

CITY OF **LA CAÑADA FLINTRIDGE**

PLANNING COMMISSION MEMORANDUM

February 23, 2016 Meeting

To: Planning Commission
From: Chris Gjolme ~ Planner
Re: Hillside Development Permit 15-43 & Second-floor Review 15-43; 4235 Mesa Vista Drive; Baghgegian. *Previously Hillside Development Permit 15-05 (Adm.) & Second-floor Review 15-34 (Dir.), approval of which have been nullified since more than 30% of the previously existing residence has been demolished.*

REQUEST:

The request is for a Hillside Development Permit and Second-floor Review to allow construction of a new 5,055 sq. ft. 2-story residence and deck on a hillside lot. In addition, side yard retaining walls up to 6 feet in height are also proposed to accommodate a new swimming pool.

BACKGROUND:

The request involves construction of a new two-story house and associated site improvements. The Commission will find the previous house partially demolished and new foundation work already in place; thus the project's recent history and qualification as 'new construction' bears some explanation.

On November 18th of last year, Administrative Hillside and staff-level Second-floor Review approval was granted for 1st and 2nd-floor additions totaling 1,134 sq. ft. to an existing residence on a hillside lot. Side yard retaining walls up to 6 feet in height to accommodate a new swimming pool and expansion of an existing deck were also approved.

Several months prior to said hearing and approval, staff visited the site and confirmed that the expansion request was reasonable given the extremely isolated location of the subject lot and lack of any off-site impacts. The existing structure presented very unique massing and a contemporary/modern architectural style, with which the additions were tastefully integrated with. Although the home's style was a departure from the immediate area, its lack of street presence and limited visibility, and continuity of the additions, justified the expansion as proposed.

At some point in the interim, unauthorized demolition of the existing structure and foundation work commenced. Staff became aware of this at the hearing and conducted a

follow-up site visit to investigate. Upon gaining access to the site, it was confirmed that demolition of the existing structure exceeded 30%. Compounding this, footing and foundation work for the new garage and front addition was in place. As a result, the project no longer qualified as an addition/expansion and the Administrative approval was invalidated. In addition, a Stop-Work order and an Administrative Citation were issued. Since that time, construction activity has ceased and new applications for Hillside and Second-floor Review have been submitted. To reiterate, staff did not revisit the site prior to the November hearing.



Current structure with garage foundation work in foreground.

EVALUATION:

Although the project now qualifies as a new 2-story hillside residence, the previous staff report and its assessment of the site, expanded residence and potential hillside and 2nd floor issues is still applicable, despite its prefacing the project as 'additions' rather than 'new' construction. Associated Hillside and Second-floor Review findings also largely apply, but have been revised below to reflect the expanded scope of the new project. These revised findings are also contained in the new resolution (*the whereas's of which provide a concise summary of the project's history*). In short, staff is hopeful that the Planning Commission will regard the project favorably, despite its expanded scope and the associated entitlements now required.

FINDINGS:

Hillside Development Permit

1. **The project, through elements of architectural and landscape design, will enhance its setting.**

The project uses refined and unique massing and detailing to achieve its overall scope, while maintaining the tasteful effect of pre-existing architecture and benefit of major tree landscaping. Staff supports the finding.

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

The project expands the previous footprint to a reasonable extent without affecting the attractive and visible sloped open space, the side yard of which would be refined through modest retaining walls to create a small pool. Staff supports the finding.

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

With regard to safety, the project would provide ample and increased parking and maintain vehicular access; no public health or welfare issues are raised by the enhancement of a single-family residence on the site. Staff supports the finding.

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

The project would merely add a new 2-story home on a residential lot in a subdivided and largely developed area at less than its allowable density. Staff supports the finding.

5. **The project will conform to the goals and policies set forth in the General Plan.**

The residence and retaining walls will respect the hillside terrain and protected trees, and introduce reasonable additional development in terms of density on the site. The compatibility of the house as analyzed in this report upholds the General Plan Land Use Element Goal 4 to "(m)aintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources", and the applicable Objective 4.1 which states "new development and/or remodeling of existing structures and property will be designed, constructed, and maintained to preserve important viewscapes, topographic and other natural features, and the semi-rural character of the City's hillsides." Staff supports the 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 project, consisting of enhancement of a single-family residential use, will not result in a change of use or intensification of development beyond those allowed in the General Plan and zoning codes. Staff supports the finding.

7. **There are special conditions or unique characteristics of the subject property and its location or surroundings which justify exceeding one or more of the provisions set forth in this Chapter to permit project development.**

Preservation of the previous home's basic 2nd-floor profile and limited height through reconstruction as proposed and the highly secluded character of the site validate project floor area in excess of the Slope Factor Guideline. All other hillside requisites are satisfied. Staff supports 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 previous home's unique style and massing and relatively modest height would be preserved while its screened and secluded location and position well back from the street negate the potential for the presentation of excessive bulk as seen from any vantage point. Staff supports the finding.

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

The project's vertical envelope would not be changed to a significant extent, so views would be largely unaffected. The house is not in a position to impact views from neighboring properties to an appreciable extent in any event. Staff supports the finding.

10. **Additionally, for any project on a lot or parcel with an average slope of forty (40) percent or greater:**

- a. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far, due to preservation of the previous structure's modest 22-foot primary height, which is well below the 28-foot hillside limit. Further, the extensive screening and visual seclusion afforded to the site preclude most offsite views of the new residence.

- b. The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property since the request involves construction on an already graded and flat pad and limited retaining wall use to create a small swimming pool.

- c. The privacy of the residents of other properties will not be unreasonably compromised since the new house would be cited and oriented in a manner similar to

the previous longstanding residence. The deck would be amply set back from the property line, and is not of a size or in a location that could lend to significant new view opportunities when considering the longstanding nature of the previous deck.

Second-floor Review

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

The new residence would continue to exhibit a unique architectural style, with articulation evident through use of angled roof and wall planes. Compliant and ample side setbacks are provided while the site's landscaping would be largely retained. Staff supports the finding.

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

The design would preserve the prior home's unique style and massing while its deep setback from a fairly isolated private street would ensure a limited effect on the character of the surrounding neighborhood. Staff supports the finding.

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

The new residence would not be prominently viewed in totality from any vantage point. Neighboring homes are adequately separated and screened and would not be adversely impacted by the project. Staff supports the finding.

4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council.

The project would preserve the previous home's contemporary/modern design and general vertical profile. The new house would continue to be of limited offsite visibility, with virtually no effect on the street setting. As such, compatibility with the area would continue to be apparent while architectural consistency between the existing structure and additions, which the new project essentially achieves, satisfy mandates of the City's Residential Design Guidelines. Staff supports the finding.

RECOMMENDATION:

Despite the procedural issues with the project, required Hillside Development Permit and Second-floor Review findings remain supportable and staff would recommend **APPROVAL** of the project, per the conditions listed in Exhibit "A" and attached to the revised resolution.

Att: *Original staff report – 11/18/2015 Adm. Hearing
Project plans*

C: *Jay Johnson / 1125 Foothill Blvd. / LCF, CA / 91011
Mehran Baghgegian / 188 N. Holliston #201 / Pasadena, CA / 91106*

CITY OF **LA CAÑADA FLINTRIDGE**

RESOLUTION NO. 16-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING HILLSIDE DEVELOPMENT PERMIT 15-43
AND SECOND-FLOOR REVIEW 15-43
FOR A NEW 2-STORY RESIDENCE
AND RETAINING WALL AND POOL IMPROVEMENTS
AT 4235 MESA VISTA DRIVE
AS REQUESTED BY
MEHRAN BAGHGEKIAN**

WHEREAS, a request by Jay Johnson, on behalf of Romi Baugh, was received for a Hillside Development Permit and Second-floor Review to allow 1st and 2nd-floor expansion of an existing residence and retaining wall and pool improvements on a hillside lot; and

WHEREAS, the Planning Commission Administrative Hearing Officer, on November 18, 2015, after public notice in the prescribed manner held a public hearing, conducted a review of the request and voted to approve the request; and

WHEREAS, subsequent to said approval, it was determined that demolition of the existing structure exceeded 30% of the gross floor/roofed area; and

WHEREAS, the approval of Hillside Development Permit 15-05 and Second-floor Review was therefore invalidated and rendered null and void; and

WHEREAS, a new request by Jay Johnson, on behalf of Mehran Baghgegian, was received for a Hillside Development Permit and Second-floor Review to allow construction of a new 2-story residence which consists of the pre-existing structure and previously approved 1st and 2nd-floor additions, and retaining wall and pool improvements on a hillside lot; and

WHEREAS, the Planning 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 Section 2.5(c)(1)(new construction) and 2.5(c)(5)(accessory structures) 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 memo dated February 23, 2016 and original staff report dated November 18, 2015, regarding the application for a Hillside Development Permit and Second-floor Review at

4235 Mesa Vista 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:

Hillside Development Permit:

