



City of La Habra Heights AGENDA REPORT

To: Planning Commission For Meeting of: September 23, 2008
From: Kenneth Phung, City Planner Agenda Item: 5
Subject: Standards Modification PRJ 2008-18, Tree Removal Permit TRP 2008-01 (2023 Sharpless Drive)

Applicant: John T. Collins
2023 Sharpless Drive
La Habra Heights, CA

Owner: Same

Location: 2023 Sharpless Drive

Request: **Standard Modification 2008-18** for grading and hardscape consisting of a decorative patio area and additional grading for a greater usable yard area in excess of the administrative limits.

Tree Removal Permit 2008-01 for removal of seven (7) trees, three of which are considered mature trees, and replacing them with thirty-three (33) 24" box trees.

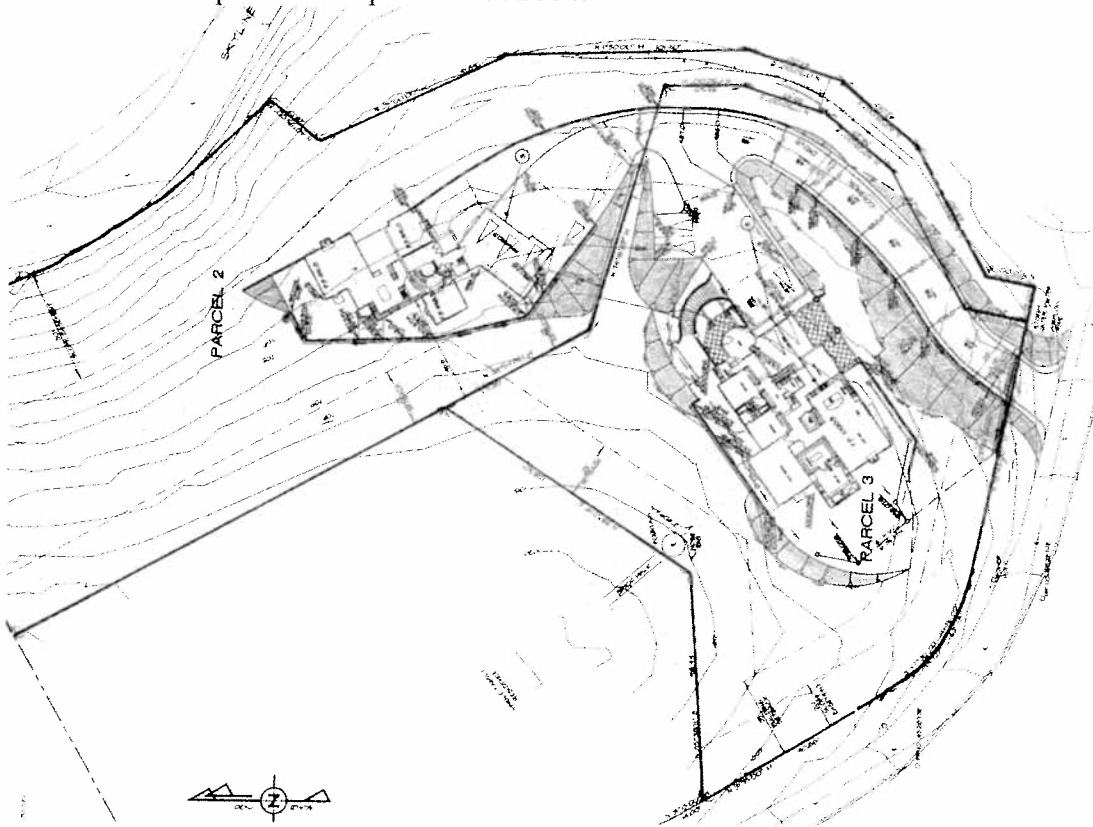
Background Information

Original Project Approval: September 9, 2004 by City Council
Gross Acre: 0.92-acres
Net Acre: 0.80 acres
Assessor's Parcel No.: 8266-013-019
Average Slope - Lot: 21.25%
Zoning: RA-1 (Residential Agricultural – 1 acre minimum lot size)
General Plan: R (Rural) Residential
Existing Land Use: Single-family home
Surrounding Land Uses: Single-family dwellings
Approved Grading: 20,314 sq. ft. (23,487 sq. ft. allowable in 2004 approval)
Additional Grading: 2,185 sq. ft. (1,085 sq. ft. for patio area and 1,100 sq. ft. for flat yard area)
Present Total Grading: 22,499 sq. ft. (Present Development Code: Planning Commission review jurisdiction 19,776 sq. ft. to 31,640 sq. ft.)

