

Received
Sept. 25, 2006

6:30 p.m.

Jane Rodriguez
City Clerk

To: Jane R.

From: Chris Holden Ah

Sept. 25, 2006

Re: The property at 1059 Laguna Road,
MCUP # 3942

This ^{letter} is to request ^{that} this matter be
agendized at the next regularly Scheduled
City Council meeting for possible call up
to the City Council for review.

10/09/2006
7.B.5.



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

September 25, 2006

Steve Jennings
2029 Verdugo Boulevard #1014
Montrose, CA 91020

**RE: Minor Conditional Use Permit #3942
1059 Laguna Road
Council District #6**

Dear Mr. Jennings:

On remand from the Superior Court the **Minor Conditional Use Permit at 1059 Laguna Road**, was considered by the **Board of Zoning Appeals** on **September 20, 2006**.

MINOR CONDITIONAL USE PERMIT: To allow the development of a new single-family home on a vacant lot in the Hillside Overlay district. Remand back to the Board of Zoning Appeals to make appropriate findings.

After careful consideration of this application a thorough review of the prior record and with full knowledge of the property and vicinity, the Board of Zoning Appeals voted to set aside its May 19, 2004 decision and voted to **disapprove** the Minor Conditional Use Permit #3942 and made the findings as shown on Attachment A to this letter.

You are hereby notified that the decision of the Board of Zoning Appeals is not subject to further appeal. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **October 3, 2006**. However, prior to the effective date, a member of the City Council may stay the decision and request that it be called for review to the City Council.

Projects, which are denied, are statutorily exempt from the California Environmental Quality Act. Please note that the time within which judicial review of this action must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

For further information regarding this case please contact **Jennifer Paige-Saeki** at **(626) 744-6709**.

Board of Zoning Appeals, by



DENVER E. MILLER
Zoning Administrator

DEM:jps:ac

Enclosures: Attachment A

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission(9).

ATTACHMENT A
BOARD OF ZONING APPEALS FINDING OF FACT
FOR DISAPPROVAL OF MINOR CONDITIONAL USE PERMIT #3942

1. *The conditional use will be detrimental to the public health, safety, or welfare of persons residing, or working in or adjacent to the neighborhood of such use, or injurious to properties or improvements in the vicinity.* The single-family home as proposed would be two stories in height with a floor area of 5,088 square feet (including a 648 square foot garage). The subject site contains an existing drainage culvert that traverses the site from east to west (running approximately parallel to Laguna Road). Based on the existence of this drainage culvert, the applicant is proposing to provide vehicular access to the site via an elevated concrete driveway that starts at street level and winds down to the garage. The highest point of the driveway would be approximately 24 feet above the gully. The lot is a steep downslope lot and the house and garage are proposed to be located below street level.

Based on evidence provided by the appellant at the hearing of the Board of Zoning Appeals (BZA), the BZA finds that the proposed development would be detrimental to the public health, safety, and welfare of persons residing in or adjacent to the neighborhood of the development, and injurious to properties or improvements in the vicinity. Specifically, the size of the proposed house is larger than other homes in the immediate residential neighborhood. The BZA found that homes in the area were typically single-story of the mid-century style. The Zoning Code does not provide a specific formula for determining neighborhood compatibility. Neighborhood compatibility typically involves an analysis of the size of the home in relation to other homes in the immediate area, the location of the home on the site, site conditions (such as topography) that may affect the visibility of the structure and if the home is compliant with development standards. The BZA as part of their neighborhood compatibility analyses looked at the median house size presented in the documents at the hearing, and added an additional fifty percent to the floor area. This would allow a home up to 3,500 square feet. The proposed home at approximately 4,400 square feet was found to be out of scale and not in character with the existing development in the neighborhood.

The BZA also found that the site was unique given the topography and the existence of a stream and canyon on the site. The proposed elevated concrete driveway that traverses the gully was found to be injurious to the property to the west of the subject site. The height, size and materials of the elevated driveway would result in a negative visual impact to the abutting property owner and would affect the livability of the abutting property.

2. *The location of the conditional use and the conditions under which it would be operated or maintained will not be consistent with the General Plan.* A goal of the General Plan is to assure that new development is consistent and compatible with the surrounding residential district. Based on an evaluation of site conditions (size of the lot, topography, natural features etc.), the size of the home and the elevated driveway that will provide access from Laguna Road, the

BZA determined the proposed home was not compatible with homes in the surrounding area. The BZA found that the proposed home was larger than other homes in the neighborhood and that the home was too large for the subject site. The BZA determined that the home was too large for the area given the unique and sensitive type of culvert and streambeds on the site. Although the home meets the applicable development standards of the Zoning Code, the BZA noted that neighborhood compatibility was a factor in reviewing a Minor Conditional Use Permit for a home subject to the Hillside Ordinance and that the proposed home would not be compatible with the surrounding area. Therefore, the home proposed under the Minor Conditional Use Permit would not be consistent with the General Plan goal to assure consistent and compatible new development.