

APPEAL APPLICATION

1. APPELLANT BODY/CASE INFORMATION

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Final Date to Appeal: 11/26/2018

☐ Appeal by Applicant/Owner

☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved

☐ Appeal from a determination made by the Department of Building and Safety

E-mail: daltman@ags-la.com

- ☐
- Other:

- ☒
- No

E-mail: jhenning@planninglawgroup.com

Justification/Reason for Appealing
Appeal to City Council
Case Number ENV-2015-1568-MND
Project Addresses: 3627 West Landa Street and 1888 North Lucile Avenue

This appeal is brought pursuant to California Public Resources Code section 21151(c), which provides that if a non-elected decision making body approves a mitigated negative declaration under the California Environmental Quality Act (CEQA), that determination may be appealed to the agency's elected decisionmaking body, in this case the City Council.

The within appeal is filed on the ground that the East Los Angeles Area Planning Commission (ELAAPC) erred and abused its discretion by adopting a Mitigated Negative Declaration ("MND") as the environmental review for the proposed single family residences at 3627 West Landa Street and 1888 North Lucile Avenue.

Appellant Barry Greenfield, as Trustee of the Landa Street Trust, is aggrieved by the decision because he is an immediately abutting neighbor to the project sites, and is directly affected by the proposed projects. In addition to this, Mr. Greenfield is a resident and taxpayer in the City of Los Angeles and as such is entitled to the full enforcement by the City of its local zoning and planning laws, the California Environmental Quality Act, and other state and local laws pertaining to the project.

The ELAAPC abused its discretion because:

- (1) The project violates the City's zoning code;
- (2) Under the California Environmental Quality Act (CEQA) an Environmental Impact Report should have been prepared for the project;
- (3) The conditions of approval are not sufficient to mitigate impacts of the project below a level of significance under CEQA;
- (4) The conditions of approval do not mitigate impacts of the project;
- (5) The approval of the project is not supported by adequate findings; and
- (6) The findings in support of the approval of the project are not supported by substantial evidence in the record.

Further support for the appeal is filed concurrently herewith, in the form of a letter from appellant's attorney John A. Henning, Jr. to the City Council, dated November 16, 2018. The appellant will submit additional correspondence and support for his appeal before the City Council meets to consider the appeal.

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November 16, 2018

APPELLANT NEIGHBOR'S GROUNDS FOR APPEAL

Re: 1888 Lucile Ave.

VIA HAND DELIVERY

City Council
City of Los Angeles
c/o Department of City Planning
201 N. Figueroa Street
Los Angeles, CA 90012

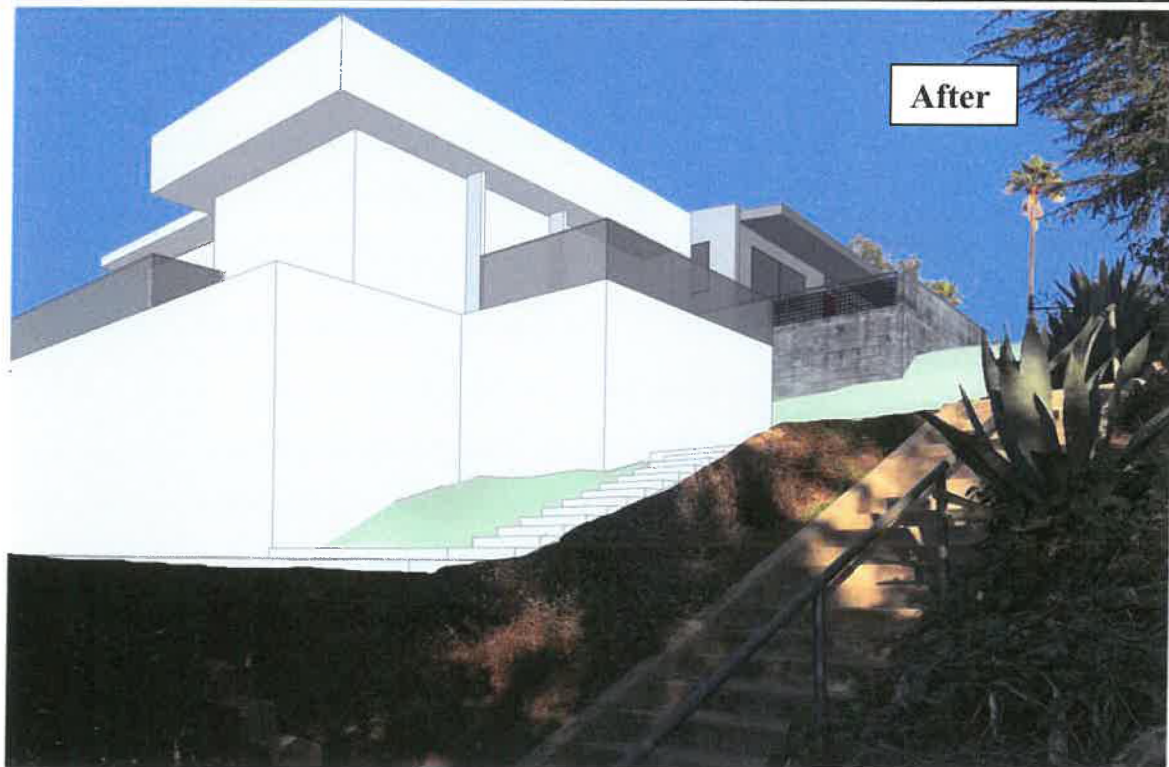
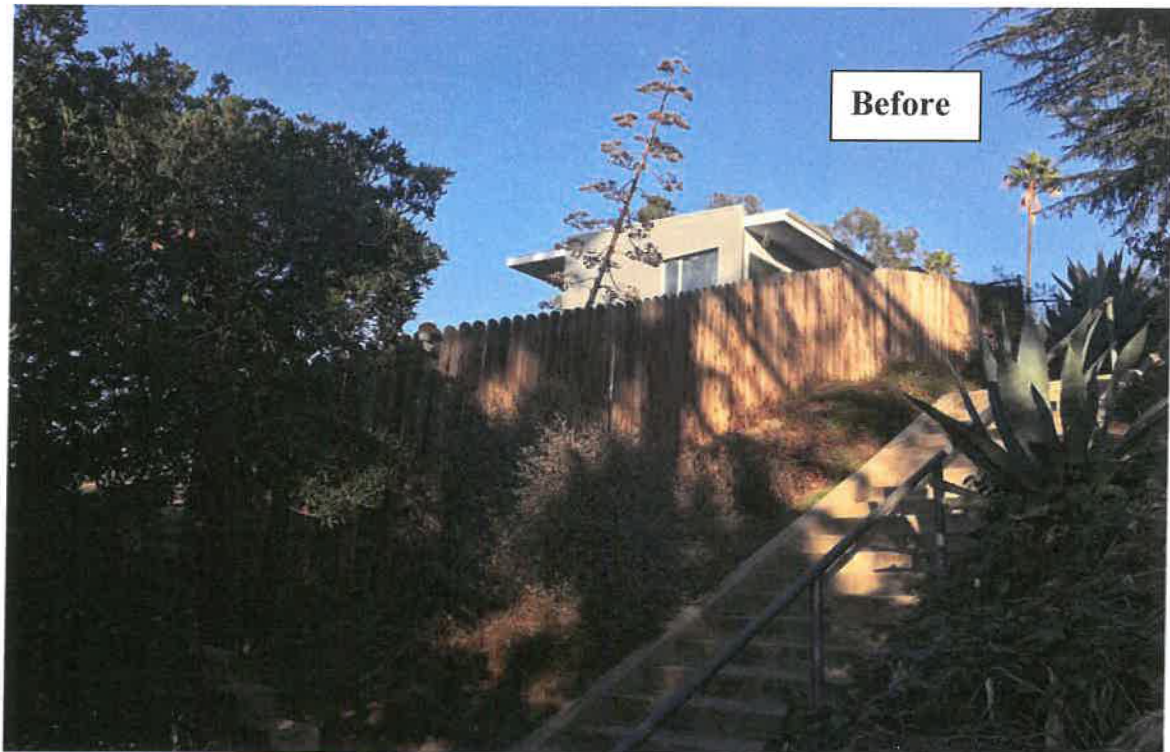
Re: Appeal to City Council from Case No. ZA-2015-1567-ZAD-ZAA-1A; ENV-2015-1568-MND (1888 N Lucile Ave.)

Honorable Councilmembers:

This appeal and the appeal of the companion project at 3627 W. Landa Street (Case No. ZA-2015-1569-ZV-ZAD-1A) together concern two proposed single-family homes on adjacent parcels in the Silverlake neighborhood. My client is Barry Greenfield, Trustee of the Landa Street Trust, which owns the home at 3623 W. Landa Street. My client's property is immediately adjacent to the Landa Street site to the east, and is diagonally adjacent to the Lucile Avenue site. We offer the following comments:

1. Mr. Porter Designed a Project That Maximizes Harm to the Neighborhood.

The first public hearing on this project was held on April 19, 2016. The applicant, Tom Porter, completely redesigned the project in October 2016. This triggered a second public hearing, which was held before Associate Zoning Administrator Jack Chiang on February 28, 2017. The new project was much worse for the neighborhood. As reflected on the before-and-after photo simulation below, the Landa Street house in particular would **tower 36 feet above the Landa Street stairs, including a second-story deck facing the stairs and between 8 and 24 feet above the stairs.**



As such, the Landa project in particular would singlehandedly destroy the pristine and natural environment on what the Zoning Administrator described in his determination letter for the Landa Street project as “one of the City’s rare stair streets,” which has “historical significance” and “must be maintained.” For numerous stair-street neighbors, as well as the general public who use the stairs for recreation, their peace, privacy and views would be continually assaulted by the massive structure, its raised deck, and the people who eventually use the raised deck.

In addition to harming the environment on the stair street, the Landa Street project would maximize blockage of views from my client’s home, in terms of both height and width, and the Lucile project would loom over the backyard of the neighboring home at 1892 Lucile Ave.

At the February 2017 public hearing, my client strenuously opposed the redesign, as did the adjoining neighbors at 1892 Lucile, Linda Kleine and Morri Spang (who have since moved). Ms. Kleine, who happens to be a licensed architect, and Michael Mekeel, a licensed architect retained by my office, each raised numerous deficiencies in the plans. At the close of the hearing, the AZA, Mr. Chiang, urged the applicant to address the concerns raised at the hearing, and to meet with the neighbors in an attempt to address all of their concerns, including view and privacy impacts.

Unfortunately, rather than take this advice to heart, Mr. Porter decided to defend the buildings he had already designed.

After the public hearing, Julia Duncan of the Council Office (who has since left that position) offered to set up a meeting between the neighbors and Mr. Porter. Unfortunately, by this point Ms. Duncan was already an advocate of the project. She had met repeatedly with Mr. Porter and his expediter but never with any of the neighbors, and she had made a detailed presentation to the Zoning Administrator in support of the project. Mr. Porter knew that he had Ms. Duncan’s support, so his task was to have the meeting Ms. Duncan requested, and then to make a few cosmetic changes to the project that would create the impression of making concessions to the neighbors’ concerns.

