



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 22, 2012

John G. Macdonald
1563 Meadowbrook Road
Altadena, CA 91001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2011-00375-(5)
CONDITIONAL USE PERMIT NUMBER 201100038
1563 Meadowbrook Road

Dear Applicant:

Hearing Officer, Gina Natoli, by her action of Tuesday, February 21, 2012, **APPROVED** the above described application *(Conditional use permit to allow for a five foot side yard setback in lieu of the required 10-foot side yard setback for an addition to an existing single-family dwelling)*. The applicant and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission 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 Tuesday, March 6, 2012.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to this approval, please contact Diane Aranda of the Zoning Permits East Section at (213) 974-6435 or e-mail at DAranda@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement, John G. Macdonald, Michael Miller (architect)

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

PROJECT NUMBER R2011-00375-(5)

CONDITIONAL USE PERMIT NUMBER 201100038

HEARING DATE: February 21, 2012

SYNOPSIS:

The applicant requests a conditional use permit (CUP) to allow a five-foot side yard setback in lieu of the required 10-foot side yard setback to construct a 393-square-foot expansion to an existing master bedroom and a new laundry room. The project is located on a 0.4 acre-lot within the R-1-7,500 (Single-Family Residential) Zone in the unincorporated community of Altadena.

PROCEEDINGS BEFORE THE HEARING OFFICER

A duly noticed public hearing was held on February 21, 2012 before the Hearing Officer. The applicant, John Macdonald, testified in favor of the proposed project. The Hearing Officer instructed staff to revise the draft findings due to minor typographical errors. There being no further testimony, the Hearing Officer closed the public hearing, and approved project R2011-00375-(5) with attached conditions.

Findings

1. The applicant is requesting a CUP to allow a five-foot side yard setback in lieu of the required 10-foot side yard setback to construct a 393-square-foot expansion to a master bedroom and a new laundry room including remodeling a portion of the existing single-family dwelling.
2. Pursuant to Section 22.44.127 of the County Code, a conditional use permit is required to modify the side yard setback requirements in the Altadena Community Standards District. The applicant is requesting a CUP to allow for the reduction of five feet in the side yard setback.
3. The subject property is zoned R-1-7,500 (Single-Family Residential) and located in the Altadena Community Standards District (CSD).
4. The subject property is developed with an existing 3,245-square-foot single-family dwelling on a 0.4-acre lot.
5. Land uses within 500 feet of the subject property consist of single-family residences to the north, east and south and a golf course to the west.
6. Zoning within 500 feet of the subject property consists of R-1-7,500 (Single-Family Residential) to the north, east and south, and R-R (Resort and Recreation) to the west.
7. Previous cases on the property include the following:
 - Certificate of Compliance 201100064 recorded on August 30, 2011.
 - Zoning Conformance Review 200600210 for a 215-square-foot expansion to an existing kitchen approved on March 1, 2006.

8. The site plan depicts an existing 3,245-square-foot single-family residence on a 0.4-acre rectangular-shaped lot with proposed interior remodeling. A 393-square-foot master bedroom expansion, a new laundry room and a 100-square-foot outside deck are depicted on the plan.
9. The floor plan illustrates an existing master bedroom with a proposed 393-square-foot addition and interior remodeling including a laundry room. A new 100-square-foot deck is also proposed to the northwestern portion of the existing single-family residence. The proposed five-foot side yard setback is located on the northern portion of the property.
10. The subject property is located within the Altadena Community Plan and has a land use designation of Category 2 – Low Density Residential (1-6 du/gross acre), which corresponds to common suburban tract residential development. The purpose of this category is to maintain the existing single-family neighborhoods.
11. The proposed addition to the existing master bedroom will be located five feet from the property line. The applicant is requesting a modification of the Altadena Community Standards District (CSD) side yard setback requirement of 10 feet.
12. The subject property complies with the front yard, rear yard and height requirements pursuant to Section 22.44.127.D Zone Specific Development Standards.
13. The gross structural area (GSA) of a residence includes the total floor area of all enclosed areas, including storage, but excluding cellars and garages or carports designed and used for the storage of automobiles. Pursuant to the Altadena CSD, in no event shall the maximum GSA or maximum lot coverage exceed 9,000 square feet.
14. The subject property has a maximum GSA of 5,056-square-feet. The GSA of the residence with the proposed addition is 3,638 square feet. The CSD standard has been met.
15. The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. Access to the single-family dwelling is via Meadowbrook Road which is a fully-improved public road. The site is served by all necessary public and private facilities, including water, sewer, electricity and trash collection.
16. The site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
17. The Hearing Officer finds the request for a five-foot side yard setback for interior remodeling and expansion of master bedroom will be consistent and compatible with the surrounding suburban community.
18. The Hearing Officer determined that the project qualifies for a Categorical Exemption under Class 3, New Construction or Conversion of Small Structures, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Procedures and Guidelines.

19. 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 Department of Regional Planning website posting.
20. The Hearing Officer finds the burden of proof for the conditional use permit pursuant to Code Section 22.56.040 has been satisfied.
21. On December 20, 2011, the Altadena Town Council voted unanimously to approve the project.
22. Staff has not received correspondence in favor of or in opposition to the project.
23. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 W. Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. 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 area, 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;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required; and
- E. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

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 22.56.090 of Title 22, of the Los Angeles County Code (Zoning Ordinance).

In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100038 associated with Project R2011-00375-(5) is **APPROVED**, subject to the attached conditions. The Hearing Officer also determines that the project is categorically exempt from the provisions of the California Environmental Quality Act reporting requirements.

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER R2011-00375-(5)
CONDITIONAL USE PERMIT NUMBER 201100038**

This grant authorizes the expansion of an existing master bedroom, new laundry room and outside deck for a single-family dwelling unit with reduced side-yard setback, as depicted on the approved Exhibit "A", subject to all of 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 and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 7. Notwithstanding the foregoing, this condition (No. 2), and Conditions No. 3, 4 and 5 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 or other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 in accordance with Section 2.170.010 of the Los Angeles County Code.

5. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
6. 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.
7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
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 such full compliance shall be a violation of these conditions.
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. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
12. The permittee shall comply with the conditions by the Department of Public Health set forth in the letter dated July 15, 2011. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Public Health. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
13. All existing structures without building permits depicted on approved Exhibit "A" shall be inspected and have building permits issued by the Department of Public Works, Building and Safety division prior to beginning any construction.
14. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of

Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.

15. If changes are required, within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval.
16. During construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.
17. Limited outdoor storage during construction shall be permitted on the site in compliance with the requirements of Part 7 of Section 22.52 of the County Code.

MM:DA

02/08/2012