



EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **APR 28 2021**

Case No. ZA-2019-4701-ZAD-SPP-1A

CEQA: ENV-2019-4702-CE

Plan Area: Northeast Los Angeles

Council District 1: - Cedillo

Project Site: 621 East Frontenac Avenue

Applicant: Meghan Daum
Representative: Bobby Rees

Appellant: Padraic Cassidy

At its meeting of **April 14, 2021**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of a new 2,472 square foot, two story single family dwelling with a 411 square foot attached garage on a vacant 9,498.1 square foot lot within the Mount Washington-Glassell Park Specific Plan.

1. **Determined**, pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15303, Class 3, an Exemption from CEQA, and that there was no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated January 28, 2021;
3. **Approved**, pursuant to Section 12.24 X.28 of the Los Angeles Municipal Code (LAMC), Zoning Administrator's Determination to permit the construction, use, and maintenance of a new single-family dwelling fronting a Substandard hillside Limited Street where a 20 foot wide Continuous Paved Roadway is not provided from the driveway apron to the boundary of the Hillside Ara, as required by LAMC Section 12.21 C.10(i)(3);
4. **Approved**, pursuant to LAMC Section 11.5.7C, and the Mount Washington-Glassell Park Specific Plan Ordinance no. 168,707, a Project Permit Compliance Review for the construction of a 2,472 square foot, two-story, single-family dwelling with a 411 square foot, attached two-car garage, on a 9,498.1 square foot lot;
5. **Adopted**, the attached Conditions of Approval; and
6. **Adopted**, the attached Findings.

The vote proceeded as follows:

Moved: Stevens
Second: Campos
Ayes: Rascon
Absent: Arellano, Espinoza

Vote: 3 – 0



Jennifer Edwards, Commission Executive Assistant
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 final and effective upon the mailing of this determination letter and not further appealable.

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.

Attachment: Zoning Administrator's Determination dated January 28, 2021, Interim Appeal Procedure (CEQA)

c: Christina Toy Lee, Associate Zoning Administrator
Rebecca Valdez, Principal Planner
Debbie Lawrence, Senior City Planner
Nashya Sadono-Jensen, City Planning Assistant

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

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CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
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THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES

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DEPUTY DIRECTOR
planning.lacity.org

January 28, 2021

Robert Rees (A)
Rees Studio
2605 17th Street
Santa Monica, CA 90066

Meghan Daum (O)
780 Riverside Drive, #5D
New York, NY 10032

CASE NO. ZA-2019-4701-ZAD-SPP
ZONING ADMINISTRATOR'S
DETERMINATION, PROJECT PERMIT
COMPLIANCE
621 Frontenac Avenue
Northeast Los Angeles Community Plan
Zone: R1-1
C.D: 1
D.M.: 148-BA223
CEQA: ENV-2019-4702-CE
Legal Description: Lot 230, Le Moyne
Terraces Tract No. 2

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (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 sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 X .28, I hereby APPROVE:

a Zoning Administrator's Determination to permit the construction, use and maintenance of a new single-family dwelling fronting a Substandard Hillside Limited Street where a minimum 20-foot wide 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); and

Pursuant to LAMC Section 11.5.7C, and the Mount Washington-Glassell Park Specific Plan Ordinance No. 168,707, I hereby APPROVE:

a Project Permit Compliance Review for the construction of a 2,472 square-foot, two-story single-family dwelling with a 411 square-foot, attached two-car garage, on a 9,498.1 square-foot lot.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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.
4. 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.
5. 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, 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 master 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 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 inclusion in the case file.
7. Approved herein is the construction, use and the maintenance of a new 2,472 square-foot, two-story single-family dwelling with a 411 square-foot, attached two-car garage, on a 9,498.1 square-foot lot that fronts a Substandard Limited Hillside Street, without providing a minimum 20-foot Continuous Paved Roadway from the driveway apron of the property to the boundary of the Hillside Area. The applicant shall submit revised plans that show the eight-foot dedication. No other LAMC deviations have been requested or approved herein.
8. The applicant shall provide an eight-foot wide street dedication along Frontenac Avenue to the satisfaction of the City Engineer, who shall have the authority to waive such a deviation if they can determine that such waiver will not be contrary to the health, safety and welfare of the immediate and surrounding area at this time.

9. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
10. 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, February 20, 2020 [Log # 111895].
11. No other deviations have been requested from any other applicable provisions of the Hillside regulations (Section 12.21 C.10 of the LAMC), including from any yard setback requirements. All applicable provisions shall be observed.
12. 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, on-site 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.
13. The applicant shall seek approval of an encroachment permit from the Bureau of Engineering for any improvements located within the public right-of-way.
14. 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 area shall not exceed 2,472 square feet, including a 411 square-foot attached garage.

- c. Building Height and Stepback Distances – The proposed dwelling shall be limited to 34.63 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 provide two covered vehicle parking spaces on-site 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. The applicant shall submit a Landscape Plan which demonstrates the two (2) Protected Southern California Black Walnut Trees and one (1) Significant Aleppo pine tree on site. No trees are being proposed for removal as identified in the Tree Report prepared by Lisa Smith, Certified Consulting Arborist (ISA #WE3782) on September 23, 2019.

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 on-site 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 Frontenac Avenue be reduced to a roadway width of less than 20 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 on-site.

15. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- i. 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, 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.

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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.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after February 12, 2021, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San
Fernando
Valley Constituent Service
Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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.

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 OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on June 4, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a Zoning Administrator's Determination as enumerated in Section 12.24 X .28, and a Project Permit Compliance Review as enumerated in Section 11.5.7 of the Los Angeles Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a 9,498.1 square-foot, down-sloping vacant lot fronting on Frontenac Avenue. The proposed project is the construction of a 2,472 square-foot, two-story, 34.63 feet in height, single-family dwelling with an attached garage.

All adjoining properties surrounding the site are zoned R1-1 and either vacant or developed with single-family homes. The surrounding area to the south of the subject property is all vacant except one lot that is developed with a single-family home. The adjacent properties to the north are mostly developed with single-family homes. The adjacent property to the north was approved for a single-family dwelling under Case No. ZA-2018-307-ZAD-SPP.

The site is located in the Northeast Los Angeles Community Plan Area and has a General Plan Land Use Designation for Low Residential uses, corresponding with the RE9, RS, R1, RD6, RD5, and RU Zones. The site is located within the Hillside Area per the Zoning Code, Very High Fire Hazard Severity Zone, is within the Special Grading Area (BOE Basic Grip Map A-13372), and within 1.9 kilometers of the Raymond Fault. In addition, the property is subject to the development standards of both the Baseline Hillside Ordinance and the Mount Washington-Glassell Park Specific Plan. Neighboring properties to the north, south, and across Frontenac Avenue are improved with residences and/or consist of vacant land zoned R1-1.

Frontenac Avenue according to the revised Bureau of Engineering Hillside Referral Form dated November 24, 2020, is a Substandard Hillside Limited Street with a right-of-way width of 28 feet and a roadway width of 20 feet.

Per the Tree Report prepared by Lisa Smith, Certified Consulting Arborist (ISA #WE-3782), there are two Protected Southern California Black Walnut Trees and one (1) Significant Aleppo pine tree on site, but no trees are being proposed for removal.

Previous zoning related actions on the site include:

Ordinance No. 184,802 – On March 1, 2017, the City Council passed the Ordinance modifying provisions in LAMC governing the development of single-family zoned properties (R1, RS, RE, and RA) citywide to establish new regulations regarding the size and bulk of new and enlarged homes, and to further regulate grading and earth import and export in designated Hillside Areas. The proposed project is subject to the provisions of this Ordinance not within the purview of the Mt. Washington Specific Plan, as the discretionary entitlements were filed on June 19, 2017, after the effective date of the Ordinance on March 17, 2017.