Several months after the second public hearing, on June 23, 2017, Mr. Porter and his “development team” (consisting of a lawyer, a designer and an expediter) met at the Council Office with me, my client’s architect, Ms. Kleine and Ms. Spang. Mr. Porter’s team started off by proposing extremely minor changes to the buildings. I and the Lucile neighbors reiterated what we had all said at the public hearing: The project was unnecessarily tall and wide, was out of scale with the neighborhood (and especially the Landa Street stairway), and would destroy the neighbors’ views and privacy. We all once again beseeched Mr. Porter to make substantial changes to the building. Mr. Porter did not say a single word at the meeting, choosing instead to speak through his lawyer. This was an ominous sign.

On July 19, 2017, at Mr. Porter’s request the Council office arranged a second meeting. There, Mr. Porter’s team presented a slightly revised project. The only concession to my client

was a 2-foot reduction in the height of a portion of the Landa house roof (over the living room), which was accomplished by reducing the ceiling height of that room from 12 feet to 10 feet. This change opened up a sliver of view for my client, but only from one perspective in his house. Because the rest of the roof (over the kitchen) remained at the original height, the vast majority of my client's view to the west was still completely blocked. Meanwhile, Mr. Porter made no substantial change that would benefit Ms. Kleine and Ms. Spang, the neighbors on Lucile Avenue, such as to pull the house back from the rear yard. The house continued to loom menacingly over the Kleine/Spang back yard, in exactly the same position as before. Nor did Mr. Porter make any change that would benefit the people who use the Landa stair street, such as by reducing the height of the structure from that perspective.

At the July 19, 2017 meeting at the Council Office, Mr. Porter's designer said that he would make a few non-substantive changes to the plans and then submit them to the City. A month later, on August 18, 2017, Mr. Porter submitted essentially the same plans to the City, along with a binder containing more than 200 pages of revised applications, findings and such.

We commented on these "revised" plans by our letter to Mr. Chiang dated September 14, 2017. Mr. Porter then submitted further revisions to the Lucile project only on April 4, 2018, mainly to reflect a revision to the retaining walls for that project. On July 19, 2018, Mr. Chiang issued his determination letters in both cases.

My client appealed the determination to the East Los Angeles Area Planning Commission (ELAAPC), and on October 10, 2018, the ELAAPC denied the appeal and adopted the findings of the Zoning Administrator as its own.

This final August 2017 version of the project is just as bad for the neighbors and the neighborhood – if not worse – than the project proposed in October 2016:

- **East Elevation is Still Twice as Large.** The building's eastern elevation, which is only 14 feet from my client's house, is still more than twice the size of the original eastern elevation of the project proposed in April 2016. (*See Tab A.*) The very minor changes to this elevation from the October 2016 plans are noted in red.
- **Roofline is Still 4 to 8 Feet Higher.** The roof is still between 4 feet and 8 feet higher than the original roof of the project in April 2016, thereby completely blocking most of my client's views toward the west from both the first and second stories of his residence. (*See Tab B.*)
- **Building is Still 50% Wider.** The building is still more than 50% wider than the original April 2016 project as viewed from my client's property, so the view blockage is still extended into new areas that were not obstructed by the design presented at the first public hearing. (*See Tabs A and B.*) In fact, the building is now even wider than before, i.e., 76 feet rather than 72 feet.

- **Side of Building is Still a Flat, Featureless Wall.** On the eastern elevation the structure is still essentially devoid of any articulation or even windows. Thus, as viewed from my client's property the structure still looks like the back side of a parking garage.
- 2. **Mr. Porter Has Withdrawn His Request for Relief From the Retaining Wall Ordinance.**

Mr. Porter initially applied for relief from the retaining wall ordinance for the Lucile project, requesting four walls instead of the maximum of two walls. However, **Mr. Porter formally withdrew this request by way of his August 2017 submittal of revised plans, and it cannot be reinstated without a new application.**

In his project binder filed with on August 18, 2017, Mr. Porter states, at approximately page 11 that the "request for additional retaining walls has been removed from the application." That passage is repeated below:

Case Management

Following the CD 4 meeting, we held a separate Case Management meeting with LADBS case manager Mourad Azz to review the design intent, grading calculations, and retaining wall configurations for 1888 Lucile and 3627 Landa.

In an attempt to reduce the zoning applications request for additional retaining walls the team proposed a solution for (2) retaining walls at 1888 Lucile. At the meeting, Mourad requested additional information before making a final determination. The team met with Mourad again on July 26, 2017 to address final questions relating to the retaining wall count for 1888 Lucile.

As a result, the zoning application request for additional retaining walls has been removed from the application.

Portion of Applicant's Binder re Withdrawal of Retaining Wall Request (pg. 11)

Mr. Porter's August 2017 binder reflects the withdrawal of the retaining wall request in several other places, such as the section on proposed findings.

The August 2017 binder was submitted almost 6 months after the last public hearing on this project. I and the neighbors reviewed that binder and provided written correspondence in response. We all assumed that Mr. Porter's decision to remove the request for additional retaining walls was final, and that the Zoning Administrator would proceed to decision in the case without further considering that request.

It was not until March 23, 2018 – seven months later – that Mr. Porter’s expediter informed Association Zoning Administrator Jack Chiang that Mr. Porter would, in fact, be pursuing relief from the retaining wall ordinance to allow three walls. Unfortunately, Mr. Chiang entertained this last-minute revision and ultimately granted the request.

It is unfair that my client and other neighbors were forced to respond to written materials like Mr. Porter’s August 2017 binder, which were filed long after the public hearing and in which Mr. Porter made changes to plans and new arguments and rationales that were never mentioned at the public hearing. However, the Zoning Administrator’s consideration of a request for relief that had been **formally withdrawn** is even worse, because my client and the other neighbors had considered the matter of retaining walls to be closed once and for all, and had geared our comments accordingly. We had no idea that there would be any attempt to reinstate the request, and we assumed that the Zoning Administrator would not allow the applicant to change his mind after the fact.

Requests for relief are routinely withdrawn in correspondence and by statements made in public hearings. **Once an applicant withdraws a request, the request is withdrawn, and it cannot be reinstated by the applicant.** The Zoning Administrator also does not have the right to reinstate the request, for a very simple reason: The public has relied upon the applicant’s withdrawal of the request. **This is a simple matter of due process and notice.**

Therefore, if Mr. Porter has changed his mind and wants three retaining walls for the Lucile project, he must file a new application and the Zoning Administrator must conduct a new public hearing, so that the neighbors can be heard on this request.

Moreover, even if the request for three retaining walls could be entertained, it would not be sufficient relief to allow the Lucile project to proceed. As shown by the attached diagram, the Lucile project requires not 3 retaining walls, but rather, 7 retaining walls. (*See Tab C.*) Even assuming that the Zoning Administrator would consider reinstating the original request for relief from the retaining wall ordinance, that request only seeks 4 walls (or, in its most recent iteration, 3 walls). The public has not had notice of a request for 7 walls, and has had no opportunity to provide their comments to the Zoning Administrator at a noticed public hearing.

3. Mr. Porter’s Support Letters Are Misleading.

In his findings regarding detriment to neighboring properties, the Zoning Administrator stated that Mr. Porter “obtained the support of four neighbors for the proposed project.” (Determination at 18.) In fact, Mr. Porter’s August 2017 project binder indicates that Mr. Porter showed his plans to two of the neighbors – one at 1880 N. Lucile Ave., which is next door to the Lucile site, and one at 1881 N. Lucile Ave., which is across the street from the Lucile site – and obtained their signatures in support. However, on closer examination it is apparent that **both of these neighbors’ signatures were obtained before April 2015, long before the project was completely redesigned in October 2016.**

In the initial project binder that Mr. Porter submitted in October 2016, the index for the Lucile project and the Landa project each refer to “Neighbor’s Signatures” as Tab 3, and attach a “Signature Sheet” (page 3 of the former Master Land Use Permit Application form). This sheet contains two signatures – one from a neighbor at 1881 Lucile and the other from a neighbor at 1880 Lucile. The signed sheets in the October 2016 binder were literally identical in every respect to the signature sheets previously submitted by Mr. Porter along with the original project application more than 18 months ago, in April 2015. Now, the August 2017 binder repeats the same identical signature sheet. (*See Tab D.*)

In other words, these two neighbors signed Mr. Porter’s application prior to April 2015 to support the original project (or perhaps something else entirely). Yet Mr. Porter has repeatedly -- and misleadingly -- submitted these same signatures as evidence of neighbor support for the revised project.

In fact, one of these two neighbors -- the one who lived next door at 1880 N. Lucile Ave. -- moved away in January 2016, months before the first public hearing, so his support, even of the original project design, is now completely irrelevant.¹ Of course, Mr. Porter was presumably well aware that this neighbor had moved, since Mr. Porter resides at the property. Yet, he submitted the neighbor’s signature as evidence of support for the project in his revised project submittal in October 2016, and he submitted the signature again with his August 2017 binder.

The August 2017 binder does include a letter from the new owner of the property at 1880 Lucile Ave., dated November 29, 2016, so the record has finally been corrected as to that neighbor. (Binder at approx. pg. 37.) However, in the letter the new owners merely state that they “As next door neighbors of Thomas A. Porter, we are writing to support his plans to build two houses at 1888 Lucile Avenue.” The new owners say nothing about having reviewed the actual plans submitted by Mr. Porter in October 2016. Moreover, one thing is certain: They could not possibly have reviewed the plans which Mr. Porter submitted in August 2017, as the letter is dated 9 months earlier than that.

Meanwhile, despite submitting a more than two-year-old signature from his neighbor across the street, at 1881 N. Lucile Ave., Mr. Porter has never submitted any new letter or other evidence that this neighbor still supports the project given the dramatic revisions since the first public hearing.

The August 2017 binder also contains a misleading letter from Scott Plante, a member of the Silverlake Neighborhood Council (SNC) dated November 16, 2016.² (Binder at approx. pg. 43.) The letter states that “We have reviewed the changes made by Mr. Porter regarding the above property and find no issues with the attached ZAA requests. We continue to recommend

¹ James Butkevich, who owned an adjoining property to the west at 1880 N. Lucile Avenue -- sold his house in January 2016, even before the first public hearing in April 2016. (*See Tab E.*)

² In the determination letter, the Zoning Administrator erroneously refers to the Silverlake Neighborhood Council letter as being dated “November 16, 2017,” or one year later.

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approval of the applicant's requests." However, there is no evidence that the SNC itself has had any opportunity to weigh in on the revised project, either as it stood in October 2016 or as it stands now.

In fact, as reflected in the letter to Lynda Smith of Office of Zoning Administration dated August 25, 2015, which is in the case file, the SNC held a hearing on August 4, 2015, just a few months after the application was filed, and approved the much smaller project that was originally filed with the application in April 2015.

