

## 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.