

PLANNING COMMISSION STAFF REPORT

MEETING DATE: August 8, 2017

SUBJECT: Ordinance Regulating the Construction of New and Modification of Existing Semicircular Driveways within the R-1 Zone

BY: Susan Koleda, Deputy Director of Community Development

REQUESTED ACTION: Adopt a Resolution Recommending that the City Council adopt the Ordinance Entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING SECTION 11.11.050 OF CHAPTER 11.11 OF TITLE 11 OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO AMEND REGULATIONS FOR SEMICIRCULAR DRIVEWAYS WITHIN THE R-1 ZONE

ENVIRONMENTAL REVIEW: Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of the CEQA Guidelines.

Background: On April 18, 2017, the City Council discussed the existing regulations as they pertain to semicircular driveways within the R-1 (Single Family Residential) zone. Staff provided the City Council with five options, providing various scenarios that would allow for approval of new and improvement of existing semicircular driveways. The City council provided direction to staff to prepare an ordinance that was a modified version of Option 1.

Discussion: Section 11.11.050 of Chapter 11.11 of Title 11 (Zoning Code) of the La Cañada Flintridge Municipal Code sets forth regulations within the R-1 zone with regard to semicircular driveways. Section 1.11.050 (D) Vehicular Access and Storage, (5) Driveways, (a) Curb cuts states: "All new curb cuts are subject to approval by the city director of public works. Dual curb cuts and semicircular driveways are prohibited on any lot with less than one hundred (100) feet of street frontage."

Based on this section, semicircular driveways on lots that contain less than 100 feet on frontage have not been permitted. Existing semicircular driveways on lots of less than 100 feet on frontage are considered legal nonconforming and are subject to Zoning Code Section 11.51 Nonconforming Uses and Structures. The City's current policy requires nonconforming driveways and driveway approaches to be maintained in their existing configuration and with no change in materials to maintain its grandfathered status. Nonconforming semicircular driveways can only be improved (this includes change of materials or complete removal and replacement) or expanded through the Variance process. If the driveway or driveway approach is damaged, it can be repaired or resurfaced but only in the same location with the same material.

Staff annually receives requests to improve existing nonconforming semicircular driveways. Additionally, in 2016 the City Council approved a Variance for retention and expansion of a legal nonconforming semicircular driveway at 4377 Chevy Chase Drive. The case prompted staff to request direction from the City Council about how to address semicircular driveway requests in the future.

The Planning Department worked with the Public Works Department to create lot width and design criteria for semicircular driveway approaches. The design criteria took into account several technical factors including minimum driveway widths (including fire department minimums), the minimum inside turning radius for a typical large passenger car, curb height, and driveway wing width. Several aesthetic factors were also considered to avoid an overly paved appearance, including a minimum distance between on-site driveways and a minimum distance between the driveway and the side property line. Both of the technical and aesthetics factors are required to ensure sufficient room is provided for on street parking, trashcan location, mailboxes, street tree spacing as well as adequate separation between neighboring driveways.

The design criteria do not take into consideration: (1) the street geometric configurations and locations to evaluate the line-of-sight (corner lot, steep road, sharp curve, narrow road, etc.); (2) above ground obstacles (trees, large utility poles, utility cabinets, large mail boxes, etc.); and (3) number of conflict points (number of driveways and proximity to each other). These criteria would need to be analyzed on a case-by-case basis.

Based on the analysis, several options were presented to the City Council. After deliberation, staff was provided with direction to prepare an ordinance that would:

1. Continue permitting new semicircular driveways without a discretionary approval on lots with a minimum of 100 feet of frontage;
2. Allow new semicircular driveways with a Director level approval on lots with between 75 and 100 feet of frontage;
3. Allow the improvement of existing nonconforming semicircular driveways with a Director level approval on lots with between 65 and 100 feet of frontage; and
4. Prohibit the improvement of existing semicircular driveways with less than 65 feet of frontage.

Proposed Ordinance: To bring clarity and better understanding to the Zoning Code, staff has prepared an ordinance which proposes the following modifications to Zoning Code Section 11.11.050.D.5. Changes are provided in strikeout and underline for clarity.

D. Vehicular Access and Storage.

5. Driveways.

- a. Curb Cuts. All new and modified curb cuts/driveway aprons are subject to approval by the city director of public works. ~~Dual curb cuts and semicircular driveways are prohibited on any lot with less than one hundred (100) feet of street frontage.~~
 - i. New semicircular driveways and curb cuts are permitted where street frontage exceeds one hundred (100) feet.
 - ii. New semicircular driveways and dual curb cuts, where street frontage is between 75 and 100 feet, may be permitted subject to review by the Director of Community Development pursuant to Section 11.45.060 and subject to the criteria listed within subsection (d).

