

CITY OF LA CAÑADA FLINTRIDGE

MEMORANDUM January 26, 2016 Meeting

To: Planning Commission
From: Roger Cantrell, Consulting Architect/Planner
Subject: Lot Line Adjustment 15-01 / Variance 15-08
Cree Trust
951 Vista del Valle & 5223 Angeles Crest Highway

BACKGROUND:

The project was continued at its November 24, 2015 hearing to allow resolution of the following concerns:

- a. The indicated access easement conflicted with existing deodars and planter area.
- b. A misleading symbol seemed to erroneously indicate a lot tie.
- c. The public notice did not include carport and pergola setback encroachments as part of the requested Variance.

UPDATE:

Items "a" and "b" above have been resolved on the revised plan and easement legal description. The realigned easement coincides with the narrowest passage, between the walls at the south end of the driveway, where it provides the 10-foot functional width required by code. Renoticing of the project included the setback encroachments, addressing item "c". The revised plan indicates a pergola encroachment into the rear setback, remedy of which is easily achievable and recommended in conjunction with approval.

The analysis and findings contained in the attached staff report from the November 24th hearing remain applicable and are not significantly affected by the above corrections.

RECOMMENDATION:

Based on the analysis and findings within the previous staff report and clarified plan information, staff recommends that the Lot Line Adjustment and Variance **BE APPROVED**, subject to conditions listed in Exhibit "A", attached to the draft resolution.

*c: Charles Cree / 3841 Zanibar Drive / Palm Desert, CA 92211
Randy Smith / 2935 Henrietta Ave. / La Crescenta, CA 91214
wes@seastrom.net*

*Att: 11/24/2015 PC staff report (minutes in rough draft form and not distributed)
Access easement legal description*

CITY OF **LA CAÑADA FLINTRIDGE**

RESOLUTION NO. 16-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING LOT LINE ADJUSTMENT 15-01
AND VARIANCE 15-08
AT 951 VISTA DEL VALLE AND
5223 ANGELES CREST HIGHWAY
AS REQUESTED BY
THE VIRGINIA S. CREE TRUST**

WHEREAS, a request by Charles Cree on behalf of the Virginia S. Cree Trust has been received for Lot Line Adjustment and Variance approval, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on November 24, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Lot Line Adjustment and Variance requests and continued the project for additional information; and

WHEREAS, the Planning Commission, on January 26, 2016, after publication and posting of notice in the prescribed manner, held a continued public hearing on the Lot Line Adjustment and Variance requests; 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(e)(1) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated November 24, 2015 and staff memo dated January 26, 2016 regarding the application for Lot Line Adjustment and Variance approvals at 951 Vista del Valle and 5223 Angeles Crest Highway, and heard and considered the testimony of the applicant and the public; and

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

Section 1.

Lot Line Adjustment:

1. The proposed Lot Line Adjustment complies with all requirements of the General Plan.
2. The proposed Lot Line Adjustment conforms to standards of the Zoning Ordinance.
3. The proposed Lot Line Adjustment will not detrimentally affect floodwater drainage control; nor require improvements to public roads, sanitary disposal facilities, water supply facilities; nor require other environmental protection measures.

Variance

1. Because of special circumstances or exceptional characteristics applicable to the subject property, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, because the special circumstance is presented by the existing legal nonconformities for lot size, carport and pergola setbacks. These situations are not subject to elimination by the relocation of an interior lot line, but the project does move the lot area closer to equality, decreasing the extent of the worse nonconformity. With regard to the setbacks, it attains a better relationship between the subject carport and its parcel while a minor physical alteration would achieve a compliant pergola.
2. 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, because any other property involving legal nonconformities would have the same limitations inherent to maintaining combined lot area and dealing only with redistribution, whether improving the overall situation as does this project, or increasing the worse of the nonconformities and thus making findings more difficult.
3. 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, because strict application of the code is not even possible with regard to lot area, which is based on a fixed total for both parcels. With regard to the carport, strict application of the code would require moving or reconstructing the structure, which would disrupt the yard, pavement, and topography to no perceivable benefit on this secluded parcel. The resulting pergola encroachment is negligible and would have no on or offsite impact, but remedy is easily achievable and recommended as such.

4. 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, because there is no physical change to the longstanding property improvements, and the difference between two tied lots and one integrated lot is nothing that has a physical effect on the surroundings.
5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood, because no physical change perceivable from offsite is proposed or accommodated.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Lot Line Adjustment and Variance at 951 Vista Del Valle and 5223 Angeles Crest Highway, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 26th day of January, 2016.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
LOT LINE ADJUSTMENT 15-01
VARIANCE 15-08

951 Vista Del Valle / 5223 Angeles Crest Hwy

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 site plan submitted, labeled Lot Line Adjustment 15-01 and Variance 15-08.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the site plan labeled Lot Line Adjustment 15-01 and Variance 15-08, Sheet A-1, except as otherwise stated in these conditions.
5. This approval will expire unless the Lot Line Adjustment is recorded within 12 months after approval is granted. 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 project if the approved project and applicable zoning standards are unchanged.
7. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
8. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
9. 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 agrees 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.

10. 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 Lot Line Adjustment and/or Variance. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
11. 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 Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
12. Prior to recordation of the Lot Line Adjustment, the address of Parcel 2 shall be changed to Vista Del Valle.
13. The pergola at the rear of the residence on Parcel 1 shall be adjusted to provide a compliant 15-foot rear yard setback.

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