

PLANNING COMMISSION ADMINISTRATIVE HEARING
STAFF REPORT

October 30, 2018 Meeting

Case Type / Numbers:

Hillside Development Permit 18-30 (Admin)

Property Owner:

Mr. Bei Zhu
320 Starlane Drive
La Cañada Flintridge, CA 91011

Applicant:

Mr. Kurt Bednar
466 Foothill Blvd., #248
La Cañada Flintridge, CA 91011

Project Location:

320 Starlane Drive
(AIN #5817-0310-08)

Project Planner:

Gary Yesayan - Assistant Planner



1. Request:

The request is for a Hillside Development Permit to allow a 260-square foot, single-story guest-house addition to the rear of an existing two-story residence on a hillside lot, located at 320 Starlane Drive. An Administrative Hillside Review is required since the total proposed floor area would exceed the Slope Factor Guideline (SFG) limitation per the Hillside Ordinance. Additionally, the request for the 260-square foot addition necessitates an Administrative Hillside Review since the combined floor area of the previously approved 406-square foot addition on February 20, 2018, through Director's Hillside Review, and the proposed 260-square foot new addition exceeds the 600-square foot limit for Director's Hillside Review qualification.

2. Location:

The project site is located on the west side of Starlane Drive, west of Mariners View Street. The site is in the R-1-10,000 zone with a land use designation of Low Density Residential, allowing up to four dwelling units per acre.

3. Staff Recommendation:

Staff recommends **APPROVAL** of Hillside Development Permit 18-30 subject to conditions listed in Exhibit "A", attached to the draft resolution.

4. Project Scope:

Lot Area:	11,418 S.F.
Maximum Allowed Buildable Area:	3,926 S.F.
Maximum Allowed Buildable Area: Slope Factor Guideline Applied:	3,455 S.F.
Average Slope = 31% // Slope Factor = 0.88 // $3,926 \times 0.88 = 3,455$ S.F.	
Existing Residence:	2,960 S.F.
Existing Garage:	400 S.F.
Proposed Addition:	260 S.F.
Total Project Floor Area:	3,620 S.F.

5. General Plan / Zoning / Existing Land Use:

The General Plan Land Use Map identifies the site as Low Density Residential, allowing up to four dwelling units per acre. The property is zoned R-1-10,000 (Single-Family Residential, 10,000 square foot minimum lot size). The lot is currently developed with a single-family residence, and an attached two-car garage.

6. California Environmental Quality Act Review:

Staff has determined that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).

7. Previous Actions:

Approval of Director's Hillside Development Permit (HDP 18-05) for a 406-square foot single-story addition to the existing residence on February 20, 2018.

8. Pending and Potential Actions:

Building and Safety plan check and issuance of building permits.

9. Staff Analysis:

A. Context:

The project neighborhood is generally comprised of hillside properties developed with a variety of single-story and two-story homes. Although hillside, homes within the area, including the subject house are built on the flat pad of the lot with the hillside portion located beyond the structure within the rear yard. This allows for preservation of the natural hillside topography of the lots. The proposed project would also be on the existing flat area without any proposed grading or alteration of the hillside. The immediate neighboring properties next to the project site abut a large common use area that slopes down substantially and fronts Stardust Road. This area includes a network of drainage swales, trees and ground-level vegetation. The image below shows the project site and its general neighborhood.



B. Project Description:

The project entails a 260-square foot single-story guest-house addition to the rear of an existing two-story home built in 1967. Since the project is completely within the rear-yard, it would not be visible from the street. The site's required minimum side-yard setback is 6'-7" based on its average lot width of 66'-0". While the existing house includes a 1'-5" north side-yard setback encroachment, the proposed addition along the south property line would provide a side-setback of 15'-5". This is 8'-10" beyond the minimum requirement. The existing roof would remain, and the project would be considered a "remodel". As such, the existing north side-yard encroachment would remain. The addition would be approximately 75-feet from the rear property line. All provided setbacks meet and exceed the minimum requirement per the Zoning Code. The addition would include a flat roof; however, since this is an addition to an existing structure without more than 30 percent roof removal, Flat Roof review would not be required. The height of the new addition is proposed at 10'-0" remaining below the maximum 28'-0" limitation.

C. Hillside Development:

The project site is 11,418 square-feet with an average hillside slope of 31 percent, and a correlating slope factor of 0.88 per Section 11.35.041, Table-1, of the Hillside Development Ordinance. With the slope factor applied, the lot's recommended buildable floor area is reduced to 3,455 square feet from its potential 3,926 square feet. Although the addition would exceed the adjusted 3,455-square foot limit, it would remain below the maximum permitted floor area without the slope factor reduction. Additionally, the project would not require grading or alteration of the existing hillside, therefore preserving the natural topography of the lot. The addition would be constructed on the flat surface of the lot within the rear yard. Per Section 11.35.041.A.2., the project may exceed the Slope Factor Guideline if the required findings under Section 11.35.060(D) are made. Said findings are listed below and are supported by staff.

Findings:

1. The project, through elements of architectural and landscape design, will uphold the policies of this chapter, and will be harmonious with the better aspects of the built and natural setting since the addition would be completely behind the existing residence and constructed on the existing flat area of the lot. The existing hillside topography would be preserved while existing landscaping would provide visual screening for the addition. *Staff supports the finding.*

2. The project will maximize potential for sensitive use and effective preservation of open space through utilization of the existing flat pad on the site while preserving the existing landscaping and maintaining its hillside character. Grading is not proposed. *Staff supports the finding.*

3. The project will not be detrimental to the public health, safety, or general welfare since the addition to the existing single-story house would be behind the residence without indication of public health impacts. The project would be subject to plan check for structural review by the Department of Building and Safety and for public protection requirements during construction activity. The addition would provide compliant setbacks from its neighboring properties. The scope of work does not indicate potential that would be detrimental to the public health, safety, or general welfare. *Staff supports the finding.*

4. The project will not adversely affect the orderly development of property within the city since the project complies with the Zoning Ordinance and does not include elements that would influence or impact orderly development within the city. *Staff supports the finding.*

5. The project will conform to the goals and policies set forth in the General Plan. The Land Use Element (LUE) Goal 4, of the General Plan is intended to maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources", and the applicable LUE Objective 4.1 which states "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. The project as proposed would not include any grading or alteration of the existing slope and the hillside; the addition would be done on the existing flat area of the lot. *Staff supports this 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 services since the project is an addition to an existing structure located within the rear yard. The addition provides the required setbacks and remains below the maximum height limits. The addition would maintain the existing residential use of the property and would 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 services. *Staff supports the finding.*

7. There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of one or more of the provisions set forth in this chapter to permit project development. The subject site is classified as hillside due to its sloping rear yard. However, the residence is built on an existing flat area. The addition is proposed to be located on the flat area without grading or alteration of the site's natural hillside topography. While the overall floor area would exceed the recommended maximum buildable floor area with the application of the Slope Factor Guideline, it will remain below the lots maximum permitted floor area. Since the sing-story addition would not impact the hillside, exceeding the Slope Factor Guideline is justified. *Staff supports the finding.*

8. Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics. The site includes mature trees and vegetation along its rear property line where the bulk of the addition would be located. There would be no excessive visual bulk since the addition is single-story, behind the main house, and beyond the minimum required south side-yard and rear-yard setbacks. *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 is single story, located within the rear yard and outside of neighboring views. *Staff supports the finding.*

E. Recommendation:

Based on the above discussion and findings, staff recommends **APPROVAL** of Hillside Development Permit 18-30 (Adm.) subject to the conditions listed in Exhibit "A", attached to the draft resolution.

Attachments:

1. Draft Resolution and Condition of Approval
2. Topographic Survey (indicating 30.8 percent average slope)
3. Hillside Development Permit 18-05 (Dir), Approved on 02/20/2018

RESOLUTION NO. 18-xx

A RESOLUTION OF THE ADMINISTRATIVE HEARING OFFICER OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING HILLSIDE DEVELOPMENT PERMIT 18-30 FOR A 260 SQUARE FOOT SINGLE-STORY ADDITION TO AN EXISTING TWO-STORY RESIDENCE THAT WOULD EXCEED FLOOR AREA STANDARDS AS MODIFIED BY THE SLOPE FACTOR GUIDELINE (SFG) AT 320 STARLANE DRIVE AND ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE SECTION 15301 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

WHEREAS, an application for Hillside Development Permit was filed by Kurt Bednar with the City of La Cañada Flintridge; and

WHEREAS, the Hillside Development Permit is a request for construction of a new single-story, 260 square foot addition to an existing two-story residence located at 320 Starlane Drive (AIN: 5817-0310-08), said request attached hereto and incorporated herein by reference; and

WHEREAS, the subject site has a General Plan Land Use designation of Low Density Residential (up to four dwelling units per acre) and is located within the R-1-10,000 Zone designation; and

WHEREAS, the subject site is a 11,418-square foot parcel that contains and existing single-family residence that would be preserved; and

WHEREAS, it has been determined that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing facilities); and

WHEREAS, on November 13, 2018, a duly noticed public hearing on the Hillside Development Permit was held by the Planning Commission Administrative Hearing Officer of the City of La Cañada Flintridge at the City Hall, 1327 Foothill Boulevard, La Cañada Flintridge; and

WHEREAS, the Planning Commission Administrative Hearing Officer has reviewed the facts contained in the staff report dated October 30, 2018, regarding the Application for a Hillside Development Permit, and heard and considered the testimony of the Applicant and the public; including any written correspondence received, with all testimony received being made a part of the public record; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission Administrative Hearing Officer of the City of La Cañada Flintridge does resolve as follows:

Section 1. Hillside Development Permit

1. The project, through elements of architectural and landscape design, will uphold the policies of this chapter, and will be harmonious with the better aspects of the built and natural setting since the addition would be completely behind the existing residence and constructed on the existing flat area of the lot. The existing hillside topography would be preserved while existing landscaping would provide visual screening for the addition.

2. The project will maximize potential for sensitive use and effective preservation of open space through utilization of the existing flat pad on the site while preserving the existing landscaping and maintaining its hillside character. Grading is not proposed.

3. The project will not be detrimental to the public health, safety, or general welfare since the addition to the existing single-story house would be behind the residence without indication of public health impacts. The project would be subject to plan check for structural review by the Department of Building and Safety and for public protection requirements during construction activity. The addition would provide compliant setbacks from its neighboring properties. The scope of work does not indicate potential that would be detrimental to the public health, safety, or general welfare.

4. The project will not adversely affect the orderly development of property within the city since the project complies with the Zoning Ordinance and does not include elements that would influence or impact orderly development within the city.

5. The project will conform to the goals and policies set forth in the General Plan. The Land Use Element (LUE) Goal 4, of the General Plan is intended to maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources and the applicable LUE Objective 4.1 which states “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. The project as proposed would not include any grading or alteration of the existing slope and the hillside; the addition would be done on the existing flat area of the lot”.

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 services since the project is an addition to an existing structure located within the rear yard. The addition provides the required setbacks and remains below the maximum height limits. The addition would maintain the existing residential use of the property and would 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 services.

7. There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of one or more of the provisions set forth in this chapter to permit project development. The subject site is classified as hillside due to its sloping rear yard. However, the residence is built on an existing flat area. The addition is proposed to be located on the flat area without grading or alteration of the site's natural hillside topography. While the overall floor area would exceed the recommended maximum buildable floor area with the application of the Slope Factor Guideline, it will remain below the lots maximum permitted floor area. Since the sing-story addition would not impact the hillside, exceeding the Slope Factor Guideline is justified.

8. Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics. The site includes mature trees and vegetation along its rear property line where the bulk of the addition would be located. There would be no excessive visual bulk since the addition is single-story, behind the main house, and beyond the minimum required south side-yard and rear-yard setbacks.

9. The project does not create an avoidable or unreasonable impairment of the view from any other property since the addition is single story, located within the rear yard and outside of neighboring views.

Section 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the foregoing facts and based upon substantial evidence, the Planning Commission Administrative Hearing Officer hereby finds as follows:

A. The project is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing facilities) for the proposed 260 square-foot single-story addition. The Administrative Hearing Officer hereby adopts the Notice of Exemption for Hillside Development Permit 18-30.

Section 3. Based on the above findings, the Planning Commission Administrative Hearing Officer of the City of La Cañada Flintridge hereby approves the Hillside Development Permit 18-30 for the proposed project at 320 Starlane Drive, subject to the conditions of approval listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 13th day of November 2018.

Administrative Hearing Officer

ATTEST:

Secretary to the Administrative Hearing Officer

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 18-30 ADMIN.
320 STARLANE 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 18-30 (Admin.), and stamped approved on November 13, 2018.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plans labeled HDP 18-30 (Admin.), 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 Hillside Development Permit and 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 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. Prior to final inspection, the gazebo located at the southwest corner of the property and within the required south side-yard setback shall be removed or converted into a trellised structure and relocated to comply with the required side-yard setback subject to Building and Safety approval and permit requirements.

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