



## APPLICATIONS:

# APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

**Related Code Section:** The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

**Purpose:** *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

### General Information

Appealable CEQA documents:

- |   |                              |
|---|------------------------------|
| - Certified Environmental Impact Report (EIR)             | - Negative Declaration (ND)  |
| - Sustainable Communities Environmental Assessment (SCEA) | - Categorical Exemption (CE) |
| - Mitigated Negative Declaration (MND)                    | - Sustainable Exemption (SE) |

#### NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

### 1. Case Information

Environmental Case Number: \_\_\_\_\_

Related Entitlement Case Number(s): \_\_\_\_\_

Project Address: \_\_\_\_\_

Date of Final Entitlement Determination: \_\_\_\_\_

The CEQA Clearance being appealed is a(n):

☐ EIR      ☐ SCEA      ☐ MND      ☐ ND      ☐ CE      ☐ SE

### 2. Appellant Identity (check all that apply)

- |   |   |                                       |
|---|---|---------------------------------------|
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner           | <input type="checkbox"/> Other Person |
| <input type="checkbox"/> Applicant      | <input type="checkbox"/> Operator of the Use/Site |                                       |

### 3. Appellant Information

Appellant Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self      ☐ Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?      ☐ Yes      ☐ No

#### 4. Representative/Agent Information

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

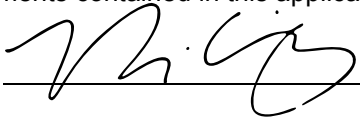
Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### 5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

#### 6. Applicant's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: **5/10/21**

### ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

- 1. Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)  
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Environmental Appeal Application (form CP-7840)
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

**2. Electronic Copy**

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

**3. Appeal Fee**

- ☐ Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☐ Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# Padraic Cassidy Architect

Monday, May 10, 2021

## Justification for Appeal of CEQA Categorical Exemption for Project at 621 Frontenac Ave.

Dear Council Members,

This appeal highlights the CEQA exemption's erroneous claim on page 23 (ZA-2019-4701-ZAD-SPP):  
**"There is not a known succession of similar projects of the same type and in the same place as the subject project."**

It is in fact adjacent to a project at 617 Frontenac, whose review conditioned street improvements and the addition of a sidewalk, describing them as critical for the safety of the both the cars and pedestrians of the community in acknowledgement of the existing substandard road.

The environmental impact of this lack of enforcement for buildout of the previously unimproved roadway at 621 Frontenac would have both a significant effect and a cumulative impact:

**It will have a significant effect to safety** immediately to the adjacent community by restricting access in its failure to improve the adjacent road while intensifying its use within this Very High Fire Hazard Zone, effectively certifying the existing un-permitted roadwork adjacent to the site.

**It will have a cumulative impact on safety** by allowing deviation from the roadway in the tract map (based on whomever builds on whatever side of the road first). With 7 remaining vacant lots along this previously unimproved roadway and prospective intermittent enforcement of these requirements, future waivers of improvement may be justified as a result of its precedent.

Both properties at 617 and 621 front a portion of legal, permitted improved roadway at 620 Frontenac Avenue (see attached Tract Map 148-5A223 for relative location). This roadway was biased 4' north of the centerline of the public way based on an 8' dedication at this side and the downhill condition opposite, anticipating future development, improvement and replacement of its asphalt berm. Both projects have been conditioned to address this lopsided deviation with their own 8' dedication, however only the project at 617 Frontenac has conditioned improvements to this existing roadway as a mandatory requirement of its approval:

Conditions of Approval:

(621 Frontenac ZA-2018-307-ZAD-SPP, 10/25/19, attached page 2)

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.

(617 Frontenac ZA-2019-4701-ZAD-SPP, 1/28/21, attached page 2)

7. Approved herein is the construction of a new 2,736 square-foot, two-story single-family dwelling including a 345-square foot, attached two-car garage on a lot that fronts on a Substandard Limited Hillside Street, without providing a 20-foot CPR to the boundary of the Hillside Area. The applicant shall submit revised plans showing the eight-foot dedication. **Applicant shall construct curb, gutter, sidewalk and suitable transition to the existing improvements to the satisfaction of the City Engineer.** No other LAMC deviations have been requested or approved herein.

# Padraic Cassidy Architect

The Determination Letter for 621 details no requirements for street improvements to the City Engineer. Further, because the approval lacks any conditioning direction for the BOE, and is itself a unilateral approval, it renders the BOE powerless to do more than request and/or determine to reduce or waive the 8' dedication, with no further street improvements despite their discovery of its existing inferiority.

The appellant confirmed this in a meeting on April 26, 2021, a meeting scheduled after initial contact the day following the appeal hearing, with Wesley Tanijiri, the Central District Engineer, and his two staff members Matt Musuda and Than Win. They individually and collectively noted the frustration of this process whereby "their hands were tied" from the ability to do anything further than what the Planner conditioned. Contrary to the spirit represented in the APC Hearing of 4/14/21, the BOE has no authority to act unilaterally in determining the buildout of the roadway, instead the Bureau stands in deference to the Planners and the language of the Hillside Ordinance in its 20' adjacent roadway without prescribing this roadway adheres to the Tract Map (however one may consider this implied). This narrow definition seems to stand counter to the Hillside Ordinance's intent. One presumes buildout at a minimum of this specific 20' minimum adjacent roadway, already formally acknowledged as substandard and existing in a Very High Fire Hazard Zone, is meant to adhere to the Tract Map location of the road, and not an arbitrary re-routing in order to be in accordance with the General Plan.

Page 19 of ZAD approval letter for 621 Frontenac (ZA-2019-4701-ZAD-SPP, 1/28/21) stipulates:

**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.**

Due to the initial B-permit referral form checking the box to determine there is a 20' adjacent roadway and this broad interpretation of the Hillside Ordinance, without studying the street's actual wayward location vis a vis the Tract Map, the remainder of the Determination Letter is mute on improvements.

In both APC Hearings of and 4.14.21 (621 Frontenac) and 1.20.20 (617 Frontenac) multiple commissioners held forth on the necessity of the improvements in spite of objection by the applicants.

In this hearing for 621 Frontenac, East Area Planning Commission meeting 4/14/2021, statements regarding its necessity were unanimous among the three present commissioners, each of them taking turns to assert their determination that a sidewalk/street improvement was necessary.

President Commissioner Stevens: **I do believe, that we need to enforce the policy so that we achieve the goal of incremental improvements to the street.**

Commissioner Rascon: **You know I'm intimately familiar with Mount Washington and myself go jogging in this area, and a sidewalk would, if only, provide a public benefit and add that necessary buffer and coverage, to safety.**

Commissioner Campos: **So before I second, just to make sure so I understand correctly, Commissioner President Stevens motion supports the staff recommendation of denying the appeal and moving forward with the project, but the BOE down the line can enforce the sidewalk?**

City Attorney Oscar Medellin: **For the record, yes, Bureau of Engineering will have purview over what type of improvement is going to be required in the adjacent minimum roadway.**

Commissioner Campos: **OK, in that case, I'd like to second the motion.** (The Commissioners voted 3-0 in favor of denying the appeal whose purpose was to highlight the need for these improvements.)

Also notable is the Planner and Associate Zoning Administrator in this exchange with the President:

Planner Toy-Lee: **They do need to do the 8' dedication, and in that area, the 8', you know usually a 4' sidewalk is required, but that will be determined during the building permit process.**

# Padraic Cassidy Architect

President Commissioner Stevens:

**“OK, and that would still be accomplished by denying the appeal and sustaining the ZA determination, is that correct?”**

Planner Ms. Toy-Lee:

**“Yes, that is correct.”**

Based on the pattern of the 20' Continuous Paved Roadway (CPR) to the bottom of the street being waived, and due to the infeasibility of requiring individual homeowners to make off-site improvements on adjacent properties, this determination without conditions makes permanent the road in its present state as the promise of BOE action is false given an absence of articulated conditions as at 617.

This present state is demonstrably dangerous, as is, with its kink in the road and failure to include and improve the entirety of the 20' wide public way of the Tract Map (see attached A1.1). It has already been the site of multiple accidents, documented in these hearings, and continuous slowdown in the manner in which it “pinches” the road and biases it off track to the improvement in front of 620 Frontenac. The City's own determination of the requirements at 617 Frontenac should be evidence of their need at 621:

At East Area Planning Commission meeting for 617 Frontenac 1/20/20:

Then Commissioner Jake Stevens:

**“In the interest of anticipated development on the street, in consideration of consistency in the application of requirements, in consideration of the support received from the ASNC, and future pedestrian accessibility and safety, I do support the 8' dedication requirement and widening.”**

Then President Commissioner Rudy Espinoza:

**“In the spirit of future development and thinking what we need in the city and our neighborhoods, and I have experienced also that sidewalks are important shelter from cars and I think that perhaps this could be precedent to build sidewalk in future development too, in front of other developments.”**

These potential improvements, their significant effects and cumulative impacts, were fully described by the planner, Associate Zoning Administrator, Maya Zaitzevsky in her Determination Letter for the adjacent property at 617 Frontenac, ZA-2018-307-ZAD-SPP, page 17:

**“The ZA took the case under advisement to visit the site and discuss the street dedication issue with BOE. Frontenac Avenue is narrow, has no sidewalks, and the pavement is in poor condition past the project site. There are no designated turnaround areas and the narrow width of the street make it difficult to turn around even using a driveway. The ZA encountered approximately 30 young children accompanied by three adults walking in the road in front of the property. She asked why they were walking in the street and was told they were going to the recreation center. The ZA agrees that this is not an appropriate location to grant a reduction in the adjacent street improvement, especially due to the lack of visibility on the curving street. The intent behind the Hillside regulations is to provide for safe access for residents, visitors, and for emergency vehicles in case of fire or other emergency. It is critical to ensure that roads are safe not just for cars, but for pedestrians as well.”**

The curve Ms. Zaitzevsky refers to is the roadway fronting this property at 621 Frontenac. It is the only curved portion in the nearby street, and the limited visibility referred to by the city planner in this curve would remain as presently conditioned. The un-permitted paving there exacerbates this situation with a kink, pushing cars that park there further into the road based on this deformation (see Site Plan A1.1).

# Padraic Cassidy Architect

Despite the absence of the other two commissioners at this 4/14/21 hearing, one of whom, Mr. Espinoza had expressed support of sidewalks cited above, at least 4 of the 5 current mayoral appointees to the East Area Planning Commission have publicly asserted the necessity for these street improvements.

The result of this lack of conditioning for improvement and inability of the BOE to take action based on their own determinations, will have both a significant effect and a cumulative impact via this property and future adjacent property's ability to deviate from the General Plan. The 20' Public Way as indicated on the Tract Map (Map Book 9, pages 118/119, 148-5A223 attached) is being ignored in favor of the existing pavement, regardless of its permit status or viability. This haphazard approach to building out the Public Way, through intermittent one-sided dedication, along with B- permit referral forms absent further study of the actual pavement's disposition to this 20' roadway and its centerline, and then, depending on timing, paving on one side or the other of the public way, biased to the side of the individual property (as at 620), will result in a dangerous serpentine path. Clearly the Tract Map with its 20' roadway is meant as the minimum definition of the street and not just approximate guidance. Notably, requirements for both a curb and gutter, which would have to follow the property line and not be an encroachment in the Public Way, are absent in this project. The "driveway/bridge" indicated on site plan A1.1 would require a revocable permit for its street side foundation in order to "bridge" the steep downhill gap between the house and the existing paving. This revocability, if enforced, would render the garage access and therefore its own off-street parking in this Very High Fire Hazard Zone inaccessible. It is apparent the only entity with the wherewithal to remedy this situation and perform the improvement and a properly irrevocable driveway is the owner themselves at the time of development.

Per Wesley Tanijiri In a follow up email (4/27/21 to the appellant, attached):

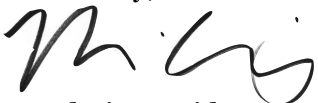
**"Let me clarify that the BOE will require the applicant to comply with any BOE related Conditions of Approval listed by City Planning. For the ZA Determination for 621 Frontenac, the list of Conditions are included on pages 2-6. From my cursory glance, the only BOE related condition is No. 8, which requires an 8-ft dedication, for which BOE may also reduce or waive."**

The project at 621 Frontenac as presently conditioned would retain the use of the incomplete roadwork in its bearing and dubious composition, including the temporary asphalt berm on the subject property's side, and inhibit future downstream (7 vacant lots to north and west) efforts to build a continuous, 20' street in the public Way per the Tract Map. Future requirements for off-site improvement (the 20' Continuous Paved Road way requirement) would be justifiably waived, and the roadway remain as-is.

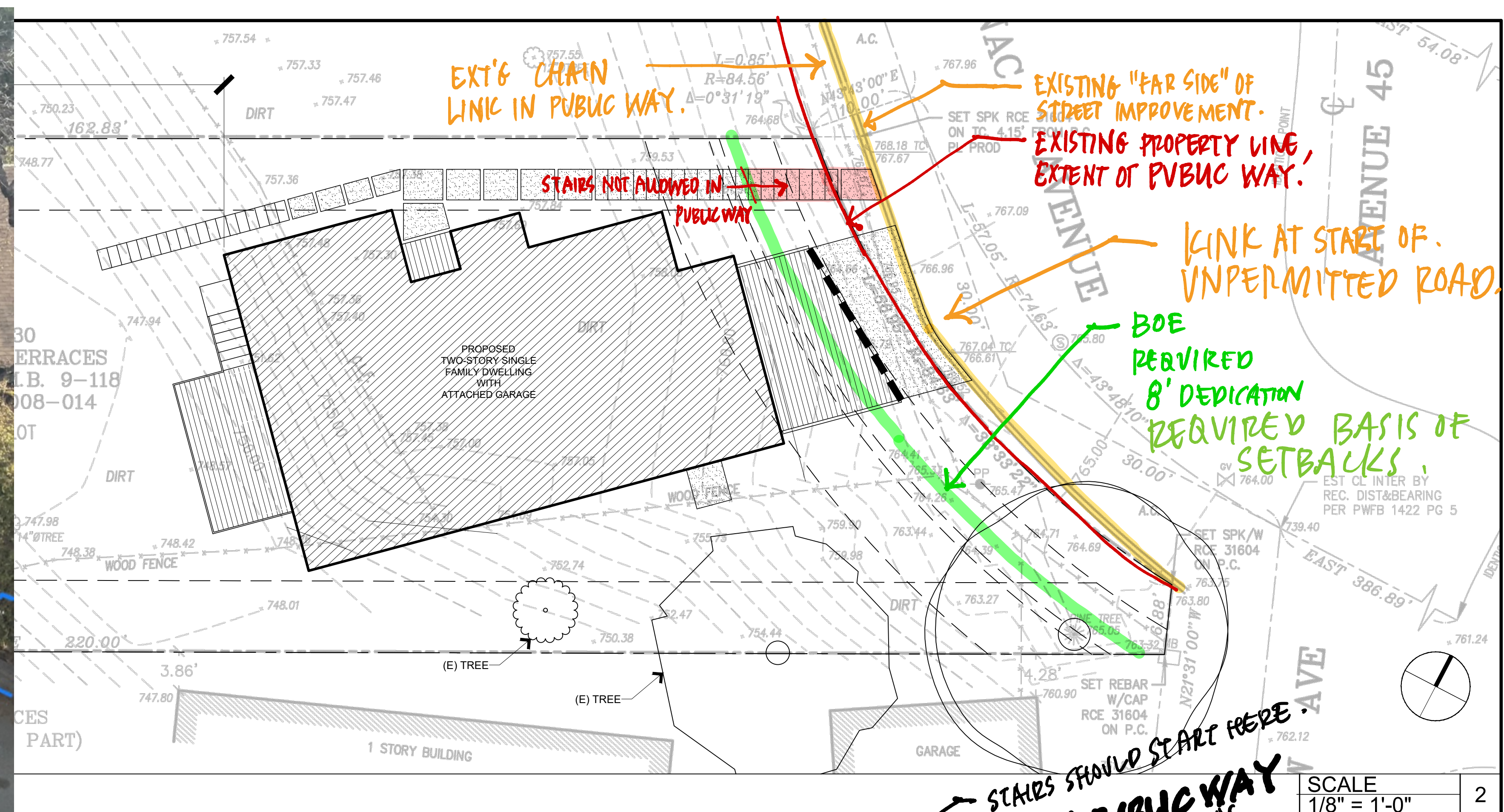
**The appellant requests the City Council either amends this Categorical Exemption or defines another process to condition these improvements to the adjacent roadway so the BOE may enforce the consensus findings which the East Area Planning Commission and the Planners for 617 and 621 Frontenac articulated in the previous public hearings.**

Corrective action imposed by the City Council would uphold the safety of the community as density and traffic increases while having no impact on the dwelling, enabling the project to proceed in avoidance of any Significant Effects and Cumulative Impacts. This conditioned improvement would enhance the environment by improving the street in tandem with its intensified use as intended.