Approved Hardscape: 10,939 sq. ft. (11,747 sq. ft. allowable in 2004 approval)
Additional Hardscape: 1,085 sq. ft. patio area
Present Total Hardscape: 12,024 sq. ft. (*Present Development Code: Ministerial approval up to 11,820 sq. ft., Standard Modification up to 14,775 sq. ft., and Planning Commission up to 23,640 sq. ft.*)

Background

The Collins property, 2023 Sharpless Drive fronting Sharpless Drive, was approved as part of a multi-lot development in September of 2004.



The development was heard by both the Planning Commission and City Council due to view concerns associated with 2021 Skyline Vista Drive north of the site. During deliberations, the primary issues were view obstruction and neighborhood compatibility and how to more closely comply with the policies of the General Plan. Some of the major points of discussions were:

- The 2023 Sharpless Drive property is a single story structure with the garage tucked under the building to reduce the massing of the roof, along with a reduction in the total square feet of the structure by 400± sq. ft. The ridge height of the new home is at 1018' elevation, 9' below the finished floor of 2021 Skyline Vista Drive. Construction of the proposed home at 2023 Sharpless Drive will not impair the primary view from 2021 Skyline Vista.

- Conceptual landscape plans submitted to avoid view obstruction from 2021 Skyline Vista Drive.
- Retaining walls were reduced; no wall along the driveway exceeds 5' in height, and the retaining wall at the rear of the structure does not extend above 5'. Except for the walls adjacent to the driveway, the retaining walls are hidden by the structure.

The City Council approved the property on September 9, 2004 consisting of a **Conditional Use Permit 2004-17** (*required because proposed Grading quantities will exceed 1000 cubic yards of earth, and a multi-lot development*) and a **Standards Modification 2003-07** (*for View Preservation to exceed the 500 square foot building area and 16 feet height limitation*) as required at the time for the proposed project. The final design was a 3,711 square foot single story residence and an attached three-car garage located upon a 40,075 square foot hillside vacant lot. As part of the Conditions of Approval, the landscape/Irrigation Plans was required to return to the Planning Commission when reviewed and approved by the City Landscape consultant to ensure compliance in protecting the neighbor's privacy and consistency with community character. The landscape plans were brought back to the Planning Commission on February 22, 2005, and the Planning Commission approved the landscape plans.

HQT the developer of the lot, pursued lot development after City Council approval and obtain occupancy for 2023 Sharpless Drive on March 15, 2007. The property was sold to Mr. Collins on May 29, 2008.

Analysis/Discussion

Upon purchase of the property Mr. Collins proceeded with the following improvements to his property:

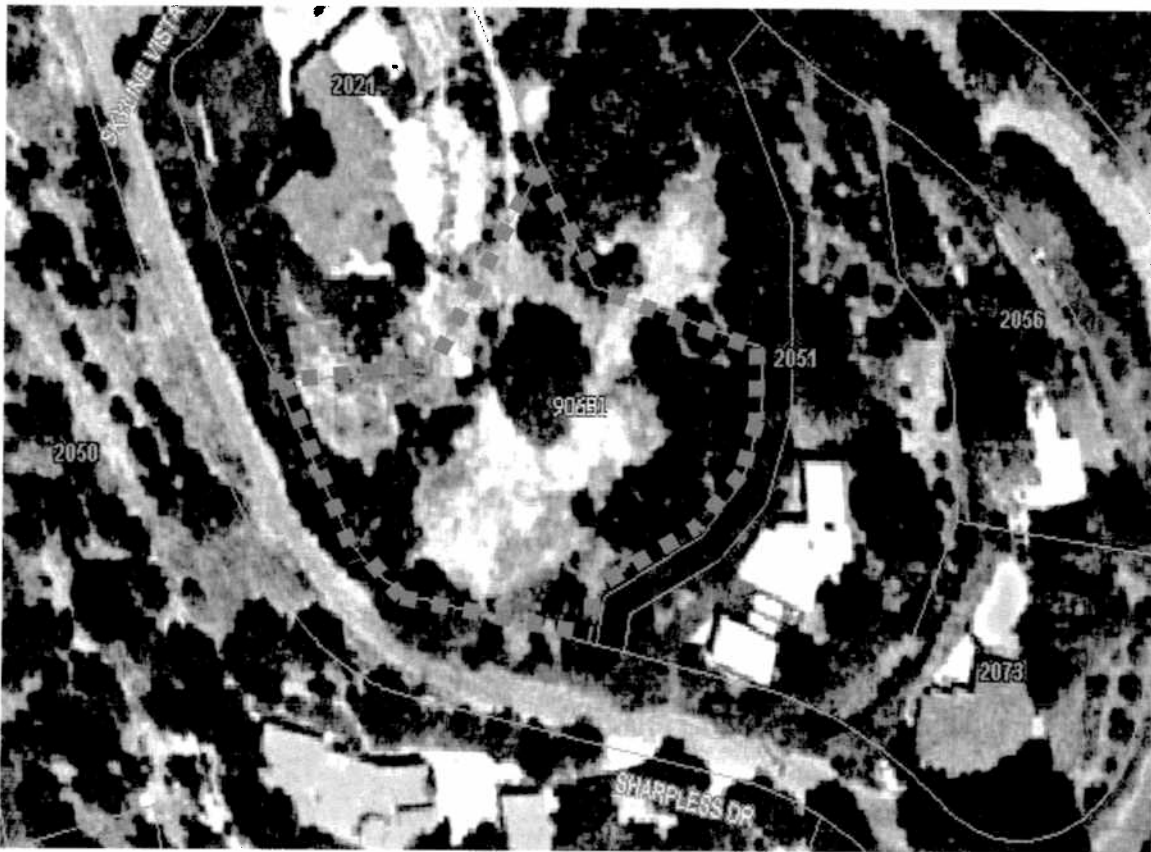
- 1) Removal of seven (7) trees, three (3) of which are matured trees.
- 2) Grading of the site for additional flat usable area and a decorative patio area.
- 3) Retaining walls to support the additional flat usable area.
- 4) Trellis cover with decorative hardscape concrete underneath the trellis.

