

Agenda Report

April 11, 2016

TO: Honorable Mayor and City Council
FROM: Planning and Community Development Department
**SUBJECT: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION ON
HILLSIDE DEVELOPMENT PERMIT #6315
518 GLEN HOLLY DRIVE**

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities); and
2. Uphold the Board of Zoning Appeals' decision and approve Hillside Development Permit #6315.

EXECUTIVE SUMMARY:

On February 17, 2016, the Board of Zoning Appeals considered at its regularly noticed hearing, an appeal of the Hearing Officer's decision to approve Hillside Development Permit #6315. The request is to allow the construction of a 577 square-foot second story addition to an existing 1,547 square-foot single-story single-family residence. At the conclusion of the public hearing, the Board of Zoning Appeals made a motion to uphold the Hearing Officer's decision to adopt the environmental determination and to approve the Hillside Development Permit #6315. The motion resulted in a 3-2 vote by the five members present.

On February 25, 2016, Greg Chilingirian submitted an appeal application (Attachment C) to the City Council. The hearing before the City Council is a de novo hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

Staff recommends that the City Council uphold the Board of Zoning Appeal's February 17, 2016 decision and approve Hillside Development Permit #6315 (Attachment A).

BACKGROUND:

The applicants, Stacie Mayoras and Paul Watson, originally submitted Hillside Development Permit #6315 on April 2015 to allow the construction of a 585 square-foot second story addition to the existing single-story, single-family residence located at the property at 518 Glen Holly Drive. The addition was proposed above the middle portion of the existing residence and was proposed to accommodate a master bedroom, a master bathroom, and an office. A second story balcony was also proposed to the rear of the addition.

In reviewing the original request, staff was concerned regarding the project's compliance with Section 17.29.060.E (View protection) of the City's Zoning Code, which states that a proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. Specifically, new structures shall not be placed directly in the view of the primary living areas on a neighboring parcel. "Primary" living area refers to living rooms, family rooms, patios, but not a kitchen, bedroom, or bathroom.

Specifically, the single-family residence located at 1460 Cheviotdale Drive was constructed with a large front and corner side yard setback, and small rear and interior yards. Along the south side yard, a patio area exists, which can be accessed from the inside of the residence. The proposed addition will be located adjacent to the interior south side yard and to this patio area. From the patio area, which is considered a primary living area, a view of the hillside to the south is afforded beyond the existing roof of the residence at the subject site.

In order to assist staff with the analysis of the original proposal, the applicants constructed a temporary silhouette delineating the design of the original addition. Based on a site visit, staff found that the original design encroached into the view from the patio area at 1460 Cheviotdale Drive, and that the addition was placed directly in the view of the patio area.

The application was continued from the originally scheduled Hearing Officer meeting of November 4, 2015 to allow time for the applicant to redesign the project. In understanding staff's determination that the patio area of 1460 Cheviotdale Drive is a primary living area from where view is protected, the applicant redesigned the addition by reducing the length of the addition by 7'-0" and by removing the previously proposed balcony to the rear of the addition so the existing roofline of the northeast portion of the residence, directly in front of the patio area, would remain unchanged.

The applicants also modified the temporary silhouette at the property to reflect the redesigned project. Based on a site visit with the silhouette depicting the current proposal, staff is of the opinion that the revised second-story addition has been

designed to the maximum extent feasible to not obstruct the view of the hillside to the south when viewed from the patio area at 1460 Cheviotdale Drive. The rear of the addition encroaches less than one-foot into the patio area however the view of the hillside from the patio at 1460 Cheviotdale Drive remains mostly unobstructed.

With the redesign, the addition was reduced to 577 square feet, which resulted in the previously proposed office space being eliminated from the proposed floor plan. In order to address the addition's privacy impact on the surrounding properties, windows on the north façade have been modified to be above eye level only, and the original balcony to the rear of the addition was eliminated and a balcony has been added to the front of the addition, facing the street.

The application was presented to the Hearing Officer at a public hearing on December 2, 2015. Staff's recommendation to the Hearing Officer was to approve Hillside Development Permit #6315. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Hillside Development Permit #6315. On December 14, 2015, Greg and Nora Chilingirian, property owners of 1460 Cheviotdale Drive, submitted an appeal application (Attachment E) to the Board of Zoning Appeals.