1. The project, through elements of architectural and landscape design, will enhance its setting because the project uses refined and unique massing and detailing to achieve its overall scope, while maintaining the tasteful effect of pre-existing architecture and benefit of major tree landscaping.
2. The project will maximize potential for sensitive use and effective preservation of open space because the project expands the previous footprint to a reasonable extent without affecting attractive and visible sloped open space, the side yard of which would be refined through modest retaining walls to create a small pool.
3. The project will not be detrimental to the public health, safety, or general welfare because with regard to safety, the project would provide ample and increased parking and maintain vehicular access; no public health or welfare issues are raised by the enhancement of a single-family residence on the site.
4. The project will not adversely affect the orderly development of property within the City because the project would merely add a new 2-story home on a residential lot in a subdivided and largely developed area at less than its allowable density.
5. The project will conform to the goals and policies set forth in the General Plan because the residence and retaining walls will respect the hillside terrain and protected trees, and introduce reasonable additional development in terms of density on the site. The compatibility of the house as analyzed in this report upholds the General Plan Land Use Element Goal 4 to "(m)aintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources", and the applicable Objective 4.1 which states "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."
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 project, consisting of enhancement of a single-family residential use, will not result in a change of use or intensification of development beyond those allowed in the General Plan and zoning codes.

7. There are special conditions or unique characteristics of the subject property and its location or surroundings which justify exceeding one or more of the provisions set forth in this Chapter to permit project development because preservation of the previous home's basic 2nd-floor profile and limited height through reconstruction as proposed and the highly secluded character of the site validate project floor area in excess of the Slope Factor Guideline. All other hillside requisites are satisfied.
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 previous home's unique style and massing and relatively modest height would be preserved while its screened and secluded location and position well back from the street negate the potential for the presentation of excessive bulk as seen from any vantage point.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property because the project's vertical envelope would not be changed to a significant extent, so views would be largely unaffected. The house is not in a position to impact views from neighboring properties to an appreciable extent in any event.
10. Additionally, for any project on a lot or parcel with an average slope of forty (40) percent or greater: the height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far, due to preservation of the previous structure's modest 22-foot overall height, which is well below the 28-foot hillside limit. Further, the extensive screening and visual seclusion afforded to the site preclude most offsite views of the new residence. The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property since the request involves construction on an already graded and flat pad and limited retaining wall use to create a small swimming pool. The privacy of the residents of other properties will not be unreasonably compromised since the new house would be cited and oriented in a manner similar to the previous longstanding residence. The deck would be amply set back from the property line, and is not of a size or in a location that could lend to significant new view opportunities when considering the longstanding nature of the previous deck.

Second-floor Review

1. The two-story design includes adequate setbacks, screening and modulation because the new residence would continue to exhibit a unique architectural style, with articulation evident through use of angled roof and wall planes. Compliant and ample side setbacks are provided while the site's landscaping would be largely retained.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because the design would preserve the prior home's unique style and massing while its deep setback from a fairly isolated private street would ensure a limited effect on the character of the surrounding neighborhood.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors because the new residence would not be prominently viewed in totality from any vantage point. Neighboring homes are adequately separated and screened and would not be adversely impacted by the project.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the project would preserve the previous home's contemporary/modern design and general vertical profile. The new house would continue to be of limited offsite visibility, with virtually no effect on the street setting. As such, compatibility with the area would continue to be apparent while architectural consistency between the existing structure and additions, which the new project essentially achieves, satisfy mandates of the City's Residential Design Guidelines.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves the Hillside Development Permit and Second-floor Review request at 4235 Mesa Vista Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2016.

Planning Commission Chair

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 15-43
SECOND-FLOOR REVIEW 15-43
4235 Mesa Vista 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 Hillside Development Permit 15-43 and Second-floor Review 15-43.
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 Hillside Development Permit 15-43 and Second-floor Review 15-43, Sheets A1.0-L.2, 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 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 and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this 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 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. At the time of approval, if it is deemed by the Planning Commission 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 Department for additional review and approval prior to permit issuance.

Planning Conditions:

13. Applicable tree protection guidelines shall be strictly adhered to during all phases of construction, including installation of chain link protection barriers, where necessary, prior to the issuance of building permits.
14. Colors and materials for the residence shall be consistent with the existing structure and shall be subject to review and approval by staff prior to permit issuance.
15. Pool retaining wall color and material shall be reviewed and approved by the Director of Community Development prior to issuance of permits. In general, split-face material or stucco treatments of recessive color shall be utilized to ensure visual blending with the wooded character of the area.
16. Any damage to Mesa Vista Drive or the adjacent driveway serving 4229 Mesa Vista Drive sustained in conjunction with project-related activity shall be repaired to the satisfaction of the Director of Community Development prior to final clearance and occupancy.
17. A report by a City-approved arborist shall be prepared that identifies all protected oak trees potentially impacted by construction vehicle traffic to and from the site. The neighboring property owners at 4229 and 4240 Mesa Vista Drive shall be consulted with during preparation of the report. Said report shall be reviewed and approved by the Director of Community Development prior to permit issuance. Additionally, all tree trimming recommended as part of the report shall be completed prior to issuance of any permits.

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