

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

February 24, 2015 Meeting

Property Owner:

John and Lisa Macho
5131 Lasheart Drive
La Cañada Flintridge, CA 91011

Case Types / Numbers:

Modification 14-22 (Setback)

Applicant:

Laura Serdar
942 Wiladonda Drive
La Canada Flintridge, CA 91011

Site Address:

5131 Lasheart Drive

Project Planner:

Jo-Anne Parinas

1. Request:

The request is for a Setback Modification to allow a 503-square foot garage. The proposed garage would encroach 4'-9" into the required 10'-6" south side setback.

2. Location:

The project is located at the end of Lasheart Drive, north of its intersection with Green Lane, in the R-1-10,000 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:

Lot area:	17,860 S.F.
Existing House:	2,886 S.F.
First Floor Addition:	210 S.F. (no Planning Commission Review required)
Proposed Garage:	503 S.F.
Total Floor Area:	3,599 S.F.
FAR:	20.2%

5. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Low Density Residential – up to 4 Dwelling Units per Acre. The property is designated R-1-15,000 (Single Family Residential – 15,000 Square Foot Minimum Lot Size). The site is currently developed with an existing single-story residence.

6. Environmental Impact Review:

Staff has determined that the proposed Setback Modification review is Categorically Exempt from the California Environmental Quality Act, under Sections 2.5(a)(4)(i) and 2.5(e)(1) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action:

None

8. Pending and Potential Actions:

Plan check submittal and building permit issuance

9. Staff Analysis:

A. Context:

The project is located at the end of Lasheart Drive, north of its intersection with Green Lane. The property is an irregularly shaped lot with only 14.81 feet of street frontage on Lasheart Drive. The lot's east property line is considered the front property line in regards to determining the required front setback since the entrance of the house (front door) faces east. The existing house was constructed in 1955. The lot is accessible from the street via a combination of the lot's driveway and a driveway easement where the subject lot is the sole beneficiary of the easement. The lot is developed with a single-story house and swimming pool.



B. Project Description:

The project consists of the construction of a new 503-square foot garage, a new front porch, and 210-square foot addition to allow the living room to be enlarged. The existing garage is proposed to be converted in to a den. According to the applicant, the decision to convert the existing garage into a den and construct a new garage at the front of the house is to ease the accessibility of the garage because the existing garage is difficult to park in, back out of, and exit due to its location.

Approximately 50 square feet of the proposed garage encroaches in to the required 10'-6" south side setback. The porch addition and living room extension provide compliant setbacks and are not a part of the Setback Modification application.

The project compares with code standards as follows:

	<u>Standard:</u>	<u>Existing:</u>	<u>Project:</u>
Total Floor Area:	5,322 S.F.	2,886 S.F.	3,599 S.F.
Front SB:	25'-9"	53'-4"	85'-9"
North SB:	10'-6"	5'-0"	58'-0"
South Side SB:	10'-6"	9'-4"	5'-9"
Rear SB:	15'-0"	18'-4"	18'-4"
Height:	32'-0"	16'-3"	17'-6"

C. Modification:

Issues / Discussion

The proposed garage provides a 5'-9" south side setback and would encroach 4'-9" in to the required 10'-6" south side setback. The existing house was built at an angle and the proposed garage would follow the orientation of the existing house. Although the subject lot is the sole beneficiary of the driveway easement and the presence of the existing block wall on site creates an appearance that the proposed garage complies with the required 10'-6" south side setback, the required setback is actually measured from the property line and does not include the driveway easement. The proposed encroachment is minor in scale and consists an area totaling approximately 50-square feet.

One of the intentions of establishing setback requirements is to alleviate possible massing and crowding impacts to adjacent neighbors. In staff's opinion, the proposed south side setback would be reasonable since the proposal would not cause any crowding or massing impacts to the southerly neighbors because the 12' wide driveway would provide sufficient separation while the existing block wall would screen the proposed garage from neighboring views. In addition, staff believes that requiring the proposed garage to comply with the required south side setback would result in practical difficulties since it could not be accomplished without extensive reconfiguration of the floor plan and additional grading.

