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April 11, 2014

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Oscar Ensafi (R)
Approved Plans, Inc.
6321 Van Nuys Boulevard
Van Nuys, CA 91401

CASE NO. ZA 2012-3329(ZV)(ZAD)
ZONEVARIANCE/ZONING ADMINISTRATOR'S
DETERMINATION
6340 - 6346 West Sister Elsie Drive
Sunland-Tujunga-Lake View-Shadow Hills-
East La Tuna Canyon Planning Area
Zone : RE40-1
D. M. : 204A205
C. D. : 7
CEQA : ENV 2009-2926-MND-REC1
Legal Description: Lot 496, 497, 498
Tract 8303

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

a Zoné Variance granting construction, use, and maintenance of a 2,400 square-foot single-family dwelling and attached two-car garage in lieu of the Maximum Residential Floor Area of 1,147 square feet as required under Section 12.21-C,10(b)(2),

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

a Zoning Administrator's Determination granting construction of a 2,400 square-foot single-family dwelling and attached garage fronting on a street that is less than 20 feet wide and less than 20 feet wide from the driveway apron to the end of the Hillside Boundary as required under Section 12.21-C,10(i)(2) and (3),

a Zoning Administrator's Determination granting a reduced front yard setback of zero feet in lieu of the required 5 feet and a reduced east side yard setback of 5 feet 8 inches in lieu of 12 feet as required under Sections 12.21-C,10(a)(2) and 12.21-C,10(a), and,

a Zoning Administrator's Determination granting a height of 36 feet in lieu of 30 feet as required under Section 12.21-C,10(d),

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the

development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Within 45 days or mutually agreed upon time, 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.
8. Short Term Construction Parking/Circulation Mitigation. The following is imposed to mitigate potential impacts caused by traffic during construction in the Hillside area on substandard Hillside Streets.
 - a. Construction Parking/Circulation Plan. Prior to the issuance of any grading or building permits, the project proponent, contractor, or designee shall submit a Short Term Construction Parking/Circulation Plan indicating the following:

- 1) Design of an area along the property frontage to be improved for allowing access, parking, and staging of materials or equipment at a minimum 15-foot width by 68 feet in length or more if feasible.
 - 2) A plan shall be submitted for inclusion into the case file identifying the location where contractor and subcontractor vehicles will be parked so as to prevent blockage of two-way traffic on streets in the vicinity of the subject property. Parking of vehicles associated with construction of the site shall not occur on Sister Elsie used for community access nor surrounding residential streets above or below the subject site.
 - 3) Community Notification List. Submit the addresses of the estimated 24 properties located above the subject site.
 - 4) Community Relations. A 24-hour "hot-line" phone number for the receipt of construction related complaints from the community shall be provided to those on the Community Notification List, Neighborhood Council, and Office of Zoning Administration. The project proponent, contractor, or designee is required to respond within 24 hours of any complaint received on this hotline.
- b. The Construction Parking/circulation Plan shall be submitted to the Neighborhood Council for their review and comment prior to submittal to the Office of Zoning Administration.
- c. Throughout the construction period, the project proponent, contractor, or designee shall comply with:
- 1) Construction Parking/Circulation Plan. Non-compliance with the Plan or conditions herein may result in an Order to Comply or Stop Work Order.
 - 2) Community Relations.
 - a) Log. The project proponent, contractor, or designee shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
 - b) During the time of pre-construction and construction, an aggrieved party may contact the Zoning Administrator to help resolve any ongoing issue. Pursuant to the Municipal Code, the Zoning Administrator is authorized to request the Department Building and Safety to issue an Order to Comply or Stop Work Order.
 - 3) Prior to construction of a building foundation, the street improvements along the street frontage shall be completed enough to allow use

staging of construction equipment and vehicles without impeding traffic along Sister Elsie community access.

- 4) Deliveries of Equipment and Supplies. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time and that a construction supervisor is present at such time to mitigate any potential traffic impacts.
 - 5) Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials, construction machinery or removal or graded soil shall be limited to the hours beginning at 9:00 a.m. and ending at 3:00 p.m., Monday through Friday only. No truck deliveries shall be permitted on Saturdays and Sundays and outside the time periods specified on Monday through Friday.
 - 6) Any street blockage above or below the site with the exception of the street improved along the property frontage, shall require advance notice to the Community Notification List, use of a flag person(s) to direct traffic, and shall not exceed 20 minutes if technically feasible.
 - 7) Construction Noise. Construction activities that generate substantial noise levels, such as the use of power tools and the like, are restricted to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday, and at no time on Sundays.
 - 8) Storage of Equipment and/or Material. All construction related material must be placed on the subject lot or another lot with owner approval for storage. No construction equipment or material may be stored on the street, except the improved area along the property frontage.
9. Environmental Mitigation Measures. Comply with the environmental mitigation measures of Mitigated Negative Declaration No. ENV 2009-2926-MND-REC1 attached (complete copy of mitigation measures in Environmental case file). Pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
10. Street Dedications and Improvements:
- a. The project may provide a less than 20 feet wide street along the property frontage and less than 20 feet wide from the driveway apron to the end of the Hillside Boundary as required under Section Nos. 12.21-C, 10(i)(2) and (3). (Refer to Condition No. 8.a.1 above for detail.)
 - b. Prior to obtaining an Occupancy Permit from the Department of Building and Safety, the project proponent shall submit proof of repairing the approximately 450-foot distance of Sister Elsie Drive to Day Street, if

necessary. This does not require compliance with street standards pursuant to Los Angeles Municipal Code, only repair to return the street to pre-construction condition or better. It is recommended that the project proponent submit photographs of the current condition of the street to be compared to photographs taken after repairs.

11. Prior to sign-off by the Office of Zoning Administration or a mutually agreed upon time for any building permit, the applicant shall submit proof of Revocable Permit application with the Department of Engineering, if any buildings or structures are proposed any public right-of-way.
12. Prior to sign-off by the Office of Zoning Administrator, proof of compliance with the San Gabriel/Verdugo Mountains Specific Plan Area shall be submitted in the form of a sign-off on the Summary Clearance Sign-off Sheet.

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 variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after APRIL 28, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on September 20, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property is an interior, steep downslope, mostly rectangular-shaped parcel of land consisting of three lots totaling approximately 6,205 square feet, with a width of 68 feet and depth of 84 to 98 feet from west to east. The property is a vacant hillside lot with mostly covered with natural grasses however includes what appears to be Scrub Oak Trees.

The property is located within the Sunland-Tujunga-Lake View-Shadow Hills-East La Tuna Canyon Planning Area, the San Gabriel/Verdugo Mountains Specific Plan Area, a Very High Fire Hazard Severity Zone, a High Wind Velocity Area, and Special Grading and within an Alquist-Priolo Fault Zone. The Community Planning Referral Form, signed December 4, 2012, confirms the subject request is not considered a project per the Specific Plan.

The surrounding properties are zoned RE40-1 with varied hillside topography and sparsely developed with single-family dwellings. Most of the lots are vacant and legal non-conforming in size. Most of the dwellings were built in the 1940s.

Sister Elsie Drive, adjoining the property on the north, is a Paper Substandard Hillside Street, currently consisting of grass area, with width of 30 feet. The improved portion of Sister Elsie Drive is approximately 340 feet in length, from Day Street to the subject property northwest corner and maintains a roadway width of approximately 16 feet. Sister Elsie Drive is classified as a Red Flag Street in ZIMAS, and is posted with "No Parking" signs on both sides of the street.

The unimproved portion of Sister Elsie Drive would provide access to approximately 10 to 15 vacant undeveloped hillside lots.

Previous Zoning related actions on the site/in the area include:

Subject Property

Building Permit No. 11010-20000-00970 – Submitted May 6, 2011, for a new SFD with attached garage. (See print out copy for clearances received and those still pending).

Building Permit No. 11020-20000-00957 – Submitted May 6, 2011, for a retaining wall.

Grading Pre-Inspection Report for Permit No. 11030-20000-02186 – Issued May 9, 2011, for a new single family dwelling and retaining wall – reads "Do Not Issue Until Below Requirements Have Been Satisfied." (See attached copy of checklist items that need to be addressed).

Case No. ZA 2009-2925(ZV)(ZAD)-A1- On May 17, 2011, the Zoning Administrator approved a Zoning Administrator's Determination granting the construction, use and maintenance of a 2,500 square-foot single-family dwelling that does not have a vehicular access road from a street improved with a minimum 20-foot wide continuous paved roadway width from the driveway apron that provides