

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

January 10, 2017

### Applicant:

Martin Mervel  
1431 Ewing Street  
Los Angeles, CA 90026

### Case Type / Number:

Setback Modification 16-09

### Property Owner:

Bassily Kamar  
P.O. Box 225  
La Canada Flintridge, CA 91012

### Site Address:

3932 Starland Drive

### Case Planner:

Harriet Harris ~ Assistant Planner

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### 1. Request:

The project involves construction of front yard driveway and pedestrian gates up to 6'-3" in height, as typically allowed through the Fence Review process. However, the composition of the gates would be solid above between the heights of 3'-6" and 6'-3", which is not allowed through the Fence Review process (portions of any fence or gate above 42" in height are required to be composed of at least 80% open-work material). As such, a Setback Modification is required due to the composition of the gates since they would be located within the required front yard setback. Two pilasters are also proposed as part of the overall entry structure. Alone, the pilasters comply with Fence Review criteria, but have been included as part of the Setback Modification.

### 2. Location:

The site is at the remote terminus of Starland Drive, north of its intersection with Sugar Loaf Drive, in the R-1-20,000 zone.

### 3. Staff Recommendation:

Staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

#### 4. Project Size:

Lot area:	20,232 sq. ft.
Existing residence and garage:	2,100 sq. ft. +/-*
FAR	0.11

*\*No change in floor/roofed area proposed as part of the project.*

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

The Land Use Map identifies the site as Very Low Density Residential – Up to 2 Dwelling Units per Acre. The property is designated R-1-20,000 (Single Family Residential – 20,000 Square Foot Minimum Lot Size). The site is developed with a single-story residence and attached garage.

#### 6. Environmental Impact Review:

Staff has determined that the proposed Setback Modification is Categorically Exempt from the California Environmental Quality Act, under Class 2.5(e)(1)(minor yard variances) and 2.5(c)(5)(accessory structures) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

#### 7. Previous Action:

None

#### 8. Pending and Potential Actions:

Plan check and issuance of building permit.

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#### 9. Staff Analysis:

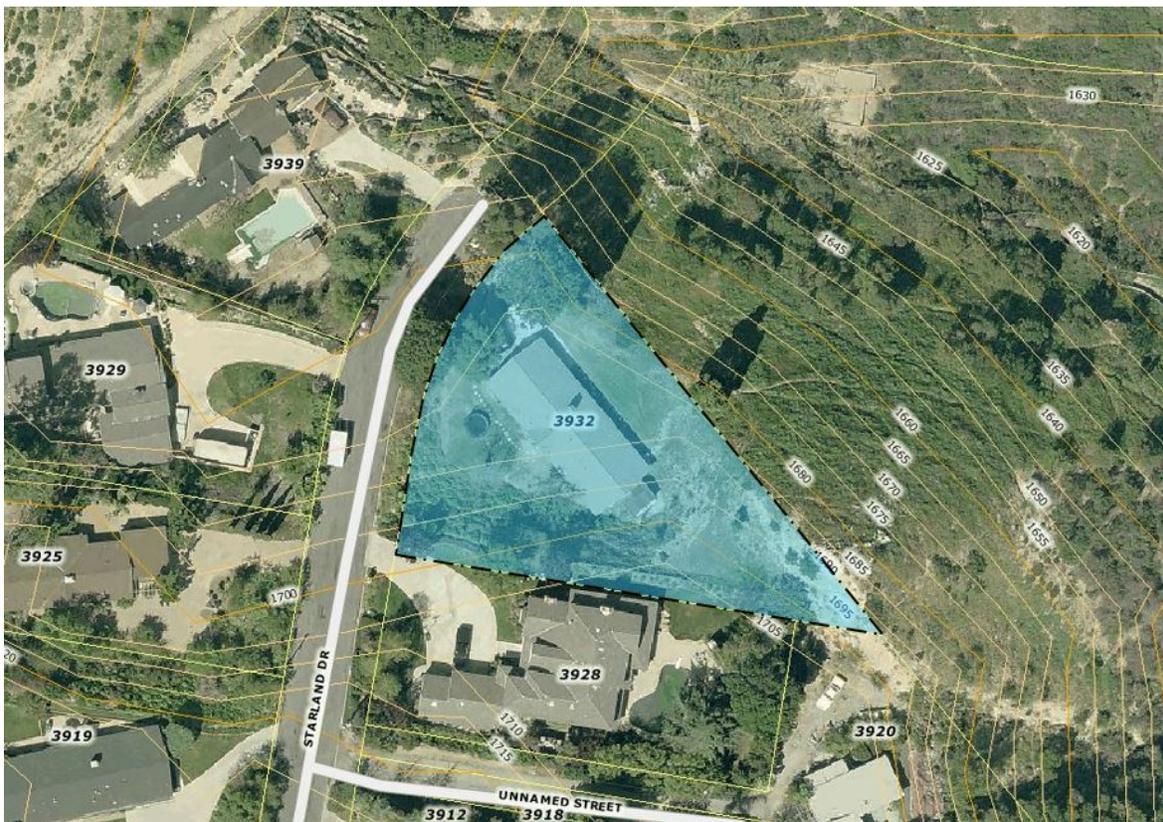
##### A. Context:

