



Address any Communication to:
WEST LOS ANGELES AREA PLANNING COMMISSION
200 North Spring Street, Room 532
Los Angeles, CA 90012
(213) 978-1300

NOTICE OF PUBLIC HEARING

✓ INTERESTED PARTIES
✓ ABUTTING PROJECT SITE

Concerning Property at:
3400 S. INGLEWOOD BOULEVARD

Case No.: ZA-2014-3845-ZAA-1A
CEQA: ENV-2014-3846-CE
Community Plan: Palms-Mar Vista-
Del Rey
Council District No.: 11 – Bonin

Hearing Date: Wednesday, May 18, 2016
Hearing Time: after 4:30 P.M.
Hearing Place: Henry Medina West L.A.
Parking Enforcement Facility
2nd Floor, Roll Call Room
11214 West Exposition Blvd.
Los Angeles, CA 90064

The West Los Angeles Planning Commission invites you to attend a hearing regarding the property highlighted above. The law requires that owners and renters near this site be notified of this hearing. If you do not wish to attend the hearing, you may ignore this notice.

The hearing involves an appeal of the Zoning Administrator's decision to approve pursuant to Los Angeles Municipal Code Section 12.28, an Adjustment from Municipal Code Section 12.08-C,2(b) to allow 7-foot side yard setbacks in lieu of 8-feet, and an Adjustment from Municipal Code Section 12.21.1 to allow a maximum height of 49 feet 4 inches in lieu of the maximum height of 45 feet permitted by Code Sections 12.21.1 and 12.21.1-B,2, in conjunction with a 2,851 square-foot addition and a new deck to an existing single-family dwelling located in the R1-1 Zone. The project was found to be Categorically Exempt per Notice of Exemption no. ENV-2014-3846-CE.

Associate Zoning Administrator: Jack Chiang (213) 978-1318

APPLICANT: Ram P. Singhania
Representative: Jonathan Riker, Sklar Kirsh, LLC

APPELLANT: Thomas C. Paul

FOR ADDITIONAL INFORMATION AND INSTRUCTIONS ON SUBMITTING TESTIMONY SEE BELOW

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California, and are accessible online at planning.lacity.org

TESTIMONY: Written testimony may be submitted prior to the hearing (see Correspondence and Exhibits); however, oral testimony **can only be given at the hearing** and may be limited due to time constraints. Language translators, sign language interpreters, and/or assistive listening devices may be provided if you contact the Planning Commission office at least seven (7) days prior to the hearing date.

DECISION: The Commission's decision will be based on the merits of the case and the applicable law. **The Commission can consider the entire action even if only a portion has been appealed.** A report of the Commission's action will be mailed upon request after the hearing. Pursuant to Government Code Section 65009(b)(2), any court challenge of the Commission's action may be limited to those issues considered at the public hearing.

FILE REVIEW: The complete and permanent file (including all submissions) is available for public inspection in the Commission office, **Room 532**, 200 N. Spring Street, Los Angeles, between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call in advance to ensure file availability (213-978-1300).

CORRESPONDENCE AND EXHIBITS

The Commission members are not City employees. They are citizens who have been appointed by the Mayor. They function in a quasi-judicial capacity and therefore, cannot be contacted before the hearing. Written testimony, for the Commission to consider, may be submitted to the Planning Commission Office using the following guidelines:

1. Materials for Commission consideration should be received **ten (10) days** prior to the hearing date.
2. Please provide an **original** plus **twelve (12) copies** of all correspondence or exhibits.
3. Correspondence should be presented on letter size (8 1/2 " x 11") or legal size (8 1/2 " x 14") paper. All oversized exhibits (photos, plans, artists' renderings) must fold to fit into a legal sized folder.
4. It is important that the case number is written on all communications and exhibits.
5. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibit used as part of your testimony to the Planning Commission.
6. Untimely submissions will not be considered by the Commission, but will be added to the permanent file.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the City Planning Commission Office at (213) 978-1300.

MASTER APPEAL FORM

WITH ATTACHMENTS



Application

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ZA 2014-3845 (EAA)

Project Address: 3400 ^{SOUTH} INGLEWOOD BLVD

Final Date to Appeal: MARCH 9 2016

Type of Appeal: ☐ Appeal by Applicant
 ☒ Appeal by a person, other than the applicant, claiming to be aggrieved
 ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): THOMAS C PAUL

Company: _____

Mailing Address: 3406 INGLEWOOD BLVD

City: MAR VISTA State: CA Zip: 90066

Telephone: 661 8778733 E-mail: THOMASCPAUL@YAHOO.COM

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *Thomas C. Paul*

Date: 3-1-2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89</u>	Reviewed & Accepted by (DSC Planner): <u><i>Denise Chew</i></u>	Date: <u>3/8/2016</u>
Receipt No: <u>0202299706</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

EMAIL & TELEPHONE

APPEALED BY AGGRIEVED PARTY

I believe the zoning administrator erred in his decision and was overly influenced by so called neighbors who do not live around the project, they may as well live in Texas. Also by the city council representative who stated that it would be the easiest for the city if this was approved.

I am aggrieved by this decision as the scope and height of this structure is not in accordance of the city council and the mansionization ordinance as amended, to further limit this type of decision disregarding city ordinances.

The zoning administrator stated that my house next door and others which were built before the mansionization ordinance were just as large in scope. This is like comparing apples to oranges and decisions should adhere to the wishes of city council and new ordinances.

The owners brought all the delays upon themselves by repeatedly flaunting the approved plans and the city regulations. This was from demolition which was very dangerous, no fencing, 20 foot drop off, broken material, etc. All the way through the roof.

They built a retaining wall in the rear yard 8 feet high out of wood and back filled it with over 100 yards of uncertified fill. The grading inspector made them remove the same. They built into the front, rear and both side yards illegally and had to remove the same. They built the roof flat after being told by the senior building inspector it would need to be removed. They finished the roof anyway and had to remove the same. They built into the DWP easement which had to be rebuilt. All the patio decks were oversized, same result.

As far as side yards are concerned, why bother to have standards if this zoning administration does not abide by them. My house at 3406 Inglewood has a 7 foot north side yard and a 6 foot south side yard. Only necessary to have 6 foot side yards and was built to the building and zoning codes. Why can't the owners at 3410 Inglewood build something legally without asking for forgiveness and exceptions?

I believe the zoning administrator erred in allowing this to go forward in its entirety. They could at least be made to cut the rear deck back to 12 feet to be in line with all the other houses on the side of the street. I have pictures of all the discrepancies and for anybody to feel sorry for them is grossly mistaken. The city report continually refers to how long this project is taking, over 2 and a half years now. They brought it all upon themselves.

There are only 4 abutting properties to the project and only one person signed off on their request.

I request not to tear down their house but at least to cut the rear deck back by 12 feet, so as to be in line with the other houses.

Sincerely,



Thomas C. Paul

DETERMINATION LETTER

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
JAE H. KIM
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
VINCENT P. BERTONI, AICP
DIRECTOR

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

February 23, 2016

Ram P. Singhania (A)(O)
1095 Sunstream Lane
Anaheim, CA 92808

Jonathan Riker (R)
1880 Century Park East, Suite 300
Los Angeles, CA 90067

CASE NO. ZA 2014-3845(ZAA)
ZONING ADMINISTRATOR'S
ADJUSTMENT
3400 South Inglewood Boulevard
Palms-Mar Vista-Del Rey Planning Area
Zone : R1-1
D. M. : 117B153
C. D. : 11
CEQA : ENV 2014-3846-CE
Legal Description: .Lot 207, Tract 13371

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

a Zoning Administrator's Adjustment from Section 12.08-C,2(b) to allow 7-foot side yard setbacks in lieu of the 8 feet, and,

a Zoning Administrator's Adjustment from Section 12.21.1 to allow a maximum height of 49 feet 4 inches in lieu of the maximum height of 45 feet permitted by Sections 12.21.1 and 12.21.1-B,2, in conjunction with a 2,851 square-foot addition and a new deck to an existing single-family dwelling located in the R1-1 Zone,

upon the following additional terms and conditions:

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

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorization:
 - a. Approved herein are reduced side yard setbacks of 7 feet per the 2,851 square-foot addition to the existing single-family dwelling in the R1-1 Zone.
 - b. Approved herein is a maximum building height of 49 feet 4 inches when measured from the top of the roof to the surface of the terraced "landing pad" finish grade.

During construction, if the lowest point of the house is found to be located 5 feet away at the nature grade on the slope and not on the surface of the terraced "landing pad" finished grade, the maximum building height shall be limited to 45 feet 9 inches (45.7 feet as shown on the section plan).
 - c. The house shall be limited to 4,474 square feet as a result of an addition of 2,805 square feet to the existing 1,669 square feet. The rear deck shall be limited to 1,300 square feet (50' x 26').
 - d. The roof of the house shall maintain a 25% or more slope (3:12 pitch).
7. The applicant shall submit a landscape plan including planting plan and an irrigation plan to the Development Services Center for review and approval prior the issuance of the building permits.
8. Prior to the issuance of a building permit, the applicant shall submit the plot plan for review and approval to the Fire Department.
9. The side yard setbacks must be maintained free and clear of encroachments. No storage of materials or equipment is permitted in the side yard setback.
10. The construction of the development shall comply with the applicable Best Management Practices of the Low Impact Development Ordinance.
11. Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
12. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously which causes high noise levels.

13. A 24-hour direct telephone number to the contractor or the construction supervisor shall be posted on site to address any concerns or complaints. Contractor/Supervisor is to respond within 24 hours.
14. Construction activities and personnel on site shall comply to safety standard stipulated by State Contractors License Board, California Occupational Safety and Health Administration regulations.
15. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
16. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
17. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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 grant 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 if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after MARCH 9, 2016, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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 before the Zoning Administrator on October 8, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting an adjustment as enumerated in Section 12.28 of the Los Angeles Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a west to east down sloping, rectangular shaped lot consisting of approximately 7,458 square feet with a 60-foot long frontage along Inglewood Boulevard along the western property line and a variable depth of 125 feet along the northern property line. The subject site is developed with the proposal to permit the reduced side yard of 7 feet in lieu of 8 feet, in conjunction with the height of a single-family dwelling exceeding 48 feet with first and second story additions and a new rear deck to the existing single-family dwelling in an R1-1 Zone.

The subject property is within the Palms-Mar Vista-Del Rey Community Plan Area, the West Los Angeles Transportation Improvement and Mitigation Specific Plan, and the Neighborhood Conservation ICO – Mar Vista/East Venice Interim Control Ordinance and Baseline Mansionization Ordinance. The developed property is within a BOE special grading area, and designated Low Residential land use.

The properties within the surrounding area of the subject are developed with single- and multiple-story, single-family dwellings. The Mar Vista community is east of Venice and West of the 405-freeway. The subject property is within 500 feet of Mar Vista Elementary School and the Venice Reservoir site.

On October 5, 2015 staff observed the subject property. The construction on the property is still in process. The surrounding community is clean and quiet. The neighboring homes are consistent with the proposed entitlements requested in the application.

Inglewood Boulevard, abutting the property on the west is a Collector Street, with a dedicated variable width of 40 feet and improved with asphalt pavement, driveway skirts, curb, and gutter. Staff observed parking on both sides of the street.

Previous zoning related actions in the area include:

Order to Comply – On June 23, 2014, the Department of Building and Safety issued an order to comply all construction with intent to revoke permit (13014-10000-01546) due to not allowing exception for height of dwelling with less than 20-foot difference between the lowest and highest finished grades.

Building Permit No. 13014-10000-01546 – On September 27, 2013, the Department of Building and Safety issued a permit to allow the addition on the 1st and 2nd floor to an existing single-family dwelling and interior remodeling with revised deck and roof plans.

Case No. ZA 2005-8116(ZAA) – On June 8, 2006, the Zoning Administrator approved an adjustment to permit a reduced north side yards of 5 feet, a reduced south side yard of zero feet, and a reduced rear yard setback of zero feet, all in lieu of the required 5 feet and in conjunction of the conversion of the detached garage to a recreation room in the R1 Zone, located at 3307 South Inglewood Boulevard.

LETTERS AND OTHER COMMUNICATIONS TO THE FILE

Support letters, emails and consent signatures from surrounding neighbors have been submitted to the file. Submitted signatories are:

- Uttara Natarajan on October 8, 2015.
- Julie Webb on October 4, 2015.
- Michelle Steenson Jones on October 2, 2015.
- Reeba Ruvelson on October 2, 2015.
- Patricia Rosales on October 1, 2015.
- Sara Nichols on September 29, 2015.
- Nicole Fanelli on September 28, 2015.
- Melissa Pope on September 27, 2015.
- Kelly Cattalini on September 27, 2015.
- Debbie La Franchi on September 27, 2015.
- Garry Edelman on September 27, 2015.
- Rose Boulos on September 27, 2015.
- Ken Mayne on September 26, 2015.
- Troy Kendall on September 25, 2015.
- Darren Pollock on September 25, 2015.
- Rick Castillo on September 25, 2015.
- Barrie Bernstein on September 24, 2015.
- Kim Pollock on September 24, 2015.
- Donna and Devon Clark on September 24, 2015.

- Meeta Hoffman on September 24, 2015.
- Sarah Kelly on September 23, 2015.
- Megan Morrow on September 22, 2015.
- Pete Edwards on September 18, 2015.
- Wayne Wilson provided consent signature.
- Francisco Arias provided consent signature.
- Gerald Wellman provided consent signature.
- Moon Kwoh provided consent signature.

Collectively, the above neighbors have commented that they support the approval of the Zoning Administrator's Adjustment application. They expressed that the applicant and their family are outstanding members of the Mar Vista Community as the applicant has contributed extensively to the local school, community and neighbors. They watched the applicant endure unreasonable and unnecessary hardship, frustration, and stress through their home addition process over one year, and now the project is stalled. The neighbors consider the applicant's proposed project is a welcome addition to the neighborhood where the size and style of the new home is well fitted and compatible to the existing character of the neighborhood. The neighbors strongly support the project and the approval of the ZAA application.

Legal counsel Kevin K. McDonnell represent a southerly abutting neighbor Thomas Paul, submitted two letters, one on October 7, 2015 and the other on October 22, 2015. The counsel stated that Mr. Paul's property would be adversely affected because it is adjacent to the non-conforming height and existing encroachments for which the applicant now belatedly requests legitimization. Having demolished a portion of the existing residence without the required safety measures, beginning construction on a house that did not comply with zoning regulations, and having been issued a stop work order by the City, the applicant now attempts to use the progress of this illegal construction to justify permission to complete it. However, as conceded by the applicant's findings, no unusual circumstances or practical difficulties exist on the Project Site. Any such issues are self-imposed and militate against bending the rules to provide this applicant a special benefit. Moreover, the applicant presumes a permitted height of 40 feet (in a flat roof design), which substantially exceeds the Municipal Code maximum of 28 feet. Accordingly, even assuming the legitimacy of the request (it is not legitimate) **a height variance is the appropriate request**, rather than an adjustment. A variance request is not before you and has no basis in the findings, and as the findings for the yard adjustment are not satisfied here, we request the Zoning Administrator deny the application in its entirety.

1. The applicant presumes an incorrect and vastly taller height than permitted.
 - a. The maximum permitted height for the residence is 28 feet, not 40 feet.
 - b. The requested 4-foot height requires a variance.
 - c. This case cannot satisfy the required findings for a variance.
2. The applicant failed to observe proper safety measures during demolition and excavations.

3. The construction process represented continuing gamesmanship with the Department of Building and Safety, not an inadvertent error.
 - a. The construction extended significantly into required yards.
 - b. The applicant omitted other important features and was forced to include them.
 - c. The applicant improperly constructed the roof.
 - d. The applicant constructed illegal retaining walls, improperly alter the topography of the project site.
4. The required finding for an adjustment are not supported by any evidence, let alone substantial evidence.
 - a. No site characteristic or existing improvement makes strict adherence to the zoning regulations impractical or infeasible.
 - b. The project as a whole is not compatible with and would adversely affect other properties in the immediate area.
 - c. The project does not substantially conform to the purpose, intent, and provisions of the general or community plan.
5. The Zoning Administrator should deny the applicant's requests.

In a subsequent letter, the counsel stated that as amply demonstrated at the hearing by the testimony of the applicant and his supporters at the October 8, 2015 public hearing, no evidence supports the requested approvals, which are themselves grossly inadequate for the development the applicant proposes. As the proper request – a variance – is not before you, and the requested approvals have no basis in any of the facts presented, we request the Zoning Administrator deny the application in its entirety.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application had been made with the City of Los Angeles. The hearing was scheduled for Thursday, October 8, 2015 at 9:00 a.m. and was to be heard under Case No. ZA 2014-3845(ZAA) and CEQA No. ENV 2014-3846-CE. The hearing was to be held in the West Los Angeles Municipal Building, second floor hearing room, at 1645 Corinth Avenue, Los Angeles, CA, 90025.

