

## FINDINGS

### General Plan Findings

1. **General Plan Land Use Designation.** The Project Site, located generally at 2520 North Eastern Avenue, is located within the Northeast Los Angeles Community Plan, which was last updated by the City Council on June 15, 1999. The site is an irregularly-shaped site, comprised of multiple parcels and approximately 218,270 gross square feet of lot area. The Community Plan designates the site with a land use designation of Low Residential, which lists the RE9, RS, R1, RU, RD6, and RD5 as corresponding zones. The site is currently zoned [Q]R1-1D and [Q]RD6-1D and is subject to the Qualified "Q" Conditions and Development "D" Limitations contained within Ordinance No. 180,403, also known as the Northeast Los Angeles Hillsides Ordinance. The recommended Zone Change from R1 and RD6 to RD5 would be consistent with the land use designation. As further discussed under Finding No. 3, the recommended Q Conditions would be consistent with the Q Conditions contained within the Northeast Los Angeles Hillsides Ordinance. As a Height District Change has not been requested, the D Limitations of the Northeast Los Angeles Hillsides Ordinance has been maintained. The recommended Zone Change to (T)(Q)RD5-1D would be consistent with the purpose, intent, and provisions of the General Plan as it is reflected within the Central City Community Plan.

2. **General Plan Text.**

a. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

*GOAL 3B: Preservation of the City's stable single-family residential neighborhoods.*

*Objective 3.5:* Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

*Objective 3.6:* Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.

*Policy 3.6.1:* Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation of facade to convey the sense of individual units, and use of building materials that characterize single-family housing.

*GOAL 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.*

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The Project Site is partially zoned [Q]R1-1D and [Q]RD6-1D and is adjacent to single-family and low-density multi-family neighborhoods. The recommended Zone Change to (T)(Q)RD5-1D in conjunction with the recordation of the approval of incidental Case No. VTT-73531-SL would permit the development of the site with 42 small lot homes. As stated under Finding No. 1, the RD5 Zone is consistent with the Low Residential land use designation. The designation by the Community Plan is consistent with Policy 3.5.1 of the Framework Element which identifies Low Residential land use designations as having the following corresponding zones: RE9, RS, R1, RD6, RD5, and RU. The RD5 Zone permits the multi-family developments that are consistent with minimum lot area per dwelling unit requirements of the R1 Zone. While the RD5 Zone would permit a net increase of five (5) dwelling units, it is consistent with the density that is generally permitted to the south of the site along the eastern side of Eastern Avenue.

As a small lot development, the Project would provide new fee-simple home ownership opportunities consistent with the adjacent properties to the south and east of the site. The proposed dwellings would range from two-stories with a basement to three stories with a maximum height of 26 feet. The proposed number of stories and height is consistent with what is currently permitted in the existing [Q]R1-1D and [Q]RD6-1D Zones and the surrounding areas. Consistent with Policy 3.6.1, the small lot homes have been designed to observe setbacks from the boundary of the site that is consistent with the surrounding neighborhood and utilize "modulation of building volumes and articulation of facade to convey the sense of individual units." Additionally, 38 of the 42 small lot homes have been designed with private driveways, which are accessible from the common access driveway, similar to the traditional single-family dwelling. The recommended zone change would permit the development of the site to be located primarily along the southern and eastern property lines, maintaining greater setbacks along Eastern Avenue for a majority of the site's frontage and allowing the preservation of existing hillside. As recommended, the Zone Change would be consistent with the above stated goals, objectives, and policies of the Framework Element.

- b. **Northeast Los Angeles Community Plan.** The Northeast Los Angeles Community Plan contains the following relevant goals, objectives, and policies:

GOAL 1: A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.

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

*Policy 1-1.1:* Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

*Policy 1-1.2:* Promote neighborhood preservation, particularly in existing single-family neighborhoods, as well as in areas with existing multiple-family residences.

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

*Policy 1-3.1:* Protect the quality and scale of residential environment through attention to the appearance of new construction including site planning and compatible building design.

Objective 1-5: To limit the intensity and density of development in hillside areas.

*Policy 1-5.2:* Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.

*Policy 1-5.3:* Consider the steepness of the topography and the geological stability in any proposal for development within the Plan area

*Policy 1-5.4:* Require that any proposed development be designed to enhance and be compatible with adjacent development.

*Policy 1-5.5:* Encourage clustering of residential projects in order to use the natural terrain to best advantage.

*Program:* The Plan Map designates significant hillside areas for Low density residential corresponding to the RD6 or RD5 zones that permit lot assembly and concentration of units to optimize adaptation to site characteristics.

Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religious, or racial backgrounds.

*Policy 1-6.4:* Provide for development of townhouses and duplex housing units to increase home ownership options.

As discussed in Finding No. 1, the RD5 Zone is consistent with the Low Residential Designation and would permit the development of the site with a density that is consistent with the surrounding existing single- and multi-family neighborhoods. The Project Site is a vacant, upsloping lot which has a steep slope along Eastern Avenue and a relatively flat pad along Lombardy Boulevard. The southern and eastern portions of the site consists of a gradual upsloping hillside. The recommended (T)(Q)RD5-1D Zone would permit the development of the site with a small lot development which would increase opportunities to fee-simple home ownership opportunities consistent with Objective 1-6 and Policy 1-6.4. The small lot homes will comply with the requirements of the existing Q Conditions, D Limitations, and the Code as it relates to Residential Floor Area, height, and stories.

The recommended zone change would allow the Project to be developed consistent with the Objective 1-5 and the policies related to development within the hillside area. Specifically, the recommended (T)(Q)RD5-1D would allow for the clustering of the residential dwelling units along the southern and eastern portion of the sites where the topography is less steep than the western portion of the site, consistent with the identified Program for Policy 1-5.5. Additionally, the clustering of the dwelling units along the southern and eastern property lines and along Lombardy Boulevard would allow the preservation of hillside and a greater number of existing Protected Trees

located on the western portion of the site. The recommended Zone Change to (T)(Q)RD5-1D would be consistent with the above referenced goals, objectives, policies, and programs of the Northeast Los Angeles Community Plan.

- c. **Housing Element.** The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

GOAL 1: Housing production and preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

*Policy 1.1.3:* Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households.

GOAL 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

*Policy 2.3.3:* Promote and facilitate the reduction of energy consumption in new and existing housing.

The recommended zone change from [Q]R1-1D and [Q]RD6-1D to (T)(Q)RD5-1D would allow for the southeastern portion of the site to be subdivided and developed as a small lot development pursuant to LAMC Section 12.22 C.27. The Project Site is a vacant lot which consists of an upsloping hill, which has a relatively steep slope along the western portion of the site which is zoned [Q]RD6-1D. As shown in the survey prepared by PHB & Associates, Inc., the portion of the site located to the south and east of the site, which is zoned [Q]R1-1D and [Q]RD6-1D, has a more gradual slope and would be more suitable for construction. To help maintain a portion of the hillside and existing Protected Trees, the dwelling units have been clustered primarily along the southern and eastern portion of the site. While the existing [Q]R1-1D Zone could have been subdivided, it would have been limited to a maximum of 11 lots due to the minimum lot area requirements of the Zone. The recommended (T)(Q)RD5-1D Zone allows for a more efficient site configuration in addition to allowing for the small lot development. As a small lot development, the Project would introduce 42 new fee simple home ownership opportunities, which provides an alternative to the traditional options of single-family dwelling or condominium home ownership opportunities. The dwelling units would be required to comply with the Green Building Code which was adopted to increase sustainability in new construction. As recommended, the recommended Zone Change would be consistent with the above referenced goals, objectives, and policies of the Housing Element.

- d. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. The Project, with the recommended Zone Change, proposes to construct 42 new small lot homes on a site that is bounded by Eastern Avenue to the west and Lombardy Boulevard to the northeast. Eastern Avenue is a designated Avenue II and is currently dedicated to a width of 80 feet at the site's frontage and is improved with roadway, curb, gutter, sidewalk, and a parkway. The Bureau of Engineering has recommended that a 3-foot wide strip of land be dedicated along Eastern Avenue adjoining the site to complete a 43-foot wide half right-of-way in accordance with the Avenue II standards. The area would be improved with a new concrete curb and full-

width concrete sidewalks with tree wells. Lombardy Boulevard is a designated Collector that is dedicated to a width of 80 feet and is improved with roadway, curb, gutter, sidewalk, and a parkway. The Bureau of Engineering has not recommended any dedications as the existing right-of-way is consistent with the Collector standards; however, the Bureau has recommended the existing sidewalk and parkway be improved to reconstruct the existing sidewalk and parkway. The dedication and improvements would to be provided would be consistent with the Street Standards adopted by the Mobility Element.

- e. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

### **Entitlement Findings**

#### **3. Zone Change and Height District Change Findings.**

- a. Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

#### **Public Necessity, Convenience, and General Welfare**

The Project Site is located within the Northeast Los Angeles Community Plan and is designated for Low Residential land uses and is zoned [Q]R1-1D and [Q]RD6-1D. As it relates to residential land uses, the Community Plan identifies opportunities for strategically targeting sites for appropriate low density hillside developments and clustering projects on undeveloped or underdeveloped land, and issues related to concerns with displacement and an imbalance in quality of housing stock. The site has long been vacant and has been utilized as a site for illegal dumping for dirt and has experienced fires in the past. The recommended zone change would allow for the construction of small lot development which would introduce 42 new fee-simple home ownership opportunities. As the site has been vacant, the Project would not result in the displacement of any residents on the site. As designed, the dwelling units are clustered along the southern, eastern, and northeastern portion of the site where the slope is relatively flatter than the western portion of the site. This would allow a large portion of the hillside to be maintained along Eastern Avenue and allow for the preservation of existing Protected Trees and the planting of replacement trees. As part of the approval of the incidental subdivision and as recommended as part of the Tentative T Classifications, the applicant would be required to dedicate land along Eastern Avenue and to improve the sidewalks along Eastern Avenue and Lombardy Boulevard. Improvements would include widening the sidewalks, installation of new or repair of existing curbs and gutters, as well as parkway landscaping. As recommended the zone change would be consistent with the public necessity, convenience, and general welfare.

#### **Good Zoning Practice**

The parcels located to the east of the site have a land use designation of Low Residential and are zoned [Q]RD6-1D and [Q]R1-1D. To the south, the lots have a land use designation of Low Residential and are zoned [Q]RD6-1D, [Q]RD5-1D, and

[Q]R1-1D. The parcels which are directly adjacent to the site consists of a gradual slope and are developed with primarily single-family dwellings which are located at the base of the hill. Parcels with direct frontage along the eastern side of Eastern Avenue are developed with single- and multi-family dwellings. The parcels to the west and northwest of the site, across Eastern Avenue, have a land use designation of Open Space and Public Facilities and are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farndale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels have a land use designation of Neighborhood Commercial and are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. Approximately 56,229 square feet of the southeastern portion of the site is zoned [Q]R1-1D and the remaining 162,041 square-foot portion of the site, located along Eastern Avenue and Lombardy Boulevard is zoned [Q]RD6-1D. The site is located within a transitional area of Eastern Avenue, which transitions from commercial uses to the north to low density multi-family and single-family residential uses to the south. The site's proximity to the commercial corridor on Huntington Drive would allow future residents easy accessibility to neighborhood serving uses. The site is unique from the lots immediately surrounding it due to its steep topography along Eastern Avenue. The recommended (T)(Q)RD5-1D Zone would allow for the small lot development along the gradual slope of the hillside and to maintain a portion of the hillside along the Eastern Avenue and preservation of a number of existing Protected Trees located within the western portion of the lot. As discussed in Finding No. 2, the recommended Zone Change would be consistent with a number of goals, objectives, policies, and programs related to the development of new housing within the hillsides of the Plan area. As recommended the zone change would be consistent with good zoning practices.