- iii. New semicircular driveways and dual curb cuts are prohibited where street frontage is less than 75 feet.
- iv. Modification or alteration of an existing semicircular driveway, where the street frontage is between 65 and 100 feet, may be permitted subject to review by the Director of Community Development pursuant to Section 11.45.060 and subject to the criteria listed within subsection (d).
- v. Modification or alteration of an existing semicircular driveway, including widening, relocation or change in material but excluding minor repair with an identical material in the same location, is not permitted where street frontage is less than 65 feet.
- b. Width. ~~C~~Semicircular driveways shall not exceed twelve (12) feet in width within the required front setback except as required by the fire department, and as necessary for access to parking stalls.
- c. Slope. The finished grade of any driveway shall not exceed an average of seventeen (17) percent, with an absolute maximum grade of twenty (20) percent. Transitional top and bottom slopes shall be provided to the satisfaction of the director of community development and the director of public works.
- d. Criteria for approval of new or modification of existing semicircular driveways. A new semicircular driveway and curb cuts or modification of an existing semicircular driveway and associated curb cuts as provided for within subsection 5.a.ii. and 5.a.iv. may be permitted where the director of community development and the director of public works determine the proposed location and design protects public health, safety and welfare based on the following criteria:
 - i. Street geometric configurations and the provision of adequate line of sight, including but not limited to consideration of corner lots, sharp curves, steep or narrow roads;
 - ii. Above ground obstacles, including but not limited to trees, large utility poles, utility cabinets, or mail boxes;
 - iii. The number of potential conflict points, including but not limited to the number and proximity of driveways to each other;
 - iv. Sidewalk location and design.

The proposed ordinance would continue to allow new semicircular driveways for lots with more than 100 feet of frontage. For lots with between 75 and 100 feet of frontage, a discretionary Director level permit will be required for new semicircular driveways. New semicircular driveways would be prohibited on lots with less than 75 feet of frontage. All curb cuts/driveway approaches also require approval of an encroachment permit from the Department of Public Works.

With regards to existing semicircular driveways, those with frontage in excess of 100 feet may be modified and improved with an applicable encroachment permit. For lots with 65 to 100 feet of frontage, the semicircular driveway may be improved (change of materials or location) with a discretionary Community Development Director level permit. Existing semicircular driveways with less than 65 feet of frontage will still be considered nonconforming and may not be improved or modified, with the intent they will ultimately be abated and removed.

For all discretionary Director level permits, the permit may be denied based on the criteria listed within subsection d.i through d.iv. This would allow the director the ability to deny a permit based on site specific criteria, such as inadequate line of sight, visual obstructions, unsafe design or inability to provide required slopes where sidewalks are present.

Findings: To recommend that the City Council adopt the proposed ordinance, staff recommends that the Planning Commission find as follows:

- A. Existing code only permits semicircular driveways on lots with more than 100 feet of frontage, resulting in the denial of permission to improve existing semicircular driveways on lots with insufficient frontage per Code. However, it has been determined through a technical analysis, known as the Semicircular Driveway Approach and Lot Width Design Criteria, that semicircular driveways may be safely permitted on lots with between 75 and 100 feet of frontage, provided certain site specific criteria can be met. Additionally, Variances to allow for the retention and expansion of existing nonconforming semicircular driveways have been approved in the past. This new information/condition warrants a revision in the Zoning Code to promote clarity and a consistent application of the Code as it applies to new and existing semicircular driveways within the R-1 zone throughout the City's jurisdiction.
- B. The purpose of the Zoning Code is to make owners and users of property in the City aware of regulations governing proposed or existing uses, including semicircular driveways. Variances have been approved in the past allowing for the retention and expansion of nonconforming semicircular driveways, leading to ambiguity and inconsistency in the application of the Zoning Code. There is a need to clarify when new semicircular driveways are permitted, when improvement of existing nonconforming semicircular driveways is appropriate and the applicable approval process for new and improvement of existing driveways. The proposed ordinance is necessary to minimize any confusion or ambiguity in the application in the Zoning Code.
- C. The proposed regulations will apply to all properties within the R-1 (Single family Residential) zone City wide. Property owners who may wish to install a new semicircular driveway or improve an existing semicircular driveway within the R-1 zone must be on notice of what the regulations are and the applicable permits that may be necessary.
- D. The proposed regulations will apply across the R-1 zone City wide and will be in the interest of public health, safety and general welfare and in conformity with good zoning practice because the ordinance makes owners aware of regulations governing new semicircular driveways and the improvement of existing nonconforming semicircular driveways.

Environmental Review: The adoption of the proposed ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b) (3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment. The amendments to the La Cañada Flintridge Municipal Code would continue to allow semicircular driveways on lots with 100 feet of frontage, would allow new or improvements to existing semicircular driveways on lots less than 100 feet on frontage where deemed safe and appropriately design. Therefore, the ordinance would not cause a significant effect on the environment.