The Zoning Administrator first asked the applicant:

- What is the status of the Department of Building and Safety order to comply?
- What is the true measured grade difference of the lot? The Building Department stop work order states the grade difference is 19.9 and your drawing shows more than 20 feet?

Applicant legal counsel Jonathan Riker, and the project owner Ram Singhania provided the following comments:

- The applicant is working with the Department of Building and Safety to remove the stop order as the property has a grade difference of more than 20 feet and complies with Section 12.21.1-B-2 for the additional 12 feet of height.
- The grade difference is not 19.9 feet as stated by the Department of Building and Safety.
- We have a survey to prove the grade difference is greater than the required 20 feet, and we will submit the survey to the file.

Zoning Administrator allowed the applicant and his representative to continue and they commented:

- The project is an addition to an existing single family home with a deck that started in April 2013.
- The applicant submitted the addition as a by-right project for plan check to the Building Department.
- The building permit was issued in September 2013, and the applicant started the construction immediately.
- The project continued all the way to June 2014 with an 85% of completion passing all inspection.
- During an inspection, it was discovered by the Building Department inspector that the overall height of the project exceeds the height limitation permitted by the Code as the proposed house has a flat roof and the difference in the height and the lowest grades of the lot is less than 20 feet in height.
- An order to stop work was immediately issued by the Building Department on June 23, 2014.
- The error was created by a Building Department plan check miscalculation, and it was also measured incorrectly numerous times.
- The Building Department said that the house construction can be continued, but not the rear deck.
- The applicant has verified that the difference of the highest and the lowest grades of the lot is more than 20 feet so 12 additional feet can be added to the height per 12.21.1-B,2.
- The house was originally designed with a flat roof, but a drainage issue was found during the construction, so the roof must be a pitched roof.
- The applicant has revised the roof plan to create a 25% pitch so the by-right height becomes 33 feet instead of 28 feet per Section 12.21.1.
- A few additional feet is needed for the pitched roof design and also due to the rear sloping of the lot.
- The project is not a developer's project or a speculation home, but a dream house to a home owner.
- The project received a lot of support from the community and neighbors.
- No impacts to the surrounding neighbors.
- No grading done to the site, all dirt is retained on the site.
- The project has been plan checked 10 times and it is a tremendous hardship on a homeowner.

- I am not a contractor, just a home owner, but I do understand to follow the City Code.
- I filed an adjustment to obtain relief from City's plan check mistake.
- My family is a 9 year Mar Vista resident and we want to continue to be a part of it.

Kevin K. McDonnell, legal counsel representing southerly neighbor Thomas Paul provided the following comments:

- The Zoning Administrator cannot hear this case as the authority granting the height relief for this project is a Variance, not an Adjustment.
- The hearing notice also contain errors that the hearing must be re-noticed.
- The Code states that the height limit is 28 feet, but the notice states the request height is 50 feet and permitted height limitation is 45 feet. And then on the application the applicant is requesting a 45 feet height in lieu of the required 40 feet limitation.
- 40 feet, 45 feet, and 50 feet, where do you get these numbers?
- The applicant submitted drawings that were full of mistakes.
- The Building Department made no error, the grade difference of the lot is 19.9 feet as stated on the Order to Comply.
- The applicant has move the dirt up and down to manipulate the grade height. There is no natural grade now, it has been totally obliterated now.
- The application is full of improper findings containing excuses as LADBS made a lot of mistakes... we jumped the gun on construction...we then revise the plan..etc.
- The applicant is trying to get away with something.
- The application must be started with a clean slate, and entitled a building from a new application entitlement.
- The house has been constantly evolving and projecting into yards with the new roof change.
- There no basis for deviating from the Code. A building can be built complying with the law.
- The project must be reheard.

Philip Paboy, applicant's family member provided the following comments:

- The applicant has been playing by the rule, followed the plan check procedures and then City made an error and it is not fair that they are battling again for an approval of an application.
- The applicant deserves to complete the project.

Pete Edwards, a neighbor provided the following comments:

- The applicant complies with the rules.
- City made a mistake on plan check.
- Project should be allowed to move forward.

Sarah Kelly, a neighbor provided the following comments:

- The applicant is not the people who would try to get away with anything.
- The applicant is a respected community member.
- It is an outrage that the project was shut down because one person dislikes the project.
- It is a form of bullying.

Megan Morrow, a neighbor provided the following comments:

- The applicant and his family are good people.
- They have done everything that they can to make the project right.
- More reviewing would be a waste of tax payer's money.

Rita Commara, applicant's family member provided the following comments:

- The project has to do with the reasonableness.
- Construction plans have been approved by the Building Department.
- Opposition's argument is vague.
- The applicant has followed the rules to do his project.
- The neighbor is not reasonable.

Nury Singhania, the project owner (wife) provided the following comments:

- The project has run into problems and plan check errors, but they did follow up with every Building Department request and we want to make it right.
- We cannot change what has happened.

Ram Singhania, the project owner (husband) provided the following comments:

- He does not understand what all the fuss is about.
- His neighbor just wants to stop his project, but the neighbor has a bigger house.
- There are other houses in the neighborhood which are bigger.

Parmanand Kumar, applicant's family member provided the following comments:

- He works as a civil engineer and he has never seen a problem like this.
- It is a Building Department error and the applicant has complied with the Code.
- There are bigger and taller houses in the neighborhood with smaller setbacks.
- He submits a setback study map to the Zoning Administrator for the file record.

Council District No. 11, Thuy Nguyen provided the following comments:

- The applicant is a wonderful community member who supports his community.
- It is a challenging situation.

Legal Counsel Jonathan Riker provided the closing comment for his client:

- This is a construction issue.
- 12.21.1-B,2 allows an extra 12-foot building height.
- The applicant is not trying to get away with something.
- There is no open violation currently.
- The house has 3 stories based on the height.

After the public comment, the Zoning Administrator indicated that based on the testimony heard, he is inclined to approve the project as requested although there are a lot of information and facts to be further researched. The Zoning Administrator will have to verify with the Building Department on plan check in regards to the grade difference of the lot because that determines if the project is authorized an extra 12 feet of building height as prescribed in Section 12.21.1-B,2. If the Zoning Administrator finds in his research that the Adjustment application is inappropriate, then the applicant must file for a Variance and have a new hearing. The Zoning Administrator took the case under advisement for four weeks.

ZONING ADMINISTRATOR DISCUSSION

This project should have been a straightforward addition to an existing single-family house, but it has been complicated by the intricacies of the Sections of Zoning Code used, project site difficulties, Building Department plan check oversights, field inspection corrections, and further plagued by subpar architectural plans which lack clarity and a proper survey. A supposedly by-right project was found deviating from height and side yard requirements after 75% to 85% of the project has been completed. The applicant has moved forward by seeking an adjustment to make amends of the situation.

The project property is zoned R1-1. It is not located in a designated hillside area per ZIMAS, but the lot and its side by side neighboring lots have steep slope at their rear yards. Some property owners have created levels of landscape terrace on the slope with short retaining walls to stabilize soil. Section 12.21.1 stipulates that structures in the R1-1 Zone shall observe a maximum building height not exceeding 28 feet when the roof is less than 25% pitch, or be limited at 33 feet when the roof has a 25% or greater pitch.

Per Section 12.21.1-B,2, exception, if a building is located on a lot containing a slope with a grade difference of 20 feet between the sidewalk or ground level and the grade level (grade is usually referred as the lower level), then the Code permits the building with an additional 12 feet of height to the aforementioned 33 feet or 28 feet. Thus, the Code permits a proposed building with a pitched roof on a non-hillside lot with a 20 foot grade difference a by-right maximum building height of 45 (33+12) feet, or a by-right maximum building height of 40 (28+12) feet if the building has a flat roof.

In the October 8, 2016 hearing, the legal counsel, Mr. Kevin McDonnell, representing an abutting neighbor who opposes the project, echoed his October 7, 2016 letter. He questioned the legality of the hearing notice and the appropriateness of the Adjustment entitlement. The counsel said that the Code stipulates the maximum building height of the

building to be 28 feet, so the notice is incorrect to state a by-right height building height of 45 feet with an adjustment request to increase the height to 50 feet as it made no sense where 45 feet and 50 feet come from. Mr. McDonnell also argued that a height increase from 28 feet to 50 feet requires a variance and the Zoning Administrator cannot hear the Adjustment case.

The Zoning Administrator has reviewed the application file and the Code prior to the hearing, and agreed with Mr. McDonnell that the hearing notice is unclear as it is missing Code Sections and the calculation work of the height, but the notice is not incorrect as to omit Code Sections and plan check calculation work, nor the notice is imprecise to the project information, the by-right height derived from Code Sections of 12.21.1 and 12.21.1-B,2, and the request height. The notice can be improved with additional information, but it is not wrong nor is the missing information so necessary and critical that it misconstrues the application request. A thorough review of the applicable Code Sections 12.21.1 and 12.21.1-B,2 would explain how building height for this project is calculated. Therefore, there is no error in the public hearing notice.

In addition, at the beginning of the hearing, the Zoning Administrator asked the applicant's representative, Jonathan Riker, on the status of the existing June 23, 2014 dated Building Department order to comply. The applicant replied that they are working with the Building Department to remove the stop work order, and he also stated that his architectural section drawing and a survey showed a grade difference of 20 feet. The Building Department has accepted the plans. The Zoning Administrator allowed the hearing to continue as the applicant has his due process rights to be heard. Although there is a dispute on the grade difference, much of the evidence shall be researched and confirmed by the Zoning Administrator. If it is found later by that decision maker that the grade difference is less than 20 feet, then Section 12.21.1-B,2 is not applicable, the City will require the applicant to file a height variance.

During the advisement period, the applicant submitted a survey dated June 18, 2015 to the Planning case file on December 1, 2015. The survey shows the grade difference of the lot to be 20.7 feet. The Zoning Administrator shortly contacted the Building Department plan check engineer of the project, Joshua Diaz, to inquire the whether the Building Department validated the survey. The reply was positive and the survey is now a part of the plan check for the proposed project. This confirms that Section 12.21.1-B, 2 is applicable and an additional height of 12 feet can be added to the project.

The Zoning Administrator finds that an Adjustment to increase the height to be appropriate for this project. The requested increase is less than 5 feet considering the by-right height of the proposed building with a 25% pitched roof is 45 feet (33+12). Section 12.28 permits a height increase of no more than 20% via a Zoning Administrator's Adjustment application. The Section only authorizes a deviation from the baseline 33-foot height and excluding the 12-foot exception height because no additional deviation shall be granted to an exception. Therefore, 20% of 33 feet yields a maximum of 6.6 feet. The applicant's request of 5 feet is well under the 20% limit which makes an Adjustment appropriate.

Moreover, as stated previously, the lot has a terraced slope with cuts and retaining walls to create finished grade pads that are lower than the natural grade. It is difficult to precisely

pinpoint where the 5 feet away from lowest point of the house is located because it is right at the edge of the natural slope and the cut. At any random location on the deck, when the inspector drops a plumb line from the deck to the ground to measure the building height, 5 feet away from the lowest point of the house may land on the natural slope, but when the plumb line is dropped at another location on the deck, the same lowest point may land on the finished grade cut pad. Thus, due to the practical construction and site difficulty the applicant needs to request a maximum of 5 feet of height deviation from the Code. If the lowest point of the house is measured 5 feet away at the natural slope, the maximum height of the house would be 45 feet 9 inches instead of the requested building height up to 50 feet.

Further, the applicant presented a case stating many houses in the vicinity observe side yards ranging from 5 feet to 7 feet except where there are driveways to garages located in the rear of the lots, the driveway sides would observe 10-foot side yards. Mr. McDonnell argued against this case made by the applicant for his 7 foot side yard request because these houses that observe smaller yards are one-story structures and not the 50-foot tall monstrosity proposed by the applicant. While the Zoning Administrator does not dispute Mr. McDonnell's argument, the Zoning Administrator saw a side yard study map presented by the applicant in the hearing which shows the opposing abutting neighbor's three-story house observes 7-foot and 6-foot side yards. Therefore, it is incorrect to assert the applicant's 7-foot side yard is incompatible with the surrounding houses.

Much criticism of this height and yard adjustment application lies on the technicalities of the applicable Codes and the ambiguity of the application. The Zoning Administrator was able to work through the relevant issues raised by Mr. McDonnell and finds the application is appropriate. Nevertheless, the Zoning Administrator considers the compatibility with the surrounding houses as the paramount factor in considering the application. A survey along Inglewood Boulevard within a few blocks confirms that the applicant's proposed house is similar in story, size, height, setbacks, and style with many existing single-family homes on Inglewood Boulevard including Mr. Thomas Paul's house. Many houses are two-story, two-story with a roof deck, or three-story in levels with mansion like characteristics. There are no extraordinary out of character deviations requested herein by the applicant in use, height, or size from other existing single-family home developments.

Safety issues have been also raised by Mr. McDonnell that the applicant has not been diligently assuring the safety of the construction site. Although this matter is enforced by the Building Department Inspection Bureau and California State agencies, the Zoning Administrator has included conditions on regulating construction hours, practices and safety to ensure no further safety violations will be occurred.

MANDATED 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:

1. **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.**

The subject property is a 7,450-foot interior parcel of land mostly rectangular in shape with a steep down slope with a frontage of approximately 60 feet on the east side of Inglewood Boulevard and a depth of 125 feet. The site is currently zoned R1-1 and developed with an existing single-family dwelling. The surrounding properties in the area are zoned R1. The Baseline Mansionization Ordinance (No. 179,883) came into effect on June 29, 2008 which affected the single-family provisions of the Code. In reviewing the surrounding existing single-family developments, the vast majority of the houses are developed with similar size, height, setback and story. Many houses are two-story, two-story with roof decks or three-story with mansion like characteristics. The R1-1 Zone requires a side yard of 5 feet on each side of a building. The purpose of side yards is to provide adequate separation between neighboring properties and to provide light and air to residents of these homes. Section 12.08-C,2 of the Code further requires that the construction of a main building or a ground floor addition to the main building on a lot not located in a Hillside Area or Coastal Zone, 1-foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet. In addition, Section 12.21.1 stipulates that structures in the R1-1 Zone, the maximum building height shall not exceed 28 feet with a roof of less than 25% pitch, or not exceed 33 feet when the roof exceeds 25% pitch. Per Section 12.21.1-B,2, exception, if a building located on a lot contains a slope with a grade difference of 20 feet between the sidewalk or ground level and the grade level (grade is usually referred as the lower level), then the Code permits the building an additional 12 feet of height to the aforementioned 33 feet or 28 feet. Thus, the Code permits a proposed building with a pitched roof on a non-hillside lot with a 20-foot grade difference, a by-right maximum building height of 45 (33+12) feet, or a by-right maximum building height of 40 (28+12) if the building has a flat roof.

The applicant purchased the property in 2013 and shortly renovated the single-family house by adding major improvements to the house. The applicant was previously approved by the Department of Building and Safety for the issuance of building permits to construct a second floor addition and a deck extension to the existing single family house. The construction started in September 2013 and continued for 10 months with about 75% of the project being completed prior to the Building Department's issuance of a Notice to Comply on June 23, 2014 requiring the applicant to stop the construction due to height and side yard setback violations as discovered by the building inspector. The Building Department stated on the Notice that the 2,805 square-foot addition to the existing dwelling requires an 8-foot side yard setback instead of 7-foot currently found on the project site, and the difference of the grade on the lot is 19.9 feet therefore an additional 12 feet of height is not applicable to the project. The applicant has subsequently filed a Zoning Administrator's Adjustment to remedy the minor side yard and the building height issue. A survey was also submitted to both the Planning and the Building Department to prove that the grade difference exceeds 20 feet and the project may add an additional building height of 12 feet per Section 12.21.1-B,2.

