



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 29, 2015

TO: Hearing Officer

FROM: Kristina Kulczycki *KK*
Zoning Permits North Section

SUBJECT: **Project No. R2015-00201-(5)**
Conditional Use Permit No. 201500009
HO Meeting: November 3, 2015
Agenda Item: 3

The above-mentioned item is a request to reduce the required side and rear yard setbacks as specified in the Altadena Community Standards District in order to construct a second unit.

Please find attached comments from a member of the public as well as the Altadena Town Council and a new will-serve letter from the water company for the above referenced item that were received subsequent to hearing package submittal to the Hearing Officer.

The applicant was unable to attend the most recent Land Use Committee meeting of the Altadena Town Council. Staff recommends that the public hearing be continued to January 5, 2016 in order to provide the applicant with sufficient time to present to the Altadena Town Council.

SUGGESTED MOTION:

I MOVE THAT THE HEARING OFFICER CONTINUE THE PUBLIC HEARING TO JANUARY 5, 2016.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:KK

Enclosures: Comments from a resident and the Altadena Town Council and a will-serve letter

Kristina Kulczycki

Subject: FW: Failure Notice

From: mcstrib@att.net [mailto:mcstrib@att.net]
Sent: Thursday, October 29, 2015 9:09 AM
To: Kristina Kulczycki
Subject: Fwd: Failure Notice

Sent from my iPad

Begin forwarded message:

From: MAILER-DAEMON@yahoo.com
Date: October 29, 2015 at 8:59:28 AM PDT
To: mcstrib@att.net
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

<kkulczycki@planninglacounty.gov>
No MX or A records for planninglacounty.gov

Date: Thu, 29 Oct 2015 08:59:26 -0700
Cc: "billy.malone@altadenatowncouncil.org" <billy.malone@altadenatowncouncil.org>
Content-Transfer-Encoding: quoted-printable
To: "kkulczycki@planninglacounty.gov" <kkulczycki@planninglacounty.gov>

Sent from my iPad
October 29, 2015
Jacqueline Stribling
386 Alameda st.
Altadena Ca. 91001
Project number R2015-00201-(5)

I have viewed the plans, and support the project at 91 Wapello. I feel it will continue to add value to the neighborhood while keeping in style with the family home.=20

Sincerely,=20
Jacqueline Stribling
626-818-2716=

Kristina Kulczycki

Subject: FW: R2015-00201 2nd Unit within side and rear yard setbacks
Attachments: Monica and Douglas Simkins Fairfax.docx

From: Billy Malone [mailto:ban1997@sbcglobal.net]
Sent: Wednesday, October 14, 2015 12:17 PM
To: Kristina Kulczycki
Cc: Diane Marcussen
Subject: Re: R2015-00201 2nd Unit within side and rear yard setbacks

Hi Kristina,

I presented the CUP for 91 Wapello at the last Land Use Committee, LUC, meeting on Oct. 6th for the Altadena Town Council. We did not vote on the CUP at that time as it was felt there are too many unanswered questions. The CUP supplicant and residents with concerns could not make the LUC meeting so their personal concerns and considerations could not be heard, this would have been useful. As such I am forwarding you a couple of letters of complaints I received that are not in the hearing file and the discussion that took place at Land Use.

1. **Proximity of the new wall.** Since the photos that exist in your files the property owner of 91 Wapello has erected a wall, approximately 6 feet, possibly cinder block, on the property line where the present requested CUP reduction of 3 feet is located. We do not know where the wall was erected in location to property line. If it was exactly on the line then I believe the owner of the other property should have been notified, however they were not. This means that it could be built within the property line. If this is the case and a wall is approximately 6 inches wide then that would mean the distance between proposed building and wall would be a maximum gap of 2' 6" not 3'. How would this effect everything with concerns from safety, accessibility and neighbor encroachments.
2. **Previous CUP.** When the property was issued a CUP for a 3' set back on the opposite side of the property back in 2000 the hearing officer specifically asked if the property owner had any intention of building a two story at which he stated NO. This would lead to the conclusion that that the hearing officer had concerns in relation to a 3' set back and a 2 story at that time. Subsequently the 3' set back was most likely approved in 2000 because of the building remaining one story.
3. **Burden of Proof.** The CUP applicant had the burden of proof to show that the property was in character with the neighborhood. Unfortunately it is felt that this has not been proven with the examples put forward. All examples are for single story buildings, this CUP is a 2 story building. It is also believed that all buildings referenced pre date existing CSD standards. A home built decades ago would most likely not meet many of the standards and codes today, however there are reasons why these standards and codes exist and a new construction will need to meet the requirements. If we could establish dates of construction and CUP approvals, other than the previous CUP for this property, then that could help establish a trend but as of right now we do not have that information.