- b. Pursuant to Section 12.32-G and Q of the Municipal Code "T" and "Q" Classification Findings. The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" Conditions recommended herein have incorporated a majority of the "Q" Conditions adopted pursuant to Ordinance No. 180,403, by reference, which the site is currently subject to. The recommended "Q" Conditions modified conditions related to the construction of retaining walls and the maximum permitted amount of grading to take into consideration the unique nature of the site due to its size and topography. Additionally language has been added to clarify the requirements related to materials for hardscape as it relates to the construction of vehicular access ways which would be utilized for emergency vehicles. The "Q" Conditions that limit the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

**4. Zoning Administrator's Determination Findings.**

- a. 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 Project Site is a vacant, irregular shaped site which consists of an upward sloping hillside and 102 Protected Trees and multiple non-Protected Trees. The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. The hillside has a gradual slope along the southern and eastern portions of the site, where the western portion of the site, along Eastern Avenue, has a steeper slope. The portion of the site located along Lombardy Boulevard was previously graded and consists of a relatively flat building pad and a gradual slope. While there are trees located throughout the site, there is a concentration of Protected Trees located along the western portion of the site. The site is located within the Northeast Los Angeles Community Plan area and has a land use designation of Low Residential and is zoned [Q]R1-1D and [Q]RD6-1D. The site is subject to the Q Conditions and D Limitations contained within Ordinance No. 180,403, also known as the Northeast Los Angeles Hillsides Ordinance, which became effective on January 16, 2009. The site is located within the Hillside Area, BOE Special Grading Area, Very High Fire Hazard Severity Zone, Landslide area, and Liquefaction area. The site is not located within the Alquist-Priolo Fault Zone, but is located 0.5 miles to the Upper Elysian Park Fault, Methane Hazard Site, or Fire District No. 1.

The parcels located to the east of the site have a land use designation of Low Residential and are zoned [Q]RD6-1D and [Q]R1-1D. To the south, the lots have a land use designation of Low Residential and are zoned [Q]RD6-1D, [Q]RD5-1D, and [Q]R1-1D. The parcels which are directly adjacent to the site consists of a gradual slope and are developed with primarily single-family dwellings which are located at the base of the hill. Parcels with direct frontage along the eastern side of Eastern Avenue are developed with single- and multi-family dwellings. The parcels to the west and northwest of the site, across Eastern Avenue, have a land use designation of Open Space and Public Facilities and are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farmdale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels have a land use designation of Neighborhood Commercial and are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

As discussed in Finding No. 3, the applicant has requested a Zone Change from [Q]R1-1D and [Q]RD6-1D to (T)(Q)RD5-1D to permit the development of the site with 42 small lot homes in conjunction with a small lot subdivision. The small lot subdivision was approved under incidental Case No. 73531-SL. Of the 42 dwelling units proposed, 38 dwelling units will be accessed from a common access driveway located at the southwest corner of the site from Eastern Avenue. The dwelling units will be located along the southern and eastern property lines of the site. The remaining four (4) dwelling units will be accessed from a common access driveway located at the northeast corner of the site from Lombardy Boulevard. The Project includes three floor plans which consists of a two-story dwelling with an optional rooftop deck, a two-story dwelling with a basement, or a three-story dwelling. While the number of stories vary, the dwelling units will have a maximum height of 26 feet. In addition to the construction of the small lot homes, the applicant proposes the construction of a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height

between 4 and 6 feet. The applicant proposed to have an additional 6-foot high privacy/security fence constructed on top of 103 of the retaining wall. The applicant has requested a Zoning Administrator's Adjustment to permit over-in-height walls to be located within the front, side, and rear yards.

As part of the requested Zone Change, the applicant has requested consideration to modify Q Condition No. 3(a), which states the following:

*The maximum total height of all freestanding retaining walls shall not exceed 12 feet, with no individual wall measuring higher than 6 feet on private property. Each freestanding retaining wall shall not exceed 75 feet in linear length, nor extend beyond one lot. Walls shall be separated by a minimum horizontal distance equal to the height of the highest wall. Freestanding garden walls 36" in height or less shall not be considered retaining walls for the purposes of this regulation.*

As recommended as part of the zone change, the recommended Q Condition would modify the existing Q Condition to require compliance with the LAMC Section 12.21 C.8. With the approval and adoption of the zone change as recommended, the retaining walls would only require the approval of a Zoning Administrator's Determination (ZAD).

In conjunction with the requested modification to the Q Condition, the applicant has requested a ZAD to permit more than the maximum two retaining walls permitted pursuant to LAMC Section 12.21 C.8. As described by the applicant, the proposed retaining wall plan was preliminary reviewed by the Department of Building and Safety (DBS) which determined there may be up to a total of 178 freestanding retaining walls. Of those 178 walls, 129 retaining walls will have a maximum height of 3 feet and 18 walls with a height between 3 and 4 feet. It is possible that all or a portion of the 147 retaining walls may be considered freestanding garden walls and would be exempt from the existing Q Condition No. 3(a) and LAMC Section 12.21 C.8. A formal determination by the DBS would not be made until the plan check process.

The Project Site has remained vacant and consists of a variation of steep and gradual slopes on a site which is relatively larger than the surrounding residentially zoned lots. The Project has been designed to take into consideration the terrain of the hillside and the location of existing Protected Trees on the site. While the southern and eastern portion of the site are not as steep as the western portion of the site, there is a slope that would require stabilization to support the construction of the dwelling units and common access driveway. By clustering the dwelling units along the southern, eastern, and northeastern property lines, it would allow for a large portion of the western portion remain undisturbed with the existing Protected Trees and the future planting of the replacement trees. While the Q Condition does not limit the number of retaining walls that can be constructed, the Code only permits a maximum of two (2) retaining walls with a maximum height of 10 feet or one (1) retaining wall with a maximum height of 12 feet. The proposal would include a series of retaining walls which would have a maximum of 6 feet in height, allowing for the dwelling units to be built along the terrain of the hillside. As a small lot development, the retaining walls between the dwelling units serve a secondary function as a perimeter wall along the proposed property lines. As conditioned herein, the retaining walls which have a height between four (4) to six (6) feet will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. Therefore, 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.

- b. 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.

As described in Finding No. 2.a, the Project would develop the vacant, upsloping lot with 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. While the Project will include different floor plan options, the maximum height of the dwelling units will be 26 feet and will comply with the Residential Floor Area regulations contained within the D Limitations. The dwelling units will include attached two (2) car garages, which will be accessible from one of two common access driveways located on Eastern Avenue and Lombardy Boulevard.

The surrounding area to the northeast, east, south, and southwest are zoned either [Q]R1-1D, [Q]RD5-1D, or [Q]RD6-1D and are developed with single- and multi-family dwelling units on lots which are substantially smaller and have less topography than the subject site. The parcels to the west and northwest of the site, across Eastern Avenue, are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farmdale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

Code Section 12.21 C.8(a) allows every hillside single-family lot to construct a maximum of two (2) retaining walls with a height of ten feet or one (1) retaining wall with a maximum height of 12 feet. The regulations are applicable Citywide and do not take into account the varying sizes of lots in the hillside area, thus the Code cannot universally apply to all lots Citywide. In consideration of this, the Code has an established procedure, Section 12.24 X.26, to allow for consideration of additional walls and increased heights depending on the nature of the lot. The Project is proposing a total of 178 freestanding retaining walls. Of those 178, it is possible that all or a portion of 147 retaining walls which have a height of four (4) feet or less may be considered freestanding garden walls and would be exempt from the existing Q Condition No. 3(a) and LAMC Section 12.21 C.8. A formal determination by the DBS would not be made until the plan check process.

The subject property is a 218,270 gross square-foot lot. The existing R1 Zone has a minimum lot area of 5,000 square feet, the RD6 Zone has a minimum lot area of 12,000 square feet, and the recommended RD5 Zone has a minimum lot of 10,000 square feet. The site has a larger than average lot area than traditional lots and the surrounding areas which are similarly zoned. The retaining walls will be located primarily along the southern, eastern, and northeastern portion of the site. Due to the terrain and the proposed site plan, a number of the walls will not be visible from the public right-of-way or adjacent neighbors as they are located between the small lot homes. The increased number of retaining walls allows for shorter walls to be constructed in lieu of less retaining walls with a taller wall. As conditioned herein, the retaining walls which have a height of four (4) feet or higher will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. As conditioned, the retaining walls would not adversely affect or further degrade adjacent properties, the surrounding neighborhood and will not adversely affect the surrounding neighborhood, or the public health, welfare, and safety.

- c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. The Project would include a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. As discussed in Finding Nos. 2 and 3, with the approval and adoption of the recommended zone change to (T)(Q)RD5-1D, the Project will substantially conform with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan. The Project Site is not located within a specific plan.

## 5. Zoning Administrator's Determination Findings.

- a. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.

The Project Site is a vacant, irregular shaped site which consists of an upward sloping hillside and 102 Protected Trees and multiple non-Protected Trees. The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. The hillside has a gradual slope along the southern and eastern portions of the site, where the western portion of the site, along Eastern Avenue, has a steeper slope. The portion of the site located along Lombardy Boulevard was previously graded and consists of a relatively flat building pad and a gradual slope. While there are trees located throughout the site, there is a concentration of Protected Trees located along the western portion of the site.

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Of the 42 dwelling units, 38 dwelling units have been clustered along the southern and eastern property lines which lots developed with single-family dwellings located on lots zoned [Q]R1-1D and [Q]RD6-1D. The adjoining lots to the south and east are located at a lower grade than the proposed dwelling units. As discussed in Finding No. 4, the applicant proposes to construct a series of retaining walls resulting in a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. Up to 103 of the retaining walls are proposed to have an additional 6-foot high privacy/security fence constructed on top of the retaining wall. Of the 103 retaining walls that are proposed to have a privacy/security fence installed on top of the retaining wall, 17 walls are located within either the Front, Side, or Rear Yards of the site, or the boundary of the subdivision. As such, the retaining walls and privacy/security fence would be limited to a maximum height of 42 inches within the Front Yard and 6 feet within the Side and Rear Yards pursuant to LAMC Section 12.22 C.20(f). The applicant has proposed to construct a privacy/security fence with a maximum height of 6 feet on top of the proposed retaining walls that would vary in height. At its maximum, this would result in a retaining wall with a privacy/security fence with a height of 12 feet.

At the southwest corner of the site, on Lot No. 1, the applicant has requested to permit two retaining walls, Retaining Wall (RW) No. 1 and 2, with a height of 6 feet and RW No. 3 with a height of 3 feet and to have a privacy/security fence with a maximum height of 6 feet. This would result in walls that vary in height from 9 to 12 feet. Along the northwest corner of the, on Lot Nos. 23 – 28 and 39, RW No. 175 is proposed to have a maximum height of 6 feet and to have a privacy/security fence with a maximum height of 6 feet. On Lot No. 39, RW Nos. 172 and 173 are proposed to have a maximum height of 6 and 3 feet, respectively. A portion of RW No. 1 and 175 are located along the western property line along Eastern Avenue, which is at a lower elevation than the proposed small lot homes located on the same lot. RW Nos. 2, 3, 172, and 173 are also at a higher elevation than RW Nos. 1 and 175. Due to the existing topography, a retaining wall with a maximum height of 6 feet may be necessary to retain the soil and assist in stabilizing the hillside; however, the placement of the retaining walls and location of the dwelling unit along the hillside do not warrant the construction of an additional 6-foot high privacy/security fence. As approved herein, RW Nos. 1, 172, and 175 which are located within the front yard along Eastern Avenue and Lombardy Boulevard may have a maximum height of 6 feet if determined to be necessary by the Grading Division of the Department of Building and Safety and no privacy/security fence may be permitted on top of the retaining walls. RW Nos. 2, 3, 65, and 173 may construct the retaining wall with a privacy/security fence on top of the wall; however, the combined height shall be limited to a maximum of six (6) feet.

A portion of RW No. 1 and the remaining retaining walls identified by the applicant are located within the side and rear yards along the southern and eastern property lines and vary in height from 2 to 6 feet. The southern and eastern property lines abut single-family dwellings which are generally built at a lower elevation than the proposed dwelling units and retaining wall. Comments have been received from some of the surrounding neighbors with concerns regarding the loss of privacy. While the dwelling units have provided adequate setbacks from the adjoining property lines, the setback area is anticipated to be utilized as private open space for the future residents. In consideration of the topography of the site and comments received from the public, permitting an over-in-height retaining wall with a privacy/security fence on top of the wall will provide additional security and address the concerns related to the loss of privacy from the adjoining neighbors. As approved herein, the retaining walls located along the outer perimeter along the southern and eastern property lines may be constructed with a privacy/security fence on top of the wall; however, the combined height shall be limited to a maximum of six (6) feet.

As conditioned herein, the retaining walls and privacy/security fences will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. In consideration of the proposed location and topography of the hillside, as approved, the proposed height of the retaining walls and privacy/security walls would not impact the accessibility of light or air.

- b. **In light of the project as a whole including any mitigation measures imposed, 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 safety, public health, welfare and safety.**

The Project will construct 42 new small lot homes on the approximately 218,270 gross square-foot lot located within the Northeast Los Angeles Community Plan area. The small lot homes will have approximately 2,000 square feet of floor area and a

maximum height of 26 feet. The Project will require the removal of 39 of 102 Protected Trees (Black Walnut trees) located on the site and the grading of 82,000 cubic yards of dirt and export of approximately 78,000 cubic yards of dirt. As the site is zoned [Q]R1-1D and [Q]RD6-1D, the Project requires the adoption of the recommended Zone Change to (T)(Q)RD5-1D to permit the small lot development. As discussed in Finding Nos. 1, 2, and 3, the Project is consistent with the goals, objectives, policies, and programs of the General Plan and Community Plan and would develop the site with dwelling units at a density that is consistent with the Low Residential land use designation. Furthermore, the determination has incorporated the mitigation measures identified in the Mitigated Negative Declaration prepared for the Project, Case No. ENV-2015-1918-MND, as enforceable conditions. Compliance with the conditions of approval and existing regulatory measures would allow the development of the site with a project that is consistent with the surrounding area. As such, the Project will be compatible with the surrounding area and will not adversely affect or further degrade adjacent properties, surrounding neighborhoods, or the safety, public health, welfare and safety.

- c. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. The Project would include a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. As discussed in Finding Nos. 2 and 3, with the approval and adoption of the recommended zone change to (T)(Q)RD5-1D, the Project will substantially conform with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan. The Project Site is not located within a specific plan.

### **Environmental Findings**

- 6. **Environmental Finding.** A Mitigated Negative Declaration (MND), Case No. ENV-2015-1918-MND, and Mitigation Monitoring Program was prepared for the project and published for re-circulated on Thursday, April 6, 2017. The analysis in the MND found that potential negative impacts could occur from the project's implementation due to Aesthetics, Air Quality, Biological Resources, and Transportation/Traffic and that those impacts could be mitigated to a less than significant level with the implementation of the identified mitigations. The MND found that there were no potentially significant impacts that could not be mitigated to a less than significant level. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant effect on the environment.
- 7. **Flood Insurance.** 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 in Zone C, areas of minimal flooding.