



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director of Planning

August 3, 2010

Ms. Yolanda McCausland
11431 Clyborun Ave.
Lakeview Terrace, CA 91342

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PROJECT NO. R2009-01628-(5)
CONDITIONAL USE PERMIT NO. 200900116
501 STONEHURST DR., ALTADENA ZONED DISTRICT

Dear Applicant/Agent:

Hearing Officer, Ms. Pat Hachiya, by her action of August 3, 2010, **APPROVED** the above described application. The applicant or any other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission's secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on August 17, 2010.** Appeals must be delivered by this date. If an appeal is not filed, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions of approval. Please carefully review each condition. The conditions require that the permittee record the affidavit accepting the conditions. Upon completion of the appeal period, please notarize the attached acceptance forms. Please make an appointment to hand deliver the recorded affidavit and fees to the assigned planner.

For further information, please contact Phillip Estes at (213) 974-6435 or by e-mail at pestes@planning.lacounty.gov. Office hours are Monday through Thursday, 7:30 AM to 5:30 PM. The Department of Regional Planning is closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner
Director of Planning

Mark Child, AICP
Supervising Regional Planner
Zoning Permit I

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
CC: Zoning Enforcement, Building & Safety, Regional Planning Commissioner

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

PROJECT NO.: R2009-01628-(5)

CONDITIONAL USE PERMIT NO.: 200900116

REQUEST: A conditional use permit to authorize a modification of the Altadena Community Standards District required yard setbacks for a single-family residence located in the R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels) zone.

HEARING DATE: August 3, 2010.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

August 3, 2010 Public Hearing

A duly noticed public hearing was held on August 3, 2010 and conducted by Hearing Officer Patricia Hachiya.

Phillip Estes, Principal Regional Planner, gave a brief presentation of the proposed project and applicant's request. Mr. Estes stated that the applicant's request would not adversely affect the health, peace, comfort or welfare of the people in the surrounding area, and that the applicant had satisfied the required Burden of Proof.

The applicant and the property owner were present and testified in favor of the proposed project, and agreed to the draft conditions of approval.

The Hearing Officer, hearing no further testimony, closed the public hearing and approved Conditional Use Permit 200900116, subject to the conditions presented by staff.

Findings

1. The subject property is located at 501 Stonehurst Drive, Altadena Zoned District.
2. The applicant requested relief from the Altadena Community Standards District with a conditional use permit to authorize reduced front and side yard setbacks in association with a single-family residence ("Project").
3. The applicant proposed a retroactive authorization of a garage conversion to habitable living space and authorization to construct a tandem (2-car) carport.
4. The applicant requested a 21 ft. 2 in. front yard setback in lieu of the required 23 ft. 2 in minimum front yard setback.
5. The applicant requested a 2 ft. side yard in lieu of the required 5 ft. min side yard setback.
6. The proposed project is located outside the protected zone of the existing oak tree, as indicated on the applicant's site plan.
7. The subject property is located in the R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels) zone. Single-family residents are permitted use in this zone.
8. The subject property is located in the Altadena Community Standards District.

9. The Assessor's parcel number is 5827-002-023.
10. The subject parcel is Lot 36 of Tract 6799. There are no other known zoning review cases.
11. County Assessor records indicate the existing residence was constructed in 1946.
12. Staff has received no comments from the public.
13. The Altadena Town Council does not oppose the Project, as indicated in a letter dated May 7, 2010.
14. The Fire Department has no additional requirements in granting this permit, as indicated in a letter dated April 8, 2010.
15. The subject property is located in the 2 – Low Density (1 to 6 dwelling units per acre) category of the Altadena Community Plan.
16. The project is Categorically Exempt Class 3 (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.
17. 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 and property posting.
18. The Project is consistent with the land use goals and policies of the 2 – Low Density category of the Altadena Community Plan.
19. The proposal is consistent with the residential area. The proposal does not conflict with the goals and policies of the Altadena Community plan or the existing surrounding land uses.
20. Surrounding properties are located in the following zones:
 - North: R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels)
 - East: R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels), C-3 (Unlimited Commercial)
 - South: R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels)
 - West: R-1-7,500 (Single-Family Residence – 7,500 sq. ft. min. parcels)
21. Surrounding land uses within 500 ft. include:
 - North: Single-family and multi-family residences
 - East: Single-family residence, commercial
 - South: Single-family residences
 - West: Single-family and multi-family residences
22. The Project will not adversely affect the economic welfare, quality of life or standard of living of the surrounding community or diminish property values.

23. 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:

CONDITIONAL USE PERMIT – Burden of Proof

1. The proposed use is consistent with the adopted general plan for the area;
2. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
4. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.040, 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption Class 3 for this project and certifies that it is consistent with the Finding by the State Secretary for Resources and local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900116 is **APPROVED** subject to the attached conditions.

CC: Zoning Enforcement, Building and Safety, Regional Planning Commission

MC:PE
8-3-10

This grant authorizes relief from the required yard setbacks for a single-family resident located in R-1-7,500 (Single-Family Residence – 7,500 sq. ft. parcels) zone in the Altadena Community Standards District, subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition Number 6, and until all required monies have been paid pursuant to Condition Number 9.

Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

6. Prior to the use of this grant, the property owner or permittee **shall record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant will expire unless used within 2 years from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date. Submittal of the recorded affidavit and payment of all required fees shall constitute use of the permit.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee **shall deposit** with the County of Los Angeles the sum of **\$200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **one (1)** inspection. Inspection may be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the then-current recovery cost, whichever is greater.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
12. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

13. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
14. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.

MM:PE
7-19-10