The site is located at the end of Starland Drive, which extends north from Sugar Loaf Drive along a descending course and terminates in a cul-de-sac. The area is noticeably isolated given the termination of the subject street and Sugar Loaf Drive and Domal Lane, which also end in nearby cul-de-sacs.

Driveway access to the site is adjacent to the cul-de-sac, where the lot is level with the street. This changes as the street rises to the south and the elevation difference between pad level and street level increases, ultimately reaching approximately 17-18 feet at the southwest corner of the lot. The slope at the front of the lot continues along the south side, then curves to the north; the result is a bowl-like setting for the existing one-story home.

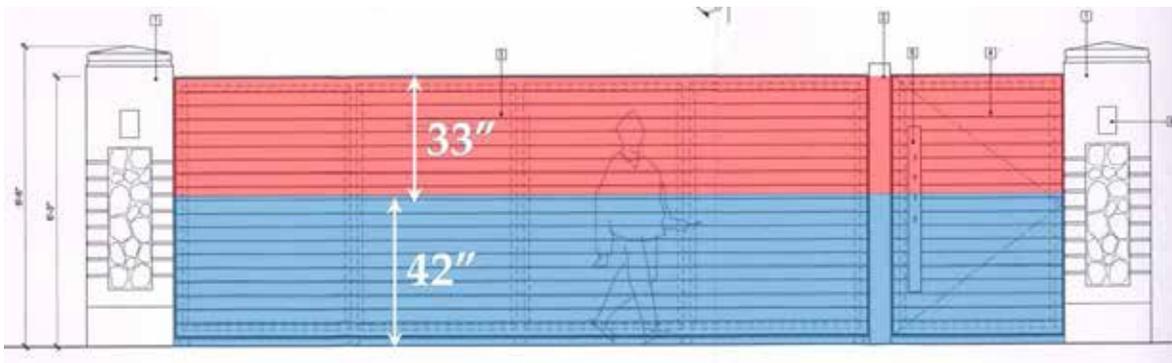
The configuration of the lot and orientation of the home are unique for the street and area. The lot is pie-shaped, with wide curved frontage along the street and angled side property lines that converge to the rear, where tiered slopes rise to the east. The home is centrally positioned on the pad, with garage exposure to the street, as is commonplace. However, the front of the home faces south, away from the street and toward the sloped portion of the lot's interior, while the rear of the home faces north. The implication is significant and noteworthy in the context of the request: yard area to the rear of the house is exposed to street view where it imparts the impression of a deep side yard. In short, the lot does not exhibit, or benefit from, the typical arrangement in which the rear yard is insulated from public view primarily by the subject residence.

