

ATTACHMENT G
BOARD OF ZONING APPEALS STAFF REPORT DATED FEBRUARY 17, 2016
(WITHOUT ATTACHMENTS)



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 17, 2016
TO: BOARD OF ZONING APPEALS
FROM: KELVIN PARKER, PRINCIPAL PLANNER/ ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
HILLSIDE DEVELOPMENT PERMIT #6347 – 1835 KAWAEH DRIVE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines; and
2. Overturn the Hearing Officer's decision and approve Hillside Development Permit #6347.

EXECUTIVE SUMMARY:

On December 2, 2015, the Hearing Officer considered, at its regularly noticed hearing, Hillside Development Permit (HDP) #6347. The request was to allow the construction of a new 1,337 square-foot, three-story, single-family residence and an attached 366 square-foot garage, on a vacant lot. The request included four variances to allow 56 percent of the front yard area to be paved, where the maximum permitted is 30 percent; to allow an 18'-6" vehicular driveway width, where the maximum permitted width is 15 feet; to allow fencing in the front yard area with a height of up to 12 feet, as measured from existing grade, where the maximum permitted is four feet; and to allow the residence to provide a seven-foot, where the minimum required is 12 feet.

Staff's recommendation to the Hearing Officer was to approve the HDP since the project met all applicable development standards. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer determined that the proposed residence was designed and located in such a manner that it would impede the protected view of an adjoining property. As a result, the Hearing Officer was not able to make the findings to support the project and disapproved the HDP (Attachment C).

On December 8, 2015, the applicant, Mr. Patrick Nicholson, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing a disagreement with the decision of the

Hearing Officer. As part of the appeal application, the applicant submitted revised development plans in an attempt to address the concerns and the issues that were raised at the public hearing by the Hearing Officer and the public (See Revised Plans section: Page 3).

Staff recommends that the Board of Zoning Appeals overturn the Hearing Officer's December 2, 2015, decision and approve Hillside Development Permit #6028 (Attachment A).

SITE BACKGROUND:

Existing Site Characteristics:

The site is an irregular-shaped interior lot measuring 5,356 square feet, located on the north side of Kaweah Drive, north of Tamarac Drive. The developable area of the lot is 5,356 square feet with an average slope of 38.6 percent. The site slopes downward to the northwest away from Kaweah Drive. The site is currently vacant and undeveloped.

Adjacent Uses:

North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Vacant Lot

Adjacent Zoning:

North – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
South – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
East – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
West – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)

Public Hearing

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 the HDP since the project met all applicable development standards. Five letters in opposition, prepared by adjacent neighbors, were received prior to the hearing. Eight residents spoke at the hearing in opposition to the project. The main reason stated for opposing the project was the view impact the proposed residence would have on the existing residence located at 1827 Kaweah Drive.

At the conclusion of public testimony, the Hearing Officer decided to disapprove the Hillside Development Permit. The Hearing Officer determined that the proposed residence was designed and located in such a manner that it would impede the protected view of the existing residence located at 1827 Kaweah Drive. This decision was based on the findings in Attachment C (Decision Letter) to this report. As a result, the Hearing Officer was not able to make the findings (Attachment C) to support the project and disapproved the HDP

On December 8, 2015, the applicant, Mr. Patrick Nicholson, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing a disagreement with the decision of the decision of the Hearing Officer. The effect of an appeal is that the prior decision of the Hearing Officer is vacated. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior decision and has the authority to make an entirely different decision.

If the Board of Zoning Appeals approves the Hillside Development Permit application the applicant would complete the entitlement process by submitting development plans to the Building and Safety Department.

Revised Plans

As part of the appeal application, the applicant submitted revised development plans in an attempt to address the concerns and the issues that were raised at the public hearing; specifically as it relates to the view impact the proposed project would have on the adjoining property to the east. The adjoining property to the east (1827 Kaweah Drive) has an extensive window system, facing west-northwest unto the subject property. The adjoining property has a view looking towards the city of Glendale that traverses the subject property.

In an attempt to preserve the view of the adjoining property, the applicant has revised the project so that the proposed residence does not project into the field of view of the adjoining property. To achieve this, the applicant has:

- 1) Reduced the overall length of the building by approximately six feet;
- 2) Moved the building up to the property line, eliminating the 12-foot front setback; and
- 3) Moving the mass of the building 10'-12' west, away from the adjoining property.

Based on an analysis of the revised plans and a site visit to observe a silhouette depicting the redesign, staff is of the opinion that the redesign of the proposed residence has been designed to the maximum extent feasible to not obstruct the views of the of the adjoining property to the west.

Pursuant to Section 17.72.070 of the Zoning Code, the Board of Zoning Appeals shall consider the same application, plans and materials submitted by the applicant for the original decision. If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted for the original decision, the hearing shall be terminated and the applicant shall file a new application. However, this section stipulates that changes to the original submittal, to address objections of the Hearing Officer, need not be the subject of a new application. The revised plans, submitted by the applicant, have been changed in an attempt to address the concerns and objections of the Hearing Officer.

Project Description:

The applicant, Patrick Nicholson, has submitted an HDP application, with revised development plans, to allow the construction of a new 1,339 square-foot, two-story, single-family residence and an attached 367 square-foot garage, on a vacant lot, in the RS-6-HD-SR zoning district. The uppermost level of the proposed residence consists of the attached garage and living area, followed by one lower level of living area. The total gross floor area of the subject site, including the attached garage, would be 1,706 square feet. The building would have a 666 square-foot basement that is not included in the gross floor area, because it does not exceed a height of

three feet above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade.

An HDP is required for the construction of a new single-family residence in the Hillside Overlay District. No trees are proposed for removal as part of the project. In addition to the HDP, the applicant is requesting a Minor Variance to allow the residence to provide a reduced front yard of zero feet, where the minimum required is 12 feet.

The proposed residence would have an attached, two-car, garage located at street level adjacent to Kaweah Drive. The residence would be sited behind the garage, at a lower elevation, and is designed to step down and follow the downward slope of the site. The residence consists of a first floor (lower level) with 642 square-feet of floor area and a second floor with 697 square feet of floor area. The proposed 666 square-foot basement is not included in the floor area, because it does not exceed a height of three feet above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade.

Proposed Entitlements:

Hillside Development Permit: Construction of a 1,339 square-foot, two-story single-family residence with a 367 square-foot attached two-car garage.

Development Standards

Gross Floor Area:

In the RS-6-HD-SR zoning district, the maximum allowable gross floor area, which includes all covered parking spaces, accessory structures and enclosed space, is 27.5 percent of the lot area plus 500 square feet. For a lot of 10,000 square feet or more in the Hillside Overlay District, any portions of the lot with a 50 percent slope or more, and any access easement on the lot must be deducted from the lot area for calculating the maximum allowable gross floor area. If the average slope of the lot area exceeds 15 percent, the maximum allowable gross floor area shall be further reduced in compliance with the slope reduction formula as described in Section 17.29.060.A.4 of the City's Zoning Code.

According to the application package, the subject site measures 5,356 square feet, less than 10,000 square feet, and there are no access easements on the lot. However, the subject site has an average slope of 38.6 percent and is subject to the slope reduction formula as described in Section 17.29.060.A.4 of the City's Zoning Code.

Based on the floor area calculation, including application of the slope reduction formula, the maximum allowable gross floor area for the site is 1,740 square feet. The total gross floor area, including the attached garage, would be 1,706 square feet and is in compliance with the allowable floor area for the site.

Lot Coverage:

In addition to maximum allowable gross floor area requirement, the site is also subject to maximum lot coverage requirement. The maximum allowable lot coverage sets limits on the footprint of all covered structures (enclosed or unenclosed) and overhangs extending more than three feet of up to 35 percent of the lot area. The maximum allowable lot coverage for the subject 5,356 square-foot lot is 1,875 square feet. The proposed lot coverage for this site would

be 1,495 square feet or approximately 28 percent of the lot area. The proposed project is in compliance with the lot coverage requirement.

Setbacks:

Within the San Rafael Area of the Hillside Overlay District, the front setbacks are governed by Table 2-9 of the City's Zoning Code. Pursuant to Table 2-9, the minimum front yard setback for the subject site is 12 feet. The proposed garage, attached to the residence, would be built up to the front property line. Due to the topography of the site, and in an effort to respond to concerns related to view protection, the applicant is requesting a Minor Variance to allow the proposed residence to be built up to the property line, adjacent to Kaweah Drive.

The minimum required interior side yard setback is 10 percent of the lot width, with a minimum of 5 feet, and a maximum of 10 feet. The lot width is approximately 47 feet; therefore, the minimum required side yard setback is five feet, as measured from each side property line or nearest top or toe of slope, whichever is closer. As proposed, the new residence would provide a side yard that of five feet along both side property lines; thus the proposed project is in compliance with the minimum side yard setback requirement. The minimum required rear yard setback is 25 feet. The residence is proposed to be set back approximately 50 feet from the rear property line, therefore in compliance with the minimum rear yard setback.

Furthermore, the proposed project is subject to the encroachment plane requirement per Section 17.40.160.D.1 of the Zoning Code. The Zoning Code requires residences not to be located within a side setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side property line. No portion of the proposed residence encroaches into the encroachment angle.

With the exception of the reduced front yard setback, the proposed project is consistent with the setback and encroachment plane standards.

Height:

The maximum allowable height for properties in the Hillside Overlay District is 28 feet at any point with a maximum overall height of 35 feet, measured from the lowest point to the highest point of the structure. The maximum overall height of the proposed project is 34 feet. The highest at-any-point height of the new building would be 28'-6". The proposed project is in compliance with both height requirements.

Parking:

The Zoning Code requires two covered parking spaces for a single-family residence. The applicant is proposing a new two-car garage attached to the front elevation of the proposed residence. Because the property is located within the San Rafael Area of the Hillside Overlay District, the required uncovered off-street guest parking spaces as required per Section 17.29.050.G do not apply. The proposed project meets the parking requirements of the Zoning Code.

Neighborhood Compatibility:

The Hillside Overlay District requires that all projects subject to an HDP comply with the Neighborhood Compatibility guidelines. These guidelines are intended to ensure that the proposed project is designed to be in-scale and compatible with existing single-family residential development within the vicinity. The "neighborhood" is defined as the area within a 500-foot radius of the project site. In addition to the floor area ratio requirements of the Zoning Code, the total habitable area of the project shall not exceed the Neighborhood Compatibility threshold, which is established by calculating 35 percent above the median floor area of the existing houses within a 500-foot radius of the site. This square footage excludes garages and accessory structures.

There are 87 parcels within the City developed with single-family residences within a 500-foot radius of the site. According to records from the Los Angeles County Assessor, the median floor area of these residences is 1,508 square feet (excluding garages and other accessory structures). Thirty five-percent above this median is 2,036 square feet. The total habitable floor area of the project is 1,339 square feet; the proposed 666 square-foot basement is not included in the floor area.

The proposed habitable area of 1,339 square feet is within the Neighborhood Compatibility threshold. The proposed project complies with the Neighborhood Compatibility requirement.

Architecture, Setting and View Protection

The existing residences in this neighborhood were built with varying architectural styles over different time periods, which resulted in no dominating architectural style for the neighborhood. The proposed single-family residence is contemporary in design. The exterior of the building would be treated mainly with Hardie Plank smooth-faced lap siding, up to the roof parapet. Section 17.29.060.C.4.a of the Zoning Code requires the use of darker tones, including earth tones for building walls and roofs. The proposed colors for the residence are brown for the exterior walls and maroon for the window frames, trellis and fascia. The proposed design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Overlay District.

While the house is designed with two-stories, when viewed from Kaweah Drive, the house appears to be one-story; with the garage being the main portion of the structure visible from the street. The majority of the residence is sited behind garage, at a lower elevation that is approximately 15 to 20 feet below Kaweah Drive. The residence is designed to step down and follow the downward slope of the site.

The new residence would comply with the ridgeline protection standards of the Zoning Code. There are no ridgelines adjacent to the subject property. Therefore, no part of the proposed residence would appear silhouetted against the sky above a ridge when viewed from a public street or park.

Although the proposed house is visible from surrounding properties, the placement of the new residence would not impede the protected view of an adjoining property. Section 17.29.060.E (View Protection) of the Zoning Code 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.

The adjoining property to the east (1827 Kaweah Drive) was designed with primary living areas, with an extensive window system, facing west-northwest on looking towards the city of Glendale. The proposed residence would be sited so that it, to the maximum extent feasible, avoids blocking the view of the adjoining property. The residence would provide a zero front setback in an attempt to move the building mass away from the field of view of the adjoining property and not block the protected view.

The two adjoining properties to the west of the proposed project site, along Kaweah Drive, are currently vacant with no primary structures. The properties directly to the south, across Kaweah Drive, are sited at an elevation of approximately 20 feet above Kaweah Drive and would maintain substantial views to the north-northwest because the majority of the proposed residence is sited below Kaweah Drive and follows the downward slope of the site. The proposed project is in compliance with the view protection requirements.

