



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 16, 2019

TO: Hearing Officer

SUBJECT: Certificate of Exception #356

LOCATION: 1450 Capinero Drive and 412 Glen Holly Drive

APPLICANT: Carina Woo, Esq. (on behalf of the property owners)

ZONING DESIGNATION: RS-6-HDSR (Single-Family Residential, 0-6 units per acre, San Rafael Hillside Overlay District)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Certificate of Exception #356 with the conditions in Attachment B.

PROJECT PROPOSAL:

- 1) Certificate of Exception: To allow a lot line adjustment between two adjoining parcels in the RS-6-HDSR zone. Parcel A, at 1450 Capinero Drive, is a 5,944 square-foot lot with an existing 2,441 square-foot residence; and, Parcel B, at 412 Glen Holly Drive, is a 6,729 square-foot lot with an existing 2,700 square-foot residence. The proposal would transfer 688 square feet from Parcel B to Parcel A. After the lot line adjustment, the lot size for Parcel A would be 6,632 square feet, and Parcel B would be 6,041 square feet and the maximum permitted gross floor area on Parcel A would be 2,257 square feet, with a maximum gross floor area permitted on Parcel B of 2,143 square feet. No new parcels would be created. No construction, demolition, or tree removals are proposed as part of the application.
- 2) Variance: To allow Parcel A to continue to have a nonconforming

lot size of less than the minimum required lot area of 7,200 square feet.

- 3) Variance: To allow the nonconforming lot size for Parcel B to be further reduced to less than the minimum required lot area of 7,200 square feet.
- 4) Variance: To allow Parcel A to maintain a nonconforming gross floor area.
- 5) Variance: To allow the nonconforming gross floor area on Parcel B to be made further nonconforming to the current standard.

ENVIRONMENTAL DETERMINATION:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, (Existing Facilities); and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts projects that involve negligible or no expansion of an existing use. The use of each site is single-family residential, and will remain residential.

BACKGROUND:

Site characteristics:

The subject project site is comprised of two, irregularly shaped, residentially zoned lots, both with street frontages on Glen Holly Drive and Capinero Drive. Parcel A, which is addressed as 1450 Capinero Drive, is an interior, double-frontage lot currently measuring 5,944 square feet and is developed with a 2,441 gross square-foot single-family residence. Parcel B, which is addressed 412 Glen Holly Drive, currently measures 6,729 square feet with a 2,700 gross square-foot single-family residence. Parcel B is located at a curved, hairpin-turn junction of Glen Holly Drive and Capinero Drive. Parcel B has street frontages on all but one interior property line abutting Parcel A. Both residences are three-story, with attached garages, have extremely steep terrain sloping downwards to the west, from Capinero Drive to Glen Holly Drive, and are heavily landscaped with sporadic steps, decks and landings across the sloping terrain. The two properties share one property line. Both parcels are located within an eligible Historic District (Juniper Drive/Glen Holly Drive/Capinero Drive Landmark District) and are also eligible for listing as contributing structures with the California Register of Historic Resources as examples of Mid-century Modern hillside architecture in Pasadena.

Adjacent Uses:

North – Residential Single-Family
South – Residential Single-Family
East – Residential Single-Family
West – Residential Single-Family

Adjacent Zoning:

North – RS-6-HDSR (Single-Family Residential, 0-6 units per acre,

- San Rafael Hillside Overlay District)
- South – RS-6-HDSR (Single-Family Residential, 0-6 units per acre, San Rafael Hillside Overlay District)
- East – RS-6-HDSR (Single-Family Residential, 0-6 units per acre, San Rafael Hillside Overlay District)
- West – RS-6-HDSR (Single-Family Residential, 0-6 units per acre, San Rafael Hillside Overlay District)

Previous Cases:

Minor Variance #10802 (1450 Capinero Drive): To allow an 849 square-foot addition to an existing residence at 1450 Capinero Drive without the required five-foot deep Modulation for Hillside District. Approved on June 17, 1988

Variance #29100 (412 Glen Holly Drive): Variance to allow a new residence at 412 Glen Holly Drive with a zero-foot setback on Capinero Drive and a six-inch setback on Glen Holly Drive. Approved on August 20, 1937

PROJECT DESCRIPTION:

The applicant, Carina Woo, Esq., on behalf of the two property owners, has submitted a Certificate of Exception application to allow a lot line adjustment between two adjoining parcels in the RS-6-HDSR zone. Parcel A, at 1450 Capinero Drive, is a 5,944 square-foot lot with a 2,411 gross square-foot single-family residence and Parcel B, at 412 Glen Holly Drive, is a 6,729 square-foot lot with a 2,700 gross square-foot residence (residence gross floor area is based on records from the Los Angeles County Assessor's Office). Prior to the requested lot line adjustment, Parcel A is permitted a maximum 2,062 gross square-foot residence and Parcel B is permitted a 2,337 gross square-foot residence. Both parcels are currently substandard in size and are legally developed with over-in-size residences.

Both residences are three-story, with attached garages. Both properties have extremely steep terrain sloping downwards to the west, from Capinero Drive to Glen Holly Drive, and are heavily landscaped with sporadic steps, decks and landings across the sloping terrain. The two properties share one property line. A patio with a hot tub, located in between the two residences, has historically been utilized by Parcel A since the 1988, but is actually located on Parcel B, and is the instigator of the lot line adjustment.

The lot line adjustment will transfer a 688 square-foot area from the side yard of 412 Glen Holly Drive to the side yard of 1450 Capinero Drive. After the lot line adjustment, Parcel A will be 6,632 square feet and Parcel B will be 6,041 square feet. After the requested lot line adjustment, Parcel A is permitted a maximum 2,257 gross square-foot residence and Parcel B is permitted a 2,143 gross square-foot residence. After the lot line adjustment, both parcels will continue to be substandard in size with over-in-size residences, and Variances are required to allow the nonconformities to continue. There is no construction, demolition, or tree removals proposed with the lot line adjustment and the existing residences will remain.

