



EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **MAY 03 2023**

Case No. ZA-2021-8124-ZAD-1A
CEQA: ENV-2020-1181-CE
Plan Area: Northeast Los Angeles

Council District: 14 – de León

Project Site: 1431 North Avenue 57

Applicant: Scott Gaudes
Representative: Jim Bourgault; Matt Jewett, Keystone Strategic Planning

Appellant: Michael Dailey and Clayton Early

At its meeting of **December 14, 2022**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Exterior renovation or alteration and additions to an existing three-story single-family dwelling with an attached two car garage on an 8,655-square-foot lot. The proposed work includes removal of an existing 16-foot, eight-inch by four-foot, five-inch damaged deck and addition of 544 square feet for a new 616-square-foot deck with a cable railing system on a new caisson foundation on the street level, repair and replace an existing damaged 19-foot, eight-inch by 12-foot deck framing and foundation as needed for a new/repaired 236-square-foot deck in place of a 248-square-foot deck on the intermediate level, and removal an existing 16-foot, eight-inch by four-foot, five-inch damaged deck and add a new 303-square-foot deck that is 20.2 feet by 15 feet, with a cable railing system on a new caisson foundation at the lower Accessory Dwelling Unit (ADU) level.

1. **Determined**, that based on the whole of the administrative record that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Class 3 (accessory structures [balconies] on a single-family home), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied the appeal and sustained** the Zoning Administrator's determination dated September 28, 2022;
3. **Adopted** the attached Modified Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Campos
Second: Stevens
Ayes: Kelkar
Absent: Diaz, Garrity

Vote: 3 – 0



Linda Lou, Interim Commission Office Manager
East Los Angeles Area Planning Commission

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

Effective Date/Appeals: The decision of the East Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

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

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure (CEQA)

c: Charles J. Rausch, Associate Zoning Administrator

CONDITIONS OF APPROVAL

(As modified by the East Los Angeles Area Planning Commission at its meeting of December 14, 2022)

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard main 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 Department of City Planning, Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. No other deviations have been requested from any other applicable provisions of the Hillside regulations (Section 12.21 C.10 of the LAMC). All applicable provisions shall be observed.
8. Approved herein is the construction, use and maintenance of three new deck/patios on an existing three-story residence including an attached Accessory Dwelling Unit as follows:
 - Demolition of an existing patio on the entry level of the house, and its replacement by a 468 square foot patio and cable rail system on a caisson support foundation. The dimensions of the new patio shall be 31.2 feet by

- 15 feet which shall be accomplished by removing the 11-foot length of the patio adjacent to the garage;
- Demolition of an existing 248 square foot deck on the second floor and its replacement by a 236 square foot deck and cable railing; and
 - Demolition of an existing approximately 74 square foot deck on the lower ADU level and its replacement by a 200 square foot deck with cable railing; on a lot fronting on a Substandard Hillside Limited Street without providing a minimum 20-foot wide roadway adjacent to the property and a minimum 20-foot Continuous Paved Roadway from the driveway apron of the property to the boundary of the Hillside Area.
9. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
 10. The project shall comply with all the conditions required in the Department of Building and Safety Grading Division's Geology and Soils Report Approval Letter dated June 11, 2018 (Log # 103397). All conditions shall be printed on the plans submitted to the Development Services Center for plan check.
 11. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
 12. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. Prior to commencement of site excavation and construction activities, the phone number and the name of the contact person shall be provided to the property owners/residents on the adjoining properties. The contact information shall be posted on the site so that it is visible to any interested party. Contractor foreman or construction supervisor is to respond to any complaint raised within 24 hours.
 13. Construction and demolition shall be restricted to the hours at 9:00 a.m. and ending at 3:00 p.m., Monday through Friday only. No truck deliveries shall occur outside of the time period.
 14. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 15. All construction materials shall be stored on-site and not within the public right-of-way of Avenue 57 during hauling, demolition and construction operations.
 16. All haul trucks and material delivery trucks shall be staged on streets outside of the Hillside Area. Only one truck may be permitted at the site at any one time. Construction

workers shall also be staged off-site and construction workers shall be shuttled to the site.

17. Trucks for both hauling of dirt and delivery of supplies and equipment shall be 2 axel vehicles only.
18. All debris, trash and waste generated by the construction, including but not limited to building material remnants, removed weeds or dirt, food or drinks consumed by workers, etc., must be removed from the site or kept in a covered, trash receptacle on the property. Any trash stored on site must be removed at least once per week, or whenever the storage receptacle is full, whichever is sooner.
19. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 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.
20. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice

or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition

FINDINGS

MANDATED FINDINGS - ZONING ADMINISTRATOR'S DETERMINATION AND STREET ACCESS

In order for relief to be granted from requirements permitting the construction of buildings on Substandard Hillside Streets, all findings mandated in Section 12.24-X.28(a)(7) of the Municipal Code must be made in the affirmative. The following section states such findings with the applicable justification set forth thereafter:

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

The subject site is an 8,655 square-foot, down-sloping lot developed with a three (3)-story 3,921 square foot single family dwelling with an attached Accessory Dwelling Unit on the lower level consisting of 1,058 square feet which is contained within the 3,921 square feet of the residence. The site also includes a 448 square foot, two car garage. The lot slopes downward towards Nolden Street. The site's vehicular access is from Avenue 57. The lot depth is 126.40 feet on the western boundary and 140 feet on the eastern property line. The property is zoned R1-1, is designated for Low Residential land uses, and it is located in the Northeast Los Angeles Community Plan area. The subject property is located within the Hillside Area, Special Grading Area (BOE Basic Grid Map Act A-13372), Urban Agriculture Incentive Zone, Very High Fire Severity Zone, and is located within the Raymond Fault Zone.

The project proposes an exterior renovation of the residence's outdoor decks and balconies. The proposed work includes removal of an existing patio slider and replacement with a bi-folding door system, removal of an existing 16-foot, 8-inch by 4-foot, 5-inch damaged deck and the addition of 544 square feet for a new 616-square foot deck with a cable railing system on a new caisson foundation on the street level, repair and replace an existing damaged 19-foot, 8-inch by 12-foot deck framing and foundation as needed for a new/repared 236-square foot deck in place of a 248-square foot deck on the intermediate level, and removal an existing 16-foot, 8-inch by 4-foot, 5-inch damaged deck and add a new 200-square foot deck with a cable railing system on a new caisson foundation at the lower or Accessory Dwelling Unit (ADU) level. The applicant of this proposed project is seeking to deviate from the requirements of having to widen the roadway to 20-foot adjacent to the project site, as required by Section 12.21 C.10(i)(2) of the LAMC. The applicant is also seeking to deviate from Section 12.21 C.10(i)(3) for the project which fronts on a Substandard Hillside Limited Street that does not have a minimum 20-foot wide Continuous Paved Roadway from the driveway apron to the boundary of the Hillside Area. The third request is to deviate from the encroachment plane requirement as required by LAMC Section 12.21 C.10(d)(1)(ii).

One of the intents of the Hillside regulations is to provide for safe vehicular access for residents, visitors, and most critical, for emergency vehicles in case of fire or

other emergencies. The property is located in a Very High Fire Hazard Severity Zone. The applicant is requesting waivers from providing both the Minimum Adjacent Roadway width and the Continuous Paved Roadway width from the driveway apron to the boundary of the hillside area. While the importance of incremental increases in the width of the roadway is important to the area for emergency access on streets which are often less than 20 feet wide, it should be pointed out that the first paragraph of Section 12.21-C, 10 of the Los Angeles Municipal Code (LAMC) states that such improvements are only required when there is a new house constructed or when there is a "Major Remodel - Hillside". Section 12.03 of the LAMC describes a Major Remodel - Hillside as "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% of the replacement cost of the building". The Los Angeles County Tax Assessor estimates the assessed improvement value of the current residence at approximately \$600,000. Whether or not the proposed improvement equals \$300,000 cannot at this time be ascertained, but the home was built in 1985 prior to the passage of the BHO and is otherwise exempt from this provision of the Code. There is no evidence in the file that the Department of Building and Safety has done an evaluation of the cost of the improvement on the site. Thus, it is difficult for the Zoning Administrator to determine whether or not the proposed improvements would result in the requirement that the requested street improvements are required. Not knowing the cost of the improvements and with an abundance of caution in case the Department of Building and Safety insisted on the improvement before finaling any requested building permits, the Zoning Administrator is taking an action on the request and is granting the request to not improve the street in-front of the existing residence.