Across the street to the west are the homes at 3929 and 3939 Starland Drive, which are positioned below street level to an extent that precludes direct view of the subject lot. Upslope to the south is a larger 2-story home at 3928 Starland Road, while City-owned open space is to the northeast, further reinforcing the site and area's rural quality.



## B. Project Description:

The scope of the project is limited to driveway and pedestrian gates, including two pilasters, at the front of the lot. Gate and pilaster height would range from 6'-3" to 6'-6" as allowed by code. Although within the required front setback, the driveway gate would be set back approximately 13 feet from the front property line to allow for 20 feet of vehicle stacking distance (from the curb) per code. As already mentioned, the location and height of the gates as proposed is not an issue. Rather, the use of solid material between the heights of 3'-6" and 6'-3" – a vertical span of less than 3 feet – is the lone component of the Setback Modification request. **Compliant** and **non-compliant** fence gate sections are highlighted below. Though not included as part of the request, the overall project when fully realized will involve a screen hedge along the front property line that will tie in with the gates to form a privacy buffer along the entire frontage, the goal of which is to visually secure yard area to the front and rear of the existing residence.



## C. Setback Modification:

### *Discussion*

As noted in the context section, the home's somewhat unusual orientation exposes area that serves as the 'rear'



yard to street view, albeit from a somewhat isolated cul-de-sac. In addition, the street's elevated course along a majority of the lot's frontage heightens overall exposure to an extent. The following photo demonstrates this. Staff notes that front landscaping has since been partially installed to curb the effect.

The intent of the project is to enhance the site's security and privacy through creation of a visual barrier, the majority of which would consist of exempt landscaping. Bridging the hedges and creating a focal entry to the property would be the gate/entry structure, the upper 33 inches of which, would achieve the desired effect of 6-foot tall solid screening, allowed alongside and rear property lines throughout the City. Importantly, a majority of the 'structure' would be code-compliant, and, although within the front yard, the intention of buffering side and rear yard area relative to the home's orientation and function would be achieved, which would be a legitimate project benefit.

Staff acknowledges that the hardship presented is somewhat marginal, but it is weighted against very negligible offsite effects given the unique character of the street and favorable upslope and downslope position of neighboring homes. In this instance, since the gate would be set back 20'-0" from the curb, an oppressive effect on the street setting, for which the City's fencing standards were created to mitigate, is not anticipated.

### *Findings*

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

Creation of an entry structure that consists of driveway and pedestrian gates is compatible with residential zoning and character of the subject lot and the layout of the existing residence, wherein the street-facing garage is the portion of the structure most proximate to the street. Other entry gates/structures are found on neighboring properties within the area. Although the subject gates would be of solid composition, this relates to the purpose of screening considerable yard area visible from the street, which would be achieved with a negligible visual effect on the immediate area. Staff supports the finding.

- 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.**

The existing single-family use of the property would be maintained, while the configuration of the lot and orientation of the house exposes yard area to a greater extent than neighboring properties, and thereby deprives the subject lot of privacy privileges enjoyed by other properties in the area, which are typically of more standard configuration and arrangement. Other entry structures and gates are found in the area, and the requested deviation in composition is reasonable given the somewhat unique character of the site. Staff supports the finding.

- 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.**

The lot's considerable frontage affords views into the property from different vantage points while the home's layout and orientation exposes rear yard area that is typically screened from street view. Mitigating this is a reasonable objective that is consistent with the spirit and intent of the R-1 regulations. Although compliant gates would address the concern in part, the project as proposed achieves the objective to a more complete extent, without any adverse offsite view or use impacts. Staff supports 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 located in the vicinity.**

Primary exposure of the entry gates would be to the to the west, where the two most proximate homes across the street are positioned well below street level. The front gates would span a limited section of the lot's overall frontage, and, with a 20-foot setback from the curb, adequate line-of-sight clearance and vehicle stacking distance would be provided. As such, no health, welfare or safety issues would result, while neighboring homes would be minimally affected, if at all. Staff supports the finding.