RECOMMENDATION: Staff recommends that the Planning Commission adopt the proposed resolution recommending that the City Council adopt the ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING SECTION 11.11.050 OF CHAPTER 11.11 OF TITLE 11 OF THE LA CAÑADA FLINTRIDGE MUNICIPAL

CODE TO AMEND REGULATIONS FOR SEMICIRCULAR DRIVEWAYS WITHIN THE R-1
ZONE

Attachments:

1. Proposed Planning Commission Resolution
2. Proposed Ordinance

Attachment 1

RESOLUTION NO. 17-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING SECTION 11.11.050 OF CHAPTER 11.11 OF TITLE 11 OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO AMEND REGULATIONS FOR SEMICIRCULAR DRIVEWAYS WITHIN THE R-1 ZONE

WHEREAS, Title 11 of the La Cañada Flintridge Municipal Code governs zoning and land use in the La Cañada Flintridge; and

WHEREAS, Section 11.11.050.D.5 of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code sets forth the regulations applicable to semircircular driveways within the R-1 (Single Family Residential) zone; and

WHEREAS, in order to provide clarity in the Zoning Code with respect to the regulation of new and existing nonconforming semicircular driveways, City staff has prepared ordinance entitled “An Ordinance of the City Council of the City of La Cañada Flintridge Amending Section 11.11.050 of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code to Amend Regulations for Semicircular Driveways Within the R-1 Zone; and

WHEREAS, the proposed ordinance would be applicable City wide to the properties zoned R-1 (Single Family Residential); and

WHEREAS, based on review of the City’s General Plan, the Planning Commission finds and determines the proposed ordinance is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City; and

WHEREAS, on August 8, 2017, the Planning Commission, after notification in the prescribed manner, conducted a public hearing on the proposed ordinance to make recommendations to the City Council regarding the same; and

WHEREAS, based on review of the City and State CEQA Guidelines, the Planning Commission finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment. The amendments to the La Cañada Flintridge Municipal Code would continue to allow semicircular driveways on lots with 100 feet of frontage, would allow new or improvements to existing semicircular driveways on lots less than 100 feet on frontage where deemed safe and appropriately design. Therefore, the ordinance would not cause a significant effect on the environment; and

WHEREAS, the Planning Commission has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony

received being made a part of the public record.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Planning Commission finds and determines that the above recitals are true and correct.

Section 2. The Planning Commission further finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment.

Section 3. The Planning Commission finds:

A. Existing code only permits semicircular driveways on lots with more than 100 feet of frontage, resulting in the denial of permission to improve existing semicircular driveways on lots with insufficient frontage per Code. However, it has been determined through a technical analysis, known as the Semicircular Driveway Approach and Lot Width Design Criteria, that semicircular driveways may be safely permitted on lots with between 75 and 100 feet of frontage, provided certain site specific criteria can be met. Additionally, Variances to allow for the retention and expansion of existing nonconforming semicircular driveways have been approved in the past. This new information/condition warrants a revision in the Zoning Code to promote clarity and a consistent application of the Code as it applies to new and existing semicircular driveways within the R-1 zone throughout the City's jurisdiction.

B. The purpose of the Zoning Code is to make owners and users of property in the City aware of regulations governing proposed or existing uses, including semicircular driveways. Variances have been approved in the past allowing for the retention and expansion of nonconforming semicircular driveways, leading to ambiguity and inconsistency in the application of the Zoning Code. There is a need to clarify when new semicircular driveways are permitted, when improvement of existing nonconforming semicircular driveways is appropriate and the applicable approval process for new and improvement of existing driveways. The proposed ordinance is necessary to minimize any confusion or ambiguity in the application in the Zoning Code.

C. The proposed regulations will apply to all properties within the R-1 (Single family Residential) zone City wide. Property owners who may wish to install a new semicircular driveway or improve an existing semicircular driveway within the R-1 zone must be on notice of what the regulations are and the applicable permits that may be necessary.

D. The proposed regulations will apply across the R-1 zone City wide and will be in the interest of public health, safety and general welfare and in conformity with good zoning practice because the ordinance makes owners aware of regulations governing new semicircular driveways and the improvement of existing nonconforming semicircular driveways.

Section 4. The Planning Commission does hereby recommend that the City Council adopt the proposed ordinance entitled "An Ordinance of the City Council of the City of La Cañada Flintridge Amending Section 11.11.050 of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code to Amend Regulations Governing Accessory Dwelling Units.

