

ADDITIONAL INFORMATION & FINDINGS

8665-8675 W. Appian Way

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PROJECT SUMMARY

The proposed project consists of a new two-story single-family dwelling with 2,081 SF of Residential Floor Area and an attached garage with space for two vehicles. The home will have a maximum envelope height of 20'-0" and will be built on a mildly graded portion of a generally steeply sloped, 23,695 SF lot fronting a Substandard Hillside Limited Street in the RE15-1-H-HCR Zone. Applicant proposes grading that will consist of 318.86 CY of cut, 5.44 CY of fill, and 313.42 CY of soil will be exported from the site and none imported. Applicant will demolish two existing retaining walls, undertake minor grading, and construct two new retaining walls on the property with a maximum height of 7'-4". Applicant will finish the project by landscaping the area around the new home with native shrubs and trees. Although the site does have a number of California Walnut trees, no trees of any kind will be removed or harmed in the course of the project.

REQUESTED ACTIONS

Zoning Administrator Determination No. 1:

Pursuant to Section 12.24 X.26 and Section 12.28, a Zoning Administrator Determination to permit the construction of two retaining walls between 5 feet 8 inches and 7 feet 4 inches in

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height, and the maintenance of twenty-four existing retaining walls up to three feet in height, in lieu of the maximum number of retaining walls allowed under LAMC Section 12.21 C.8.

Zoning Administrator Determination No. 2:

Pursuant to Section 12.24 X.28, a Zoning Administrator Determination to permit the construction of a single-family dwelling on a lot fronting a Substandard Hillside Limited Street with a roadway width that is less than the 20 feet required under Section 12.21 C.10(i)(2).

Zoning Administrator Determination No. 3:

Pursuant to Section 12.24 X.28), a Zoning Administrator's Determination to permit the construction a single-family dwelling on a lot that does not have a vehicular access route by way of a street improved with a minimum 20-foot-wide continuous paved roadway from the driveway apron to the boundary of the Hillside Area as required under Section 12.21 C.10(i)(3).

Zoning Administrator Adjustment:

Pursuant to Section 12.28, a Zoning Administrator Adjustment to permit the construction of two retaining walls with a maximum height 7 feet 4 inches in required side yards within a Hillside Area, in lieu of maximum height of six feet that is allowed under Section 12.22 C.20(f)(3).

Waiver of Roadway Dedication:

Pursuant to Section 12.37.I, and with respect to the proposed construction of a single-family dwelling on a lot fronting a Substandard Hillside Limited Street. a waiver of the requirement to dedicate land along the full frontage of the subject property as needed to improve the adjacent roadway to the full width of a Standard Hillside Limited Street, as required under Code Section 12.21 C.10(i)(1).

Approval of CEQA Class 3 Categorical Exemption:

In accordance with Section 15303 of the California Environmental Quality Act of 1970, and Sections 21083 and 21084 of the Public Resources Code, Applicant requests that the Advisory Agency find that the subject project is Categorically Exempt as a Class 3 'New Construction or Conversion of Small Structures' project that will not result in significant environmental effects.

PROPERTY DESCRIPTION

The subject property is located along a quiet residential street within a designated Hillside Area. The property is zoned RE15-1-H-HCR and has a General Plan Land Use Designation of Low II Residential. The site consists of a minimally developed parcel of land located approximately one mile from Laurel Canyon Boulevard, which lies to the northeast. The property is subject to the City's Baseline Hillside Ordinance (Ordinance No. 181,624), and is a steeply sloped, L-shaped interior lot consisting of 23,695 SF (approximately 0.54 gross acres).

The southerly side of the property has approximately 261 feet of street frontage along Appian Way. The other sides of the property have interior lot lines with the adjoining parcels. The property's highest point is at its furthest point from Appian Way, where the topography is approximately 135 feet higher than the lot's lowest point adjacent to the right-of-way. As the lot descends towards the roadway below, the grade of much of the lot equals or exceeds 60%, and in places, the slope is greater than 100%.

In contrast to the sharp grade that characterizes most of the site, the westerly 60 feet of the lot is gently sloped and was previously improved with a single-family home that was issued a Certificate of Occupancy in September of 1962. The earlier dwelling has since been demolished, with only a retaining wall and broken pieces of concrete remaining that will be removed prior to construction, along with a second smaller retaining wall that was built next to the Appian right-of-way. This portion of the property is limited in its development potential by the presence of a 10-foot-wide easement that is improved with a concrete culvert to channel storm water runoff from the upslope lots and with power lines running overhead.

Applicant purchased the property on April 8, 2022, for the purpose of constructing a new single-family dwelling that she will use as her primary residence. The proposed development is an infill project on a roadway classified as a Substandard Hillside Limited Street. The proposed home will be built on the upslope from Appian Way, near the location of the previous dwelling on the property. The new home will feature two stories of living area with a ground floor garage and entry.

The site is not located within a Historical Preservation Zone or a Specific Plan Area but is in a Hillside Construction Regulation District. The property lies within the Hollywood Fault Zone and is within a known landslide area. However, the geology of the property is appropriate for the project and has been determined to provide the stability and support needed for the proposed development of a single-family dwelling. The property and surrounding area are also within an area designated as a Very High Fire Hazard Severity Zone. The property does

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have a small grove of California Walnut trees on the northeast portion of the lot away from the proposed development. No trees of any kind will be removed or harmed in the construction of Applicant's single-family home.

SURROUNDING ZONING & USES

The abutting and nearby properties are variously zoned as RE15, RE11, and R1, and are generally characterized by a sloping topography and uniformly developed with single-family dwellings. While there are several other vacant lots to be found along Appian Way, none of these parcels are practical to develop given of their sharp grades. In fact, only about 2,800 SF of Applicant's property is suitable for development, as the extensive grading and structural work needed to build on the remainder of the parcel makes construction costly and impractical.

The property abutting the property to the south at 8683 Appian Way is zoned RE15 and has been improved with a 1,139 SF single-family dwelling, while the parcel to the northeast is similarly zoned RE15 and contains a 1,559 SF single-family dwelling. To the north, a 1,540 SF single-family dwelling on a RE15 parcel abuts the subject property. And across Appian Way, a 2.3-acre parcel is zoned RE11 and is improved with a larger-than-average 6,654 SF single-family dwelling.

PREVIOUS ZONING CASES

Previous zoning related actions in the area include the following:

Subject Property:

There are no zoning cases for the subject property.

Nearby Properties:

Case No. ZA-2008-4925-ZAD-ZAA: 8645 W. Appian Way

On May 12, 201, the Zoning Administrator terminated an application to construct a single-family dwelling with an attached three-vehicle garage on a lot which 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 dwellings to the boundary of the Hillside Area.

Case No. ZA-2008-4928-ZAD-ZAA: 8651 W. Appian Way

On May 12, 201, the Zoning Administrator terminated an application to construct a single-family dwelling with an attached two-vehicle garage on a lot which does not have a

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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 dwellings to the boundary of the Hillside Area.

GENERAL FINDINGS FOR DISCRETIONARY ENTITLEMENT APPROVALS

1. The proposed development 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 proposed single-family dwelling will aesthetically enhance the hillside enclave by its use of quality construction materials and a design adapted to the rugged topography conceived by a highly-skilled and capable architect. The development will have a contemporary design and be of a scale and character that is appropriate to the site's residential zoning classification and the surrounding neighborhood. Once finished, the new home will be adorned with attractive landscaping. The dwelling will have large and plentiful windows that will fill the residence with natural light. All partitions of habitable spaces will be fully insulated, and the windows will feature double pane glass. The materials at exterior of the building will include smooth light gray stucco, exposed concrete, natural Red Cedar, and glass, and will present a modern and clean façade.

The zoning regulations require that the residence provide off-street parking within a two-car garage. The structure will be designed to minimize the visual impact of utilities and rooftop equipment. Equipment rooms, storage rooms and trash enclosures will be discretely located and screened. Rooftop equipment will be set back from the roof parapet edge and appropriately shielded from public view.

The architecture of the building will feature clean, simple lines that are visually appealing and that will give the structure a distinctive identity, while the use of natural colors will project warmth and a respect for the surrounding environment. The home will have a low center of mass and will make use of an articulated design to downplay its scale and better fit in with the other dwellings in the area. With the aesthetics and design of the proposed residence, the project will make a lasting contribution to the neighborhood's built environment.

2. The location, size, height and other significant features of the proposed development are compatible with, and will not adversely affect or further degrade, adjacent properties, the surrounding neighborhood, or the public's health, welfare, and safety

Although the other homes in the immediate area were built prior to the City Council's

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adoption of the Baseline Hillside Ordinance, none of the rights being requested by Applicant would cause her home to appear out of scale or contrary in character to the existing homes in the neighborhood. The structure's height, setbacks, and floor area will conform to the hillside zoning standards. The new home's 2,081 SF of Residential Floor Area is just over half of the 3,904 SF that could be built on the property in accordance with the Slope Analysis.

The single-family dwelling proposed by Applicant has been designed to be compatible with the surrounding neighborhood. The home's exterior will be professionally landscaped, and the long-vacant lot finally be improved with a single-family residence. Studies show that transforming vacant land into an occupied parcel can both improve neighborhood property values and reduce the risk of crime. As a modern home, the new dwelling will have a more contemporary look than some of the older homes in the neighborhood, but as the architecture in the local community is quite eclectic, it should not adversely affect or degrade any adjacent property.

Applicant recognizes the high risk of wildfires in the Hollywood Hills, and that poor construction practices can increase fire risk, hinder accessibility by first responders, and create nuisance conditions for local residents. As a result, at every stage in constructing the new dwelling, Applicant will ensure that "best construction practices" are utilized to minimize fire risks, eliminate unnecessary noise and dust, avoid traffic delays and road obstructions, and provide neighbors with ongoing project updates and advance notification of major construction events. Many of these requirements are incorporated into the Code's Hillside Construction Regulations, which are applicable to the subject property.

In consideration of the above, Applicant believes that her new home will not adversely impact the health, welfare, or safety of any of her neighbors.

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

Los Angeles General Plan

California State law (Government Code Section 65300) requires that each city prepare and adopt a comprehensive, long-term general plan for its future development. Accordingly, the General Plan is the City's roadmap for future growth and development. The General Plan sets forth a comprehensive vision for the future of Los Angeles that is rooted in balancing population growth and the protection of the City's environmental treasures with the ever-increasing demand for finite urban resources, such as housing, transportation, and a shrinking supply of undeveloped land.

The General Plan is comprised of the Framework Element, seven state-mandated elements, and locally-relevant additional elements that have been adopted by the City Council. The Framework Element establishes the broad overall policy and provides direction for the other components of the General Plan. When evaluating the proposed project against the public policy tenets articulated in the Framework Element, the development of Applicant's single-family dwelling is found to be in substantial conformance with the following Framework Element housing goals and objectives:

● **Goal 4A:**

An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

○ **Objective 4.4:**

Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

The General Plan's Housing Element is driven by what is described as "an unprecedented housing crisis" due to the high demand for housing and the lack of affordable options. The Housing Element recognizes that the City must utilize its regulatory powers to ensure that a diverse assortment of housing choices exist for residents of all income levels. Accordingly, by approving the requested entitlements, the Zoning Administrator would be advancing the following goals and objectives of the Housing Element:

● **Goal 1:**

A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

○ **Objective 1.5:**

Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Because the proposed single-family dwelling will advance the City's efforts to promote diversified housing solutions for its residents, the project should be found to conform to both the intent and the letter of the General Plan.

