

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

January 27, 2015 Hearing

To: Planning Commission
From: Harriet Harris, Assistant Planner
Re: Consideration of an Appeal of the Director's Miscellaneous Review 14-40 (Setback); 1931 Tulip Tree Lane; Joseph Park

DESCRIPTION:

Background:

On October 8, 2014, the owners of the residence located at 1931 Tulip Tree Lane applied for a Director's Miscellaneous Review (Setback) to allow the construction of three additions totaling 2,043 sq. ft. The additions do not project any closer to the property lines than the existing building. The craft room addition would be compliant with respect to front-yard setbacks. The filled in breezeway addition on the northeast side of the property would encroach 10'-5" into the required 51'-0" front-yard setback and 1'-9" into the 9'-3" required east side-yard setback. The west side master bedroom addition would encroach 4'-3" into the 9'-3" west side-yard setback. The total new floor area would be 4,547 sq. ft. which is under 4,787 sq. ft. maximum allowed floor area for the lot.



On December 10, 2014 the Director of Community Development approved the Director's Miscellaneous Review application.

Appeal Request:

On December 23, 2014 an appeal was filed by Glenn Anderson (the property owner at 1937 Tulip Tree Lane) regarding the Director's approval of the Director's Miscellaneous Review. The appellant raised concerns regarding the proximity of the west side addition, reduced access to the back yard in an emergency situation and the creation of additional impervious surface that could create erosion and flooding issues that would affect the appellants property. The following titles correspond to the appeal letter:

1. Proximity of the addition

The appellant expressed concern that the 35'-3" length of wall added to the west side of the existing house that would be setback 5'-0" from the west side property line would impact their privacy and views and would increase the fire hazard to their home.

2. Reduced rear-yard access

The appellant also expressed concern about the limited access to the rear yard after the filling in of the breezeway and the reduction of the side-yard setbacks. He felt that access would be very constrained in an emergency situation.

3. Additional impervious surfaces

Lastly, the appellant expressed concern about the increase in the amount of the impervious surface that would be created through the project. He had concerns about drainage and the close proximity of the eaves to the property line.

In his closing remarks, the appellant indicated that the significant additions to the house would alter the character of their neighborhood.

Analysis:

The project involves additions to an existing single-story residence:

The existing west side-yard setback varies from 4'-0" to 4'-9". The setback of the new master bedroom addition on that side was increased to 5'-0" which constitutes a 4'-3" encroachment into the 9'-3" required side-yard setback but would satisfy the Fire Department access requirement. Also, due to the size of the addition, the Fire Department would review the project and would advise on the access issue. The westerly neighboring home also angles away from the shared property line.

The filled-in breezeway would have a 40'-7" front-yard setback which constitutes a 10'-5" encroachment into the 51'-0" required front-yard setback but would be sited behind the existing front façade of the garage. It would project slightly forward of the existing garage but because the front property line angles away from the house, it would be sited behind the closest point at the southeast corner of the garage.

The den addition would have a 7'-6" side-yard setback on the east side which constitutes a 1'-9" encroachment into the 9'-3" required side-yard setback but would not extend beyond the existing structure on that side.

Lastly, another small addition to the front of the residence would have compliant setbacks.

The Director of Community Development approved the project on December 10, 2014 because the proposed additions would extend no closer to the front, west and east sides of the existing

house, and are compatible with development on site and in the immediate area. The rear-yard of the lot is terraced which limits the buildable area of the lot. A drainage plan would be subject to National Pollution Discharge Elimination System (NPDES) review for erosion control during construction and post construction. The proposed addition's eaves would be no closer than 2'-6" as required by the zoning code. The subject property is located on a private street and has existing landscape screening on the front, east and west side that would help to screen the proposed additions and alleviate privacy concerns. The unique nature of the lot and the private street yield a front setback requirement that may not be practical and other homes in the neighborhood exhibit similar encroachments. The project would not block any public views and would retain the basic profile and appearance of the existing residence. In no case do the proposed project and encroachments extend beyond the setbacks of the existing house.

Since the original approval notice, staff has added one condition of approval (#15) regarding the maintenance or replacement of the existing screening. Conditions #12 and #15 (from the original approval notice) have been consolidated for clarification. Lastly, Condition #16 regarding Fire Department changes during the review process has been added to the original conditions of approval.

The flowing findings were included in the original approval notice.

Director's Modification:

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements.

The location of the existing residence is non-conforming with respect to the side and front setbacks. Since the proposed additions match the existing house and do not extend beyond the existing respective building lines, the additions would be consistent with the existing encroachments of the residence. The tiered back yard would limit extension of the addition further into the back yard and the provision of compliant setbacks. Staff supports the finding.

2. 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.

The proposed addition utilizes building materials that would be compatible with the existing house, and results in a development that is harmonious in visible scale and mass with the surrounding neighborhood along the private street. The location of the encroaching one-story additions at the front and sides would not result in any view blockage to adjacent neighbors and would be compatible with development on the site and in the immediate area. Staff supports the finding.

RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, uphold the Director of Community Development's decision and adopt the attached resolution with modifications to the conditions of approval as discussed.

Attachments: 1. Resolution
 2. Director's Miscellaneous 14-40 (SB) approval letter dated December 10, 2014
 3. Appeal letter dated December 23, 2014

cc: Glenn Anderson / 1937 Tulip Tree Lane / La Canada Flintridge CA 91011
 Joseph Park / 1931 Tulip Tree Lane / La Cañada Flintridge, CA 91011
 Anders Troedsson / 969 Colorado Boulevard, #201 / Los Angeles, CA 90041



RESOLUTION NO. 15-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE DENYING THE APPEAL OF
GLENN ANDERSON OF 1937 TULIP TREE LANE AND
APPROVING DIRECTOR'S MISCELLANEOUS REVIEW (SB) 14-40
FOR ADDITIONS TOTALING 2,043 SQUARE FEET WITH
FRONT, WEST AND EAST SIDE-YARD SETBACK ENCROACHMENTS
AT 1931 TULIP TREE LANE
AS REQUESTED BY
JOSPEPH PARK**

WHEREAS, a request by Joseph Park has been received for a Director's Miscellaneous (Setback) to allow a 2,043 square foot addition with front, west and east side-yard setback encroachments, said request attached hereto and incorporated by reference; and

WHEREAS, the Director of Community Development, on December 10, 2014, approved the Director's Miscellaneous (Setback) application; and

WHEREAS, the Director of Community Development determined that no significant environmental impacts would result from the project, which is Categorical Exempt from the California Environmental Quality Act (CEQA) under Class 2.5(a)(4)(ii) and 2.5(e)(1) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, on December 23, 2014, an appeal of the Director of Community Development's determination was filed with the City; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on January 27, 2015, held a public hearing on the project; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated January 27, 2015 regarding the application for a Director's Miscellaneous Review, and heard and considered the testimony of the applicant and the public; and

Section 1.

Director's Miscellaneous Review (Setback):

- 1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements.**

The location of the existing residence is non-conforming with respect to the side and front setbacks. Since the proposed additions match the existing house and do not extend beyond the existing respective building lines, the additions would be consistent with the existing encroachments of the residence. The tiered back yard would limit extension of the addition further into the back yard and the provision of compliant setbacks.

- 2. 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.**

The proposed addition utilizes building materials that would be compatible with the existing house, and results in a development that is harmonious in visible scale and mass with the surrounding neighborhood along the private street. The location of the encroaching one-story additions at the front and sides would not result in any view blockage to adjacent neighbors and would be compatible with development on the site and in the immediate area.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby denies the appeal and approves the Director's Miscellaneous (SB) for the 2,043 square foot addition at 1931 Tulip Tree Lane, 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
DIRECTOR'S MISCELLANEOUS REVIEW 14-40 (SB)
1931 Tulip Tree Lane

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 DM 14-40 (SB).
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 substantially as shown on the site plan labeled DM 14-40 (SB), 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 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.
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 Hillside Development Permit. 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 Director of Community Development 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.
11. All construction/contractor parking shall be on-site only. 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 Director's Miscellaneous Review application is being approved as additions to an existing structure. There shall be no demolition of existing exterior walls or roof structure except as minimally necessary to integrate the addition and under no circumstances shall more than 30% of the roof be removed. If demolition is found to exceed this limitation, this Director's Miscellaneous Review application shall be null and void, and review by the Planning Commission shall be required for the project.
13. The colors and materials of the addition shall be consistent to those of the residence.
14. A Certificate of Compliance shall be approved prior to the issuance of building permits.

15. Existing landscape screening along the east and west property lines and in the front yard shall be maintained or replaced subject to the review and approval of the Director of Community Development.
16. 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.

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