PASSED, APPROVED, AND ADOPTED this 8th day of August, 2017

Chair, Planning Commission

Attest:

Secretary to the Planning Commission

Attachment 2

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LA CAÑADA FLINTRIDGE AMENDING SECTION
11.11.050 OF CHAPTER 11.11 OF TITLE 11 OF THE LA
CAÑADA FLINTRIDGE MUNICIPAL CODE TO AMEND
REGULATIONS**

WHEREAS, Title 11 of the La Cañada Flintridge Municipal Code governs zoning and land use in the La Cañada Flintridge; and

WHEREAS, Section 11.11.050.D.5 of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code sets forth the regulations applicable to semicircular driveways within the R-1 (Single Family Residential) zone; and

WHEREAS, in order to provide clarity in the Zoning Code with respect to the regulation of new and existing nonconforming semicircular driveways, City staff has prepared ordinance entitled "An Ordinance of the City Council of the City of La Cañada Flintridge Amending Section 11.11.050 of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code to Amend Regulations for Semicircular Driveways Within the R-1 Zone, as stated within Attachment 1; and

WHEREAS, the proposed ordinance would be applicable City wide to the properties zoned R-1 (Single Family Residential); and

WHEREAS, on August 8, 2017, the Planning Commission, after notification in the prescribed manner, conducted a public hearing on the proposed ordinance to make recommendations to the City Council regarding the same; and

WHEREAS, following the duly noticed public hearing, the Planning Commission adopted Resolution No. 17-__ recommending that the City Council adopt the proposed ordinance pursuant to the findings set forth in said Resolution; and

WHEREAS, on _____, 2017, the City Council, after notification in the prescribed manner, conducted a public hearing on the proposed ordinance; and

WHEREAS, based on review of the City's General Plan, the City Council finds and determines the proposed ordinance is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City; and

WHEREAS, based on review of the City and State CEQA Guidelines, the Planning Commission finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment. The amendments to the La Cañada Flintridge Municipal Code would continue to allow semicircular driveways on lots with 100 feet of frontage, would allow new or improvements to existing semicircular driveways on lots less than 100 feet on frontage where deemed safe and appropriately design. Therefore, the ordinance would not cause a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including

written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA
FLINTRIDGE DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. The City Council finds and determines that the above recitals are true and correct and further adopts the findings of the Planning Commission set forth in Resolution No. _____.

Section 2. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b) (3) of the CEQA Guidelines.

Section 3. Section 11.11.050.D.5. of Chapter 11.11 of Title 11 of the La Cañada Flintridge Municipal Code is hereby repealed and replaced and shall read as follows:

5. Driveways.
 - a. Curb Cuts. All new and modified curb cuts/driveway aprons are subject to approval by the city director of public works.
 - i. New semicircular driveways and curb cuts are permitted where street frontage exceeds one hundred (100) feet.
 - ii. New semicircular driveways and dual curb cuts, where street frontage is between 75 and 100 feet, may be permitted subject to review by the Director of Community Development pursuant to Section 11.45.060 and subject to the criteria listed within subsection (d).
 - iii. New semicircular driveways and dual curb cuts are prohibited where street frontage is less than 75 feet.
 - iv. Modification or alteration of an existing semicircular driveway, where the street frontage is between 65 and 100 feet, may be permitted subject to review by the Director of Community Development pursuant to Section 11.45.060 and subject to the criteria listed within subsection (d).
 - v. Modification or alteration of an existing semicircular driveway, including widening, relocation or change in material but excluding minor repair with an identical material, is not permitted where street frontage is less than 65 feet.
 - b. Width. Semicircular driveways shall not exceed twelve (12) feet in width within the required front setback except as required by the fire department, and as necessary for access to parking stalls.
 - c. Slope. The finished grade of any driveway shall not exceed an average of seventeen (17) percent, with an absolute maximum grade of twenty (20) percent. Transitional top and bottom slopes shall be provided to the satisfaction of the director of community development and the director of public works.
 - d. Criteria for approval of new or modification of existing semicircular driveways. A new semicircular driveway and curb cuts or modification of an existing semicircular driveway and associated curb cuts as provided for within subsection 5.a.ii. and 5.a.iv. may be permitted where the director of community development and the director of

public works determine the proposed location and design protects public health, safety and welfare based on:

- i. Street geometric configurations and the provision of adequate line of sight, including but not limited to consideration of corner lots, sharp curves, steep or narrow roads;
- ii. Above ground obstacles, including but not limited to trees, large utility poles, utility cabinets, or mail boxes;
- iii. The number of potential conflict points, including but not limited to the number and proximity of driveways to each other;
- iv. Sidewalk location and design.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 5. This ordinance shall take effect thirty (30) days after its adoption in accordance with California Government Code Section 36937.

Section 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and/or posted in accordance with applicable law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

_____, Mayor

ATTEST:

Tania Moreno, City Clerk