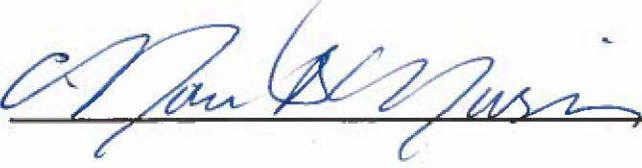


Hearing Officer Transmittal Checklist

Hearing Date 10/06/2015
Agenda Item No. 10

Project Number: R2015-00201-(5)
Case(s): Conditional Use Permit Case No. 201500009
Environmental Assessment Case No.201500015
Planner: Kristina Kulczycki

- Project Summary
 - Property Location Map
 - Staff Analysis
 - Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
 - Draft Findings
 - Draft Conditions
 - Burden of Proof Statement(s)
 - Environmental Documentation (ND / MND / EIR)
 - Correspondence
 - Photographs
 - Aerial Image(s)
 - Land Use/Zoning Map
 - Tentative Tract / Parcel Map
 - Site Plan / Floor Plans / Elevations
 - Exhibit Map
 - Landscaping Plans
 - CP 99183 Findings and Conditions
-

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER
 R2015-00201-(5)

HEARING DATE
 10/6/15

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201500009

PROJECT SUMMARY

OWNER / APPLICANT

Louis Alton

MAP/EXHIBIT DATE

6/8/15

PROJECT OVERVIEW

This project is an existing single-family residence proposing to build a new two-story second unit with a reduced 3-foot side yard setback and 19.5-foot rear yard setback. This project is located in the R-1-10000 (Single-Family Residence, 10,000 minimum sf. lot size) and the Altadena Community Standards District.

LOCATION

91 E. Wapello St., Altadena, CA 91001.
 Community of Altadena

ACCESS

Wapello St.

ASSESSORS PARCEL NUMBER(S)

5833002017

SITE AREA

0.3 Acres

GENERAL PLAN / LOCAL PLAN

Altadena Community Plan

ZONED DISTRICT

Altadena

LAND USE DESIGNATION

LD (Low Density Residential, 1 to 6 du/gross acre)

ZONE

R-1-10000 (Single-family residence, 10,000 sf. minimum lot size).

PROPOSED UNITS

2

MAX DENSITY/UNITS

2

COMMUNITY STANDARDS DISTRICT

Altadena

ENVIRONMENTAL DETERMINATION (CEQA)

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES

- Consistency with the Altadena Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.127 (Altadena CSD requirements)
 - 22.20.105 (R-1 Zone Development Standards)

CASE PLANNER:

Kristina Kulczycki

PHONE NUMBER:

(213) 974 – 6435

E-MAIL ADDRESS:

kkulczycki@planning.lacounty.gov



R2015-00201

Printed: Sep 17, 2015



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ENTITLEMENTS REQUESTED

Conditional Use Permit ("CUP") for a reduced side and rear yard setback for a new attached two-story second unit in the R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size) Zone in the Altadena Community Standards District pursuant to County Code Section 22.44.127.

PROJECT DESCRIPTION

This project is located on a 14,100-square-foot parcel in the R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size) Zone in the Altadena Community Standards District. The existing single-family residence is located near the western side of the property. The applicant is proposing to build a new attached two-story second unit and garage with a reduced three-foot side yard setback from the east property line and 19.5-foot rear yard setback.

EXISTING ZONING

The subject property is zoned R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size).

Surrounding properties are zoned as follows:

- North: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)
- South: R-1-7500 (Single-Family Residence, 7,500-square-foot minimum lot size)
- East: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)
- West: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)

EXISTING LAND USES

The subject property is developed with a single-family residence and an attached two-car garage.

Surrounding properties are developed as follows:

- North: Single-family residences and a public utility site
- South: Single-family residences
- East: Single-family residences
- West: Single-family and multi-family residences, and a public utility site

PREVIOUS CASES/ZONING HISTORY

Regional Planning does not have any record of approval for the construction of the single-family residence; however, the Los Angeles County Assessor's office has records of the residence being constructed in 1949. Building permits identify an interior remodel to a single-family residence in the same year.

Certificate of Compliance No. 99-0234 was granted on May 27, 1999.

Conditional Use Permit No. 99-183 approved by the Hearing Officer on March 9, 2000 for a reduced side yard setback of three feet and a reduced rear yard setback of 23 feet to remodel the existing single-family residence.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a categorical exemption (Class 3 Exemption, New Construction or Conversion of Small Structures) under the California Environmental Quality Act ("CEQA") and the County environmental guidelines. This project proposes a new second unit, which is listed under the Class 3 Categorical Exemption. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the LD (Low Density Residential, one to six dwelling units per gross acre) land use category of the Altadena Community Plan. This designation is intended to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The addition of a second unit will not change the character of the neighborhood because a covenant will be filed that requires the property owner to occupy one of the units on the property in perpetuity. Furthermore, the residences cannot be sold off separately; therefore, the proposal is consistent with the permitted uses of the underlying land use category.

The following policy of the General Plan is applicable to the proposed project:

- *Maintain a balance between increased intensity of development and the capacity of needed facilities such as transportation, water and sewage systems. (Policy 18, Page I-21)*

A covenant will be required in order to ensure that the property owner occupies one of the two units on the property. The applicant has obtained a "will-serve" letter for water and sewer.

The following policies of the Altadena Community Plan are applicable to the proposed project:

- *Preserve and maintain residential units which are structurally sound (Policy 1, Issue 2: Preservation of Single-family Character, Page 4-2).*
- *Promote accessibility to housing opportunities by all households, regardless of income, race, color, religion, sex marital status, age, household size, or physical disability (Policy 6, Issue 2: Preservation of Single-family Character, Page 4-2).*

The existing single-family residence will remain intact and the second unit will provide an additional housing opportunity within the community of Altadena.

Zoning Ordinance and Development Standards Compliance

Pursuant to Subsection D.1 of Section 22.44.127 of the County Code, establishments in the R-1 (Single-Family Residence) Zone and within the Altadena Community Standards District ("CSD") are subject to the following development standards:

Front Yard Setback

- The front yard shall not be less than the average depth of all the front yards on the same side of the street on the same block. The applicant identified the average front yard setback as 54 feet. The proposed front yard setback of the second unit is 74 feet.

Side Yard Setback

- Each side yard shall not be less than 10 percent of the average width of the lot or parcel, but in no case less than five feet for interior side yards. The average lot width depicted on the site plan is 109.5 feet. Therefore, the side yard setback is 10.95 feet. The applicant is requesting to modify the side yard setback to three feet.

Rear Yard Setback

- The area of the subject property is 14,100 square feet. The required rear yard setback for properties that are between 13,000 square feet and 19,999 square feet is 25 feet. The applicant is requesting to modify the rear yard setback to 19.5 feet.

Height

- The maximum number of stories above grade is two and the maximum height is 30 feet. The proposed height of the second unit is 20 feet.

Gross Structural Area and Lot Coverage

- The maximum Gross Structural Area ("GSA") or lot coverage shall be determined by using the following formula: $GSA \text{ or Lot Coverage} = (.25 \times \text{net lot area}) + 1,000$. Therefore, the maximum GSA and lot coverage for this property is 4,525 square feet. The proposed GSA is 2,941.5 square feet and the proposed lot coverage is 3,446.5 square feet.

Parking

- Each residence shall provide two covered parking spaces on-site for a residence with one to four bedrooms. The existing single-family residence has an attached two-car garage.

Modification Procedure

- The standards contained in Subsection D.1 of Section 22.44.127 may only be modified if a Conditional Use Permit has first been approved as provided in Part 1 of Chapter 22.56 and while such permit is in full force and effect in conformity with the conditions of such permit. A Conditional Use Permit is required in order for the applicant to modify the side and rear yard setback standards, as requested with this application.

Pursuant to Section 22.20.070, second units, subject to the provisions of Part 16 of Chapter 22.52, are permitted in the R-1 Zone:

Prohibited Areas

- Section 22.52.1720 identifies areas where a second unit is prohibited including building sites within a Significant Ecological Area ("SEA"), an Environmentally

Sensitive Habitat Area ("ESHA"), land with a natural slope of 25 percent or more, or within the boundaries of a noise zone. The property is not located within an SEA, ESHA, slopes of 25 percent or greater, or a noise zone.

Use Restrictions

- Pursuant to Section 22.52.1740, a lot or parcel of land on which a second unit is developed shall not contain more than one single-family residence and one second unit; the second unit may not be sold separately from the single-family residence, but it may be rented; and a second unit shall be an owner-occupant of the single-family residence and thereafter, either the single-family residence or the second unit shall be owner-occupied in perpetuity. If the second unit is approved, a covenant shall be recorded to ensure compliance with this requirement.

