



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: August 1, 2018

TO: Hearing Officer

SUBJECT: Minor Variance #11888

LOCATION: 1435 Linda Ridge Road

APPLICANT: Alexander Kith/Linda Ridge Trust

ZONING DESIGNATION: RS-2-HD (Single-Family Residential, 0-2 dwelling units per acre – Hillside Overlay District)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Kristen Johnston

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11888.

PROJECT PROPOSAL: Minor Variance: To allow a 9'4" fence, measured from existing grade, within the front yard of an existing single-family residence, where the maximum allowed height is four feet. A Minor Variance is required for a fence that exceeds the maximum allowable height.

ENVIRONMENTAL DETERMINATION: 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(e), Class 3, New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. Class 3 exempts from environmental review the construction of accessory structures including fences.

BACKGROUND:

Site characteristics: The site is a 37,589 square-foot flag lot with street frontage along Linda Ridge Road. The subject site gradually slopes upward, from Linda Ridge Road to the building pad, with steep descending slopes to the west, north, and northeast and a steep ascending slope along the entire southern boundary descending gradually to the west boundary line at the rear of the property. The site consists of a 4,245 square-foot, one-story single-family residence with an attached carport, swimming pool and spa, and other site improvements.

Adjacent Uses: North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-2-HD (Single-Family Residential, 0-2 units per acre – Hillside Overlay District)
South – RS-2-HD (Single-Family Residential, 0-2 units per acre – Hillside Overlay District)
East – RS-2-HD (Single-Family Residential, 0-2 units per acre – Hillside Overlay District)
West – RS-2-HD (Single-Family Residential, 0-2 units per acre – Hillside Overlay District)

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Alexander Kith, has submitted a Minor Variance application to allow a 9'4" fence, measured from existing grade, within the front yard of an existing single-family residence, where the maximum allowed height is four feet. A Minor Variance is required for a fence that exceeds the maximum allowable height

The subject site is located within the RS-2-HD (Single-Family Residential, Hillside Overlay District) zoning district and is a 37,589 square-foot flag lot, with frontage along Linda Ridge Road. The site maintains vehicle access from Linda Ridge Road. The subject site consists of a one-story, single-family residence with an attached carport, swimming pool and spa, and other site improvements. The site gradually slopes upward, from Linda Ridge Road to the building pad, with steep descending slopes to the west, north, and northeast with a steep ascending slope along the entire southern boundary descending gradually to the west boundary line at the rear of the property.

In August of 2016, the slope below the driveway at the northeastern property line failed causing mud and debris flow toward the toe of slope. The slope failure demolished existing planters, wood revetments, and portions of the property line fence. The slope failure spanned approximately 60 feet wide across the face of the slope. As a result, plans were prepared and submitted to the building department to rebuild the retaining wall with a new eight-foot retaining wall at the toe of the slope. Grading plans documented stabilization of the slope with 350 cubic yards of fill. The aforementioned received building permits on July 24, 2017 (BLD2016-01564 and BLD2016-

01592). Subsequently, a zoning permit was issued for irrigation and landscaping of the slope on August 23, 2017 (ZON2017-00153).

ANALYSIS:

Section 17.40.180 of the Zoning Code states that a wall or fence within the RS or RM-12 zoning district located within front yard (between the front property line and the occupancy frontage) shall have a maximum height of four feet and be at least 50 percent open. More specifically, Section 17.40.180, subsection (f) identifies wall and fence height for flag lots, allowing a maximum front yard wall or fence height of six feet, provided the front yard of the flag lot is abutting interior side or rear yards on all sides. However, the maximum height of walls and fences shall remain four feet in the portion of the pole that abuts a front yard, from the street property line to the occupancy frontage of the adjacent properties or 25 feet, whichever is greater.

Furthermore, Section 17.40.050 – Flag Lot Development Standards, Figure 4-1 illustrates flag lot components, identifying components such as the pole portion of a lot, flag portion of a lot, front lot line, side and rear lot line, etc. As such, the front lot line is the lot boundary that most nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole. The side property line is any lot boundary that does not abut a public or private right-of-way, and is not a front or rear property line, exclusive of the pole portion of the lot. The rear property line is the lot boundary opposite the front property line.

Section 17.40.180 requires measurement of height of all walls and fences from the existing grade to the top of the wall or fence in order to prevent the artificial raising of the grade in order to allow for a higher wall or fence. In this case, existing grade is the grade prior to slope failure.

As previously noted, the subject site is a flag lot located within the RS-2-HD (Single-Family Residential, Hillside Overlay District) zoning district. As concluded in the analysis above, the maximum allowable wall and fence height, located within the front yard of a flag lot that abuts an interior side or rear yard on all sides is six feet. The plan provided by the applicant demonstrates a proposed fence within the front yard of the subject site, abutting the rear yard of both adjacent properties with a height of 9'4" measured from existing grade, which does not comply with the maximum allowable fence height of six feet within the front yard. However, the exposed and visible height of the fence is four feet.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when special circumstances are applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. Additionally, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts.

In this case, steep slopes encumber the subject site, creating exceptional conditions for development of the site. The applicant's request is a result of slope failure that occurred along the northeastern property line that demolished the existing property line fence and other site improvements. The proposed fence would tie into the existing fence located along the north property boundary securing the site from adjacent properties. In addition to securing the site by connecting the proposed and existing fence, the proposed fence would serve as a safety barrier. At the northeastern edge of the driveway, the site slopes downward approximately 21 feet to the

top of the eight-foot retaining wall situated at the toe of the slope. The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall, where the grade difference between the subject site and the two adjacent lots is approximately eight-to-ten feet.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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(e), Class 3, New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. Class 3 exempts from environmental review the construction of accessory structures including fences.

GENERAL PLAN CONSISTENCY:

The subject property is designated Low Density Residential in the Land Use Element of the General Plan. The existing use of the site is a single-family residence. The proposed fence within the front yard would not change the existing use of the property. The property will maintain consistency with General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed 9'4" fence, measured from existing grade, within the front yard of an existing single-family residence intends to provide a safety barrier for the occupants of the subject site and adjacent properties due to the steep downward slopes that encumber the property, including an eight-to-ten-foot grade difference between the site and the two adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

REVIEW BY OTHER DEPARTMENTS:

The Building Department, Pasadena Fire Department, Department of Transportation, Public Works Department, and the Design and Historic Preservation Section reviewed the proposed project. Based on their review of the project, there were no comments or conditions provided.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Minor Variance to allow construction of a 9'4" fence, measured from existing grade within the front yard of an existing single-family residence can be made (Attachment A). Although the height of the proposed 9'4" fence, measured from existing grade exceeds the allowable height of six feet, the fence height measured from finished grade would be four feet and would not be visible from the public-right-of way due to its location and dense landscaping. Additionally, the site slopes downward approximately 21 feet to the top of the eight-foot retaining wall situated at the toe of the slope. The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall. The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall, where the grade difference between the subject site and the two adjacent lots is approximately eight-to-ten feet. Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11888

Minor Variance: To allow a 9'4" fence, measured from existing grade, within the front yard of an existing single-family residence, where the maximum allowed height is four feet.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development of the site that do not apply generally to sites in the same zoning district.* Steep slopes encumber the subject site, creating exceptional conditions for development of the site. The applicant's request for a 9'4" fence, within the front yard is a result of slope failure that occurred along the northeastern property line that demolished the existing property line fence and other site improvements. The proposed fence would tie into the existing fence located along the north property boundary. In addition to securing the site by connecting the proposed and existing fence, the proposed fence would serve as a safety barrier. At the northeastern edge of the driveway, the site slopes downward approximately 21 feet to the top of the eight-foot retaining wall situated at the toe of the slope. The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall, where the grade difference between the subject site and the two adjacent lots is approximately eight-to-ten feet.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.* The applicant's request is a result of the slope failure that occurred below the driveway along the northeastern slope and property line that demolished the existing property line fence and other site improvements in the area. The proposed fence would tie into the existing fence located along the north property boundary. In addition to securing the site by connecting the proposed and existing fence, the proposed fence would serve as a safety barrier. At the northeastern edge of the driveway, the site slopes downward approximately 21 feet to the top of the eight-foot retaining wall. The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall, where the grade difference between the subject site and the two adjacent lots is approximately eight-to-ten feet. Granting of the Minor Variance would allow the construction of the 9'4" fence, measured from existing grade, within the front yard, which is necessary for the preservation and enjoyment of the site, and will prevent unreasonable property loss and an unnecessary hardship.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed fence would be constructed a foot-and-half from the top of the eight-foot retaining wall and would secure the site from potential safety hazards. The grade difference between the subject site and the two adjacent lots, from the northeastern property line is approximately eight-to-ten feet. Granting the applicant's request to allow a 9'4" fence measured from existing grade, within the front yard would not be detrimental or injurious to property or improvements in the vicinity of the project site, given that the purpose of constructing the fence is to provide a safety barrier for the occupants of the site and the adjacent properties.
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.* The subject property is designated Low Density Residential in the Land Use Element of the General Plan. The existing use of the site is a single-family residence. The proposed fence within the front yard would not change the existing use of the property. The property will maintain consistency

with the General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed 9'4" fence, measured from existing grade, within the front yard of the subject site intends to provide a safety barrier for the occupants of the subject site and adjacent properties due to the steep downward slopes that encumber the property, including an eight-to-ten-foot grade difference between the site and the two adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Minor Variance.* The cost to the applicant for compliance with the City's development standards has not been considered a factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11888

The applicant or the successor in interest shall comply with the following conditions:

General

1. The site plan submitted for zoning/building permits and/or future development shall substantially conform to the site plan stamped "Approved at Hearing August 1, 2018," except as modified herein.
2. The approval of this application authorizes the construction of a 9'4" fence measured from existing grade, within the front yard of an existing single-family residence.
3. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
4. The final decision letter and conditions of approval shall be incorporated in the plans as part of the zoning permit process.
5. The proposed project, Activity Number **PLN2018-00233**, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact the Planning Case Manager, Kristen Johnston, at (626) 744-6709 to schedule an inspection appointment time.
6. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.