

# Hearing Officer Transmittal Checklist

Hearing Date 12/7/2010
Agenda Item No. 4

Project Number: R2007-00766-(5)  
Case(s): Variance No. 200900008  
Planner: Phillip Estes, AICP *pe*

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: *Michael*





Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012  
Telephone (213) 974-6435

**PROJECT NO. R2007-00766-(5)**  
**VARIANCE 200900008**

**PUBLIC HEARING DATE**  
12/7/10

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

David Arellanes

**OWNER**

Orelia Mildred Flores

**REPRESENTATIVE**

N/A

**PROJECT DESCRIPTION**

To authorize a variance for a second dwelling unit located on a lot with less than 50 ft. of right-of-way, located in the A-1 zone, East Pasadena – East San Gabriel Community Standards District. Sec. 22.52.1750 B.2 requires that the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft. in width, unless modified by an authorized variance.

**REQUIRED ENTITLEMENTS**

Variance to authorize a second dwelling unit located on a lot or parcel with less than 50 ft. of right-of-way, located in the A-1 (Light Agricultural) zone.

**LOCATION/ADDRESS**

5219 N. Muscatel Ave., San Gabriel, CA

**SITE DESCRIPTION**

The site plan shows an existing 1,373 sq. ft. one-story, single family residence and attached two-car garage, a 796 sq. ft. guest house and attached two-car garage. The existing 153 sq. ft. guest house porch would be converted to a kitchen to create the second dwelling unit.

**ACCESS**

South of E. Broadway on Muscatel Ave.

**ZONED DISTRICT**

East San Gabriel Zoned District

**ASSESSORS PARCEL NUMBER**

5388-031-012

**COMMUNITY**

East Pasadena – East San Gabriel

**SIZE**

0.25 gross acre

**COMMUNITY STANDARDS DISTRICT**

E. Pasadena – E. San Gabriel Community Standards Dist.

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Single-family residence	A-1 (Light Agricultural)
North	Residential	A-1 (Light Agricultural)
East	Residential	A-1 (Light Agricultural)
South	Residential	A-1 (Light Agricultural)
West	Residential	A-1 (Light Agricultural)

**GENERAL PLAN/COMMUNITY PLAN**

General Plan

**LAND USE DESIGNATION**

1 – Low Density Residential

**MAXIMUM DENSITY**

6 units per acre

**ENVIRONMENTAL DETERMINATION**

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

**RPC LAST MEETING ACTION SUMMARY**

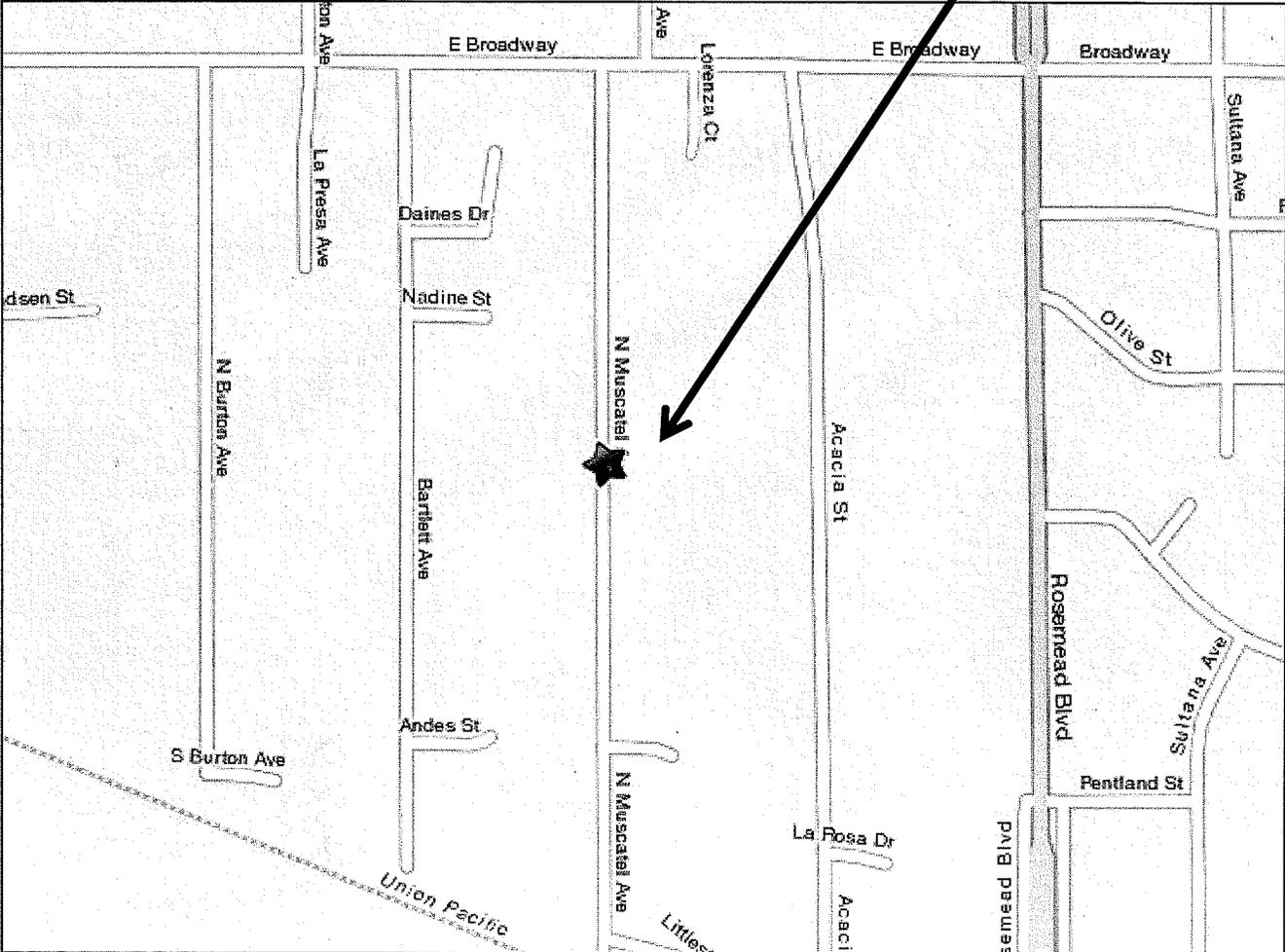
<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Phillip Estes (pestes@planning.lacounty.gov)		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) (F)	<b>PETITIONS</b> (O) (F)	<b>LETTERS</b> (O) (F)

