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SECONDARY SUBMISSIONS



**Responses to Appellant's Grounds for Appeal
Re: 1888 Lucile**

1. Mr. Porter Designed a Project That DOES NOT Maximize Harm to the Neighborhood

The appellant's claim that this project would be a harm to the neighborhood is misleading and inaccurate. This project at 1888 Lucile proposes similar construction for the Appellant's home as well as the home of the adjacent lot at 1892 Lucile. The parking for the dwellings at 3623 and 3617 Landa were constructed on 1892 Lucile without significant detriment to the surrounding environment and neighbors. 1888 Lucile is proposing a similar project.

Responses to the Landa property are included in the other package and can be found under Section 1 of those responses. Please review to Exhibit 1 of the 3623 Landa package for the Neighborhood Compatibility Analysis

2. Regarding the Request for Relief from the Retaining Wall Ordinance

The change in the retaining wall count did not change the orientation, length, height, or location of the proposed walls on 1888 Lucile in any significant way. It was the final decision made by the Department of Building and Safety case management division and we followed their interpretation regarding the project's retaining wall count. The appellant's assertions are misleading, and the actual characteristics of the walls did not significantly change, therefore he had already seen and reviewed the layout. This was simply a change in interpretation of how the walls are counted.

3. Mr. Porter's Support Letters Are NOT Misleading

Mr. Porter has obtained updated support letters to clarify the record and these have been included in this package as **Exhibit 1**. Regardless, the original support letters are not misleading. The neighbors and the Silverlake Neighborhood Council reviewed the updated design and did not change their support. Mr. Porter has been forthcoming and genuine with all parties, and the continued support from the other members of the public reinforces this fact.

4. The Findings Necessary for a ZAD Reducing Required Parking for the Lucile Project from 3 Spaces to 2 Spaces CAN be Made

It is correct that Mr. Porter did choose to provide the (2) spaces required for the Landa property per the LAMC. He chose this as it provides a benefit to the community and because the goal of the development was to conform to the code when possible. The Appellant, again, is misleading in presuming Mr. Porter's intentions. The goal of any development is to conform to the code when possible. However, because of the overall site characteristics, the best solution is to locate the garage for the Landa property on the Lucile property.

The key to this request is stated in the ZA's letter of determination for the case as well as The Appellant's response: "The proposed project, without the extra square footage of the garage with two parking spaces meant to serve the adjacent dwelling, would not need the addition of a third parking space. In addition, a garage is not a habitable space and no person will live in it, thus **the excess garage square footage does not create additional parking space demand or increase the intensity** inside of the subject new single family home on Lucile A venue that would require a third parking space."

The intent of the code was to regulate additional parking spaces based on the size of the dwelling and NOT required parking. This is explicitly stated in the code shown below.



12.21.C.10(g)(2): Additional Required Spaces. (Amended by Ord. No. 184,802, Eff. 3/17/17.) For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, **excluding Floor Area devoted to required parking**, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of five total on-site spaces. These additional required parking spaces are not required to be covered. Notwithstanding the provisions of Subparagraph (1) of this Paragraph (g), when a Lot fronts onto a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

Therefore, it is reasonable to allow for the reduction of required parking from 3 spaces to 2 for the Lucile property as 400 square feet of additional floor area is devoted to required parking (just for the Landa lot).

It should also be noted that the 2004 ZA case including the appellant's own property requested a reduction in required parking for both the 3623 Landa (appellant) property and the 3617 Landa property from 2 required parking spaces to 1 per house.

5. The Findings Necessary for a ZAA Reducing the Required Passageway for Lucile Project CAN be Made

To be clear, hardship is not a finding that needs to be made for a ZAA. If we look at the site characteristics and the project as a whole as the findings require, one could see that this request is a reasonable one.

First off, as stated in the 1888 Lucile Letter of Determination, "based on compatibility to the existing development pattern, especially with the 2012 newly constructed home, it was concluded that if a three-foot passageway is sufficient, then an eight-foot wide passageway proposed by the project is superior in Code compliance and practicality"

Per ZA-2004-4219-ZV-ZAD Exhibit A page 4 of 7 sheet A01, the neighboring property at 1892 Lucile has a passageway width fluctuating from 3'-0" to 5'-0". It is also not uncommon for other residences in the area to have a less than 10-foot-wide passageway. These residences have been able to provide safe passage to their residents for years without a detrimental effect to themselves or adjacent residences.

The reason for the request is simply that the lot at 1888 Lucile is narrow compared to the width of two garages that provide required covered parking for the project as a whole. Therefore, the passageway has been reduced to accommodate this scenario with no adverse effect on the surrounding properties.

6. The Findings Necessary for a ZAD Increasing the Allowable Number of Retaining Walls for Lucile Project CAN be Made

One of the findings for this ZAD request that the Appellant highlights state: "Describe the site characteristics or existing improvements which make strict adherence to the zoning regulations impractical or infeasible, and explain why the project nonetheless conforms with the intent of those regulations."

It is key to note that the finding states "impractical or infeasible." It is clear upon view of the site characteristics that conformance to the code with relation to the retaining walls is impractical. As perfectly summarized in the ZA's letter, the three proposed retaining walls function to support the passageway to both the Lucile and Landa property, the rear yard of the Lucile property and the garage entry for the dwellings. The applicant worked with the Department of Building and Safety to design the walls in such a way that would result in only two retaining walls. However, due to the incredibly sloped nature of the lot and the width of the lot, practical difficulties made it impractical to conform to the code.



The unique characteristics of this project as a whole and these two lots make it impractical and infeasible for the applicant to conform to the code in this and other instances stated. The overall development conforms to the intent of the code as it proposes the construction of two new single family homes in conformance with code required height, floor area, parking and setback regulations while remaining consistent with regard to massing and scale of other homes in the area. Providing the additional parking garage for Landa on the Lucile lot creates a scenario that necessitates these other requests.

Considering that the project conforms to the intent of the code and that the retaining walls do not adversely impact the surrounding properties, the findings can be made for this request.

7. The Existing CEQA Analysis and Mitigated Negative Declaration are Adequate

The Appellant again fails to realize the hypocrisy in his statements. The appellant's own property was part of a three-home development (1892 Lucile, 3623 Landa & 3617 Landa) and received a MND (ENV-2004-4220-MND). That development included similar entitlement requests with relation to the subject project as well as the construction of THREE homes. The subject project is only proposing the construction of two.

Regarding the case law precedent, The CEQA cases mentioned just cite general principles of CEQA law. The Appellant's main argument is that any house construction will have noise impacts and an EIR should be required whenever any house is built. There is no evidence that construction of Mr. Porter's houses will have noise impacts beyond the typical home construction noise that would substantiate an EIR. To refute these claims, Mr. Porter hired a professional environmental consultant, Dudek. Their letter is attached to this response package (please refer to Exhibit 5 of the 3623 Landa response for this letter).

8. Conclusion

Mr. Porter has been diligent in his efforts to work with the community and neighbors. The project site contains practical difficulties that make strict adherence to the code infeasible, yet the proposed design works to meet the intent of the zoning provisions. The project is compatible with the massing and scale of the existing neighboring residences as exhibited on the Neighborhood Compatibility Analysis. Therefore, the Commission should sustain the Zoning Administrator's approval of the requests without further modification.

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TELUS (714)
**LANDA AND LUCILE
DEVELOPMENT**
NEW CONSTRUCTION
ZA 2015-1568(ZV)(ZAD)

3627 W. LANDA
LOS ANGELES, CA 90039

[illegible]

Name, date and address

MICHAEL MAMOUNI
1881 LOCUST AVE
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10-4-88

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NEW CONSTRUCTION
2A 2015-1567(ZAD)(ZAA)**
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[illegible]

EXHIBIT 1b



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Scott Plante

November 17, 2016

Lynda Smith
Office of Zoning Administration
Department of City Planning
City of Los Angeles
lynda.smith@lacity.org

EXHIBIT 1c

VIA EMAIL

Re: Case Number ENV-2015-1568-EAF (*Shared*)
1888 N. Lucile and 3627 W. Landa

Dear Lynda:

We have reviewed the changes made by Mr. Porter regarding the above property and find no issues with the attached ZAA requests.

We continue to recommend approval of the applicant's requests.

Sincerely yours,

Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
On behalf of the Silver Lake Neighborhood Council
Scott.Plante@silverlakenc.org

Attachment

cc: Tom Porter	Owner
Julia Duncan	Planning Deputy, CD4
Joe Ferrell	Co-Chair, SLNC UDP Committee

EXHIBIT 1d

SIGNATURE SHEET

1888 Lucile / 3627 Linda

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)

[illegible]



**Responses to Appellant's Grounds for Appeal
Re: 3627 Landa**

1. Mr. Porter Designed a Project That DOES NOT Maximize Harm to the Neighborhood

The Appellant's claim that this project would cause harm to the neighborhood is misleading and inaccurate. This project at 3627 Landa proposes similar construction for the Appellant's home. The dwellings at 3623 and 3617 Landa were the same type of construction on vacant lots without significant detriment to the surrounding environment and stair street.

The Appellant's claim that the property will "loom" over the stair street and surrounding neighborhood is also misleading. The proposed project at 3627 Landa is in conformance with all height, floor area and setback requirements and is substantially similar to the scale and height of the existing homes in the area (please see attached **Exhibit 1** "Neighborhood Compatibility Analysis"). The height of the proposed dwelling will stay under the 28 foot maximum prescribed by the BHO whereas the height of the Appellant's home is 29 feet per ZA-2004-4219-ZV-ZAD Exhibit A page 4 of 7 sheet A01.

View is not protected under the LAMC, but, as stated in the Appellant's own appeal, the applicant made a 2-foot reduction in height in good faith to allow a peek over view to the west from the Appellant's property. It should also be noted that the primary view of the Appellant's property is to the north. As shown on **Exhibit 2**, the majority of the windows and the primary orientation of the Appellant's property (as well as most homes in the area as shown) face to the north and northwest. This is a view of the Hollywood sign, Griffith Observatory, and the San Gabriel Mountains.

2. Mr Porter's Intention is NOT to Block the Appellant's Views

Mr Porter's intention has always been to design a dwelling that fits in with the community and abides by the code when feasible. Mr. Porter has also taken every effort to work with the community and try to address their concerns. Mr. Porter has received support letters from neighbors at 1880 Lucile, 1881 Lucile, 1871 Lucile and the Silverlake Neighborhood Council. The signatures for 1880 Lucile and 1881 Lucile have been updated and signed as of 10/6/18. He worked with Linda Kleine at 1892 Lucile and the Appellant at 3623 Landa to review their concerns at (3) meetings hosted by Council District 4 which resulted in the following changes to the plans.

Lucile

- the window along the east side has been removed per Kleine's request
- the balcony and outcropping along the north side 2nd floor was pulled back
- removed staircase close to the shared property line between 1888 Lucile (subject property) and 1892 Lucile resulting in one shared staircase for both properties on the west side of 1888 Lucile (subject property)

Landa:

- access from the stair street has been designed to be on grade.
- the house has been split into a 2 level roof design with a drop in elevation to provide a peek over view from the property to the east from 3623 Landa
- the first floor has been shifted 3' to the south (front) with a proposed permanent planter installed on the second floor deck to provide privacy for Kleine
- a reduction of 3' in fascia along the front elevation

Mr. Porter hired an architect in 2013 and submitted plans and zoning requests in March 2015 for similar approvals that allowed the Appellant's home to be built. At the public hearing in early 2016 the Zoning Administrator pointed out many deficiencies both about the design of the plans and code compliance. After further discussions and review with that initial architect, Mr. Porter let them go considering their inexperience with hillside



development. Mr. Porter then interviewed additional firms and hired Tellus. Tellus was hired to design homes that fit within the code to the extent feasible while staying within substantial conformance to the massing and scale of other homes in the area. Tellus is familiar with hillside construction and development and was able to exhibit this within their designs.

To reiterate: View is not protected under the LAMC, but, as stated in the Appellant's own appeal, the applicant made a 2-foot reduction in height in good faith to allow a peek over view to the west from the Appellant's property. It should also be noted that the primary view of the Appellant's property is to the north. As shown on **Exhibit 2**, the majority of the windows and the primary orientation of the Appellant's property (as well as most homes in the area as shown) face to the north and northwest. This is a view of the Hollywood sign, Griffith Observatory, and the San Gabriel Mountains.

To briefly comment on the door, the door to the entrance of the dwelling faces to the south (opens towards the stair street of Lucile). Steps lead up to this stair as shown on **Exhibit 3**. The Appellant is again utilizing misinformation in his appeal.

With regard to the width, the proposed project is setback 6 feet from the Appellant's property line observing the required 6 foot side yard setback. The Appellant's property is setback 7 feet from this shared property line. Therefore, the total distance between the two properties is 13 feet, and the difference between the Appellant's setback and Mr Porter's is the size of a ruler

With regard to the space underneath the house, the house was designed to stay above the grade of the hillside in an effort to minimize all grading on the property. Considering Landa is a stair street, it is prudent of Mr. Porter to minimize grading on the site as it would be difficult to export that dirt down to Lucile (a substandard street), and would impact the neighborhood with additional truck traffic. This very design (constructing the house above the hillside) was used for the Appellant's own property as shown on **Exhibit 4** probably for similar reasons.

3. Mr. Porter's Support Letters Are NOT Misleading

Mr. Porter has obtained updated support letters to clarify the record and these have been included in this package (see Exhibit 1 of the 1888 Lucile package for these letters and all other support letters). Regardless, the original support letters are not misleading. The neighbors and the Silverlake Neighborhood Council reviewed the updated design and did not change their support. Mr. Porter has been forthcoming and genuine with all parties, and the continued support from the other members of the public reinforces this fact.

4. The Findings for the Zone Variance to Allow Two Off Street Parking Spaces CAN be Made

There are clear and apparent hardships/practical difficulties for this project. This is not a self imposed hardship as Mr. Porter did not install the walk street himself. Mr. Porter purchased a legal lot with rights to develop an allowed use for the site. Understanding that providing the parking for the site would ease street parking, Mr. Porter pursued the variance. This additional parking is supported by the Council Office and Neighborhood Council.

Again, this is a legal lot with rights to develop an allowed use for the site. The fact that the Appellant enjoys a similar arrangement as Mr. Porter's proposed dwelling is hypocrisy at its finest. The Appellant has his required parking on 1892 Lucile while his residence remains on 3623 Landa. He also has only one parking spot as approved in the ZA-2004-2004-4219-ZV-ZAD-1A, whereas Mr. Porter is allocating two spaces per property (a minimum of two are required per LAMC 12.21.C.10(g)(2)).



Regarding the easement, the Appellant's own property was conditioned to have an easement across 1892 Lucile to get from the required parking to the Appellant's property at 3623 Landa. See excerpt from condition #9 of ZA-2004-4219-ZV-ZAD-1A below:

the applicant/property owner shall record a document establishing an easement to guarantee access from the garage on Lucile Avenue to each of the dwellings on Landa Street, so that it would be a pedestrian easement as well as the requirement the garages be available for both parking and access. The recordation of this document shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The document must be submitted to the Zoning Administrator 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.

The Appellant uses case law to support his claims within his response to this finding. The following are our responses highlighting how he misuses this information.

City of San Marino v. Roman Catholic Archbishop of Los Angeles (1960) 180 Cal. App. 2d 6557, 673 ("One who purchases property in anticipation of procuring a variance to enable him to use it for a purpose forbidden at the time of sale cannot complain of hardship ensuing from a denial of the desired variance.") In that case, a church bought a lot zoned R-1 and wanted to use it as a parking lot and recreation area. The City denied the variance and the court agreed. There was nothing about the lot that could not be used as R-1 and the court regarded the purchase as a self-inflicted harm. That is a far cry from the facts here where the topography of the Landa lot and its location on a stair street makes development impossible without the variance. If San Marino stood for the principle The Appellant would like it to, no person could ever get a variance if he or she bought a lot that needed a variance to develop it. That is certainly not the law.

Orinda Assn. v. Board of Supervisors (1986) 182 Cal.App.3d 1145, 1161, 1163, 1167 (court set aside variance for 50-foot-tall building in zone with 35-foot height limit, noting 'judicial review of zoning variances must not be perfunctory or mechanically superficial.') and ("Since there has been no affirmative showing that the subject property differs substantially and in relevant aspects from other parcels in the applicable zone, we conclude that the variance granted by the Board amounts to the kind of special privilege explicitly prohibits by Government Code section 65906.) There is, of course, a question about applicability of the government code to a charter city like Los Angeles. But even assuming it does apply or is analogous to City provisions, Orinda just states general principles of law that we do not disagree with. Factually, of course, we are not asking for a height variance, nor any kind of variance, not granted to the neighbors. We are asking for the same kind of variance the Appellant received. There is no special privilege being granted here that is not enjoyed by the neighboring community.

Cow Hollow Improvement Club v. Di Bene (1966) 245 Cal.App.2d 160, 179 ("The structures on those properties persist in nonconformance with current law; they do not provide a justification for undermining the legislative determination that further development should be more strictly controlled.") In Cow Hollow, the court overturned a City grant permission for a two-family dwelling on an R-01 lot. The City had argued there were other locations nearby where this had been allowed. The court held this was no reason to grant a variance. Again, this is not what we have here. The case might have some relevance if Mr. Porter had been granted a variance from the requirement of a two-car garage, since the neighbors, including the Appellant, had to provide only one car garages. Of course, Mr. Porter has provided the required two car garage.

Broadway, Laguna, Vallejo Association v. Board of Permit Appeals (1967) 66 Cal.2d 767,781 ("The variance sought by the developer in this case would confer not parity but privilege.") Again, this is just a general statement of the law without any reference to the specific facts here. In Broadway, a developer tried to get a variance from building codes because compliance would make his development less profitable. Certainly not the situation here where the physical constraints of the property make the variance necessary and it is not a privilege when compared to what the Appellant received next door.



5. The Findings for the Zoning Administrator's Determination Regarding Street Width CAN be Made

3627 Landa fronts a stair street. It would be grossly impractical and harmful to remove the existing stair street to provide code required street widths for the property. As stated earlier, the proposed dwellings for 3627 Landa and 1888 Lucile are extremely compatible with the existing homes in the area. They are on legal lots, and the construction of a new single family home on each lot is a prescribed use. Again, the Appellant's property was granted the exact same relief. The findings to allow the construction of the new single family dwelling on 3627 Landa are apparent and affirmed in the ZA's Letter of Determination dated July 19, 2018.

6. The Existing CEQA Analysis and Mitigated Negative Declaration are Adequate

The Appellant again fails to realize the hypocrisy in his statements. The Appellant's own property was part of a three-home development (1892 Lucile, 3623 Landa & 3617 Landa) and received a MND (ENV-2004-4220-MND). That development included similar entitlement requests with relation to the subject project as well as the construction of THREE homes. The subject project is only proposing the construction of two.

