

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

REASONABLE ACOMMODATION APPEAL

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2015-3546-RAO	ENV-2015-3547-CE	4-RYU
PROJECT ADDRESS:		
530 South Rossmore Avenue		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Bailey-Wong Family Trust Jade Bailey-Wong and Luke Bailey 530 South Rossmore Avenue Los Angeles, CA 90020		
Melissa Bailey-Wong (Representative) 530 South Rossmore Avenue Los Angeles, CA 90020	917-885-0419	melissabaileywong@yahoo.com
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
SAME AS APPLICANT		
FINAL PROJECT DESCRIPTION:		
<p>Categorical Exemption (CE) and related California Environmental Quality Act findings, and appeal filed by the Bailey-Wong Family Trust, on behalf of Jade Bailey-Wong, (Representative, Melissa Bailey-Wong) to deny, pursuant to the Los Angeles Municipal Code Section 12.22-A,27, a Director's Determination for a Reasonable Accommodation for a person with a disability to a permit a semi-circular driveway other not permitted in the Hancock Park HPOZ, and, a Director's Determination for a Reasonable Accommodation for a person with a disability to allow parking within the required front yard setback, as otherwise prohibited.</p>		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input type="checkbox"/> Letter of Determination <input type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Ordinance <input type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input type="checkbox"/> Mailing List <input checked="" type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

FISCAL IMPACT STATEMENT:

Yes
 No


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

PLANNING STAFF:	TELEPHONE NUMBER	EMAIL
Jonathan Hershey	213-978-1337	jonathan.hershey@lacity.org

PLANNING COMMISSION:

None

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
None	None

TRANSMITTED BY:	TRANSMITTAL DATE:
Iris F. Awakuni 	May 26, 2016

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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March 17, 2016

Jade Bailey-Wong (A)
530 South Rossmore Avenue
Los Angeles, CA 90020

Meilissa Bailey-Wong (R)
530 South Rossmore Avenue
Los Angeles, CA 90020

Luke Bailey (O)
530 South Rossmore Avenue
Los Angeles, CA 90020

CASE NO. DIR 2015-3546(RAO)
REASONABLE ACCOMMODATION
530 South Rossmore Avenue
Wilshire Planning Area
Zone : RE11-1-HPOZ
D.M. : 135B185/135B189
C.D. : 4
CEQA : ENV 2015-3547-CE
Legal Description: Lot 15, Tract 3446

Pursuant to Los Angeles Municipal Code Section 12.22-A,27, I hereby DENY:

a Director's Determination for a Reasonable Accommodation for a person with a disability to a permit a semi-circular driveway otherwise not permitted in the Hancock Park HPOZ, and

a Director's Determination for a Reasonable Accommodation for a person with a disability to allow parking within the required front yard setback, as otherwise prohibited.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, and the plans submitted therewith, 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 applicant seeks Reasonable Accommodation to allow a semi-circular driveway within the front yard setback of a residential property, as otherwise not permitted in the Hancock Park Historic Preservation Overlay Zone (HPOZ). In addition the applicant also seeks a Reasonable Accommodation to allow vehicle parking within the front yard setback, as otherwise prohibited by the Zone Code.

The property is a 25,088 square-foot, rectangular-shaped, interior lot located on the east side of Rossmore Avenue. It has a frontage width of 100 feet and varying lot depth, from approximately 242 feet on the north to approximately 260 feet on the south. The property is developed with a two-story single-family dwelling and a detached. The dwelling is

recognized as a contributing structure to the HPOZ. The dwelling observes an approximately 50-foot setback from the front property line, approximately 13 feet from the northerly side property line, approximately 20 feet from the southern side property line, and approximately 150 feet from the rear property line. There is an approximately 8-foot wide driveway located along the southern side of the property, leading from Rossmore Avenue to the detached garage. The detached garage is separated from the main house by approximately 83 feet. To the rear of the detached garage is a hard-surface game court. Along the northern side of the lot is a long, linear fish pond.

The property is zoned RE11-1-HPOZ, and is located in the Wilshire Community Plan, the Hancock Park Historic Preservation Overlay Zone, a Baseline Mansionization Ordinance area, a City of Los Angeles Transit Priority Area, a Methane Buffer Zone, and is approximately 2.5 kilometers from the nearest earthquake fault.

Surrounding properties are zoned RE11-1-HPOZ and improved with large, estate-sized single-family dwellings. Several properties within the immediate area are improved with semi-circular driveways.

Rossmore Avenue – adjoining the property to the west, is a Collector Street, dedicated a width of approximately 70 feet, and improved with asphalt roadway, concrete curb, gutter, sidewalk, and landscaped parkway.

There are no similar zoning related actions on the property or in the immediate area.

The applicant has submitted a statement from their medical care-giver attesting to their disability. The statement from her physician is included in the application materials.

According to the submitted plans, the existing approximately 8-foot wide driveway would be widened to 16 feet; a new 12-foot wide semi-circular driveway would cross in front of the house, and a new, second, driveway apron and curb cut would be constructed on the northern side of the property, accessing Rossmore Avenue. Along the semi-circular driveway, an additional 4-foot wide ADA path would be created, linking the designated primary ADA entrance of the home to the sidewalk along Rossmore Avenue.

In an email from the applicant's mother, dated February 26, 2016, it was clarified that on average, there would be between 5 and 6 vehicles on the property at any time, including three facility vehicles. At various times, there could be as many as 8 vehicles on the property. Further, it was requested that the visiting vehicles be authorized to park upon the semi-circular driveway. The applicant's mother anticipates that the combined width of the driveway and ADA path will allow for enough room to accommodate the individual ingress and egress of caregivers.

On December 28, 2015 at approximately 10:30 a.m., the Project Planner conducted an on-site observation of the subject property and immediate surrounding area. It was observed that sporadic properties to the north and south of Rossmore Avenue maintain semi-circular driveways within their front yard. In addition, staff observed a high traffic volume South Rossmore Avenue.

COMMUNICATIONS

Melissa Bailey-Wong – February 25, 2016

[excerpted]

Jade has at least one nurse with her 24/7, rotating on shifts. When shifts change, both nurses are present to debrief and hand off to the next nurse. In addition, there is a visiting RN to oversee Jades care and medications.

Each day, Jade receives at least 4 forms of therapy. On some occasions this is done separately, but on other occasions, therapists like to work together ...

Each nurse, and each therapist has their own vehicle.

Also, there would be three family cars ...

So - on site at any one time, there would be an average of 5-6 cars but at times reaches 8. Jade's wheelchair van is less frequently used and will be parked in the far rear, leaving 4-5 vehicles requiring egress most of the time.

The setback plan we have provided would accommodate 3 vehicles parked on the circular driveway, also being wide enough for vehicles to pass to exit at the north end of the semicircular driveway when Jade is not using her pathway. An additional 2 vehicles would be parked in the side driveway.

This design was developed over 6 months ago in order to appease the required percentage of "green space" in the setback. However since we are now in the process of RAO, there are some utilitarian improvements that we would propose, and seek a relief from this Code also.

Specifically, altering the design to include 2-3 parking spots on the north end of the property line, near the building to accommodate additional vehicles (and possibly widening the driveway further) would help enormously.

Larchmont Pediatrics, Neville Anderson, MD – September 28, 2015

[excerpted]

This letter is to provide a description of Jade Bailey-Wong's medical diagnosis, her physical state, motor ability and needs in her home environment ...

I have been [her] primary physician since her arrival in Los Angeles over one year ago, and have been in close communication with her previous physician (of six years) ...

During this past year I have seen Jade regularly and consulted with her other specialists through Childrens Hospital of Los Angeles. Her care is coordinated through me and I have oversight to all medical care ...

Jade [has numerous disabilities] ...

Jade requires nursing 24/7 and constant monitoring ...

Given that Jade is non-ambulatory, it is important for her safety and quality of life that she have wheelchair access from the house onto the sidewalk curb. Because of her fragile medical state, Jades opportunities to socialize are typically in and close-to the home so that emergency medical equipment is readily available.

Currently, Jades family and nurses are unable to push her wheelchair to the sidewalk for it is too steep and too narrow. This requires urgent attention.

I support the proposal to provide a new ADA-standard wheelchair pathway in front of the home for a safer means of egress for Jade, her nursing staff, her team of therapists, her family and her wheelchair van.

PUBLIC HEARING

On March 18, 2006, Ordinance No. 177,325 became effective for the purpose of establishing a formal procedure for "Reasonable Accommodation" for individuals with a disability when seeking equal access to housing. Pursuant to Section 12.22-A,27(a) of the Municipal Code, "Reasonable accommodation means providing an Individual with a Disability or developers of housing for an Individual with a Disability flexibility in the application of land use and zoning regulations or polices (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities."

The standard public hearing process has been abridged without affecting "due process" and the ability of aggrieved and interested parties to protect their private rights. It is noted that:

"Due process clause of the 14th Amendment of the U.S. Constitution protects persons from state actions. There are two aspects: procedural, in which a person is guaranteed fair procedures and substantive which protects a person's property from unfair governmental interference or taking. (Black's law Dictionary, Fifth Edition)"

A public hearing is waived in order to process requests in a timely manner once the application is deemed complete. As set forth in Municipal Code Section 12.22-A,27(g) and (h), notice of the determination is provided to the applicant and to abutting owners of the property who may appeal the decision made herein.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The housing, which is the subject of the request for reasonable accommodation, will be used by an Individual with a Disability protected under the Acts.**

The applicant is seeking a Director's Determination granting Reasonable Accommodation for an individual with disabilities to allow the construction, use and maintenance of a semicircular driveway without review and approval by the Historic Preservation Overlay Zone Design Review Board, and to allow parking of automobiles within the front yard setback, as otherwise not permitted.

The applicant has submitted documents from her medical care-giver attesting to the needs of the applicant. The document has been deemed confidential by the Office of Zoning Administration. The applicant states that she has suffered injuries that have resulted in a disability. The disability has left her dependent on a full time caregiver and restricted to a wheelchair. According to the applicant's mother, there would average between 5 to 6 vehicles on-site, up to 8 vehicles, including the three family cars. It is intended that the semi-circular driveway will allow for safer egress from the property and additional parking for the applicant's various caregivers.

All of the requests made herein are to accommodate vehicle egress and parking for the applicant's caregivers. None of the requests seek to remediate circumstances of the use or development of the property which prohibit or restrict use of the applicant's dwelling. Further review of the use and development of the property reveals there to be ample availability of space upon the property, both along the side and to the rear, in order to meet the stated goals without the granting of a Reasonable Accommodation.

2. **The requested accommodation is necessary to make housing available to an Individual with a Disability protected under the Act.**

The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act considers it a[n] act of discrimination against the disabled to refuse to permit, at the expense of the handicapped person, reasonable modifications of the existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises. The Acts further consider it discrimination against the disabled to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The property is a slightly upward-sloping, rectangular-shaped, interior, approximately 25,088 square-foot parcel of land with a 100-foot frontage on the east side of Rossmore Drive. The property has a generally even width of 100 feet and a 242-foot depth on the northern side and a 260-foot depth on the southern side. The property is developed with a two-story estate-sized home of approximately 3,810 square feet, constructed circa 1923. The dwelling is listed as a contributing structure to the Hancock Park Historic Preservation Overlay Zone. The dwelling observes an approximately 50-foot front yard setback and a 20-foot southern side yard setback. An 8-foot wide driveway is located within the southern setback, leading to a detached garage in the rear portion of the property. The property enjoys a substantial backyard containing a linear fishpond along the northern side of the property and a hard-surface game court to the rear of the garage; much of the property behind the dwelling and the rear yard is open and unobstructed.

The applicant is a disabled individual who resides upon the property. The requested semi-circular driveway and front yard parking are for the purpose of accommodating frequent caregiver visitations to the property. The requests are not necessary to afford the disabled individual full enjoyment of the premises. While the caregiver services are a necessary part of the applicant's life, the proposed location of the semi-circular driveway and front yard parking appear to be more a result of choice than necessity. Based on the use and development of the property, there are other options available which can serve the same purpose without the need for a Reasonable Accommodation grant. Based on the foregoing, the requested accommodation is not necessary to make housing available to an Individual with a Disability protected under the Act.

3. **The requested accommodation would not impose an undue financial or administrative burden on the City.**

The requested accommodations do not require the City to expend any monies, nor does it require the City to create or administer any administrative scheme, other than the present administrative approval. Therefore, approval of the request would not impose an undue financial or administrative burden on the City.

4. **The requested accommodation would not require a fundamental alteration in the nature of the City's land use and zoning regulations.**

The requested accommodations do not require a fundamental alteration in the nature of the City's land use and zoning regulations, but merely a one-time applicant-specific deviation from the provisions of the Zoning Code. Further, approval of the accommodation would be conditioned to have a life that runs only with the needs of the person being accommodated after which the accommodation approval will terminate.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain.
6. Pursuant to California Code of Regulations Title 14, Division 6, Chapter 3, Section 15270 (a), CEQA does not apply to projects which a public agency rejects or disapproves.

APPEAL PERIOD – EFFECTIVE DATE

This Director's determination is appealable to the City Council within 15 calendar days of the date of mailing of the determination. Only the aggrieved applicant and abutting owners who received notice of the reasonable accommodation determination have a right to appeal the decision. The Zoning Administrator's determination in this matter will become effective after MARCH 30, 2016, 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,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

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

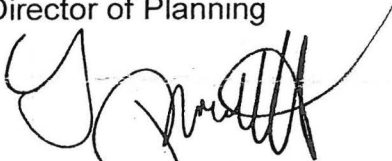
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California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

Inquiries regarding this matter shall be directed to Jon Foreman, Senior City Planner for the Office of Zoning Administration at (213) 978-1387.

VINCENT P. BERTONI, AICP
Director of Planning



LINN K. WYATT
Chief Zoning Administrator

LKW:JF:lmc

cc: Councilmember David E. Ryu
Fourth District
Adjoining Property Owners

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90020

ROBERTA WOLFF
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