\*(O) = Opponents (F) = In Favor

**SUBJECT PROPERTY**  
5219 N. Muscatel Ave., San Gabriel  
Project No. R2007-00766-(5)  
Variance No. 200900008



VICINITY MAP

**STAFF ANALYSIS  
PROJECT NO. R2007-00766-(5)  
VARIANCE 200900008**

**PROJECT DESCRIPTION**

The applicant has proposed to convert an existing guest house into a second-dwelling unit, which is located on a lot with less than 50 ft. of right-of-way.

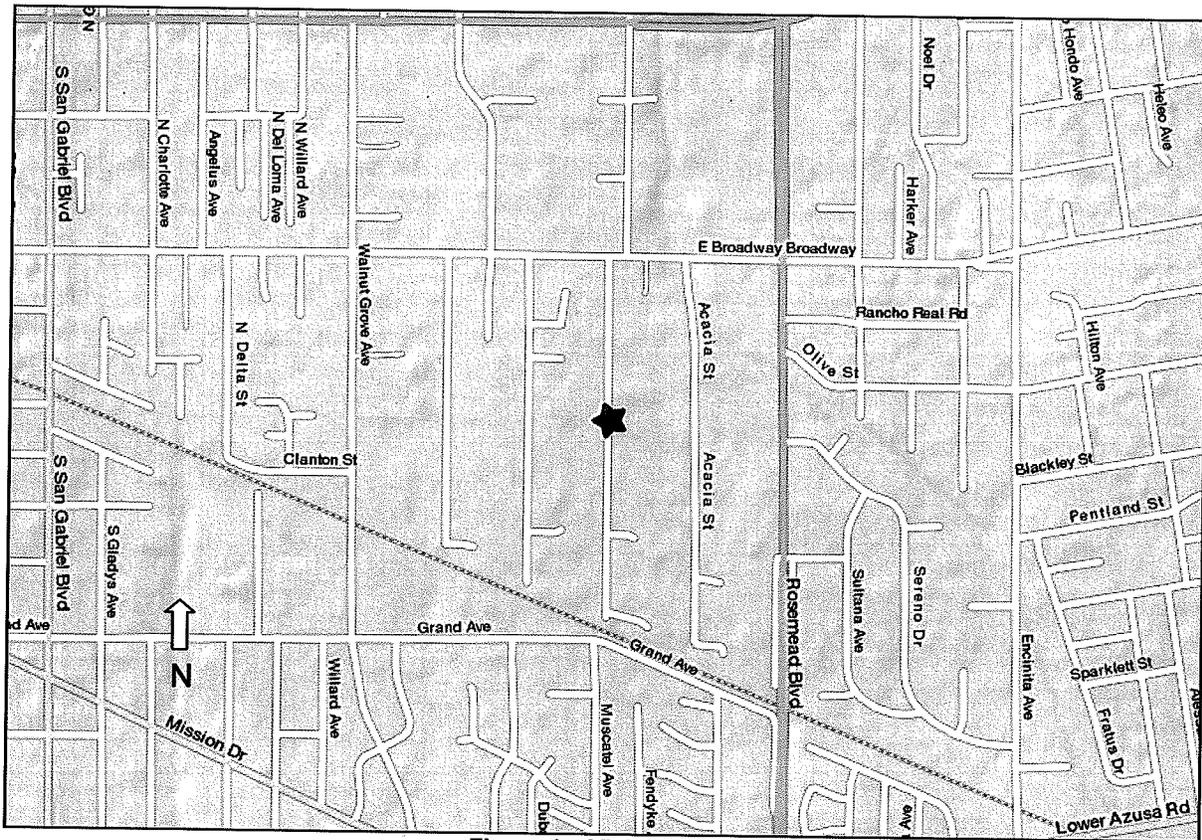
Sec. 22.52.1750 requires that the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft. in width, unless modified by an authorized variance.

**REQUIRED ENTITLEMENTS**

A variance to authorize a second-dwelling unit with vehicular access from a street or highway with a right-of-way of less than 50 ft. in width.

**LOCATION**

5219 N. Muscatel Avenue, San Gabriel, East Pasadena – East San Gabriel Zoned District.  
Assessor's Parcel No. 5388-031-012.



**Figure 1 – Vicinity Map.**



Figure 2 - 500 ft. buffer aerial view.



Figure 3 - Aerial view prior to construction of guest house. Image date: 03/03/08.



Figure 4 - View towards the east with subject guest house. Image date: 06/17/08.

**LAND USE**

The following are the existing land uses within 500 ft. of the subject property, based upon the applicant's land use map:

Project Site:	Single-family residence with guest house
North:	Single-family residence, detached condominiums
East:	Single-family residence, detached condominiums
South:	Single-family residence, detached condominiums
West:	Single-family residence

**ZONING**

The following shows the existing zoning within 500 ft. of the subject property:

Project Site:	A-1 (Light Agricultural)
North:	A-1 (Light Agricultural)
East:	A-1 (Light Agricultural)
South:	A-1 (Light Agricultural)
West:	A-1 (Light Agricultural)

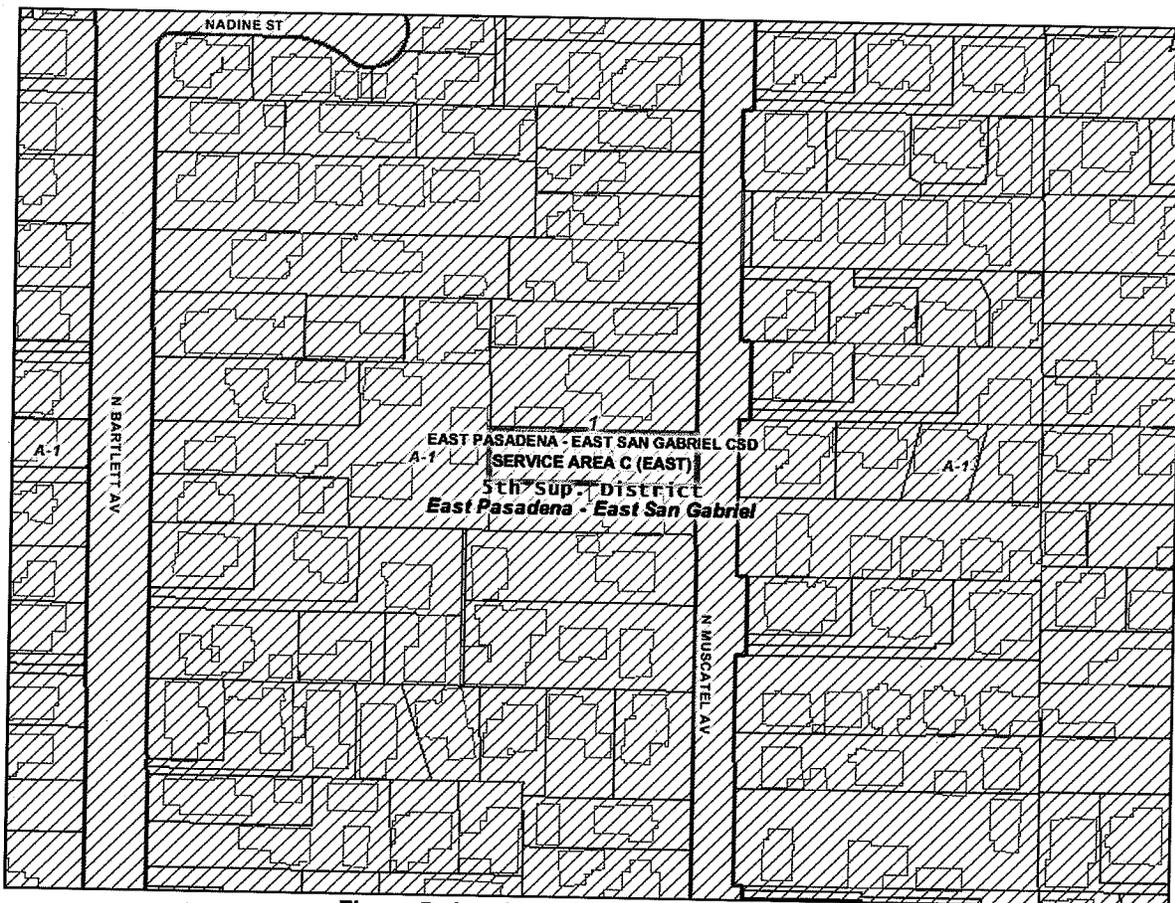


Figure 5 - Land Use Policy and Zoning Map.

