



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 30, 2015

Peter Gonzalez
619 S. Fremont Ave., Suite C
Alhambra, CA 91803

**REGARDING: PROJECT NO. R2014-01923-(5)
VARIANCE NO. 201400008
(NO ADDRESS) LA CRESCENTA (APN #5868-020-012)**

The Regional Planning Commission, by its action of **September 30, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **October 14, 2015**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement; Hearing Testifiers
(Speaker Cards)

MM:SM

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
VARIANCE NO. 201400008**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Variance No. 201400008 ("Variance") on September 30, 2015.
2. The permittee, Peter Gonzalez ("permittee"), requests a Variance for the construction of a single-family residence on a legal undersized 4,670 sq. ft. vacant lot ("Project") with no assigned address located approximately 225 ft. north of the intersection of Canyonside Rd. & Manzanita St. in the unincorporated community of La Crescenta ("Project Site") in the in the R-1-7500 (Single-family Residence – 7,500 sq. ft. Min Req Area) zone pursuant to Los Angeles County Code ("County Code") section 22.56.260. The Variance is required as a condition of Certificate of Compliance No. 201400060, issued for the subject property on July 14, 2014, which states that all necessary zoning permits, such as a Variance, shall be acquired prior to any construction or grading on the property to adequately mitigate any possible negative effects of developing on an undersized lot.
3. The Project Site is 0.1 acres (4,670 sq. ft.) in size and consists of one legal lot. The Project Site is irregular in shape with steep topography and is currently a vacant, undeveloped lot.
4. The Project Site is located in the La Crescenta Zoned District and is currently zoned R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area).
5. The Project Site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area)
 - South: R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area)
 - East: R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area)
 - West: R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area)
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family Residences, Open Space
 - South: Single-family Residences
 - East: Single-family Residences, Open Space
 - West: Single-family Residences
8. The Project Site was zoned R-1 in 1932 and rezoned to R-1-7500 in 1969. The subject unimproved property is shown as Los Angeles County Assessor Parcel No. 5868-020-012, and is located between Canyonside Road, and Maurice Avenue, in La Crescenta, CA.

The subject property consists of two portions of land:

- 1) A portion of Lot 11, Tract 5784, Map Book 100, Pages 18-20, created as a remainder by Grant Deed No. 62, recorded December 30, 1963.

- 2) A portion of Lot 10, Tract No. 5784, Map Book 100, Pages 18-20, created by Grant Deed No. 63, recorded December 30, 1963.

The owner in 1963 created four parcels by the above-cited grant deeds. At that time a division of four or less parcels was exempt from the California Subdivision Map Act (Section 11535-11540 of The Business & Professions Code) and the Los Angeles County Subdivision Ordinances (Ordinances 4478 & 5584). Therefore, this subdivision action and the creation of the subject property violated no subdivision laws in this respect.

Conditional Certificate of Compliance No. 201400060 was issued July 14, 2014 (Document No. 724087, dated July 9, 2014, recorded July 14, 2014) on the subject property due to the fact that the subject property (consisting of 4,670 square feet) was not in compliance with the minimum 5,000 square feet lot area zoning requirement (R-1-5000) when the lot was created in 1963. If an owner of real property requests a Certificate of Compliance for legal recognition of a lot, the local agency is required to issue either a Conditional or Unconditional Certificate of Compliance. (Section 66499.35 (a & b), Division 2, of Title 7, of the Government Code, California Subdivision Map Act). State law does not allow local jurisdictions to deny a Certificate of Compliance request outright. The Certificate of Compliance issued for the subject lot contains a condition that prior to any construction or grading on the subject property, the property owner shall acquire an approved Director's Review, Lot Line Adjustment, Variance, or other Zoning Permits deemed by the Land Division Coordinating Center of the Department of Regional Planning to adequately mitigate any possible negative effects of developing on an undersized lot. The Project's Variance application is submitted in compliance with Conditional Certificate of Compliance No. 201400060.

Plot Plan No. 201400707 is concurrently being processed with the Variance application for the construction of a new single-family residence with detached garage.

9. The site plan for the Project depicts a triangular, L-shaped parcel with a lot area of 4,670 sq. ft. The lot contains two street frontages of approximate equal lengths of about 20 feet along Canyonside Road and Maurice Avenue. The property abuts three other neighboring parcels, two of which contain single-family residences on the properties to the northeast and to the west. The proposed 2-story single-family residence is triangular in shape and will be located near the southwestern-most corner of the property. The residence proposes 1,789.5 sq. ft. of livable area and a 935.5 sq. ft. roof deck. There will be minimal side yard setbacks of 5 feet on three sides of the proposed residence, a front yard setback of 23 feet, and a rear yard setback of 42 feet. A detached 2-car garage will be located approximately 42 ft. from the property line along Canyonside Road and will be accessed by a new paved driveway off of Canyonside Road. An existing paved driveway exists off of Maurice Avenue. The front door of the proposed residence will be oriented to face towards Maurice Avenue. The maximum height of the house will be 34 ft. and 4 in. above natural grade.
10. The Project Site is accessible via Maurice Avenue to the north and Canyonside Road to the east. Primary access to the Project Site will be via an existing driveway on Maurice Avenue. Secondary access to the Project Site will be via a new driveway with a new garage on Canyonside Road.
11. Prior to the Commission's public hearing on the Project, a duly noticed public hearing was held on July 7, 2015, before the Hearing Officer. Hearing Officer Susie Tae was in attendance for the public hearing. The applicant's representative, Peter Gonzalez, was available to answer questions from the Hearing Officer. A local resident, James Gorton,

testified in opposition to the project and submitted a letter questioning the legality of the lot, stating that the project frustrates existing zoning requirements, and stating that the applicant has not met the Burden of Proof for a Variance. Ms. Tae continued the public hearing to July 21, 2015, to allow staff time to review and respond to Mr. Gorton's concerns.

A duly noticed public hearing was held on July 21, 2015, before the Hearing Officer. Hearing Officer Susie Tae was in attendance for the public hearing. Staff presented responses to correspondence submitted by a local resident, Mr. James Gorton, and by other neighbors. The applicant's representative, Peter Gonzalez, was available to answer questions from the Hearing Officer. Mr. Gorton was in attendance for the public hearing and presented testimony opposed to the project. There being no further testimony, Ms. Tae closed the public hearing and approved the applicant's request with findings and conditions for approval.

On August 3, 2015, an appeal form was submitted to the Regional Planning Commission to appeal the Hearing Officer's approval of the Variance.

12. The Los Angeles County Department of Public Works has reviewed the project and recommends approval of the project.

The Los Angeles County Departments of Fire and Public Health have reviewed the project application, description, and project scope and determined that no review is warranted from their Departments at this time. The Departments of Fire and Public Health will review the project when the applicant applies for building permits for the site.

13. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project consists of a variance to allow the construction of one single-family residence on a lot that is zoned for single-family residential use.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Prior to the Commission's public hearing, the Department of Regional Planning ("Regional Planning") staff received a letter from the Crescenta Valley Town Council, dated June 23, 2015, recommending approval of the proposed variance. Staff also received seventeen letters and a petition containing fourteen signatures opposed to the project and one letter in support of the project prior to the Hearing Officer's meeting and an additional nine letters opposing the project prior to the Commission's public hearing. The letters opposed to the project are concerned about the project's lot and proposed house square footage, increased vehicular traffic and parking issues caused by a new single-family home, construction traffic during the proposed home's construction, fire safety, emergency access, and loss of a vacant lot.
16. A duly noticed public hearing was held on September 30, 2015, before the Regional Planning Commission. Commissioners Louie, Pincetl, Pedersen, and Modugno were present. The appellant, Mr. James Gorton, was present to offer testimony in opposition to the Variance request and to answer questions from the Commission. Mr. Gorton raised a

number of issues of concern including Staff's definition of the property's lot line locations, the appearance of the proposed garage and driveway along the Canyonside Rd. street frontage, and the alleged common ownership of the subject lot and the lot immediately to the south of the subject lot. The applicant's representative, Mr. Peter Gonzalez, was present to offer testimony in support of the Project and answered questions from the Commission. A resident of the neighborhood, Mr. Daniel Moore, was present to offer testimony in opposition to the project and was concerned about the project's proposed house size in relation to the size of the lot and also wanted to remind the Commission of the large number of residents opposed to the project. Discussion followed amongst the Commissioners regarding the existence of other undersized lots in the neighborhood with homes on them, the fact that any possible future subdivision activity in the neighborhood would have to abide to the current 7,500 sq. ft. minimum lot size, and the process of how the lot was created. There being no further testimony, the Commission closed the public hearing, denied the appeal and approved Variance No. 201400008.

17. The Commission finds that the project site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan. This land use designation is intended for areas suitable for single-family detached housing units. The proposed single-family residence is therefore consistent with the permitted uses of the underlying land use category.
18. The Commission finds that Sections 22.20.105, 22.20.110, and 22.20.120 of the County Code list development standards, height limits, and yard requirements for single-family residences in the R-1 (Single-family Residence) zone. The project abides to the development standards, yard requirements, setbacks, and height limits as prescribed under Code.

According to Section 22.20.120, premises in the R-1 zone shall have front yard setbacks of at least 20 feet, side yard setbacks of at least 5 feet, and rear yard setbacks of at least 15 feet. Due to the lot's irregular shape, yard and lot line locations for the property are not clearly defined under the lot line definitions prescribed under Section 22.08.120. However, Section 22.48.040 gives staff the discretion to establish the location of yards and lot lines for irregularly shaped lots. Staff has determined the "front" lot line to be the lot line adjoining Maurice Avenue where the proposed residence's new address will be off of and where the residence's front door will be facing. The "rear" lot line is determined to be the lot line adjoining Canyonside Road, being the most opposite and distant lot line from the "front" lot line. The remaining three lot lines are considered to be the "side" lot lines. The project is proposing minimal setbacks of 23 feet from the side of the proposed residence facing Maurice Ave. to the "front" lot line along Maurice Ave., 42 feet from the side of the proposed garage facing Canyonside Rd. to the "rear" lot line along Canyonside Rd., and 5 feet on the three sides of the proposed residence facing the "side" lot lines. Based on these lot line locations, staff has determined that the proposed residence would not encroach upon the required front, rear, and side yard setbacks of the property.

The proposed garage would be allowed to be placed within the required side yard setbacks because the garage meets lot placement (75 foot distance requirement from the front lot line) and rear yard coverage requirements as prescribed under Section 22.48.140.B.

The proposed residence's height of 34 feet, 4 inches above natural grade is under the maximum allowed height of 35 feet prescribed under Section 22.20.110.

Pursuant to Section 22.44.139 of the County Code, establishments in the R-1 zone in the La Crescenta - Montrose Community Standards District (CSD) are not subject to any zone-specific development standards. The project site is also not subject to any area-specific standards as prescribed in the La Crescenta – Montrose CSD.

19. The Commission finds that the lot was created as a lawfully subdivided, undersized parcel in 1963. The lot's irregular shape and yard configuration is unique to the neighborhood in that it is a triangular, L-shaped parcel containing two street frontages and not a conventional rectangular-shaped parcel with only one street frontage. The strict application of the provisions set forth in the zoning ordinance would create a hardship because the zoning ordinance requires lot sizes with twice the lot area of the existing lot. Requiring 7,500 sq. ft. minimum lot size could cause mansionization of the lot if combined with an adjoining lot which would adversely affect the existing small lot and neighboring properties.
20. The Commission finds that the variance is necessary as a condition of a Certificate of Compliance issued for the property on July 14, 2014. The Certificate of Compliance requires a variance approval prior to any grading or construction on the property. The variance grants the property owner the right to develop the property with uses that are only allowed in the R-1 zone, in conformance with the surrounding neighborhood, and will not adversely affect the use and enjoyment possessed by other properties. Without the granting of a variance, a hardship would be created where the property owner will be unable to receive a "reasonable rate of return."
21. The Commission finds that the granting of the variance would not permit a development that is not allowed in the R-1 zone under County Code. The variance will also not grant a development which would violate existing development standards, height limits, yard requirements, and parking for single-family residences in the R-1 zone and would not be detrimental to the prevailing character of the neighborhood.
22. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the La Crescenta community. On May 11, 2015, a total of 148 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the La Crescenta Zoned District and to any additional interested parties.
23. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not

generally applicable to other properties in the same vicinity and under identical zoning classification.

- C. Such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.
- D. The granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
- 2. Approves Variance No. 201400008, subject to the attached conditions.

ACTION DATE: September 30, 2015

VOTE: 3:1:0:0

Concurring: Louie, Pincetl, Pedersen

Dissenting: Modugno

Abstaining: 0

Absent: 0

MM:SM
9/30/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-01923-(5)
VARIANCE NO. 201400008**

PROJECT DESCRIPTION

This Variance is in compliance with Certificate of Compliance No. 201400060 and grants the construction of a new single-family residence on a legal undersized lot subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
10. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
11. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
12. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
13. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such

occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

15. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **October 21, 2015**.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.