

CITY OF **LA CAÑADA FLINTRIDGE**

**RESOLUTION NO. 18-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE UPHOLDING THE APPEAL AND OVERTURNING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DENIAL OF DIRECTOR'S MISCELLANEOUS REVIEW 18-19 (SETBACK) FOR AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE THAT ENCROACHES INTO THE REQUIRED SIDE YARD SETBACK, LOCATED AT 4901 GOULD AVENUE AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, a request by Mr. Jay Johnson on behalf of Ms. Gail Cooper has been received by the City for Director's Miscellaneous Review (DM) 18-19 (Setback) (the "Application"), said request incorporated herein by reference; and

WHEREAS, the request applies to a single parcel within the R-1-20,000 (Single Family Residential) zone district, referred to on the County Assessor's role as AIN 5815-025-009, and is located at 4901 Gould Avenue; and

WHEREAS, the Application is a request is to allow a 425 square foot addition to an existing 2,489 square foot single-family residence to encroach five-foot into the required 11'-5" side yard setback, to align with the existing structure and provide a 6'-5" side yard setback; and

WHEREAS, pursuant to Zoning Code Section 11.45.010, the requested modification:

A. Is to allow an encroaching building addition to an existing and legally established residential structure;

B. The building addition would not encroach into the required side yard setback beyond the limits already established by the existing structure to which the addition will be attached, or result in less than a five-foot setback; and

C. Within the required setback, the exterior walls and roofs of the structure establishing an existing setback encroachment are be retained to the extent possible. Additionally, the project does not involve demolition of more than 30 percent of the existing floor area; and

WHEREAS, after review of the application, supporting materials including plans and a site inspection, the Director of Community Development on July 2, 2018 denied Director's Miscellaneous Review 18-19; and

WHEREAS, on July 12, 2018 an appeal (the "Appeal") of Director's Miscellaneous Review 18-19 was timely filed by Ms. Gail Cooper (the "Appellant"); and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on September 11, 2018, held a public hearing regarding the Appeal, reviewed the staff report dated September 11, 2018 and heard and considered the testimony of the Applicant and Appellant and members of the public and concluded said hearing on that date; and

WHEREAS, the Planning Commission has reviewed the project and determined that it is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1, which allows for additions to existing structures provided that the addition will not result in an increase or more than 50 percent of the floor area of the structure before the addition; and

NOW, THEREFORE, based on the evidence presented by the application materials, staff report, and public testimony the Planning Commission hereby finds and determines as follows:

Section 1. The above referenced recitals are true and correct;

Section 2: With respect to Director's Miscellaneous Review 18-19 (Setback):

A. *There are no topographic features, lot configurations or other conditions that make it impractical to require compliance with the yard setback requirements.*

The subject lot at 4901 Gould Avenue contains an average slope of approximately five percent. An approximately five-foot outward facing high retaining wall, which varies in location from on the property line to approximately one-foot south of the southern property line, accommodates a grade difference between the subject property and 4839 Gould Avenue to the south. There is no isolated slope, knoll or similar topographic feature that would prevent or make it impractical for the property owner to expand the existing residence into areas of the lot compliant with the Zoning Code required setbacks.

The subject lot is rectangular in shape with a width of 114.5 feet and depth of 186.5 feet. The existing residence and attached garage is sited facing Gould Avenue, with a north-south orientation. The rear of the existing residence is located approximately 95 feet from the rear property line, allowing up to 80 feet of area available for expansion of the existing residence to the rear. The lot configuration and siting of the existing structure do not prevent or make it impractical for the property owner to expand the existing residence into areas of the lot compliant with the Zoning Code required setbacks.

The survey provided in support of the application does not show that the lot is burdened by any easement or development restriction that would impact the ability to expand the existing residence compliant with the Zoning Code required setbacks.

Based on the submitted plans and a site inspection, a 30-inch Oak tree is located approximately 47-feet from the southwest corner of the existing residence. Based on the protection zone of 3.5 times the trunk diameter, as outlined within Zoning Code Chapter 11.40 – Preservation and Protection of Designated Trees on Private Property, development cannot occur within 8'-8" of the exterior of the trunk of this protected tree. However, the applicant/appellant has stated that two Oak trees have previously failed on the project site. Since the identified Oak tree exhibits a lean toward the existing house and over the southern property line, and as soil and other conditions can negatively impact Oak trees, siting the addition as far from the protected tree as possible to protect the health of the tree is necessary and is justification for granting the Director's Review Setback Modification.

The Single-Family Residential Design Guidelines favors single-story additions over two-story additions. The single-story addition is consistent with the existing ranch style of the residence, provides a compatible roof pitch and style and building proportions and is therefore architecturally compatible with the existing primary structure.

Based on the information identified above, while there are no topographic features or lot configuration issues, other conditions, including protection of the existing protected Oak tree and the single-story nature and ranch style design of the addition warrant approval of the Director's Review Setback Modification, allowing the new addition to encroach five-feet into the required 11'-6" side yard setback.

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

The proposed addition that requires Setback Modification is a 425 square-foot addition to an existing house. The addition will not alter the use of the structure, which as a single-family residence is permitted within the R-1 zone and will not alter the density of development permitted under the Very Low Density Residential (up to 2 dwelling units per acre) General Plan Land Use designation. The proposed total floor area of 3,175 square-feet is less than the maximum permitted total floor/roofed area of 6,021 square-feet based on the 21,354 square-foot lot size. Therefore, the proposed addition would preserve the existing scale and character of the surrounding neighborhood and is consistent with the reasonable development of the lot.

The addition is proposed be located to the rear (west) of the existing residence, within the existing backyard and would not be visible from Gould Avenue. The addition will not block any public view given the applicant is proposing to match the existing building plate height of eight-feet and the addition is approximately 15'-8" in height, more than 12-feet less than the maximum permitted height of 28-feet for the R-1 zone.

The adjacent residence to the south at 4839 Gould Avenue is in excess of 30-feet away from the proposed addition, with a driveway located between the residences. Additionally, there are no windows proposed on the south exterior wall of the addition within the setback that would present privacy issues to the adjacent neighbor or result in impacts to aesthetics or impact property values.

Based upon the information provided above, the proposed addition would preserve the existing scale and character of the surrounding neighborhood, would protect public views, aesthetics and property values in a manner which is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines.

Section 3. Based on the findings required per Zoning Code Section 11.45.010 for Director's Review Setback Modifications, the Planning Commission of the City of La Cañada Flintridge hereby upholds the appeal and overturns the Director of Community Development's denial of Director's Miscellaneous Review 18-19 (Setback), permitting a five-foot encroachment into the required 11'-6" side yard setback for a 425-square foot single-story addition, located at 4901 Gould Avenue within the City of La Cañada Flintridge.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of September, 2018.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

State of California                    )  
County of Los Angeles                )     ss.  
City of La Cañada Flintridge        )

I, Susan Koleda, Secretary to the Planning Commission of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 18-xx was duly adopted by the Planning Commission of the City of La Cañada Flintridge at a Regular Meeting held on the \_\_\_ day of \_\_\_\_ 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Dated:

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Susan Koleda  
Secretary to the Planning Commission

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**DIRECTOR'S REVIEW SETBACK MODIFICATION 18-19**  
**4901 Gould 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 DM 18-19 (SB).
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the site plan labeled DM 18-19 (SB) except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 12 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or under-floor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this DM 18-19 (SB). 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.
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. No more than 30-percent of the existing roof or roofed-area shall be removed. Projects exceeding this requirement would be considered as a "new project" for the purposes of this section, and may be subject to additional review and applicable fees.