Regarding the case law precedent, The CEQA cases mentioned just cite general principles of CEQA law. The Appellant's main argument is that any house construction will have noise impacts and an EIR should be required whenever any house is built. There is no evidence that construction of Mr Porter's houses will have noise impacts beyond the typical home construction noise that would substantiate an EIR. To refute these claims, Mr. Porter hired a professional environmental consultant, Dudek. Their letter is attached to this response.

7. Conclusion

Mr. Porter has been diligent in his efforts to work with the community and neighbors. The project site contains practical difficulties that make strict adherence to the code infeasible, yet the proposed design works to meet the intent of the zoning provisions. The project is compatible with the massing and scale of the existing neighboring residences as exhibited on the Neighborhood Compatibility Analysis. Therefore, the Commission should sustain the Zoning Administrator's approval of the requests without further modification.

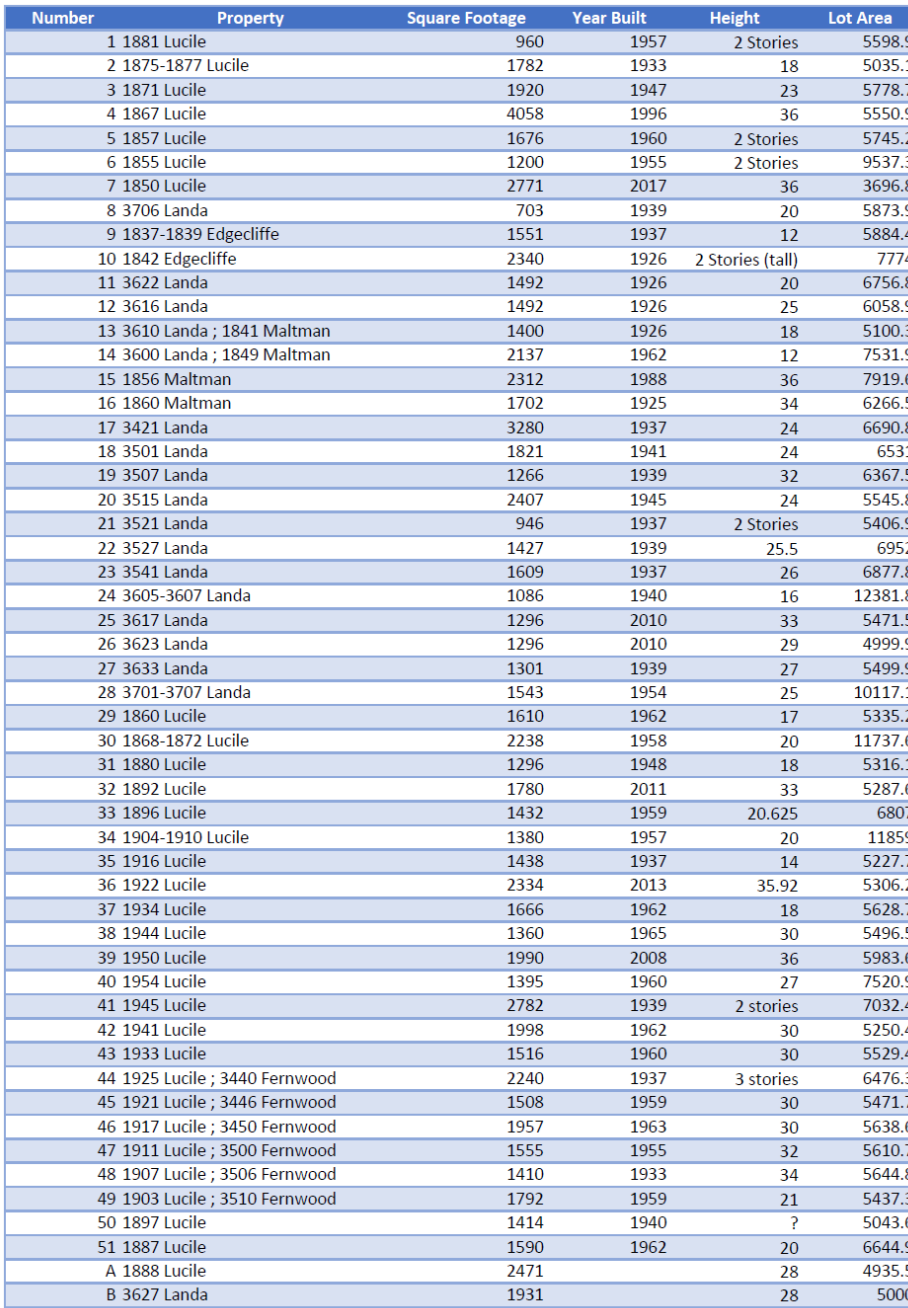


EXHIBIT 1

EXHIBIT 2



EXHIBIT 3

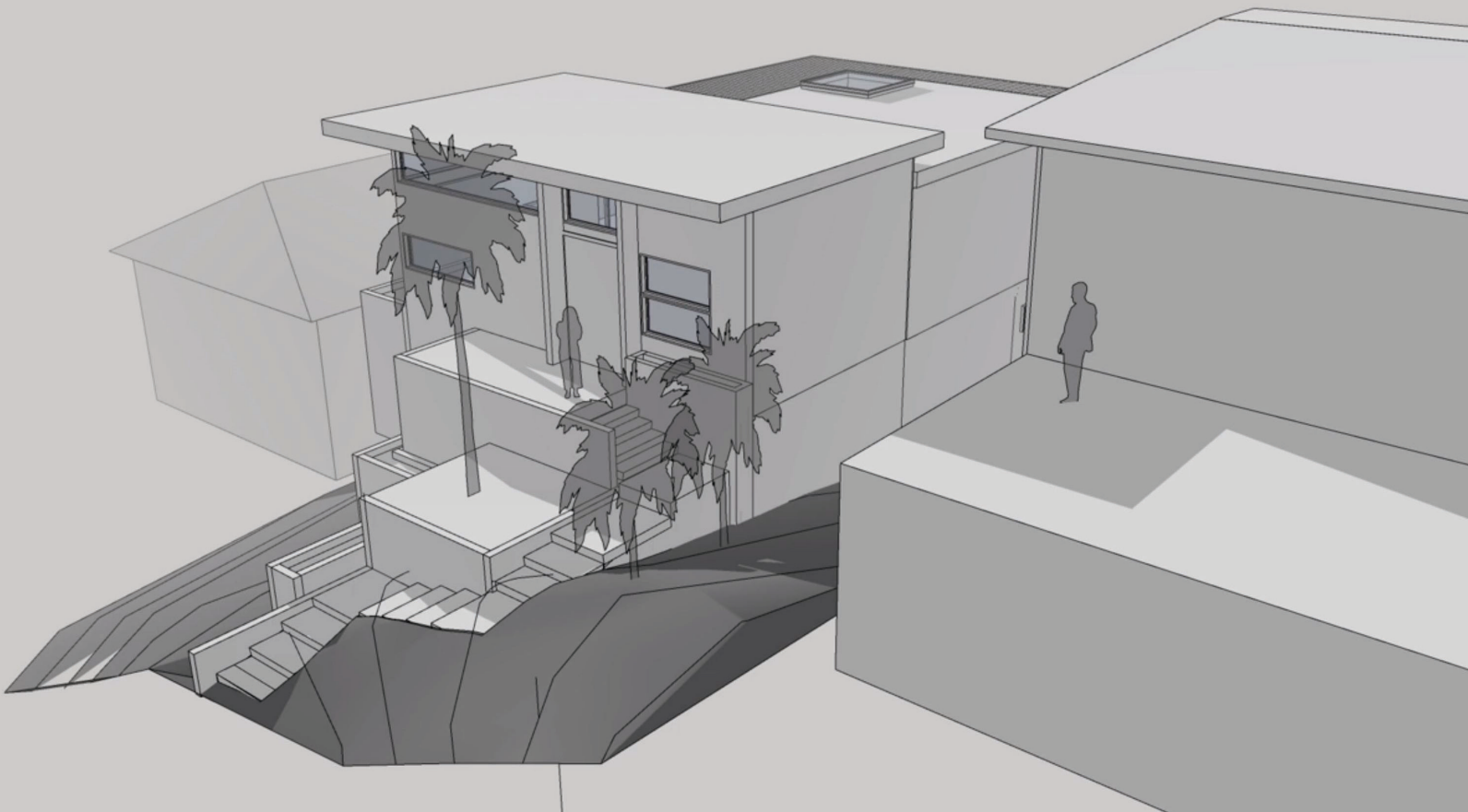
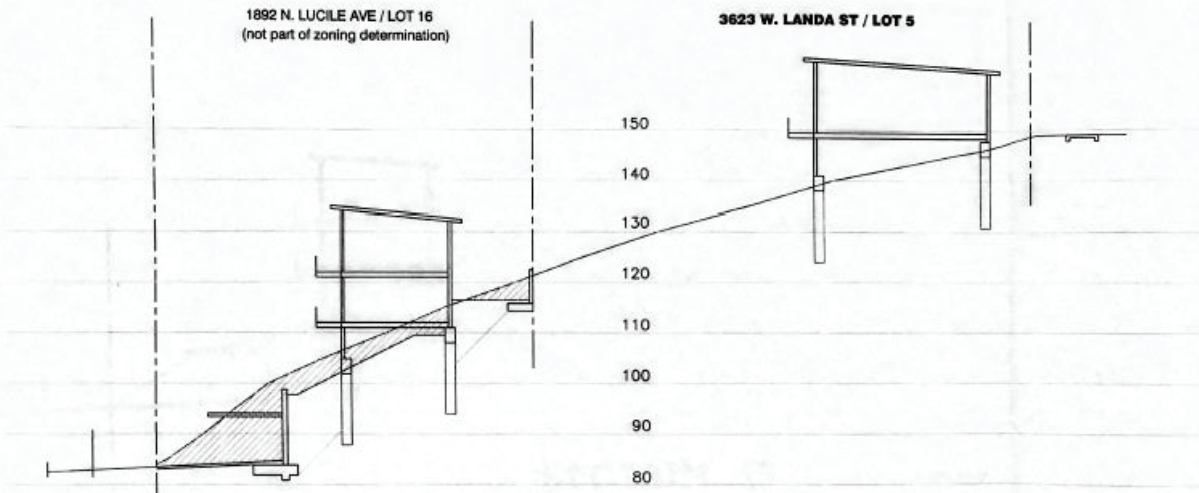


EXHIBIT 4



SECTION A

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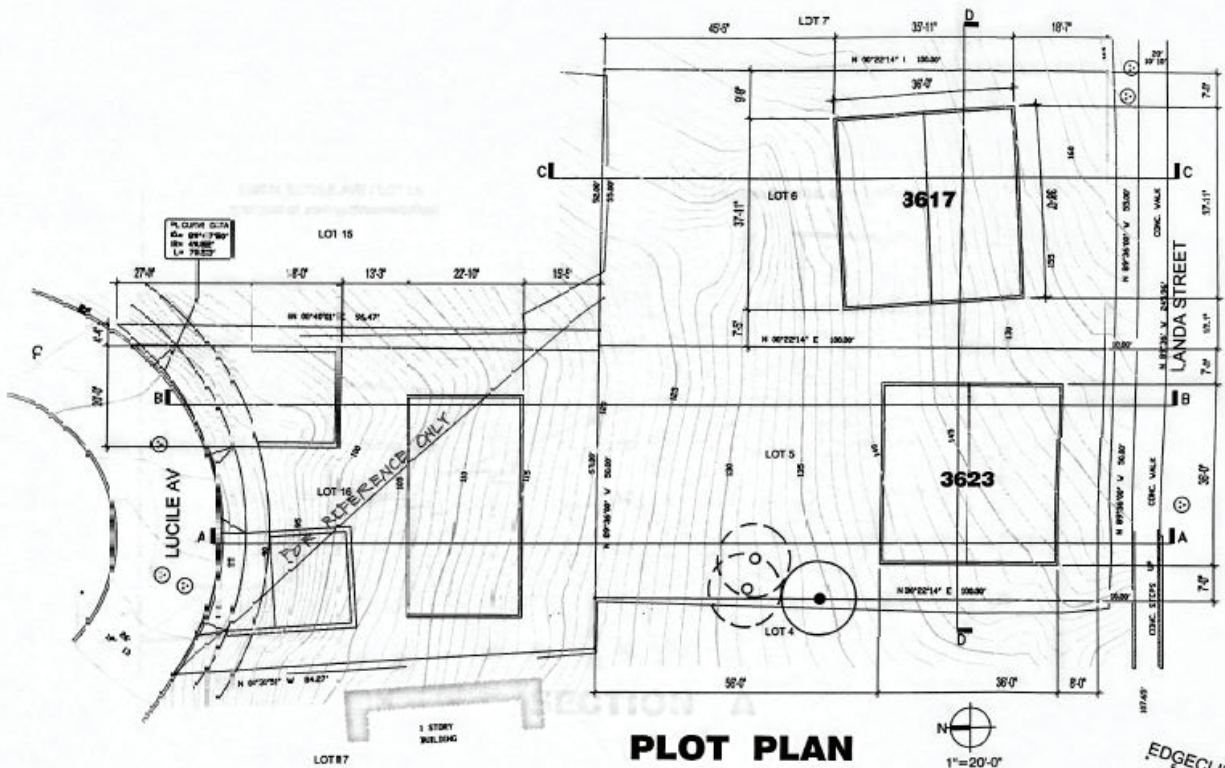


EXHIBIT 5

MEMORANDUM

To: Tony Russo, Crest Real Estate
From: Collin Ramsey, M.S., Dudek; and Mike Greene, INCE Bd. Cert., Dudek
Subject: Landa and Lucile Residential Project – Response to Appellant’s Comments Regarding Potential Construction Noise Impacts
Date: October 8, 2018
cc: Tom Porter, Landa and Lucille, LLC
Attachment(s): None

Dudek has reviewed the *Appellant Neighbor’s Grounds for Appeal* letters dated October 1, 2018 in regard to the proposed single-family residences located at 3627 Landa (Case No. ZA-2015-1569-ZV-ZAD-1A) 1888 Lucile (Case No. ZA-2015-1567-ZAA-ZAD-1A) (collectively referred to herein as the “Project”). The following are responses to both letters’ comments regarding noise generated during construction of the Project (see section 6 of the appellant’s letter for 3627 Landa residence and section 5 of the appellant’s letter for the 1888 Lucile residence). For the sake of brevity, the appellant’s comments have been summarized, and not copied verbatim, below. In summary, the appellant’s main points are as follows:

- The mitigation measures outlined in the MND would not reduce construction noise impact to a less than significant level.
- Los Angeles Municipal Code Section 112.05 establishes an “absolute” noise level threshold for construction noise of 75 dBA at 50 feet from the noise source, and any exceedance of this constitutes a significant impact.

Municipal Code Section 112.05

Appellant’s Comment: The appellant claims that the Los Angeles Municipal Code Section 112.05 establishes an “absolute” noise level threshold for construction noise of 75 dBA at 50 feet from the noise source, and any exceedance of this constitutes a significant impact.

Dudek Response: Within and adjacent to residential areas of the City, Section 112.05 of the Municipal Code allows for construction activities (and, by extension, the generation of construction-related noise) between the hours of 7:00 a.m. and 10:00 p.m., given that the construction equipment produces a maximum noise levels of 75 dBA at a distance of 50 feet therefrom (Section 112.05(a)). In addition, within areas that contain residential and hotel uses, Municipal Code Section 41.40(a) states that construction noise cannot be generated between the hours of 9:00 p.m. and 7:00 a.m., and that no one other than an individual homeowner engaged in the repair or construction of his single-family dwelling shall perform any construction repair work that produces loud noise on or within 500 feet of residential buildings before 8:00 a.m. or after 6:00 p.m. on Saturday or national holiday, nor at any time on any Sunday. This Municipal Code section also prohibits the operation, repair, or servicing of construction equipment and the job-site delivering of construction materials in residential areas on Saturdays and Sundays during the hours specified therein.

The *L.A. CEQA Thresholds Guide* (2006) provides typical noise level ranges for construction equipment that is most often used on construction sites. These representative noise levels are higher than the aforementioned 75 dBA threshold. However, the appellant’s comment does not take into account that these noise level ranges do not represent typical, “real world” construction noise scenarios

Memorandum

Subject: Response to Appellant's Comments Regarding Potential Construction Noise Impacts

because construction activities occur throughout a construction site, and do not take place just at the property boundary nearest a receptor. In order to provide a more realistic scenario for typical construction noise levels, the distance from the nearest noise-sensitive receiver to the approximate center of the construction site should be taken into account when analyzing the severity of construction noise impacts, given that majority construction activities would be concentrated towards the center of the construction site.

Noise levels from construction operations decrease at a rate of approximately 6 dB per doubling of distance from the source. Thus, compared with the noise levels provided in the *L.A. CEQA Thresholds Guide*, the nearby noise-sensitive uses would expect to experience a modest reduction in construction noise based simply on the fact that most construction activities would not occur along their closest property line. Given the overall size of the Project site, and the relatively equal distribution of proposed development across the subject properties, noise levels derived from the center of construction activities would provide a better representation of average noise level exposure across the entire construction phase for a given off-site receiver than using the minimum-distance, worst-case method.

Construction noise is inherently challenging to precisely estimate because of the many variables involved, including the specific equipment types and sizes, percentage of time each piece is in operation, condition of each piece of equipment, and number of pieces that would operate on a construction site. The noise levels provided in the *L.A. CEQA Thresholds Guide* represent maximum noise generation, or full-power operation of construction equipment. As the distance between equipment increase, or separation of areas with simultaneous construction activity increases, dispersion and distance attenuation reduce the effects of the separate noise sources added together. In addition, typical operating cycles may involve 2 minutes of full-power operation, followed by 3 or 4 minutes at lower levels. The average noise level during construction activities is generally lower because maximum noise generation may only occur up to 50% of the time. Noise levels from construction operations decrease at a rate of approximately 6 dB per doubling of distance from the source.

Further, it should also be noted that Section 112.05 of the Municipal Code states:

Said noise limitations shall not apply where compliance therewith is technically infeasible. The burden of proving that compliance is technically infeasible shall be upon the person or persons charged with a violation of this section. Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment.

Therefore, should the Project applicant be able to substantiate to the satisfaction of the City that all reasonable and feasible minimization measures are being implemented to reduce construction noise levels to a reasonable and feasible extent, then the 75 dBA noise threshold shall not apply. Nonetheless, the Project applicant would be committed to adhering to the noise level limitation whenever feasible.

