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May 16, 2014

Marybell Lopezian (A)(O)
16543 Lassen Street
North Hills, CA 91343

CASE NO. ZA 2013-0235(ZV)(ZAA) →
ZONE VARIANCE AND ZONING
ADMINISTRATOR'S ADJUSTMENT
Related Case No: ZA 2007-1003(ZV)(ZAA)
16543 Lassen Street
Granada Hills-Knollwood Planning Area
Zone : RS-1
D. M. : 201B137
C. D. : 12
CEQA : ENV 2013-234-ND
Legal Description: Lot 1, Tract 26025

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

a Variance from Section 12.07.1 of the Municipal Code granting the conversion of an Accessory Living Quarters to a single-family dwelling resulting in three single-family dwellings on a 24,335 square-foot lot zoned RS-1, and from Section 12.21-A,4(a) granting one uncovered parking space in lieu of a covered parking space for the third unit; and

Pursuant to Section 12.28 of the Los Angeles Municipal Code Section, I hereby APPROVE:

a Zoning Administrator's Adjustment from Section 12.21-C,1(g) granting a 6-foot fence in the front yard setback in lieu of the permitted 3 feet 6 inches; and from Section 12.07.1-C,3 granting a reduced rear yard setback of 10 feet in lieu of the required 20 feet for all three dwelling units,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such



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Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. **Approval of Plans Review.** At any time during the effective period of this grant, should documented evidence be submitted showing continued violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review the Zoning Administrator may modify add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
8. **Authorization:**
 - a. Conversion of an Accessory Living Quarters to a single-family dwelling resulting in three single-family dwellings.
 - b. The third dwelling may have one uncovered and one covered parking space in lieu of two covered parking spaces.
 - c. Rear setback shall be no less than 10 feet.
9. **Fence** (*Photographs dated as of date of this action shall be accepted as compliance*)
 - a. The fence shall not exceed 6 feet in height.
 - b. A material may be installed creating a solid effect not to exceed 3 feet 6 inches, except the gates may be completely solid.

- c. Landscape may be installed on the interior of the fence to assist in softening the hardscape appearance of the over-in-height fence, which would appear similar to other properties in the immediate area.
 - d. Per the Municipal Code, as amended by Ordinance No. 146,030 (Effective July 11, 1974), the fence/wall shall be maintained in good repair and kept vertical, uniform and structurally sound, and all repairs shall blend in with said fence or wall and be compatible therewith in color and material. Fences and walls shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration.
10. The third driveway (i.e., west side of property) that was constructed to the front property line shall be removed and install landscape with ground cover or lawn and shrubs or trees for a minimum of 29 feet in depth. *(Photographs dated as of date of this action shall be accepted as compliance.)*

OBSERVANCE OF CONDITIONS – TIME LIMIT – LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then

this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JUNE 2, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.lacity.org/pln. Public offices are located at:

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

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

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on April 18, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property is a level, square-shaped, interior, 24,336 square-foot parcel of land, with a 160-foot frontage on Lassen Street. The property has an even width and depth of 160 feet and 152 feet, respectively. A partial 3- to 5-foot wide future alley is located along the westerly property line, a 5-foot public utility easement is located along the entire north (rear) property line, and a 24-foot building line is observed along the entire south (front) property line.

The property is developed with two separate one-story single-family dwellings (2,057 square feet and 1,708 square feet), with detached rear yard two-car garages, and the subject accessory living quarters with one-car garage in the northeast corner. The property has a semi-circular driveway providing two driveway access points from Lassen

Street. The front of the property has an approximate 6-foot high solid metal fence with automated driveway gates. The west and north property lines have an approximate 7-foot high block wall and the east property line has a part 5-foot high chain link fence and 6-foot high block wall. The grounds are mostly covered with decorative paving and concrete except for two front landscaped areas and smaller landscape areas around the perimeter of the site. Tall Italian Cypress trees area located along part of the easterly property line.