Preliminary Geotechnical Report:

A Geologic and Soils Engineering Exploration report for the project site was prepared by Patrick Nicholson, P.E. on August 30, 2014. The purpose of the report was to determine the subsurface conditions as they relate to the proposed construction of the new single-family residence. The subsurface exploration consisted of five borings excavated to a maximum depth of six feet. Based on the test borings, field geologic mapping, review of the previous report, research of available records, consultation and review of the development plans, it is found that the construction of the proposed project is feasible from a geologic and soils engineering standpoint.

Minor Variance: To allow a reduced front yard setback of seven feet, where the minimum required is 12 feet.

Pursuant to Section 17.29.100, Table 2-9, the minimum front yard setback for the subject site is 12 feet. Due to the topography of the site and the view protection requirements of the Zoning Code, the applicant has requested to design the proposed residence so that it is built up to the front property line.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. The subject property is characterized by a steep descending slope; where the elevation difference between the front of the lot and the rear is approximately 40 feet. Furthermore, there is an existing adjacent residence with an extensive window system that is oriented towards the subject site. The subject property is located in an RS zoning district within the Hillside Overlay District and is subject to the view protection requirements of the Zoning Code; whereas RS properties outside of the Hillside Overlay District are not subject to such a standard.

The reduced front yard setback would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. The reduced setback would reduce the encroachment of the new structure into the field of view of the adjacent property located at 1827 Kaweah Drive. In addition, the reduced front yard setback would reduce grading impacts to the slope as the residence would be sited further up the slope. Furthermore, the reduced front

setback would not result in the granting of a special privilege to the applicant as there are residences along Kaweah Drive with minimal front setbacks due to the topography of the area.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would be a single-family residence; therefore, the character of the single-family neighborhood would be maintained. Policy 21.9 of the General Plan Land Use Element is to "maintain appropriate scale, massing and access to residential structures located in hillside areas." Policy 7.1 discourages "mansionization" by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods and Policy 4.11 requires that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics. The proposed livable area of the project is 1,339 square feet and within the Neighborhood Compatibility threshold. As designed, the project would not block any views, and is in compliance with the ridgeline protection standard. Furthermore, as designed, the proposed project would be compatible with the surrounding neighborhood.

ENVIRONMENTAL REVIEW:

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, §15303, Class 3, New Construction or Conversion of Small Structures). This exempts from environmental review the construction of limited numbers of new, small facilities or structures. Section 15303(a) specifically exempts the construction of one single-family residence in a residential zone. The proposed project involves the construction of one single-family residence in the RS-6-HD-SR zone, a residential zone. The use of the site would be as a single-family dwelling.

REVIEW BY OTHER CITY DEPARTMENTS:

The project has been reviewed by the Building and Safety Division, Fire Department, Department of Transportation, Department of Public Works, and Design and Historic Preservation Section. The Building and Safety Division, Fire Department, Department of Transportation and Design and Historic Preservation Section had no concerns at this time and would review the plans through the building permit plan check process. The Department of Public Works provided comments and recommended conditions of approval, which have been incorporated to this report under Attachment B "Recommended Conditions of Approval." Furthermore, as part of their review, the Fire Department and Department of Transportation reviewed the project subject to Section 17.29.050.F.3, of the Zoning Code, and considered the location and design of the existing driveway as it relates to on- and off-street safety of vehicles, vehicle passengers and pedestrians, and access for emergency vehicles; no additional comments were provided.

CONCLUSION:

Staff concludes that the findings necessary for approving the Hillside Development Permit can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the required variance as a result of the

topography on the site and the view protection requirements of the Zoning Code. Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. As designed, the requested variance would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding neighborhood. Therefore, staff recommends approval of the Hillside Development Permit, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

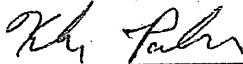
RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

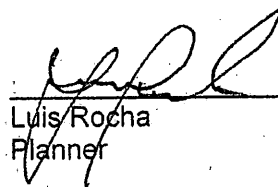
1. Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines; and
2. Overturn the Hearing Officer's decision and approve Hillside Development Permit #6347.

Respectfully Submitted,

Prepared by:



Kelvin Parker
Principal Planner/Zoning Administrator



Luis Rocha
Planner

Attachments:

- Attachment A – Zoning Administrator Recommended Specific Findings
- Attachment B – Recommended Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (December 2, 2015)
- Attachment D – Appeal Application (December 8, 2015)
- Attachment E – Hearing Officer Addendum