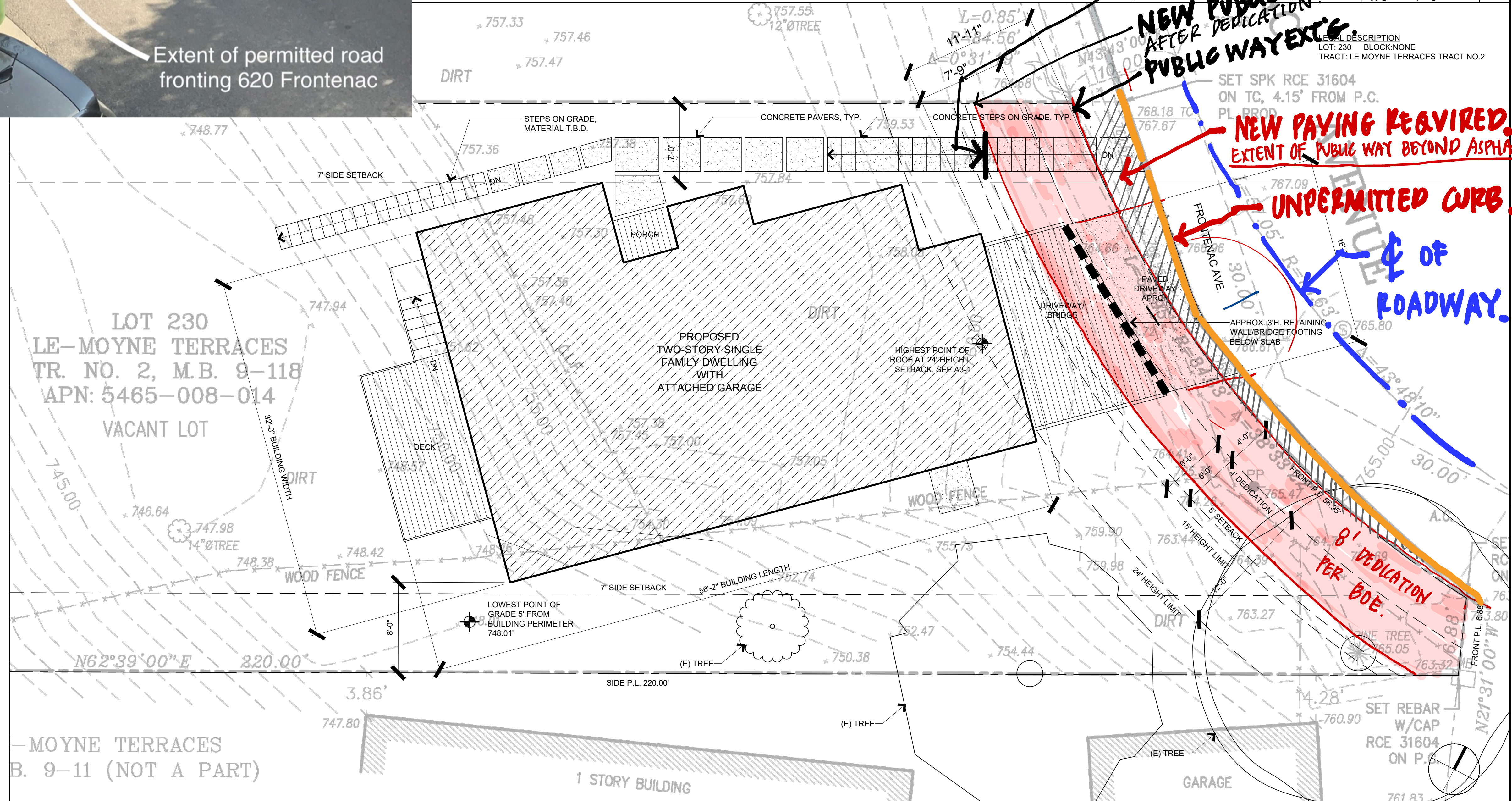
Sincerely,



Padraic Cassidy, owner/resident of adjacent property -house at 620 and vacant lot at 629 Frontenac.



FAR SIDE OF PERMITTED ROAD AT 620 FRONTENAC IS ASPHALT BERM INTENDED TO BE DEMOLISHED AND REPLACED WITH CONCRETE CURB AND GUTTER AT REVISED PROPERTY LINE SUBJECT TO DEDICATION.



LID INFORMATION

NO SCALE

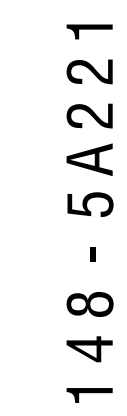
3

ENLARGED SITE PLAN

SCALE  
3/16" = 1'-0"

1

148 - 5A221



148 EA222

148 EA222

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
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January 28, 2021

Robert Rees (A)  
Rees Studio  
2605 17<sup>th</sup> 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

ESTINEH MAILIAN  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
THEODORE L. IRVING  
FRANKLIN N. QUON  
CHARLES J. RAUSCH JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**DEPARTMENT OF  
CITY PLANNING**

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271  
KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

October 25, 2019

**Reissued Determination letter to  
include omitted Page 8**

Lindsay Apatow (O)  
2202 South Figueroa Street, Unit 745  
Los Angeles, CA 90007

Casey Hughes (A)  
Casey Hughes Architects  
1340 East 6th Street Unit 507  
Los Angeles, CA 90021

CASE NO.: ZA-2018-307-ZAD-SPP  
ZONING ADMINISTRATOR'S  
DETERMINATION/PROJECT PERMIT  
COMPLIANCE REVIEW

617 East Frontenac Avenue  
Northeast Los Angeles Community Plan  
Zone : R1-1  
C. D. : 1  
CEQA: ENV-2018-308-CE  
Legal Description: Lot 229; Le Moyne  
Terraces Tract No. 2

Pursuant to the California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record as supported by the justification prepared and found in the case file, 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 12.24X.28, I hereby DENY:

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 as required by LAMC Section 12.21C.10(i)(2).

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

a Determination to permit the construction of a new single-family dwelling fronting on a Substandard Hillside Limited Street where a minimum 20-foot wide Continuous Paved Roadway (CPR) from the driveway apron to the boundary of the Hillside Area, as required by LAMC Section 12.21C.10(i)(3);

Pursuant to LAMC Section 11.5.7C, I hereby APPROVE WITH CONDITIONS:

a Project Permit Compliance Review for the Mount Washington-Glassell Park Specific Plan for the construction of a new two-story single-family dwelling.

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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
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 of a new 2,736 square-foot, two-story single-family dwelling including a 345-square foot, attached two-car garage on a lot that fronts on a Substandard Limited Hillside Street, without providing a 20-foot CPR to the boundary of the Hillside Area. The applicant shall submit revised plans showing the eight-foot dedication. Applicant shall construct curb, gutter, sidewalk and suitable transition to the existing improvements to the satisfaction of the City Engineer. No other LAMC deviations have been requested or approved herein.
8. Mount Washington-Glassell Park Specific Plan Conditions:

- a. Site Development - Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the Project conditions, or the Project permit authorization.
- b. Floor Area - As defined by the Mount Washington-Glassell Park Specific Plan, Floor Area is that area in square feet confined within the exterior walls of a building of a One-Family Project, including the area of stairways, shafts, covered automobile parking areas and basement storage areas, and excluding uncovered outdoor decks. The total gross floor shall not exceed 3,279 square feet, including a 345 square-foot attached garage.
- c. Building Height and Stepback Distances - The proposed dwelling shall be limited to 24 feet 10 inches in height. Within six feet and 12 feet of the front lot line, the building height shall be limited to 11 feet 2 inches.
- 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.
- f. Landscape Plan:
  - 1) Xeriscape Requirements. The project shall comply with the xeriscape requirements set forth under LAMC Sections 12.40 through 12.43.
  - 2) Landform Planting Design. To the extent feasible, the type and placement of landscape materials on graded sloped 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 retention of Tree J, a Laurel Sumac (*Malosma laurina*) and a minimum of two (2) tree replacements, one (1) for each Significant Tree proposed to be removed [or Tree A, a Laurel Sumac (*Malosma laurina*) and Tree D, a Toyon (*Heteromeles arbutifolia*) as identified in the Tree Report prepared by Steve Marshall Consulting Arborist, WE-8830A. Each replacement tree shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting. Each replacement tree planted on a slope shall be a minimum of 15 gallons in size and shall be surrounded by Native Plants according to xeriscape and

landform planting specifications. Replacement trees on substantially level grades shall be no smaller in diameter, measured 12 inches above the ground, than the trees removed, except that no trees larger than 24-inch box size shall be required. Prior to the issuance of building permits, the applicant shall provide a revised Exhibit A to the Central Project Planning Division with modified plans that demonstrates the preservation of Tree J.

