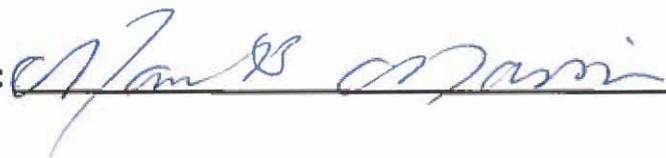


# Regional Planning Commission Transmittal Checklist

Hearing Date 9/30/15
Agenda Item No. 6

Project Number: R2014-01923-(5)  
Case(s): Variance No.201400008  
Planner: Steve Mar

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Approval Correspondence from Public Works, Fire, and Public Health
- Certificate of Compliance No. 201400060
- Crescenta Valley Town Council Correspondence – June 23, 2015
- Public Comment Correspondence and Petition
- Memo to the Hearing Officer w/Comment Letter – July 16, 2015
- Regional Planning Commission Appeal Form
- Appeal Public Comment Correspondence

Reviewed By: 



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**PROJECT NUMBER**  
 R2014-01923-(5)

**HEARING DATE**  
 September 30, 2015

**REQUESTED ENTITLEMENTS**  
 Variance No. 201400008

## PROJECT SUMMARY

**OWNER / APPLICANT**

Scott Anderson / SC Planners Inc.

**MAP/EXHIBIT DATE**

6-17-14

**PROJECT OVERVIEW**

The applicant is requesting a Variance for the construction of a new single-family residence on a legal undersized 4,670 sq. ft. lot in the R-1-7500 (Single-family Residence – 7,500 sq. ft. Min Req Area) zone. The Variance is required as a condition of Certificate of Compliance No. 201400060, approved July 2014, which states that all necessary zoning permits, such as a variance, shall be acquired prior to any construction or grading on the property. The 2-story, 2,785 sq. ft. single-family residence (1,789.5 sq. ft. living space) includes an 800 sq. ft. roof deck, a 480 sq. ft. detached 2-car garage, a new driveway, and landscaping. This case was approved by the Hearing Officer on July 21, 2015.

**LOCATION**

(No address) Vacant lot on Canyonside Rd., 225 ft. north of Canyonside Rd. & Manzanita St., La Crescenta

**ACCESS**

via Canyonside Rd and Maurice Ave.

**ASSESSORS PARCEL NUMBER(S)**

5868-020-012

**SITE AREA**

0.1 Acres

**GENERAL PLAN / LOCAL PLAN**

Los Angeles County General Plan

**ZONED DISTRICT**

La Crescenta ZD

**LAND USE DESIGNATION**

1 – Low Density Residential (1 to 6 du/ac)

**ZONE**

R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area)

**PROPOSED UNITS**

1

**MAX DENSITY/UNITS**

6 du/ac

**COMMUNITY STANDARDS DISTRICT**

La Crescenta – Montrose CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.290 (Variance Burden of Proof Requirements)
  - 22.44.139 (La Crescenta – Montrose CSD requirements)
  - 22.20.105 (R-1 Zone Single-family Residences Development Standards)
  - 22.20.110 (R-1 Zone Height Limits)
  - 22.20.120 (R-1 Zone Yard Requirements)

**CASE PLANNER:**

Steve Mar

**PHONE NUMBER:**

(213) 974-6435

**E-MAIL ADDRESS:**

smar@planning.lacounty.gov



### **ENTITLEMENTS REQUESTED**

- The applicant is requesting a variance pursuant to Chapter 22.56, Part 2 of Title 22 of the Los Angeles County ("County") Zoning Code ("Zoning Code") for the construction of a single-family residence on a legal undersized lot in the R-1-7500 (Single-family Residence – 7,500 sq. ft. Min Req Area) Zone.

### **PROJECT DESCRIPTION**

The applicant is requesting a Variance for the construction of a new single-family residence with on a legal undersized 4,670 sq. ft. lot in the R-1-7500 (Single-family Residence – 7,500 sq. ft. Min Req Area) zone. The Variance is required as a condition of Certificate of Compliance No. 201400060, approved July 2014, which states that all necessary zoning permits, such as a variance, shall be acquired prior to any construction or grading on the property. The 2-story, 2,785 sq. ft. single-family residence (1,789.5 sq. ft. living space) includes an 800 sq. ft. roof deck, a 480 sq. ft. detached 2-car garage, a new driveway, and landscaping.

### **SITE PLAN DESCRIPTION**

The site plan depicts a triangular, L-shaped parcel with a lot area of 4,670 sq. ft. The lot contains two street frontages of equal lengths 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 single-family residence is triangular in shape and will be located near the southwestern-most corner of the property. There will be minimal yard setbacks of 5 feet on three sides of the proposed residence. 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.

### **EXISTING ZONING**

The subject property is zoned R-1-7500 (Single-family Residence – 7,500 sq. ft. Min. Req. Area).

Surrounding properties are zoned as follows:

- 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)

### **EXISTING LAND USES**

The subject property is a vacant, undeveloped lot.

Surrounding properties are developed as follows:

- North: Single-family Residences, Open Space
- South: Single-family Residences
- East: Single-family Residences, Open Space
- West: Single-family Residences

### **PREVIOUS CASES/ZONING HISTORY**

The previous zoning history of the subject parcel is as follows: R-1 (1932), R-1-7500 (1969).

Certificate of Compliance No. 201400060 – Recorded 7/14/14, confirms that the lot complies with the provisions of the Subdivision Map Act and Title 21 of the Los Angeles County Code as a legally established lot. The lot was legally created in 1963. At the time it was created, the lot did not meet the minimum R-1 lot size of 5,000 sq. ft. and was designated as an “undersized lot.” The Certificate of Compliance contains a condition that prior to any construction or grading on the property, the property owner shall acquire any necessary zoning permits, such as a variance, to adequately mitigate the negative effect of the undersized lot.

Plot Plan No. 201400707 – Pending Plot Plan for a single-family residence with detached garage being processed concurrently with Variance No. 201400008.

### ENVIRONMENTAL DETERMINATION

Los Angeles County (“County”) Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project consists of a variance to allow the construction of one single-family residence a lot that is zoned for single-family residential use. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

### STAFF EVALUATION

#### General Plan/Community Plan Consistency

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.

The following policies of the General Plan are applicable to the proposed project:

- *Assure that new development is compatible with the natural and manmade environment by implementing appropriate locational controls and high quality design standards.*
- *Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic.*

The variance would allow the construction of a new single-family residence in an existing residential neighborhood and would be compatible with the existing natural and manmade environment.

#### Zoning Ordinance and Development Standards Compliance

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 and the zoning’s 35 ft. height limit 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 Code. 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 5 feet on three sides of the proposed residence adjacent to 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 as proscribed under Code. 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.

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.

Neighborhood Impact/Land Use Compatibility

The single-family residence on the subject property is compatible with the surrounding neighborhood and is a permitted use in the R-1 Zone.

The applicant carries the Burden of Proof to substantiate all facts as follows:

A. That 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.

The lot was created as a legally 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.

B. That 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.

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."

C. That 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.

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.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.290 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

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.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

**PUBLIC COMMENTS**

The Crescenta Valley Town Council has reviewed the project and recommended approval of the Variance application in their letter issued June 23, 2015.

Staff has received fifteen letters opposed to the project and one letter in support of the project. 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. Staff has also received a petition containing fourteen signatures opposed to the project.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-01923-(5), Variance Number 201400008, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE VARIANCE NUMBER 201400008 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Correspondence  
Site Photographs  
Site Plan, Land Use Map

MM:SM  
9/30/15

**DRAFT 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 the Variance for the construction of a single-family residence on a legal undersized 4,670 sq. ft. vacant lot ("Project") with no 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, approved July 2014, which states that all necessary zoning permits, such as a variance, shall be acquired prior to any construction or grading on the property.
3. The Project Site is 0.1 acres 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 12-30-1963.
- 2) A portion of Lot 10, Tract No. 5784, Map Book 100, Pages 18-20, created by Grant Deed No. 63, Recorded 12-30-1963.

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).

Conditional Certificate of Compliance No. 201400060 was issued July 14, 2014 (Document No. 724087, Dated 7-09-2014, Recorded 7-14-2014) 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. The Certificate of Compliance 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 the negative effect of the undersized lot.

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 equal lengths 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 single-family residence is triangular in shape and will be located near the southwestern-most corner of the property. There will be minimal yard setbacks of 5 feet on three sides of the proposed residence. 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.

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 fifteen letters opposed to the project and one letter in support of the project. 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. Staff has also received a petition containing fourteen signatures opposed to the project.

16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*

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 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 Code. 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 5 feet on three sides of the proposed residence adjacent to 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.

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 legally 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

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:**

Concurring:

Dissenting:

Abstaining:

Absent:

MM:SM  
9/30/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

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

**PROJECT DESCRIPTION**

The project is a Variance for 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 **December 30, 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.



## VARIANCE BURDEN OF PROOF

In addition to the information required on the application by Chapter 22.56, Part 2, the applicant for a variance shall substantiate to the satisfaction of the Director the following facts:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

A. That 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; and

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.

B. That 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; and

The variance is necessary for the preservation of the property and will maintain consistency of development and not adversely affect the use and enjoyment possessed by other properties. The existing zoning on this property, under Title 22 have restricted this area to only be suitable for single family residences. As the zoning ordinance stands, in this particular case creates a situation where compliance with the regulations will not achieve the intend purpose. Therefore, a hardship is created for this project and without the granting of a variance will leave the lot owner unable to receive an "reasonable rate of return".

C. That 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.

Failure to grant the variance would be materially detrimental to the public welfare, because it would not allow development of the site leaving the property vacant and an eyesore to surrounding properties. Also, approval of the request would not permit a development which is more intense than the majority of developments in the immediate vicinity and would not be detrimental to the prevailing character of the neighborhood.

# Property Photos



Photo Key



Photo #1



Photo #2



Photo #3



Photo #4

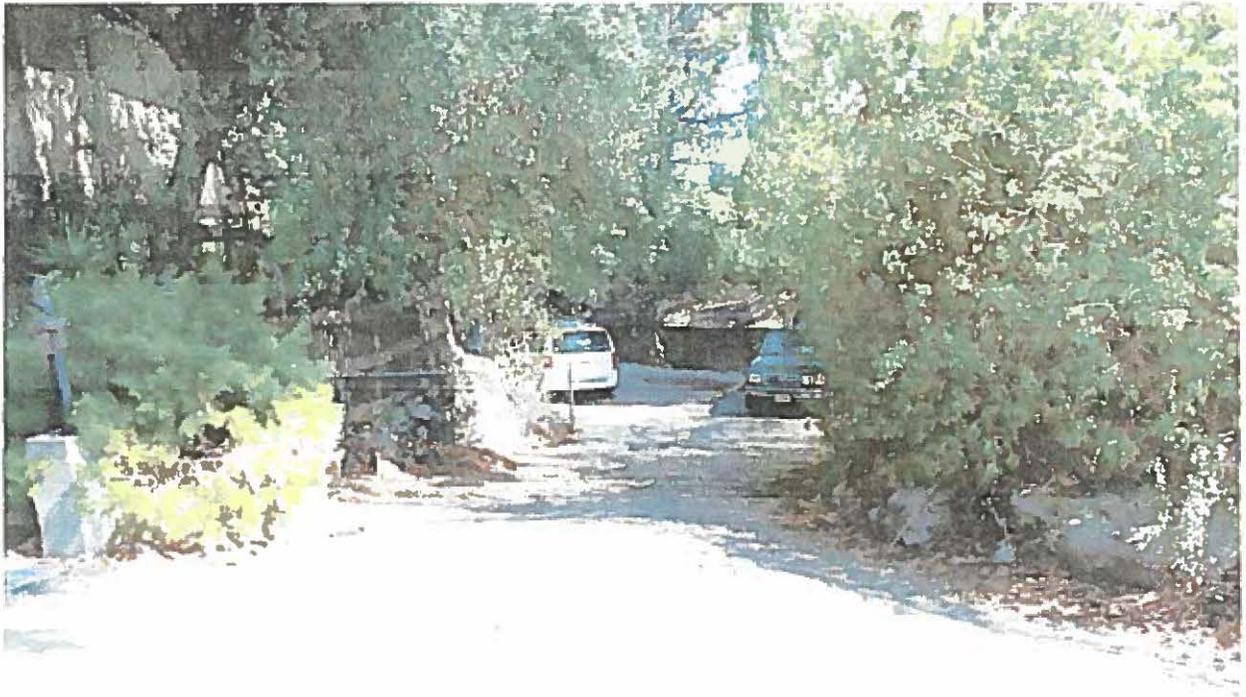
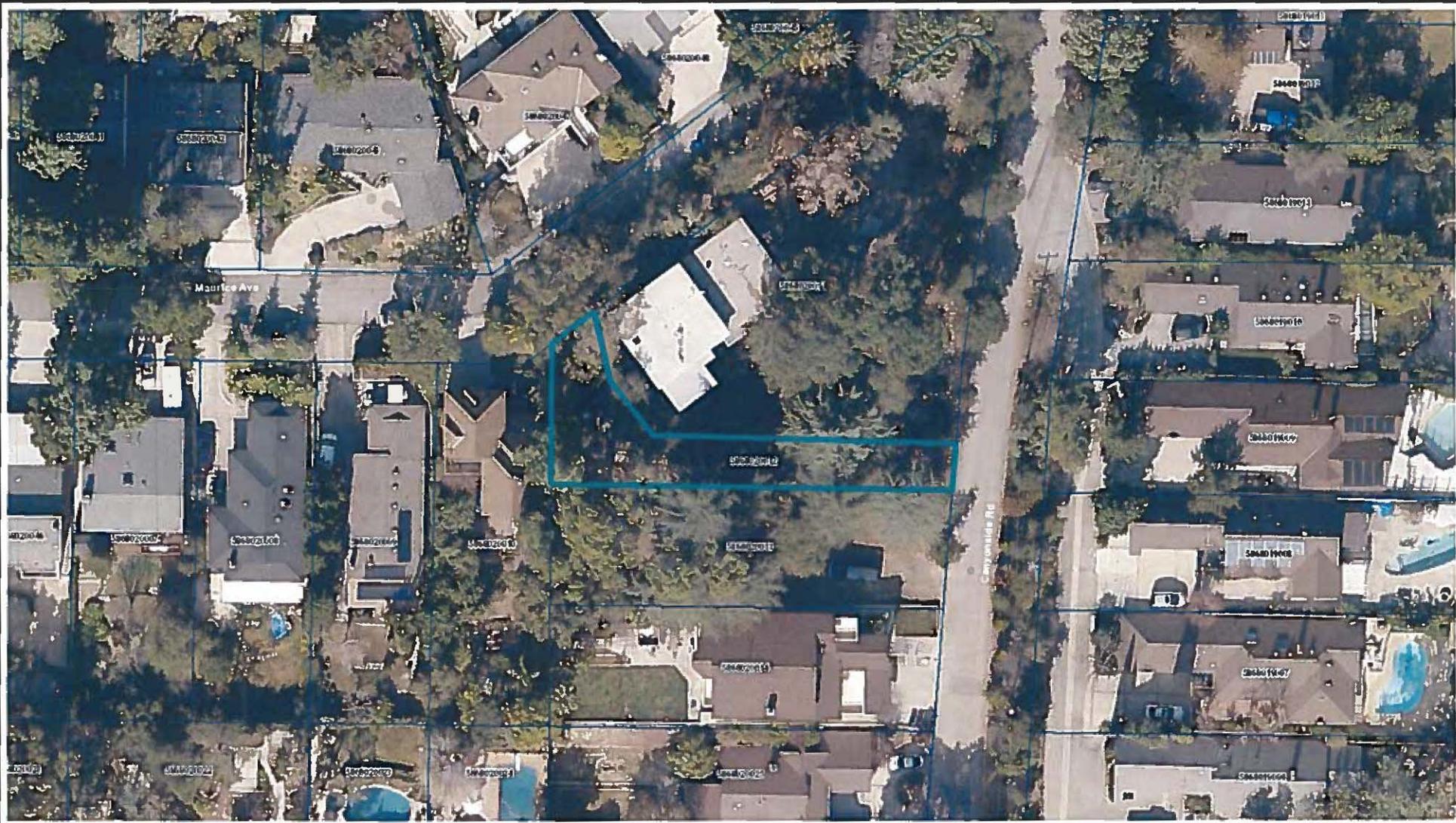


Photo #5



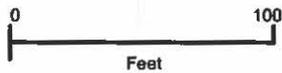
Photo #6



**R2014-01923-(5) / Variance No. 201400008**

**APN #5868-020-012**

Printed: Jun 24, 2015



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June 1, 2015

Steve Mar  
Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

Ref: Project No. R2014-01923-(5), Variance No. 201400008

Dear Mr. Mar,

I am a resident of the Briggs Terrace area of La Crescenta and live just 50 ft east of this project. The proposed project is for a two-story home to be built on a very, very undersized property on a tight road deep in the back side of Briggs Terrace.

I **strongly object** to a code variance for this project, for several reasons:

**1. Increased congestion results in increased safety concern**

- The Briggs Terrace area of La Crescenta is an isolated finger of dense housing surrounded by the Angeles National Forrest on 3 sides.
- We have only one 2-lane road in and out (Shields St) with no sidewalk for pedestrians.
- Briggs Terrace streets are steep grade and narrow.



Photo of Canyonside Rd in front of proposed house – only ~13 ft wide and steep - Parked cars create pinch points for traffic and emergency vehicles

- The local fire department and LA County sheriff's station personnel are always telling us they have great concern about ingress/egress in the case of an emergency requiring evacuation.
  - We conduct annual practice evacuation drills ( last one – May 2015) with in an effort to mitigate the risk – hundreds of residents need to get out on the single, narrow road, while large fire trucks may need to get in on the same narrow road.
- Construction traffic parks in the street creating dangerous pinch points for traffic and emergency vehicles – current example 5547 Canyonside Rd construction.
- Adding more people and cars, when there really isn't really room for another house in the first place, only increases the risk to all of us.

## 2. Increased Fuel for a Large Fire

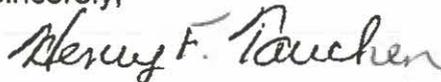
- The Station Fire of 2009 burned up to our back yard – about 150 ft east of this proposed new house.
- The local fire department meets with our neighborhood group, several times a year – they say with all the fuel in our area (trees and large houses) if a fire starts in Briggs Terrace – it will burn everything before they could stop it.
- Adding another large house to a tiny lot will result in a more dense packing of homes, and it will only serve to increase the risk of a fire spreading in an area with a known high risk of wildfires.

## 3. This variance is far too extreme! – and will create future high variances

- The Briggs Terrace area of La Crescenta was originally developed with smaller houses – to match our small narrow steeper streets.
- I always thought lot size codes existed for both safety and aesthetics.
- If projects on severely undersized lots are approved, then there really is no code regarding lot size. The proposed project is not a small variance – the 4670 square foot lot is only 62% of the required size! That means that the variance from code is 38%, and if that size variance is approved, then why bother to have the code at all?
- Approval of such an extreme variance will motivate others to find other little slivers of land – for other extreme variances, based upon this precedence, to squeeze in even more houses.

I respectfully request that you please enforce the code in this case, and do not approve a 38% variance that increases the risk to existing residents.

Sincerely,



Henry F. Tauchen  
5922 Canyonside Rd.  
La Crescenta, CA 91214



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

April 2, 2015

IN REPLY PLEASE  
REFER TO FILE: LD-2

TO: Maria Masis  
Zoning Permits East Area  
Department of Regional Planning

Attention Steven Mar

FROM: Art Vander Vis   
Land Development Division  
Department of Public Works

**VAR 201400008, PROJECT NO. R2014-03797-(5)  
SITE PLAN REVIEW  
ASSESSOR MAP BOOK NO. 5868, PAGE 20, PARCEL NO. 12  
UNINCORPORATED COUNTY COMMUNITY OF LA CRESCENTA**

- Public Works recommends approval of this Site Plan.
- Public Works does **NOT** recommend approval of this Site Plan.

We reviewed the site plan dated February 9, 2015, and the requested variance for the subject project in the unincorporated La Crescenta area located on Canyonside Road. The variance is to legalize an existing undersized lot of 4,670-square-feet in the R-1-7,500 Zone with a proposed 2,785-square-foot two-story single family residence and detached 2-car garage.

Per Title 22 of the County Code, single family residences are not subject to road improvements or right-of-way dedication requirements. Please note however, any work within the road right of way such as the construction of the new driveway on Canyonside Road will require a permit from Public Works' Land Development Division, Permit Section.

The building setbacks and the proposed slopes adjacent to Canyonside Road shown on the site plan are adequate to accommodate future road widening.

If you have any questions regarding our review, please contact Ed Gerlits of Public Works' Land Development Division at (626)458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

ECG:tb

Fire

**Steven Mar**

---

**From:** Collins, Wally [Wally.Collins@fire.lacounty.gov]  
**Sent:** Tuesday, February 17, 2015 8:10 AM  
**To:** Steven Mar  
**Cc:** Le, Tony  
**Subject:** RE: Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

Hi Steve,

I will not need to review this variance. Fire Department conditions will be addressed during the building permit stage.

Wally

Wally Collins  
Fire Prevention Engineering Assistant II  
Land Development Unit - Fire Prevention Division  
County of Los Angeles Fire Department  
Commerce - (323) 890-4243  
[wally.collins@fire.lacounty.gov](mailto:wally.collins@fire.lacounty.gov)

---

**From:** Steven Mar [<mailto:smar@planning.lacounty.gov>]  
**Sent:** Tuesday, February 10, 2015 4:15 PM  
**To:** Collins, Wally  
**Subject:** FW: Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

Wally, here's the Variance project for the single-family residence on an undersized lot that I told you about earlier today. I've also attached the site plan to this email. Let me know if Fire would like to formally review it. Thanks.

**Steve Mar**  
County of Los Angeles | Department of Regional Planning  
Zoning Permits East Section  
320 West Temple Street, Room 1346  
Los Angeles, CA 90012  
Phone: (213) 974-6435 | FAX: (213) 626-0434  
[smar@planning.lacounty.gov](mailto:smar@planning.lacounty.gov)

---

**From:** Steven Mar  
**Sent:** Monday, February 09, 2015 2:36 PM  
**To:** Matthew Dubiel; Padilla, Juan; Le, Tony; Clement Lau; Michelle Tsiebos  
**Cc:** Collins, Wally; Amir Ibrahim; Ruben Cruz; Robert Vasquez; Evenor Masis; Julie Yom; Juan Sarda  
**Subject:** Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

CUP Coordinator,

The consultation package for this project is available at the website below. Please review and provide comments by the date specified above.

Employee ID & unique password are required to enter the site. If you have any technical issues please contact [webadmin@planning.lacounty.gov](mailto:webadmin@planning.lacounty.gov).

PH

**Steven Mar**

---

**From:** Michelle Tsiebos  
**Sent:** Tuesday, February 17, 2015 9:12 AM  
**To:** Steven Mar  
**Subject:** RE: Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

No, it's not necessary.

Thank you.  
Michelle

---

**From:** Steven Mar  
**Sent:** Tuesday, February 17, 2015 9:10 AM  
**To:** Michelle Tsiebos  
**Subject:** RE: Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

Yes, the applicant confirmed with me that the property has public water and sewer. So do they not have to go through PH review?

---

**From:** Michelle Tsiebos  
**Sent:** Tuesday, February 17, 2015 9:09 AM  
**To:** Steven Mar  
**Subject:** RE: Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

Hi Steve,

I received a plan from Teni and Ruben showing a sewer nearby the proposed SFR. I couldn't make the determination if it's within 200 ft of the property. Could you check with the applicant his method of wastewater disposal? If it's through a public sewer, DPH won't have any objection with the variance; otherwise, we have to measure the setbacks for an OWTS.

Thank you.