Noise Mitigation Measures

Appellant's Comment: The appellant claims that the mitigation measures outlined in the MND – specifically, those pertaining to noise muffling and shielding – would not reduce construction noise impact to a less than significant level.

Dudek Response: Effectiveness of the mitigation measures detailed in the MND would vary from several decibels (which in general is a relatively small change) to ten or more decibels (which subjectively would be perceived as a substantial change), depending upon the specific equipment and the original condition of that equipment, the specific locations of the noise sources and the receivers, etc. Installation of more effective silencers could range from several decibels to over 10 decibels. Reduction of idling equipment could reduce overall noise levels from barely any reduction to several decibels. Cumulatively, however, these measures would result in substantial decreases in the noise from construction.

DAY OF HEARING SUBMISSIONS

ENCROACHMENT EXHIBIT

A.P.N.: 5480-031-041

SHEET: 1 OF 1

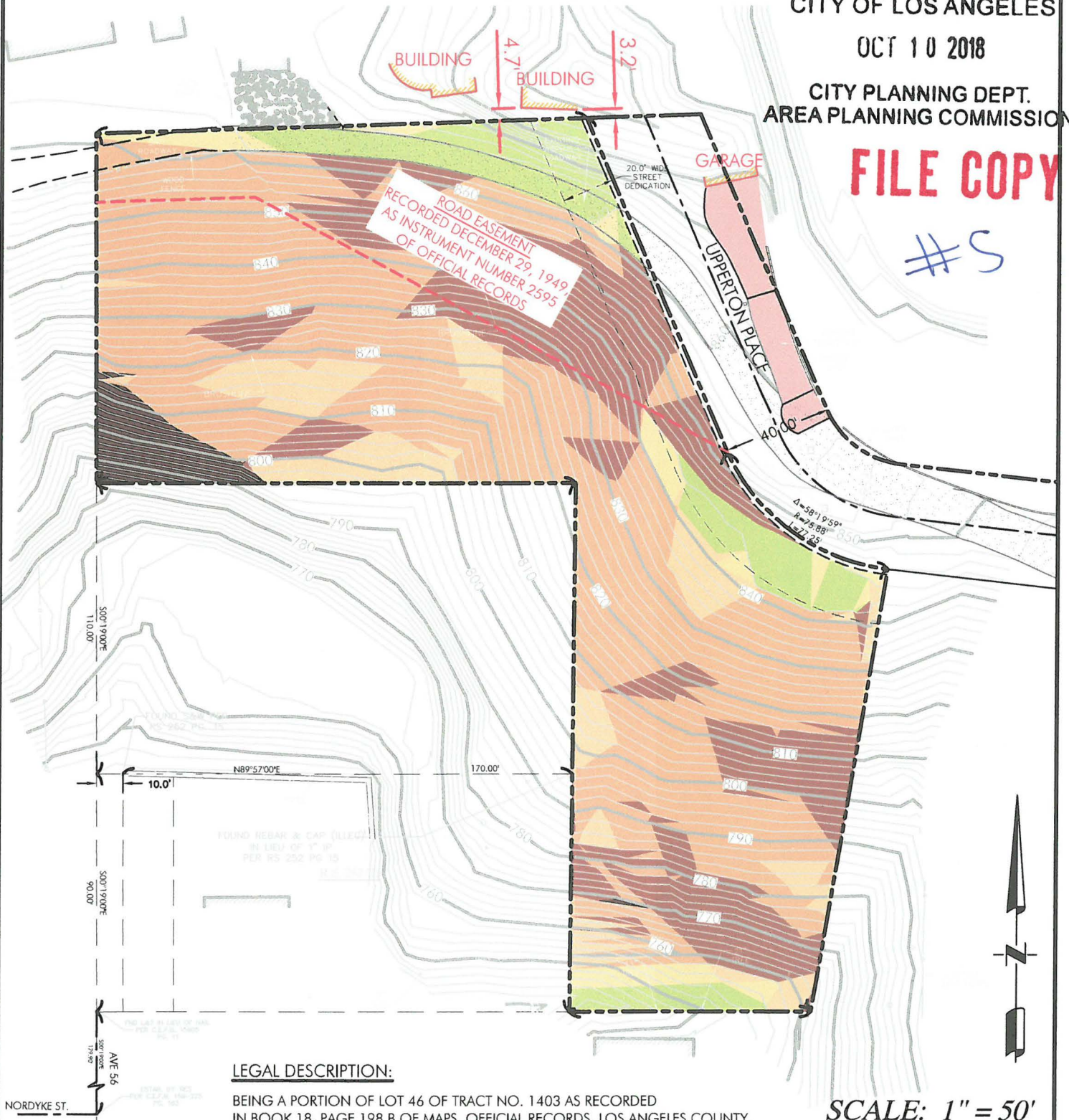
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#5



LEGAL DESCRIPTION:

BEING A PORTION OF LOT 46 OF TRACT NO. 1403 AS RECORDED
IN BOOK 18, PAGE 198 B OF MAPS, OFFICIAL RECORDS, LOS ANGELES COUNTY.

SCALE: 1" = 50'

PREPARED BY:



PACIFIC COAST CIVIL, INC.
30141 AGOURA ROAD, SUITE 200
AGOURA HILLS, CA 91301
PH: (818) 865-4168
FAX: (818) 865-4198

SURVEY PREPARED BY:

CHRISTENSEN & PLOUFF LAND SURVEYING
27821 FREMONT COURT #6
VALENCIA, CA 91355
(661) 645-9320
DATED: JUNE 2016

OWNER/DEVELOPER:

CAPITAL ASSET PARTNERS LLC
ESFANDIARY LLC
c/o ARC LAND USE & ENTITLEMENTS
15610 MOORPARK ST., UNIT 7
ENCINO, CA 91436
(818) 905-8423

PCC W.O.: 16-1428

This page is part of your document - DO NOT DISCARD



20110210410



Pages:
0003

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

02/08/11 AT 08:00AM

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FEES:	22.00
TAXES:	3,444.00
OTHER:	0.00
PAID:	3,466.00



LEADSHEET



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00003725354



003147476

**SEQ:
08**

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

E497001

t68

CALIFORNIA TITLE COMPANY

RECORDING REQUESTED BY:
California Title

AND WHEN RECORDED MAIL TO:

Mr. Joshua Leibner and Ms. Katherine Henninger
1366 Wildwood Drive
Los Angeles, CA 90041



2

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 1173560

Escrow No.: 086690-KH

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$676.50 CITY TRANSFER TAX \$2,767.50

[X] computed on full value of property conveyed, or

[] computed on full value less value of liens or encumbrances remaining at time of sale.

[] Unincorporated area [X] City of Los Angeles AND



LA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Dionne B. Marcus aka Dionne Barens, a married woman as her sole and separate property

hereby GRANT(s) to:

Joshua Leibner and Katherine Henninger, Husband and Wife as Community Property

With Right of Survivorship

the real property in the City of Los Angeles, County of Los Angeles, State of California, described as:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Also Known as: 1366 Wildwood Drive, Los Angeles, CA 90041

AP#: 5480-029-014 and 5480-029-016

DATED November 19, 2010

STATE OF California

COUNTY OF Los Angeles

On 11/19/11

before me, N. Grigorian

A Notary Public in and for said State personally appeared

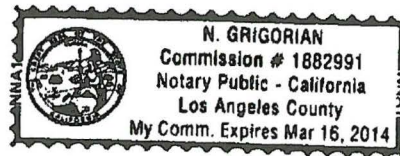
Dionne Barens

Dionne Barens

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 of 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

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

RECORDER MEMO: This COPY is NOT an OFFICIAL RECORD.

10

Order No. 410-1173560-64

3

Exhibit "A"

Parcel 1:

Lot 172 and the Southerly 57.10 feet measured along the Westerly line of lot 173 of Myers and Kulli's Oak Grove Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 11 page(s) 148 of maps, in the office of the County recorder of said County.

Parcel 2:

An easement for road purposes over that portion of lot 46 of tract no. 1403, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 18 pages 198 and 199 of maps, in the office of the County recorder of said County, lying Northerly and Northeasterly of a line described as follows:

Beginning at a point in the Westerly line of said lot, distant Southerly therein 26 feet from the Northwesterly corner of said lot Thence Easterly parallel with the Northerly line of said lot, a distant of 60 feet thence Southeasterly in a directed line to the Southeasterly terminus of that certain course, in the Northeasterly line of said lot, shown on said map as having a bearing of North 23°14' West and length of 137.23 feet.

Except the Westerly 30 feet of parcel no. 2.

#687



Serving the Silver Lake Community Since 2003

1850 W. Silver Lake Drive
Los Angeles, California 90026

Phone 323-413-SLNC (7562)
Email board@silverlakenc.org
www.silverlakenc.org

Co-Chairs
Vice Chair
Treasurer
Secretary

Anne-Marie Johnson
Scott Plante
Darius Derakshan
Terrence Jackson
Betsy Isroelit

October 9, 2018

Jane Choi
Project Planner
Office of Zoning Administration
City of Los Angeles Department of City Planning
jane.choi@lacity.org

VIA EMAIL

Re: Case Number ENV-2015-1568-EAF
1888 N. Lucile and 3627 W. Landa

Dear Jane:

The project at 1888 N. Lucile/3627 W. Landa was originally approved for recommendation by the Urban Design Committee in July 2015. In August 2015, the entire Neighborhood Council recommended this project for approval.

The Silver Lake Neighborhood Council (SLNC) is very experienced with the project review process, and handles many cases per year. We listen to the community. As a result, the SLNC does not appreciate Mr. John Henning's efforts to "negate" its' recommendations simply because he or his client does agree with them.

The project was originally reviewed and recommended through a public process with a proven track record. For history, in November 2016, Mr. Porter asked us to review his updated plans in an effort to be upfront and thorough as he was new to the process. Because the SLNC does not have a mechanism to do this, the Co-Chair and I reviewed the plans as stated in the letter out of respect to Mr. Porter due to his concern for doing the right thing.

As I told Mr. Henning in an email dated January 25, 2017 (attached):

As you know, the Silver Lake Neighborhood Council is an advisory committee. We make our recommendations to Planning and consider the case complete. We don't have a mechanism to re-review cases unless we are asked by Planning, and, to date, we have not had that request for this case. We have had instances of this in the past where Planning has asked use to comment on a case.

To date, we have had no requests from Planning to re-review what we consider a closed case.

We continue to appreciate Mr. Porter's efforts at outreach and project refinements. And we continue to state that our original recommendation stands.

Sincerely yours,

Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
SLNC Co-Chair
On behalf of the Silver Lake Neighborhood Council
Scott.Plante@silverlakenc.org

cc: Tom Porter Applicant
Tony Russo Crest Real Estate
Jack Chiang Zoning Administrator
Emma Howard Senior Planning Deputy, CD4
Meg Greenfield Planning Deputy, CD4

tom@portersemail.com
tony@crestrealestate.com
jack.chiang@lacity.org
emma.howard@lacity.org
meg.greenfield@lacity.org

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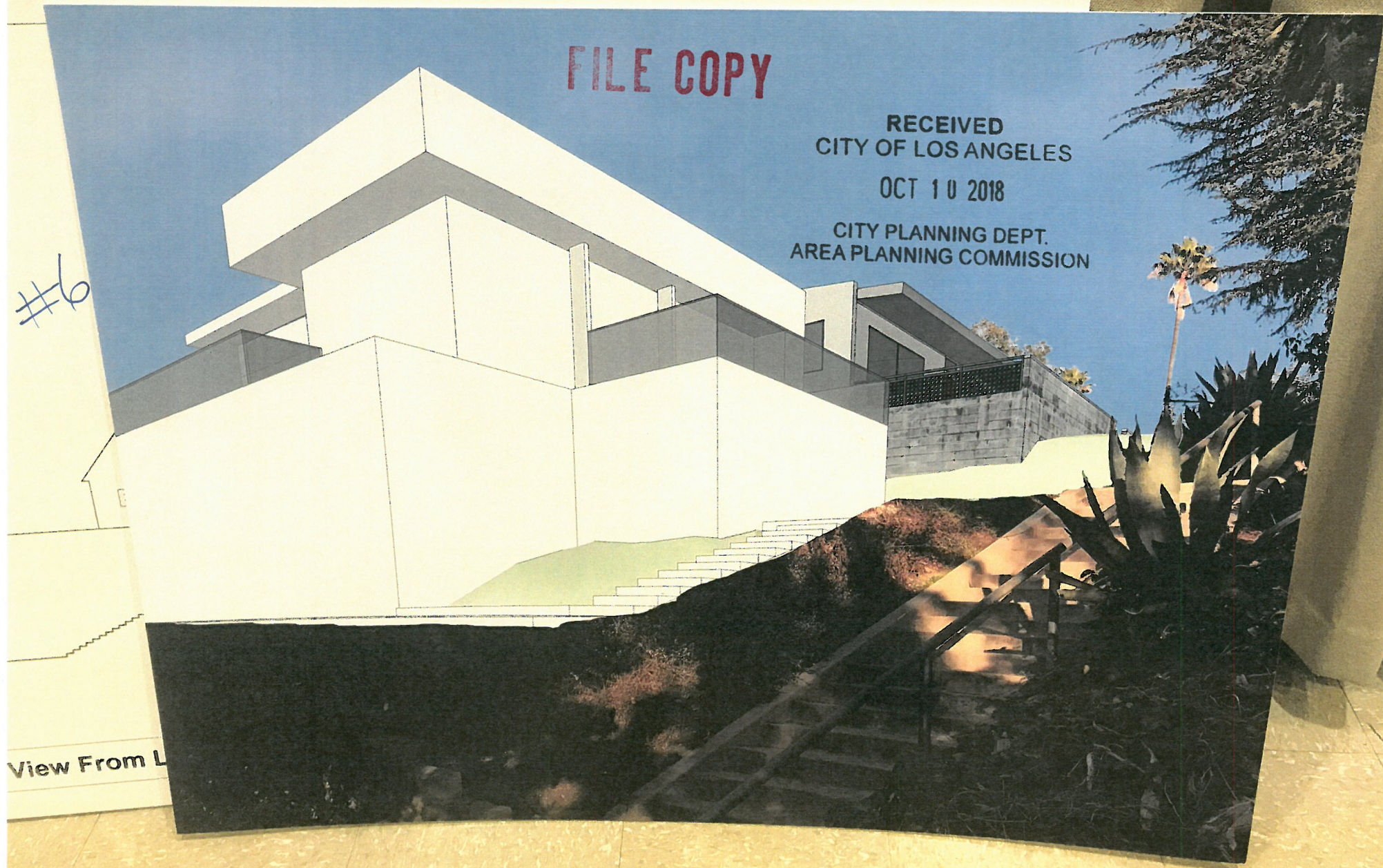
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View From L

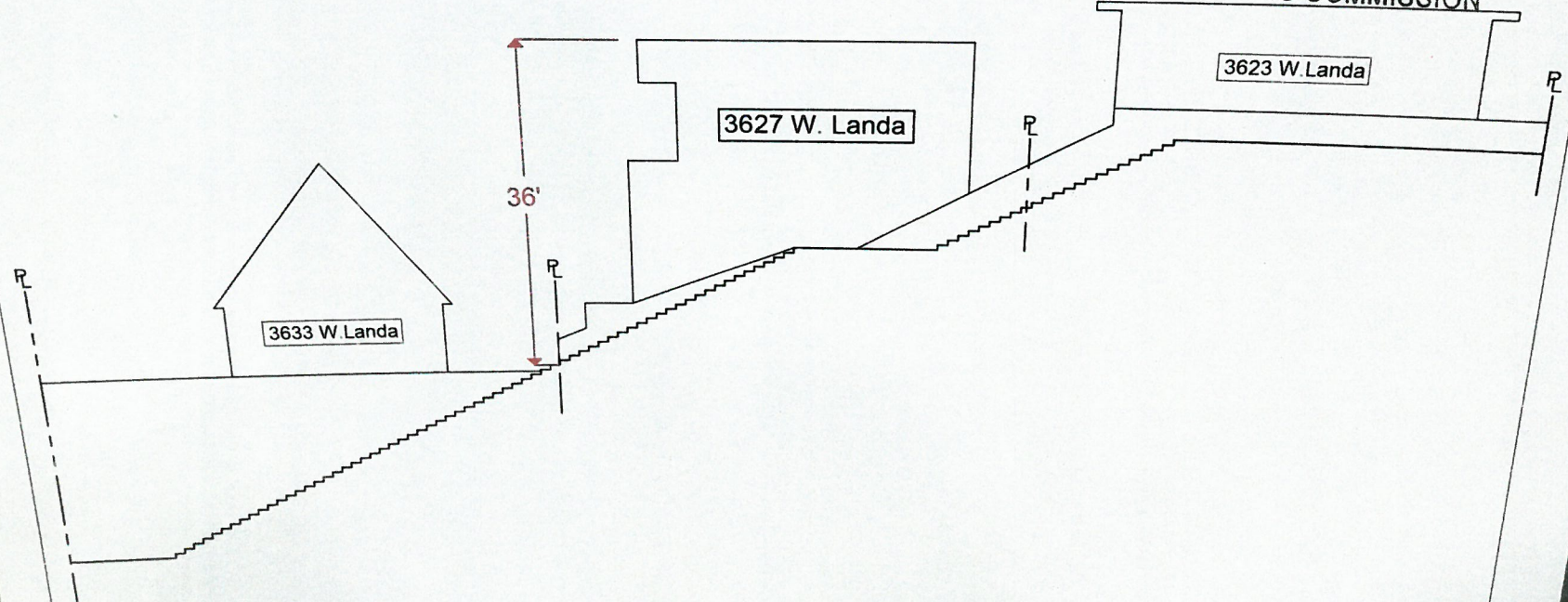


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View From Landa Street

October 21th, 2016 Application

Scale 1/16"=1'

