



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 21, 2015

Yolanda McCausland
11431 Clybourn Ave.
Lakeview Terrace, CA 91342

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RPP 201401066 (PROJECT R2014-03061)
2021 OAKDALE STREET, PASADENA, CA 91107 (APN 5330-015-011)**

The Director, on January 21, 2015, has approved Director's Review Case No. RPP 201401066, to allow the legal establishment of a 218 square foot pool house, with a yard modification on the rear setback of the structure for 2 feet and 9 inches in-lieu of the required 15 feet.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (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 February 4, 2015 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

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

c: Zoning Enforcement

**FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER R2014-03061-(5)
DIRECTOR'S REVIEW CASE NUMBER RPP 201401066**

1. **ENTITLEMENTS REQUESTED.**

Pursuant to Los Angeles County Code Section 22.48.180, approval of a Director's Review for a yard modification is requested to authorize the legal establishment of a pool house accessory structure with a rear yard setback of 2 feet and 9 inches in-lieu of the required 15 feet from the rear property line.

2. **PROJECT DESCRIPTION.**

The applicant is proposing to legally establish a single-story 218 square foot pool house. The subject property, identified as Lot 29 of Tract No. 7760, is 6,250 square feet in size. The existing pool house structure is attached to a detached garage located in the required rear yard area. The maximum height of the pool house structure is 11 feet and 8 inches. A yard modification request for this Director's review has been made to allow a 2 foot and 9 inch rear yard setback from the rear property line in lieu of the required 15 feet. The pool house structure will have a three-quarter bathroom, but no kitchen facility.

3. **LOCATION.** The subject property is located at 2021 Oakdale Street in the unincorporated area of Pasadena, and within the San Pasqual Zone District. The property's Assessor Parcel Number (APN) is 5330-015-011.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the pool house attached to the detached garage, swimming pool, existing residence, driveway, landscaped areas and setbacks. The floor plan depicts the floor area of pool house and the three-quarter bathroom. Elevation plan depicts the façade and height of the pool house and garage.

5. **EXISTING ZONING.** The subject property is zoned R-1 (Single-Family Residence).

Surrounding Properties:

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

6. **EXISTING LAND USES.** The site is currently developed with a single-family residence, detached garage with pool house structure, and swimming pool.

Surrounding Properties:

North: Single-family residence
East: Single-family residence
South: Single-family residence
West: Single-family residence

7. **PREVIOUS CASES/ZONING HISTORY.** A Zoning Enforcement violation was reported on the property for rental of a non-permitted dwelling unit. Zoning Enforcement RFS No. 14-0001470 was opened on the illegal dwelling unit on March 4, 2014. In order to

remedy and correct the violation, the property owner filed a site plan review application for accessory living quarters on the property. A second unit can be used as a rental unit under County Code Section 22.52.1700, but the subject site would not qualify for a second unit due to development standards for parking requirements and minimum floor area requirements under County Code Section 22.52.1750.

8. Director's Review case number RPP 201401066 was filed on October 15, 2014, to legalize the accessory structure as a proposed guest unit attached to the detached garage in the required rear yard, with a yard modification request for a rear yard setback of 2 feet and 9 inches from the rear property line in-lieu of the required 15 feet, and for separation between the guest unit and single-family residence of 14 feet and 6 inches in-lieu of the required 20 feet.
9. Ordinance No. 1947 was adopted by the County Board of Supervisors on June 8, 1931, which established the current R-1 (Single-Family Residence) Zone.
10. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The property is located within the Low Density Residential land use category of the Countywide General Plan. The proposed legal establishment of the pool house with yard modification, as an accessory use to the existing single-family residence with a swimming pool, does not conflict with the Countywide General Plan classification for the property.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned R-1 and is not located within any designated Community Standards District (CSD).
12. Although the applicant had initially proposed to legally establish a guest unit, Planning Staff upon further review of the request determined that the property did not qualify for placement of a guest unit (detached living quarters for temporary guests or servants of the occupants of the residence) due to the lot size at less than one and one-half times the required area per County Code Section 22.20.080. The minimum required lot size for property zoned R-1 is 5,000 square feet. One and one-half times the required lot area is 7,500 square feet. The subject lot size is 6,250 square feet and therefore does not qualify for placement of a guest unit.
13. The application was changed to reflect a pool house, permitted as an accessory structure on the property and under Department Policy for Accessory Buildings outlined under "Subdivision & Zoning Ordinance Interpretation No. 04-2008". However, the pool house does not meet the required rear yard setback of 15 feet as required per County Code Section 22.20.120 for the R-1 Zone. A yard modification request to allow a 2 feet and 9 inch rear yard setback, in-lieu of the required 15 feet, has been requested of the Director with this Director's Review application pursuant to County Code Section 22.48.180.
14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the San Pasqual Zone District. The subject property is developed with a single-family residence, and surrounded by single-family residences. The illegal use of the accessory structure as a rental unit was leading to additional off-site street parking in the local neighborhood, a source of tension among the property owners. The legalization of the accessory structure as a pool house, which cannot be used as a rental unit or guest

quarters, would eliminate any requirement for off-site parking. A pool house used in conjunction with the occupants of the single-family residence and swimming pool on-site is compatible with the single-family residence zone. No neighborhood impacts are anticipated with the use of a legalized pool house on-site.

The yard modification request to allow the existing accessory structure to remain at 2 feet and 9 inches from the rear property line, in lieu of the required 15 feet, creates no impact to surrounding land uses. The existing accessory structure is attached to a detached garage which is setback 1 foot and 7 inches from the rear property line, which is permitted by County Code Section 22.48.140 .

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) was consulted on the unpermitted accessory structure. A report titled, "Analysis: Surcharge on Pool from Close Proximity to Building Foundation", was forwarded to Public Works for their review. The report was dated September 25, 2014. Public Works responded on October 9, 2014, and stated that the report will be verified for accuracy in the field during the plan check stage at the Building and Safety Division of Public Works. If the report is verified as accurate then the pool wall would not be surcharged by the accessory structure and legalization could then proceed. Issuance of any and all building permits is under the authority of Public Works.
16. **ZONING ENFORCEMENT.** Following the opening of Zoning Enforcement RFS No. 14-0001470, a site visit was conducted by Department Zoning Enforcement Staff on September 3, 2014. Zoning Enforcement Staff noted the illegal use of the accessory structure as a rental unit, constructed without permits and with encroachment into the required rear yard setback, and cited the property owner for violation of County Code 22.20.120.
17. **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 within 100 feet of the subject property. A total of 14 notices were sent out, with 15 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.
18. **PUBLIC COMMENTS.** Staff received a response from 5 surrounding property owners, with 3 objecting to the granting of the modification for the setbacks and 2 stating no objection. Following up directly with 2 of the 3 property owners objecting to the yard modification, the 2 property owners objecting agreed to consent with the condition that inspections be conducted routinely to ensure the accessory structure was not be rented out to tenants. The third objecting property owner could not be reached directly by Staff to discuss their objection. Staff sent a follow up letter to the third property owner on December 29, 2014, and requested that the property owner contact Staff by phone or email by January 15, 2015, to discuss the property owner's objection to the modification and the comments about the issue with off-site parking associated with the illegal rental unit previously operated on the subject property. It was also indicated in the follow up letter that the Department intended to approve the accessory structure as a pool house with the condition that annual routine inspections for 5 years would be required to ensure

no rental use of the accessory structure, and that if no response was received by January 15, 2015, it would be assumed that there was no longer any objection to the modification with the condition for inspections. As of January 15, 2015, no contact or comments were received from the third property owner in objection to the modification.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

- 19. The proposed legalization of the accessory structure as a pool house, with a yard modification for a rear yard setback of 2 feet and 9 inches from the rear property line in lieu of the required 15 feet, 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 building permits by the Building and Safety Division of County Public Works. A yard modification approval, contingent upon final approval and issuance of building permits, is justified due to the unnecessary hardship that complete removal or partial demolition of the accessory pool house structure would have for the property owner in order to comply with the standard 15 foot rear yard setback. The yard modification burden of proof is acceptable.

ENVIRONMENTAL DETERMINATION

- 20. The proposed project qualifies for a Class 1 Categorical Exemption from CEQA for Existing Facilities, per CEQA Guidelines Section 15301.
- 21. **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.
- 22. **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 1 Categorical Exemption from CEQA for Existing Facilities, per CEQA Guidelines Section 15301.
2. In view of the findings of fact presented above, Director's Review Case No. RPP 201401066 is **APPROVED**.

BY:



DATE:

1-21-2015

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

c: Zoning Enforcement, Building and Safety (San Gabriel Valley Office)

RS
01/21/2015

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2014-03061-(5)
DIRECTOR'S REVIEW CASE NO. RPP 201401066**

PROJECT DESCRIPTION

The applicant is proposing to legally establish a single-story 218 square foot pool house. The subject property, identified as Lot 29 of Tract No. 7760, is 6,250 square feet in size. The existing pool house structure is attached to a detached garage located in the required rear yard area. The maximum height of the pool house structure is 11 feet and 8 inches. A yard modification request for this Director's review has been made to allow a 2 foot and 9 inch rear yard setback from the rear property line in lieu of the required 15 feet. The pool house structure will have a three-quarter bathroom, but no kitchen facility.

GENERAL CONDITIONS

1. This grant authorizes a pool house accessory structure, with Director's Review and approval for yard modification, pursuant to County Code Section 22.48.180, for the rear setback on the structure to 2 feet and 9 inches in-lieu of the required 15 feet, contingent upon final approval and issuance of 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 **\$1,000.00**. 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 **5 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. The permittee shall also present to Building and Safety Staff the report on the surcharge of the accessory structure on the swimming pool dated September 25, 2014.
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. The permittee shall not be allowed to convert the pool house structure into a guest house or second unit at any time. No parking is allowed in association with the use of the pool house.
17. The pool house structure shall not be allowed to have a kitchen or wet bar at any time.
18. The County Regional Planning Director's approval of the pool house structure, 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.
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. Progress will be monitored by County Regional Planning's Zoning Enforcement Section, and the permittee shall comply with any requests to inspect the premises.
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.