**Michelle Tsiebos, REHS, DPA**  
Environmental Health Specialist IV  
Land Use Program  
Environmental Health Services  
Department of Public Health  
5050 Commerce Drive  
Baldwin Park, CA 91706  
Ph. (626) 430-5382  
Fax. (626) 813-3016

---

**From:** Steven Mar  
**Sent:** Monday, February 09, 2015 2:36 PM  
**To:** Matthew Dubiel; Padilla, Juan; Le, Tony; Clement Lau; Michelle Tsiebos  
**Cc:** Collins, Wally; Amir Ibrahim; Ruben Cruz; Robert Vasquez; Evenor Masis; Julie Yom; Juan Sarda  
**Subject:** Project No. R2014-03797-(5): Permit Consultation - \*\*DUE 3/9/15\*\*

This page is part of your document - DO NOT DISCARD



**20140724087**



Pages:  
0005

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

07/14/14 AT 01:31PM

FEES:	27.00
TAXES:	0.00
OTHER:	0.00
PAID:	27.00



LEADSHEET



201407143320019

00009393434



006289842

SEQ:  
04

DAR - Counter (Upfront Scan)



**THIS FORM IS NOT TO BE DUPLICATED**



**RECORDING REQUEST BY**

Department of Regional Planning  
320 West Temple Street  
Room 1360, Hall of Records  
Los Angeles, CA 90012



**WHEN RECORDED MAIL TO**

Name: SC Planners, Inc.

Address: 619 S. Fremont Avenue, Suite C

City, State: Alhambra, California  
Zip Code: 91803

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**TITLE(S)**

**Conditional Certificate of Compliance**

**RCOC 2014 00060**



RECORDING REQUESTED BY

Department of Regional Planning  
320 West Temple Street  
Room 1360, Hall of Records  
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO

Name: SC Planners, Inc.  
Street: 619 S. Fremont Ave., Suite C  
City: Alhambra, CA 91803

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

# CERTIFICATE OF COMPLIANCE

## REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record in the following described property within the unincorporated territory of the County of Los Angeles, hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (sec. 66410 et seq., Government Code, State of California) and the Los Angeles Code, Title 21 (Subdivisions)

*Scott Anderson*

Signature

Signature

Signature

Scott Anderson

Name & Title (Typed or Printed)

Name & Title (Typed or Printed)

Name & Title (Typed or Printed)

4-1-14

Date

Date

Date

## LEGAL DESCRIPTION

See Attached Exhibit "A"

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

LOT 11, IN BLOCK "D", OF TRACT NO. 5784, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SHEETS 1 AND 2, AS PER MAP RECORDED IN BOOK 100, PAGES 18, 19 AND 20 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF SAID LOT 11, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF TO THE SOUTHERLY LINE OF THE NORTHERLY 40 FEET, MEASURED AT RIGHT ANGLES, TO SAID LOT; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, A DISTANCE OF 119.63 FEET; THENCE NORTH 47 DEGREES 23 MINUTES WEST 29.54 FEET; THENCE NORTH 10 DEGREES 26 MINUTES 30 SECONDS WEST TO THE NORTH LINE OF LAST SAID LOT; THENCE EAST, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING.

**PARCEL 2:**

THAT PORTION OF LOT 10, IN BLOCK "D", OF TRACT NO. 5784, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 100, PAGE 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10; THENCE NORTH 52° 00' 00" EAST 20.30 FEET; THENCE SOUTH 10° 26' 30" EAST, 12.71 FEET; THENCE WEST 18.30 FEET TO THE POINT OF BEGINNING.

APN: 5868-020-012

OWNER(S): Anthony J. Palazzola and Alexandra E. Palazzola

## CERTIFICATE OF COMPLIANCE CONTINUATION

CONDITIONAL CERTIFICATE OF COMPLIANCE NO: RCOC 2014 00060

**CONDITION(S):**

- 1) Prior to any construction or grading on the subject property, the property owner shall acquire an approved Director's Review, Lot Line Adjustment, variances or other zoning permits deemed by the Land Division Coordinating Center of the Department of Regional Planning to adequately mitigate the negative effect of the undersized lot.

**NOTES:**

**THIS CERTIFICATE DOES NOT CONSTITUTE A BUILDING PERMIT.** Prior to authorization to build on this property, the applicant will be required to conform to the County and State regulations. Such regulations include but are not limited to, programs for road and/or drainage right of way dedication, appropriate sanitary sewage disposal, water supply for domestic use and fire suppression, and adequate fire apparatus access.

**GEOLOGIC, soils and/or Drainage Conditions** may exist on the subject property, which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

### DETERMINATION OF COMPLIANCE

This determination **DOES NOT GUARANTEE** that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

The subject property may be sold, leased, financed or otherwise conveyed without restriction. However, the conditions listed above must be fulfilled before issuance of a building permit or other development approval. These conditions are in addition to any permit requirements which may be imposed.

**APN: 5868-020-012**



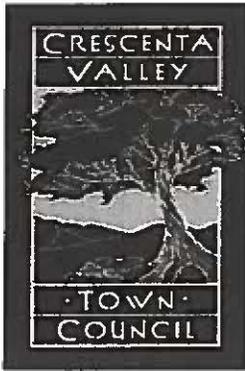
DEPARTMENT OF REGIONAL PLANNING  
County of Los Angeles  
Richard J. Bruckner  
Director

DEPARTMENT OF REGIONAL PLANNING

By: *Ronan Alexanian*  
For: Sorin Alexanian

Title Deputy Director

Date 7-9-14



# Crescenta Valley Town Council

June 23, 2015

Mr. Steve Mar  
County of Los Angeles Department of Regional Planning  
320 West Temple Street, Room 1346  
Los Angeles, CA 90012  
[smar@planning.lacounty.gov](mailto:smar@planning.lacounty.gov)

Robbyn Battles  
President

Harry Leon  
Vice President

Leslie Dickson  
Recording Secretary

Kyle Studebaker  
Treasurer

Cheryl Davis  
Corresponding  
Secretary

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Dr. Young Seok Suh

Lisa Griffin, alternate

Kevin Kang, alternate

Charles Beatty, alternate

**Re: Project R2014-01923-(5) – Requested Entitlement Variance No. 201400008**

Dear Mr. Mar,

On June 18, 2015, the Crescenta Valley Town Council voted 5-to-2 to reject the Land Use Committee's ("LUC") recommendation and **approve the variance regarding the above-mentioned Entitlement.**

The Land Use Committee's Recommendation is attached along with draft Minutes from the LUC's June 11, 2015 meeting. During that Land Use meeting, four speakers were opposed to the variance and the attached petition in opposition was submitted with 14 signatures from neighbors. The original Planning notice to neighbors was incorrect and resulted in confusion because the hearing continued to July 7 was not re-noticed with the correct information regarding the requested entitlements.

Emails received regarding this variance are also attached for your reference.

At the June 18, 2015, CV Town Council meeting, three speakers were opposed to the variance.

The basis for the Town Council's decision was that the lot was legally subdivided when zoning laws allowed that size lot (4,670 sq. ft. on property zoned R-1 (5000)), current zoning is R-1 (7500), the lot is still legal and buildable, the applicant is not asking for yard modifications, there are several other lots in the community that are slightly less than 4,000 sq. ft. and the area is zoned R-1 (7500), and the only way to "mitigate the negative effect of the undersized lot" is to either not build or build a smaller home and there are no codes requiring the applicant to do so. The design of the home is to code and within the required setbacks so the discussion of the variance should avoid comments regarding the actual size and design of the house.

Respectfully,

Robbyn Battles  
President

cc: Nicole Englund, CVTC LUC Chair  
Peter Gonzalez, SC Planners

"The Community that Cares"

Steven Mar

---

**From:** Douglas Farr [mailto:douglas.farr@cityofla.org]  
**Sent:** Wednesday, May 13, 2015 3:11 PM  
**To:** Steven Mar  
**Cc:** Chuck & Kat  
**Subject:** La Crescenta Project R2014-01923-(5)

Steve:

Pursuant to our discussion today regarding the proposed variance on the property north of Manzanita on Canyonside Rd. which is at the end of Maurice Avenue please be advised that I am opposed to this construction.

A 7500 square foot house on a lot which is 4670 square feet is nothing more than mansionization. Mansionization ruins the ambiance of our neighborhood, eliminates what little greenery there is on the lot, gives the feeling of cramped space in an area which is on the edge of Angeles National Forest and substantially reduces the available parking on both Canyonside Road and Maurice Avenue.

Best regards,

Douglas M. Farr  
2236 Maurice Avenue  
La Crescenta, CA 91214-1533

**Steven Mar**

---

**From:** Kathryn Terhune [mailto:kterhune@cityofchicago.org]  
**Sent:** Tuesday, May 19, 2015 8:48 AM  
**To:** Steven Mar  
**Subject:** La Crescenta project R2014-09123-(5)

Steve-  
My husband (Chuck) and I both object to the proposed variance for building a new home between Maurice Ave. and Canyonside.  
A house that size on a smaller lot does not fit with the character of the neighborhood.  
Kathryn Terhune

Steven Mar

---

From: Catherine Hunter [mailto: ]  
Sent: Thursday, May 21, 2015 8:47 AM  
To: Steven Mar  
Subject: Project Number R2014-01923-(5)

Hello Mr. Mar. I am writing in regard to Project Number R2014-01923-(5) located between Maurice Ave. and Canyonside in La Crescenta. The owner/developer is requesting a variance to build a home on a lot that according to the project overview, is on an "undersized lot" that doesn't meet the "minimum required area" criteria. As I am unable to attend the hearing on June 16, I would like to state my opposition to building a large home on a too small lot. I support the owner's right to build a new home, as long as it is more in scale with the lot. Without proper setbacks, the area is in danger of losing it's semi-rural charm.

Thank you.

Catherine Hunter  
2211 Maurice Ave.  
La Crescenta, CA 91214

**Steven Mar**

---

**From:** LISA DUPUY [ . . . ]  
**Sent:** Thursday, June 04, 2015 8:04 PM  
**To:** Steven Mar  
**Subject:** Request for Variance Project # R2014-01923-(5)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Variance No. 201400008  
Assessor's Parcel # 5868-020-012

Jacques & Lisa Dupuy  
6001 Canyonside Rd.  
La Crescenta, CA 91214

Dear Mr. Mar,

We are writing re: the above referenced parcel/variance numbers.

It is our opinion that placing a single-family dwelling on this severely undersized lot would pose an undue fire hazard in our already fire-prone canyon. We strongly oppose the granting of this variance. Furthermore, squeezing a 2-story house of 2700 sq.ft. onto a less than 5000 sq.ft lot may ruin the natural, cabin-in-the-woods feel of our neighborhood, an atmosphere which keeps our property values strong. At least two large trees would most likely have to come down to accommodate this home, damaging the charm of our neighborhood and lowering our property values.

Our home is within 150 feet of the property in question.

Please get back to me to advise if it is necessary for us to attend the hearing in mid-June.

Thank you,

Lisa Dupuy  
Executive Director  
Crescenta Valley Chamber of Commerce

Jacques Dupuy  
Art Director  
Walt Disney Imagineering

6 -  
Steve Mar  
Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

4 June 2015

Ref: Project No. R2014-01923-(5), Variance No. 201400008

Dear Mr. Mar,

I am a 17-year resident of the Upper Briggs Terrace area of La Crescenta. The above-referenced project is for a two-story home to be built on a grossly undersized property in this area.

I strongly object to this project for several reasons. First and most importantly, this isolated area is served by a single road in and out. There is great concern about ingress/egress in the case of an emergency requiring evacuation. In fact, we conduct annual evacuation drills with the local fire department and sheriff's station in an effort to mitigate the risk – hundreds of residents need to get out on the single, narrow road, while large fire trucks may need to get in on the same narrow road. Crowding in more people and cars only increases the risk to all of us.

Secondly, this isolated area is located in the foothills, in what is known as a wildland-urban interface zone, with high risk of wildfires; the 2009 Station Fire came within just yards of our homes. In addition, homes in this area are already densely packed. Adding a large house to a very small lot will only increase the density, and will increase the risk of any fire (wildfire or home fire) rapidly spreading.

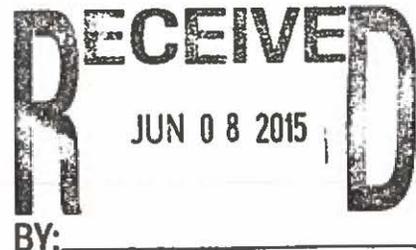
Thirdly, this variance request is for a gross violation of the code regarding lot size. Building codes exist for both safety and aesthetics. But I've watched similar projects executed over the years that I've lived in LA County, and I wonder why the codes aren't enforced? If projects on undersized lots are routinely approved, then there effectively is no code regarding lot size. The proposed project is a variance from code of 38%. If variances of this magnitude are approved, then why bother to have the code at all? Continuing to squeeze large homes onto undersized lots affects both the safety and the aesthetics of our neighborhood.

I respectfully request that you enforce the code, and do not approve this large variance.

Sincerely,

*Catherine Cagle*

Catherine Cagle  
5922 Canyonside Rd.  
La Crescenta, CA 91214



**Steven Mar**

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**From:** Sathyanaraya Raghavachary [mailto:sathyanaraya@...]  
**Sent:** Sunday, June 07, 2015 11:13 PM  
**To:** Steven Mar  
**Subject:** OPPOSED to the variance request for 5919, Canyonside

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Steve, this is in ref to Project R2014-01923-(5), variance number 201400008 - it is INSANE to permit this to go forward, given multiple reasons (already overcrowded area, parking issues (esp. during Red Flag days), need for a quick emergency exit, etc.).

Please deny the request.

Thanks,  
Saty

**Steven Mar**

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**From:** Steven Mar  
**Sent:** Sunday, June 07, 2015 11:29 PM  
**To:** Steven Mar  
**Subject:** Opposition to Proposed Construction Variance Project #R2014-01923-(5)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Mar -

My husband and I are residents of Briggs Terrace, at 5918 Canyonside Road, La Crescenta, CA. We recently received a notice of public hearing for a proposed construction variance for Project No. R2014-01923-(5), Variance No. 201400008. We strongly oppose any variance to the existing R-1-7500 zone pursuant to section 22.56.260 of the Los Angeles County Code.

As a Board members of the Crescenta Valley Fire Safe Council, we have been working closely with Los Angeles County Fire to address issues that pose risks for the Briggs Terrace area which is where the property in question is located. We have significant density issues, narrow streets and only one way out for over 330 residences. Allowing construction of buildings which do not meet existing zoning ordinances increase density and pose greater risk to our community. Approval of this variance request will exacerbate already significant issues related to density and egress for all residents of Briggs Terrace. In an emergency, this could create issues with a timely evacuation and subject residents to additional danger.

Another issue related to density is cars parking on the narrow streets of our neighborhoods, making it difficult if not impossible for emergency vehicles to reach our homes. There is a history of a similar sized home on the same street as proposed in this variance that because of its size housed multiple families, resulting in many vehicles parked on the street, even during red flag warnings, increasing the hazard for the entire neighborhood. My understanding is that this project provides for no parking beyond the garage as there is minimal set back of the garage to Canyonside Road. This ensures an increase of street parking.

We plan to attend the hearing on June 16th to voice our opposition but we understand the date may be changed. Please notify us in advance by email if the date of the hearing is changed. We can be reached at [turnerjudy@att.net](mailto:turnerjudy@att.net). You can also leave a message on our home telephone at [626-255-1111](tel:626-255-1111).

Thank you for providing this opportunity to voice our concerns.

Best Regards -

Judy & Steven Turner

Sent from Windows Mail

**Steven Mar**

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**From:** Veena Sud [mailto:veena@veenasud.com]  
**Sent:** Monday, June 08, 2015 8:47 AM  
**To:** Steven Mar  
**Subject:** Project number R2014-01923-(5) Variance number 201400008

Hello Mr. Mar -- I am a resident of Briggs Terrace, specifically on Maurice Avenue. I am writing to express my strong objection to this new development project in our neighborhood. We were residents during the 2009 fires and it was very difficult to evacuate our street, given the number of vehicles already in the area. On a daily basis, we struggle with the amount of traffic on our very very narrow streets -- many times it is difficult for a sedan to negotiate around parked cars and we, as residents, continue to be concerned about emergency vehicles being able to get through.

Adding more residents, more homes and more vehicles to the Briggs Terrace area, especially the upper area around Canyonside and Maurice definitely poses a threat to the safety of the residents already living in the area. Please keep that in mind. We know it is only a matter of time until we have to deal with another massive wildfire in our neck of the woods -- public safety is of paramount concern to all of the families in the Briggs Terrace area. We hope you take this concern as seriously as we certainly do.

Sincerely,

Veena Sud

Steven Mar

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From: Cynthia Livingston [ ]  
Sent: Monday, June 08, 2015 9:44 AM  
To: Steven Mar  
Subject: URGENT!

As a residence of Briggs Terrace (2221 Phyllis Street, La Crescenta, CA 91214) I am very opposed to the building variance for the property located at 5919 Canyonside. Due to the fact we have one entrance and exit, out of the area, another residence only places the rest of us in harms way during an evacuation. Additional cars parked on our already narrow streets is also unacceptable. PLEASE DO NOT ALLOW FOR THIS BUILDING TO BE CONSTRUCTED!!!

Thank you for listening...  
Cynthia Livingsgton, Ed.D

Project #: R2014-01923-(5) Variance # 201400008

Zoning ordinances create and protect communities. I have reviewed the plans for the proposed construction on 5919 Canyonside Road, in La Crescenta. I am very opposed to allowing this construction variance for a variety of reasons.

The area, known as upper Briggs Terrace, is an area which is unique in an urban setting. The density of population in such an area has a great impact on not only the quality of life for the residents, but also for the fauna which reside in the National Forest which is adjacent. To that end, the lots are zoned to be a minimum number of square feet, so that the overall density does not create a larger impact on the area. Allowing a variance for a house to be built on a sub-standard sized lot materially changes the entire nature of the neighborhood.

In 2009, I was displaced from my home for a number of weeks due to the Station Fire. While I was away, firefighters stood on my deck with hoses, and fought the fire across the canyon, 175 feet away. All of us on Canyonside Road are very aware of the dangers presented by the single access to our community. The property at 5919 Canyonside Road is located at a choke point, where the road bends and narrows. I shudder to think what would happen to our neighborhood, should construction be in progress, with heavy equipment, workers vehicles, dumpsters, etc. when a fire (or any other emergency) took place. The narrow roads are barely enough for fire department vehicles as it is, and the impact of a construction project, on a lot which cannot accommodate the parking of the vehicles and equipment necessary for the project, could result in the catastrophic loss of property or lives.

There is also the issue of setbacks. As currently proposed, the garage for the proposed residence is to be built lot line to lot line, with zero clearance. While currently there are no structures directly abutting this proposed garage, allowing this variance would set a bad precedent. When we have met as a neighborhood, the fire department has warned us of the danger of fire jumping house to house, when structures are built too close together.

Another zoning issue, which the proposed residence seeks to ignore, is that of overall height of the structure. Zoning in the area calls for a maximum of 30' in height. The plans indicate that the proposed structure will be 35' tall at its highest point. That is almost 17% over height. Again, zoning restrictions are there for a reason. Ignoring them creates a bad precedent.

Finally, I am opposed to granting the construction variance due to the involvement of the hillside in the construction. During the winter of 2010, there were multiple times when I could not return to my house due to flooding and debris blocking the street. This was caused by grading which had taken place at the top of the street, coupled with the lack of vegetation (due to the fire) to secure the hillside. As previously mentioned, Canyonside Road is a single access community. Any hillside work, grading, tree removal, etc. has the potential to undermine the stability of the soil, creating a slide and / or debris flow, and potentially impact the entire neighborhood.

For the above stated reasons, I am pleading with the planners to deny the proposed variances, and protect our community.

Thank you for considering my opinions on this matter.



Mercer Barrows  
6010 Canyonside Road  
La Crescenta, CA 91214

**Steven Mar**

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**From:** Richard Russel [mailto:richard.russel@larp.org]  
**Sent:** Monday, June 08, 2015 3:55 PM  
**To:** Steven Mar  
**Subject:** Protest for Project R2014-01923-(5) Canyonside Rd., La Crescenta

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Steve Mar  
Case Planner  
Los Angeles County Department of Regional Planning

Project Number R2014 - 01923 - (5)  
APN 5868-020-012

Mr. Mar:

I would like to register my opposition to the zone variance for the vacant lot, 225 feet north of Canyonside Rd. and Manzanta St. in La Crescenta. As you know this lot is extremely narrow and putting a 2750 square foot on an "L" shaped lot of 7500 square foot (.1 acre) is not meeting setback requirements, etc. that exist up here and is contrary to the rural feel we enjoy up here. Emergency ingress and egress is also of concern, given there is only one way in and out of this neighborhood in an emergency. It's actually kind of hard to fathom such a structure not looking like a glorified tall shoebox given the limitations of the property.

I will be unable to attend of June 16th but wish to go on record of voicing my opposition to granting these variances. The owner should be allowed to build a structure provided they meet the building codes that most have adhered to in this neighborhood in the past.

Thank you,

Richard Russel  
2211 Maurice Avenue (across the street from the subject driveway)  
La Crescenta CA 91215

**Steven Mar**

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**From:** Bret Richards [  
**Sent:** Monday, June 08, 2015 5:52 PM  
**To:** Steven Mar  
**Subject:** R2014-01923-(5) and the variance number (201400008

I oppose any new building in the Briggs Terrace area because it is already overbuilt and there is only one way on and one way out. In a dangerous event we could all be trapped.

Sincerely Bret Richards  
5831 Irving Avenue  
La Crescenta, Ca 91214

**Steven Mar**

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**From:** Kathy [  
**Sent:** Thursday, June 11, 2015 2:29 PM  
**To:** Steven Mar  
**Subject:** Canyon side variance

I have lived at 6023 Canyonside for 42 years. My lot is over 90,000 sq ft. I believe at 7500 sq ft, that is small enough. This lot is just too small.

Thank you,

Tim MacDonald

Sent from my iPad

**Steven Mar**

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**From:** Byron Melendy [mailto:byron.melendy@comcast.net]  
**Sent:** Thursday, June 11, 2015 4:27 PM  
**To:** Steven Mar  
**Subject:** Project R2014-01923-(5)

We are Byron Melendy and Emily Fong living at 6034 Canyonside Road La Crescenta, CA 91214

We wish to go on record as being opposed to the granting of a variance for construction of a home on upper Canyonside Road (project # above).

We feel that such a structure will upset the balance of the neighborhood in that particular location and the loss of many mature trees will be tragic.

We realize that there are at least 2 very large homes in the immediate area but they sit on large properties and are for the most part not visible from the street. This proposed structure will be quite conspicuous.

The property sits along a narrow section of Canyonside Road. Congestion during construction and possible increased street parking after construction will increase the danger to residents as emergency access will be impaired.

Thanks for your attention.

**Steven Mar**

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**From:** Eric Noland [enoland@outlooknewspapers.com]  
**Sent:** Sunday, July 05, 2015 3:50 PM  
**To:** Steven Mar  
**Subject:** RE: property on Canyonside in La Crescenta

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Steve,

I know the hearing for the proposed project on Canyonside Road in La Crescenta is this coming Tuesday. I will not be able to attend the hearing, but I wanted to pass along my comments in advance for consideration by the Department of Regional Planning.

As one of only three contiguous neighbors to this property, my wife and I have decided that we are not fundamentally opposed to it. We just have a couple of issues we'd like to raise with the project as proposed:

-- We feel a lot of liberties have been taken with the setbacks. The front door faces east. The garage is on the east of the property. And yet the west property line, which abuts our property, has a setback of only 5 feet (instead of the 15 feet mandated by code for a rear setback). Because of how close this puts the house to us, we object to the rooftop deck. It will literally be right on top of our kitchen window, and we are very concerned about noise and privacy related to any activity there. We would prefer that the rooftop deck feature be denied.

-- On the same subject of the rear setback of this home, we ask that the applicant be required to plant greenery that will grow up and provide a privacy screen between the rear of the proposed house and our east-facing kitchen window, side door and bathroom window.

Steve, I want to commend you for being responsive to all my questions and inquiries throughout this process. I appreciate the fact that you were always prompt about answering emails or coming to the phone. The information you provided was invaluable in helping us derive an opinion about the proposed project.

Please let me know if you wish any further clarification on the points I have raised.

Best,  
Eric Noland  
2224 Maurice Ave.  
818-248-4991

**Steven Mar**

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**From:** Victor Jockin [vjockin@gmail.com] on behalf of Victor Jockin [victor@jockin.me]  
**Sent:** Monday, July 06, 2015 6:53 PM  
**To:** Steven Mar  
**Subject:** Re: Proposed home plans for Variance application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Mar,

I will not be able to attend tomorrow morning's hearing regarding the proposed development on lot APN #5868-020-012 owned by Scott Anderson. I would like to register my opinion through you.