The north adjoining properties are zoned RS-1 and developed with one-story single-family dwellings. The south abutting properties across Lassen Street are zoned RS-1 and developed with one-story single-family dwellings. The east adjoining property is zoned RS-1 and developed with a one-story single-family dwelling. The east adjoining property is similar to the subject property in that it is an oversized lot, 24,306 square feet, with the same dimensions, building line, and that it can be subdivided. Vehicular ingress/egress is via a driveway along Lassen Street located near the subject property's west property line. The west adjoining properties are zoned RS-1 and are developed with one-story single-family dwellings.

Lassen Street, adjoining the property to the south, is a Secondary Highway with a width of 85 to 87 feet and improved with curb, gutter and sidewalk.

Hayvenhurst Avenue, in the near vicinity of the property to the west, is a Secondary Highway with a width of 86 to 90 feet and improved with curb, gutter and sidewalk

Previous zoning related actions on the site include:

Case No. ZA 2007-1003(ZV)(ZAA) – On November 14, 2007, the Zoning Administrator approved a variance to permit three dwelling units on a 24,335 square-foot lot zoned RS-1 already developed with two residential dwellings; and approved an adjustment to permit a reduced rear yard setback of 10 feet in lieu of the required 20 feet for all three dwelling units with 15 conditions. On April 22, 2009, a letter of clarification was issued changing the grant to a variance to permit two dwelling units and one accessory living quarters on a 24,335 square-foot lot zoned RS-1 already developed with two residential dwelling units and one accessory living quarters. All other terms and conditions remained as originally approved.

Case No. ZA 2002-0466(ZV)(ZAA) – On November 19, 2003, the Zoning Administrator approved a variance to permit three single-family dwellings on a 24,320 square-foot lot and an adjustment to permit the maintenance of a 10-foot rear yard setback in lieu of the required 20 feet in the RS Zone with six conditions including a minimum of six parking spaces on-site. The grant was never effectuated and the site remained with two structures at the time, a dwelling unit and an accessory living quarters of similar size as the dwelling.

Case No. CPC 2006-5568(CPU) – The Granada Hills-Knollwood Community Plan is currently in the final Phase of a community plan update. No changes are being proposed for the subject property or immediate area.

Certificate of Occupancy – Issued September 6, 2013, for a 12 x 22 room addition to an existing one-story single-family dwelling with detached carport and detached recreation room.

Certificate of Occupancy – Issued November 29, 2011, for a one-story 25' x 84' (1,692 square feet) single-family dwelling per Case No. ZA 2007-1003(ZV) with detached 400 square-foot garage.

Certificate of Occupancy – Issued June 17, 2009, for a one story rear addition with reduced setback as allowed per Case No. ZA 2007-1003(ZV).

Certificate of Occupancy – Issued April 5, 2005, for a one-story, 24' x 21' (504 square feet) addition.

Certificate of Occupancy – Issued April 24, 2001, for the conversion of a 25 x 19' 9" guest house and a 25' x 19'9" addition resulting in a one-story 25' x 40' accessory living quarters. No change in parking requirement.

Certificate of Occupancy – Issued August 14, 1961, for a 20' x 25' workshop.

Certificate of Occupancy – Issued October 7, 1949, for a 25' x 19' breezeway and room addition to an existing single-family dwelling.

PUBLIC HEARING

On December 13, 2013, the Office of Zoning Administration conducted a public hearing. During the public hearing, it was determined that two additional requests were required in order to have all matters related to the project considered. These two additional requests included a Variance for one uncovered parking space and deviation in fence height.

On March 19, 2014, notices of the public hearing were mailed to property owners/occupants within a 500-foot radius of the subject site and interested parties. The public hearing notice was posted on the subject site April 1, 2014. At the time of preparation of the Project Planner Report, no correspondence was received by the Office of Zoning Administration.

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

The project is the proposed conversion of an approximate 1,819 square-foot one-story accessory living quarters to a single-family dwelling, resulting in three single-family dwellings on a 24,335 square-foot RS-1 zoned lot not otherwise allowed on a single-family lot; a 170 square-foot addition (laundry room) to the rear of the subject building resulting in a reduced 10-foot rear yard setback versus 20 feet as otherwise required; a 33 square-foot addition to convert an existing 327 square-foot one-car garage into a two-car garage; and the addition of a third driveway to the site off of the Lassen Street frontage.

According to the applicant:

"The purpose and intent of the code, as related to the instant request, is to ensure that [residential areas are] developed with reasonable density and uses. The property is zoned RS-1, which allows for 1 dwelling unit lot area per 7,500 sq. /ft. The subject property is 160 x 152 feet (around 24,320), which is over 3 times the minimum lot area requirement in the RS-1 zone. Additionally, being 160 feet wide, the subject property could be sub-divided into 3 legal RS-1 lots allowing the same density as being requested. The

proposed development observes all sides and front yard setbacks, respects the RS-1 density and provides needed housing. To deny the instant request would cause the applicant to have to sub-divide the property to achieve the desired density...

[Staff Comment: It should be noted that if a 3-lot subdivision was proposed with the current zoning of RS, lot width reductions of 53 feet would have to be requested.]

The size of the lot over 3 times that required in the RS-1 Zone, is a special circumstance that does not apply to most other properties in the area. Most of the proximal interior rectangular parcels are 7,500 to 8,000 sq. /ft. and the proposed density of the subject project would be over 8,000 sq. /ft. The property will be able to maintain an appearance that is consistent with a rectangular shape property, and observe a large front yard with a circular driveway and ample landscaping and opened space.

The pattern of development in the area is for RS-1 lots of approximately 7,500 to 8,000 sq. /ft. for interior rectangular parcels. The proposed density is consistent with this pattern of development while maintaining the larger estate appearance and frontage of the existing lot. The grant of the instant request would recognize the special circumstances of the large parcel size while preserving the existing density and pattern of development in the community.

Being over 3 times the required size in the RS-1 zone, the applicant has the right to seek a sub-division of the property into three 8,100 s.f. lots. However, in doing so the character of the parcel would be significantly changed for the worse. A grant of the requested 3 d.u.'s will ensure that that applicant is able to enjoy property rights similar to others in the community while maintaining a property that is more estate looking than would be possible with a conventional 3 lot RS-1 sub-division.

The General Plan calls for this area to be developed with low density residential properties. This classification allows R1, RD6, RS-1 and RE9 zoning. As such, the requested density of 3 dwelling units (8,000 safe per due.), is consistent with the General Plan and pattern of development in the community."

Staff review of the submitted documentation and site visit conducted August 6, 2013, (environmental review) reveal the following:

The subject property is one of the few remaining properties adjoining the north side of Lassen Street that is larger in size in comparison to the properties in the general vicinity. The proposed request would result in a density of one dwelling unit per 8,111 square feet of gross lot area. A 2-foot future street dedication is indicated on ZIMAS. The subject front fence appears to be set back into the property line by 2 feet, thus, the sidewalk along the property frontage is 2 feet wider than the sidewalk east and west of the site. At present, the actual street width (not including curb and sidewalk) is an even 60 feet with two lanes in each direction plus street parking on both sides. It does not appear street widening would be needed in this already built out area.

It was indicated in the previous zone variance request that the applicant had secured the support of all affected neighbors for the proposed project, thus the variance was processed without a public hearing.

The current submitted plans, dated November 24, 2012, are different from the previously approved plans in the following manner – The previously approved plans for three dwelling units included only two driveways from Lassen, however it had an internal third driveway leading back to the rear NW garage. The current plans show three driveways (one for each garage). The third driveway has already been constructed up to the sidewalk or front property line, however no driveway access has been built yet from Lassen.

Both plans indicate there is much more landscaping on site than currently exists. For example, the front lawn areas are shown to be 40 feet deep when in actuality they are approximately 29 feet deep, and landscaping in front of each dwelling is shown to be 9 feet deep but are approximately 4 feet deep. Thus, the hardscape appears much more prevalent as it is approximately 20 feet wide between the dwellings and front lawn, versus 6 feet wide as shown. Likewise, there is no landscaping as shown at the rear of the property, however there is a narrow planter with lush landscaping that effectively screens and provides privacy between the subject and north adjoining properties. Not addressed or properly mitigated is the urban heat island effect, reduced permeable land for groundwater, and increased runoff.

The middle garage is still not being used as a garage. Per the applicant, her sister, who was ill and recently passed away, used to stay there. This was the same situation in 2007. The existing one-car garage which is proposed as a two-car garage, is currently used as a card room.

The property cannot be seen from the street as it is entirely enclosed with a solid metal fence. Condition No. 10 required "particular emphasis placed on the enhancement of landscaping along the Lassen Street frontage and northerly rear yard setback. A combination of trees, shrubs and ground covers shall be planted in order to enhance the adjoining streetscape and to reduce hardscape and pavement on the property." Staff observed no landscaping in front of the subject fence. The 2-foot setback is covered with concrete.

As indicated under the case history detail, the applicant had twice received zone variances for three single family dwellings on the subject property but did not effectuate the original grant and reduced the scope of the project back to an accessory living quarter for the second grant. It is unclear why the previous reduction was requested by the applicant but it may have been due to inadequate parking for the third dwelling unit (i.e., was a one car garage that was converted to a hobby room).

The property is within the Granada Hills-Knollwood Community Plan, an Urban and Built up Land, an Airport Hazard Area 270, Height Limit Above Elevation 790, and a Special Grading Area.

It should be noted that eight properties west of the site zoned RS-1 and facing Hayvenhurst Avenue, have reduced lot widths of 55 feet versus 60 feet, however RS-1 zoned properties across from the subject property and facing Lassen Street have lot widths of 65 feet versus 60 feet. The east adjoining property (single-family)

and one east of that (single-family with separate accessory dwelling unit) are similar oversized RS zoned lots which could be further subdivided.

The public hearing was held April 18, 2014 and attended by the applicant and son. A representative from the Twelfth Council District also attended the public hearing. The Zoning Administrator reviewed the draft Project Report and highlighted information in the report relevant to making a decision. The Zoning Administrator described the chronology of events including prior approvals, including December 13, 2013 public hearing, need to revise the application, and reason for the second public hearing. There was discussion between the Zoning Administrator and attendees that much in the current request was previously approved pursuant to Case Nos. ZA 2007-1003(ZV)(ZAA) and ZA 2002-0466(ZV)(ZAA).

Also, the additional deviations for one uncovered parking space and over-in-height fence do not alter the existing visual character of the community. The applicant did note that she already removed the third driveway and planned to remove much of the solid fence cover in several days.

After consideration of the discussion and written administrative record, the Zoning Administrator approved the request and found justification for deviation from strict application of the Zoning and Planning and determined that the request is in compliance with intent and purpose of the Code, as discussed in the Findings.

VARIANCE FINDINGS

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

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

On November 19, 2003, the Office of Zoning Administration approved a Variance (i.e., Case No. ZA 2002-0466(ZV)(ZAA)), granting three single-family dwellings on a 24,320 square-foot lot and a Zoning Administrator's Adjustment granting maintenance of a 10-foot rear yard setback in lieu of the required 20 feet in the RS Zone with six conditions including a minimum of six parking spaces on site. The grant was never effectuated.

On November 14, 2007, the Office of Zoning Administration approved a Variance (i.e., Case No. ZA 2007-1003(ZV)(ZAA)), granting three dwelling units on a 24,335 square-foot lot zoned RS-1 already developed with two residential dwellings; and approved a Zoning Administrator's Adjustment granting a reduced yard setback of 10 feet in lieu of the required 20 feet for all three dwelling units with 15 conditions. On April 22, 2009, a letter of clarification was issued, changing the grant to a Variance to permit two dwelling units and one Accessory Living Quarters on a 24,335 square-foot lot zoned RS-1 already developed with two residential dwellings unit and one Accessory Living Quarters.

The current request is the conversion of an approximate 1,819 square-foot one-story Accessory Living Quarters (ALQ) to a single-family dwelling resulting in three

single-family dwellings on a 24,335 square-foot RS-1 zoned lot, one uncovered parking for the converted ALQ, 10-foot rear yard setback, and over-in-height fence.

The request requires the following:

A Variance from Section 12.07.1 of the Municipal Code for the conversion of an Accessory Living Quarters to a single-family dwelling resulting in three single-family dwellings on a 24,335 square-foot lot zoned RS-1, and from Section 12.21-A,4(a) granting one uncovered parking space in lieu of a covered parking space for the third unit (Finding Nos. 1-5).

A Zoning Administrator's Adjustment from 12.21-C1(g) for an 8-foot 1-inch fence in the front yard setback in lieu of the permitted 3 feet 6 inches; and a from 12.07.1-C,3 for a reduced rear yard setback of 10 feet in lieu of the required 20 feet for all three dwelling units (Finding Nos. 6-8).

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing three dwelling units "would not change the residential character of the existing land use on the subject property as well as that of the immediate surroundings. As such, the denial of the variance would not result in any planning-related benefits and would prevent the applicant from having a reasonable use of his property." (*Finding No. 1*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the request for an uncovered parking space for the third unit, a denial would result in the applicant demolishing a portion of the dwelling to expand the existing one-car garage which may still require a discretionary action for reduced passageway between the buildings. The general purpose and intent of the two-covered parking space regulation is to ensure that residential development provides on-site parking and concealed in order to meet a visual standard. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of a specific property as well as consider dynamic changes in the economy and the use of land. A Variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted provided that the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

In this instance, the intent of the regulation is met because the deep driveway and solid entrance gate provides on-site parking that is not visible from the public domain (i.e., street). Therefore, the intent can be met without additional expense, additional discretionary action, and eliminate creating a dwelling with a substandard narrow room due to expanding the one-car garage. Therefore, an approval eliminates an unnecessary burden on the applicant.

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

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing three dwelling that "[t]hese circumstances include the improvements on the site, the relatively wide lot width, the large lot size in comparison to that of adjacent properties and the project's compliance with the zoning density, and the development pattern of smaller lots in the neighborhood. Thus, the proposed project

would be integrated into the character and context of the general vicinity." (*Finding No. 2*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the request for an uncovered parking space, the special circumstances are the deep driveway and solid entrance gate provides on-site parking not visible from the public domain (i.e., street). The other special circumstances that may not apply to other projects are a denial would result in unnecessary expense, additional discretionary action, and creating a dwelling with a substandard narrow room due to expanding the one-car garage.

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

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing three dwelling that "the grant herein would allow the applicant to add a third dwelling unit in compliance with the zoning density in place and upgrade her property. It also allows the development to be on par with similar developments in the vicinity and citywide that have obtained similar grants in order to preserve a substantial right or use of the property by the owner." (*Finding No. 3*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the request for an uncovered parking space, the applicant wish to possess a property right available to other property owners but without unnecessary cost and economic waste (i.e., demolishing a portion of the dwelling). Importantly, granting this Variance is not contrary to the intent of the regulation to provide on-site parking that is concealed.

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

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing three dwelling that is "the development pattern in the neighborhood is characterized by smaller-sized lots and the subject property is one of the few remaining ones that have not been subdivided to fit this density. Further, as conditioned by this grant (compatible design for the building addition, review of the plans by the Fire Department and the Department of Transportation, parking requirement, wall, landscaping, no window opening along the northerly property line, etc.), the project is not anticipated to adversely impact the existing character of the area. Furthermore, the proposed use is residential and would not change the residential use of the subject property nor that of the immediate surroundings." (*Finding No. 4*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the request for an uncovered parking space, approval of the Variance will not create a situation any more objectionable than how other property owners in the area use their property. This is because the deep driveway and solid entrance gate provides on-site parking not visible from the public domain (i.e., street).

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

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined the Granada Hills-Knollwood Community Plan Map designated the property for Low Density Residential uses with corresponding zones RE9, RS, R1 and RD6 and Height District No.1. The designation and corresponding zones are unchanged.

In the prior action, the Zoning Administrator found "the proposed use is in conformance with the Plan. Further, the Housing Element of the General Plan encourages the provision of housing opportunities for residents of all income levels that meet a variety of their needs, and the physical improvement of residential neighborhoods, and the proposed project is compatible with such policies." (*Finding No. 5*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the request for an uncovered parking space granting the Variance supports the City's continuing efforts to develop off-street parking within the Community Plan area so an adequate supply of parking is available to meet demand.

Zoning Administrator's Adjustment Findings

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

6. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

A Zoning Administrator's Adjustment from Section 12.21-C1(g) granting a 6-foot fence in the front yard setback in lieu of the permitted 3 feet 6 inches and a from Section 12.07.1-C,3 granting a reduced rear yard setback of 10 feet in lieu of the required 20 feet for all three dwelling units (Finding Nos. 6-8).

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing a reduced rear setback is "compatible with the general development density in that part of the City and that a 24-foot Building Line along the Lassen Street frontage would restrict the physical location of the dwellings on the property. In order to implement the proposed project, the applicant does not have much latitude but to request a reduction of the northerly rear yard setback. Further, the nearest adjacent habitable rooms of neighboring properties along the subject northerly rear yard are set back sufficiently away so as no adverse impacts would be anticipated." (*Finding No. 6*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the over-in-height fence, typically walls and fences, when in character with their surroundings, are not detrimental to the public welfare or injurious to adjacent properties. In this instance, the requested 8 feet 1-inch height of the fence and being completely solid nature gives the property a fortified appearance.

It is acknowledged that an over-in-height fence would provide privacy for the property owner. However, this can be accomplished with an alternative design more

in character with the surroundings. The alternative is to allow a height of 6 feet and solid to a height of 3 feet 6 inches, except the gates may be completely solid to avoid headlights when a vehicle uses the driveway and to conceal parked vehicles in the driveway.

The alternative furthers the intent of the wall/fence height regulation to promote orderly, attractive and harmonious development. Also, the regulation is to prevent discordant sights and minimize potential traffic hazards that distract motorists.

The Project Planner verified the existence of other over-in-height walls/fences/hedges in the immediate vicinity. Some without permits and several obtained proper approval. This establishes the character for the area and without opposition to the instant request. It is fair to assume that this over-in-height wall/fence is acceptable to the community since no opposition was raised at either of the two public hearings; and thus, the project is compatible with that perceived by the community.

7. **In light of the project as a whole including any mitigation measure imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing a reduced rear setback "would not result in adverse impacts for the reasons cited above. It should be noted that the applicant has secured supportive letters from all adjacent and abutting neighbors." (*Finding No. 9*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the over-in-height fence, the alternative design is not out of scale with the building on the site nor with the surrounding built-environment.

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

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined the Granada Hills-Knollwood Community Plan Map designated the property for Low Density Residential uses with corresponding zones RE9, RS, R1 and RD6 and Height District No.1. The designation and corresponding zones are unchanged.

In Case No. ZA 2007-1003(ZV)(ZAA), the Zoning Administrator determined that allowing a reduced rear setback "is not addressed by the General Plan, however, the proposed project conforms with the Plan's policies relative to improvement and production of housing, hence the upgrade of existing residential neighborhoods." (*Finding No. 8*) No evidence is in the administrative record contrary to the Finding previously made.

In regards to the over-in-height fence, the design, location, and height of the fence and landscape do not cause shade/shadow impacts and create an area that conceal potential criminals. The proposed structure does not appear to interfere with meter readings, mail delivery, access to telephone poles or City lights, and would not create a traffic hazard.

In making the above findings, the Zoning Administrator considered the environmental effects and appropriateness of materials, design and location of any proposed fence, including any effects on the view, which may be enjoyed by the occupants of adjoining properties. Furthermore, the project proponent submitted letters of support for his request which indicate several property owners do not believe the wall/fence is detrimental.

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 in Zone C, areas of minimal flooding.
10. On August 28, 2013, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Negative Declaration No. ENV 2013-234-ND (Article V - City CEQA Guidelines) and determined that this project will not have a significant effect on the environment. I hereby adopt that action. This Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 351, 6262 Van Nuys Boulevard.



R. NICOLAS BROWN, AICP
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RNB:aln

cc: Councilmember Mitchell Englander
Twelfth District
Adjoining Property Owners