

# MASTER APPEAL FORM

City of Los Angeles -- Department of City Planning

APPEAL TO THE: CITY COUNCIL  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: 2A 2012-3329

PROJECT ADDRESS: 6340-6346 W. Sister Elsie Dr

FINAL DATE TO APPEAL: Aug 8, 2014

- TYPE OF APPEAL:
- Appeal by Applicant
  - Appeal by a person, other than the applicant, claiming to be aggrieved
  - Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

## APPELLANT INFORMATION - Please print clearly

Name: Sunland-Tujunga Alliance, Inc Joseph W Barrett

- Are you filing for yourself or on behalf of another party, organization or company?

Self

Other: Sunland-Tujunga Alliance, Inc

Address: P.O. Box 123

Tujunga CA Zip: 91043

Telephone: 818 438-7676 E-mail: exploding\_sun@gmail.com

- Are you filing to support the original applicant's position?

Yes

No

## REPRESENTATIVE INFORMATION

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

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

Zip: \_\_\_\_\_

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

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

Entire

Part

Your justification/reason must state:

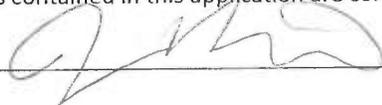
- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."  
--CA Public Resources Code § 21151 (c)*

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

Appellant Signature:  Date: 8-8-14

**Planning Staff Use Only**

Amount <u>\$166.80</u>	Reviewed and Accepted by <u>Rick Torres</u>	Date
Receipt No. <u>Invoice 18600</u>	Deemed Complete by <u>Seamus L. Lee</u>	Date <u>8/15/14</u>



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)

Sunland Tujunga Alliance, Inc.  
P.O. Box 123  
Tujunga, CA 91043  
www.sunlandtjungaalliance.com

August 8, 2014

## APPEAL OF NORTH VALLEY AREA PLANNING COMMISSION DETERMINATION

**Location: 6340 -6346 West Sister Elsie Drive**

**Case No. ZA 2012-3329 (ZV) (ZAD)**

**Environmental Clearance No. ENV 2009-2926-MND-REC1**

Council District 7

Area Planning Commission: North Valley

Community Plan: Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna

Canyon Planning Area

Neighborhood Council: Sunland-Tujunga

Legal Description: Lot 496-498, Tract 8303

Last Day to Appeal: August 8, 2014

This appeal is being filed because we believe the North Valley Area Planning Commission erred and abused their discretion in approving a Zone Variance application for a new 2,400 square-foot single-family residence 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), LAMC.

The North Valley Area Planning Commission's denial of the Appeal and affirmation of the Zoning Administrator's Determination (Attachment A) is based on improper findings. Their denial of the Appeal also undermines the provisions of the Baseline Hillside Ordinance. Furthermore, the denial of the Appeal establishes precedence for future out-of-scale hillside homes in this area.

### **Basis for Appeal**

#### Zone Variance

The Sunland-Tujunga Alliance's basis for the Appeal of the Zone Variance is set forth on **Pages 4 through 11 in Attachment B: Appeal of Zoning Administrator's Determination**, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014.

#### Environmental Determination

The Sunland-Tujunga Alliance's basis for the Appeal of the Environmental Determination is set forth on **Part B of the Appeal of Zoning Administrator's Determination**, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014.

## CONCLUSION

**This project, if approved, undermines the intent of the Baseline Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The approval of this Zone Variance will encourage future developers to ask for and be granted similar zone variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.**

**Your deliberations in this matter should take into account the community's goals for improving their neighborhoods and not allow development that is incompatible or out of scale with existing development in the area and which jeopardizes public safety.**

The Sunland-Tujunga Alliance and the community at large is not opposed to the orderly development of hillside areas in Sunland-Tujunga and we understand the development rights for a project of this type. **We are willing to work with the project applicants in a redesign of their proposed home to come up with a solution acceptable to all.** However, our attempts to meet with the applicants have been rebuffed and there appears to be little willingness on the applicant's part to meet us at least halfway. As currently proposed, this project is inconsistent with current hillside regulatory policies. In addition, the project is located in a unique area of our community that is not adequately served by public streets.

As we said to the North Valley Area Planning Commission in our Appeal, the City of Los Angeles needs to think long and hard in regards to projects of this type where multiple variances are being recommended for approval. These are not minor variances, either. In some cases, the variances requested deviate from standards by as much as 50%.

**WAS IT THE INTENT OF THE CITY TO ADOPT A BASELINE HILLSIDE ORDINANCE AND THEN IGNORE ITS PROVISIONS?**

## RECOMMENDATION

We respectfully request that the City Council consider one the following courses of action:

- A. Reverse the Planning Commission's Determination and require the project applicant to submit building plans that conform to the Baseline Hillside Ordinance.
- B. Require the project applicants to meet with the neighbors in the area and District 7 Council staff to negotiate a compromise solution to the size of the proposed dwelling.

- C. Affirm the City Council's desire that the provisions of the Baseline Hillside Ordinance be properly implemented and enforced by directing the Director of Planning to establish, in writing, policy guidelines that direct Planning staff to implement the Baseline Hillside Ordinance as it is written and to discourage applicants from applying for variances from these regulations. In all such cases where variances are being proposed, said applications shall be referred to the appropriate Council District office for review and approval prior to deeming the project applications being complete.

**SUBMITTED ON BEHALF OF THE SUNLAND-TUJUNGA ALLIANCE, INC.**

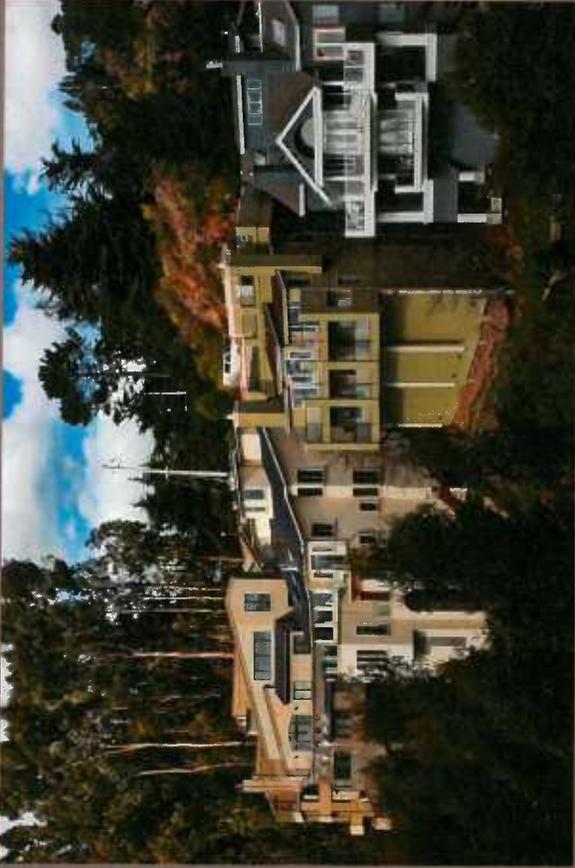
Joseph Barrett, Secretary

## **APPEAL OF NORTH VALLEY AREA PLANNING COMMISSION DETERMINATION**

**Location: 6340 -6346 West Sister Elsie Drive  
Case No. ZA 2012-3329 (ZV) (ZAD)**

### **ATTACHMENTS**

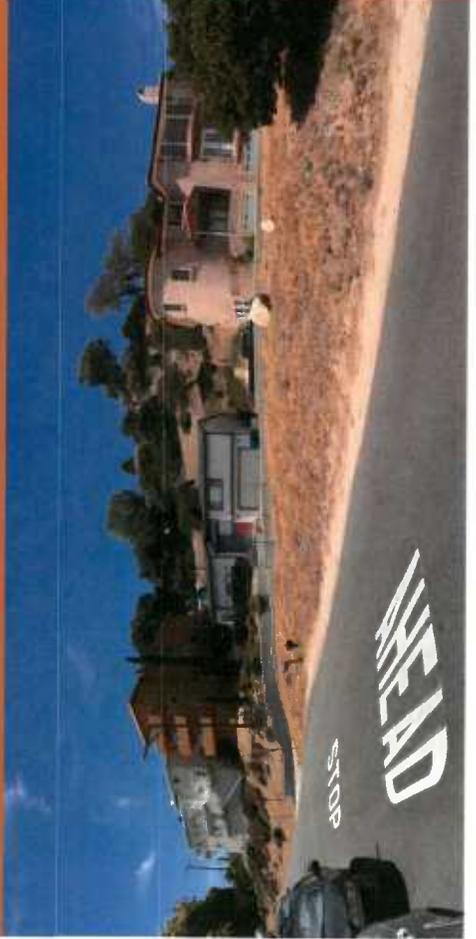
- EXHIBIT A: North Valley Area Planning Commission Decision Letter
- EXHIBIT B: Appeal of Zoning Administrator's Determination, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014
- EXHIBIT C: Site Location and Map
- EXHIBIT D: STNC Letter, September 8, 2010
- EXHIBIT E: Photos of Sister Elsie Drive and Environs
- EXHIBIT F: Baseline Hillside Ordinance Comprehensive Guide



*“The Baseline Hillside Ordinance is a major step toward the protection of our city’s hillsides and ensures that development conforms to the land, instead of the land conforming to the development.”*

*-Director of City Planning Michael LoGrande*

## THE PROBLEM ON SISTER ELSIE DRIVE



**Appeal of the Decision of the  
North Valley Area Planning Commission  
ZA 2012-3329 (ZV) (ZAD)  
ENV 2009-2926-MND-REC1  
August 8, 2014**

**Sunland –Tujunga Alliance, Inc.**

## The Project



The proposed approval of a Zone Variance application for a new 2,400 square-foot single-family residence 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), LAMC.

## The Baseline Hillside Ordinance

*“Hillside residents should now enjoy relief from the out-of-scale development that too often has destabilized the hillsides, damaged the environment, reduced wildlife, increased the risk of landslides, destroyed the visual allure, and imposed on surrounding neighbors.”*

## The Appeal

### Why We Oppose the North Valley Area Planning Commission’s Decision:

- ❖ The proposed size of the dwelling and attached garage exceed the maximum amount of floor area allowed on the property (1,147 square feet).
- ❖ The grant of the requested variances and undermines the intent of the City’s Hillside Ordinance (LAMC, Section 12.21.A.17).
- ❖ Sister Elsie Drive in the vicinity of the proposed project is a poorly improved “paper street” which is inadequate to accommodate safe access to the site.
- ❖ Development of the site threatens the health, safety, and welfare of residents that live in the area.
- ❖ Approval of the project establishes precedence and invite other speculative developers to build over-sized dwellings on narrow and steep lots in the area.
- ❖ The Mitigated Negative Declaration does not adequately address the impacts of the project and includes insufficient measures to address project impacts.
- ❖ There are no unique hardships associated with the development of this site to warrant findings in favor of the applicant’s request.

## Sister Elsie Drive



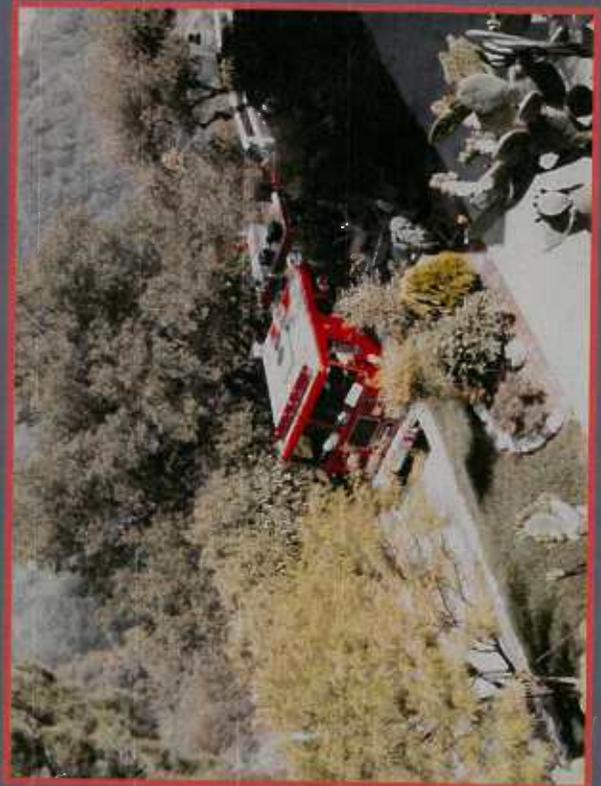
## A Question of Public Safety

- ❖ Inadequate Access for Emergency Vehicles including Fire Trucks.
- ❖ Deteriorated Street Condition.
- ❖ No turn-around areas on Sister Elsie Drive.
- ❖ Earthquake Fault Transverses Project Site.
- ❖ Inadequate Infrastructure to support new development.
- ❖ Over- building on steep hillside lots invites increased traffic and congestion and interferes with the emergency evacuation of residents in the area.

## A Question of Public Policy

*The Baseline Hillside Ordinance was adopted to encourage orderly development in the City's hillside areas and to prevent the construction of out-of-scale structures that are incompatible with neighboring properties. The homes constructed along Day Street at the foot of Sister Elsie Drive in Tujunga are emblematic of hillside development gone awry. The side-stepping of existing hillside development regulations should stop now to prevent future incompatible development.*

*Dean Sherer, AICP ENV SP  
Chair, STNC Land Use Committee*



Community Plan Hillside Development Policies

- ❖ *Policy 1-1.2:* Protect existing single-family residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- ❖ *Policy 1-1.3:* Require that new single and multi-family residential development be designed in accordance with the Urban Design Chapter.
- ❖ *Policy 1-3.2:* Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

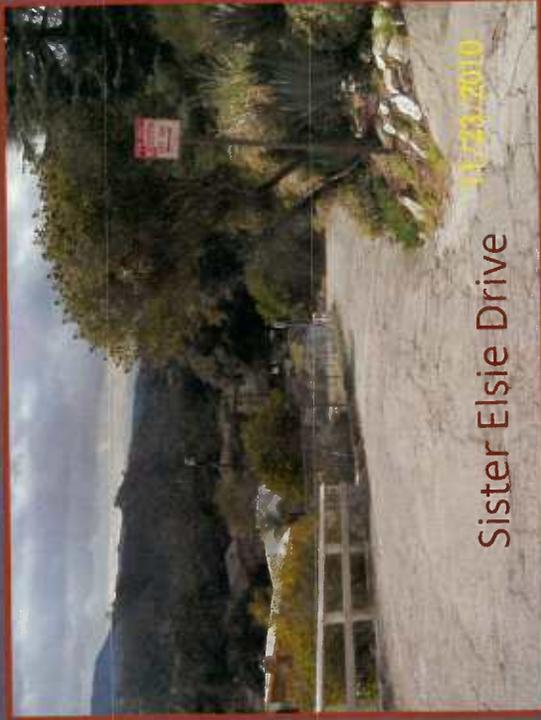
The Result of the Approval of Hillside Development Variances



Day Street Homes

Multiple Variances were approved for the three larger structures shown in this photograph. The granting of these variances resulted in out-of-scale and incompatible hillside homes.

A Neighborhood Perspective



Sister Elsie Drive

Summary

*“Our community is united in the belief that this project will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City’s responsibility to uphold its own hard-fought regulations to control mansions in the City’s hillsides. The proposed project is opposed by the Sunland-Tujunga Alliance, the Sunland-Tujunga Neighborhood Council and its Land Use Committee and the homeowners directly impacted who live on Sister Elsie Drive”*

EXHIBIT A – NVAPC Decision Letter



# NORTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
www.lacity.org/PLN/index.htm

DETERMINATION MAILING DATE: JUL 24 2014

CASE NO.: ZA-2012-3329-ZV-ZAD-1A  
CEQA: ENV-2009-2926-MND-REC1

Location: 6340-6346 West Sister Elsie Drive  
Council District: 7 - Fuentes  
Plan Area: Sunland-Tujunga-Lake View  
Terrace-Shadow Hills-East La Tuna Canyon  
Zone: RE40-1  
District Map: 204A205

Applicant: Ali Akbar Mahdi  
Representative: Oscar Ensafi

Appellant: Joe Barrett, Sunland Tujunga Alliance, Inc.

At its meeting on July 17, 2014, the following action was taken by the North Valley Area Planning Commission:

1. Denied the appeal.
2. Sustained the action of the Zoning Administrator's decision, pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, to approve a Zone 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); and, pursuant to Section 12.24-X,28 of the Los Angeles Municipal Code, 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-C10(i)(2) and (3); a Zoning Administrator's Determination granting a reduced front yard setback of 0 feet in lieu of the required 5 feet and a reduced east side yard of 5 feet 8 inches in lieu of the 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-C10(d).
3. Adopted the attached Findings.
4. Adopted the Mitigated Negative Declaration ENV-2009-2926-MND-REC1 as the environmental clearance of this action.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Commissioner Gonzalez  
Seconded: Commissioner Padilla  
Ayes: Commissioners Cadena and Leyner  
Recused: Commissioner Harootonian

Vote: 4 - 0

  
Randa M. Hanna, Commission Executive Assistant  
North Valley Area Planning Commission

**Effective Date/Appeals:** The Commission's action on the Zone Variance will be final within 15 days from the mailing date of this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln)

LAST DATE TO APPEAL AUG 08 2014

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

Attachment: Zoning Administrator's Determination and Findings dated April 11, 2014

cc: Notification List  
R. Nicolas Brown  
Linda Clarke

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION  
200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012  
(213) 978-1318  
FAX: (213) 978-1334  
www.planning.lacity.org

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR  
ASSOCIATE ZONING ADMINISTRATORS  
R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

April 11, 2014

Ali Akbar Mahdi (A)(O)  
4337 Clarinda Drive  
Tarzana, CA. 91356

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



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



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

access to the main dwelling to the boundary of the Hillside Area as required under Section 12.21-A,17(3) of the code; and approved a Zoning Administrator's Adjustment from Section 12.21-A,17(a) granting a 0-foot front yard setback in lieu of the required 5 feet, and from Section 12.21-A,17(b) to allow a reduced east side yard of 5 feet 8 inches in lieu of the required 12 feet, and dismissed a Zoning Administrator's Determination to permit the construction, use and maintenance of a 2,500 square-foot single-family dwelling on a lot fronting a Substandard Hillside Limited Street improved to a width of less than 20 feet adjacent to the subject property as required under Section 12.21-A,17(e)(2). The determination was appealed. On August 16, 2011, the North Valley Area Planning Commission sustained the Zoning Administrator's decision however modified some conditions having to do with Short Term Construction Parking/Circulation impacts.

Case No. CPC 25271 – On November 17, 1998, Ordinance No. 172,231 (SA480) was established, changing the zoning to RE40-1.

Case No. CPC 2007-2986(ICO) – On November 17, 1998, Ordinance No. 179,184 was established as the New Sunland-Tujunga Interim Control Ordinance which extended a similar early ICO and limited the size of structures based on FAR as follows: "No building permit or demolition permit shall be issued for any Project where the ratio of the total gross floor area of all buildings on the lot to the area of the lot (Floor Area Ratio or FAR) is equal to or less than 0.4: 1. However, if that FAR calculation would result in a total gross floor area of less than 2,400 square-feet, then the gross floor area of all the structures and buildings on the lot may be up to 2,400 square-feet." The subject ICO expired. The ICO intended to address out of scale incompatible developments on lots less than 8,000 square feet.

#### Surrounding Properties

Case No. ZA 2004-4793(ZAD) – On January 6, 2005, the Zoning Administrator approved a Zoning Administrator's Determination granting deviation from Section 12.21-A,17(a)(1) of the Los Angeles Municipal Code allowing a reduced front yard setback of 6 feet in lieu of the prevailing 19 feet 6 inches and to allow an improved roadway width of less than 20 feet from the property to the boundary of the Hillside Area for the construction of a three story, single family dwelling fronting a substandard hillside street located at 6339 Day Street (south adjoining property below the subject property). Staff Note: The applicant was required to dedicate and improve the roadway in front of the subject property.

#### PUBLIC HEARING

On May 17, 2011, the Office of Zoning Administration approved Case No. ZA 2009-2925(ZV)(ZAD) that granted construction, use and maintenance for a single-family dwelling with the following deviations from Hillside Regulations:

Waiver to permit vehicular access road from a street improved with a minimum 20-foot wide continuous paved roadway width from the driveway apron that

provides access to the main dwelling to the boundary of the Hillside Area as required under Section 12.21-A,17(3) of the code;

Waiver from Section 12.21-A,17(a) granting a 0-foot front yard setback in lieu of the required 5 feet, and

Waiver from Section 12.21-A,17(b) granting a reduced east side yard of 5 feet 8 inches in lieu of the required 12 feet.

The application included a request to waive street improvements along the frontage of the property. The Zoning Administrator believed the applicant would make street improvements. Therefore, this component of the request was dismissed requiring the project to provide Substandard Hillside Limited Street to a minimum width of 20 feet adjacent to the subject property, as required under Section 12.21-A,17(e)(2) of the Planning and Zoning Code.

Prior to the Zoning Administrator's May 17, 2011 decision (i.e., Case No. ZA 2009-2925(ZV)(ZAD)), the applicant submitted building permits for the following:

Grading Pre-Inspection Report for Permit No. 11030-20000-02186 – Issued May 9, 2011, for a new single family dwelling and retaining wall. A statement on the permit stated to not issue until a checklist of items were addressed.

Building Permit No. 11010-20000-00970 – Submitted May 6, 2011, for a new SFD with attached garage.

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

The determination was appealed to North Valley Area Planning Commission (NVAPC). On August 16, 2011, NVAPC sustained the Zoning Administrator's decision (i.e., Case No. ZA 2009-2925(ZV)(ZAD)-A1) and modified several conditions related to Short Term Construction Parking/Circulation impacts.

After the NVAPC appeal decision and over a several month period, the applicant attempted to comply with requirements of Case No. ZA 2009-2925(ZV)(ZAD)-A1. However, Bureau of Engineering (BOE) insisted on street improvements along the property frontage that would require acquiring land outside the control of the applicant (i.e., across from the subject site) and require unnecessary street improvements beyond what is needed for use by the subject site.

It was then that the applicant realized it was a mistake to allow part of the original request in Case No. ZA 2009-2925(ZV)(ZAD) to be dismissed. If Case No. ZA 2009-2925(ZV)(ZAD) had been approved to waive improving the Substandard Hillside Limited Street with less than minimum width of 20 feet adjacent to the subject property, the applicant could have been issued a building permit and construction would have started.

On May 9, 2011, the Hillside Mansionization Ordinance became effective. This did not affect Case No. ZA 2009-2925(ZV)(ZAD) because the application was deemed complete prior to the effective date of the ordinance. However, the applicant's building permits expired triggering compliance with the new ordinance.

On December 4, 2012, the applicant applied for Case No. ZA 2012-3329(ZV)(ZAD) to deviate from the newly adopted Hillside Ordinance. On August 19, 2013, notice of the public hearing was mailed to 72 property owners/occupants and interested parties of which five were returned.

The following correspondence was received prior to the public hearing:

*Dyle Henderson*, 6270 Gyril, email dated September 13, 2013 (summarized as follows):

- Dangerous precedent if allowed – opens the door for all other vacant lots in immediate hillside area
- Why was Ordinance put in place in the first place
- Out of character with homes in area – applicant only used homes on Day St. as example, not Sister Elsie
- Potential risks to safety and security – My home has a wall that will be compromised with use of heavy trucks passing within inches of it – if it fails, there will be no access to the above 17 homes
- Construction and Staging – there is NO room for these enormous pieces of equipment – we were told we would receive a plan for how this would be staged, but have not received anything. Some residents on hill receive health care visits daily from medical professionals.

*Gerhard and Elektra Kruger*, 10544 Mahoney Dr., email dated September 8, 2013 (summarized as follows):

- This is not a variance needed due to unusual features of the property – properties in the area average half the requested square footage thus there is no need to allow the variance in square footage to preserve equal enjoyment of substantial right or general use possessed by others in the same neighborhood.
- Reduced side and front yards only needed to construct a house more than twice the size allowed in the zone/vicinity.

*Paolina Milana*, 6259 Gyril, email dated March 26, 2013: Opposed to a waived hearing. Appeal process assured that legitimate issues raised would be addressed/resolved/communicated before moving forward – yet based on new submittal, no changes have been made, no considerations to concerns included, and no communications have been shared, and inaccurate information still is listed falsely as facts and findings.

Prior to the public hearing, a site inspection was conducted by the Project Planner, staff of the Office of Zoning Administration. The following information was obtained from information presented in the application and research of the Project Planner.

The requests under consideration in Case No. ZA 2012-3328(ZV)(ZAD) include those of the prior approval with the addition of requests to deviate from the maximum hillside residential floor area allowed, maximum hillside height, and to waive street improvements along the property frontage.

Submitted with the application are plans dated May 4, 2011 with a revision date of October 20, 2012. The subject plans appear identical to the May 4, 2011 plans which were approved by the Planning Department on November 1, 2012. Staff cannot determine what revisions occurred on October 20, 2012, thus further discussion may be warranted. There are some differences regarding the elevations on Sheet A-3 in that a "Grade Plane" was added to the Existing Grade, and the West Elevation is noted at 36 feet in height versus 35 feet 9 inches. More height information has been added to the current plans. It should be noted the previous proposed dwelling size was 2,500 square feet which would require an additional on-site parking space. The current proposed dwelling is 2,400 square feet, which is just below the threshold for additional parking for a hillside home.

The plans show the structure will be two-story with a flat roof and will be cut into the downslope area such that part of the dwelling will be set into the hillside (i.e., acting as a retaining wall) and the rear half of the dwelling projecting outward will be supported by stilts with a crawl space underneath.

The Baseline Hillside Mansionization Ordinance provides an option where allowed residential floor area can be calculated via a slope analysis or in this case with a legal non-conforming lot size a guaranteed minimum of building per lot size of 18 percent (for RE40 zoned lots) or 1,000 square feet, whichever is greatest.

Staff review of the previous case file indicates there was no grading information provided with respect to the volume of earth removal, import/export, cut and fill. Additional entitlements may be required under the Hillside Ordinance.

The public hearing was held September 20, 2013 with the applicant, applicant's representative, and several interested parties in attendance. The Zoning Administrator began the public hearing citing case history as discussed above. He stated that all previous entitlement requests are moot requiring the applicant to re-file an application due to the new Baseline Hillside Mansionization Ordinance. Further, plans submitted with the application are dated May 4, 2011 with a revision date of October 20, 2012. Further, the plans appeared identical to the May 4, 2011 plans which were approved by the Planning Department on November 1, 2012, except there were several changes including:

The prior approved dwelling size was approximately 2,500 square feet which requires an additional on-site parking space. The current proposed dwelling is 2,400 square feet, which is just below the threshold for additional parking for a hillside home.

Elevations on Sheet A-3 added a "Grade Plane" to the Existing Grade and the west elevation of the dwelling was noted at 36 feet in height versus 35 feet 9 inches in the prior approval.

The applicant justified his requests as follows:

Regarding Residential Floor Area –

"The Baseline Hillside Ordinance was adopted for purpose of preserving established single family character from out of scale development. The proposed new two story single family dwelling has already once was submitted through plan check with building and safety, however there was not enough time for us to meet with public work B permit processing for our frontage improvement, so the 18 month plan check time expired on 11-6-12. Prior to building and safety application we had an approval from city planning case ZA-2009-2925-ZAD for front yard setback, side yard setback...and approval for continues road improvement....

As, indicated above, this project has gone through city planning application and building and safety plan checks within last 4 years, we have grading approval for proposed site, building plans are approved for proposed 2400 sq-ft of living space and attached two car garage. However, the building permit was not issued just because our frontage improvement was not to the satisfactory of public work. This is special case that no other properties has gone through such difficulties.

According to the ZIMAS, there are properties on the south side of our project site that are subject to BHO and they exceed the limited floor area,

- 6339 Day St. existing house is 3,405 sq-ft, which should be 1,876 sq-ft
- 6338 Day St. existing house is 1,734 sq-ft, which should be 650 sq-ft
- 6361 Day St. existing house is 1,561 sq-ft, which should be 915 sq-ft

Our proposed construction of 2400 s.f. is still within the average of the surrounding Home sizes.

The proposed two story single family dwelling is located within the hillside area with topography of almost 45 degree slopping down which is consistent with two adjacent neighbors on west side on Sister Elsie Dr. and will not have any effect on public welfare not their safety."

Regarding Building Height –

..."The proposed height for our new two story single family dwelling is 36 feet in lieu of 30 feet which is required by the same Hillside Ordinance. The proposed structure has a flat roof with 3 feet of parapet walls, there are only two single family structures in the same block which is 6358 and 6361 Day Street which is fronting Sister Elsie Dr., and these two structure's height is min. of 36 feet of height.

...the proposed structure has only 14 feet in the Sister Elsie Drive elevation which is consistent with both adjacent structures in Sister Elsie Dr. block. Our request for such height approval is consistent with the area and there are no other ways to construct such structure less than 36 feet has shown on attached building sections and elevations."

Regarding Substandard Hillside Street –

“The widening and improvement of Sister Elsie Dr which is a paper street in reality, is impossible and unnecessary. Meanwhile the real road access for this neighborhood is the private road which is shown on the attached zoning map. The topography of the site is a good reason that widening of this paper street is not doable.

As shown on the plot plan, car will have enough space to back up and then exit through a gentle slope driveway which leads to Sister Elsie Dr. So as you see, to enter this site and to exit from it will have no negative impact to the existing traffic of the neighborhood, the private road was created for the same purpose of our kind of development that should benefit from it.

There are no structures on the north side of Sister Elsie Dr, nor on adjacent side of the subject property. So the development of our property and not improving the existing private or public road will have no injurious to our neighborhood nor adjacent properties, also there are no impact on properties on cross street.

We feel that granting such an adjustment will not require any unnecessary or impossible improvement will not have any negative impact to surrounding and adjacent neighborhood, also our proposed single-family dwelling project is consistent with the area and adjacent properties.”

Regarding Reduced Yards –

“There are no structures on both side of our property and across Sister Elsie Dr one single family dwelling which has only five feet side yard and their front yard is not facing the Sister Elsie Dr. on west side the property is already developed at lower elevation and fronting Day St. On east side a seven acre property that half of west portion of that is not buildable.

As long as this development is consistent with community and surrounding building, which we will have min 12ft side yard on west side and 5ft on east side.

We are asking for zero front yard setback in lieu of 5ft required by the zone, but in reality the setback for future two story structure will be 32 ft. from the top of the slope which is the edge of the existing road. So there will be no adverse impact because there will be no future structures or any other kind of development adjacent to our site. A copy of existing topographic with the proposed site plan are attached with our application that explains the required side or front yard is not a practical thing or possible for this development.”

Testimony was obtained from the following: <sup>1/</sup>

Oscar Ensafi, applicant's representative, (*For proposal*)

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1/ Names as shown on speaker slips.

Ali Akbar Mahdi, owner and applicant, *(For proposal)*  
Dyle and Kathy Henderson, resident on Gyal Drive, *(Against proposal)*  
Charles (Chuck) Borom, resident on Sister Elsie Drive, *(Against proposal)*  
Sona Armenian, resident on Sister Elsie Drive, *(Against proposal)*  
Paolina Milana, resident on Gyal Drive, *(Against proposal)*  
Greg Reed, resident on Gyal Drive, *(Against proposal)*  
Zak Grausam, resident on Gyal Drive, *(Against proposal)*  
Melina Begain, resident on Day Street, *(Against proposal)*  
Cindy Cleghorn, Sunland-Tujunga Neighborhood Council (STNC), *(Against proposal)*  
Gabriel Bapdste, resident on Gyal Drive, *(General Comments)*  
Arsen Karamians, STNC Land Use Committee and Board member, *(General comments)*  
Claudia Rodriguez, City Council representative, *(General Comments)*

The following letter from Sunland-Tujunga Neighborhood Council wholly reflects testimony obtained from those opposed or who had concerns:

This letter is being written to inform you of the opposition by the Sunland Tujunga Neighborhood Council's (STNC) Land Use Committee (LUC) to the proposed construction of a new 2,400 square foot residential dwelling and attached 2-car garage at 6342 W. Sister Elsie Drive in Tujunga for which a Notice of Public Hearing was published. This notice issued by your Office informs interested persons of a public hearing to be held on Friday, September 20, 2013 to consider approval of this proposed project and the concomitant adoption of a Mitigated Negative Declaration (MND). *We have determined that there simply isn't enough information regarding the status of this property and its proposed development to make an adequate and informed determination at this time.* Consequently, the public hearing for this project should be postponed until enough information is provided by the applicant and/or City representatives that address the numerous issues regarding this proposed project.

The LUC has reviewed this current application and also participated in the review of a prior application to develop this site in 2009-2010. A copy of a letter (addressed to Councilman Kerkorian) and dated September 8, 2010, is attached to this correspondence for your information. In addition, neighbors in the immediate vicinity of the proposed project have made several appearances before our Committee asking that we intervene on their behalf. As we did in 2009-2010, we stand with the local neighborhood residents in their opposition to the past project and the project which is currently being proposed. We were not supportive of the earlier project and do not support this current application based on the following summary factors:

- The proposed size of the dwelling and attached garage exceed the maximum amount of floor area allowed on the property (1,147 square feet).
- The grant of the requested variances would undermine the intent of the City's Hillside Ordinance (LAMC Section 12.21.A.17)
- Sister Elsie Drive in the vicinity of the proposed project is a poorly improved "paper street" which is inadequate to accommodate safe access to the site.

- Development of the site will threaten the health, safety, and welfare of residents that live in the area.
- Approval of the project will establish precedence and invite other speculative developers to build over-sized dwellings on narrow and steep lots in the area.
- The Mitigated Negative Declaration does not adequately address the impacts of the project and includes insufficient measures to address project impacts.
- There are no unique hardships associated with the development of this site which would support findings in favor of the applicant's request.

We appreciate this opportunity to comment on this current application and to express our concerns regarding this proposed project. In regards to the currently submitted plans for which the applicant is seeking approval of zone variance to construct the dwelling (2,400 square feet and 400 square foot 2-car garage requested; 1,147 square foot dwelling permitted), to permit the proposed dwelling less than 20 feet from the driveway apron to the end of the hillside boundary, a reduced front yard of 0 feet in lieu of the required 5-feet, a reduced east side yard of 5-feet 8- inches in lieu of the required 12- feet, and to permit a building height of 36-feet in lieu of a permitted 30-feet, to we ask the Zoning Administrator to consider the following:

#### Background

The subject property is an interior, steep down slope, 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 covered mostly with natural grasses and what appears to be Scrub Oak Trees.

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

Sister Elsie Drive, adjoining the property on the north, is a substandard paper hillside street, currently consisting of a grass area, dedicated to 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.

#### Neighborhood Concerns

Both with the past and current project applications, the applicant has chosen to ignore the concerns of the residents in the area which can be summarized as Traffic during construction will constrict resident's access to their properties.

- o The proposed project infringes on public access ways and private property.
- o Inadequate access will impede the ability of City agencies to use the road, including critical access for City water facilities, fire and sanitation trucks and other City vehicles that use this road constantly.

- o The proposed project sets a precedent for developers to avoid hillside regulations.
- o The project's effects on Sister Elsie need to be thoroughly understood.
- o Sister Elsie Drive is crumbling, with major potholes and sinkhole problems.

#### No Actual Hardships

The applicant has failed to adequately demonstrate that there are special circumstances or hardships related to the development of the site that warrant the granting of the requested variances. The required findings include the following:

There are special circumstances applicable to the subject property such as size, shape, topography, location, and surroundings that do not apply generally to other properties in the same zone and vicinity; and, There is a necessity for the preservation and enjoyment of a substantial right or use generally possessed by other properties in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

The first variance being requested is to construct a dwelling which, at 2,400 square feet, would be more than twice the allowable 1,147 square feet. This type of variance is not required to be granted because of any unusual features of the property.

The sizes of dwellings in the immediate neighborhood average half the size of the proposed application, so there is no need to grant a variance to allow or preserve equal enjoyment of a substantial right or general use possessed by other properties in the same neighborhood.

The additional variances (pertaining to the front and side yard setbacks and building height) also are not a function of the unusual property shape which would make it difficult to construct an allowable 1,147 square foot dwelling. Instead, they are being requested solely to provide for construction of a house which would be more than twice the allowable size in this zone/vicinity.

#### Mandated Findings

Prior to rendering a Determination on the proposed application, the Zoning Administrator is required to make certain mandatory findings regarding the application. Our understanding of these findings and their application to the proposed project are as follows:

1. Approval of the subject use is not in conformity with the public necessity, convenience, general welfare and good zoning practice and the action will be in substantial non-conformance with the various elements and objectives of the General Plan.

The project proponent initially proposed constructing a two-story dwelling with a two-car garage on the property, totaling 2,890 square feet including a 400

square-foot garage. Subsequently, the project was redesigned to not exceed 2,400 square feet (*current application*). The project applicant however is requesting deviations from the Hillside Ordinance regarding floor area, setbacks and building height.

Although the subject lot is legally subdivided and the density is permitted by the General Plan, the proposed project still exceeds the size requirements of the Hillside Ordinance and thus is not in conformance with zoning requirements or the intent of the General Plan which is to foster development that is compatible and consistent in scale with existing development in the area. Furthermore, the granting of the requested variances undermines and defeats the purpose of the existing City Hillside Ordinance regulations, thus contributing to the development of dwellings that are not compatible and which are out of scale with the neighborhood.

The Zoning Administrator should carefully consider the precedent-setting nature the requested variances. What is the purpose of adopting hillside residential development regulations only to turn around and grant exceptions that defeat the purpose of these existing regulations? Hillside mansionization has been effectively addressed in mansionization regulations adopted by other cities in the area, including the cities of Glendale and Pasadena. Once adopted, these regulations effectively halted the type of residential development proposed on Sister Elsie Drive. Neither of these two cities would consider the granting of variances to accommodate over-sized dwellings on steep hillside lots within their municipal jurisdictions.

2. The vehicular traffic associated with the building or structure will create an adverse impact on street access or circulation in the surrounding neighborhood.

Insufficient detail has been provided in regards to the design of the project and it's compliance with the Hillside Ordinance including consideration of Section 12.21-A.17(i)(2)(ii) of the Los Angeles Municipal Code which ensures no adverse impact on street access or circulation. In addition, the proposed mitigations included in the Mitigated Negative Declaration on are either not adequate or are based on insufficient or incorrect knowledge of the area where the impacts of the project will occur. Residents in the neighborhood and visitors have repeatedly complained of unsafe traffic conditions along Sister Elsie Drive.

3. The building or structure will be materially detrimental or injurious to the adjacent property or improvements.

Granting the deviations from the required setback standards for residences on hillside lots of the Los Angeles Municipal Code will be materially detrimental. The environmental review of the project has not adequately determined that the proposed project will not have an impact on the environment. Although many of the mitigation measures of the environmental review will likely be included as conditions of approval for the project, these mitigations are inadequate or are based on erroneous conclusions.

The project has also been unable to demonstrate compliance with Section 12.21-A, 17(i)(2)(ii) of the Los Angeles Municipal Code which ensures the area for the vehicular access does not contain any encroachment which could potentially impede the passage of emergency vehicles. The Fire Department has been unable to adequately serve the residences on Sister Elsie Drive because of the steep grade of the street and the lack of a turn-around area for fire trucks.

4. The building or structure will have a materially adverse safety impact on the surrounding neighborhood.

The project is in a Hillside area which is governed by the Hillside Ordinance. As such, it is subject to established and clearly defined limitations on building square footage, setbacks, and structural height. The purpose of these limitations is to protect the health, safety, and welfare of residents in the area and to ensure that future development is in scale with existing development and which does not negatively impact the visual character of the existing area.

The proposed project cannot comply with the most basic set of development standards which underpin the Hillside Ordinance. Consequently, its construction will impede the implementation of Hillside policies and programs in that the resulting development and subsequent development (spurred by a precedence-setting approval of the project) will likely *not* meet the most current and demanding requirements relating to fire and geologic hazards, mountainous brush areas being supplied with an adequate water supply, and providing streets adequate to accommodate emergency vehicles or traffic.

5. The site and/or existing improvements do not make strict adherence to the Hillside Ordinance impractical or infeasible.

The project applicants are not being denied the ability to construct a residence and garage on the project site. A single-family dwelling and 2-car garage can be constructed on this property which conforms to all applicable standards of the Hillside Ordinance. Furthermore, no requirement is being imposed on the applicants to widen Sister Elsie Drive. Thus, the applicant is relieved from the costs of street improvements that could potentially exceed the value of the proposed dwelling.

The difficulty with this current application is not only its inability to comply with basic Hillside Ordinance requirements, but also with the threat it poses to adjacent property owners and residents that live on this narrow and sub-standard street. Residents in the area have effectively documented the access issues posed by future development on this street. They have also effectively demonstrated to the LUC the need for the City to address infrastructure needs first before allowing additional development to occur in an area that is poorly served by deteriorating infrastructure (deteriorating street) and emergency City services (Fire Protection Services).

## ADDITIONAL FINDINGS

The project applicants have requested the approval of specific variances for the project and the Zoning Administrator has the authority to grant these variances from the Code, provided they can be supported by written findings of fact based upon evidence taken written or oral statements and documents presented, which may include photographs, maps and plans, together with the results of any staff investigations. The findings of fact required to be met for this project and our understanding of their applicability to the proposed project are presented below:

1. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

We do not believe that the strict application of the provisions of the zoning ordinance cause unnecessary hardship or practical difficulties in the development of the project site. It is the intent of the adopted Hillside Ordinance to address development issues on narrow and steep hillside lots identical to the applicant's lot on Sister Elsie Drive and to limit the scale of development on these lots.

2. That 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.

As addressed previously, we do not believe that there are special circumstances applicable to the subject property that does not apply generally to other properties in this general area. To a large degree, many of the vacant and undeveloped lots in this area are similar in size and topography. There are no

special or unique circumstances that would justify granting variances for the proposed application.

3. That the 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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

As addressed previously, the first variance being requested is to construct a dwelling which, at 2,400 square feet, would be more than twice the allowable 1,147 square feet. This type of variance is not required to be granted because of any unusual features of the property. Furthermore, the sizes of dwellings in the immediate neighborhood average half the size of the proposed application, so there is no need to grant a variance to allow or preserve equal enjoyment of a substantial right or general use possessed by other properties in the same area or vicinity.

4. That the granting of the 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.

As previously stated and often expressed by residents in this neighborhood, future development on Sister Elsie Drive poses a threat to the health, safety, and welfare of existing residents and property improvements in the area by overburdening existing and deteriorating public infrastructure including drainage facilities and streets.

5. That the granting of the variance will not adversely affect any element of the General Plan.

While the granting of the variance is unlikely to adversely affect any element of the General Plan, it will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.

Your deliberations in this matter should take into account the community's goals for improving their neighborhoods without allowing development that is incompatible or out of scale with existing development in the area and which jeopardizes public safety. In order to avoid a costly and time-consuming appeal, you should base your determination on what is considered not only best for the applicant but best for the neighborhood as well.

At the conclusion of the public hearing, the matter was "Taken under Advisement" to allow the Zoning Administrator to conduct a comprehensive review of the request. The applicant was asked to submit additional information. Also, the Zoning Administrator asked interested parties to coordinate a site visit in order to correct or clarify inaccurate testimony that may have been simply due to speakers' misunderstanding of the requests including which property was under consideration. Subsequently, the Office of Zoning Administration received additional information that included more detail on the equipment staging area, location for parking workers' vehicles, topography and boundary map, foundation and retaining wall plan, slope cross-section, and photographs. Also, the applicant informed the Zoning Administrator that a meeting was scheduled at the site to show all interested parties the proposed project and how their concerns are addressed.

After review of the entire administrative record, the Zoning Administrator found justification for deviation from strict application of the Zoning and Planning Code and determined that the requests are in compliance with intent and purpose of the Code and furthers the action of the North Valley Area Planning Commission in Case No. ZA 2009-2925(ZV)(ZAD)-A1.

## ZONING ADMINISTRATOR'S COMMENTS

In the adopted Findings, readers will read how the Zoning Administrator "bridged the gap" between evidence in the administrative record and the decision.<sup>2/</sup> What follows are several planning topics that provide context to the affirmative to the Findings.

Retroactive Application of the Revised Hillside Ordinance

As noted above, pursuant to Case No. ZA 2009-2925(ZV)(ZAD)-A1, the applicant was previously approved to deviate from the earlier Hillside Ordinance. Over several months that extended into mid-2013, the applicant attempted to comply with requirements of Case No. ZA 2009-2925(ZV)(ZAD)-A1, but discovered Bureau of Engineering (BOE) insisted on street improvements along the property frontage that would require acquiring land outside the control of the applicant (i.e., across from the subject site) and require unnecessary street improvements beyond what was needed for use of the subject site.

During this time, the applicant's building permits expired because of factors not wholly within his control which triggered discretionary review required under the new Hillside Ordinance. This is even though the applicant is requesting similar rights as previously granted.

There is little ambiguity on how to treat this case, if the City acted in bad faith in delaying consideration of the applicant's question on how the street frontage should be improved. Such action would be a "special fact" in support of the applicant. In this instance, there is no bad faith. Rather, just a delayed response resulting in the applicant not being issued a building permit which triggered having to now comply with the new Hillside Ordinance.

A literal application of the new Hillside Regulations has two affects. First, possible substantive effect on interests previously created; whereby, disrupting settled expectations reached in Case No. ZA 2009-2925(ZAD)(ZAA)-1A. Second, a procedural effect requiring a new application which allows for discretionary review and "Due Process", but does not change the legal significance of Case No. ZA 2009-2925(ZAD)(ZAA)-1A.

This Zoning Administrator is of the opinion that changing the rules after the game has been played is an element of fundamental fairness (i.e., substantive). This would occur if a new decision impinged upon rights previously granted. However, filing an application and conducting a public hearing establishes a quasi-judicial process to determine the merit of events that occurred resulting in the applicant's inability to obtain a building permit in a timely manner and how to further the intent of the new regulation in the least restrictive means so to not impinge upon rights granted and interests created by Case No. ZA 2009-2925(ZAD)(ZAA)-1A.

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<sup>2/</sup> The *Topanga* court defined Findings as legally relevant sub-conclusions which expose the agency's mode of analysis of facts, regulations, and policies, and which bridge the analytical gap between raw data and ultimate decision. (*Topanga, supra* at pp. 515 and 516.) In other words, Findings are the legal footprints local administrators and officials leave to explain how they progressed from the facts through established policies to the decision.

### Why Bureau of Engineering Delay?

On City maps, Sister Elsie is a "paper street" shown to traverse the subject site and travel east then northeast. This is not the Sister Elsie that the community uses. The street that provides access to properties north of the subject is not a public right-of-way. What the community uses north of the subject site consists of private property that Bureau of Engineering (BOE) does not know who has rights to use and what rights they have.

It was difficult for BOE to determine how Sister Elsie paper street should be improved because the finished street would only be used by the applicant and not by others in the community. However, City maps identify the paper street as providing legal access for other properties east of the subject site. As such, BOE believes full Hillside Street standards are required even if it poses several complications.

One complication is that the applicant is not able to provide full street width without acquiring private property across the street. The other complication is the improved street would likely function only as a private driveway for the subject site because the topography is too steep east of the subject site for continuing the street. Another complication is to improve the paper street to full Hillside Street standards would significantly change the building pad elevation causing excessive grading and unnecessary prohibitive cost if the street only serves the subject site.

Even though BOE doesn't believe Sister Elsie paper street would provide access beyond the subject site, they would not exercise their authority to terminate the paper street because it could lead to law suits from property owners who would lose the right to develop their paper subdivisions.

### Potential Damage to Sister Elsie

The core planning issue has been potential damage to Sister Elsie and additional construction traffic on Sister Elsie. During the Office of Zoning Administration's September 2013 public hearing, concerns were broadened beyond those presented to the North Valley Area Planning Commission in Case No. ZA 2009-2925(ZAD)(ZAA)-1A.

North Valley Area Planning Commission addressed the concerns regarding potential damage to Sister Elsie in Condition Nos. 7.a.2), 7.a.4, 7.c.1), and 7.c.8). Then, at the September 2013 public hearing, the issues were broadened to include potential damage to private property caused by construction vibration. A recommendation was presented to the Zoning Administrator that property owners should be reimbursed for damage caused by vibration of heavy trucks and site preparation. Further, that the City should establish a bond to ensure property owners are compensated.

A bond is used with haul routes (i.e., 12.24-X,28(c)(1) for the "benefit of the city", but not private property owners. The Zoning Administrator was told that other cases required a bond. However, verification of this procedure was not submitted as requested. Nevertheless, such condition may not be appropriate since the matter relates to private interests. Rather, it's a civil matter between property owners and would be better arranged through contractual agreements or litigated in court.

### Construction Staging without Impacting Others

Construction of the project will occur in stages where the paper street will be improved to provide access to the subject site and operate as a staging area for equipment without significantly impacting traffic on Sister Elsie used by the community. The applicant submitted a plan showing temporary construction crew parking on Day Street below the subject site. Any street blockage above or below the site will require advance notice to surrounding residents, use of a flag person, and shall not exceed 20 minutes, if technically feasible. Next, the building pad will be graded providing additional space for staging equipment.

The applicant submitted a plan showing temporary construction crew parking on Day Street below the subject site. There are conditions imposed establishing additional measures to ensure Short Term Construction Impacts are kept at minimum. Additional enforcement is granted to the Office of Zoning Administration and Department of Building and Safety by a condition that states non-compliance with the Construction Parking/Circulation Plan or other conditions may result on an Order to Comply or Stop Work Order.

### Conclusion

The propose project is slightly smaller than that approved in Case No. ZA 2009-2925(ZAD)(ZAA)-1A. What has changed is the Hillside Ordinance. But the applicant merely wants what he was previously approved to do.

At the September 20, 2013 public hearing, the Zoning Administrator heard the following issues and concerns:

- The proposed project infringes on public access ways and private property.
- Inadequate access will impede the ability of City agencies to use the road, including critical access for City water facilities, fire and sanitation trucks and other City vehicles that use this road constantly.
- The proposed project sets a precedent for developers to avoid hillside regulations.
- The project's effects on Sister Elsie need to be thoroughly understood.
- Sister Elsie Drive is crumbling, with major potholes and sinkhole problems.

These are exactly the same issues and concerns previously settled by North Valley Area Planning Commission in Case No. ZA 2009-2925(ZAD)(ZAA)-1A. Without evidence of new matters or unmitigated impacts, the Zoning Administrator does not want to impinge upon rights previously granted and interests created.

### VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **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 applicant is seeking a Zone Variance to construct 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). An applicant seeking a Variance bears the burden of proving that circumstances exist to justify its granting (*PMI Mortgage Ins. Co. v. City of Pacific Grove (1982) 128 Cal.App.3d 724*)).

In this instance, the applicant's burden is lessened due to affirmative Findings previously made in Case No. ZA 2009-2925(ZAD)(ZAA)-1A for an approximate 2,500 square-foot dwelling.<sup>3/</sup> The applicant submitted analysis that according to ZIMAS, there are properties on the south side of the subject site that were subject to Baseline Hillside Ordinance that exceed the limited floor area. These being:

- 6339 Day St. existing house is 3,405 sq. ft. which should be 1,876 sq. ft.
- 6338 Day St. existing house is 1,734 sq. ft. which should be 650 sq. ft.
- 6361 Day St. existing house is 1,561 sq. ft. which should be 915 sq. ft.

Further, the proposed construction is 2,400 square feet and within the average of the surrounding home sizes. Lastly, the proposed two-story single-family dwelling is located within a hillside area with nearly 45 degree downhill slope down which is consistent with two adjacent neighbors on west side on Sister Elsie Drive and will not have any effect on public welfare nor their safety.

Research of the Project Planner determined the average dwelling size in the surrounding hillside is 1,429 square feet. Also, statements in opposition believe the intent of the adopted Hillside Ordinance is to address development issues on narrow and steep hillside lots identical to the applicant's lot on Sister Elsie Drive and to limit the scale of development on these lots.

The applicant states, the project has gone through City Planning application and Building and Safety plan checks within last five years. The project obtained grading approval for proposed site and building plans are approved for proposed 2,400 square feet of living space and attached two car garage. However, the building permit was not issued because the proposed frontage improvement was not to the satisfaction of public work. In conclusion, the applicant believes this is special case where no other properties have gone through such difficulties.

The Zoning Administrator agrees with the applicant that strict application of the current regulations create a hardship. Firstly, the size of the dwelling complies with the prior Hillside Ordinance where no request to deviate in size was required.

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<sup>3/</sup> A Variance was not previously required because the size of the dwelling conformed to Hillside Regulations. The revised Hillside Ordinance established a Maximum Residential Floor Area contained in all buildings and accessory buildings based on Slope Band analysis.

Secondly, the applicant's building permits expired because of factors not wholly within his control which triggered having to comply with the revised ordinance. However, pursuant to Case No. ZA 2009-2925(ZAD)(ZAA)-1A, the prior action approved a dwelling size of approximately 2,500 square feet and the applicant merely wants to continue with a slightly smaller dwelling than that approved in Case No. ZA 2009-2925(ZAD)(ZAA)-1A. The Zoning Administrator does not want to impinge upon rights previously granted and interests created unless there are unmitigated environmental factors.

2. **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 applicant states, the project has gone through City Planning application and Building and Safety plan checks within last five years. The project obtained grading approval for proposed site and building plans are approved for proposed 2400 square feet of living space and attached two car garage. However, the building permit was not issued because the proposed frontage improvement was not to the satisfaction of public work. In conclusion, the applicant and the Zoning Administrator are in agreement that this is a special case where no other properties have gone through such unique circumstances.

This approval does not create a precedent for subsequent Variance requests. Furthermore, each variance is based upon special circumstances relating to the site for which it is proposed and past grant or denial of Variances for other properties in the area does not mandate similar action on the part of the hearing body (*Miller v. Board of Supervisors of Santa Barbara County (1981) 122 Cal.App.3d 539*).

3. **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.**

The Variance is necessary for the preservation and enjoyment of a substantial property right that was previously established pursuant to Case No. ZA 2009-2925(ZAD)(ZAA)-1A. The applicant was previously approved to deviate from the earlier Hillside Ordinance which did not require deviation in dwelling size. Over a several month period that extended into mid-2013, the applicant attempted to comply with requirements of Case No. ZA 2009-2925(ZV)(ZAD)-1A, but discovered Bureau of Engineering (BOE) insisted on street improvements along the property frontage that would require acquiring land outside the control of the applicant (i.e., across from the subject site) and require unnecessary street improvements beyond what was needed for use of the subject site.

During the applicant's attempt to comply with Case No. ZA 2009-2925(ZV)(ZAD)-1A, his building permits expired because of factors not wholly within his control

and a new discretionary review was required. The applicant's project has not changed nor are there changed environmental conditions.

There is little ambiguity on how to treat this case, if the City acted in bad faith in delaying consideration of the applicant's question on how the street frontage should be improved. Such action would be a "special fact" in support of the applicant. In this instance, there is no bad faith just a delayed response and due to the delay. The Zoning Administrator does not want to impinge upon rights previously granted and interests created unless there are unmitigated environmental factors.

- 4. 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 size of the dwelling in Case No. ZA 2009-2925(ZV)(ZAD)-A1 was not a deviation from the prior Hillside Ordinance. Conditions were imposed to mitigate environmental impacts and the current project is no more intensive than that previously approved.

A condition to record a Master Covenant and Agreement (MCA) is added to improvement compliance and enforcement. The MCA is in case the applicant decides to sale the property and the MCA would be discovered during any title search and put any subsequent owner on notice of the conditions herein. Further, it clearly acknowledges the property owner's responsibilities to imposed conditions. The MCA will help ensure substantial compliance with the conditions.

- 5. The granting of the variance will not adversely affect any element of the General Plan.**

The Sunland-Tujunga-Lake View-Shadow Hills-East La Tuna Canyon Community Plan Map designates the property for Minimum Residential. The applicant has combined three lots totaling approximately 6,205 square feet to create legally subdivided land. Therefore, the density is consistent with the Community Plan. Case No. ZA 2009-2925(ZV)(ZAD)-1A nor does this approval adversely affect use of the property for its intended purpose.

#### **ZONING ADMINISTRATOR DETERMINATION FINDINGS**

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

- 6. 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 applicant's building permits expired because of factors not wholly within his control which triggered having to comply with the revised Hillside Ordinance. The current requests, related to the Zoning Administrator Determination, are as follows:

One, 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 Nos. 12.21-C.10(i)(2) and (3),

Two, 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 Section 12.21-C.10(a)(2) and Section 12.21-C.10(a); and

Three, 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).

The Area Planning Commission approved housing which is essential to the community since Los Angeles is a housing poor area. Pursuant to Case No. ZA 2009-2925(ZAD)(ZAA)-1A, the prior action approved a dwelling as currently proposed. The Zoning Administrator does not want to impinge upon rights previously granted and interests created unless there are unmitigated environmental factors.

7. **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 project's size is discussed in Finding Nos. 1-5 and height is found in Finding No. 11. Generally, the basis for the Zoning Administrator, as the initial decision maker and NVAPC on appeal, was that the project is compatible with its surrounding and provides housing which is an essential benefit for the community and residents of Los Angeles. Further, that the deviations are not so substantial as to create a project that appears incompatible with other dwellings in the area.

The proposed project is in a Hillside area which is governed by the Hillside Ordinance. In City Council's adoption of both the prior and current Hillside Ordinances, they stated one purpose of the ordinance was to establish clearly defined and reasonable limitations on the overall height of single-family dwellings and therefore protect ridgelines and preserve the unique vistas afforded to all residents of the City. However, the majority of the Findings articulated reasons for the Hillside regulations are related to public health and safety.

The proposed project deviates from the current Hillside Ordinance but it will not hamper the implementation of Hillside policies and programs. The resulting development will meet the most current and demanding requirements relating to fire and geologic hazards, mountainous brush areas being supplied with an adequate water supply, providing streets adequate to accommodate emergency vehicles or traffic, whereby, providing for necessary safety for emergency equipment.

8. **The project substantial conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Sunland-Tujunga-Lake View-Shadow Hills-East La Tuna Canyon Community Plan Map designates the property for Minimum Residential. The applicant has combined three lots totaling approximately 6,205 square feet to create legally subdivided land.

The property is within the Hillside designed area. Thus, in order to provide a practicable method for the development of land, the topography of which creates problems in development, to permit the efficient design and use of building sites and local streets, and to secure compliance with the General Plan in certain hillside or mountainous areas of the City of Los Angeles, certain portions of the city are classified as being in an "H" Hillside or Mountainous Area.<sup>4/</sup>

Pursuant to Case No. ZA 2009-2925(ZAD)(ZAA)-1A, the prior action approved a dwelling as currently proposed. The proposed project is consistent with the Community Plan density and will comply with every standard of the current Hillside Ordinance except deviations as requested.

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

The Sunland-Tujunga-Lake View-Shadow Hills-East La Tuna Canyon Community Plan Map designates the property for Minimum Residential. The applicant has combined three lots totaling approximately 6,205 square feet to create legally subdivided land. Therefore, the density is consistent with the Community Plan. Case No. ZA 2009-2925(ZV)(ZAD)-1A nor does this approval adversely affect use of the property for its intended purpose.

10. **The reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.**

**Section 12.21-C,10(a)(2) and Section 12.21-C,10(a).** In regards to yards, they are to promote orderly, attractive and harmonious development. Also, the regulation is to prevent discordant sights and minimize potential traffic hazards that distract motorists. Such regulations are written on a citywide basis and cannot take into account individual unique characteristics of a specific property as well as consider dynamic changes in the economy and the use of land. However, a

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<sup>4/</sup> HILLSIDE AREA. Any land designated as a Hillside Area on the Bureau of Engineering Basic Grid Map, Map No. A-13372, excluding those areas specifically identified in maps entitled Hillside Ordinance Amended Exhibit "A" attached to Council File No. 91-1621. (Amended by Ord. No. 168,728, Eff. 5/30/93.)

variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted, provided that the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

In this instance, the proposed project would comply with the 12-foot side yard setback along the west elevation and a reduced east elevation side yard and front yard. As noted above, as observed from the public street, the reduced yards and height are essentially undetectable and the dwelling appears compatible with the neighborhood and other steep hillside properties.

The deviations related to the yards were previously approved pursuant to Case No. ZA 2009-2925(ZV)(ZAD)-1A). The project proponent is seeking a Zoning Administrator's Determination from Section 12.21-C,10(a)(2) to allow a 0-foot front yard setback in lieu of the required 5 feet and from Section 12.21-C.10(a) to allow a reduced east side yard of 5 feet 8 inches in lieu of the required 12 feet.

The setbacks established for the subject site are based on RE40 Zone standards including 80 feet in lot width and 40,000 square feet in size. The Project Planner Report states the subject site consists of three lots totaling 6,205 square feet, with a width of 68 feet. Therefore, the subject site is a non-conforming lot with non-conforming development rights. Also, the site is within a Fault Zone and governed by Alquist-Priolo Fault Zone. The subject plans show a fault line at the rear of the property. These factors reduce the potential building area on the site; whereby, reductions in the front and east side yard setback are reasonable. Furthermore, moving the dwelling back from the front property line would increase the building height in excess of the Hillside Ordinance. In consideration of these development limitations, the applicant's requests are reasonable where the deviations adjust Code requirements in consideration with the physical features of the property.

The granting of this deviation will enhance the built environment in the surrounding neighborhood in that it will result in development compatible and consistent with the surrounding uses in that as observed from the public domain (i.e., public street) the reduced yards are essentially undetectable and overall the dwelling appears compatible (i.e., height and setback) with the neighborhood and other steep hillside properties. Furthermore, the adjoining property to the east is a large RE40 site under single ownership where the property owner has decided to build at the lower portion of the site not adjacent to the proposed dwelling.

11. **The increase in height will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.**

**Section 12.21-C,10(d):** The applicant initially proposed to construct a two-story dwelling with a two-car garage, totaling 2,890 square feet including a 400

square-foot garage. The project was reduced in size prior to the Zoning Administrator's approval. On August 16, 2011, Case No. ZA 2009-2925(ZV)(ZAD)-1A was approved by the North Valley Area Planning (NVAPC) for a 2,500 square-foot dwelling to deviate from Hillside Regulations.

The currently requested deviation in height was not necessary in Case No. ZA 2009-2925(ZV)(ZAD)-1A). The Hillside Ordinance was revised now limiting the height to 30 feet versus 36 feet as previously approved. Strict adherence to the revised Hillside Ordinance would require the dwelling to be reduced in height by 6 feet. A denial would serve no legitimate governmental purpose since there is no known safety or adverse visual impact created by the height. Moreover, the height of 36 feet was previously approved and no objection was raised by any North Valley Area Planning Commissioner.

One basis for the Zoning Administrator as the initial decision maker and NVAPC on appeal was that the project is compatible with its surrounding and provides housing which is an essential benefit for the community and residents of Los Angeles. Further, that the approved deviations are not so substantial as to create a project that appears incompatible with other dwellings in the area.

12. **The vehicular traffic associated with the Building or Structure will not create an adverse impact on Street access or circulation in the surrounding neighborhood.**

**Sections 12.21-C,10(i)(2) and (3):** Because the subject property is on a Substandard Hillside Limited Street, the question is if the proposed development can be accommodated based on adequacy of the existing and potential street circulation system, both within the area and in the peripheral areas? (General Plan Policy) The property is within the Hillside designated area. In order to provide a practicable method for the development of land, the topography of which creates problems in development, to permit the efficient design and use of building sites and local streets, and to secure compliance with the General Plan in certain hillside or mountainous areas of the City of Los Angeles certain portions of the city are classified as being in an "H" Hillside or Mountainous Area.

In regards to Section No. 12.21-C, 10(i)(3), Sister Elsie is a "paper street" shown to traverse the subject site and travel east then northeast. Sister Elsie, as it currently exists, is not a public right-of-way along the frontage of the property. What the community uses north of the subject site consists of private property that Bureau of Engineering (BOE) does not know who has rights to use it and what rights they have.

The Bureau of Engineering believes Sister Elsie paper street must be improved to full Hillside Street Standards which poses several complications. One, the applicant is not able to provide full street width without acquiring private property across the street. Two, the improved street would likely function only as a private driveway for the subject site because the topography is too steep east of the subject site. Three, to improve the paper street to full Hillside Street standards would significantly change the building pad elevation causing excessive grading at a prohibitive cost.

For these reasons, imposing a requirement to widen the paper street to full Hillside Standards would create practical difficulty and be infeasible.

In regards to improvements to the boundary of the Hillside Area (i.e., Section No. 12.21-C,10(i)(3)), it creates practical difficulty and would be infeasible for two reasons. One reason is there are existing homes and garages along the street to the boundary of the Hillside Area making strict adherence to this section of the Hillside Ordinance infeasible. Strict adherence to the code would require the applicant to coordinate dedications and/or street improvements with other property owners along an approximately 450 feet distance. Compliance with such condition is outside the control of the applicant and could prevent him from developing his property. Rather, such requirement will occur on a case-by-case basis without a sole property owner incurring the total responsibility and cost.

The second reason is the cost of the street improvements to the boundary of the Hillside Area could exceed the value of the proposed dwelling. This could make the proposed development very expensive without a corresponding increase in property value or functional use. To require such could be legally challenged as not being "roughly proportionate".

13. **The Building or Structure will not be materially detrimental or injurious to the adjacent property or improvements.**

Refer to Finding Nos. 2, 4, 10, and 11 regarding buildings and structures.

14. **The Building or Structure will not have a materially adverse safety impact on the surrounding neighborhood.**

Refer to Finding Nos. 2, 4, 10, and 11 regarding buildings and structures.

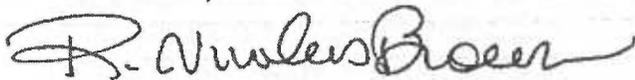
15. **The site and/or existing improvements make strict adherence to Paragraph (i) of Subdivision 10 of Subsection C of Section 12.21 of this Code impractical or infeasible.**

Precise compliance with street standards is not needed to implement the Community Plan ore to ensure land use intensity and population density will be compatible with street capacity, public service facilities and utilities, and topography. To impose the street standards would require acquiring land outside the control of the applicant (i.e., across from the subject site) and require unnecessary street improvements beyond what was needed for use of the subject site. Furthermore, is precise compliance is not needed for public health, welfare, and safety.

#### **ADDITIONAL MANDATORY FINDINGS**

16. **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 C, areas of minimal flooding.**

17. On March 11, 2013, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued an Addendum (Reconsideration) of the previously issued Mitigated Negative Declaration (ENV 2009-2926 -MND). The project was reviewed and compared to the previously submitted project and determined the current project had no substantial change in the physical size, massing, height, location, or use, thus no new impacts were identified and no new mitigation measures are proposed. 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 Planning Department in Room 351, 6262 Van Nuys Boulevard.



R. NICOLAS BROWN, AICP  
Associate Zoning Administrator  
Direct Telephone No. (818) 374-5069

RNB:lmc

cc: Councilmember Felipe Fuentes  
Seventh District  
Adjoining Property Owners

EXHIBIT B – Appeal of Zoning Administrator’s Determination,  
Sunland-Tujunga Alliance, April 28, 2014

Sunland Tujunga Alliance, Inc.  
P.O. Box 123  
Tujunga, CA 91043  
www.sunlandtunjungaalliance.com

**April 28, 2014**

**APPEAL OF ZONING ADMINISTRATOR'S DETERMINATION**

**Location: 6340 -6346 West Sister Elsie Drive**

**Case No. ZA 2012-3329 (ZV) (ZAD)**

**Environmental Clearance No. ENV 2009-2926-MND-REC1**

Council District 7

Area Planning Commission: North Valley

Community Plan: Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Planning Area

Neighborhood Council: Sunland-Tujunga

Legal Description: Lot 496-498, Tract 8303

Last Day to Appeal: April 28, 2014

This appeal is being filed because we believe the Zoning Administrator erred and abused his discretion in approving a Zone Variance application for a new 2,400 square-foot single-family residence 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), LAMC.

**Determination Letter is Based on Improper Findings**

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 area and

within an Alquist-Priolo Fault Zone. (Exhibit A)



**Figure 1 The building Site**

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. A majority of dwellings in the area were constructed in the 1940's.

Sister Elsie Drive, adjoining the property on the north, is a Paper Sub-standard Hillside Street, currently consisting of grass area, with a width of 30 feet. The improved portion of Sister Elsie Drive is approximately 340 feet in length, measured from Day Street to the subject property's northwest corner and maintains a roadway width of approximately 16 feet. This roadway narrows to 9 feet farther up the street and in an area where construction vehicles will try to turn around. Sister Elsie Drive is classified as a Red Flag Street in ZIMAS, and is posted with "No Parking" "No Stopping" and "No Standing" 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.

The Sunland Tujunga Alliance, Inc (STA) has reviewed this current application and also participated in the review of a prior application to develop this site in 2009-2010. A copy of a letter from the Sunland Tujunga Neighborhood Council (STNC) Land Use Committee (LUC) addressed to then Councilman Krekorian and dated September 8, 2010, is attached as **Exhibit B** to this Appeal for your information. In addition, neighbors in the immediate vicinity of the proposed project have made several appearances before the LUC and STNC asking that they and the STA intervene on their behalf. As we did in 2009-2010, the STA stands with the local neighborhood residents in their opposition to the past project and the project which is currently being proposed and which was approved by the Zoning Administrator based on flawed and improper findings. We were not supportive of the earlier project and do not support this current application based on the following summary factors:

- The proposed size of the dwelling and attached garage exceed the maximum amount of floor area allowed on the property (1,147 square feet).
- The grant of the requested variances would undermine the intent of the City's Hillside Ordinance (LAMC, Section 12.21.A.17), approving a structure over twice the size allowed. The height and setback variances would not be needed if the dwelling conformed to the required FAR of the Hillside Ordinance.
- Sister Elsie Drive in the vicinity of the proposed project is a poorly improved "paper street" which is inadequate to accommodate large vehicles safe access to the site.
- Development of the site will threaten the health, safety, and welfare of residents that live in the area.
- Neighbors will be inconvenienced during the construction period, including those who have regular weekday doctor appointments.
- Approval of the project will establish precedence and invite other speculative developers to build over-sized dwellings on narrow and steep lots in the area.
- The Mitigated Negative Declaration does not adequately address the impacts of the project and includes insufficient measures to address project impacts.
- There are no unique hardships associated with the development of this site which would support findings in favor of the applicant's request.

We submit that this proposed dwelling does not conform to the goals and objectives of our Community Plan, the Municipal Code or the Hillside Mansionization Ordinance. As proposed, the project sets ***a dangerous precedence for the area***, not only allowing but encouraging the development of additional properties in the area with over-sized dwellings that are not compatible with the existing scale and character of residences in the area. The Zoning Administrator's approval of the requested Zone Variance, regardless of any delays caused by the City, opens the door for future development that is inconsistent with the City's hillside mansionization regulations, thus defeating the purpose of this hard-fought legislation. We appeal to the Area Planning Commission to overturn the Zoning Administrator's Determination and require the applicant to re-submit plans that conform to current hillside zoning and building regulations.

### Project Site History

Previous zoning-related actions in the area are described in the Zoning Administrator's Determination letter dated April 11, 2014 (**Exhibit C**). They are abbreviated here because they are related directly to the current project:

Case No. ZA 2009-2925(ZV)(ZAD)-A1. On May 17, 2011, The Zoning Administrator approved the construction, use and maintenance of a 2,500 square-foot single-family dwelling that did not have a vehicular access road from a street improved with a minimum 20-foot wide continuous paved roadway; approved a Zoning Administrator's Adjustment for a 0-foot front yard setback; and allowed a reduced east side yard of 5-feet, 8-inches instead of the required 12 feet. This Determination was appealed by the neighbors, with support from the STNC, the LUC and STA, to the North Valley Area Planning Commission. The Planning Commission sustained the Zoning Administrator's decision and added new conditions to the property.

Hillside Mansionization Ordinance. The City's new Hillside Mansionization Ordinance became effective on May 9, 2011. According to the City, the adoption of this Ordinance did not affect the case described above because the applicant's application was deemed complete prior to the effective date of the Ordinance; however, the applicant's building permits expired, requiring by law a new application be filed and be subject to the provisions of the newly adopted Hillside Ordinance.

Case No. ZA 2012-3329 (ZV) (ZAD). The project applicant's re-filed applications (the current applications) to deviate from the adopted Hillside Ordinance. Public Notice of the application was sent out on August 19, 2013. The Zone Variance being requested under this application is essentially the same as that requested in 2011, however, the proposed size of the dwelling has been reduced from 2,500 square feet to 2,400 square feet and a waiver of the Hillside Ordinance's height requirement is also being requested (30-foot maximum allowed; 36-foot requested).

The project site history is important because it clearly demonstrates that the zoning provisions regulating hillside development in the area underwent a fundamental change with the adoption of the Baseline Hillside Ordinance. In addition, there was confusion resulting from the re-filing of the development applications with new case numbers, and no public hearing being required until the neighborhood spoke up.

Since the building permits for the original application had expired, this means that all future development in the area, including this project, are required to adhere to the Hillside Ordinance regulations. Moreover, **the applicant was never granted a vested right to build outside of these regulations with the approvals granted by the Zoning Administrator in May 2011 or the Area Planning Commission in August 2011. There is NO obligation on the behalf of the City to grant approval of the current applications based on approvals granted previously. This property owner, like all property owners in the area, is obligated to develop their properties in accordance with the Hillside Ordinance.**

### **Basis for Appeal**

**The following statements form the basis of the appeal of the Zone Variance Determination issued by the Zoning Administrator.**

**A. The Zoning Administrator Failed to Make the Appropriate Findings for this project.**

Approval of the Zone Variance requires the delineation of five mandated findings in the affirmative. These findings are presented below, followed by our comments.

### **Variance Findings**

- 1. 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 Zoning Administrator believes the applicant's burden of proving that circumstances exist to justify the Zone Variance is lessened because of the findings made in the affirmative for the prior project and because the applicant submitted evidence showing that houses developed on Day Street (south of the project site) all exceed the size requirements of the Baseline Hillside Ordinance. The average size of homes in the area according to this analysis is 1,429 square feet and is based upon a comparison of home sizes on flat lots built before the effective date of the BHO.