FILE COPY

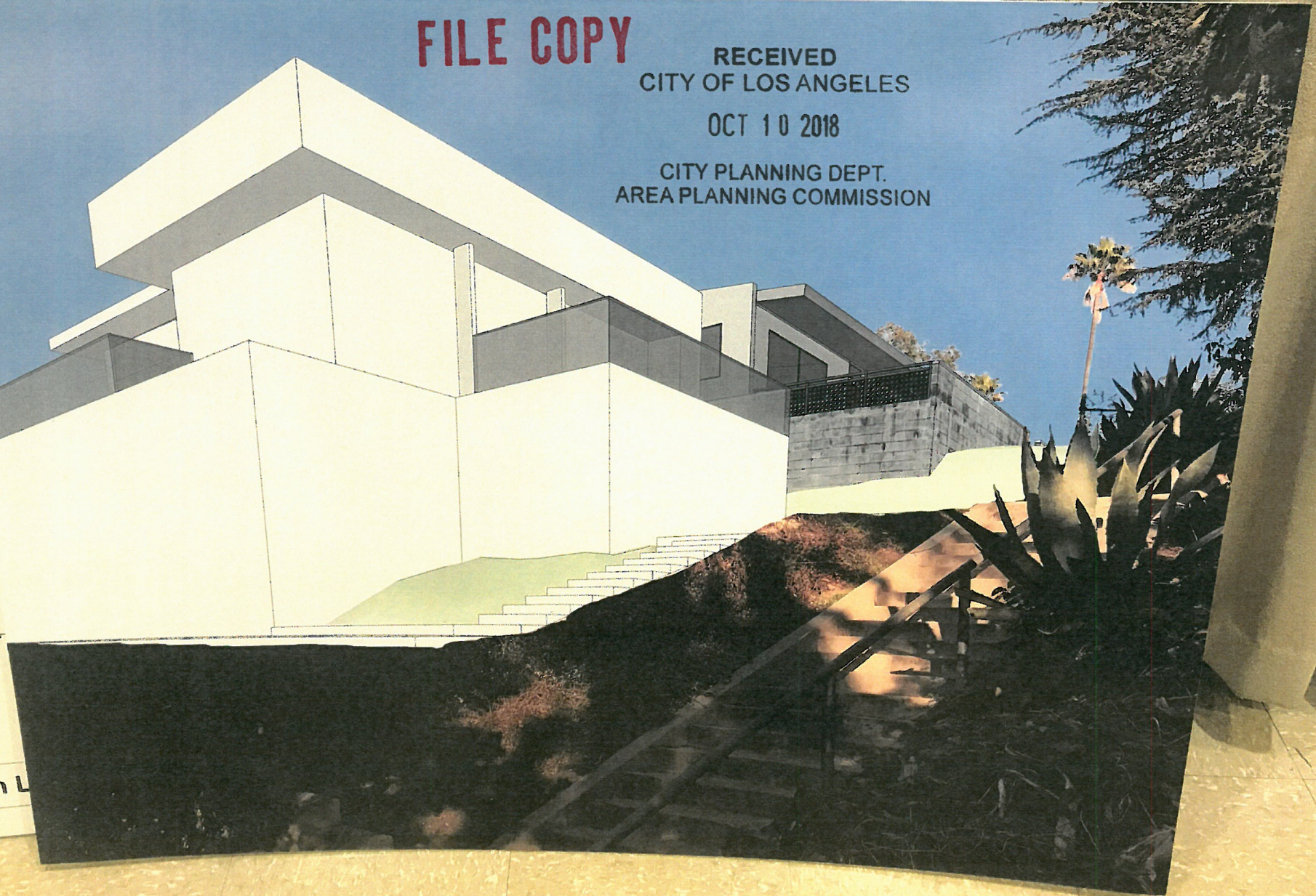
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View From L



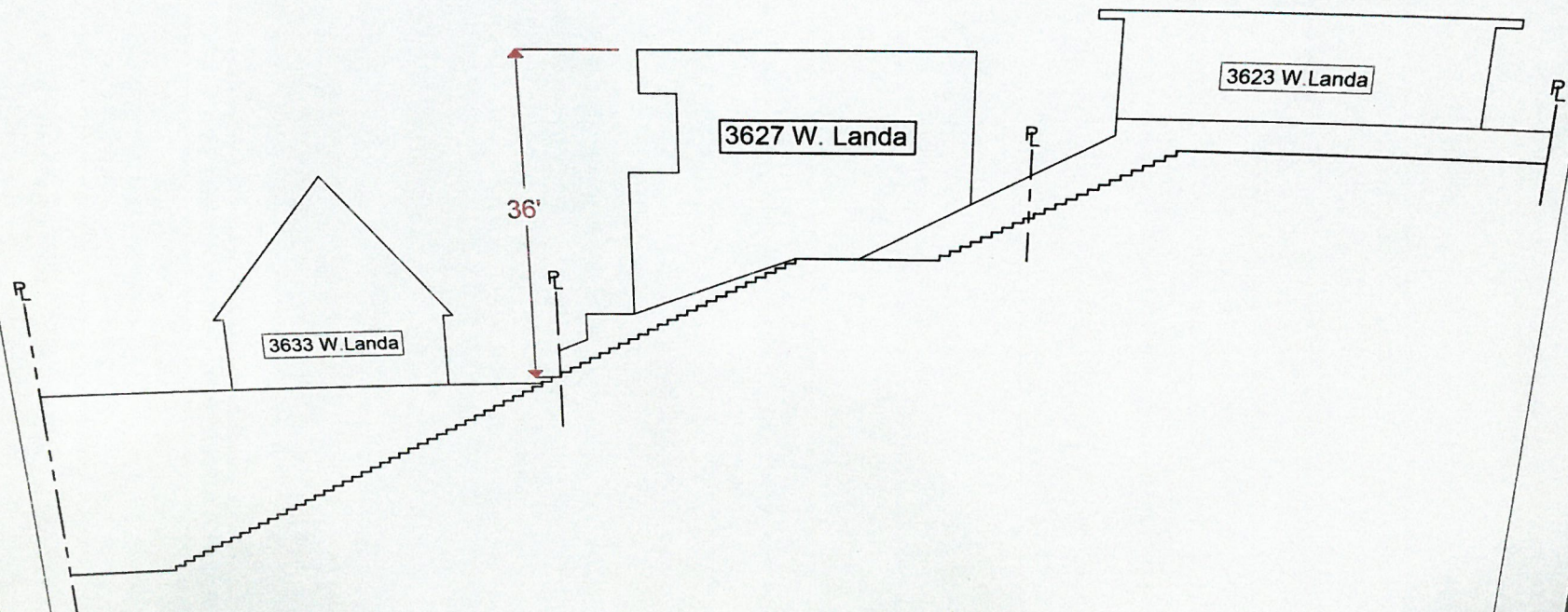
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View From Landa Street

October 21th, 2016 Application

Scale 1/16"=1'

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OCT 10 2018

#67 CITY PLANNING DEPT.
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Lucile and Landa Homes

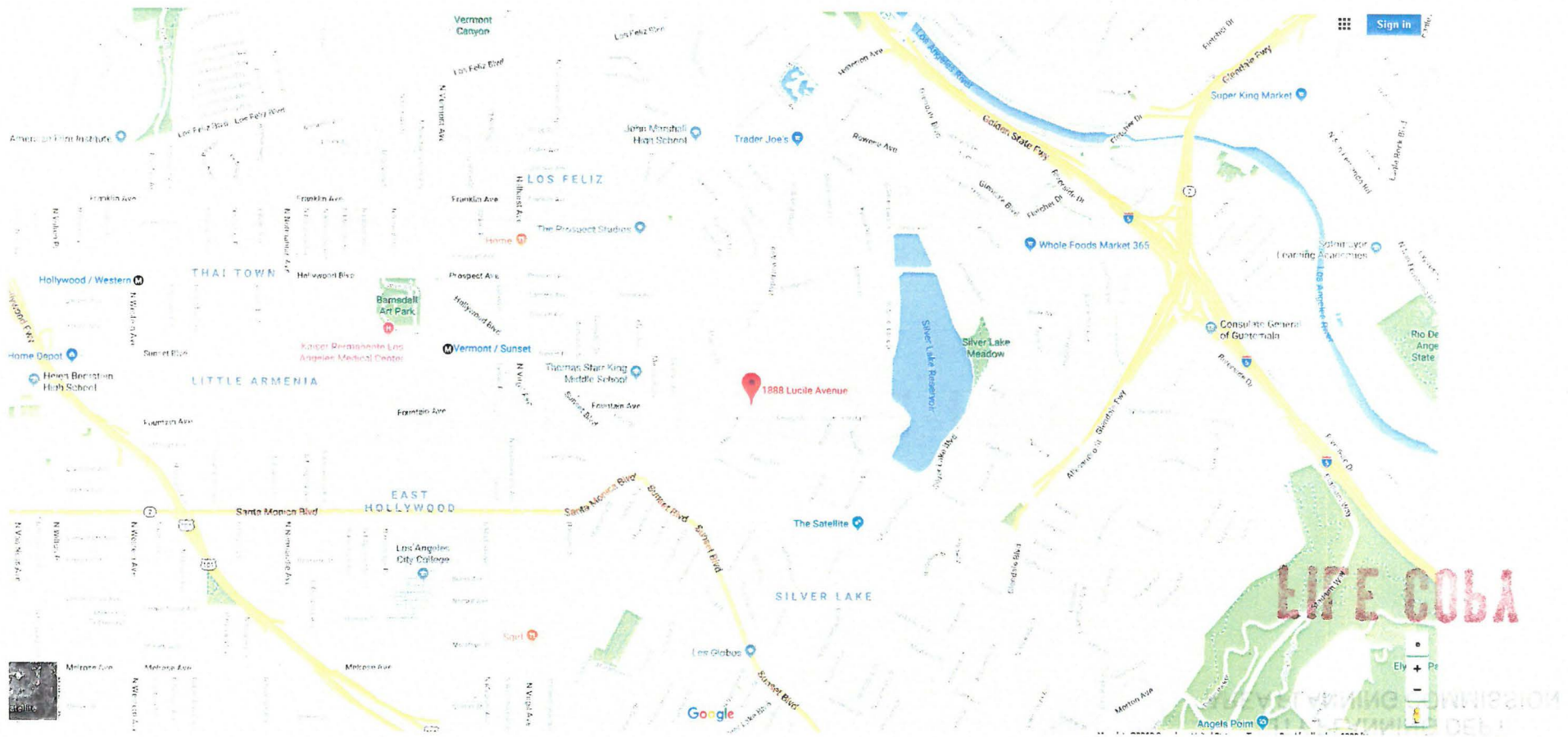
ZA-2015-1567-ZAD-ZAA

1888 n. Lucile Ave.