**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.**

The gates/entry structure would be at the end of a fairly isolated street and would span a limited section of the subject lot's frontage while achieving a minimal height. Comparably scaled entry gates are found on other properties in the area. Despite a difference in overall composition, a majority of the proposed structure complies with code, while the section in question would be compensated by the organic effect of landscaping spanning the remaining frontage. Given this, the project in anticipated to have a negligible effect on the scale and character of the area and public views. Staff supports the finding.

D. Recommendation:

Based on the above discussion, staff believes that the project is appropriate for the site and area, and recommends that the requested Setback Modification **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

cc: *Martin Mervel / 1431 Ewing Street / Los Angeles, CA / 90026*  
*Bassily Kamar / P.O. Box 225 / La Canada Flintridge, CA / 91012*

RESOLUTION NO. 17-xx

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING SETBACK MODIFICATION 16-09  
FOR A NEW, SOLID DRIVEWAY AND PEDESTRIAN  
GATE OVER 42” IN HEIGHT WITHIN THE FRONT-YARD SETBACK  
AT 3932 STARLAND DRIVE  
AS REQUESTED BY BASSILY KAMAR

**WHEREAS**, a request by Bassily Kamar has been received for a Setback Modification for a new, solid composition driveway and pedestrian gate that is over 42” in height within the front-yard setback, 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 January 10, 2017, 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 yard variances) 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 report dated January 10, 2017, regarding the application for a Setback Modification, and heard and considered the testimony of the applicant and the public; and hereby determines the following:

Section 1.

*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 creation of an entry structure that consists of driveway and pedestrian gates is compatible with residential zoning and character of the subject lot and the layout of the existing residence, wherein the street-facing garage is the portion of the structure most proximate to the street. Other entry gates/structures are found on

neighboring properties within the area. Although the subject gates would be of solid composition, this relates to the purpose of screening considerable yard area visible from the street, which would be achieved with a negligible visual effect on the immediate area.

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 since the existing single-family use of the property would be maintained, while the configuration of the lot and orientation of the house exposes yard area to a greater extent than neighboring properties, and thereby deprives the subject lot of privacy privileges enjoyed by other properties in the area, which are typically of more standard configuration and arrangement. Other entry structures and gates are found in the area, and the requested deviation in composition is reasonable given the somewhat unique character of the site.
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 the lot's considerable frontage affords views into the property from different vantage points while the home's layout and orientation exposes rear yard area that is typically screened from street view. Mitigating this is a reasonable objective that is consistent with the spirit and intent of the R-1 regulations. Although compliant gates would address the concern in part, the project as proposed achieves the objective to a more complete extent, without any adverse offsite view or use impacts.
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 since primary exposure of the entry gates would be to the west, where the two most proximate homes across the street are positioned well below street level. The front gates would span a limited section of the lot's overall frontage, and, with a 20-foot setback from the curb, adequate line-of-sight clearance and vehicle stacking distance would be provided. As such, no health, welfare or safety issues would result, while neighboring homes would be minimally affected, if at all.
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 the gates/entry structure would be at the end of a fairly isolated street and would span a limited section of the subject lot's frontage while achieving a minimal height. Comparably scaled entry gates are found on other properties in the area. Despite a difference in overall composition, a majority of the proposed structure complies with code, while the section in question would be compensated by the organic effect of landscaping spanning the remaining frontage. Given this, the project is anticipated to have a negligible effect on the scale and character of the area and public views.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Setback Modification for a new, solid-composition driveway and pedestrian gate that is over 42” in height within the front-yard setback, subject to the conditions listed in Exhibit “A”, attached to this resolution.

**PASSED, APPROVED AND ADOPTED** this 10<sup>th</sup> day of January, 2017.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**SETBACK MODIFICATION 16-09**  
**3932 Starland 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 Setback Modification 16-09.
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 Setback Modification 16-09, 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 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 project. 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, 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.

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