



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

October 16, 2013

Richard J. Bruckner  
Director

Zellnerplus  
Attn: Peter Zellner  
517 Victoria Avenue  
Venice, CA 90291

**REGARDING: PROJECT NO. R2011-00934(5)  
CONDITIONAL USE PERMIT NO. 201100088  
495 ALAMEDA STREET, ALTADENA (5839-006-010)**

Hearing Officer Gina Natoli, by her action of **October 15, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **October 29, 2013. Appeals must be delivered in person.**

**Appeals: To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Michele Bush of the Zoning Permits East Section at (213) 974-6435, or by email at [mbush@planning.lacounty.gov](mailto:mbush@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,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Marja Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement; Susanne & Jost Vielmetter, 509 E. Marigold Street, Altadena, CA 91001

MM:mrB

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-00934-(5)  
CONDITIONAL USE PERMIT NO. 201100088**

1. **ENTITLEMENT REQUESTED.** The applicants, Susanne and Jost Vielmetter, are requesting a Conditional Use Permit (CUP) to authorize the encroachment into the rear and side yard setbacks pursuant to County Code Section 22.44.127 in the R-1-10,000 (Single-Family Residence-10,000 square foot minimum lot area) Zone, within the Altadena Community Standards District (CSD).
2. **HEARING DATE.** October 15, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on October 15, 2013 before the Hearing Officer. The applicant's representative, David Bergman, answered questions presented by the Hearing Officer. The Hearing Officer had questions regarding the anticipated duration of construction for the project and discussed adding a condition to specifically address the permitted hours of construction on the project site. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.
4. **PROJECT DESCRIPTION.** The request is for a Conditional Use Permit to authorize a nineteen-foot encroachment into the rear yard setback, and a four-foot encroachment into the west side yard setback, reducing the rear yard setback to six feet and the side yard setback to one foot, to accommodate the construction of a one-story, 1,236 square-foot addition to an existing single-family residence. The addition consists of two bedrooms, one bathroom and storage areas. The existing 518 square-foot, detached garage will be demolished and replaced with a new 518 square-foot, detached carport at the west side of the residence. Renovations to the project site also include a 432 square-foot swimming pool. The original single-family residence was constructed, prior to permit requirements, with a three-foot, one-inch rear yard setback. The Altadena CSD requires a Conditional Use Permit to modify the standards of the CSD.
5. **LOCATION.** 495 Alameda Street, unincorporated Altadena.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing, 2,298 square-foot, single-family residence with proposed 1,236 square-foot addition, 518 square-foot, detached carport and 432 square-foot swimming pool. The site plan also depicts the existing trees, landscaping and concrete wall located along the perimeter of the property. The project site is accessed via a driveway located along Alameda Street.
7. **EXISTING ZONING.** The subject property is zoned R-1-10,000 (Single-Family Residence-10,000 square-foot minimum lot area). Surrounding properties are zoned as follows:  
  
North: R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)  
South: R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)  
East: R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)  
West: R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)

8. **EXISTING LAND USES.** The subject property consists of a single-family residential use. Surrounding land uses within 500 feet include:

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

9. **PREVIOUS CASES/ZONING HISTORY.** The original single-family residence was built in 1909, prior to building permit requirements. In 1956, a building permit was issued for the construction of a new, 700 square-foot living room.

There are no zoning violations on the subject property.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is designated as 2-Low Density Residential (1 to 6 dwelling units per acre (du/ac)) in the Altadena Community Plan. The Low Density Residential designation corresponds to common suburban tract residential development. The purpose of this category is to maintain existing single-family neighborhoods.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is located within the Altadena Community Standards District. The proposed addition to the existing single-family residence will be located six feet from the rear property line. The proposed carport will be located one foot from the west side property line. The applicant is requesting a modification of the rear yard setback requirement of 25 feet, and a modification of the side yard setback requirement of five feet. With the development as proposed on the Exhibit A, all other development standards will be met.

Parking

Pursuant to Section 22.52.1180 of the County Code, every single-family residence shall provide two covered, standard automobile parking spaces. The construction of the proposed carport will meet this requirement.

Pursuant to Section 22.44.127 of the County Code, if the number of bedrooms increases within the single-family residence from five to six, three parking spaces shall be required. If the number of bedrooms increases to seven or more, four spaces (plus one space for every two additional bedrooms) shall be provided. The project proposes three bedrooms and meets all parking requirements.

Height

Pursuant to Section 22.44.127 of the County Code, the maximum height of structures in the R-1 Zone, located on lots from 13,000 to 19,999 square feet in size, shall not exceed 30 feet. The maximum height of the proposed addition is 16 feet, six inches.

Lot Coverage

Pursuant to Section 22.44.127 of the County Code, the maximum lot coverage allowed on the subject property is 4,800 square feet. The proposed lot coverage is 3,534 square feet.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property is zoned R-1-10,000 and will consist of the existing single-family residence with the proposed addition and carport which is allowed in the R-1 Zone with an approved Conditional Use Permit. The subject property has been used as a single-family residence for more than 100 years. There are no proposed changes to the current use of the property.

The proposed rear and side yard setback modifications are consistent with other structures and setbacks in the surrounding neighborhood. The project request will continue the single-family residential use of the subject property which is consistent with surrounding land uses. The majority of the property and single-family residence are not visible from any surrounding streets. With the proposed conditions the project site will remain consistent and compatible with the surrounding area.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Based on comments in a letter from the County of Los Angeles Department of Public Health, Environmental Health Division, dated August 16, 2011, the Department recommends approval of this CUP.

The Los Angeles County Department of Public Works was consulted regarding the proposed project and had no comments for the proposed addition to the single-family residence.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Based on a letter from the Altadena Town Council dated February 23, 2012, on December 20, 2011, at the regularly scheduled meeting of the Altadena Town Council a motion was made and passed by unanimous vote approving the proposed project.

15. **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 and property posting, library posting and DRP website posting.

16. **PUBLIC COMMENTS.** To date, no comments from the public have been received.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

17. The proposed addition and remodel of the single-family home will maintain the single-family use of the property and thus integrate with the neighborhood. It is located on a flag lot and thus will not be visible from the public right-of-way. The proposed height of the addition, at 16 feet-six inches, is well below the maximum 30-foot height allowed by the Altadena CSD, and the total proposed lot coverage of 3,534 square feet is below the maximum allowable lot coverage of 4,800 square feet allowed by the CSD.

In addition, the proposal actually reduces the current encroachment of the house (built in 1909 before building permits were required) into the rear yard setback from its current condition, at 3 feet-one inch from the rear property line, to six feet from the rear property line.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will 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 or general welfare.

18. The proposed addition extends the line of the house in order to preserve a greater portion of the large, well maintained front yard and all of the trees on the property. The single-story addition is consistent in scale and architectural character with the neighborhood, maintains the single-family use, and is therefore consistent with the goals of the Altadena Community Plan. Adequate parking areas are provided on the site. Several other properties on the block, documented in the application, contain houses which encroach into the rear and side yard setbacks. The requested addition would thus be consistent with the neighborhood, while being far less visible because the subject property is a flag lot.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

19. The proposed addition will not increase traffic or parking demands, which will be adequately served by the proposed carport. The single-family residential use will be maintained and will not significantly increase the demand on utility or emergency services.

Therefore, the proposed 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.

#### ENVIRONMENTAL DETERMINATION

20. The project site consists of an existing single-family residence. The proposed project consists of the minor alteration of an existing structure and the removal of an accessory structure, with no expansion of use beyond that which is currently existing.

Therefore, the project qualifies as a Categorical Exemption (Class 1, Existing Facilities) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

21. **RECORD OF PROCEEDINGS.** 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 at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West 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. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will

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 or general welfare; and

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed 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.

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 Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

- 1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities Categorical Exemption.)
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100088 is Approved subject to the attached conditions.

**ACTION DATE: October 15, 2013**

MM:mrb  
10/15/13

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-00934-(5)  
CONDITIONAL USE PERMIT NO. 201100088**

**PROJECT DESCRIPTION**

The project is a request for a Conditional Use Permit to authorize a nineteen-foot encroachment into the rear yard setback, and a four-foot encroachment into the west side yard setback, reducing the rear yard setback to six feet and the side yard setback to one foot, to accommodate the construction of a one-story, 1,236 square-foot addition to an existing single-family residence. The addition consists of two bedrooms, one bathroom and storage areas. The existing 518 square-foot, detached garage will be demolished and replaced with a new 518 square-foot, detached carport at the west side of the residence. Renovations to the project site also include a 432 square-foot swimming pool. The original single-family residence was constructed, prior to permit requirements, with a three-foot, one-inch rear yard setback. The Altadena Community Standards District (CSD) requires a Conditional Use Permit to modify the standards of the CSD, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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 No. 7, and until all required monies have been paid. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.
5. 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 make an initial deposit with

Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. 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.

If additional inspections are required to ensure compliance with the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all enforcement efforts necessary to bring the subject property into compliance. The amount charged for inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. 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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above 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.

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 notification 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.

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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall authorize the nineteen-foot encroachment into the rear yard setback, and a four-foot encroachment into the west side yard setback, reducing the rear yard setback to six feet and the side yard setback to one foot, to accommodate the construction of a one-story, 1,236 square-foot addition to an existing single-family residence. A new 518 square-foot, detached, two-car carport will be constructed at the west side of the residence.

19. The permittee shall provide parking as required by the County Code, which requires that every single-family residence shall provide two covered, standard automobile parking spaces. Pursuant to Section 22.44.127 of the County Code, if the number of bedrooms within the single-family residence increases from five to six, three parking spaces shall be required. If the number of bedrooms increases to seven or more, four (plus one space for every two additional bedrooms) shall be provided. The project proposes three bedrooms.

If the residential use substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

20. Project construction shall be limited to Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Construction is not permitted on weekends and legal holidays.
21. 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.
22. Outdoor lighting shall be designed so as to direct light and glare only onto the single-family residence. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property. Wherever feasible, lighting using motion sensors shall be installed.
23. The maximum height of the structure shall not exceed sixteen feet-six inches.
24. The maximum lot coverage shall not exceed 4,800 square feet.

Attachments:

County of Los Angeles Department of Public Health, Environmental Health Division Letter dated August 16, 2011

MM:MRB



JONATHAN E. FIELDING, M.D., M.P.H.  
Director and Health Officer

JONATHAN E. FREEDMAN  
Chief Deputy Director

ANGELO J. BELLOMO, REHS  
Director of Environmental Health

KENNETH MURRAY, REHS  
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS  
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BOARD OF SUPERVISORS

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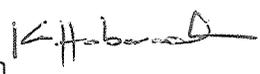
Zev Yaroslavsky  
Third District

Don Knabe  
Fourth District

Michael D. Antonovich  
Fifth District

August 16, 2011

TO: Dean Edwards  
Senior Planner  
Zoning Permits North Section  
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS   
Environmental Health Division  
Department of Public Health

SUBJECT: PROJECT NO. R2011-00934 / RCUP 201100088  
LOCATION: 495 ALAMEDA STREET, ALTADENA

- Environmental Health recommends approval of this CUP.
- Environmental Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The CUP is for the remodel of an existing single-family dwelling that will add a net 1159 sq. ft. of living space and a 678 sq. ft. carport. A 432 sq. ft. swimming pool is proposed.

The Department has no comments to submit regarding this project and does not object to the approval of this CUP.

If you should have any questions regarding our review, please contact me at (626) 430-5382.

KH:kh