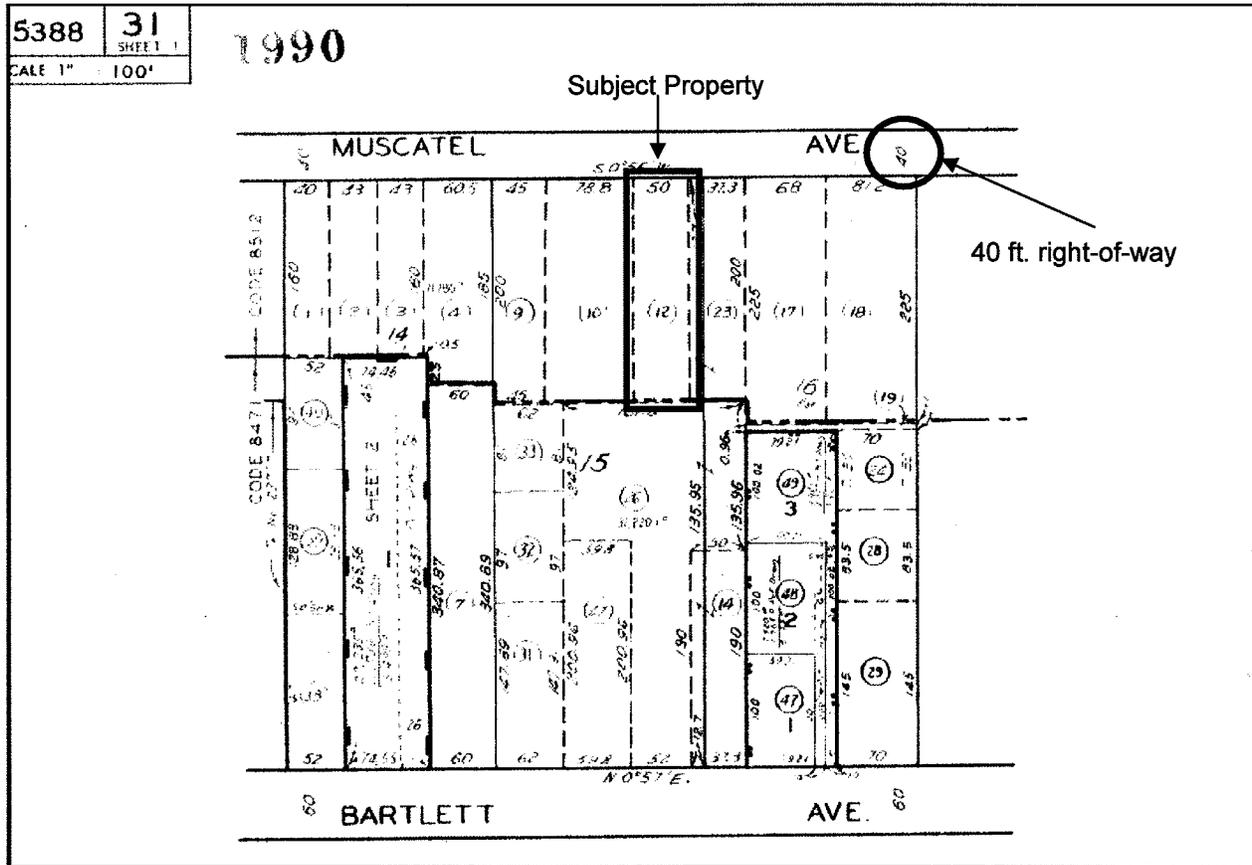


Figure 6 - Assessor's Parcel Map and existing right-of-way.

**SITE PLAN DESCRIPTION**

The site plan shows an existing 1,373 sq. ft. single-family residence with an attached two-car garage, and 781 sq. ft. detached, two-bedroom guest house with an attached two-car garage. The proposed project would convert the existing rear porch area to a kitchen, consequently creating a second-dwelling unit. The guest house was approved with Plot Plan No. 200701907 on 2-26-08.

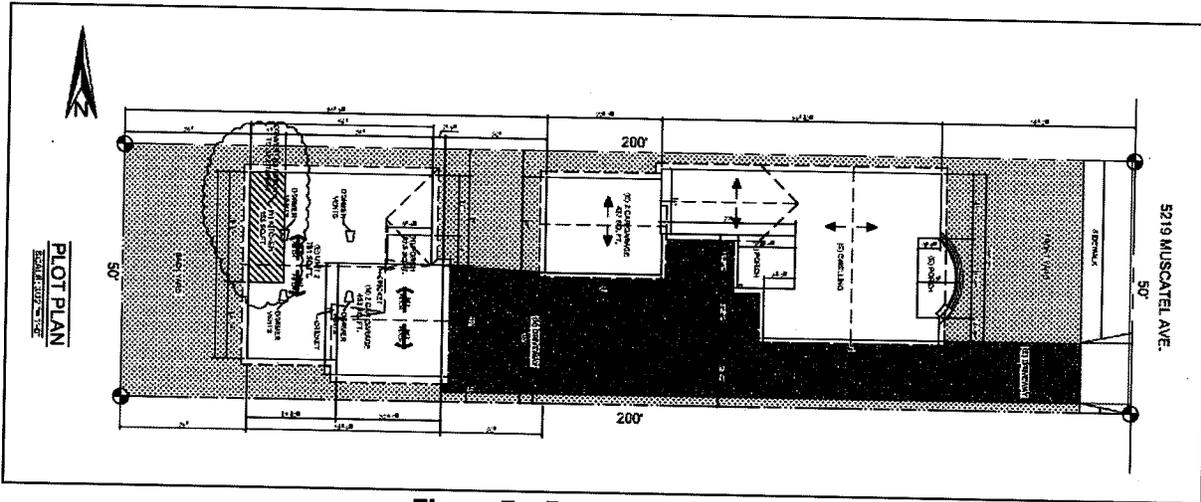


Figure 7 – Proposed site plan.

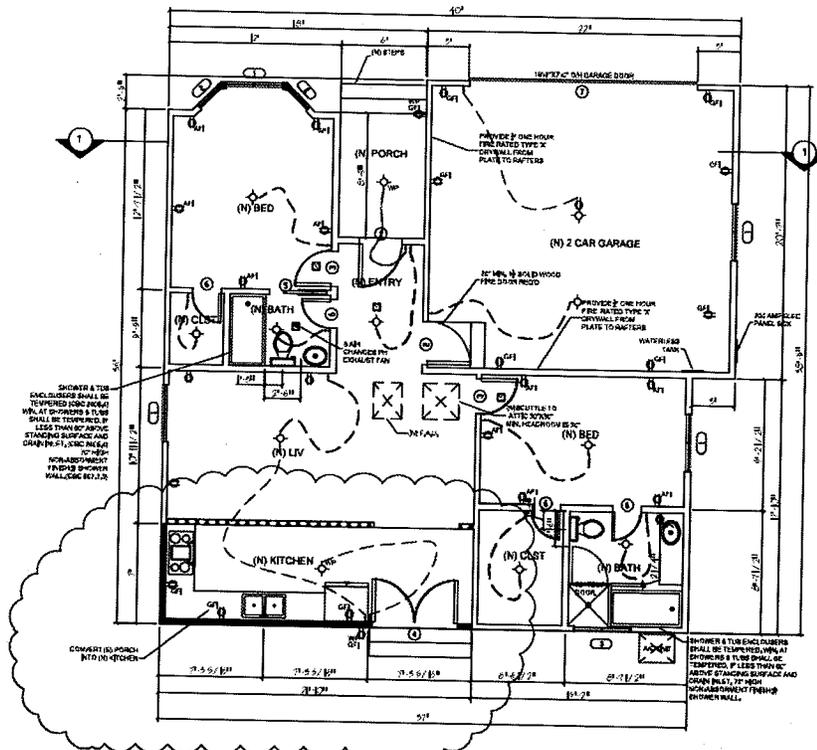


Figure 8 – Proposed floor plan.

### **ENVIRONMENTAL DETERMINATION**

The project is Categorically Exempt Class 3 (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.

### **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.

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

1. Assessor records indicate the single-family residence was built in 1950.
2. Zoning Conformance Review 200700256 authorized an attached garage to the single-family residence 3-21-07.
3. Plot Plan 200701907 authorized the guest house 2-26-08.

### **STAFF EVALUATION**

#### **General Plan Consistency**

The subject property is located in the Low Density Residential (1) category of the General Plan. These mapped areas are suitable for single-family detached housing units, including large lots estates and suburban tract development. Densities range from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods.

The lot is 0.25 gross acres, which permits one dwelling unit at the six units per gross acre maximum. The subject property is developed with one dwelling unit and one guest house, which is consistent with the General Plan.

#### **Zoning Ordinance and Development Standards Compliance**

The subject property is located in the A-1 (Light Agricultural) zone. Single-family residences, guest houses and second-dwelling units are permitted in the A-1 zone, subject to development standards established by the zoning ordinance.

Sec. 22.52.1750 B.2 requires that the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft. in width. The existing 40 ft. right-of-way is substandard. The proposed project is located on a 40 ft. right-of-way and would not be consistent with the minimum 50 ft. right-of-way standard.

#### **Neighborhood Impact/Land Use Compatibility**

The subject property is located in the East Pasadena – E. San Gabriel Standards District (CSD) and is developed in substantial compliance with the CSD standards.

The surrounding area is characterized by one and two-story single family residences on approximately 10,000 sq. ft. to 28,000 sq. ft. parcels. There are many flag lots in the vicinity. A "flag lot" is generally a lot that has access to a public right-of way by means of a narrow strip of land.

The applicant provided an analysis of dwelling units located on Muscatel Avenue (see attached). The applicant's analysis indicates 19 parcels with more than one dwelling unit. Staff evaluation determined that these are flag lots or detached condominiums, which are part of a parcel or tract map. These houses are primary uses on legally created lots. They do not constitute second-dwelling units.

The applicant's land use map shows only single-family residences and condominium units. Staff found no documentation or other evidence that would suggest second-dwelling units exist within the immediate vicinity.

### **Burden of Proof Analysis**

The applicant is required to substantiate all facts identified by Sec. 22.56.290 of the zoning ordinance. The zoning ordinance identifies criteria and standards which must be met in order for a variance to be granted. Upon reviewing the merits of this request and the criteria for granting a variance, staff is of the opinion that the applicant has not met the burden of proof.

### **Variance Burden of Proof (Sec. 22.56.290)**

1. 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.

