



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 2, 2011

TO:

Pat Modugno, Chair
Esther L. Valadez, Vice-Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM:

Richard Claghorn
Principal Regional Planner, Land Development Coordinating Center

**SUBJECT: APPEAL OF DIRECTOR'S DENIAL OF REQUEST FOR A YARD
MODIFICATION (RPP 200801286)
PROJECT NUMBER: R2008-01777-(5)
CASE: RPP 200801286
RPC MEETING: June 8, 2011
AGENDA ITEM: 7**

Dennis Zentil, the attorney representing the owner of the subject property at 520 Wenham Drive, has submitted supplemental information supporting approval of the Yard Modification request that he would like the Regional Planning Commission to review. A list of numerous properties in the area with less than the required setbacks was provided to Regional Planning staff by Mr. Zentil. Staff has researched the properties identified by Mr. Zentil and has also researched properties within 500 feet of the subject property to identify any previous Yard Modifications and other planning approvals within the area.

A series of photographs was provided showing properties in the area that the applicant identified as appearing to have less than the required side yard setbacks. These properties are located within the unincorporated area surrounded by the cities of Pasadena and San Marino in which the subject property is also located. Some of these properties are nearly a mile away from the subject property. The photographs were shown by Mr. Zentil at the May 18, 2011 hearing and copies are included in this supplement. A list of addresses corresponding to the photographs was provided on May 26, and a copy of this list is attached. One of the addresses on the list was located in the City of Pasadena and is not under the jurisdiction of Los Angeles County Regional Planning (1938 Rose Villa Street). One of the addresses appears to be an

error (407 Carmelo Avenue) since our records do not show any such address exists. A search of our records for each of the addresses provided did not find any Yard Modification or Variance cases or any other cases reviewed by Regional Planning. Some of the photographs are of detached garages, which the Zoning Code allows to be built up to property lines, subject to certain limitations. Since those structures are not habitable structures, they are not really comparable. Some of the other photographs do appear to show habitable structures with less than the five foot required setback but none appear to be under two feet.

In addition, Mr. Zentil provided several other photographs and the address of each, of additional properties which appear to have less than required setbacks, which will be included in his presentation on June 8, 2011. Two of these properties have had cases reviewed by Regional Planning. One was a Yard Modification that was approved on April 3, 2006 for a four foot side yard setback in lieu of five feet for an addition to an existing residence at 377 Carmelo Avenue. This property is over a quarter of a mile away to the northwest from the subject property. The only other property on the list for which we have any record of a previous review by Regional Planning is 455 Santa Anita Avenue, which is located approximately 900 feet northwest of the subject property. A Zoning Conformance Review (RZCR 201000506) was approved on July 21, 2010 for an addition to the existing residence. It was approved with a side yard setback of three feet. The existing residence had been built in 1941 with a three foot side yard setback. They were allowed to continue with the same building line at three feet from the property line in accordance with departmental policy for additions to structures with nonconforming setbacks. Since the addition was less than 50% of the length of the nonconforming side of the structure, and it was a single-story addition on a flat parcel with no part of the structure less than three feet from the property line, it was approved without any Yard Modification being required. The subject property at 520 Wenham Road was not in conformance with the requirements of this policy since the setback is less than three feet, so this policy could not be applied to the case.

Research by staff identified one Yard Modification case within a 500 foot radius of the subject property (Plot Plan 6856). It was approved on April 8, 1989 for 2560 San Pasqual Street. An existing carport with a rear setback of one foot was allowed to be enclosed. Part of the structure was turned into a storage room, a laundry room and guest house, and part of it remained as a carport. The guest house was located outside of the required 15 foot required rear yard setback. The laundry room was at least 12 feet from the property line and the storage area was one foot from the property line. This property is approximately 380 feet west of the subject property. This property was not identified on the list provided by Mr. Zentil but was found by staff. Although this Yard Modification was granted, there were no objections to the modification from any of the neighbors within 100 feet of the property, who were all notified of the proposal. It

also occurred over 20 years ago, and standards for granting Yard Modifications have since become more restrictive. It is unlikely that such a modification would be approved today.

Please find the attached supplemental materials for this project, which include the photographs and list provided by Mr. Zentil.

RC

Claghorn, Richard

From: Dzentil@aol.com
Sent: Thursday, May 26, 2011 1:32 PM
To: Claghorn, Richard
Cc: nadiasteven266@yahoo.com
Subject: Re: RPP 200801286 - Steve Mason - 520 Wenham

NOTICE: This e-mail including any attachments is intended to be a confidential communication between the sender and intended recipient(s). If you are not an intended recipient, then disclosure or any use of the contents of this e-mail is prohibited.

Dear Mr Claghorn:

I received a fax today from Karen Davis indicating that you had recently sent out an e-mail reflecting certain recommendations from Building and Safety. I did not receive a copy of this e-mail. Would you kindly forward it to me, and would you also keep me on the e-mailing list as to this project.

Below you will find the addresses for the properties that we showed in our power point presentation where the setback was less than five feet.

We took an hour last weekend to drive down a few streets, and at the next hearing we will add additional properties, the addresses of which I set forth below. I might add that there are many many more examples on small side yards in the neighborhood. The addresses set forth below are just examples of what is common in the neighborhood.

Please call if you have any questions.

Dennis P. Zentil

Law Offices of Dennis P. Zentil
555 Marin Street, Suite 140
Thousand Oaks CA 91360
805/777-8809
805/777-8406 fax

Addresses of properties on May 18 Planning Commission presentation:

May 18 Presentation

All in Pasadena
353 Berkley
2002 Oakdale
431 Berkley
381 Berkley
2644 San Pasqual
1938 Rose Villa
432 & 440 Carmelo
393 & 407 Carmelo

To be added to presentation on June 8:

All in Pasadena
405 Wenham
454 & 464 Northcliff
410 Virginia
360 Virginia
465 & 455 Santa Anita
2484 San Pasqual
450 & 460 Carmelo
386 Carmelo
387 & 377 Carmelo
424 Grand Oaks