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.
9. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the site plan and landscape plan for approval by the Fire Department.
10. The applicant shall provide an eight-foot street dedication on Frontenac Avenue unless the City Engineer determines that a lesser width is acceptable.
11. The project shall comply with all conditions of the Department of Building and Safety's Grading Division Geology and Soils Report Approval Letter dated, November 29, 2017.
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. 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.
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.

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 NOVEMBER 12, 2019, 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:

**Figueroa Plaza**

201 North Figueroa Street,  
4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Marvin Braude San Fernando**

**Valley Constituent Service Center**  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles**

**Development Services Center**  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
West Los Angeles, CA 90025  
(310) 231-2912

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, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

### **BACKGROUND**

The subject property is a vacant 7,129 square-foot, descending lot located on Frontenac Avenue in Mount Washington. Frontenac Avenue is a Substandard Hillside Limited Street with a paved roadway width of 16 to 20 feet adjacent to the property. The site is located in the Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, and is within 1.86 kilometers from the Raymond Fault. The property is subject to the development standards of both the Baseline Hillside Ordinance and the Mount Washington-Glassell Park Specific Plan.

The adjacent properties to the north, northeast, and east are zoned R1-1 and are developed with single-family dwellings. The adjacent property to the south is vacant, but an application was recently filed to develop the site with a single-family dwelling (ZA-2019-4701-ZAD-SPP). The property to the southwest is zoned Open Space (OS-1XL) and owned by the Santa Monica Mountains Conservancy.

Per the Tree Report conducted by Steve Marshall Certified Arborist WE-8830A, there are no Protected Trees located on or adjacent to the subject property. There are 11 non-protected trees on or directly adjacent to the site. Of the 11 trees, six are considered Significant Trees, three of the Significant Trees are on-site and the other three Significant Trees are off site and will be unaffected by the proposed construction. Of the three Significant Trees on site, one is to remain.

Frontenac Avenue is a Substandard Hillside Limited Street dedicated to a width of 20 to 28 feet adjacent to the site, and improved with a roadway width of 16 to 20 feet. According to the BOE Preliminary Referral Form, the applicant is required to provide an eight-foot street dedication.

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

ZA-2019-4701-ZAD-SPP – On August 8, 2019, an application for a determination to allow the construction of a single-family dwelling fronting on a Substandard Hillside Limited Street with a roadway of less than 20 feet to the boundary of the Hillside Area and Project Permit Compliance at 621 Frontenac Avenue.

ZA-2018-5336-ZAD-SPP – On September 12, 2018, an application for a determination to allow the construction of a single-family dwelling fronting on a Substandard Hillside Limited Street with a roadway of less than 20 feet to the boundary of the Hillside Area and Project Permit Compliance at 537 W. Avenue 44.

ZA-2018-5334-ZAD-SPP – On September 12, 2018, an application for a determination to allow the construction of a single-family dwelling fronting on a Substandard Hillside Limited Street with a roadway of less than 20 feet to the boundary of the Hillside Area and Project Permit Compliance at 525 Frontenac Avenue.

ZA-2018-1958-ZAD-SPP – On April 6, 2018, an application for the construction of a new single-family dwelling on a Substandard Hillside Limited Street without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 487 West Avenue 44.

ZA-2018-1955-ZAD-SPP – On April 6, 2018, an application for the construction of a new single-family dwelling on a Substandard Hillside Limited Street without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 475 West Avenue 44.

ZA-2018-5104-ZAD-SPP – On April 6, 2018, an application for the construction of a new single-family dwelling on a Substandard Hillside Limited Street without

providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 605 West Avenue 46.

ZA-2016-3710-ZAD-SPP-1A – An appeal was filed objecting to the Zoning Administrator's approval of a determination for the construction of a new single-family dwelling on a lot without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 441 West Rainbow Avenue.

ZA-2016-3712-ZAD-SPP-1A- An appeal was filed objecting to the Zoning Administrator's approval of a determination for the construction of a new single-family dwelling on a lot without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 451 West Rainbow Avenue.

ZA-2016-3715-ZAD-SPP-1A- An appeal was filed objecting to the Zoning Administrator's approval of a determination for the construction of a new single-family dwelling on a lot without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 430 West Avenue 45.

ZA-2016-3717-ZAD-SPP-1A- An appeal was filed objecting to the Zoning Administrator's approval of a determination for the construction of a new single-family dwelling on a lot without providing a 20-foot wide roadway to the boundary of the Hillside Area and Project Permit Compliance at 437 West Rainbow Avenue.

## **Public Hearing**

The public hearing was August 1, 2019 in City Hall.

Casey Hughes, Architect:

- I am very familiar with the neighborhood, designed several projects here
- The proposed dwelling is low-slung – well below the 45-foot height limit
- Little grading is required for the project
- No windows look into neighboring houses
- Five-foot front yard and a three-foot dedication
- At the first hearing we had not requested on-site widening waiver – we were not aware that the street was not 20 feet wide the entire length of the property
- The street is 16 to 20 feet wide
- We are requesting to waive the widening at the corner of the lot where it is 16 feet
- Staff at BOE said it would be an abrupt change to widen it to 20 feet since the street in front of the adjacent lot is 16 feet
- We are trying to be respectful to the neighbors
- We were first told there was no dedication required, then it was eight feet but BOE staff wrote that it would be waived (staff member is no longer with BOE)
- Then were told BOE can't waive dedications – only Planning can waive them
- The 3-foot dedication came from BOE – doing more serves no purpose
- Pushing the house further from the street will only make it look more prominent

- We have a letter of support from the adjacent property owner

Gina Kwon & Padraic Cassidy, 620 Frontenac Avenue (submitted letters at hearing):

- We were forced to widen the street and it cost us \$55,000
- Development of the vacant lots on our street will continue – this will set a precedent
- All we want is for them to follow the rules
- This is a very congested area, emergency vehicles have difficulty get through
- No one can do a three point turn on the street (too narrow)
- It's in a Very High Fire Hazard Severity Zone
- Adjacent property owner didn't widen
- What is the point of allowing deviations in the Hillside?
- There was a street plan done when we widened the street – they should follow it
- Our neighbor was hit by a truck backing up our street
- The Neighborhood Council said that BOE had to support the street design
- We bought our property in 2002 – built in 2014 - no one wanted us to build on it
- Speculative developments were built on either side of us
- The neighbor in support of the project has a vacant lot that they want to develop
- I found seven additional variances that will be required for the project
- They are proposing private work in the public way
- Plans show three-foot dedication instead of eight feet
- The front yard setback calculation excludes multiple lots
- They need to seek relief for on-site parking (three required per BHO)
- There are height inaccuracies
- The side yard setback should be larger based on the height
- Their civil drawings for the grading omit the three-foot dedication
- There is an over-in-height fence in the side yard
- Fire rating is not shown on the plans

Shelly Girard (adjacent neighbor to the southeast, 39-year resident):

- These are hazardous streets and unstable hillside
- There have been three large fires in the canyon
- A man died in his house because the Fire Department could not get to him in time
- Garbage trucks have to back-up the street
- Any amount of street widening will be helpful - our driveway is used to turn around
- On red flag days people have to park ½-mile away and walk to their homes

Nathan Lang (lives on Avenue 46 owns vacant lot on Frontenac)

- I also have concerns about the street width and emergency access
- I have a 9,000 square-foot vacant lot
- LAFD told me that I may be required to add a turn-around – they should add one
- Cars constantly hit our fence/post trying to turn around on the road
- Has this been reviewed by LAFD?

Casey Hughes, Rebuttal:

- At the last hearing the main concern was the back-up distance at the garage
- Padraic said he would support it if we moved the house back
- Moved it back - now he has a laundry list of complaints and refuses to meet with us
- We are not cheating on height – we are half the allowed height
- He complains about the prevailing setback but there is no way it is more than 5-feet
- The diagrams he provided to you are inaccurate to dramatize his point
- LAFD has signed off on the plans
- Fire turn-around requirement is based on the distance from the intersection
- We are willing to do what is required for the project

### **Summary of Correspondence**

June 27, 2019 letter from the Arroyo Seco Neighborhood Council stated the project was found to generally comply with the Mt. Washington-Glassell Park Specific Plan, was a quality design that was sensitively sited. Regarding the street widening request, the letter states “A number of neighbors spoke to the issue, indicating problems with the safety of the street for turning, traffic, pedestrians and fire egress. The developer, on the other hand, spoke to the ineffectiveness of widening the street when a required transition back to a narrower street might eliminate most of the benefit. The Committee noted that location of the house face itself appeared to be 29’ from the opposite curb and were satisfied with its location as is, regardless of the street width or dedication, unless the Bureau of Engineering specifically indicates that they are fully satisfied with the proposed paved road width and with the width of dedication.