The Zoning Administrator also states in his determination that: (a) a hardship finding exists because the prior project conformed to the hillside regulations in force at the time and; (b) because the expiration of the developers' building permits were no fault of his own and that he "doesn't want to impinge upon

rights previously granted and interest created unless there are unmitigated environmental effects.”

Comment:

The strict application of the provisions of the zoning ordinance does not cause unnecessary hardship or practical difficulties in the development of the project site. It is the intent of the adopted Hillside Ordinance to address development issues on narrow and steep hillside lots identical to the applicant’s lot on Sister Elsie Drive and to limit the scale of development on these lots. Furthermore, the project creates unmitigated environmental effects. (See Appeal of ENV 2009-2926-MND-REC1.)

2. *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 Zoning Administrator argues that this project is a “special case” because various approvals were gained for the project such as a grading permit even though a building permit was never obtained and the requirements of the Public Works Department were not met. He goes on to state that “no other properties have gone through such unique circumstances.”

The Zoning Administrator’s Determination states that the approval does not create a precedent for subsequent variance requests. He further asserts that “denial of variances for other properties in the area does not mandate similar action on the part of the hearing body (*Miller v. Board of Supervisors of Santa Barbara County (1981) 122 Cal.App.3d 539*).”

Comment:

There are no special circumstances applicable to the subject property that does not apply generally to other properties in this general area. To a large degree, many of the vacant and undeveloped lots in this area are similar in size and topography. All are subject to the Baseline Hillside Ordinance. There are no special or unique circumstances that would justify granting variances for the proposed application.

This approval sets a dangerous precedent for the area by inviting and even encouraging speculative developers to construct homes in the area that are out-of-scale with existing residences in the area. **It is a mistake to cast aside the provisions of the Baseline Hillside Ordinance and not expect others to request the same variances for their properties.**

3. *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.*

The Zoning Administrator believes that, because the applicant was previously approved to deviate from existing hillside development regulations at the time (Case No. ZA 2009-2925(ZAD) (ZAA)-1A, he should be allowed to deviate again under the new application.

Comment:

The Zoning Administrator finds no fault with the applicant in implementing the entitlements granted by the prior application. The delayed response in meeting the street frontage requirements were not anyone's fault according to the Determination Letter. He goes on to again state that he does not want to "impinge upon rights previously granted and interests created unless there are unmitigated environmental factors." (See Finding No. 1, above and Appeal of ENV 2009-2926-MND-REC1.)

As addressed previously, the first variance being requested is to construct a dwelling which, **at 2,400 square feet, would be more than twice the allowable 1,147 square feet.** This type of variance is not required to be granted because of any unusual features of the property. Furthermore, the sizes of dwellings in the immediate neighborhood average half the size of the proposed application, so there is no need to grant a variance to allow or preserve equal enjoyment of a substantial right or general use possessed by other properties in the same area or vicinity.

It should be recognized that at no time was the applicant vested with rights to construct a home not conforming to the Baseline Hillside Ordinance. Failure to obtain a timely building permit "reset the clock" on these applications. There is no legal justification underlying the grant of variances based on approvals granted by the Zoning Administrator in May 2011 or the Area Planning Commission in August 2011 for a prior application. Furthermore, there is NO obligation on the part of the City to grant approval of the current applications based on approvals granted previously. This property owner should be treated the same as all other property owners in the area and should be required to develop his property in conformance with the Baseline Hillside Ordinance.

4. *That the granting of the 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 Zoning Administrator states that the size of the dwelling does not deviate from the standards of the prior hillside regulations and that adjacent property owners will be protected the applicants adherence to the conditions of approval which are set forth in a Master Covenant Agreement (MCA).

Comment:

As previously stated and often expressed by residents in this neighborhood, future development on Sister Elsie Drive poses a threat to the health, safety, and welfare of existing residents and property improvements in the area by overburdening existing and deteriorating public infrastructure including drainage facilities and streets.

The circumstances under which hillsides can be developed in Los Angeles changed dramatically when the Baseline Hillside Ordinance was adopted and became effective. This Ordinance was the result of many months of analysis, public input, and development by City Planning. It's unfortunate that the developer of this property was delayed in getting permits for his prior approval, but this does not mean he is entitled to new permits for essentially the same residence which is now prohibited under the Hillside Ordinance.

5. *That the granting of the variance will not adversely affect any element of the General Plan.*

The Zoning Administrator notes that the applicant has combined three lots to create one 6,205 square foot lot; that the lot is legally created and that the proposed density is consistent with the Community Plan.

Comment:

While the granting of the variance is unlikely to adversely affect any element of the General Plan, it will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.

**Zoning Administrator's Findings**

6. *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 Zoning Administrator lists the various entitlements granted to the applicant on the previous application which was approved prior to adoption of the Baseline Hillside Ordinance and notes that applicant's building permits expired through no fault of the owner. He further asserts the new applications should be approved because "housing is essential to the community since Los Angeles is housing poor." He goes on to again state that he does not want to "impinge upon rights previously granted and interests created unless there are unmitigated

environmental factors.” (See Finding No. 1, above and Appeal of ENV 2009-2926-MND-REC1.)

Comment:

An out-of-scale non- Hillside Ordinance-compliant dwelling in this area will not enhance the built environment. This area lacks adequate streets, drainage and other infrastructure improvements to support new development, let alone development that doesn't comply with existing development regulations.

7. *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 Zoning Administrator has determined that, even though the prior and current Hillside Ordinances define and place reasonable limitations on the permitted heights of single-family dwellings, the majority of findings pertain mainly to public health and safety. As such, the Zoning Administrator believes that the current project will “meet the most current and demanding requirements related to geologic hazards, mountainous brush, water supply, streets to accommodate emergency vehicles and traffic.”

Comment:

This proposed residential structure will be 36-feet high when the Hillside Ordinance only permits a 30-foot high building. That is an increase of the permitted structural height by 20% - far in excess of nominal increases such as 10% or 15%. The requested percentage increase in height is permitting the applicant to build a structure over twice the size than that permitted by the Hillside Ordinance.

The Zoning Administrator offers no proof whatsoever that the proposed project meets the “most current and demanding requirements” related to public safety. For example, where is there written verification from the Fire Department that



Figure 2. Fire engines have barely enough room to access Sister Elsie.

they will be able to service this site, as well as other sites, in a timely manner in case of an emergency? And, more obviously, how can it be stated that the project is “providing streets adequate to accommodate emergency vehicles or traffic” when the Zoning Administrator is granting the applicant relief from the Department of Public Works requirement to

improve a 20-foot wide street in front of the property? (See **Exhibit D**). Site access, road repair, etc. are ALL questions that should have been addressed prior to the start of the application/entitlement process. Had the community not brought these issues to light, the Zoning Administrator and/or Planning Department would have simply turned a blind eye to this issue.

Finally, it should be noted that an earthquake fault line exists at the rear of property. Reducing the setback requirements for the dwelling does not address this issue. The proper course of action is to modify the FAR of the proposed structure to fit within the established setback requirements. You don't move the goal posts inward because you have a poor kicker. You get a new kicker.

- 8.** *The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable Community Plan, and any applicable specific plan.*

Comment:

As previously stated, the granting of the zone variance is unlikely to adversely affect any element of the General Plan or the Community Plan, but it will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an egregious abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.

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

Comment:

See Comment under No. 8, above.

- 10.** *The reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.*

The Zoning Administrator has determined that, because the site is a non-conforming lot, it has non-conforming development rights. He also acknowledges that there is a Fault Zone on the property and that it factors into his decision to allow reduced setbacks for the dwelling. He further states that the resultant development will be compatible and consistent with its surroundings.

Comment:

As noted previously, reducing the setback requirements for the dwelling does not address the earthquake fault issue. The proper course of action is to modify the FAR of the proposed structure to fit within the established setback requirements. Furthermore, it is almost an absolute necessity that the front yard setback be reduced to 0-feet to accommodate a dwelling and access on a lot this steep. This variance should not be granted.

Years ago, both the cities of Glendale and Pasadena were inundated with similar 0-foot front yard variance requests for hillside dwellings in their jurisdictions. **These requests stopped when the respective cities adopted hillside mansionization regulations. They would NEVER entertain such an application under their current hillside development regulations. Why is the City of Los Angeles not following in their footsteps?**

11. *The increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the vicinity.*

Comment:

This proposed dwelling is far too large for the area and exceeds the allowable square-footage allowance of the Hillside Ordinance (1,147 square feet). It is over twice the size of what is allowed. As a result, it is not compatible with existing development in the *immediate vicinity* of the project site. Furthermore, although properties located in a wider area (i.e. 6339 Day Street) have been granted relief from setback requirements in the LAMC, they should be treated as the exception and not the rule for development in this area.

12. *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 Zoning Administrator believes that it would be unfair to the applicants to require them to improve Sister Elsie Drive per Hillside Standards because of the costs associated with such improvements and because there are practical limitations to obtaining the right-of-way required for such improvements.

Comment:

The permitting of hillside development in an area such as that being proposed by the applicants can only be allowed if it has been clearly established that the health, safety, and welfare of the residents in the area will not be threatened by such development. There is no such analysis or documentation on file that addresses health and safety issues, particularly as it pertains to the condition of Sister Elsie Drive. At some point, a municipal jurisdiction has to decide whether

or not it will allow development along “paper streets” and whether that development can be accomplished in a safe manner. The issue becomes more than just the dwelling itself - it becomes a question of public safety. **Public safety has not been adequately addressed in this application.**

13. *The building will not be materially detrimental or injurious to the adjacent property or improvements.*

The Zoning Administrator refers readers to Finding Nos. 2, 4, 10, and 11 in the Determination Letter (**Exhibit C**).

Comment:

The reader is referred to our comments under Findings 2, 4, 10, and 11 of this Appeal.

14. *The building or structure will not have a materially adverse impact on the surrounding neighborhood.*

The Zoning Administrator refers readers to Finding Nos. 2, 4, 10, and 11 in the Determination Letter (**Exhibit C**).

Comment:

The reader is referred to our comments under Findings 2, 4, 10, and 11 of this Appeal.

15. *The site and/or existing improvements make strict adherence to Paragraph (i) of Subdivision 10 of Subsection C of Section 21.1 of this Code impractical or infeasible.*

The Zoning Administrator makes the argument that compliance with street standards is not needed to implement the Community Plan, or to insure compliance with land use and population density requirements.

Comment:

The reader is referred to our comments under Finding No. 12 of this Appeal.

### **Environmental Determination**

17. *The Zoning Administrator has determined that mitigation measures included in the MND prepared for the project will reduce project impacts to less than significant levels and that there would be no significant effect on the environment.*

Comment:

The reader is referred to Part B of this Appeal regarding the Environmental Determination for this project.

**B. The Zoning Administrator Made an Error and Abused His Discretion by Retroactively Approving a Zone Variance for a Project Not in Compliance with the Hillside Ordinance.**

As noted above, pursuant to Case No. ZA 2009-2925(ZV)(ZAD)-A1, the applicant was previously approved to deviate from the earlier Hillside Ordinance. Over several months that extended into mid-2013, the applicant attempted to comply with requirements of Case No. ZA 2009-2925(ZV)(ZAD)-A1, but discovered Bureau of Engineering (BOE) insisted on street improvements along the property frontage that would require acquiring land outside the control of the applicant (i.e., across from the subject site). The applicant's building permits expired which triggered discretionary review required under the new Hillside Ordinance.

The Zoning Administrator argues that there is "little ambiguity on how to treat this case, if the City acted in bad faith in delaying consideration of the applicant's question on how the street frontage should be improved." He argues such action would be a "special fact" in support of the applicant. However, in this instance, there is no bad faith, according to the Zoning Administrator, rather just a delayed response resulting in the applicant not being issued a building permit which triggered having to now comply with the new Hillside Ordinance.

The Zoning Administrator further argues that "changing the rules after the game has been played is an element of fundamental fairness" and this would be the happenstance if the currently-requested entitlements were denied and that such denial would "impinge upon rights previously granted."

As mentioned previously, because the building permits for the original application had expired, this means that all future development in the area, including this project, are required to adhere to the Hillside Ordinance regulations. Moreover, **the applicant was never granted a vested right to build outside of these regulations with the approvals granted by the Zoning Administrator in May 2011 or the Area Planning Commission in August 2011. Furthermore, there is NO obligation on the part of the City to grant approval of the current applications based on approvals granted previously. Rather, the reverse is true: the City has an obligation to uphold the provisions of the Baseline Hillside Ordinance in this case and require the applicant to bring the dwelling into conformance with this Ordinance.**

**C. The Zoning Administrator made an Error and Abused His Discretion by Approving the Zone Variance by Not Adequately Documenting Hardship Findings.**

The applicant has failed to adequately demonstrate that there are special circumstances or hardships related to the development of the site that warrant the granting of the requested variances. The required findings include the following:

- There are special circumstances applicable to the subject property such as size, shape, topography, location, and surroundings that do not apply generally to other properties in the same zone and vicinity; and,
- There is a necessity for the preservation and enjoyment of a substantial right or use generally possessed by other properties in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

The first variance being requested is to construct a dwelling which, at 2,400 square feet, would be more than twice the allowable 1,147 square feet. This type of variance is not required to be granted because of any unusual features of the property.

The sizes of dwellings in the immediate neighborhood average half the size of the proposed application, so there is no need to grant a variance to allow or preserve equal enjoyment of a substantial right or general use possessed by other properties in the same neighborhood.

The additional variances (pertaining to the front and side yard setbacks and building height) also are not a function of the unusual property shape which would make it difficult to construct an allowable 1,147 square foot dwelling. Instead, they are being requested solely to provide for construction of a house which would be more than twice the allowable size in this zone/vicinity.

**D. The Proposed Project does Not Comply with either the Letter or the Spirit of the Baseline Hillside (Mansionization) Ordinance**

This project does not conform with either the letter or spirit of the intent of the Baseline Hillside Ordinance, nor is it in the best interest of the people with its risks to public safety and its impact on the project site itself, adjacent properties, and the community on the whole.

The Zoning Administrator often refers in his Determination to delays and errors and "bad faith" and points to these as reasons for allowing variances and accommodations. We understand the complexities of building, especially on hillsides in the City, however, permit processes and regulatory requirements are clearly explained on the City's website (**Exhibit E**), and failure on the part of the applicant and/or negligence on the part of the City should not result in turning a blind eye to conforming to regulations put in place for the safety, welfare, and preservation of hillside communities.

The applicant's permit expired prior to the effective date of the Baseline Hillside Ordinance (BHO). While the City may find itself at risk for litigation, it is not a reason to side-step the BHO; rather, **the City should demonstrate resolve in the application of the hillside regulations and support the efforts of all those who participated in the drafting of the regulations. They were put into place for a**

**purpose and that purpose will NOT be advanced with the approval of this Zone Variance.**

**E. The Proposed Project does Not Comply with either the Letter or the Spirit of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan.**

The following analysis compares the proposed project against goals, objectives, and policies in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan.

**GOAL 1**

**A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.**

**Objective 1-1**

*Policy 1-1.2:* Protect existing single-family residential neighborhoods from encroachment by higher density residential and other incompatible uses.

The proposed project introduces an out-of-scale residential structure in a low-density single-family residential hillside area. The project exceeds the allowable floor area for its location. This project also exceeds the setback requirements and height requirements established by the City's Baseline Hillside Ordinance. Its scale, height, and massing is incompatible with adjoining single-story residences. At 36-feet in height, it will be prominently visible to residences in the area, including single-story residences that border the site on the north and south. The project is inconsistent with Policy 1.1.2 of the Community Plan.

*Policy 1-1.3:* Require that new single and multi-family residential development be designed in accordance with the Urban Design Chapter.

The applicant has failed to show how the project complies with the design standards of the Urban Design Chapter of the Community Plan or the latest set of design guidelines for residential structures that have been adopted by the City. Therefore, the project is not consistent with Policy 1-1.3 of the Community Plan.

**Objective 1-3**

*Policy 1-3.1:* Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.

### 1) Neighborhood Character & Identity

Although there will be no increase in allowed density with the proposed project, it has the potential to change the character and identity of the existing neighborhood by introducing an out-of-scale residence on a narrow substandard street. It sets precedence for future builders that will want to construct similar-sized dwellings in this area. The height, scale, and massing of the building adversely impacts the character of the neighborhood and particularly the residences that directly adjoin the project site on the north and south.



Figure 3. Delivery vehicles can not easily negotiate Sister Elsie

### 2) Land Use Compatibility & Livability

The livability of the neighborhood will be adversely impacted by this project. Emergency vehicular access will be impacted and the project will further impede vehicular traffic on a substandard and narrow street. Inadequate access to homes in the neighborhood will be exacerbated by the project because it is not being required to provide street improvements in accordance with Department of Public Works requirements.

### 3) Public Services & Facilities Impacts

A full assessment is needed of the proposed project's impacts on public services and facilities. These include, but are not limited to, impacts on fire protection, emergency vehicle access, water, and sewer facilities. Of particular concern is the impact this project will have on Sister Elsie Drive including the provision of on-street parking and the lack of turn-around space for delivery vehicles.

### 4) Traffic Impacts

The project will increase traffic in the area by introducing more vehicular trips on local roads that are currently in a state of disrepair. The project is not consistent with Policy 1-3.1 of the Community Plan.

### 5) Construction Impacts

Conditions of approval for the project include the requirement that the applicant prepare and submit a Short Term Construction Parking/Circulation Mitigation Plan. This plan would address construction worker and vehicular access, construction staging, parking, and provides for regular community notifications during construction. **However, our past experience with these types of plans is that they are seldom implemented by applicants and almost never enforced by the**

**City, leaving the neighbors to monitor the construction activities for compliance with conditions of approval.**

*Policy 1-3.2:* Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

The project is not architecturally compatible with its surroundings. The height, scale, and massing of the residential structure easily exceed that of most structures in the neighborhood. For example, the single-family residences located to the immediate northeast of the project site have been constructed at heights less than 36-feet. The project proposes a structural height of 36-feet (2 stories). The project is not consistent with Policy 1-3.2 of the Community Plan.

#### Objective 1-9

**Policy 1-9.1:** Upgrade the wastewater collection system to mitigate existing deficiencies.

This hillside areas along Sister Elsie Drive is lacking in adequate stormwater collection facilities to handle stormwater runoff. The project will introduce an increase in impermeable surfaces that will contribute to the existing runoff that cannot now be adequately handled. The applicant has not submitted evidence that this project will not contribute to drainage problems in the area. No offsite drainage facilities have been proposed as a part of this project. The project is not consistent with Policy 1-9.1 of the Community Plan.

#### **F. The Zoning Administrator Approved the Project Without Sufficient Information.**

The Zoning Administrator has failed to require that the applicant provide a detailed explanation or data regarding the building plans for the project and its conformance with the BHO. There is no evidence that has been made public that shows the slope/density calculations required by the BHO. A detailed analysis (described in **Exhibit E**) is necessary to adequately review the proposed project.

Other factors not addressed include the following:

- No input from LADOT regarding the adequacy of the street to accommodate additional traffic.
- No input from the L.A. Fire Department regarding fire truck or emergency vehicular access to the site.
- No evaluation of the adequacy of the proposed driveway has been provided.



**Figure 4. The narrowness of Sister Elsie makes two-way traffic difficult.**

- No indication of construction staging areas has been provided.
- No evaluation of potential increased vehicular conflicts caused by the narrow, substandard street.
- The landscape requirements for the project cannot be accurately determined without a detailed and scaled site plan.

**G. The Proposed Conditions imposed by the Zoning Administrator are not Adequate in Addressing the Negative Impacts of the Proposed Use.**

Conditions of Approval of ZA 2012-3329 (ZV) (ZAD), do not adequately address the negative impacts resulting from this project. For example:

- The Determination allows the applicant to build the project without dedicating or improving the adjacent street.
- Condition 10a requires the applicant to repair a portion of Sister Elsie Drive but only if necessary. Sister Elsie Drive is already substandard in width and is deteriorated.
- There are no conditions that address safety issues on the site such as emergency vehicular access and turn-around areas for fire trucks.
- The cited environmental mitigation measures (made conditions of the project) are inadequate (See Part B of this appeal).
- There are no conditions in the Determination letter that address the adequacy of existing infrastructure to serve the site. This includes drainage facilities for stormwater runoff, water, sewer, and other utilities.

**CONCLUSION**

**This project will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.**

**Your deliberations in this matter should take into account the community's goals for improving their neighborhoods without allowing development that is incompatible or out of scale with existing development in the area and which jeopardizes public safety.**

The Sunland-Tujunga Alliance is not opposed to the orderly development of hillside areas in Sunland-Tujunga and we understand the development rights for a project of this type. However, this project is inconsistent with current hillside regulatory policies. In addition, the project is located in a unique area of our community that is not adequately served by public streets.

The City of Los Angeles needs to think long and hard in regards to projects of this type where multiple variances are being recommended for approval. These are not minor variances, either. In some cases, the variances requested deviate from standards by as much as 50%. **WE CANNOT AND SHOULD NOT SACRIFICE THE CHARACTER AND SAFETY OF OUR EXISTING HILLSIDE RESIDENTIAL NEIGHBORHOODS BY ALLOWING PROJECTS THAT EXCEED THE NORMS ESTABLISHED IN OUR EXISTING REGULATIONS.**

We respectfully request that the Area Planning Commission reverse the Zoning Administrator's Determination and require the project applicant to submit building plans that conform to the Baseline Hillside Ordinance.

**SUBMITTED ON BEHALF OF THE SUNLAND-TUJUNGA ALLIANCE, INC.**  
Joseph Barrett, Secretary

## **Attachment B – Response to Environmental Determination**

On June 30, 2010, a mitigated negative declaration, ENV-2009-2926-MND-REC1, was published for a project at 6340-6346 West Sister Elsie Drive for a Zone 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 112.21-C, 10(b)(2), LAMC

The North Valley Area Planning Commission's letter, dated July 24, 2014, includes adoption of the Mitigated Negative Declaration ENV-2009-2926-MND-REC1 as the environmental clearance for this project. Mitigation measures included in the adopted MND include the following:

### **VI-10. Seismic Safety**

Environmental impacts to the safety of future occupants may result due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a less than significant level by the following measure:

- The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

### **VI-30. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)**

Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a less than significant level by the following measures:

- The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, v-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

### **VI-50. Soils & Geology**

- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design

consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

#### **XII-20. Noise**

- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- 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.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

The staff's explanations of environmental impacts provided in the Mitigated Negative Declaration are provided below (in *italics*) with our response to those comments provided directly below the staff's explanations. The first set of comments address impacts where mitigation is being proposed by City staff (seismic safety, erosion/grading/short-term construction impacts in Hillside Grading Areas, soils and geology, and noise). The second set of comments address impacts where no mitigation is being proposed (land use & planning, traffic & transportation, and public services) and where we believe mitigation is required.

#### **Mitigated Impacts**

##### **Seismic Safety**

##### **Staff Explanation/Mitigation:**

*"The proposed single family residence is within the most recent Alquist Priolo Earthquake Fault Zoning Map. As conditioned, the proposed single family residence will not expose people or structures to potential substantial adverse impacts."*

Response:

Seismic Safety	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

- Planning staff acknowledges the location of the proposed dwelling within an *Alquist Priolo Earthquake Fault Zone*. (See Exhibit A) Potential impacts to people and structures resulting from this proximity are proposed to be mitigated by requiring the applicant to construct the dwelling in compliance with the Uniform Building Code and “distances from the Geologic Fault for properties containing geologic formations such as the one on the subject site.”
- All structures in Los Angeles are required to be constructed in compliance with the Uniform Building Code (UBC), including this residential structure. However, because of the proximity of the proposed dwelling to the earthquake fault zone, simple compliance with the UBC may not be adequate as mitigation. Furthermore, the actual mitigation measure being imposed by City staff **leaves out the part of the measure that includes the language imposing a distance requirement**. Is there a distance requirement required for this project? If so, what is this distance?
- We have noted in our appeal of the Zoning variance that an earthquake fault line exists somewhere at the rear of property. Yet, the Zoning Administrator is proposing to reduce the required setbacks for this residence, possibly placing it closer to the actual fault line. Reducing the setback requirements for the dwelling does not address this issue. The proper mitigation in this scenario is to modify the FAR of the proposed structure to fit within the established setback requirements. At a minimum, the project applicant should be required to hire a geologist to map the location of the fault line on the property, similar to what should have been done for the large-scale projects in North Hollywood and other areas of the City where new buildings were permitted to be constructed directly over a fault line.

**Soils & Geology**

Staff Explanation/Mitigation:

*“Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.”*

Response:

Soils & Geology	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

- As noted above, the property is situated within an Alquist Priolo Fault Zone and an earthquake fault line is believed to be located somewhere along the rear portion of the site. As such, the staff's mitigation measure should be strengthened to include the requirement that the geotechnical report include an analysis and identification of the physical location of this fault and, if necessary, impose an established distance requirement on the proposed structure.

**Noise**

Staff Explanation/Mitigation:

*"The proposed single-family residence will increase temporary ambient noise levels in the project vicinity during construction. As conditioned, the noise impacts associated during construction will be reduced to less than significant levels."*

Response:

Noise	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

- Adequate mitigation is being provided to address temporary noise impacts resulting from construction.

**Non-Mitigated Impacts**

**Land Use & Planning**

Staff Explanation/Mitigation:

*"The proposed single-family residence will not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding mitigating and environmental effect."*

Response:

Land Use & Planning	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

- As stated in our appeal of the Zone Variance, the granting of the zone variance is unlikely to adversely affect any element of the General Plan or the Community Plan, however, it does not comply with policies and regulations adopted by the City to control mansionization on hillside lots. Approval of the project will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.

**Traffic & Transportation**

Staff Explanation/Mitigation:

"The proposed project will not result in inadequate emergency access."

Traffic & Transportation	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

Response:

- Emergency vehicular access will be impacted and the project will further impede vehicular traffic on a substandard and narrow street. Inadequate access to homes in the neighborhood will be exacerbated by the project because it is not being required to provide street improvements in accordance with Department of Public Works standards. Mitigation is required.

**Public Services**

Staff Explanation/Mitigation:

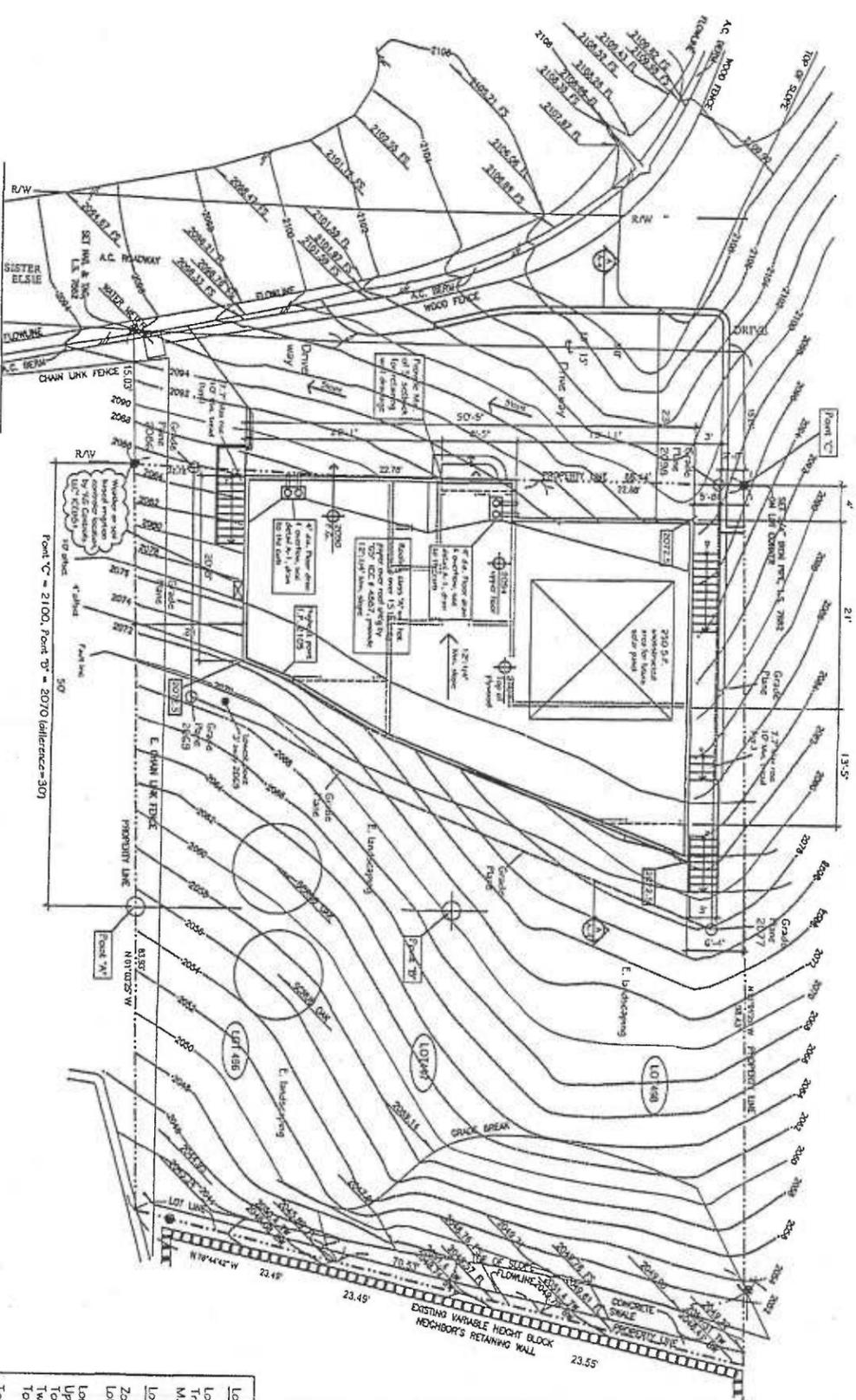
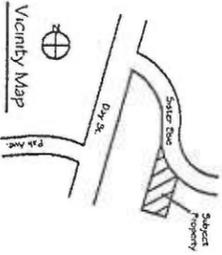
"The proposed single-family residence will not result in substantial adverse physical impacts associated with the provision of new physically altered governmental facilities or need for new or physically altered governmental facilities associated with fire protection".

Traffic & Transportation	Potentially Significant Impact	Potentially Impact Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
		√		

**Response:**

- As stated in our appeal of the Zone Variance determination, we believe that fire protection services in this area may be compromised without the provision of adequate street access to lots in the project vicinity. One car at the wrong location during an emergency may prevent emergency service providers, including fire personnel, from accessing a location. Other means of fighting fires, including the use of new types of fire suppression equipment, may be needed to fight fires in this hillside area because of overbuilding.

EXHIBIT C – Site Location and Map



**Site / Roof Plan**  
 Max height calculation:  
 Lowest point 5' away from the building = 2069  
 Highest point, top of the parapet wall = 2109  
 2109 - 2069 = 36' OK



<b>Lot Legal:</b>	Lots # 496, 497, 498
	Tract # 8303
	M.B. 112 Pages 31 - 36
<b>Lot info:</b>	
Zone:	RE-40 - 1
Lot area:	6,214 S.F.
Lower living:	1,344 S.F.
Upper living:	1,052
Total living:	2,396
Total garage:	440
Total buildings:	2,836
Total decks:	145
	↑
<b>Building info:</b>	
Type of construction:	V/B per IABC
Building Max. height:	36'
Occupancy:	R-3=2,396 S.F. / U=440 S.F.
Provide fire sprinkler throughout. The sprinkler system shall be approved by Plumbing Division prior to installation.	

- Grades notes:**
- 1 - All appliances permitted and installed shall meet ENERGY STAR # in ENERGY STAR designation is applicable for that appliance.
  - 2 - All low voltage electrical paneling fixtures shall comply with Max. Row 3'.
  - 3 - Construction shall follow: M.I.L.B.M.A. W.A.S.T.R. (only if it is included).
  - 4 - All operation and maintenance manuals including, at a Min., the floor loading at section 4.110.1, shall be completed and placed in the building at the time of final inspection. Form GSN 1 C.
  - 5 - Total finished floor area is 6,037 S.F. = 37% less than 50% land OK.

ZA 2012 3329

Owner: Ali Akbar Mahdi & Nina Samsami (614)906-0848 Job Add.: 6342 Sister Elsie Drive, Tujunga 91042	 Asik A. Menachekian Architect AIA Architecture, Planning, Interior 3467 Ocean View Blvd. ste. H, Glendale, Ca 91208 Tel: (818)249-6002 Tel/Fax: (818)249-6024	This document is property of Asik A. Menachekian. It shall not be used with regard to any project other than that designated herein without the written permission of Asik A. Menachekian.  Contractor to check the drawings and specifications before starting the construction.	<table border="1"> <tr> <th>REVISIONS</th> <th>BY</th> </tr> <tr> <td>10-20-12</td> <td>A.M.</td> </tr> </table>	REVISIONS	BY	10-20-12	A.M.
REVISIONS	BY						
10-20-12	A.M.						
Date: 05/04/11 Scale: 1/8" = 1' Drawn: [Signature] Checked: [Signature]	A-1						

EXHIBIT D – Sunland-Tujunga Neighborhood Council Letter,  
September 8, 2010

# Sunland-Tujunga Neighborhood Council

IMPROVING THE QUALITY OF LIFE IN SUNLAND TUJUNGA

September 8, 2010 7747 Foothill Blvd., Tujunga, CA 91042 • www.stnc.org • 818-951-7411 • FAX 818-951-7412

BY ELECTRONIC MAIL

Paul Krekorian, Councilman  
Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

RE: 6340, 6342, 6346 Sister Elsie Drive, Tujunga  
ENV-2009-2925-ZAD-F

Dear Councilman Krekorian,

This letter will advise that at a public meeting of the Sunland-Tujunga Neighborhood Council's Board of Directors held on September 8, 2010, the STNC voted to recommend opposition to the building of a single family residence at 6340, 6342, 6346 Sister Elsie Drive, Tujunga including opposition to any approvals for discretionary actions and waivers that have been requested by the applicant/property owner. The community is concerned with the issues related to engineering, geotechnical engineering (soils) analysis, hydrology, construction operations, set backs, survey of the land, utilities and public safety. We encourage your support of our request for the public safety and quality of life of our neighbors in the Sister Elsie neighborhood. The infrastructure of the area cannot handle another build.

The applicant and his representative presented their plans at the August 30, 2010 meeting of the STNC's Land Use Committee. Several neighbors spoke in opposition to this build and have first hand knowledge of the history and impacts that already exist.

The Sunland-Tujunga Neighborhood Council's Land Use Committee is the first panel to hear any planning issue in Sunland-Tujunga. The LUC's mission is to advise the STNC and stakeholders about land use projects in or around Sunland-Tujunga that will impact the quality of life of Sunland-Tujunga residents, business owners and stakeholders; To advise the STNC on planning issues and projects affecting the Sunland-Tujunga community; To make recommendations to the STNC to forward to the LA City Planning Department and Council District 2 any exceptions, modifications and variances that may be requested of planning and construction projects in Sunland-Tujunga.

Thank you for your support of this request. Please keep us informed of any updates, meetings or hearings regarding this matter.

Sincerely,

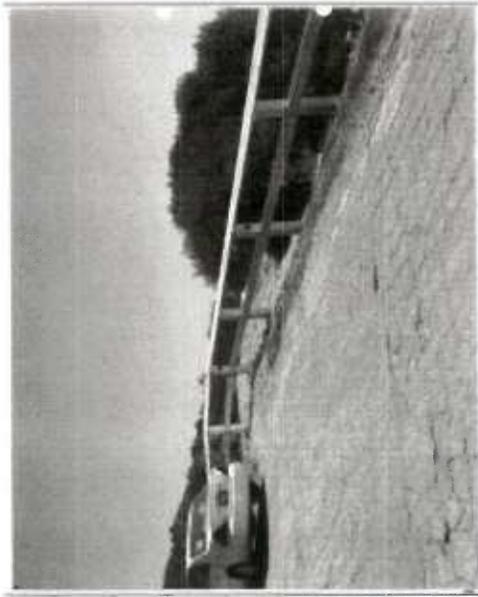


Dan McManus  
President  
Sunland-Tujunga Neighborhood Council

cc: Daniel Brumer, CD2 Planning Deputy  
Milena Zasadzien, City Planner  
Ali Mehdi, applicant/property owner  
Oscar Ensafi, applicant's representative  
Tomi Lyn Bowling, VP Community Improvement/LUC Chair  
Rich Colley, neighbor, 6280 Gyal, Tujunga  
Paolina Milana, neighbor, 6259 Gyal, Tujunga

EXHIBIT E – Photos of Sister Elsie Drive and Environs

Photo taken by Proposed Builder with Fish-Eye



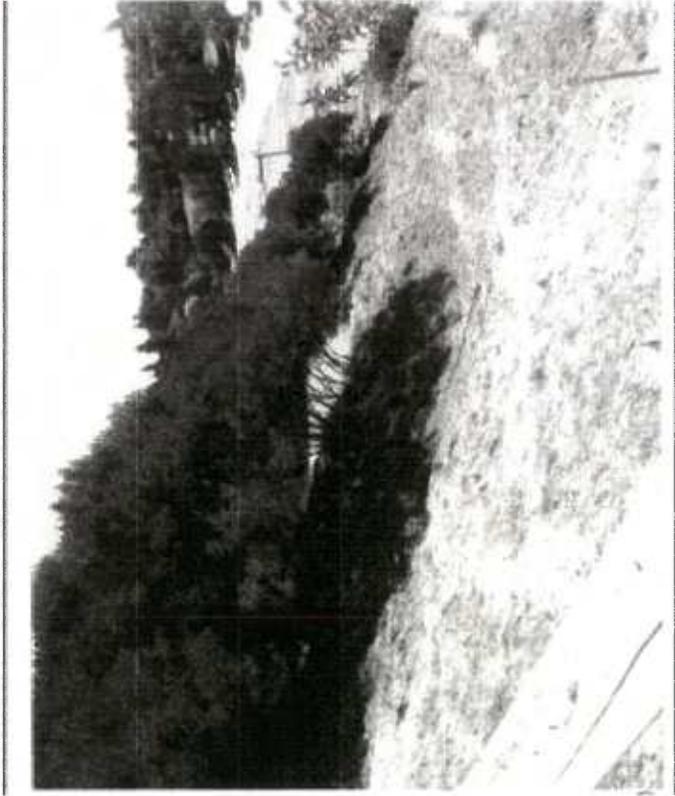
VS Photo taken without manipulation by Hillside Community – actual



Photo of same area in reverse (see fence at back-end of fire truck)



Photo taken by Proposed Builder – NOT reflecting actual area



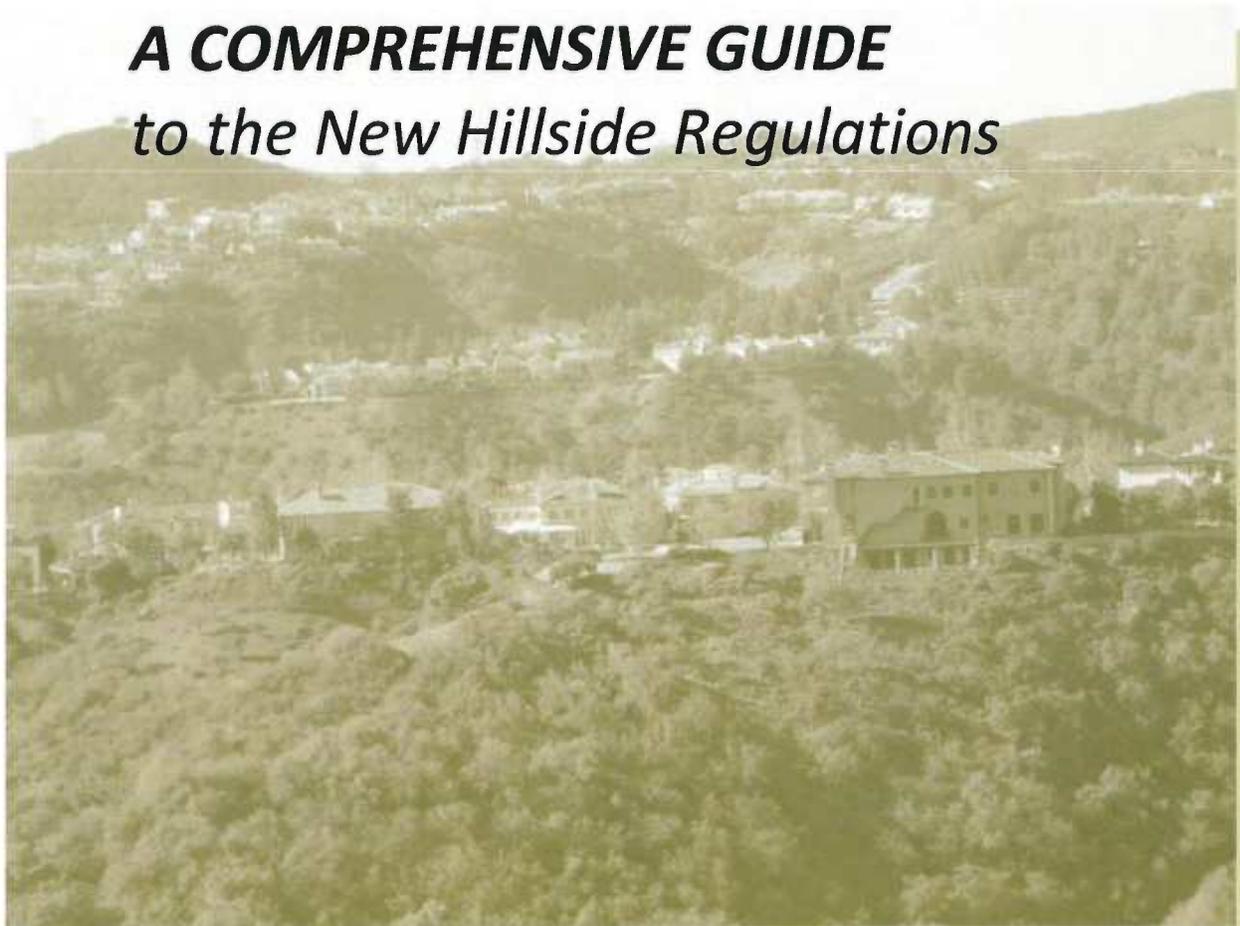
VS Photo taken of actual build site on top of other home, 45 degree slope



actual site – blocks all access of homes exit "A"

EXHIBIT F: Baseline Hillside Ordinance Comprehensive Guide

**Baseline Hillside Ordinance**  
***A COMPREHENSIVE GUIDE***  
***to the New Hillside Regulations***



May 9, 2011



Los Angeles  
Department  
of City Planning

**First Release – Monday, May 9, 2011**

***Prepared by the Department of City Planning***

*Charles J. Rausch, Junior, Senior City Planner*

*Erick Lopez, City Planner*

*Jennifer Driver, City Planning Assistant*

***Contributions by the Department of Building & Safety***

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*Ken Gill, Acting Assistant Bureau Chief*

*Lincoln Lee, Director of Case Management Section*



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# BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

Prepared by the City of Los Angeles – Department of City Planning

## INTRODUCTION:

There are many factors that make the City of Los Angeles both unique and special to its residents. Among its natural resources, such as our beautiful beaches and great weather, the region's hillsides and mountains are one of its most prominent features. As you can see in the image below, there are very few areas in the Los Angeles region that are not defined by some sort of sloping terrain. Drawn by the natural beauty and spectacular panoramic views they provide, many of our most iconic neighborhoods have been built in our City's hillside areas. The Baseline Hillside Ordinance was adopted in order to establish new regulations that protect these hillsides and the many communities that have sprung up among them.



This document is intended to be a comprehensive guide to the new Single-Family Residential hillside regulations of the Zoning Code established by the Baseline Hillside Ordinance (BHO). In it, you will find the various sections of the code that pertain the most commonly used and reference residential development and use standards grouped by topic and simplified whenever possible.

Although steps were taken in the preparation of this information to ensure that all provisions were included, the language has been modified below to be more accessible and easier to understand. It is recommended that the user continue to reference Chapter 1 (*General Provisions and Zoning*), Article 2 (*Specific Planning-Zoning Comprehensive Zoning Plan*), Section 12.21 (*General Provisions*), Subsection C of the Los Angeles Municipal Code (LAMC) for the adopted code language. This document has been drafted with the intent to be the primary source for clarifications and interpretations regarding the City's hillside regulations, and is intended to be updated periodically to include this information as it becomes available.

## DOES BHO APPLY TO MY PROPERTY?

The Baseline Hillside Ordinance applies to all properties which are zoned R1, RS, RE(9, 11, 15, 20, and 40), and RA and are designated as Hillside Area on the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC.

The easiest way to verify whether the new hillside regulations apply is to use our Zoning Information and Map Access System (ZIMAS) by going to <http://zimas.lacity.org/> and typing in the property address and clicking on “Planning and Zoning” Information. If the property is zoned Single-Family (see list above) and the “Hillside Area (Zoning Code)” field says “Yes”, then the new regulations apply. Planning staff has also identified the properties for which the new regulations apply with a Zoning Information file number “ZI-2415 Baseline Hillside -Ord 181624, eff 5/9/11”.

**ZIMAS**

Search: 3624 N COLDWATER CANYON AVE

Address/Legal:

- Site Address: 3624 N COLDWATER CANYON AVE
- ZIP Code: 91504
- PI# Number: 1508161 B1
- Lot/Parcel Area (Calculated): 10,203.0 (sq ft)
- Thomas Brothers Grid: PAGE 562 - GRID E6
- Assessor Parcel No. (APN): 2384913007
- Tract: TR 7442
- Map Reference: M B 148-9/12
- Block: None
- Lot: 7
- Adj. Lot/Col Reference: None
- Map Sheet: 148B10

Planning and Zoning:

Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	ZI-2415 Baseline Hillside - Ord 181624, eff 5/9/11
General Plan Land Use	Low Residential
General Plan Footcote(s)	Yes
Hillside Area (Zoning Code)	Yes
Specific Plan Area	Multifamily Senior Housing (Outer Corridor)
Historic Preservation Review	No
POD - Pedestrian Oriented Districts	None
CDC - Community Design Overlay	None
NBD - Neighborhood Stabilization Overlay	No
Streetscape	No
Sign District	No
Adaptive Reuse Incentive Area	None
Baseline Monumentation Ordinance	No
CRA - Community Redevelopment Agency	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

**Clarification:**

Lots with a “H” Hillside or Mountainous Area suffix on their zoning (example: RE11-1-H), more commonly referred to as an “H-Zone” or H-Designation”, do not necessarily have a Hillside Area designation as defined in Section 12.03 of the LAMC. As such, the “H” suffix will not determine whether the Baseline Hillside Ordinance applies to the subject lot.

# HILLSIDE DEVELOPMENT STANDARDS

The following are the single-family hillside development standards as established by the Baseline Hillside Ordinance (Ordinance No. 181,624; Effective Date May 9, 2011). Below you will find a comprehensive guide to the following hillside provisions:

- |  |                                    |
|--|------------------------------------|
| 1. Setback Requirements                            | 7. Off-Street Parking Requirements |
| 2. Maximum Residential Floor Area                  | 8. Fire Protection                 |
| 3. Verification of Existing Residential Floor Area | 9. Street Access                   |
| 4. Height Limits                                   | 10. Sewer Connection               |
| 5. Lot Coverage                                    | 11. Hillside Neighborhood Overlay  |
| 6. Grading   | 12. Exceptions                     |

New structures or additions to existing structures will not be permitted unless they comply with these development standards, or have been granted an approval to deviate from these regulations. Existing structures which have been built with permits prior to May 9, 2011, and which do not comply with these hillside regulations will be allowed to be maintained, repaired or remodeled pursuant to the “nonconforming” provision in [Section \(§\) 12.23 of the LAMC](#).

## 1. Setback Requirements. [§ 12.21 C.10.(a) of the LAMC]

Table 1 below outlines the standard setback requirements for any new building, structure, or enlargement.

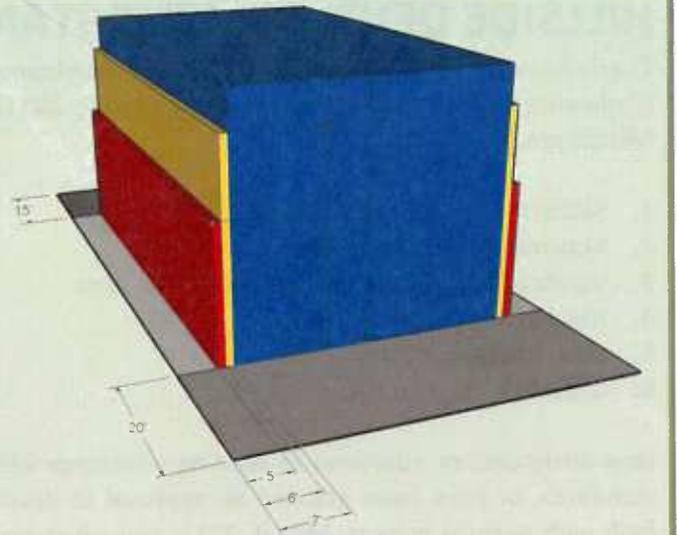
Table 1 Single-Family Zone Hillside Area Setback Requirements								
	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
<b>Front Yard</b>								
Not less than:	20% of LD							
Need not exceed:	20 ft	25 ft						
<b>Side Yard</b>								
Not less than:	5 ft	7 ft	10% of LW, but not < 5 ft	10 ft				
Need not exceed:	n/a			10 ft	n/a			
The required side yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the lot is less than the following widths:	50 ft	70 ft	n/a		70 ft*			
For buildings or structures with a height larger than 18 feet:	One additional foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet. [See <a href="#">Figure 1 below</a> ]							
<b>Rear Yard</b>								
Not less than:	15 ft	20 ft	25% of lot depth					
Need not exceed:	n/a		25 ft					
ft – feet n/a – the provision is not applicable	LD – Lot Depth (see Definitions section) LW – Lot Width (see Definitions section)							
<b>Notes:</b> * Only applicable for lots which are of record prior to July 1, 1966.								

**Figure 1 – Additional Side Yard Setback, R1 Example**

In this example, we use a flat R1-zoned lot to illustrate this provision. The minimum side yard setback for the R1 Zone is 5 feet.

- If the height of the building is less than or equal to 18 feet, the required side yard setback is 5 feet.
- If the height of the building is greater than 18 feet and less than or equal to 28 feet, the required side yard setback is 6 feet.
- If the height of the building is greater than 28 feet and less than or equal to 33 feet, the required side yard setback is 7 feet.

The same principal will apply for the minimum side yard setback requirement for the other Zones.



**Clarifications**

The height for the purposes of this provision is the highest Envelope Height, or worst case scenario (typically shown on a section drawing), as defined in the Height section.

This additional side yard setback applies to the entire structure. Simply stepping back the building within each height interval (like a “wedding cake”) will not comply.

**Special Setback Requirements**

The following are special setback requirements that supersede the standard setback requirements outlined in Table 1 above. Exceptions to these setback provisions may also be found in Section 12.22 of the LAMC.

**a. Prevailing Front Yard Setbacks. [§ 12.21 C.10.(a)(1) of the LAMC]**

- (1) Where there are two or more developed Lots which have Front Yards that vary in depth by not more than 10 feet, and such Lots comprise 40% or more of the Frontage, then the minimum Front Yard depth shall be the average depth of the Front Yards of such Lots. [Frontage is defined in the Definitions section of this document.]
- (2) Where there are two or more possible combinations of developed Lots comprising 40% or more of the Frontage, and these Lots have Front Yards that vary in depth by not more than 10 feet, then the minimum Front Yard depth shall be the average depth of the Front Yards of that combination which has the shallowest average depth.
- (3) In determining the required Front Yard, the following shall not be taken into account: Buildings located on key Lots, entirely on the rear half of Lots, or on Lots in the “C” or “M” Zones.
- (4) Nothing contained in this subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth.

**Determining Prevailing Front Yard Setback**

For more information on how to determine the Prevailing Front Yard Setback, please refer to the Department of Building and Safety Information Bulletin No. P/ZC 2002-015. This document can be found by going to the following link: [http://www.ladbs.org/LADBSWeb/LADBS\\_Forms/InformationBulletins/IB-P-ZC2002-015PrevailingSetback.pdf](http://www.ladbs.org/LADBSWeb/LADBS_Forms/InformationBulletins/IB-P-ZC2002-015PrevailingSetback.pdf)

The Department of Building & Safety has developed a very useful “Prevailing Setback Calculator” tool to help in the process of determining the prevailing setback; this can be found by going to the following link: <http://www.permitla.org/PS/index.cfm>

**b. Front Yards on Lots Fronting on Substandard Hillside Limited Street. [§ 12.21 C.10.(a)(2) of the LAMC]**

For any Lot that fronts on a **Substandard Hillside Limited Street**, the minimum Front Yard setback is five feet. However, the prevailing Front Yard setback, as outlined in **Paragraph a** above, will supersede this provision if it is greater than five feet.

**Figure 2 – Substandard Hillside Limited Street**

**Definition**

**SUBSTANDARD HILLSIDE LIMITED STREET** is a street (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet.

**Official Determination**

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out; this form is also attached to this document in **Appendix B – Commonly Used Hillside Forms**.

**Standard Hillside Limited Street**



Source: Bureau of Engineering, Standard Street Dimensions (Standard Plan S-470-0)

In order to obtain this determination please go to the BOE public counter at the locations below:

**Central District Office**

201 N. Figueroa Street  
Los Angeles, CA 90012-2601  
3rd floor counter  
(213)482-7030  
7th floor counter  
(213)482-7474

**Valley District Office**

Braude Building  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401-2615  
(818)374-5090

**West Los Angeles District Office**

1828 Sawtelle Blvd., 3rd floor  
Los Angeles, CA 90025-5516  
(310)575-8384

**c. Front Yard Setbacks on Key Lots\*. [§ 12.21 C.10.(a)(3) of the LAMC]**

On Key Lots\*, the minimum Front Yard **may** be the average of the required Front Yard for the adjoining Interior Lot\* and the required Side Yard along the Street side of a Reversed Corner Lot\*. But such minimum Front Yard may apply for a distance of not more than 85 feet from the rear Lot line of the Reversed Corner Lot\*, beyond which point the Front Yard specified in **Table 1** or **Paragraph a** above shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by **Table 1** or **Paragraph a**, the Yards established by such existing buildings may be used in computing the required Front Yard for a Key Lot.

\*See **Definitions Section** for Lot Type definitions.

**d. Front Yards on Through Lots\*. [§ 12.21 C.10.(a)(4) of the LAMC]**

A Front Yard setback, as required by this **Table 1** or **Paragraph a**, must be provided at each end of a Through Lot\* for the zone in which each Street Frontage is located.

However, only one Front Yard needs to be provided on those Through Lots which abut on a primary, Major or Secondary Highway, as such highways are shown on the "Highways and Freeways Element of the General Plan", when the rights to vehicular ingress and egress from such Through Lots to the highways have been abandoned or prohibited by a tract restriction. Where only one Front Yard is required on a Through Lot, as provided herein, the Rear Yard shall be located on the portion of such Lot adjacent to the highway.

Where a Through Lot is less than 150 feet in depth or is developed as a single Building site, and the two required Front Yards are provided, no Rear Yard is required.

*\*See Definitions Section for Lot Type definitions.*

**e. Front Yard Paving. [§ 12.21 C.10.(a)(5) of the LAMC]**

All portions of the required Front Yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved.

**f. Front Yard on Lots Existing Prior to June 1, 1946. [§ 12.21 C.10.(a)(6) of the LAMC]**

This provision shall apply to any Lot of less than one acre which was of record or held in separate ownership on June 1, 1946, or was subsequently created either by the recording of a division of land map or otherwise in accordance with the applicable zoning regulations. On any such Lot, the originally required Front Yard shall be provided and maintained in addition to any new Front Yard required by any subsequent rearrangement of the Lot lines by sale or division (without recording a subdivision map) creating a new Lot fronting on a different Street than that on which the original Lot fronted.

*Please refer to the Department of Building and Safety Zoning Manual for more details:  
[http://ladbs.org/LADBSWeb/LADBS\\_Forms/Zoning/zoning\\_manual.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Zoning/zoning_manual.pdf)*

**g. Side and Rear Yards for Basements. [§ 12.21 C.10.(a)(7) of the LAMC]**

In determining the required Side and Rear Yards of a Building, any Basement containing Habitable Rooms shall be considered a Story.

**h. Yards in the Coastal Zone. [§ 12.21 C.10.(a)(8) of the LAMC]**

The following setback requirements shall apply to lots located in a Coastal Zone:

- (1) On a lot in the RE9 or RE11 Zone, there shall be a side yard on each side of a main building of not less than 5 feet, except that, where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event less than 3 feet.
- (2) In lieu of the additional side yard requirement specified in Table 1 or Paragraph a above, for a building more than two-stories in height on lots in the R1, RS, or RE Zone, one foot shall be added to the width of each required side yard for each additional story above the second story.
- (3) On a lot in the RA Zone, where a side yard is less than 10 feet in width, and the building erected on the lot is three or more stories in height, one foot shall be added to such side yard.

**i. Side Yards in Specific Plans, Historic Preservation Overlay Zones or in Subdivision Approvals. [§ 12.21 C.10.(a)(9) of the LAMC]**

Side Yard requirements in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over requirements of Section 12.21 C.10 of the LAMC (the regulations outlined in this document). Otherwise, Section 12.21 C.10 of the LAMC shall apply (to put it more simply - when those overlays are silent, the Baseline Hillside Ordinance will apply).

**j. Encroachments Into Required Yards. [§ 12.21 C.10.(a)(10) of the LAMC]**

Every required Front, Side and Rear Yard shall be open and unobstructed from the ground to the sky except for the following:

- (1) **Garages in Front Yards.** A Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the Front Lot Line of a Lot and midway between the Side Lot Lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5

**BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

feet from the Front Lot Line. Where the wall of such garage is two-thirds below natural or finished Grade of the Lot, whichever is lower, said wall may extend to the adjacent Side Lot Line; in all other cases, said garage shall not be nearer to the Side Lot Line than the width of the Side Yard required for a main Building of the same height.

(2) **Open, Unenclosed Stairways, Porches, Platforms, Landing Places, or Balconies.** Notwithstanding any other provisions of the LAMC, on Lots fronting onto a Substandard Hillside Limited Street, open unenclosed stairways, porches, platforms and landing places not covered by a roof or canopy shall not project or extend into the Front Yard. Balconies with 10 feet or more of vertical clearance beneath them may project or extend no more than 30 inches into a Front Yard.

(3) **Other Exceptions.** All of those exceptions found in Section 12.21 C.5 (*Location of Accessory Buildings and Tennis or Paddle Tennis Courts*) and in Section 12.22 (*Exceptions*) of the LAMC.

**k. Pools, Ponds, or Body of Water in Required Yards. [§ 12.21 C.10.(a)(11) of the LAMC]**

No swimming pool, fish pond or other body of water which is designed or used to contain water 18 inches or more in depth shall be permitted in any required Yard Space in which fences over 42 inches in height are prohibited, even though the pool, pond or body of water extends below the adjacent natural ground level.

**l. Zoning Administrator’s Authority. [§ 12.21 C.10.(a)(12) of the LAMC]**

For Lots fronting on a Substandard Hillside Limited Street, a Zoning Administrator may grant a reduction of the Front Yard Setback requirements of Paragraph b and Side Yard requirements in Table 1 above, pursuant to the authority and procedures established in Section 12.24 X.28 of the LAMC; however, in no event shall the Side Yard be less than 4 feet.

**2. Maximum Residential Floor Area. [§ 12.21 C.10.(b) of the LAMC]**

The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the Lot, as outlined in Table 2. This formula can be found in Table 3, where “A” is the area of the Lot within each Slope Band, “FAR” is the FAR of the corresponding Slope Band, and “RFA” is the sum of the Residential Floor Area of each Slope Band.

Table 2 Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 3 Hillside Area Maximum Residential Floor Area Formula						
Slope Bands (%)	Area (sq-ft)		FAR	=	Residential Floor Area	
0 – 14.99	A <sup>1</sup>	X	FAR <sup>1</sup>	=	RFA <sup>1</sup>	
15 – 29.99	A <sup>2</sup>	X	FAR <sup>2</sup>	=	RFA <sup>2</sup>	
30 – 44.99	A <sup>3</sup>	X	FAR <sup>3</sup>	=	RFA <sup>3</sup>	
45 – 59.99	A <sup>4</sup>	X	FAR <sup>4</sup>	=	RFA <sup>4</sup>	
60 – 99.99	A <sup>5</sup>	X	FAR <sup>5</sup>	=	RFA <sup>5</sup>	
100 +	A <sup>6</sup>	X	FAR <sup>6</sup>	=	RFA <sup>6</sup>	
Maximum Residential Floor Area					=	Sum of RFA <sup>1</sup> through RFA <sup>6</sup>

**What Is Residential Floor Area (RFA)?**

The area in square feet confined within the exterior walls of a Building or Accessory Building. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

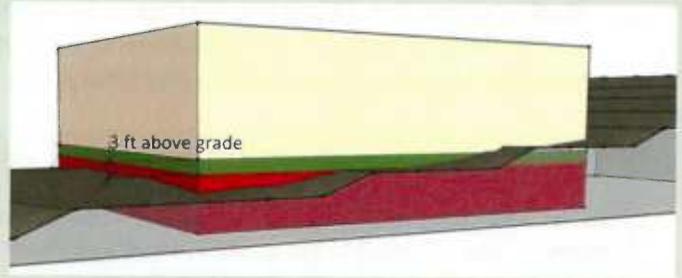
Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area [space]. *Taking into account that the Zoning Code currently only requires 2 covered parking spaces, this means that only the first 400 square-feet of garage will be exempted from the Residential Floor Area calculation and that anything over 400 square-feet is counted. This may change in the future or may be different in a specific area through the use of some sort of overlay or special condition.*
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet. *This means that you can have two 200 sq-ft or four 100 sq-ft Accessory Buildings, or whatever combination of area that does not violate either of these two area limits. This does not mean that a 400 sq-ft detached garage will be counted.*
3. **Covered Porches, Patios, and Breezeways.** The total area of all covered porches, patios, and breezeways up to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:
  - a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.
  - b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once. *The intent of the second part of this exception is to not penalize buildings which are built into a hillside and do not add to the exterior bulk of the structure; the height is taken from the perimeter of the “sunken room”.*

**What Is Residential Floor Area (RFA)? (continued)**

6. **Basements.** A Basement, whether it is habitable or not, when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.



*Visible from a public right-of-way means that the light-well is located in the Front Yard; and in the case of Corner, or Reversed Corner Lots it is located in a Side Yard.*

**a. Slope Analysis Map. [§ 12.21 C.10.(b)(1) of the LAMC]**

As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in Section 16.05 B of the LAMC to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered (in the State of California) civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in Table 2.

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

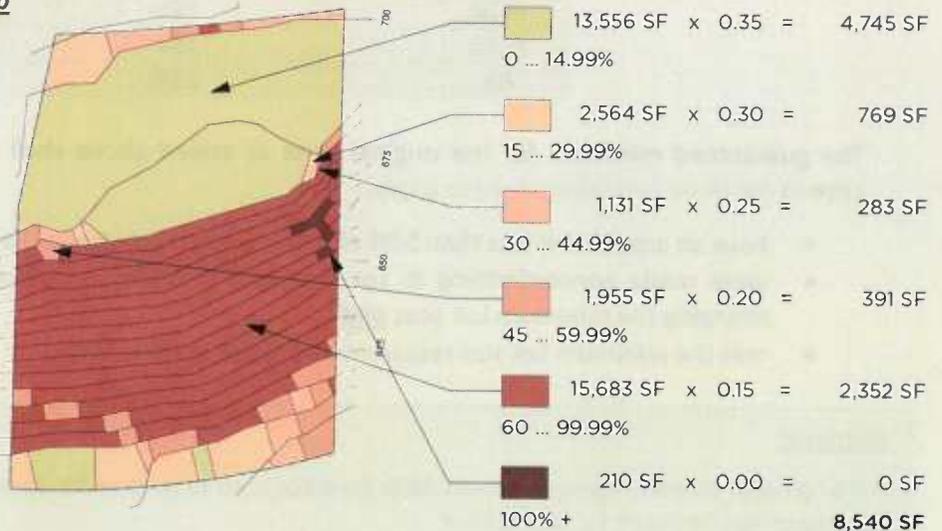
The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 3.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

**Example of a Slope Analysis Map**

For more details on how to produce a Slope Analysis Map please refer to Appendix A – Slope Analysis.

Graphic courtesy of:  
**URBAN STUDIO**  
www.urbanstudio.com



The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered (in the State of California) civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

**Slope Analysis and Residential Floor Area Verification – Planning Public Counters**

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a Slope Analysis and Maximum Residential Floor Area Verification Form (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website, and is also attached to this document in Appendix B – Commonly Used Hillside Forms. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

**Downtown Office**

Figueroa Plaza  
201 North Figueroa Street, 4th Floor (Station No. 7)  
Los Angeles, CA 90012  
(213) 482-7077

**Valley Office**

Marvin Braude Constituent Services Center  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at [Planning.FigCounter@lacity.org](mailto:Planning.FigCounter@lacity.org).

**b. Guaranteed Minimum Residential Floor Area. [§ 12.21 C.10.(b)(2) of the LAMC]**

Regardless of what the Slope Band calculations give a property, the maximum Residential Floor Area for any Lot may be at least the percentage of the Lot size as outlined in Table 4 below or 1,000 square feet, whichever is greater.

Table 4 Guaranteed Minimum Residential Floor Area	
Zone	Percentage of Lot Size
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

The guaranteed minimum for the original zone as stated above shall apply to Lots that meet the following criteria (*all three conditions need to apply*):

- have an area that is less than 50% of the minimum Lot size for its Zone;
- were made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size; **and**
- met the minimum Lot size requirements of the original zone.

**Example:**

If a 6,000 sq-ft property currently has an RE20 Zone but used to have an R1 Zone, then that property would be entitled to the guaranteed minimum for the R1 Zone.

**c. Residential Floor Area Bonus. [§ 12.21 C.10.(b)(3) of the LAMC]**

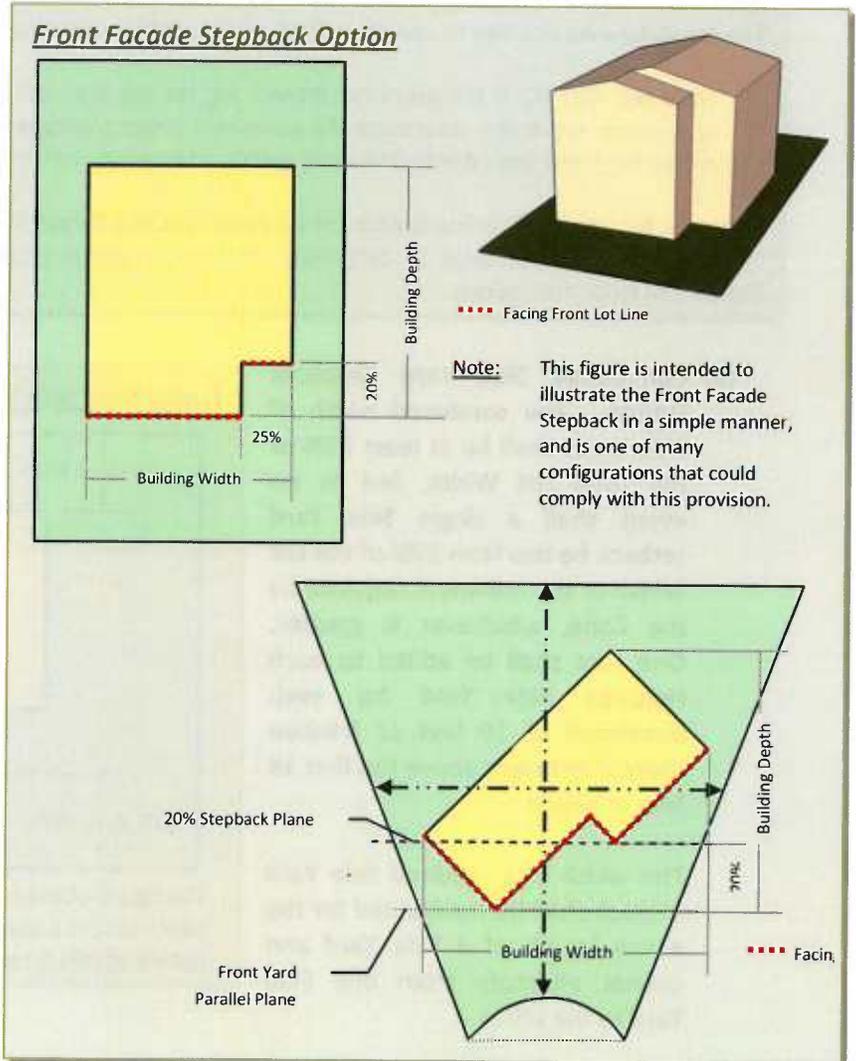
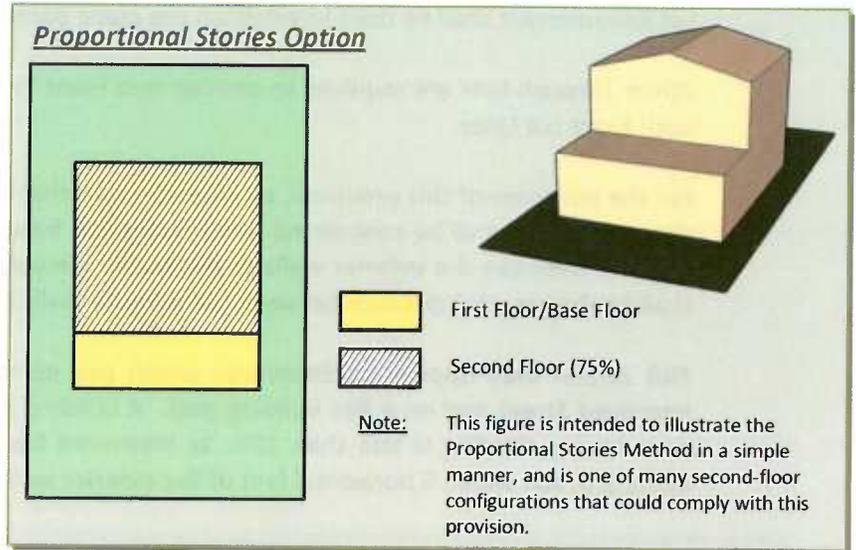
An additional 20% of the maximum Residential Floor Area as determined by Table 2 (Single-Family Zone Hillside Area Residential Floor Area Ratios) above, or an additional 30% for Lots where the guaranteed minimum outlined in Paragraph b (Guaranteed Minimum Residential Floor Area) above is utilized, for that Lot shall be allowed if any of the options listed below are utilized. Only one bonus per property is allowed.

(1) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75% of the Base Floor Area.

**This option only applies to flat building pads.** A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

**Clarification:** The area of porches, patios, and breeze-ways with a solid roof does not count towards the Base Floor Calculation; these spaces are not considered part of the mass of a building.

(2) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the Front Lot Line, equal to a minimum of 25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line.



When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width.

When Through Lots are required to provide two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines.

For the purposes of [this provision](#), all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

***This option only applies to Structures which are no more than 35 feet from the Frontage along an improved Street and on a flat building pad.*** A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

**Clarification:**

The key to figuring out how to comply with this bonus option is to know where the Front Lot Lines are on any particular Lot.

***LOT LINE, FRONT.*** In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

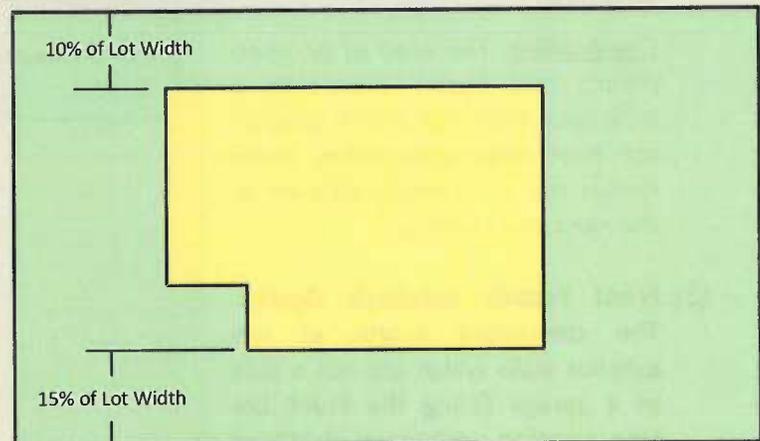
However, for unusual Building and/or Lot configuration, the Department of Building and Safety can refer to the Director of Planning or his/her designee to determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

**(3) Cumulative Side Yard Setbacks Option.**

The combined width of Side Yards shall be at least 25% of the total Lot Width, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by the Zone, whichever is greater. One foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height.

The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other.

**Cumulative Side Yard Setbacks Option**



The figure above is an example of 10% minimum side yard setback, which leaves a minimum of 15% on the other side. It is important to note that this is not the only combination possible.

- (4) 18-Foot Envelope Height Option.** For properties which are not in the “1SS” Single-Story Height District, the maximum envelope height shall be no more than 18 feet, as measured in [Section 4 – Height Limits](#).

(5) **Multiple Structures Option.** In addition to the Lot Coverage requirements in [Section 5 – Lot Coverage](#), any one Building and Structure extending more than 6 feet above Hillside Area Grade shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width.

(6) **Minimal Grading Option.** The total amount of any Grading on the site (including exempted Grading, as outlined in [Section 6 – Grading](#), does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less.

*Example:* A project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option.

***This option only applies to properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map.***

(7) **Green Building Option.** For a new One-Family Dwelling only, the new construction must satisfy the Tier 1 requirements or higher of the [LA Green Building Code](#), as defined in [Section 99.01.101.1 of the LAMC](#).

**d. Zoning Administrator’s Authority. [[§ 12.21 C.10.\(b\)\(4\) of the LAMC](#)]**

(1) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of [this Section](#) of not more than 10%, pursuant to the authority and procedures established in [Subsection A of Section 12.28 of this Code](#).

(2) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of [this Section](#), pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#), provided:

- (i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and
- (ii) the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and
- (iii) at least two off-street covered parking spaces are provided.

**3. Verification of Existing Residential Floor Area. [[§ 12.21 C.10.\(c\) of the LAMC](#)]**

For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after [August 1, 2010](#), or remodels of buildings built prior to [August 1, 2010](#), the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor’s records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in [Section 12.03 of the LAMC](#) when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in [the paragraph below](#), or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing [this Subdivision](#), a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

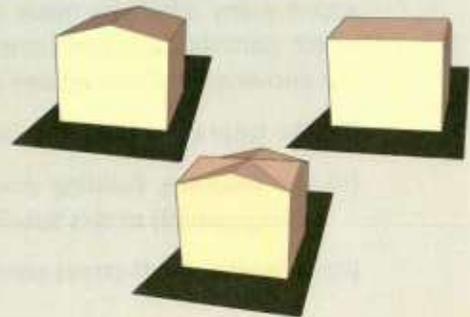
**4. Height Limits. [§ 12.21 C.10.(d) of the LAMC]**

No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in Table 5 – Maximum Height of Structures, or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in the Definitions Section of this document (or Section 12.03 of the LAMC).

Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

**25% Roof Slope**

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

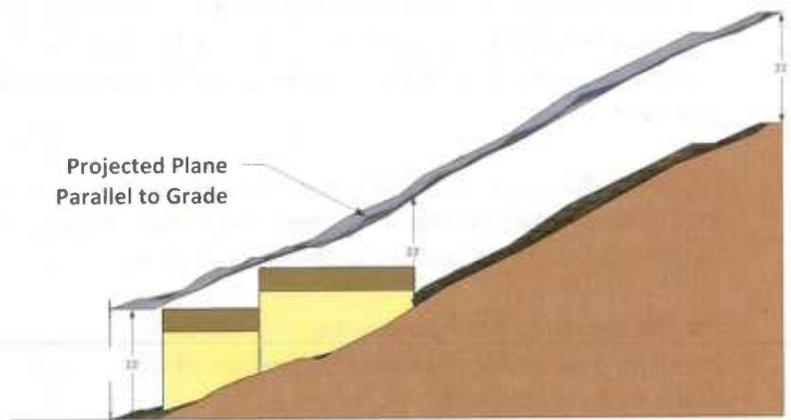


When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.

**a. Measurement of Height. [§ 12.21 C.10.(d)(1) of the LAMC]**

Notwithstanding any other provision in the Code, the height limits in Table 5 – Maximum Height of Structures above shall be measured as set forth below.

(1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.



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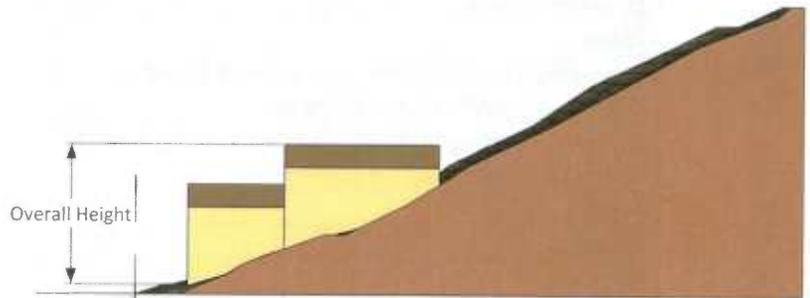
At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with [this provision](#).

**b. Zoning Administrator's Authority. [§ 12.21 C.10.(d)(2) of the LAMC]**

A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of [Table 5 – Maximum Height of Structures](#); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.



**c. Prevailing Height. [§ 12.21 C.10.(d)(3) of the LAMC]**

Notwithstanding the height limits in [Table 5 – Maximum Height of Structures](#), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

**d. Lots in a Single-Story Height District. [§ 12.21 C.10.(d)(4) of the LAMC]**

As enabled by [Section 12.21.1 A.1 of the LAMC](#), on Lots in a “SS” Single Story Height District, shown as “1SS” on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

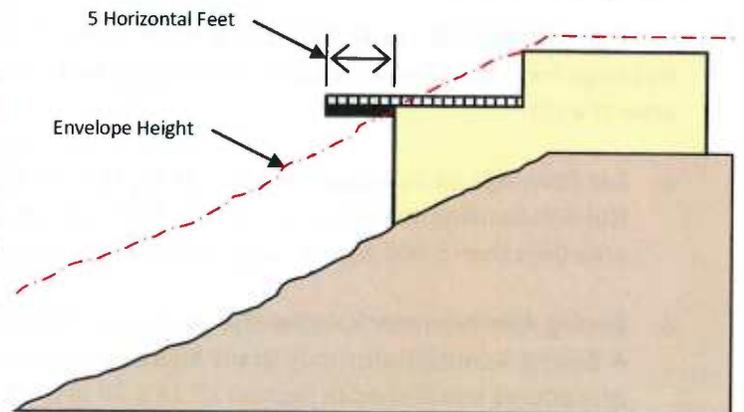
Notwithstanding the provision in [Section 12.21.1 A.8 of the LAMC](#), in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in [Section 12.03 of the LAMC](#), shall not be considered a Story.

**e. Lots Fronting on Substandard Hillside Limited Streets. [§ 12.21 C.10.(d)(5) of the LAMC]**

For any Lot fronting onto a Substandard Hillside Limited Street and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

**f. Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies. [§ 12.21 C.10.(d)(6) of the LAMC]**

Unenclosed/uncovered rooftop decks, cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project beyond the maximum envelope height no more than 5 horizontal feet.



For the purposes of [this provision](#), “visually

permeable railing” means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.

**g. Roof Structures. [§ 12.21 C.10.(d)(7) of the LAMC]**

Roof Structures as described in Table 6 – Projecting Roof Structures below, or similar Structures, may be erected above the height limit specified in Table 5 – Maximum Height of Structures.

Roof Structures	Projection Above Height Limit	Setback from Roof Perimeter
Elevator Housing	No more than 5 feet.	Not less than 5 feet.
Tanks		
Ventilating Fans or similar equipment required to operate and maintain the Building.		
Skylights, covering up to 33 1/3% of the roof area upon which the skylight is constructed.		
Towers		
Steeple		
Flagpoles		
Smokestacks		
Wireless Masts		
Water Tanks		
Silos		
Solar Energy Devices		
Chimneys		
Exhaust Ducts/Ventilation Shafts		
Stairway Housing, no larger than 36 square-feet.		
Skylights, covering more than 33 1/3% of the roof area upon which the skylight is constructed.	No more than 30 inches.	

No roof Structure or any other space above the height limit specified in Table 5 – Maximum Height of Structures shall be allowed for the purpose of providing additional floor space.

**h. Specific Plans, Historic Preservation Overlay Zones or Subdivision Approvals. [§ 12.21 C.10.(d)(8) of the LAMC]**  
Height limitations in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of these regulations and of Section 12.21 of the LAMC. Otherwise, this Section 12.21 of the LAMC shall apply.

**5. Lot Coverage. [§ 12.21 C.10.(e) of the LAMC]**

Buildings and Structures extending more than 6 feet above natural ground level shall cover no more than 40% of the area of a Lot.

**a. Lot Coverage on Substandard Lots. [§ 12.21 C.10.(e)(1) of the LAMC]**

Notwithstanding the provision above, for a Lot which is substandard as to width (less than 50 feet) and as to area (less than 5,000 square feet), Buildings and Structures shall cover no more than 45% of the area of a Lot.

**b. Zoning Administrator’s Authority. [§ 12.21 C.10.(e)(2) of the LAMC]**

A Zoning Administrator may grant limited deviations from these requirements, pursuant to the authority and procedures established in Section 12.24 X.28 of the LAMC.

**6. Grading. [§ 12.21 C.10.(f) of the LAMC]**

Notwithstanding any other provisions of the Municipal Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading Permits shall be issued until a Building Permit is approved.

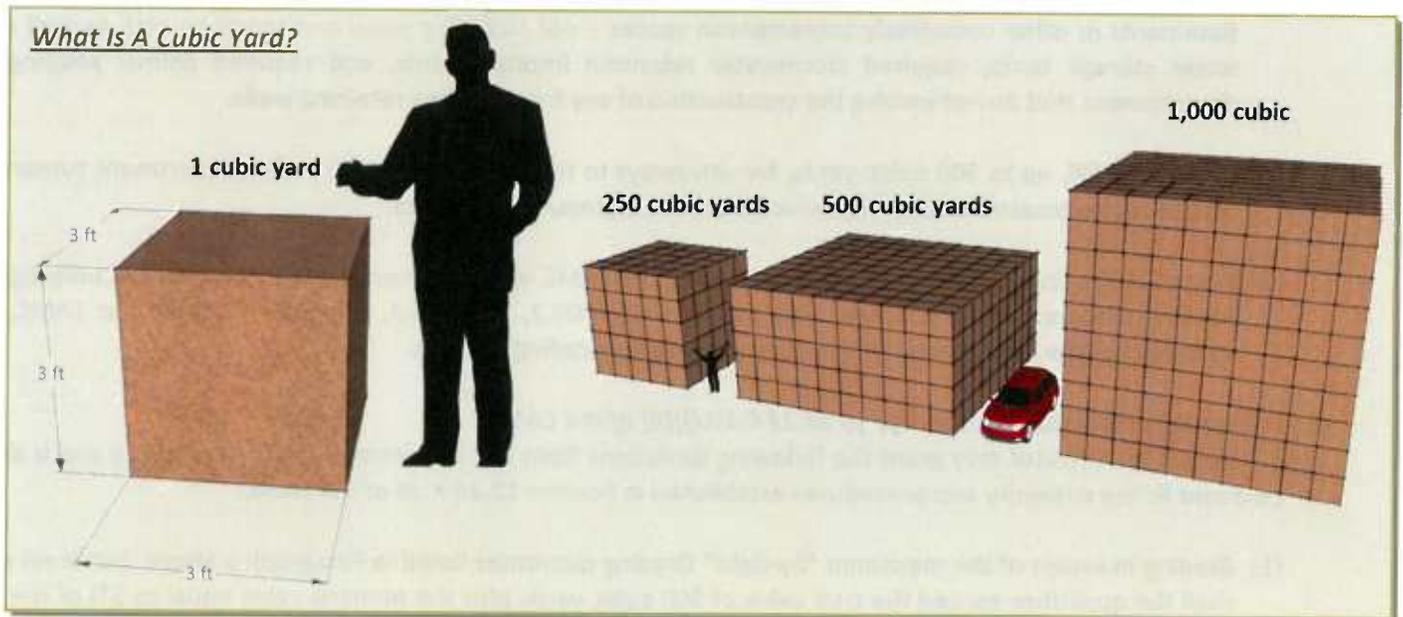
**a. Maximum Grading Quantities. [§ 12.21 C.10.(f)(1) of the LAMC]**

The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

*Example: a 5,000 square-foot Lot would have a maximum Grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).*

However, the cumulative quantity of Grading shall not exceed the maximum “by-right” Grading quantities outlined by Zone in Table 7 – Maximum “By-Right” Grading Quantities below.

Table 7 Maximum “By-Right” Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800



**b. Import/Export Limits. [§ 12.21 C.10.(f)(2) of the LAMC]**

The maximum quantity of earth import or export shall be limited to the following quantities:

- (1) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, the maximum quantity of earth import shall be no more than 500 cubic

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yards, as long as additional on-site Grading (grading outside the footprint of a building) in conjunction with the amount of import does not exceed the requirements established in Paragraph a above. The maximum quantity of earth export shall be no more than 1,000 cubic yards.

*Example: If a property has a maximum of 1,000 cubic yards of non-exempted grading, and a cut of 800 cubic yards of exempted grading is used as fill outside the footprint of the house, this provision does will only allow an additional 200 cubic yards (not 500 cubic yards) of import to be used for non-exempt purposes.*

- (2) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, the maximum quantity of earth import shall be no more than 375 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in Paragraph a above. The maximum quantity of earth export shall be no more than 750 cubic yards.
- (3) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in Paragraph c below shall be exempted from the maximum import and export quantities set forth in this Paragraph b. A plan indicating the destination and/or source (i.e. exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

### c. **Exceptions. [§ 12.21 C.10.(f)(3) of the LAMC]**

The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in Paragraphs a and b above. However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in Paragraph a above.

- (1) Cut and/or Fill underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces – *not including pools and sports courts*), as well as for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.
- (2) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.
- (3) Remedial Grading as defined in Section 12.03 of the LAMC as recommended in a Geotechnical Investigation Report, prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of the LAMC, and approved by the Department of Building and Safety - Grading Division.

### d. **Zoning Administrator's Authority. [§ 12.21 C.10.(f)(4) of the LAMC]**

A Zoning Administrator may grant the following deviations from the requirements of Paragraphs a and b above, pursuant to the authority and procedures established in Section 12.24 X.28 of the LAMC.

- (1) Grading in excess of the maximum "by-right" Grading quantities listed in Paragraph a above, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.
- (2) For a property which fronts onto a Standard Hillside Limited Street or larger, increase the maximum quantity of earth import greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Paragraph b above.

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For a property which fronts onto a Substandard Hillside Limited Street, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to [Paragraph b](#) above.

**e. *New Graded Slopes.* [[§ 12.21 C.10.\(f\)\(5\) of the LAMC](#)]**

All new Graded Slopes shall be no steeper than 2:1 (horizontal : vertical), except when the Department of Building and Safety - Grading Division has determined that Slopes may exceed 2:1 pursuant to [Section 91.105 of the LAMC](#).

**f. *Grading Activity on 100% Slopes.* [[§ 12.21 C.10.\(f\)\(6\) of the LAMC](#)]**

Notwithstanding the Grading, Excavations and Fills provisions in [Chapter IX of the LAMC \(the Los Angeles Building Code\)](#), when any Grading activity is proposed on any slope of 100% or greater, as identified on the Slope Analysis Map, the Department of Building and Safety – Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans, and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

**g. *Grading Plancheck Criteria.* [[§ 12.21 C.10.\(f\)\(7\) of the LAMC](#)]**

Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by [Section 91.7006 of the LAMC](#).

## **7. Off-Street Parking Requirements.** [[§ 12.21 C.10.\(g\) of the LAMC](#)]

Notwithstanding those exceptions found in [Section 12.22 of the LAMC](#), no Building or Grading permit shall be issued for the construction of any One-Family Dwelling, Accessory Building, or addition thereto, unless the following requirements are met.

**a. *Number of Required Covered Spaces.* [[§ 12.21 C.10.\(g\)\(1\) of the LAMC](#)]**

There shall be at least two Automobile Parking Spaces on the same Lot with each One-Family Dwelling thereon. These required parking spaces shall be provided within a Private Garage. These required parking spaces shall not be provided or maintained within a required Front Yard, unless otherwise permitted by [Paragraph j – Encroachments Into Required Yards of Section 1 – Setback Requirements of this document](#).

(1) **Exception for Dwelling on Narrow Lot.** Where only one One-Family Dwelling is located on a nonconforming Lot 40 feet or less in width and not abutting an alley, only one Automobile Parking Space need be provided. This exception shall not apply to any Lot which fronts on a Substandard Hillside Limited Street.

**b. *Additional Required Spaces.* [[§ 12.21 C.10.\(g\)\(2\) of the LAMC](#)]**

For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of 5 total on-site spaces. These additional required parking spaces may be uncovered. Notwithstanding the provisions of [Paragraph a](#) above, when a Lot fronts onto

a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

(1) **Zoning Administrator's Authority.** A Zoning Administrator may reduce the number of off-street parking spaces required by Paragraph b above, pursuant to the authority and procedures established in Section 12.24 X.28 of the LAMC.

**c. Parking Stall Dimensions. [§ 12.21 C.10.(g)(3) of the LAMC]**

In each parking area or garage devoted to parking for Dwelling uses, all Parking Stalls in excess of one per Dwelling Unit may be designed as Compact Parking Stalls to accommodate parking cars. Every **Standard Parking Stall** provided for Dwelling Units shall be at least 8 feet 6 inches in width and 18 feet in length; every **Compact Parking Stall** shall be at least 7 feet 6 inches in width and 15 feet in length.

**d. Tandem Parking. [§ 12.21 C.10.(g)(4) of the LAMC]**

Automobile parking may be parked in tandem in a Private Garage or Private Parking Area serving a One-Family Dwelling where the tandem parking is not more than two cars in depth. Each required Parking Stall within a parking area or garage shall be accessible. Tandem parking shall not be allowed in parking areas for recreational vehicles.

**e. Garage Doors. [§ 12.21 C.10.(g)(5) of the LAMC]**

Any door or doors installed at the automobile entry to a garage serving a One-Family Dwelling where the required parking spaces are located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles in each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

**f. Driveway Width. [§ 12.21 C.10.(g)(6) of the LAMC]**

Every access driveway shall be at least 9 feet in width.

**h. Mechanical Automobile Lifts and Robotic Parking Structures. [§ 12.21 C.10.(g)(7) of the LAMC]**

The stacking of two or more automobiles via a mechanical car lift or computerized parking Structure is permitted. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of Paragraphs (a), (b), and (i) of Section 12.21 A.5 of the LAMC. The lift equipment or computerized parking Structure shall meet any applicable Building, Mechanical and Electrical Code requirements as approved by the Department of Building and Safety.

**8. Fire Protection. [§ 12.21 C.10.(h) of the LAMC]**

Notwithstanding any other provisions of the LAMC to the contrary, on a Lot fronting onto a Substandard Hillside Limited Street, or on any Lot located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company, the following fire protection measures shall be required.

**a. New Buildings or Structures. [§ 12.21 C.10.(h)(1) of the LAMC]**

Any new construction of a One-Family Dwelling or detached Accessory Building shall be protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code.

**b. Existing Buildings or Structures. [§ 12.21 C.10.(h)(2) of the LAMC]**

An approved automatic fire sprinkler system in compliance with the Los Angeles Plumbing Code shall be installed:

- (1) whenever an addition to an existing One-Family Dwelling or Accessory Building increases Residential Floor Area by 50% or more of the area of the existing Dwelling or Building; or
- (2) whenever the aggregate value of Major Remodels within a one-year period exceeds 50% of the replacement cost of the Dwelling or Accessory Building.

**c. Fire Sprinkler Coverage. [§ 12.21 C.10.(h)(3) of the LAMC]**

The sprinkler systems required in this Section shall be sufficient to cover the entire Dwelling or Building, unless otherwise determined by the Department of Building and Safety, and shall be installed in compliance with all applicable Codes.

**d. Exempt Accessory Structures. [§ 12.21 C.10.(h)(4) of the LAMC]**

The provisions of this Section shall not apply to accessory Structures such as gazebos, pergolas, or storage sheds provided these Structures are not supported by or attached to any portion of a Dwelling or Accessory Building and do not exceed 200 square feet in area.

**9. Street Access. [§ 12.21 C.10.(i) of the LAMC]**

**a. Street Dedication. [§ 12.21 C.10.(i)(1) of the LAMC]**

For any new construction of, or addition to, a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street, no Building permit or Grading permit shall be issued unless at least one-half of the width of the Street(s) has been dedicated for the full width of the Frontage of the Lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate procedures provided in Section 12.37 I of the LAMC shall be available for relief from this requirement.

**b. Adjacent Minimum Roadway Width. [§ 12.21 C.10.(i)(2) of the LAMC]**

For any new construction of, or addition to a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no Building permit or Grading permit shall be issued unless the construction or addition has been approved pursuant to Section 12.24 X.28 of the LAMC.

**c. Minimum Roadway Width (Continuous Paved Roadway). [§ 12.21 C.10.(i)(3) of the LAMC]**

For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless the construction or addition meets the requirements of this Section 12.21 C.10 of the LAMC (the provisions contained in this document) or has been approved by a Zoning Administrator pursuant to Section 12.24 X.28 of the LAMC.

**10. Sewer Connection. [§ 12.21 C.10.(j) of the LAMC]**

No Building permit shall be issued for the construction of any new One-Family Dwelling on a Lot located 200 feet or less from a sewer mainline unless a sewer connection is provided to the satisfaction of the City Engineer.

**11. Hillside Neighborhood Overlay. [§ 12.21 C.10.(k) of the LAMC]**

The provisions of Section 2 – Maximum Residential Floor Area, Section 4 – Height Limits, and Section 6 – Grading of this document may be superseded by a Hillside Neighborhood Overlay adopted pursuant to Section 13.14 of the LAMC.

**12. Exceptions. [§ 12.21 C.10.(l) of the LAMC]**

The provision of this Subdivision shall not apply to:

**a. Tracts With CC&Rs Approved After February 1, 1985. [§ 12.21 C.10.(l)(1) of the LAMC]**

One-Family Dwellings, Accessory Buildings and additions thereto within a subdivision for which a tentative or final tract map was approved by the City of Los Angeles after February 1, 1985, and is still valid, provided that the map resulted in the establishment of covenants, conditions and restrictions governing Building height, yards, open space or Lot coverage, and provided, further, that such covenants, conditions and restrictions were recorded on or after February 1, 1985.

**b. Additions to Dwellings Built Prior to August 1, 2010. [§ 12.21 C.10.(l)(2) of the LAMC]**

Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which Building permits have been previously obtained, provided that:

- (1) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and
- (2) the resulting Building complies with the requirements of Section 1 – Setback Requirements, Section 4 – Height Limits, and Section 6 – Grading of this document.

**c. Hillside Major Remodel. [§ 12.21 C.10.(l)(3) of the LAMC]**

As defined in Section 12.03 of this Code, any remodeling of a main Building on a Lot in the Hillside Area, which does not add square footage and for which the aggregate value of all the alterations within a one-year period does not exceed 50% of the replacement cost of the main Building.

**d. Northeast Los Angeles Hillside Ordinance. [§ 12.21 C.10.(l)(4) of the LAMC]**

Properties subject to the Northeast Los Angeles Hillside Ordinance established by Ordinance No. 180,403, shall be exempted from Section 2 – Maximum Residential Floor Area, Section 4 – Height Limits, and Section 6 – Grading of this document.

**e. The Oaks Hillside Ordinance. [§ 12.21 C.10.(l)(5) of the LAMC]**

Properties subject to The Oaks Hillside Ordinance established by Ordinance No. 181,136, shall be exempted from Section 2 – Maximum Residential Floor Area, Section 4 – Height Limits, and Section 5 – Lot Coverage of this document.

**e. Large Active Remedial Grading Projects. [§ 12.21 C.10.(l)(6) of the LAMC]**

Properties with active Remedial Grading permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety – Grading Division before July 1, 2010, are exempted from Section 2 – Maximum Residential Floor Area, Section 4 – Height Limits, and Section 6 – Grading of this document. Such properties shall remain subject to the provisions of Section 12.21 A.17 of the LAMC, and Section 12.21.1 of the LAMC, and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 60 months after July 1, 2010.

## DEFINITIONS

The following are a selection of definitions from [Section 12.03 of the LAMC](#) that are most commonly used when applying the new hillside regulations.

**ACCESSORY BUILDING.** A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same or a less restrictive zone and on the same lot with the main building or use. The relationship between the more restrictive and the less restrictive zones shall be determined by the sequence of zones set forth in Sec. 12.23 B.1.(c).

**BASE FLOOR.** That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story.

**BASEMENT.** Any story below the first story of a building.

**BUILDING.** Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

**COMPACTION.** The densification of a Fill by mechanical means.

**CUT.** A portion of land surface or areas from which earth has been removed or will be removed by excavation.

**ELEVATION.** Vertical distance in feet above sea level.

**FILL.** The depositing of soil, rock or other earth materials by artificial means.

**FLOOR AREA, RESIDENTIAL.** The area in square feet confined within the exterior walls of a Building or Accessory Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area.
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.
3. **Covered Porches, Patios, and Breezeways.** For Lots not located in the Hillside Area or Coastal Zone, the first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

For Lots located in the Hillside Area, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:

- a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

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- b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.
6. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.

For Lots located in the Hillside Area, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.

**FLOOR AREA RATIO (FAR).** A ratio establishing relationship between a property and the amount of development permitted for that property, and is expressed as a percentage or a ratio of the Buildable Area or Lot size (example: “3 times the Buildable Area” or “3:1”).

**FRONTAGE.** All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**GARAGE, PRIVATE.** An accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use.

**GRADE, HILLSIDE AREA.** For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10 of this Code, Hillside Area Grade shall be defined as the Elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

**GRADING.** Any Cut or Fill, or combination thereof, or recompaction of soil, rock or other earth materials.

**GRADING, LANDFORM.** A contour grading method which creates artificial Slopes with curves and varying Slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain. The graded Slopes are non-linear in plan view, have varying Slope gradients, and significant transition zones between human-made and natural Slopes resulting in pad configurations that are irregular. The concept of Landform Grading incorporates the created ravine and ridge shapes with protective drainage control systems and integrated landscaping designs.

## **BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

**GRADING, REMEDIAL.** For the purposes of Section 12.21 C.10 of this Code, Remedial Grading shall mean grading recommended by a California Licensed Geologist and/or Licensed Engineer prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety-Grading Division, that is necessary to mitigate a geologic or geotechnical hazard on a site (including for access driveways), including, but not limited to: 1) correction of hazardous soil and earth conditions, when notified by the Department of Building and Safety in accordance with Section 91.7005.7 of this Code, 2) removal and re-compaction of soil for a Building site to remediate expansive, compressible or seismically unstable soils, 3) grading required to provide a minimum factor of safety of 1.5 for stability of slopes, and/or 4) grading to bring existing steep non-conforming graded slopes into conformance with current Code requirements for fill and excavated slope gradients.

**HILLSIDE AREA.** Any land designated as Hillside Area as shown in the shaded portion of the Department of City Planning Hillside Area Map, dated September 23, 2009, attached to Council File No. 09-1390. The map is maintained by the Department of City Planning as part of the Geographic Information Systems database.

**LOT.** A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development.

**LOT, FLAG.** A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street.

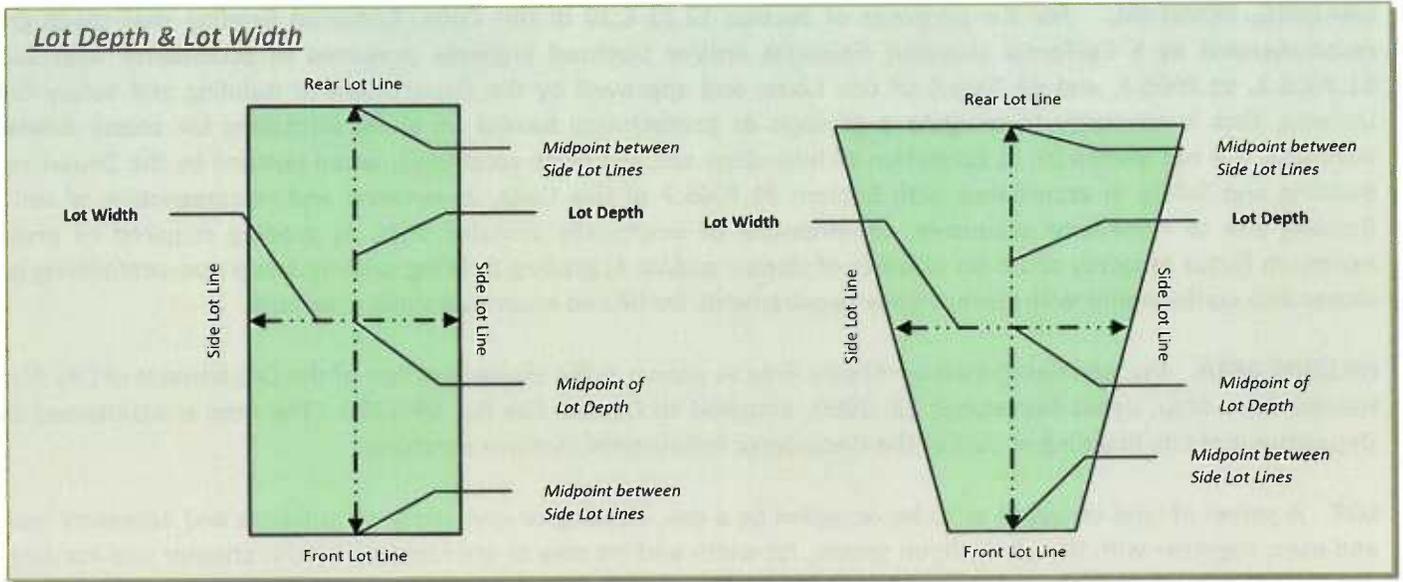
**LOT LINE, FRONT.** In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

**LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front line.

**LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.

**LOT WIDTH.** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.



**LOT AREA.** The total horizontal area within the lot lines of a lot.

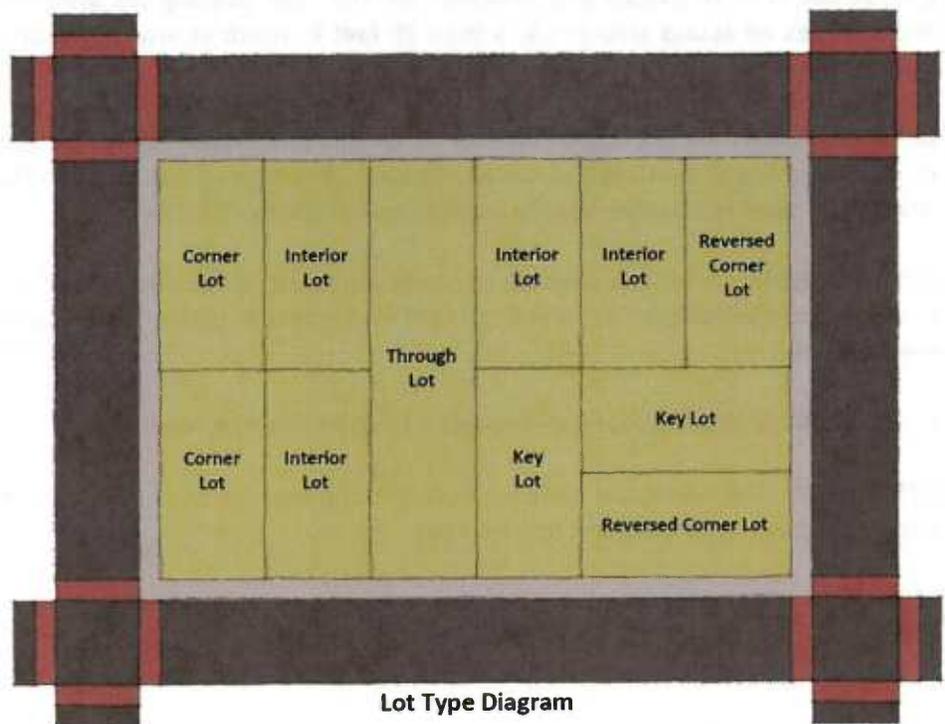
**LOT, CORNER.** A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty five (135) degrees.

**LOT, REVERSED CORNER.** A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT, KEY.** The first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

**LOT, THROUGH.** A lot having a frontage or two parallel or approximately parallel streets, but not including those lots having frontage on a street and frontage on a navigable public canal or waterway parallel or approximately parallel to said street.



**Lot Type Diagram**

**LOT, DOWNHILL.** A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a higher Elevation than the Rear Lot Line.

**BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

**LOT, UPHILL.** A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a lower Elevation than the Rear Lot Line.

**MAJOR REMODEL - HILLSIDE.** Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.

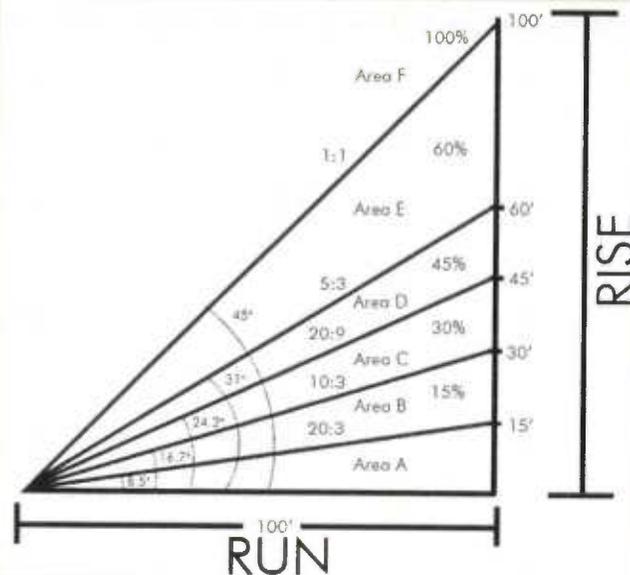
**ROOF, LATTICE.** A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition, beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches.

**SLOPE.** An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

**SLOPE BAND.** The area of a property contained within a defined Slope interval as identified in Section 12.21 C.10 of this Code and shown on a Slope Analysis Map prepared by a *registered (in the State of California) civil engineer or licensed surveyor* based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property.

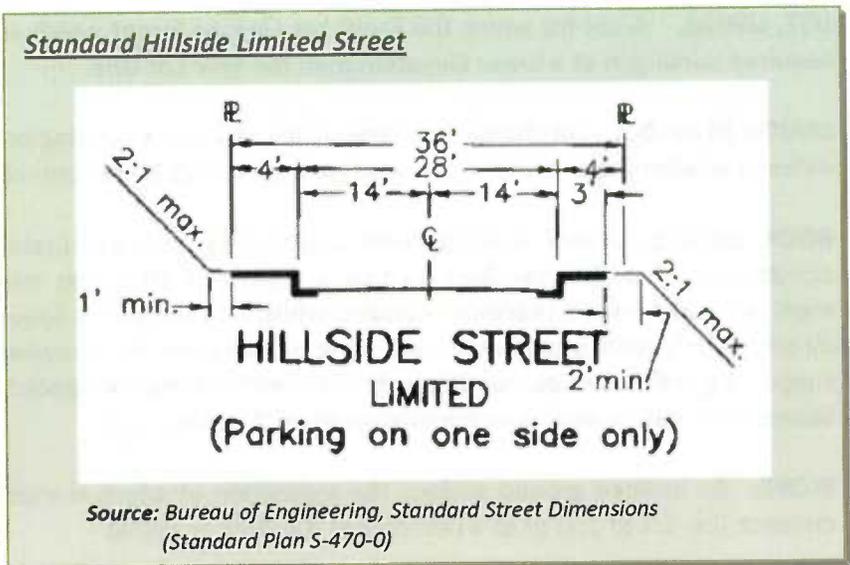
What Are Slope Bands?

Slope Band	Angle (in degrees)	Description
0% - 15%	0° – 8.5°	Flat to Moderate Slope
15% - 30%	8.5° – 16.7°	Strong Slopes (true hillside)
30% - 45%	16.7° – 24.2°	Very Strong Slopes
45% - 60%	24.2° – 31°	Moderately Severe Slopes
60% - 100%	31° – 45°	Severe Slopes
100% or greater	45° or greater	Extreme Slopes



**STREET, STANDARD HILLSIDE LIMITED.** A street (public or private) with a minimum width of 36 feet and paved to a minimum roadway width of 28 feet, as determined by the Bureau of Engineering.

**STREET, SUBSTANDARD HILLSIDE LIMITED.** A Street which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section 12.03 of this Code (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet, as determined by the Bureau of Engineering.



**STRUCTURE.** Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act.

**YARD.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

**YARD, FRONT.** A yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**YARD, REAR.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

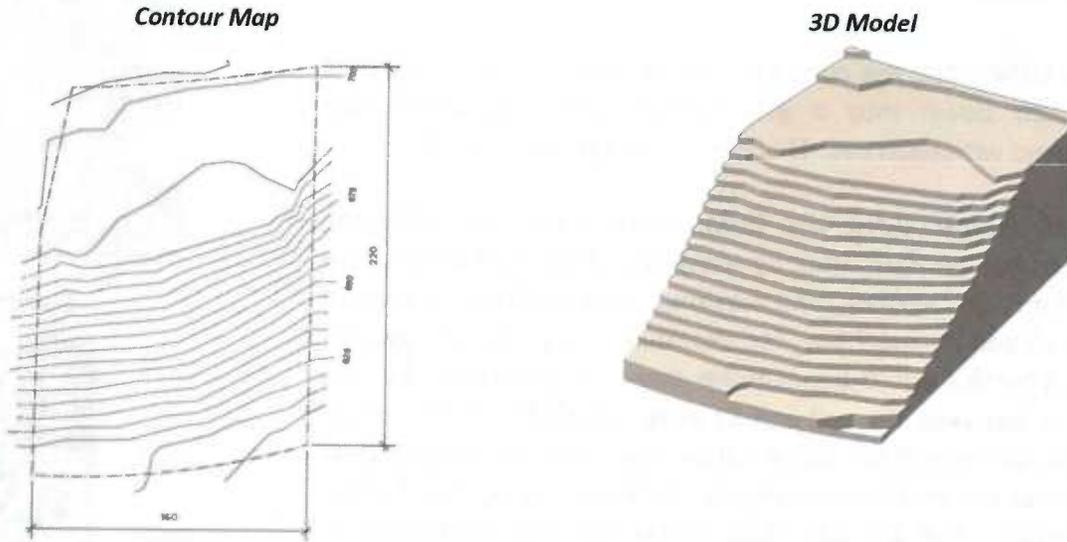
**YARD, SIDE.** A yard more than six (6) inches in width between a main building and the side lot line, extending from the front yard or the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

# Appendix A – Slope Analysis

## What Is A Slope Analysis Map?

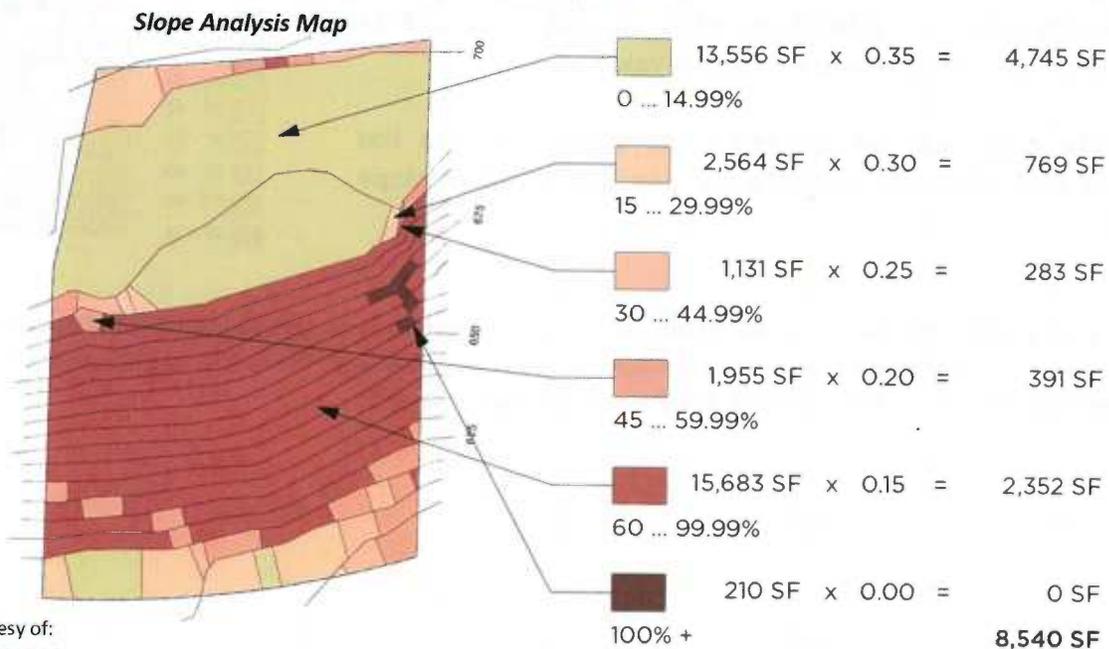
In order to prepare a Slope Analysis Map, a Licensed Surveyor or Civil Engineer will need to prepare a topographical contour map of a property (image on the left below).

A contour map identifies the slopes of a property by establishing height changes (slopes) on a lot using lines which identify specific elevations (from sea level). The 3D Model on the right below gives you an idea of what this information represents.



A Slope Analysis Map measures the closest distance between each line and identifies which Slope Band the area falls into. The result is a patchwork of areas that identifies the slope conditions of a property (see the example below).

This particular property is 35,100 square-feet and is zoned RE20-1-H. Using the Slope Analysis below, the base maximum Residential Floor Area for this property is 8,540 square-feet.



Graphics courtesy of:  
**URBAN STUDIO**  
www.urbanstudio.com

### How to Produce a Slope Analysis Map

There are a variety of ways to develop a slope analysis as there is a myriad of software that can analyze slope quickly. However, CAD- and GIS-based software are the most commonly utilized. There are other programs that are developed solely for slope analysis and would be left up to the discretion of the Licensed Surveyor or Civil Engineer.

#### Geographic Information System (GIS) Software

In order to use GIS, one could follow the following general steps:

1. **Acquire contour lines:** The data of interest may be acquired in various forms.
2. **Create DEM using the contour lines:** A DEM is a raster file that is broken down into a grid with specific elevation data associated with each cell. This file can be rendered in 3D.
3. **Compute slope:** Using the DEM, simply calculate the slope between the contour lines by using the slope tool in GIS. The slope function calculates the maximum rate of change between each cell and its neighbor, for example, the steepest downhill descent for the cell (the maximum change in elevation over the distance between the cell and its eight neighbors). Every cell in the output raster has a slope value. The lower the slope value, the flatter the terrain; the higher the slope value, the steeper the terrain. The output slope raster can be calculated as percent of slope or degree of slope.

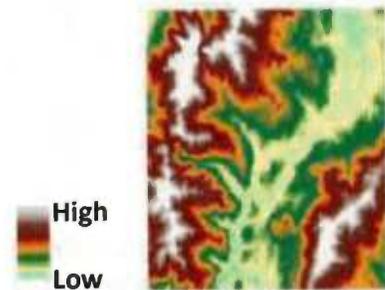
The Slope function is most frequently run on an elevation dataset, as the following diagrams show. Steeper slopes are shaded red on the output slope raster. However, the function can also be used with other types of continuous data, such as population, to identify sharp changes in value.

4. **Calculate area included in each slope band:** GIS also has another tool which can calculate the area within certain slope ranges.

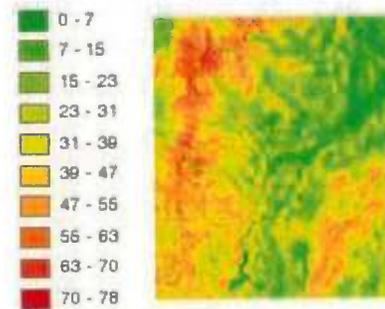
#### Topographic Survey



#### Elevation Dataset



#### Output Slope Data Set



#### AutoCAD

Like GIS, once a 3D surface has been created, AutoCAD has automated tools or software plug-ins that can calculate the steepest slope between contours and the area contained within slope ranges. There is a variety of software available that can convert the 2D contour map into a 3D file that can be then analyzed.

## Appendix B – Commonly Used Hillside Forms

The following pages are the most commonly used hillside forms.

### Slope Analysis and Maximum Residential Floor Area Form (a.k.a. Slope Analysis Form)

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a **Slope Analysis and Maximum Residential Floor Area Verification Form** (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

#### **Downtown Office**

Figueroa Plaza  
City Planning Counter (Station No. 7)  
201 North Figueroa Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

#### **Valley Office**

Marvin Braude Constituent Services Center  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at [Planning.FigCounter@lacity.org](mailto:Planning.FigCounter@lacity.org).

### Hillside Referral Form

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out.

In order to obtain this determination please go to the BOE public counter at the locations below:

#### **Central District Office**

201 N. Figueroa Street  
Los Angeles, CA 90012-2601  
*3rd floor counter*  
(213)482-7030  
*7th floor counter*  
(213)482-7474

#### **Valley District Office**

Braude Building  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401-2615  
(818)374-5090

#### **West Los Angeles District Office**

1828 Sawtelle Blvd., 3rd floor  
Los Angeles, CA 90025-5516  
(310)575-8384

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Department of Building and Safety / City Planning

JOINT REFERRAL FORM

Slope Analysis and Maximum Residential Floor area Verification Form

Baseline Hillside Ordinance (BHO), Ordinance No. 181624

**Instructions:**

1. This form is used by the Department of Building and Safety and City Planning to determine a permitted maximum Residential Floor Area for a project (new construction or addition to an existing construction) in R1, RS, RA and RE zones located within the Hillside Area as defined in Section 12.03 of the Code.
2. Proposed construction subject to BHO requirements will be accepted for Plan Check by the Department of Building and Safety, only if they have a completed Slope Analysis Verification Form, signed by City Planning Staff.
3. Complete Section I, II, and III on page 2 and submit this form along with two stamped and signed copies of Slope Analysis map prepared by a State of California registered civil engineer or licensed surveyor that includes the following information to the Department of City Planning at one of the locations listed in Section 4:
  - a. A Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a State of California registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.
  - b. A Slope Analysis Map that clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.
  - c. The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.
4. City Planning Staff are located at the following locations:

**Downtown Office**

City Planning Counter (Station No. 7)  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Van Nuys Office**

City Planning Counter  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

**Department of Building and Safety / City Planning**

**JOINT REFERRAL FORM**

**SECTION I.** Name Applicant(s)/Property Owner(s) \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**SECTION II.** Project Address: \_\_\_\_\_ Assessor Parcel Number: \_\_\_\_\_

Lot: \_\_\_\_\_ Tract: \_\_\_\_\_

Proposed Project Description: (describe in detail, including all proposed work and dimensions)

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**SECTION III.** Circle the Zone of the project site in Table 1 and complete Worksheet 1.

\*Residential Floor Area shall be calculated as defined in LAMC Section 12.03

Table 1. Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.5	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Worksheet 1. Hillside Area Maximum Residential Floor Area Formula					
(A)	(B)		(C)		(D)
Slope Bands (%)	Lot Area within each slope band (sq-ft). From survey/ contour map.		FAR from the Zone circled in Table 1		Max. Residential Floor Area* allowed within each slope band
0 – 14.99		X		=	
15 – 29.99		X		=	
30 – 44.99		X		=	
45 – 59.99		X		=	
60 – 99.99		X		=	
100 +		X		=	
Maximum Residential Floor Area =					

Department of Building and Safety / City Planning

JOINT REFERRAL FORM

I \_\_\_\_\_, am the licensed professional surveyor or Registered Civil  
(Print Name)  
Engineer in the State of California (License # \_\_\_\_\_, Expiration Date : \_\_\_\_\_)  
certify that all the above information is correct.  
Signature \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION IV. (To be completed by City Planning Staff)**

City Planning Staff: \_\_\_\_\_

Maximum Residential Floor Area: \_\_\_\_\_  
**Property Information:**  
Lot: \_\_\_\_\_ Tract: \_\_\_\_\_  
Assessor Parcel Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Staff Name (Please Print): \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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**DEPARTMENT OF BUILDING AND SAFETY/ DEPARTMENT OF PUBLIC WORKS  
 † PRELIMINARY REFERRAL FORM FOR HILLSIDE ORDINANCE #168,159 & #174,652**

**Building and Safety**

PIN: 150B177-615

Address \_\_\_\_\_ Applicant: \_\_\_\_\_  
 District Map: \_\_\_\_\_ Tract: \_\_\_\_\_ Project Description: \_\_\_\_\_  
 Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_

**Public Works: "B-Permits Counter"**

**Vehicular Access:** (for exceptions per 12.21A17(i))

1. Is the Continuous Paved Roadway (CPR)\* at least 28ft wide from the driveway apron of the subject lot to the boundary of the Hillside Area?  Yes  No

If "YES", **STOP**, project is exempt from the Hillside Ordinance.

If "NO", answer **ALL** of the following questions:

2. Is the CPR at least 20ft wide, from the driveway apron of the subject lot to the boundary of the Hillside Area?  Yes  No

3. Is the street adjacent to the subject lot at least 20ft wide?  Yes  No  
 (Note: all streets adjacent to a lot must be considered when the lot has multiple street frontages, such as a corner lot or a through lot.)

\* CPR = begins at the driveway apron and must be continuous and without permanent obstacles to the boundary of the Hillside Area.  
 If "2" and "3" are Yes: COMPLY WITH HILLSIDE ORD. ZA APPROVAL IS NOT REQ'D  
 If "2" or "3" are No: REFER TO PLANNING FOR APPROVAL PER 12.24X21

**Street Type:** (for front yards and street improvements, per 12.21A17(a) and (e))

1st Street Name: \_\_\_\_\_ R/W width: \_\_\_\_\_ Roadway width: \_\_\_\_\_

- Lot fronts on a standard hillside limited street  Dedication required width: \_\_\_\_\_ Plan Index: \_\_\_\_\_  
 Lot fronts on a sub standard hillside limited street  Improvement required

Comments: \_\_\_\_\_

2nd Street Name: \_\_\_\_\_ R/W width: \_\_\_\_\_ Roadway width: \_\_\_\_\_

- Lot fronts on a standard hillside limited street  Dedication required width: \_\_\_\_\_ Plan Index: \_\_\_\_\_  
 Lot fronts on a sub standard hillside limited street  Improvement required

Comments: \_\_\_\_\_

**Sewer Connection:**

Lot located less than 200 ft from sewer mainline:

- Use existing wye and permit  Obtain new connection and new permit  
 Use existing wye, obtain new permit  Obtain B-Permit from PW/BOE to construct new mainline

Lot located greater than 200 ft from sewer mainline:

- Obtain LADBS approval for on-site sewer  Obtain B-Permit from PW/BOE to construct new mainline

Public Works Employee completing this form:

Sign: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_ Location: \_\_\_\_\_

† The final determination of Hillside Ordinance applicability shall be made after any and all dedication/improvements (if required) have been made.