

**FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER R2014-01524-(5)
DIRECTOR'S REVIEW CASE NUMBER RPP 201400563**

1. **ENTITLEMENTS REQUESTED.**

Pursuant to Los Angeles "County Code" Sections 22.56.1660 and 22.48.180, approval of a Director's Review for a yard modification is requested to authorize a reduced front yard setback of 5 feet in lieu of the required 10 feet, for a new single-family residence with attached garage on a hillside parcel.

2. **PROJECT DESCRIPTION.**

The applicant is proposing a new three-story single-family residence on a hillside corner parcel with a slope greater than 25 percent. Maximum height of structure is up to 35 feet. Grading is proposed for 1,220 cubic yards of cut and 50 cubic yards of fill, with 1,170 cubic yards of export. The proposed residence is for 3,837 square feet on a 10,910 square foot lot. The floor plan for the basement, or first level, depicts a 3-car garage with entrance from Highridge Road; the first floor plan, or second-level, depicts the kitchen and great room; and the second floor plan, or third-level, depicts 4 bedrooms and a laundry room. The parcel has a shallow depth which does not exceed 58.1 feet. A retaining wall up to a maximum height of 22 feet is proposed just outside the established rear yard area. A yard modification request has been made to allow a 5 foot front yard setback, in-lieu of the required 10 feet minimum for hillside lots with a greater than 20 percent slope per County Code Section 22.48.080, for the new residence from Highridge Road.

3. **LOCATION.** The subject property is located at the northeast intersection of Cloudcrest and Highridge Roads in the unincorporated community of La Crescenta, and within the La Crescenta-Montrose Community Standards District (CSD). The property is within the La Crescenta Zone District. The property's Assessor Parcel Number (APN) is 5867-009-042.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, finished grade over natural grade contours, retaining walls, stairs, street right-of-ways and driveway access. The site plan has attached floor plans and elevation plans of the proposed residence which depict finished floor elevations and the height of the proposed residence.

5. **EXISTING ZONING.** The subject property is zoned R-1-7,500 (Single-Family Residence – Min. 7,500 sq.ft. required area).

Surrounding Properties:

North: R-1-7500
East: R-1-7500
South: R-1-7500
West: R-1-7500

6. **EXISTING LAND USES.** The site is currently vacant.

Surrounding Properties:
North: Single-family residence
East: Single-family residence
South: Single-family residence
West: Single-family residence
7. **PREVIOUS CASES/ZONING HISTORY.** Lot Line Adjustment No. 101,381 was approved and recorded in 1996, Instrument No. 96-184486, with no conditions. The lot line adjustment moved the interior lot line between Lots 20 and 21 of Tract 13346, with the reconfigured parcel identified as APN 5867-009-042.
8. Director's Review Plot Plan RPP 201400563 was filed on May 28, 2014, for the proposed project described under the project description.
9. Ordinance No. 5616 was adopted by the County Board of Supervisors on October 17, 1950, which established the R-1-7500 (Single-Family Residence – Min. 7,500 sq.ft. required area) Zone.
10. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The property is located within the (H9 – Residential 9) land use category of the Countywide General Plan. Density permitted is a maximum of 9 dwelling units per 1 acre. The proposed single family residence on the subject parcel does not conflict with the Countywide General Plan land use classification for the property.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned R-1-7,500 and is within the La Crescenta – Montrose CSD. The project does not conflict with the CSD requirements.
12. The application for the new single-family residence includes a request for yard modification to allow the frontage of the residence, with attached garage, to have a front yard setback of 5 feet in lieu of the required 10 feet from the front property line. A reduced front setback of 50 percent of the required front setback of 20 feet is already allowed on hillside lots, where the slope is 20 percent or greater, per County Code Section 22.48.080. The design of the residence requires a reduced front setback to fit within the narrow and steep hillside lot. The Director is authorized to grant a yard modification for a 5 foot front yard setback in-lieu of the required 10 feet, per County Code Section 22.48.180.
13. The rear setback of the proposed residence is at 23 feet from the rear property line and exceeds rear yard setback provisions of 15 feet for the R-1 Zone in accordance with County Code Section 22.20.120.A.4.
14. The height of the proposed residence will be at a maximum of 35 feet above grade and in compliance with the 35 foot height limit for the R-1 Zone per County Code Section 22.20.110.

15. Retaining walls are limited to 6 feet in height above grade in all required yard areas per County Code Section 22.48.160.D. The project shall use retaining walls in the required yards areas at the height permitted.
16. The lot is a shallow lot. The rear yard setback is established at 11 feet and 2 inches, which meets the rear yard setback requirements for shallow lots under County Code Section 22.48.110.
17. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the La Crescenta Zone District. The subject property is currently a vacant hillside lot with vegetation situated below and adjacent to developed lots with single-family residences to the north, south, east and west which are part of a built-up subdivision – Tract 13346. The proposed three-story residence is compatible with the surrounding land uses. No impacts to the neighborhood are anticipated as a result of the construction of the residence, which must meet County Public Works requirements for grading, drainage and construction. The project does not conflict with the standards set forth by the La Crescenta CSD.

The yard modification request to allow the front yard setback to be reduced from 10 feet to 5 feet from the front property line raised safety concerns for potential line-of-sight impacts for vehicles exiting the driveway on to Highridge Road. Regional Planning required the applicant to refer the project to County Public Works for review. Ingress and egress from the attached garage and driveway to the street have been conceptually approved by Public Works for line-of-sight requirements.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

18. The County Public Works Department (Public Works) was consulted on the proposed improvements for the reduced front yard setback for the new residence. The applicant was directed to submit a site plan to Public Works for evaluation and clearance. Concerns for line-of-sight impacts during ingress and egress from the garage and for available parking on the driveway completely out of the right-of-way were asked to be addressed. Public Works' Land Development Division conceptually approved the site plan on September 2, 2015. No concerns were made by Public Works for impacts to the line-of-sight or for the parking of vehicles on site completely out of the right of way. A comment was made that any proposed work within the road right of way will require encroachment permits.
19. **ZONING ENFORCEMENT.** As of November 19, 2015, there are no reported zoning violations on the property from the Department's Zoning Enforcement Staff.
20. **PUBLIC OUTREACH.** Pursuant to the policies of the Department of Regional Planning, a "letter of consent" for modification by the Director of building setbacks was sent out to all property owners within 100 feet of the subject property. A total of 9 notices were sent out by U.S. Mail, one by email, with 30 days given to all recipients to respond. No response was to be interpreted that the recipient of the notice had no objection to the setback modification request, as indicated on the notice.
21. **PUBLIC COMMENTS.** Staff received a response from 2 surrounding property owners stating no objection, and one notice was returned due to the Postal Service unable to forward it to the property owner within the 100 foot noticing range. An email with a

notice attachment was sent to the Chair of the Crescenta Valley Town Council's Land Use Committee. No comments were received in objection to the yard modification proposal.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

22. Due to the steep topography of the site with slopes exceeding 25 percent and the shallow depth of the lot due to its lengthwise orientation parallel to the roadway frontage, the development of a residence upon the subject parcel requires some relaxing of front yard setback standards and therefore qualifies the project for a yard modification to allow a front yard setback of 5 feet from the front property line in-lieu of the required 10 feet minimum for hillside lots with 20 percent or greater slopes. The project qualifies for approval and grant of a yard modification by the Director per County Code Section 22.48.180, contingent upon the final approval and issuance of grading and building permits by the Building and Safety Division of County Public Works. A yard modification approval, contingent upon final approval and issuance of grading and building permits, is justified due to the unnecessary hardship that requiring the front setback to be maintained at 10 feet would make the development of the proposed three-story residence impractical. The proposal has been reviewed by County Public Works and granted conceptual approval on September 2, 2015, with the line-of-sight clearance approved in concept. The yard modification burden of proof prepared by the applicant is found to be acceptable.

ENVIRONMENTAL DETERMINATION

23. The proposed project qualifies for a Class 3 Categorical Exemption from CEQA for New Construction or Conversion of Small Structures, per CEQA Guidelines Section 15303.
24. **TERM LIMIT USE FOR APPROVAL.** The approval of the Director's Review is for two-years. A one year time extension may be requested per County Code Section 22.56.1740.
25. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE DIRECTOR'S REVIEW:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

- 1. The Director finds the project qualifies for a Class 3 Categorical Exemption from CEQA for New Construction or Conversion of Small Structures, per CEQA Guidelines Section 15303.
- 2. In view of the findings of fact presented above, Director's Review Case No. RPP 201400563 is **APPROVED**.

BY:



DATE:

11-24-2015

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Building and Safety (San Gabriel Valley Office)

RS
11/24/2015

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2014-01524-(5)
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PROJECT DESCRIPTION

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GENERAL CONDITIONS

1. This grant authorizes construction of a new three-story residence on a hillside parcel with slopes of 25 percent or greater, with Director's Review and approval for a yard modification pursuant to County Code Section 22.48.180 for a reduced front yard setback of 5 feet in-lieu of the required 10 feet minimum, contingent upon final approval and issuance of grading and building permits by the Building and Safety Division of County Public Works.
2. 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.
3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
4. 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.
5. 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 Director's Review approval in concept, 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.

6. 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.

7. 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.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.
9. This grant shall expire unless used within three (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.
10. 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 compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$0.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **0 annual inspection(s)**. Inspections 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. The permittee shall submit the Director's Review approval to County Public Works' Building and Safety Division in the San Gabriel Valley, located at 125 S. Baldwin Avenue, Arcadia, California 91007, for processing, review, approval and issuance of Building Permits.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the site plan approved by the Director.
14. The permittee shall maintain the subject property in a neat and orderly fashion.
15. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given by County Public Works, **four (4) copies** of a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

16. No retaining walls within required yard areas are to exceed six-feet in maximum height per County Code Section 22.48.160.D, and shall be reflected as such in the approval of all site, floor, elevation and grading plans. Any corrections to any drawings must be made to meet this requirement prior to issuance of any grading or building permits.
17. Yard modification approval is only for the reduced front yard setback of the residence at 5 feet in-lieu of the required 10 feet minimum for hillside lots. The County Regional Planning Director's approval of the front setback with yard modification is contingent upon final approval, issuance and finalization of the building permits by the Building and Safety Division of County Public Works.
18. The applicant must obtain final approval for line-of-sight safety from Public Works prior to issuance of grading and building permits. Conceptual approval was granted by Public Works on September 2, 2015 (refer to HR 15031101). Approval of encroachment permits for any and all work done within the public right-of-way must also be obtained from Public Works prior to issuance of grading and building permits.
19. The permittee is expected to work diligently to complete all requirements set forth by County Public Works and obtain the necessary building permits from its Building and Safety Division.
20. The conditions of this grant shall be retained on the premises at all times and be immediately provided upon request of any County Zoning Enforcement Inspector.