ANALYSIS:

Certificate of Exception – Lot Line Adjustment to Adjust an Interior Lot Line

The subject properties are two legally created parcels under separate ownership. The following table summarizes the building sizes and lot area conditions pre-and-post adjustment. The lot line adjustment transfers 688 square feet from Parcel B to Parcel A.

Table 1: Parcel Summary				
Parcel	Address	Existing Residence Size (Gross Square Feet)	Before Lot Line Adjustment Lot Area (Acres)	After Lot Line Adjustment Lot Area (Acres)
Parcel A	1450 Capinero Drive	2,441 square feet	5,944 square feet (0.14 acres)	6,632 square feet (0.15 acres)
Parcel B	412 Glen Holly Drive	2,700 square feet	6,729 square feet (0.15 acres)	6,041 square feet (0.14 acres)

Development Standards

The approval of a Certificate of Exception must show that the resulting lot sizes and all existing onsite development will comply with the applicable development standards of the RS-6-HDSR (Single-Family Residential, 0-6 units per acre, San Rafael Hillside Overlay District) zoning district, including, but not limited to lot size, floor area, setbacks and lot coverage, as detailed in Zoning Code Sections 17.22 and 17.29, and as analyzed below.

Parcel A (1450 Capinero Drive)

Lot Size:

The minimum lot size for a new lot in the RS-6-HDSR zoning district is 7,200 square feet. Currently, Parcel A, at 5,944 square feet, is nonconforming to the Zoning Code required minimum lot size. After the lot line adjustment, Parcel A will be less nonconforming at 6,632 square feet. Approval of a Variance is required in order to approve the nonconforming lot size after the lot line adjustment (see discussion below for further information).

Lot Width:

The minimum lot width for a new lot is 55' for properties located within the RS-6-HDSR zoning district. The lot width is measured across the lot at the required front setback line. As Parcel A is a double-frontage lot, there are two front setback lines. However, the primary frontage, as determined by the Zoning Administrator is the Capinero Drive frontage. The current lot width at the required front setback line fronting Capinero Drive is 72'-6". After the lot line adjustment, the lot width will increase to 90'. As a result, the lot width would exceed the minimum lot width requirement after the lot line adjustment.

Gross Floor Area:

In the RS-6-HDSR zoning district, for lots less than 10,000 square feet, the maximum allowable gross floor area, which includes all covered parking spaces, basements, accessory structures, and enclosed space, is 30% of the lot area plus 500 square feet. If the average slope of the lot exceeds 15%, the maximum allowable gross floor area shall be further reduced in compliance with the slope reduction formula as described in Zoning Code Section 17.29.060.A.4. According

to the submitted topographical survey, Parcel A, before and after the lot line adjustment, is less than 10,000 square feet and has an average slope that exceeds 15%. As a result, the maximum gross floor area is determined by the calculation described above.

Parcel A is developed with a 2,152 square-foot residence and a 289 square-foot attached garage, for a total of 2,441 gross square feet. For Parcel A, the lot size before the adjustment is 5,944 square feet, and according to the topographic survey map provided as part of the application, has an average slope of 34.34%. Based on the floor area calculation above, the maximum allowable gross floor area for Parcel A before the adjustment is 2,062 square feet. The lot size after the lot line adjustment would be 6,632 square feet, would have an average slope 33.66%, and a maximum allowable floor area of 2,257 square feet. The existing gross floor area for Parcel A totals approximately 2,441 square feet and therefore exceeds the maximum floor area permitted before and after the adjustment. As a result, approval of a Variance is required to maintain a nonconforming gross floor area after approval of the lot line adjustment (see discussion below for further information).

Lot Coverage:

The maximum lot coverage in the RS-6-HDSR zoning district is 35% of the lot size. After the lot line adjustment, Parcel A would have a lot size of 6,632 square feet. The maximum allowable lot coverages for Parcel A would be 2,321 square feet. According to the submitted topographical survey, Parcel A currently has a lot coverage of 27%, and after the lot line adjustment, would have a lot coverage would of 24%. As such, the lot coverage for Parcel A will continue to be less than the maximum allowed.

Setbacks:

Front:

Within the San Rafael Area of the Hillside Overlay District, the front setbacks are governed by Table 2-9 of the City's Zoning Code, or by the base zoning district if the property is not included in the table. Parcel A is not listed in the table, and the minimum front yard setback defers to the base zoning district, which requires a minimum 25' front yard setback.

Parcel A is a double-frontage lot and, as a result, has two front yards, with the Capinero Drive side being the primary frontage, as determined by the Zoning Administrator. On the Capinero Drive frontage, the residence has an existing, nonconforming front setback of 6'-9 1/2" and has a conforming front setback of at least 25' on Glen Holly Drive. As a result of the lot line adjustment, there will be no adjustments to the front property line and both front yards would remain unchanged, and the nonconforming and conforming status will be unaffected.

Side:

The required side setback is 10% of the lot width at the front yard setback, with a minimum of 5' and a maximum of 10'. In this case, measurement of the lot width on the primary frontage, Capinero Drive, is utilized. Before the adjustment, Parcel A has a width of 72'-6" at the 25' setback, and thus requires a 7'-3" side yard setback. After the adjustment, the lot width increases to 90' and thus requires a 9' side yard setback. In addition, Zoning Code Section 17.50.250.F.3 requires a 5' side setback for a swimming pool, hot tub, and related equipment.

The existing residence currently maintains a 14'-2 1/2" side yard setback on the south side, which will remain unchanged after the lot line adjustment, and will comply with the Zoning Code before and after the adjustment. The north side yard setback, however, is impacted as the property line is being relocated approximately 17'-6" to the north. The area where the property line is modifying, there is a patio that is accessed from the lowest level of the residence with a hot tub. This patio

is primarily located on Parcel B, but used by Parcel A. The hot tub is currently fully located within Parcel B and does not comply with the Zoning Code in regards to the side setback requirement. After the lot line adjustment, the hot tub, would be fully on Parcel A, and will be at least 5' from the new property line, as is required for hot tubs, and thus will comply with current Zoning Code. The existing residence will maintain 16'-3" setback from the new property line, and thus complies with the 9' side yard setback requirement.

Rear:

As the property is double-frontage lot, there is no rear setback required.

Parcel B (412 Glen Holly Drive)

Lot Size:

The minimum lot size for a new lot in the RS-6-HDSR zoning district is 7,200 square feet. Currently, Parcel B, at 6,729 square feet, is nonconforming to the Zoning Code required minimum lot size. After the lot line adjustment, Parcel B will be made more nonconforming at 6,041 square feet. Approval of a Variance is required in order to approve the nonconforming lot size after the lot line adjustment (see discussion below for further information).

Gross Floor Area:

In the RS-6-HDSR zoning district, for lots less than 10,000 square feet, the maximum allowable gross floor area, which includes all covered parking spaces, basements, accessory structures, and enclosed space, is 30% of the lot area plus 500 square feet. If the average slope of the lot exceeds 15%, the maximum allowable gross floor area shall be further reduced in compliance with the slope reduction formula as described in Zoning Code Section 17.29.060.A.4. According to the submitted topographical survey, Parcel B, before and after the lot line adjustment, is less than 10,000 square feet and has an average slope that exceeds 15%. As a result, the maximum gross floor area is determined by the calculation described above.

Parcel B is developed with a 2,106 square-foot residence, a 210 square-foot finished basement and a 384 square-foot attached garage, for a total of 2,700 gross square feet. For Parcel B, the lot size before the adjustment is 6,729 square feet, and according to the topographic survey map provided as part of the application, has an average slope of 29.41%. Based on the floor area calculation above, the maximum allowable for Parcel B before the adjustment is 2,337 gross square feet. The lot size after the lot line adjustment would be 6,041 square feet, would have an average slope 29.42%, and a maximum allowable gross floor area of 2,143 square feet. The existing gross floor area for Parcel B totals approximately 2,700 square feet and therefore exceeds the maximum floor area permitted before and after the adjustment. As a result, approval of a Variance is required to allow a nonconforming gross floor area on Parcel B to be made further nonconforming to the current standard after approval of the lot line adjustment (see discussion below for further information).

Lot Coverage:

The maximum lot coverage in the RS-6-HDSR zoning district is 35% of the lot size. After the lot line adjustment, Parcel B would have a lot size of 6,041 square feet. The maximum allowable lot coverage for Parcel B would be 2,114 square feet. According to the submitted topographical survey, Parcel B currently has a lot coverage of 20%, and after the lot line adjustment, would have a lot coverage of 23%. As such, the lot coverage for Parcel B will continue to be less than the maximum allowed.

Setbacks:

Front:

Within the San Rafael Area of the Hillside Overlay District, the front setbacks are governed by Table 2-9 of the City's Zoning Code, or by the base zoning district if the property is not included in the table. Parcel B is not listed in the table, and the minimum front yard setback defers to the base zoning district, which requires a minimum of 25'. Given the unique shape of Parcel B, the site only has a front yard and an interior side yard, as was determined by the Zoning Administrator. As a result, under current Zoning Code regulations, a 25' front yard setback would be required along the entire street frontage of both streets. However, Variance #29100, which was approved at the time of construction of the existing residence in 1937, permitted a 0' setback on Capinero Drive and a 6" setback on Glen Holly Drive. The existing structure is built to these approved setbacks and, as a result, the existing residence has legal, nonconforming front yard setbacks. The lot line adjustment does change the front property line, and as a result, the nonconforming setbacks remain in compliance.

Side:

The required side setback is 10% of the lot width at the front yard setback, with a minimum of 5' and a maximum of 10' as stated in Zoning Code Section 17.22.040 Table 2-3. The residence currently a 45' side yard setback, and after the lot line adjustment would have a 29'-6" side setback to the residence. As a result, the existing residence has a side yard setback that will comply with the Zoning Code before and after the lot line adjustment.

Rear:

Given the shape of the lot, there is no required rear yard setback before or after the lot line adjustment.

The Certificate of Exception, as proposed, complies with all applicable development standards of the Zoning Code, with the exception of existing nonconforming, unchanged front setback for Parcel A, and the resulting nonconforming lot size and gross floor area for both Parcels, which require approval of four Variances from the Zoning Code. The deviations from the lot size and gross floor area for both parcels are discussed below in response to the four Variances requested.

In addition, any future development on the lot must comply with all applicable development standards for the RS-6-HDSR zoning district. Furthermore, and as required by Section 16.40.030 of the Municipal Code, the proposed lot line adjustment would not create a greater number of parcels than originally existed.

Variances

As previously noted, portions of the improvements serving Parcel A encroach into the adjacent lot at Parcel B, creating a unique circumstance for both properties. In particular, is the patio with an existing hot tub that received a permit in 1988. In an effort to remedy the situation, the lot line adjustment discussed above is requested and the four Variances described below will be required to be approved, if the requested lot line adjustment is approved.

As a result of the lot line adjustment, Parcel A will continue to have a lot size and gross floor area that is nonconforming to the required minimum and maximum amounts, but will be made more conforming to what is permitted by the Zoning Code. Parcel B will also continue to have a lot size and gross floor area that is nonconforming to the minimum and maximum amounts, but will be made less conforming to what is permitted by the Zoning Code. Variances are required for the nonconforming lot size and gross floor area for both Parcel A and B.

In order to approve a Variance request, specific findings must be made supporting that exceptional or unusual circumstances apply to the property that do not apply generally to other properties in the vicinity or in the same zoning district. Granting the Variance must be determined necessary for the preservation and enjoyment of a substantial property right of the applicant or to prevent unreasonable property loss or unnecessary hardship. The approval of the Variance cannot be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. The project must not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Variance: To allow Parcel A to continue to have a nonconforming lot size of less than the minimum required lot area of 7,200 square feet; and

Variance: To allow the nonconforming lot size for Parcel B to be further reduced to less than the minimum required lot area of 7,200 square feet.

Zoning Code Section 17.22.040 requires that subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-3 of the Code. Table 2-3 of the Zoning Code requires that the minimum size of a lot in the RS-6 zoning district is 7,200 square feet. In this case, Parcel A and Parcel B are existing lots with a nonconforming size of 5,944 square feet and 6,729 square feet, respectively. The Certificate of Exception would transfer an area of 688 square feet from adjacent Parcel B to Parcel A, and would result in a lot size for Parcel A of 6,632 square feet and 6,041 square feet for Parcel B. The transfer is required to locate the on-site improvements used by Parcel A, but located on Parcel B, onto Parcel A. While the lot size increases for Parcel A and decreases for Parcel B, as a result of the adjustment, both still have lot sizes less than the required 7,200 square feet, and thus approval of a Variance is required for each parcel to continue to have a nonconforming sized lot.

Within the 688 square-foot area to be transferred, there is a patio and hot tub used by Parcel A, but located primarily on Parcel B. As the improvement is not located on the correct property, it does not conform to the Zoning Code, in terms of setbacks. After the lot line adjustment, however, the patio and hot tub would be fully on Parcel A. The hot tub will maintain the required 5' setback from the property line, and would conform to the Zoning Code. The lot line adjustment, which results in nonconforming lot sizes, is required to bring existing improvements into conformance with the Zoning Code.

At least since 1988, when the hot tub was constructed on the patio (as documented through permit activity), this portion of Parcel B has been utilized by Parcel A. The hot tub is located on an existing patio accessible from the lowest level of the residence on Parcel A and is surrounded by a solid fence. Parcel B only has access to the area via an unimproved, sloped, landscaped area. The topography in the area of Parcel B adjoining the property line in question is very steep, with areas with at least 50% slope and is largely left in its natural state of dense landscaping. In addition, to the patio perimeter fence, there is an existing fence fronting Capinero Drive, originating on Parcel A's property, that ends at the proposed new property line dividing the two parcels. This existing fence supports the visual and practical separation of this portion of Parcel B from the remainder of Parcel B.

In considering the required findings in relation to the two proposed Variance requests to maintain nonconforming lot sizes, all findings can be made in the affirmative. Special circumstances are applicable to the property because the existing developments and the topography will remain unchanged. The transfer of land is to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. Further, there are exceptional or unusual circumstances given the

almost exclusive access by Parcel A given the existing sloping terrain and landscaping, approaching from the north on Parcel B. In addition, there are exceptional circumstances as both lots are currently nonconforming in size. There is no scenario where the two lots could both comply with the Zoning Code, and would create an undue hardship on Parcel B to transfer a greater portion to have Parcel A comply with the minimum lot size (or vice versa, if Parcel A were to transfer area to Parcel B to create a conforming lot size).

In addition, granting the variance is necessary for the preservation and enjoyment of a substantial property right for Parcel A. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had the exclusive right to use this area. Reverting the area back to use by Parcel B would result in unreasonable property loss and unnecessary hardship for both property owners, as this area is not easily accessible from the residence at Parcel B. Further, the transfer of area would not be detrimental or injurious to property or improvements in the vicinity as the area in question is only slightly visible from the public right-of-way on Glen Holly Drive, but is primarily obscured by extensive landscaping. Lastly, the project would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity, as the adjustment would bring the hot tub into a location that would comply with the Zoning Code setback requirements. Further, the Variance will not compromise the character and quality of the existing neighborhood. Visually and physically, the 688 square-foot area that will be transferred already appears to be a part of Parcel A.

Approval of the two Variances for Parcel A and Parcel B to remain nonconforming in lot size, is necessary to allow the transference of land that has been historically used by Parcel A and is physically separated and not used by the owner of Parcel B.

Variance: To allow Parcel A to maintain a nonconforming gross floor area; and

Variance: To allow the nonconforming gross floor area on Parcel B to be made further nonconforming to the current standard.

Zoning Code Section 17.29.020 requires that subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Zoning Code Section 17.29. In the RS-6-HDSR zoning district, for lots less than 10,000 square feet, the maximum allowable gross floor area, which includes all covered parking spaces, basements, accessory structures, and enclosed space, is 30% of the lot area plus 500 square feet. If the average slope of the lot exceeds 15%, the maximum allowable gross floor area shall be further reduced in compliance with the slope reduction formula as described in Zoning Code Section 17.29.060.A.4. According to the submitted topographical survey, both parcels, before and after the lot line adjustment, are less than 10,000 square feet and have an average slope that exceeds 15%, and the maximum gross floor area is determined by the calculation described above.

Parcel A is developed with a 2,152 square-foot residence and a 289 square-foot attached garage, for a total of 2,441 gross square feet. Parcel B is developed with a 2,106 square-foot residence, a 210 square-foot finished basement and a 384 square-foot attached garage, for a total of 2,700 gross square feet. The table below summarizes the change in the maximum permitted gross floor area before and after the lot line adjustment for both parcels.

Table 2: House Size					
	Address	Existing Floor Area (Gross)	Max Floor Area Permitted Before Adjustment	Max Floor Area Permitted After Adjustment	Status After Adjustment
Parcel A	1450 Capinero Dr.	2,441 square feet	2,062 square feet	2,257 square feet	Less nonconforming
Parcel B	412 Glen Holly Dr.	2,700 square feet	2,337 square feet	2,143 square feet	More nonconforming

For Parcel A, the lot size before the adjustment is 5,944 square feet, and according to the topographic survey map provided as part of the application, has an average slope of 34.34%. Based on the floor area calculation explained above, the maximum allowable for Parcel A before the adjustment is 2,062 square feet. The lot size after the lot line adjustment would be 6,632 square feet, would have an average slope 33.66%, and a maximum allowable floor area of 2,257 square feet. The existing floor area for the primary residence, garage, basements and all accessory structures totals approximately 2,441 square feet and therefore exceeds the maximum floor area permitted before and after the adjustment.

For Parcel B, the lot size before the adjustment is 6,729 square feet, and according to the topographic survey map provided as part of the application, has an average slope of 29.41%. Based on the floor area calculation above, the maximum allowable for Parcel B before the adjustment is 2,337 square feet. The lot size after the lot line adjustment would be 6,041 square feet, would have an average slope 29.42%, and a maximum allowable floor area of 2,143 square feet. The existing floor area for the primary residence, garage, basements and all accessory structures totals approximately 2,700 square feet and therefore exceeds the maximum floor area permitted before and after the adjustment. As a result, approval of a Variance is required to allow a nonconforming gross floor area on Parcel B to be made further nonconforming to the current standard after approval of the lot line adjustment.

As stated above, the lot line adjustment is necessary to transfer a 688 square-foot portion of Parcel B that has been used almost exclusively by Parcel A for at least 30 years and to bring existing improvements (i.e. the hot tub) into conformance with the Zoning Code. By transferring this small portion of land, the amount of floor area permitted on each parcel changes in response to the steepness of the 688 square-foot portion. As a result, Parcel A's permitted gross floor area increases, however the existing gross floor area still exceeds the maximum permitted; whereas, Parcel B's permitted gross floor area decreases, and the existing gross floor area also still exceeds the maximum permitted.

In considering the required findings in relation to the proposed Variance requests for nonconforming gross floor area on both parcels, all findings can be made in the affirmative. Special circumstances are applicable to the property because the existing developments and the topography will remain unchanged. The transfer of land is to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. Further, there are exceptional or unusual circumstances related to the properties, since Parcel A has almost exclusive access to the transferred area given the existing sloping terrain and landscaping approaching from the north on Parcel B. The area in question is accessible only from the lowest level of the residence on Parcel A. In addition, there are exceptional circumstances as both lots have houses sizes that are currently nonconforming in size. It is unrealistic, and an unnecessary hardship, to require either property to alter the existing residences, that have remained unchanged for over 30 years. Both

residences are contributing elements to an eligible historic district (Juniper Drive/Glen Holly Drive/Capinero Drive Landmark District), and are individually also eligible for listing as contributing structures with the California Register of Historic Resources as examples of Mid-century Modern hillside architecture in Pasadena.

Furthermore, granting the Variance is necessary for the preservation and enjoyment of a substantial property right for Parcel A. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had the exclusive right to use this area. Reverting the area back to use by Parcel B would result in unreasonable property loss and unnecessary hardship for both property owners. Further, the transfer of area would not be detrimental or injurious to property or improvements in the vicinity as the area in question is only slightly visible from the public right-of-way on Glen Holly Drive, but is primarily obscured by extensive landscaping. Lastly, the project would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity, as the adjustment would bring the hot tub into a location that would comply with the Zoning Code setback requirements. The Variance will not compromise the character and quality of the existing neighborhood. There will be no physical changes to the existing residences or site improvements and visually, the 688 square-foot area that will be transferred, that results in the need for two Variances for the gross floor area, already appears to be a part of Parcel A.

As a result, approval of these two Variances is necessary in order to allow the transference of land that has been historically used by Parcel A and is physically separated and not used by the owners of Parcel B. The requested relief of the development standard would allow existing physical improvements to remain in place without placing an undue hardship on the involved parties; therefore, it is not expected that the project will create a substantial adverse impacts on adjacent residences.

GENERAL PLAN CONSISTENCY

The proposed project, a mapping action transferring 688 square feet from Parcel B to Parcel A, and associated Variances for resulting nonconforming lot sizes and gross floor area on both parcels, are consistent with the policies contained in Goal 10, City Sustained and Renewed and Goal 21, Desirable Neighborhoods, of the General Plan Land Use Element (GPLU).

Specifically, GPLU Policy 10.7, Landscape, which strives to encourage sustainable practices for landscape materials, landscape design, and land development, is fulfilled by preserving the existing, natural landscaping and terrain of the hillside. By approving the transfer of land, no new improvements to the natural landscaping are required to make the existing patio and hot tub improvements accessible to Parcel B. As a result, the natural land development and landscape materials will remain unchanged.

GPLU Policy 21.3, Neighborhood Character, is achieved by maintaining standardized elements of residential streets, such as setbacks. By allowing the lot area to be transferred, the two properties in question will be brought into compliance in terms of setbacks for the existing developments, as are other properties in the immediate vicinity. No change from the public right of way will occur, as there will be no new development or alteration to the landscaping.

GPLU Policy 21.9, Hillside Housing, is achieved by maintaining appropriate scale, massing and access to the existing residential structures within hillside areas. After the lot line adjustment, the proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot

configuration, with the related Variances for lot size and gross floor area, is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. There would be no change to front setbacks and, although there would be a change to the side setback requirement, as it is calculated due to changing lot widths, the proposed lot line adjustment brings both properties into compliance with the required side yard setback.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, (Existing Facilities); and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts projects that involve negligible or no expansion of an existing use. The use of each site is single-family residential, and will remain residential.

COMMENTS FROM OTHER DEPARTMENTS:

The project was reviewed by the Department of Public Works, Department of Transportation, Pasadena Water and Power (Power Division), Building and Safety Division, Design and Historic Preservation Section, and the Fire Department. All departments expressed no concerns with the application.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Certificate of Exception to transfer a 688 square-foot portion of Parcel B to Parcel A, the two Variances required for Parcel A and Parcel B to remain nonconforming in lot size and the two Variances for Parcel A and B to maintain nonconforming gross floor area can be made. The requested Variances will facilitate the lot line adjustment that is being requested to remedy a unique circumstance where portions of the improvements serving 1450 Capinero Drive encroach into the adjacent lot at 412 Glen Holly Drive. The requested relief of the development standards would allow existing physical improvements to remain in place without placing an undue hardship on the involved parties. Further, the requested lot line adjustment is required to bring both properties into conformance with setback requirements on the Zoning Code. The project is consistent with the goals and objectives of the General Plan, and the Zoning Code. In particular, the project complies with the General Plan's Goal 10, City Sustained and Renewed and Goal 21, Desirable Neighborhoods, of the Land Use Element of the General Plan. Staff is recommending conditions be placed on this application in order to ensure the use is in harmony with the surrounding uses and as such, the recommendation to the Hearing Officer is for approval with the findings in Attachment A and the conditions of approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CERTIFICATE OF EXCEPTION #356

Certificate of Exception – Per Section 66412(d) of California Government Code, a local agency shall find that:

1. *The parcel resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.*

The proposed project, a mapping action transferring 688 square feet from Parcel B to Parcel A, is consistent with the General Plan Objectives and Policies, specifically Policy 10.7 (Landscape), Policy 21.3 (Neighborhood Character) and Policy 21.9 (Hillside Housing), which strive to maintain the natural terrain, landscaping, appropriate scale, massing, and access to the existing residential structures within hillside areas. The proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. Both parcels will comply with all applicable development standards after the lot line adjustment, with the exception of the existing nonconforming front setback for Parcel A and the Variances for the continuation of nonconforming lot sizes and gross floor area for both parcels. The proposal does not include construction or removal of any trees, therefore building code compliance is not applicable.

Variance – To allow a lot to continue to have a nonconforming lot size of less than the minimum required lot area of 7,200 square feet.

2. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.*

There are exceptional or extraordinary circumstances or conditions applicable to the development of the site that do not apply generally to sites in the same zoning district, in that the existing developments and the topography will remain unchanged as a result of the transfer of land. The transfer of land is required to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. There are exceptional or unusual circumstances related to the properties, since Parcel A has almost exclusive access to the transferred area given the existing sloping terrain and landscaping, approaching from the north on Parcel B. In addition, there are exceptional circumstances as both lots are currently nonconforming in size. There is no scenario where the two lots could both comply with the Zoning Code, and would create an undue hardship on Parcel B to transfer a greater portion to have Parcel A comply with the minimum lot size (or vice versa, if Parcel A were to transfer area to Parcel B to create a conforming lot size).

3. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.*

Granting the Variance in lot size is necessary for the preservation and enjoyment of a substantial property right for Parcel A. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had the exclusive access to this area. Reverting the area back to use by Parcel B and implementing new onsite improvements would result in unreasonable property loss and unnecessary hardship for both property owners. Further, as

stated above, there is no scenario where Parcel A can comply with the minimum lot size requirement without making Parcel B significantly deficient in lot area. Strict application of this development standard, as a result, is an unnecessary hardship and granting the Variance in lot size allows the applicant to maintain improvements that are compatible with the surrounding residences to preserve existing, natural landscaping.

4. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.*

Granting the application will not be detrimental or injurious to property improvements in the vicinity of the development site, or to the public health, safety or general welfare because granting the application would not change the physical or visual state of the lot or improvements. The transfer of land, which results in a nonconforming Parcel A lot size, is to permit Parcel A's access to the portion of Parcel B that has historically been used by Parcel A for at least 30 years. Without the approval, the improvements would have to be removed and could negatively impact the visual appearance of the properties.

5. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.*

Granting the application is consistent with the General Plan and will not constitute a grant of special privilege. The transfer of land that would result in the maintenance of a nonconforming lot size for Parcel A and would bring the existing onsite improvements, such as the hot tub, into a location that would comply with the Zoning Code setback requirements. Further, the Variance will not compromise the character and quality of the existing neighborhood. Visually and physically, the 688 square-foot area that will be transferred already appears to be a part of Parcel A.

The proposed Variance is consistent with GPLU Policy 10.7 (Landscape), 21.3 (Neighborhood Character) and 21.9 (Hillside Housing). Policy 10.7 encourages sustainable practices for landscape materials, landscape design and land development. By approving the transfer of land, which results in the maintenance of a nonconforming lot size, no new improvements to the natural landscaping and terrain are required. Policy 21.3 is achieved by maintaining standardized elements of residential streets, such as required setbacks. By allowing the Variance, the developments in question will be brought into compliance in terms of setbacks, and will be consistent with other properties in the immediate vicinity. Policy 21.9 is fulfilled by maintaining appropriate scale, massing and access to the existing residential structures within hillside areas. After the lot line adjustment, the proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration, with the related Variance for nonconforming lot size for Parcel A, is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. There would be no change to front setbacks and, although there would be a change to the side setback requirement, as it is calculated due to changing lot widths, the proposed lot line adjustment brings both properties into compliance with the required side yard setback.

6. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.*

Cost to the applicant has not been considered a factor at any time throughout the review of this application.

Variance – To allow the nonconforming lot size for Parcel B to be further reduced to less than the minimum required lot area of 7,200 square feet.

7. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.*

There are exceptional or extraordinary circumstances or conditions applicable to the development of the site that do not apply generally to sites in the same zoning district, in that the existing developments and the topography will remain unchanged as a result of the transfer of land. The transfer of land is required to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. There are exceptional or unusual circumstances related to the properties, since Parcel A has almost exclusive access to the transferred area, given the existing sloping terrain and landscaping, approaching from the north on Parcel B. In addition, there are exceptional circumstances as both lots are currently nonconforming in size. There is no scenario where the two lots could both comply with the Zoning Code, and would create an undue hardship on Parcel A to transfer a large portion, outside the area of the improvements in question, to Parcel B to comply with the minimum lot size.

8. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.*

Granting the Variance in lot size for Parcel B is necessary for the preservation and enjoyment of a substantial property right for Parcel B. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had the exclusive access to this area. Reverting the area back to use by Parcel B and implementing new onsite improvements would result in unreasonable property loss and unnecessary hardship for both property owners. Further, as stated above, there is no scenario where Parcel B can comply with the minimum lot size requirement without making Parcel A significantly deficient in lot area. Strict application of this development standard, as a result, is an unnecessary hardship and granting the Variance in lot size allows the applicant to maintain improvements that are compatible with the surrounding residences and to preserve existing, natural landscaping.

9. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.*

Granting the application will not be detrimental or injurious to property improvements in the vicinity of the development site, or to the public health, safety or general welfare because granting the application would not change the physical or visual state of the lot or improvements. The transfer of land, which results in a nonconforming Parcel B lot size, is to permit Parcel A's access to the portion of Parcel B that has historically been used by Parcel A for at least 30 years. Without the approval, the improvements would have to be removed and could negatively impact the visual appearance of the properties.

10. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with*

limitations on other properties in the vicinity and in the same zone district.

Granting the application is consistent with the General Plan and will not constitute a grant of special privilege. The transfer of land that would result in the further reduction in size of a nonconforming lot size for Parcel B and would bring the existing onsite improvements, such as the hot tub, into a location that would comply with the Zoning Code setback requirements. Further, the Variance will not compromise the character and quality of the existing neighborhood. Visually and physically, the 688 square-foot area that will be transferred already appears to be a part of Parcel A.

The proposed Variance is consistent with GPLU Policy 10.7 (Landscape), 21.3 (Neighborhood Character) and 21.9 (Hillside Housing). Policy 10.7 encourages sustainable practices for landscape materials, landscape design and land development. By approving the transfer of land, which results in the maintenance of a nonconforming lot size, no new improvements to the natural landscaping and terrain are required. Policy 21.3 is achieved by maintaining standardized elements of residential streets, such as required setbacks. By allowing the Variance, the developments in question will be brought into compliance in terms of setbacks, and will be consistent with other properties in the immediate vicinity. Policy 21.9 is fulfilled by maintaining appropriate scale, massing and access to the existing residential structures within hillside areas. After the lot line adjustment, the proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration, with the related Variance for nonconforming lot size for Parcel B, is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. There would be no change to front setbacks and, although there would be a change to the side setback requirement, as it is calculated due to changing lot widths, the proposed lot line adjustment brings both properties into compliance with the required side yard setback.

11. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.*

Cost to the applicant has not been considered a factor at any time throughout the review of this application.

Variance – To allow Parcel A to maintain a nonconforming gross floor area.

12. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.*

There are exceptional or extraordinary circumstances or conditions applicable to the development of the site that do not apply generally to sites in the same zoning district, in that the existing developments and the topography will remain unchanged as a result of the transfer of land that results in a nonconforming gross floor area on Parcel A. The transfer of land is required to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. The continuation of a nonconforming sized residence is contingent on the transfer of land only and not because of any alterations to existing structures. Further, there are exceptional or unusual circumstances since Parcel A has almost exclusive access to the transferred area given the existing sloping terrain and landscaping, approaching from the north on Parcel B. In addition, there are exceptional circumstances as both lots have houses sizes that are currently nonconforming in size. It is unrealistic to require either property to alter the existing residences, which have remained essentially unchanged for over 30 years, and

are contributing elements to an eligible historic district and are also eligible individually for historic designation.

13. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.*

Granting the variance to maintain a nonconforming gross floor area on Parcel A is necessary for the preservation and enjoyment of a substantial property right for Parcel A. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had exclusive access to this area. Reverting the area back to use by Parcel B and implementing new onsite improvements would result in unreasonable property loss and unnecessary hardship for both property owners. Further, as stated above, it is an unnecessary hardship to require the physical alteration of a potentially historic residence to comply with the permitted amount of gross floor area after the transfer of land. Strict application of this development standard, as a result, is an unnecessary hardship and granting the Variance in gross floor area allows the applicant to maintain improvements that are compatible with the surrounding residences and to preserve existing, natural landscaping.

14. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.*

Granting the application will not be detrimental or injurious to property improvements in the vicinity of the development site, or to the public health, safety or general welfare because granting the application would not change the physical or visual state of the lot or improvements. The transfer of land, which results in a nonconforming Parcel A gross floor area, is to permit Parcel A's access to the portion of Parcel B that has historically been used by Parcel A for at least 30 years. Without the approval, the improvements would have to be removed and could negatively impact the visual appearance of the properties. Further, strict compliance with the maximum permitted gross floor area would require physical alterations to an existing residence, which is eligible to be designated as a historic resource, and would be detrimental to the surrounding properties.

15. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.*

Granting the application is consistent with the General Plan and will not constitute a grant of special privilege. The transfer of land that would result in the maintenance of a nonconforming gross floor area on Parcel A while bringing the existing onsite improvements, such as the hot tub, into a location that would comply with the Zoning Code setback requirements. Further, the Variance will not compromise the character and quality of the existing neighborhood. Visually and physically, the 688 square-foot area that will be transferred already appears to be a part of Parcel A.

The proposed Variance is consistent with GPLU Policy 10.7 (Landscape), 21.3 (Neighborhood Character) and 21.9 (Hillside Housing). Policy 10.7 encourages sustainable practices for landscape materials, landscape design and land development. By approving the transfer of land, which results in the maintenance of a nonconforming gross floor area, no new improvements to the natural landscaping and terrain are required. Policy 21.3 is achieved by

maintaining standardized elements of residential streets, such as required setbacks. By allowing the Variance, the developments in question will be brought into compliance in terms of setbacks, and will be consistent with other properties in the immediate vicinity. Policy 21.9 is fulfilled by maintaining appropriate scale, massing and access to the existing residential structures within hillside areas. After the lot line adjustment, the proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration, with the related Variance for nonconforming gross floor area for Parcel A, is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. There would be no change to front setbacks and, although there would be a change to the side setback requirement, as it is calculated due to changing lot widths, the proposed lot line adjustment brings both properties into compliance with the required side yard setback.

16. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.*

Cost to the applicant has not been considered a factor at any time throughout the review of this application.

Variance – To allow the nonconforming gross floor area on Parcel B to be made further nonconforming to the current standard. No new parcels would be created.

17. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.*

There are exceptional or extraordinary circumstances or conditions applicable to the development of the site that do not apply generally to sites in the same zoning district, in that the existing developments and the topography will remain unchanged as a result of the transfer of land that results in a nonconforming gross floor area on Parcel B. The transfer of land is required to bring existing improvements into compliance with the Zoning Code, in terms of setbacks. The maintenance of a nonconforming size is contingent on the transfer of land only not because of any new improvements. Further, there are exceptional or unusual circumstances since Parcel A has almost exclusive access to the transferred area given the existing sloping terrain and landscaping, approaching from the north on Parcel B. In addition, there are exceptional circumstances as both lots have houses sizes that are currently nonconforming in size. It is unrealistic to require either property to alter the existing residences, which have remained essentially unchanged for over 30 years, and are contributing elements to an eligible historic district and are also eligible for listing as an individual historic resource.

18. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.*

Granting the variance to maintain a nonconforming gross floor area on Parcel B is necessary for the preservation and enjoyment of a substantial property right for Parcel B. Since 1988, when the hot tub received a building permit, the current property owner of Parcel A has had exclusive access to this area. Reverting the area back to use by Parcel B and implementing new onsite improvements would result in unreasonable property loss and unnecessary hardship for both property owners. Further, as stated above, it is an unnecessary hardship to

require the physical alteration of a potentially historic residence to comply with the permitted amount of gross floor area after the transfer of land. Strict application of this development standard, as a result, is an unnecessary hardship and granting the Variance in gross floor area allows the applicant to maintain improvements that are compatible with the surrounding residences and to preserve existing, natural landscaping.

19. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.*

Granting the application will not be detrimental or injurious to property improvements in the vicinity of the development site, or to the public health, safety or general welfare because granting the application would not change the physical or visual state of the lot or improvements. The transfer of land, which results in a nonconforming Parcel B gross floor area, is to permit Parcel A's access to the portion of Parcel B that has historically been used by Parcel A for at least 30 years. Without the approval, the improvements would have to be removed and could negatively impact the visual appearance of the properties. Further, strict compliance with the maximum permitted gross floor area would require physical alterations to an existing residence, which is eligible to be designated as a historic resource, and would be detrimental to the surrounding properties.

20. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.*

Granting the application is consistent with the General Plan and will not constitute a grant of special privilege. The proposed transfer of land would result in the reduction in the allowed maximum gross floor area on Parcel B, making the residence more nonconforming. However, as a result of the transfer, the existing onsite improvements, such as the hot tub, would be brought into a location that would comply with the Zoning Code setback requirements. Further, the Variance will not compromise the character and quality of the existing neighborhood. Visually and physically, the 688 square-foot area that will be transferred already appears to be a part of Parcel A.

The proposed Variance is consistent with GPLU Policy 10.7 (Landscape), 21.3 (Neighborhood Character) and 21.9 (Hillside Housing). Policy 10.7 encourages sustainable practices for landscape materials, landscape design and land development. By approving the transfer of land, which results in the maintenance of a nonconforming gross floor area, no new improvements to the natural landscaping and terrain are required. Policy 21.3 is achieved by maintaining standardized elements of residential streets, such as required setbacks. By allowing the Variance, the developments in question will be brought into compliance in terms of setbacks, and will be consistent with other properties in the immediate vicinity. Policy 21.9 is fulfilled by maintaining appropriate scale, massing and access to the existing residential structures within hillside areas. After the lot line adjustment, the proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration, with the related Variance for nonconforming gross floor area for Parcel B, is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to any lots. There would be no change to front setbacks and, although there would be a change to the side setback requirement, as it is calculated due to changing lot widths, the proposed lot line adjustment brings both properties into compliance with the

required side yard setback.

21. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.*

Cost to the applicant has not been considered a factor at any time throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CERTIFICATE OF EXCEPTION #356

The applicant or successor in interest shall meet the following conditions:

General

1. The site plans submitted for building permits and/or future development shall substantially conform to the site plans submitted and stamped "Approved at Hearing, October 16, 2019," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C.
3. The approval of this application authorizes the following:
 - a. Certificate of Exception to modify the property line between Parcel A (1450 Capinero Drive) and Parcel B (412 Glen Holly Drive) by transferring 688 square feet from Parcel B to Parcel A. Parcel A is to measure 6,632 square feet and Parcel B is to measure 6,041 square feet, as depicted on the property survey plan submitted;
 - b. Variance to allow Parcel A to have a lot size less than the minimum required lot size of 7,200 square feet per the RS-6-HDSR zoning district;
 - c. Variance to allow Parcel B to have a nonconforming lot size be further reduced in size to less than the minimum required lot size of 7,200 square feet per the RS-6-HDSR zoning district;
 - d. Variance to allow Parcel A to have a gross floor area more than the maximum permitted amount of 2,257 square feet per the RS-6-HDSR zoning district after the transfer of 688 square feet of Parcel B to Parcel A; and,
 - e. Variance to allow Parcel B to have a gross floor area more than the maximum permitted amount of 2,143 square feet per the RS-6-HDSR zoning district after the transfer of 688 square feet of Parcel B to Parcel A.
4. The applicant or successor in interest shall provide to the Zoning Administrator a legal description of the parcel resulting from the Lot Line Adjustment. The legal description shall be prepared by a licensed civil engineer or land surveyor and shall include the wet stamp and signature of the author. The legal description shall substantially conform to the plans submitted with this application.
5. The applicant or successor in interest shall be responsible for recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the Zoning Administrator, and a grant deed containing a legal description matching the legal description contained in the Certificate of Exception. This lot line adjustment is not effective unless and until it is recorded with the Los Angeles County Recorder.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.