

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 15-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING HILLSIDE DEVELOPMENT PERMIT 14-21,
SECOND-FLOOR REVIEW 14-25, VARIANCE 14-02
AND DIRECTOR'S MISCELLANEOUS REVIEW 14-31 (SB)
FOR ADDITIONS TO AN EXISTING TWO-STORY
RESIDENCE THAT EXCEED THE ALLOWABLE FLOOR
AREA FOR THE LOT AND ENCROACHES INTO THE
FRONT-YARD SETBACK ON A HILLSIDE LOT
AT 1910 GLENHAVEN DRIVE
AS REQUESTED BY DANIEL AND LEANNA TRIPATHI**

WHEREAS, a request by Daniel And Leanna Tripathi has been received for a Hillside Development Permit, Second Floor Review, Variance and Director's Miscellaneous Review for additions to an existing two-story residence that exceed the allowable floor area for the lot and encroaches into the front-yard setback on a hillside lot, said request attached hereto and incorporated by reference; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on December 9, 2014, held a public hearing on the project, conducted a review of the request; and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Class 2.5(e)(1)(minor variances) and 2.5(a)(4)(i)(additions) 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 December 9, 2014, regarding the application for a Hillside Development Permit, Second Floor Review, Variance and Director's Miscellaneous Review, and heard and considered the testimony of the applicant and the public; and hereby determines the following:

Section 1.

Hillside Development Permit:

1. The project, through elements of architectural and landscape design, will enhance its setting because the first and second-floor additions would enhance the existing residential use and would unify the existing architectural styles of the house. Existing landscape screening would minimize some of the visual impacts. The project preserves a majority of the site's open space and sloping area.

2. The project will maximize potential for sensitive use and effective preservation of open space because the project involves first and second-floor expansion primarily on the flat pad area of the lot. The steeper portion of the lot to the rear would be retained.
3. The project will not be detrimental to the public health, safety, or general welfare since the project expands an existing residential use and would conform to current building code standards for hillside development. Therefore, it will not be detrimental to the public health, safety, or general welfare.
4. The project will not adversely affect the orderly development of property within the City since the proposal is consistent with the character of the property and while it exceeds density standards for the lot, it is comparable to the density of the property immediately to the south of the subject property.
5. The project will conform to the goals and policies set forth in the General Plan because the scope of the project is limited to residential expansion on an existing R-1 lot, while the hillside setting would be maintained, consistent with the direction of the City's 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 service since the project, consisting of additions to a single-family residential home, will not result in a change of use beyond that allowed in the General Plan and zoning code, and therefore, will not create a nuisance, hazard, or enforcement problem within the neighborhood or require the City to provide an unusual or disproportionate level of public service.
7. There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development because the subject parcel is unique in topography and buildable area and is within a unique area of the City with limited neighbors. The home immediately to the south also exceeds the floor area limitation for that lot. The excess floor area does not affect the scale of the house and typical hillside issues are not a concern and are addressed in the Variance section of the report. The encroachment into the front-yard setback requirement would be accommodated through the Director's Miscellaneous Review process and would be located behind the existing garage.
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 with the exception of the north side, the proposed first and second-floor additions would not be prominently visible from off-site due to existing mature landscaping or screening provided by the existing structure on the front and south sides. The height of the house would increase by less than 1'-0". Street topography and lot configuration also aid in minimizing bulk from off-site. The proposed retaining wall's location, height and span would not contribute to the project's massing effect.

9. The project does not create an avoidable or unreasonable impairment of the view from any other property since the existing house is already two stories and attaching the garage would minimally increase overall height through creation of a new low datum point, without appreciable view impacts. Overall, the height and profile of the house would not significantly change as a result of the project.

Second Floor Review:

1. The two-story design includes adequate setbacks, screening and modulation since the project minimally expands the existing second floor and satisfies the required setbacks. Adequate articulation is provided along the north façade. Conditioned screening along the north property line would minimize the impacts of the project as viewed from that side. Upslope views of the second-floor addition would be distant and profiled against the sloping lot and existing trees in the backyard.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because all the homes in the immediate neighborhood are two-story homes. While the proposed addition would alter the appearance of the structure at the second-floor level along the north and west side, it would blend in with the neighborhood and would minimally add to the overall height of the existing house.
3. The two-story design protects public views, aesthetics, privacy, and property values of the neighbors since as conditioned for additional screening on the north side, the project would not adversely impact adjacent houses. The second-floor addition increases the size of the house but minimally changes the home's height. Limited windows are proposed along the north façade.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the second-floor addition would integrate well with the existing structure and would utilize compatible materials to blend in with the existing structure. It would include pitched roofs that would blend well with the previous additions and improve architectural consistency. The street setting would be minimally impacted by the second-floor addition. The materials utilized by the project would be consistent with the primary directives of the City's Residential Design Guidelines.