Mr. Collins completed the first two items without permits. City staff members meet with Mr. Collins on July 31, 2008 to inform him to stop all work. At the time of the meeting the trees were removed, new trees planted, grading and retaining walls constructed, and the form and rebar for the patio area already placed. City staff issued a citation notice to stop work and to submit a Standard Modification application to the City. Work was continued on the property after the meeting to finish the patio area during a weekend. Staff returned to the property on August 12, 2008 to issue a second citation. The patio area was completed when staff returned. Mr. Collins informed staff that he proceeded with the patio because it was his 40th wedding anniversary and had thirty guests from out of the country to take part in his anniversary celebration. The wedding

anniversary has passed. All the improvements have been completed at this time. The following are greater specifics regarding each of the improvements.

Tree Planning and Removal:

A total of seven (7) trees were removed and three (3) of the trees were considered significant trees. The City guidelines state no more than four (4) significant trees can be removed within any single year and no significant trees can be removed without an approved Tree Removal Permit application according to Article 7 Section 7.12.50.C. Mr. Collins informed staff that the trees were removed because they were entangled in the power lines and others had not been cared for. Below is an aerial view of the site prior to the development.

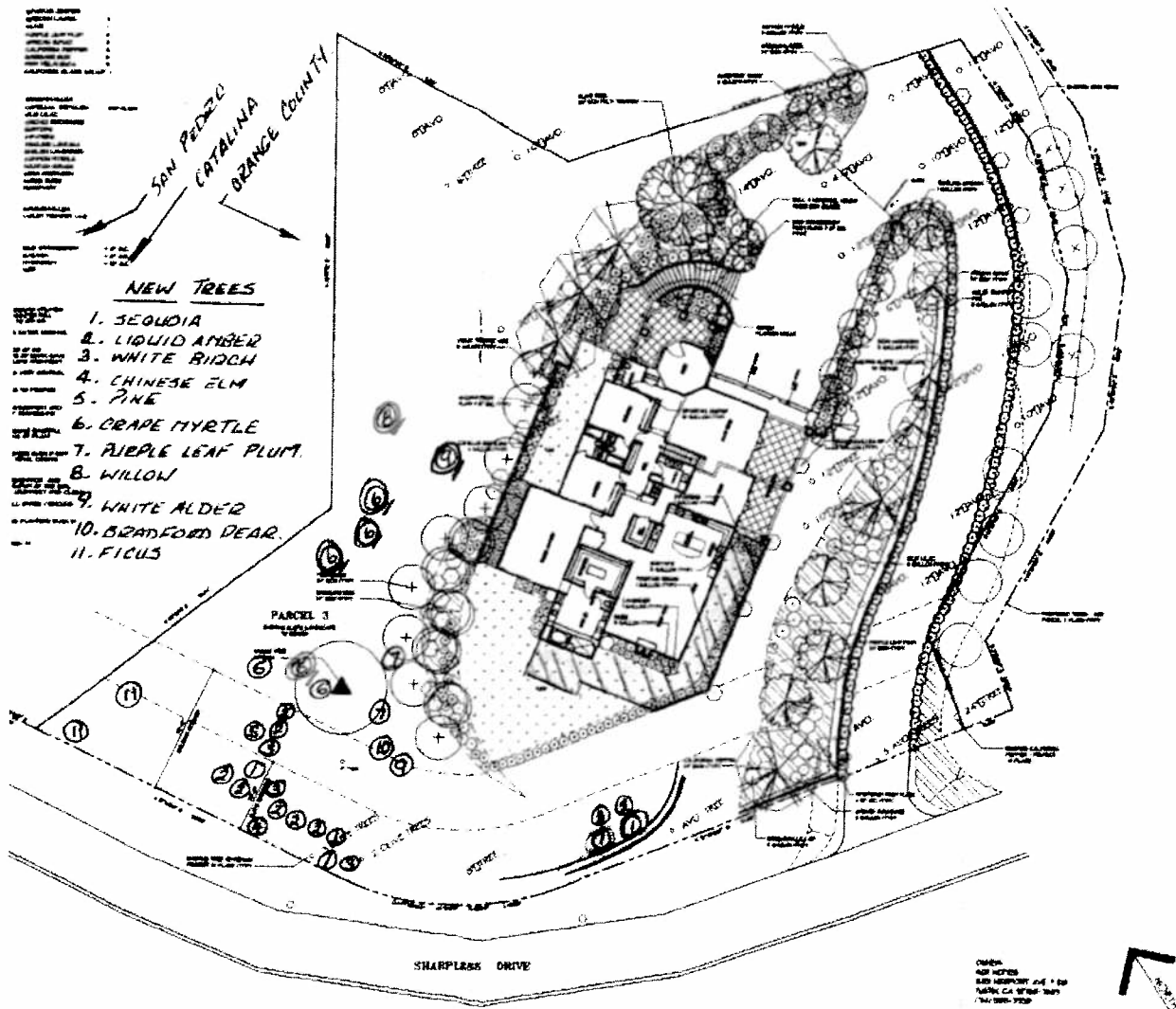


Mr. Collins planted thirty-three new trees to replace the seven (7) trees removed, consisting of the following:

Tree Type	Maturity Height	Number of Trees
1. Sequoia	200 to 300-feet	5
2. Liquid Amber	60 to 105-feet	8
3. White Birch	60-feet	4
4. Chinese Elm	30 to 54-feet	1
5. Pine	45 to 135-feet	1

6. Crape Myrtle	15 to 25-feet	6
7. Purple Leaf Plum	20 to 25-feet	2
8. Willow	40 to 50-feet	1
9. White Alder	50 to 90-feet	2
10. Bradford Pear	45 to 60-feet	1
11. Ficus	60 to 100-feet	2
		33 Total

The trees are all currently 24" box size trees varying in height from 15-feet to 20-feet. At this point the trees that have been expressed as of primary concerns are eight (8) trees consisting of four (4) crape myrtles, one (1) willow tree and one (1) white alder and two (2) sequoia trees in "double circles".



The property owner of 2021 Skyline Vista Drive believes the growth of the six (6) trees closest to their property line would be the first few trees to eventually impact the view of the property and

the sequoia will eventually mature to impact the view of the property. See picture below taken from inside 2021 Skyline Vista Drive.

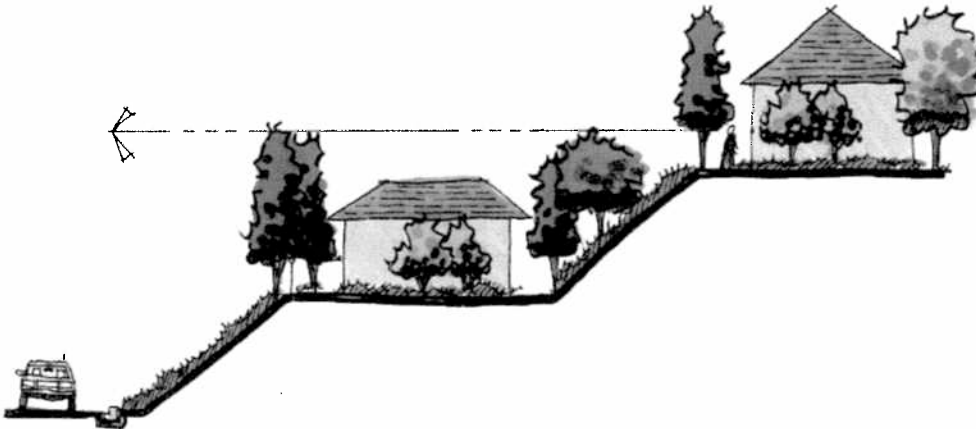


Picture from inside the residence at 2021 Skyline Vista Drive.