The Zoning Administrator views that both the lack of architectural plan clarity and plan check oversight are the cause of the project blunder. However, the decision maker finds the side yard setbacks to 7 feet can still achieve the separation of buildings and the provision of light and air to the home similar to other single-family dwellings in the neighborhood and therefore meets the intent of the zoning regulation. The northerly abutting property observes a southerly side yard of 6 feet and the southerly abutting property observes a northerly side yard of 7 feet, this condition creates building separations of 13 feet and 14 feet for the applicant's house and his northerly and southerly neighboring homes. No safety, ventilation, or view impact would be created to abutting neighbors and the community due to a 1-foot side yard reduction. Further, the decision maker also considers the height request is to be a minor increase. The height increase is necessary to accommodate a rear deck expansion and not the main two-story dwelling structure which it is at 24 feet tall. As explained previous, the lot has a slope towards the rear yard with manmade terraces. Much of the natural grade was replaced and built up with cuts and retaining wall and become new landing pads. These new cut pads created steps of finished grades that are lower than the natural grade. As indicated by the applicant, the 5 feet away from the lowest point of the building is very close to the edge of the natural slope and a landing pad. Inspector may measure the 5 feet away at the nature slope or on the landing pad, therefore, if the 5 feet away from the lowest point of the building happens to land on one of the below natural grade cut landing pad, then the building height will be punitively increased by an amount of several feet instead of in a progressive manner of several inches. This is due to a practical and physical site difficulty and not an intent to create an exceedingly tall building. As the applicant is proposing pitched a roof house with a 25% slope, both Sections 12.21.1 and 12.21.1-B,2 permits a by-right 45 feet of height. The height of the proposed house is limited to 49 feet and 4 inches when measured from the top of the roof to the surface of the slope cut landing pad finish grade. If during construction, the lowest point of the house is found to be located 5 feet away at the natural grade of the slope and not at the finished grade on the landing pad surface, then the maximum building height shall be limited to 45 feet 9 inches (45.7 feet). An increase of 4 feet 4 inches or 9 inches over a 45-foot tall building would be a minor adjustment and no view or shade and shadow impacts would impose on to the neighboring properties.

The general purpose and intent of zoning regulations is to provide developments with characters intended to fit the underline zone classification, use, open space, and safety. Consistently applying the regulation creates compatibility between respective properties. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of a specific property. An Adjustment is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be developed in a manner otherwise not permitted where the spirit of the ordinance is observed and is done without detrimental impacts to the community. The project shows a general consistency to the compliance of the Zoning Code and the building was 75 to 85% completed. It would cause an extremely hardship if the Adjustment is denied.

2. **In light of the project as a whole including any mitigation measures 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 safety, public health, welfare and safety.**

The proposed height and side yard adjustments will not result in any increased safety hazard nor any visual obstruction, and is consistent and compatible with the existing development pattern in the neighborhood. Many existing single family houses in the immediate area are observing similar height, building stories, setbacks and size, thus there is no out of character deviation from the existing surrounding development pattern. Minor height and yard adjustments are commonly granted to accommodate special circumstances originating from existing site characteristics or unusually narrow properties, or topography. The proposed project is for a single-family home on a parcel with a steep slope which presents an unusual grade difference and design difficulties that are not presented in other flat lots. Although the lot has a slope, it is not in a designated hillside boundary to take advantage of the overall 45-foot by-right building height permitted by Section 12.21-C, 10 of the Code. Aside from a minor height increase and reduced side yards by one foot, the home will comply with all other requirements. The site has a frontage on a public street to allow fire trucks to have access to the residence.

The minor height increase and the reduction of 1-foot in side yards will not be substantially perceptible from public view. As designed the project is not expected to result in any negative impact on the immediate area, and will maintain the character of the immediate neighborhood. Conditions relating to construction safety and practice are also imposed to ensure no nuisance is impacted to the immediate properties. What would be injurious to the immediate neighborhood and the abutting neighbors is that if the project is not offered a chance to its completion. The project has been in construction for 10 months since September 2013, and then fell into an on and off building basis to sort out a few minor Zoning Code deviation issues. The project is at its 18-month mark at February 2016, and no completion date is in sight. The neighbors have been watching this construction site as a neighborhood eyesore, and dealing with the prolonged construction activities and inconveniences. The applicant has secured the signatures on the application by the four of the six adjacent property owners and received an overwhelmed support of the neighborhood except one abutting neighbor with a similar house in size, setbacks and height. The requested minor height increase and side yard reduction would be negligible as the project is compatible to the surrounding houses in style, character, size, and height. The approval of the requested Adjustment will result in a welcomed residential improvement largely supported by the community and further restore the peace and quietness to the neighborhood.

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

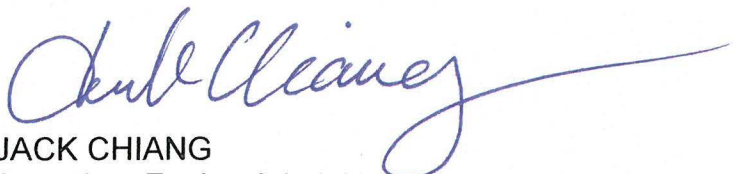
The property is located in the Palms-Mar Vista-Del Rey Community Plan area and designated for Low Density Residential uses with corresponding zones of RE9, RS, RU, RD6, RD5 and R1 and Height District No. 1. It is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan area and Interim Control Ordinance No. 183,497. Both the Specific Plan and Ordinance do not relate to the entitlements requested to the Planning Department. The plan does not specifically address the issue of side yards or height. The existing use of the property is for a single-family use and the applicant of the proposed addition home project is maintaining the same residential use on the property, which is consistent with the Residential Plan Land Use designation of the property and its current R1-1 zoning classification. The Plan encourages the preservation and enhancement of existing single-family neighborhoods and makes it a goal to meet the physical needs of existing residents. The Housing Element of the General Plan further promotes the development, preservation and enhancement of quality single-family residential neighborhoods in the City, and the request is consistent with such policies.

As such, this action will be in substantial conformance with the various elements and objectives of the General Plan in that it will allow the reasonable development of the property with a single-family home, consistent with existing surrounding development.

ADDITIONAL MANDATORY FINDINGS

4. 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.
5. On April 18, 2015 the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2014-3846-CE, for a Categorical Exemption, Class 5, Category 10. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Kellen Hoime, Planning Staff for the Office of Zoning Administration at (213) 473-9769.



JACK CHIANG
Associate Zoning Administrator

JC:KH:Imc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

MASTER LAND USE APPLICATION

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

REV. 1

ENV No. <u>2014-3846-CE</u>		Existing Zone <u>R1-1</u>		District Map <u>117B153</u>
APC <u>West Los Angeles</u>		Community Plan <u>Palms-Mar Vista-Del Rey</u>		Council District <u>11</u>
Census Tract <u>2715.00</u>	APN <u>4249-013-012</u>	Case Filed With [DSC Staff] <u>Eggutierrez</u>	Date <u>10/16/2014</u>	

CASE NO. ZA-2014-3845-ZAA

APPLICATION TYPE Zoning Administrator Adjustment
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 3400 S. Inglewood Blvd. Zip Code 90066
Legal Description: Lot 207 Block None Tract 13371, M.B. 272-42/44
Lot Dimensions Irregular Lot Area (sq. ft.) 7,458 Total Project Size (sq. ft.) 2,851

2. PROJECT DESCRIPTION

Describe what is to be done: Proposed 1st and 2nd floor additions to an existing one-story single family dwelling
RECEIVED
CITY OF LOS ANGELES
AUG 20 2015

Present Use: SFD Proposed Use: Same
Plan Check No. (if available) Permit # 13014-10000-01546 Date Filed: 9/27/13
CITY PLANNING DEPT.
ZONING ADMINISTRATION
Check all that apply:
☐ New Construction ☐ Change of Use ☒ Alterations ☐ Demolition
☐ Commercial ☐ Industrial ☒ Residential ☐ Tier 1 LA Green Code
Additions to the building: ☒ Rear ☒ Front ☒ Height ☐ Side Yard
No. of residential units: Existing 1 To be demolished 0 Adding 0 Total 1

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:

Code Section from which relief is requested: 12.08.C2 Code Section which authorizes relief: 12.28
Zoning Administrator Adjustment pursuant to Municipal Code Section 12.28, to permit a reduced side yard of 7 feet in lieu of 8 feet for the building with the height exceeding 38 feet as per Municipal Code Section 12.08.C2

Code Section from which relief is requested: 12.21.1 Code Section which authorizes relief: 12.28
Zoning Administrator Adjustment pursuant to Municipal Code Section 12.28, to permit a overall building height of 45 feet in lieu the permitted height of 40 feet as per Municipal Code Section 12.21.1 for the proposed 2nd story addition to an existing one-story single family dwelling.

** IN CASE OF FLAT ROOF OR 50 FT IN LIEU OF THE PERMITTED HEIGHT OF 45 FT (AS-BUILT) FOR SLOPED ROOF*

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

4. OWNER/APPLICANT INFORMATION

Applicant's name RAM P. SINGHANIA Company _____
 Address: 1095 SUNSTREAM LN Telephone: (714) 281-1253 Fax: ()
ANAHEIM Zip: 92808 E-mail: NK16@hotmail.com
 Property owner's name (if different from applicant) RAM P. SINGHANIA
 Address: _____ Telephone: (714) 281-1253 Fax: ()
 _____ Zip: _____ E-mail: _____
 Contact person for project information LEO ESPARZA Company JESS ESPARZA & ASSOCIATES
 Address: 6107 YORK BLVD Telephone: (213) 215-8121 Fax: ()
LA CA. Zip: 90042 E-mail: LEO.ESPARZA1@AOL.COM

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- The information presented is true and correct to the best of my knowledge.
- In exchange for the City's processing of this Application, the undersigned Applicant agrees to defend, indemnify and hold harmless the City, its agents, officers or employees, against any legal claim, action, or proceeding against the City or its agents, officers, or employees, to attack, set aside, void or annul any approval given as a result of this Application.

Signature: [Signature] Print: R. P. SINGHANIA

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of OrangeOn September 27, 2014 before me, Daniel E. Merb-Lopez, Notary Public

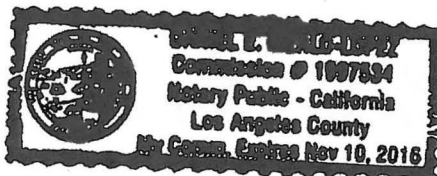
(Insert Name of Notary Public and Title)
 personally appeared Ram Singhanian, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
 Signature

(Seal)

**6. ADDITIONAL INFORMATION/FINDINGS**

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate Special Instructions handout. Provide on attached sheet(s) this additional information using the handout as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by [Project Planner]	Date
Receipt No.	Deemed Complete by [Project Planner]	Date

Zoning Administrator's Adjustment (ZAA)

- 1. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the intent of those regulations.**

An adjustment is requested to permit a reduced side yard setback of **7 feet in lieu of 8 feet** for a proposed 2-story addition over an existing one-story dwelling. The request for adjustment also is to permit a **5' increase in building height** of 45 feet in lieu of 40 feet in case of flat roof and **45' to 50' in case of slope roof** as required by the code.

The proposed project is currently under construction under an approved plan and permit. A notice to stop all work and notice of intent to revoke building permit from the Department of Building and Safety had been issued. The Building and Safety Department had determined that the permit was issued in error, citing that the required side yard and height of building did not comply with the code.

This creates an extreme hardship for the property owners, as they cannot continue with the construction, which is more than 75% complete, until they resolve this matter. Strict adherence to the zoning regulations makes the proposed project impractical and infeasible. The existing dwelling has a 7-foot side yard setback, which is consistent with adjacent properties. As a result of the 2nd story addition, the overall building height exceeds 38 feet. In addition, an 8-foot side yard setback is now required.

Requiring adherence to a 8-foot side yard would necessitate the demolition of a portion of the existing 1st. floor and 2nd floor addition which is now under construction. This would be a hardship and an unreasonable requirement. The lot dimensions as to width are very limited which do not allow for the siting of a dwelling or any addition elsewhere. It is not the intent of the zoning regulations to preclude customary development and the use of single-family dwellings on lots so zoned.

The intent of the Municipal Code with respect to setbacks is to provide for separation, privacy, and buffer between respective houses. In this instance, the intent can be preserved as the existing residence and proposed 2nd floor addition will observe a 7-foot side yard setback. This is in keeping and consistent with adjacent properties that have equal or lesser setbacks. Thus, the privacy of the adjacent neighbors is preserved and the separation between uses can be attained in a manner that is consistent with the purpose of the regulations.

As for the height of the building, it has been established that the actual site conditions and topography did not match the conditions as shown on the plans. This adjustment asks for an increased height of the building to be a height of 45 feet in case of flat roof and 50' in case of slope roof. The approved plans show 40 feet in case of flat roof or 45' in case of slope roof, which is the maximum permitted height. Since the project has been nearly completed with **slope roof** it would be an extreme financial hardship to remove the 2nd floor addition. Furthermore the height of the building is in keeping with adjacent developments.

The Municipal Code seeks to achieve compatibility between adjacent houses and to specifically accommodate viable economic use of the subject property. In this instance, the subject property and the development of a single-family house is consistent with adjacent residential houses as to height and yard setbacks. The applicant seeks to be on par with adjacent properties while being consistent with existing development and the General Plan. Strict application of the code would result in the loss of the proposed residential expansion. The loss of the potential usage of the property could not be justified on economic grounds or good planning practices. Thus, strict application of the provisions of the Zoning Code would cause unnecessary economic hardship to the owner, be inconsistent with adjacent development, and be contrary to the purpose and intent of the Code.

- 2. That in light of the project as a whole, including any mitigation measures imposed, the projects location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare and safety.**

The subject property and its improvements thereon, have maintained an established compatibility with adjacent properties and the neighborhood for over 60 years. The reduction in side yard setbacks and height of the building is a direct result of the 2nd floor addition over the existing dwelling. The project will be consistent with the development of adjacent properties. The project's location, size, height and features will be compatible with other properties in the immediate area and in no way will adversely affect or further degrade adjacent properties.

3. That 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 subject property is located in the Palms-Mar Vista-Del Rey Community Plan area and is designated R1-1 residential. The Plan Text does not discuss side yards or height as such matter is far more specific and detailed an issue as compared to the more general language found in the Plan Text. The Plan's intent is to promote stable single-family neighborhoods and protect property values. There are no other plans that have a direct bearing on the request. The requested side yard reduction and height of the building remains consistent with the intent and purpose of the General Plan.

ZONING ADMINISTRATOR'S ADJUSTMENT (ZAA)

3400 Inglewood Blvd, Mar Vista, CA 90066

Findings for Approval of adjustment

I. REQUESTS:

1. To approve a reduction of 1 foot (12.5%) of both side yards to 7 feet, in lieu of 8, feet as required by Code.
2. To approve a 5 foot (12.5%) increase in height of the house to 45 feet, in lieu of 40 feet, in the case of a flat roof or 50 feet in lieu of 45 feet with a slope roof (as-built), as required by the Code, from the lowest point to the highest point of the house.

II. PROJECT OWNERS: (Ex-1)

Mr. and Mrs. Ram Prasad and Aruna Singhania
1095 S. Sunstream Lane
Anaheim, CA 92808

III. PROJECT LOCATION:

3400 Inglewood Blvd., Mar Vista, California 90066. (Ex-1)

Lot/Parcel Area:	7,458 S.F.
Assessor Parcel No. (APN):	4249-013-012
Thomas Brothers Grid:	Page 672-Grid C2
Tract:	TR 13371
Map Reference:	M B 272-42/44
Block:	None
Lot:	207
Arb (Lot Cut Reference):	None
Map Street:	117B153
PIN No.	117B153 879

III. PROJECT SCOPE OF WORK:

1ST and 2ND Floor Addition to an Existing Single Family Dwelling and Interior Remodeling. (Ex-2)

IV. PERMITS ISSUED FOR BUILD THE PROJECT:

LA City Building and Safety Building Permit No. 13014-10000-01546 for 1ST and 2ND Floor Addition to an Existing Single Family Dwelling and Interior Remodeling. (Ex-3)

V. PROPERTY DESCRIPTION:

Zoning:	R1-1
General Plan Land Use:	Low Residential
Hillside Area:	No
Baseline hillside Ordinance:	No
Baseline Hillside Mansionization Ordinance:	Yes
Historic Preservation Review:	No
POD - Pedestrian Oriented Review:	None
CDO – Community Design Overlay:	None
NSO – Neighborhood Stabilization Overlay:	No
Streetscape:	No
Maximum Allowable Square Footage Per Mansionization Ordinance:	4,474.8 S.F.

VI. ADJUCENT PROPERTIES:

All adjacent properties are zoned as R1-1 and consist of single family, single story houses, similar to the subject property, except for the house south of the subject. This is a newly constructed three (3) story modern structure approximately 35 feet high from the front, having a north side setback of approximately 7 feet and south side setback of approximately 6 feet (Ex-7). **All other property side setbacks are 6 feet or less**, except when a driveway is present. (Ex-4)

VII. HISTORY:

Around April 24, 2013, the owners purchased the property known as 3400 Inglewood Blvd, Mar Vista, CA 90066. Around April 25, 2013, the owners submitted documents for Plan Check to Los Angeles City Building and Safety Department, including drawings, specifications, calculations, surveys, etc. to build an approximately 2800 square foot addition to the existing 1667 square foot single family residence through Architect Pete Volbeda.

