

**CITY OF LA CAÑADA FLINTRIDGE**

**RESOLUTION NO. 07-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DENYING SETBACK MODIFICATION 06-73 FOR AN OVER-HEIGHT DECORATIVE WALL WITHIN THE REQUIRED NORTH SIDE YARD SETBACK AT 1447 EL VAGO STREET AS REQUESTED BY RUSSELL SCHWARTZ AND DANA CIOFFI.**

WHEREAS, a request by Russell Schwartz and Dana Cioffi has been received for a Setback Modification to allow an over-height wall within the required north side yard setback, said request attached hereto and incorporated herein by reference; and,

WHEREAS, the Planning Commission, on March 27, 2007, after publication and posting of notice in the prescribed manner, held a public hearing on the Setback Modification request; and voted to deny the request; and

WHEREAS, a denial resolution was prepared and formally adopted by the Planning Commission on April 10, 2007; and

WHEREAS, on May 1, 2007, the property owners filed an appeal of the Planning Commission's determination; and

WHEREAS, the City Council, on June 18, 2007 held a public hearing on the Setback Modification request and voted to deny the appeal thereby upholding the Planning Commission's determination; and

WHEREAS, upon consideration of the environmental questionnaire, related information and public testimony, the City Council hereby determines that the project would have no potential for adverse effect on wildlife resources, and is therefore exempt from Section 711.4 of the California Fish and Game Code; and

WHEREAS, in compliance with the California Environmental Quality Act, the City Council reviewed the Initial Study Questionnaire and related materials and hereby determines that the project will have no significant impact on the environment, which is Categorically Exempt from the provisions of the California Environmental Quality Act, under Section 2.5(e)(1)(minor variances) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

WHEREAS, the City Council has reviewed the facts contained in the agenda statement dated June 18, 2007 and staff report dated March 27, 2007 regarding the application for a Modification at 1447 El Vago Street and heard and considered the testimony of the applicant and the public; and

NOW, THEREFORE, the City Council hereby finds and determines as follows:

Section 1.

*Setback Modification:*

1. The proposed project is not compatible with existing development on the site and is not consistent with other development in the immediate vicinity because with its height and span, the wall is of unprecedented scale.
2. The Modification would be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone because the project would introduce another non-conforming structure on a property already developed with several structures that present setback encroachments and excess floor area.
3. Strict application of the R-1 zoning standards does not result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards.

Section 2.

Based on the above findings, the City Council of the City of La Cañada Flintridge hereby **DENIES** the Setback Modification (SB) for an over-height wall at 1447 El Vago Street.

**PASSED, APPROVED and ADOPTED** this 16<sup>th</sup> day of July, 2007.

  
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 David A. Spence, Mayor

ATTEST:

  
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 Caroline deLlamas, Interim City Clerk

State of California                    )  
 County of Los Angeles            )        ss.  
 City of La Cañada Flintridge    )

I, Caroline deLlamas, Interim City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-17 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 16<sup>th</sup> day of July, 2007, by the following vote:

AYES:                    COUNCILMEMBERS: Brown, Olhasso, Voss, Del Guercio and Spence.  
 NOES:                   COUNCILMEMBERS: None.  
 ABSENT:                COUNCILMEMBERS: None.  
 ABSTAIN:               COUNCILMEMBERS: None.

Dated: July 17, 2007

  
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 Caroline deLlamas, Interim City Clerk