

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

June 12, 2018 Hearing

### Case Type/Numbers:

Hillside Development Permit 18-03  
Second Floor Review 18-03  
Setback Modification 18-01  
Variance 18-02

### Applicant:

Nazaryan Design Associates  
1277 N. Sierra Bonita Avenue  
Pasadena, CA 91104

### Property Owners:

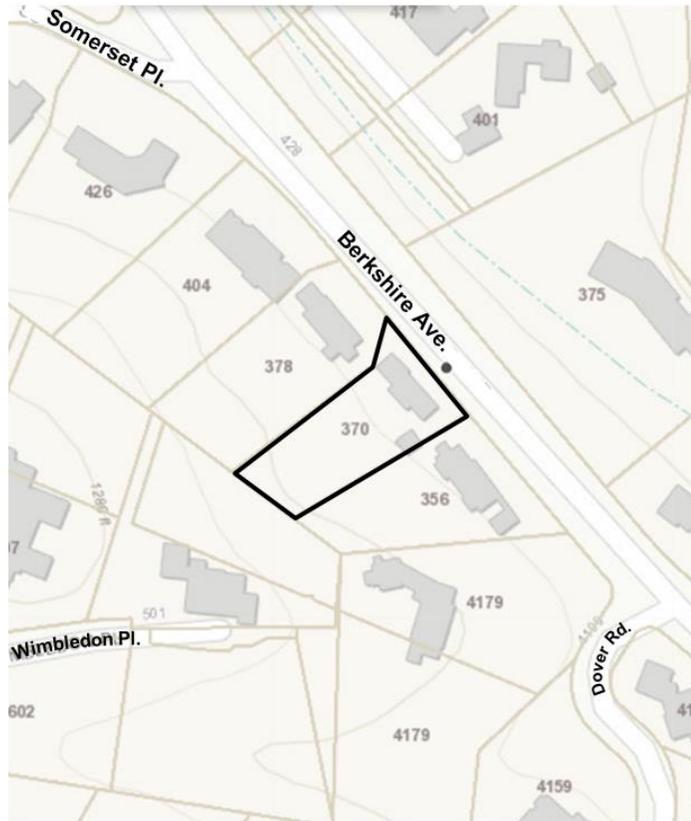
Sebouh and Maral Chatoyan  
370 Berkshire Avenue  
La Cañada Flintridge, CA 91011

### Project Location:

370 Berkshire Avenue  
La Cañada Flintridge, CA  
AIN: 5821-004-016

### Project Planner:

Gary Yesayan  
Assistant Planner



## 1. Request:

The applicant is requesting a Hillside Development Permit (HDP), Second-floor Review (SFR), Setback Modification (MOD) and a Variance (VAR) for a proposed development at 370 Berkshire Avenue. The proposal includes a second-floor expansion of an existing two-story residence on a hillside lot, conversion of an existing carport into a compliant two-car garage, retention of existing front-yard setback encroachments for both existing first- and existing and new second-floor levels of the residence, retention of existing side-yard setback encroachments for the existing carport, pool-house and the first-floor at the northwest elevation, and a new second-floor encroachment into the northwest side-yard setback. Additionally, a Variance application is requested to consider relief from a second-floor angle-plane nonconformance along the northwest side of the residence.

## 2. Location:

The project site is located along the southwest side of Berkshire Avenue between Somerset Place and Dover Road. The zoning within this area is R-1-40,000.

### 3. Staff Recommendation:

Staff recommend **APPROVAL** of Hillside Development Permit 18-03 as proposed.

Staff recommend **APPROVAL** of Second Floor Review 18-03 subject to a compliant northwest second-floor side-yard setback and redesign of the two-story entry to maintain conformance with the Residential Design Guidelines, as adopted by resolution of the City Council.

Staff recommend **APPROVAL** of Setback Modification 18-01 for retention of all existing encroachments, which include the northwest side-yard setback encroachment of the first-floor and the pool-house, south side-yard setback encroachment of a carport and front-yard encroachment of the existing first and second-floor levels.

Staff recommend **APPROVAL** of Setback Modification 18-01 for proposed new front-yard encroachment of the second-floor addition which is consistent with the existing second-floor encroachment at the front.

Staff recommend **DENIAL** of Setback Modification 18-01 for the proposed new second-floor encroachment at the northwest side-yard and Variance 18-02 for angle plane noncompliance at the northwest property line.

### 4. Project Parameters:

Lot Area:	19,793 square feet
Maximum Buildable Floor Area ( <i>unadjusted</i> ):	5,709 square feet
Maximum Buildable Floor Area ( <i>adjusted</i> ): Slope Factor Guideline (SFG) Applied: Average Slope = 29% / SFG factor = 0.91 x 5,709 S.F. = 5,195 S.F.	5,195 square feet
Existing Residence (carport and pool-house included):	3,174 square feet
New Additions at First Floor:	306 square feet
New Additions at Second Floor:	1,248 square feet
Carport to Garage Conversion and Expansion: Existing Carport 350 sq. ft. / New Garage 434 sq. ft.	84 square feet
Total New Additions:	1,638 square feet
Project Total (new and existing combined):	4,812 square feet
Maximum Buildable Floor Area is in Conformance	4,812 sq. ft. is less than 5,195 sq. ft.

### 5. General Plan/ Zoning/ Existing Land Use:

The General Plan Land Use Map identifies the site as Estate Residential (maximum of one dwelling unit per acre). The property is zoned R-1-40,000 (Single Family Residential, 40,000 square-foot minimum lot size). The lot is currently developed with a two-story residence, a detached carport, pool and pool-house.

## 6. California Environmental Quality Act Review:

The project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures; Subsection (a) – Once single-family residence and Subsection (e) – Accessory (appurtenant) structures, including garages and carports.

7. **Previous Actions:** None

## 8. Pending and Potential Actions:

Plan check and issuance of building permits upon approval of the project.

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## 9. Staff Analysis:

### A. Context

The project site is located along the west side of Berkshire Avenue across from the Flint Canyon Trail. The area is zoned R-1-40,000 with mostly hillside lots. The neighborhood includes a variety of single and two-story homes located among numerous mature trees. The existing mature trees, including oak trees along both sides of Berkshire Avenue between Somerset Place and Dover Road substantially screen the existing homes from public views. Additionally, since lots are elevated above Berkshire Avenue, visibility of the existing buildings is further reduced.

### B. Project Description

The project entails remodel of an existing two-story residence located on a hillside lot at 370 Berkshire Avenue. While the habitable area would increase and the appearance of the residence would be upgraded to a more contemporary design through incorporation of simple architectural elements, building materials and color, the existing structure would retain its original location. As part of the remodel, an existing carport is proposed to be converted into a compliant two-car garage, the existing second-floor would be expanded by 1,248-square feet and an addition of 306-square feet; including the area below a covered balcony would be added to the first-floor. Since the remodel and second-floor expansion necessitate removal of more than 30-percent of roofed area, per City's Zoning Code, the project is considered as "new construction". Since the property includes existing and longstanding encroachments that are requested to be preserved, a Setback Modification is therefore required. In addition to retention of existing encroachments, new encroachments at the second-floor level are also proposed, as outlined below:

Setbacks and Height:

Setbacks		Standard	Existing	Proposed
Front:		30'-4"	First Floor 16'-1" Second Floor 18'-2"	First Floor 16'-1" (existing) Second Floor 18'-2" (existing) Second Floor 19'-11" (expansion)
<i>Average Lot Width = 92-feet</i>				
Side:	First Floor <i>(10% of Average Lot Width)</i>	9'-2"	House, northwest: 3'-0" House, south: 21'-10" Carport, south 0'-0" Pool House, northwest 2'-7"	House, northwest 3'-0" (existing) House, south 21'-10" (existing) Garage, south: 0'-0" (existing) Pool House, N/W: 2'-7" (existing)
	Second Floor <i>(20% of Average Lot Width)</i>	18'-4"	Northwest Side: 27'-0" South Side: 39'-0"	Northwest Side: 6'-0" (expansion) South Side: 23'-0" (expansion)
Rear:		15'-0"	House 176'-0" Carport 142'-0"	House 172'-0" (expansion) Garage 142'-6" (expansion)
Height:		28'-0"	25'-0"	27'-6"

**Hillside Development Permit**

Goal 4 of the General Plan Land Use Element pertains to Hillside Areas: Maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources. Supporting this goal are the following objectives and policies:

Objective 4.1: 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.

Policy 4.1.1: Preserve ridgelines, natural slopes, knolls, canyons, and bluffs in their natural state to protect important views and topographic and other natural features.

The proposed project, although on a hillside lot, is an expansion of the existing second-floor and conversion of a carport into a garage. The remodel of the entire structure would not impact the existing hillside nature of the lot and its natural slopes. While the site has numerous mature oak trees, none are proposed to be removed. The project is consistent with this goal, objective and policy.

Policy 4.1.3: Ensure that development preserves the City's natural environment, setting, and viewsheds, through design, siting, and construction that avoids obtrusive breaks in the natural skylines and minimizes the visual impact of grading, intrusion of highly visible cut and/or fill slopes, building and roof lines, and/or roadway surfaces.

The development would preserve the City's natural environment since the existing residence would simply be expanded. No grading is proposed and highly visible cut and fill slopes would not be created. Since the residence sits above the street level, viewsheds would not be impacted and the new roof ridge would be 27'-6" which is 6-inches below the

maximum 28'-0" height limitation set by the Hillside Ordinance. The project would therefore be consistent with this policy.

Policy 4.1.5: Continue to implement the City's Hillside Development Chapter of the Zoning Ordinance, which establishes standards to minimize landform alteration, preserve significant environmental features, and control development densities.

Policy 4.1.6: Encourage residences developed in hillside areas to be designed, landscaped, and built of materials that blend with the existing environment; use of bright or reflective surfaces will be disallowed.

The project would provide building materials and exterior colors in conformance with the Hillside Ordinance. The project site includes mature trees which screen the existing residence and would also provide adequate screening of the proposed addition at the second-floor. The carport conversion, second-floor addition and retention of existing structures would all be consistent with this policy.

The project lot is 19,793 square feet with an average slope of 29-percent. Per the City's Hillside Ordinance, lots with an average slope of 20-percent or more are subject to Slope Factor Guideline (SFG). The subject lot would potentially allow a maximum buildable floor area of 5,709 square feet without the SFG application. However, given the average slope of 29-percent and its 0.91 reduction factor, the adjusted maximum buildable floor area would be 5,195 square feet ( $5,709 \times 0.91 = 5,195$  square-feet). The project would have a maximum floor area of 4,812-square feet, below the adjusted 5,195 square foot limit.

#### Parking:

For every new single-family residence, City's Residential Development Standards require storage of at least two vehicles within a garage or any other enclosed structure with a minimum interior width and depth of 20-feet. The subject site includes a carport located behind the main residence, accessed through a narrow driveway. The proposed enclosure and 84-square foot expansion of the existing carport would make this project compliant per this code. Moreover, City's Hillside Ordinance requires two additional off-street parking spaces for hillside projects but allows waiver of this requirement if the width of the street upon which the lot or building site is located is 36 feet or greater. As such, per City of La Cañada Flintridge Road Inventory Data, and as verified by the Department of Public Works and the Traffic Engineer, Berkshire Avenue (between Berkshire Place and Somerset Place) upon which the subject building is located has a right-of-way width of 60-feet and a pavement width of 36-feet. Given that adequate passage for traffic would still be provided if vehicles are parked along the west side of Berkshire Avenue along the frontage of the subject site, and since this section of Berkshire Avenue does not include turns, requiring the additional two on-site parking is not necessary.

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.**

The proposed second-floor expansion, conversion of the existing carport into a standard two-car garage and retention of all existing encroachments would uphold the policies of this chapter and would be harmonious with the better aspects of the built and natural setting since the existing hillside topography would remain undisturbed. The additional floor area would be atop the existing residence. The existing carport would slightly be enlarged to provide a compliant garage dimensions but would not impact the hillside nature of the lot. The proposed colors are passive and blend well within the existing natural setting. *Staff support the finding.*

- 2. The project will maximize potential for sensitive use and effective preservation of open space.**

Existing open space on the subject lot would be preserved with the development as proposed. The second-floor expansion would not impact the hillside topography as it would generally be contained to the existing footprint of the residence. Conversion of the carport and retention of encroachments of existing structures would not have an influence on the hillside. *Staff support the finding.*

- 3. The project will not be detrimental to the public health, safety, or general welfare.**

The second-floor expansion, the new garage, and retention of existing structural encroachments would not result impacts that would be detrimental to public health safety or general welfare. The project would undergo structural review by the Department of Building and Safety prior to building permit issuance, subject to Planning Commission approval of the project. *Staff support the finding.*

- 4. The project will not adversely affect the orderly development of property within the city.**

The existing residence includes an existing front-yard setback encroachment. This element would potentially impact development of property within the city and more specifically for properties along the same side of the project street as it relates to minimum front-yard setback requirements, since neighboring averaging is used. However, since the existing front-yard setback is not being altered, this condition would remain the same and the proposed encroachments would not adversely affect the orderly development of neighboring properties. The retention of the existing side-yard encroachments for the residence, carport and pool-house will have no impact on the orderly development of property. *Staff support the finding.*

**5. The project will conform to the goals and policies set forth in the general plan.**

The General Plan, as it relates to hillsides, aims to preserve and protect natural slopes and hillside topography. The proposed second-floor expansion, carport conversion into garage and retention of encroachments of existing residence, carport and the pool-house would preserve the existing hillside nature of the lot in conformance with the goals and policies of the General Plan. *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.**

The second-floor expansion, the carport-conversion and retention of all existing setback encroachments do not have the potential to create a nuisance, hazard or enforcement problem. By expanding at the second-floor level rather than first-floor, hillside topography and the open area of the lot will be preserved. Additionally, updating the existing carport to a standard two-car garage would improve vehicle access and safety. *Staff support 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.**

City's Hillside Ordinance requires two additional off-street parking spaces for hillside projects but allows waiver of this requirement if the width of the street upon which the lot or building site is located is 36 feet or greater. Berkshire Avenue (between Berkshire Place and Somerset Place) has a right-of-way width of 60-feet and a pavement width of 36-feet. Given that adequate passage for traffic would still be provided if vehicles are parked along the west side of Berkshire Avenue along the frontage of the subject site, and since this section of Berkshire Avenue does not include turns, it is appropriate to waive the requirement for the two additional on-site parking spaces. *Staff support 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 project site includes mature trees to the front, side and rear of the existing residence, which will be retained as part of the proposed project. Given the elevated nature of the building pad above the street level and the existing mature trees, the second-floor addition would be adequately screened. *Staff support the finding.*

**9. The project does not create an avoidable or unreasonable impairment of the view from any other property.**

The proposed second-floor expansion, carport to garage conversion and retention of all existing setback encroachments present no unreasonable or avoidable view impairment from any other property since the location of the project site is such that neighboring views are not obstructed. Existing mature vegetation would screen the existing residence and any expansion areas from neighboring properties. *Staff support the finding.*

### **Second Floor Review**

The purpose of Second Floor Review is to ensure that two-story homes are appropriately sited and designed, and not significantly discordant with the general character of a residential neighborhood. Said review was not implemented to mandate specific architectural styles or curb two-story development.

The residence includes an existing second-floor located 18'-2" from the front property line, where the minimum required by code is 30'-4". The preservation of this existing condition and proposed new encroachments are discussed and reviewed as part of the Setback Modification application. The second-floor addition would expand the existing second-floor by 1,248 square feet. The existing second-floor is centered above the first-floor and the additions would be on both north and south sides. While the front-yard encroachment would be acceptable given its consistency with the existing second-floor, the new addition along at the northwest side proposed at 6'-0" from the northwest property line would be deficient given the 18'-4" minimum second-floor side-yard setback requirement. The second-floor addition would be partially screened by the existing mature trees along the site's perimeter. The proposed exterior colors would be appropriate given the natural setting of the site. The neighborhood includes a variety of single and two-story homes located among numerous mature trees.

#### **New Second-floor Element at Entry:**

One of the required findings for new two-story homes is consistency with the Residential Design Guidelines as adopted by resolution of the City Council. The purpose of these design guidelines is to preserve the best qualities of neighborhood character and property values while encouraging creative design and not limiting architectural styles. One of the design guidelines refers to physical design components relating to mass and scale of front entries (*Section (C)(1)(d) - Front Entries (page-30) Residential Design Guidelines attached.*)

The proposed house includes two prominent architectural features along its front façade. A large two-story screen over a picture window to the left of the main entrance and a stone veneer front-entry component above the main entrance. The screen and the picture window which are not an entry component add a distinctive character to the house. However, the magnified frame above the main entry at the second-floor is designed as an extension of the first-floor theme. The first and second-floor levels include different exterior finish that create modulation and aesthetically pleasant visual separation between the first and second-floor levels. However, the extension of the first-floor stone

veneer and its protrusion against the second-floor IPE siding creates a massive two-story entry staff believes is inconsistent with the Residential Design Guidelines.

Findings:

**1. The two-story design includes adequate setbacks, screening and modulation.**

Existing Second-floor and Second-floor Expansion to Front and Southeast:

The residence includes an existing second-floor that is encroaching within the required 30'-4" front-yard setback and is located 18'-2" from the front-property line. The proposed second-floor expansion would also include a front-yard encroachment; however, it would be 19'-11" from the front-property line. This presents less of an encroachment than what is existing. Given the existing trees along the front and the sitting of the structure, as well as surface variation between the existing second-floor and the new expansion provide adequate setback, screening and modulation. *Staff support the finding.*

New Second-floor Expansion to Northwest:

The new second-floor encroachment as proposed along the northwest property line does not provide adequate second-floor setback given the configuration of the northwest property line. While screening and modulation are present, the proposed setback of 6'-0" presents an encroachment of 12'-4" into the minimum required setback of 18'-4". The second-floor fails to meet even the first-floor setback of 9'-2" and therefore represents a significant deviation from required second-floor setback requirement. *Staff do not support the finding.*

**2. The two-story design preserves the existing scale and character of the surrounding neighborhood.**

Existing and New Second-floor:

Given the existing two-story homes within the immediate neighborhood and the parameters of the existing house and proposed additions, the project would be compatible with the scale and character of the surrounding neighborhood. *Staff support the finding.*

**3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors.**

Existing Second-floor and Second-floor Expansion to Front and Southeast:

The two-story design would not impact public views, aesthetics and privacy given the existing nature of current second-floor and the second-floor expansion that would be consistent with the setbacks of the existing residence. *Staff support the finding.*

New Second-floor Expansion to Northwest:

The expansion of the second-floor into the northwest side-yard with the reduced side-yard setback may have a negative impact on the aesthetics, privacy or valuation of property of other persons located in the vicinity. If approved as proposed, the expansion

of the existing second-floor would be located significantly closer to the neighboring property than permitted by the Zoning Code for single-family residences within the R-1 zone. Second-floor setbacks were adopted to ensure adequate separation of structures from the adjacent property to generally address safety and privacy concerns. *Staff do not support the finding.*

**4. The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council.**

**Existing and Second-floor Expansion:**

Neighborhood compatibility is achieved through retention of the existing perimeter of the residence and expanding the existing second-floor in a manner that maintains consistency with the existing structure. The architectural style includes subdued colors that blend well within the site's natural setting. Horizontal and vertical proportions are preserved within the structure's existing perimeter. The roof form has been altered to include a 4:12 pitch from the originally proposed flat-roof design to further comply with neighborhood compatibility. The proposed structure provides front yard continuity, modulation and visual separation between its first and second-floors. Although the general appearance of the residence would be updated, the second-floor expansion would remain uniform with the existing structure. The conversion of the existing carport into a standard garage would provide adequate parking space and a more visually appealing street appearance.

No grading or ground disturbance is proposed as part of the second-floor expansion and the carport enclosure. The site is already developed with a two-story residence. The site includes numerous mature trees which would be preserved and would screen the new addition from neighboring and public views. *Staff supports the finding.*

**New Second-floor Element at Entry:**

While the physical design components of the project would be consistent with the existing bulk and perimeter of the structure, the new second-floor element above the entry would be inconsistent with Section (C) (1) (d) - Front Entries of Residential Design Guidelines as adopted by resolution of the City Council. This section of the Residential Design Guidelines discourages large, massive entries that appear two-story and suggest smaller entries to maintain human-scale. The proposed design presents a large bulk above the front entry extending beyond the second-floor roof eaves. *Staff do not support the finding.*

***Setback Modification***

The setback modification includes three components: 1) Retention of all existing encroachments of all existing structures (residence, garage, pool-house); 2) Continuation of an established front-yard setback encroachment at the second-floor level for the expansion, and 3) A new second-floor encroachment within the northwest side-yard setback.

Front yard: First and second-floor new and existing encroachments.  
Northwest side-yard: existing first-floor and new second-floor encroachment.  
Northwest side-yard: existing pool-house encroachment.  
South side-yard: carport existing encroachment.

Residence:

The subject lot has a minimum front-yard setback requirement of 30'-4" for both first and second-floor levels. This is based on the average of adjacent neighbors' front-yard setbacks as required by City's Zoning Code. The residence is located 16'-1" from the front property line at the first-floor level and 18'-2" at the second-floor. Through application of the Setback Modification, an approximately six square foot area would be added to the front while maintaining alignment with the existing building setback at 16'-1". The existing second-floor would be expanded from both north and south sides while providing a 19'-11" front-yard setback. This is less than the required 30'-4" minimum but would provide an additional 1'-9" setback from the front property line than the existing second-floor. Since the proposed front-yard encroachments of both first and second floor levels are consistent with the existing structure, staff considers these as reasonable.

Through the Setback Modification application, the applicant is requesting retention of an existing first-floor side-yard setback encroachment along the northwest property line. The existing first-floor is located 3'-0" from the northwest property line where the minimum requirement per the Zoning Code is 9'-2". Since the footprint of the existing structure is being preserved staff considers this as reasonable.

Through the Setback Modification application, the applicant is also requesting a 6'-0" northwest side-yard setback at the second-floor level where the minimum requirement is 18'-4".

Garage:

The residence includes an existing carport to the rear of the main residence, located 53'-0" from the front property line. While the carport provides compliant setbacks along its front, north and rear, it includes a south side-yard encroachment and is built immediately along the south property line. Given the location of the existing residence and the limited back yard area due to the hillside nature of the site, providing a compliant 9'-2" side-yard setback would restrict vehicle access and provision of compliant on-site parking. Retaining the carport's existing location and converting it into a compliant two-car garage would provide adequate parking space and would be reasonable and practical.

Pool House:

The existing pool-house within the rear yard is located 2'-7" from the northwest property line. No modification of the structure is proposed and its location and the noncompliant side-yard setback is requested to be retained.

Findings:

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

Existing Encroachments and New Second-floor Front Yard Encroachment:

The applicant intends to preserve the existing two-story structure as part of the proposed second-floor expansion. As such, retention of all existing encroachments is requested. The first-floor of the residence is located 16'-1" from the front property line. The existing second-floor is located 18'-2" from the front property line. This is requested to be retained along with a new second-floor expansion proposed at 19'-11" from the front property line. The expansion will not encroach any further toward the front property line than the existing residence. Retention of the existing first-floor located 3'-0" from the northwest property line is also requested. Retention of these existing encroachments would be compatible with the existing development on the site and are supported by staff.

An existing carport would be enclosed to provide a standard two-car garage while maintaining its existing south-side yard encroachment. The garage complies with the front and rear-yard setback requirements. Much of the lot behind the main residence includes a substantially sloped topography which limits the usable area of the back yard. As such, requiring a compliant side-yard setback for the detached garage would either reduce its size to less than the code requirement or place the garage behind the residence, restricting vehicle access. Additionally, the existing pool-house within the back yard, 2'-7" from the northwest property line would remain untouched and its location is requested to be retained. Retention of all existing encroachments and front-yard encroachment of the proposed second-floor expansion are reasonable and would have no negative impact on adjacent properties, while remaining compatible with existing development on the site. *Staff support the finding.*

New Northwest Side-Yard Encroachment:

The proposed 12'-3" northwest side-yard setback encroachment at the second-floor level would not be compatible with the existing development on the site. The existing second-floor is setback compliant, located 27'-0" from the northwest property line where the minimum requirement is 18'-4". This provides 7'-2" of available distance for a new second-floor expansion, while remaining compliant with the requirement. Additionally, since the adjacent neighboring structure to the north meets and exceeds its required second-floor side-yard setback, the proposal would also be incompatible with the other development in the immediate vicinity. *Staff do not support the finding.*

- 2. The modification authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.**

Existing Encroachments and New Second-floor Front Yard Encroachment:

The setback modification to retain all existing encroachments and the proposed second-floor encroachment at the front would be consistent with the existing development on the

site and would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. *Staff support the finding.*

New Northwest Side-Yard Encroachment:

The proposed 12'-3" northwest side-yard setback encroachment at the second-floor level would be inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The existing second-floor along the northwest property line complies with the required second-floor side-yard setback. Furthermore, the lot provides area for expansion where a new second-floor addition may be built that meets the required 18'-4" second-floor side-yard setback requirement. *Staff do not support the finding.*

- 3. Strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards.**

Existing Encroachments and New Second-floor Front Yard Encroachment:

Strict application of the Zoning Code would result in portions of the existing first and second-floors of the existing residence having to be demolished to accommodate the proposed building additions. This would present a practical difficulty and unnecessary hardship for the property owner, inconsistent with the general purpose of the regulations. The existing residence with its non-compliant first and second-floor setbacks are longstanding and their continuation will not result in any new impacts to neighboring properties. *Staff supports the finding.*

New Northwest Side-Yard Encroachment:

Proposing the second-floor addition in a location where it would comply with the required 18'-4" side-yard setback requirement per the Zoning Code presents no evidence of practical difficulties or unnecessary hardships that would be inconsistent with the general purpose of this regulation. The lot is of sufficient size to allow for additions to the first and second-floor that are compliant with current setback requirements. *Staff do not 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 of other persons located in the vicinity.**

Existing Encroachments and New Second-floor Front Yard Encroachment:

The components of the setback modification as they relate to the existing front and side-yard encroachments and the new encroachment at the front of the residence at the second-floor level would not have a negative impact on the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity. The existing encroachments are longstanding without any evidence of negative impacts on neighboring properties. *Staff supports the finding.*

#### New Northwest Side-Yard Encroachment:

The new encroachment of the second-floor into the northwest side-yard would not be materially detrimental to the public health, safety or general welfare given that the proposed expansion would meet building code requirements. However, a reduction in the second-floor setback may have a negative impact on the use, enjoyment or valuation of property of other persons located in the vicinity as, if approved, it would allow for the expansion of the existing second-floor significantly closer to the neighboring property than that permitted by the Zoning Code for single-family residences within the R-1 zone. *Staff do not support the finding.*

- 5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot.**

#### Existing and New Second-Floor Side-Yard Encroachment:

Given the existing two-story homes within the immediate neighborhood and the maximum height of the proposed project, the expansion of the existing structure would not impact the scale and character of the surrounding neighborhood. *Staff supports the finding.*

#### New Second-floor Element at Entry:

While the overall design of the proposal would generally be compatible with the scale and character of the surrounding neighborhood, the proposed second-floor element above the entry would be inconsistent with Section (C) (1) (d) - Front Entries (page-30) of the Residential Design Guidelines as adopted by resolution of the City Council. This section of the Residential Design Guidelines discourages large, massive entries that appear two-story and suggest smaller entries to maintain human-scale. The proposed design presents a large bulk above the front entry extending beyond the second-floor roof eaves. *Staff do not support the finding.*

### **Variance**

Section 11.11.050 (A)(4)(a)(i) of the Zoning Code states that no portion of a building shall exceed the height of a forty-five (45) degree plane drawn from a height of ten feet above existing ground level at all boundaries of the lot except roof eaves. Given the proximity of the proposed new second-floor encroachment at the northwest property line, this requirement is not met and the structure at the second-floor level falls within the restricted 45-degree angle plane. Providing a compliant the second-floor side-yard expansion a would eliminate this condition.

### Findings:

- 1. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this code deprives such**

**property of privileges enjoyed by other property in the vicinity and under identical zoning classification;**

Although the subject lot includes a relatively limited buildable area due to its hillside nature and the substantial slope that consumes majority of the back yard, requiring compliance with the angle-plane regulation does not deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zoning classification. The lot size and Slope Factor Guideline allow expansion of the floor area. There is sufficient physical space to expand the residence on the lot while complying with the required angle-plane regulation and avoiding potential impacts to neighboring properties. *Staff do not support the finding.*

**2. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;**

A second-floor expansion that provides compliant northwest side-yard setback with a compliant angle-plane requirement is possible given the size of the lot. Approving the Variance would therefore be a grant of special privilege not granted to other properties. *Staff do not support the finding.*

**3. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards;**

The proposed expansion of the second-floor at the northwest corner of the residence fails to comply with the required second-floor setback of 20-percent of the lot width, or 18'-4", resulting in the non-compliance with the building bulk/ angle-plane requirement. Provision of a compliant setback would negate the need for the requested Variance. Therefore, the application presents no evidence of practical difficulties or unnecessary hardships that would be inconsistent with the general purpose of this regulation. *Staff do not support the finding.*

**4. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity; and**

The building-bulk/angle-plane encroachment would not be materially detrimental to the public health, safety or general welfare given that the proposed expansion would meet building code requirements. However, a reduction in the second-floor setback, and therefore the building bulk/angle-plane requirement may have a negative impact on the use, enjoyment or valuation of property of other persons located in the vicinity as, if approved, it would allow for the expansion of the existing second-floor significantly closer to the neighboring property than that permitted by the Zoning Code for single-family residences within the R-1 zone. *Staff do not support the finding.*

5. **That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood;**

Given the existing two-story homes within the immediate neighborhood and the maximum height of the proposed project, the angle-plane nonconformance would not impact the scale and character of the surrounding neighborhood. *Staff supports the finding.*

Summary & Recommendation:

In summary, the proposed project requires consideration of four entitlements; a Hillside Development Permit, Second Floor Review, Setback Modification and a Variance. The project entails preservation of all existing setback encroachments of the first-floor, second-floor, carport and the pool-house. The project also entails enclosure and conversion of an existing carport to a compliant garage. A new second-floor addition is proposed with new encroachments. A Variance is requested for a second-floor angle-plane nonconformance.

Based on discussion of each element of the request and corresponding findings, staff recommend the following:

Staff recommend **APPROVAL** of Hillside Development Permit (HDP 18-03) as proposed.

Staff recommend **APPROVAL** of Second Floor Review (SFR 18-03) subject to a compliant northwest second-floor side-yard setback and redesign of the two-story entry to maintain conformance with the Residential Design Guidelines, as adopted by resolution of the City Council.

Staff recommend **APPROVAL** of Setback Modification (MOD 18-01) for retention of all existing encroachments, which include the northwest side-yard setback encroachment of the first-floor and the pool-house, south side-yard setback encroachment of a carport and front-yard encroachment of the first and second-floor levels.

Staff recommend **APPROVAL** of Setback Modification (MOD 18-01) for proposed new front-yard encroachment of the second-floor addition which is consistent with the existing second-floor encroachment at the front.

Staff recommend **DENIAL** of Setback Modification (MOD 18-01) for the proposed new second-floor encroachment at the northwest side-yard and Variance (VAR 18-02) for angle plane noncompliance at the northwest property line.

Attachments:

1. Draft Resolution and Conditions of Approval
2. Physical Design Components Section – Residential Design Guidelines
3. Letter from Mr. and Mrs. Crouch

RESOLUTION NO. 18-xx

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE FOR APPROVAL OF HILLSIDE DEVELOPMENT PERMIT 18-03, PARTIAL APPROVAL OF SECOND-FLOOR REVIEW 18-03 AND SETBACK MODIFICATION 18-01 FOR SECOND-FLOOR ADDITIONS AND CONVERSION OF AN EXISTING CARPORT TO A GARAGE, PARTIAL APPROVAL OF SETBACK MODIFICATION 18-01 FOR RETENTION OF EXISTING FIRST AND SECOND-FLOOR SETBACK ENCROACHMENTS INTO THE FRONT AND SIDE-YARDS AND FOR NEW FIRST AND SECOND-FLOOR ENCROACHMENTS INTO THE FRONT AND SOUTH SIDE-YARD AND DENYING NEW SECOND-FLOOR ENCROACHMENT INTO THE NORTHWEST SIDE-YARD, AND DENYING VARIANCE 18-02 FOR ANGLE PLANE NONCOMPLIANCE AT THE NORTHWEST SIDE-YARD, AT 370 BERKSHIRE AVENUE AND ADOPTING A NOTICE OF EXEMPTION**

**WHEREAS**, an application for Hillside Development Permit, Second Floor Review, Setback Modification and Variance was filed by Sebouh and Maral Chatoyans (hereinafter the “Applicants”) with the City of La Cañada Flintridge; and

**WHEREAS**, the Hillside Development Permit, Second Floor Review, and Setback Modification applications are requests to expand the existing second-floor at 370 Berkshire Avenue (AIN: 5821-004-016) while maintaining an existing front-yard setback encroachment, convert the existing carport into a garage while maintaining a south side-yard setback encroachment, and to retain setback encroachments of the existing first floor, second-floor and the pool-house and for a new second-floor northwest side-yard setback encroachment. The Variance application is a request to allow building angle-plane nonconformance associated with the second-floor expansion at the northwest corner of the residence (hereinafter referred to as “Application”), said request attached hereto and incorporated herein by reference; and

**WHEREAS**, the subject site has a General Plan Land Use designation of Estate Residential (up to one dwelling unit per acre) and is located within the R-1-40,000 Zone designation; and

**WHEREAS**, it has been determined that exceptions to exemptions are not applicable and the project is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and

**WHEREAS**, on June 12, 2018, a duly noticed public hearing on the Application was held before the City of La Cañada Flintridge Planning Commission at the Council Chamber within City Hall, 1327 Foothill Boulevard, La Cañada Flintridge; and

**WHEREAS**, the Planning Commission has reviewed the facts contained in the staff report dated June 12, 2018, regarding the Application for a Hillside Development Permit, Second-Floor Review, Setback Modification and Variance 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 of the City of La Cañada Flintridge does resolve as follows:

**Section 1:** Hillside Development Permit 18-03

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. The proposed second-floor expansion, conversion of the existing carport into a standard two-car garage and retention of all existing encroachments would uphold the policies of this chapter and would be harmonious with the better aspects of the built and natural setting since the existing hillside topography would remain undisturbed. The additional floor area would be atop the existing residence. The existing carport would slightly be enlarged to provide a compliant garage dimensions but would not impact the hillside nature of the lot. The proposed colors are passive and blend well within the existing natural setting.

2. The project will maximize potential for sensitive use and effective preservation of open space since the existing open space on the subject lot would be preserved with the development as proposed. The second-floor expansion would not impact the hillside topography as it would generally be contained to the existing footprint of the residence. Conversion of the carport and retention of encroachments of existing structures would not have an influence on the hillside.

3. The project will not be detrimental to the public health, safety, or general welfare as the second-floor expansion, the new garage, and retention of existing structural encroachments would not result impacts that would be detrimental to public health safety or general welfare. The project would undergo structural review by the Department of Building and Safety prior to building permit issuance, subject to Planning Commission approval of the project.

4. The project will not adversely affect the orderly development of property within the city since the existing residence includes an existing front-yard setback encroachment. This element would potentially impact development of property within

the city and more specifically for properties along the same side of the project street as it relates to minimum front-yard setback requirements, since neighboring averaging is used. However, since the existing front-yard setback is not being altered, this condition would remain the same and the proposed encroachments would not adversely affect the orderly development of neighboring properties. The retention of the existing side-yard encroachments for the residence, carport and pool-house will have no impact on the orderly development of property.

5. The project will conform to the goals and policies set forth in the general plan. The General Plan, as it relates to hillsides, aims to preserve and protect natural slopes and hillside topography. The proposed second-floor expansion, carport conversion into garage and retention of encroachments of existing residence, carport and the pool-house would preserve the existing hillside nature of the lot in conformance with the goals and policies of the General Plan.

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 because the second-floor expansion, the carport-conversion and retention of all existing setback encroachments do not have the potential to create a nuisance, hazard or enforcement problem. By expanding at the second-floor level rather than first-floor, hillside topography and the open area of the lot will be preserved. Additionally, updating the existing carport to a standard two-car garage would improve vehicle access and safety.

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. City's Hillside Ordinance requires two additional off-street parking spaces for hillside projects but allows waiver of this requirement if the width of the street upon which the lot or building site is located is 36 feet or greater. Berkshire Avenue (between Berkshire Place and Somerset Place) has a right-of-way width of 60-feet and a pavement width of 36-feet. Given that adequate passage for traffic would still be provided if vehicles are parked along the west side of Berkshire Avenue along the frontage of the subject site, and since this section of Berkshire Avenue does not include turns, it is appropriate to waive the requirement for the two additional on-site parking spaces.

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 because the project site includes mature trees to the front, side and rear of the existing residence, which will be retained as part of the proposed project. Given the elevated nature of the building pad above the street level and the existing mature trees, the second-floor addition would be adequately screened.

9. The project does not create an avoidable or unreasonable impairment of the view from any other property since the proposed second-floor expansion, carport to garage conversion and retention of all existing setback encroachments present no

unreasonable or avoidable view impairment from any other property since the location of the project site is such that neighboring views are not obstructed. Existing mature vegetation would screen the existing residence and any expansion areas from neighboring properties.

## **Section 2: Second-Floor Review 18-03**

1. The two-story design includes adequate setbacks, screening and modulation.

Existing Second-floor and Second-floor Expansion to Front and Southeast: The residence includes an existing second-floor that is encroaching within the required 30'-4" front-yard setback and is located 18'-2" from the front-property line. The proposed second-floor expansion would also include a front-yard encroachment; however, it would be 19'-11" from the front-property line. This presents less of an encroachment than what is existing. Given the existing trees along the front and the sitting of the structure, as well as surface variation between the existing second-floor and the new expansion provide adequate setback, screening and modulation.

New Second-floor Expansion to Northwest: The new second-floor encroachment as proposed along the northwest property line does not provide adequate second-floor setback given the configuration of the northwest property line. While screening and modulation are present, the proposed setback of 6'-0" presents an encroachment of 12'-4" into the minimum required setback of 18'-4". The second-floor fails to meet even the first-floor setback of 9'-2" and therefore represents a significant deviation from required second-floor setback requirement.

2. The two-story design preserves the existing scale and character of the surrounding neighborhood.

Existing and New Second-floor: Given the existing two-story homes within the immediate neighborhood and the parameters of the existing house and proposed additions, the project would be compatible with the scale and character of the surrounding neighborhood.

3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors.

Existing Second-floor and Second-floor Expansion to Front and Southeast: The two-story design would not impact public views, aesthetics and privacy given the existing nature of current second-floor and the second-floor expansion that would be consistent with the setbacks of the existing residence.

New Second-floor Expansion to Northwest: The expansion of the second-floor into the northwest side-yard with the reduced side-yard setback may have a negative impact on the aesthetics, privacy or valuation of property of other persons located in the vicinity. If approved as proposed, the expansion of the existing second-floor would be located

significantly closer to the neighboring property than permitted by the Zoning Code for single-family residences within the R-1 zone. Second-floor setbacks were adopted to ensure adequate separation of structures from the adjacent property to generally address safety and privacy concerns.

4. The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council. The City's Residential Design Guidelines focus on four main sections; Neighborhood Compatibility, Site Development and Landscaping, Physical Design Components.

Existing and Second-floor Expansion: Neighborhood compatibility is achieved through retention of the existing perimeter of the residence and expanding the existing second-floor in a manner that maintains consistency with the existing structure. The architectural style includes subdued colors that blend well within the site's natural setting. Horizontal and vertical proportions are preserved within the structure's existing perimeter. The roof form has been altered to include a 4:12 pitch from the originally proposed flat-roof design to further comply with neighborhood compatibility. The proposed structure provides front yard continuity, modulation and visual separation between its first and second-floors. Although the general appearance of the residence would be updated, the second-floor expansion would remain uniform with the existing structure. The conversion of the existing carport into a standard garage would provide adequate parking space and a more visually appealing street appearance.

No grading or ground disturbance is proposed as part of the second-floor expansion and the carport enclosure. The site is already developed with a two-story residence. The site includes numerous mature trees which would be preserved and would screen the new addition from neighboring and public views.

New Second-floor Element at Entry: While the physical design components of the project would be consistent with the existing bulk and perimeter of the structure, the new second-floor element above the entry would be inconsistent with Section (C) (1) (d) - Front Entries (page-30) of Residential Design Guidelines as adopted by resolution of the City Council. This section of the Residential Design Guidelines discourages large, massive entries that appear two-story and suggest smaller entries to maintain human-scale. The proposed design presents a large bulk above the front entry extending beyond the second-floor roof eaves.

### **Section 3:** Setback Modification 18-01

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

Existing Encroachments and New Second-floor Front Yard Encroachment: The existing two-story structure would be preserved as part of the proposed second-floor expansion. As such, retention of all existing encroachments is requested. The first-floor of the residence is located 16'-1" from the front property line. The existing second-floor is located 18'-2" from the front property line. This is requested to be retained along with a

new second-floor expansion proposed at 19'-11" from the front property line. The expansion will not encroach any further toward the front property line than the existing residence. Retention of the existing first-floor located 3'-0" from the northwest property line is also requested. Retention of these existing encroachments would be compatible with the existing development on the site and are supported by staff. An existing carport would be enclosed to provide a standard two-car garage while maintaining its existing south-side yard encroachment. The garage complies with the front and rear-yard setback requirements. Much of the lot behind the main residence includes a substantially sloped topography which limits the usable area of the back yard. As such, requiring a compliant side-yard setback for the detached garage would either reduce its size to less than the code requirement or place the garage behind the residence, restricting vehicle access. Additionally, the existing pool-house within the back yard, approximately 2'-9" from the northwest property line would remain untouched and its location is requested to be retained. Retention of all existing encroachments and front-yard encroachment of the proposed second-floor expansion are reasonable and would have no negative impact on adjacent properties, while remaining compatible with existing development on the site.

New Northwest Side-Yard Encroachment: The proposed 12'-3" northwest side-yard setback encroachment at the second-floor level would not be compatible with the existing development on the site. The existing second-floor is setback compliant, located 27'-0" from the northwest property line where the minimum requirement is 18'-4". This provides 7'-2" of available distance for a new second-floor expansion, while remaining compliant with the requirement. Additionally, since the adjacent neighboring structure to the north meets and exceeds its required second-floor side-yard setback, the proposal would also be incompatible with the other development in the immediate vicinity.

2. The modification authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Existing Encroachments and New Second-floor Front Yard Encroachment: The setback modification to retain all existing encroachments and the proposed second-floor encroachment at the front would be consistent with the existing development on the site and would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Northwest Side-Yard Encroachment: The proposed 12'-3" northwest side-yard setback encroachment at the second-floor level would be inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The existing second-floor along the northwest property line complies with the required second-floor side-yard setback. Furthermore, the lot provides area for expansion where a new second-floor addition may be built that meets the required 18'-4" second-floor side-yard setback requirement.

3. Strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards.

Existing Encroachments and New Second-floor Front Yard Encroachment: Strict application of the Zoning Code would result in portions of the existing first and second-floors of the existing residence having to be demolished to accommodate the proposed building additions. This would present a practical difficulty and unnecessary hardship for the property owner, inconsistent with the general purpose of the regulations. The existing residence with its non-compliant first and second-floor setbacks are longstanding and their continuation will not result in any new impacts to neighboring properties.

New Northwest Side-Yard Encroachment: Proposing the second-floor addition in a location where it would comply with the required 18'-4" side-yard setback requirement per the Zoning Code presents no evidence of practical difficulties or unnecessary hardships that would be inconsistent with the general purpose of this regulation. The lot is of sufficient size to allow for additions to the first and second-floor that are compliant with current setback requirements.

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 of other persons located in the vicinity.

Existing Encroachments and New Second-floor Front Yard Encroachment: The components of the setback modification as they relate to the existing front and side-yard encroachments and the new encroachment at the front of the residence at the second-floor level would not have a negative impact on the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity. The existing encroachments are longstanding without any evidence of negative impacts on neighboring properties.

New Northwest Side-Yard Encroachment: The new encroachment of the second-floor into the northwest side-yard would not be materially detrimental to the public health, safety or general welfare given that the proposed expansion would meet building code requirements. However, a reduction in the second-floor setback may have a negative impact on the use, enjoyment or valuation of property of other persons located in the vicinity as, if approved, it would allow for the expansion of the existing second-floor significantly closer to the neighboring property than that permitted by the Zoning Code for single-family residences within the R-1 zone.

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot.

Existing and New Second-Floor Side-Yard Encroachment: Given the existing two-story homes within the immediate neighborhood and the maximum height of the proposed project, the angle-plane nonconformance would not impact the scale and character of the surrounding neighborhood.

New Second-floor Element at Entry: while the overall design of the proposal would generally be compatible with the scale and character of the surrounding neighborhood, the proposed second-floor element above the entry would be inconsistent with Section (C) (1) (d) - Front Entries (page-30) of the Residential Design Guidelines as adopted by resolution of the City Council. This section of the Residential Design Guidelines discourages large, massive entries that appear two-story and suggest smaller entries to maintain human-scale. The proposed design presents a large bulk above the front entry extending beyond the second-floor roof eaves.

#### **Section 4:** Variance 18-02

1. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Although the subject lot includes a relatively limited buildable area due to its hillside nature and the substantial slope that consumes majority of the back yard, requiring compliance with the angle-plane regulation does not deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zoning classification. The lot size and Slope Factor Guideline allow expansion of the floor area. There is sufficient physical space to expand the residence on the lot while complying with the required angle-plane regulation and avoiding potential impacts to neighboring properties. There are no special circumstances that warrant granting of the Variance.

2. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

A second-floor expansion that provides compliant northwest side-yard setback with a compliant angle-plane requirement is possible given the size of the lot. Approving the Variance would therefore be a grant of special privilege not granted to other properties.

3. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards.

The proposed expansion of the second-floor at the northwest corner of the residence fails to comply with the required second-floor setback of 20 percent of the lot width, or 18'-4", resulting in the non-compliance with the building bulk/ angle-plane requirement. Provision of a compliant setback would negate the need for the requested Variance.

Therefore, the application presents no evidence of practical difficulties or unnecessary hardships that would be inconsistent with the general purpose of this regulation.

4. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

The building-bulk/angle-plane encroachment would not be materially detrimental to the public health, safety or general welfare given that the proposed expansion would meet building code requirements. However, a reduction in the second-floor setback, and therefore the building bulk/angle-plane requirement may have a negative impact on the use, enjoyment or valuation of property of other persons located in the vicinity as, if approved, it would allow for the expansion of the existing second-floor significantly closer to the neighboring property than that permitted by the Zoning Code for single-family residences within the R-1 zone.

5. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood. Given the existing two-story homes within the immediate neighborhood and the maximum height of the proposed project, the angle-plane nonconformance would not impact the scale and character of the surrounding neighborhood.

**Section 5.** CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the foregoing facts and based upon substantial evidence, the Planning Commission hereby finds as follows:

A. The project is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15303 ((New Construction or Conversion of Small Structures). The project would allow for the expansion of an existing single-family residence on an existing lot zoned for such purpose. None of the Exceptions to the Exemptions identified within Section 15300.2 apply to the proposed project. The Planning Commission hereby adopts the Notice of Exemption.

**Section 6.** Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby takes the following action for the project at 370 Berkshire Avenue, subject to the conditions listed in Exhibit “A”, attached to this resolution:

- A. Approves Hillside Development Permit 18-03 as proposed;
- B. Approves Second Floor Review 18-03, subject to a compliant northwest second-floor side-yard setback and redesign of the two-story entry to maintain conformance with the Residential Design Guidelines;
- C. Approves Setback Modification 18-01 for retention of all existing encroachments, which include the northwest side-yard setback encroachment of the first-floor and the pool-house, south side-yard setback encroachment of a carport and front-yard encroachment of the existing first and second-floor levels;
- D. Denies Setback Modification 18-01 for proposed new second-floor northwest side-yard setback encroachment; and

E. Denies Variance 18-02 for angle plane nonconformity.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of June 2018.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

**EXHIBIT A  
CONDITIONS OF APPROVAL  
HILLSIDE DEVELOPMENT PERMIT 18-03  
SECOND FLOOR REVIEW 18-03  
SETBACK MODIFICATION 18-01  
VARIANCE 18-02  
370 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 site plan submitted, labeled HDP 18-03, SFR 18-03, MOD 18-01 and VAR 18-02 and as modified by these conditions of approval.
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 HDP 18-03, SFR 18-03, MOD 18-01 and VAR 18-02, 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 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 plan check submittal, the project shall be revised to meet the required second-floor side-yard setback along the northwest property line, eliminate the angle plane nonconformance and eliminate the two-story entry element for

Residential Design Guideline conformance subject to review and approval by the Director of Community Development.

13. Prior to building permit issuance, a Landscape Plan in conformance with La Cañada Flintridge Municipal Code, Chapter 4.23 Water Efficient Landscaping shall be submitted subject to review and approval by the Director of Community Development. Prior to final inspection, a Certificate of Completion for Water Efficient Landscaping shall be submitted and approved.
14. Prior to building permit issuance, protective fencing around all City protected trees shall be installed at a distance of 3.5 times the trunk diameter for each tree, (maximum 15-feet) and approved by the Planning Department. The protective fencing shall be made of chain-link or similar material that is affixed to the ground.

Public Works Requirements:

15. Project shall comply with City's Low Impact Development Standards.
16. Record covenant the Los Angeles County Registrar/Recorder's office for the maintenance of the Best Management Practices (BMPs) per the City's Low Impact Development (LID) prior to the issuance of any permits.
17. This project disturbs less than one acre of land, the project is subject to the following minimum construction requirements:
  - a. Sediments from areas disturbed by construction shall be retained on site, using structural drainage controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities, or adjacent properties via runoff, vehicle tracking, or wind.
  - b. Construction-related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.
  - c. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediments and pollutants.
18. Existing mailbox structure is within the public right-of-way. Unless permitted by City, and constructed as a break-away structure, mailbox shall be replaced per City's standard requirements. Mailbox structure shall be approved and permitted by the Public Works Department.
19. Prior to any construction (including, but not limited to, drive approaches, sidewalks, curb and gutter, etc.), trenching or grading within public or private street right-of-way, the Applicant shall submit a street improvement plan

consistent with the approved Site Plan and Conditions of approval and obtain encroachment permit(s) from the Public Works Department.

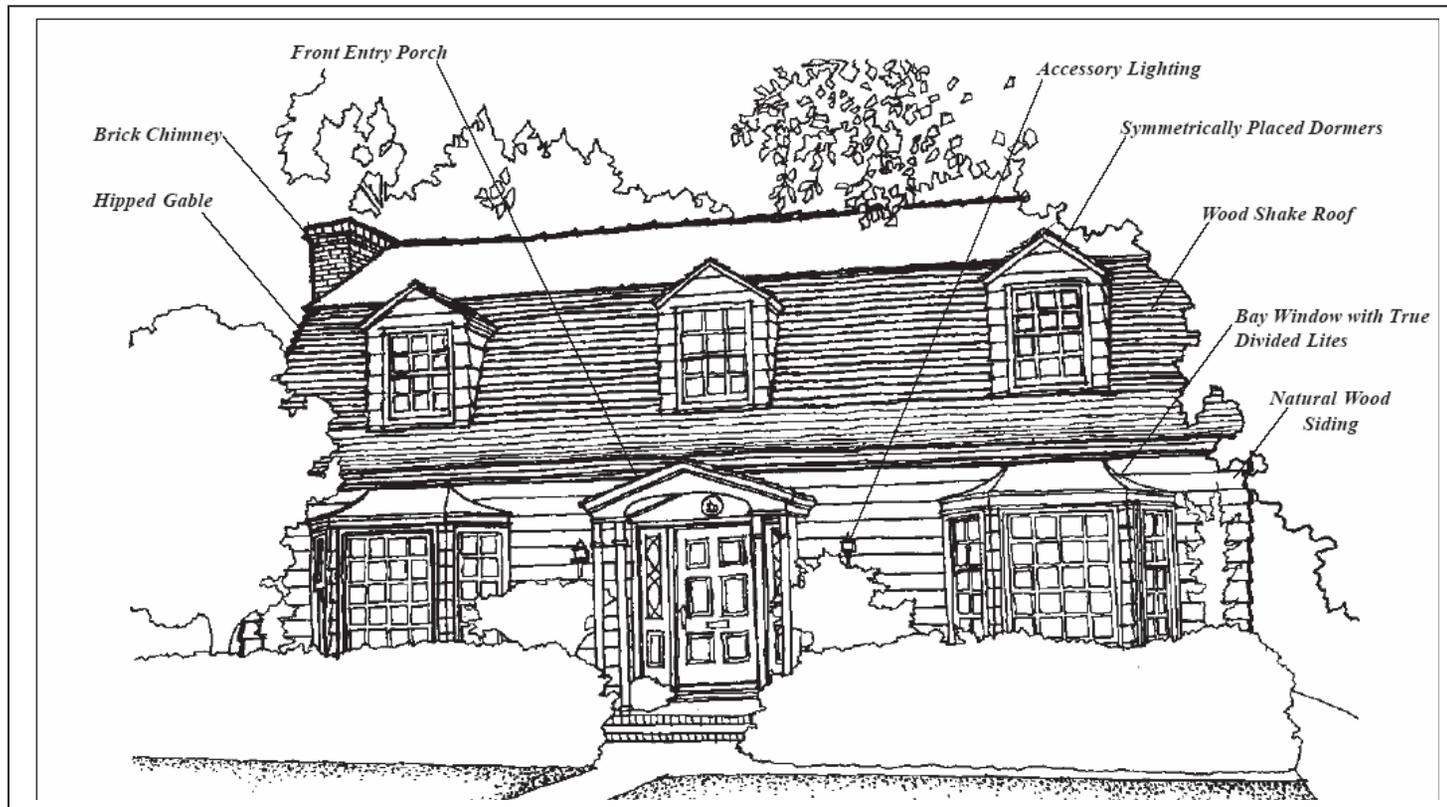
- 20. Replace damaged AC driveway approach with concrete per City standard.
- 21. No above ground structures are to be constructed within the public ROW.

**CONSTRUCTION & DEMOLITION (C&D) DEBRIS**

- 22. Project shall comply with City's Construction and Demolition (C&D) Ordinance 313, per Chapter 9.14 of the City Municipal Code to satisfy the City's Debris Management requirement.
- 23. Prior to Demolition and/or Building Permit issuance, the Applicant shall submit a Performance Security, calculated as the lesser of three percent (3%) of the total project valuation or \$10,000. The Performance Security is refunded upon Applicant's submittal and approval of a Building Debris Management Report indicating that at least 50% of the total debris generated by the project was reused or recycled.
- 24. Prior to Final Building Inspection, Applicant shall submit a Building Debris Management Report and obtain Public Works approval. The Building & Safety Department will not complete Final Building Inspection until the Public Works Department makes a determination regarding refund or forfeiture of the Performance Security.
- 25. Applicant must use a City authorized and permitted waste hauler for all debris, including soil import/export, resulting from construction and demolition activities on the project. A list of authorized waste haulers will be provided to the Applicant.
- 26. Self-hauling of C&D debris must be authorized by the Department of Public Works prior to Building & Safety issuance of Demolition or Building permit(s). Applicant must submit a Debris Management Plan and a Haul Route Plan, execute a self-haul agreement, as well as fund a Haul Route Manager for monitoring of all self-hauling activities. Self-hauling approval must be acquired from the Public Works Department prior to issuance of any permit(s).

# # # # #

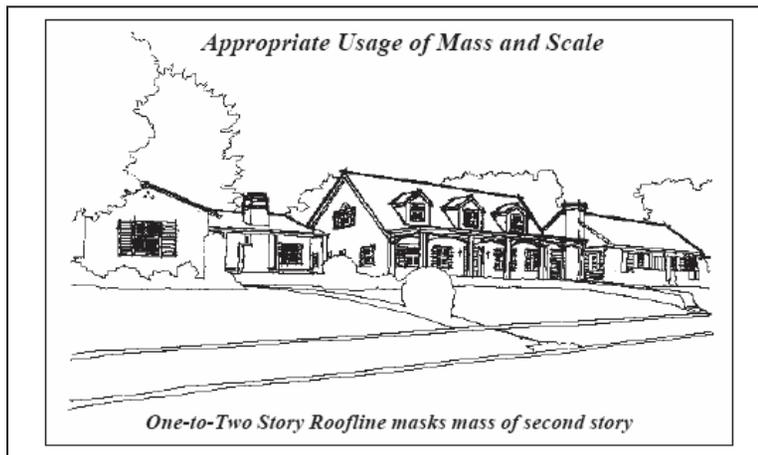
### C. PHYSICAL DESIGN COMPONENTS



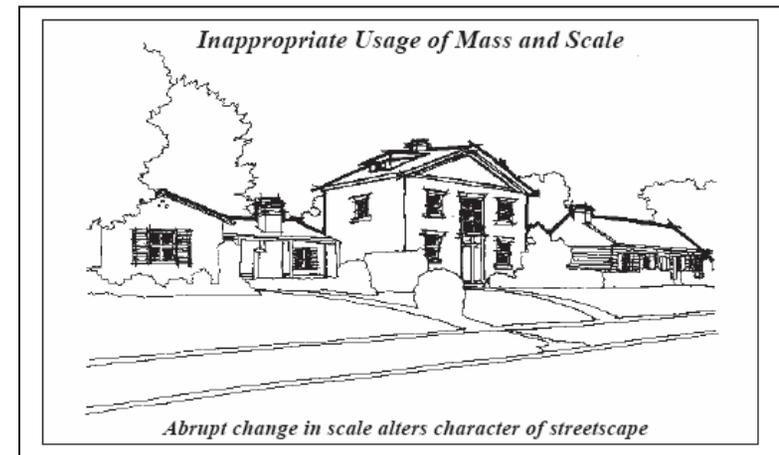
*Breakdown of Physical Design Components as seen on a Traditional Dutch Colonial Revival*

1. **Mass and Scale:** The mass of a structure is attributed to its floor area, height, relationship to the site and the design of its architectural details. Structures that are out of scale with the neighborhood, with large, blank, flat surfaces, and insufficient open space or mature landscaping can appear out of place and incompatible with their surroundings. The following are guidelines to help reduce excessive mass and scale:

- New residences and additions should be compatible in mass and scale to surrounding buildings in the neighborhood and with the natural site features. A finished project should convey a sense of modest single-family scale.
- Overall symmetry is discouraged, since it tends to create a static, monumental effect and it prevents the informality and flow between properties appropriate to house design in La Cañada Flintridge.
- Buildings should maintain a proportional relationship to buildings on adjoining properties. Through the use of similar proportions and details, buildings should follow the established scale of the existing streetscape.
- Refining elements, such as facade and roof articulation, wall texture, ornamental details, and layered landscaping, add visual interest and reduce the impression of scale.



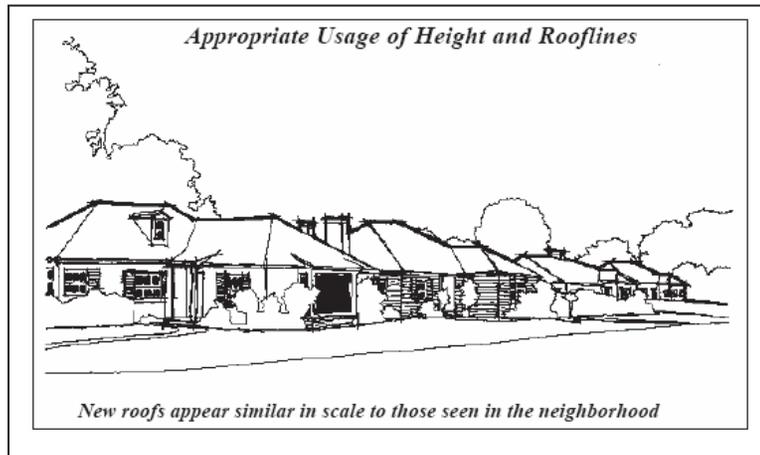
*One-to-two story roofline masks mass of second story*



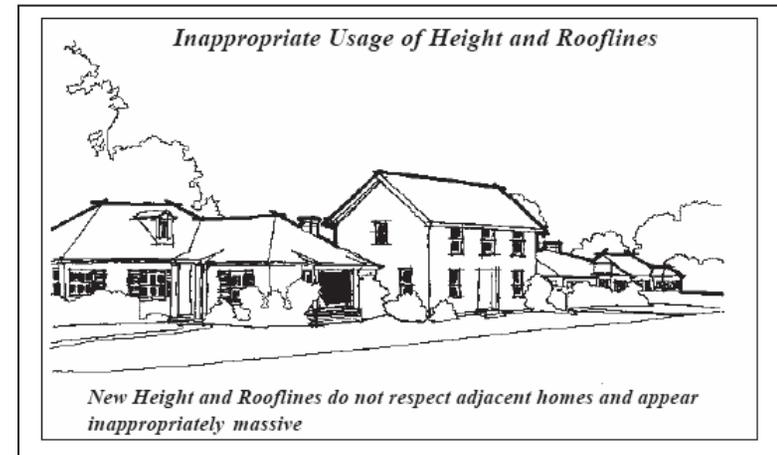
*Abrupt change in scale alters character of streetscape*

- a. **Building Volume:** Several architectural approaches can be used to minimize the appearance of building volume.
- To reduce building volume, understated entries and low-pitched roofs are strongly encouraged to give a sense of human scale to homes.
  - Second floor balconies and small decks accented with landscaping can reduce the visual impact of two-story structures. Balconies and decks should not create privacy issues with neighbors.
  - To ensure modest scale at the house's most visible portion and to ensure refinement of massing, single-story roofs and porches on front elevations are encouraged.
  - Expansive, two-story, floor-to-ceiling entries are strongly discouraged.
  - First and second floor plate heights should be consistent with those established on other homes in the neighborhood.
- b. **Height and Roof Lines:** Height and rooflines influence the overall mass and scale of a structure. When planning a residential addition, it is important to evaluate the slopes and ridgelines of the existing structure. The terrain of the site should also be considered when determining the structure's height. A well designed roof plan is architecturally consistent and compatible with neighboring structures, and follows the natural contours of the sight. The following are guidelines for appropriate design and development of building height and rooflines:
- Hipped roofs should be used where complementary to context, to reduce visual mass.
  - Height and rooflines should follow the neighborhood's character. An addition should generally maintain the same plate height of the original structure, except to achieve a stepped effect following the terrain.
  - The visual impact of roofs should be minimized. Creative roof plans use ridgelines to screen all vents, flues and skylights from public view.

- When planning for a residential addition, it is important to evaluate the existing slopes and ridgelines of the structure. Matching the original slopes and ridgelines is strongly encouraged.
- For new houses, it is important to consider the style of architecture when designing the roof plan.
- Avoid the use of expansive, predominately flat roofs, which require specific additional approval per City code. Break roofs into smaller, geometric elements. For remodels and additions, roofs should be broken up with hip and gable framing and pitched dormers.
- Avoid too many different roof angles or roof types on a structure as they create a disjointed, chaotic appearance.



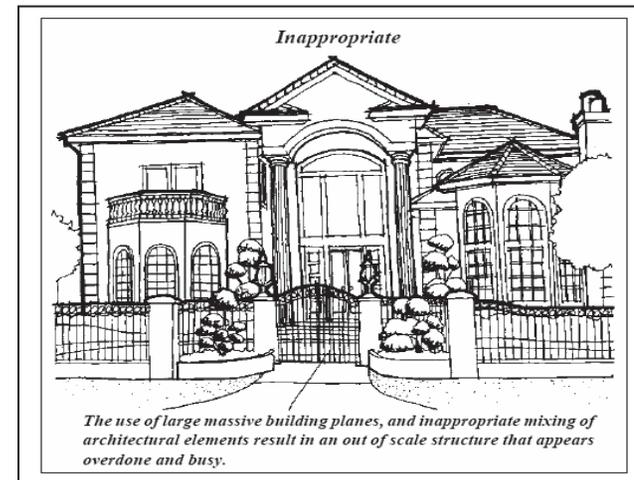
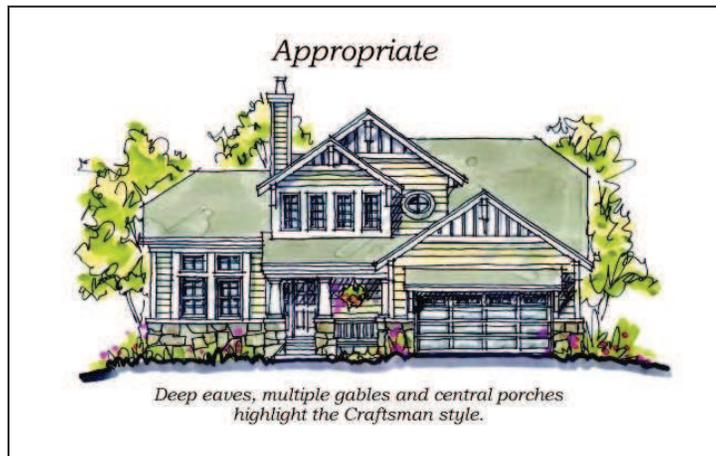
*New roofs appear similar in scale to those seen in the neighborhood*



*New height and rooflines do not respect adjacent homes and appear inappropriately massive.*

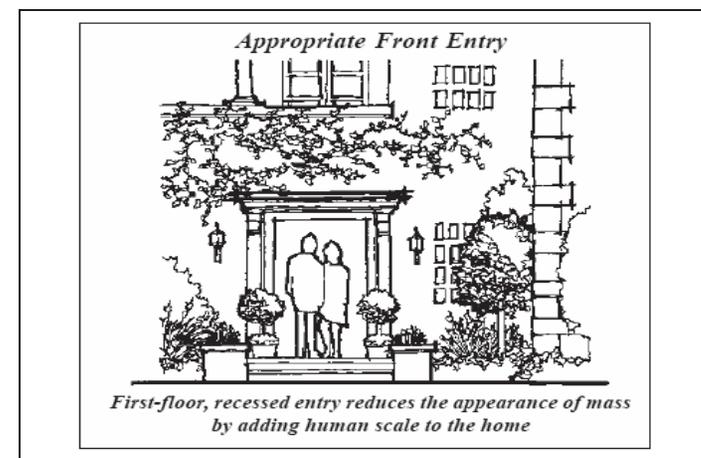
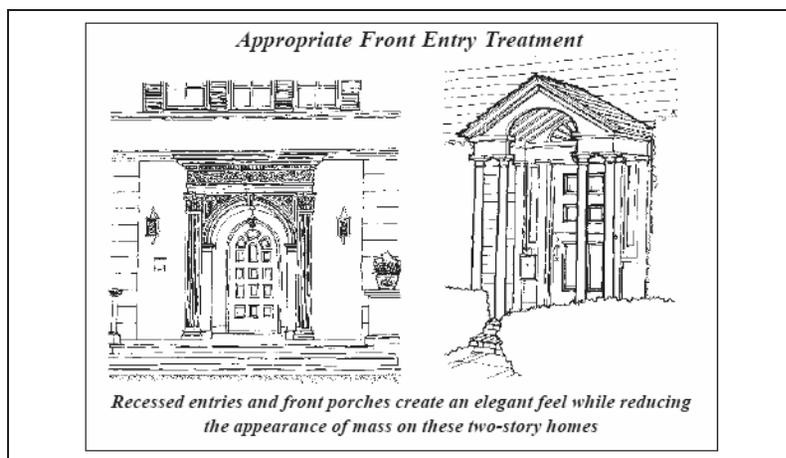
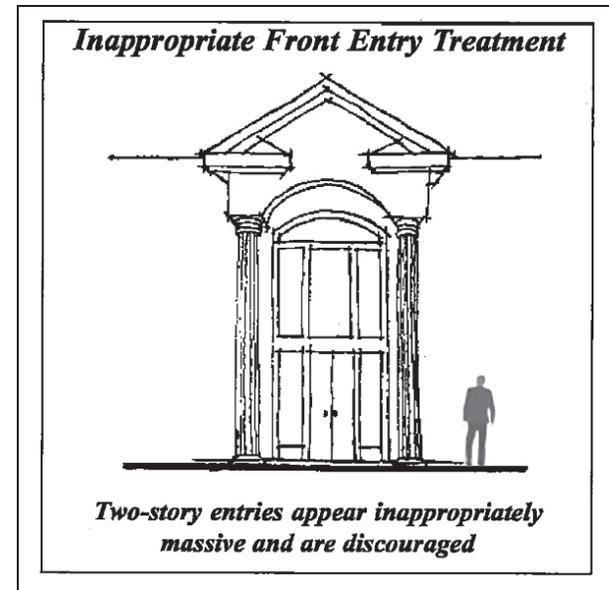
c. **Facade Treatment:** Elements of a building's facade provide visual interest and contribute to the overall architectural quality of the building as well as the neighborhood. All building facades should complement each other. The following are guidelines for appropriate facade treatment:

- Facade treatment, relevant to the home's architectural style, should be carried throughout the entire house with each facade and any accessory structure.
- Ornamental details are essential to giving a residence the charm and refinement to make it a home and collectively to create a welcoming neighborhood. Details should be carefully designed rather than hastily applied from an off-the-shelf source, and should be delicate in scale as befitting the single-family use.
- Architectural features such as decorative moldings, accent windows, dormers, chimneys, balconies and railings, and landscaped elements such as lattices, are encouraged.
- Wide fascia boards are generally discouraged, and a detailed molding profile is encouraged for any fascia boards.
- Facades should be articulated with an orderly and rhythmic layout of windows and recessed planes. Large areas of flat, blank wall and lack of treatment are strongly discouraged.
- Facades should help to provide a sense of human scale.



**d. Front Entries:** A front entry consists of the front door and its surrounding architectural elements. Front entries serve as the primary focal point of a residence. The following are guidelines for appropriate facade treatment:

- Smaller entries help create a more human scale to a home and are strongly encouraged.
- Recessed entries can create an elegant, intimate feel while adding human scale to a home and are strongly encouraged.
- Front entry doors and decorative elements such as moldings, columns, posts, lighting, and built-in benches and planters should be architecturally consistent with the style of the house.
- One-story roofs or overhangs that serve as porches and appropriate to the architectural style, are strongly encouraged.
- Large, massive entries that appear two-story are strongly discouraged.



CHARLES L. CROUCH III AND JULIE M. CROUCH

[REDACTED]  
La Canada Flintridge, California 91011-4045  
[REDACTED] phone [REDACTED]

June 6, 2018

Via Email Transmission and United States Mail

Planning Commission of the City of La Canada Flintridge  
1327 Foothill Boulevard  
La Canada Flintridge, CA 91011  
Attn.: Susan Koleda, Director of Community Development

Re: 370 Berkshire Avenue – Case Nos.: 18-01, 18-02 and 18-03

Dear Commissioners:

We are submitting this letter by reason of our inability to attend the public hearing on the above-referenced matters noticed for June 12, 2018. We reside at 378 Berkshire Avenue, the adjacent property to the west of that owned by Mr. and Mrs. Chatoyan and about which the hearing is concerned.

The Chatoyans have been good neighbors, and have taken the time to share with us the detailed plans for the remodeling of their home, including the scale of the expansion and the materials to be used, together with renderings of the completed project. We have also had the opportunity to view the story poles erected on their property representing the dimensions of the completed project, particularly as they may impact our use and enjoyment of our property.

Based on the foregoing, we are pleased to inform you that we have no objections to the Chatoyans' project as planned, and in fact believe the proposed improvements will enhance the curb appeal of their home and our street.

The setback encroachment requested with regard to the side of the property adjacent to our lot, as represented by the story poles currently in place, does not cause us concern. It should not detrimentally affect the use of our property, as it appears not to impact our privacy, use of space, sight lines or the flow of natural sunlight.

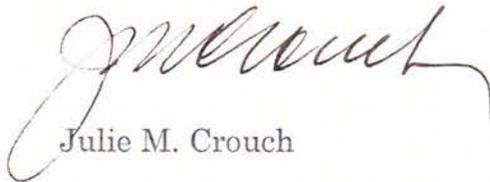
Planning Commission of the City of La Canada Flintridge  
June 6, 2018  
Page 2

Should the Planning Commission require any additional information from us, we would be pleased to provide it. We are excited for the Chatoyans and wish them success in completing their project as planned.

Sincerely,



Charles. L. Crouch, III



Julie M. Crouch

Cc: Mr. & Mrs. Sebu Chatoyan