

**RESOLUTION NO. 07-29**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING AN APPEAL OF A PLANNING COMMISSION CONDON OF  
APPROVAL FOR CONDITIONAL USE PERMIT 419  
AND VARIANCE 07-09 FOR INSTALLATION OF A NEW  
HYDROPNEUMATIC TANK AND EQUIPMENT ROOM  
AT 715 WENDOVER ROAD  
FOR VALLEY WATER COMPANY**

WHEREAS, a request by the Valley Water Company, has been received for a Conditional Use Permit to allow installation of a new hydropneumatic tank to replace an existing tower reservoir, a new booster pumping plant to replace the tower booster pumping plant and a new masonry block equipment building. The proposal also includes a request a Variance for an encroachment into the front yard setback for the proposed tank, said requests attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on October 9, 2007, held a public hearing and conducted a review of the request; and

WHEREAS, in compliance with the California Environmental Quality Act, the Planning Commission reviewed the Initial Study Questionnaire and related materials and hereby determines that no significant impact on the environment will result from the project, which is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA), under CEQA as an addition under Sections 2.5(e)(1) and 2.5(a)(4)(i) of the City of La Canada Flintridge Guidelines for the Implementation of CEQA, Quality Act, under CEQA Section 15301(e)(1), as additions to existing structures less than 2,500 square feet in; and

WHEREAS, upon consideration of submitted information and public testimony, the Planning Commission 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, the Planning Commission finds that all the facts contained in the staff report dated October 9, 2007, regarding the application for a Conditional Use Permit and Variance at 715 Wendover Road are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of facts; and

WHEREAS, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following

## Conditional Use Permit

1. The proposed use will not be in substantial conflict with the adopted general plan for the area. The General Plan identifies this site as Public/Semi-Public on the Land Use Element Map. The proposed tank and equipment room are the type of use identified as appropriate for the Public/Semi-Public land use.
2. The requested use of the location proposed will not:
  - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - c. Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare.

The proposed use of the site will not change. A new hydropneumatic tank will replace an existing tower reservoir and a booster pumping plant will replace the existing pumping plant. The proposal will not be materially detrimental to health, safety or welfare in the future. The proposal will add to the quality of fire protection for the area. The project makes no significant amounts of noise as the equipment is located within a block building, requires no on-site personnel and has no other effects on surrounding properties. The proposal is not visible from the street as it is screened from public view by existing fencing and vegetation.

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area. The existing site contains one acre which is above the ½ acre requirement of the Zoning Code. The applicant is upgrading the existing use for safety purposes by providing a new hydropneumatic tank and equipment room. The proposed additions require no increase in parking and the facility will remain unmanned except during maintenance. Existing landscaping and fencing would be maintained providing screening of the proposal from the street and staff is recommending as a Condition of Approval that additional landscaping and new fencing be provided.
4. The proposed site is adequately served:
  - a. by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - b. other public and private service facilities as are required.

Access to the site is provided from Wendover Drive and is adjacent to Saint Augustine Drive. Since the site is normally unmanned and will continue to be unmanned, there will be no traffic impacts.

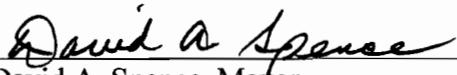
## Variance

- A. Because of special circumstances or exceptional characteristics applicable to the property, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The project site contains two existing reservoirs used to service residents of the City of La Cañada Flintridge. The applicant proposes to replace existing equipment in order to provide structurally safe facilities and to provide adequate water flow (fire protection). The existing reservoirs are currently located in the front 25' setback and the proposed tank will be located between them. It is not feasible to relocate the two existing reservoirs due to their size and the topography of the site. The subject property is zoned PS while the surrounding properties are zoned single family residential and include some properties in the City of Glendale.
- B. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The 2 existing on-site reservoirs have legal non-conforming front setbacks. The proposed tank will be located between these two existing reservoirs and will upgrade the existing facilities. The project adds to the health and safety of the area by upgrading the equipment and providing more efficient water flow for the area. The project site is zoned PS and is surrounded by single family residential zoned properties.
- C. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards. Increasing the front setback for the proposed tank is unnecessary and a significant benefit would not result if the requirement was strictly enforced. The two existing tanks are in the front setback and the proposed tank is located between them. The proposed tank is not visible from the street as it is screened from visibility by fencing and vegetation. Given the location of the two existing reservoirs and the on-site change in grade, it would be impractical to locate the tank elsewhere on-site.
- D. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity. The proposed project adds to the safety of the neighborhood by providing new equipment for an existing water facility increasing fire flow and fire protection. The proposed tank is not visible from the street as it is located behind existing fencing and mature trees. Overall, the project will not have a significant impact on the neighborhood as it is screened and located on a one acre site currently containing reservoirs.
- E. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood. The proposed tank is sensitively integrated into the site and is of scale consistent with the neighborhood. Eliminating the proposed encroachment would not yield a significant visual

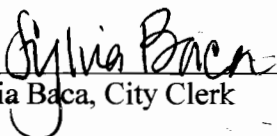
effect given the size of the tank and the existing screening provided. The proposed tank is located between two existing reservoirs which encroach into the front setback. The proposed tank would not be visible from the street and, therefore, would not impact the views or aesthetics of the neighborhood.

NOW, THEREFORE, be it resolved that the City Council **APPROVES** the appeal of the Condition of Approval for a Conditional Use Permit and Variance request at 715 Wendover Road, with said approval and recommendation subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of December, 2007.

  
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David A. Spence, Mayor

ATTEST:

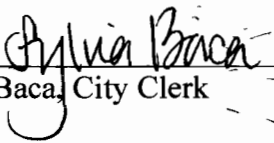
  
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Sylvia Baca, City Clerk

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

I, Sylvia Baca, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-29 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 3<sup>rd</sup> day of December 2007, by the following vote:

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

Dated: December 10, 2007

  
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Sylvia Baca, City Clerk

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT 419 AND VARIANCE 07-09**  
**715 Wendover Road**

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted, labeled Conditional Use Permit 419 and Variance 07-09.
3. Prior to occupancy, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgement of the conditions stated herein on forms provided by the Planning Department.
4. All site work and other facilities or features shall be located and maintained substantially as shown on the plan labeled Conditional Use Permit 419 and Variance 07-09, except as otherwise stated in these conditions.
5. Unless the conditionally permitted use is commenced not later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will automatically become null and void. However, if no revisions to the Zoning Code have been implemented since the project approval that would result in zoning nonconformity, the Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents,

or employees to attack, set aside, void, or annul approval of this Conditional Use Permit. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. The applicant shall provide a haul route plan which shall be approved by the Director of Public Works prior to issuance of building permits.
12. The applicant shall provide additional landscaping and new fencing adjacent to the public right of way along Wendover Road. These plans showing the landscaping shall be incorporated into the plans submitted by the applicant for plan check and shall be reviewed and approved by the Director of Community Development prior to the issuance of building permits.
13. The site of the existing water tower at 712 Wendover Road shall be maintained with annual tree trimming and no branches shall overhang onto the neighboring property. .
14. The existing water tower at 712 Wendover Road shall be maintained and painted and be structurally sound. The tower shall be removed within six (6) months if and when it is declared structurally unsound.
15. The existing above ground conduit at 712 Wendover Road shall be reviewed by the City in order to determine if it complies with City codes.

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