#### Applicant's Statement:

*"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 as the property as well as all other properties on the street are currently accessed by an existing forty (40) foot wide street. Moreover, the street was originally constructed and currently exists with a width of 40'. The street in its current surroundings cannot accommodate a widening to meet the minimum width required; and"*

#### Staff Comments:

The subject property is typical in size, dimension and topography of other parcels located within the vicinity. Staff concludes that there are no unusual or exceptional characteristics that would prevent the property owner from a substantial property right. The existing 40 ft. right-of-way does not compromise a reasonable or practical use of the property, as the property is developed with a single-family residence and an accessory guest house.

2. 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.

#### Applicant's Statement:

*"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 as all other lots on the same street are also accessed from the 40' wide right-*

*of-way and other lots currently have or have been approved in the past for a second dwelling unit; and"*

Staff Comments:

Strict adherence to the ordinance would limit the use of the lot to a single-family residence and guest house, which does not create an undue hardship or prevent a substantial property right. The property is currently developed with a single-family residence and an accessory guest house, therefore, the property owner is not deprived reasonable or substantial use of the property.

3. 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.

Applicant's Statement:

"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 as the majority of the lots along the street also have a second dwelling unit accessed from a 40' wide street and the street was originally constructed with less than the minimum required width."

Staff Comments:

The intent of the second-unit ordinance is to increase affordable housing, while providing for certain development standards to protect the public welfare and safety. The zoning ordinance establishes policy regarding the development standards for second-dwelling units. The primary purpose of a minimum public right-of-way is to provide for adequate ingress and egress for residents, visitors, and for emergency vehicle access. Granting a variance to increase the number of dwelling units and subsequently increase vehicular traffic on a substandard right-of-way would be contrary to county policy and may be detrimental to the public health, safety and welfare.

**PUBLIC COMMENTS**

At the writing of this report, staff received one telephone call objecting to the request.

**STAFF RECOMMENDATION**

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

Staff concludes that Burden of Proof has not been met, and therefore, recommends **DENIAL** of Variance No. 200900008.

Prepared by Phillip Estes, AICP, Principal Regional Planner  
Reviewed by Maria Masis, AICP, Supervising Regional Planner

Attachments: Burden of Proof Statement, Proposed Plans, Photographs, Land Use Map.

MM:PE  
11/16/10



**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**PROJECT NO.:** R2007-00766-(5)

**VARIANCE NO.:** 200900008

**REQUEST:** The applicant requested authorization to convert an existing guest house to a second-dwelling unit located on a lot with less than 50 ft. of right-of-way.

Sec. 22.52.1750 B.2 requires that the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft. in width, unless modified by an authorized variance.

**HEARING DATE:** December 7, 2010

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

*To be completed after the proceeding.*

**Findings**

1. The subject property is located at 5219 N. Muscatel Avenue, San Gabriel in the East San Gabriel – East Pasadena Zoned District.
2. The property is located in the A-1 (Light Agricultural) zone. The General Plan designation is Low Density Residential (1).
3. The proposed project is a Categorically Exempt Class 3 project, pursuant to the California Environmental Quality Act (CEQA) reporting requirements.
4. The property is developed with a one-story single-family residence and a detached guest house.
5. The applicant proposed to convert the existing guest house to a second-dwelling unit, pursuant to Sec. 22.52, Part 16 of the zoning ordinance.
6. Sec. 22.52.1750 B.2 requires that the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft. in width.
7. The applicant requested a variance from Sec. 22.52.1750 B.2, which requires that the lot or parcel of land on which a second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 ft.
8. The public right-of-way located at 5219 N. Muscatel is 40 ft.
9. That there are no 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.
10. The subject property is typical in size, dimension and topography of parcels located within the vicinity. The existing 40 ft. right-of-way does not compromise a reasonable or practical

use of the property, as the property is developed with a single-family residence and an accessory guest house.

11. That such variance is not 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.
12. Strict adherence to the ordinance does not create an undue hardship or prevent a substantial property right, as the property is developed with a single-family residence and accessory guest house.
13. That the granting of the variance would be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.
14. 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 notice by mail, newspaper advertisement, and the posting of a public hearing notice sign on the subject property.
15. 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 W. Temple St., Los Angeles, CA 90012. The custodian of such documents and materials shall be the Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

1. That there are no 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.
2. That a variance is not 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.
3. That the granting a variance will be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

**HEARING OFFICER ACTION:**

In view of the findings of fact and conclusions presented above, Variance No. 200900008 is DENIED.

CC: Hearing Officer, Zoning Enforcement, Building and Safety

MM:PE  
11/16/10



## 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

*See attached*

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

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.

2007-00766

3

07-00766

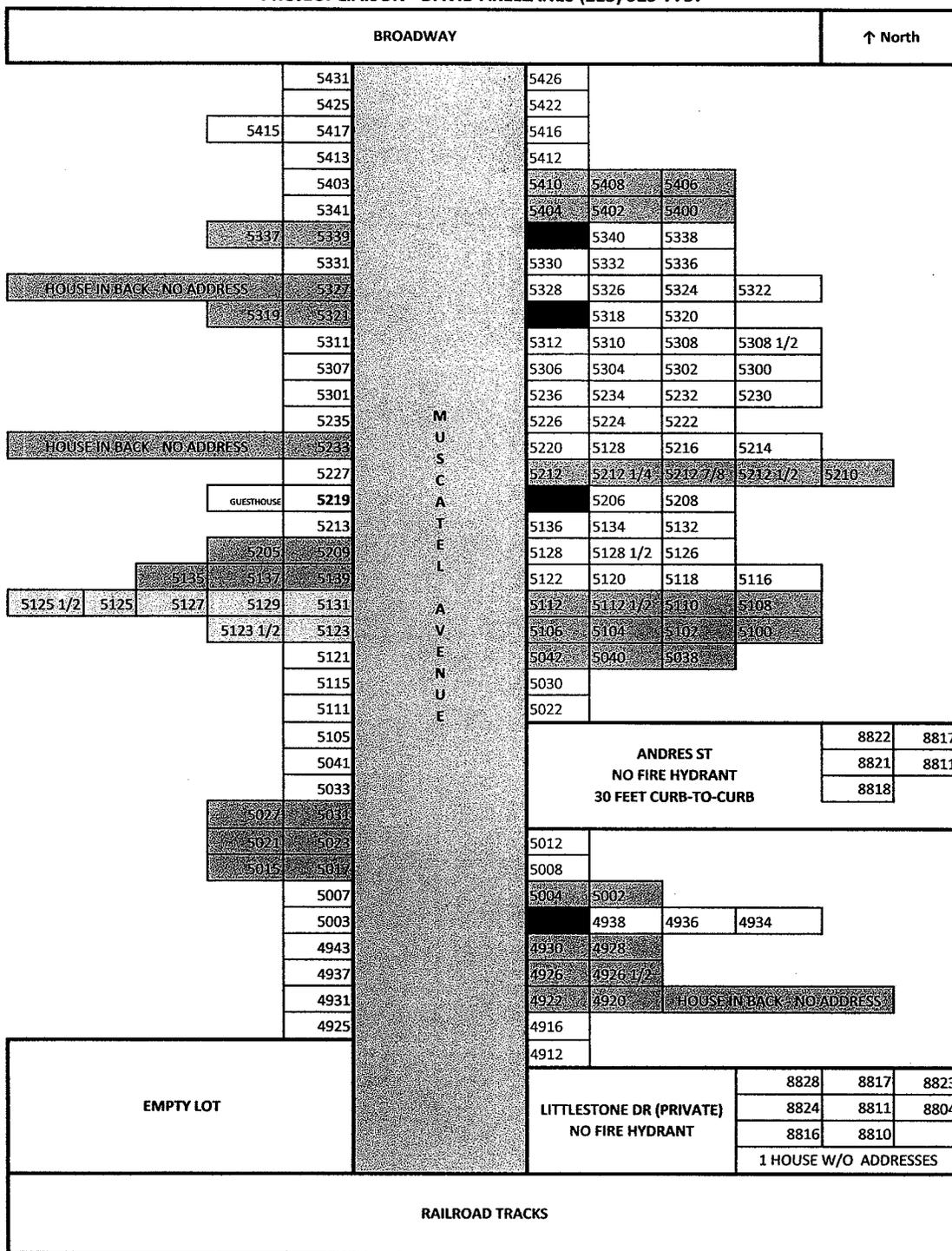
**VARIANCE BURDEN OF PROOF**

A request for approval to allow a second dwelling unit on a residential lot with access from a street that has less than the minimum width (50 feet) for such use.

- 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 classifications as the property as well as all other properties on the street are currently accessed by an existing forty (40) foot wide street. Moreover, the street was originally constructed and currently exists with a width of 40'. The street in its current surroundings cannot accommodate a widening to meet the minimum width required; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners by other property in the same vicinity and zone as all other lots on the same street are also accessed from the 40' wide right-of-way and other lots currently have or have been approved in the past for a second dwelling unit; and
- 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 or zone as the majority of the lots along the street also have a second dwelling unit accessed from a 40' wide street and the street was originally constructed with less than the minimum required width.

MILDRED FLORES  
 5219 NORTH MUSCATEL AVENUE  
 SAN GABRIEL, CA 91776 - (626) 285-3457  
 PROJECT LIAISON - DAVID ARELLANES (213) 925-7757

APPLICANT'S ANALYSIS  
 R2007-00766



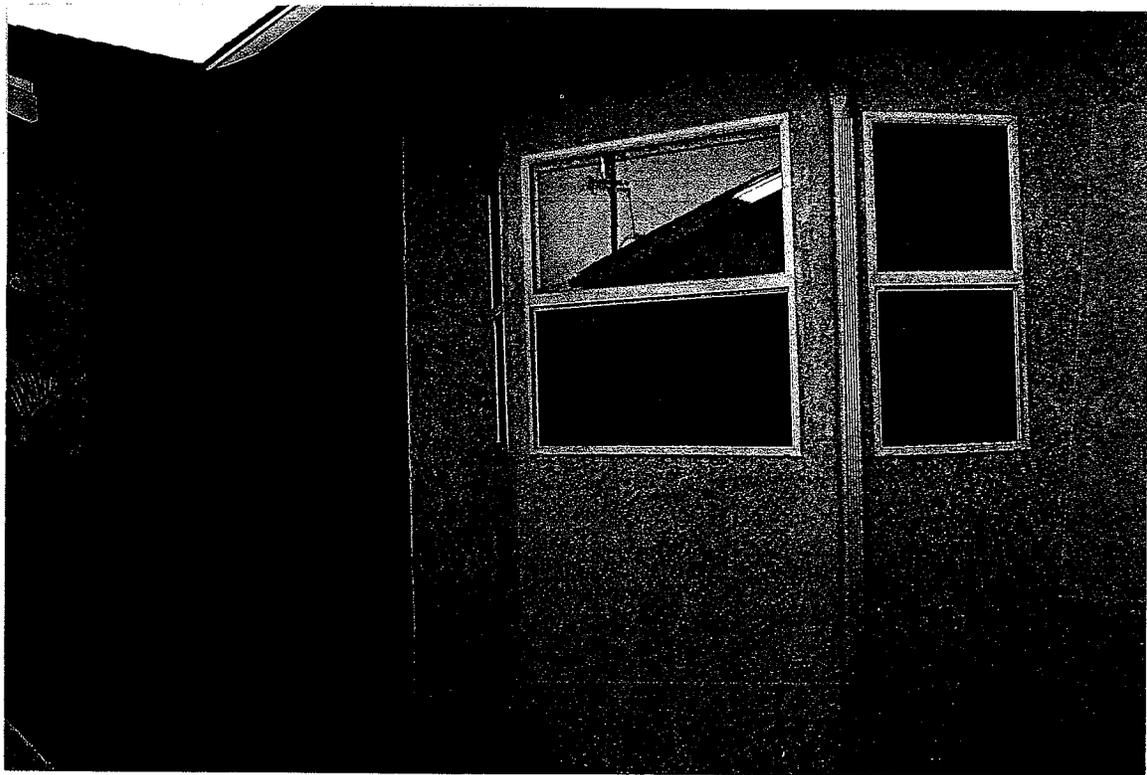
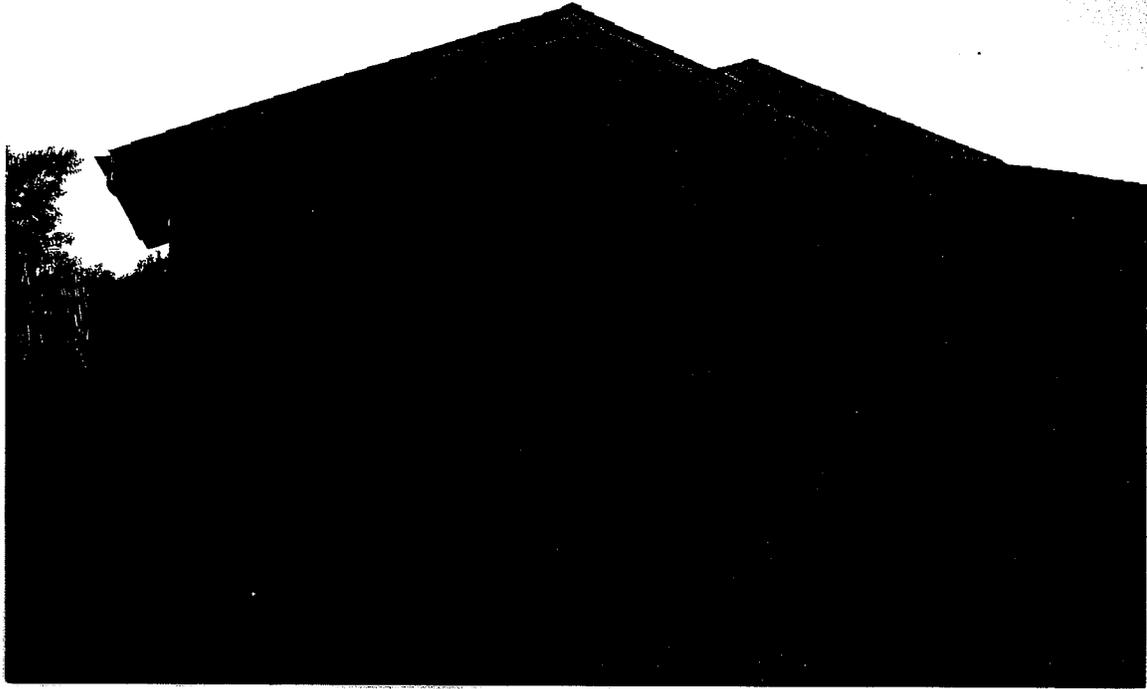
-  Denotes Project Address
-  Denotes Single Lot with Two or More Homes (per Assessor's Map)
-  Denotes Fire Hydrants
-  Denotes Seven Houses Sharing One Driveway
- On Muscatel Avenue beginning at Broadway south to the railroad tracks, the street measurement is consistently 40 feet curb-to-curb for Fire Department access.

Total Homes on Muscatel Avenue = 142

	West Side	East Side
One on a Lot	23	10
Two on a Lot	9	3
Three on a Lot	2	11
Four on a Lot	0	9
Five on a Lot	1	1



APPLICANT PHOTOS  
PROJECT NO. R2007-00766-(5) VARIANCE NO. 200900008



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