

RESOLUTION NO. 08-25

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LA CAÑADA FLINTRIDGE
DENYING SETBACK MODIFICATION 07-18
TO LEGALIZE AN EXISTING OVER-HEIGHT FENCE AND WALL WITHIN THE
REQUIRED FRONT-YARD SETBACK
AT 5021 CASTLE ROAD
AS REQUESTED BY CHARLOTTE BYRON AND AYAD ALANIZI**

WHEREAS, a request by Charlotte Byron and Ayad Alanizi has been received for an over-height fence and wall within the required front-yard setback, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on June 24, 2008, held a public hearing and conducted a review of the request; voted to deny the request; and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Class 2.5 (c)(5)(accessory structures) and 2.5(e)(1) (minor variances) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, a denial resolution was prepared and formally adopted by the Planning Commission on July 8, 2008; and

WHEREAS, the applicant appealed the denial by the Planning Commission; and

WHEREAS, the City Council heard the appeal at a public hearing on October 20, 2008, has reviewed the facts contained in the staff report dated October 20, 2008, regarding the application for Setback Modification at 5021 Castle Road, and heard and considered the testimony of the applicant and the public; and

WHEREAS, the City Council, on October 20, 2008, closed the public hearing and conducted a review of the request; voted to deny the request; and

WHEREAS, this denial resolution was prepared for formal adoption by the City Council on November 3, 2008; and

WHEREAS, based on the evidence presented by the application materials, staff report, and public testimony, the City Council finds the following:

Section 1:

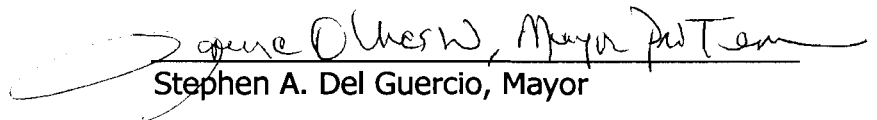
Modification:

1. The proposed project is not consistent with other sites in the vicinity because the surrounding neighborhood and is substantially comprised of open front yards. Most lots of this size with the R-1-15,000 zoning designation are not enclosed with a 6' high fence.
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-1-15,000 zone because the surrounding properties zoned R-1-15,000 and that are less than 20,000 sq. ft. lots do not enjoy front-yard fences over 42" in height. The City has in the past considered amending the zoning regulations to allow 6' high fencing in the front-yard setback for properties zoned R-1-15,000, and the City has determined not to allow fences over 42" in height in that zone. Over-height fences that do exist in the neighborhood are non-conforming to current development standards.
3. Strict application of the R-1 zoning regulations does not result in practical difficulties and unnecessary hardships inconsistent with the purpose of the R-1 zone regulations and standards because there is nothing unique about the subject property that creates a compelling need to have a 6' high fence in the front-yard setback.
5. The proposed project does not preserve the existing scale and character of the surrounding neighborhood, and aesthetic and other property values in the neighborhood because it is inconsistent with the open character of the neighborhood.


Section 2:

NOW, THEREFORE, be it resolved that the City Council denies the Setback Modification request for an over-height fence and walls within the required front-yard setback at 5021 Castle Road.

PASSED, APPROVED AND ADOPTED this 3rd day of November, 2008.


Stephen A. Del Guercio, Mayor

ATTEST:

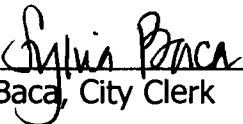

Sylvia Baca, City Clerk

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. 08-25 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 3rd day of November 2008, by the following vote:

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

Dated: November 4, 2008



Sylvia Baca, City Clerk