ZA-2015-1569-ZV-ZAD

3627 W. Landa St.

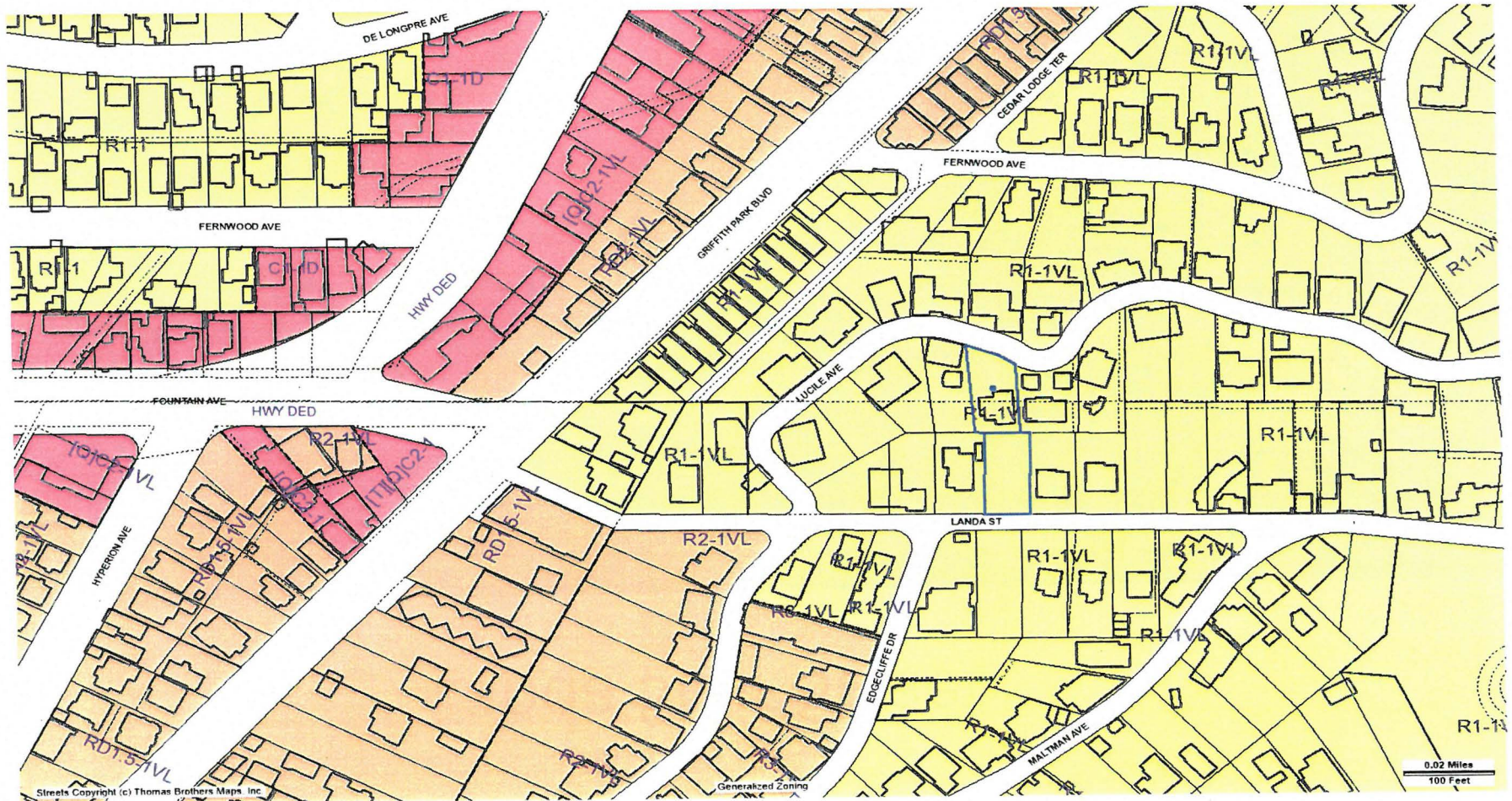
Vicinity Map



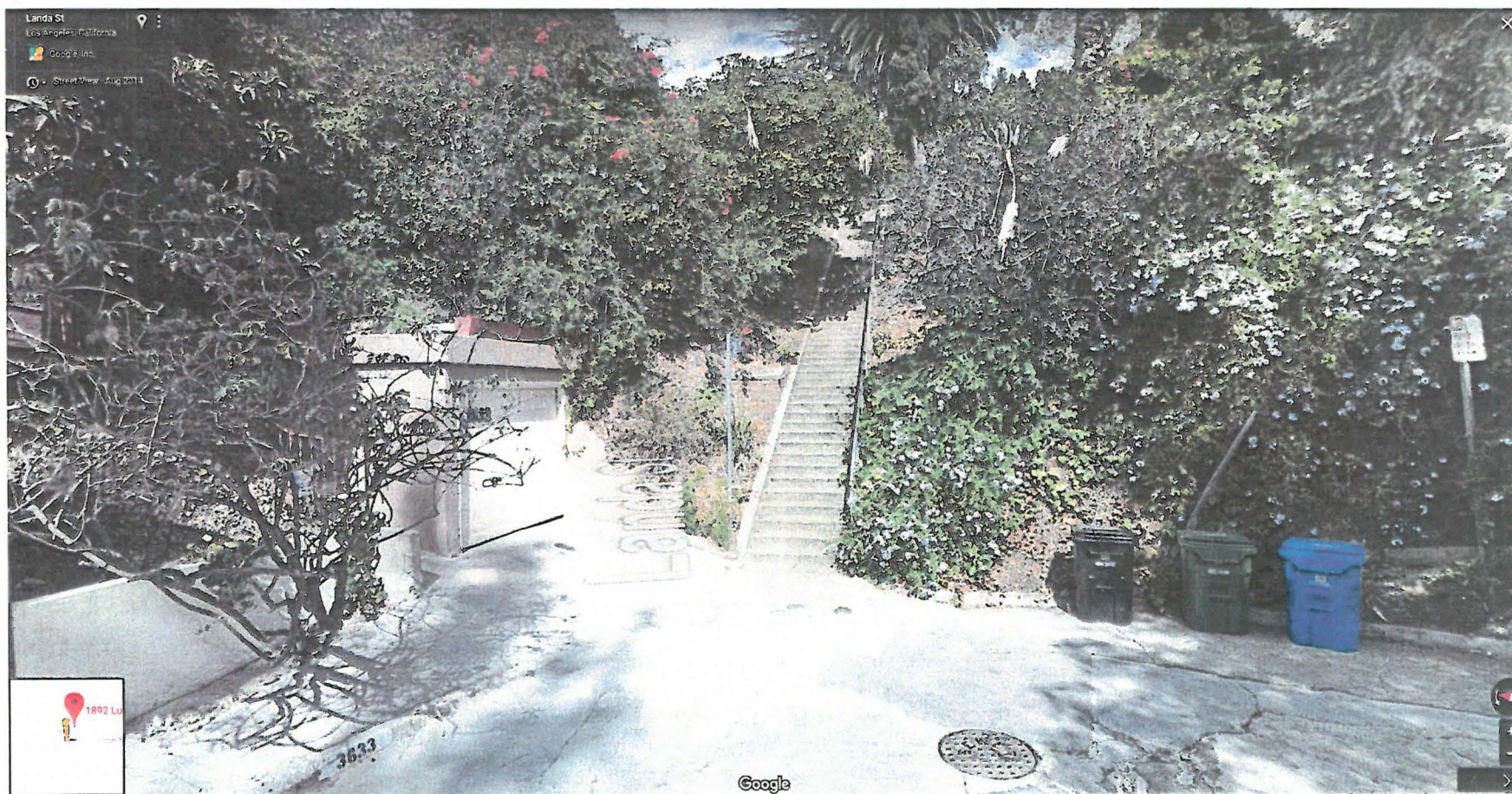
OCT 10 2006

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Zoning Map



Landa Stair Street



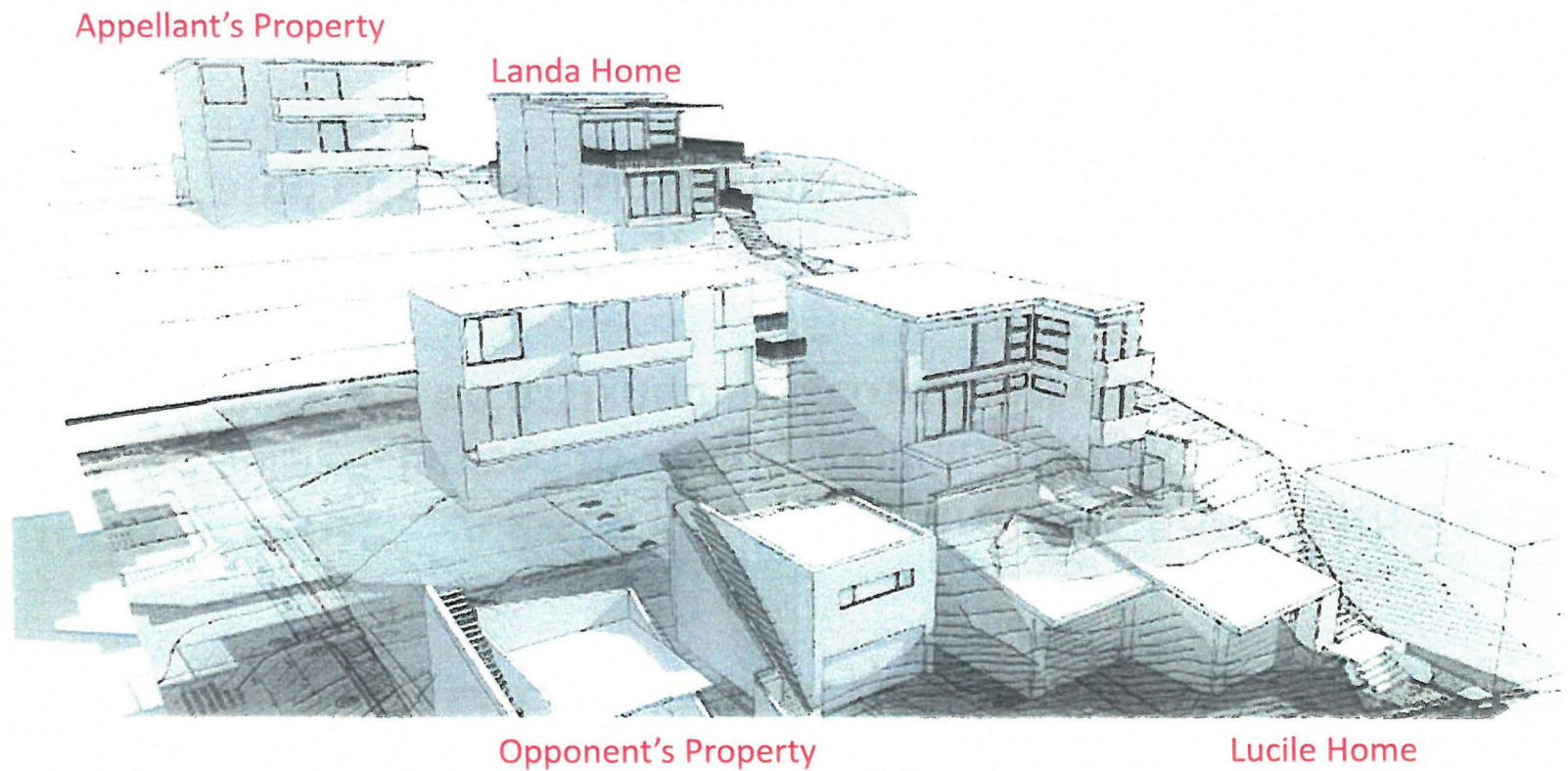
Lucile Avenue



Project Aerial Photo



A Rendering of the Lucile and Landa New Homes



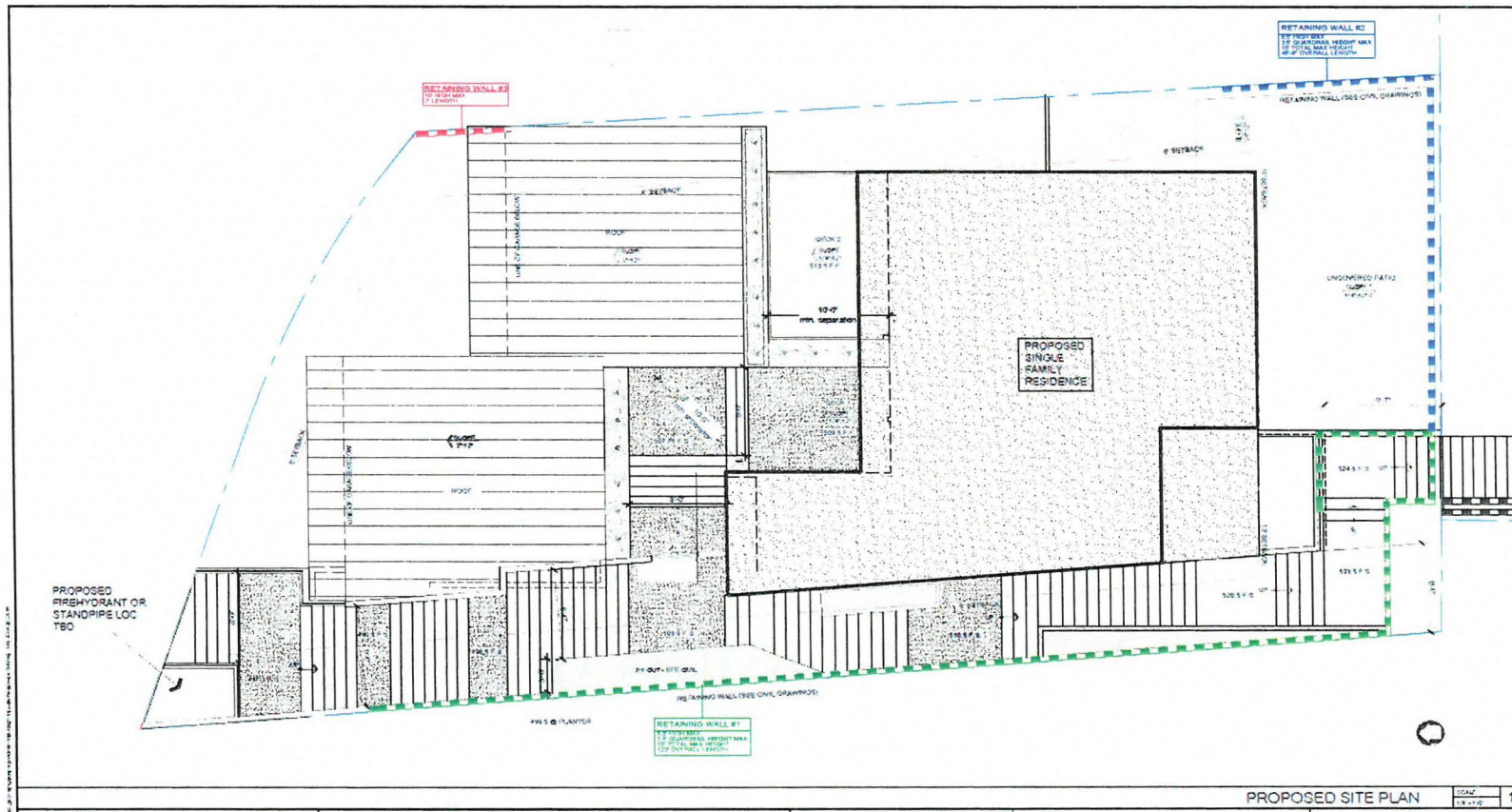
Project description

Lucile home: A 2-story, 2,471 square-foot, home with a 4-car detached garage, limited to 28-foot building height maximum. 2 parking spaces will be assigned and covenanted to the Landa Home.

Landa home: A 2-story, 1,931 square-foot, home with 2 parking spaces located offsite on Lucile property. Building height is limited to 28-foot maximum.

Grading: Estimated about 747 cubic yards produced from the Lucile site, and mostly will be balanced on the Landa site.

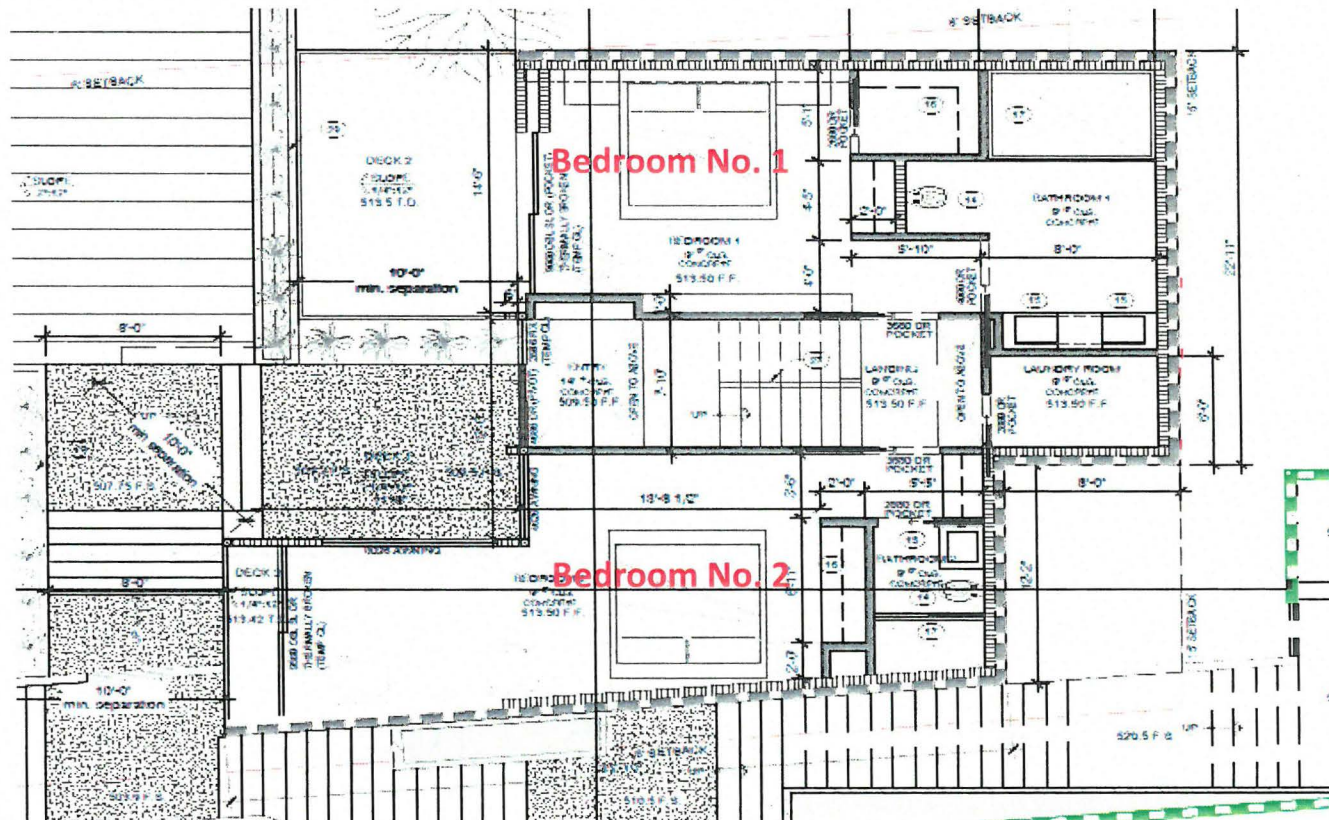
1888 Lucile Site Plan



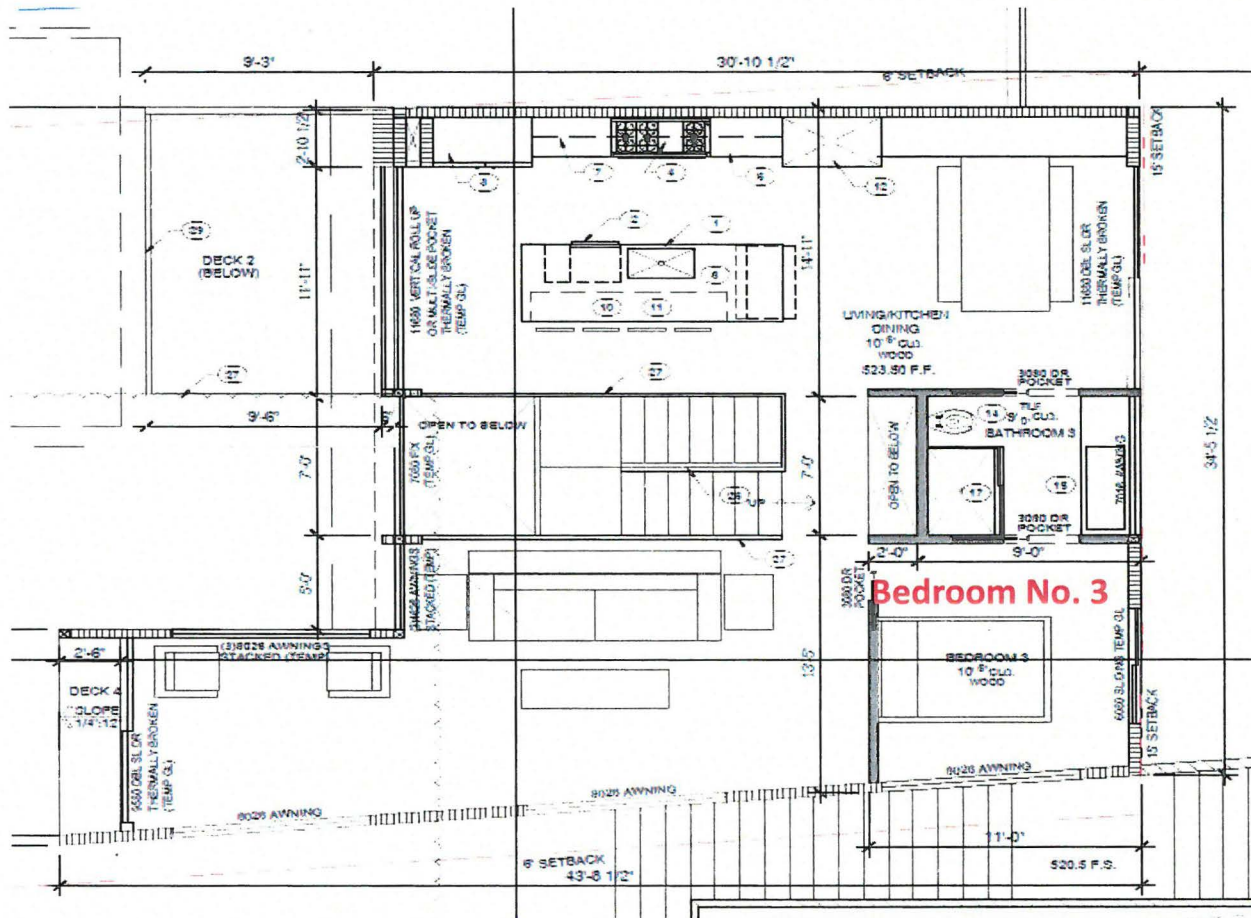
Lucile Home Requests

1. A ZAA to permit a 8-foot wide passageway in lieu of 10 foot width.
2. A ZAD to permit 3 retaining walls in lieu of 2 walls.
3. A ZAD to permit 2 parking spaces for the Lucile dwelling in lieu of the required 3 parking spaces.
(BHO requires a third parking space after RFA passes 2,400 sq. ft. The project has 2471 RFA, thus only 71 sq. ft. are over the threshold. Also, 400 sq. ft. of the 2,471 sq. ft. are assigned to the additional parking garage area for the Landa home, which is not a habitable space. The RFA of the additional garage floor area triggered the 3rd parking space requirement.)

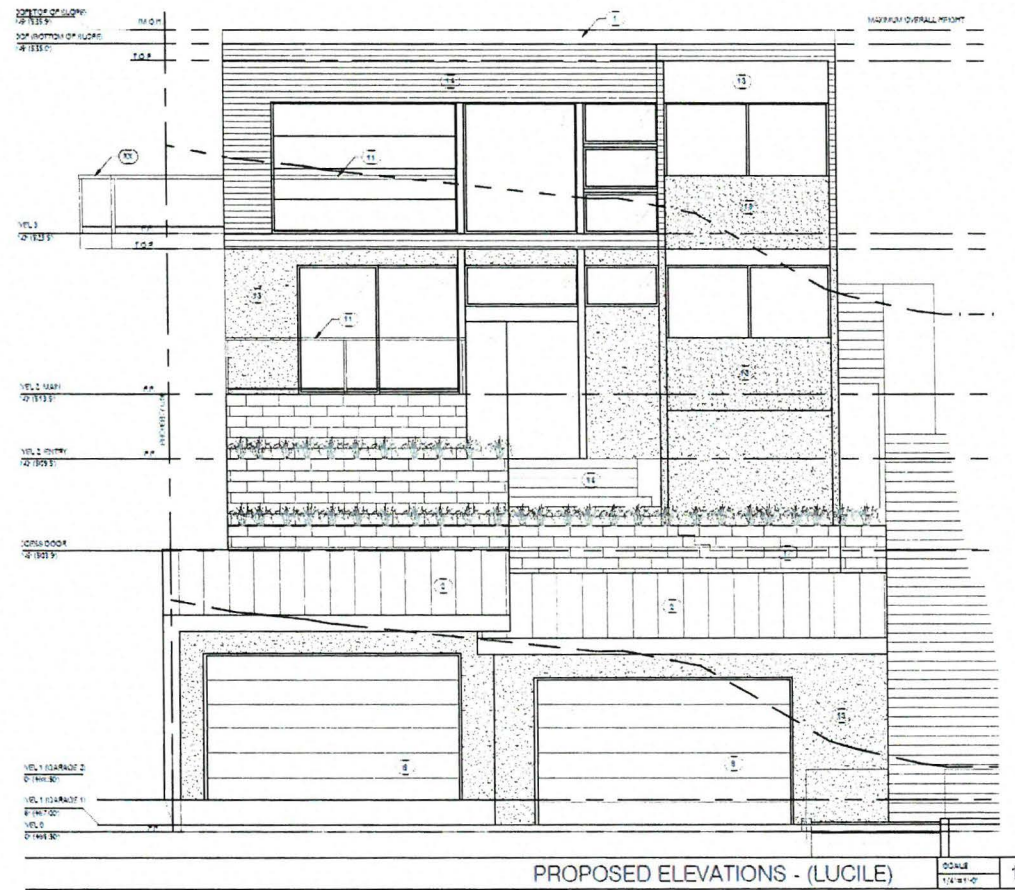
First Floor Plan (Lucile Home)