The proposed project, while increasing the size of the proposed decks, is not proposing to add to the square footage of the living area of the home. Additionally, aerial photographs of the site as well as a field check of the site showed that the street in front of the residence is 20 feet wide. There is also a private improvement on the site parallel to the street which improves the street by an additional two feet. Further improvement of the street is blocked by an existing utility pole which provides both telephone and electrical service to the residence and others in the area. This would preclude the expansion of the street as there is no other area to place the pole except elsewhere in the street right-of-way which is occupied by private improvements both on the site and on the surrounding properties.

With regards to the Continuous Paved Roadway requirement, many of the residences along Avenue 57 and surrounding streets are built directly adjacent to the street with no front yard setback. There are also a number of driveways, retaining walls, utility poles and other public and private improvements in the right-of-way which the applicants would be required to purchase from willing sellers. Requiring the applicant to widen the street to the edge of the hillside boundary would require many homes to be partially demolished or other improvements to be removed to meet this Code requirement. Therefore, requiring the 20-foot Continuous Paved Roadway to the bottom of the Hillside Area will not enhance the built environment in the surrounding area, and the waiver of this requirement is appropriate.

With regards to the requested deviation from the encroachment plane requirement as required by LAMC Section 12.21 C.10(d)(1)(ii), the Zoning Administrator has approved all of the requested new and repaired decks except for the eastern portion of the entry level deck. The deck in this portion of the proposal rises above an oak tree which is adjacent to the residence. Currently the entry level deck is located adjacent to the homes living room and is accessed via a sliding door which will be replaced. The proposed new deck is 15 feet wide and approximately 42 feet long. It would replace the small approximately 72 square foot balcony with a 468 square foot deck. The new deck would be located along the entire rear wall of the house. The deck as determined by the Zoning Administrator would occupy only one half of the rear wall of the building by being built only off of the living room of the house. The area adjacent to the garage would not be built. By doing this, the easterly portion of the deck would not violate the encroachment plain of the lot and would not be located above the existing oak tree. The westerly portion of the deck can be built. Though it does enter the encroachment plain of the residence, it is a minor encroachment which does not have the problem of a protected oak tree growing under it. The portion of the deck that was not approved is next to the garage of the residence which does not have an entry to the deck. The approved portion is next to the living room and replaces a small existing balcony which also violates the encroachment plain if it existed when the home was built. As the plain has already been violated with the existing balcony, the Zoning Administrator sees no reason to deny the new deck in this area. As approved, the project will enhance the built environment in the surrounding neighborhood by rehabilitating existing deteriorated balconies on the home while protecting an existing protected oak tree from an incursion into the top of the oak's drip line, providing the oak with continued sun instead of shade and will not constrain its vertical growth.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The requested Zoning Administrator Determinations would waive the street improvements in front of the residence, would waive the street improvements to the bottom of the hillside area and would allow the new street level deck to enter the encroachment plain on two sides of the building. The Zoning Administrator has approved the two requests for waivers of the street improvements as outlined in Finding No. 1. The determination also approved the 15-foot wide deck for the westerly portion of the property as the existing balcony also is within the boundaries of the encroachment plain so there is already a structure within the plain which is a requirement of the Code that did not exist when the residence was built.

The requested easterly deviation to the encroachment plain was denied because it would be built above the drip line of an existing protected oak tree. Section 17.05-R includes the Code's requirements for building in the drip line of a protected tree. The drip line is defined as a line drawn around the outer branches of the protected tree in which rainwater would drip from the branches. While the drip line is a vertical line from the ground to the top of the tree, it does not contain the area above the topmost branch. In discussions with the Urban Forestry Division of the Bureau of

Street Maintenance which is charge of all protected and street trees, staff stated to the Zoning Administrator that a deck which was built above the top-most branch of the tree would also harm the tree in that it would block water from reaching a portion of the tree, would block direct sun light to the tree and would interfere with vertical growth of the tree.