After five (5) months of multiple LA City Building Department reviews of the Plans and corrections, and payment of more than \$35,000.00 in City fees, etc., the LA City Building Department Issued Building Permit No. 13014-10000-01546 for Construction, on September 27, 2013, to build approximately a 2800 square foot addition to the existing 1667 square foot single family residence. Applicant also received the clearance from Bureau of Engineering for sewer, drainage system, green building mandatory compliance and Bureau of Sanitation, etc. (Ex-5)

Construction was immediately started and part of the old house was demolished. Six caissons, 12' to 36' deep, with steel and moment frames were erected. Underground plumbing was completed, the foundation and slab were poured and the deck was built as approved by the City. The grade beam to connect all six caissons was poured, framing of the house and deck was started, and stairs were built. Electrical wiring, internal house sprinklers, fireplaces, skylight, windows, plumbing, HVAC and roof of the house is complete. Drywall and stucco are ready to install. The construction is 85% completed and all aspects have been approved by the City of LA inspectors. In fact, the house is 85% built with a total cost spent of approximately \$900,000.00. (Ex-6 through Ex-11)

VIII. LA CITY NOTICE OF CODE VIOLATIONS:

Around the end of June 2014, to the surprise of all, the owners received a Notice to Stop all Construction and Notice of Intend to Revoke Building Permit No. 13014-10000-01546 for 3400 S. Inglewood Blvd, from the City of Los Angeles Building and Safety Department (LADBS). (Ex-12). This notice indicated that:

1. The height of the single family dwelling of **40.5 ft exceeds** the 28 foot allowed in the case of a flat roof, or 33 foot allowed in the case of sloped roof, height limit as permitted by the LAMC Section 12.21.1. The following reasons provide explanation for not permitting the 40.5 foot height limit:
 - a. The height of Building is defined in LAMC Section 12.03 to be the height from the highest point of the building to the lowest finish grade within 5 feet of the building.
 - b. The exception to the height of building limitations in LAMC Section 12.21.1.1B2 may not be used, since the lowest and highest finish grade elevations provide a difference in 19.9 feet, less than the required 20 feet.
 - c. Therefore, this project may not use the 12 foot height increase in allowable building height, specified in Section 12.21.1B2 of the LAMC.
2. The side yard setback of **7 feet** shown on the approved building plan does not comply with LAMC Section 12.08C2, which requires **8 foot side yard** for building height exceeding 38 feet.
3. The eve projection of 36 inches as shown on approved plans exceeds the allowable projection permitted by LAMC Section 12.22C(20)(b). An eve may project not more than four inches per foot of the width of the required side yard.

IX. MITIGATION:

To mitigate these problems, applicant has agreed and cut the eve as required by the LAMC Section 12.22C(20)(b) and complied with the Code for the Violation Item No. 3. However, to correct both side setback and height as required by the code, creates an extraordinary and unusual hardship and adversity to the owners, especially when the house is built as approved by the City of Los Angeles, in **good faith and honest intent**.

For the setback mitigation, the only solution is to demolish the house which will be a tremendous hardship to the owners and wastage of all the spent resources to restart construction to satisfy the Code. The reduction of both side setbacks are so small, only 1 foot or less than 12.5%, or 7 feet in lieu of 8 feet, when all the surrounding and adjacent houses have side setbacks of 7 feet or less. Therefore, to allow a 1 foot variance is reasonable and justifiable request.

In addition, the applicant worked very hard with the City Planner to further mitigate the height problem, and built a sloped roof, as suggested and approved by City, which provides a height of 45 feet (33' LAMC Section 12.21.1 + 12' LAMC Section 12.21.1.1B2) in compliance with Code. However, the height is still not as required by the code and needs a variance approval of increase in height by 5 feet (12.5%), (less than 20%), and therefore, the applicant requests the approval of a 5 foot height increase variance of the residence.

Therefore, the applicant respectfully requests the City of Los Angeles to approve the requested modifications for both side setbacks to 7 feet from 8 feet as required by the code, and increase in height of the house by five feet (5') (12.5%) to 45 feet in lieu of 40 feet in case of a flat roof or **50 feet in lieu of 45 feet in the case of a sloped roof**, (as-built) as required by the Code, from the lowest point to the highest point of the house.

XI. THE REQUEST IS SLIGHT.

Yes. The request is slight because:

1. The bilateral side yard reduction is requested for only one foot (1') or a 12.5% reduction to 7 feet, in lieu of an 8 foot side yard, which is less than 20%.
2. The house was originally built, and a certificate of occupancy was issued on November 28, 1952 with a 5 foot side yard. This is an addition to the original built house.
3. The height addition is requested for only five feet (5') (12.5%) of the house to 45 feet, in lieu of 40 feet, in the case of flat roof, or 50 feet, in lieu of 45 feet in the case of sloped roof (as built) from the lowest point to the highest point of the house as required by the Code, which is less than 20%. The reason for this increase in height is because the City interpretation for the height of house from the lowest point to highest point is now 5 feet from the Caissons in place of original interpretation of 5 feet from the house's rear wall.
4. The rear yard is a sloped yard and 5' requirement now from rear caissons made the lowest point further from the house than from the rear wall which increased the height of the house. However, the height at the front of the house, is only 23 feet (23') high, and the code allows a two story house to be 28 feet high with the flat roof, or 33 feet high with a sloped roof, as built.
5. Therefore, the reduction in side yard and increase height of the house is slight.

XII. While the site characteristics and existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the spirit and intent of those regulations and Code.

The Planning and Zoning Code of the City of Los Angeles requires open space, in the form of yards, in order to provide a separation between land uses, such that light, air, privacy, landscaping, and emergency access can be adequately assured. Additionally, the Code provides for the adjustment authority to address requests for relief due to hardship or other difficult circumstances.

The request herewith for reduction of bilateral side yards and increase in height are common, in order to provide for project that, by design, is appropriate within the immediate environs and physical context. The granting of the adjustment will not result in adverse effects, and thereby, is in conformance with the spirit and intent of the code.

Exempting the applicant's property from meeting the full setback area will not alter the visual character of the residential neighborhood, especially, when all of the neighborhood and adjacent properties have similar or lesser setbacks. Similarly, the approval of the increase in height will not alter the visual character or view restrictions of the residential neighborhood, especially, when south of the property is a **three (3) story house over 35 feet in height** compared to 23 feet high of the subject property, from the front which is only two (2) stories high.

The Code allows a two story house to be 28 feet high, in the case of a flat roof and 33 feet high for a sloped roof (LAMC Section 12.21.1.) Existing development on the site is in compliance with zoning requirements regarding front and back yards. These elements will not be modified with approval of the adjustment. Adequate open space, light, air, privacy, landscaping, and access are assured. The existing dwelling structures will not be expanded or altered to allow additional building area, height, nor mass. Further, granting of requested adjustments will not adversely affect the public welfare or safety, and therefore will be in conformance with the spirit and intent of the Code.

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the zoning regulations. It is impractical to comply with the Codes now because caissons are built and steel and moment frames are erected over and inside of the caissons. In addition, plumbing,

foundations, slab, framing, electrical, windows, sky light, fireplace, HVAC and sprinklers are 100% complete. Stucco and drywall is ready to install. Development is already approximately 85% complete with the cost of construction close \$900,000.00. Therefore, it is impossible to tear down the house which was built after receiving all proper approvals and permits from the LA City Building Department without any fault of the applicant.

In addition, the strict application of the zoning ordinances would cause extreme economic hardship to the owners, since they have already spent close \$900,000.00 or more than 3/4 of their budget to complete this custom home. The intent of the zoning ordinance is not to penalize someone who in good faith proceeded on construction, as approved by the City of Los Angeles. Certainly the owners should be sensitive to preserving neighbors views, as is practical as intended by the code, however, the intent of these hillside homes is to maintain a view towards the front or rear of their lot, not necessarily work to look into windows of adjacent homes.

It will be a tremendous hardship to the owners and wastage of all the spent resources to demolish the house and restart construction to satisfy the Code, especially when the the reduction of both side setbacks are so small, only 1 foot or less than 12.5%, or 7 feet in lieu of 8 feet, when all the surrounding and adjacent houses have side setbacks of 7 feet or less.

The other issue is the 45 foot height, in lieu of 40 feet, in the case of a flat roof or 50 feet in lieu of 45 feet with a sloped roof (as built) from lowest point at the back of the house, because the City interpretation of the Code has changed. The original approved drawings were based on 5 feet from the house rear wall but now the interpretation is 5' from the rear caissons which created the height problem because the rear yard is sloped yard. The height of the development is only 23 feet visually from the front and the Code for two story height is allowed to be 28 feet in the case of flat roof or 33 feet in the case of a sloped roof (as built), as defined in LAMC Section 12.21.1.

All the requirements of the code were verified during numerous plan checks for five months before a permit was issued and again checked by the LA City building inspector during the construction process. The applicant has started the house and has built 85% of the house in good faith and with honest intentions, all with the approval of the City of Los Angeles Building and Safety Department. At this stage of construction, it seems that a subsequent review was made by the Building and Safety Department where it was determined that the approved drawings were off in a height measurement by **0.1 ft or 1 inch**, and the both side setbacks off by **1 foot**. Therefore, it is justified for the city to approve this slight modification of 7 foot side setbacks, in lieu of 8 foot side setbacks, and a 45 foot height in lieu of 40 feet in the case of flat roof or,

a 50 foot height in lieu of 45 feet (as built) from the rear lowest point to the highest point of the house in the case of a sloped roof of the house.

- XIII. In light of the project as a whole, including any mitigation measures 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 public health, welfare, and safety.**

The increased side yard of 8 feet is required for a 3 story building. The subject is only a 2 story building. The height of the subject is only 23 feet at the front of the house, while the 2-story height is allowed to be 28 feet in case of flat roof, or 33 feet in the case of a sloped roof, as defined in LAMC Section 12.21.1. Therefore, the subject complies with the spirit and intent of the code in that it has a side yard and height for a building which appears to be two stories.

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

The granting of the adjustment is consistent with Community Plan objectives to promote neighborhood preservation, and to preserve and enhance the character and integrity of existing residential neighborhood. The granting of the adjustment does not alter the primary residential use of property. Therefore, the granting of the request conforms to intent and purpose of General Plan.

- XV. Does the request meet the spirit and intent of Code?**

The increased side yard of 8 feet is required for a 3 story building. The subject is only a 2 story building visually. The height of the subject is only 23 feet at the front of the house while 2-story height is allowed to be 28 feet in the case of a flat roof, or 33 feet in the case of a sloped roof, as defined in LAMC Section 12.21.1. Therefore, the subject complies with the spirit and intent of the code in that it has a side yard and height for a building which appears 2 stories.

XVI. Why is it impractical to comply with the letter of the Code, in the instant case?

It is impractical to comply now since the caissons are built and steel moment frames are installed over the caissons (Part of the Steel Frame is built inside caissons). In addition, underground and rough plumbing, foundation, slab, framing, window, HVAC, sky light, fireplace, stairs and sprinklers are 100% complete. Stucco and dry wall is in progress. The present cost of construction is over \$900,000.00. Therefore, it is impossible to tear down the house which was built after receiving proper approvals and permits from the LA City Building Department.

In addition, it will be a tremendous hardship to the owners and wastage of all the spent resources to demolish the house and restart construction, as required by the code, especially when the side setback is only 1 foot (or less than 12.5%) short or 7 feet in lieu of 8 feet, when all the surrounding and adjacent houses have side setbacks that are 7 feet or less.

The other issue is the 45 foot height, in lieu of 40 feet in the case of a flat roof or 50 feet in lieu of 45 feet in the case of a sloped roof from the lowest point at the back of the house, because the City interpretation is now 5 feet from the Caissons in place of original interpretation of 5 feet from the house's rear wall. The rear yard is a sloped yard and 5' requirement now from rear caissons made the lowest point further from the house than from the rear wall which increased the height of the house. In fact, the height of the subject is only 23 feet from the front, while 2-story height is allowed to be 28' in case of flat roof or 33' in case of sloped roof as defined in LAMC Section 12.21.1.

All the requirements of the code were checked during numerous plan checks for five months before the permit was issued. The applicant has started the house and built 85% of the house in good faith, with approval of the City of Los Angeles. At this stage of construction it seems that a subsequent review was made by the Building Department, where it was determined that the approved drawings were off in a height measurement by 0.1 feet or 1 inch and off by 1 foot from both side setbacks. Therefore, it is justified for the city to approve this slight modification of a 7 foot side setback in lieu of an 8 foot side setback and 45 foot height of the house in lieu of 40 feet or 33 feet in case of a sloped roof especially when the house is built as approved by the City of Los Angeles, in good faith and honest intent.

XVII. The granting of the adjustments will result in development compatible and consistent with surrounding uses.

The requested adjustment is necessary to accommodate the both side setbacks to 7 feet because:

- a. It is so small that its impact is minimal; 8 feet to feet is a 12.5% reduction.
- b. All the houses around and adjacent to the subject property have setbacks approximately same, or less (5 ft to 7 ft.), and therefore the subject with 7feet bilateral side setbacks will be compatible and consistent with the surrounding houses;
- c. Prior to construction, the subject had a setback of 5 feet and this is a modification of the prior residence.
- d. Evidence of similar side yards of five to seven feet in the immediate neighborhood is provided with the application.
- e. The resultant encroachment into side yards will not adversely impact the adjacent dwellings or properties in regards to light, air, privacy or emergency access and, as designed, will result in a development compatible and consistent with surrounding use. Approval of the request will not result in any change to the location, massing, and appearance of the existing structures in relation to the adjacent uses.
- f. The 45 foot height, in lieu of 40 feet for a flat roof, or 50 feet in lieu of 45 feet in the case of a sloped roof at the back of the house , because the City interpretation is now 5 feet from the Caissons in place of original interpretation of 5 feet from the house rear wall. In fact, the height of the subject is only 23 feet from the front visually, and for 2-story house, Code allows the height to be 28 feet in the case of a flat roof or 33 feet in the case of a sloped roof as defined in LAMC Section 12.21.1.

XVIII. The granting of the requested adjustments will be in conformance with intent and purpose of General Plan.

The granting of the adjustment is consistent with Community Plan objectives to promote neighborhood preservation, and to preserve and enhance the character and integrity of existing residential neighborhood. The granting of the adjustment does not alter the primary residential use of property.

Therefore, the granting of the request conform the intent and purpose of General Plan.

XIX. There are no adverse impacts from proposed adjustments of reduction.

Generally, front and rear yard setbacks are required to fulfill the objective of open space, aesthetic consideration, privacy, and access for light, air, and emergency services. These characteristics will be maintained. The location and footprint of the existing development structure on site will not be expanded as a result of this approval. The distance between the structures already built on the site and adjacent site will not be altered as a result of the approval of applicant requests. This approval of the reduction in both side setbacks and increase in height of the already built structure assure continued use of the property that fulfill the intent of the zoning regulations in maintaining desirable open space on the site and a quality of living environment for both residents on the site and adjoining properties, and will not have any adverse impact on the adjacent properties.

XX. The site and/or existing improvements make strict adherence to zoning regulations impractical and infeasible.


Strict adherence to zoning regulations is not feasible based on the existing development of the property and desire to maintain the existing configuration of the structures as originally permitted, approved, and developed. Strict adherence would require substantial alteration or destruction of a complete existing dwelling development and structure and potential loss of open space to meet setback requirements, which will be both impractical and financially infeasible. Additionally, further development, in order to reconfigure structures on site in conformance with Code provisions, would potentially impact residential uses of adjacent properties sites that would otherwise be unaffected by approving the instant requests.

SIGNATURES of adjoining or neighboring property owners in support of the request; not required but helpful, especially for projects in single-family residential areas. (Attach additional sheet, if necessary)

CP-7771 (09/9/2011)

ZA-2014-3845-ZAA

**LETTER OF CONSENT/NON-CONSENT FROM ADJOINING
NEIGHBORS
FOR REQUEST OF YARD REDUCTION
AND INCREASE IN HEIGHT**

To be completed by the Petitioner	
Owner:	RAM & ARUNA SINGHANIA
Project Address:	3400 INGLEWOOD BLVD, MARVISTA, CA 90066
Scope of Work:	1ST & 2ND FLOOR ADDITION TO EXISTING SINGLE FAMILY DWELLING AND INTERIOR REMODELING
Plan Check Number:	B13LA05102
Date:	4/25/2003
REQUEST: To allow a reduced (side) (rear) (front) yard of 7 feet in lieu of 8 feet as required by Code and as indicated in the attached plans.	
I certify that the plans presented to the neighbor for his/her review are identical to those plans for which a building permit is being requested:	
 Signature	

To be completed by Neighbor	
I, <u>MOON HUAN KWON</u> , am the legal owner of property	
(Name)	
located <u>3401 INGLEWOOD BLVD, MARVISTA CA 90066</u>	
at _____	
(address - number and street):	
with the following legal description: Lot: _____ Block: _____ Tract: _____	
which is an adjoining property (including across the street) to the project address. I am aware that a reduction of required yards is being applied for at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction.	

- ☒ I have No Objection to granting my consent for the aforementioned request for yard reduction.
- ☐ I Object to this request for a yard reduction. (Note that neighbors are under no obligation to sign)


Neighbor signature

MOON HUAN KWON
print name

10/19/14
date

INSPECTION RECORD



Your feedback is important, please visit our website to complete customer Survey at www.ladbs.org/LADBSWeb/customer-survey.asp
If you would like to provide additional feedback, need clarification, or have any question regarding plan check or inspection matters, please call our Customer Hotline at (213) 482-0056

For use by cashier only

2013LA22471

9/27/2013 4:11:44PM
LA 0012 0101206693
13014-10000-01546 F

PERMIT NO : 13014-10000-01546

ADDRESS : 3400 S INGLEWOOD BLVD

WORK DESC : 1ST & 2ND FLOOR ADDITION TO EXISTING SINGLE FAMILY DWELLING AND INTERIOR REMODELING.

INSPECTION RECORDS AND PLANS MUST BE AVAILABLE DURING INSPECTION

GRADING INSPECTIONS

TYPE	DATE	INSPECTOR
Initial Grading		
Toe or Bottom		
Soils Report Approved		

DO NOT PLACE FILL UNTIL ABOVE IS SIGNED

Backfill		
Fill		
Excavation		
Drainage Devices		
Rough Grading		
Approved Compaction Report		

FOOTING INSPECTIONS

Footing Excavation		
Forms		
Reinforcing Steel		
OK to place concrete		

GROUNDWORK INSPECTIONS

Electrical		
Plumbing	1-21-14	
Plumbing Methane		
Gas Piping		
Heating & Refrigeration		
Fire Sprinklers		
Disabled Access		
Methane		
OK to Place Floor	2-6-14	

DO NOT PLACE FLOOR UNTIL ABOVE IS SIGNED

ROUGH INSPECTIONS

Green Code	7-29-15		X
Electrical	7-22-15		X
Plumbing	7-22-15		X
Fire Sprinkler			
Heating & Refrigeration	7-22-15		X
Roof Sheathing	7-10-15		X
Disabled Access			
Framing			X
Insulation			
Suspended Ceiling			
OK to Cover			

FOR INSPECTION REQUESTS, PLEASE CALL 3-1-1
OR OUTSIDE CITY OF LOS ANGELES
888-LA4-BUILD (888)524-2845 or www.ladbs.org

DO NOT COVER UNTIL PREVIOUS IS SIGNED

TYPE	DATE	INSPECTOR
Exterior Lathing		
Interior Lathing		
Drywall		

DO NOT COVER UNTIL ABOVE IS SIGNED

WORK OUTSIDE OF THE BUILDING

Electrical Underground		
Gas		
Heating & Refrigeration		
Sewer Connected	11-10-14	
Disabled Access		

POOL INSPECTIONS

Excavation		
Reinforcing Steel		
Bonding		
Piping		
Pre-Gunite		
Deck		
Enclosure/Fence		
Pool/Spa Cover		

DO NOT FILL POOL UNTIL ABOVE IS SIGNED

FINAL INSPECTIONS

Grading		
Electrical		
Plumbing		
Gas Test		
Gas		
Heating & Refrigeration		
Pressure Vessels		
Elevator		
Fire Sprinkler		
Disabled Access		
Green Building		
LAFD (Title 19 only)		
LAFD Fire Life Safety		
Pool Final		
AQMD sign-off provided		
Public Works		
Building		
PROJECT FINAL		

Certificate of Occupancy Required

☐ YES ☐ NO

EX-3 REV.1

PERMIT NOTES:

12-19-13 REC'D : 20. OBSER FOR CASSONS & S. REPORT
 OK TO POUR 6 - CASSONS - *[Signature]*
 1-23-14 REC'D STR. OBSER FOR ~~8~~ MAIN BLDG *[Signature]*
 1-31-14 REC'D DEPUTY FOR WELDING MOMENT FRAME
 REC'D DEPUTY FOR EPOXY ON FOUNDATION - *[Signature]*
 3-10-14 DECK + 2ND FLR - *[Signature]*
 NAILING OK
 3-12-14 REC'D STR. OBSER FOR GRADE/BM - OK TO POUR & GRADE BMS - *[Signature]*
 OK TO POUR 2 FOOTINGS @ GARAGE WITH DEPUTY APPROVAL OF HFX MARK
 7/6/15 HVAC OK DRAINAGE CPFR & ELECTRICAL (OK) *[Signature]*
 7/8/15 HVAC: PROVIDE CPFR (INSPECTION) (IF REQUIRED) PROVIDE
 PRIMER OF CORRUGATING COLOR AND GREEN PLATS FOR E.P.
 ELECTRICAL: ROUGH OK. NO PAWERS INSPECTED. EXPLAINED ALL
 ROUGH AND FINAL REQUIREMENTS EXPLAINED. *[Signature]*
 7-10-15 ROOF HT ON PLANS REVISED TO SHOW 33'-0" REC'D SURVEY FOR 32'-11" HT. *[Signature]*
 7-22-15 Rough gas test ok; NEED FINAL gas test AFTER DRY WOU. *[Signature]*
 7-29-15 SHWR PANS OK - *[Signature]*

IMPORTANT NOTICE

- * Prior to the start of any construction work adjacent to any public way, pedestrian protection shall be provided. (Sec. 91.3303 L.A.M.C.).
- * Inspections may be requested Monday through Friday by calling 1-888-LA-4-BUILD. When requesting an inspection, the following information is required: (1) The job address, (2) Type of inspection, (3) Use of Building, (4) Permit number, (5) Phone number of a contact person should the department need to reach someone.
- * Inspection requests received before 4:00 p.m. Monday through Friday (excluding holidays) will normally be made the next business day. Requests received after 4:00 p.m. will be made following the next business day. The Automated Inspection Call Back System (AICBS) will phone the contact person to confirm the inspection.
- * Permit fees provide for a limited number of inspections. A reinspection fee may be assessed when the work for which an inspection was requested is not complete, when the inspection record or plans are not available, or when there is failure to provide site access to department staff.
- * No person shall perform any construction or repair work between the hours of 9:00 p.m. (6:00 p.m. grading) and 7:00 a.m. the following day which results in loud noises to the disturbance of persons occupying sleeping quarters in any dwelling, hotel, motel, apartment, or other place of residence (Sec. 41.40 L.A.M.C.).
- * No person, other than an individual homeowner engaged in the repair or construction of his/her single-family dwelling, shall perform any construction or repair work of any kind upon any building or structure located on land developed with residential buildings or perform work within 500 feet of land so occupied, before 8:00 a.m. or after 6:00 p.m. on any Saturday or at any time on Sunday (Sec. 41.40 L.A.M.C.).
- * Dust control measures to prevent dust from being blown or deposited over or upon any private property in any residential area must be implemented during any excavation or earth-moving phase of construction, sand blasting, or demolition.
- * A separate permit from the State of California Division of Industrial Safety is required prior to starting certain work involving substantial risk to workers such as: construction or demolition exceeding 3 stories or 36 feet in height, or excavations or trenches over 5 feet in depth involving entry by workers.
- * Building permits are valid for two years or expire on the 180th day from the date of issuance if the work permitted has not commenced. The department reserves the right to expire any permit where work has been suspended for a period of 180 days or more.
- * Inspection services will not be provided when there is an unleashed dog on the premises.

BUILDING AND SAFETY PERMIT AND PLAN CHECK OFFICE LOCATIONS

Downtown Los Angeles
 201 N. Figueroa St., 4th Fl.
 Los Angeles, CA 90012

Van Nuys
 6262 Van Nuys Blvd., 2nd Fl.
 Van Nuys, CA 91401

West Los Angeles
 1828 Sawtelle Blvd., 2nd Fl.
 Los Angeles, CA 90025

San Pedro
 638 S. Beacon St., 2nd Fl.
 San Pedro, CA 90731

South Los Angeles
 8475 S. Vermont Ave., 2nd Fl.
 Los Angeles, CA 90044











**ENVIRONMENTAL
REPORT
ND, MND, CE**

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 11
--	-------------------------------

PROJECT TITLE * ZA 2014-3845-ZAA	LOG REFERENCE ENV -2014-3846-CE
--	---

PROJECT LOCATION * 3400 S. INGLEWOOD BLVD

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: * 1ST & 2ND FILL ADDITION OF 2,851 SQ. FT. TO AN EXISTING ONE STORY S.F.D.
--

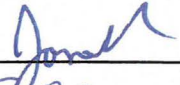
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: * JESS ESPARZA & Assoc. 6107 YORK BLVD LA CA 90042

CONTACT PERSON * LEO ESPARZA	AREA CODE * 213	TELEPHONE NUMBER * 215-8121	EXT.
--	---------------------------	---------------------------------------	-----------------

EXEMPT STATUS: (Check One)		
	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 et seq.	Art. III, Sec. 1
Class <u>3</u> Category <u>1</u> (City CEQA Guidelines)		
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)		

JUSTIFICATION FOR PROJECT EXEMPTION: Single family residence not in conjunction with the building of two or more units. In urbanized areas, up to three single family residences may be constructed under this exemption.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE CITY PLANNER	DATE 4/18/15
FEE: \$9720	RECEIPT NO. Invoice 19903	REC'D. BY
		DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word

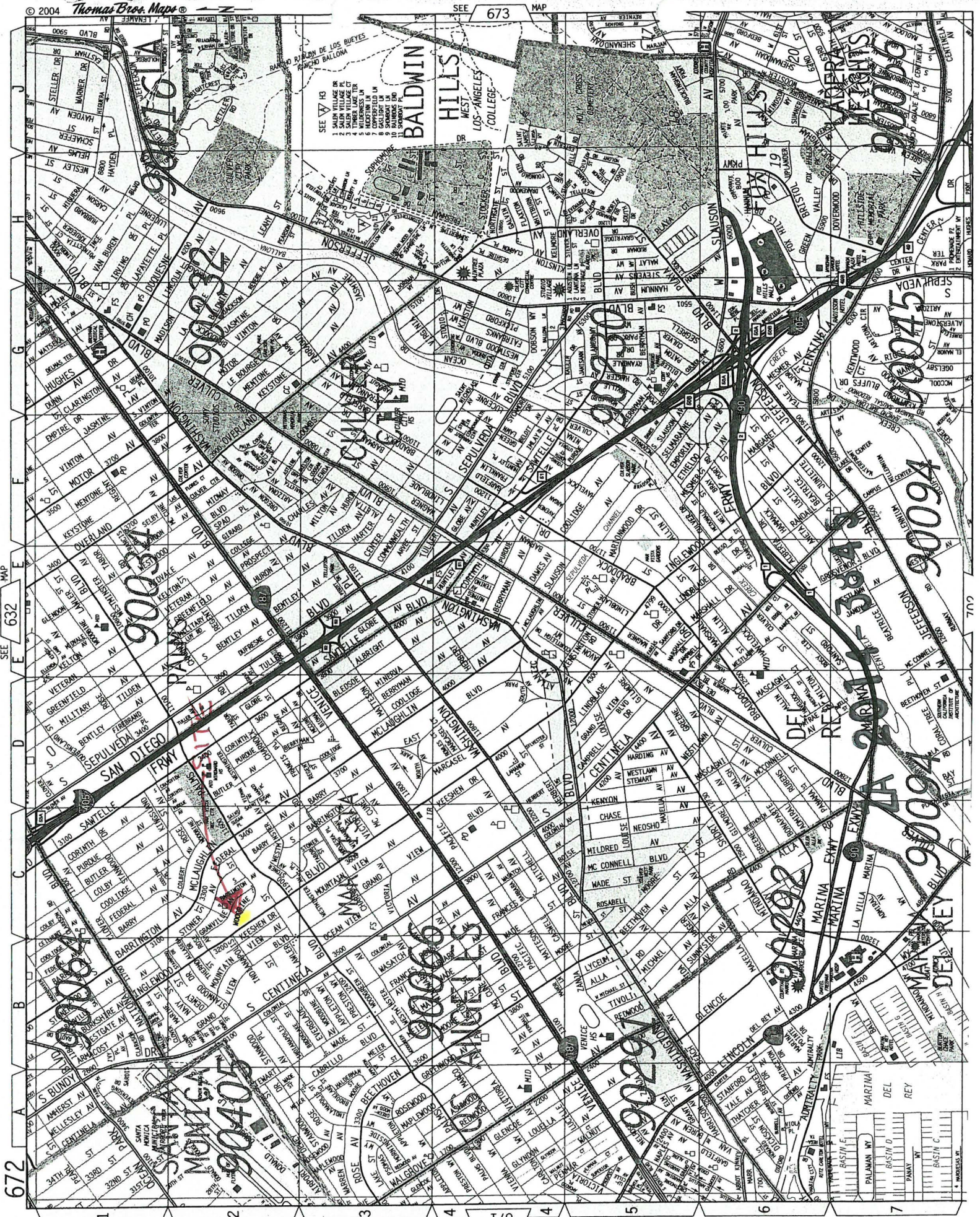
IF FILED BY THE APPLICANT:

* **LEO ESPARZA**
NAME (PRINTED)

* 
SIGNATURE

* **10/16/14**
DATE

RADIUS MAP



© 2004

Thomas Bros. Maps

SEE 673 MAP

SEE 632 MAP

672

LOS ANGELES CO.

SEE 671 MAP

20045

20094

20094

20094

20094

20094

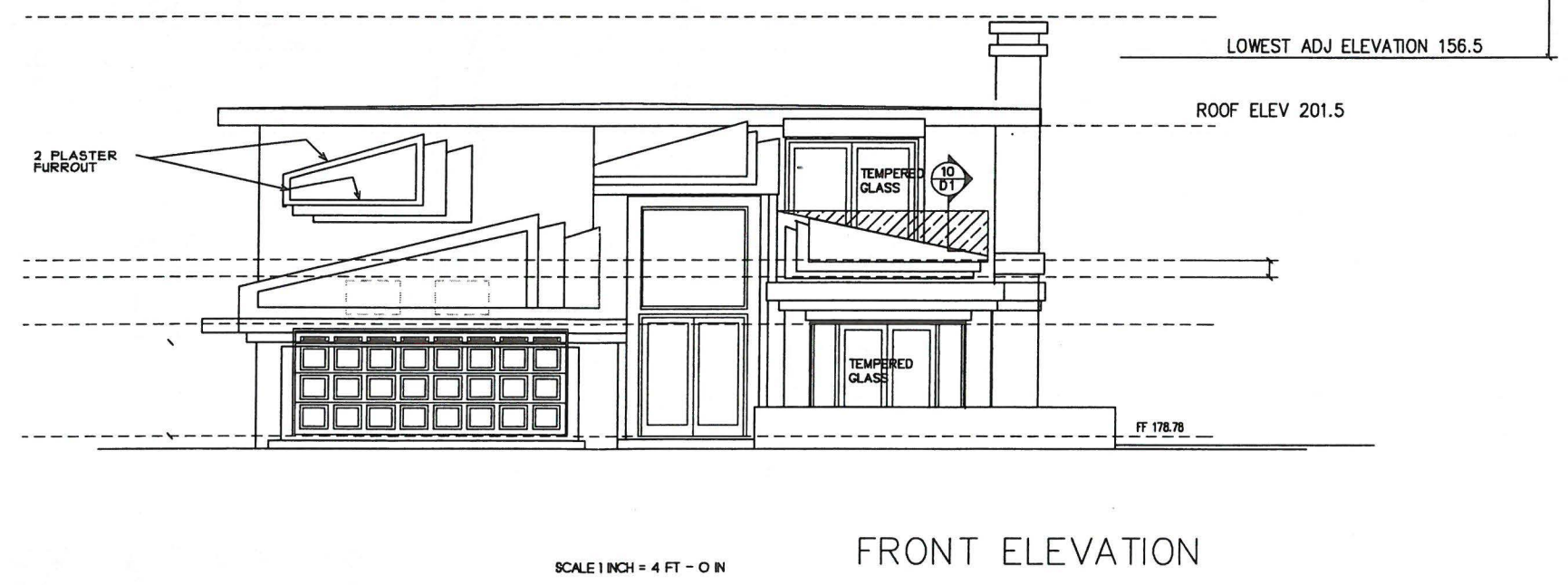
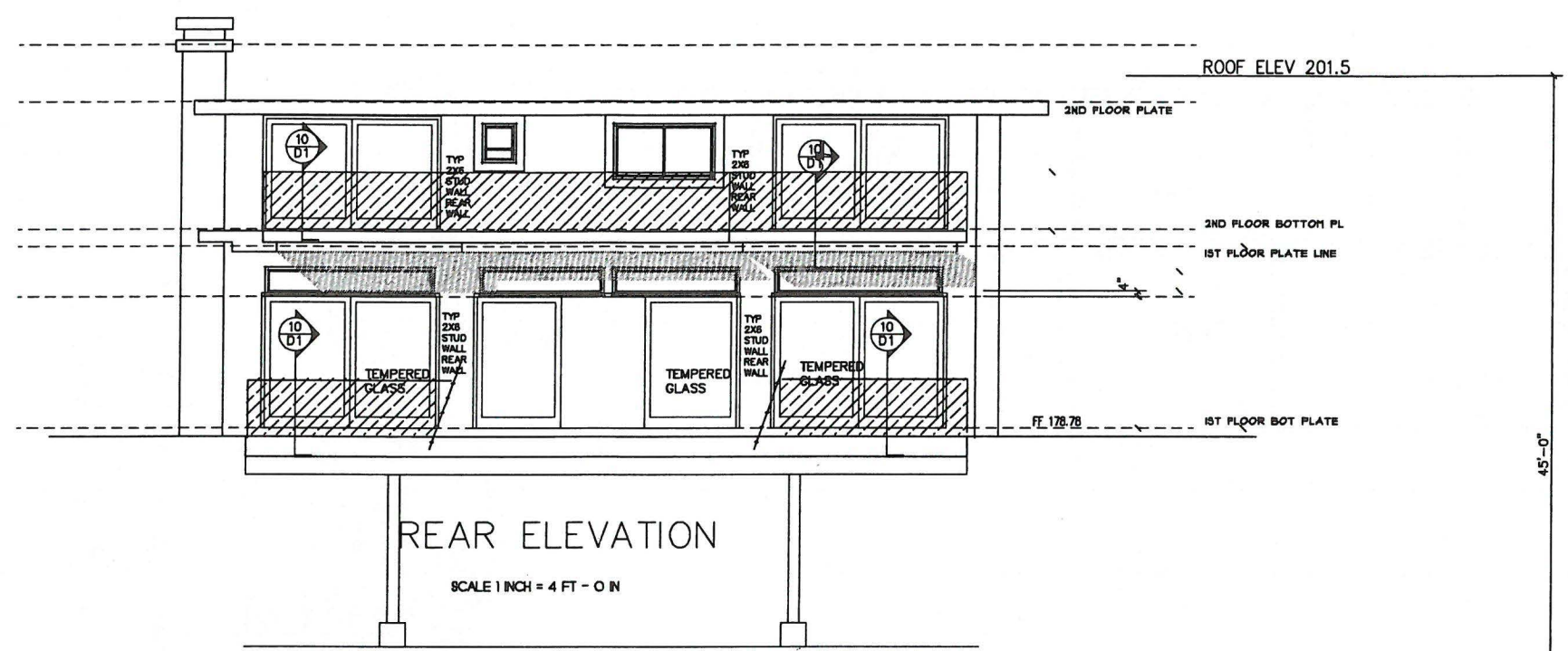
PLOT PLANS & OTHER PLANS