Development Standards

- Street access: The lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 feet in width. Wapello Street is 50 feet in width.
- Parking: Parking for a second unit shall comply with the provisions of Subsection E of Section 22.52.1180 which states that a second unit with two or more bedrooms shall have two uncovered standard parking spaces. A three-car garage is proposed on the first floor below the second unit.
- Floor Area: The maximum floor area for the second unit is 1,200 square feet for lots or parcels of land 10,000 square feet or larger in size.
- Height: The maximum height for an attached second unit is 20 feet. The proposed height of the second unit is 20 feet.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The applicant is requesting to utilize the easternmost portion of the property in order to construct a second unit. Additions to the main residence within the side and rear yard setback were granted with the approval of Conditional Use Permit No. 99-183 on March 9, 2000. The permit authorized a three-foot side yard setback on the western side of the property and a reduced rear yard setback of 23 feet. Therefore, the requested modification to the eastern side yard setback would reflect the same setback granted for the main house addition along the western side yard. The rear yard setback for properties in the R-1 (Single-Family Residence) Zone is 15 feet; therefore, if this property was outside of the Altadena CSD, the proposed development would meet the rear yard setback. Furthermore, the applicant has identified other properties within the vicinity of the site that enjoy similar setbacks. This request is only for modification to the side and rear yard setbacks; all other development standards will be met.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments at this time.

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, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff received one email from a representative of the Altadena Town Council requesting that the applicant present his case to the Altadena Town Council prior to the hearing. A second email was received from a member of the public requesting that the project be redesigned to comply with the Altadena Community Standards District setbacks.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-00201, Conditional Use Permit No. 201500009, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201500009 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Kristina Kulczycki, Regional Planning Assistant II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Correspondence

PROJECT NO. R2015-00201-(5)
CONDITIONAL USE PERMIT NO. 201500009

STAFF ANALYSIS
PAGE 6 OF 6

Site Photographs
Site Plan, Land Use Map

MM:KK
9/22/15

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00201-(5)
CONDITIONAL USE PERMIT NO. 201500009**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500009 ("CUP") on October 6, 2015.
2. The permittee, Louis Alton ("permittee"), requests the CUP to authorize a reduced side yard setback of three feet and a rear yard setback of 19.5 feet for the construction of a new attached two-story second unit ("Project") on a property located at 91 East Wapello Street in the unincorporated community of Altadena ("Project Site") in the R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size) Zone pursuant to Los Angeles County Code ("County Code") Section 22.44.127.
3. The Project Site is 0.4 gross acres (0.3 net acres) in size and consists of one legal lot. The Project Site is rectangular in shape with a relatively flat topography and is developed with a single-family residence.
4. The Project Site is located in the Altadena Community Standards District ("CSD") and is currently zoned R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size).
5. The Project Site is located within the Low Density land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)
 - South: R-1-7500 (Single-Family Residence, 7,500-square-foot minimum lot size)
 - East: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)
 - West: R-1-10000 (Single-Family Residence, 10,000-square-foot minimum lot size)
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residences and a public utility site
 - South: Single-family residences
 - East: Single-family residences
 - West: Single-family and multi-family residences, and a public utility site
8. According to the Los Angeles County Assessor's records, the main residence was constructed in 1949. Certificate of Compliance No. 99-0234 was issued in 1999 and Conditional Use Permit No. 99-183 was approved in 2000 for a reduced side yard setback of three feet and a reduced rear yard setback of 23 feet.

9. The site plan for the Project depicts a 14,100-square-foot parcel with an existing single-family residence located near the western property line. The attached two-story second unit and attached three-car garage is proposed to the east of the main residence. The second unit is proposed to be 74 feet from the front yard setback, three feet from the side yard setback, and 19.5 feet from the rear yard setback. The first floor will contain three garage parking spaces with a stairway leading to the second floor. Additional paving will connect the existing driveway to the proposed garage. There is an enclosed area between the main residence and the three-car garage that will also be added as part of this project in order to attach the proposed second unit to the existing house. The second unit is located on the second floor and contains a great room, kitchen, dining area, two bedrooms, two bathrooms, and a deck.
10. The Project Site is accessible via Wapello Street to the south.
11. The project will provide a total of five covered parking spaces.
12. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the construction of a new second unit.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
14. The Altadena Town Council sent an email requesting that the case be presented to them for review prior to the hearing. A second email was sent by a member of the public requesting that the project adhere to the CSD setbacks.
15. *To be inserted after the public hearing to reflect hearing proceedings.*
16. The Hearing Officer finds that the project is consistent with the goals and policies of the Altadena Community Plan and the Countywide General Plan, based on the following. The Low Density Residential land use designation is intended to maintain the single-family, low density character of the area. The second unit will not significantly impact or alter the character of the neighborhood because a covenant will ensure that the second unit is not sold separately from the main residence. Additionally, the property owner will reside on the premises; therefore, the second unit is consistent with the allowed uses of the underlying land use category.
17. The Hearing Officer finds that the Project is consistent with the R-1-10000 zoning classification because the addition of a second unit is permitted in the R-1 Zone pursuant to Section 22.20.070 of the County Code.

18. The proposed use is permitted in the zone. There is ample room for a second unit to the east of the current residence. Modifications to the side and rear yard setbacks were granted for the main residence. The proposed side yard setback for the second unit will be the same distance as was granted by the original authorization. All parking will be provided on the subject property and the property owner will reside on the premises. Based on the foregoing, the Hearing Officer finds that the Project 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 Project Site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
19. All development standards other than the requested side and rear yard reductions will be met. The applicant has identified other properties that are enjoying similar setbacks to those that are proposed. The following addresses were identified as having a side yard setback of five feet or less: 109 Wapello Street, 117 Wapello Street, 224 Wapello Street, 206 Wapello Street, 585 Wapello Street, and 453 Wapello Street. The applicant identified the following addresses as having rear yard setbacks that are less than 19 feet: 86 Wapello Street and 131 Wapello Street. A yard modification request was approved for reduced setbacks for 126 Loma Alta Drive and the applicant identified reduced side and rear yard setbacks for 532 Concha Street as well. Based on the foregoing, the Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.
20. Pursuant to Section 22.52.1750 of the County Code, the lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 feet in width. The Assessor's Map of the property depicts Wapello Street with a width of 50 feet in front of the subject property and extending west toward Loma Alta Drive. Based on the foregoing, the Hearing Officer finds that the Project 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.
21. The Hearing Officer finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Altadena Library. On August 25, 2015, a total of 324 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
22. 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, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of

such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.
- C. 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.
- D. 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 HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
- 2. Approves Conditional Use Permit Number 201500009, subject to the attached conditions.

MM:KK
9/22/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00201-(5)
CONDITIONAL USE PERMIT NO. 201500009**

PROJECT DESCRIPTION

The project is for a Conditional Use Permit to modify the side yard setback to three feet and the rear yard setback to 19.5 feet on a property located in the Altadena Community Standards District in order to construct a two-story second unit 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 until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 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 reasonably 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 reasonably 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. 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. 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 \$200.00. 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 one inspection. Inspections shall 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.

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 directly relate to the business being operated on the premises or 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 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **December 7, 2015**.
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 substantially conform to the originally approved Exhibit "A". 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 construction of a second unit as depicted on the Exhibit "A."
19. Maintain at least two on-site parking spaces for the second unit.
20. The second unit may not be separately sold from the single-family residence on the same lot or parcel of land, but it may be a rental unit.
21. The permittee shall be an owner-occupant of the single-family residence that is located on the same lot or parcel of land. Thereafter, either the single-family residence or the second unit shall be owner-occupied in perpetuity. The permittee shall record in the office of the County Recorder, an agreement to this effect as a covenant running with the land. The covenant shall also declare that any violation thereof shall be subject to the enforcement procedures of Part 6 of Chapter 22.60.

CONDITIONAL USE PERMIT BURDEN OF PROOF

(A).THIS PROJECT WILL NOT HAVE A NEGATIVE IMPACT OR A PUBLIC NUISANCE TO THE SURROUNDING AREA OR NEIGHBORS.THE SQUARE FOOTAGE OF THE LOT (14,100) ALLOWS FOR A 1200 SQUARE FOOT SECOND UNIT,BUT A 900 SQUARE FOOTAGE FLOOR PLAN WAS CHOSEN. WHILE THE SET BACKS ARE AN ISSUE,TO APPLY FOR A C.U.P WAS CHOSEN.SEVERAL DIFFRENT FLOOR PLANS WERE LOOKED AT,IN ORDER TO STAY WITHIN THE SET BACKS,BUT NONE WERE FOUND TO BE REASONABLE,DUE TO THE SET BACK REQUIREMENTS FOR THE PROPERTY,THAT IS 25 FOOT REAR AND A SIDE YARD OF 12.5 FEET.ATTACHING THE UNIT DIRECT TO THE HOUSE WOULD,STILL REQUIRE A C.U.P , ALSO BECAUSE THE HOUSE STICKS OUT FARTHER AT THE FRONT END,YOU WOULD NOT HAVE TH 26 FEET BACK UP SPACE OUT OF THE GARAGE.ANOTHER PROBLEM IT WOULD CAUSE IS IT WOULD BLOCK THE SIDE DOOR EXIT FROM THE HOUSE.THE THREE CAR GARAGE WAS CHOSEN BECAUSE THE UNIT WILL BE A TWO BED RENTAL, AND THIRD GARAGE FOR MY PERSONAL VEHICLE.DUE THE BURGLARY AND THEFT IN THE AREA THE GARAGES WERE CHOSEN AS A SAFER OPTION.A 5 FOOT SET BACK WOULD STILL REQUIRE A C.U.P. THERE ARE SEVERAL PROPERTIES IN THE AREA WITH SET BACKS OF LESS THAN 25 FOOT REAR AND 5 FOOT SIDE YARD.THE FOLLOWING PROPERTIES ARE EXAMPLES. 126 LOMA ALTA DR RESIDENCE HAS A SECOND UNIT WITH A REAR SET BACK OF 5 FEET AND A SIDE YARD OF 5 FEET.532 CONCHA ST ALSO HAS A SECOND UNIT WITH A SIDE YARD SET BACK OF LESS THAN 5 FEET AND REAR YARD SET BACK OF LESS THAN 25 FEET.RESIDENCES WITH LESS THAN 5 FEET SIDE YARD SET BACKS ARE:
109,117,224,206,585,453 WAPELLO ST.RESIDENCES WITH LESS THAN 19 FEET REAR SET BACKS ARE 86,131 WAPELLO ST.

(B).THIS SITE IS ADEQUATE IN SIZE TO ACCOMMODATE THE SQUARE FOOTAGE OF THE PROJECT,HOWEVER THE REAR AND SIDE YARD SET BACKS DO NOT.WITH AN ADJUSTMENT TO THE SET BACKS, THIS PROJECT WILL NOT BE OUT OF CHARACTER WITH THE SURROUNDING AREA. A C.U.P HAS BEEN APPROVED ON THIS PROPERTY IN THE PAST,WITH A 3 FOOT SIDE YARD AND A 23 REAR YARD SET BACK.THIS HAS NOT CAUSED ANY PROBLEMS WITH THE HEALTH,SAFETY OR GENERAL WELFARE TO THE SURROUNDING AREA. ALTADENA WAS NOT A PLANNED COMMUNTIY,AND SO IT HAS MANY IRREGULAR LOTS NEXT TO EACH OTHER.

(C).THIS IS ADEQUATELY SERVED BY THE SURROUNDING STREETS TO CARRY THE KIND OF TRAFFIC FOR THE PROJECT.

Kristina Kulczycki

From: Billy Malone [ban1997@sbcglobal.net]
Sent: Wednesday, September 02, 2015 8:29 PM
To: Kristina Kulczycki
Subject: Re: R2015-00201 2nd Unit within side and rear yard setbacks

Hi Kristina Kulczycki,

Thank you for your conversation and time today.

I am responding to this email, as it has been brought our attention that the project number R2015-00201 CUP # 201500009 has not yet been through the Altadena Town Council and its Land Use Committee. At this time I request that this project and CUP be considered by County to be presented for review and recommendation by the Altadena Town Council before it goes to hearing. This is in no means to delay the application but by facilitating this part of the process members of the council can do their due diligence in finding out the impact and response of the surrounding neighborhood.

Please contact me if you have any further questions, from me or the council.

Thank you for your time in this matter and I look forward to your response.

Regards,

Billy Malone
billy.malone@altadenatowncouncil.org
626 657 0291

PS On a side note so that there is no confusion, my personal email is ban1997@... and not bam1997@...

From: Kristina Kulczycki <kkulczycki@planning.lacounty.gov>
To: "'billy.malone@altadenatowncouncil.org'" <billy.malone@altadenatowncouncil.org>
Sent: Wednesday, September 2, 2015 12:30 PM
Subject: FW: R2015-00201 2nd Unit within side and rear yard setbacks

From: Kristina Kulczycki
Sent: Wednesday, September 02, 2015 12:29 PM
To: 'ban1997@sbcglobal.net'
Subject: R2015-00201 2nd Unit within side and rear yard setbacks

Mr. Malone,

Thank you for your call today. I am sending you this email today so that you have my contact information in case you would like additional information on this case or have any other concerns.

