

RESOLUTION NO. 16-38

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING SECOND-FLOOR REVIEW 16-04, FLOOR AREA REVIEW 16-02  
SETBACK MODIFICATION 16-01  
FOR A NEW TWO-STORY RESIDENCE  
AND RELATED SITE IMPROVEMENTS  
AT 4377 CHEVY CHASE DRIVE  
AS REQUESTED BY JAY JOHNSON  
ON BEHALF OF  
HARMEET SINGH

**WHEREAS**, a request by Jay Johnson, on behalf of Mr. Harmeet Singh, has been received for Second-floor Review, Floor Area Review, Setback Modification and a Variance to allow the construction of a new two-story house and related site improvements, said request attached hereto and incorporated herein by reference; and

**WHEREAS**, the Planning Commission, on June 14, 2016, after posting and publication in the prescribed manner, held a public hearing and conducted a review of the request; and

**WHEREAS**, the Planning Commission, on June 14, 2016, voted to approve the Second-floor Review, Floor Area Review and Setback Modification components of the request, and continue the Variance for further review, and

**WHEREAS**, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorical Exempt from the California Environmental Quality Act, under Section 2.5(a)(4)(ii)(additions) and 2.5(e)(1)(minor yard and setback variances) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

**WHEREAS**, the Planning Commission has reviewed the facts contained in the staff report dated June 14, 2016 regarding the application for Second-floor Review, Floor Area Review, Setback Modification and Variance at 4377 Chevy Chase Drive and heard and considered the testimony of the applicant and the public; and

**WHEREAS**, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

## Section 1:

### *Second-floor Review:*

1. The two-story design includes adequate setbacks, screening and modulation because the proposed residence would be articulated and detailed in a manner representative of the Mediterranean style while compliant and/or adequate setbacks are provided at both floor levels. Screening along the south side property line would be enhanced to buffer the subject residence and provide relief between proximate second floors.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because the proposed home is large, but sensitively massed, and would not convey an excessive visual scale. Other mid-to-large homes are found in the immediate area, including 2-story homes of varied design to the north and south, and across the street to the east.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors because view of the new home would not have an unreasonable impact on public views in the area. Other two-story homes in the area are comparably massed and sited and the project would not significantly deviate from the prevailing character of the area. The rear balcony is appropriately configured and of limited size and the second-floor window array is commensurate to the respective interior space and not excessive.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the scale, massing and materials utilized by the project, in particular the front elevation, are consistent with Mediterranean design and relate well with the site and the character of the immediate area. Primary directives of the City's Residential Design Guidelines, the foremost consideration of which is neighborhood and streetscape compatibility, would be upheld by the project.

### *Floor Area Review:*

1. Through its siting, screening, and/or massing effects, the project is compatible with its neighborhood setting because the design of the new home is tasteful and well-conceived, while the overall scale is reasonably consistent with adjacent homes to the north and south and others in the area. Adequate setbacks at both levels, overall building height well below the limit for the site and perimeter landscaping further ensure a less than significant impact to the character of the neighborhood.

*Setback Modification:*

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity because the existing setbacks at the 1<sup>st</sup>-floor level are longstanding, visually sufficient and consistent with development in the area. First and second-floor additions would comply with setback requirements.
2. The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone because the project maintains the single-family use of the property and would retain encroachments presented by existing legal non-conforming structures, as opposed to the creation of new encroachments. Comparable encroachments are presented by structures on other properties in the immediate area, including adjacent homes to the north and south.
3. Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards because increasing the 1<sup>st</sup>-floor side setbacks to the north and/or south would require partial demolition of existing interior area and impact existing plumbing facilities, and is overly restrictive since the project would not add to or intensify non-conforming area and a needed view or massing benefit is not apparent.
4. The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity because existing encroachments would not be intensified through the project, while the resulting external effect from the additions as proposed would not significantly impact the public health, safety or welfare.
5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood because preservation of the existing side yard setbacks and respective encroachments would not yield a significant visual effect as seen from the street or impact public views since the non-conforming structures in question are to the rear of the residence, longstanding and reasonably consistent with the character of the area, where other 5-foot side setbacks are apparent.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves the Second-floor Review, Floor Area Review and Setback Modification requests at 4377 Chevy Chase Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

**PASSED, APPROVED AND ADOPTED** this 28th day of June, 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
Second-floor Review 16-04  
Floor Area Review 16-02  
Setback Modification 16-01  
**4377 Chevy Chase Drive**

Standard Conditions:

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 Second-floor Review 16-04, Floor Area Review 16-02 and Setback Modification 16-01.
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 Second-floor Review 16-04, Floor Area Review 16-02 and Setback Modification 16-01, Sheets A thru A-10, 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 Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
  7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the City.
  8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
  9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this Second-Floor Review, Floor Area Review and Setback Modification. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
  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. Any subsequent substantive change to these approved plans by the Fire Department or any other agency having subsequent approval authority shall cause these plans to be returned to the Planning Commission for additional review and approval prior to permit issuance.
13. Unless this approval is appealed to the City Council, story poles shall be removed promptly (within one week) after expiration of the 15-day appeal period. Verification of this shall be required prior to submittal of the project for plan check OR prior to issuance of building permits for those projects where "at-risk" plan check is in process or has already been completed.

Planning Conditions:

14. Primary roof and wall colors shall be reviewed and approved by staff prior to issuance of building permits.
15. Prior to permit issuance, a landscape plan detailing enhanced planting along the south and west property lines, between the subject residence and neighboring home to the south and west, shall be reviewed and approved by the Director of Community Development. Said plantings shall be of appropriate species, density and planting height to screen the expanded residence and provide visual relief between the two sets of homes. The plantings shown on the approved landscape plan shall be installed prior to final building inspection for the second-story addition, and shall be maintained in reasonably healthy condition except as modified from time to time with the approval of the Director after reasonable notice to the affected immediate neighbors to the south and west.
16. The maximum height of the cabana shall not exceed 15 feet, including the chimney, unless additional chimney clearance is required by the Building and Safety Department.

Public Works Conditions:

17. This project **disturbs less than one acre of land**, and is subject to the following minimum construction requirements:
  - 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.
  - 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.
  - Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediments and pollutants.
  
18. 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 from the Engineering Division.
  
19. Any proposed mailbox structure shall be approved and permitted by Public Works.

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