

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
ZA-2022-7295-ZAA-ZAD-SPP-HCA-1A	ENV-2022-7296-CE-1A	CD – 1 Hernandez
RELATED CASE NOS.:	COUNCIL FILE NO:	PROCEDURAL REGULATIONS:
ZA-2022-7295-ZAA-ZAD-SPP-HCA <input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
PROJECT ADDRESS / LOCATION:		
504 West Avenue 44		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Bert Youn & Miyoug Kim <input type="checkbox"/> N/A <input type="checkbox"/> New/Changed	213-478-0447	younblo@gmail.com
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Stayner Architects, Christian Stayner <input type="checkbox"/> N/A	213-478-0447	christian@staynerarchitects.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Sarah Ramage <input type="checkbox"/> N/A	323-352-8804	scramage@hotmail.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<input type="checkbox"/> N/A		
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Pablo Estrada	818-374-5033	Pablo.estrada@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
<input type="checkbox"/> <i>The preparation of a draft ordinance by the City Attorney will be required.</i> 1. Based on the whole administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste site, or historical resources applies.		

**FINAL ENTITLEMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION:
(UNAPPEALED OR NON-APPEALABLE ITEMS)**

[Non-appealable items from the associated case ZA-2022-7295-ZAA-ZAD-SPP-HCA-1A]

1. Denial of a Zoning Administrators Adjustment to permit the construction, use, and maintenance of a new single-family dwelling with a wall of a height of 10 feet in the required front yard as otherwise prohibited by LAMC Section 12.21 C.1(g)
2. Denial of a Zoning Administrators Determination to permit the construction, use, and maintenance of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (West Avenue 44) that is improved with an Adjacent Minimum Roadway width less than 20 feet, as required by LAMC Section 12.21 C.10(i)(2)
3. Approval of a Zoning Administrators Determination to permit the construction, use, and maintenance of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (West Avenue 44) that does not provide the required sidewalk
4. Approval of a Zoning Administrators Determination to permit the construction, use, and maintenance of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (Frontenac Avenue) that is improved with an Adjacent Minimum Roadway width less than 20 feet, as required by LAMC Section 12.21 C.10(i)(2)
5. Approval of a Zoning Administrators Determination to permit the construction of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street where a 20-foot-wide minimum Continuous Paved Roadway is not provided from the driveway apron to the boundary of the hillside area, as required by LAMC Section 12.21 C.10(i)(3)
6. Approval of a Project Permit Compliance Review as required by the Mount Washington - Glassell Park Specific Plan, Ordinance No. 168,707, for the construction, use, and maintenance of a new two-story single-family dwelling measuring approximately 3,731 square feet with a 393 square foot covered garage on an 8,696.8 square foot vacant lot

☐ N/A

ITEMS APPEALED:

1. Based on the whole administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste site, or historical resources applies.

☐ N/A

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>		

<input type="checkbox"/> Zone Change Map and Ordinance <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List (both Word and PDF) <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP) <input type="checkbox"/> Sustainable Communities Project Exemption (SCPE) <input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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NOTES / INSTRUCTIONS:

☒ N/A

CITY COUNCIL NOTICE TIMING:	NOTICE LIST (SELECT ALL):	NOTICE PUBLICATION:
<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Adjacent/Abutting <input type="checkbox"/> 100' radius <input type="checkbox"/> 300' radius <input type="checkbox"/> 500' radius <input checked="" type="checkbox"/> Neighborhood Council <input checked="" type="checkbox"/> Interested Parties <input checked="" type="checkbox"/> Other: Apellant	<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input type="checkbox"/> 24 days <input checked="" type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]

FISCAL IMPACT STATEMENT:

☐ Yes

☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes."

PLANNING COMMISSION:

<input type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input checked="" type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
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PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
September 11, 2024	4 - 0
LAST DAY TO APPEAL:	DATE APPEALED:
December 3, 2024	December 3, 2024
COUNCIL TIME TO ACT:	TIME TO ACT START:
<input type="checkbox"/> 30 days	<input checked="" type="checkbox"/> Appeal Filing Date

<input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input checked="" type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]
TRANSMITTED BY:	TRANSMITTAL DATE:
Tim Fargo, Associate Zoning Administrator	December 17, 2024



East LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: NOV 18 2024

Case No.: **ZA-2022-7295-ZAA-ZAD-SPP-HCA-1A**

Council District: 1 – Hernandez

CEQA: ENV-2022-7296-CE

Plan Area: Northeast Los Angeles

Project Site: 504 West Avenue 44

Applicant/

Appellant:

Bert Youn & Miyoug Kim

Representative: Christian Stayner, Stayner Architects

At its meeting of **September 11, 2024**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the following Project:

Construction, use, and maintenance of a new two-story single family-dwelling measuring approximately 3,731 square feet with a 393 square foot covered garage on an 8,696.8 square foot vacant lot that is located within the Mount Washington-Glassell Park Specific Plan area.

1. **Determined**, based on the whole administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15303 Class 3, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State of CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste site, or historical resources applies;
2. **Granted** the appeal in part; **Denied** the appeal in part; **Sustained** Zoning Administrator's Determination dated June 18, 2024;
3. **Denied**, pursuant to Los Angeles Municipal Code (LAMC) Section 12.28, a Zoning Administrator's Adjustment to permit the construction, use, and maintenance of a new single-family dwelling with a wall of a height of 10 feet in the required front yard as otherwise prohibited by LAMC Section 12.21 C.1(g);
4. **Approved**, pursuant to LAMC Section 12.24 X .28, a Zoning Administrator's Determination to permit the construction of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street where a 20-foot-wide minimum Continuous Paved Roadway is not provided from the driveway apron to the boundary of the hillside area, as required by LAMC Section 12.21 C.10(i)(3);
5. **Denied**, pursuant to LAMC Section 12.24 X.28, a Zoning Administrator's Determination to permit the construction, use, and maintenance of a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (West Avenue 44) that is improved with an Adjacent Minimum Roadway width less than 20 feet, as required by LAMC Section 12.21 C.10(i)(2);
6. **Approved**, pursuant to LAMC Section 12.24 X.28, a Zoning Administrator's Determination to permit the construction, use and maintenance of a new single-family dwelling fronting a Substandard Hillside Limited Street (West Avenue 44) that does not provide the required sidewalk;
7. **Approved**, pursuant to LAMC Section 12.24 X 28, a Zoning Administrators Determination to permit the construction, use, and maintenance of a single-family dwelling on a lot fronting on a Substandard

Hillside Limited Street (Frontenac Avenue) that is improved with an Adjacent Minimum Roadway width less than 20-feet, as required by LAMC Section 12.21 C.10(i)(2);

8. **Approved**, pursuant to LAMC Section 11.5.7 C and the Mount Washington-Glassell Park Specific Plan Ordinance No. 168,707, a Project Permit Compliance Review for the construction, use, and maintenance of a new two-story single-family dwelling measuring approximately 3,731 square feet with a 393 square foot covered garage on an 8,696.8 square foot vacant lot;
9. **Adopted** the attached Modified Conditions of Approval; and
10. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Yap
Second: Avila-Hernandez
Ayes: Gutierrez, Song

Vote: 4 – 0



April M. Hood, Commission Executive Assistant I
East Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the East Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, and Appeal Filing Procedures (CEQA)

cc: Tim Fargo, Associate Zoning Administrator
Pablo Estrada, City Planning Associate

CONDITIONS OF APPROVAL

(As Modified by the East Los Angeles Area Planning Commission at its meeting on September 11, 2024)

Upon the following additional terms and conditions:

1. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
2. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
5. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied within the development and use of the property, except as such regulations are herein specifically varied or required.
6. Approved herein is the construction, use and maintenance of a new two (2) story single family-dwelling measuring approximately 3,731 square feet with a 393 square foot covered garage on an 8,696.8 square foot vacant lot that fronts two Substandard Limited Hillside Streets without providing a minimum 20-foot adjacent minimum roadway on Frontenac Avenue, without providing a sidewalk on West Avenue 44, and without providing a minimum 20-foot Continuous Paved Roadway from the driveway apron of the property to the boundary of the Hillside Area.
7. The applicant shall obtain all necessary permits from the Bureau of Engineering (BOE) to and complete the street improvements of the Adjacent Minimum Roadway along the frontage of the subject property on West Avenue 44 (half roadway to be provided from the street center line) to the satisfaction of BOE prior to the construction of the proposed new dwelling unit. The applicant is not required to provide the sidewalk on West Avenue 44.
8. No other deviations have been requested from any other applicable provisions of the Baseline Hillside Ordinance (BHO) regulations (Section 12.21 C.10 of the LAMC). All other applicable provisions shall be observed.
9. Prior to the issuance of any permits relative to this matter, a covenant

acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning, Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

10. Prior to the issuance of a grading permit, a cash bond shall be posted to the satisfaction of the BOE to guarantee that any damage incurred to roadways (sections of the roadways is to be determined by the City Engineer), which may result from any construction activity on the site, is properly repaired by the applicant. Any damage incurred to the roadways which may result from any construction activity on the site shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.
11. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Los Angeles Fire Department (LAFD). Said Department's approval in a stamp form shall be included in the plans submitted to the Development Services Center.
12. On- and off-site drainage of the project including any stormwater runoff mitigation measures shall be reviewed and approved by the Department of Building and Safety and the Department of Public Works. Stormwater mitigation regulations shall be complied with at all times.
13. Prior to any sign off of plans by the Development Services Center, the project shall comply with all requirements of the Department of Building and Safety's Grading Division including the conditions of approval contained in the Geology and Soils Report Approval Letter dated October 5, 2023, Log # 90488-02, and any subsequent amendment. A copy of the conditions shall be incorporated on the plans submitted to the Department of City Planning Development Services Center prior to issuance of any permits.
14. Prior to the clearance of the building permit, the applicant shall submit a landscape plan prepared and stamped by a licensed landscape professional in accordance with the City of Los Angeles Landscape Ordinance No. 170,978 to the Development Services Center of the Planning Department for a review and approval. The landscape plan shall show one protected toyon shrub onsite per the Protected Tree Report. The toyon shrub shall be persevered in place. All landscaping shall be implemented prior to the issuance of the certificate of occupancy.
15. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the

emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

16. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
17. Air conditioning units or other similar items located on the roof shall be screened to minimize visual and aesthetic impacts.
18. The project owner is fully responsible and shall ensure the project contractor and crew read, fully understand, and comply with all conditions imposed in this grant and in the approved Hillside Development Construction Traffic Management Plan reviewed and approved by the Los Angeles Department of Transportation (LADOT) on July 26, 2022 during all applicable demolition, grading, and construction phases of the project. Should this grant contain more restrictive conditions, the project personnel shall comply to the more restrictive conditions.
19. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles and a construction parking plan in order to control the frequency of construction traffic to the site to the satisfaction of the Department of Transportation. The specifics of the plan shall be printed on the plans. No construction vehicles shall park on Avenue 44 after the grading phase.
20. Building material delivery and loading accessing the project site shall not utilize over-size trucks. Trucks shall be two axles only.
21. Truck traffic directed to the project site for the purpose of delivering materials and construction machinery shall be limited to the hours beginning at 9 a.m. and ending at 3 p.m., Monday through Friday only. No truck deliveries shall occur outside of this time period.
22. All trucking activities for deliveries during grading and construction stages shall be coordinated so that only one truck vehicle is at the site at one time and so that a construction supervisor is present at such time to prevent any potential traffic impacts.
23. A minimum of two flag persons shall be provided to assist with the exporting and delivery of any earth and construction materials at the site. Flag persons shall assist with the movement of traffic whenever two-way traffic is obstructed as a result of construction activity.
24. Areas with signs labeled "No Parking" and "No Stopping" by LADOT shall not be used for parking and staging.
25. Staging shall be done onsite to the extent feasible. When staging will need to be adjacent to the site, at no times can driveways of adjacent properties be blocked, nor can one lane of the street be blocked without the presence of a flagger. No staging shall take place on any other street in the neighborhood.

26. Concrete trucks shall be staged onsite to the extent feasible. When staging will need to be adjacent to the site, at no times can driveways of adjacent properties be blocked, nor can one lane of the street be blocked without the presence of a flagger. The applicant shall secure a street use permit from the Bureau of Street Services when necessary for said concrete pouring. No staging shall take place on any other street in the neighborhood.
27. No delivery of material shall occur on trash collection and LAFD designated Red Flag days.
28. The public street right-of-way adjacent to the project site shall be cleaned of spilled materials and trash during earth exporting and construction stages at the termination of each workday.
29. All debris, trash and waste generated by the construction or by any worker, including but not limited to building material remnants, removed weeds, dirt, food or drinks consumed by workers, etc., must be removed from the site or kept in a covered, onsite trash receptacle on the properties being developed. Any trash stored on site must be removed at least once per week, or whenever the storage receptacle is full, whichever is sooner.
30. During all phases of construction for the dwelling unit, all materials related to the project shall be stored onsite. No building materials shall be stored on public streets.
31. The applicant shall install a 6-foot-tall security and a debris catch fence along West Avenue 44 and at the downslope area where the grading and construction activities occur on the project site.
32. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
33. Prior to the commencement of site excavation, grading, and construction activities, the applicant shall notify all immediate residents located along West Avenue 44 and provide the above residents with a written construction schedule. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within the aforementioned location and shall be posted on the site in a manner which is readily visible to any interested party.
34. Prior to and during grading and construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for (1) Department of Transportation, Parking

Enforcement; (2) Building and Safety enforcement; and (3) the owner and/or construction contractor where residents can inquire about the construction process and register complaints. The applicant shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present onsite during construction.

35. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The construction supervisor shall be required to respond within 24 hours of any complaint received on this hotline.
36. Development Regulations. Single-family home developments within an HCR District shall comply with each of the following Grading, Hauling and Hauling Operation Standards, as applicable:
37. Maximum Import and/or Export for Hillside Areas Fronting Substandard Streets. For a lot which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the total cumulative quantity of Import and Export of earth combined, shall be no more than 75 percent of the "by-right" maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.
38. Hauling Truck Trips. A maximum of four trucks are permitted to haul per hour per project site. A grouping or convoy of hauling vehicles shall not be allowed; only one hauling vehicle is permitted per project site at any one time.
39. Hauling Truck Operations. As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following hauling operation standards shall be met:
 - (a) Projects required to obtain a Haul Route approval from the Board of Building and Safety Commissioners for the import and/or export of 1,000 cubic yards or more of earth material shall prominently post the final action letter with the approved Haul Route staff report on the job site at all times.
 - (b) No grading shall be performed within any areas designated "hillside" unless a copy of the grading permit is prominently posted on the job site at all times.
 - (c) All hauling vehicles must be identified by a placard identifying the project address which shall be prominently displayed on each hauling vehicle.
40. Equipment. As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following equipment
41. standards shall be met:
 - (a) 10-wheeler dump trucks (with a 10 cubic yard capacity) or smaller are the only type of trucks permitted for hauling of earth. Notwithstanding the foregoing, the Board of Building and Safety Commissioners may authorize the use of other

types of hauling vehicles for a project through the Haul Route approval process.

- (b) Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
42. Operating Hours and Construction Activity. Compliance with each of the following standards shall be required for all projects in a HCR District requiring the issuance of a grading or building permit. However, if a Haul Route approval by the Board of Building and Safety Commissioners is required for import and/or export of 1,000 cubic yards or more, then the conditions set by the Board of Building and Safety Commissioners during the Haul Route approval process shall prevail and the following standards shall not apply.
- (a) Hauling operations shall be conducted only on Monday through Friday, between the hours of 9:00 a.m. and 3:00 p.m. Hauling operations on Saturdays, Sundays, or state or federal designated holidays is strictly prohibited.
 - (b) Haul trucks shall be staged off-site and outside of the HCR District. As deemed necessary, the Board of Building and Safety Commissioners may permit staging onsite or in any alternate staging area by special condition during the Haul Route Approval process.
 - (c) Construction activity shall be limited to Monday through Friday, between the hours of 8:00 a.m. to 6:00 p.m. Exterior construction work at any other time is strictly prohibited. However, interior construction work may be conducted on Saturdays between the hours of 8:00 a.m. to 6:00 p.m. Excess exterior illumination of the site through the use of flood lights and/or similar lighting devices is strictly prohibited after 6:00 p.m. on any day of the week.
 - (d) A log noting the dates of hauling activity and the number of hauling truck trips per day shall be available on the job site at all times.
 - (e) The owner or contractor shall control dust caused by grading and hauling and provide reasonable control of dust caused or exacerbated by wind at all times. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department.
 - (f) Loads shall be secured by trimming and shall be covered to prevent spillage and dust. Haul trucks are to be contained at the export site to prevent blowing of dirt and are to be cleaned of loose earth at the export site to prevent spilling.
 - (g) Streets shall be cleaned of spilled materials at the termination of each
 - (h) workday.
 - (i) "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit from the project site in each direction.

- (j) Flag person(s) shall be required for all project sites. Flag persons with radio control and warning signs shall be in compliance with the latest edition of the "Work Area Traffic Control Handbook." Flag persons provided at the job site shall assist trucks in and out of the project area.
43. The following conditions include those directly related to the review of Project Permit Compliance with the Mount Washington-Glassell Park Specific Plan:
- a. Site Development. – Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
 - b. Floor Area – As defined by the Mount Washington-Glassell Park Specific Plan, Floor Area is that area in square feet confined within the exterior walls of a building of a One-Family Project, including the area of stairways, shafts, covered automobile parking areas and basement storage areas, and excluding uncovered outdoor decks. The total gross floor shall not exceed 3,739 square feet, including a 393-square foot covered garage.
 - c. Building Height and Stepback Distances – The proposed dwelling shall be limited to 45 feet in height. Within six feet of the front lot line, the building height shall not exceed 15 feet, and within six feet to 12 feet of the front lot line, the building height shall not exceed 24 feet.
 - d. Front Yard Setback – The project shall provide a minimum front yard setback of five feet.
 - e. Parking – The project shall comply with the off-street parking requirements pursuant to LAMC Section 12.21 C.10.
 - f. Landscape Plan:
 - 1) Xeriscape Requirements. The project shall comply with the xeriscape requirements set forth under Sections 12.40 through 12.43 of the LAMC.
 - 2) Landform Planting Design. To the extent feasible, the type and placement of landscape materials on graded slopes shall conform to the standards set forth in the Landform Grading Manual.
 - 3) Fire Safety. The landscaping and preservation, relocation, and removal of Native and Significant Trees shall not require any planting in violation of applicable fire safety regulations.

- 4) Landscape and Preservation, Relocation, and Removal of Native and Significant Trees. ~~As identified in the Protected Tree Report prepared by Certified Arborist #WE-11356A, Leonardo Moran from Thrifty Tree Service Inc. on December 11, 2021, there is one (1) Protected Toyon Shrub on site per the Protected Tree Report and it shall be persevered in place. There are zero (0) Significant Trees onsite. The Protected Tree Report was reviewed and stamped by the Urban Forestry Division on June 3, 2022.~~ **The applicant shall obtain a new Protected Tree Report, which shall be reviewed and stamped by the Urban Forestry Division, and submitted to the Department of City Planning Development Services Center prior to case condition clearance. Protected trees and shrubs shall be preserved or replaced in accordance with the Protected Tree Ordinance, Ordinance #186,873.**

The applicant shall observe the Tree Protection Guidelines set forth in said tree report and the standards of approval of Relocation/Removal of Native or Significant Trees of the Mount Washington-Glassell Park Specific Plan during the Pre-Construction Phase and Construction Phase by using protective fencing, keeping the site clean, sufficient irrigation, no flooding, using hand tools around the tree locations, do not back any equipment up to the trunk of trees, avoid root impact, trenching and root pruning, maintain natural grade, place mulch, and under observation by an arborist.

g. Construction Requirements/Restrictions

- 1) Posting of Construction Activities. During construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for (1) Department of Transportation, Parking Enforcement; (2) Building and Safety enforcement; and, (3) the owner and/or construction contractor where residents can inquire about the construction process and register complaints. The applicant shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present onsite during construction.
- 2) Community Relations. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
- 3) Deliveries of Equipment Supplies. All deliveries during construction shall be coordinated so that only one vendor delivery vehicle is at the site at one time and that a construction supervisor is present at such time to mitigate any potential traffic impacts. A flag person shall be

provided to assist with the delivery of any construction materials to the site on trash-pick up days until the trash collection has been completed.

- 4) Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, any delivery of fill material or removal of graded soil shall be limited to the hours beginning at 9 a.m. and ending at 3 p.m., Monday through Friday only. No truck deliveries shall occur outside of the time period.
- 5) Construction Activities. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within the 100-foot radius and as noted above it shall be posted on the site in a manner which is readily visible to any interested party
- 6) Reduced Roadway Width. At no time during construction activities shall West Avenue 44 be reduced to a roadway width of less than 18 feet.
- 7) Flag Persons. Flag persons shall assist with the movement of traffic whenever two-way traffic is obstructed as a result of construction activity.
- 8) Off-Site Staging Area. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles in order to control the frequency of construction traffic to the site, to the satisfaction of the Department of Building and Safety.
- 9) Storage of Materials. During all phases of construction, all materials related to the construction of the proposed project shall be stored onsite.

47. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- h. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to,
- i. an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its

representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification,

verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS

MANDATED FINDINGS - ZONING ADMINISTRATOR'S DETERMINATION

In order to be granted an Adjustment and for relief from requirements permitting the construction of buildings on Substandard Hillside Streets, findings mandated in LAMC Sections 12.28 and 12.24 X.28 of the Municipal Code must be made in the affirmative. The following section states such findings with the applicable justification set forth thereafter:

FENCES, WALLS IN THE REQUIRED FRONT YARD

The applicant withdrew the request for a Zoning Administrator's Adjustment to permit the construction, use, and maintenance of a new single-family dwelling with a wall of a height of 10 feet in the required front yard as otherwise prohibited by LAMC Section 12.21 C.1(g). The request was not considered, and no such Adjustment has been granted in this determination.

STREET ACCESS FINDINGS

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The subject property is on a down sloping, rectangular-shaped vacant lot that measures approximately 8,696 square feet. While the site is located between West Avenue 44 and Frontenac Avenue, the project fronts on West Avenue 44. Access to the property will be through West Avenue 44, which is a public Substandard Hillside Limited Street. The property is zoned R1-1-HCR, designated for Low Residential land use, and is within the Northeast Los Angeles Community Plan Area. The project site is subject to the regulations of the Mount Washington-Glassell Park Specific Plan and the Baseline Hillside Ordinance. The project site is within the Hillside Area, the Very High Fire Hazard Severity Zone, a Special Grading Area (BOE Basic Grip Map A-13372), a seismically induced zone, and is within 2.036 kilometers from the Raymond Fault Zone. The surrounding properties are zoned R1-1-HCR and A1-1-HCR and are developed with single-family dwellings or are vacant lots. The property is subject to the Hillside Construction Regulations of the HCR overlay district.

The proposed project is the construction, use, and maintenance of a new two-story single-family dwelling measuring approximately 3,731 square feet, with a 393 square foot covered garage on an 8,696 square foot vacant lot. The project will perform a function that is beneficial to the City by expanding the housing supply.

Per the Bureau of Engineering's (BOE) Hillside Referral Form, dated May 2, 2022, West Avenue 44 is a Substandard Hillside Limited Street with a right-of-way width of 20 feet. The BOE has required the Applicant to provide half of a 20-foot roadway

from the street centerline along West Avenue 44, in compliance with the Baseline Hillside Ordinance (BHO). The Applicant will be providing the required roadway adjacent to the property. The Applicant altered their original request such that the only remaining request regarding West Avenue 44 is to allow the project to be built without providing the required sidewalk, which has been granted. Due to the nature of existing development on Avenue 44, a sidewalk would not connect with any sidewalk on any other properties. The project, however, will perform a function that is beneficial to the City by expanding the roadway on West Avenue 44. The widening of the roadway will contribute to the ability of emergency vehicles to access properties in the area, which has been a significant difficulty in the past (See Findings in Case Nos. ZA-2018-1955-ZAD-SPP and ZA-2018-1958-ZAD-SPP).

Per the Bureau of Engineering's (BOE) Hillside Referral Form, dated May 2, 2022, Frontenac Avenue is a Substandard Hillside Limited Street with a right-of-way width of 20 feet. The BOE has required the Applicant to provide half of a 20-foot roadway from the street centerline along Frontenac Avenue, in compliance with the Baseline Hillside Ordinance (BHO). Nevertheless, the project proposes access from West Avenue 44 and not from Frontenac Avenue. Consistent with other land use decisions in the area, the applicant is required to provide street improvements for the adjacent street used for access to the property and not for any adjacent street not used for access. The improvement of Frontenac Avenue is expected to be required when the properties develop along Frontenac Avenue that take access directly from Frontenac Avenue. As has been discussed in the Findings in previous land use decisions in the area (Case Nos. ZA-2018-1955-ZAD-SPP and ZA-2018-1958-ZAD-SPP), Frontenac Avenue does not provide secondary access for emergency vehicles at this time as it is a dirt road with at most only a thin layer of asphalt, and is only ten feet wide in places. The request regarding Frontenac Avenue is discussed further in Finding No. 7.

The Applicant has requested to be allowed to build the project without providing the 20-foot-wide access from the driveway apron to the boundary of the Hillside Area as required by Los Angeles Municipal Code (LAMC) Section 12.21 C.10(i)(3). The street widening of West Avenue 44 from the driveway apron to the boundary of the Hillside Area would negatively alter the character of the neighborhood and would create an undue burden on the property owner. Many of the existing homes along West Avenue 44 were approved and constructed prior to the implementation of the BHO and therefore did not provide improvements to the roadway. Improving the Continuous Paved Roadway along West Avenue 44 to a 20-foot road width from the driveway apron to the boundary of the Hillside Area could result in the demolition of existing walls, structures, buildings, fences, or other improvements on other private properties and within the public right-of-way. The Applicant does not have access to property rights at these locations, which makes such improvements infeasible. Additionally, improvements necessary to meet the strict application of the Code would not be proportionate to the impact generated by the project. As such, the approval of the relief sought by the applicant with regard to

LAMC Section 12.21 C.10(i)(3) can be deemed to be in conformity with the public necessity, convenience, general welfare, and good zoning practice.

In summary, by expanding the housing supply and by improving the roadway along West Avenue 44, the proposed project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community, city, and region. This grant permits reasonable development similar to what has been permitted on other properties in the neighborhood.

2. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The project site is a vacant, 8,696-square foot, rectangular lot fronting West Avenue 44. The proposed project is the construction, use, and maintenance of a new two-story single-family dwelling measuring approximately 3,731 square feet, with a 393 square foot covered garage on an 8,696 square foot vacant lot.

The surrounding neighborhood is characterized by hillside single family dwellings with frontages varying in width. The properties to the northeast of Avenue 44 are zoned A1-1-HCR and are developed with single family dwellings. The properties southeast of Avenue 44 are zoned A1-1-HCR and R1-1-HCR. Some are vacant lots while others are developed with single family dwellings. The properties northwest of Frontenac Avenue are zoned R1-1-HCR and are all vacant lots. The properties to the southwest of Frontenac Avenue are zoned R1-1-HCR and are developed with single family dwellings.

At the public hearing, a member of the public brought up that the average size of a house on Avenue 44 is 1,390 square feet. Although the proposed square footage is 3,731 square feet, the proposed project will be built in accordance with all hillside regulations, except as granted herein. Furthermore, the project is subject to the requirements of the Mount Washington-Glassell Park Specific Plan (Specific Plan), which allows the proposed square footage and ensures that new development is compatible with the vision for the area. The proposed development is designed to a floor area that is below the allowable floor area permitted by the Specific Plan. It is also set back sufficiently from the front lot line to avoid any vertical massing at street level. The proposed building height of 26 feet complies with the 45-foot maximum building height permitted.

The applicant submitted a Construction Traffic Management Plan for review by the City's Department of Transportation (LADOT). These guidelines state the purpose of a Construction Traffic Management Plan is to address transportation concerns specific to hillside communities, including narrow streets, limited emergency access, and location in a Very High Fire Severity Zone. The proposed project will be subject to the conditions detailed in the Project's Construction Traffic Management Plan, included in the case file, which was reviewed and stamped-approved by LADOT on July 26, 2022. The conditions imposed address any potential cumulative effects of various projects of the same type in the same area. Implementation of the proposed traffic management conditions will ensure that the project does not further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, or safety.

On December 12, 2023, the Office of Councilmember Eunisses Hernandez submitted a letter to the file recommending denial of the requests for an Adjustment and a Determination. They cited California Government Code 51182 that all property in a very high fire hazard severity zone should be constructed with 100 feet of defensible space from each side and from the front and rear of the structure. The proposed dwelling is required to be built in accordance with the building standards of the City of Los Angeles Building and Fire Codes. Furthermore, the project is conditioned to require that the applicant submit the plans for review and approval to the Los Angeles Fire Department (LAFD) to ensure compliance with regulations. Said Department's approval in a stamp form shall be included in the plans submitted to the Development Services Center.

Given the foregoing, the project's location, size, height, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, or safety.

3. **The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Northeast Los Angeles Community Plan (Community Plan) designates the project site for Low Residential land uses with the corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The subject property is zoned R1-1-HCR and the proposed use of the property is consistent with the Community Plan land use designation. The property is also located within the Mount Washington-Glassell Park Specific Plan (Specific Plan) and the grant is conditioned to comply with the regulations of the Specific Plan.

The Northeast Los Angeles Community Plan, a part of the General Plan's Land Use Element, sets various objectives for the planning and development of the area, and seeks to guide development to be in character with the community. Generally, the Community Plan seeks to promote compatible design and ensure public safety. The project is consistent with the following objective noted in the 'Residential' section of the plan:

Objective 1-1 To preserve and enhance existing residential neighborhoods.

Objective 1-2 To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Objective 1-3 To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

By making use of a vacant piece of land, the proposed project will serve to enhance the existing residential neighborhood of Mount Washington. Moreover, as a new

single-family dwelling, the proposed project will help to fulfill Objectives 1-2 and 1-3 noted above by adding new housing to the community. Therefore, the grant of this request will not adversely affect any element of the General Plan as the proposed use of the property is consistent with the General Plan. Compliance with the Mount Washington-Glassell Park Specific Plan is discussed in Finding No. 8. The proposed project substantially conforms to the purpose, intent, and provisions of the General Plan, the applicable community plan, and the applicable specific plan.

4. **The proposed use is in conformity with the public necessity, convenience, general welfare, and good zoning practice and will be in substantial conformance with the various elements and objectives of the General Plan.**

The project site is zoned R1-1-HCR and the Northeast Los Angeles Community Plan designates the project site as Low Residential. The construction of a single-family dwelling on a lot zoned and designated for such use can be deemed to be in conformity with public necessity, convenience, general welfare, and good zoning practice, as discussed in previous Findings. The grant of this request will not adversely affect any element of the General Plan, as the proposed use of the property is consistent with the General Plan. The proposed use of the property as a single-family home is consistent and compatible with the surrounding neighborhood. Furthermore, the grant is conditioned to minimize any potential impact on the surrounding community.

5. **The vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The traffic associated with the dwelling will not create any additional adverse impact on street access or circulation except for typical vehicular traffic associated with the construction of a new home, and the addition of a new dwelling, which is consistent with the Community Plan and will not significantly alter the existing character and permitted density in the area. Access to the project site will be from West Avenue 44 and not for Frontenac Avenue. To deviate from LAMC Sections 12.21 C.10(i)(2) and 12.21 C.10(i)(3) of the Baseline Hillside Ordinance will not hamper the implementation of other Hillside policies and programs. Required off-street parking will be provided onsite. Several conditions have been imposed as part of this grant to ensure that during construction, neighbors are informed of building schedules, and there are including requirements for flag persons, off-site staging, and limits on truck hours and sequential deliveries.

6. **The building or structure will not be materially detrimental or injurious to the adjacent property or improvements and will not have a materially adverse safety impact on the surrounding neighborhood.**

The proposed dwelling will be built in accordance with the Mount Washington-Glassell Park Specific Plan and the Baseline Hillside Ordinance regulations, except as granted herein, as well as with adherence to building codes and other

Federal, State, and City regulations. As a single-family dwelling, the proposed project will fit with the character of the surrounding community as a low-density residential development. Compliance with the Specific Plan ensures that projects such as this one are harmonious with surrounding land uses and further the welfare of the neighboring community. The proposed development will not exceed the allowable floor area according to the Specific Plan and is set back sufficient from the lot to avoid excessive vertical massing at the street level.

The project will be built in accordance with all building codes and has been reviewed and approved by the Department of Building and Safety's Grading

Division. A copy of the approval letter is attached to the case file. Multiple members of the community expressed concern about fire safety and emergency vehicle access. The project is conditioned through this grant to comply with all regulations within the purview of the Los Angeles Fire Department and the Department of Public Works Bureau of Engineering. Therefore, as conditioned, the project is not expected to have a materially adverse safety impact on the surrounding neighborhood.

7. **The site and/or existing improvements make strict adherence to Paragraph (i) of Subdivision 10 of Subsection C of Section 12.21 of this Code impractical or infeasible.**

Since the project takes vehicular access off West Avenue 44, requiring the improvement of Frontenac Avenue adjacent to the property, in full compliance with Section 12.21 C.10(i)(2), would be inconsistent with similar land use decisions in the area and would not be commensurate with the project. A slide during the public hearing illustrated the engineering necessary to improve Frontenac Avenue given the sloping topography. Providing the required street improvement and fully complying with the Code would be impractical and create a financial and practical hardship.

Strict adherence to the requirement for a 20-foot Continuous Paved Roadway improvement is impractical and infeasible as there are multiple existing structures that exist between the project site and the boundary of the Hillside Area. It would be impractical and infeasible for the applicant to acquire right-of-way for private property, some of which have structures within the improvement area. Requiring the demolition of structures and improvements and road construction on properties not owned by or under control of the Applicant would result in financial hardship out of proportion with the proposed project. Overall, strict adherence to LAMC Section 12.21 C.10(i) is both impractical and infeasible.

PROJECT PERMIT COMPLIANCE FINDINGS**8. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.****a. Floor Area**

The Mount Washington-Glassell Park Specific Plan determines a maximum Floor Area Ratio (FAR) for lots greater than or equal to 5,000 square feet in size, but less than 10,000 square feet in size, by using the following equation: $0.50 - \{[(\text{Lot Area} - 5,000) \times 0.10] \div 5,000\}$. Based on the formula, the 5,465-square foot lot permits a Maximum Gross FAR of 0.43:1 or 3,739 square feet of floor area. The proposed project's FAR is 0.43:1 or 3,731 square feet of floor area, including a 393-square foot attached garage. The subject project does not exceed the maximum permitted floor area, and is therefore, in compliance with the requirements of the Specific Plan.

b. Building Height and Stepback Distances

The proposed height of the dwelling is 26 feet, which will not exceed the maximum 45-foot height permitted under the Mount Washington-Glassell Park Specific Plan. The building is setback in accordance with the building stepback height limitations and is in compliance with the requirements of the Specific Plan. As proposed, the project meets the building stepback requirements that state that no portion of the building shall exceed 15 feet in height within the first six (6) feet of the front property line and that no portion of the building shall exceed 24 feet in height within six to 12 feet of the front property line.

c. Prevailing Front Yard Setback

The Mount Washington-Glassell Park Specific Plan's Prevailing Front Yard Setback provision applies to the project site. The required prevailing front yard setback requirement for this property is five (5) feet. As depicted on Exhibit A, the proposed project complies with Section 6.C of the Mount Washington-Glassell Park Specific Plan.

d. Off-street Automobile Parking Requirements for Additions and Remodeling

The project must comply with the parking requirements of LAMC Section 12.21 C.10(g), which requires at least two (2) covered parking spaces for each single-family dwelling with a residential floor area of 2,400 square feet or less. The project as conditioned will comply with LAMC Section 12.21 C.10(g). The project proposes an attached two (2) car garage, approximately 393 square feet, and therefore complies with the automobile parking requirement.

e. **Public Health and Safety**

Haul route approval from the Los Angeles Department of Building and Safety Board of Commissioners is required only when the import or export of earth from onsite exceeds 1,000 cubic yards. The proposed project will export approximately 848 cubic yards, and import 100 cubic yards of earth

material. This amount is below the threshold for review by the LADBS Board of Commissioners.

f. **Preservation, relocation, and removal of native and significant trees.**

Section 8 B.1 of the Mount Washington-Glassell Park Specific Plan requires that the Director or his or her designee find that (1) it is necessary to remove the Native or Significant Tree because its continued existence at that location prevents the reasonable development of the subject property; and (2) the removal of the Native or Significant Tree would not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the Department of City Planning.

As identified in the Protected Tree Report prepared by Certified Arborist #WE-11356A, Leonardo Moran from Thrifty Tree Service Inc. on December 11, 2021 there is one (1) Protected Toyon Shrub on site per the Protected Tree Report and will be persevered in place. There are zero (0) Significant Trees onsite. The Protected Tree Report was reviewed and stamped by the Urban Forestry Division on June 3, 2022. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

g. **The architectural design elements of the front and rear building elevations vary from the adjacent buildings.**

The Mount Washington-Glassell Park Specific Plan requires variation of design including façade articulation and design of differing materials, architectural details, and locations of windows, doors, columns, and balconies. It promotes facades that modulate with offsets or curves, insets, and use of a variety of roof treatments, including roof type, shape, and pitch and that such variation distinguishes new development from homes on either side. The architectural plans attached to the subject file indicate that the architectural design elements will vary from, but be compatible with, the adjacent buildings based on the requirements of Section 8 for single-family design variation outlined in the Specific Plan.

The proposed project is designed in a contemporary, modern architectural style that incorporates mostly smooth grey stucco along the front façade and throughout the dwelling with a wood material exterior siding. The dwelling is also proposing large windows with aluminum frame, and glass panels with dark color that are factory painted. A flat roof is proposed with an aluminum material that is light color and factory coated which will create

a contrast of color from the single-family dwelling. An attached garage is proposed at the street level and the single-family dwelling will be set back, following the slope of the lot to result in less massing along the street

frontage. The rear façade is angled to follow the topography, further integrating the building into the landscape.

The surrounding buildings utilize a variety of materials and designs, and the proposed project is architecturally compatible, yet incorporates variations. The roof being proposed is flat in contrast to the pitched roofs on the neighboring properties. As proposed, the architectural design elements are in conformance with the Design Variation standards contained in Section 8-C of the Mount Washington-Glassell Park Specific Plan.

9. **That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

The Zoning Administrator has determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Section 15303, Class 3 for one single-family residence, or a second dwelling unit in a residential zone, and there is no substantial evidence demonstrating that an exception pursuant to CEQA Guidelines, Section 15300.2 applies.

FLOOD HAZARD

10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of the Flood Zone.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing