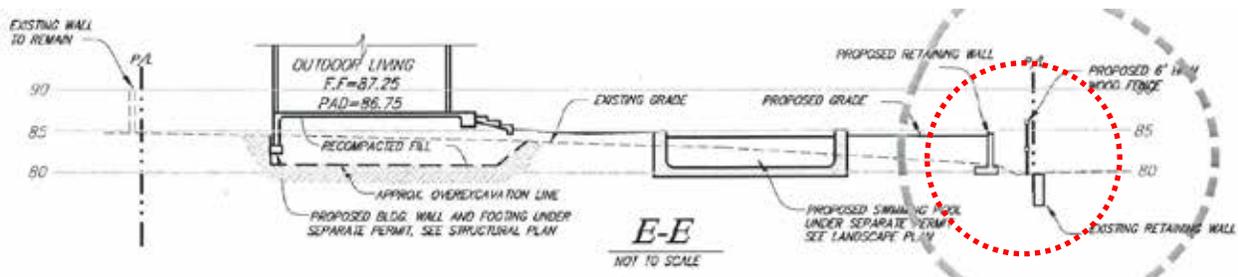
The grading issues pertain mainly to the pool pad and pavilion pad; specifically, elevation and wall height discrepancies along the east side property line. To address this, a revised grading plan was prepared to allow for comparison with the original plan and to better evaluate potential impacts from the changes.

Pool Pad

Section E-E of the approved grading plan (shown below) indicates fill and an associated retaining wall up to approximately 2.5 feet in height. Moreover, it indicates relatively consistent grade between the proposed subject property and adjacent property to the east at 827 Berkshire Avenue.



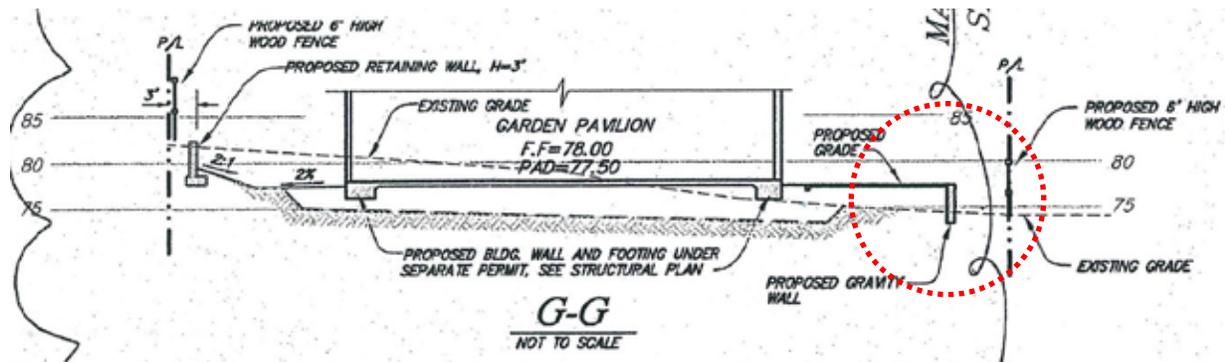
The revised section E-E (below) shows a steeper slope across the property and subject retaining wall set back several feet from the property line. This allowed retention of existing screening along the property line, but required installation of a taller 4'+ wall, twice the height of the previous 2.5' retaining wall. It also shows a slightly higher overall pad elevation of approximately 1185. The result is a grade difference of approximately 6 feet between the existing pool pad and the neighbor's yard, above the 2-3 feet shown on the original plan, which lends to some exposure/views from the subject lot.



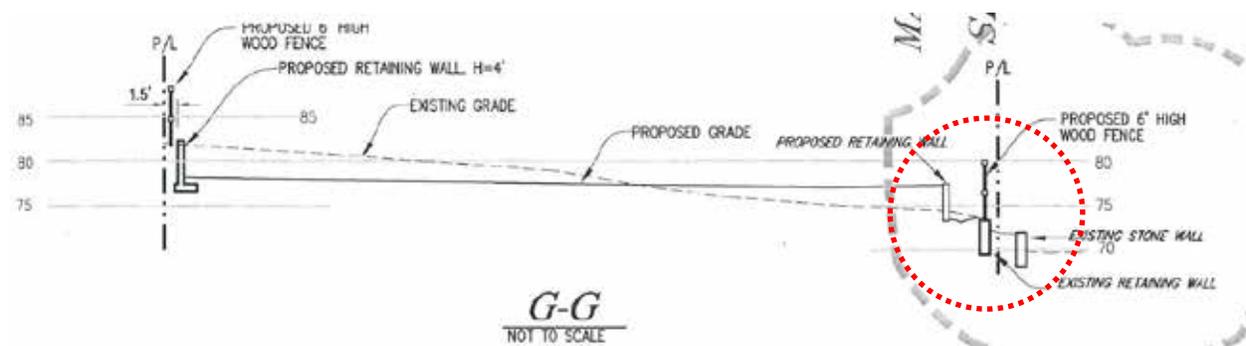
Pavilion / Sport Court Pad

A second pad to accommodate a garden pavilion at the rear of the lot was included as part of the original grading plan. Similar to the pool pad, wall height and elevation discrepancies between the approved plan, revised plan and current site conditions are apparent, though somewhat less problematic given their distant location at the far rear (north) end of the respective properties.

Section G-G of the approved plan shows a pavilion pad level of 1177.50 and associated retaining wall approximately 2-3 feet in height (below).

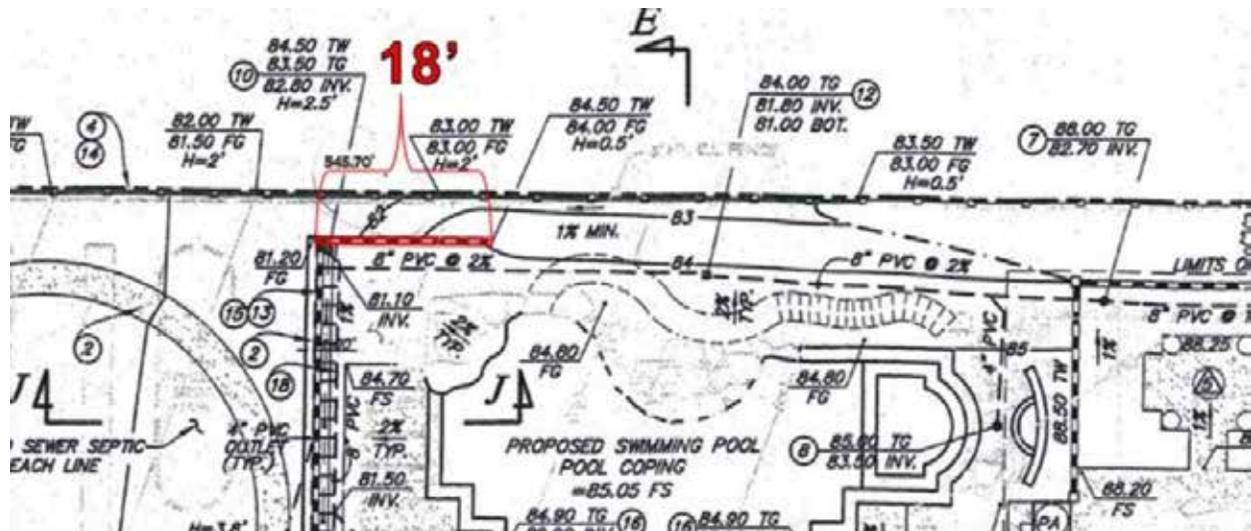


Revised Section G-G (below) shows existing and proposed grades (the pavilion has since been eliminated and replaced by an unlit sport court). Although the pad and its immediate retaining wall remain largely unchanged, grade along the property line is different; the slope between the properties is more severe while two lower walls, not shown on the original plan, are currently in place. The result is a grade/elevation difference of approximately 7 feet between the two lots.

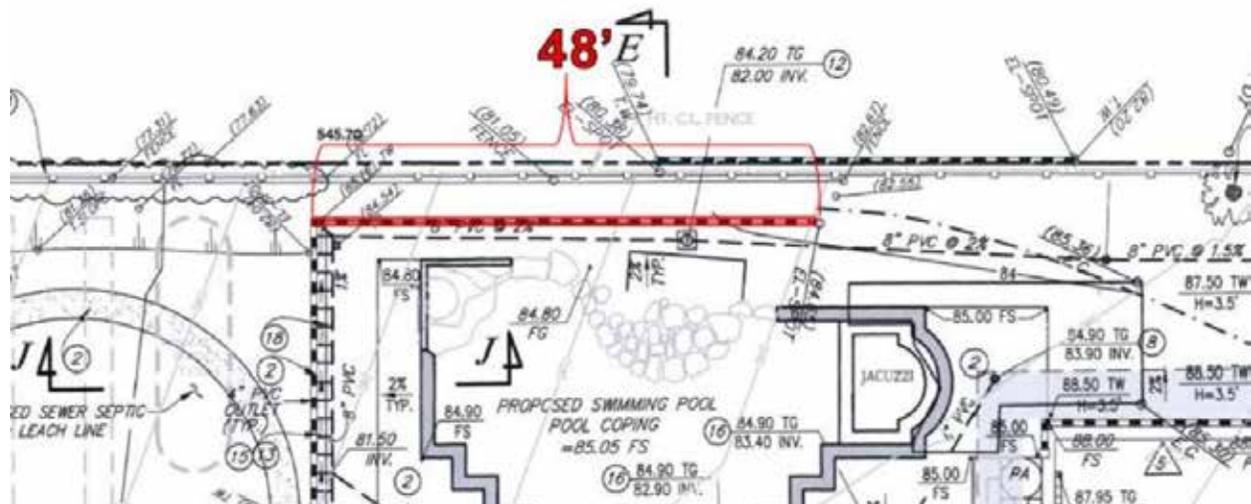


Pool pad retaining wall

The swimming pool retaining wall spans the pool to the north and returns to the south, along the east side property line. Said return achieved a length of approximately 18 feet on the approved grading plan. This portion of the wall was ultimately constructed to a length of 48 feet. As it extends to the south, the wall's height tapers down to approximately 2 feet.



Original grading plan (above); Revised grading plan (below)



D. Evaluation:

The revised grading plan reflects existing site conditions, wherein a greater elevation difference between the manufactured pads on the subject lot and adjacent yard is now

shown. Moreover, it reveals a raised vantage point along the east property line and diminished effectiveness of a 6-foot property line fence installed since views over the fence and into the neighboring property are now available. Fortunately, previously existing and new landscaping is in place along the east property line and combines with landscaping on the adjacent property to mitigate most view opportunities.

Thus, staff recommends that the landscape plan be revised to enhance screening in the areas where necessary. Said plan would be subject to review and approval by the Director and could be brought back for confirmation as a consent calendar item if deemed necessary by the Commission. With this requirement, staff can support the amended Conditional Use Permit (CUP), considering its limited scope, per the following findings:

E. Findings:

1. The proposed use will not be in substantial conflict with the adopted general plan for the area.

The General Plan Designates the area as estate residential, with a maximum of 1 unit per acre, and the zoning classification of R-1-40,000 corresponds to that General Plan designation, thus the development of the parcel with a single-family unit is consistent with the General Plan, in particular Objective 1.1 of the Land Use Element, which is to “preserve and enhance the City's character as a low density, wooded, hillside, predominantly single-family residential community.” The rear yard improvements would continue to be appropriate to the single-family estate residential character of the lot and area. Staff supports the finding.

2. The proposed use at the location will not adversely affect the health, peace, comfort, or welfare or persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare

The site is of adequate size to allow for sizable development without creating adverse offsite impacts. The proposal would mitigate potential privacy impacts on the surrounding neighbors through retention of existing landscaping and augmentation where needed. The property owner would obtain Building Permits as needed, which require Building and Safety, Health Department and/or Fire Department review; therefore, the proposed construction would not jeopardize or endanger public health, safety, or general welfare. Staff supports the finding.

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the

surrounding area.

The rear yard pads and retaining walls accommodate ancillary outdoor amenities typical of a residential estate and do not preclude provision of adequate landscape screening to safeguard neighboring properties. Staff supports the finding.

- 4. The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required.**

The property would continue to take access directly from Berkshire Avenue via an improved driveway. Berkshire Avenue is an improved public street that would continue to accommodate traffic volumes in the area, to which the project would add negligibly. 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.**

Significant public views are not apparent in the area and the rear yard improvements would have very limited exposure from offsite, thereby preserving the existing scale and character of the neighborhood. Existing and proposed screening would further insulate the improvements, ensuring a less than significant impact on adjacent properties. Staff supports the finding

F. Summary /Recommendation:

Given the limited scope of the amendment request, previous staff reports, which dealt primarily with the new residence, are not included as part of the packet. Minutes from the previous meetings are included, however.

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

C: alex@samwongroup.com
Ben Park, 3057 S. Alameda Street, Los Angeles CA 90058

Att: PC Minutes - March 13, 2012, July 10, 2012, September 25, 2012, May 14, 2013, July 9, 2013, September 24, 2013

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT 472
TO ALLOW REAR YARD GRADING AND RETAINING WALL CHANGES
IN CONJUNCTION WITH
AN APPROVED TWO-STORY RESIDENCE, SWIMMING POOL
PATIO AND RELATED SITE WORK
AT 835 BERKSHIRE AVENUE
AS REQUESTED BY
ALEX JANG
ON BEHALF OF
BEN PARK**

WHEREAS, a request by Ben Park has been received for Second Floor Review and a Conditional Use Permit to allow construction of a new 2-story residence and to allow the total floor area to exceed 10,000 square feet, 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 March 13, 2012, July 10, 2012, September 25, 2012, May 14, 2013, July 9, 2013, and September 24, 2013, held public hearings on the project and voted to approve the project on September 24, 2013; and

WHEREAS, a request by Alex Jang has been received for an amendment to an approved Conditional Use Permit (CUP) to allow grading and retaining wall changes in conjunction with an approved two-story residence and related site improvements, 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 April 25, 2017 held a public hearing on the amendment request; and

WHEREAS, the Planning Commission reviewed the amendment and determined that no significant environmental impacts would result from the amendment, which is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(d)(1)(grading) and 2.5(c)(5)(accessory structures) 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 memo dated April 25, 2017 and previous meeting minutes regarding the application for a Conditional Use Permit (CUP) 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:

Conditional Use Permit (Amendment)

1. The proposed use will not be in substantial conflict with the adopted general plan for the area because the General Plan Designates the area as estate residential, with a maximum of 1 unit per acre, and the zoning classification of R-1-40,000 corresponds to that General Plan designation, thus the development of the parcel with a single-family unit is consistent with the General Plan, in particular Objective 1.1 of the Land Use Element, which is to "preserve and enhance the City's character as a low density, wooded, hillside, predominantly single-family residential community." The rear yard improvements would continue to be appropriate for the single-family estate residential character of the lot and area.
2. The proposed use at the location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because the site is of adequate size to allow for sizable development without creating adverse offsite impacts. The proposal would mitigate potential privacy impacts on the surrounding neighbors through retention of existing landscaping and augmentation where needed. The property owner would obtain Building Permits as needed, which require Building and Safety, Health Department and/or Fire Department review; therefore, the proposed construction would not jeopardize or endanger public health, safety, or general welfare.
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area because the rear yard pads and retaining walls accommodate ancillary outdoor amenities typical of a residential estate and do not preclude provision of adequate landscape screening to safeguard neighboring properties.
4. The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required because the property would continue to take access directly from Berkshire Avenue via an improved driveway. Berkshire Avenue is an improved public street that would continue to accommodate traffic volumes in the area, to which the project would add minimally.

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 significant public views are not apparent in the area and the rear yard improvements would have very limited exposure from offsite, thereby preserving the existing scale and character of the neighborhood. Existing and proposed screening would further insulate the improvements, ensuring a less than significant impact on adjacent properties.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Conditional Use Permit (amendment) at 835 Berkshire Avenue, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 25th day of April, 2017.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
Conditional Use Permit 472 (Amendment)
835 Berkshire 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 plans submitted, labeled Conditional Use Permit 472 (Amendment).
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 Conditional Use Permit 472 (Amendment), 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 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 Conditional Use Permit (Amendment). 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. 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. Enhancement of landscape screening along the east side property line shall be required per the discretion of the Director of Community Development. Said screening shall be indicated on a revised landscape plan subject to review and approval by the Director of Community Development.
14. The required plantings per the final approved landscape plan shall be installed, inspected, and approved by the Director of Community Development or his designee prior to building permit final and occupancy.

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