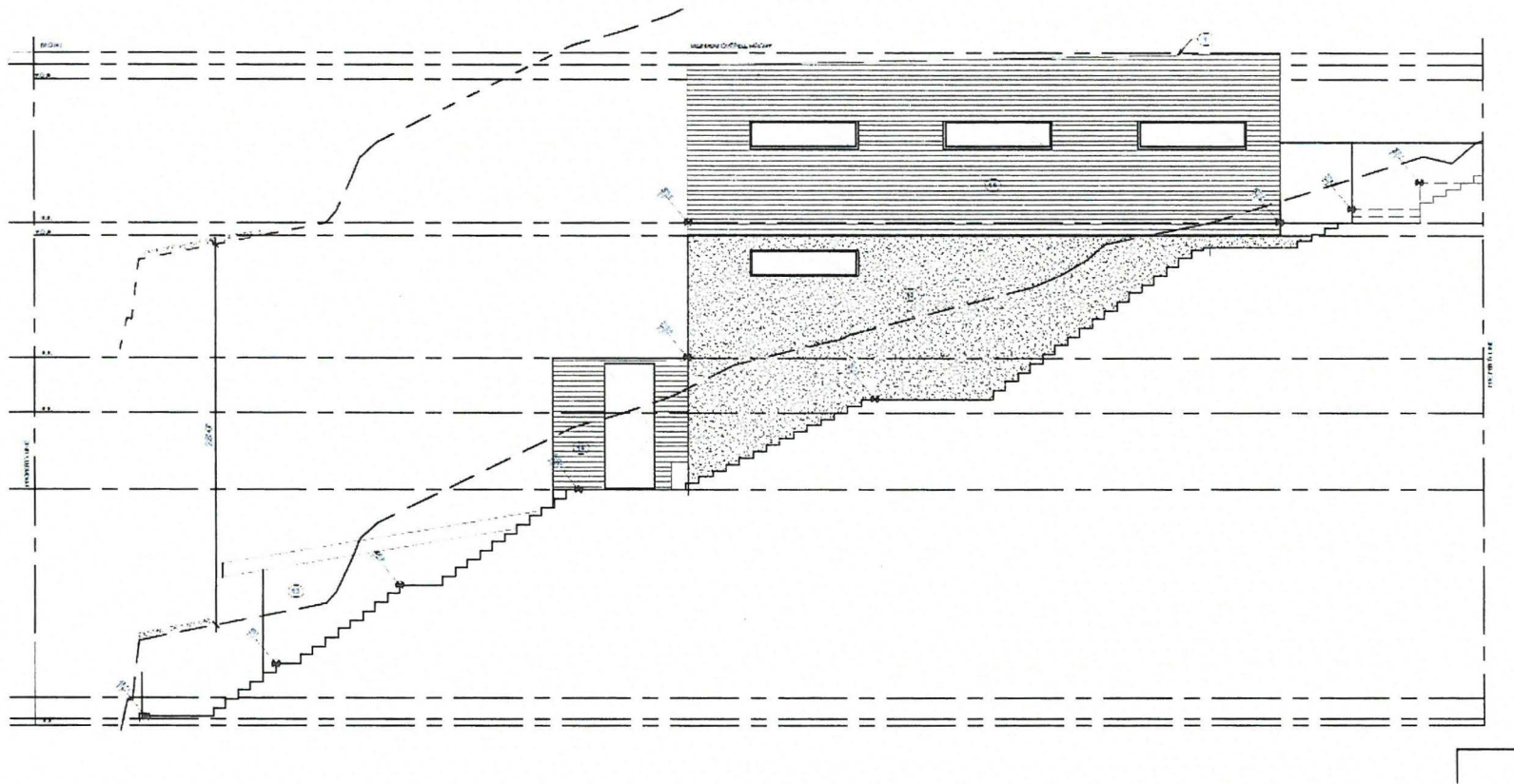
Second Floor Plan (Lucile Home)



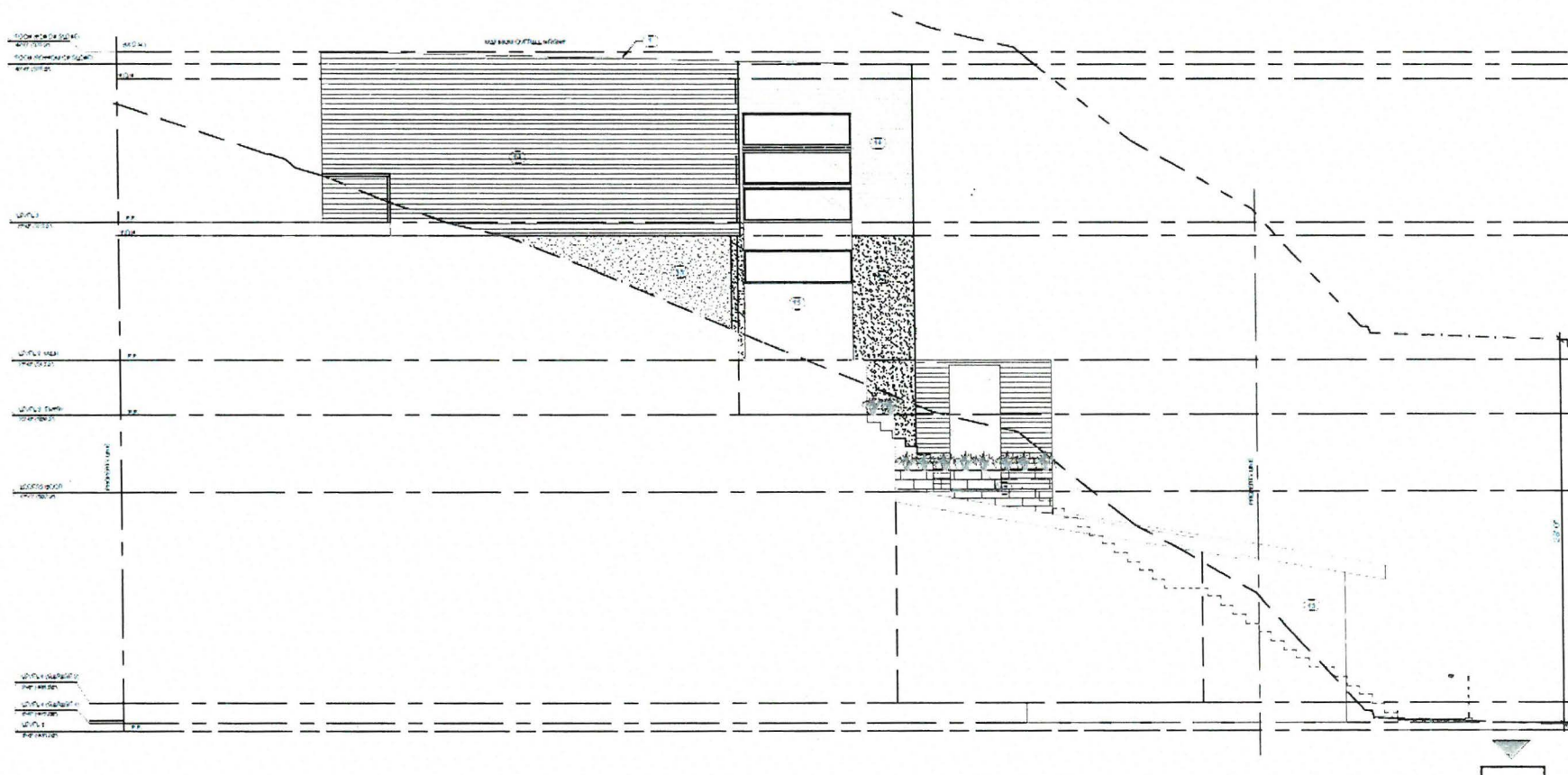
Front Elevation at Lucile Avenue level



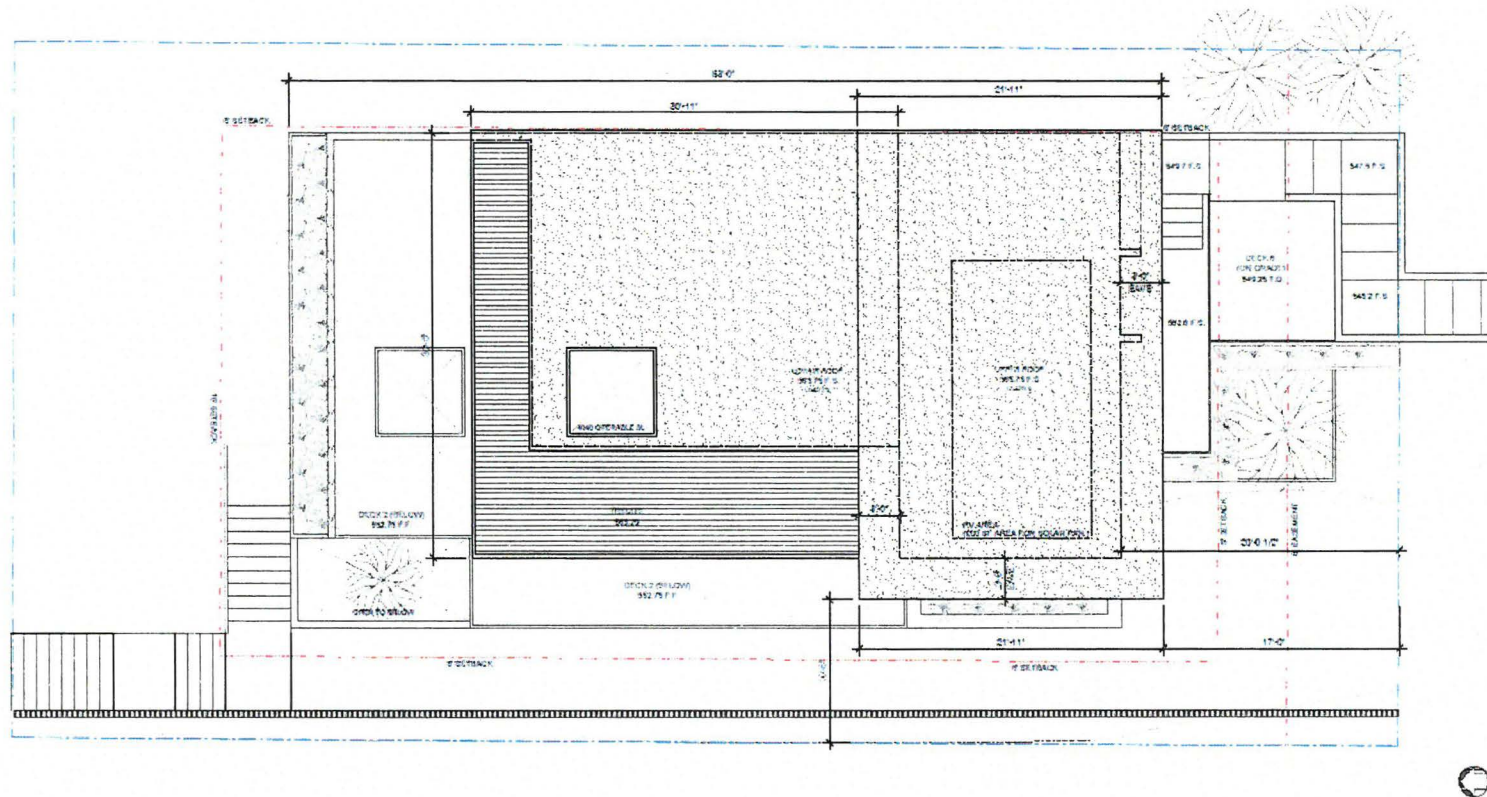
West Elevation (Lucile Home)



East Elevation (Lucile Home)



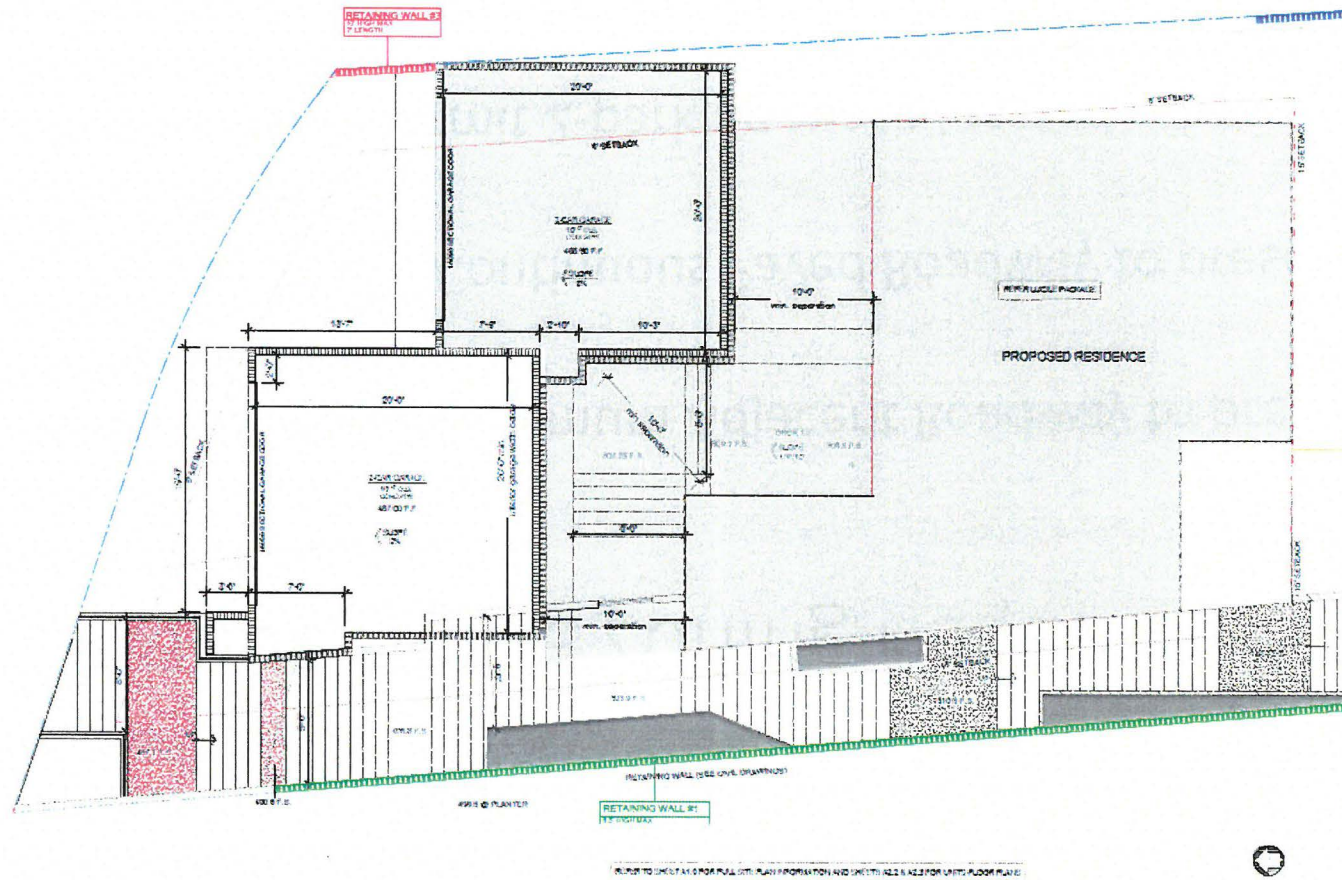
3627 Landa Site Plan



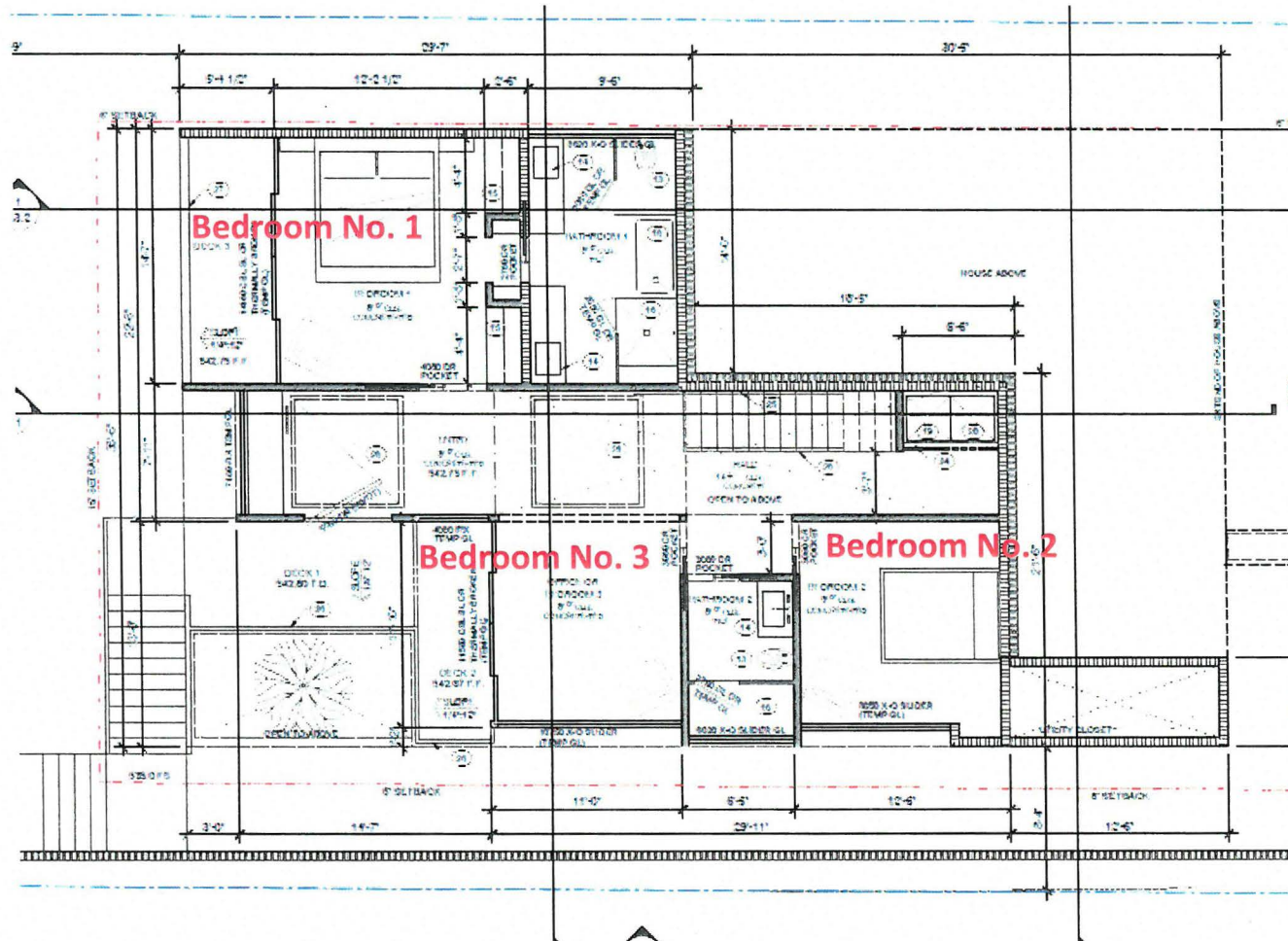
Landa Home Zoning Requests

1. A ZAD to relieve Minimum Adjacent Roadway to preserve the stair street.
2. A ZAD to relieve Continuous Paved Roadway to preserve the stair street.
3. A Variance to permit 2-parking space located offsite.