ZA 2014-3845

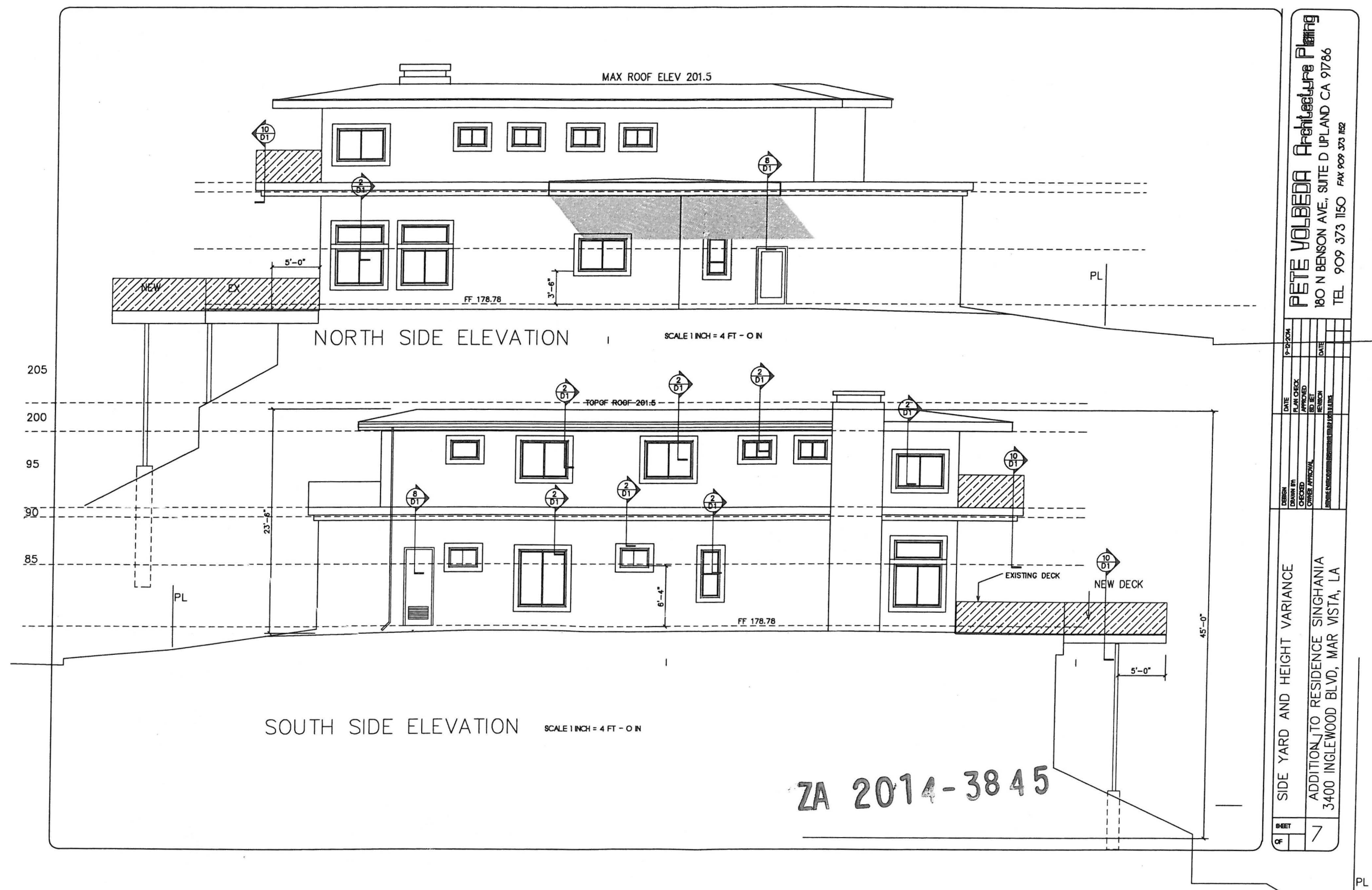
9	SHEET	SIDE YARD VARIANCE	DESIGN DRAWN BY: CHECKED OWNER APPROVAL	DATE PLAN CHECK APPROVED RED SET REVISION	9 12 2013
CO.	. 1	ADDITION TO RESIDENCE SINGHANIA, 3400 INGLEWOOD BLVD, MAR VISTA, LA	PETE VOLBEDA Architecture Planning 180 N BENSON AVE., SUITE D UPLAND CA 91786 TEL 909 373 1150 FAX 909 373 1152		

200



ZA 2014-3845

PETE VOLBEDA Architecture Planning	
180 N BENSON AVE., SUITE D UPLAND CA 91786	
TEL 909 373 1150 FAX 909 373 1152	
DATE	P-2-2014
DESIGN	PLAN CHECK
DRAWN BY	APPROVED
CHECKED	ED. SET
OWNER APPROVAL	REVISION
DATE	DATE
SIDE YARD AND HEIGHT VARIANCE	
ADDITION TO RESIDENCE SINGHANIA	
3400 INGLEWOOD BLVD, MAR VISTA, LA	
8	00



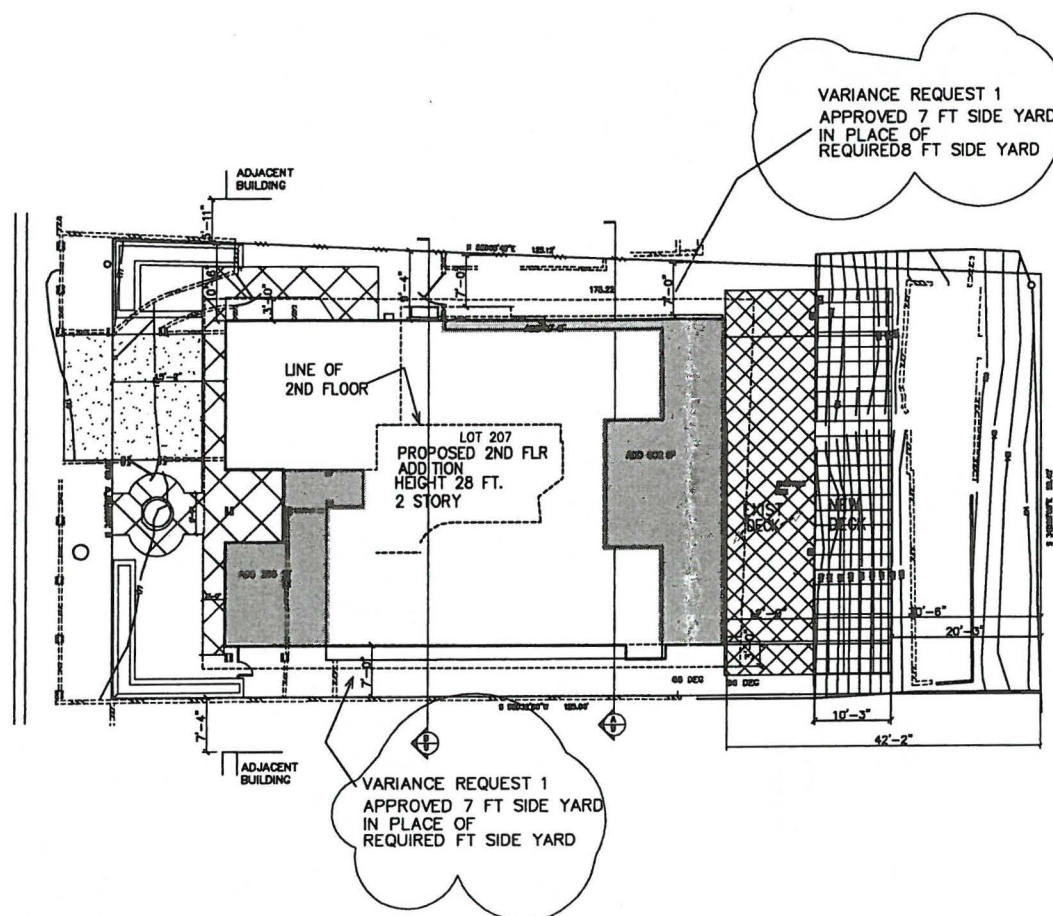
1



OWNER: MR AND MRS. SINGHANIA
3400 INGLEWOOD BLVD, HAW VISTA, LA

SCOPE OF WORK	770 SF
1ST FLOOR ADDITION	2081 SF
2ND FLOOR ADDITION	250 SF
2ND FLR DECK ADDITION	
INDEX	

- 1 SITE PLAN
4 1ST FLOOR PLAN
5 2ND FLOOR PLAN
6 ROOF PLAN
7 ELEVATIONS
8 ELEVATIONS FRONT REAR
9 SECTIONS A AND B
9.1 SECTION C



	EXIST	NEW	CREDIT	TOTAL	ALLOWABLE W 1.2	4474 SF
1ST	1629	770	0	2399		
2ND	0	0	0	2081		
CEILING > 14 FT HT			-100	-100		
GAR	387	0	-387	0		
COVERED PATIO	0	250	-250	0		
				4380	<	4474 SF

1ST FLOOR ADDITION
2ND FLOOR ADDITION
ROOF OVERHANG
EXIST. DECK

TOPOGRAPHIC SURVEY

SCALE 1 INCH = 10 FT

ZA 2014-3845

PETE VOLBEDA Architecture Planning

180 N BENSON AVE D, UPLAND, CA. 91786

TEL 909 373 1150 FAX 909 373152

9	SHEET	SIDE YARD VARIANCE ONLY	DESIGN DRAWING BY	DATE	9	7	15
			PACKED	PLAN CHECK			
			OTHER APPROVAL	APPROVED			
				BY			
				REASON			
1		ADDITION TO RESIDENCE			DATE		
		3400 INGLEWOOD BLVD MAP VISTA 1A					



ZA 2014-3845



ZA 2014-3845



ZA 2014-3845



ZA 2014-3845



ZA 2014-3845



ZA 2014-3845



Los Angeles
Department
of City Planning

Case No. ZA 2014-3845(ZAA)

Address: 3400 Inglewood

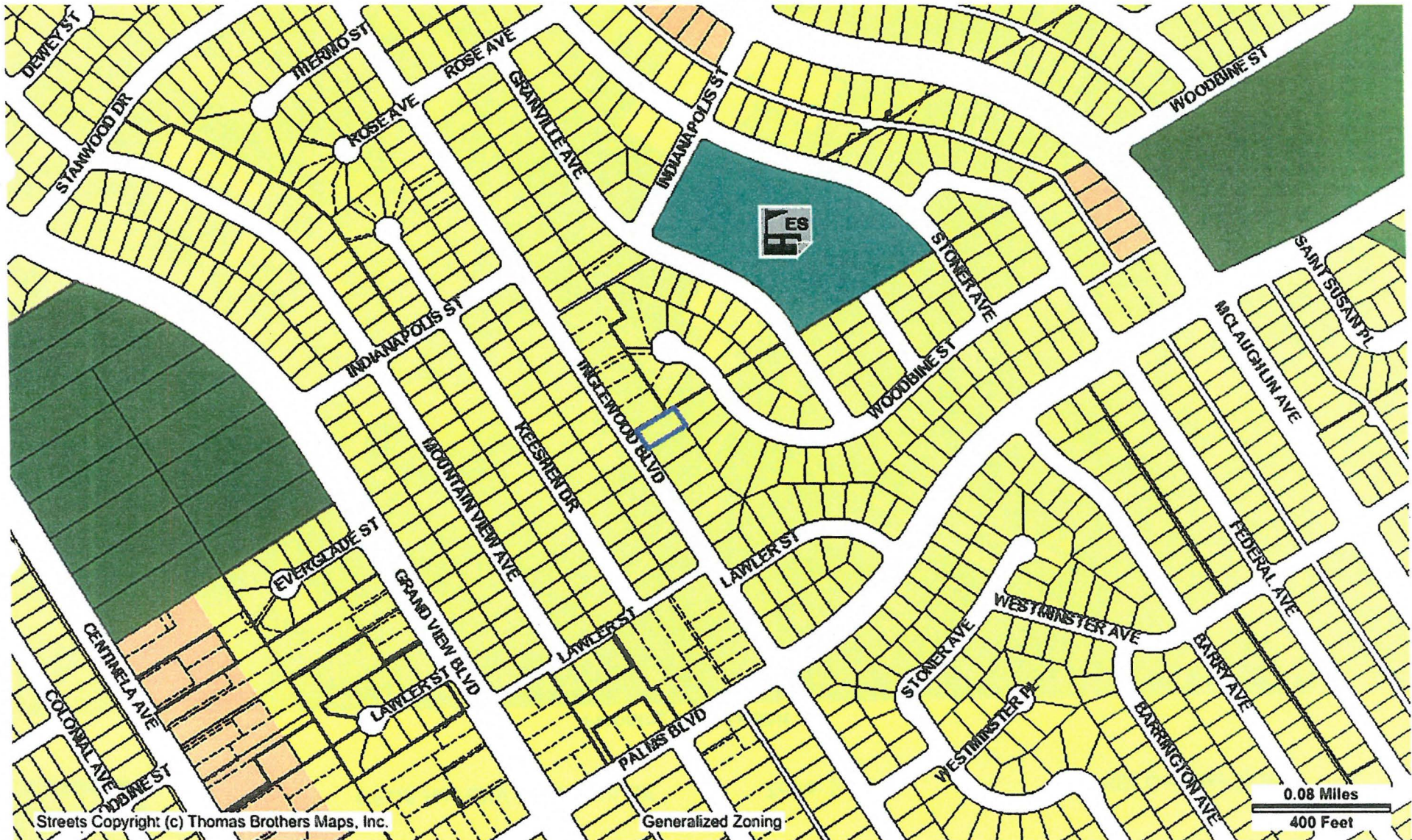
CD: 11

CEQA No. ENV 2014-3846-CE

Zone: R1-1

HD: October 8, 2015

Planning Staff Exhibit A



Images taken on 2/5/2015 at approximately 11:00 A.M.



Los Angeles
Department
of City Planning

Case No. ZA 2014-3845(ZAA)

Address: 3400 Inglewood

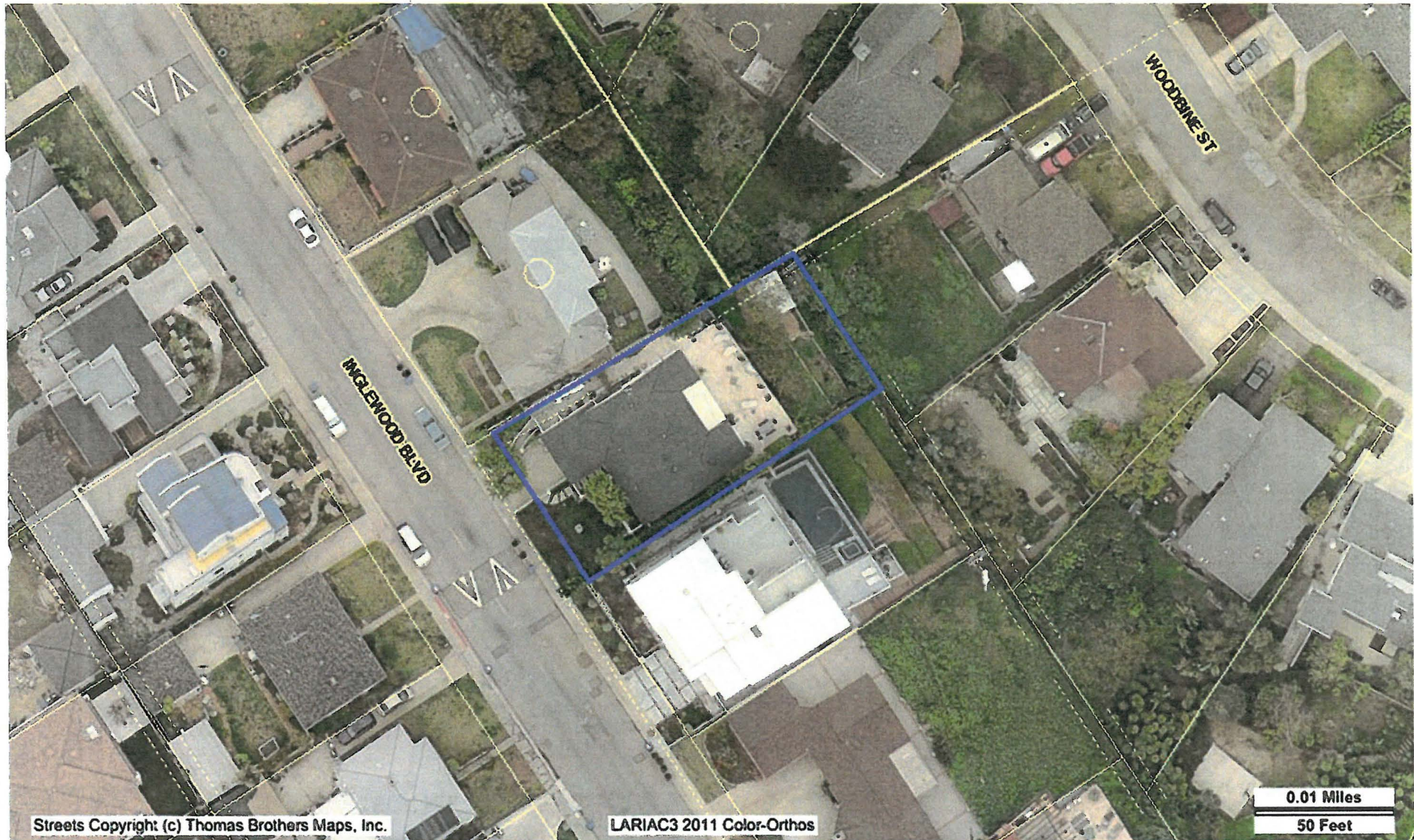
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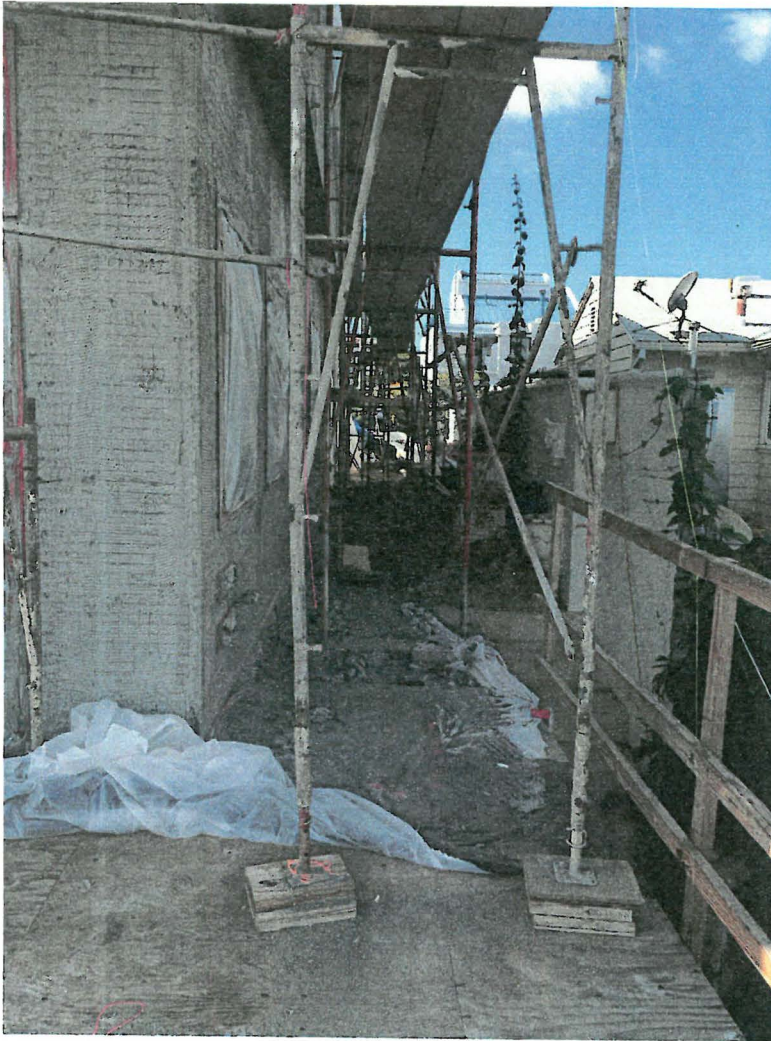
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of City Planning

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CD: 11

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Planning Staff Exhibit A



Images taken on 2/5/2015 at approximately 11:00 A.M.



Los Angeles
Department
of City Planning

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HD: October 8, 2015

Planning Staff Exhibit A



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of City Planning

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CEQA No. ENV 2014-3846-CE

Zone: R1-1

HD: October 8, 2015

Planning Staff Exhibit A



Images taken on 2/5/2015 at approximately 11:00 A.M.

CORRESPONDENCE

May 5, 2016

VIA HAND DELIVERY

Thomas Donovan, President
Esther Margulies, Vice President
Joseph W. Halper, Commissioner
Marian Merritt, Commissioner
Lisa Waltz Morocco, Commissioner

James K. Williams, Commission Executive Assistant II
200 North Spring Street, Room 532
Los Angeles, CA 90012
james.k.williams@lacity.org

Re: Case No. ZA-2014-3845-ZAA-1A—Responses to Appellant in Opposition

Dear Honorable Commissioners:

We represent Ram and Sunil Singhanian (the “**Applicant**”) in defense of their application for ZA-2014-3845-ZAA-1A (and ENV-2014-3846-CE)—a Zoning Administrator’s Adjustment to allow a 7-foot side yard setback in lieu of 8-feet, and a height of 49 feet 4 inches in lieu of the maximum height of 45 feet, in conjunction with a new deck and 2,851 square-foot addition to an existing single-family dwelling (the “**Project**”). The Project is located at 3400 S. Inglewood Blvd. (the “**Property**”) and was approved by the Zoning Administrator on February 23, 2016.

We are writing to respond to the appeal filed in opposition to the Project by Thomas Paul, the Applicant’s next-door neighbor to the south of the Property (the “**Appellant**”), who lives at 3406 S. Inglewood Blvd. The appeal primarily claims that the approved deck is too large and it should be scaled back to be “in line with the other houses.” Also, the Appellant argues that the Zoning Administrator erred in approving the Project due to his misconception that the Applicant’s problems encountered during the construction process caused a severe hardship necessitating this application, rather than being self-imposed. The Appellant also claims the Zoning Administrator was unduly influenced by supporters of the Applicant. For reasons stated in detail below, we do not believe these claims have any merit and the appeal should be denied.

I. INTRODUCTION

The primary issue in this appeal is whether the City should uphold approval of a 26-foot long deck at the rear of the Applicant’s nearly constructed home. For complicated reasons explained in more detail below, City height regulations and grade elevation calculations require a deck length of 26 feet so that that the home’s deviation from the zoning code’s height limit is small enough to be approved as a Zoning Administrator’s Adjustment.

This application was necessitated due to errors made by the Building and Safety Department during the Project's lengthy construction process, which began after building plans were approved in plan check in September 2013. The main error involved a miscalculation in grade elevation measured from the front of the house to the rear deck, which caused a corresponding recalculation of building height that threw the house out of compliance with the R1 Zone's height regulations. An error in side yard setback calculations was also undiscovered in plan check and had to be rectified by this application.

The primary error is related to Los Angeles Municipal Code ("**LAMC**") Section 12.21.1.B.2, which provides an exception to the standard 28-foot (for flat roofs) or 33-foot (for sloping roofs) height limit for structures in the R1 Zone. The code states "[w]henever the highest point of elevation of the adjoining sidewalk or ground surface within a five-foot horizontal distance measured from the exterior wall of a building exceeds grade level by more than 20 feet, a building or structure may exceed the height in number of feet prescribed in this section by not more than 12 feet."

After gaining approval of their building plans in plan check, it was understood by the Applicant that the home met the 20-foot grade elevation difference to allow 12 additional feet in building height. However, upon inspection of the home, an Order to Comply was issued by the Building and Safety Department on June 23, 2014, which stated that because the difference in grade elevations between the front of the house and the rear was 19.9 feet instead of 20 feet, this exception did not apply (please see attached Order to Comply as "**Exhibit A**"). In order to remedy this situation, Building and Safety staff recommended filing a Zoning Administrator's Adjustment application to allow minor deviations from the zoning code so that construction of the home, as proposed, could be completed. Based on this advice, the Applicant filed the application right away. The Order was eventually closed and the Applicant was allowed to continue construction.

At the crux of determining grade elevation is the length of deck into the rear yard. The longer the deck projects into the yard, the further downslope is the measuring point for the lowest grade, and the more likely the 20-foot difference in grade elevation will be met—this will also increase the height of the house, which is measured from the same lowest grade point to the top of the roof. In order to satisfy the 20-foot grade difference, a request to extend the deck slightly from the original length of 23 feet (approved in plan check and currently constructed) to 26 feet was included in the application and was approved by the Zoning Administrator.

It is critical that this 26-foot deck length be upheld because if the deck were to be shorter, the grade elevation difference from the rear of the deck to the front of the house would be below 20 feet, and the additional 12 feet in building height, pursuant to LAMC Sec. 12.21.1.B.2 would not be granted. As a result, a new Zone Variance application would need to be filed in order to allow a deck that is shorter than 26 feet in length. These measurements are very technical, and the actual height of the home, when visible from the street, does not change when the deck length is changes—it is only the measuring point at the lowest grade elevation that changes. The actual visible height of the home has not changed.

II. RESPONSES

A. Alleged Grounds for Appeal and Responses

Appellant raises the following arguments to support his appeal:

1. Appellant argues that setback standards should be respected and that his house has a 7 foot north side yard and a 6 foot south side yard, which complies with the building and zoning codes. "Why can't the owners at 3410 [sic] Inglewood build something legally without asking for forgiveness and exceptions?" They could at least be made to cut the rear deck back to 12 feet to be in line with all the other houses on the side of the street.

Response: The requirement of an 8-foot side yard comes from LAMC Sec. 12.08.C.2, which requires one-foot to be added to the standard, five-foot side yard setback "for each increment of ten feet or fraction thereof above the first 18 feet." This requirement was not caught during the plan check process, and as mentioned above, the Applicant's request to deviate from the side yard setback requirement was necessitated by the City's error. In no way was this request initiated due to a bad faith effort to circumvent the zoning regulations. The Zoning Administrator reviewed a yard study map presented by the Applicant at the hearing (attached as "**Exhibit B**"), which shows the opposing abutting neighbor's three-story house observing 7-foot and 6-foot side yards. As a result, he concluded that the Applicant's 7-foot side yard is compatible with the surrounding houses.

With respect to the deck length—as noted above, approval of a 26-foot long deck is essential to maintain the Project within the Zoning Administrator's Adjustment application process. A shorter deck would require a new application for a Zone Variance to be submitted and approved. Furthermore, a 26-foot long deck would be entirely compatible with other nearby decks on Inglewood Blvd. As demonstrated in the attached photo exhibit ("**Exhibit C**"), two nearby decks are longer than the deck proposed by the Applicant—3420 Inglewood Blvd. has a 34-foot long deck, and 3336 Inglewood Blvd. has a 29-foot long deck. In comparison, the Appellant's deck with infinity pool and spa, has a length of 21 feet—only 5 feet shorter than the deck proposed by the Applicant.

2. Appellant claims the zoning administrator was overly influenced by neighbors who do not live around the Project area and by the City Council representative who supported the Project. Only one of the four abutting neighbors signed off on the request.

Response: The Appellant's claim is false because letters in support of the application presented at the public hearing, as well as e-mail messages sent to City Planning staff, were from neighbors and residents of Mar Vista. Attached as "**Exhibit D**" is the

signature page submitted with the Master Land Use Application, which shows that two abutting neighbors at the rear of the Property (at 11958 and 11966 Woodbine Street) signed in support of the application, as well as a neighbor across the street at 3401 Inglewood Blvd. The Applicant also gathered signatures for the appeal hearing in support of the application (also attached as part of Exhibit D).

3. Appellant claims the “scope and height” of the Project is not in accordance with the current Baseline Mansionization Ordinance (the “**BMO**”), and just because other homes built before approval of the BMO are just as large as the Applicant’s home, this does not justify approving the Project.

Response: Compliance with the BMO is not at issue in this application—it is compliance with the height and yard setback requirements of the R1 Zone that is at issue. In fact, the home complies with the BMO’s Residential Floor Area requirements. The Property’s Lot Area would allow a home with a maximum Residential Floor Area of approximately 4,474 square feet under the BMO—the Applicant’s home, with the requested addition, is at this amount. Appellant’s assertion that the Applicant’s home is out of scale is extremely disingenuous, considering that the Appellant’s home is three stories and taller than the Applicant’s home when viewed from the street and is nearly 4,000 square feet in size.

Also, one of the mandatory findings required to approve a Zoning Administrator’s Adjustment application is that the “[p]roject’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties.” As the Zoning Administrator noted in his determination, he considers “compatibility with the surrounding houses as the paramount factor in considering the application” and he cited a survey along Inglewood Boulevard within a few blocks, which confirmed that the Applicant’s proposed house is similar in story, size, height, setbacks, and style with many existing single-family homes on Inglewood Boulevard including Mr. Thomas Paul’s house. “Many houses are two-story, two-story with a roof deck, or three-story in levels with mansion like characteristics.”

4. Appellant claims the Applicant’s delays were self-inflicted by failing to comply with City regulations related to demolition, retaining walls and grading, construction within the front, rear and side yard setbacks, roof requirements, oversized decks, and construction in a DWP easement. These mistakes required removal and replacement of certain non-compliant structures, including the roof, which were the cause of long delays. Appellant reiterates that it is a mistake to feel sorry for the Applicant because “they brought it all upon themselves.”

Response: The Applicant has encountered difficulties in the construction process, which has been ongoing since September 2013—some of which were due to mistakes by the Applicant’s contractor. However, as mentioned above, the Zoning Administrator’s Adjustment application was necessitated due to a miscalculation in grade elevation by

Building and Safety staff. As noted by the Zoning Administrator in his determination letter, it would cause an extreme hardship on the Applicant if the Adjustment were to be denied. Construction of the Applicant's home is nearly completed after over two years in delays, and all errors have been corrected and no open violations related to Project construction still remain.

The Appellant has contested the construction of the Project at every opportunity, and his appeal is entirely without merit. In our opinion, this appeal is being used by an individual intent on causing as much delay and financial hardship on the Applicant as possible. The home is nearly completed and has gone through an extremely rigorous permitting and inspection process to ensure that there are no remaining construction errors. Approving the 26-foot long deck would allow the Adjustment determination to be upheld and the Project to be completed in full compliance with City regulations.

III. CONCLUSION

For the reasons stated above, the appeal has no merit, and we respectfully ask the Area Planning Commission to deny the appeal and allow the long-delayed construction of the Applicant's home and deck to be completed.

We would be more than happy to address any questions you may have during the hearing on May 18th. Thank you for your attention to this letter.

Best,



Jonathan H. Riker

cc: Sunil Singhanian
Ellia Thompson

Enclosure(s)

EXHIBIT A

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
INTERIM PRESIDENT

E. FELICIA BRANNON
JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

June 23, 2014

Aruna and Ram P. Singhania
1095 S. Sunstream Ln.
Anaheim, CA 92808

**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO
REVOKE BUILDING PERMIT NO. 13014-10000-01546 FOR 3400 S.
INGLEWOOD BLVD.**

On September 27, 2013, the Department of Building and Safety (LADBS) issued Building Permit No. 13014-10000-01546 for interior remodeling and additions to the first and second floors of the existing single-family dwelling for the property located at 3400 S. Inglewood Blvd.

Since the issuance of this permit, LADBS has determined that the permit was issued in error as per the following facts:

- The Height of the single family dwelling of 40.5 ft. exceeds the 28 ft. height limit as permitted by the Los Angeles Municipal Code (LAMC) Section 12.21.1. The following reasons provide explanation for not permitting the 40.5 ft. height limit:
 - The Height of Building is defined in the LAMC Section 12.03 to be height from the highest point of the building to the lowest finished grade within 5 ft of the building.
 - The exception to the Height of Building limitations in LAMC Section 12.21.1.B2 may not be used since the lowest and highest finished grade elevations provide a difference in 19.9 ft., less than the required 20 ft.
 - Therefore this project may not use the 12 ft. height increase in allowable building height specified in Section 12.21.1.B2 of the LAMC.
- The side yard setback of 7 ft as shown on the approved building plans does not comply with LAMC Section 12.08C2 which requires an 8-ft. side yard for a building with the height exceeding 38-ft.
- The eave projection of 36 inches as shown on plans exceeds the allowable projection permitted by LAMC Section 12.22C(20)(b). An eave may project not more than four inches per foot of the width of the required side yard.

ZA 2014-3845

June 23, 2014

Page 2 of 2

**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO
REVOKE BUILDING PERMIT NUMBER 13014-10000-01546 FOR 3400 S.
INGLEWOOD BLVD.**

Therefore, it is the intent of the Los Angeles Department of Building and Safety to revoke the above-mentioned permit. The authority to revoke the permit is contained in Los Angeles Municipal Code, Section 98.0601, which reads:

"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other provisions of the code and conditions are such that the action should not have been allowed."

Hereby, you are ordered to immediately stop all work related to the construction of an addition and remodel of the building under Building Permit No. 13014-10000-01546.

You have until June 30, 2014 to call Mr. Peter Kim of my staff at (213) 482-0454 to address this matter and provide reasons why this permit should not be revoked; otherwise, Building Permit Number 13014-10000-01546 will be revoked on June 30, 2014.

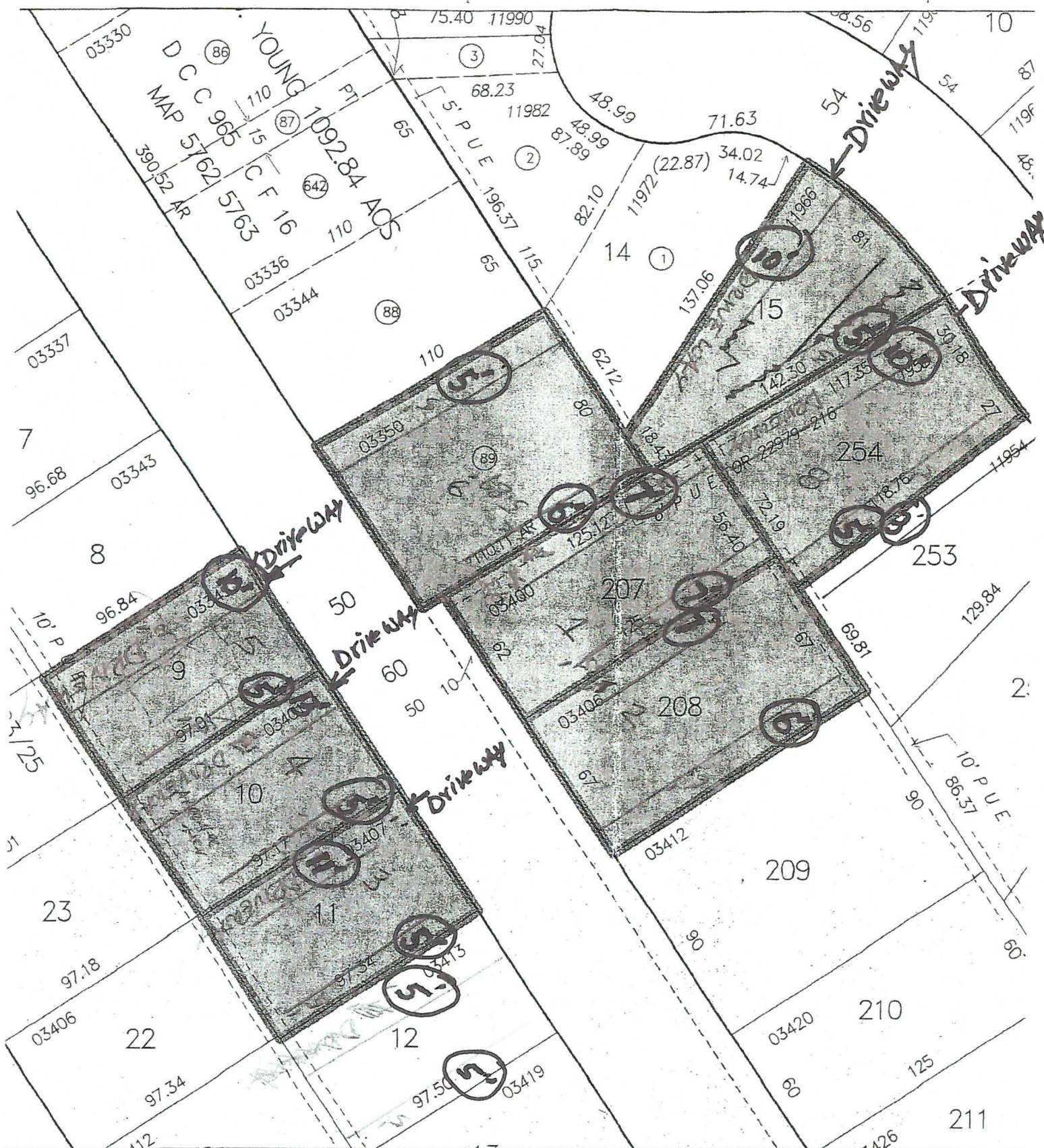


Colin Kumabe, Chief
Metro Plan Check Division
Engineering Bureau

c: Ifa Kashefi, Engineering Bureau Chief, LADBS
Ken Gill, LADBS
Peter Kim, LADBS
Bill Stutsman, LADBS
Joshua Diaz, LADBS

ZA 2014-3845

EXHIBIT B



Parcel Ownership Radius Map (Feet)

APN : 4249013030,4249013028,4249013012,424

Lot :

Scale : 1 inch = 50 feet

Arb :

Date : 9 / 18 / 2014

EXHIBIT C



Address: 3400 S INGLEWOOD BLVD
APN: 4249013012
PIN #: 117B153 879

Tract: TR 13371
Block: None
Lot: 207
Arb: None

Zoning: R1-1
General Plan: Low Residential





3420 Inglewood

3406 Inglewood

34'

21'



Address: 3400 S INGLEWOOD BLVD
APN: 4249013012
PIN #: 117B153 879

Tract: TR 13371
Block: None
Lot: 207
Arb: None

Zoning: R1-1
General Plan: Low Residential





3336 Inglewood


29'

REV. 1 8/5/15

[illegible]

ZA-2014-3845-ZAA

**LETTER OF CONSENT/NON-CONSENT FROM ADJOINING
NEIGHBORS
FOR REQUEST OF YARD REDUCTION
AND INCREASE IN HEIGHT**

To be completed by the Petitioner	
Owner:	RAM & ARUNA SINGHANIA
Project Address:	3400 INGLEWOOD BLVD, MARVISTA, CA 90066
Scope of Work:	1ST & 2ND FLOOR ADDITION TO EXISTING SINGLE FAMILY DWELLING AND INTERIOR REMODELING
Plan Check Number:	B13LA05102 Date: 4/25/2003
REQUEST: To allow a reduced (side) (rear) (front) yard of <u>7</u> feet in lieu of <u>8</u> feet as required by Code and as indicated in the attached plans.	
I certify that the plans presented to the neighbor for his/her review are identical to those plans for which a building permit is being requested:	
 Signature	

To be completed by Neighbor	
I, <u>MOON HWAN KWON</u> , am the legal owner of property	
(Name)	
located <u>3401 INGLEWOOD BLVD, MARVISTA CA 90066</u>	
at _____	
(address - number and street):	
with the following legal description: Lot: _____ Block: _____ Tract: _____	
which is an adjoining property (including across the street) to the project address. I am aware that a reduction of required yards is being applied for at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction.	

☒ I have No Objection to granting my consent for the aforementioned request for yard reduction.

☐ I Object to this request for a yard reduction. (Note that neighbors are under no obligation to sign)

Neighbor signature

MOON HWAN KWON

print name

10/19/14

date

May 2016

To whom it may concern:

I Guillaume Roels residing at
3401 Inglewood Blvd am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Roels", written over a horizontal line.

Signature

GUILLAUME ROELS

Printed Name

May 2016

To whom it may concern:

I Nancy Harding residing at
3413 Inglewood Blvd am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles, California 90066, and a member of the Mar Vista community. I am in support allowing them to move into their home.

Sincerely,

Nancy Harding

Signature

Nancy Harding

Printed Name

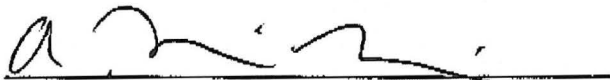
May 2016

To whom it may concern:

I Nicole Mounir residing at
3048 Inglewood Blvd am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

A. Nicole Mounir

Printed Name

May 2016

To whom it may concern:

I Elizabeth Chang residing at
3610 So. Barrington Ave am a neighbor of

The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth F. Chang", written over a horizontal line.

Signature

Elizabeth F. Chang

Printed Name

May 2016

To whom it may concern:

I, PETER EDWARDS residing at
11514 VIENNA WAY 90066 am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Edwards', written over a horizontal line.

Signature

PETER EDWARDS

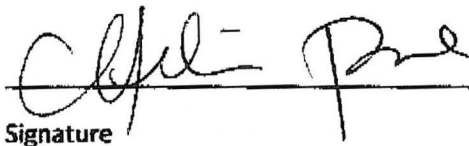
Printed Name

May 2016

To whom it may concern:

I Melissa Pope residing at
12719 Woodgreen St. am a neighbor of
The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,


Signature

Melissa Pope
Printed Name

May 2016

To whom it may concern:

I Kevin Lewis residing at
12123 Ivy Pl. am a neighbor of

The Singhanian residence located at 3400 Inglewood Ave., Los Angeles, California 90066, and a member of the Mar Vista community. I am in support allowing them to move into their home.

Sincerely,



Signature

Kevin Lewis

Printed Name

May 2016

To whom it may concern:

I Uttara Nataraja residing at
11827 Allasda dr. LA, CA 90066 am a neighbor of
The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Uttara Nataraja

Signature

UTTARA NATARAJAN

Printed Name

May 2016

To whom it may concern:

I Michelle Jones residing at
12325 Charnock Rd. am a neighbor of

The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Michelle Jones

Signature

Michelle Jones

Printed Name

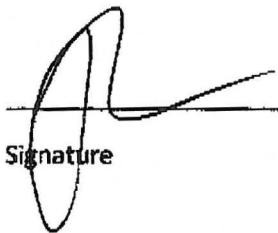
May 2016

To whom it may concern:

I Jake Rose residing at
3547 MOUNTAIN VIEW DR am a neighbor of

The Singhanian residence located at 3400 Inglewood Ave., Los Angeles, California 90066, and a member of the Mar Vista community. I am in support allowing them to move into their home.

Sincerely,


Signature

JAKE ROSE

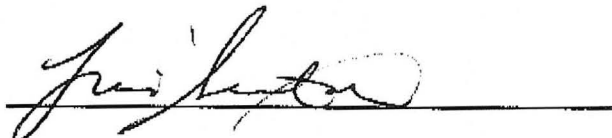
Printed Name

May 2016

To whom it may concern:

I Traci Sexton residing at
11514 Vienna Way am a neighbor of
The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Traci Sexton

Printed Name

May 2016

To whom it may concern:

I Elizabeth Rose residing at
3727 Grand View Ave LA CA 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Elizabeth Rose
Signature

Elizabeth Rose
Printed Name

May 2016

To whom it may concern:

Elisabeth Costa de Bauregard residing at
3547 Martin View Ave. LA am a neighbor of

The Singhanian residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Elisabeth Costa de Bauregard -

Signature

Elisabeth Costa de Bauregard

Printed Name

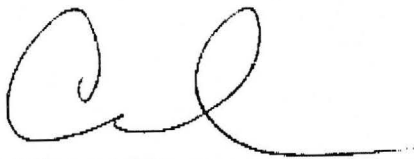
May 2016

To whom it may concern:

I Colette Yosef residing at
3400 Centinela, Mar Vista 90066 am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Colette Yosef

Printed Name

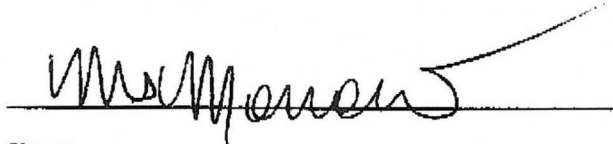
May 2016

To whom it may concern:

I Megan Morrow residing at
12113 Navy St 90066 am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Megan S Morrow

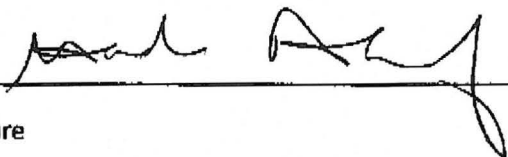
Printed Name

May 2016

To whom it may concern:

I Hadas Abouaf residing at
3118 Granville Ave LA, 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,


Signature

HADAS ABOUAF
Printed Name


May 2016

To whom it may concern:

I Anna Lee residing at
12148 Lawler Street am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Anna Lee

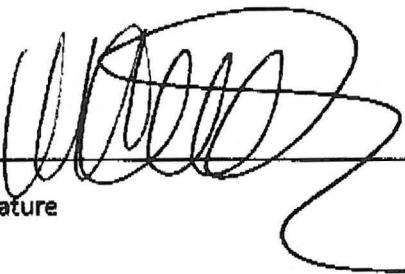
Printed Name

May 2016

To whom it may concern:

I Donna Clark residing at
3451 St-Susan Pl, LA, CA 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Donna Clark
Printed Name

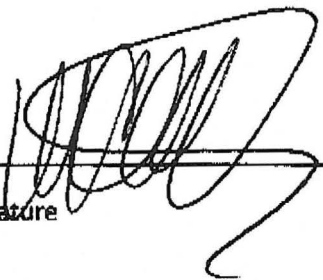
May 2016

To whom it may concern:

I Devon Clark residing at
3451 St. Susan Pl, LA CA 90066 am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Donna Clark.

Printed Name

May 2016

To whom it may concern:

I Rosina Bowlos residing at
11520 Palms Blvd. L.A. CA 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Rosina Bowlos

Signature

Rosina Bowlos

Printed Name

May 2016

To whom it may concern:

I Kellie Krevay residing at
3647 Purdue Ave. Mar Vista, CA 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Kellie Krevay

Signature

Kellie Krevay

Printed Name

May 2016

To whom it may concern:

I Philip Krevoy residing at
3647 Purdue Ave. Mar Vista, CA 90066 am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,

Philip Krevoy

Signature

Philip Krevoy

Printed Name

May 2016

To whom it may concern:

I FABRIZIO BLANCO residing at
3343 MOUNTAINVIEW AVE am a neighbor of

The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

FABRIZIO BLANCO


Printed Name

May 2016

To whom it may concern:

I Nicole Fanelli residing at
2734 granville ave am a neighbor of
The Singhania residence located at 3400 Inglewood Ave., Los Angeles,
California 90066, and a member of the Mar Vista community. I am in
support allowing them to move into their home.

Sincerely,



Signature

Nicole Fanelli

Printed Name