Ordinance No. 181,624 – The Ordinance establishing new regulations for single-family residential zoned properties (R1, RS, RE, and RA) located in the Hillside Area became effective on May 9, 2011.

Ordinance No. 168,707 – On April 2, 1993, the City Council passed the Ordinance establishing the Mount Washington-Glassell Park Specific Plan.

Previous zoning related actions within 500 feet of the subject site include:

Case No. ZA-2018-307-ZAD-SPP (617 East Frontenac Avenue) – On October 25, 2019, the Zoning Administrator denied a determination to permit the construction of a new a single-family dwelling on a lot fronting on a Substandard Hillside Limited Street without providing a 20-foot adjacent roadway width, approved the construction of a single-family dwelling fronting onto a Substandard Hillside Limited Street which does not have a vehicular access route with a minimum 20-foot paved roadway to the boundary of the Hillside Area, and approved a Specific Plan Project Permit compliance under the Mt. Washington/Glassell Park Specific Plan. The case was appealed to the East Los Angeles Area Planning Commission and at its meeting on January 22, 2020, denied the appeal and sustained the Zoning Administrator's Determination.

Case No. ZA-2009-3553-ZAD-ZAA-SPP (536 West Avenue 46) – On December 1, 2010, the Zoning Administrator approved the construction of a single-family dwelling fronting onto a Substandard Hillside Limited Street which does not have vehicular access route with a minimum 20-foot paved roadway to the boundary of the Hillside Area, and approved a Specific Plan Project Permit compliance under the Mt. Washington/Glassell Park Specific Plan.

Case No. ZA-2005-7828-ZAD-ZAA (582 West Avenue 46) – On June 1, 2006, the Zoning Administrator approved the construction of a single-family dwelling fronting onto a Substandard Hillside Limited Street which does not have a vehicular access route with a minimum 20-foot paved roadway to the boundary of the Hillside Area.

Case No. ZA-2004-7820-ZAD-SPP (3918 and 3924 West Rome Court) – On July 13, 2005, the Zoning Administrator approved the construction of a single-family dwelling fronting onto a Substandard Hillside Limited Street which does not have a minimum roadway width of 20-feet adjacent to the subject property and have a vehicular access route with a minimum 20-foot paved roadway to the boundary of the Hillside Area, and approved a Specific Plan Project Permit compliance under the Mt. Washington/Glassell Park Specific Plan.

PUBLIC HEARING

The hearing was held on June 4, 2020 at approximately 11:00 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely telephonically.

Bobby Rees, the project architect, introduced the project and stated that this is a two-story single-family dwelling. The proposed square footage is well within the limit and is lower than 40%. The proposed materials are compliant with the Specific Plan. Per the Bureau of Engineering Hillside Referral form, 20 feet will be provided for the minimum adjacent roadway and only requesting the 20-foot continuous paved roadway. If sidewalk is required, does not oppose to a sidewalk. Empty lots to increase housing stock. This is a down-sloping lot and will install retaining wall and guardrails.

Tamar Rosedahn, who lives in the community, stated support of the project and that the street is nicely paved.

Oliver, a neighbor, stated this is expensive and other have waivers. Safety for the community.

Andrea, the daughter of the adjacent lot, stated that the street will be widened to 20 feet. There are issues of sidewalks for them and it is more dangerous to have a sidewalk.

Max, who lives at the corner of Frontenac Avenue, stated that there needs to be a turnaround. There is a school and want rules followed.

Padraic Cassidy, stated that the Area Planning Commission on another project wanted sidewalk. Not in conformance with the Specific Plan.

Steve, who lives on Frontenac Avenue, stated it should comply with the hillside right-of-way. Need eight feet wide.

Dena, who lives across the property, stated that 20 feet is not a properly engineered street. This is a narrow street. Should be a sign for pedestrian.

Bobby Rees responded to some of the statements raised during the hearing. None of the projects have sidewalks installed. Regarding the pathway for the students, this is across private property. Happy to take out landscaping in the public right-of-way.

Meghan Daum, the property owner, stated that she was mindful to the character of the neighborhood. Will live there for the rest of my life. Only one to two homes have a sidewalk. Is a columnist for LA Times and is a devoted Angeleno.

The Zoning Administrator closed the public hearing and stated that the case would be held under advisement for two weeks to look at the materials submitted, including the Bureau of Engineering Referral Form.

PUBLIC CORRESPONDENCE

A correspondence was received from the property owner, Meghan Daum, on July 17, 2020. These are winding street in the hills with no sidewalks. Requirement by neighbors for a sidewalk will make the area less safe. A "sidewalk to nowhere" will cause confusion, visibility and safety concerns for pedestrian and drivers, and be aesthetically unsightly. Project is modest in scope that will be lived in by owner. Neighbors prefer undeveloped land. Can be a larger and more intrusive house.

A correspondence was received from the project architect, Bobby Rees, on July 17, 2020. The sidewalk is inappropriate for our project and for the surrounding neighborhood. Submitted proposal for the work to construct the sidewalk, curb and gutter, which would require a 60-foot retaining wall, supported on piles. Proposal includes guardrail on one side of sidewalk, where the drop in grade is more than 30 feet. It will cost \$104,000, representations a substantial portion of the tight budget. City has a housing crisis and is affected by the difficult of building housing units. Owners of 617 Frontenac, have gone through the same process, but have listed their property for sale due to the cost of adding a sidewalk. Neighborhood almost devoid of sidewalks, the requirement to add one seems inconsistent with the goals of the city and neighborhood.

Correspondences were received from the following residents on Frontenac Avenue, dated June 2, 2020: Steve and Carmela Dietrich, Alyra Lennox and Max Burgos, Gina Kwon, Padraic Cassidy, Arline DeSanctis, Michele and Paul Girard, Dina DeSanctis, Phil DeSanctis, and Sasha Dhall. Would like to express support of the project, but aren't able to base on its taking of public property and failure to improve the street. Request that the Office of Zoning Administration enforce the determination made by the East Los Angeles Area Planning Commission, in a letter dated January 29, 2020, pertaining to the adjacent proposed project at 617 East Frontenac Avenue: 1.) Require an eight-foot dedication and construction of a curb, gutter and sidewalk and street improvement to the satisfaction of the City Engineer. No reason to set a precedent for future development on the street to skirt requirements enforced at the hearing on January 22, 2020, with Maya Zaitzevsky, the City Attorney, and the representative from Gil Cedillo's office present. Narrow streets provide dangerous conditions for drivers and pedestrians. Constant flow of pedestrians because there is a path which cuts from the end of Frontenac Avenue which is a dead end street, up to Rome Court to the top of Mount Washington. Significant increase in car traffic as density

on street as increased. When there is a courier delivery to one household on street, blocks traffic from passing, dangerous situation if there is an emergency require fire truck or ambulance to pass. There are patches of sidewalks on Frontenac Avenue, which allow pedestrians to step out of the road to allow vehicles to pass, that increases safety. Minimum duty of the City to enforce the building of sidewalks in Mount Washington for new construction wherever possible to increase safety. It is an inherent cost of building in the neighborhood. 2.) Create legal, safe road as approved by the City through a B-Permit process as 617 Frontenac is currently required to do. High Fire Hazard Zone, threat of fire, if swept up canyon along Rainbow Avenue would quickly engulf the homes. Existing pavement and street in front of 626 were not done by permit and therefore cannot be relied up to be legal a safe, especially for heavy emergency vehicles. Responsibility of new construction to improve to the centerline of the street. Welcome Meghan Daum to build on street. But new construction needs to incrementally improve the street, according to the codes, regardless of financial impact. Dangerous precedent if it avoids requirement of 617 Frontenac.

Correspondences were received from Padraic Cassidy, dated June 2 and June 4, 2020. Submitted exhibit in which the applicant represents by implication as qualifying for an improved street. The B-Permit is referral is flawed, to improve streets incrementally, various databases will need to be commingled (City survey/BOE work/log of improved roadwork to determine completion). Paving is short of the property. Although hearing isn't meant to address these substandard conditions, they weren't called out in application submission. Submitted exhibit of the APC determination letter for ZA-2018-307-ZAD-SPP-1A for 617 East Frontenac Drive. The applicants plan misrepresented the prevalence of sidewalks along the street and included exhibits with the following: Streetscape Study Map; views along Frontenac; view further down to 511 W. Avenue 46, the Garlin Center, across 659 Frontenac; and a view of the sidewalk at Carlin G.

Additional graphics were submitted by project architect, Bobby Rees, on June 4, 2020 that contained the following contents: Department of Building and Safety/Public Works Preliminary Referral Form; exhibit showing the width of the street using ZIMAS; exhibit of existing and no sidewalks in area; exhibit of the corner of Frontenac and Avenue 45; exhibits showing the retaining walls on both sides of Frontenac, an 18-foot roadway width, garages within three feet of curb, and driveways; and an elevation.

MANDATED FINDINGS - ZONING ADMINISTRATOR'S DETERMINATION

In order for relief to be granted from requirements permitting the construction of buildings on Substandard Hillside Streets, all findings mandated in Section 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:

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 a vacant downward sloping lot fronting Frontenac Avenue. The property is zoned R1-1, designated for Low Residential land use and is located in 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 subject property is within the Hillside Area, Very High Fire Hazard Severity Zone, a Special Grading Area (BOE Basic Grip Map A-13372), a seismically induced zone, and 1.9 kilometers from the Raymond Fault Zone.

The property is subject to the Specific Plan, and to many provisions of the Baseline Hillside Ordinance ("BHO") which was adopted to preserve the character of single-family hillside neighborhoods and to protect neighborhoods from out-of-scale residential development. Property owners who want to deviate from the BHO development standards may apply for limited relief if the required findings can be made in the affirmative.

The proposed project includes the construction of a 2,472 square-foot, two-story single-family dwelling including a 411 square-foot, attached two-car garage, on a 9,498.1 square-foot lot. The project fronts on Frontenac Avenue. The applicant is requesting a relief from the requirement to provide a 20-foot wide Continuous Paved Roadway to the boundary of the hillside area (Section 12.21C.10(i)(3)).

Per the Bureau of Engineering's (BOE) Hillside Referral Form, dated June 5, 2019, Frontenac Avenue is a Substandard Hillside Limited Street with a right-of-way width of 28 feet and a roadway width of 20 feet; and requires a four-foot dedication along the property's Frontenac Avenue frontage. In response to concerns during the hearing, the Zoning Administrator reached out to BOE to confirm the dedication requirement. BOE confirmed the four-foot was incorrect and issued a revised Hillside Referral Form, dated November 24, 2020, stating that the applicant is required to provide an 8-foot dedication along the property's Frontenac Avenue frontage. Accordingly, the project plans will need to be updated to show an eight-foot street dedication and street improvements consistent with this requirement, unless the City Engineer determines that a lesser dedication width is adequate for circulation purposes. The applicant is not requesting relief from providing the full 20-foot roadway width in front of the property (LAMC Section 12.21C.10(i)(2)), but is only requesting relief from the requirement to provide a 20-foot wide Continuous Paved Roadway to the boundary of the hillside area (Section 12.21C.10(i)(3)).

The project will perform a function that is beneficial to the City by maintaining the housing supply. The request to waive the Continuous Paved Roadway requirement is approved because compliance with that regulation would involve removal of structures and improvements not under the applicant's ownership. Improving the Continuous Paved Roadway of Frontenac Avenue could result in the demolition of existing walls, structures, buildings, fences and other improvements on all 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. Improvements necessary to meet the strict application of the Code would not be proportionate to potential impacts generated by the project.

The Department of Building and Safety Grading Division approved the project's soils report subject to numerous conditions. The site plan and landscape plan will be reviewed by the Fire Department for compliance with the hillside fire protection requirements. Therefore, as conditioned herein, the addition to an existing single-family dwelling and the required street widening will maintain the City's housing supply and will enhance the built environment of Mt. Washington.

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 proposed project will be built in accordance with all hillside regulations, including the requirements of the Mount Washington-Glassell Park Specific Plan. The proposed development of 2,472, including the 411 square-foot garage is designed to a floor area that is below the allowable floor area permitted by the Specific Plan. It is set back sufficiently from the front lot line to avoid any vertical massing at street-level. The proposed building height of 34.63 feet is within the 45-foot maximum building height permitted. The project will provide the required number of off-street parking spaces based on the proposed square footage, as conditioned. The applicant shall revise the site plan to reflect the eight-foot dedication. Conditions have been imposed to ensure that during temporary construction activities for the project do not burden the neighborhood. Conditions include that neighbors are informed of building schedules; a contact name and phone number be provided to adjoining neighbors, and posted on the site; and that a staging/parking area is provided for construction. The project as conditioned, will protect public health, safety and welfare.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The Framework Element establishes the broad overall policy and direction for the General Plan. Approval of the project is in substantial conformance with the following Framework Element housing goals and objectives:

- 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.

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.3: Conserve scale and character of residential neighborhoods.

Objective 4.4: Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

The Housing Element provides a plan for the City's existing and future housing needs to ensure a range of housing choices for residents of all income levels. The Housing Element determined the City was "facing an unprecedented housing crisis" due to the high demand for housing and the lack of affordable options. The Housing Element provides decision-makers policy guidance to evaluate discretionary housing applications. This approval conforms to the following goals and objectives in the Housing Element:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.5: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Northeast Los Angeles Community Plan Map designates the subject property for Low Residential land uses with the corresponding zones of RE9, RS, R1, RD6, RD5, and RU Zones. The proposed use of the property is consistent with the Plan. The property is also located within the Mount Washington-Glassell Park Specific Plan and the grant is conditioned to comply with the regulations of the Specific Plan. Generally, the Plan seeks to promote compatible design and ensure public safety. The proposed project will adhere to the purpose, intent, and provisions of both the General Plan and the Community Plan, as well as 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. The 'Residential' section of the plan sets the following objectives:

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 the construction of a new single-family dwelling, 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 1-1 and 1-3 noted above by maintaining the housing to the community and preserving the low-density residential character of the surrounding area and Objective 1-2 with the addition of a new dwelling. Therefore, as conditioned, the grant of this request will not adversely affect any element of the General Plan as the basic use of the property is consistent with the General 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 property is zoned R1-1 and the Northeast Los Angeles Community Plan and designates the subject parcel for Low Residential land use. The construction of a new 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. The intent of the Hillside regulations are to provide for safe vehicular access for public traffic, and for access by emergency vehicles in case of fire or other emergency. This property, and others in the area, are located in a Very High Fire Hazard Severity Zone, designated by the City of Los Angeles Fire Department based on criteria that includes fuel loading, slope, fire weather, and other relevant factors. The site fronts on Frontenac Avenue, a Substandard Hillside Limited Street. Requiring the applicant to allow relief from the off-site Continuous Paved Roadway improvements is logical and appropriate relative to the scope of the proposed development. As conditioned herein, the construction of a new single-family dwelling with the construction of the on-site street improvements can be deemed to be in conformity with the public necessity, convenience, general welfare and good zoning practice.

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.**

Per the revised Bureau of Engineering's (BOE) Hillside Referral Form, dated November 24, 2020, Frontenac Avenue is a Substandard Hillside Limited Street with a right-of-way width of 28 feet and a roadway width of 20 feet; and requires an eight-foot dedication along the property's Frontenac Avenue frontage. Two parking spaces will be provided in the garage. The traffic associated with the dwelling itself will not create any additional adverse impact on street access or circulation except for typical vehicular traffic associated with the addition to an existing dwelling, which is consistent with the Community Plan, will not significantly alter the existing character and permitted density in the area. Access to the subject property will be from Frontenac Avenue.

To deviate from LAMC Section 12.21 C.10(i)(3) of the Baseline Hillside Ordinance would not hamper the implementation of Hillside policies and programs as other projects in the area received the same exemption and many residents wish to maintain the existing rural character of the street and the neighborhood. The widening and improvement of the Continuous Paved Roadway would require access to other private property owner's improvements or land where the road construction that may impact those sites. Transferring responsibility from the neighboring property owners along the street to the project applicant would be an unfair burden and is disproportionate to the vehicular traffic generated by the single-family dwelling. The waiver of the Continuous Paved Roadway associated with the single-family dwelling would not adversely affect street access or circulation on Frontenac Avenue as traffic trips generated is insignificant. The vehicular traffic of the addition of a single-family dwelling is unlikely to result in an adverse impact to street access or circulation. Due to these reasons, the Department has consistently granted the request to relieve hillside projects from widening and improving continuous paved roadway. Furthermore, required off-street parking will be provided on-site. A number of conditions have been imposed as part of this grant to ensure that during construction, neighbors are informed of building schedules, including requirements for a flag person, off-site staging and limits on truck hours and sequential deliveries.

6. **The building or structure, and the reduction in yards, 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, as well as with adherence to building codes and other Federal and State regulations. The single-family dwelling will remain compatible in size and height with the adjacent properties and the project will be conditioned to comply with the Mount Washington-Glassell Park Specific Plan. The Specific Plan ensures that projects such as the one proposed are harmonious with surrounding land uses and further the safety and welfare of the neighboring community. The dwelling will not be materially detrimental or injurious to surrounding properties.

As a single-family dwelling, the proposed project will fit with the character of the surrounding community as a low-density residential development. The single-family dwelling will be built in accordance with all Hillside regulations, including the requirements of the Mount Washington-Glassell Park Specific Plan. The proposed development will not exceed the allowable floor area and is set back sufficient from the lot to avoid excessive vertical massing at the street-level. Each hillside developer is expected to comply with the on-site street improvements to ensure their development does not materially affect safety in the neighborhood. Requiring improvement of the roadway to the boundary of the hillside would be impractical, as many properties have improvement in the public right-of-way or front yard setback. The applicant does not have rights to the properties that he/she does not own to dedicate and improve, therefore, making such improvements infeasible and without rational nexus.

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.**

The applicant seeks a waiver of the Continuous Paved Roadway to the boundary of the hillside area. Strict adherence to the requirement for a 20-foot Continuous Paved Roadway improvement on Frontenac Avenue is infeasible as there are multiple existing structures that exist between the subject property and the boundary of the hillside area. It will be infeasible for the applicant to acquire right-of-way for private property, some of which have structures within the improvement area. To require the applicant to further improve the roadway from their driveway to the boundary of the Hillside Area is disproportionate to the impact created by a mere modest sized single-family home project. The financial and legal burden on the applicant to bear the cost associated with purchasing or obtaining rights to demolish improvements belonging to the lots located along the route, and the construction of the retaining walls and the roadway, would render the new single-family project 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 9,498.1 square-foot lot permits a Maximum Gross FAR of 0.41:1 or 3,894.2 square feet of floor area. The proposed project's floor area is 2,472 square feet, including the 411 square-foot garage. The subject project does not exceed the FAR maximum allowance specified in this section of the Mount Washington-Glassell Park Specific Plan.

b. **Building Height and Stepback Distances**

The proposed height of the dwelling is 34.63 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 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 required prevailing front yard setback requirement for this property is five feet, and the setback provided is 11 feet 11 inches. However, as conditioned, the project shall provide an eight-foot wide street dedication along Frontenac Avenue to the satisfaction of the City Engineer, and the revised setback would be 7 feet 7 inches. The project complies with the prevailing front yard setback requirements, 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 covered parking spaces for each single-family dwelling with a residential floor area of 2,400 square feet or less. The project proposes two covered parking spaces within an attached garage for the single-family dwelling containing 2,472 square feet of floor area, which is in compliance with the parking requirements.

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 removal of earth from on-site exceeds 1,000 cubic yards. The proposed project will export approximately 97.83 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.

Per the Tree Report prepared by Lisa Smith, Certified Consulting Arborist (ISA #WE-3782), there are two (2) Protected Southern California Black Walnut Trees and one (1) Significant Aleppo pine tree on site, but no trees are being proposed for removal. Therefore, the project complies with Section 8 of the Specific Plan.

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 location 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 aluminum, metal and wood design elements. The proposed project is designed to work with the contour of the slope such that the rear of the building angles to follow the slope. A wood deck driveway bridge is proposed to allow access to the one-story garage and entryway at the street level, and the other level is proposed below the street level to result in less massing along the street frontage. The front façade is a single story that follows the angle of the street. The street level and front entry will consist of a closed garage with an entryway. The rear façade is angled to follow the topography further integrating the building into the landscape. The mass is widened at the rear as the topography slopes down, keeping a modest front façade from the street view. The exterior of the dwelling will have a brown, wood finish with zinc grey metal roofing. Aluminum clad will frame each window and the dwelling will have French doors.

The surrounding buildings utilize a variety of materials and designs, and the proposed project is architecturally compatible, yet incorporates variations. The neighboring properties are mostly stucco and are two to three story homes, whereas the proposed project will mostly consist of a wood design. 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.**

Based on the whole of the administrative record, the project has been 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. The project proposes new construction of a 2,472 square-foot, two-story single family dwelling with an attached garage, on a 9,498.1 square-foot vacant lot that is within the Mount Washington-Glassell Park Specific Plan.

The site is zoned R1-1 and has a General Plan Land Use Designation of Low Residential. As shown in the case file, the project is consistent with the applicable Northeast Los Angeles Community Plan and Mount Washington-Glassell Park Specific Plan designation and policies and all applicable zoning designations and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately 9,498.1 square feet. Lots adjacent to the subject site are vacant or developed with residential use including single family residences. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are two (2) Protected Southern California Black Walnut Trees and one (1) Significant Aleppo pine tree on site, but no trees are being proposed for removal as identified in the Tree Report prepared by Lisa Smith, Certified Consulting Arborist (ISA #WE3782) on September 23, 2019. This Tree Report was approved by the Urban Forestry Division on February 24, 2020. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Therefore, the project meets all of the Criteria for the Class 3.

There are six (6) Exceptions which must be considered in order to find a project exempt under 15303 Class 3: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.


While the subject site is located within Hillside Area, Special Grading Area (BOE Basic Grid Map Act A-13372), Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, and is located 1.9 kilometers from the Raymond Fault, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of “sensitive” locations and will reduce any potential impacts to less than significant. Regulatory Compliance Measures (RCMs) include requirements to conform with the California Building Code and the City’s Landform Grading Manual (see attached Regulatory Compliance Measures). These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. The project shall comply with the conditions contained within the Department of Building and Safety’s Geology and Soils Approval Letter dated February 20, 2020 for the proposed project. Thus, the location of the project will not result in a significant impact based on its location.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes new construction of a 2,472 square-foot, two-story single-family dwelling with an attached garage, on a 9,498.1 square-foot vacant lot in an area zoned and designated for such development. All adjacent lots are developed with single family dwellings or vacant land, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 0.26:1 on a site that is permitted to have a maximum FAR of 0.41:1. The project proposes a building height of 34.63 feet which is not unusual for the vicinity of the subject site, and is similar in scope to other existing low residential in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The proposed project is located over 35.4 miles away from Topanga State Park, therefore, the subject site will not create any impacts within a designated state scenic highway. Furthermore, according to Envirostor, the State of California’s database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City’s HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

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.

Inquiries regarding this matter shall be directed to Nashya Sadono-Jensen, Planning Staff at (213) 978-1363.



CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:DL:NS:NSJ

cc: Councilmember Gilbert A. Cedillo
First Council District
Adjoining Property Owners
Interested Parties

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

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

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment