

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

January 27, 2015 Meeting

Applicant / Owner:

Nancy Pashayan / Eric Babayan
5255 Alta Canyon Road
La Canada Flintridge, CA 91011

Case Types / Numbers:

Conditional Use Permit 507
Residential Fence 14-07

Site Address:

5255 Alta Canyon Road

Case Planner:

Roger Cantrell ~ Consulting Architect/Planner

1. Request:

The request is to allow installation of a front-yard swimming pool with associated retaining walls and fencing.

2. Location:

The site is on the west side of Alta Canyon Road, where it curves into its intersection with Fairmount Drive, in the R-1-1 20,000 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:

Site Area: 20,013 sf

Proposed Pool: 562 sf

5. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Low Density Residential - Up to 2 Dwelling Units per Acre. The property is designated R-1-20,000 (Single Family Residential - 20,000 Square Foot Minimum Lot Size). The site is developed with an existing house to remain.

6. Environmental Impact Review:

Staff has determined that the proposed project is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(c)(5) (accessory structure) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action:

Lot Line Adjustment 07-04, recorded in May 2008 following its approval by the Planning Commission, transferred from the adjacent property at 1600 Fairmount Avenue the subject northern portion of the Alta Canyada property. As noted in the 2007 staff report, the transferred property was envisioned by the owners of the time as the site of a swimming pool.

8. Pending and Potential Actions:

Plan check and issuance of building permit.

9. Staff Analysis:

A. Procedural Background:

The City instituted a Conditional Use Permit requirement for front yard swimming pools in the 1990s, in response to a pool installation -- visually discordant within its neighborhood setting -- for which there was no City review mechanism. Since that time, such cases have been rare, with issues that have been suitable for conditioning following public review.

One companion review is fencing within the front yard setback, since it is a State requirement that swimming pools be provided with a childproof enclosure of at least 5-foot height. In the case of this property, its R-1-20,000 zoning allows front yard fences up to 6 feet in height with only the conventional Residential Fence review.

It is important to note that the Conditional Use Permit conditions do not include anything related to hardship, e.g. that the site leaves no alternative to the proposed front yard location for the pool.

B. Description & Evaluation:

Site

Enlarged as a result of the recent Lot Line Adjustment, the subject property is now of typical size, just over the 20,000 sf zone minimum. Its configuration, is unusual, with over 250 feet of street frontage for its 20,013-sf area. The northern portion of the lot, added as the result of the 2007 Lot Line Adjustment, is approximately 50'x100'.

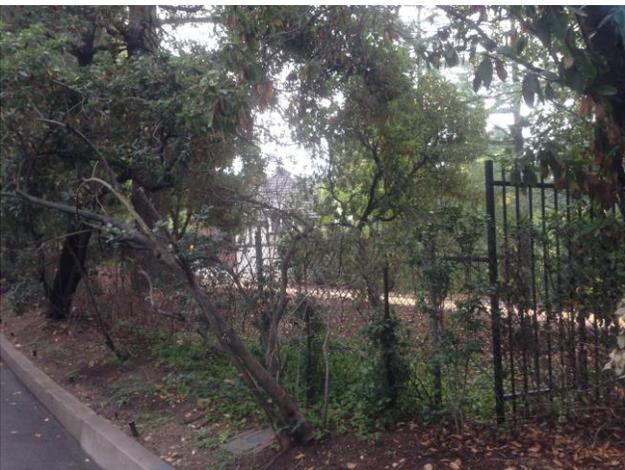


Scope

The request involves installation of a new swimming pool, along with associated minor inward-facing retaining wall and fence work. The entire 5,000 square foot area added to the lot through the Lot Line adjustment would be devoted to recreation. Occupying the lower half would be the pool and concrete deck, while the upper half would be another concrete play area and a lawn. The gentle downslope dictates that some retaining walls would be required to create the level space for the pool, paved areas, and lawn, with cut and fill balanced on site. As shown in Section A-A, these walls would be less than the 5'-6" exposed height allowed for inward-facing retaining walls along the street side, with up to 4 feet of outward-facing retaining walls along the side facing the neighbor at 1600 Fairmount. The two areas would be separated by a child-safe pool fence. The subject portion of the lot is undeveloped, while the back yard where a pool would conventionally be located is of steeper slope and developed with a deck, gardens, and stairs. As noted previously, the findings do not require the applicant to demonstrate a compelling site constraint reason for the front yard pool location.

Street

Upper Alta Canyon Road is characterized by the stately deodars and large homes common to the neighborhood. Also in evidence in some locations are street-fronting hedges. The subject parcel has a long gently curving frontage along the southwest side of Alta Canyon.



*Above left:
View from street at subject house's driveway – project area on right*

*Above right:
View from street to west of project area*

*Left:
View of project area from northwest, showing property line iron gate*

Along its frontage is partial shrub screening (chiefly thin Pittosporum) next to the curb. Behind that is an old chain link fence, with widely spaced trees close behind. One of the large deodars which create the distinctive neighborhood setting is in the portion of the property for which the pool and associated work are proposed.

Sport Court

Approaching the corner of Alta Canyon and Fairmount from either street, the brightly colored basketball court at 1600 Fairmount is seen through the street plantings. This is not directly behind the proposed swimming pool area, but close enough for the entire area to be seen as a recreation center if not for the landscaping proposed to separate them.

With the neighboring house's basketball court, the bucolic setting has already been enlivened with a recreational use prominently seen from the street. Staff would emphasize to the Commission the role of the street landscaping in softening, but not obscuring, that court. Without the plants along the street, the court would appear to staff to be a disruption to the setting; with full screening, it would of course present no visual issue. With the partial screening that exists, the court is arguably an interesting element adding variety to the neighborhood.

Obviously the basketball court is not the subject of this review, but is discussed merely because it is such a strong contextual element, and it could shed light on screening issues for the requested pool. To staff, the court gives the pool, to the extent it would be viewed from the street, a festive context that would make its street visibility more of a positive feature. Staff regards this as a consideration that might not invalidate the need for a screening condition, but it would suggest that immediate and complete screening is not needed.

Plantings

The landscape plan shows a variety of plants. Effective screening plants - Japanese privet and Carolina cherry - are proposed for the fence line along the boundary with 1600 Fairmount. Along the street frontage, however, the plantings are not species associated with screening. For example, hydrangeas are proposed for planting along the street. Staff is concerned about this choice. While hydrangeas tolerate shade, they are also fragile for streetside planting, and they have moderate water requirements that could damage the existing trees, particularly the large deodar. They are also commonly treated with acidic soil amendments to encourage blue color; this would threaten existing plantings.

The only protected trees near the project area are Deodar street trees that are south of the existing driveway and thus distant from any paving that could be disruptive to the roots. Staff has included a draft condition to refine the streetside planting, emphasizing shade-tolerant, dry plants that would not adversely affect the nearby trees, particularly the deodar.

Fencing

The required Residential Fence Review is normally at staff level, but is elevated to Commission review due to the associated Conditional Use Permit.

A new wrought iron fence of 5-foot height is proposed behind the existing chain link fence. That is an awkward pairing of fences, tapering from 5 feet to 1 foot. This would seem to create a hazardous condition for children, a difficult maintenance strip, and an ungainly visual effect from the fences alone. Staff is unclear as to why the wrought iron fence wouldn't just be installed along the line of the chain link fence, replacing it. This is particularly a justifiable condition in light of the fact that chain link is no longer allowed along street frontages. (The referred exception is construction fencing):

Chain link fences shall not be installed in areas prominently visible from the public right-of-way except as set forth in subsection (10)(b) of this subsection. (11.11.050.E.1)

Staff considered leaving the remainder of the chain link fence out of a replacement condition, since it continues around the corner onto Fairmount anyway. However, since there is already wrought iron fence along the north property line extending to the corner at the street, staff recommends a condition to eliminate the nonconforming chain link fence along the entire street frontage.

As conditioned for color, the street-facing fencing would conform to the following criteria per 11.11.050.E.5.a – e:

a. Open View Design.

The fence shall be of a design that creates at least eighty (80) percent open work above forty-two (42) inches in height. An example would be wrought iron fencing with vertical bars spaced at least four inches apart.

b. Architectural Design.

The fence shall be compatible with and subordinate to its surroundings and be consistent with the single-family residential design guidelines. Revisions to fence design, including simplification of its decorative components, may be required in order to meet this objective.

c. Colors.

White or other very pale fences are generally discouraged because they are inconsistent with the objective of keeping fences compatible with and subordinate to their surroundings. Darker and more recessive colors may be required in order to meet this objective.

d. Fence Height.

Fences shall not exceed six feet in height. However, pillars, pilasters or similar support posts of fences may reach a maximum height of six feet six inches. Vehicular and pedestrian entry gates may reach a maximum height of eight feet six inches. Pedestrian entry gates shall not exceed a width of ten feet, and vehicular entry gates shall not exceed a width of twenty (20) feet. A height transition shall be provided between the six-foot fence and the entry gates.

e. Light Fixture Height.

Lighting may be added on top of the fencing or its pillar, provided the overall height of fence or pillar and light does not exceed a height of seven feet as measured from the finished grade or adjacent grade, whichever is lowest. Brightness of the fixtures shall be indicated on the drawings and subject to evaluation in the context of the project. The intensity of the lights as measured across

property lines shall not be more than one foot-candle above ambient. Exceptions to light intensity shall be allowed for low level lighting of less than one thousand six hundred (1,600) lumens.

The wrought iron fence would also extend around to the opposite side, where it would top the outward-facing retaining wall for a total height of 9 feet as allowed by code for that situation with neighbor's endorsement and survey procedures per Zoning Code 11.11.050.E.3.

Public Works

Public Works review of the project has yielded conditions requiring the existing driveway gates to be set back 20 feet to allow for queuing off of the public right of way. Covenant and permit are also required for the decorative paving - driveway aprons and stepping stones - within the public right of way.

C. Required Findings for CUP

With the landscaping and fencing refined to eliminate the problems with plant compatibility and fence nonconformity, staff regards the project as meeting the objectives of ensuring the harmonious appearance of front yard pools through public Conditional Use Permit review:

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area:

The proposed use is consistent with the General Plan designation of the area as suitable for a Single-Family Residential use.

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:

The swimming pool would not be highly visible from the street or adjacent properties due to location 5 feet below street grade, existing landscaping as augmented per approval conditions, and, in any event, would not be detrimental to the immediate area.

3. The site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area:

The design has demonstrated that a pool of the indicated size and associated retaining walls and fencing may be installed with ample separation for visual and functional purposes.

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 required:

A new swimming pool within a single-family residential property would not, in any event, generate any additional increase in vehicular or pedestrian traffic within the immediate area.

- 5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values and other property values in the neighborhood:**

The proposed swimming pool, as proposed and conditioned to be adequately screened from the street and adjacent properties, would have no negative impacts on the immediate area.

D. Recommendation:

Based on the above discussion, the proposed design subject to Conditional Use Permit and Residential Fence review meets the required findings. Therefore, staff recommends that the requested Conditional Use Permit and Residential Fence **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

*cc: Nancy Pashayan / Eric Babayan / 5255 Alta Canyon Road / LCF
Picture Perfect Construction / 15845 Business Center Drive / Irwindale, CA 91706*

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING CONDITIONAL USE PERMIT 507
AND RESIDENTIAL FENCE 14-07
FOR A FRONT YARD SWIMMING POOL
AND ASSOCIATED RETAINING WALLS AND FENCES
AT 5255 ALTA CANYADA ROAD
AS REQUESTED BY
NANCY PASHAYAN & ERIC BABAYAN**

WHEREAS, a request by Nancy Pashayan & Eric Babayan has been received for Conditional Use Permit and Residential Fence approvals to allow a new front yard swimming pool and associated retaining walls and fences, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on January 27, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Conditional Use Permit and Residential Fence requests; 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)(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 report dated January 27, 2015 regarding the application for Conditional Use Permit and Residential Fence approvals at 5255 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.

Conditional Use Permit:

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area, because the proposed use is consistent with the General Plan designation of the area as suitable for a Single-Family Residential use.

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 swimming pool would not be highly visible from the street or adjacent properties due to existing landscaping as augmented per approval conditions, and, in any event, would not be detrimental to the immediate area.
3. The site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area, because the design has demonstrated that a pool of the indicated size and associated retaining walls and fencing may be installed with ample separation for visual and functional purposes.
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 required, because a new swimming pool within a single-family residential property would not, in any event, generate any additional increase in vehicular or pedestrian traffic within the immediate area.
5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values and other property values in the neighborhood, because the proposed swimming pool, as proposed and conditioned to be adequately screened from the street and adjacent properties, would have no negative impacts on the immediate area.

Residential Fence:

1. As conditioned for color, the street-facing fencing would conform to the Residential Fence approval criteria (11.11.050.E.5)

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Conditional Use Permit and Residential Fence at 5255 Alta Canyon Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 27th day of January, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 507
RESIDENTIAL FENCE 14-07
5255 Alta Canyonada 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 Conditional Use Permit 507 and Residential Fence 14-07, Sheets L-1 and G-1.
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 Conditional Use Permit 507 and Residential Fence 14-07, Sheets L-1 and G-1, except as otherwise stated in these conditions.
5. All buildings and structures shall be of the design as shown on the elevation drawings labeled Conditional Use Permit 507 and Residential Fence 14-07, Sheets L-1 and G-1, 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 "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division 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.
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 Second-floor Review and 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 existing chain link fencing along the Alta Canyon street frontage shall be replaced by wrought iron (tubular steel) fencing no taller than 6 feet, set behind the property line, of a dark color. A plan with details reflecting the change shall be submitted, subject to approval by the Director of Community Development or his designee prior to building permit issuance.

13. The existing shrubs within 4 feet of the road pavement shall be augmented or replaced by screening shrubs suitable to shade and dry conditions, subject to approval by the Director of Community Development or his designee.
14. The existing pillars and gates at each end of the driveway shall be moved back to provide a minimum 20-foot distance between the gates (in closed position) and the edge of the public roadway, subject to Public Works approval prior to final Building & Safety clearance.
15. Permit and covenant are required for the decorative walkway and driveway apron paving within the public right of way, subject to Public Works approval prior to final Building & Safety clearance.
16. No cutting of Deodar roots shall be allowed for post footings for the wrought iron fence along the Alta Canyada frontage.

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