Findings

- 1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.**

The proposed garage would not cause any crowding or massing impacts to the southerly neighbor because the 12' wide driveway would provide sufficient separation and the existing block wall would screen the proposed garage from neighboring views, therefore, the project would be compatible with the existing development on site and is consistent with other development in the area. Staff supports the finding.

2. The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone.

The project maintains the existing single-family use of the property while comparable encroachments are presented by structures on other properties in the immediate area. In addition, other properties within the vicinity do not have the sole use of an easement granted to them similar to the subject lot. Staff supports the finding.

3. Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards.

Strict application of the R-1 zoning regulations results in practical difficulties and unnecessary hardships inconsistent with the purpose of the R-1 zone regulations and standards because requiring the proposed garage to comply with the required south side setback would result in practical difficulties because it cannot be accomplished without extensive reconfiguration of the floor plan and additional grading. Staff can support the finding.

4. The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity.

The project provides sufficient separation from the south side neighbor, would conform to building code standards, and would be screened from adjacent properties, therefore would not be detrimental to health safety or general welfare, or to the use enjoyment or valuation of other properties located in the vicinity. 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.

The project will not change the existing scale and character of the neighborhood. The proposal would not cause any crowding or massing impacts to the southerly neighbors because the 12' driveway provides substantial separation. The project would be minimally visible from Lasheart Drive because of existing landscaping and the lot's topography, and would be screened from the south side neighbor by the existing block wall. Staff supports the finding.

D. Recommendation:

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

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SETBACK MODIFICATION 14-22
FOR A NEW GARAGE WITH SOUTH SIDE
SETBACK ENCROACHMENTS
AT 5131 LASHEART DRIVE
AS REQUESTED BY
JOHN AND LISA MACHO**

WHEREAS, a request by John and Lisa Macho has been received for a new garage that encroaches into the required south side setback, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on February 24, 2015, held a public hearing and conducted a review of the request; 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 (a)(4)(i) and 2.5(e)(1) 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 February 24, 2015 regarding the application for a Setback Modification at 5131 Lasheart Drive, 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:

Setback Modification:

1. The proposed garage would not cause any crowding or massing impacts to the southerly neighbor because the 12' wide driveway would provide sufficient separation and the existing block wall would screen the proposed garage from neighboring views, therefore, the project would be compatible with the existing development on site and is consistent with other development in the area.
2. The project maintains the existing single-family use of the property while comparable encroachments are presented by structures on other properties in the immediate area. In addition, other properties within the vicinity do not have the sole use of an easement granted to them similar to the subject lot.
3. Strict application of the R-1 zoning regulations results in practical difficulties and unnecessary hardships inconsistent with the purpose of the R-1 zone regulations and

standards because requiring the proposed garage to comply with the required south side setback would result in practical difficulties because it cannot be accomplished without extensive reconfiguration of the floor plan and additional grading.

4. The project provides sufficient separation from the south side neighbor, would conform to building code standards, and would be screened from adjacent properties, therefore would not be detrimental to health safety or general welfare, or to the use enjoyment or valuation of other properties located in the vicinity.
5. The project will not change the existing scale and character of the neighborhood. The proposal would not cause any crowding or massing impacts to the southerly neighbors because the 12' driveway provides substantial separation. The project would be minimally visible from Lasheart Drive because of existing landscaping and the lot's topography, and would be screened from the south side neighbor by the existing block wall.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves the Setback Modification request for a new garage within the required south side yard setback of a through lot at 5131 Lasheart Drive

PASSED, APPROVED AND ADOPTED this 24th day of February, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
Setback Modification 14-22
5131 Lasheart 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 plans submitted, labeled Setback Modification 14-22.
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 project plans labeled Setback Modification 14-22, except as otherwise stated in these conditions.
5. This approval will expire unless start of construction is commenced not later than 12 months after this approval date and the project is "vested" in accordance with the definition of "Start of construction" defined herein below, this approval will automatically become null and void. However, if no revisions to the Zoning Ordinance have been implemented since the project approval that would result in zoning nonconformity, the Director of Community Development may extend the original expiration date by as much as one additional year upon receipt of a written request from the applicant prior to expiration of the original approval. 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 ordinance, resolution or policy 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 Setback Modification. 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 Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

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