The City Attorney advises that Planning Condition No. 2, approved by City Council on September 9, 2004 (**noted below**) was intended to protect the distant view of 2021 Skyline Vista Drive by restricting the profile of the landscaping and development of 2023 Sharpless Drive. Therefore, any additional trees that may have an impact on the 2021 Skyline Vista Drive address could be subject to Planning Commission review.

“Three (3) sets of landscape/irrigation plans shall be submitted for review and approval by the City’s Landscape Architect. A deposit in the amount of \$325.00 shall accompany these plans. The applicant will replace the 24” box trees with 15 gallon California Walnuts and will replace the Brisbane Box with California Walnuts. After approval by the City’s Landscape Architect 15 sets of Landscape/Irrigation Plans shall be submitted to the City. The project will then return to the Planning Commission to ensure compliance in protecting the neighbor’s privacy and consistency with community character. The plan shall comply with La Habra Heights Municipal Code Section 9206.9, Zone R-A – Landscape Plan.”

Mr. Collins is agreeable to changing the location of the three crape myrtles and the one willow tree closest to the 2021 Skyline Vista Drive property to a lower elevation on the property, and that the trees on his property are trimmed to not exceed a height that would impact the distant view of 2021 Skyline Vista Drive. This would be all the trees beyond the front yards setback line. The finished floor of the 2021 Skyline Drive property is approximately 26.8-feet above the finish floor elevation of the Collins property, therefore in examination of the landscape guidelines for protecting distance views from trees (*page 7-39 Section 7.12.40.D of Article 7 of the Municipal Code*) a height limit of 3-feet above the finished floor of the 2021 Skyline Vista Drive would be an appropriate tree height limit for trees between the two existing matures tress to the left and right of the picture noted on the previous page.



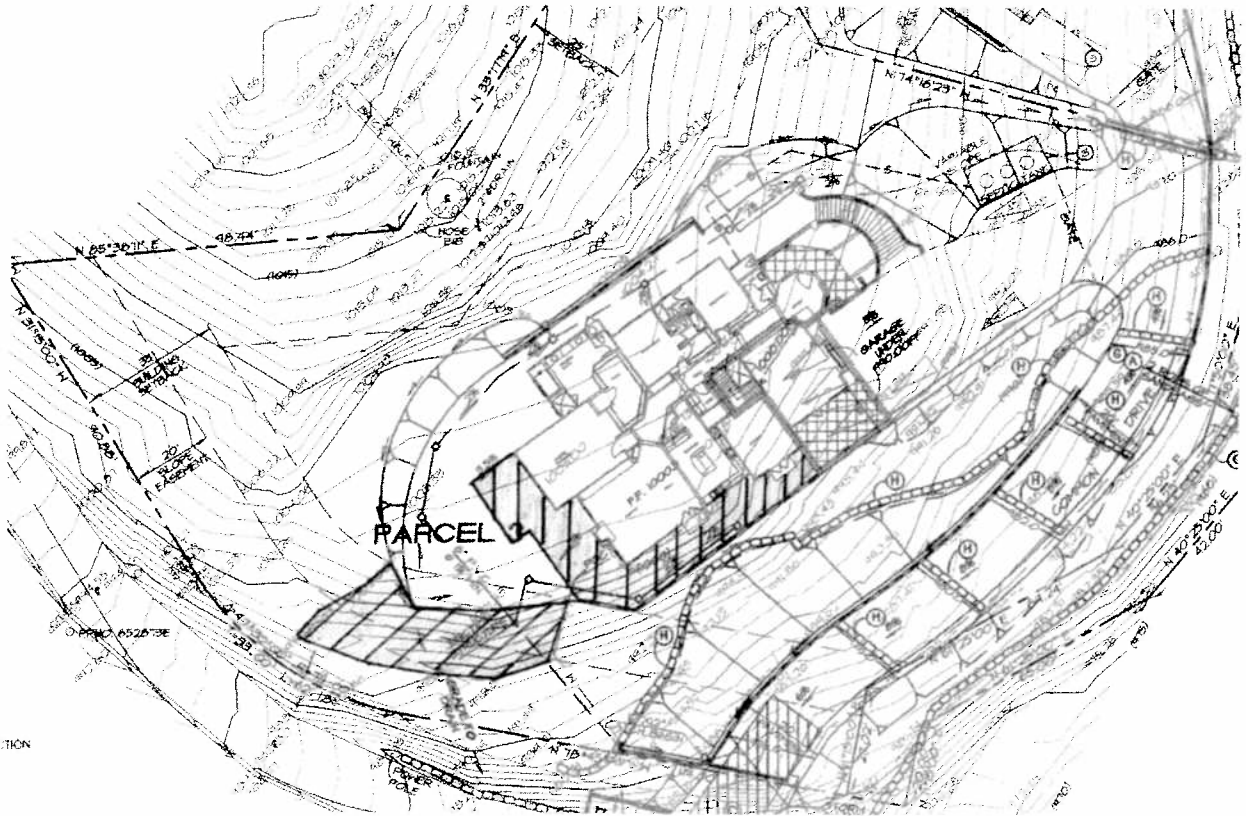
Grading:

Under the current development guidelines the gradable area allowed under the code without Planning Commission approval is 19,775 square feet. The gradable area approved on September 9, 2008 is 20,314 sq. ft. which is under the allowable at the time (See summary note below).

Approved Grading:	20,314 sq. ft. (23,487 sq. ft. allowable in 2004 approval)
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The additional grading completed on the property consists of flat usable area totaling 1,100 sq. ft. and a decorative patio area totaling 1,085 sq. ft. (**See exhibit on the following page**). The additional grading necessitates Planning Commission approval. In addition, because the grading

work is approximately 100 cubic yards of soil a grading plan along with a grading permit will be required. The limit for grading work without a grading plan and permit is 50 cubic yard.



Retaining Walls:

In connection with the grading work, retaining walls were constructed to create the additional flat usable area. The height of the wall complies with the City's requirement. What does not comply with the requirement is that staggered retaining walls are required to be separated by one and half times the height of the tallest staggered retaining wall. There is ample room to adjust the wall location to comply with this requirement. By making the necessary adjustments approximately 100 sq. ft. of additional grading is needed. This will bring the total grading to approximately 22,599 sq. ft., which is still within the Standard Modification limit of 31,640 sq. ft. by the Planning Commission.

Trellis and Decorative Patio Cover:

A Trellis permit was issued on July 17, 2008. Associated with the Trellis is a decorative patio cover below the trellis that was not noted on the Trellis permit plan. A patio cover does not require a permit, but the hardscape created by the patio requires a Standard Modification approval (**See summary table on the following page**).

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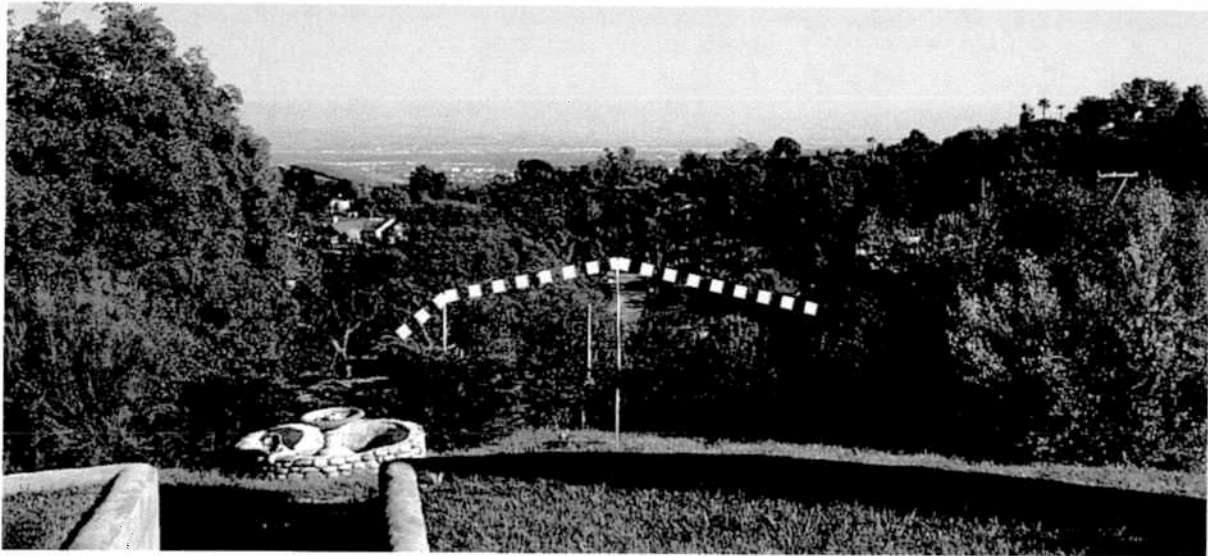
The City Engineer reviewed the additional patio area and visited the site on September 9, 2008 and deemed drainage impact to be negligible.

The property owner of Skyline Vista Drive believes that the trellis would negate the condition of Standard Modification Condition No. 2 approved by City Council on September 9, 2004, noted below as it's closely related to a roof type structure:

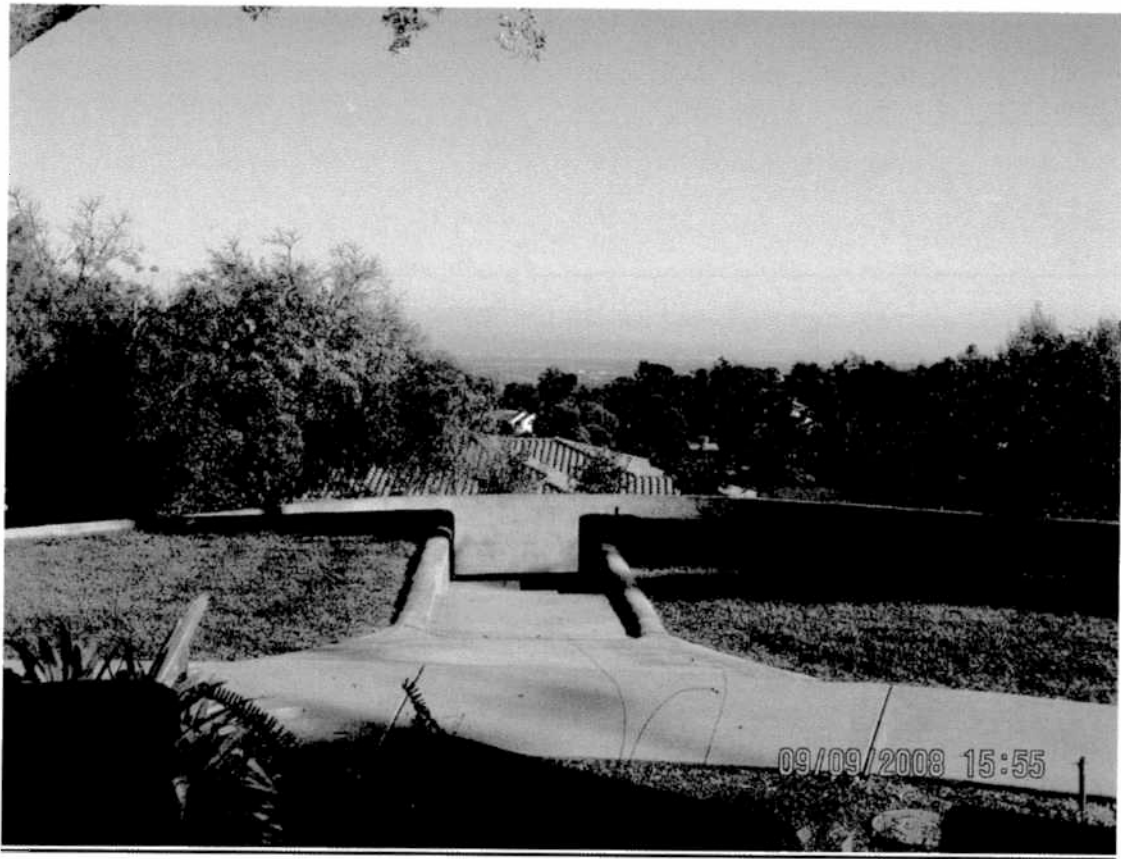
View impairment for that portion exceeding the base measures does not significantly impair the primary view from a property or properties identified as having a view pursuant to LHHMC Section 9404.4, Definition of a View Lot.

The project site is located on Sharpless Drive on a parcel which elevation is below the surrounding parcels. The highest point of the roof of the new structure is below the lowest floor level of the nearest residence located at 2021 Skyline Vista.

Staff believes the trellis to be different from a roof structure. The height is below the plate height of the roof and is not within area considered to impact a distant view. The trees on site will mature and screen the trellis. See the picture below prior to the house development and the pictures on the following page after the house development with the trellis.



Primary view shed of the residence at 2021 Skyline Vista before development of 2023 Sharpless Drive.



Primary view shed of the residence at 2021 Skyline Vista after development of 2023 Sharpless Drive



Conclusion/Findings for Standard Modification

Staff concludes that the proposed improvements by Mr. Collins although completed without City approval for several items are within the limits allowed by the Municipal Code subject to Conditions of Approval, and findings noted below:

Landscaping – Section 7.12.60

1. The requested landscaping modification will not result in a nuisance, in that the landscaping will be water and the new trees planted will be placed, conditioned and covenanted in a manner that will blend in with the natural environment. A total of thirty three (33) trees have been planted in place of the seven (7) trees removed. The trees are of sufficient number and size so that the neighborhood character, views and privacy are provided subject to the conditions of the approval of the project.
2. The requested modification does not result in any change in the Fuel Modification Zone requirements.

Hardscape and Grading – Section 7.17.50

1. The full development plan that requires the grading has been provided and approved, in that the grading is already completed and has been inspected by the City Engineer to his satisfaction, and that an as built grading plan will be submitted to the City Engineer for final review and approval of a grading permit.
2. The proposed grading, cuts, fills and retaining walls will minimize potential impacts on community and neighborhood character, natural topography and ridgelines. The proposed grading, cuts, fills and retaining walls conform the development to the site and mimic the natural landform, as grading is already completed and landscaping has been placed on the property to blend in with the existing grade.
3. The proposed grading, cuts, fills and retaining walls facilitate onsite water retention, do not substantially increase drainage onto roads, do not create nor increase erosion or flooding, and do not adversely impact or will improve the pre-existing natural storm water drainage patterns, as the City Engineer has already inspected the improvements and has determined the proposed grading and hardscape to not increase erosion or flooding, and will not adversely impact or will improve the pre-existing natural storm water drainage patterns.
4. The visual impact of the proposed grading, cuts, fills, and retaining walls will be mitigated by the submitted architectural and landscape plans, in that improvements have already been completed consisting of shrubs and trees to minimize visual impact to non-significant.

Standards Modification – 7.19.80

1. The requested modification will not significantly impair the neighbors' privacy or enjoyment of their properties, as the additional grading of 1,100 sq. ft. is for flat usable rear yard area and is already landscaped with lawn and shrubs, and the 1,350 sq. ft. of hardscape patio area will be screened by existing and the proposed landscaping on the property.
2. The requested modification will not significantly impair: a) a *primary view*, or b) a *distant view* from a public street or right of way, as the three crape myrtles and the one willow tree closest to the 2021 Skyline Vista Drive property will be conditioned to be moved 5-feet lower than the existing elevation; and that the new trees planted on the property beyond the front yard setback line shall be limited to a height of no more than 3-feet above the finished floor elevation (*1026' Elevation*) of the 2021 Skyline Vista Drive by covenant. With the conditions implemented the primary/distant view of adjacent properties would be insignificantly impacted.
3. The requested modification minimizes the adverse impacts on *protected views* as compared to other reasonable and practical alternatives, as the project is conditioned to relocate the three crape myrtles and the one willow tree closest to the 2021 Skyline Vista Drive and, as a condition of approval a covenant shall be recorded upon applicant's property to ensure that the new trees planted on the property beyond the front yard setback line shall be limited to a height of no more than 3-feet above the finished floor elevation (*1026' Elevation*) of 2021 Skyline Vista Drive.
4. The requested modification will blend into the natural setting and will not result in an appearance that is significantly altered from one of pastoral or natural features to one primarily of man-made features, as the grading for flat usable yard area has already been landscaped, the hardscape patio will be screened by the existing and proposed trees and shrubs, and the new planted trees will be placed, conditioned and covenanted in a manner that will blend in with the natural environment.
5. The strict adherence to the standards will not preserve or enhance community or neighborhood character in that the additional planting of trees will help further enhance the rural residential character of La Habra Heights.
6. Existing nonconformities will not be exacerbated by the requested modification and, to the extent practical, have been mitigated to conform to the Performance Standards of this Municipal Code, in that the modifications requested are within the modification scope permitted by the Municipal Code and that mitigation consisting of scrubs, lawn and trees have been incorporated to blend the improvements with the community character.
7. Conditions of approval will mitigate any adverse effects to the degree required to ensure conformance with the Performance Standards applicable to the requested Standards

Modification, in that trees will be relocated and newly planted trees will be placed, conditioned and covenanted in a manner that will blend in with the natural environment

Environmental Assessment

Categorically exempt pursuant to Article 19 Section 15301 of the CEQA guidelines in that the proposed project is a negligible expansion of an existing single-family home.

Recommendation

The Planning Commission adopts Resolution 08-11 approving Standards Modification 2008-17 and Tree Removal 2008-01 subject to the attached findings and conditions of approval.

Attachments:

- Resolution 08-11
- Resolution 04-36 approved by City Council 9-9-04
- Objection e-mail dated 9-17-08 from Mariellen Ross of 2021 Skyline Vista Drive Plans