Hollywood Community Plan

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The Land Use Element of the City's General Plan divides the City into thirty-five Community Plan areas. The project site is located within the Hollywood Community Plan area. An attempted 2012 update the Hollywood Community Plan was challenged for environmental reasons and was overturned by a Los Angeles Superior Court decision in June of 2014. As a result, the City reverted back to the 1988 Hollywood Community Plan and the zoning regulations that existed immediately prior to the adoption of the Community Plan update in 2012.

Unfortunately, the 1988 version of the Hollywood Community Plan is a short, high-level document that did not adequately anticipate or provide for the myriad of changes that have taken place in recent decades. There is nowhere in Los Angeles where the contrast and conflict between urban and pastoral lifestyle choices are so apparent as within the Hollywood Community Plan Area.

The Hollywood Community Plan sets policies for planning and land development that reflect the unique character of its jurisdiction. Accordingly, the Hollywood Community Plan is intended to ensure that new development within the Hollywood district reflects local needs, priorities and tastes. Like the General Plan, the Hollywood Community Plan establishes housing diversity as one of its seven key objectives:

“To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.”

By permitting Applicant to build the new home as her personal residence, the City will fulfill its goal of formulating a housing policy that ensures that all segments of the Community are served.

The property is designated in the Hollywood Community Plan Land Use Map as appropriate for Low Residential II development, with the corresponding zones of RS and R1. Notwithstanding this land use designation, on June 15, 1966, the City Council rezoned Applicant's property from R1-1 to the more restrictive RE15-1 classification, pursuant to Ordinance No. 132,416. Since this zone change was not accompanied by a General Plan Amendment, the zoning of Applicant's property is technically inconsistent with its land use designation under the Hollywood Community Plan Land Use Map, as the current RE15 zoning is only appropriate for land designated for Very Low Residential II land uses.

That said, the proposed use of Applicant's property for a single-family home would be appropriate in any of the zones corresponding to either the Low Residential II or the Very Low Residential II land use categories— RS, R1, RE11 or RE15— and is consistent with the

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character of development throughout the surrounding neighborhood. Furthermore, this is not a situation where the zoning classification is more permissive than a property's land use designation, but the opposite. Here, the Low Residential II land use designation would ordinarily correspond to a less restrictive zoning such as RS or R1, not RE15 zoning that characterizes the subject property. Therefore, this deviation does not violate the land use policies of the Hollywood Community Plan.

Recognizing that the district's unique topology drives special land development requirements, the Hollywood Community Plan establishes additional policies for hillside development:

"Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City."

The Community Plan further provides that development projects should respect and complement the existing topography by seeking to: "minimize grading so as to retain the natural terrain and ecological balance."

The Hollywood Community Plan favors the "cluster concept" of planned land development, where construction in hillside areas is largely confined into groupings of common residential uses in densely populated neighborhoods that are surrounded by open, undeveloped spaces that are left in either a natural state or improved to a park-like setting. The proposed single-family dwelling will be located on a small portion of within an existing cluster of homes within a neighborhood that has existed in this area for well more than fifty years. There will be eight single-family within a radius of 160 feet from the proposed dwelling.

The footprint for the new home will be approximately 1,300 SF. This is about 5.0% of the site's total land area of 23,695 SF. Consistent with the clustering of residential uses championed by the Hollywood Community Plan, the sloping land that characterizes the remainder of the property will be unaffected by the proposed development, and will remain as undeveloped open space.

The proposed construction of a single-family dwelling will help preserve the character of the Lookout Mountain Park community, and in turn, will help increase the supply and variety of housing available within the Hollywood Community Plan area. In light of the foregoing, Applicant submits that the proposed development of a single-family dwelling on the subject property is consistent with the Hollywood Community Plan's objectives and policies for residential hillside projects.

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4. The proposed use is in conformity with the public necessity, convenience, general welfare and good zoning practices.

In Los Angeles, the need for additional housing stock is a public necessity. Accordingly, Applicant proposes to improve and use the subject property for residential purposes that are consistent with its RE15 zoning classification.

Moreover, the addition of one more dwelling in the neighborhood unit will not result in a noticeable increase in roadway traffic or noise, nor a measurable deterioration in air quality. Since the project site is in a Hillside Construction Regulation Supplemental Use District, the construction of the new home will need to comply with limitations on truck traffic, hauling equipment, and hours for hauling operations and construction. These regulations are intended to balance the rights of hillside owners to improve their property while protecting the quiet enjoyment of neighboring owners and occupants of their land, while ensuring public safety by setting limits on the size of hauling equipment and the number of heavy trucks traveling on local roads during construction.

Therefore, Applicant believes that the project will not have an adverse impact on the public's convenience or general welfare, and approval of the project will be consistent with good zoning practices.

ADDITIONAL FINDINGS FOR A ZONING ADMINISTRATOR DETERMINATION

Sections 12.24(X)(26) and 12.24(X)(28)(b)(7) empower a Zoning Administrator to grant limited exceptions from the property development standards established by the Code upon a showing of the following additional findings:

1. Retaining Wall Findings

(a) The proposed development 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

Applicant proposes to demolish one retaining wall located in the footprint of the new home that was apparently part of an old dwelling on the property that was removed long ago. In building the new home, the side and rear walls will be reinforced and used in part to hold back soil, as will an anchored wall that will extend 15 feet to towards the rear lot line.¹ In

¹ Under LAMC Section 12.28 C.8, this wall will not be counted toward the maximum allowable number of retaining walls allowed on the property.

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addition to this connected wall, a freestanding retaining wall will begin at the front of the dwelling and continue along the southerly property line for a distance of 52'-11" before turning right at approximately 85 degrees and running northwest for a distance of 68'-2" before terminating at the 15'-0" wall that will be attached to the new dwelling.

The Zoning Code and LADBS regulations require that this structure be counted as two discrete and separate retaining walls. While two retaining walls can ordinarily be constructed by right, a Zoning Administrator Determination is being sought to protect Applicant from work that was done on the property many years before she purchased the land.

Sometime in the past, a previous owner of the property constructed a large number of retaining walls along the steeply sloped portions of the lot. From a review of LADBS building records, it does not appear that any of these retaining walls were properly permitted, and therefore are unlikely to be legally nonconforming as of March 5, 2005, when Ordinance No. 176,445 took effect (which regulated the maximum number of retaining walls). These past improvements included the construction of approximately twenty-four retaining walls up to three feet in height, which were used to create areas for the planting of shrubs and trees, and to provide support for walkways, a fountain, and a series of small terraces.

Some of these walls are construction of concrete blocks, while many of them were built with stone masonry, brick, concrete, and wood. Two structures were also erected on the property that continue to exist. The first is a small, decorative wooden trellis and the second is a small, covered patio with a barrel-tile roof. These shade structures, as well as the fountain, walkway and terrace improvements were not maintained by the previous owner and are currently in fair-to-poor condition. However, each of the retaining walls appear to be sound and structurally intact.

Applicant believes these retaining walls would be extremely costly to remove and may compromise the stability of the hillside which they currently reinforce and protect. If these unpermitted structures were not present on the property, Applicant would have no cause to seek zoning relief for an excessive number of retaining walls. While it is possible that LADBS might rule that some of these walls are "garden walls" and exempt from the zoning regulations, Applicant is seeking this entitlement out of an abundance of caution.

With the proposed retaining walls, the new single-family home will be structural sound and meet all requirements of the Building Code. Even though the portion of the lot where the home will be located is gently sloped, the home cannot be constructed without the use of the two proposed retaining walls. As explained elsewhere in this document, the dwelling

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will improve a long-vacant property with a modern and attractive single-family home. Therefore, Applicant contends that the proposed development, including the new retaining walls, will make a substantial and lasting contribution to the neighborhood's built environment.

(b) While the site characteristics make strict adherence to the zoning regulations impractical and infeasible, the project nonetheless conforms with the intent of the zoning regulations.

As part of the requested entitlement actions, Applicant is seeking the right to construct two new retaining walls on his property that will be used to clear an area for the building pad and a rear yard, provide a passageway along the left side of the residence, and afford sufficient open space at the rear of the new home for an open-air deck and recreational area. By itself, these new retaining walls would not exceed the number allowed for a hillside project. However, Applicant is compelled to seek a Zoning Administrator Determination to allow more than two retaining walls solely because of unpermitted work on the property that was undertaken by a previous owner. Applicant does not have the considerable resources needed to remove, rebuild and restabilize the numerous structures that were built along 190 feet of her parcel, most of with slopes greater than 60 percent, and a significant portion with a grade beyond 100 percent.

The construction and maintenance of the new retaining walls will meet both the spirit and intent of the zoning regulations. However, Applicant's issue is solely with the existing retaining walls on the property. Applicant submits that the strict enforcement of the zoning regulations would not only make her project unaffordable but will also make any future development of the property impractical.

(c) In light of the project as a whole, including mitigation measures proposed by Applicant the project will be compatible with and not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The existing structures on the property have been there for many years. Although unpermitted, these retaining walls are essentially an accepted part of the neighborhood's built environment and will not adversely affect or degrade any of the adjacent properties. Furthermore, Applicant's property is in an area historically noted for landslide activity. These older walls also appear to have stabilized the slope, preventing the flow of soil and debris from reaching and obstructing the flow of traffic along Appian Way. In this way, these walls are continuing to serve an important purpose that has benefited the surrounding neighborhood.

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The new retaining walls proposed by Applicant are essential in making room for a small rear yard that is accessible by a pathway and stairway from Appian Way on the south exterior of the dwelling that is sufficient to meet LAFD emergency access standards. As discussed elsewhere in these findings, on the north side of the proposed home, a drainage easement impairs access to the rear of the structure by first responders, giving Applicant no other practical option than to construct a retaining wall to facilitate the needed access via the south side of the home. As a result of this mitigation measure, the project as a whole will enhance the surrounding neighborhood. The presence of a new home, made possible by the use of the new retaining walls, will substantially improve an undeveloped parcel of land without adversely affecting the public's health, safety and welfare.

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

The 1988 version of the Hollywood Community Plan is a high-level document and does not address retaining wall standards. However, the framers of the Hollywood Community Plan were aware that the Code provides for a process by which an Applicant can request a deviation from the prescribed number of retaining walls, subject to meeting certain required findings and subject to the discretionary review of a Zoning Administrator.

The requested entitlement to construct the two retaining walls will allow Applicant to construct a new single-family dwelling to improve a long-vacant parcel of land. Construction in Hillside Areas is at best difficult without the use of retaining walls, and in many cases, is utterly impractical. The proposed retaining wall will provide adequate space for a building pad, an appropriate passageway on the left side of the new home, and a small open space for recreational use at the rear of the residence. This will promote the General Plan goal of increasing housing stock at all levels in the market.

Moreover, by locating the new dwelling adjacent to a cluster of other dwellings in the neighborhood, Applicant will take advantage of the favorable topography while satisfying the Hollywood Community Plan's policy of clustering density in hillside areas so as to leave ample undeveloped open space. Therefore, Applicant believes that even with the existing retaining walls on the site, the project will still substantially conform to the purpose, intent and provisions of the General Plan and the Hollywood Community Plan. Hence, the granting of the requested relief would be consistent with the intent and purpose of the General Plan in that it would advance the goal to preserve and enhance the varied and distinct residential character and integrity of this unique single-family neighborhood.

2. **Street Access Findings**

(a) The vehicular traffic associated with the new single-family dwelling will not create an adverse impact on street access or circulation in the surrounding neighborhood.

The improvements at the site will include an enclosed two-car garage. The incremental traffic associated with this single-family infill project is not expected to create any significant impacts on street access or circulation. The site will not exceed its allotted density or include uses that are not compatible with its zoning or the Low Residential II land use designation under the Hollywood Community Plan. The proposed setback is appropriate for the zone and exceeds that of other non-conforming properties in the neighborhood that have structures built right up to the edge of the public right-of-way.

The dwelling will be built on a reverse L-shaped parcel that borders Appian Way for an unusually long distance of 261 feet. Appian Way has a uniform width of 18 feet along the property's frontage. According to the Bureau of Engineering, Grand View Drive is a Substandard Hillside Limited Street and does not provide the requisite continuous paved 20-foot roadway from the proposed driveway apron to the boundary of the Hillside Area.

The new dwelling is intended for the occupancy of a single family. In accordance with the zoning regulations, Applicant's property cannot be used for a multi-family residence, and Applicant has no plans to construct an ADU. In addition, the garage will have dual parking bays and the driveway will have sufficient parking space for at least two additional vehicles. Therefore, the approval of this project will not generate an undue number of roundtrips, nor will it result in vehicles parking on the right-of-way due to insufficient on-site parking. Consequently, the vehicular traffic associated with the new single-family dwelling should not create an adverse impact on street access or circulation in the surrounding neighborhood.

(b) The proposed single-family dwelling will not be materially detrimental or injurious to the adjacent properties or improvements.

Applicant's new home has been designed to respect the area's natural surroundings. The proposed structure will conform to the required setbacks from the property line and will not impair any neighbor's access to sunlight and fresh air or block their scenic views. Nor will the development be out of step with the scale and character of the local community. The new dwelling will have a total RFA of 2,081 SF, which is comparable to the other homes in the area.

As explained elsewhere, Applicant is seeking a waiver from having to dedicate a significant

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portion of the scant level land on her property for the purpose of widening the roadway. This is in part because such expansion is inherently impractical, and in part because of the unfair burden it would place on Applicant.

Strict adherence to the roadway widening required by LAMC Section 12.21 C.10(i)(2) and Section 12.21 C.10(i)(3) is not practical because Applicant does not own those properties and is unable to fund the widening of the roadway to the boundary of the Hillside Area. Even if the land dedication was made and this limited stretch of Appian Way were widened, it would simply create bottlenecks on each side of Applicant's property as the roadway closes back up to its uniform 18-foot width.

The requested relief is consistent with similar approvals that the City has granted to owners of similar hillside properties that have been granted approval to construct new homes and additions to existing dwellings. Approval of this relief by the Zoning Administrator should not be materially detrimental or injurious to any adjacent properties or improvements.

(c) The building or structure will not materially or adversely impact safety in the surrounding neighborhood.

The property is located within a Very High Fire Severity Zone and a BOE Special Grading Area. The new dwelling will be equipped with fire sprinklers and the Site Plan is subject to the approval and review of the Los Angeles Fire Department. Except for requested entitlement, the proposed structure will meet or exceed all applicable zoning standards and will conform to all construction and safety requirements imposed by the Building Code and the Department of Building & Safety. Nothing in connection with the proposed single-family residence will not materially or adversely impact safety in the surrounding neighborhood.

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

Applicant does not have the considerable resources needed to make improvements to the area's substandard hillside streets, nor even just to Appian Way along its lengthy 261-foot frontage with her property. Applicant is therefore compelled to seek relief from the burdensome requirements of Code Section 12.21 C.10(i)(2) and Section 12.21 C.10(i)(3). It should be added that there are some properties in the area that have improvements (such as fences and garages) that are built all the way to the edge of the public right-of-way. As a result, no roadway expansion could be likely accomplished without the exercise of the City's police powers to enforce the Code's setback regulations, and to exercise eminent domain rights as may be necessary to establish a continuous 20-foot paved roadway.

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Therefore, it is neither practical nor feasible for Applicant to make the additional improvements needed to ensure that her new home will be accessible via a continuously paved roadway of not less than 20 feet in width from the driveway apron to the boundary of the Hillside Area. Consequently, the strict enforcement of Section 12.21(C)(10)(i) would essentially deny Applicant the ability to build her dream home.

ADDITIONAL FINDINGS FOR A ZONING ADMINISTRATOR ADJUSTMENT

Section 12.28 empowers a Zoning Administrator to grant certain adjustments from the property development standards established by the Code upon a showing of the following additional findings:

3. Over-Height Retaining Wall in the Required Side Yard

(a) While the site characteristics make strict adherence to the zoning regulations impractical and infeasible, the project nonetheless conforms with the intent of the zoning regulations.

The odd geometry of the subject property² creates a problem unique to Applicant's property when combined with three additional factors: (i) a 10-foot public easement that is improved with a concrete culvert to channel storm water runoff from the upslope lots and with power lines running overhead, and (ii) the property's unique topography, which provides only the proposed building site as suitable for development, and (iii) the upward slope ascending from Appian Way to the property line directly behind the proposed home.

As a result of these factors, in planning the home it became apparent to the architect that the project would face substantial design constraints: (a) because of the severe slope that predominates the property, the home can only be built at this location on the lot, (b) the home cannot extend any closer to the southerly property line than 7'-4 5/8" (i.e., 10% of lot width plus one additional foot for a structure higher than 20 feet), (c) the placement of the home on the buildable area is further limited by the presence of the public easement to the north, and (d) the further the home extends to the rear, the more soil that will have to be removed and the smaller the rear yard will be. Based on these factors, the architect concluded that it was necessary to extend the retaining walls into the required yards at a maximum height of 7 feet 4 inches, in lieu of maximum height of six feet in a Hillside Area that is allowed under Section 12.22 C.20(f)(3).

² Due to the unusual shape of Applicant's property, the Department of Building & Safety has determined that the lot boundaries to both the left side and rear of the proposed dwelling constitute side lot lines under the Zoning Code.

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The intent of the zoning regulations is to provide for the orderly use and development of land, while protecting adjacent property values and promoting the health, safety, and welfare of the public in accordance with the provisions of the General Plan. These standards are written on a Citywide basis and do not take into account the unique characteristics any individual property may have, such the severe slope, irregular shape and public easement that characterize Applicant's land.

From Appian Way, a retaining wall will be visible at its lowest height of 5'-8." This retaining wall does not extend into the required front yard. Significantly, the retaining wall does not exceed the allowed height of 6 feet until the rear of the home³, where the height reaches a maximum of 7'-4". Notably, the excess height of 1'-4" will not be visible from the right-of-way, nor will it block any views or be visible from any of the parcels surrounding Applicant's property. The retaining wall will be visible from the dwelling immediately to the south of the subject property, but since the wall height is being measured from the finished grade and doesn't reach its full height until the lot line at the rear of the proposed home, it is not expected that the full height of the wall will be discernable to Applicant's neighbors or passersby.

Based on the foregoing, Applicant believes that while the unique characteristics of the site make strict adherence to the zoning regulations impractical and infeasible, the project will nonetheless conform with the intent of the zoning regulations.

(b) In light of the project as a whole, including mitigation measures proposed by Applicant, the project will be compatible with and not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Applicant is seeking the right to construct two over-height retaining walls in the required side yard of a property within a designated Hillside area. By allowing Application relief from a strict application of the zoning regulations, the Zoning Administrator would allow her property to be developed with minimal grading, while providing a sufficient passageway along the left side of the new home, while leaving adequate open space at the rear for recreational uses.

To the extent possible, Applicant will utilize natural landscaping features to mask the walls and mitigate the visual impact of their height. The positioning of the wall along the southerly lot line and next to the utility easement does not allow room for any landscaping on the exterior of the retaining wall. However, the retaining wall doesn't reach its maximum height until nearing the lot line behind the proposed home, at which point substantial

³ Which as explained in Footnote 1 is actually a side yard under the Code.

landscaping features, including trees and thick shrubs, will cover the length of the retaining wall that is over six feet in height. As a result of the site's topography and the proposed landscaping mitigation measure, the over-height retaining walls should not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

ADDITIONAL FINDINGS FOR A WAIVER OF LAND DEDICATION

Section 12.27.I empowers a Zoning Administrator to approve a waiver of the required dedication of least one-half of the current deficit of Appian Way to the dimensions of a Standard Hillside Limited Street.

4. Waiver of Land Dedication Requirement

(a) The dedication or improvement requirement does not bear a reasonable relationship to any project impact.

Strangely, as it abuts the subject property, Appian Way is classified under the City's Mobility Plan 2035 as a Local Street–Standard, with a designated roadway width of 36 feet and a right-of-way width of 60 feet. In reality however, Appian Way has a right-of-way width of approximately 26 feet with a paved width of 18 feet along its frontage with the project site. In addition, Appian Way is only partially improved with an asphalt curb only on the downslope portion of the roadway. In order to meet the dedication requirements of Section 12.21 C.10(i)(1), Applicant would need to dedicate five feet of her land along Appian Way in order to allow expansion of the street to one-half of the deficit of a Standard Hillside Limited Street, which provides for a right-of-way of 36 feet and a roadway of not less than 28 feet.

Because of the project site's unique shape, and the property features a 261-foot frontage to Appian Way. Should the Applicant be compelled to make a dedication of 5 feet along the public right-of-way, this would require the surrender more than 1,300 SF of land— an extraordinary amount of Applicant's property and disproportionate considering that the project will include improvements front about 65 feet of the property's frontage to Appian Way. To put this into perspective, only about 2,800 SF of Applicant's property out of a total of 23,695 SF is suitable for development, since the grading and structural work needed to make use of the remainder of the parcel makes construction elsewhere infeasible.

Moreover, such a land dedication would not provide any real benefit to Applicant or any of the surrounding properties due to the entirety of Appian Way needing identical land dedications so that the roadway can be uniformly widened, and any bottlenecks eliminated. Therefore, the required dedication of five feet of Applicant's land does not bear a

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reasonable relationship to any project impact nor will it provide any real community benefit.

(b) The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.

Appian Way is designated as a Local Street-Standard under the Mobility Plan but is currently dedicated to a width of only 26 feet. Local Street Standards have established a right-of-way width of 60 feet and a roadway width of 36 feet.

However, Appian Way is flanked by fully-improved properties on both sides of the roadway. Very few, if any, of these homes have had to adhere to the City's street dedication standards. Furthermore, many of these properties appear to have walls, hardscape improvements and buildings are encroaching within the existing 5-foot setback. Many other properties have structures at or near the right-of-way and would be unable to grant a land dedication of 5 feet that is free of encroachments.

Consequently, while it is possible that there may be some new developments in the area in the coming years, it is not likely that the City will ever acquire sufficient property rights to undertake an expansion of Appian Way, and certainly not without the City forcibly acquiring land from the area's residents. Given the considerable difficulty and cost of expanding Appian Way to meet City standards, and the necessity of compelling many local landowners to demolish and rebuild structures on their property to allow an expansion of the right-of-way, such a project is not likely rise to the level of exigency needed for the City to exercise its eminent domain powers. As a result, Applicant believes that a 5-foot dedication of Applicant's land is not necessary to meet the City's mobility needs for the next 20 years based on guidelines established by the Streets Standards Committee.

(c) The dedication or improvement requirement is physically impractical.

The property along Appian Way is distinguished by a sharply sloped topography that will make any widening of the roadway both challenging and costly. Given the severity of the grade rising from Appian Way, a five-foot land dedication will require retaining walls estimated at between 12 and 18 feet in height. In addition, such a project would require the removal of hundreds of cubic yards of rock and soil and would risk further destabilizing a steep hillside within a known landslide area.

Adding to this impracticality, even if such improvements were made to Appian along its frontage with Applicant's property, the roadway would still face bottlenecks because of the low likelihood that the City would be able to acquire sufficient land rights to build out any other portions of Appian Way.

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If Applicant is made to dedicate land to support a future widening of Appian Way, she will lose a five-foot slice of the most level ground on her entire property. This in turn will bring her home to just 5 feet from the roadway, increasing interior noise while sacrificing privacy and home value, and without bringing any real value to the City or to the local neighborhood.

Like Applicant's property, all surrounding homes are located on Substandard Hillside Limited Streets and lack the minimum street access that is required under Municipal Code Section 12.21.C.10(i)(2) and Section 12.21.C.10 (i)(3). From the City's land records, it doesn't appear that any of the nearby homes have given a dedication of land for street widening purposes, and even if any had, it would be infeasible for the Bureau of Engineering to use such rights to expand the roadway for the reasons explained above in Section 4(c) of this document.

Applicant proposes to make use of same non-conforming streets that her neighbors use to travel from their homes to the boundary of the Hillside Area. Although the existing homes in the neighborhood predate the Code's land dedication requirements, for reasons of impracticability and fairness, Applicant respectfully requests that the Zoning Administrator waive an obligation that has never applied to any of her neighbors.

To illustrate the physical impracticability of expanding Appian Way, a recent photo of the right-of-way shows Applicant's property to the right of the roadway.



FINDINGS FOR A CEQA CLASS 3 CATEGORICAL EXEMPTION

The Applicant requests that the Zoning Administrator find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures," pursuant to CEQA Guidelines Section 15303 and Public Resources Code Sections 21083 and 21084. The Applicant asserts that the proposed construction of a single-family dwelling on the subject property is an environmentally benign development that will not result in any significant environmental impacts.

Findings

The Applicant respectfully submits that the following proposed findings, supported by substantial evidence in the record, demonstrate that the project qualifies for a Class 3 Categorical Exemption and should be approved.

(a) Project Description and Class 3 Exemption Applicability:

The project clearly falls within the definition of a Class 3 Categorical Exemption. The project involves the construction of a new two-story, 2,081-square-foot single-family dwelling with an attached two-car garage, along with associated retaining walls (maximum height 7'4") and landscaping improvements. The project includes 318.86 cubic yards of cut, 5.44 cubic yards of fill, and 313.42 cubic yards of export. The demolition of two existing retaining walls is also included. This scope of development is entirely consistent with the examples provided under CEQA Guidelines Section 15303(a) for single-family residences. It is demonstrably not part of a larger development that might exceed the limitations outlined in the Guidelines. Therefore, the project meets the threshold requirement for a Class 3 Exemption.

(b) No Significant Effect Due to Unusual Circumstances in a Hillside Area:

The project will not result in significant environmental effects due to unusual circumstances specific to its hillside location. While the project is located in a designated Hillside Area and is subject to the City's Baseline Hillside Ordinance, the specific characteristics of the site and the carefully considered project design effectively mitigate any potential for unusual circumstances that could lead to significant effects. To ensure compliance and safety, a Geotechnical Report has been prepared by a qualified engineering firm and certified by a registered Geotechnical Engineer. This report assesses the site's suitability for the proposed development and includes a comprehensive slope stability analysis. The also report evaluates whether the proposed grading, construction, and retaining walls will destabilize the slope and confirms that the factor of safety against landsliding meets or exceeds the stringent

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requirements of the Los Angeles Building Code.

The proposed grading at the project site will be limited to only 318.86 cubic yards of cut and is designed to minimize disturbance to the natural topography, which is steeply sloped. The project utilizes only about 2,800 SF of a large 23,695 SF lot so that the new home can be placed on the only relatively level area on the property. Importantly, this is not new development on virgin land, but an area that was previously developed with a single-family home. This further minimizes the need for extensive grading. The project will not significantly alter existing drainage patterns and will not interfere with the free flow of stormwater through a concrete culvert within a 10-foot-wide easement located adjacent to the proposed home. The culvert was installed by the City to prevent erosion and sedimentation due to the property's steep slopes and occasional water runoff from the parcels located on the slope above the subject property.

The project's design conforms to the RE15-1-H-HCR zoning requirements, including the height and setback regulations. The new home's modest 2,081 sq. ft. of Residential Floor Area is significantly less than the 3,904 sq. ft. that could be built on the property in accordance with the Slope Analysis, demonstrating Applicant's commitment to minimizing the project's modest footprint. The project will be located within a Very High Fire Hazard Severity Zone. As such, the project will comply with all applicable fire safety regulations, including the installation of fire sprinklers and all other LAFD requirements.

In light of these factors, the Applicant has demonstrated that no unusual circumstances exist that would create a significant environmental impact.

(c) Location in a Sensitive Environment:

The project site is not located within a designated environmentally sensitive area, nor does it support habitat for endangered, rare, or threatened species that would be significantly impacted by the project. The site is situated in a fully developed, residentially zoned area (with RE15, RE11, and R1 zones in the vicinity) and is surrounded by existing single-family homes. A Biological Resources Assessment has been prepared by a qualified biologist to evaluate whether the site contains any riparian habitats, wetlands, or other sensitive natural communities. While a small grove of California Walnut trees does exist on the property, the assessment concluded that they will not need to be removed nor will they be harmed by the project. The Biological Resources Assessment also included a comprehensive search of the California Natural Diversity Database (CNDDB) and other relevant databases to

evaluate for the presence of records of endangered, rare, or threatened species within the project site or its immediate vicinity. The report confirmed that the project presents no threat to sensitive species or habitats.

(d) **No Significant Impacts to Traffic, Noise, Air Quality, or Water Quality:**

The project will not result in significant impacts to traffic, noise, air quality, or water quality. Any construction traffic will be temporary and limited in nature. The completed single-family dwelling will generate only minimal additional vehicle trips, consistent with the existing residential character of the neighborhood. The project includes a two-car garage and driveway parking, minimizing any potential impact on on-street parking. The project's location on a Substandard Hillside Limited Street (Appian Way) is addressed through separate Zoning Administrator Determinations and a Waiver of Dedication, for which approvals are also being sought. Construction activities will be conducted in strict compliance with the City's Noise Ordinance, including restrictions on hours and noise levels. The project will also adhere to the Hillside Construction Regulations to minimize disruptions to the neighborhood. The project will comply with all applicable SCAQMD rules during construction, including the implementation of dust control measures. The operational phase of this single-family residence will not generate any significant air emissions. The Drainage Plan will demonstrate that stormwater runoff will be managed effectively to prevent pollution of downstream water bodies. The project will connect to the existing municipal sewer system, eliminating any concerns about wastewater discharge. Furthermore, Best Management Practices (BMPs) will be implemented during construction to prevent erosion and sedimentation, as outlined in the required Low Impact Development (LID) plan.

(e) **Adequate Utilities and Public Services:**

The site is located in a fully developed area of the City of Los Angeles with existing infrastructure for water, sewer, electricity, gas, and telecommunications. The Los Angeles Department of Water and Power (LADWP), Southern California Gas Company, and other relevant utility providers have sufficient capacity to serve the proposed single-family dwelling without requiring significant infrastructure upgrades. The presence of single-family homes on all sides of the building site and the fact that another dwelling existed at the same location where the Applicant proposes to build her new home demonstrates that the project will not place an undue burden on existing utility services. Will-serve letters from these agencies can be provided upon request.

(f) **Zoning and Development Standards Compliance:**

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The project complies with all applicable zoning and development standards, except for the specific relief being sought through separate Zoning Administrator Determinations and a Zoning Administrator Adjustment, which are justified and supported by separate findings presented herein. The proposed single-family residence conforms to the requirements of the RE15-1-H-HCR zoning designation, including limits on height, floor area, setbacks, and lot coverage. The project is not located within a Specific Plan or Historic Preservation Overlay Zone. The project plans have been reviewed by the Department of Building and Safety for compliance with all applicable building codes and regulations, ensuring the safety and structural integrity of the development.

(g) No Cumulative Impacts or Other Exceptions to the Exemption:

The project will not result in significant cumulative impacts, and no exceptions to the Class 3 Categorical Exemption apply. The project's incremental contribution to any potential cumulative impacts is demonstrably less than significant. The detailed analyses in findings (b) through (f) above, clearly demonstrate that the project's individual impacts are minor, localized, and effectively mitigated. Furthermore, a thorough review of the City's planning database did not reveal any other similar projects in the immediate vicinity that, when considered together with the proposed project, would result in significant cumulative impacts. This is further supported by the fact that the development potential of nearby vacant lots is severely limited due to their steep grades. The project site is not located within view of a designated State Scenic Highway. The project site is not listed on the Cortese List (Government Code Section 65962.5) as a hazardous waste site. A Phase I Environmental Site Assessment will be prepared to confirm no evidence of hazardous materials contamination. The project site does not contain any structures or features that meet the criteria for historical resource designation. A Cultural Resources Assessment will be prepared to confirm no archeological resources are present. Therefore, the Applicant anticipates that none of the exceptions that would preclude the use of a Categorical Exemption will be found to apply to this project.

Conclusion

Based on the findings above, which are supported by substantial evidence in the record, including the required technical reports and the project plans, the Applicant respectfully requests that the Zoning Administrator determine that the project qualifies for a Class 3 Categorical Exemption under CEQA Guidelines Section 15303. The project, as designed and conditioned, will not have a significant effect on the environment. Therefore, no further environmental review should be required, and the Applicant should be granted the right to expeditiously construct a new home on her property.

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