Additionally, the proposed deck in the area of the oak tree would also degrade the privacy of the adjacent property as it would be in a position to look into the windows of the adjacent home. While view blockage of a residence is not something that is prohibited by the Zoning Code, disruption of privacy by having windows or decks overlooking existing windows can be regulated for violating this finding of location, height and operations of a newly built structure not degrading adjacent properties. The approved entry level deck is on the opposite side of the house next to a vacant lot. The denied deck obstructs the drip line of a protected tree from above and would adversely affect the privacy of the adjacent home by overlooking existing windows. One should not be required to draw the curtains or blinds of an existing window in order to have some privacy from adjacent neighbors. This is an item which has been getting more and more regulation by the City in that Specific Plans such as the Vermont-Western Station Neighborhood Area Plan regulates window placement on adjacent buildings as does some of the newer Community Plan Implementation Ordinances. With the denial of the easterly portion of the entry level deck, the project's location, size, height and operations will be compatible with and will not adversely effect or degrade adjacent properties.

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

The Northeast Los Angeles Community Plan designates the property for Low Residential land uses, with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The proposed use of a single-family dwelling is consistent with this land use designation. The proposed project will and does adhere to the purpose, intent, and provisions of both the General Plan and the Community Plan. The Community Plan, which is part of the Land Use Element of the General Plan, sets various objectives for the planning and development of the community, and it seeks to guide development to be in character with the existing community. The Community Plan's Objectives include:

Objective 1-1: *To preserve and enhance existing residential neighborhoods.*

Objective 1-3: *To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.*

Objective 1-5: *To limit the intensity and density of development in hillside areas.*

As a single-family dwelling, the proposed project will help to achieve the objectives of the Community Plan by maintaining the single-family, low density residential character of the neighborhood. The additional decks to the residence are not prohibited by the Plan and the area of the encroachment plain deviation as approved is on the side next to a vacant lot and out of the drip line of the adjacent oak tree.

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

The property is zoned R1-1 and the Northeast Los Angeles Community Plan designates the subject parcel for Low Residential land use. The basic use of the property is consistent and compatible with the surrounding neighborhood. The surrounding area has yards that are steeply sloped away from Avenue 57 and have little room for recreational space for the residents. Therefore, many homes have decks protruding from the rear of the residences to provide recreational space for general lounging, play and outdoor cooking. The requested deviation from the encroachment plain of the project has been scaled back on the easterly side of the structure in order to keep the deck on the entry level out of the drip line of an adjoining oak tree. The existing deck on the second level is close to the oak tree but it is already in existence. The approval of the smaller deck on the entry level will only result in one deviation to the encroachment plain for the structure which is located next to a vacant lot and will result in a deck which will not overhang and shade the existing oak tree on the property. Oak Trees are protected trees in the City of Los Angeles and development is not to occur in the drip line of the tree. In this case, the intermediate level deck is adjacent to but not in the tree's drip line. The proposed deck on the entry level of the residence on the garage wall will overhang the top of the tree thus blocking natural rainfall onto the tree as well as shading it from the sun. It does not conform to good zoning practice to permanently shade a tree which normally grows in a sunny climate. Thus, the Zoning Administrator has determined that the entry level deck should not be built in a manner to shade the Oak which currently resides on the site.

The existing deck on the intermediate level which already exists may be rehabilitated as well as the deck posts and foundation which exist outside of the drip line of the tree. The development of the entry level deck as proposed on the westerly side of the building will result in only a minor deviation to the encroachment plain of the subject property and will result in additional recreational space to the residence at the location of the residence's living room. The portion of the deck which was deleted by the Zoning Administrator is adjacent to the garage and has no effect for extending the view or living space directly from the living room.

The grant of this request will not adversely affect any element of the General Plan, as the basic use of the property is consistent with the General Plan. Therefore, the grant as conditioned, is found to be in conformity with the objectives of the General Plan. The vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.