Though I understand that land-right issues are important, and that there are circumstances under which the owner of this lot may be granted the right to develop it despite the substandard lot size, I object to the scale of this home relative to its lot size. The ratio of living space to lot size is quite out of character with the surrounding homes. The roof-deck also adds appreciably to the scale and impact of this project on the neighborhood, and is particularly out-of-character.

I am not opposed to new development per se. My neighbors and I made no objections to two new homes recently built on Maurice on larger lots. But I believe development should be done in a way that both protects the property rights of the land owner and the preserves the character of the neighborhood for those who live here. It is my hope this project, if you approve it, will be scaled back in a way to preserve this important balance.

Please confirm receipt of this communication, and thank you for your help with this process.

Victor Jockin  
 2212 Maurice Ave  
 La Crescenta, CA 91214  
 818.248.7181

**From:** Steven Mar  
**Sent:** Monday, May 18, 2015 8:08 AM  
**To:** 'Victor Jockin'  
**Subject:** RE: Proposed home plans for Variance application

Mr. Jockin,

According to information I have available, the subject lot (northern lot - APN #5868-020-012) is owned by "Scott Anderson" and the lot directly to the south (APN #5868-020-013) is owned by "Robert Hall and Sons, Inc." As a part of his application, Mr. Anderson has submitted a copy of his Grant Deed dated March 2014, showing his ownership of the subject property. The information I have on our computer system comes from the Assessor's office, but it's possible that my information is outdated if a sale occurred recently. Our Department does not keep sales records. Perhaps sales info can be obtained from the Assessor's office or from a local real estate agent.

## Steven Mar

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**From:** Brian Ray Hodge [  
**Sent:** Wednesday, June 10, 2015 8:42 AM  
**To:** Steven Mar  
**Subject:** Project Number (R2014-01923-(5) and the Variance Number (201400008)

Dear Gentleperson,

I live at 6002 Canyonside Road, across the street and two house up from the proposed project just north of Canyonside and Manzanita. I have lived there for 31 years. I support the development of the eyesore vacant lot with a modest home. I serve on the CVFSC, and I am forwarding my email to some fellow volunteers. For the record, CVFSC has not taken a position on the project. It has not even been discussed by the organization. I have spoken with other CVFSC volunteers who do not object to the project. In my opinion, a nice fire-resistant stucco home would be much better than the current lot with a dense canopy, dry weeds, a wood trailer parked year round, a boat, a small RV and various other vehicles with gas tanks sitting exposed on a lot that is the most likely ignition point for a fire on the entire street.

There is a problem with parking on our narrow mountain streets. It is not limited to a few new houses. I would support the installation of "no parking" signs, particularly around the blind curves where people park in the travel lane and force cars around them into oncoming traffic. But I do not want to create a "firestorm," and leave that to another discussion.

One other issue not mentioned in my email is a potential constitutional problem. If the County has approved the lot, and it is legal, using the zoning ordinance to prevent any development might be a violation of the takings clause. I will not belabor this issue, as I am sure County Counsel is better able to advise you. However, I would not want to see my tax dollars spend defending what may be a losing case.

Thank you for your consideration.

*Brian Ray Hodge*

Laquer, Urban Clifford & Hodge LLP  
225 South Lake Avenue, Suite 200  
Pasadena, CA 91101-3009

PETITION AGAINST VARIANCE

PROJECT #R2014-01923-(5)

VARIANCE # 201400008

	NAME	ADDRESS
1	Tanet S. Blake	6002 Canyonside Rd, Le Cresce
2	Amy Benedict <del>Blakely</del>	5617 Canyonside Rd
3	Mark Brodick	" "
4	Kristy Koperski	2350 Jayma Lane
5	Laura Koperski	2350 Jayma Lane "
6	Cathy Cagle	5922 Canyonside Rd
7	Kevin F. Toucher	5922 Canyonside Rd
8	ROBERT A. KOPERSKI	2350 JAYMA LANE
9	Marvin A. P. P. P.	6063 Canyonside Road
10	Betsy P. P. P.	" " "
11	Moses McCallagh	2348 Shields St.
12	Avery Lynn (P. P. P.)	2215 MARZANITA
13	Sharon & Saty Raghavachary	2209 Maurice Ave
14	Genevieve M. Loid	5936 Canyonside RD

Collected by Sharon Raghavachary



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

July 16, 2015

TO: Hearing Officer

FROM: Steve Mar *St. Mar*  
Zoning Permits East Section

SUBJECT: **Additional Materials**  
**Project No. R2014-01923-(5)**  
**Variance No. 201400008**  
**HO Meeting: July 21, 2015**  
**Agenda Item: 4**

The above-mentioned item is a request for a Variance for the construction of a new single-family residence on a legal undersized lot.

The hearing for this item was continued by the Hearing Officer on July 7, 2015, to allow staff time to review and respond to the attached materials submitted by Mr. James A. Gorton in opposition to the proposed project.

In his letter dated July 6, 2015, Mr. Gorton addressed the legality of the subject lot stating his belief that the lot was not legally created. Staff research concluded that the subject lot is a legal lot and violated no subdivision laws at the time it was created.

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 12-30-1963.
- 2) A portion of Lot 10, Tract No. 5784, Map Book 100, Pages 18-20, created by Grant Deed No. 63, Recorded 12-30-1963.

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, there was no violation of subdivision laws in this respect.

A Conditional Certificate of Compliance was issued July 14, 2014 (Document No. 724087, Dated 7-09-2014, Recorded 7-14-2014) 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, 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 issuance of a Conditional Certificate of Compliance is not an implicit finding that the subject lot was not legally created.

Due to the fact that the lot did not meet the minimum required lot size at the time it was created, the condition in the Conditional Certificate of Compliance states: "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 the negative effect of the undersized lot".

Mr. Gorton also states that the proposed project "frustrate[s] existing zoning requirements as to rear yards" and "frustrate[s] existing side yard setback requirements in having a garage built with no side yard setbacks..." The project provides a rear yard setback of approximately 42 feet between the proposed garage and the rear lot line along Canyonside Road and meets the minimum 15 feet rear yard setback as prescribed under the Los Angeles County Zoning Code. The garage is 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 County Code Section 22.48.140.B.

In a separate letter, Mr. Gorton expressed concern that the proposed project's house square footage to lot size ratio is not compatible with the surrounding neighborhood. The house will have 866 square feet for the first floor, 983.50 square feet for the second floor, 935.50 square feet for a roof deck, and a 480 square foot garage. The project's lot has an area of 4,670 square feet. Not including the roof deck and the garage, the project's ratio of improvements to lot area is 39.60%. According to statistics provided by Mr. Gorton, the average ratio of improvements to lot area in the Briggs Terrace neighborhood ranges from 22.68% to 23.08%, depending upon the inclusion or exclusion of certain streets in the lower, southern portion of the neighborhood. The statistics also show that a number of lots contain an improvements to lot area ratio larger than the average ratio in the neighborhood and 19 lots that have larger improvement to lot area ratios than the proposed project.

Mr. Gorton is also opposed to the siting of the garage along Canyonside Road because "virtually all other properties fronting on Canyonside use the Canyonside Road frontage as a front yard area" and suggests that "it would be far better if the garage were placed on the Maurice Ave. side of the property..." While most other properties along Canyonside use the Canyonside Road frontage as a front yard area, the property immediately adjacent to the north of the project site has a rear yard that faces Canyonside Road and the property immediately adjacent to the south of the project site is vacant. Properties located across the street from the project site to the east are actually located at a lower elevation of the project site on a secondary street also named "Canyonside Road." The homes located on this secondary street have front yards that face towards the west and are only partially visible from the project site due to the elevation difference and visual screening from existing trees.

If you need further information, please contact Steve Mar at (213) 974-6435 or [smar@planning.lacounty.gov](mailto:smar@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:SM

**GORTON, JANOSIK & POXON, LLP**  
A CALIFORNIA LIMITED LIABILITY PARTNERSHIP

909 EAST GREEN STREET  
PASADENA, CALIFORNIA 91106

JAMES A. GORTON  
JOHN T. JANOSIK  
JOHN P. POXON, JR.

TELEPHONE (626) 793-6215  
FAX (626) 793-6266

By Facsimile Transmission  
(213) 626-0434

July 6, 2015

Steve Mar  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

RE: Project No. R2014-01923-(5)  
Variance No. 201400008  
Planning Commission Hearing, July 7, 2015 – 9:00 a.m.

Dear Mr. Mar:

The purpose of this letter is to oppose the above-requested variance.

Summary. The variance is requested to allow construction on an illegally subdivided non-conforming lot of 4,670 sq. ft. in an R-1-7500 zone for which the Dept. of Regional Planning (“DRP”) issued a Conditional Certificate of Compliance in July 2014. The requested variance is to allow development which would frustrate the existing plan of zoning in place since 1950 and introduce a density of development previously unknown in this neighborhood of a character which is completely unsuitable for it.

Burden of Proof. The applicant has failed to sustain his burden of proof as to the variance, in that the requested variance would:

1. Reward an attempt to illegally circumvent existing zoning. As discussed below, there is ample evidence that the applicant has had sophisticated, professional land use planning advice and must have been aware that at no time in the history of the subject lot was it ever legal in any manner, either in creation or conformance to the zone;

2. Frustrate existing zoning and the consistency of such zoning by allowing construction on a grossly undersized, non-conforming lot, one which is less than 63% of the minimum required lot size, thus substantially increasing the density of development in the zone and disrupting the pattern of development intended by such zoning;

3. Frustrate existing zoning requirements as to lot width, which is required to be 60' in the subject zone, whereas the lot is 20' wide at Canyonside Road and approximately 16' wide at Maurice Avenue;

4. Frustrate existing zoning requirements as to rear yards by designating the Canyonside Road frontage of the lot a rear yard, to the detriment of all existing properties fronting on this main street, while resulting in a bunching of the proposed improvements against neighboring structures with minimal clearance between the structures;

5. Frustrate existing side yard setback requirements in having a garage built with no side yard setbacks, again intruding a density more appropriate to a highly built up near-urban area, rather than the open, hillside community in which this is proposed;

6. Result in materially detrimental development of the subject lot at an unprecedentedly high level of density. If the variance is approved, it will usher in the very mansionization which the applicant claims to be avoiding; applicant's planned improvements of 2,785 square feet are equal to 59.64% of the area of the subject lot, resulting in a building density on the subject lot is two to three times that of most lots in the surrounding area;

7. Not result in the deprivation of a substantial property right of the applicant, in that the subject lot was illegally created and of a size far less than required by existing zoning at the time of its creation in 1963. There never being a time at which the lot was a legally created lot, it is not capable of development due to that fact and the applicant cannot complain of hardship as a result.

A Conditional Certificate of Compliance Does Not Legalize the Subject Lot. The subject application correctly describes the purpose of this variance application as being:

"To legalize an existing undersized lot of 4,670 sq. ft...." [emphasis added]

DRP issued a Conditional Certificate of Compliance for the subject lot in July 2014.

"When parcels are validated by certificates of compliance, they "may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto." (§ 66499.35, subd. (f)(1)(E)). Conversely, if the property is found lacking in compliance, the local agency shall cause the filing of a conditional certificate of compliance, imposing conditions that the owner must fulfill. (*Id.*, subd. (b).)" *Gardner v. County of Sonoma*, 29 Cal.4<sup>th</sup> 990, 998 (2003). [emphasis added]

Per the California Supreme Court's *Gardner* decision, the DRP's issuance of a Conditional Certificate of Compliance is implicitly a finding that the subject lot was not legally created. The applicant, himself, per his variance application, has indicated his agreement with this conclusion.

Indeed, the circumstances of the subject lot's creation demonstrate that it was not legally created. The subject lot was created by a Grant Deed dated December 13, 1963, recorded

December 30, 1963. It is a remainder of Lot 11 of Tract No. 5784, the balance of which was deeded to the grantees under the foregoing deed. The subject lot appears to have been held back merely in order to provide a driveway from Maurice Avenue into Lot 12, the lot to the south of the subject lot. The subdivision of the subject lot did not comply with the then-existing zoning of R-1-7500 established in November 1950, which required a minimum lot size of 7,500 sq. ft. Further, though I have not located a citation, I believe that by 1963, the Zoning Ordinance of Los Angeles County required subdivisions of four lots or less, so-called minor land divisions, to be made through the filing of a tentative map.

Denial of the Application Would Not Constitute a Taking under the Fifth Amendment.

The applicant maintains that if he is not allowed to build upon the subject lot that it will be a hardship, thus raising the specter of a taking under the Fifth Amendment of the U.S. Constitution. Central to Fifth Amendment takings cases, however, is that the party complaining of the deprivation of use must have a legally created parcel of real property, one which the party has the ability to use and develop but for government action. Thus in *Lucas v. S.C. Coastal Council*, 505 U.S. 1003 (1992), the petitioner, Lucas, owned two residential lots, the use of which was denied to him by an act forbidding construction within the zone in which the lots were located. Mr. Lucas would have had no claim of a governmental taking of his property had he not owned these single-family residential lots and had the lots not been legally created and capable of development but for the State of South Carolina having adopted legislation forbidding any construction on those lots.

In this case, however, as demonstrated above, the subject lot was created illegally and failed to conform then-existing zoning as to minimum lot sizes, not to mention required street frontage. Not being a legally created lot, the applicant and his predecessors in title have never at any time been in a position to build on the lot by virtue of the initial and continuing illegality of the lot. Thus, there can be no possibility of a 5<sup>th</sup> Amendment taking if this variance application is denied.

Further to the taking issue, it should be noted that the applicant has clearly had the benefit of sophisticated land use counselling through the assistance of Peter Gonzalez, the owner of SC Planners, Inc., a firm which bills itself as a Land Use Consulting Firm ([www.scplanners.com](http://www.scplanners.com)). The sale of the subject lot closed on Friday March 28, 2014 and three days later, on Tuesday, April 1, 2014, the applicant was signing his Request for a Certificate of Compliance in which the name of SC Planners, Inc. appears as the address to which the certificate is to be mailed upon recording. It can be no stretch of the imagination to suppose that Mr. Gonzalez not only aided the applicant in drafting the Request for the Certificate of Compliance and the Variance Application, but that he was also working for the applicant long before the sale closed. Thus, applicant must have been just as much aware as Mr. Gonzalez of the illegality of the subject lot long before he bought it.

The Project Narrative attached to the Variance Application is also of interest in assessing the applicant's reasonable expectations in purchasing the subject lot. There, the applicant states that the lot size "allowed for a reduction in price..." yet it appears that he purchased it for a substantial premium compared with Lot 12, sold on the same day, March 28, 2014 to Robert Hall & Sons, Inc., a local builder/developer. From documentary transfer tax declarations on the deeds

for the two lots, the applicant paid \$42.83 per sq. ft. for his property, while the buyer of Lot 12 paid \$25.52 per sq. ft. for a lot improved with an existing home. Clearly, the applicant, far from obtaining a discount, elected to pay a steep premium for the subject lot in comparison with that of Lot 12. Perhaps, if we were allowed to examine the agreements and escrow documents for these sales we would find that the other buyer, Robert Hall & Sons, Inc., is merely holding title to Lot 12 for the applicant in nominee name and that the applicant has chosen to allocate a preponderance of the purchase price of the combined properties to the subject lot in order to maximize the tax basis of the subject lot. This would certainly be to his advantage if his object is to minimize capital gains tax in a quick sale of the subject lot once developed. And of course, if Robert Hall & Sons is merely holding title for the applicant, then the entire premise of the subject lot being separately owned would be a sham with implications not only for the variance application but also for the Conditional Certificate of Compliance.

Indeed, it may not be too much to say that the true subdivision of the subject lot occurred on March 28, 2014, when, for the first time, it was sold as a separate lot. The sellers of the subject lot would certainly have been required to merge the subject lot with Lot 12 had they applied for a Certificate of Compliance for the subject lot.

In fact, had the 1963 subdivision which created the subject lot been processed legally, there can be no doubt but that DRP would have required that the subject lot be merged with Lot 12 as a condition to the subdivision. The mere passage of time should not confer any semblance of legality to the subject lot's separate existence nor to the subsequent series of illegal sales which culminated in the purchase of the subject lot by the applicant.

### **Conclusion**

The applicant wishes to treat his Conditional Certificate of Compliance as establishing a legal lot and thus a right to develop the subject lot. The Conditional Certificate of Compliance does not and cannot confer any such rights.

The true nature of this variance is an attempt to legalize a subdivision which at no time was legal. Granting the variance would be an assault on the character of the zone resulting in a level of density more suitable for an urban zone, rather than a suburban hillside zone.

The variance application should be denied.

Very truly yours,

Gorton, Janosik & Poxon, LLP



James A. Gorton, Partner

Dear Sorin,

As Nicole may have told you, my concern is that projected development of the subject lot for Variance No. 201400008 seeks to develop the lot to a degree which is unprecedented in the Briggs Terrace neighborhood. Excluding the garage, the ratio of improvements to the lot area is 37.59%, nearly double the average density of development in the area. Including the garage, the ratio jumps to 58.51%, nearly triple the average local density.

Attached are two spreadsheets. The first is a compilation of all residences in Briggs Terrace, including Vista del Arroyo, a portion of Shields and Goss Canyon. The second excludes the latter three streets. Since the latter three streets aren't on the mesa portion of Briggs Terrace, some mightn't consider them to be a part of the neighborhood.

In both spreadsheets I have excluded undeveloped lots and properties of multiple acres (there are three, developed multi-acre properties). There are also five properties in which two lots are being used as one property. In those instances, for the purposes of calculating lot coverage, I've combined the lot areas and improvements to arrive at the percentage of lot area consumed by improvements and have noted the cases in which this was done.

You'll see in the first spreadsheet that for Briggs Terrace, the average improvements are 1,899 sq. ft., the average lot is 9,207 sq. ft. and the average ratio of improvements to lot size is 22.68%. The median house size is 1,781 sq. ft., the lot size is 7,673 sq. ft. and the median coverage is 20.47%.

Subtracting the lower streets resulting in an average improvements of 1,888 sq. ft., average lot size of 9,028 sq. ft., with coverage of 23.08%; median values are improvements, 1,773 sq. ft., 7,497 sq. ft. and 21.28%, respectively.

I believe that the improvements on the lot which is the subject of the variance in this matter should conform much more closely to the average ratio of improvements to lot area in the Briggs Terrace area. This is particularly so in view of the bizarre configuration of the lot.

Very little has also been done to mitigate the siting of the proposed improvements. The proposed garage placement is not only a zero lot line placement, but sites the garage on Canyonside. Virtually all other properties fronting on Canyonside use the Canyonside Rd. frontage as a front yard area. The siting of the garage in this area and its zero lot placement is extremely insensitive and will be a blight on the appearance of the street. It would be far better if the garage were placed on the Maurice Ave. side of the property and the existing driveway access used; perhaps the garage could be incorporated into the volume of the planned residence. This would allow the currently undeveloped Canyonside Rd. frontage to be landscaped as a front yard in conformance with almost all other Canyonside Rd. properties.

Finally, this lot has numbers of old growth trees, some of which may possibly be native pines of the area, most of which were logged out of this area of La Crescenta in the late 19th c. Whether they are or not, it would be unfortunate if this beautiful, mature tree canopy were destroyed in an attempt to maximize every inch of this tiny lot.

An additional detail which may be of interest - I called the realtor who handled this sale, Giancarlo Madariaga (818 807 7056), who confirmed that both the subject lot and the lot to the south, Lot 12 of Tr. 5784, were purchased by the same buyer in March 2014. I also attempted to speak to the sellers, Anthony and Alexandra Palazzola. I spoke to Mrs. Palazzola (626 792 4765) who was alarmed and became agitated when I began asking questions about whether both parcels had been purchased by the same buyer and ended by refusing to answer any questions. The conclusion seems inescapable that Mr. Anderson has chosen to hold Lot 12 in nominee title to avoid being required to consent to a lot line adjustment in order to develop the property. This would certainly lessen the cramped, bizarre character of the lot and the applicant could then place a house closer to the desired size on the adjusted lot without doing so much violence to the character of the neighborhood.

Please let me know if you have any questions in regard to the foregoing.

Best regards,  
Jim Gorton

**James A. Gorton**  
CERTIFIED SPECIALIST  
ESTATE PLANNING, TRUST & PROBATE LAW  
STATE BAR OF CALIFORNIA  
BOARD OF LEGAL SPECIALIZATION  
**GORTON, JANOSIK & POXON, LLP**  
909 EAST GREEN STREET  
PASADENA, CALIFORNIA 91106  
(626) 793-6215 *voice*  
(626) 793-6266 *fax*

## Briggs Terrace Lot and House Sizes

Excluding Shields, Vista del Arroyo and Goss

	house sq. ft.	lot sq. ft.	ratio bldg to lot
5501 <b>Canyonside</b>	2710	9579	28.29%
5529	3278	9361	35.02%
5533 [1]	140	4347	
5533 [2]	3044	3489	40.63% combined 5533
	3184	7836	
5535	844	4552	18.54%
5601	520	7497	6.94%
5604	2246	7018	32.00%
5605	2584	7497	34.47%
5608	2204	7079	31.13%
5609	2102	7697	27.31%
5612	1638	6617	24.75%
5613	2009	8006	25.09%
5617	1620	8076	20.06%
5620	2149	9300	23.11%
5623	1620	8076	20.06%
5625	2171	8176	26.55%
5700	1222	7758	15.75%
5701	1769	10799	16.38%
5711	537	11238	4.78%
5721	1200	17860	6.72%
5725	1702	20634	8.25%
5733	1392	7658	18.18%
5800	1226	17089	7.17%
5843	1922	3899	49.29%
5848	1592	15956	9.98%
5853	2682	4016	66.78%
5863	2280	3916	58.22%
5866	2027	6756	30.00%
5901	1875	7958	23.56%
5902	1432	7680	18.65%
5905	2848	7823	36.41%
5906	1432	8777	16.32%
5910	1582	9936	15.92%
5911	1394	7937	17.56%
5914	1847	11108	16.63%
5915	no data	8024	
5918	1585	12280	12.91%
5919	280	8159	3.43%
5922	2235	12798	17.46%
5926	1585	11840	13.39%

5930	1627	10568	15.40%
5936	3504	12667	27.66%
6001	2908	14998	19.39%
6002	2679	10746	24.93%
6010	2991	6978	42.86%
6016	2766	11077	24.97%
6020	1626	12537	12.97%
6023	5379	82328	6.53%
6026	1718	9156	18.76%
6034	2156	8899	24.23%
6040	1820	9309	19.55%
6048	1476	20417	7.23%
6065	6.27 AC		
2305 Dorothy	1985	7497	26.48%
2307	2691	7497	35.89%
2311	1098	7497	14.65%
2315	2432	7497	32.44%
2321	1648	7497	21.98%
2325	1216	7497	16.22%
2326	970	9374	10.35%
2327	1216	7497	16.22%
5807 Edmund	1492	7497	19.90%
5811	2086	7497	27.82%
5815	1468	7497	19.58%
5816	1574	9566	16.45%
5819	1672	7497	22.30%
5820	2075	8459	24.53%
5823	2941	7497	39.23%
5824	1574	9217	17.08%
5827	1581	7497	21.09%
5830	1540	8568	17.97%
5831	1510	7497	20.14%
5835	1806	7497	24.09%
5839	1990	7497	26.54%
5840	2500	4996	50.04%
5841	1428	7497	19.05%
5845	1738	7497	23.18%
5846	1454	4996	29.10%
5849	1627	7497	21.70%
5850	1595	4996	31.93%
5516 [1]Freeman		2936	0.00%
5516 [2]	1830	2910	5846 31.30% combined 5516
5526	3407	4217	80.79%