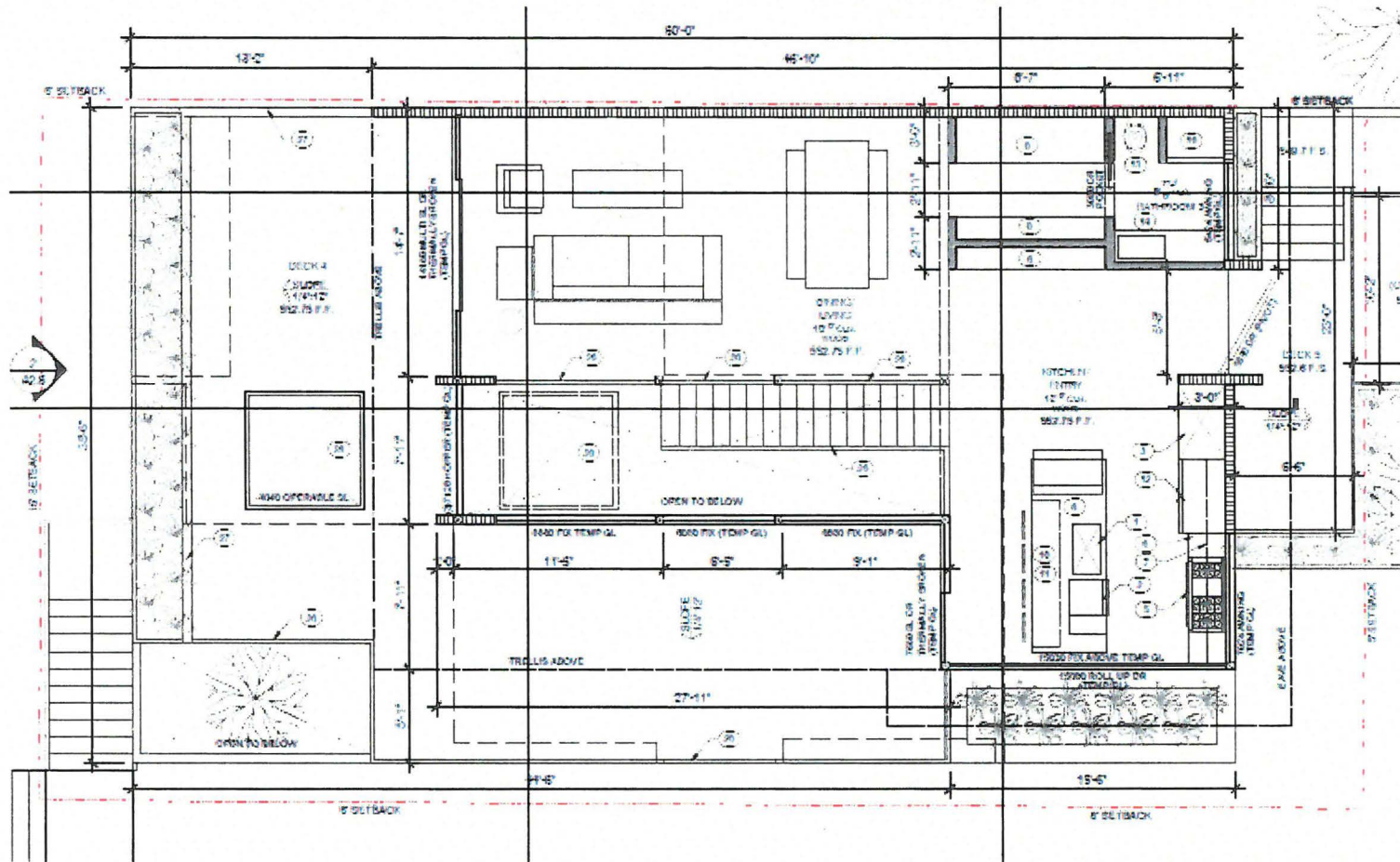
The Location of A 2-Car Garage For The Landa Home



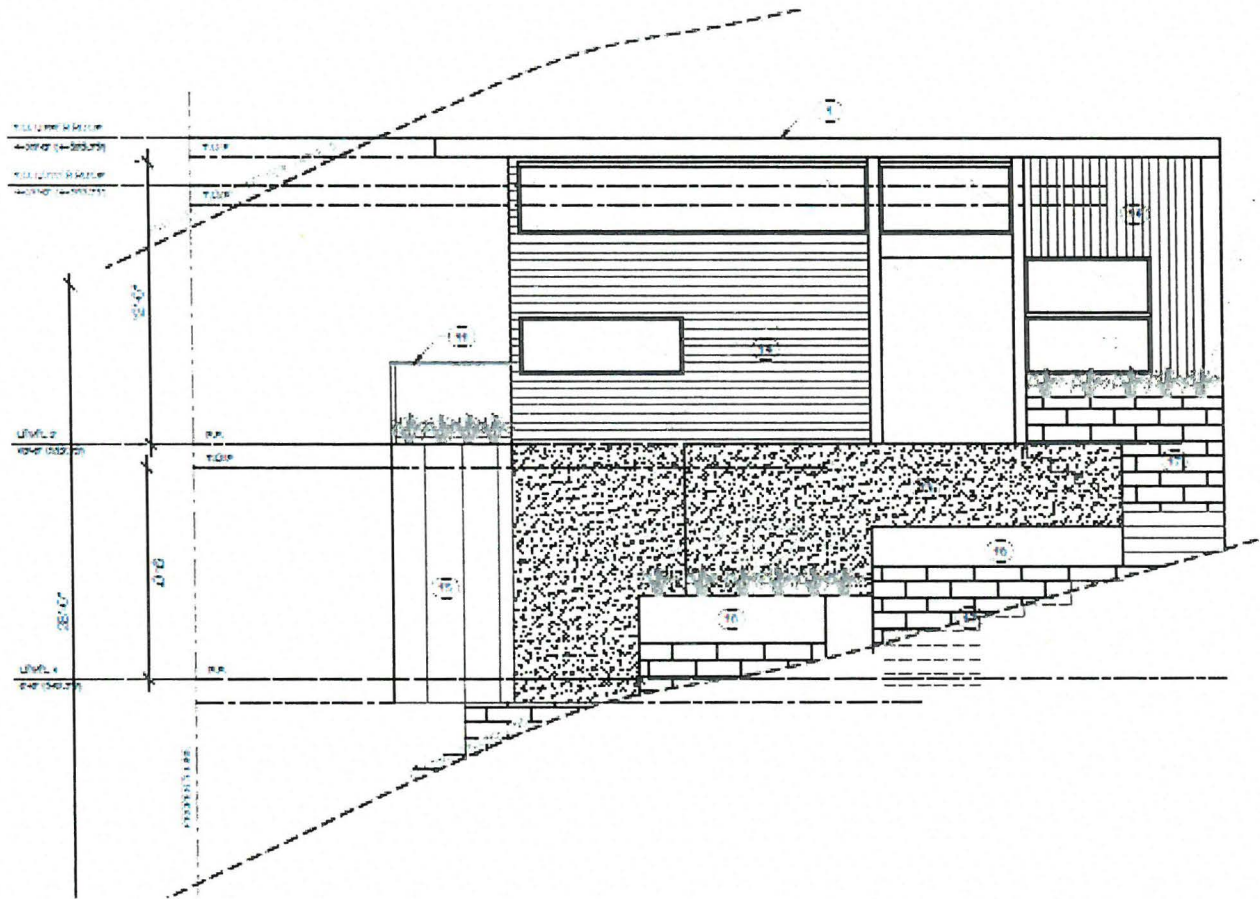
First Floor Plan (Landa Home)



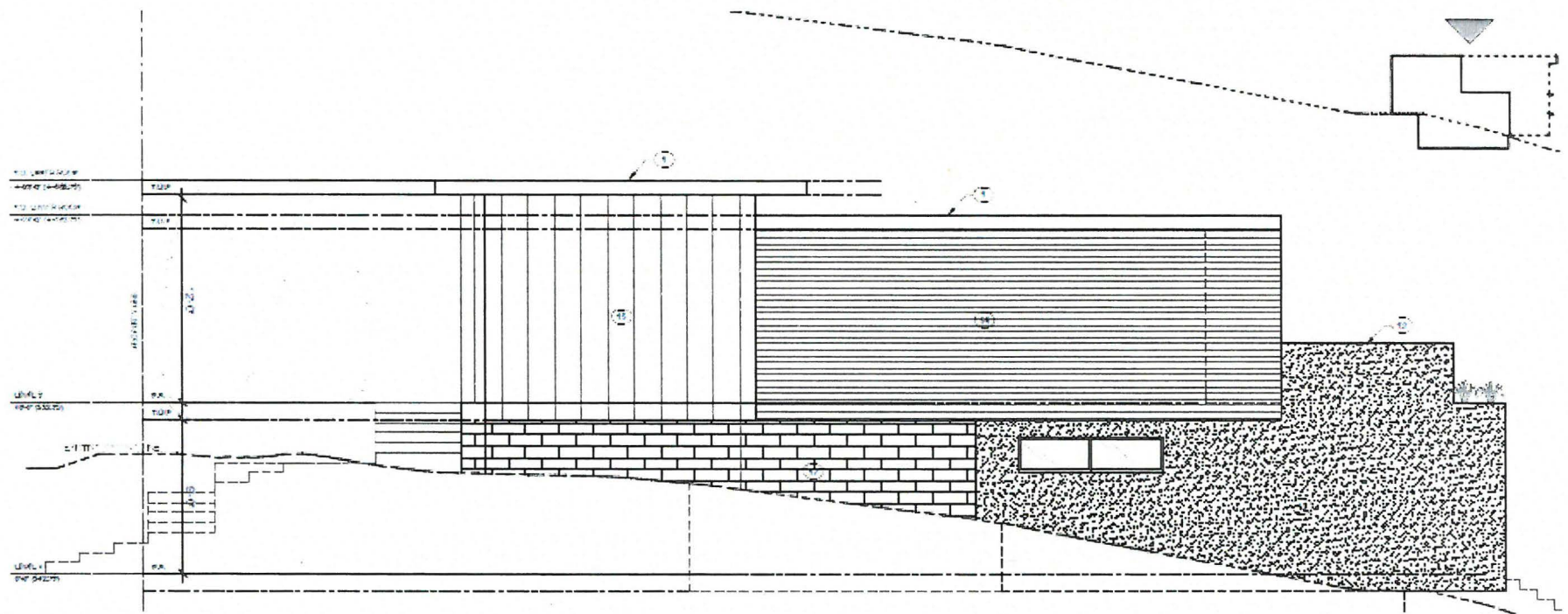
Second Floor Plan (Landa Home)



Front Elevation at Landa Street level



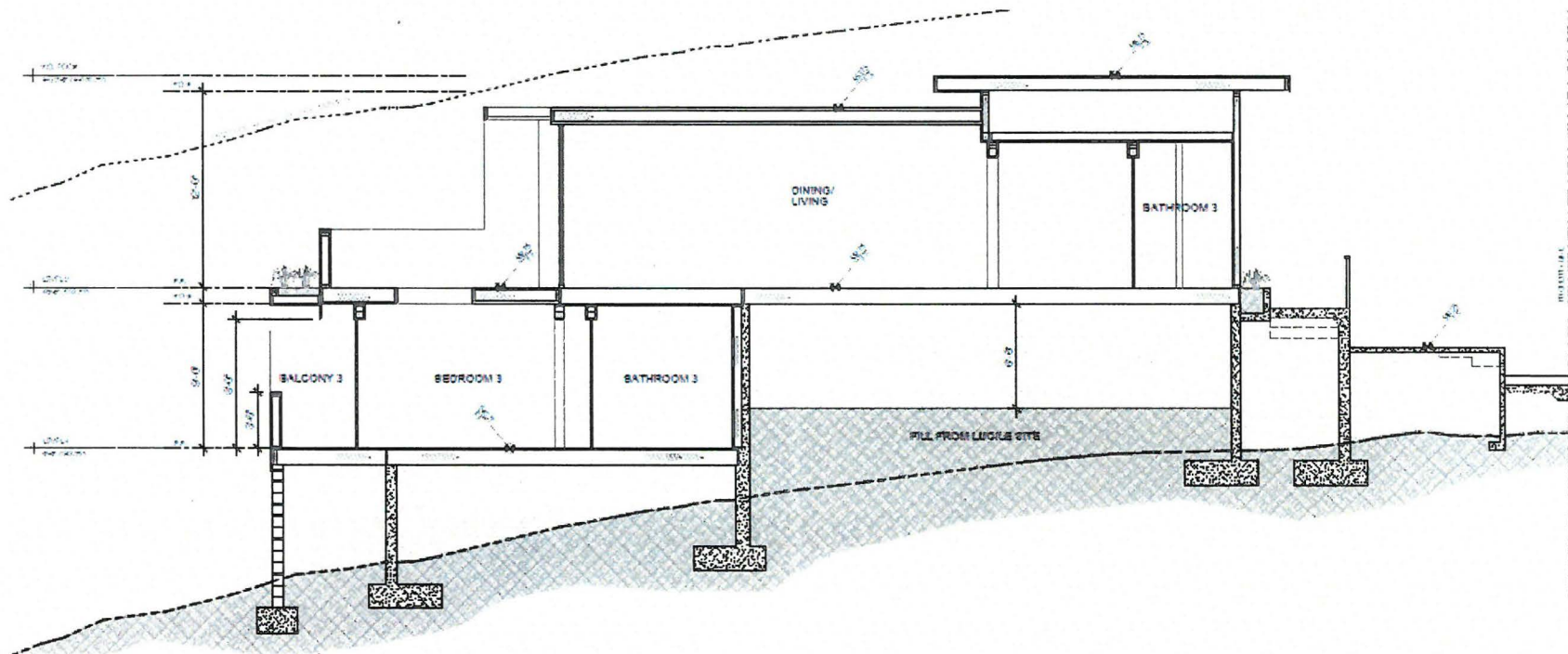
East Elevation (Landa Home)



West Elevation (Landa Home)



Raised Foundation Design with a Minimum Cut to the Hillside.



Positive Design Features

- Both houses are designed under a 28-foot building height. The applicant did not raise the height all the way to 28 feet.
- Lucile house has no windows at rear easterly side, so to provide backyard privacy to the neighbor.
- Lucile house is set back 4-foot further at the front than the existing home so not to block neighbor's view to the northwest.
- Landa house has 2 covered parking spaces.
- Landa house have a terrace design so to allow the north and northwest view to the appellant.
- Landa house design shows sensitivity to the hillside a minimum grading, and allow earth balancing to minimize export.

[illegible]

SICG OFFICERS CO-CHAIRS Joseph Farrel Anthony J. Cirma VICE CHAIRS Stephen Garity Thomas Garity TREASURER James Alvinger SECRETARY Christine Eplinger	 CITY OF LOS ANGELES CALIFORNIA  Silver Lake NEIGHBORHOOD COUNCIL	SILVER LAKE NEIGHBORHOOD COUNCIL Meeting the Silver Lake Community to June 2013 EMAIL: neighborhoodcouncil@silverslake.org PHONE: (323) 415-8400 (P22) FAX: 415-2638, 415-2639 URL: www.silverlake.org
AT LARGE REPS: <u>Barbara Larson</u> (A1) <u>Clay A. Chasen</u> (representing Board of Directors) <u>Annmarie H. Brown</u> (Board of Directors) <u>Thomas Garity</u> (A1) REG: (1) <u>Walter La Paz</u> (D1) <u>James G. Jones</u> (2) <u>Gregory Smith</u> (3) <u>Anna Spaulding</u> (3) <u>Anthony Churn</u> & <u>Samuel Garity</u> (3) <u>Ted Adams</u> & <u>James Ragnette</u> (3) <u>Wanda C. Christie</u> (A1) <u>Matthew Decker</u> & <u>Joe Farris</u> (1) <u>Mike Tabin</u> (A1) & <u>John Alvinger</u>		
August 29, 2013 Lynda Smith Office of Zoning Administration Department of City Planning City of Los Angeles lynda.smith@cityofla.org VIA EMAIL Re: Date Number EN-2013-1568-R (Shower) 1568 N. Lurie and 3577 W. Lurie Dear Lynda: The following is a preliminary change filed with that understanding, the Neighborhood Council reviewed the following: 1568 Lurie 2A-2013-1567-2AD-2A Applicant requests a Zoning Administrator's Determination to allow: 1. "To allow parking spaces designated for 1,888 License. It is one of the three required parking spaces required for each unit of use. 2. To allow for on-street use including 2,000 sq. ft. of parking spaces. 3. To allow for use of the two maximum permitted. 4. To allow for use of the two maximum permitted. 5. To allow for use of the two maximum permitted. 6. To allow for use of the two maximum permitted. 7. To allow for use of the two maximum permitted. 8. To allow for use of the two maximum permitted. 9. 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  Serving the Silver Lake Community Since 2003

Silver Lake
NEIGHBORHOOD COUNCIL

P.O. Box 26385
Los Angeles, California 90028

Co-Chair: Heather Carlson
Vice-Chair: Anne Marie Johnson
Treasurer: Jennifer Compton
Secretary: Patty Jacobsen
Scott Porter

Phone: 323-413-SLNC (7542)
Email: scott@silverlake.org
www.silverlake.org

November 17, 2016.

Lynnda Smith
Office of Zoning Administration
Departments of City Planning
City of Los Angeles
lynnda.smith@cityofla.org

Re: D-MAD:

Case Number EMV 2015-1548-EAT (Shared)
1880 N. Lurie and 3427 W. Lankin

Dear Lynnda:

We have reviewed the changes made by Mr. Porter regarding the above property and find no issues with the attached ZAA requests.

We continue to recommend approval of the applicant's requests.

Sincerely yours,


Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
on behalf of the Silver Lake Neighborhood Council
scott@silverlake.org

Attachments:

cc: Tom Porter
John Flanagan
Joe Ferrelli

Dennis
Planning Deputy, CD4
Co-Chair, SLNC Urban Committee



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Vice Chair
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Heather Carson
Anne-Marie Johnson
Jerome Courshon
Patty Jausoro
Scott Plante

November 17, 2016

Lynda Smith
Office of Zoning Administration
Department of City Planning
City of Los Angeles
lynda.smith@lacity.org

VIA EMAIL

Re: Case Number ENV-2015-1568-EAF (Shared)
1888 N. Lucile and 3627 W. Landa

Dear Lynda:

We have reviewed the changes made by Mr. Porter regarding the above property and find no issues with the attached ZAA requests.

We continue to recommend approval of the applicant's requests.

Sincerely yours,

Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
On behalf of the Silver Lake Neighborhood Council
Scott.Plante@silverlakenc.org

Attachment

cc: Tom Porter	Owner
Julia Duncan	Planning Deputy, CD4
Joe Ferrell	Co-Chair, SLNC UDP Committee



SLNC OFFICERS

CO-CHAIRS

Joseph Ferrell
Anthony Crump

VICE-CHAIR

Seamus Garrity

TREASURER

John Wingler

SECRETARY

Christine Kantner

CITY OF LOS ANGELES CALIFORNIA



SILVER LAKE NEIGHBORHOOD COUNCIL

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PHONE: (323) 413-SLNC (7562)

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URL: www.silverlakenc.org

SILVER LAKE NEIGHBORHOOD COUNCIL BOARD MEMBERS

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August 25, 2015

Lynda Smith
Office of Zoning Administration
Department of City Planning
City of Los Angeles
lynda.smith@lacity.org

VIA EMAIL

Re: Case Number ENV-2015-1568-EAF (Shared)
1888 N. Lucile and 3627 W. Landa

Dear Lynda:

The Silver Lake Neighborhood Council (SLNC) unanimously recommended approval of the applicant's requests for the Zoning Administrators' Adjustments for the property at 1888 N. Lucile and 3627 W. Landa. The project was reviewed at the Neighborhood Council's regular monthly meeting held on August 4, 2015.

The site is geographically challenged. With that understanding, the Neighborhood Council reviewed the following:

1888 Lucile ZA-2015-1567-ZAD-ZAA

Applicant requests a Zoning Administrator's Determination to allow:

- 1) Two off-street parking spaces designated for 1888 Lucile, in lieu of the three required parking spaces required for construction of any main building or accessory use exceeding 2,400 sf.
- 2) Five retaining walls in lieu of the two maximum permitted.
- 3) A reduced front yard setback of 3.5 feet, after dedication.

Applicant also requests a Zoning Administrator's Adjustment to allow:

- 1) Reduced passageway of 6' and 8'-10" in lieu of the required 10 feet.

3627 W Landa ZA-2015-1569-ZV-ZAD

Applicant requests a Zoning zoning variance to allow:

- 1) Off-site parking in a two-car private garage on adjacent lot at 1888 Lucile.

Applicant requests a Zoning Administrator's Determination to allow:

- 1) An open, uncovered patio to encroach into required front yard.
- 2) Construction of a single family dwelling on a lot fronting street improved to less than 20 feet wide.
- 3) Vehicular access from the lot to the boundary of the hillside area on a street that is not continuously improved to a minimum of 20 feet wide from the driveway apron to the next non-hillside boundary,



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Anthony Crump

VICE-CHAIR

Seamus Garrity

TREASURER

John Wingler

SECRETARY

Christine Kantner

CITY OF LOS ANGELES CALIFORNIA



SILVER LAKE NEIGHBORHOOD COUNCIL

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SILVER LAKE NEIGHBORHOOD COUNCIL BOARD MEMBERS

AT-LARGE REPS: Heather Carson / Amy Clarke / Charles Herman-Wurmfeld / Anne-Marie Johnson / David Modern / Kinoka Ogsbury / Teresa Sitz

REGIONAL: (1) Helen De La Paz Dion & Joshua Gomez (2) Georgene Smith Goodin & Annie Sperling (3) Anthony Crump & Seamus Garrity (4) Ted Adams & James Bigelow (5) Jeff Wayne & Christine Kantner (6) Matthew Desario & Joe Ferrell (7) Hope Taylor-Arnold & John Wingler

August 8, 2015

Lynda Smith
Office of Zoning Administration
Department of City Planning
City of Los Angeles
lynda.smith@lacity.org

VIA EMAIL

Re: Case Number ENV-2015-1568-EAF
1888 N. Lucile and 3627 W. Landa

Dear Lynda:

The Silver Lake Neighborhood Council (SLNC) recommends approval of the applicant's requests for the Zoning Administrators' Adjustments for the property at 1888 N. Lucile and 3627 W. Landa. The project was reviewed at the Neighborhood Council's regular monthly meeting held on August 4, 2015.

The site is geographically challenged. Due to these constraints, the recommendation is to allow two off-street parking spaces in lieu of three for the construction of two single family homes on a subdivided lot. Further, due to topography and geotechnical issues, the applicant is also seeing approval to build 5 new retaining walls in lieu of two permitted. Finally, a reduction in front yard setback to 3.5 feet and an adjustment to allow a reduced passageway width of 6' and 8'-10", rather than the required 10 feet.

After consideration, the Neighborhood Council recommended approval of the applicant's requests.

Sincerely yours,

Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
On behalf of the Silver Lake Neighborhood Council
Scott.Plante@silverlakenc.org

cc: Tom Porter	Owner
Renee Weitzer	Chief Planning and Land Use Deputy, CD4
Joe Ferrell	Co-Chair, SLNC UDP Committee

ZA Case Process

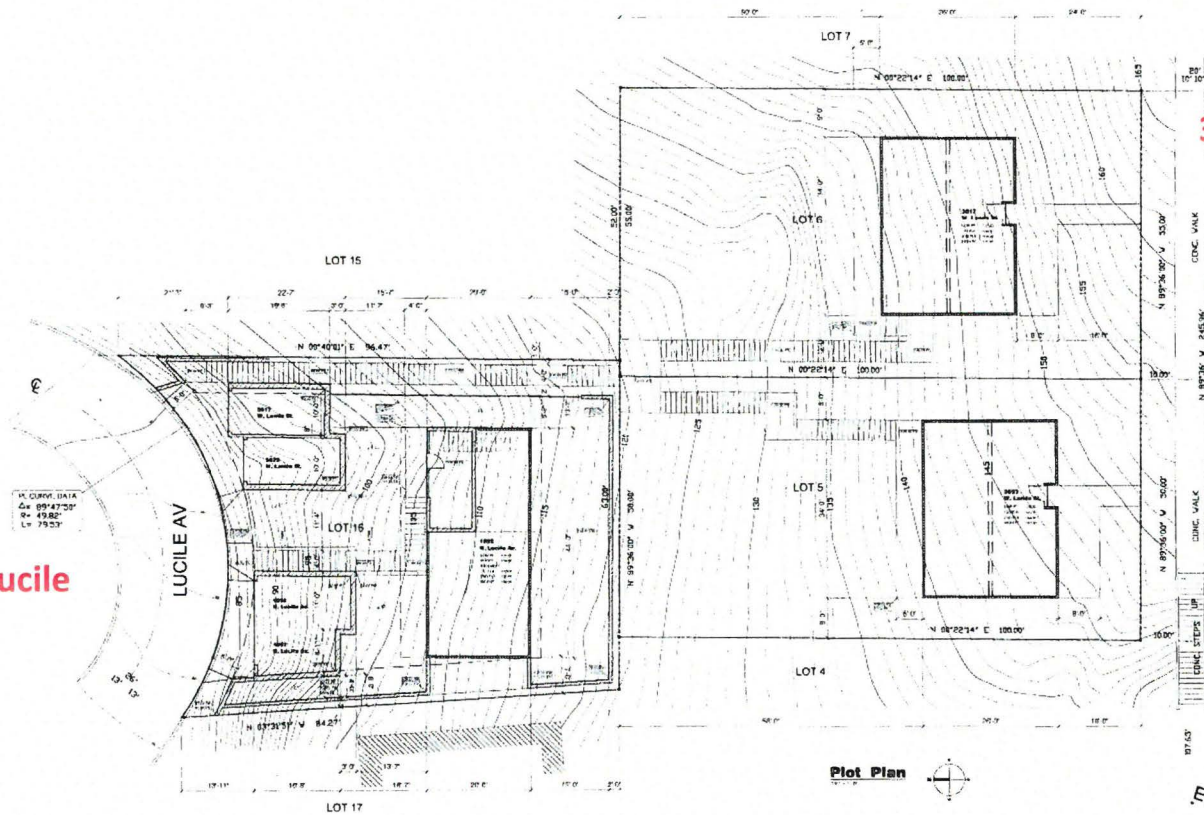
- The Zoning Administrator held 2 hearings for the project.
- The Neighborhood Council approves the project three times.
- Fourth Council District stated the concern of the neighborhood is parking.
- All neighbors either support or have no opinion on the case, except for a neighbors (Ms. Linda Kleine) and the appellant (Mr. Barry Greenfield) oppose the project. No other interested party attended the hearing.
- The applicant actually have redesigned both buildings to improve the project based on the neighbors concerns, to allow views, eliminate windows, shift the building back, and reduce the height.

Opponent/Appellant cited
ZA-2004-4219-ZV-ZAD to Sway the Project.

- Opponents/appellant cited their abutting project ZA-2004-4219-ZV-ZAD and requested that the both homes be designed similar to their project.
- Opponents asked the applicant to design both homes smaller so to provide lesser parking spaces like theirs, but in fact it is opponents who could not provide more parking spaces so the opponent had to propose smaller houses.
- The City found that the issue in the immediate neighborhood is a lack of parking spaces, not the size of the home, as indicated in the public comments and Findings of ZA-2004-4219-ZV-ZAD case report.
- Many neighbors were against opponents' project on lack of parking spaces.
- Fourth Council District even appealed ZA-2004-4219-ZV-ZAD due to the lack of parking issue.

Appellant's Project Plan

1892 Lucile



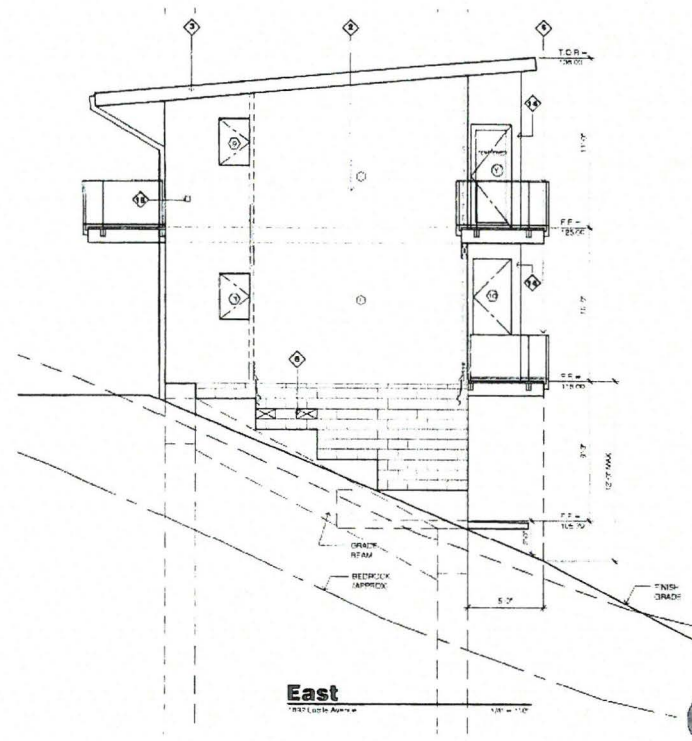
Assessor's information on floor areas and number of bedrooms

- 1892 Lucile – 1,780 square feet with 4 bedrooms.
- 3617 Landa – 1,296 square feet with 3 bedrooms.
- 3623 Landa – 1,296 square feet with 3 bedrooms.

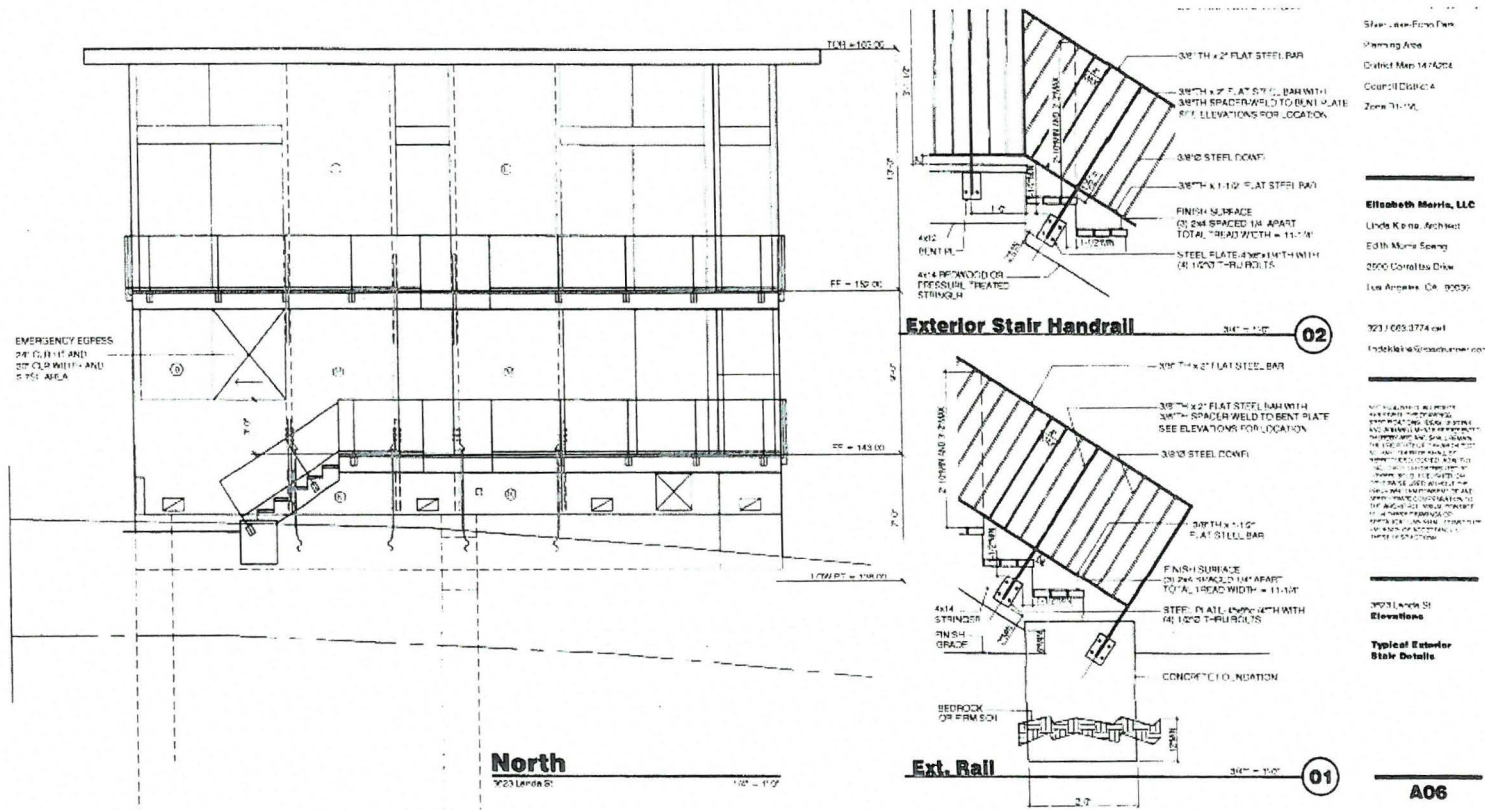
So There are only 4 parking spaces serving 10 bedrooms for appellant's project.

Applicant's project provides 4 parking spaces for 6 bedrooms.

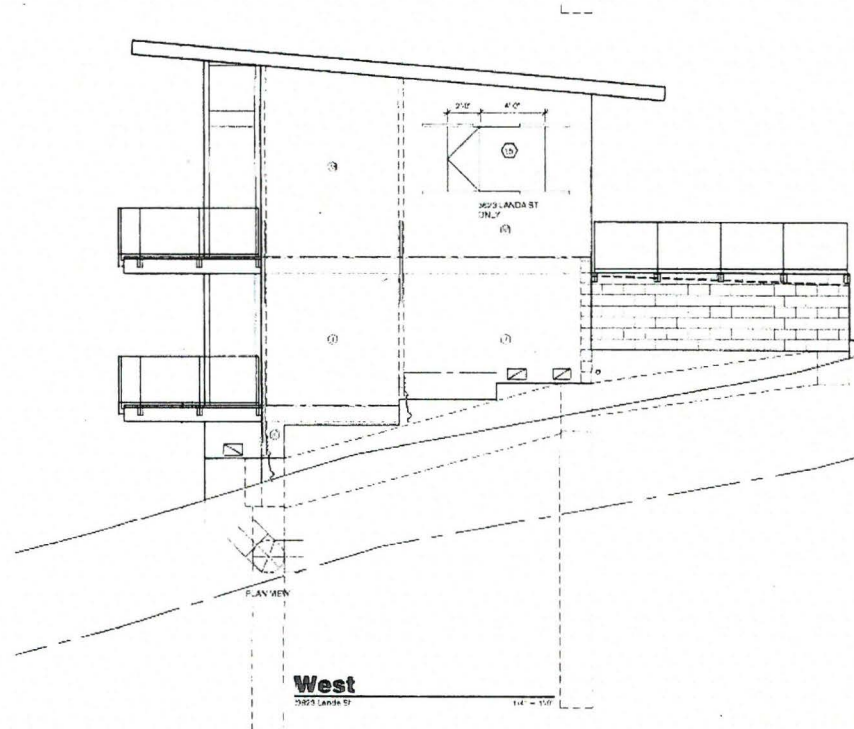
1892 Lucile, building height is 33 feet.



Appellant's House, 3623 Landa, building height is 29 feet. (7+9+13)



3623 Landa, balcony positioned to look north.



Landa Site, viewed from westerly downslope.



Appellant's prominent view is to
the north and northwest.



Applicant's Landa House Would have a minimum impact on view to the west.



The topography creates a situation that homes would block the view of easterly abutting homes.



Project comparisons

1. Applicant's project building height is under 28 feet.
Opponents' Building heights are 29 feet, 33 feet and 33 feet.
2. Applicant's project provides 4 parking spaces for 6 bedrooms.
Opponents' project provides 4 parking spaces for 10 bedrooms.
3. Applicant's projects provides an 8-foot wide Passageway.
Opponents' project provide a 3-foot wide passageway with no entitlement to be found.

Appellant's Points of Appeal:

1. *The project violates City's Zone Code.*

The applicant applied Variance and ZAD for the relief of the Code deviation.

2. *An EIR should be prepared.*

The project would qualify for a Class 32 exemption today.

Applicant's MND identified 11 impacts with mitigations measures in the grant.

3. *Conditions are not sufficient to mitigate the environmental and the project impacts.*

The applicant has two cases for two homes, while appellant has one case for three homes.

Applicant's decision letters have 21 and 22 conditions on design and construction, while appellant's grant only has 13 conditions for 3 houses.

4. *The approval of the project is not supported by adequate Findings.*

The project makes all Findings affirmative, and complies with General and Community Plans.

5. *The Findings are not supported by substantial evidence.*

The project design meets the public consensus, no one but the appellant opposes the project.

The issue in the neighborhood is parking. The applicant provides the parking per Code.

Staff Recommendation:

Deny the appeals and sustain Zoning Administrator's decisions on ZA-2015-1567-ZAD-ZAA-1A and ZA-2015-1569-ZV-ZAD-1A.