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

The traffic associated with the dwelling itself will not create any additional adverse impact on street access or circulation as the project is the replacement or repair of existing decks and balconies on an existing single-family home. The Accessory Dwelling Unit which is a part of the existing residence is also existing and is

permitted by the State of California's Government Code. Thus, the existing structure will not create additional traffic in the area. The residence is accessed from Avenue 57, which has a roadway width of 19.5-feet according to the Bureau of Engineering. The properties adjacent to the site also provide vehicular access from Avenue 57. As was explained in Finding No. 1, it is subject to question as to whether or not the street improvement requested by the Bureau of Engineering is allowable as the residence's interior living spaces are not being enlarged only the out-door decks. The improvements to any residence must constitute over 50% of the replacement value of the home in order to require street improvements. Because there is already two feet of private improvements next to the property line and there is a utility pole in the area of the requested 6-inch improvement, the Zoning Administrator did not require the improvement. While the development of the decks on the house will not create traffic, the construction of them will. A number of conditions have been imposed as part of this grant to ensure that during construction, neighbors are informed of building schedules, requirements for off-site staging of trucks and construction worker vehicles and limits on truck hours and sequential deliveries. As such, approval of the requested relief from LAMC Section 12.21C.10(i)(3) of the Code will not result in the creation of an adverse impact on street access or circulation in the surrounding neighborhood.

6. That the building or structure will not be materially detrimental or injurious to the adjacent property or improvements.

Though view blockage is not an issue that is normally taken up in decisions unless there is language in a Community Plan which prohibits such blockage, the Zoning Administrator has required that the new deck for the entrance level to the residence be halved both because of its interference with the drip line of the adjacent oak tree and because it overlooks the adjacent property with a direct view into the windows of the west side of the residence. As previously stated in Finding No. 2 regarding size and location affecting adjacent properties, the same finding can be made here. The proposed placement of the deck will look into the windows of the adjacent residence and will be materially detrimental and injurious to the privacy of these residents. It should not be forced upon a resident to close and draw blinds and curtains to maintain a modicum of privacy when your neighbors are recreating on their outdoor deck which overlooks your home. Thus, the request for the full deck on the entry level has been denied because of both the effects on the oak tree and the adjacent residence. As previously stated, the issue of privacy when new structures are built which have the effect of encroaching on the privacy of the next-door residence is being regulated more and more in Planning documents. As previously mentioned, the Vermont/Western Station Neighborhood Area Plan regulates window placement as does the San Pedro Community Plan Implementation Ordinance. With the implementation of Condition No. 8, the project will not be materially detrimental or injurious of the adjacent property.

7. That the building or structure will not have a materially adverse safety impact on the surrounding neighborhood.

The additional decks of the residence will not have a materially adverse safety impact on the surrounding neighborhood. As previously mentioned above, the request of the Bureau of Engineering for an additional six inches of street

improvement may not be required because the cost of the improvements are probably less than 50% of the replacement value of the residence. Additionally, site visits and photographs in the file show that the street is more than likely 20 feet wide in front of the house. The opposite side of Avenue 57 to the south of the residence has a large amount of eroded soil lying on the street from an adjacent slope. The removal of the eroded soil is not the responsibility of the applicant as he does not own the property that the soil is coming from. The residence itself has a two-foot wide area of pavement next to the street which actually is in the public right-of-way. The project has to abide by a grading permit from the Department of Building and Safety for the support structures for the new decks which must be built to Code standards. Thus, the new decks on the existing residence will not have an adverse safety impact on the surrounding neighborhood.

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

The request to not improve the street in-front of the residence has been approved because there is currently a two-foot improvement on private property which can be used for access for wide vehicles trying to negotiate the narrow street. In addition, there is a utility pole in the area of the six-inch requested widening. As previously mentioned, the narrowing of the street is in-front of the property on the south side of the street where soil from a slope has flowed onto the street during storm events. The responsibility for clearing any soil on the street is not the applicants. Additionally, the request to not improve the street from the driveway apron to the bottom of the hillside area was approved because of private and public improvements in the right-of-way which would preclude widening the street. The street, also, is not uniformly 6-inches short of being 20 feet wide which would result in the applicant having to improve a variable width of from 6-inches to five feet. As the applicant would have to purchase various improvements and move utility poles and other public infrastructure in order to widen the street, the improvement would be impractical and infeasible as to meeting the strict adherence to Section 12.21-C, 10(i).

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a Flood Zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment