

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-000349-(2)
YARD MODIFICATION NO. RPPL2023000478

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Yard Modification No. **RPPL2023000478** on January 7, 2025.
2. **HEARING PROCEEDINGS.** *Reserved.*
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Isabel Giraldo ("Permittee"), requests the Yard Modification to authorize an existing five-foot and eight-inch-tall solid wooden fence within the required front yard setback area, which exceeds the three-foot and six-inch maximum height limit, and to authorize an existing 256-square-foot covered patio attached to an existing single-family residence (“SFR”) with a front yard setback of nine feet and one inch in lieu of the required 20 foot minimum front yard setback (“Project”), on a property located at 5486 Valley Ridge Avenue in the unincorporated community of View Park–Windsor Hills ("Project Site") in the R-1 (Single-Family Residence) Zone pursuant to County Code Section 22.110.190 (Modifications Authorized).
4. **ENTITLEMENT(S) REQUIRED.** The request to authorize a fence over three feet and six inches in height within the required front yard setback area and the request to authorize a reduced front yard setback for a covered patio in the R-1 Zone require a yard modification pursuant to County Code Section 22.110.190 (Modifications Authorized).

The Permittee also proposes an interior remodel of the existing SFR and new additions to the existing SFR that would increase the floor area by approximately 201.75 square feet. The proposed remodel and new additions are being reviewed separately under Ministerial Site Plan Review (“SPR”) No. RPPL2023001011. The proposed additions comply with the required front, side, and rear yard setbacks.

The Permittee also proposes to close the existing curb cut on Alviso Avenue, which is under the purview of the Department of Public Works.

5. **LOCATION.** The Project Site is located at 5486 Valley Ridge Avenue within the View Park Zoned District and the Westside Planning Area.

6. PREVIOUS ENTITLEMENT(S).

CASE NO.	REQUEST	DATE OF ACTION
Ministerial SPR RPPL2023000019	Convert existing detached garage into a detached Accessory Dwelling Unit (“ADU”)	Approved on February 22, 2023

7. **LAND USE DESIGNATION.** The Project Site is located within the H9 (Residential 9 – Nine Dwelling Units per Net Acre Maximum Density) land use designation of the General Plan Land Use Policy Map.

8. **ZONING.** The Project Site is currently zoned R-1. Pursuant to County Code Section 22.110.190 (Modifications Authorized), a yard modification is required to authorize a fence that exceeds the height limit within the required front yard setback area and to authorize an addition that encroaches into the required front yard setback.

9. SURROUNDING LAND USES AND ZONING

LOCATION	GENERAL PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	H9 (Residential 9 – Nine Dwelling Units per Net Acre Maximum Density)	R-1 (Single-Family Residence)	SFRs
EAST	H9, P (Public and Semi-Public), H18 (Residential 18 – 18 Dwelling Units per Net Acre Maximum Density)	R-1, R-3 (Limited Density Multiple Residence)	SFRs, School, Multifamily residences
SOUTH	H9	R-1	SFRs
WEST	H9	R-1	SFRs

10. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.22 acres (9,681 square feet) in size and consists of one legal lot. The Project Site has gentle sloping topography. The Project Site is irregular in shape and has three street frontages on its west, south, and east sides. Therefore, the Director of Regional Planning (“Director”) determined that there are front yard setbacks on each of these three street frontages pursuant to County Code Section 22.110.080.A (Yard Determination).

B. Site Access

Primary pedestrian access is via an entrance from Valley Ridge Avenue on the west side of the Project Site and secondary pedestrian access is via a proposed pedestrian gate on Alviso Avenue on the east side of the Project Site. Vehicular access is via an existing driveway entrance on Alviso Avenue, which is proposed to be closed.

C. Site Plan

The site plan depicts an existing 1,841-square-foot SFR with an attached 175-square-foot covered front porch, an attached 256-square-foot covered patio that is set back nine feet and one inch from the southern property line on West 57th Street, a 577-square-foot detached garage that will be converted into an ADU, as approved by Ministerial SPR No. RPPL2023000019 on February 22, 2023, and an existing five-foot and eight-inch-tall solid wooden fence along the south and east sides of the Project Site.

The site plan shows that the existing curb cut will be removed and that the existing five-foot and eight-inch-tall solid wooden sliding gate will be replaced by a five-foot and eight-inch-tall solid wooden fence and pedestrian gate that will match the existing fence.

The site plan also depicts an interior remodel of the existing SFR and new additions to the existing SFR that would increase the floor area by approximately 201.75 square feet. The remodel and new additions are being reviewed separately under Ministerial SPR No. RPPL2023001011. The proposed additions comply with the required front, side, and rear yard setbacks.

D. Parking

Ministerial SPR No. RPPL2023000019 approved the conversion of the existing detached two-car garage on the Project Site into a detached ADU on February 22, 2023. Replacement covered parking was not required or provided. Furthermore, the Permittee proposes to close the existing curb cut, which will remove access to uncovered parking spaces on the driveway. Therefore, no on-site parking will be provided on the Project Site.

11. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, Department of Regional Planning ("LA County Planning") Staff determined that the Project qualifies for Class 1 and Class 5 Categorical Exemptions from the California Environmental Quality Act ("CEQA") under State CEQA Guidelines sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations), respectively. The Permittee requests authorization of an existing five-foot and eight-inch-tall solid wooden fence within the required front yard setback area, which exceeds the three-foot and six-inch maximum height limit, and authorization of an existing 256-square-foot covered patio attached to an existing SFR with a front yard setback of nine feet and one inch in lieu of the required 20 foot minimum front yard setback. The requested modifications to development standards would authorize existing construction.

As part of the Project, the Permittee also requests Ministerial SPR No. RPPL202300019, which is a separate approval of two small additions to the SFR that would increase the existing floor area by approximately 201.75 square feet, a net increase of 11 percent, and also requests a separate approval from the Department of Public Works to close an existing curb cut.

None of the exceptions to an exemption apply to the Project because it is not located in an environmentally sensitive area, is not known to contain scenic or historic resources, and there are no unusual circumstances that would indicate a reasonable possibility that the Project could have a significant effect on the environment. Therefore, the Hearing Officer finds that the Project is categorically exempt from CEQA.

12. **COMMUNITY OUTREACH.** Staff is not aware of any community outreach conducted by the Permittee that occurred before the Report to the Hearing Officer was issued on December 26, 2024.

13. **PUBLIC COMMENTS.** Staff did not receive any public comments before the Report to the Hearing Officer was issued on December 26, 2024.

14. **AGENCY RECOMMENDATIONS.**

A. Department of Public Works: Granted conceptual site plan approval and recommended clearance to public hearing with no conditions on April 18, 2024.

B. Fire Department: Recommended clearance to public hearing with no conditions in a letter dated March 15, 2023.

15. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail and newspaper (Daily Journal and Los Angeles Sentinel). On December 5, 2024, approximately one month prior to the public hearing, a "Notice of Public Hearing" sign was posted on the Project Site, plainly visible from the public right-of-way on West 57th Street. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On November 20, 2024, a total of 43 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 10 notices to those on the courtesy mailing list for the View Park Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

16. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan because the H9 land use designation is intended for SFRs and their accessory uses, such as this project.

17. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan, including the following:

- **Policy LU 5.1:** Encourage a mix of residential land use designations and development regulations that accommodate various densities, building types and styles.
- **Policy LU 10.3:** Consider the built environment of the surrounding area and location in the design and scale of new or remodeled buildings, architectural styles, and reflect appropriate features such as massing, materials, color, detailing or ornament.

The existing unpermitted five-foot and eight-inch-tall solid wooden fence within the required front yard setback area is consistent with the General Plan's goals and policies that allow for, and encourage, a variety of designs that consider the built environment of the surrounding area. The Project Site is irregular in shape and has three street frontages on its west, south, and east sides. Therefore, the Director determined that there are front yard setbacks on each of these three street frontages pursuant to County Code Section 22.110.080.A (Yard Determination). The Project Site is the only residential property within a 500-foot radius with three street frontages. The existing fence accommodates the unique location of the Project Site by allowing for an enclosed yard space that provides the residents of the SFR with the same privacy enjoyed by the residents of other SFRs in the neighborhood.

The reduced front yard setback for the existing unpermitted covered patio is consistent with the front yard setbacks of surrounding properties. SFRs on properties to the northwest of the Project Site were built with reduced front yard setbacks due to the sloping terrain in the rear of those properties. Therefore, there is a pattern of reduced front yard setbacks in the neighborhood. Furthermore, property frontages to the west and east of the Project Site, along West 57th Street, are primarily corner side yards, where buildings are allowed to have a five-foot setback facing West 57th Street. The proposed yard modification would accommodate the unique location of the Project Site by allowing a reduced setback on the West 57th Street frontage. To address line-of-sight issues for pedestrians and vehicular traffic on Alviso Avenue, the Permittee proposes to close the existing driveway.

ZONING CODE CONSISTENCY FINDINGS

18. PERMITTED USE IN ZONE. The Hearing Officer finds that the Project is consistent with the R-1 zoning classification because an SFR is permitted in such zone with a ministerial SPR pursuant to County Code Section 22.18.030 (Land Use Regulations for Residential Zones).

19. YARD DETERMINATION. The Hearing Officer finds that the Project Site is an irregularly shaped lot with three street frontages and the Director determined that there are front yard setbacks on each of these three street frontages pursuant to County Code Section 22.110.080.A (Yard Determination).

20. **REQUIRED YARDS.** The Hearing Officer finds that the Project is not consistent with the standards identified in County Code Section 22.18.040 (Development Standards for Residential Zones) because the existing unpermitted 256-square-foot covered patio attached to the existing SFR has a front yard setback of nine feet and one inch in lieu of the required 20 foot minimum front yard setback. However, the proposed Yard Modification will authorize this structure.

The proposed additions to the SFR, to be reviewed separately under Ministerial SPR No. RPPL2023001011, comply with the required front, side, and rear yard setbacks.

21. **FENCES AND WALLS.** The Hearing Officer finds that the Project is not consistent with the standards identified in County Code Section 22.110.070.B (Maximum Height of Fences and Walls) because the existing unpermitted five-foot and eight-inch-tall solid wooden fence within the required front yard setback area exceeds the three-foot and six-inch maximum height limit. However, the proposed Yard Modification will authorize this structure.

22. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.18.040 (Development Standards for Residential Zones). The maximum height allowed is 35 feet above grade. The existing building has a maximum height of 13 feet and nine inches, which is within the allowed maximum height, and no increase to the height is proposed.

23. **PARKING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.112.070 (Required Parking Spaces). The existing detached two-car garage on the Project Site was approved for conversion into a detached ADU. No replacement parking is required pursuant to County Code Section 22.140.640.G.1.d (Parking).

YARD MODIFICATION FINDINGS

24. **The Hearing Officer finds that topographic features, subdivision plans, or other site conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirement or setback line.** The Project Site has three street frontages on its west, south, and east sides. Therefore, the Director determined that there are front yard setbacks on each of these three street frontages pursuant to County Code Section 22.110.080.A (Yard Determination). Within a 500-foot radius of the Project Site, this is the only lot which requires a front yard setback on three sides. It is impractical to require the 20-foot minimum front yard setback on all three street frontages and to enforce the three-foot and six-inch maximum height limit for the fence on all three street frontages. The five-foot and eight-inch-tall solid wooden fence was built for added security and privacy on this unique lot. Furthermore, the front yard setback requirement, combined with the location of the existing detached garage, presents a barrier to identifying an alternative site for the covered patio where it can still be attached to the SFR.

25. **The Hearing Officer finds that the proposed structure is similar to the setbacks of other legally-built structures on adjacent or neighboring properties.** The existing solid wooden fence is similar to other fences on corner lots within the surrounding area. The Permittee provided five examples of neighboring properties with similar fence heights within the corner side and rear yards facing the street. The Permittee also provided six examples of neighboring properties with reduced front yard setbacks, primarily located northwest of the Project Site. Staff's site visit and aerial imagery confirmed that the front yard setbacks in the surrounding area range from five feet to 16 feet, demonstrating that the reduced setback is consistent with the neighborhood pattern.
26. **The Hearing Officer finds that the use, development of land, and application of development standards is in compliance with all applicable provisions of this Title 22.** SFRs and accessory structures, such as fences and covered patios, are allowed in the R-1 Zone with a ministerial SPR. The Project Site is adequate in size and shape to accommodate all other development standards required by the County Code, such as the maximum building height. The County Code allows for the modification of yard setbacks and maximum fence heights, provided that the request meets the required findings. The Permittee requests a modification to the required front yard setback due to the original subdivision plan, which established this lot with three street frontages, making strict compliance impractical. Therefore, the Project meets the required finding.
27. **The Hearing Officer finds that the use, development of land, and 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, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety, and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.** Due to the location of the Project Site fronting three streets, the Permittee needed conceptual site plan approval from the Department of Public Works. The existing driveway and vehicles entering and exiting the Project Site on Alviso Avenue pose a safety risk for pedestrians because the fence height exceeds 42 inches and obscures visibility. The Permittee proposes to close the existing driveway and curb cut on Alviso Avenue if the Project is approved, which would eliminate this concern. Therefore, the Project is designed to remove this potential hazard for pedestrians on the sidewalk, ensuring safety and convenience to others. The proposed covered patio faces the street and is not anticipated to have adverse effects on neighboring properties.
28. **The Hearing Officer finds that the use, development of land, and application of development standards is suitable from the standpoint of functional developmental design.** The proposed modification to the front yard setback requirement to authorize existing accessory structures will not change the use of the property, increase density, or significantly impact the development pattern of the surrounding area. The existing unpermitted five-foot and eight-inch-tall solid wooden fence and the existing unpermitted covered patio provide private recreational space

and are accessory to the primary use, which is an SFR. The proposed closure of the existing driveway and curb cut, which has been conceptually approved by the Department of Public Works, would maintain the area's pedestrian character and address a potential safety risk related to the line-of-sight for pedestrians due to vehicles entering and exiting the Project Site on Alviso Avenue. Given the unique location of the Project Site, relative to its surroundings, a Yard Modification is a suitable request.

ENVIRONMENTAL FINDINGS

29. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15301 (Class 1, Existing Facilities) and 15305 (Class 5, Minor Alterations in Land Use Limitations). The Project would authorize an existing five-foot and eight-inch-tall solid wooden fence within the required front yard setback area, which exceeds the three-foot and six-inch maximum height limit, and would authorize an existing 256-square-foot covered patio attached to an existing SFR with a front yard setback of nine feet and one inch in lieu of the required 20 foot minimum front yard setback. The requested modifications to development standards would not increase density or change surrounding land use patterns. None of the exceptions to an exemption apply to the Project because it is not located in an environmentally sensitive area, is not known to contain scenic or historic resources, and there are no unusual circumstances that would indicate a reasonable possibility that the Project could have a significant effect on the environment. Therefore, the Hearing Officer finds that the Project is categorically exempt from CEQA.

ADMINISTRATIVE FINDINGS

30. The Hearing Officer finds that it is not necessary to limit the grant term of the Yard Modification because the Project involves an existing SFR, a fence, and a covered patio.

31. **LOCATION OF DOCUMENTS.** 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 LA County 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 Metro Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. Topographic features, subdivision plans, or other site conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirement or setback line.
- B. The proposed structure is similar to the setbacks of other legally-built structures on adjacent or neighboring properties.
- C. The use, development of land, and application of development standards is in compliance with all applicable provisions of this Title 22.

- D. The use, development of land, and 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, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety, and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.
- E. The use, development of land, and application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15301 (Class 1, Existing Facilities) and 15305 (Class 5, Minor Alterations in Land Use Limitations) categorical exemptions; and
2. Approves **YARD MODIFICATION NO. RPPL2023000478**, subject to the attached conditions.

ACTION DATE: January 7, 2025

MG:CS:ES

01/06/2025

c: Zoning Enforcement, Building and Safety