On February 17, 2016, the Board of Zoning Appeals considered the appeal of the Hearing Officer's decision to approve Hillside Development Permit #6315. During the Board of Zoning Appeals hearing, in addition to the appellant team, four people spoke against request and eight people spoke in support of the project. Those speaking in opposition to the request had the following concerns:

- Addition is overwhelming
- View, sunlight, and privacy impacts
- Precedent setting

Those speaking in support of the project expressed the following:

- Addition will be an enhancement to the street
- Applicants worked hard to satisfy concerns
- Nature of the neighborhood to have properties close together
- Character of the neighborhood to have a view next to a building
- Will increase the value of the properties
- MLS listing said there are no views from the adjacent property

At the conclusion of the public hearing, the Board of Zoning Appeals made a motion to uphold the Hearing Officer's decision to adopt the environmental determination and to approve Hillside Development Permit #6315. That motion resulted in a 3-2 vote by the five members present.

On February 25, 2016, Greg Chilingirian, property owner of 1460 Cheviotdale Drive, submitted an appeal application (Attachment C) to the City Council. The hearing before

the City Council is a de novo hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

APPEAL OF BOARD OF ZONING APPEALS DECISION:

The appellant cited the following issues as the basis of his appeal of the Board of Zoning Appeals' decision:

- Environmental Determination;
- View impact; and
- Loss of property value.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Section 15301 exempts the construction of additions to existing single-family residences from environmental review. The use of the site would remain as a single-family residence.

As discussed earlier, the redesigned project is not located directly in the view of the patio area of 1460 Cheviotdale Drive. Staff has determined that the area between the residence at 1460 Cheviotdale Drive and Glen Holly Drive is the required side yard setback of 1460 Cheviotdale Drive, and therefore not a patio from where a view is protected. Additionally, the rooms located adjacent to this side yard setback area are bedrooms, which are not considered primary living area under Section 17.29.060.E (View protection) of the City's Zoning Code.

In regards to the appellants claim regarding the impact the addition would have on his property value, the City received a statement submitted by the appellant, prepared by a real estate agent that the property value would decline. The City also received a market study by an adjacent neighbor who is a real estate agent that the values of nearby properties would increase with the proposed improvements.

ENVIRONMENTAL ANALYSIS:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Section 15301 exempts the construction of additions to existing single-family residences from environmental review. The use of the site would remain as a single-family residence.

CONCLUSION

It is staff's assessment that the findings necessary for approval of the Hillside Development Permit to allow the construction of a 577 square foot second story addition to an existing 1,547 square foot single story residence at 518 Glen Holly Drive can be made. The proposed project meets all applicable development standards required by the Zoning Code, including the Neighborhood Compatibility guidelines of the Hillside Ordinance. No variances are required for the project. Based on the characteristics of the proposed addition, it is staff's opinion that the addition has been designed to minimize its aesthetics, views, and privacy impacts on the adjacent properties. The proposed second-story addition has been designed to be integrated and compatible with the architecture of the existing residence, and therefore staff finds that the second-story addition would also be compatible with the scale and setting of the existing development on the immediate surrounding neighborhood. Therefore, staff recommends that the City Council uphold the Board of Zoning Appeals' decision and approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

FISCAL IMPACT:

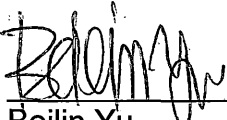
There is no fiscal impact for this project. Any cost associated with the Hillside Development Permit will be borne by the applicant.

Respectfully submitted,



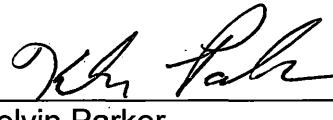
DAVID M. REYES
Interim Director of Planning and
Community Development

Prepared by:



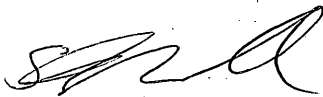
Beilin Yu
Planner

Reviewed by:



Kelvin Parker
Principal Planner

Approved by:



STEVE MERMELL
Interim City Manager

Attachments:

Attachment A – Specific Findings

Attachment B – Conditions of Approval

Attachment C – Appeal Application of Board of Zoning Appeals' decision dated February 25, 2016

Attachment D – Board of Zoning Appeals Staff Report dated February 17, 2016

Attachment E – Appeal Application of Hearing Officer's decision dated December 14, 2015

Attachment F – Hearing Officer Staff Report dated December 2, 2015