5527	1601	9579		16.71%
5532 [1]	921	4099	7166	12.85% combined 5532
5532 [2]		3067		
5601	1633	7610		21.46%
5604	933	16148		5.78%
5607	2663	5258		50.65%
5610	3170	11247		28.19%
5611	1360	6238		21.80%
5613	1380	6029		22.89%
5616	2069	15098		13.70%
5617	1504	6059		24.82%
5621	810	5057		16.02%
5624	1285	7497		17.14%
5628	2354	7797		30.19%
5632	1756	8067		21.77%
5636	1782	7998		22.28%
5637	1465	7288		20.10%
5638	1887	8529		22.12%
5641	1780	7497		23.74%
5702	1835	8686		21.13%
5703	1408	7497		18.78%
5706	1468	8438		17.40%
5707	1624	7497		21.66%
5711	1793	7497		23.92%
5712	1468	8577		17.12%
5714	1826	8716		20.95%
5715	1369	7497		18.26%
5718	2033	8847		22.98%
5719	1396	7497		18.62%
5723	1414	7497		18.86%
5724	1776	8847		20.07%
5728	1940	7497		25.88%
5814	1552	13107		11.84%
5831	3333	30597		10.89%
5841	3569	35284		10.12%
5846	1654	10690		15.47%
5854	4752	7998		59.41%
5856	2204	7497		29.40%
5857	2468	19837		12.44%
5859	2936	25539		11.50%
5860	1472	7497		19.63%
5864	2392	7497		31.91%
5866	1468	7497		19.58%

5869	2524	16836	14.99%
5870	1468	7497	19.58%
5871	1248	21249	5.87%
5874	2504	7497	33.40%
5875	785	15677	5.01%
5880	1029	7497	13.73%
5516 1/2 Goss			
5504			
5510			
5512			
5514			
5516			
5518			
5522			
5524			
5530			
5534			
5538			
5542			
5548			
5550			
5554			
5801 Irving	1277	5066	25.21%
5802	2677	6247	42.85%
5806	1992	7497	26.57%
5807	1674	7379	22.69%
5809	4374	7497	58.34%
5810	1414	7497	18.86%
5814	1844	7497	24.60%
5815	1972	7497	26.30%
5817	2470	7497	32.95%
5818	1492	7497	19.90%
5821	1623	7497	21.65%
5822	1468	7497	19.58%
5825	3108	7497	41.46%
5826	1434	7497	19.13%
5830	1738	7497	23.18%
5831	1738	7497	23.18%
5834	2465	7497	32.88%
5835	1724	7497	23.00%
5838	1690	7497	22.54%
5839	1448	7497	19.31%
5840	1738	7497	23.18%

5843	1824	7497	24.33%
5844	1428	7497	19.05%
5845	1433	7497	19.11%
5850	1627	7497	21.70%
2302 Jayma	1485	8507	17.46%
2311	2864	11387	25.15%
2315	2272	11138	20.40%
2319	1366	10877	12.56%
2320	2776	10746	25.83%
2323	1555	10777	14.43%
2326	1937	10080	19.22%
2331	2120	10581	20.04%
2334	1618	10080	16.05%
2335	1802	10729	16.80%
2338	1890	9997	18.91%
2339 [1]		8276	
2339 [2]	1958	11888	20164 9.71% Combined 2339
2343	1764	10916	16.16%
2344	1802	10237	17.60%
2345	1734	10476	16.55%
2349	1481	11888	12.46%
2350	1386	10106	13.71%
2351	1574	10620	14.82%
2352	1353	10428	12.97%
2353	2050	10367	19.77%
2354	1838	11138	16.50%
2356	1376	11108	12.39%
2358	1506	12297	12.25%
2215 Manzanita	1808	7497	24.12%
2217	2113	7497	28.18%
2223	1105	14998	7.37%
2235	1150	14998	7.67%
2239	1401	7497	18.69%
2241	1788	7497	23.85%
2303	1804	7497	24.06%
2306	1423	6247	22.78%
2307	1359	7497	18.13%
2311	1750	7144	24.50%
2315	1359	6460	21.04%
2209 Maurice	2448	7497	32.65%
2211	2627	10058	26.12%
2212	1985	17729	11.20%
2224	2056	7562	27.19%

2226	2518	7497	33.59%
2229	2001	10794	18.54%
2230	1406	7497	18.75%
2233 [1]		7497	
2233 [2]	2779	7497	14994 18.53% combined 2233
2234	2061	7497	27.49%
2236	3276	7497	43.70%
2240	2902	7497	38.71%
2241	2710	7497	36.15%
2244	2530	7497	33.75%
2245	2955	7497	39.42%
2247	3093	7497	41.26%
2248	2228	7166	31.09%
2251	1224	7170	17.07%
2255	2825	7079	39.91%
2303	1080	7497	14.41%
2312	1925	7667	25.11%
2315	3190	7497	42.55%
2325 [1]		4722	
2325 [2]	1630	6573	11295 14.43% combined 2325
2221 Phyllis	1627	7497	21.70%
2228	2684	8729	30.75%
2232	2520	6656	37.86%
2200 Shields			
2207			
2223			
2229			
2330			
2331			
2337			
5504 Terrace	2612	7867	33.20%
5508	1633	7549	21.63%
5510	1128	5698	19.80%
5514	1926	5127	37.57%
5515	1859	9148	20.32%
5518	1298	4988	26.02%
5519	2118	8999	23.54%
5522	1244	4487	27.72%
5525	1786	8999	19.85%
5526	1053	3781	27.85%
5529	1777	10799	16.46%
5535	2328	7096	32.81%
5539	1963	13560	14.48%

5551	1851	14379	12.87%
5552	1786	5776	30.92%
5555	1807	8708	20.75%
5556	2540	3781	67.18%
5560	1244	4487	27.72%
5561	1550	8982	17.26%
5565	2093	12297	17.02%
5566	2570	4988	51.52%
5570	1128	5262	21.44%
5574	1468	5698	25.76%
5575	2618	16596	15.77%
5578	2264	7619	29.72%
5581	3.67 AC		
5584	1438	7518	19.13%
5592	1723	7518	22.92%
5598	1438	7497	19.18%
5615	2561	11848	21.62%
5621	1380	5946	23.21%
5625	2488	7362	33.80%
5629	4712	7488	62.93%
5401 Vista Del Arroyo			
5404			
5410			
5414			
5420			
5421			
5424			
5428			
5432			
5443			
5444			
5450			
5451			
5456			
5457			
5464			
5468			
5472			
5472			
5476			
<b>Total</b>	<b>466283</b>	<b>2283976</b>	<b>5700.39%</b>
<b>Average</b>	<b>1887.8</b>	<b>9027.57</b>	<b>23.08%</b>
<b>Median</b>	<b>1772.5</b>	<b>7497</b>	<b>21.28%</b>



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner  
Director

REGIONAL PLANNING COMMISSION  
APPEAL FORM

DATE: August 1, 2015

8/3/15  
COPIES: EACH COMMISSIONER  
STAFF

TO: Ms. Rosie Ruiz  
Regional Planning Commission Secretary  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Avenue, Room 1350  
Los Angeles, California 90012

Alexanian S.  
Glaser M.  
Wasis M.  
Mar. S.  
Nicolotta J.

FROM: James A. Gorton  
Name

SUBJECT: Project Number(s): R2014-01923-(5)  
Case Number(s): Variance no. 201400008  
Case Planner: Steve Mar  
Address: 320 W. Temple St., L.A., CA 90012  
Assessors Parcel Number: 5868 020 012  
Zoned District: La Crescenta

Entitlement Requested:

Variance requested for construction of new single family resid.

on undersized 4,670 sq.ft. lot in R-1-7500 zone

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	
Change of Zone Case No.	
Other	

(Reverse)





# County of Los Angeles

## PAYMENT RECEIPT

PERMIT: RVAR T201400008

RECEIPT NUMBER: 15-0007269

APN: 5868020012

APPLICANT: PETER CONZALEZ

PROJECT NO: R2014-01923

ADDRESS: 619 FREMONT AVE STE C

CITY/STATE/ZIP: ALHAMBRA, CA 91803

PROJECT NAME:

SCOPE: VARIANCE

PAYER: GORTON, JANOSIK & POXON LLP

SITE ADDRESS: 0 NO ADDRESS

ADDRESS: 909 E GREEN ST

CITY/STATE/ZIP: PASADENA, CA 91106

COMMUNITY: LA CRESCENTA

PHONE: 626-793-6215

LOCATION:

<u>Fee Code</u>	<u>Description</u>	<u>Account</u>	<u>Units</u>	<u>Amt Due</u>	<u>Amt Paid</u>	<u>Balance Due</u>
RFRPCAPL2	APPEAL TO RPC-NON APPLICANT	8351		\$735.00	\$735.00	\$0.00
RFVAR	VARIANCE			\$8,724.00		\$0.00
<b>Totals:</b>				\$9,459.00		\$0.00

<u>Payment Code</u>	<u>Description</u>	<u>Charge Account</u>	<u>Reference #</u>	<u>Cashier</u>	<u>Date paid</u>	<u>Amount</u>
CHECK	CHECK		5404	Armerch Arakilians	08/03/2015	\$735.00

Tendered: \$735.00  
Change: \$0.00  
Balance Due: \$0.00

Payment Comments

**Exhibit 1 to  
Regional Planning Commission Appeal Form**

Project Number R2014-01923-(5)  
Case Planner, Steve Mar  
APN 5868-020-012

Appellant: James A. Gorton

**REASON FOR APPEAL:**

**Summary of Argument**

The burden of proof in this matter has been flipped on its head. The sole concern of staff and the Hearing Officer appear to have been to accord the applicant with the maximum possible use of the subject lot without reference to the impact of such use on the surrounding neighborhood. The applicant's Conditional Certificate of Compliance requires the applicant "... to adequately mitigate the negative effect of the undersized lot." Unfortunately, every intendment has been given to the applicant in this process and none to mitigation.

**Argument**

**Background.**

The subject lot is a nonconforming lot, the remnant of a dotted line subdivision from 1963 which was never intended to create a separate, buildable lot, merely to retain access from Maurice Ave. to a house to the south, 5919 Canyonside Rd., APN 5868 020 013.<sup>1</sup> The subject lot and 5919 Canyonside Rd. have been under common ownership since the creation of the subject lot up until its sale on March 28, 2014 (5919 Canyonside Rd. being sold that same day).

Prior to the 5<sup>th</sup> Amendment takings cases emanating from the U.S. Supreme Ct., the County could have prohibited any use of this lot because it does not conform to the zone. The takings cases mitigate this severe possibility, but on the other hand, they do not give the owner of a nonconforming lot a completely free hand in developing it. The owner of such a lot is merely to be accorded some economic use, not necessarily use of the same kind or intensity which would be open to an owner of a conforming lot. See *Smith v. San Francisco* (1990) 225 C.A.3d 38, 45. "To state a cause of action for inverse condemnation based on government regulation amounting to a constitutional taking, appellants must allege facts showing such regulation deprived them of *substantially all* use of their property." [emphasis added] In *Ramona Convent of the Holy Names v. Alhambra* 21 C.A.4th 10 (1993) the Second District Court of Appeals held that open space zoning of the petitioner's parcel did not constitute a taking in that it allowed the petitioner to continue use of the parcel for school purposes.

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<sup>1</sup> Note that Finding No. 9 is in error. All three (3) properties adjoining the subject lot are improved with single family residences, including 5919 Canyonside Rd., the lot to the south, currently being used as a rental property.

Exhibit I to  
Regional Planning Commission Appeal Form

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Abuse of Discretion.

Staff of the Department of Regional Planning abused their discretion in determining that the Canyonside Road frontage of the subject property should be treated as a rear yard. The vast majority of lots fronting Canyonside Rd. in the neighborhood treat it as a front yard, with appropriate landscaping and minimization of hardscape. There are few exceptions. Only two lots treat Canyonside Rd. as other than a front yard, and these two treat it as landscaped side yard. One is the lot to the north of the subject lot, and the other is a 6.27 acre parcel at the top of Canyonside Rd.

The proposed use will result in the entire width of the Canyonside Rd. frontage of the subject lot being paved over with asphalt, extending 42 ft. from Canyonside Rd. to a faceless garage, erected to the full width of the lot. There will be no landscaping and no amelioration of this distinctly sterile, utilitarian street front, more like an alleyway than a suburban street in a hillside neighborhood. This use, both in nature and proposed appearance, is completely at variance with all other properties fronting Canyonside Rd.

Notably, the Zoning Permit Application reveals that 3,290 sq. ft. of the subject lot, or 70.45%, will be covered with structures or asphalt, leaving only 1,380 sq. ft. of open space, coverage which is more typical of a condominium project or PUD, or of an urban lot in the City of San Francisco, rather than a suburban, single-family zone of larger lots.

In fact, the subject lot fronts on two streets, Canyonside Rd. and Maurice Ave., as the staff analysis acknowledges. There is no ambiguity in this fact, nor would recognition that the lot has two street frontages prevent its improvement. It would simply preclude packing this lot to the maximum extent possible with improvements vastly more dense than the average in the surrounding neighborhood and with hardscape covering far more of the lot than any other uses in the area.

As a compromise, one which would have mitigated the impact of the variance as approved, staff might have determined that the Maurice Ave. frontage of the lot, already improved with an existing asphalt driveway, be designated the rear yard, thus likely resulting in the garage being incorporated into the structure of the residence, much like most surrounding uses. This would have minimized hardscape and harmonized the look and feel of the proposed residence with surrounding uses.

The Hearing Officer's Findings Are Not Supported By The Evidence.

The hearing officer ignored evidence as reported by James A. Gorton in a July 9, 2015 e-mail to Sorin Alexanian, Deputy Director of the Department of Regional Planning, that the subject lot and the adjacent lot to the south, 5919 Canyonside Rd., APN 5868-020-013 appear to be in common ownership, one of the lots apparently being held in nominee title to

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avoid the appearance of common ownership. As a result, a possible lot line adjustment with the lot to the south was ignored, one which could have increased the size of the subject lot to 5,790 sq. ft., a size much more in conformance with the surrounding area in which the average lot size is 9,300 sq. ft. and the median is 7,673 sq. ft.

Notably, if the lot size of 5919 Canyonside Rd. were decreased and the subject lot increased, the two lots would conform more exactly to the median lot size of the neighborhood. Further, by reducing 5919 Canyonside Rd., the maximum possible density of improvements which could be built on that lot would be far smaller, thus frustrating mansionization much more effectively than the variance as approved, which will ironically result in packing the smaller lot to the highest possible density and leave the larger lot intact to be developed to an even larger maximum size; double mansionization, in fact.

Finally, the failure of the Hearing Officer to consider the foregoing evidence meant that the alternative of instituting merger proceedings of 5919 Canyonside Rd. and the subject lot was not considered. The merged lots would have a total combined area of 13,290 sq. ft. and would be much more in conformance with the existing lot sizes of the neighborhood, if on the large side.

The finding that the variance would avoid mansionization is, as has already been noted, not supported by the facts. In fact, it flies in the teeth of the evidence. The density of the planned improvements is over 38%, nearly double the average of 22.92% in the immediate neighborhood. It is in fact mansionization in its own right, i.e., the building out of this tiny lot to the utmost maximum, aided by the inappropriate exercise of staff discretion in determining that a street front may be designated as a rear yard.

The finding that the proposed development would maintain consistency of development in the neighborhood or the zone is also directly contradicted by the evidence. The extraordinary density of the proposed development, as well as the singular and inappropriate decision of staff to turn street frontage into a rear yard which will be paved side to side for a depth of over 42 feet with nothing but sterile asphalt ending in a blank garage face, is completely out of keeping with the uses observable in this neighborhood.

In this regard, it should be noted that many houses along Canyonside Rd. are improved with driveways leading from the street front to a clearly visible garage, which may superficially appear similar to the subject lot. These garages, however, do not sit in isolation like that proposed by the applicant, they are combined in harmony with the residences which they serve. In these properties, house, garage and driveway are also improved with landscaping which softens the overall composition. In contrast, the subject property will have only a blank-faced garage standing at the end of a wide sheet of asphalt, bereft of any landscaping, a composition more appropriate for an alleyway than a suburban, hillside neighborhood street.

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The finding that the development is necessary for the preservation of property is also plainly contradicted by the record. Many less intensively dense uses of the property would be possible (not to mention decreasing the nearly total coverage of the lot by hardscape and structures) even if the Canyonside Rd. frontage were not designated as the rear yard. Staff's exercise of discretion in this regard has, far from mitigating the impact of this undersized lot, made its impact even more objectionable and injurious to the neighborhood and to the zone.

The finding that granting the variance will not adversely affect the use and enjoyment possessed by other properties is likewise unsupported by the evidence. The evidence, the applicant's plans for the development of the lot, suggests rather that it will introduce a density of use in close proximity to neighboring properties on the north and west of the subject lot and that it will disfigure the Canyonside Rd. frontage to the detriment of all other properties in the vicinity, likely making the area less attractive to potential buyers and thus negatively impacting local property values.

## Steven Mar

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**From:** Douglas Farr [mailto:dfarr@lancounty.gov]  
**Sent:** Friday, August 21, 2015 2:58 PM  
**To:** Steven Mar  
**Cc:** Chuck & Kat  
**Subject:** Appeal of Project R2014-01923-(5)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Mar:

Pursuant to the Notice of Public Hearing card received today regarding the appeal of proposed variance on project R2014-01923-(5) which is the property north of Manzanita on Canyonside Rd. in La Crescenta, please be advised that I am opposed to this construction.

The purpose of the LA County building code is to prevent large houses from being built on undersized lots. The mansionization of homes degrades the quality of a neighborhood, increases congestion and creates parking problems.

The people who live in this neighborhood have paid a premium price for a quality living experience and do not wish to have it degraded.

Best regards,

Douglas M. Farr  
2236 Maurice Avenue  
La Crescenta, CA 91214-1533

## Steven Mar

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**From:** Kathryn Terhune [mailto:kterhune@cityofpasadena.net]  
**Sent:** Monday, August 24, 2015 2:48 PM  
**To:** Steven Mar  
**Subject:** project no. r2014-01923-(5) variance no 201400008

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Mar:

Please do not let this proposed construction take place. These zoning laws exist for a reason. We expect the planning commission to enforce the existing laws. We do not want this over-sized house built on this lot that is too small. It effects the quality of life up here with over- crowding, parking issues ,and congestion in our mountain-like community. The proposed construction is a form of mansionization by cramming too big a house on an undersized lot. It is esthetically unappealing.

Thank you.

Charles and Kathryn Terhune  
2248 Maurice Ave.  
La Crescenta. CA 92324

## Steven Mar

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**From:** judy turner [mailto:jturner@cityoflosangeles.org]  
**Sent:** Friday, September 11, 2015 1:49 PM  
**To:** Steven Mar  
**Subject:** Support for Appeal on Variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Re: Project No. R2014-01923-(5) Variance No. 201400008

Dear Mr. Mar:

Please enter the following comments into the record of the Appeal to be held on 9/30/15.

The lot was and still is "nonconforming" in that it did not conform to zoning in effect at the time of its creation nor is it in conformance with current zoning. It is clear that DRP staff resolved all negative impact issues in favor of the owner. Comments by staff at prior hearings conveyed an assessment of our neighborhood as an oddball, ragtag, County style neighborhood where anything goes with no concern for major density issues. In fact the fact that a handful of properties have density issues was justification for further densification. This is a huge fire concern and conflicts with LA County Fire officials who have sited density as one of the key fire hazards of the neighborhood. So much so that they have helped to plan and participate in two separate evacuation drills for the neighborhood to ensure residents are aware of the hazard and know how to get out safely in the event of a fire.

Density is also the cause of issues regarding parking on Maurice, at the top of the property and Canyonside Road on the bottom. Historically there have been neighborhood disagreements regarding parking regulations on Maurice that were subsequently reversed as a result of neighborhood complaints. Maurice is a dead end street with no available street parking at the end. Since the plans call for the front entrance of the house to be on Maurice, this will result in further exacerbation of an already bad situation.

Parking on Canyonside is also limited. According to the current plans, since the house will be built uphill from the garage, this will necessitate the addition of stairs to access the house. Bottom line, it will be more convenient and easier to access through the front door on Maurice, making a bad situation even worse.

Nor does there seem to be any concern that the Canyonside Road frontage would be an unsightly garage with a big asphalt apron stretching down to the street, the width of the lot, and without ANY landscaping, counter to the rural environment that attracted residents to this area.

This undersized lot and the lot to the south appear in reality appear to both be owned by Scott Anderson, with the southern lot being held in nominee title for the time being. The realtor who had the listing admitted there was only one buyer. Comments made by staff and by the owner's representative at 7/21/15 hearing indicated that they didn't care that the two lots might be in common ownership. This reflects at least the appearance that staff have considered only the interests of the owner at the expense of the neighborhood. Giving in to this variance will mean that when they build on the neighboring lot, 5919 Canyonside Road, the developer will continue to push for variances given the success he has had to date with the DRP staff on this property.

Please ensure that my comments are included in the record for the hearing on Wednesday, 9/30/15 at 9 AM.  
Thank you.

Judy A. Turner  
5918 Canyonside Road  
La Crescenta, CA 91214

**Steven Mar**

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**From:** Dan Eccles [mailto:dan.eccles@levyfla.com]  
**Sent:** Friday, September 11, 2015 4:02 PM  
**To:** Steven Mar  
**Subject:** Project number R2014-01923-(5)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Mar, I'm writing to you about the above-referenced project number's variance number 201400008. Honestly, I'm never one to really get involved in things like this but this situation concerns me for two reasons.

I moved into my house, which is situated right across Canyonside Rd. from the lot in question, about 3 months before the big fires hit several years ago. Since that time we've been constantly reminded by the county fire department about the danger of fire in our area. Constant brush clearance was mandated, townhalls were held talking about clearance, etc. Now it looks like this project is going to wedge in a very large house into a very small space (building to land ratio of 60% vs 30% for other homes in the area, from what I am told.) This seems like the county ignoring the very message they have been delivering to us over that last few years. I understand there are dollars to be made by developing the lot, but if the county is aware of the fire dangers in the area this seems like the other homes are being willfully put in extra danger by allowing such as massive structure.

Secondly, from an aesthetics standpoint the proposed variance would create something that is the polar opposite of why I purchased my home in the Briggs Terrace area. It seems unfair to the current residents to pass these exceptions. After talking with a real estate agent friend of mine, my opinion is that the proposed house changes the dynamic of the neighborhood and would reduce the value of the other homes.

Again, I understand there are dollars to be made and have no problem with a house going in, but such a large house is not a good idea. I'd love to hear from you if you ever had the time.

Best regards,

**Dan Eccles | Regional Controller**

**Levy Restaurants**

**Steven Mar**

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**From:** Eric Noland [mailto:eric.noland@steppe.com]  
**Sent:** Thursday, September 17, 2015 10:54 AM  
**To:** Steven Mar  
**Subject:** Re: property on Canyonside in La Crescenta

Hello, Steve --  
Here are my comments for the Regional Planning Commission in advance of the variance hearing on Sept. 30.  
Please reply to confirm receipt.  
Thank you very much,  
Eric Noland

Comments for the Regional Planning Commission from Eric Noland, 2224 Maurice Ave.

c/o Steve Mar, case planner

re. undersized lot on Canyonside Road in La Crescenta

Project No.: R2014-01923-(5)

Variance No.: 201400008

Dear Members of the Regional Planning Commission:

As one of only three contiguous neighbors to the subject property, and a resident here for the past 14-plus years, I respectfully request that the Regional Planning Commission reject this request for a variance, on the following grounds:

-- The buildings proposed for this small, irregular-shaped lot would represent development density of more than two-thirds of the lot, whereas the average property density in our neighborhood is less than one-quarter. Briggs Terrace is a charming, hillside neighborhood high on the flanks of the San Gabriel Mountains, and this project would significantly degrade its character and appeal.

-- I am not someone who opposes any kind of development in my neighborhood. Two new homes were recently built at the west end of Maurice Avenue, and I had no objections to either of them. But if this tiny lot is to be developed, the building should conform to the density of the immediate neighborhood, which would mean a limit of about 1,100 square feet. Homes of that size are no less prized in this area.

-- In order to achieve the necessary rear setback, the applicant has called the frontage on Canyonside Road the rear property line. That property line is at right angles to what is being called the front property line on Maurice Avenue. It seems in granting the variance, the Department of Regional Planning has unreasonably allowed the applicant to twist zoning restrictions into a pretzel.

-- The proposed garage is to be built lot line to lot line, which is entirely out of step with existing buildings in the area.

-- Finally, given the evident prospect that the subject property and the lot immediately to the south (5919 Canyonside Road) have common ownership, I would urge the Commission to facilitate a merger of the lots. That would potentially create two residential lots of 6,645 square feet, which would be much more compatible with a neighborhood where 7,500-square-foot lots are commonplace.

Thank you for your consideration,

Eric Noland

homeowner at 2224 Maurice Avenue