Variance:

1. This request does not constitute a grant of special privilege of development or use which is inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated because the project will remain a single-family use and other homes in the immediate area also exceed development standards. Additionally, a few other homes in the area exceed the floor area limitations for their respective lots.
2. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the subject property is deprived of the privileges enjoyed by other properties in the vicinity and under identical zone classifications since the small size of the lot is fixed and the topography of the parcel limits the amount of floor area allowed for development. Other lots in the vicinity exceed the allowable floor area.

3. The granting of such Variance will not be contrary to the objectives of any part of the adopted General Plan because the proposed improvements would enhance and improve the quality of the existing residence even though the project would exceed the underlying floor area limitations for the lot. The City's General Plan specifically addresses "mansionization" in the Housing Element. Clearly, the intent is to prevent "mansionization" of parcels within the City, which the small, 2,285 sq. ft. house would not.
4. The granting of such Variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the vicinity and zone in which the subject property is located because the additions would not be prominently viewed from the rear or south side and minimally visible from the front. The most prominent view would be from the north side. The project would exhibit compliant setbacks on that side. As conditioned for additional screening on that side impacts would be minimized.
5. The project preserves the existing scale and character of the surrounding neighborhood and protects public views and aesthetic values and other property values in the neighborhood because the proposed expansion is reasonable in terms of interior size and exterior visual scale but would be above the neighborhood average. One other home in the immediate vicinity exceeds the allowable floor area limitation and another is comparable in the wider neighborhood area. The additions would enhance the existing structure and improve the quality of the housing stock.

Director's Miscellaneous Review (Setback):

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements since the location of the existing residence is non-conforming with respect to the front setback and since the proposed addition does not extend beyond the existing building line, the addition would not exacerbate the existing encroachment of the residence.
2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner which is compatible with reasonable development of the subject lot since the requested encroachment is behind the more severe encroachment of the existing garage. Other homes in the wider neighborhood have similar setback encroachments. The encroachment is minor and the additions would enhance the overall appearance of the existing structure and improve the quality of the housing stock.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Hillside Development Permit, Second-Floor Review, Variance And Director's Miscellaneous Review for additions to an existing two-story residence that exceed the allowable floor area for the lot and encroaches into the front-yard setback on a hillside lot at 1910 Glenhaven Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 13th day of January, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

**CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 14-21
SECOND-FLOOR REVIEW 14-25
VARIANCE 14-02
DIRECTOR'S MISCELLANEOUS REVIEW 14-31 (SB)
1910 Glenhaven Drive**

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Hillside Development Permit 14-21, Second-Floor Review 14-25, Variance 14-02 and Director's Miscellaneous Review 14-31 (SB).
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the plans Hillside Development Permit 14-21, Second-Floor Review 14-25, Variance 14-02 and Director's Miscellaneous Review 14-31 (SB), 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 24 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, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this Hillside Development Permit, Second-floor 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 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. Additional trees or screening shrubbery shall be provided along the north property line to screen the addition from the north side neighbor. The species, number, plant size and spacing of said trees and shrubs shall be indicated on a revised landscape plan subject to the review and approval by the Director of Community Development prior to issuance of any permits. The trees and/or shrubs shall be sufficient in height to screen the structures from offsite views. No final clearance/occupancy shall be granted until the Director of Community Development or his designee confirms that the landscaping installation is complete and consistent with the approved plan.
12. The two sheds shall be removed prior to final occupancy.
13. All construction/contractor parking shall be on-site only. At the time of approval, if it is deemed by the Planning Commission that sufficient on-site parking may not be available, a Parking Management Plan shall be prepared by the applicant indicated where additional construction vehicles will be parked. Any additional construction vehicle or equipment parking may be required to occur off-site at a location approved by the Director of Community Development. The Parking Management Plan prepared by the applicant shall demonstrate that the alternate location 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.

14. The retaining wall that creates the new on-site parking area in front shall be stepped so that it is no higher than 42" high. Revised plans shall be subject to the review and approval by the Director of Community Development prior to issuance of any permits.

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