

Jomsky, Mark

From: Madison, Steve
Sent: Monday, December 31, 2007 10:42 AM
To: Rodriguez, Jane
Cc: Jomsky, Mark; Suzuki, Takako
Subject: Call For Review

Please agendize for Council consideration a call for review of MV#11619, 100 Los Altos Drive.

01/07/2008
7.B.3.



FILE COPY

PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

December 20, 2007

Donna Vaccarino
1660 – 19th Street
Santa Monica, California 90404

RE: **Minor Variance #11619**
100 Los Altos Drive
Council District 6

Dear Ms. Vaccarino:

Your appeal application for a **Minor Variance** at **100 Los Altos Drive** was considered by the **Board of Zoning Appeals** on **December 19, 2007**.

MINOR VARIANCE: Applicant seeks an after-the-fact approval for the construction of a driveway entry gate, columns, and attached lighting fixtures that exceed the six-foot maximum height for fences/gates on a single-family property. The gate ranges in height from 7'-6" to 11'-6" while the lighting fixtures on the columns reach an overall height of 13'-9".

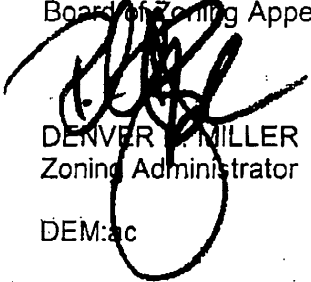
After careful consideration of this application, and with full knowledge of the property and vicinity, the Board of Zoning Appeals made the findings as shown on Attachment A to this letter.

Based upon the findings, the Board of Zoning Appeals decided to **sustain** the decision of the Hearing Officer and **disapprove** the Minor Variance.

You are hereby notified that the decision on the Minor Variance of the Board of Zoning Appeals is not subject to further appeal. If, you have reason to believe the Environmental Determination is incorrect, this determination is appealable to the City Council. If the Environmental Determination is appealed, the Council will hold a new hearing on the entire application. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal of this decision shall be within ten days, the last day to file an appeal is **December 31, 2007**. Appeal applications must cite a reason for objecting to a decision. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **January 1, 2008**. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

A disapproval is statutorily exempt from the California Environmental Quality Act. For further information regarding this case please contact **David Sinclair** at **(626) 744-6776**.

Board of Zoning Appeals, by



DENVER V. MILLER
Zoning Administrator

DEM:ac

Enclosures: Attachment A

xc: City Clerk, City Council, City Manager, Acting City
Manager, 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
FINDINGS FOR MINOR VARIANCE #11619

Minor Variance – To allow a driveway gate in a corner side yard to exceed six feet in height.

1. *There are no exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district.* The subject property is a large lot surrounded by private streets on three sides. There are other properties in the vicinity that are either double frontage lots or lots that have frontage on three sides similar to the subject site. Considering the development pattern of the neighborhood and the hillside location, most of the lots in the vicinity are of an unusual shape and size and have street frontage on more than one property line. Therefore, there are no exceptional or extraordinary circumstances that apply to the subject site alone that warrant a fence/gate of 13'-9" tall. The property line adjacent to Los Altos Drive is considered a corner side yard and a fence/gate up to six feet tall is permitted by right at the proposed location. Further, the subject site is a corner lot, which is allowed to have a six-foot tall fence/gate.

2. *Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant, or to prevent unreasonable property loss or unnecessary hardship.* The property owner is not denied a substantial property right if required to comply with current maximum fence height requirements. The site is a relatively large lot, surrounded by fencing and mature landscaping. The single-family residence was not originally constructed with a gate of the proposed size and the property owner is afforded full use of the property without a 13'-9" tall gate across the driveway. The property line adjacent to Los Altos Drive is considered a corner side yard, and therefore, a fence or gate up to six feet in height is allowed by right. A large portion of the site also sits at a higher elevation than the street, resulting in existing fencing/walls that are taller than much of the surrounding grade. Given the various ages of houses in Pasadena, there are properties that have fences or gates that are taller than the current single-family development standards of the Zoning Code. However, these gates were installed many years ago (often when the house was originally constructed) and are not required to be modified to meet the current Zoning Code regulations. The property owner is afforded full use of the property as it has been used for many years, without the installation of a gate exceeding six feet in height.