In the November 2016 letter from Mr. Plante, there is no statement that the SNC itself ever reviewed the drastically larger and more imposing project as reflected in the October 2016 plans. Nor is there even the allegation that any committee of the SNC reviewed those plans. Mr. Plante does not say that the SNC or any of its committees conducted any hearings on the revised plans, as it would be required to do before approving anything.

In fact, based upon my discussions with Mr. Plante in January 2017, there were no hearings at the SNC about the revised project. Therefore, to the extent that Mr. Plante used the term "we," or used SNC letterhead, he was not speaking for the SNC or even for his own committee. At most, he was speaking for himself.

Finally, it is apparent from the face of the letter that Mr. Plante himself could not have reviewed the most recent set of plans submitted in August 2017, as his letter predates that submittal by 9 months.

On day of the ELAAPC hearing, Mr. Porter tried to rehabilitate his argument that the SNC supported his project by submitting yet another letter from Mr. Plante, dated October 9, 2018. However, in that letter Mr. Plante confirmed that the SNC had never approved the revised project. Instead, he conceded that the entire SNC had approved the project just once (in August 2015); that the SNC "does not have a mechanism" to consider revised plans, no matter how dramatic the revisions; and that only Mr. Plante and his co-chair had reviewed the revised plans. Mr. Plante insists that given the lack of any process to review revised plans, "our original recommendation stands," but that recommendation concerns a project that no longer exists.

Mr. Plante claims in his most recent letter that Mr. Porter did ask the SNC to review the revised plans, and it declined to do so because there was no procedure for such review. However, what Mr. Porter apparently did not do was to ask the Zoning Administrator to request that SNC reconsider the plans in light of the radical redesign of the project, something which, as Mr. Plante concedes, would have been possible. Presumably Mr. Porter was content with Mr. Plante's letters implying the SNC's approval of the revised project, much as he was content with ambiguous and outdated letters from his neighbors purportedly supporting the project.

4. **The Findings Necessary for a ZAD Reducing Required Parking for the Lucile Project From 3 Spaces to 2 Spaces Cannot be Made.**

The Lucile project requires 3 parking spaces because it consists of 2,471 square feet of floor area, which exceeds the 2,400 square foot threshold for provision of a third parking space. The Zoning Administrator Determination (ZAD) allows Mr. Porter to escape this requirement. However, the need for the ZAD could have been easily avoided by simply reducing the total floor area just below the 2,400 square foot threshold, or by 71 square feet.

Mr. Porter argues in his application that a ZAD is warranted because the only reason the 2,400 square foot threshold is exceeded is because he has elected to construct an extra 400 square foot garage on the Lucile property in order to provide two extra parking spaces to serve the Landa project. His theory is essentially that the owner of the Lucile property should not have to provide extra parking simply because he has voluntarily constructed more parking than required, i.e. he should not have to provide “parking for parking.”

The ELAAPC followed Mr. Porter’s rationale and granted the request for a parking reduction, noting: “The parking garage area provided for the adjacent Landa Street development is not a habitable space thus it does not trigger a parking demand, therefore, makes the parking exemption request reasonable.” (Determination at 14.) Elsewhere the ELAAPC notes: “The proposed project, without the extra square footage of the garage with two parking spaces meant to serve the adjacent dwelling, would not need the addition of a third parking space. In addition, a garage is not a habitable space and no person will live in it, thus the excess garage square footage does not create additional parking space demand or increase the intensity inside of the subject new single family home on Lucile Avenue that would require a third parking space.” (Determination at 20.)

However, the ELAAPC’s theory is really an argument for the City Council to change the zoning code; it is not an argument for granting relief from the code. The circumstance Mr. Porter finds himself in is actually quite common. In most residential zones throughout the City, required covered parking spaces up to 200 square feet in size are exempt from being treated as “residential floor area” (RFA). (See LAMC section 12.03.) Yet many projects include more than the required number of covered parking spaces, simply because the owner chooses to have extra spaces. When these extra non-required spaces are provided, they are routinely treated as RFA. Since more RFA can mean more required parking, these additional voluntary spaces can, and frequently do, trigger the requirement of yet more parking spaces, i.e., “parking for parking.”

Mr. Porter’s situation is slightly different from the typical case in that Mr. Porter is providing the extra two non-required parking spaces to serve the parking needs of a separate property on Landa Street, rather than to serve the property where they are to be constructed. However, that distinction is irrelevant here. Mr. Porter is not obligated to provide parking on the Lucile property for his separate development on the Landa property. He only chooses to do so because it suits his purposes and maximizes his profit on the combined development. There is no more reason for relieve Mr. Porter from providing “parking for parking” when the extra

parking is provided voluntarily in order to serve an off-site property, than there is to grant relief in the more typical case, where extra parking is provided voluntarily to serve the same property. In either case, the argument that “parking for parking” should not be required is the same: Extra parking spaces do not generate the need for more parking spaces.

The zoning code could certainly be amended to state that parking requirements for hillside projects are to be calculated based only on floor area excluding covered parking, regardless of whether such parking is required or voluntarily provided. However, that is not what the zoning code says presently, and that is not the rule that is followed by developments throughout the City. The City Council is not obligated to – and in fact should not – provide a de facto waiver from the clear language of the zoning code simply because one applicant would like the code to be written differently. Indeed, the grant of relief in this circumstance would merely invite demands for relief from any property owner who faces the prospect of providing “parking for parking” anywhere in the City, and would thereby eviscerate the effect of the code.

As an alternative to simply reducing the RFA of the Lucile house by 71 square feet, Mr. Porter can also avoid the need for a ZAD to reduce required parking in two other ways. One option is to forego the Lucile project entirely and simply maintain and repair the existing 1925 structure, and its legal nonconforming parking garage, thus requiring no additional parking at all. Another option is to develop the new Lucile house and provide the third required space in one of the four spaces to be constructed. The fourth space could then be used as parking for the Landa house, perhaps pursuant to a zone variance like the one granted for the neighboring properties at 3617 and 3623 Landa Street, in which the size of the structure was strictly limited to 1,300 square feet to minimize the demand for off-site parking. Or, Mr. Porter could simply forego the Landa project entirely.

Section 12.24.E requires three general findings for all Zoning Administrator Determinations made under section 12.24.X. These are the “General Findings” necessary for all Hillside projects, which are commonly known as “Hillside Project Findings.” They include:

1. that 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;
2. that 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; and
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

These findings concern impacts of the project generally on the neighbors and the General Plan. A ZAD cannot be approved for the Lucile project because the project is simply massive in

its scale and relation to the street. The house itself is unusually large for the neighborhood, both in square footage and in sheer mass and height. It looms over its neighbor on Lucile Avenue. It also creates, among other things, a solid wall of parking garages directly at N. Lucile Avenue, and subjecting this narrow hillside street to unnecessary traffic burdens and traffic conflicts. Many of these issues are described in great detail in a separate letter submitted by Linda Kleine dated September 12, 2017, which we hereby incorporate by this reference.

In addition to the Hillside Project Findings, there is another specific finding necessary to support a ZAD for reduced off-street parking: That the reduction of the parking requirements will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and that the reduction will not be materially detrimental or injurious to the property or improvements in the vicinity in which the Lot is located." (LAMC section 12.24.X.28.(b).6.) Such a finding cannot be made here.

As acknowledged by the Zoning Administrator in a previous case (Case No. ZA 2004-421 9(ZV)(ZAD)), and as discussed in great detail in Linda Kleine's September 12, 2017, letter to the Zoning Administrator – this is a crowded hillside neighborhood with narrow streets and scarce on-street parking spaces. Lucile Avenue in particular is a substandard hillside street and is already short on parking. There is street parking on one side of the street only, and private curb cuts on the narrow lots further limit the number of on-street spaces. The street parking that does exist is inefficient and limited by the curving roadway and steep grade. Finally, visibility is poor, so drivers searching for parking spaces create traffic congestion and traffic hazards. The Landa Street project would worsen these conditions by pushing all of its traffic and parking impacts onto Lucile Avenue.

Despite these existing conditions, the ELAAPC identifies no special circumstances that have any prospect of reducing, much less eliminating, the parking and traffic impacts that would necessarily flow from a reduced parking requirement. Nor has the ELAAPC considered the possibility of simply reducing the structure size well below the maximum allowed, so as to reduce the likely number of occupants of the house and thus its parking demand, as the recent project on Landa Street did.

Accordingly, any reduction of code parking requirements would, by definition, create an adverse impact on street access and circulation and would be detrimental to other property in the vicinity. Since there is no substantial evidence to support the ELAAPC's findings concerning compatibility with the neighbors and the neighborhood, a ZAD for reduced parking should not have been granted.

5. The Findings Necessary for a ZAA to Reduce the Width of the Required Passageway for the Lucile Project Cannot be Made.

The zoning code requires a 10-foot passageway leading from Lucile Avenue to the front door of the residence. Mr. Porter requested, and the Zoning Administrator granted, a Zoning Administrator Adjustment (ZAA) for a passageway that is narrower than the minimum 10 feet

required, and specifically 8 feet wide. The need for the request is dictated by Mr. Porter's desire to construct two parking garages with a total of four parking spaces facing Lucile Avenue, on a lot that is only about 50 feet wide at that frontage.

The required for a Zoning Administrator Adjustment (ZAA) include finding (a), i.e., "(a) *that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.*" (LAMC section 12.28.C.4.(a).) Subsumed under this required ZAA finding is a finding that "site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible."

In this regard, the ELAAPC found that "Because of this unique arrangement and special circumstance, the required garage on the property is larger than a normal garage for a single-family dwelling, both in width and in square footage. Due to the wider garage, passageways from the street to the dwelling entrance of both single family homes must be slightly narrowed by two-feet in lieu of the required ten-feet so as to accommodate the necessary offstreet parking." (Determination at 21.)

However, this is a self-imposed hardship. Mr. Porter only "needs" the reduced passageway width because he wants to do these three things:

- (1) Demolish the existing house on the Lucile property, which already has a legal nonconforming parking garage, and replace it with a large new house which requires two larger code-conforming parking spaces;
- (2) Build a 1,931 square foot, 3-bedroom house on the Landa property which requires two parking spaces, rather than leaving the property undeveloped or developing it with a smaller house that might qualify for a zone variance for reduced parking to serve that parcel, similar to the one granted to the neighboring properties at 3617 and 3623 Landa Street; and
- (3) Design the two new garages 20 feet wide rather than the minimum 17 foot, 8 inch width necessary for one full-size and one compact parking space.

Mr. Porter wants to do these three things, but he doesn't need to do any of them. He could easily avoid the need for a ZAA for a reduced passageway by simply not doing any one of these three things.

For example, Mr. Porter could repair and maintain the existing house on the Lucile property, and then construct two new individual garages on the property, for use by the Lucile property and/or to serve the Landa property, without requiring any reduction in the passageway width. A site plan depicting a possible design for this is attached to this letter. (*See Tab F.*) The plan calls for only a single retaining wall less than 12 feet tall, which is in conformance with the retaining wall ordinance.

Indeed, while Mr. Porter has contended that the existing house dating from 1925 is in poor condition and cannot feasibly be saved, the documents in the file do not support this contention. As reflected in the binder that Mr. Porter submitted with the revised plans, the Landa property is subject to a Substandard Order and Notice of Fee from the Department of Building and Safety which identifies three primary code violations: (1) “missing, broken and rotted structural roof and wall systems” in the garage building, including “significant structural damage on the retaining wall and wood framing,” which Mr. Porter is required to either “repair or replace”; (2) damaged and unsafe retaining walls in the garage and at the front property line, which require repairs and maintenance; and (3) illegal conversion of the underfloor area of the house into a “habitable basement with a bathroom,” which can be resolved by simply removing the unpermitted improvements.

The DBS Substandard Order only says that Mr. Porter has work to do. It does not support his self-serving contention that the house must be torn down and replaced. Indeed, while Mr. Porter states in the Project Description attached to the original application that “the extent of the work needed to bring the house into Compliance is impractical from both a cost and an engineering perspective,” Mr. Porter has presented no evidence that the problems identified in the Order to Comply cannot be resolved, or even that they cannot be resolved economically. Nor has Mr. Porter identified any other specific problems with the structure that are not referenced in the Substandard Order.

It appears that Mr. Porter’s intention to demolish the existing 1925 structure is motivated more by a desire to maximize profit than by an actual need to replace the structure. The City Council is not obligated to – and should not – grant relief from the zoning ordinance merely so that Mr. Porter can make extra money on his speculative development project.

Moreover, even if it could be established that the Lucile house is beyond repair and must be demolished and replaced, Mr. Porter has other avenues available to him to avoid the need for a ZAA for a reduced passageway width. As one example, Mr. Porter could forego the Landa development entirely, thus necessitating no extra parking spaces on the Lucile property. Or, he could revise the Landa project to be a house less than 1300 square feet in size and then apply for a zone variance to allow reduced off-site parking of just one space on the Lucile property, similar to the variance granted by the Zoning Administrator for the houses at 3617 and 3623 Landa St.

Mr. Porter can also avoid the need for a ZAA for a reduced passageway even if he insists upon building large new houses on both the Lucile and Landa properties – by simply reducing the width of the two parking garages from 20 feet to 18 feet, which is sufficient under the zoning code to accommodate one full-size and one compact parking space. A site plan depicting this configuration is attached to this letter. (*See Tab G.*)

Given the numerous alternatives available to Mr. Porter to ensure a code-conforming passageway width, strict adherence to the zoning regulations is both practical and feasible. Accordingly, there was no substantial evidence supporting finding (a) required for a ZAA, which

subsumes the finding that “site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible.” (See LAMC section 12.28.C.4.(a).) Accordingly, the ZAA for a reduced passageway width should not be granted.

Moreover, as with the various ZADs that Mr. Porter requests, the ZAA that he requests for a reduced passageway requires certain findings that the project as a whole will not have negative impacts on the neighbors and the neighborhood. Specifically, the City Council must find:

(b) that in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

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

For the reasons discussed elsewhere in this letter, these findings simply cannot be made here.

6. **Even if the City Council Were to Consider the Withdrawn ZAD to Increase the Number of Retaining Walls in the Lucile Project Beyond the Limit of 2 Walls, the Necessary Findings Cannot Be Made.**

The zoning code allows only two new retaining walls on the Lucile property. In his plans filed in October 2016, Mr. Porter requested a Zoning Administrator Determination (ZAD) to allow 4 walls. Then, in August 2017, Mr. Porter filed revised plans purporting to show just 2 walls, and he accordingly withdrew his request for relief from the retaining wall ordinance. Finally, in March 2018, with no notice to neighbors or public hearing, Mr. Porter asked the Zoning Administrator to reinstate his original request and asked for permission to build 3 walls. The Zoning Administrator granted this request, and the ELAAPC upheld that decision. As discussed in section 2 of this letter, this was in violation of the law and my client's rights to due process and notice.

Moreover, even if the ELAAPC had the authority to reinstate Mr. Porter's request for extra retaining walls, there is no justification for it to do so. **A 2,471 square foot house, with all four of the parking spaces Mr. Porter proposes, can feasibly be built on the property with no more than a single retaining wall less than 12 feet high located along the east property line.** A site plan for just such a house is attached to this letter. (See *Tab H*.) Mr. Porter may want more walls, but he doesn't need more walls to develop the property.

A request for relief from the maximum number of retaining walls is treated as a Zoning Administrator Determination (ZAD), but the findings necessary for such relief are specified in

the code section concerning Zoning Administrator Adjustments. (See LAMC section 12.21.C.8.(c); section 12.24.X.26.(b); section 12.28.C.4.) These findings include finding (a), i.e., *“(a) that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.”* (LAMC section 12.28.C.4.(a).)

Subsumed under this required ZAA finding is a finding that *“site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible.”* The ELAAPC in this regard made various ambiguous findings. As to Retaining Wall No. 1, he found that this 122-foot wall “is necessary to provide an accessing stairway to the companion Landa dwelling.” As to Retaining Wall No.2, he found that this 49-foot long wall “is necessary to allow a usable open space at the rear yard.” As to Retaining Wall No.3, he found that this 7-foot wall “is necessary to retain soil stability at the property line location for the project property and the easterly adjacent property.” (Determination at 22.) Speaking generally, the ELAAPC found that “The retaining wall request is necessary due to the physical characteristics of the subject site and to provide additional garage area for two more parking spaces with an access stairway serving the companion single family dwelling at 3627 Landa Street.” (Determination at 22.)

However, these findings that three walls are “necessary” are not supported by substantial evidence. Because Mr. Porter can build a 2,471 square foot house on the Lucile property with a single retaining wall less than 12 feet tall, strict adherence to the zoning regulations is both practical and feasible. Thus, mandatory finding (a) simply cannot be made, and a ZAD for additional retaining walls should not be granted.

Further, for the reasons discussed in sections 4 and 5 of this letter, ZAA finding (b) (concerning compatibility of the project generally with the neighborhood) and (c) (concerning conformance of the project generally with the General Plan), simply cannot be made here.

7. **Because There is a Fair Argument That the Project May Result in Significant Levels of Construction-Related Noise, an Environmental Impact Report Should Have Been Prepared Pursuant to CEQA.**

As the environmental review for the project, the ELAAPC certified the adequacy of a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA). This document was prepared for the two projects on Landa and Lucile as a combined project. However, this two-house development project is immediately adjacent to a densely populated single family residential neighborhood. The noise impacts on sensitive residential receptors – otherwise known as people in their homes – would extend over the entire construction phase of the Project, which is estimated to be 16 months including grading, foundation and construction. Therefore, an Environmental Impact Report (EIR) should have been prepared to evaluate construction noise, at a minimum.

The MND is quite scant in its evaluation of construction noise. It includes an Initial Study Checklist that categorizes various impacts in terms of their potential significance, with or without mitigation. (MND at 12-14.) Among these impacts are Noise (category XII), and specifically “temporary” noise, i.e., construction noise, which is described by way of the following question (XII.d): “A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?” The checklist indicates that this particular noise impact is “potentially significant unless mitigation incorporated.” (MND at 12.)

Elsewhere the MND states that as to this category, “The project is the construction of a new, single-family dwelling, and may result in a temporary or periodic noise increase during construction activities.” (MND at 22.) It then defines “Mitigation Measures” with reference to category “XII-20”, which corresponds to three measures described elsewhere (MND at 3.) These three measures include: (a) “Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday”; (b) “Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels; and (c) “The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.”

However, there is simply no determination in the MND – much less a determination supported by substantial evidence – that these three modest noise control measures would mitigate construction noise below the level of significance. Nor is there any finding by the ELAAPC to this effect. In fact, even if the three conditions might reduce noise impacts somewhat, they are not sufficient to mitigate the impact below the level of significance, especially when residences are only a few feet away from the project. At a minimum, site grading and drilling for foundations such as caissons – which are inevitably necessary for hillside projects and which are specifically called for by the geotechnical reports for this project – will make substantial noise that will disturb residential neighbors.

The City’s noise ordinance (LAMC section 122.05) states that an absolute noise level of 75 dBA at 50 feet from the noise source is a violation of the ordinance, which indicates that this level at a minimum would be a significant noise impact. Although the ordinance makes an exception for construction noise, that is irrelevant for purposes of determining whether the impact is significant. (See Rominger v. County of Colusa (2014) 229 Cal.App.4th 690, 717 (“A lead agency cannot avoid finding a potentially significant effect on the environment by rotely applying standards of significance that do not address that potential effect”); Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1380 (court noting that CEQA does not define significant noise impacts “simply in terms of whether a project would violate applicable local, state, or federal noise standards,” but instead adopt a “site-sensitive threshold of significance for noise.”)).

In addition to the absolute 75 dBA level prohibited by the City’s ordinance, a mere increase of 5 dBA resulting from construction would be a significant impact. (See Los Angeles

Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1024-26 (court rejecting EIR's conclusion that increase of less than 5 decibels in ambient noise level has only "a marginal impact" on the hearer.)

The City's own "CEQA Thresholds Guide" (2006) describes typical noise levels for construction machinery and activity at 50 feet from the noise source. They include: Trucks – 82-95 dB; Concrete Mixers (75-88 dB); Paver (85-88 dB); Pile Driving (95-107 dB).) (*See Tab I.*)

Turning to the mitigation conditions in the MND, it is quite apparent that they will not convert an otherwise noisy construction site into a quiet one. The first condition, which merely limits hours of construction, will not eliminate (or even reduce) noise during the hours allowed, which are 13 hours per day on weekdays and 10 hours a day on Saturdays. The second condition merely requires scheduling to "avoid" operating several pieces of equipment simultaneously. This does not *prohibit* the operation of multiple pieces of equipment simultaneously, and even if it did, it does not change the noise made by any given piece of equipment used by itself. The third condition requires the contractor to use "state-of-the-art noise shielding and muffling devices," but there is no description of what these devices even are, much less is there any reason to assume that they will be sufficient to bring construction noise below the level of significance.

In sum, the construction noise impacts of the project are potentially significant, and there is no finding based upon substantial evidence that they are mitigated below the level of significance by the few mitigation conditions imposed on this project. Thus, there is a fair argument that the Project, even after mitigation, may have a significant construction noise impact. An EIR should be prepared to analyze this potential impact.

8. Conclusion.

The applicant here, Tom Porter, spent \$45,000 just a few years ago for a vacant lot fronting on a stair street, which was evidently considered "unbuildable" due to the lack of vehicular access. He then devised a speculative development project by which he would demolish a perfectly adequate existing home, inject numerous unsightly retaining walls into a serene hillside, and then build two unusually large houses that would block his neighbors' views and loom over the historic stair street enjoyed by members of the public. When the neighbors objected at the public hearing, Mr. Porter responded by devising an even more harmful design, which would absolutely maximize the blockage of one neighbor's views, while also looming even more menacingly over the other neighbors and the stair street.

In a textbook example of "bait-and-switch," Mr. Porter presented this revised project to the Zoning Administrator, but he carefully avoided any review of the design by his other neighbors, the neighborhood council, or the public generally. He even told the Zoning Administrator that two neighbors supported this revised project, when in fact both of them had seen only the more modest original design, and one of them had long since moved away.

Honorable Councilmembers
November 16, 2018
Page 18

Another public hearing was held, and afterward the Zoning Administrator urged Mr. Porter to consider making meaningful changes to the project. However, Mr. Porter had no intention to comply with this request. He met with the neighbors, made a few minor changes to the design, and pretended that they were real concessions. Then, the Zoning Administrator gave Mr. Porter everything he asked for, and the ELAAPC upheld that determination.

This Commission should grant the appeal and reverse the decision of the ELAAPC.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John A. Henning, Jr.", written in a cursive style.

John A. Henning, Jr.

Enclosures (Tabs A through I)



EAST LOS ANGELES AREA PLANNING COMMISSION

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

www.planning.lacity.org

CORRECTED LETTER OF DETERMINATION

Mailing Date: **NOV 07 2018**

CASE NO. ZA-2015-1569-ZV-ZAD-1A

Council District: 4 – Ryu

CEQA: ENV-2015-1568-MND

Plan Area: Silver Lake-Echo Park-Elysian Valley

Related Case: ZA-2015-1567-ZAD-ZAA-1A

Project Site: 3627 West Landa Street

Applicant: Thomas A. Porter
Representative: Matt McGrane, Tellus Design + Build

Appellant: Barry Greenfield, Altman, Greenfield & Selvaggi LLP
Representative: John A. Henning, Jr., Attorney at Law

At its meeting of **October 10, 2018**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

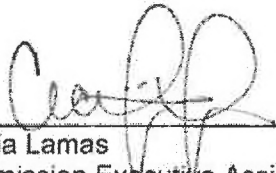
The construction of a new two-story 1,931 square-foot single-family dwelling.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2015-1568-MND, adopted on October 10, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project; prepared for the Mitigated Negative Declaration;
2. **Denied** the appeal and **sustain** the Zoning Administrator's determination to:
 - a. **Approve**, pursuant to Charter Section 562 and Los Angeles Municipal Code (LAMC) Section 12.27 B, a Zone Variance to provide two required off-street parking spaces off-site on the adjacent lot (Lot No. 17, TR 5720, 1888 North Lucile Avenue) in lieu of two off-street parking spaces provided on-site as otherwise required by LAMC Section 12.21 A.4(a);
 - b. **Approve**, pursuant to LAMC Section 12.24 X.28(i) a Zoning Administrator's Determination to permit the construction, use and maintenance of a new single-family dwelling fronting on two Substandard Hillside Limited Streets that are improved with an adjacent roadway width of less than 20 feet, as otherwise not allowed by LAMC Section 12.21 C.10(i)(2); and
 - c. **Approve**, pursuant to LAMC Section 12.24 X.28(ii) a Zoning Administrator's Determination to permit the construction, use and maintenance of a new single-family dwelling fronting on a Substandard Hillside Limited Street where a minimum 20-foot wide continuous paved roadway is not provided from the property to the boundary of the Hillside Area, as required by LAMC Section 12.21 C.10(i)(3).
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Alarcon
Second: Stein
Ayes: Leung
Absent: Arellano, Choi

Vote: 3 - 0



Cecilia Lamas
Commission Executive Assistant

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 not appealable as it relates to the Zoning Administrator's Determination. The decision of the East Los Angeles Area Planning Commission, regarding the Zone Variance, is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: NOV 26 2018

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.

Attachments: Determination Letter Dated July 19, 2018

c: Jack Chiang, Associate Zoning Administrator

LISA M. WEBBER, AICP
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
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CITY OF LOS ANGELES
CALIFORNIA



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MAYOR

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July 19, 2018

Thomas A Porter (A)(O)
P.O. Box 7110
Van Nuys, CA 91409

Matt McGrane (R)
Tellus Design+Build
2020 Placentia, Suite B
Costa Mesa, CA 92627

CASE NO. ZA-2015-1569-ZV-ZAD
ZONE VARIANCE AND ZONING
ADMINISTRATOR'S DETERMINATION
3627 West Landa Street
Silver Lake-Echo Park-Elysian Valley
Planning Area
Zone : R1-1VL
D. M. : 147A203
C. D. : 4
Related Case: ZA-2015-1567-ZAD-ZAA
CEQA : ENV 2015-1568-MND
Legal Description: Lot 4, Tract 5720

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

a Zoning Administrators Determination to permit the construction, use and maintenance of a new single-family dwelling fronting on two Substandard Hillside Limited Streets that are improved with an adjacent roadway width of less than 20 feet, as otherwise not allowed by LAMC Section 12.21 C.10(i)(2);

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

a Zoning Administrator's Determination to permit the construction, use and maintenance of a new single-family dwelling fronting on a Substandard Hillside Limited Street where a minimum 20-foot wide continuous paved roadway is not provided from the property to the boundary of the Hillside Area, as required by Los Angeles Municipal Code Section 12.21-C,10(i)(3), and

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27 B, I hereby APPROVE:

a Zone Variance to provide two required off-street parking spaces off-site on the adjacent lot (Lot No. 17, TR 5720, 1888 North Lucile Avenue) in lieu of two off-street parking spaces to be provided on-site as otherwise required by Section 12.21 A.4(a);

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other

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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. Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.
7. Approved herein is the construction, use and the maintenance of a new 2-story single family dwelling without providing the adjacent roadway and continuous paved roadway street improvements as required in LAMC Sections 12.21 C.10(i)(2) and 12.21 C.10(i)(3), as shown in Exhibit "A". The project is approved with the following limitations:
 - a. The project shall be limited to a maximum of 1,931 square feet of Residential Floor Area.
 - b. Two covered off-street parking spaces shall be provided off-site on the adjacent lot (1888 North Lucile Avenue) in a garage.
8. 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.
9. Street dedication along Landa Street shall be provided to the satisfaction of the City Engineer. If any portion of the structure is determined to be located within the

public right-of-way, the applicant is required to obtain an approval of a revocable permit by the Bureau of Engineering.

10. 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 January 7, 2015 [Log #86038-01] and any subsequent amendments.
11. Prior to any sign-off by the Development Services Center, the subject lot on Landa Street (Lot No. 4, TR 5720, 3627 Landa St) and the lot on Lucile Avenue (Lot No. 17, TR 5720, 1888 Lucile Avenue) shall either be tied together to assure continued access and parking on the Lucile property for the occupants of the Landa properties, or the applicant / property owner shall record a document establishing an easement to guarantee access and parking rights from a designated two vehicle parking spaces in the garage on Lucile Avenue to the dwelling on Landa Street, so that it would be a pedestrian easement as well as the requirement the garage be available for both parking and access. The recordation of this document shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The document shall include a site plan showing the location of the said garage on the Lucile property and the path of the pedestrian access. Both the document and the plan must be submitted to the Development Services Center for approval prior to the recordation. After recordation, a certified copy showing the Recorder's number and date shall be submitted to the Development Services Center for the case file to complete the clearance of this conditions.
12. No other deviations have been requested from any other applicable provisions of the Baseline Hillside Ordinance (BHO), Code Section 12.21C.10, including from any building height, Residential Floor Area, lot coverage, and yard setback requirements.
13. The applicant shall incorporate a fire sprinkler system throughout the interior of the proposed house.
14. Prior to the clearance of the building permit, the applicant shall submit a landscape plan to the Development Services Center for review and approval. The land scape plan shall show special attention alongside yards as to provide privacy to the adjacent neighbors.
15. There shall be no air conditioning units or other similar items located on the roof of the project in order to minimize visual and aesthetic impacts.
16. Use of the Landa stair street for construction activities or storage of any building materials is prohibited. Pedestrian access of the stairs shall be maintained at all times.
17. The applicant / property owner shall secure an offsite construction staging and construction personnel parking area for the development of the project site.
18. All debris, trash and waste generated by the construction, including but not limited to building material remnants, removed weeds or dirt, food or drinks consumed by workers, etc., must be removed from the site or kept in a covered, trash receptacle

on the property. Any trash stored on site must be removed at least once per week, or whenever the storage receptacle is full, whichever is sooner.

19. Prior to construction, the applicant shall provide a construction schedule to the adjacent residents. During construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and legible 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 or his designee shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present on-site during construction.
20. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances.
21. The mitigation measures identified in ENV-2015-1568-MND are hereby incorporated as conditions of this grant as noted below, unless otherwise noted;
 - a. Aesthetics (Hillside Design, Undeveloped Site)
 - 1) Grading shall be kept to a minimum.
 - 2) Natural features, such as prominent knolls or ridge lines, shall be preserved
 - b. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties of the public right-of-way.
 - c. Aesthetics (Glare)

The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
 - d. Objectionable Odors (Commercial Trash Receptacles)
 - 1) Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - 2) Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
 - e. Erosion/Grading/Short-Term Construction Impacts

The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

f. Emergency Evacuation Plan

Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

g. Increased Noise Levels (Demolition, Grading and Construction Activities):

- 1) Construction and demolition shall be restricted to the hours of 7 a.m. and 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- 2) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- 3) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

h. Public Services (Fire):

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

i. Safety Hazards

- 1) The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- 2) The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

j. Inadequate Emergency Access

The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

- k. Inadequate Emergency Access (Hillside Streets-Construction Activities)
 - 1) No parking shall be permitted on the street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.
 - 2) All demolition and construction materials shall be stored on-site and not within the public right-of-way during demolition, hauling, and construction operations.

22. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of 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.
- c. 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 (b).
- d. 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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 **AUGUST 3, 2018**, 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 Office
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077*

*Valley Constituent Service
Center
6262 Van Nuys Boulevard, #251
Van Nuys, CA 91401
(818) 374-5050*

*West Los Angeles Office
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901*

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 February 28, 2017 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 for authorizing a Zoning Administrator's Determination and a Zone Variance under the provisions of Section 12.24-X and 12.27 have been established by the following facts:

BACKGROUND

The subject property is a sloping, rectangular lot of 5,000 square feet. The site has frontage on the northerly side of Landa Street of 50 feet, and a uniform depth of 100 feet. The site slopes significantly upward away from Landa Street, from south to north, then slopes downward again toward Lucile Street. The site is currently vacant. The subject site is zoned R1-1VL and is located within the Silver Lake-Echo Park-Elysian Valley Community Plan Area, a Hillside area, a Very High Fire Hazard Severity Zone, a Special Grading Area, and is within the Upper Elysian Park Fault Zone. All adjoining properties surrounding the site are zoned R1-1VL, and are developed with single-family dwellings, with a few vacant parcels.

The applicant is seeking is Zoning Administrator's Determinations to permit: 1) the construction, use and maintenance of a new single-family dwelling on a lot fronting on a Substandard Hillside Limited Street that is improved to a roadway width of less than 20 feet; 2) construction of a single-family dwelling on a lot which does not have a minimum 20-foot wide continuous paved roadway from the driveway apron to the boundary of the Hillside area; and 3) a Zone Variance to provide two off-street parking spaces off-site on the adjacent lot (1888 North Lucile Avenue) in lieu of two off-street parking spaces on-site, in conjunction with the construction, use, and maintenance of a new, two-story, 1,931 square foot single-family dwelling. The proposed project is part of a project to construct two single-family dwelling on two lots, including the subject property (3627 West Landa Street), and the lot directly adjacent to the north (1888 North Lucile Avenue). Landa is a walk street, with no vehicular access. As a result, the applicant is proposing to provide the required parking spaces on the adjacent lot to the north, at 1888 Lucile.

A public hearing for the proposed project was originally heard on April 19, 2016. The applicant redesigned the project, and a second hearing was held on February 28, 2017. As a result of project redesign, the proposed dwelling has decreased in floor area by approximately 60 square feet, and decreased in lot coverage by approximately 2 percent. In addition, a prior request to allow an open unenclosed patio to encroach into the front yard setback has been withdrawn.

Landa Street, adjacent to the subject site to the south, is a Standard Local Street with a right-of-way width of 20 feet and improved with a pedestrian stairway of approximately 7 feet in width.

Previous zoning related actions in the area include:

Case No. ZA-2014-2644-ZAA-F – On February 12, 2015, the Zoning Administrator approved a Zoning Administrator's Adjustment from Section 12.09.1-B,2(a) to allow a 4-foot 1-inch side yard in lieu of the 6-foot 1-inch side yard otherwise required; a

Zoning Administrator's Adjustment from Section 12.21-C,2(b) to allow a 4-foot 1-inch passageway from the entrance of the rear unit to the street in lieu of the 10-foot passageway otherwise required; a Zoning Administrator's Adjustment from Section 12.21-C,1(g) to allow a driveway to cover more than 50 percent of the front yard, as otherwise not allowed; and a Zoning Administrator's Determination to allow an 8-foot in height retaining wall along the side property line in lieu of the maximum 6-foot wall otherwise permitted by Section 12.22-C,20(f), all in conjunction with the proposed construction of a 5,490 square foot duplex in the RD2-1VL Zone, located at 2050-2052 Griffith Park Boulevard

Case No. ZA-2014-927-ZAD – On July 30, 2014, the Zoning Administrator approved a Zoning Administrator's Determination to permit two on-site parking places in lieu of four spaces as required by Section 12.21-C,10(g), in conjunction with the proposed 1,967 square-foot addition to an existing 2,146 square-foot single-family dwelling located on a 13,288 square-foot, hillside site zoned R1-1VL, located at 2038 North Micheltorena Street.

Case No. ZA-2010-1974-ZAD – On October 7, 2011, the Zoning Administrator approved a Zoning Administrator's determination to permit the construction, use and maintenance of a single-family dwelling fronting onto 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 otherwise required by Section 12.21 -A,17(e)(3) of the Municipal Code, in conjunction with the construction of a single-family dwelling, in the R1-1VL Zone, located at 1850 North Lucile Avenue.

Case No. ZA-2004-4219-ZV-ZAD-1A – On October 19, 2005, the East Los Angeles Area Planning Commission denied an appeal and sustained the Zoning Administrator's decision to approve a construction, use and maintenance of three single-family dwellings fronting onto 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 otherwise required by Section 12.21 -A,17(e)(3) of the Municipal Code, as well as the relief of street improvement for two dwellings units as otherwise required by Section 12.21 -A,17(e)(2) of the Municipal Code. Also granting the variance to permit only one parking space for two of the three dwelling units, and that both single parking spaces are permitted to be located at adjacent lot in lieu of located on the same lots with the dwelling units.

PUBLIC HEARING

The project had two public hearings. The first hearing took place on April 19, 2016. Due to insufficient information and the project revision, two abutting neighbors requested the project be subjected to a second hearing. The Zoning Administrator granted the request and a subsequent hearing was required to allow additional time for the applicant to work with the neighbors on design concerns. For the second hearing, a Notice of Public Hearing was sent to property owners and residents within a 500 foot radius. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. The second hearing was held on Tuesday, February 27, 2017 at approximately 9:30 a.m. in Los Angeles City Hall,

200 North Spring Street, Room 1020, Los Angeles CA 90012. The following testimony was provided at the hearing:

The applicant made the following comments:

- The project is the construction of two new single family homes.
- We have revised the plans to address concerns we heard in the previous hearing.
- We want to create two houses that are architecturally different but still tied together in design.
- The design provides adequate privacy on the east side, to the neighbors.
- We reduce the number of the retaining walls to work with the site.
- We also have dropped the building height from the previous design.
- The applicant worked with everyone, including reaching out to the Neighborhood Council for two reviews.

Architect of the project:

- He has worked with BHO and several hillside projects.
- For this project, a tremendous time was spent to evaluate the project.
- The new design really solved many issues that come with the site constraints.
- Both Lucile and Landa houses will share an 8-foot passageway.
- The project provides the Code required parking spaces.

Lindy Kleine, adjacent property owner:

- It is possible that the applicant can get what he want to build while addressing the view concern.
- She showed the drawing of the house.
- The size of both proposed home on Lucile should be limited to 1,800 square feet.

John Henning, representing an adjacent property owner:

- The proposed project vastly harms the view of the adjacent neighbor.
- The revised design is worse than the previous design.
- The house has massively expanded to intentionally block the view.
- It will create a view impact to Landa Street and will alter the nature of the stair street.
- The proposed house is intentionally "jacked up" and its porch will be looming over the stairway.
- The issued Neighborhood Council letter was inappropriate because no hearing.
- The lot coverage is about 47 percent and not 40 percent.
- The variance is self-imposed because he bought a piece of property that cannot be built with a garage.
- The applicant is not sincere to work with the neighbors.
- Project architect did not provide an accurate plan.

Council District No. 4:

- The comment is for Landa Street project as well.
- The previous architectural design had severe flaws.

- The Council Office worked with the applicant on the design.
- The applicant has reached out to the Silver Lake Neighborhood Council.
- Retaining walls need to be clarified on the proposed height and location.
- No building height and RFA exceeded the BHO.
- The previous ZA cases (ZA-2004-4219-ZV-ZAD and ZA-2005-1186-ZV-ZAD) were opposed by the Council Office due to the parking issue as indicated in the Finding.
- Parking is desired in this neighborhood.
- The ZAD (for Lucile Avenue house) is for the inclusion for the garage, not for the house.

Applicant rebuttal:

- The new plan was intended to use the same height. The goal is to preserve the natural grade as much as possible as to not disturb the earth.
- The parking variance is identical to the variance that adjacent properties obtained.
- The neighbor's perspective drawing is incorrect.

At the closing of the hearing the Zoning Administrator stated that he is taking the project under advisement to research further and that he will visit the site. He requested the applicant to continue refine the design and work with the neighbors to create a design that works for all parties.

Communication

Silver Lake Neighborhood Council issued a letter on November 17, 2017, recommending the approval of both proposed houses on Landa Street and Lucile Avenue upon the review of the revised plan. The November 17, 2017 recommendation is consistent with a prior Neighborhood Council support letter dated August 8, 2015, recommending the approval of two new single family homes with two parking spaces for each homes, and associated 5 new retaining walls, and a reduced front yard and passageway.

Council District No. 4 sent an email on May 10, 2016, indicating both Case Nos. ZA-2004-4219-ZV-ZAD and ZA-2005-1186-ZV-ZAD did not support opponent's point. The contentious issue in the ZA cases, particularly ZA-2004-4219-ZV-ZAD, is the variance to request a parking reduction. The Council Office did not believe these two ZA cases are relevant to the subject project.

Four neighbors, Michael Manzoni, David Moreau, Jessica Zuchowski, and Jerry Feldma support the project. Of the four, one is a nearby neighbor and three are abutting neighbors. Two neighbors signed the consent form and two abutting neighbor sent a letter on November 29, 2016, to support the proposed homes.

John Henning, representing property owner of 3623 Landa Street, submitted binders with a letter, photos and documents, dated September 14, 2017, detailing the project history. Mr. Henning opposes the project due to project's stated awkward design, large size and height, number of retaining walls, blocking neighbor's view, and findings of the zoning application cannot be made.

Lindy Kleine, property owner of 1892 Lucile Avenue, submitted a binder with letters, a floor area study, documents, and maps, dated September 11, 2017. Ms. Kleine requests the

size of the project on Lucile Avenue be limited to 1,800 square feet to each house so they can be consistent with the project approved under Case No. ZA-2004-4219-ZV-ZAD. She also critiqued the design of the project in regards to retaining wall, building height, floor area, lot coverage, passageway, and the location of a window that looks into her yard.

MANDATED FINDINGS

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

ZONING ADMINISTRATOR'S DETERMINATION FINDINGS

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject parcel is currently a vacant lot with a slight downward slope from south to north. The project site fronts onto Landa Street at its southerly property line, a substandard hillside street with a width which is below 20 feet, per the referral form from the Bureau of Engineering. Said Landa Street along the property's frontage is not improved with a roadway, but rather a pedestrian staircase. While Landa Street was never improved with a roadway of 20 feet, any new development would trigger Code required street improvements to a full 20-foot wide roadway width for the adjacent roadway and the continuous paved roadway from the property's frontage to the boundary of the hillside. Street dedication and widening improvements are technically required by the Bureau of Engineering along the property's frontage, however, Landa Street is one of the City's rare stair streets that must be maintained.

No street improvement for vehicular access would be possible due to its historical significance, steep grade, and the disturbance to the natural hillside. Therefore, no street improvement was ever required for residential development along the Landa Stair Street.

The project located at Landa Street is a part of a two-lot development for two new single family homes as the applicant also owns the adjacent lot to the north located at 1888 Lucile Avenue. The proposed new single family home project at Landa Street is a two-story 1,931 square-foot single family dwelling primarily complying with the Baseline Hillside Ordinance (BHO) except for its request to deviate from the Code required street improvements and on-site parking spaces. The applicant proposes to provide two off-site covered parking spaces at northerly adjacent lot fronting Lucile Avenue that he owns. Unlike many hillside residential development, the project does not propose any basement to create a larger home without affecting the residential floor area (RFA). The proposed house also does not introduce retaining walls and was designed with virtually no significant grading to preserve the natural slope as the house sits on raised footing and foundations. The request has been reviewed and approved by the Grading Division of the Department of Building and Safety to assure hillside stability and grading safety. The project is not seeking other BHO relief as the building height, RFA, grading, yard setbacks, and other features are complying with BHO.

The Zoning Administrator conducted a site visit on March 9, 2018, at around 2 p.m., observing the development pattern and on-street parking condition of Lucile

Avenue, Landa Street, Edgecliffe Drive, and Micheltorena Street. It was noted that streets were parked at half capacity, but they may be fully parked during evening hours and overnight when residents return home after work and school. On the southerly side of Lucile Avenue, which serves as the frontage of the project, street parking is prohibited. On-street parking is allowed on the northerly side of Lucile Avenue. On Lucile Avenue and Edgecliffe Drive, both street are approximately 20 feet wide, thus when one side of the road is occupied with parked cars, it does not allow a 2-way traffic. For substandard hillside streets, ideally no street parking should be allowed, thus it is important that projects provide Code required on-site parking spaces without impacting street circulation with street parking. As aforementioned, the project provides the two required covered parking spaces, although off-site. The new home is proposed without deviating the off-street parking requirement of the Code.

The Zoning Administrator also observed on the stretch of the Landa Street located south of the project site, that there are only two vacant lots left including the subject project site. The entire neighborhood is considered fully developed, which makes the proposed new homes as infill developments. Existing residential structures along Landa Street are predominantly 2-story homes. The project building height is limited at a maximum of 28-foot complying with BHO. No official building height record was obtained for the westerly adjacent one-story home built in 1939, but it may be approximately 20 feet tall due to the high pitched roof. Adjacent to the east, are two 2-story tall single family homes newly constructed in 2010 granted by Case No. ZA-2004-4219-ZV-ZAD-1A, observing building heights of 33-feet (3623 Landa Street) and 29-feet (3617 Landa Street) respectively. The square footages of the Landa Street homes range from 1,100 square feet to 1,500 square feet, but each only provide one parking space. The lack of parking prohibits a larger residential floor area. The proposed dwelling has been designed to complement the existing development. As designed and integrated with the site in accordance with all existing Building Codes, the project will enhance the built environment and also improve public safety by its adherence to the most recent Zoning Code provisions and Building Codes.

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 parcel is currently a vacant lot with a significant downward slope. The proposed project will be improving the lot by developing a single family home with 2 off-site covered parking spaces on an adjacent lot and landscaping. By providing a new dwelling unit for families to reside in, putting vacant land to use, and installing landscaping, the proposed project will benefit both the community and the city as a whole. As a single-family dwelling that is within all RFA, building height, yard setback, and other BHO development requirements, the size of the proposed project will be compatible with the surrounding neighborhood. The project also does not propose a basement, thus it does not create unaccounted floor area and heavy grading activity which would adversely affect the natural hillside. As mentioned previously, the project is not seeking other BHO relief as the building height, RFA, grading, yard setbacks, and other features are complying with BHO.

The Zoning Administrator has thoroughly reviewed communications submitted by Mr. John Henning who represents the property owner of 3623 Landa Street, which is the westerly adjacent single family home, and also the communications submitted by Ms. Kleine who is the property owner of 1892 Lucile Avenue, which is the northwesterly adjacent single family home. Both interested parties oppose certain project features, including but not limited to, the design layout, building height, size of the floor area, number of parking provided, and impacts to private views potentially created by the subject project and its companion Lucile Street development. The Zoning Administrator finds that these arguments presented have no merit.

The proposed project and the companion house located on Landa Street are both custom homes which may be designed with features specific to the applicant's preference. The Zoning Code does not regulate architectural floor plan layout, nor is the request a Design Review Board application, therefore, the challenge is irrelevant. The proposed house complies with the BHO Envelope Height of 28 feet, which is no higher than the Mr. Henning's client's house which observes 33-feet of building height. The project has no basement and the foundation is also designed to create minimum grading. The project height is consistent with the Code as well as the design of the neighboring house.

Moreover, when properties are not in a scenic specific plan area, private views are not a protected right by City Ordinances or Codes. Views are only an amenity whenever it is available and possible. Mr. Henning's client's house is located adjacent and east to applicant's property, and it sits on a higher ground than the applicant's property. Properties located at this stretch of Landa Street are situated on a ridge of a hill, and the ridge ascends from west to east. Each house would more or less block the westerly direction view of the house located to its east. This is no different than the way Mr. Henning's client's house (3623 Landa Street) blocks the westerly view from the house located to its east. Also, the prominent view of Mr. Henning's client's house is north, northeast and northwest looking at Glendale Cityscape, Griffith Park, and the Hollywood Sign, thus the main balconies/decks (Mr. Henning's client's house) for both stories are located at north of the house and looking at the northerly direction. The westerly view of Mr. Henning's client's house is a view of the Fountain Avenue commercial corridor, which is somewhat affected, but it is not completely blocked as the westerly view is most visible from the front landing. This is a normal and usual circumstance that all hillside properties would encounter which does not degrade or injure the function, use, and enjoyment of any surrounding residential properties.

Both Ms. Kleine and Mr. Henning oppose the proposed floor area of the project and parking arrangement, citing two prior Planning Entitlements, Case Nos. ZA-2004-4219-ZV-ZAD-1A and ZA-2005-1186-ZV-ZAD. Ms. Kleine and Mr. Henning's client are the grant recipients of Case No. ZA-2004-4219-ZV-ZAD-1A. The Zoning Administrator thoroughly reviewed both cases, and finds Case ZA-2005-1186-ZV-ZAD is irrelevant as the project is about 1.3 miles (linear distance) away, and it is on the opposite side of the Glendale Freeway, not a part of this immediate neighborhood.

Ms. Kleine and Mr. Henning's Case No. ZA-2004-4219-ZV-ZAD-1A is a grant that pertains to the construction of three single-family dwellings on three lots located right adjacent to the subject project site. One house was proposed on Lucile Avenue and two houses were proposed on Landa Street. The subject entitlement has two variances which one variance was to permit only one parking space for the two Landa Street single family homes, while the second variance was to permit both single parking spaces to be located off-site at an adjacent lot in lieu of locating on the same lots with the two homes. The house located on Lucile Avenue complies with the Code, the two houses located on Landa Street do not comply with the parking requirement and hillside street improvement and access requirements. Case No. ZA-2004-4219-ZV-ZAD-1A conditioned the size of Lucile Avenue home to 1,800 square-feet and the two Landa Street homes to 1,300 square-feet each. The opposing parties insist that the same square footage and lesser parking grant of ZA-2004-4219-ZV-ZAD-1A be imposed on the subject development and its companion Lucile Avenue project so to produce a home having only one parking space with the same square footage limits.

Based on the reading of Case No. ZA-2004-4219-ZV-ZAD (granted by the Zoning Administrator), the main focus of the project and the associated discussion revolves around the parking issue. Local residents provided contentious public hearing testimonies that the neighborhood is impacted by the demand for on-street parking.

The residents opposed to any parking reduction. The residents did not focus their concerns on the size of the dwelling units. The reading also found that the Zoning Administrator did not reduce the size of the dwelling structures nor showed any intention of it. The grant simply locked in the square footages as proposed by the applicant at 1,800 square feet and 1,300 square feet respectively. If the applicant proposed a larger size homes for the project, the Zoning Administrator would have considered the approval of larger structures if they were requested. Council District No. 4 also reviewed both Case Nos. ZA-2004-4219-ZV-ZAD-1A and ZA-2005-1186-ZV-ZAD, and reached the same conclusion that both cases are irrelevant to the subject project, and central issue of Case No. ZA-2004-4219-ZV-ZAD is about on-street parking. An email from Council District No. 4, dated May 10, 2016, confirmed this finding.

Although many existing single family development were constructed under 1,500 square foot, many of these homes were constructed decades ago when the demand of housing need, transportation mode, hillside construction engineering and other social factors were all less intense, demanding, and sophisticated than the current state, resulting in the previous proposal and approval of one parking space and a smaller home, through Case No. ZA-2004-4219-ZV-ZAD-1A. It makes no sense to continue the same standard to limit the size of an appropriate residential development when it provides sufficient parking spaces. When a house cannot provide Code required parking spaces, it becomes reasonable to limit its floor area size to reduce the potential impacts created by a higher demand for on-street parking. Conversely, when a proposed dwelling is complying with Code and provides the Code required number of parking spaces, it is reasonable to allow a building floor area commensurate to the number of parking spaces being provided.

Further, Ms. Kleine and Mr. Henning insisted the proposed project provides one parking space only so floor area can be reduced to 1,300 square feet only. Setting the RFA issue aside first, proposing one parking space only is in conflict with the general consensus of the local residents in regard to the complaint of the lack of on-street parking. If the proposed project is to provide one parking spaces only in reply of opponents' request, it is basically asking the applicant to add an additional variance and encouraging a deviation from the Code. This is not sound planning. The one parking space proposal is not a design feature and a development practice that should be encouraged or continued in this parking impacted neighborhood. In addition, the Zoning Administrator opines the floor area of the two Landa Street homes of Case No. ZA-2004-4219-ZV-ZAD were proposed at 1,300 square feet not because these two homes should be smaller or to be consistent with other existing development, but mainly because the two homes could not provide two parking spaces for a single family dwelling as required by the Zoning Code. If the opponents' two homes on Landa Street were able to provide all four required parking and still opted to the sizes of both homes to 1,300 square feet then their argument would have merit. Based on the assessor information, Mr. Henning's client's 3623 Landa Street home has only one parking space serving three bedrooms while the applicant's proposed new home has two parking spaces serving three bedrooms. The facts show that a smaller size dwelling does not necessary reduce parking demand when it has multiple bedrooms. It is important to provide the necessary number of the required parking spaces per Code associated with a single family dwelling use.

Lastly, the project was reviewed by the Silver Lake Neighborhood Council twice and the Neighborhood Council recommended the approval for the project each time. The applicant also obtained the support of four neighbors for the proposed project. The project will be required to comply with all applicable Municipal Code regulations, except as granted herein. Conditions have been imposed requiring review by the Fire Department which will insure that optimum emergency access is retained. Additional conditions require that neighbors have access to a contractor or someone in charge during construction activities in the event there is a concern or complaint. Construction schedules are also required to be provided in advance to immediate neighbors. Conditions include mitigation measures from the environmental review document. As such, 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.

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

The Silver Lake-Echo Park-Elysian Valley Community Plan designates the subject property for Residential Single Family land uses. The basic use is consistent with the Plan. The property is within a hillside area, and while seeking certain exemptions from hillside requirements, complies with most regulations. As a single-family dwelling, the proposed project will adhere to purpose, intent, and provisions of both the General Plan and the Community Plan. The project is not within any

specific plans. The Silver Lake-Echo Park-Elysian Valley 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 1-3 To preserve and enhance the varied and distinct character of existing single and multiple family neighborhoods.

Objective 1-5 Preserve and enhance neighborhoods with distinctive and significant historic or architectural character.

Objective 1-6 Limit the density of residential development in hillside areas to that which can reasonably be accommodated by infrastructure and natural topography.

By making use of a vacant piece of land, the proposed project will serve to enhance the existing residential neighborhoods of Silver Lake. As a new single family residential development, the proposed project will help to fulfill Objectives 1-5 by adding new housing to the community, and adding architecturally well-designed building to the area. Moreover, the proposed project, a new single family dwelling, will help to achieve Objective 1-6 by limiting the scale and density of development in the hillside area, while providing all necessary parking.

4. **The request 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 R1-1VL and the Silver Lake-Echo Park-Elysian Valley Community Plan designates the subject parcel as Low Density Land Use. The proposed construction of a dwelling on a lot zoned and designated for such use can be deemed to be in conformity with public necessity, convenience, general welfare and good zoning practice as the basic use of the property will be consistent with the surrounding neighborhood. 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. In addition, the Silver Lake-Echo Park-Elysian Valley Community Plan program and the Mobility Element already taken account of the population growth, housing needs and anticipated traffic generation. Traffic associated with one new single family home will not generate an adverse traffic impact. Also, the immediate area is almost built out where only a few vacant lots are left, thus no significant traffic impact can be produced by the project. Therefore the grant, as conditioned, is found to be in conformity with the objectives of the General Plan.

5. **The vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The traffic associated with the dwelling itself will not create any additional adverse impact on street access or circulation as the use remains that of a single-family home and the addition of a new home will not significantly alter the existing character and density in the area. Although the project is on a walk-only street, the project has requested a Zone Variance in order to provide the required parking

spaces on the adjacent downslope lot located on Lucile Avenue. The only traffic that will take place on Landa Street is pedestrian foot traffic. Vehicular traffic associated with the project will be accessed from Lucile, which is a fully dedicated and improved 20-foot roadway. The project will comply with all dedications as required in front of the property by the Department of Public Works. A number of conditions have been imposed as part of this grant to insure that during construction, neighbors are informed of building schedules. A contact person and phone number are required to be provided to neighbors during the demolition and construction phases. In addition, all the mitigation measures of the environmental document have been made conditions of this grant. Therefore, the vehicular traffic associated with the proposed dwelling structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.

6. **The building or structure will not have a materially adverse safety impact on the surrounding neighborhood, and will not be materially detrimental or injurious to the adjacent property or improvements.**

The proposed dwelling will be built in accordance with citywide hillside regulations and all updated building codes, with the exception of few requested exceptions. As a single-family dwelling, the project will remain compatible in size and height with the adjacent properties and will fit with the character of the surrounding community as a low-density residential development. Furthermore, the project is required to adhere to environmental mitigation measures which have been incorporated as conditions of this grant and which address a number of issues including but not limited to grading, construction and landscaping. A full fire sprinkler system is conditioned to be installed throughout the house. The project will also provide the Code required two parking spaces located off-site on the adjacent lot fronting Lucile Avenue. The project will also be built in accordance with all Building Codes and has been reviewed and approved by the Department of Building and Safety's Grading Division. A copy of the approval letter is attached to the case file. Council District No. 4 does not oppose the project, as well as the Silver Lake Neighborhood Council recommended the approval of the project. Although the easterly adjacent neighbor has expressed opposition as the proposed project blocks his view, a loss of a view is not a safety concern or impact, nor is the project located in a scenic specific plan where a right to view is protected under the LAMC. Therefore, the proposed development of a single family home will not have a materially adverse safety impact on the surrounding neighborhood, and it will not be materially detrimental or injurious to the adjacent property or improvements.

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

The subject project involves new construction wherein the ability to provide a 20-foot adjacent roadway and a 20-foot continuous paved roadway from the driveway to the boundary of the Hillside Area is impractical and infeasible as the project property is fronting a walk/stair street. The applicant has no access to the property rights of others and such widening would result in the potential demolition of existing structures, fences, walls, utility poles and portions of other developments which may encroach into the right-of-way or which have zero front yards. In a conventional hillside development, the City is able to require street improvements along properties from other property owners as additions or new construction is proposed

on an individual basis parcel by parcel. However, Landa Street, adjacent to the subject property, is a pedestrian-only street improved with a staircase, and is inaccessible to vehicles. It would be infeasible to require the subject property to improve the adjacent portion of Landa Street with a 20-foot paved roadway, while the rest of the street remains a pedestrian-only staircase. Thus, adherence to 12.21 C.10(i) is made both impractical and infeasible due to existing improvements.

ZONE VARIANCE FINDINGS

8. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject property fronts Landa Street which is not accessible by vehicle at the subject site. Adjacent to the property, Landa Street is accessible by a pedestrian-only staircase. The applicant is proposing to provide the two required off-street parking spaces on the directly adjacent property to the north at 1888 North Lucile Avenue. 1888 Lucile Avenue is part of a project, including the subject project, to build 2 single-family dwellings on 2 adjacent parcels with the subject property and 1888 North Lucile Avenue.

The strict application of the Zoning Code would require that the applicant demolish one of City's historical staircase street, grade the street, and pave an entire 20-foot roadway to the subject property and provide parking on site. This would not be consistent with any of the existing development occurred in past decades. The strict requirement would also be an enormous hardship to the applicant, requiring immense expense and a tremendous grading impact to the natural side. This requirement would be inconsistent with the Zoning Code, as it is not the intention of zoning regulations to create unnecessary hardship on applicants and homeowners.

The intent of the regulations requiring on-site parking is to ensure that necessary infrastructure exists to service the population of a given hillside area and to ensure that enough off-street parking spaces exist for all residents. The applicant is providing the required parking, however provided on an adjacent lot due to the unique location of the site. The many pedestrian staircases of the City of Los Angeles are often unique and historic pieces of infrastructure, and requiring their removal is not the intention of the Zoning Code regulations.

9. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property fronts Landa Street, which is a pedestrian-only staircase at the frontage of the property. This is a unique and special circumstance that does not generally apply to most other properties in the area. Because the subject property is not accessible by vehicles at the property frontage, parking cannot physically be provided on-site. However, the applicant is proposing to comply with off-street parking regulations through the provision of parking spaces off-site at 1888 Lucile Avenue, the property directly adjacent to the north, which is also under the

applicant's ownership. The grant conditions this arrangement via a covenant and easement recordation or by a lot-tie affidavit recordation. Same off-site parking has also been granted to two adjacent dwelling units located at 3617 Landa Street and 3623 Landa Street pursuant to Case No. ZA-2004-4219-ZV-ZAD-1A, however, the proposed project provided a superior design of meeting the Code requirement by providing two covered parking space. Because of the unique topographical features of the subject site, as well as the unique improvements, there are special circumstances which do not generally affect other properties in the area, and which make the granting of a variance necessary.

10. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Due to the topographical features of the subject site, as well as the unique improvements which provides pedestrian-only access via a staircase, a variance is necessary for the enjoyment of the property, as well as the basic use of the property as a site for a single-family dwelling. Because the subject property fronts Landa Street at a portion that is only accessible by pedestrian staircase, parking cannot physically be provided on-site because the site is not accessible to vehicular traffic. Without a variance to allow the provision of the required off-street parking on the directly adjacent lot to the north, vehicular parking spaces could not physically be provided at all, which would preclude the ability to build a home on property at all. Inasmuch as the applicant is proposing to provide the required parking, a variance is necessary for the ability to provide parking at all, and thus the ability to use the property for residential uses, as it is zoned. Thus a variance is necessary to allow for the preservation and enjoyment of a substantial and basic property right.

11. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The project complies with most elements of the BHO, including floor area, height, side yards, and parking. The granting of the variance allows for the required parking to be provided off-site on an adjacent downslope lot, insofar as the subject property is inaccessible by vehicle, and thus needs a variance. The requested variance is superior development option in that the project does not seek to provide zero parking spaces or a fewer number of required parking spaces, as many other stair street residential developments in the City. It is important to grant such variance so that the project meets City's parking requirement and further reduce on-street vehicular parking on the substandard hillside streets. As a project that conforms to other regulations and codes, the proposed project will not be materially detrimental or injurious to the immediate area.

In addition, aforementioned two single family dwelling located 3617 Landa Street and 3623 Landa Street granted by Case No. ZA-2004-4219-ZV-ZAD-1A have the

same variance of providing off-site parking spaces on a companion property located on Lucile Avenue, as the subject application. The said two houses were conditioned for 1,300 square-foot of floor area each, as proposed by the applicant. Based on the reading of the ZA-2004-4219-ZV-ZAD determination, granted by the Zoning Administrator, the controversy of the project was aimed primarily at the parking issue since the two homes only have a capacity to provide one parking space each offsite in lieu of the required two spaces. Therefore, the applicant of ZA-2004-4219-ZV-ZAD proposed a smaller dwelling floor area in order to justify providing one parking space for each dwelling only. It is clear that the ability to provide parking was the primary criteria in dictating the size of the two Landa Street dwelling units in Case No. ZA-2004-4219-ZV-ZAD. The subject project does not have such a constraint. The applicant is able to provide the required two parking spaces, therefore the project need not to reduce its proposed RFA.

Moreover, the proposed project also conforms to BHO with regard to height, RFA, and yard. The proposed project maintains a 1,931 square-foot of RFA without utilizing any basement or garage exemptions. And, at 1,931 square feet, the proposed project is providing two required parking spaces, albeit offsite, which is closer to Code compliance compared to other existing developments located along Landa Street. The Zoning Administrator also imposed the same easement recordation condition imposed in Case No. ZA-2004-4219-ZV-ZAD-1A by East Los Angeles Area Planning Commission in the instant grant to ensure that the provision of parking spaces will be enforced for the use of the subject project. Therefore, the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

12. The granting of the variance will not adversely affect any element of the General Plan.


The Silver Lake-Echo Park-Elysian Valley Community Plan designates the subject property as Residential Single Family, while the General plan designates the site for Low Residential land uses. The basic use is consistent with the plan. The property is within a hillside area, and while seeking certain exemptions from hillside requirements, complies with most regulations. As a single-family dwelling, the proposed project will adhere to purpose, intent, and provisions of both the General Plan and the Community Plan. As a project that complies with the intent and provisions of the General Plan and Community plan, the granting of the variance will not adversely affect any element of the General Plan.

ADDITIONAL MANDATORY FINDINGS

13. 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, outside of flood zone areas.
14. On February 10, 2016, a Mitigated Negative Declaration (ENV 2015-1568-MND) was prepared for the proposed project. On the basis of the whole of the record

before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department at 221 N Figueroa Street, 13th Floor.

Inquiries regarding this matter shall be directed to Jane Choi, Project Planner for the Office of Zoning Administration, at (213) 978-1379.



Jack Chiang
Associate Zoning Administrator

JC:AZ

cc: Councilmember David Ryu
Fourth District
Adjoining Property Owners

4. **JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No


If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. **APPLICANT'S AFFIDAVIT**

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

Appellant Signature: 

Date: 11/16/2018

6. **FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>#89-</u>	Reviewed & Accepted by (DSC Planner): <u>Yovana Perez</u>	Date: <u>11/19/18</u>
Receipt No: <u>0103970280</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)