



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 24, 2016

Mr. and Mrs. Robert E. Wycoff  
2561 Allen Ave.  
Altadena, CA 91001

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RPP 201500753 (PROJECT R2015-02384)  
2561 ALLEN AVENUE, ALTADENA, CA 91001 (APN 5846-006-040)**

The Director, on **February 24, 2016**, has approved Director's Review Case No. RPP 201500753, to authorize a wall at a maximum height of 10 feet and 5 inches in-lieu of the required 6 feet along the side property between 2553 and 2561 Allen Avenue with Director's Review and approval for yard modification, pursuant to County Code Section 22.48.180 and Departmental policy to allow the yard modification procedure within the Altadena Community Standards District (CSD) for structures not directly regulated by the CSD, and subject to conditions of approval.

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 March 9, 2016 (end of 14<sup>th</sup> 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) 974-6438, or by email at [rsilvas@planning.lacounty.gov](mailto: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)

**FINDINGS AND ORDER OF THE DIRECTOR  
COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING  
PROJECT NUMBER R2015-02384-(5)  
DIRECTOR'S REVIEW CASE NUMBER RPP 201500753**

1. **ENTITLEMENTS REQUESTED.**

Pursuant to Los Angeles County Code Section 22.48.180, and Departmental policy to authorize approval of a Director's Review for a yard modification within the Altadena Community Standards District (CSD) for specific projects, a yard modification is requested to authorize an over height wall up to 10 feet and 5 inches in-lieu of the required 6 feet along the side property line between two residential properties.

2. **PROJECT DESCRIPTION.**

The applicant is proposing to legally establish and reinforce an existing wall atop a retaining wall along the side property line. The retaining wall ranges in height from 2 feet and 6 inches to 4 feet in height along the property line protecting a fill, and is topped by a side yard wall ranging in height from 5 feet and 9 inches to 6 feet and 5 inches. The wall ascends in height from east to west, with a maximum height of the wall at 10 feet and 5 inches along one section over the property south of the side property line and 6 feet and 5 inches over the property north of it. Additional concrete reinforcement walls and reinforcing steel is proposed to stabilize the wall and to meet Public Works' Building and Safety Division requirements. An additional section of wall is proposed for construction perpendicular to the wall along the side property and south for a distance up to 8 feet. This section of wall is proposed up to 6 feet above grade and does not require modification. The existing wall was constructed without permits to replace a prior 2 foot retaining wall topped with a 4 foot chain link fence along the side property line.

3. **LOCATION.** The subject wall is located between 2553 and 2561 Allen Avenue in the unincorporated area of Altadena, and within the Altadena Zone District. The properties Assessor Parcel Numbers (APN) are 5846-006-040 and 041.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the existing wall between the two residential properties with sections showing the retaining wall with side yard wall atop, and proposed concrete and steel reinforcements. New short section of wall proposed for construction is also depicted.

5. **EXISTING ZONING.** The subject property is zoned R-1-20,000 (Single-Family Residence – min. lot area of 20,000 sq.ft. reqd.).

**Surrounding Properties:**

North: R-1-20,000

East: R-1-20,000

South: R-1-20,000

West: R-1-20,000

6. **EXISTING LAND USE.** Both sides of the property line have property currently developed with single-family residences.

7. **Surrounding Properties:**  
North: Single-family residence  
East: Single-family residence  
South: Single-family residence  
West: Single-family residence
8. **PREVIOUS CASES/ZONING HISTORY.** A Zoning Conformance Review (ZCR 201500097) was previously filed on January 29, 2015 for a retaining wall along the side property line between the two subject properties. The ZCR was filed following a Notice of Violation issued to the property owner at 2553 Allen Avenue by Building and Safety on January 20, 2015. Due to conflicts with completing the ZCR application, the application was withdrawn on June 30, 2015 by the applicant.
9. Director's Review case number RPP 201500753 was filed on August 5, 2015, to legalize the over height wall with a yard modification.
10. Ordinance No. 5541 was adopted by the County Board of Supervisors on May 9, 1950, which established the current R-1-20,000 Zone where the property is located.
11. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The property is located within the Low Density Residential (1 to 6 units per gross acre) land use category of the Altadena Community Plan. The proposed legal establishment of the existing wall with yard modification, as an accessory use to the existing single-family residences, does not conflict with the Altadena Community Plan classification for the property.
12. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned R-1-20,000 and is located within the Altadena CSD.
13. Although the Altadena CSD prohibits the use of the yard modification procedure under County Code Section 22.48.127.D.1.d.v., Departmental policy allows the use of the procedure in specific cases where the project involves modification of standards not directly regulated by the CSD. The height of walls and fences are not directly regulated by the CSD in the R-1 zone, and the provisions for fences and walls under County Code Section 22.48.160 remains applicable. Therefore, the yard modification procedure for the Director under County Code Section 22.48.180 can be used where applicable.
14. The yard modification is required to permit the side yard wall atop the retaining wall which protects a fill to exceed 6 feet. Under County Code Section 22.48.160.E, retaining walls that protect a fill contribute to the overall height allowed within required yard areas. The maximum height allowed within interior side yards under County Code Section 22.48.160.C. is 6 feet. The yard modification is required to allow a 10 foot and 5 inch maximum height wall in the required side yard area in-lieu of the required 6 feet.
15. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located within the Altadena CSD and the Altadena Zone District. The subject properties and surrounding properties are developed with well maintained single-family residences on lots that descend in elevation south along Allen Avenue. The wall and its height are barely noticeable from the street frontage on approach to the property. If the wall is

properly reinforced and meets Building and Safety requirements it will have no impact to the neighborhood or land use compatibility of the two properties.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

16. The Public Works Department (Public Works) was not consulted directly on this case, although a Notice of Violation issued by the Building and Safety Division to the property owner of 2553 Allen Avenue for the unpermitted wall was provided to Regional Planning by the applicant. The Notice was issued on January 20, 2015.
17. **ZONING ENFORCEMENT.** Zoning Enforcement does not have a open case on the property due to the Notice of Violation issued by Building and Safety.
18. **PUBLIC OUTREACH.** Pursuant to the policies of the Department of Regional Planning, a "letter of consent" for modification by the Director of fence and wall heights was sent out to all property within 100 feet of the subject property. A total of 10 notices were sent out on December 10, 2015 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 indicted on the notice.
19. **PUBLIC COMMENTS.** Staff received a response from 4 surrounding property owners following noticing stating no objection. No other public comments were received.

**DIRECTOR'S REVIEW SPECIFIC FINDINGS**

20. The proposed legalization of the over height wall along the side property line between the two subject properties does not present a development that is out of context with the hillside neighborhood, and the combined height of the side yard wall atop the 2 to 4 foot retaining wall protecting a fill ranges only 3 feet and 9 inches to 4 feet and 5 inches above the permitted height for such a wall under County Code Section 22.48.160.E. If the wall is properly reinforced as proposed, and meets Building and Safety requirements, it will be determined to be structurally sound and will serve the purpose of safely separating the two properties which are at two different elevations. The applicant did provide two examples of other properties in the vicinity which currently have walls developed on them at heights similar to what has been requested with this yard modification.
21. The yard modification request to allow an over height wall along the side property line between the two subject properties to a maximum height of 10 feet and 5 inches, in lieu of the required 6 feet, qualifies for approval and grant of a yard modification by the Director per County Code Section 22.48.180, under Departmental policy to allow the yard modification procedure for projects and structures not directly under regulation of the Altadena CSD. The yard modification grant is 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 wall would have for the property owners in order to comply with the standard 6 foot high maximum wall height. The yard modification burden of proof prepared by the applicant is found to be acceptable.

## ENVIRONMENTAL DETERMINATION

22. 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(e).
23. **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.
24. **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:

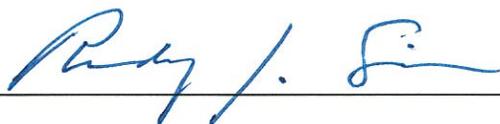
- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular 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 of Small Structures, per CEQA Guidelines Section 15303(e).
2. In view of the findings of fact presented above, Director's Review Case No. RPP 201500753 is **APPROVED**.

BY:



DATE: 2-24-2016

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

c: Building and Safety (San Gabriel Valley Office)

RS  
02/24/2016

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2015-02384-(5)  
DIRECTOR'S REVIEW CASE NO. RPP 201500753**

**PROJECT DESCRIPTION**

The project proposal is to legally establish and reinforce an existing wall atop a retaining wall along the side property line between two residential properties. The retaining wall ranges in height from 2 feet and 6 inches to 4 feet in height along the property line protecting a fill, and is topped by a side yard wall ranging in height from 5 feet and 9 inches to 6 feet and 5 inches. The wall ascends in height from east to west, with a maximum height of the wall at 10 feet and 5 inches along one section over the property south of the side property line and 6 feet and 5 inches over the property north of it. Additional concrete reinforcement walls and reinforcing steel is proposed to stabilize the wall and to meet Public Works' Building and Safety Division requirements. An additional section of wall is proposed for construction perpendicular to the wall along the side property and south for a distance up to 8 feet. This section of wall is proposed up to 6 feet above grade and does not require modification. The existing wall was constructed without permits to replace a prior 2 foot retaining wall topped with a 4 foot chain link fence along the side property line.

**GENERAL CONDITIONS**

1. This grant authorizes a wall at a maximum height of 10 feet and 5 inches in-lieu of the required 6 feet along the side property between 2553 and 2561 Allen Avenue in Altadena, with Director's Review and approval for yard modification, pursuant to County Code Section 22.48.180 and Departmental policy to allow the yard modification procedure within the Altadena Community Standards District (CSD) for structures not directly regulated by the CSD, and 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 **\$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. The County Regional Planning Director's approval of the over height wall along the side property line, with yard modification and through Departmental policy to modify development of structures within the Altadena CSD not regulated specifically by the CSD, is contingent upon final approval, issuance and finalization of the building permits by the Building and Safety Division of County Public Works.
17. 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.
18. The conditions of this grant shall be retained on the premises at all times and be immediately provided upon request by any County Inspector.