Also the county notifies residents within an area of a 500ft radius. Therefor it is pointed out that this is then the area of significance to related properties. Several of the examples are from several blocks outside of this radius. Another example was within a flag lot that also comes under a different ruling. Would help if better examples were put forward.

4. **Number of garages** is inconsistent with neighborhood. It was also pointed out that there is no property that anyone is aware of that has a 5 car garage all fronted on the property.
 5. **Lost Views.** Others were concerned about the neighbors on the south side losing their mountain view, however we did not hear from these residents.
 6. **Safety, Fire, Privacy, Noise to direct neighbor.** The property owner directly affected, next door, had serious concerns as to the property being so close to their existing building especially as it is a 2 story with garages. This is a 2 story building that will be very close to the property line which will create a large imposing area covering a large part of the neighbor's property.
 7. The concerns I heard were not necessarily about a second unit on the property but with it being a 2 story and extremely close to the property line. This is a instance where it is not being requested for a slight reduction of a few feet to the CSD but a considerable reduction from the allowable almost 11 feet to a requested 3 feet (73%) and having a second story added as well. Therefore there is a lot of concerns and issues. Anything that is approved now will set a precedence for future projects in this neighborhood, so careful consideration has to be taken.
 8. A local Real Estate agent who lives in Altadena (Steve Hussler) stated He was opposed primarily on two points. a/ the side yard setback (3' v 10'+) and b/ whether the 2nd unit provisions cited even apply within our CSD. He said he is not sure.
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Sincerely,

Billy Malone
Altadena Town Council

Douglas and Monica Simkins
10612 Center Street Fairfax, Virginia 22030
(703) 591-1430 dlimkins@aol.com

Altadena Town Councilman, Att: William Malone

Re: Meeting- item 91 Wapello Street

Good afternoon Mr. Malone,

We would like to start by thanking you for your time and attention to this matter, as well as the many other concerns we as District 4602 neighbors may have. Your work and representation of this neighborhood is greatly appreciated, so thank you.

As for the issues we have with our neighbors at 91 Wapello Street, and regarding the structure(s) they would like to build, there are several.

To begin with we would like to state that our relationship with Louis (Eddie) and Ann Alton has always been a very pleasant one. They have been good neighbors, we have helped each other with various situations, and talked of our intentions and plans for our properties, as friends and neighbors often do for the past 15 years.

When we've talked about putting up the fence or wall between the two properties there was consensus as long as we could agree on the location of the property line.

The Alton's have all of our contact information for both home and work here in Virginia. So, we were a little surprised when in late May without notifying us, Mr. Alton constructed a brick wall, on what he says is the property line.

Having viewed this wall in July, and because to put up the wall Mr. Alton removed portion of ground from our property, we questioned the validity of the wall's location. We then asked Mr. Alton for copies of documents he had showing the property lines. He said that he would give us such, but that it would take him a little while to find them.

So, before we could even address the requests for an exception on the setback, the issue with regards to the property line should be cleared. We would like to know where the property line it is exactly, and we need time to make that determination.

Secondly, we question the purpose of these structures. The site plan shows the structures as 3 garages. The house already has an attached 2 car garage. So why **3 additional 2 story garages?**

In previous discussions with Mr. Alton regarding additional structures on his property, we have disagreed with the building of any structures so close to the property line. Our stated objections all of which could diminish our property values included:

- our privacy,
- potential of noise,
- and the aesthetics of such large structures visible from our property, as well as from the street.

It is our hope that this matter can be resolved without creating hard feelings between neighbors, and that a solution is found that would benefit all parties involved and to the entire community.

Sincerely,

Douglas and Monica Simkins



October 20, 2015

Louis Alton
91 Wapello St.
Altadena Ca 91001

564 WEST HARRIET STREET
ALTADENA, CALIFORNIA 91001-4571
(626) 798-9101
FAX (626) 798-9446

RE: Water Conservation Commitment at
91 Wapello St., Altadena CA 91001

Dear: Mr. Alton:

This letter is in response to your request for a **Will Serve – Water Availability Letter** for the above referenced address.

*The mission of the
Lincoln Avenue
Water Company
is to reliably provide
to its customers and
shareholders high quality
water, service, and
maintenance of the
Company's resources
in an environmentally
and fiscally responsible
manner.*

Lincoln Avenue Water Company is currently under a water supply moratorium on any construction activity that would lead to an increase in demand to the company's distribution system. (Moratorium Enclosed)

We are operating under a statewide water conservation emergency adopted by Governor Jerry Brown and the State Water Resources Control Board. In addition to the conservation emergency the Metropolitan Water District of Southern California, our imported water provider, has announced water rationing effective July 1, 2015. This action will further reduce our water supply.

By issuing a **Will Serve Letter** for construction at the above designated address you Louis Alton agree that any increase in demand above the company average consumption of 13 units per month may result in a penalty assessment. Penalty Assessments will start at \$500.00 and can go as high as \$1,000.00 per day.

This will serve letter will expire 12 months from this date.

Your signature below acknowledges your understanding and consent to these conditions.

If you have any questions, please contact me at this office.

Sincerely,
Lincoln Avenue Water Company


Robert J. Hayward
General Manager


Owner

10-21-15
Date

RESOLUTION NO. LAWC032015

**RESOLUTION OF THE BOARD OF DIRECTORS OF
LINCOLN AVENUE WATER COMPANY AMENDING ITS MORATORIUM ON
NEW WATER CONNECTIONS**

WHEREAS, Lincoln Avenue Water Company (the "Company") is a mutual water company empowered to provide water service within its boundaries; and

WHEREAS, the prolonged drought condition currently affecting California has continued over the past year, resulting in record lows for the state's snowpack and reservoirs; and

WHEREAS, on January 17, 2014, California Gov. Edmund G. Brown Jr. formally proclaimed a State of Emergency for California in light of the drought conditions, calling on local water agencies and "all Californians to conserve water in every way possible;" and

WHEREAS, on April 25, 2014, California Gov. Edmund Brown Jr. issued an executive order to strengthen the state's ability to manage water habitat effectively in drought conditions and called on all Californians to redouble conservation efforts; and

WHEREAS, on July 15, 2014, California State Water Resources Control Board adopted Resolution No. 2014-0038 to adopt an Emergency Regulation for Statewide Urban Water Conservation; and

WHEREAS, the Company's sole source of imported water, the Foothill Municipal Water district, has raised its Water Supply Alert to Stage 2 status, calling on all consumers to conserve water; and

WHEREAS, by Resolution No. LAWC071208, dated July 14, 2008, amended October 12, 2009, the Company issued a water supply alert and established a temporary moratorium on new connections to the Company's distribution system; and

WHEREAS, by Resolution No. LAWC 022814, the Company re-established a moratorium on new connections to the Company's distribution system; and

WHEREAS, it has come to the attention of the Company that in some instances the existing moratorium adversely affects existing properties seeking redevelopment, such that the property owners and/or developers are unable to secure fire flow testing despite the fact that the redevelopment of an existing property will result in no increase in water demand for the affected property; and

WHEREAS, it is in the best interest of the Company and its shareholders to encourage redevelopment of existing properties in a manner that reduces water demand for such properties.

NOW, THEREFORE, BE IT RESOLVED that the Company hereby maintains the existing water supply alert and reaffirms the drought condition in its service area; and

BE IT FURTHER RESOLVED, that the Company finds that although a program of voluntary measures to reduce consumption has resulted in some reduction in water usage by its customers, further measures are necessary to avoid additional demands being placed on its system during the drought; and

BE IT FURTHER RESOLVED, that the Company finds it to be most beneficial to the Company and its shareholders to encourage redevelopment of existing properties in a manner that reduces water demand for such properties; and