Please feel free to contact me if you have any questions or comments.

Regards,

Kristina

Kristina Kulczycki
Regional Planning Assistant II
Zoning Permits East
Department of Regional Planning
<http://planning.lacounty.gov>
213-974-6435

Kristina Kulczycki

From: Anne Dickinson [annejdickinson@gmail.com]
Sent: Tuesday, September 22, 2015 7:42 AM
To: Kristina Kulczycki
Subject: Project No. R2015-00201-(5)

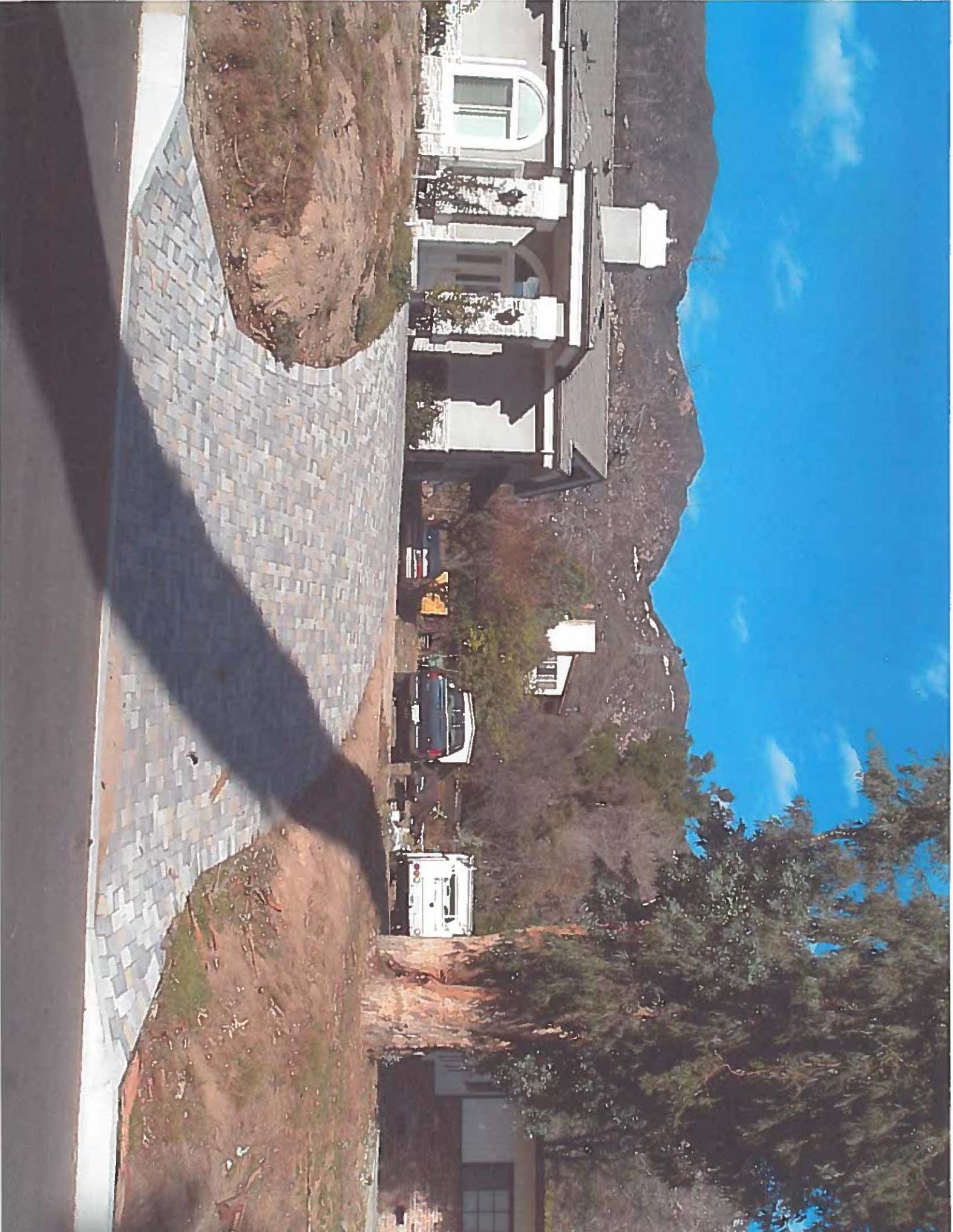
I would like to register an opposition to the proposed project. I have recently modified plans to an addition on my own property to comply with the County codes. In addition, I see the negative impact on my property by a neighbour who chose to ignore the codes. The County codes protect the neighbourhood from "mansionization" or other additions that adversely affect all properties in the area.

While the modifications requested on this proposed project are relatively small, I believe it is important to uphold the County codes in order to avoid setting a precedent for other modifications. How do you say "no" to the next person if you allow this one to proceed.

My own experience is that modification of the planned structure to meet code requirement had a very minimal impact on the plans.

Please maintain the codes on this project.









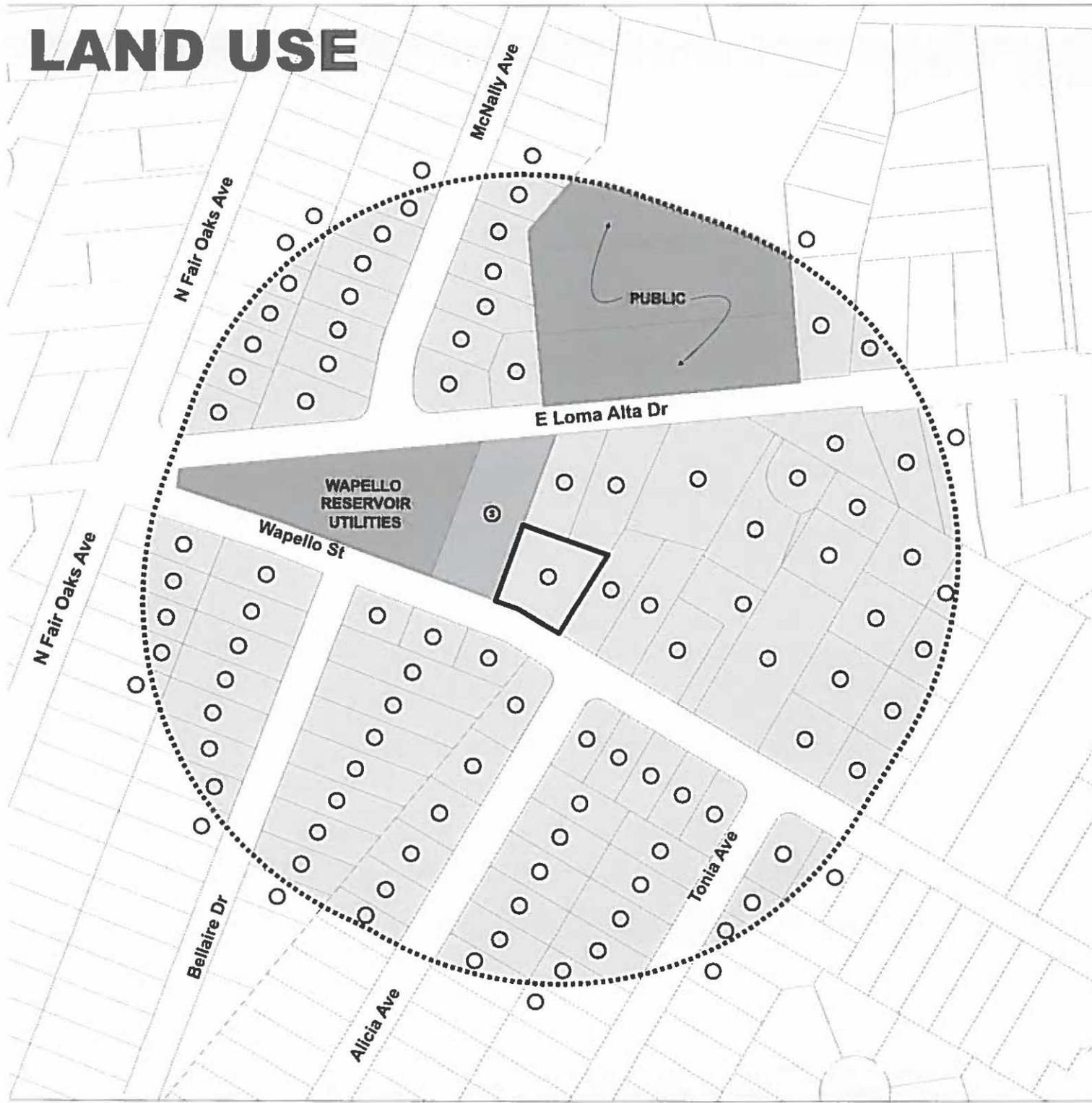
LAND USE

LAND USE 500 FOOT RADIUS MAP

Proj. R2015-00201 (5)
RCUP 2015-00009

Legend

- SINGLE-FAMILY RESIDENCE
- ② MULTI-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- MULTI-FAMILY RESIDENCE
- INSTITUTION / PUBLIC FACILITY
- PUBLIC UTILITY



VICINITY MAP



0 30 60 120 180 240 Feet



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



March 8, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ann and Louis Alton
91 E. Wapello Street
Altadena, CA 91001

RE: CONDITIONAL USE PERMIT CASE NO. 99-183-(5)
To allow modification of setback requirements for the remodel of a single-family residence within the Altadena Community Standards District.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings, order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days of the applicant receiving this notice. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant requests a conditional use permit to allow modification of setback requirements for the remodel of a single-family residence within the Altadena Community Standards District.

FACTUAL SUMMARY:

March 7, 2000 Public Hearing

A duly noticed public hearing was held on March 7, 2000. The applicant, Mrs. Ann Alton, testified in favor of the project.

No testimony in opposition was heard.

The Hearing Officer questioned the applicant regarding the justification for the requested setback modification, and also whether they were considering building a second story. The applicant stated that the off-center location on the lot and the size of the existing house necessitated the proposed plan. The applicant also responded that they are not adding a second story and that the existing one-car garage was problematic.

The Hearing officer closed the hearing and directed staff to prepare findings and conditions for approval.

Findings

The site plan submitted by the applicant depicts an irregular shaped parcel improved with a single-family home. The plan shows both existing and proposed building outlines of the single-family home. The setbacks are depicted as follows: 44' front yard setback, 5' (west) side setback, with the roof encroaching 2' into the designated setback space; 24' rear setback, with the roof extending an additional foot into the setback space, and approximately (slightly variable due to irregular shape of parcel) 40' east side setback.

The subject property is zoned R-1-10,000 (single-family residence, 10,000 square foot area required).

The applicant is requesting modifications to the setback requirements as follows: a reduced rear yard setback of 23 feet in lieu of the required 25 feet; a reduced (west) side yard setback of three feet in lieu of the required five feet. Modifications of said setback requirements may be made provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56 of the Los Angeles County Zoning Ordinance. No modifications to the front yard setback is required since the applicant's front yard setback will not be substantially affected, and the depth of the front yard will not be less than the average depth of the front yards on the same side of the street on the same block.

The reduced side yard and rear yard setbacks will not adversely impact any surrounding neighbor.

There are no previous zoning permits on the property.

The project has been determined Categorical Exempt from CEQA reporting requirements.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

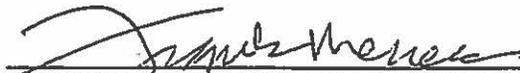
- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, 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 and general welfare;
- C. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

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

HEARING OFFICER ACTION:

- 1. I have considered the Categorical Exemption for this project and certify that it 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.
- 2. In view of the findings of fact presented above, Conditional Use Permit Case No. 99-183-(5) is **APPROVED**, subject to the attached conditions.

BY:


FRANK MENESES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:


3/9/00

Attachments: Conditions
Affidavit

cc: Each Commissioner; Building and Safety; Subdivision Mapping; Zoning Enforcement.

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 until the permitted and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
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 according to Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested in writing before the 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. 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 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. 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.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
10. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
11. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
12. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
18. This grant allows for modifications of the setback requirements for the expansion of a single-family home, subject to the following restrictions as to use:
 - a. A minimum 20' front yard setback shall be maintained;
 - b. A 3' west side yard setback and a minimum 5' east side yard setback shall be maintained;

- c. A minimum 23' rear yard setback shall be maintained;
- d. The maximum allowed height of the residence shall be 30 feet;
- e. Two on-site vehicle parking spaces, together with a maneuvering area/driveway shall be provided;
- f. Recreational vehicles, motor homes, and trailers are prohibited from parking within any required yard/setback area;and
- g. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of liter all areas of the premises under which the permittee has control.

JRG:MBM:mbm
3.2.00