### **Letters/emails in opposition**

Paul and Michele Girard; Eric Dahl submitted correspondence raising the following concerns:

- Mr. Dahl stated that he was injured by a truck driving in reverse in front of the property and believes the narrow width of the street was a contributing factor
- He worries about the safety of the children who walk past the site’s blind corner on their way to the Carlin Smith recreation center
- The applicant should not be granted relief from the 8-foot dedication and the 20-foot street widening
- There have been three fires in the canyon below the street which were difficult for the fire trucks and firefighters to access
- Frontenac is a dead end street but everyone must drive the length of it to turn around
- Their driveway location next to the neighbors’ fence in the street will create a dangerous blind driveway
- The hillside will be less stable with the dwelling
- The applicant should provide an Engineering Report

Padraic Cassidy and Gina Kwon sent numerous emails objecting to the project's request to waive the on-site street improvements and eight-foot dedication, and the following:

- Site plan, grading plan, and model do not show BOE's required eight-foot dedication
- Additional entitlements are required because the building is taller than stated on the application and will require 7-foot side yards
- Does not believe the front yard setback was properly calculated
- North side yard fence exceeds the 6-foot maximum height
- The Neighborhood Council does not support a narrower road width
- Applicant has not provided a reasonable justification for waivers of street improvements and dedications
- We were required to dedicate and improve in front of our property at great expense and time delay
- The property owner should be required to widen the street to make it safer
- The applicant is a developer not an owner/builder who will live in the house
- There is a vacant lot adjacent to it and 10 others on the street
- Waiving the street widening will set a bad precedent for future projects
- Children walk on the street every day and it is too narrow for passing cars
- On street parking is a problem and it is hazardous for large cars to pass

Ms. Kwon copied Deputy Planning Director Shana Bonstin on her July 22, 2019 email and noted that she is a friend who asked her to keep her informed of the project. For the record, on August 8, 2019, Ms. Bonstin responded that she "has no interest or involvement in this case and not spoken to anyone involved in the matter."

#### Letters/emails in support

August 21, 2019 email from Casey Hughes responding to emails and testimony in opposition to the project. Regarding the street dedication he wrote: "We're requesting a reduction of the Highway dedication from 8' to 3' which Zixuan Chen of the BoE has indicated they will grant as they have no use for the dedication... because the Frontenac is substantially developed between the site and the next collector street... Additionally, Mrs Chen strongly recommended that we also apply for a ZAD waiver of the improvements to the adjacent roadway...the widening would cause a highly unusual street condition that doesn't improve access. If we widened the road it would create a blip on the east side of the street where it would be briefly widened to 20' before it has to curve back to the 16' wide in front of the adjacent property at 613 Frontenac."

Regarding increasing the setback of the dwelling, he wrote that it is set 12 feet back from the existing curb and if it was moved back further would increase the site disruption, it will encroach into neighbors' views; is not necessary because the dwelling is only one-story as viewed from the street. He said the prevailing front yard setback is five feet. The 2,209 square-foot dwelling (minus the 200 square-foot exemption for the garage) requires two parking spaces. The building's height is 24'-10" at its highest point, well below the 45-foot maximum building height. Buildings less than 28 feet require six-foot side yards. Eight people spoke in support at the Arroyo Seco Neighborhood hearing and the NC

wrote a letter in support of the project. The NC felt the adjacent street improvements didn't seem to be beneficial, but deferred it to the Bureau of Engineering.

## **FINDINGS**

In order for a deviation from the zoning regulations to be granted, all of the legally mandated findings delineated in LAMC Section 12.24X must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 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 7,129 square-foot, descending lot with approximately 53 feet of street frontage on Frontenac Avenue in Mount Washington. Frontenac Avenue is a Substandard Hillside Limited Street with a paved roadway width of 16 to 20 feet adjacent to the property and a dedicated right-of-way of 20 to 28 feet. A Standard Hillside Limited Street has a minimum 36-foot wide right-of-way width and a paved roadway width of 28 feet. The site is located in the Hillside Area, the Mount Washington-Glassell Park Specific Plan ("Specific Plan"), a Very High Fire Hazard Severity Zone, a Special Grading Area, and is 1.86 kilometers from the Raymond Fault.

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 applicant is proposing to construct a two-story single-family dwelling with 2,736 square feet of floor area per the Specific Plan including an attached 345 square-foot two-car garage.

The applicant has requested determinations to allow relief from providing the full 20-foot roadway width in front of the property (LAMC Section 12.21C.10(i)(2)), and relief from the requirement to provide a 20-foot wide continuous paved roadway (CPR) to the boundary of the hillside area (Section 12.21C.10(i)(3)). The boundary of the hillside area is approximately one-mile away, at the intersection of Avenue 45 and Marmion Way.

The project's May 17, 2019 Hillside Referral Form states that the applicant is required to provide an 8-foot dedication along the property's Frontenac Avenue frontage. The project architect stated at the hearing that he discussed the eight-foot dedication with BOE staff and was told that the Zoning Administrator ("ZA") could approve a reduced dedication of three feet. He believes that providing the full eight feet serves no purpose. However, the ZA has authority over the on-site and off-site street improvements only. The City Engineer retains the authority over street

dedications in the hillside area. The ZA discussed the project with an Assistant Division Engineer in BOE and was informed that the staff who the architect discussed the project with, no longer work for BOE. He stated the city Engineer would not reduce the eight-foot street dedication without the applicant paying the fee, and submitting a formal investigation and engineering report. 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.

Every project should comply with the requirements to improve the safety of the street as required by LAMC Section 12.21C.10. There are cases where providing a 20-foot roadway is a hardship, but there is no evidence to support that assessment in this case. The request to waive the CPR requirement is approved because compliance with that regulation would involve removal of structures and improvements not under the applicant's ownership.

The project will perform a function that is beneficial to the city by expanding the housing supply. For the development of the project, the applicant is requesting relief from providing a minimum 20-foot wide Continuous Paved Roadway from the driveway apron to the boundary of the Hillside Area. The property immediately adjacent to and to the northeast of the project site is developed with a single-family residence and the property to the southeast and adjacent to the project site consists of vacant land. Across the street from the project site, there are three properties, which contain single-family dwellings. These properties include residences built in 2013 (620 Frontenac Avenue), 2008 (626 Frontenac Avenue), and 2005 (616 Frontenac Avenue). The other properties in the surrounding neighborhood along Frontenac Avenue contain single-family dwellings built prior to the implementation of the Specific Plan or consist of vacant land. The applicant has been required to provide the 20-foot adjacent roadway improvements to the satisfaction of the City Engineer.

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. As a matter of policy and practice, the City seeks to incrementally secure the required roadway widening directly adjacent to a hillside property as each one is being developed. Completion of the roadway widening adjacent to the property will enhance the built environment of the surrounding neighborhood, and incrementally improve public safety by allowing for an enlarged passing area for vehicles and a sidewalk for pedestrians. Therefore, as conditioned herein, the development of a vacant lot with a new single-family dwelling and the required street widening will increase 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 subject property is a vacant located on Frontenac Avenue in Mt. Washington. Frontenac Avenue serves several parcels west of the subject property, but the paved roadway terminates at the driveway of 554 Frontenac Avenue. Parking is permitted on the south side of Frontenac, except on red flag days. The adjacent properties to the north, northeast, and east are zoned R1 and are developed with single-family dwellings. The adjacent property to the south is vacant, however, an application was recently filed to construct a single-family dwelling (ZA-2019-4701-ZAD-SPP). The property to the southwest is zoned Open Space (OS-1XL) and owned by the Santa Monica Mountains Conservancy.

The dwelling is 24 feet, 10 inches in height, which is below the 45-foot maximum building height permitted in the Specific Plan. The project complies with the BHO yard, grading, lot coverage, parking, and fire protection requirements. The BHO requires two covered spaces for dwellings with less than 2,400 square feet of residential floor area (RFA). Per the site plan, the dwelling will have 2,404 square feet of RFA, 200 square feet of RFA is exempt. BHO allows a maximum of 40% lot coverage, and the project proposes only 22.9%. The project involves the removal of two Significant Trees and replace each with a 15-gallon, or larger, specimen measuring one-inch or more in diameter at a point one-foot above the base, not less than seven feet in height, measured from the base, and one Significant Tree will be retained. The proposed project will be built in accordance with the requirements of the Mount Washington-Glassell Park Specific Plan and is below the maximum floor area permitted by the Specific Plan.

The project architect and several neighboring property owners attended the public hearing. Prior to the hearing numerous emails were sent by neighbors who were concerned about the entitlement requests. The adjacent owners to the north built their home in 2013 and strongly opposed the proposed street improvements and dedication. They argued that the applicant should comply with BOE's eight-foot dedication and the on-site street improvement, as they did when they built their home. They feel the roadway is inadequate and lacks proper turnarounds for vehicles. They claimed that the house requires 7-foot side yard setbacks and has an over-in-height side yard fence. The owner of the property to the northwest sent a letter stating he was injured by a truck that hit him while backing down the street. Neighbors stated that children from the Mt. Washington Elementary School walk on the street on their way to an after school program at the Carlin G. Smith Recreation Center. Residents were concerned that the proposed design was unsafe for pedestrians and drivers. They testified that there were several large fires in the area and emergency vehicles have a difficult time accessing the canyon below due to the lack of fully improved roads. One neighbor noted that he has a vacant lot on Frontenac Avenue (to the northwest) and the Fire Department staff told him he would have to install a fire truck turnaround to develop the lot.

The project architect testified that he redesigned the dwelling and moved it 12 feet from the existing curb. He argued that BOE staff directed him to request the waiver of on-site street improvement on the westerly side of the frontage because providing a 20-foot roadway would be unsafe due to the location of the curb on the adjacent property. The applicant was proposing to provide a 16 to 20 foot roadway width. He

felt this was an adequate roadway width because the street terminates to the west. He said eight people at the Neighborhood Council meeting supported the project, in part, because they admire several of his other dwellings constructed in Mt. Washington. He argued that moving the dwelling back would make result in a reduction of views for several neighbors.

The ZA took the case under advisement to visit the site and discuss the street dedication issue with BOE. Frontenac Avenue is narrow, has no sidewalks, and the pavement is in poor condition past the project site. There are no designated turnaround areas and the narrow width of the street make it difficult to turn around even using a driveway. The ZA encountered approximately 30 young children accompanied by three adults walking in the road in front of the property. She asked why they were walking in the street and was told they were going to the recreation center. The ZA agrees that this is not an appropriate location to grant a reduction in the adjacent street improvement, especially due to the lack of visibility on the curving street. The intent behind the Hillside regulations is to provide for safe access for residents, visitors, and for emergency vehicles in case of fire or other emergency. It is critical to ensure that roads are safe not just for cars, but for pedestrians as well.

The applicant shall revise the site plan to reflect the eight-foot street dedication. This will allow enough area to construct a four-foot sidewalk and necessary transitions to the existing improvements. When the adjacent vacant properties to the south are developed, the four-foot sidewalk can be continued, which will further improve the safety of the street for pedestrians and drivers. The applicant shall comply with the requirements of the Bureau of Engineering for on-site street improvement and dedication. The off-site street improvements have been waived. Conditions have been imposed to ensure that during temporary construction activities, neighbors are informed of building schedules and that a staging/parking area is provided for construction. A contact name and phone number shall be provided to adjoining neighbors, and posted on the site. 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 encourages sustainable growth proximate to commercial boulevards in close proximity to transit. 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 designates the subject property for Low Residential land uses with the corresponding zones of RE9, RS, RU, RD6, and RD5 and R1. As conditioned, the proposed use of the property is consistent with the land use designation and zoning. The property is located in the Mount Washington-Glassell Park Specific Plan. The purpose of the Mount Washington-Glassell Park Specific Plan is to encourage the preservation and enhancement of the community's varied and distinctive residential character; to encourage preservation of the hills and canyons, vegetation, wildlife habitats, natural open space, views, and trails that characterize the area; to limit residential projects to a scale compatible with the hilly terrain, rustic nature, and architectural diversity already existing; and to ensure that residential development is compatible with access limited by narrow hillside streets heavily used for parking. The Zoning Administrator has denied the applicant's request to partially widen the adjacent

roadway on Frontenac Avenue. The widening in front of the applicant's property will incrementally improve access on the street and will provide a sidewalk for pedestrians to use to avoid oncoming traffic. As conditioned, the proposed single-family dwelling will substantially conform to the General Plan, the Northeast Los Angeles Community Plan, and the Specific Plan.

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

The property is zoned R1-1 and the Northeast Los Angeles Community Plan designates the parcel for Low Residential land use. 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 (VHFHSV), 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 provide street improvements for the roadway adjacent to the site along Frontenac Avenue in compliance with Section 12.21C.10(i)(2) while allowing relief from the off-site (CPR) improvements is logical and appropriate relative to the scope of the proposed development. As conditioned herein, the proposed 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.**

Frontenac Avenue is dedicated to a width of 20 to 28 feet, and the roadway is improved to a width of 16 to 20 feet adjacent to the site. Two parking spaces will be provided in the garage with a driveway on the westerly side of the street frontage. There is limited street parking on the south side of Frontenac Avenue. The application states that the following regarding the vehicular traffic associated with the proposed dwelling:

The proposed single-family dwelling won't create an adverse impact on circulation in the surrounding neighborhood because Frontenac Ave. isn't a through street and doesn't connect to with any streets beyond the site. Additionally because the site is a block away from near where Frontenac dead ends, it serves few properties. Thus even if street widening was feasible, its unlikely that the Bureau of Engineering would undertake this considering this portion of Frontenac is already improved with new paving and street curbs on both sides.

The construction of the dwelling and driveway without providing the required street dedication and improvements could create an adverse impact on street access. As discussed in previous findings, Frontenac Avenue may terminate to the west of the site, but there are a number of vacant lots on the street that will be developed in the

future, including to the west of the site. Approving a reduced street widening in front of this site could encourage similar requests. In fact, the adjacent site to the southeast has an application pending to build a new dwelling, making it critical to require each property owner to improve the street adjacent to their property, while providing relief from requiring them to widen off-site. It is a fair and reasonable compromise. A number of conditions have been imposed 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 will not be materially detrimental or injurious to the adjacent property or improvements.**

The proposed dwelling will be built in accordance with the Mount Washington-Glassell Park Specific Plan and the Baseline Hillside regulations, as well as the current Building and Fire codes. The single-family dwelling will be compatible in size and height with the adjacent properties. The Specific Plan ensures that projects are harmonious with surrounding land uses and further the safety and welfare of the neighboring community. The proposed dwelling will not exceed the allowable floor area and is set back to avoid excessive vertical massing at the street-level. 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 building or structure will not have a materially adverse safety impact on the surrounding neighborhood.**

The proposed single-family dwelling is located on a Substandard Hillside Limited Street. The Bureau of Engineering required the applicant to provide an 8-foot dedication and the construction of a 14-foot half roadway width with a four-foot sidewalk within an 18-foot half right-of-way. These are the typical street improvement requirements to be provided in order to develop a vacant single-family hillside lot. The application states the following:

The proposed single-family dwelling will not have a material adverse safety impact on the surrounding neighborhood because the building will be constructed to current LADBS building and fire zone standards, which greatly reduce the buildings safety impact on the neighborhood. The dwelling is modestly sized, well below Mt. Washington's allowable maximum floor area for the site, and intended for a typically size family of 2-5 people, thus the residence doesn't significantly effect neighborhood congestion or safety.

The building has been designed to comply with the Specific Plan. The ZA has required the applicant to provide the full street improvement including the four-foot sidewalk. 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. As conditioned herein, the building will not have a materially adverse safety impact on the surrounding neighborhood.

8. **The site and/or existing improvements make strict adherence to LAMC Section 12.21C.10(i) impractical or infeasible.**

The applicant states the following regarding the following regarding the compliance with LAMC Section 12.21C.10(i):

The street widening improvements would make strict adherence to Section 12.21C.10(i) infeasible because the surrounding blocks on Frontenac area already substantially developed with single-family homes on 5 of the 8 lots between the subject property and the Ave 45 (the 1<sup>st</sup> connector street). The average setback on the downslope side of the block for this stretch of Frontenac is 2.75' so widening the street would require demolishing these existing buildings, which isn't realistic. Additionally, the street dedication would require the proposed garage at 617 Frontenac to be set back and additional 8'-0" from the property line, necessitating a bridge or retaining walls with back fill to allow the car to get from the existing road to the garage. This substantially complicates the environmental and financial impacts of the project, while causing the building to be less integrated with the natural topography. In the likelihood that the street widening doesn't serve a practical use for the city, the additional grading required would be a tremendous waste of natural and financial resources and an unnecessary disturbance to the site. Because of this its highly unlikely the city would find much use in requiring the dedication.

The applicant has requested a waiver of the requirements to provide a 20-foot wide CPR from the driveway apron to the boundary of the Hillside Area. The ZA has approved the off-site widening, but is disapproving the waiver of on-site street widening. The street dedication width is under the discretion of the City Engineer. The applicant is a developer who should understand the necessity of providing adequate street access for this project. The applicant did not provide any compelling evidence of the feasibility to provide the required on-site street widening.

## **PROJECT PERMIT COMPLIANCE**

9. **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, though less than 10,000 by using the following equation:  $0.50 - \{[(\text{Lot Area} - 5,000) \times 0.10] \div 5,000\}$ . Based on the formula, the 7,129.7 square-foot lot permits a Maximum Gross FAR of 0.46:1 or 3,279 square feet of floor area. The proposed project's floor area is 2,736 square feet, including a 345 square foot garage. The subject project does not exceed the maximum permitted floor area, and is therefore, in compliance with the requirements of the Specific Plan.
- b. **Building Height and Stepback Distances:** The proposed height of the dwelling is 24 feet 10 inches, which will not exceed the maximum 45 foot height permitted under the Mount Washington-Glassell Park Specific Plan. The dwelling is set back in accordance with the stepback height limitations and complies with the requirements of the Specific Plan. The building height is 11

feet 2 inches within six feet of the front property line and 11 feet 2 inches, between six and 12 feet of the front property line. 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 prevailing front yard setback for this property is indeterminate since after discarding the top and bottom 20 percent of the existing setbacks, there are only two lots remaining. The required front yard setback is a minimum of five feet as required per LAMC Section 12.21C.10(a)(2), which complies with the requirements of the Specific Plan and BHO.
- d. **Off-street Automobile Parking Requirements:** The project is required to provide two covered parking spaces and one additional space for every 1,000 square feet or fraction thereof of Floor Area above 2,400 square feet, pursuant to LAMC Section 12.21C.10(g). Per BHO, the proposed total floor area is below the 2,400 square foot threshold, and therefore two parking spaces are required. The project proposes two covered parking spaces, which complies 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 approximating 63 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 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 Steve Marshall, Consulting Arborist #WE8830A, there are no Protected Trees, as defined by Protected Tree Ordinance No. 177,404, located on or adjacent to the subject site. In total, 11 non-protected trees were inventoried of which six (6) are considered Significant Trees as defined by the Mount Washington-Glassell Park Specific Plan. Out of the six (6) Significant Trees, three (3) are located on the subject site, and the other three (3) are located off site. Two (2) Significant Trees identified as a Laurel Sumac (*Malosma laurina*) and a Toyon (*Heteromeles arbutifolia*), respectively, Tree A and D in the Tree Report, are proposed to be removed and replaced with a 15-gallon or larger, specimen, measuring one inch or more in diameter at the point one foot above the base, and not less than seven feet in height, measured from the base. The third Significant Tree on site identified

as a Laurel Sumac (*Malosma laurina*), or Tree J in the Tree Report, will be retained, as conditioned.

The removal of Tree A and D is necessary as its continued existence at that location prevents the reasonable development of the subject property. The applicant has been conditioned to provide a revised Exhibit A which demonstrates a tree replacement planting of Tree A and D. 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 architectural style that incorporates cedar pickets and cement board design elements. The proposed project is designed to work with the contour of the slope such that the rear of building angles to follow the slope. One story is proposed at the street level and another story 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 front entry will consist of a front wooded door that is entered through a garden court which is set back from the front façade. The rear façade is angled to follow the topography further integrating the building into the landscape. The mass is reduced at the rear south corner by a large integrated balcony.

There is one existing building immediately adjacent to the site which has a flat roof and is reminiscent of a bungalow or cabin type house with many windows that was built in the 1950s. The other lot immediately adjacent to the site along Frontenac Avenue is currently vacant. As proposed, the architectural design elements are in conformance with the Design Variation standards contained in Section 8-C of the Specific Plan.

10. **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 to be exempt from CEQA pursuant to State CEQA Guidelines, Section 15303, Class 3, for one single-family dwelling in a residential zone, and there is no substantial evidence demonstrating that an exception pursuant to CEQA Guidelines, Section 15300.2 applies. The subject project proposes to construct a 2,736 square foot,

two-story single family dwelling with an attached two-car garage on a vacant down-sloping hillside parcel within the Mount Washington-Glassell Park Specific Plan.

The subject property is located within a Hillside Area, an Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, a Special Grading Area, and 1.86 kilometers from the Raymond Fault Zone. However, 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. 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. However, there are currently four active cases going through the entitlements process located at 424 and 430 West Avenue 45 and West 457 W Rainbow Avenue located approximately 750 linear feet from the project site. As mentioned, the project proposes to construct a 2,736 square foot, two-story single family dwelling with an attached two-car garage on a vacant down-sloping hillside parcel in an area zoned and designated for Low Residential land uses. All adjacent lots are developed with single-family dwellings, vacant land and open space, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 0.38:1 on a site that is permitted to have a maximum FAR of 0.46:1.

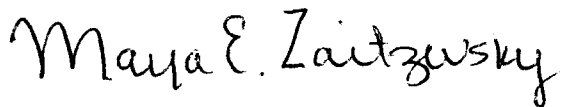
The project proposes to construct a 2,736 square foot single-family dwelling with a proposed front yard setback of five feet on a 7,129 square-foot lot and proposes a building height of 23 feet 10 inches which is not unusual for the vicinity of the subject site and is similar in scope to other existing 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 and is located approximately 30 miles west of the subject site. 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 Olga Ruano at 213-473-9983.

A handwritten signature in black ink that reads "Maya E. Zaitzevsky". The signature is written in a cursive, flowing style.

MAYA E. ZAITZEVSKY  
Associate Zoning Administrator

MEZ:JC:NS:OR:mg

cc: Councilmember Gilbert A. Cedillo  
First District  
Adjacent Property Owners

**From:** Wesley Tanijiri wesley.tanijiri@lacity.org  
**Subject:** Re: Invitation: Frontenac Meeting @ Mon Apr 26, 2021 10am - 11am (PDT) (padraic@padraiccassidy.com)  
**Date:** April 27, 2021 at 4:19 PM  
**To:** Padraic Cassidy padraic@padraiccassidy.com  
**Cc:** Than Win than.win@lacity.org, Matthew Masuda matthew.masuda@lacity.org

WT

Padraic,

Let me clarify that the BOE will require the applicant to comply with any BOE related Conditions of Approval listed by City Planning. For the ZA Determination for 621 Frontenac, the list of Conditions are included on pages 2-6. From my cursory glance, the only BOE related condition is No. 8, which requires an 8-ft dedication, for which BOE may also reduce or waive.

Thanks

On Mon, Apr 26, 2021 at 3:42 PM Padraic Cassidy <padraic@padraiccassidy.com> wrote:

Thank you all for your time and discussion.

It seems like I will need to appeal to a higher body to address the false impression that the BOE will be enforcing a sidewalk improvement per the commissioner's request to the planner to continue the work they reinforced for the adjacent property at 617 Frontenac, this extract from the determination letter (the whole of it is also attached) has a reference to the dedication and a vague suggestion of street improvements. Perhaps this is all you need to enforce actual street improvements? The 8' dedication should definitely refer to the 28' substandard hillside road in my opinion, but I think without articulation by your agency it won't happen. Is this enough info, or direction from the planner to make you apply the condition? There is no reason or expectation for me to believe the applicants will voluntarily submit for a concrete curb and gutter which might otherwise engage your purview. As I've stated and their plans currently show, I would expect they will have a plan for a footing in the public way, on the edge of the bridge. Since that footing/bridge edge being in the Public Way should require a revocable permit, and is the only access for the cars to the garage which is a requirement of the project, this should not, in my opinion, qualify for a revocable permit- its potential revocation essentially voiding the entire property's use/access. See attached site plan A1.1 calling for 3' wall below bridge. They just haven't shaded the remaining portion, in the public way, connecting to the existing street.

I'm attaching page 17 of the ZAD determination letter for 617 Frontenac in which the planner Maya Zaitzevsky has stated the idea of the sidewalk at 617 creating precedent, this is the spirit in which the Commissioner Jacob Stevens at the 4/14/21 APC hearing was articulating the need for its continuation. I'm also attaching my letter for that hearing and highlighting this commissioner's and the then President Espinoza both stated their desire for a sidewalk.

It was the Zoning Determination Letter for 621 in which the planner deferred to your BOE in terms of these improvements. Commissioner Stevens was told explicitly by Ms. Toy-Lee that your agency would see the sidewalk realized, that it was not within her jurisdiction to say otherwise, which seems at odd with this ZA-2018-307-ZAD-SPP letter paragraph highlighted page 17.

Hopefully Wesley you can answer the first question- what does "Per BOE what Street Improvements are consistent with this 8' Dedication" mean? And this itself may create enough precedent to follow who sth berets of the block.

I'm happy meet again for any further clarification.

Thanks  
Padraic

[Padraic Cassidy Architect](#)  
1003 Diamond Avenue #202  
South Pasadena CA 91030  
t. 626.441.8881 c. 323.394.6618

On Apr 23, 2021, at 11:30 AM, [wesley.tanijiri@lacity.org](mailto:wesley.tanijiri@lacity.org) wrote:

**You have been invited to the following event.**

## Frontenac Meeting

When Mon Apr 26, 2021 10am – 11am Pacific Time - Los Angeles [more details »](#)

Joining info Join with Google Meet  
[meet.google.com/yed-ghqh-knp](https://meet.google.com/yed-ghqh-knp)

Join by phone  
(US) [+1 337-628-2044](tel:+13376282044) (PIN: 710092841)

[More phone numbers](#)

Calendar [padraic@padraiccassidy.com](mailto:padraic@padraiccassidy.com)

Who

- [wesley.tanijiri@lacity.org](mailto:wesley.tanijiri@lacity.org) - organizer
- [than.win@lacity.org](mailto:than.win@lacity.org)
- [matthew.masuda@lacity.org](mailto:matthew.masuda@lacity.org)
- [padraic@padraiccassidy.com](mailto:padraic@padraiccassidy.com)

Going ([padraic@padraiccassidy.com](mailto:padraic@padraiccassidy.com))? **Yes** - **Maybe** - **No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account [padraic@padraiccassidy.com](mailto:padraic@padraiccassidy.com) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://calendar.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).

<Mail Attachment.ics>invite.ics>

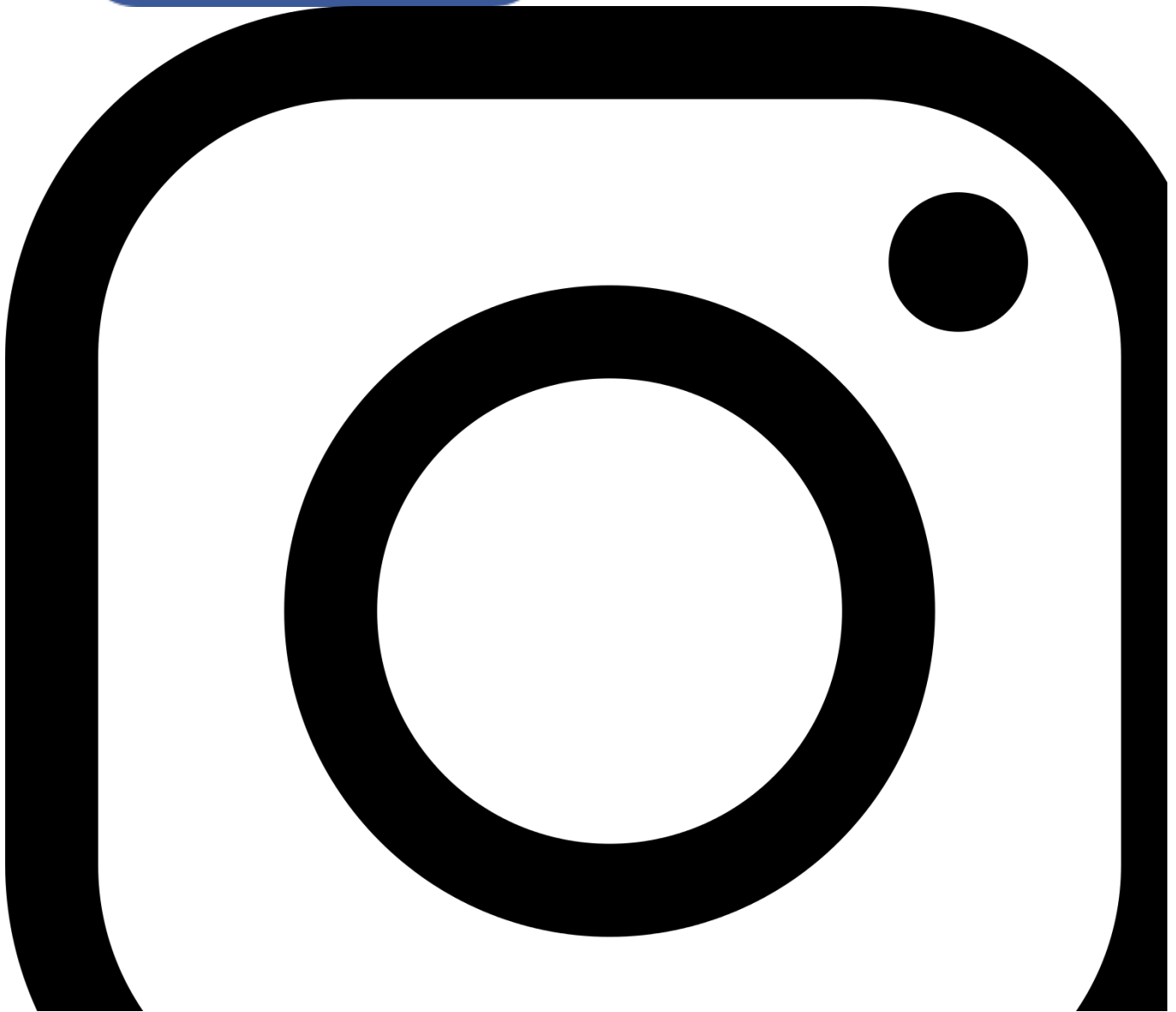
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Wesley Tanijiri, P.E.  
Central District | Pr. Civil Engineer  
Bureau of Engineering | Department of Public Works  
201 N. Figueroa St, 3rd Floor  
Los Angeles, CA 90012  
Mail Stop 503  
Phone: (213) 482-7049  
[wesley.tanijiri@lacity.org](mailto:wesley.tanijiri@lacity.org)

# ENGINEERING



CITY OF LOS ANGELES





The Bureau of Engineering (BOE) has a new online Customer Service Request (CSR) application to receive all inquiries and requests that do not already have an avenue for submission in other BOE web applications. These include requests for clearances related to City Planning or LADBS building permits.

The CSR application, and all other BOE applications, are accessible through our online portal, which can be found at <http://engpermits.lacity.org/>.

The normal response time for CSR requests is one to three days, with a maximum of about a week during unusual periods. Requests are taken in the order received and are monitored closely to ensure that all are responded to. You will be notified by email when there is a response and can log in any time to check the status. In order to serve you better, requests and questions are no longer accepted via phone or email.



# EAST LOS ANGELES AREA PLANNING COMMISSION

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

[www.planning.lacity.org](http://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**



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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

ESTINEH MAILIAN  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
JONATHAN A. HERSHEY, AICP  
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  
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DEPUTY DIRECTOR  
ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR  
LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
planning.lacity.org

January 28, 2021

Robert Rees (A)  
Rees Studio  
2605 17<sup>th</sup> 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.

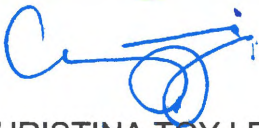
While the subject site is located within Hillside Area, Special Grading Area (BOE Basic Grid Map Act A-13372), Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, and is located 1.9 kilometers from the Raymond Fault, specific Regulatory Compliance Measures (RCMs) in the City of Los 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](https://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

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 72261

City of Los Angeles  
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number:110521E3D-15018E75-43E0-435C-A9A9-DF8C62708BBD, Amount:\$109.47, Paid Date:05/11/2021**

Applicant: N/A - CASSIDY, PADRAIC ( 323-3946618 )
Representative: SAME AS ABOVE
Project Address: 621 E FRONTENAC AVE, 90065

**NOTES: CEQA APPEAL BY AN AGGRIEVED PARTY FOLLOWING FINAL DETERMINATION OF ZA-2019-4701-ZAD-SPP-1A**

ENV-2019-4702-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 1  
Plan Area: Northeast Los Angeles  
Processed by NGUYEN, MINDY on 05/11/2021

Signature: \_\_\_\_\_



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

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Receipt Number:110521E3D-15018E75-43E0-435C-A9A9-DF8C62708BBD, Amount:\$109.47, Paid Date:05/11/2021

Applicant: N/A - CASSIDY, PADRAIC ( 323-3946618 )
Representative: SAME AS ABOVE
Project Address: 621 E FRONTENAC AVE, 90065

**NOTES:** CEQA APPEAL BY AN AGGRIEVED PARTY FOLLOWING FINAL DETERMINATION OF ZA-2019-4701-ZAD-SPP-1A

ENV-2019-4702-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
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Council District: 1  
Plan Area: Northeast Los Angeles  
Processed by NGUYEN, MINDY on 05/11/2021

Signature: \_\_\_\_\_