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All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

UNOFFICIAL
CITY OF LOS ANGELES
West Los Angeles Area Planning Commission Minutes
Wednesday, January 20, 2021
(VIA TELECONFERENCE)

MINUTES OF THE WEST LOS ANGELES AREA PLANNING COMMISSION HEREIN ARE REPORTED IN ACTION FORMAT. THE ENTIRE DISCUSSION RELATED TO EACH ITEM IS ACCESSIBLE IN AUDIO FORMAT ONLINE AT planning.lacity.org. TO LISTEN TO THE AUDIO FILE: SELECT “**ABOUT**”, “**COMMISSIONS, BOARDS & HEARINGS**”, FILTER BY “**WEST LOS ANGELES AREA PLANNING COMMISSION**”, LOCATE THE COMMISSION MEETING DATE AND SELECT THE “**AUDIO**” BUTTON.

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID19, the City Planning Commission meeting was conducted telephonically.

The meeting was called to order by Commission President Michael Newhouse at 4:35 p.m., along with Commission Vice President Waltz Morocco and Esther Margulies in attendance. Commissioners Adelle Yellin and Alexis Laing were absent.

Also in attendance were Melissa Alofaituli, Senior City Planner on behalf of the Director of Planning; Oscar Medellin, Deputy City Attorney; James K. Williams, Commission Executive Assistant II; and Denise Otero, Commission Office Staff

ITEM NO. 1

DIRECTOR’S REPORT AND COMMISSION BUSINESS

Director’s Report:

Melissa Alofaituli, Senior City Planner, reported on the following items of interest:

- The application for case ZA-2020-1599-CUW-DRB-SPPA-1A (scheduled to be heard tonight) was withdrawn by the Applicant. The Zoning Administrator’s decision is now void; and
 - On January 21, 2021 the City Planning Commission will hold Equity Day 2021.
- **Advance Calendar:** There were no changes to the calendar.
 - **Commission Requests:** There were no Commission requests.

ITEM NO. 2

NEIGHBORHOOD COUNCIL

There were no presentations by Neighborhood Council representatives.

ITEM NO. 3

PUBLIC COMMENT PERIOD

Several speakers addressed the Commission.

ITEM NO. 4

RECONSIDERATIONS

There were not reconsideration requests.

ITEM NO. 5

[APCW-2020-5233-TOC-SPR-BL-HCA](#)

CEQA: ENV-2020-5234-CE

Plan Area: Palms-Mar Vista-Del Rey

Council District: 5 – Koretz

Last Day to Act: 02-03-21

PUBLIC HEARING HELD

PROJECT SITE: 3855-3859 South Motor Avenue;
10401-10417 West Washington Boulevard

IN ATTENDANCE:

Esther Ahn, City Planner and Heather Bleemers, Senior City Planner representing the City Planning Department; Ari Kahan, California Landmark Group and Trevor Abramson, Abramson Architects and Dale Goldsmith, Armbruster, Goldsmith & Delvac LLP representing Lou Jacobs, CLG WM LLC, the Applicant

MOTION:

Commissioner Waltz Morocco put forth the actions below in conjunction with the approval of the following project:

Demolition of a one-story thrift store and automobile shop, and the construction, use, and maintenance of an eight-story, 91 feet in height addition to an existing four-story, 33-unit multi-family building. The addition includes 112 new dwelling units for a total of 145 dwelling units, including 15 units set aside for Extremely Low Income Households, and 2,000 square feet of ground floor commercial uses with one level of subterranean parking. The Project will include 71 new parking spaces in addition to 34 existing parking spaces for 105 total parking spaces. Vehicular access would be provided via two driveways on Motor Avenue (one of which is already existing), a driveway on Washington Boulevard, and a driveway on the rear alley.

1. Determine based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Approve, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 3 housing development project consisting of 112 new dwelling units, of which 15 units will be set aside for Extremely Low Income Households, requesting the following additional incentives:
 - a. A maximum reduction of 25 percent in the required amount of open space;
 - b. Utilization of the side and rear yard setback requirements of the RAS3 Zone for a project in a commercial zone; and
 - c. Floor Area Ratio (FAR) averaging across the C2-1 and R4-1 Zones;
3. Approve, pursuant to LAMC Section 16.05, a Site Plan Review to allow for the addition of 112 dwelling units to an existing building;
4. Approve and recommend that the City Council adopt, pursuant to LAMC Section 12.32 R, a Building Line Removal to remove a 20-foot building line along Washington Boulevard, established under Ordinance No. 60,771;
5. Adopt the Conditions of Approval; and
6. Adopt the Findings.

The motion was seconded by Commissioner Margulies and the vote proceeded as follows:

Moved: Waltz Morocco
Second: Margulies
Ayes: Newhouse
Absent: Laing, Yellin

Vote: 3 – 0

MOTION PASSED

ITEM NO. 6

[ZA-2019-5760-F-1A](#)

CEQA: ENV-2019-5761-CE

Plan Area: Brentwood-Pacific Palisades

Council District: 11 – Bonin

Last Day to Act: 02-01-21

PUBLIC HEARING HELD

PROJECT SITE: 572 Moreno Avenue

IN ATTENDANCE:

Elizabeth Gallardo, City Planner and Charles Rausch, Zoning Administrator representing the Planning Department; Chris Parker, Pacific Crest Consultants representing Charles and Kathleen Toppino, Toppino Trust, Applicant; Gary D. Fidler; Greene, Fidler & Chaplan, LLP, representing Nancy Tobias, Appellant

MOTION:

Commissioner Newhouse put forth the actions below in conjunction with the approval of the following project:

Legalization of an existing wall with pilasters with a maximum height of 5 feet, an over-in-height 8-foot hedge, and a pedestrian gate with pilasters with a maximum height of 5 feet, within the front yard setback, in lieu of the maximum 3 feet 6 inches allowed by LAMC Section 12.21 C.1(g).

1. Determine based on the whole of the administrative record, as supported by the justification prepared and found in this case file, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15301 (Class 1), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historical resources applies;
2. Deny the appeal and sustain the November 2, 2020 Zoning Administrator's Determination;
3. Approve, pursuant to Section 12.24 X.7 of the Los Angeles Municipal Code (LAMC), a Zoning Administrator's Determination to authorize the legalization of an existing wall with pilasters with a maximum height of 5-feet, 6-inches, an over-in-height 8-foot high hedge measured from the sidewalk, and pedestrian gate with pilasters with maximum height of 5-feet, 6-inches within the front yard setback, in lieu of the maximum 3 feet 6 inches allowed by LAMC Section 12.22 C.1(f) with additional terms and conditions;
4. Adopt the Conditions of Approval as modified by the Commission; and
5. Adopt the Findings.

The motion was seconded by Commissioner Waltz Morocco and the vote proceeded as follows:

Moved: Newhouse
Second: Waltz Morocco
Ayes: Margulies
Absent: Laing, Yellin

Vote: 3 – 0

MOTION PASSED

There being no further business to come before the West Los Angeles Area Planning Commission Commissioner Newhouse adjourned the meeting at 7:12 p.m.

Michael Newhouse, President
West Los Angeles Area Planning Commission

James K. Williams, Commission Executive Assistant II
West Los Angeles Area Planning Commission

UNOFFICIAL
CITY OF LOS ANGELES
West Los Angeles Area Planning Commission Minutes
Wednesday, February 3, 2021
(VIA TELECONFERENCE)

MINUTES OF THE WEST LOS ANGELES AREA PLANNING COMMISSION HEREIN ARE REPORTED IN ACTION FORMAT. THE ENTIRE DISCUSSION RELATED TO EACH ITEM IS ACCESSIBLE IN AUDIO FORMAT ONLINE AT planning.lacity.org. TO LISTEN TO THE AUDIO FILE: SELECT “**ABOUT**”, “**COMMISSIONS, BOARDS & HEARINGS**”, FILTER BY “**WEST LOS ANGELES AREA PLANNING COMMISSION**”, LOCATE THE COMMISSION MEETING DATE AND SELECT THE “**AUDIO**” BUTTON.

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID19, the City Planning Commission meeting was conducted telephonically.

The meeting was called to order by Commission President Michael Newhouse at 4:34 p.m., along with Commission Vice President Waltz Morocco and Commissioners Alexis Laing, Esther Margulies and Adelle Yellin in attendance.

Also in attendance were Juliet Oh, Senior City Planner on behalf of the Director of Planning; Oscar Medellin, Deputy City Attorney; James K. Williams, Commission Executive Assistant II; Diego Vazquez, Commission Office Staff.

ITEM NO. 1

DIRECTOR’S REPORT AND COMMISSION BUSINESS

Director’s Report:

Juliet Oh, Senior City Planner, reported on the following items of interest:

- The Planning Department released a memo outlining changes to the Density Bonus procedures for applications requesting stand-alone On-Menu Density Bonus Incentives. The change would result in ministerial review that would not be subject to CEQA. A letter of determination will still be issued and would be subject to the requirements for notification and appeal;
- The Online Application System (OAS) is expanding by adding additional applications such as Wireless Telecommunications and Accessory Dwelling Units (ADU);
- The City Wide Policy Division is updating the Housing Element and its EIR is available for review and comment. The Notice of Preparation and Initial Study are posted on the Planning Department’s website in the Housing Development Update page;
- A Revised Draft Mello Act Ordinance is available for review. It can be found on the Planning Department’s website in the Plans and Policy page. The matter is scheduled to be heard by the City Planning Commission on February 25, 2021;
- The Comprehensive Fee Update will increase non-applicant appeal fees. The proposed increase is from 89.00 to 158.00 (one percent of actual costs). The PLUM Committee will hear the matter at its February 4, 2021 meeting.
- **Advance Calendar:** There were no changes to the calendar.
- **Commission Requests:** There were no Commission requests.

ITEM NO. 2

NEIGHBORHOOD COUNCIL

There were no presentations by Neighborhood Council representatives.

ITEM NO. 3

PUBLIC COMMENT PERIOD

Several speakers addressed the Commission.

ITEM NO. 4

RECONSIDERATIONS

There were not reconsideration requests.

ITEM NO. 5

[APCW-2020-1521-SPE-SPP-CDP-CUB-ZV](#)

CEQA: ENV-2020-1522-CE

Plan Area: Venice

Council District: 11 – Bonin

Last Day to Act: 02-10-21

PUBLIC HEARING HELD – NOVEMBER 16, 2021

PROJECT SITE: 205-213 Ocean Front Walk

IN ATTENDANCE:

Bindu Kannan, Planning Assistant, Elizabeth Gallardo, City Planner and Juliet Oh, Senior City Planner representing the Planning Department; Marcia Davalos, Laurette Healy, and Lea Arenas of City Land Use representing the Applicant Jake Mathews, North Venice Boardwalk LLC

MOTION:

Commissioner Newhouse put forth the actions below in conjunction with the approval of the following project:

Expansion of an existing 3,288 square-foot restaurant to include the addition of a 918 square-foot storage area, and a two-story 1,792 square-foot addition comprised of 930 square feet of new Service Floor area, an outdoor recreation area, bar, office, and storage area. A total of 39 parking spaces are required for the addition. The Project will maintain 16 parking spaces for the existing

restaurant and will provide three new parking spaces and 40 bicycle parking spaces onsite for the proposed addition, 10 parking spaces will be provided at 250 Marine Street but do not satisfy the Los Angeles Municipal Code (LAMC) regulations for required parking spaces provided offsite.

1. Determine, pursuant to California Environmental Quality Act ("CEQA") Guidelines, an Exemption from CEQA pursuant to State CEQA Guidelines Section 15301, and that there is no substantial evidence demonstrating that an exception to the Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Approve, pursuant to Section 11.5.7 F of the Los Angeles Municipal Code (LAMC), a Specific Plan Exception from the Venice Coastal Zone Specific Plan to provide three vehicle parking spaces and 40 bicycle parking spaces in lieu of the parking otherwise required by Section 13 of the Specific Plan;
3. Approve, pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance for a Project within the North Venice Subarea of the Venice Coastal Zone Specific Plan;
4. Approve, pursuant to LAMC Section 12.20.2, a Coastal Development Permit for Development within the Dual Permit Jurisdiction of the California Coastal Zone;
5. Approve, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption for a 5,998 square foot restaurant; and
6. Deny, pursuant to LAMC Section 12.27, a Zone Variance to not provide a loading zone that is otherwise required for commercial structures abutting an alley by LAMC Section 12.26 C.
7. Adopt the Conditions as modified by the Commission; and
8. Adopt the Findings as amended.

The motion was seconded by Commissioner Waltz Morocco and the vote proceeded as follows:

Moved: Newhouse
Second: Waltz Morocco
Ayes: Laing, Margulies
Absent: *Yellin

Vote: 4 – 0

MOTION PASSED

**Commissioner Yellin did not vote due to technical challenges.*

Commission President Newhouse recused himself from Item No. 6 and left the meeting. Commission Vice President Waltz Morocco chaired the meeting and concluded the proceedings. The meeting recessed for five minutes and resumed at 8:20 p.m. with Commissioners Waltz Morocco, Laing, Margulies and Yellin in attendance.

ITEM NO. 6

DIR-2020-6932-MEL-1A

CEQA: N/A

Plan Area: Venice

Council District: 11 – Bonin

Last Day to Act: N/A

PUBLIC HEARING HELD

PROJECT SITE: 2812, 2814, 2816, 2818 South Grand Canal

IN ATTENDANCE:

Juliet Oh, Senior City Planner representing the Planning Department; Fred Gaines, Gaines and Stacey LLP representing the Applicant Zoran Pevec, MPI Inc.; Bill Przylucki, POWER and Robin Rudisill, Citizens Preserving Venice, Appellants

MOTION:

Commissioner Margulies put forth the actions below in conjunction with the approval of the following project:

The construction of three new Residential Units: a single-family dwelling, attached Accessory Dwelling Unit (ADU) and detached ADU.

1. Deny the appeal and sustain the December 14, 2020 Director's Determination; and
2. Approve, pursuant to California Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Administrative Procedures for complying with the Mello Act, a Mello Act Compliance Review for the proposed project, finding that the proposed project will develop three new Residential Units: a single-family dwelling unit, attached Accessory Dwelling Unit (ADU) and detached ADU, defined as a Small New Housing Development and is therefore exempt from the Inclusionary Residential Unit requirement.

The motion was seconded by Commissioner Yellin and the vote proceeded as follows:

Moved: Margulies
Second: Yellin
Ayes: Laing, Waltz Morocco
Recused: Newhouse

Vote: 4 – 0

MOTION PASSED

There being no further business to come before the West Los Angeles Area Planning Commission Commissioner Newhouse adjourned the meeting at 9:18 p.m.

Michael Newhouse, President
West Los Angeles Area Planning Commission

Lisa Waltz Morocco, Vice President
West Los Angeles Area Planning Commission

James K. Williams, Commission Executive Assistant II
West Los Angeles Area Planning Commission

March 15, 2021

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

RE: ZA-2020-1441-ZAA-1A
2110 S. Barry Avenue

Honorable Commissioners,

I am writing on behalf of my client, 2110 Barry Avenue, LLC, to advise of two matters with respect to the above referenced project scheduled for hearing on March 17th, 2021.

First, a comment letter provided to the Commission on March 10th from Mr. Thomas Donovan is improper. My client has provided a detailed response letter (see Attachment "A") advising specifically why. In summary, the letter cites unpublished opinion, which should not be cited or relied on in this case.

Second, it is extremely important that the Commission understand that the proposed project was previously reviewed and approved under Case No. AA-2018-4026-PMLA-CN on July 26, 2019. The only reason the applicant has made the subject Zoning Administrator's Adjustment ("ZAA") request in the current case is because City staff incorrectly reviewed the project and misinformed the applicant's design/development. In particular, staff misinterpreted Los Angeles Municipal Code ("LAMC") Section 12.08 C 2 (a) and directed the applicant (see Attachment "B") to use the proposed side yard setback of 5.2 feet as the by-right, code compliant standard. It was only after approval during plan check that it was determined the subject ZAA was required.

Sincerely,



Matthew Hayden
Hayden Planning

c. Ramin Soofer

Attachment "A"

SOOFER LAW GROUP, A PC

11845 W. Olympic Blvd. ♦ Suite 901 ♦ Los Angeles, California 90064 ♦ (310) 478-5090 ♦ fax (310) 478-5419

March 11, 2021

VIA E-MAIL:

donavantm@gmail.com

tdonovan@cpventures.com

hemponics@yahoo.com

LAW OFFICES OF THOMAS M. DONOVAN
Thomas M. Donovan, Esq
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90405

***Re: Case No. ZA-2020-1441-ZAA-1A // CEQA No. ENV-2020-1442-CE
2110 South Barry Avenue***

IMMEDIATE REQUEST FOR RETRACTION

Dear Mr. Donovan:

Thank you for taking my call this am. I am in receipt of your letter of March 10, 2021 addressed to the West Los Angeles Area Planning Commission. Your conduct is improper.

First, you have failed to disclose your clear conflict of interest as a past and potentially your current position as a Commissioner for West Los Angeles Planning Commission. In usual course of practice this clear conflict of interest requires your recusal and at a minimum full disclosure to all parties. You have failed to do so.

More importantly and improper, you have cited to an unpublished opinion, *Kottler vs. City of Los Angeles* in a manner to influence a tribunal as precedent. The citation and your conduct are outrageously improper. As a highly experienced Attorney, Commissioner, your conduct in citing to this case is a breach of your ethical duties of Candor. Demand is made that you immediately advise the Commission of your improper conduct and that you retract it from the record (by no later than 2 pm on Friday, March 12, 2021) and refrain from any further misconduct in your attempt to contest or influence the decision of the Commission "It would be impractical and infeasible to arrange two dwelling units with the required garages and sufficient floor area and bedrooms if the required side yards are adhered to on the substandard lot."

Specifically, for your edification you should review California Rules of Court, Rule 8.1115 which provides in pertinent part:

(a) Unpublished opinion

Except as provided in (b), **an opinion of a California Court of Appeal or superior court appellate division that is not certified for publication or ordered published must not be cited or relied on by a court or a party in any other action.**

(b) Exceptions

An unpublished opinion may be cited or relied on:

(1) When the opinion is relevant under the doctrines of law of the case, res judicata, or collateral estoppel; or

(2) When the opinion is relevant to a criminal or disciplinary action because it states reasons for a decision affecting the same defendant or respondent in another such action.

None of the exceptions apply here such that your deliberate attempt to mislead the Commission is reprehensible and must be immediately retracted.

To be sure, your use of an unpublished opinion to advocate your position is a violation of the Rules of Ethics. Rule 3.3 Candor Toward the Tribunal

(a) A lawyer shall not:

(1) knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer...

In the comment section to this rule, it is noted: The prohibition in paragraph (a)(1) against making false statements of law or failing to correct a material misstatement of law includes citing as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional, or failing to correct such a citation previously made to the tribunal by the lawyer.

Rule 11 of the Federal Rules of Civil Procedure says, “By presenting to the court a written motion an attorney certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.” (Irrelevant text omitted.)

Business and Professions Code section 6068, subdivision (d), provides that attorneys shall never “seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.” Rule of Professional Conduct 5-200(B), which adds jurors

to this prohibition, states that an attorney “Shall not seek to mislead the judge, judicial officer, or jury by an artifice or false statement of fact or law.”

These standards reflect the policy that “Honesty in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives, a serious offense.” (DiSabatino v. State Bar (1980) 27 Cal.3d 159, 162-163, quoting Paine v. State Bar (1939) 14 Cal.2d 150, 154); see also Daily v. Superior Court (1935) 4 Cal.App.2d 127, 132, quoting Furlong v. White (1921) 51 Cal.App. 265, 271 that attorneys are “officers of the court, and while it is their duty to protect and defend the interests of their clients, the obligation is equally imperative to aid the court in avoiding error and in determining the cause in accordance with justice and the established rules of practice.”) Deceit may be committed by an outright affirmative falsehood or by concealment of a material fact. (Daily v. Superior Court, supra, 4 Cal.App.2d 127, 131 [“Deceit...may consist in suppression of that which it is one’s duty to declare...”]; see also Franklin v. State Bar (1986) 41 Cal.3d 700, 709 [“...concealment of a material fact ‘misleads the judge as effectively as a false statement...’”], quoting, in part, Grove v. State Bar, supra, 63 Cal.2d 312, 315 [“No distinction can therefore be drawn among concealment, halftruth, and false statement of fact.”].)

It is not necessary that the court be deceived by the misrepresentation (Davis v. State Bar (1983) 33 Cal.3d 231, 240 [“...it is sufficient that the attorney knowingly presents a false statement which tends to mislead the court”] or that the misrepresentation caused no harm. (Scofield v. State Bar (1965) 62 Cal.2d 624, 628 [“The suppression of that which is true, by one having knowledge or belief of the fact, to deceive another, or to induce him to enter into a contract, constitutes actual fraud.”]) because “it is the endeavor to secure an advantage by means of falsity which is denounced.” (Pickering v. State Bar (1944) 24 Cal.2d 141, 145.) It is also not a defense that the attorney believed it was necessary to lie to protect her client. (Bryan v. Bank of America (2001) 86 Cal.App.4th 185, 193 [“Nor can we accept the proposition that (the attorney’s) duty to his client relieved him of the responsibility to tell the court the truth, particularly where the representation was made under penalty of perjury.”].)

Demand is made that you retract your letter within the timeline prescribed supra and advise the Commission of your malfeasance and refrain from attempting to persuade the Commission to render a decision based upon a case that is not citable or controlling. I will diary this matter for March 12, 2021. If you fail to take corrective measures, I will do what is necessary to address your misconduct.

Nothing in this letter shall be construed as a waiver of any of our rights and remedies at law and equity all of which are specifically reserved.

Attachment "B"

 **AA-2018-3577-PMLA.pdf**
1527K

 **AA-2018-4026-PMLA-CN (1).pdf**
1086K

Simon Gwon <simon@forearchitects.com>
To: Zuriel Espinosa <zuriel.espinosa@lacity.org>
Cc: Aj Jamasbi <aj@redd.la>, Ramin Soofer <ramin.soofer@verizon.net>

Wed, Sep 11, 2019 at 5:32 PM

Zuriel,

It was good talking to you today.
As I've mentioned, the wording equivalent to the ones under "d. Note to City Zoning Engineer and Plan Check, ii Yards" in the referenced project(AA-2018-3577-PMLA) is what the plan checker is looking for.

It would help us tremendously if you can include the notes in the approval letter now, if not let's do a correction letter as you've suggested.

As per our conversation, would you please consult this issue with Juliet and let us know how we can proceed?

Please feel free to contact me anytime for questions or comments.

Thank you!

Simon

[Quoted text hidden]

Zuriel Espinosa <zuriel.espinosa@lacity.org>
To: Simon Gwon <simon@forearchitects.com>
Cc: Aj Jamasbi <aj@redd.la>, Ramin Soofer <ramin.soofer@verizon.net>

Wed, Sep 11, 2019 at 5:52 PM

Hello Simon,

I discussed the issue with the Deputy Advisor yesterday and she mentioned that no letter of correction is needed given that the yards are allowed due to your legal non-conforming substandard lot width; pursuant to a ZAI that was issued in 1993 (ZA-93-0228-ZAI). I've attached the original ZAI for reference. This is cited on Page 3 under *Note to Plan Checker, which states the following:

PARCEL MAP NO. AA-2018-4026-PMLA-CN

PAGE 3

Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

***NOTE TO PLAN CHECKER AND ZONING ENGINEER'S OFFICE:** Pursuant to Section 12.23 E of the Municipal Code and ZA 93-0228 (ZAI) issued February 22, 1993, the Advisory Agency has determined no additional approvals for substandard minimum lot width or substandard minimum lot area is required.

DEPARTMENT OF TRANSPORTATION

Currently your project provides the required side yards (42 feet x 10%) + 1 foot = 5.2 feet, as delineated in Section 12.08-C2(a)

2. Side Yards. (Amended by Ord. No. 184,802, Eff. 3/17/17.)

(a) For a main building not more than two stories in height, there shall be a side yard on each side of the building of not less than 5 feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to 10 percent of the width of the lot, but in no event to less than 3 feet in width. For

a building more than two stories in height, 1 foot shall be added to the width of each yard for each additional story above the second story.

Let me know if this email and ZAI will suffice for the plan checker to allow your reduced side yards. If not, then I can discuss with the Deputy Advisor on signing off on a letter of clarification which further describes this email.



Zuriel Espinosa
Department of City Planning
West/Coastal/South Project Planning
200 North Spring Street, Room 721
Los Angeles, CA. 90012
T:(213) 978-1249;
zuriel.espinosa@lacity.org

[Quoted text hidden]

2 attachments



AA-2018-4026-PMLA-CN (1).pdf
1062K



93-0228-ZAI.pdf
115K

Ramin Soofer <ramin.soofer@verizon.net>

Thu, Sep 12, 2019 at 10:27 AM

To: Simon Gwon <simon@forearchitects.com>, Arash Jamasbi <Aj@redd.la>

Hi Simon,

I am hoping what Zuriel emailed will suffice and be sufficient for getting the permit. Please let me know when you can try to move forward with this as hopefully we have Zuriel's attention.

Simon, thank you for all that you are doing.

Ramin Soofer

SOOFER LAW GROUP

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Los Angeles, CA 90064

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Fax: (310) 478-5419

www.sooferlawgroup.com



Planning APC West LA <apcwestla@lacity.org>

Fwd: Case No.: ZA-2020-1441-ZAA, 2110 S. Barry Avenue, Los Angeles, CA 90025

1 message

Dylan Sittig <dylan.sittig@lacity.org>
To: Planning APC West LA <apcwestla@lacity.org>

Mon, Mar 15, 2021 at 11:47 AM

----- Forwarded message -----

From: **R K** <rmkato1516@hotmail.com>

Date: Fri, Mar 12, 2021 at 4:03 AM

Subject: Case No.: ZA-2020-1441-ZAA, 2110 S. Barry Avenue, Los Angeles, CA 90025

To: dylan.sittig@lacity.org <dylan.sittig@lacity.org>

CASE No.: ZA-2020-1441-ZAA, 2110 S. Barry Avenue, Los Angeles, CA 90025**West Los Angeles Community Plan****Zone: R2-1****DM: 123B149****CD: 11****CEQA: ENV-2020-1442-CE****Legal Description: Lot 26, Tract TR 8755****SUBJECT: SUPPORT FOR APPEAL OF ZONING ADMINISTRATOR'S ADJUSTMENT**

Dear Mr. Sittig,

I am writing to **support Ms. Carole Nakano's appeal AGAINST** the Zoning Administrator's Adjustment approval of December 8, 2020 for reduced northwesterly and southeasterly side yards of 5 feet 2 inches in lieu of the required side yards of six feet 2 inches for an R2-1 zone.

The owner knew the exact lot size that he purchased and knows the required side yards for an R2-1 zone. The plans submitted are for two 3-story units of 3400 & 3900 square feet. Additional footage is not justified.

Additionally, I saw firsthand **the damage inflicted on Ms. Nakano's property by the owner** when a chain link fence was installed on the north perimeter. Workers clearly trespassed onto Ms. Nakano's property--and dug away her property, including her lawn.

Ms. Nakano's appeal should be approved to enforce the six foot 2 inch-side yards required for the R2-1 zone property.

Thank you for your time and consideration.

Sincerely,

Rosie Kato

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90405
(310) 260-6016

March 10, 2021

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attention: Commission Executive Assistant

Re: Case No. ZA-2020-1441-ZAA-1A // CEQA No. ENV-2020-1442-CE
2110 South Barry Avenue

Honorable Commissioners:

I am a resident of the neighborhood where the proposed project at 2110 South Barry Avenue (the “Project”) is located. I support the Appeal of the Zoning Administrator’s Adjustment and I respectfully request that this Commission grant the appeal and deny the proposed adjustment.

INTRODUCTION.

The Project site is a level, rectangular-shaped, interior, 6,194.6 square-foot parcel with a depth of 147.5-feet and a substandard 42- foot frontage/width on Barry Avenue. The Project proposes the construction of two, three-story condominium units at a maximum height of 32 ft., 5-in.

The Zoning Administrator’s Adjustment.

On December 8, 2020, Associate Zoning Administrator, Charles Rausch approved a Zoning Administrator’s Adjustment for the Project. The Project was found to be subject to LAMC §12.09 C.2, which references LAMC §12.08 C.2. Compliance with these zoning statutes mandates side yards of six feet, two inches at the Project site.

ZA Rausch found that the Project site characteristics make strict adherence to the zoning regulations impractical or infeasible. He thereafter approved a Zoning Administrator’s Adjustment from LAMC §12.09 C.2 to permit reduced northwesterly and southeasterly side yards of five feet, two inches, in lieu of the six feet, two inches otherwise required.

Appellant’s Contentions.

The Appellant resides in a 1-story home immediately adjacent to the Project site. She notes that no 3-story homes have been built on her block. She challenges the adjustment and its finding that the Project site characteristics make strict adherence to the zoning regulations impractical or infeasible.

THE ZONING ADMINISTRATOR'S DETERMINATION FAILS TO COMPLY WITH THE LOS ANGELES MUNICIPAL CODE REGARDING ADJUSTMENTS.

Under Los Angeles Municipal Code §12.28.C (4), an adjustment may not be granted unless all the following findings are made:

- (a) that 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; *[Emphasis added]*
- (b) that 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 public health, welfare, and safety; and
- (c) 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 ZA Determination re 2110 South Barry Ave.

In his 12/8/20 Determination, ZA Rausch admitted that the Project will be taller than the surrounding properties but noted that there are at least six nearby projects with heights similar to the proposed Project. He also noted that seven of the eight lots on this block have substandard side yards, although these lots have structures less than 18 feet tall.

However, when applying LAMC §12.28.C (4)(a), ZA Rausch cited no facts to substantiate his conclusion that:

“It would be impractical and infeasible to arrange two dwelling units with the required garages and sufficient floor area and bedrooms if the required side yards are adhered to on the substandard lot.”

No evidence is noted as to why the Project site's physical characteristics make it impractical or infeasible to build two units with larger side yards. The Determination only implies that if no adjustments are granted, the units will be smaller. This is the motivation behind the request for an adjustment. The Project Applicant specifically indicated that the adjustment is needed only “in order to have a decent sized building.” No other reason was given or is part of the record.

Instead of making the required findings while citing substantial evidence in support thereof, ZA Rausch only states that the Project design will minimize any adverse effects on the neighboring property. This does not satisfy the requirements of LAMC §12.28.C (4)(a).

Kottler v. City of Los Angeles.

In 2014, the City, through its Central Los Angeles Area Planning Commission (CLA APC), denied the appeal of a project by a neighbor (Kottler) and granted an adjustment to allow an increased residential floor area for a single-family residence. The project applicant simply wanted to increase the size of his house. Kottler brought a writ of mandate action and the trial court issued the writ.

The case was appealed to the California Court of Appeal, where in an unpublished decision, it found that there was no substantial evidence to support the finding that the site characteristics or existing improvements made strict adherence to the zoning regulations impractical or infeasible.

The Court of Appeal noted that the record failed to show why it would be impractical to renovate this house without an adjustment. The Court further noted that without evidence to support it, such a finding is conclusory. Attached is a 5/10/19 letter to the CLA APC from the Los Angeles City Attorney, instructing it to vacate and set aside its approval of the project.

A substandard lot does not make construction of a project impractical or infeasible.

The fact that the subject site is substandard in width is not enough to make construction of a project within the zoning standards impractical or infeasible. LAMC §§12.08 and 12.09 contemplate the construction of homes on substandard lots. They simply mandate that if the structure is taller than 18 feet, then a larger side yard is required.

Indeed, this is the purpose of these statutes – to allow for development on substandard lots, but with larger side yards. To “adjust” the size of the side lots to make them smaller, without any further evidentiary findings, negates the whole purpose of these statutes.

It also is not enough under §12.28.C (4) (a) to make a finding that the adverse effects of an adjustment will not be as severe as the Appellant contends. This does not, by itself, justify an adjustment under §12.28.C (4) (a).

Further, the observation that other lots on this block of Barry Ave. have smaller side yards ignores the fact that these other homes are only one-story in height. The present Project will be three-stories and will tower over the adjacent property. LAMC §§12.08 and 12.09, mandating larger side yards, were enacted precisely for situations like this.

ZA Rausch observed that there are at six nearby projects with heights similar to the Project, but does not indicate that any of these projects sought side yard adjustments. Presumably he would have noted if these other projects were on substandard lots or if they were granted adjustments to allow smaller side yards. Without further findings, this acknowledges that substandard lots, by themselves, do not make adherence to zoning standards impractical or infeasible.

To allow an adjustment under this reasoning would be akin to contending that a zoning statute imposed by the City makes enforcing another City zoning statute impractical or infeasible.

The Adjustment at 2110 South Barry is not supported by substantial evidence.

Not only is there insufficient evidence to support an adjustment in this case, there is no evidence, substantial or otherwise, to support this adjustment under LAMC §12.28.C (4) (a).

The Applicant’s representative (at P. 8) is noted to state: “We need the extra foot on the side yards (two feet total) in order to have a decent sized building.” In his 8/25/20 submission, Applicant states that it is impractical to adhere to the zoning requirements “while still providing a reasonable amount of buildable area.” ZA Rausch notes at P. 11 that “It would be impractical and infeasible” to arrange two units with “sufficient floor area” if the side yard regulations are

adhered to. No evidence is provided to specifically show why two units cannot be built while adhering to the existing side yard regulations.

There is no evidence that the Project cannot be built without an adjustment. Even the insinuated contention that the Applicant may have to build slightly smaller units has not been established by the evidence. There is no evidence as to how much smaller the units would be without the adjustment. There is no evidence to suggest that the units cannot be sold at the same price, even if they are slightly smaller than originally designed.

An adjustment is not justified solely because smaller units might have to be built.

The only reason to grant an adjustment in this case would be to allow the Applicant to make slightly larger units that presumably can be sold at a higher price. The impropriety of using this to support an adjustment is manifest and the ZA determination studiously and specifically avoids basing the adjustment on this. The City of Los Angeles should not be granting adjustments solely so that developers can reap increased profits. And actually, there is no evidence to even support this dubious rationale.

CONCLUSION

Based upon the above, the Appeal filed by Appellant and all the supporting information and testimony provided in opposition to the Project, this Commission should determine that the Findings in support of a side yards adjustment are not supported by substantial evidence.

Therefore the Commission should grant the Appeal and deny the proposed adjustment.

Very truly yours,

A handwritten signature in dark ink that reads "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan



MICHAEL N. FEUER
CITY ATTORNEY

DONALD KOTTLER ET AL. v. CITY OF LOS ANGELES ET AL.
LASC CASE NO. BC 154184
CAL. CT. APP. CASE NO. B278276
(COUNCIL DISTRICT 4)

The Central Los Angeles
Area Planning Commission
Room 272, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Commissioners:

This report discusses Department of City Planning case no. ZA-2014-391-ZAA in which the Central Los Angeles Area Planning Commission (CAPC) upheld a Zoning Administrator's approval of an Adjustment pursuant to Los Angeles Municipal Code section 12.28. On November 25, 2014, the CAPC sustained the Zoning Administrator's decision to allow a Residential Floor Area of 10,138 square feet in lieu of the maximum 9,225 square feet otherwise permitted in conjunction with additions to an existing single-family residence located at 112 N. June Street (the Project). The CAPC's approval of the Project was challenged in *Kottler et al. v. City of Los Angeles et al.*, Los Angeles Superior Court Case No. BS 154184 (the Kottler Trial Court Action). In the Kottler Trial Court Action, petitioners successfully brought a writ of mandate action challenging the City's approval of the Adjustment. The trial court issued a Writ ordering the City to vacate and set aside the Adjustment approval. A copy of the Writ is attached as Exhibit A. The City appealed this decision to the California Court of Appeal as Case No. B278276, and the Court of Appeal upheld the trial court's decision – albeit on different grounds. A copy of the Court of Appeal's Order is attached as Exhibit B.

The Court of Appeal found that there was no evidence to support the first Adjustment finding in Los Angeles Municipal Code section 12.28(c)(4)(a), which requires a finding of impracticality or infeasibility. Because the Court of Appeal found no

evidence to support this finding, it upheld the trial court's decision to order the City to vacate and set aside the Adjustment approval.

Therefore, this matter has been brought back before the CAPC so that it may take action to vacate and set aside the approval of the Project.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8188. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,


ERNESTO VELÁZQUEZ,
Deputy City Attorney

EV:mh



Planning APC West LA <apcwestla@lacity.org>

Fwd: Re Appeal ZA-2020-1441-ZA

1 message

Dylan Sittig <dylan.sittig@lacity.org>
To: Planning APC West LA <apcwestla@lacity.org>
Cc: Charlie Rausch <charlie.rausch@lacity.org>

Thu, Mar 11, 2021 at 10:29 AM

----- Forwarded message -----

From: **Walt Nakano** <gofish1350@msn.com>
Date: Thu, Mar 11, 2021 at 10:28 AM
Subject: Re Appeal ZA-2020-1441-ZA
To: Dylan Sittig <dylan.sittig@lacity.org>

This letter is written to support the appeal for **ZA-2020-1441-ZA** scheduled to be discussed this month of March. This developer can easily downsize his structure proposal to conform to existing LA City code, but has deliberately decided to expand the structure size and reduce the easement to the property line of **2106 Barry Avenue** to test the city enforcement of established LA City code. The builder's proposal to narrow the side easement does not account for the 6"-8" block wall separating the adjacent properties to the north and south, so the actual proximity to adjacent established structures of these multiple 3 story structures will be even **smaller** than the developer admits.

It would be in the best interest of the community to have the developer downsize the structures to actually fit into the designated lot size and conform to LA City code. Given that **multiple** 3 story structures on a single lot will already compromise adjacent residences and families access to sunlight, privacy, and coastal breeze it will also contribute to increased traffic and congestion along Barry Avenue. This developer's proposal also calls for removing a large and established tree at street side, at this time, it seems prudent for the City to adhere to established LA City building codes and deny this builder's request for exception.

Walt Nakano

DAY OF HEARING SUBMISSIONS



James Williams <james.k.williams@lacity.org>

426-428 Grand Blvd--great job!!

1 message

Robin Rudisill <willdrudi@mac.com>

Wed, Mar 17, 2021 at 6:31 PM

To: James Williams <james.k.williams@lacity.org>, Planning APCWestLA <apcwestla@lacity.org>

Please forward this email to the WLAAPC Commissioners, thank you!

Commissioners,

As I mentioned in General Public Comment at your hearing today, last Thursday the Coastal Commission upheld your determination to deny the project at 426-428 Grand Blvd.

Coastal Staff wrote a Staff Report that not only specifically complimented you on your work but made even stronger Findings. They also did a beautiful job making the cumulative effects argument against the project, as required by the Coastal Act.

See links below.

We also want you to know that after the determination for your denial of the case was issued (on October 1, 2020), the applicant came back to Planning and apparently asked them to change your determination from saying that the entire case was disapproved (which not only reflects your motion but is consistent to prior CDP/Mello determination denials), to saying that that you took no action on the Mello determination. A "corrected" Letter of Determination was issued on December 10, 2020.

We believe that is an erroneous manipulation of your determination, which specifically denied the entire case, including both the CDP and Mello determinations.

Below are links to the key Coastal Commission case documents. I hope you'll take some time to review them.

Also, this strong Coastal Staff Report and Commission decision will be a model for you to follow, as required by Coastal Act Section 30625(c).

Coastal Staff Report:

<https://documents.coastal.ca.gov/reports/2021/3/Th12a/Th12a-3-2021-report.pdf>

Exhibits to Staff Report (includes applicant's appeal document):

<https://documents.coastal.ca.gov/reports/2021/3/Th12a/Th12a-3-2021-exhibits.pdf>

This is the Citizens Preserving Venice letter, please be sure to read this for the details of our concern regarding Planning's change to your determination:

<https://documents.coastal.ca.gov/reports/2021/3/Th12a/Th12a-3-2021-correspondence.pdf>

This is the Coastal Commission's response to our letter:

<https://documents.coastal.ca.gov/reports/2021/3/Th12a/Th12a-3-2021-addendum.pdf>

*For the Love of Los Angeles
and our precious Coast,
Robin Rudisill
(310) 721-2343*



Planning APC West LA <apcwestla@lacity.org>

Mar 17 West LA APC hearing: ZA-2020-1441-ZAA-1A (2110 Barry Ave)

1 message

Jay Ross <jayr@westlasawtelle.org>
To: apcwestla@lacity.org

Tue, Mar 16, 2021 at 1:25 PM

To WLAAPC:

Please see attached public comment from West LA Sawtelle NC.

I request to speak under Item #2 for Neighborhood Councils.

Dept. of City Planning - Dylan Sittig
Dylan.Sittig@LACity.org

**Re: 2110 Barry Ave. – Proposed houses – request for Zoning Adjustment
ZA-2020-1441-ZAA.**

To the City,

At the May 27, 2020, meeting of the West Los Angeles Sawtelle Neighborhood Council, the Board of Directors voted, 9-0-0, to affirm its previous Resolution of Feb. 2019 that opposes the design of the project and its request for shortened setbacks:

Facts and background:

1. The lot size is substandard at 42.75 ft. width (shorter the standard minimum width of 50 ft.).
2. Request is for Zoning Adjustments for reduced side setbacks from 6-2 to 5-2 ft.
3. The Parcel Map lists the setback at the shorter length of 5-2 ft.
4. The houses are 3 stories tall, the tallest height allowed, and the setbacks are the shortest that are required (prior to enacting the Zoning Adjustment).
5. The adjacent house on the north is 1 story, the adjacent houses in the back are all 1 story, and the neighboring apartment on the south is 2.5 stories.
6. The Board opposed the project and requests for reduced setbacks during consideration of its Parcel Map in Feb. 2019 (resolution follows).

Findings and justifications:

1. The proposed houses should be designed in harmony with the character of the neighborhood. The proposed houses are substantially larger than all buildings on the 2100 block of Barry Ave., and the 2100 west-side block of Federal Ave., which is behind it.

Ex parte communications: J.Ross contacted the representative, Simon Gwon, for scheduling.

Disclosures and conflicts of interest: None disclosed by any committee members.

To government agencies: Only the Chair and designated Boardmembers may testify to public agencies on behalf of the West L.A. Sawtelle NC. The Board requests that the Council Office and private/non-profit entities do not testify or speculate on behalf of the NC.

/s/ Jamie L. Keeton

Jamie L. Keeton, Chair WLASNC

cc: Len Nguyen, Ben LaZebnik, Council District #11 (Len.Nguyen@LACity.org, Ben.LaZebnik@LACity.org)



Resolution WLASNC Barry2110 5.2020.pdf
278K

WLASNC Board FY 2017-2018

Jamie Keeton - Chair/ At Large Rep.
Eric Nakamura - Vice Chair/ Business Rep.
Jay Handal - Treasurer/ Organizational Rep.
Naomi Kageyama - Secretary/ Business Rep.

Steven Kwok - North West Rep.
vacant - North East Rep.
Arman Ghorbani - South East Rep.
Jean Shigematsu - South West Rep.
Galen Pindell - At Large Rep.
Dylan Wright - At Large Rep.
Ron Migdal - At Large Rep.
Desa Philadelphia- At Large Rep.
Jay Ross - At Large Rep.
Danilo Torro - Business Rep.
vacant -Organizational Rep.



1645 Corinth Ave.
Los Angeles Calif. 90025
(310) 235-2070

E Mail: Info@WLANC.COM
www.WLASawtelle.org

Dept. of City Planning - Dylan Sittig
Dylan.Sittig@LACity.org

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ZA-2020-1441-ZAA.**

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/s/ Jamie L. Keeton

Jamie L. Keeton, Chair WLASNC

cc: Len Nguyen, Ben LaZebnik, Council District #11 (Len.Nguyen@LACity.org,
Ben.LaZebnik@LACity.org)

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Dante Toro - Business Rep.
vacant - Organizational Rep.



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Los Angeles Calif. 90025
(310) 235-2070

E Mail: Info@WLANC.COM
www.WLASawtelle.org

Dept. of City Planning - Zuriel Espinosa-Salas
Zuriel.Espinosa@LACity.org

Re: 2110 Barry Ave. – Proposed houses
AA-2018-4026-PMLA-CN, ENV-2018-4027-CE

To Zuriel Espinosa-Salas,

At the Feb. 27, 2019, meeting of the West Los Angeles Sawtelle Neighborhood Council, the Board of Directors voted to not support the project as designed, by virtue of its 1-9-2 vote against a PLUM resolution.

Facts and background:

1. The lot size is substandard and does not comply with the required minimum width of 50 ft., and a discretionary action is requested to build on a lot that is 42.75 ft.
 - a. The hearing date is TBD.
2. The houses are 3 stories tall, the tallest height allowed, and the setbacks are the shortest that are required.
3. The houses have 4 bedrooms, and are cube-shaped with no stepbacks.
4. The neighboring house on the north is 1 story, the neighboring houses in the back are all 1 story, and the neighboring apartment on the south is 2.5 stories.

Findings and justifications:

1. The proposed houses should be designed in harmony with the character of the neighborhood. The proposed houses are substantially larger than all buildings on the 2100 block of Barry Ave., and the 2100 west-side block of Federal Ave., which is behind it.

Ex parte communications: J.Ross contacted the representative, Simon Gwon, for scheduling.

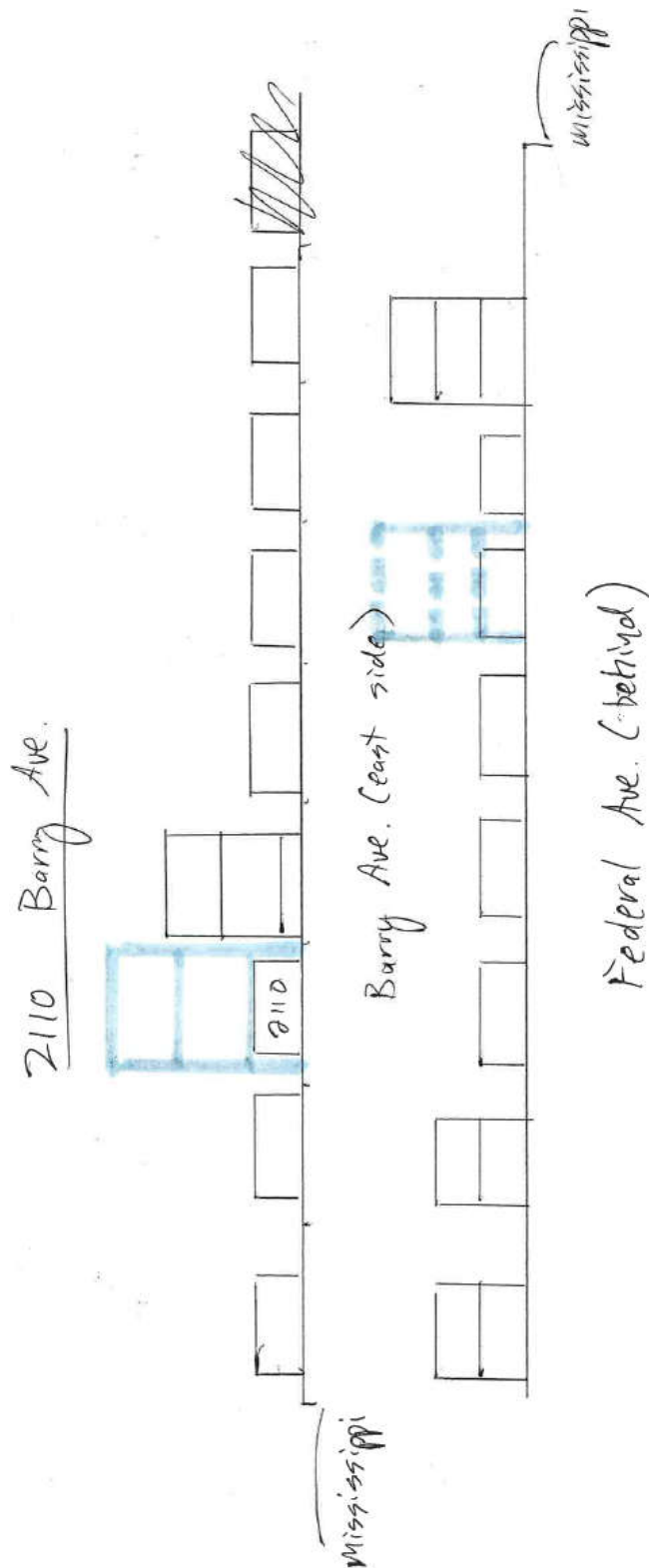
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cc: Len Nguyen, Krista Kline, Jessica Salans, Council District #11 (Len.Nguyen@LACity.org,
Krista.Kline@LACity.org, Jessica.Salans@LACity.org)



LAW OFFICES OF
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(310) 260-6016

March 10, 2021

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attention: Commission Executive Assistant

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I am a resident of the neighborhood where the proposed project at 2110 South Barry Avenue (the “Project”) is located. I support the Appeal of the Zoning Administrator’s Adjustment and I respectfully request that this Commission grant the appeal and deny the proposed adjustment.

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- (b) that 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 public health, welfare, and safety; and
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However, when applying LAMC §12.28.C (4)(a), ZA Rausch cited no facts to substantiate his conclusion that:

“It would be impractical and infeasible to arrange two dwelling units with the required garages and sufficient floor area and bedrooms if the required side yards are adhered to on the substandard lot.”

No evidence is noted as to why the Project site's physical characteristics make it impractical or infeasible to build two units with larger side yards. The Determination only implies that if no adjustments are granted, the units will be smaller. This is the motivation behind the request for an adjustment. The Project Applicant specifically indicated that the adjustment is needed only “in order to have a decent sized building.” No other reason was given or is part of the record.

Instead of making the required findings while citing substantial evidence in support thereof, ZA Rausch only states that the Project design will minimize any adverse effects on the neighboring property. This does not satisfy the requirements of LAMC §12.28.C (4)(a).

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In 2014, the City, through its Central Los Angeles Area Planning Commission (CLA APC), denied the appeal of a project by a neighbor (Kottler) and granted an adjustment to allow an increased residential floor area for a single-family residence. The project applicant simply wanted to increase the size of his house. Kottler brought a writ of mandate action and the trial court issued the writ.

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Indeed, this is the purpose of these statutes – to allow for development on substandard lots, but with larger side yards. To “adjust” the size of the side lots to make them smaller, without any further evidentiary findings, negates the whole purpose of these statutes.

It also is not enough under §12.28.C (4) (a) to make a finding that the adverse effects of an adjustment will not be as severe as the Appellant contends. This does not, by itself, justify an adjustment under §12.28.C (4) (a).

Further, the observation that other lots on this block of Barry Ave. have smaller side yards ignores the fact that these other homes are only one-story in height. The present Project will be three-stories and will tower over the adjacent property. LAMC §§12.08 and 12.09, mandating larger side yards, were enacted precisely for situations like this.

ZA Rausch observed that there are at six nearby projects with heights similar to the Project, but does not indicate that any of these projects sought side yard adjustments. Presumably he would have noted if these other projects were on substandard lots or if they were granted adjustments to allow smaller side yards. Without further findings, this acknowledges that substandard lots, by themselves, do not make adherence to zoning standards impractical or infeasible.

To allow an adjustment under this reasoning would be akin to contending that a zoning statute imposed by the City makes enforcing another City zoning statute impractical or infeasible.

The Adjustment at 2110 South Barry is not supported by substantial evidence.

Not only is there insufficient evidence to support an adjustment in this case, there is no evidence, substantial or otherwise, to support this adjustment under LAMC §12.28.C (4) (a).

The Applicant’s representative (at P. 8) is noted to state: “We need the extra foot on the side yards (two feet total) in order to have a decent sized building.” In his 8/25/20 submission, Applicant states that it is impractical to adhere to the zoning requirements “while still providing a reasonable amount of buildable area.” ZA Rausch notes at P. 11 that “It would be impractical and infeasible” to arrange two units with “sufficient floor area” if the side yard regulations are

adhered to. No evidence is provided to specifically show why two units cannot be built while adhering to the existing side yard regulations.

There is no evidence that the Project cannot be built without an adjustment. Even the insinuated contention that the Applicant may have to build slightly smaller units has not been established by the evidence. There is no evidence as to how much smaller the units would be without the adjustment. There is no evidence to suggest that the units cannot be sold at the same price, even if they are slightly smaller than originally designed.

An adjustment is not justified solely because smaller units might have to be built.

The only reason to grant an adjustment in this case would be to allow the Applicant to make slightly larger units that presumably can be sold at a higher price. The impropriety of using this to support an adjustment is manifest and the ZA determination studiously and specifically avoids basing the adjustment on this. The City of Los Angeles should not be granting adjustments solely so that developers can reap increased profits. And actually, there is no evidence to even support this dubious rationale.

CONCLUSION

Based upon the above, the Appeal filed by Appellant and all the supporting information and testimony provided in opposition to the Project, this Commission should determine that the Findings in support of a side yards adjustment are not supported by substantial evidence.

Therefore the Commission should grant the Appeal and deny the proposed adjustment.

Very truly yours,

A handwritten signature in dark ink, reading "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan



MICHAEL N. FEUER
CITY ATTORNEY

DONALD KOTTLER ET AL. v. CITY OF LOS ANGELES ET AL.
LASC CASE NO. BC 154184
CAL. CT. APP. CASE NO. B278276
(COUNCIL DISTRICT 4)

The Central Los Angeles
Area Planning Commission
Room 272, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Commissioners:

This report discusses Department of City Planning case no. ZA-2014-391-ZAA in which the Central Los Angeles Area Planning Commission (CAPC) upheld a Zoning Administrator's approval of an Adjustment pursuant to Los Angeles Municipal Code section 12.28. On November 25, 2014, the CAPC sustained the Zoning Administrator's decision to allow a Residential Floor Area of 10,138 square feet in lieu of the maximum 9,225 square feet otherwise permitted in conjunction with additions to an existing single-family residence located at 112 N. June Street (the Project). The CAPC's approval of the Project was challenged in *Kottler et al. v. City of Los Angeles et al.*, Los Angeles Superior Court Case No. BS 154184 (the Kottler Trial Court Action). In the Kottler Trial Court Action, petitioners successfully brought a writ of mandate action challenging the City's approval of the Adjustment. The trial court issued a Writ ordering the City to vacate and set aside the Adjustment approval. A copy of the Writ is attached as Exhibit A. The City appealed this decision to the California Court of Appeal as Case No. B278276, and the Court of Appeal upheld the trial court's decision – albeit on different grounds. A copy of the Court of Appeal's Order is attached as Exhibit B.

The Court of Appeal found that there was no evidence to support the first Adjustment finding in Los Angeles Municipal Code section 12.28(c)(4)(a), which requires a finding of impracticality or infeasibility. Because the Court of Appeal found no

evidence to support this finding, it upheld the trial court's decision to order the City to vacate and set aside the Adjustment approval.

Therefore, this matter has been brought back before the CAPC so that it may take action to vacate and set aside the approval of the Project.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8188. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,


ERNESTO VELÁZQUEZ,
Deputy City Attorney

EV:mh

ALL DRAWINGS, SPECIFICATION AND COPIES THEREOF FURNISHED BY THE ARCHITECT ARE AND SHALL REMAIN HIS PROPERTY. THEY ARE TO BE USED ONLY WITH RESPECT TO THIS PROJECT AND ARE NOT TO BE USED ON ANY OTHER PROJECT. SUBMISSION OR DISTRIBUTION TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF THE ARCHITECT'S COMMON LAW COPYRIGHT OR OTHER RESERVED RIGHTS.

2. BEFORE SUBMITTING A BID, THE GENERAL CONTRACTOR SHALL CAREFULLY EXAMINE ALL DRAWINGS AND SPECIFICATIONS PERTAINING TO THIS WORK; CONTRACTOR SHALL VISIT THE SITE AND FULLY INFORM HIMSELF AS TO ALL LIMITATIONS APPLYING TO THIS WORK. HE SHALL ESTIMATE AND INCLUDE IN HIS BID A SUM SUFFICIENT TO COVER THE COST OF ALL ITEMS OF LABOR AND MATERIALS WHICH ARE REQUIRED TO OBTAIN THE COMPLETED PROJECT AND THAT NO SUBSEQUENT ALLOWANCE WILL BE MADE TO THIS GENERAL CONTRACTOR BECAUSE OF HIS NEGLIGENCE IN COMPLYING WITH THESE SPECIFICATIONS.

3. ALL WORK SHALL COMPLY WITH THE LATEST ACCEPTABLE EDITION OF THE U.B.C., AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES, ORDINANCES AND REGULATIONS HAVING JURISDICTION. NOTHING HEREIN SHALL BE INTERPRETED TO THE CONTRARY.

4. GENERAL CONTRACTOR SHALL COMPLY WITH REGULATIONS OF STATE OF CALIFORNIA DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH STANDARDS (O.S.H.A.).

5. ANY DIFFERENCE BETWEEN THE EXISTING CONSTRUCTION AS OBSERVED IN THE FIELD AND AS SHOWN ON THE DRAWINGS SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

6. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS AT THE PROJECT SITE PRIOR TO BEGINNING CONSTRUCTION. DISCREPANCIES BETWEEN TRADES. THE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES OR INCONSISTENCIES.

7. ALL TRADES SHALL FURNISH ALL LABOR, EQUIPMENT, MATERIAL, AND PERFORM ALL WORK NECESSARY, INDICATED, REASONABLY INFERRER, OR REQUIRED BY ANY CODE WITH JURISDICTION, TO COMPLETE THEIR SCOPE OF WORK FOR A COMPLETE AND PROPER FINISHED JOB. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE COMPETENT TRADES BY MECHANICS SKILLED IN THEIR RESPECTIVE TRADES.

8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO THE OWNER FOR THE ACTS AND OMISSIONS OF HIS EMPLOYEES, SUBCONTRACTORS AND THEIR AGENTS AND OWNERS AND OTHER PERSONS WHO ARE PERFORMING ANY OF THE WORK UNDER THE CONTRACT WITH THE GENERAL CONTRACTOR.

9. UNLESS SHOWN OR NOTED OTHERWISE, TYPICAL DETAILS AND GENERAL NOTES SHALL BE USED, WHENEVER APPLICABLE.

10. UNLESS SPECIFICALLY DETAILED ON THESE DRAWINGS, CONTRACTOR SHALL FURNISH ADEQUATE SHORING BRACING, ETC., AS REQUIRED TO SAFELY EXECUTE ALL WORK, AND SHALL BE FULLY RESPONSIBLE FOR SAFE ERECTION.

11. COPIES OF ALL INSPECTION REPORTS, TEST RESULTS, ETC., SHALL BE SENT TO ARCHITECT & ENGINEERS.

12. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. HE SHALL PROVIDE ALL REASONABLE PRECAUTIONS FOR THE SAFETY OF AND SHALL PROVIDE ALL REASONABLE PROTECTION FROM DAMAGE, INJURY OR LOSS TO ALL EMPLOYEES ON THE WORK SITE AND OTHER PERSONS WHO MAY BE EFFECTED THEREBY. ALL THE WORK AND ALL MATERIALS AND EQUIPMENT TO BE INCORPORATED THEREIN AND OTHER PROPERTY AT THE SITE OR ADJACENT THERETO.

13. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTALL ALL TEMPORARY BARRIER AND FENCING & PEDESTRIAN PROTECTION TO INSURE THE SAFETY OF THE WORK UNTIL IT IS IN ITS PROPER POSITION AS REQUIRED BY CODES.

14. DIMENSIONS
A. EXTERIOR DIMENSIONS ARE GIVEN TO THE FACE OF MASONRY OR STUDS, AND INTERIOR DIMENSIONS TO THE FACE OF STUD WALL OR CENTER LINE OF COLUMNS UNLESS SPECIFICALLY NOTED OTHERWISE.
B. FIGURE DIMENSIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

15. COMPLY ALL SECURITY ORDINANCES AS REQUIRED BY THE CITY OF LOS ANGELES

16. CONTRACTOR SHALL ASSUME THAT ALL ITEMS INDICATED ON THE DRAWINGS ARE NEW CONSTRUCTION, UNLESS INDICATED AS "E.Y." OF "EXISTING."

17. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF GRADING OPERATION.

18. ALL DEBRIS AND FOREIGN MATERIALS SHALL BE REMOVED FROM THE SITE.

19. PROTECTIVE MEASURES TO PROTECT ALL UTILITY LINES AND UNDERGROUND STRUCTURES OF ANY KIND SHOWN OR NOT SHOWN ON THIS PROJECT DRAWINGS, AND SHALL BE RESPONSIBLE TO ANY DAMAGE THERETO.

20. CONTRACTOR SHALL TAKE DUE PRECAUTIONARY MEASURES TO PROTECT ALL UTILITY LINES AND UNDERGROUND STRUCTURES OF ANY KIND KNOWN OR NOT SHOWN ON THIS PLAN, AND SHALL BE RESPONSIBLE TO ANY DAMAGE THERETO.

21. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPERTY REPAIRING ANY DAMAGE TO ANY EXISTING UTILITIES FOR CAUSE OF THE WORK.

22. CONTRACTOR SHALL PROVIDE ACCESS PANELS AS REQUIRED BY PLUMBING, AIR-CONDITIONING, AND OTHER INSTALLERS AS REQUIRED BY CODES.

23. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE OWNER'S AND/OR ARCHITECT'S WRITTEN APPROVAL. UNLESS NOTED OTHERWISE ON DRAWINGS AND SPECIFICATIONS.

24. NO CHANGES SHALL BE MADE ON PLANS WHETHER INTERIOR OR EXTERIOR OF THE STRUCTURE WITHOUT WRITTEN APPROVAL FROM THE PLANNING AND BUILDING DIVISIONS

25. ANY DAMAGE DONE TO THE EXISTING SITE DURING THE COURSE OF THE WORK SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE WITH NO ADDITIONAL COST TO THE OWNER.

26. DEMOLITION, SITE PREPARATION AND CONSTRUCTION ACTIVITIES ARE LIMITED TO HOURS OF THE LOCAL BUILDING DEPARTMENT.

27. THE CONSTRUCTION SHALL NOT RESTRICT A FIVE-FOOT CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES (POWER POLES, PULL-BOXES, TRANSFORMERS, VAULTS, PUMPS, VALVES, METERS, APPURTENANCES, ETC.) OR TO THE LOCATION OF THE HOOK-UP. THE CONSTRUCTION SHALL NOT BE WITHIN TEN FEET OF ANY POWER LINES-WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY. FAILURE TO COMPLY MAY CAUSE CONSTRUCTION DELAYS AND/OR ADDITIONAL EXPENSES.

28. GENERAL CONTRACTOR SHALL PROVIDE ONLY NEW MATERIAL, HAVING THE LEGALLY REQUIRED APPROVALS AND LABELS. UNLESS OTHERWISE NOTED, EACH SUBCONTRACTOR SHALL DOES HEREBY WARRANT ALL WORK PERFORMED BY HIM DIRECTLY FOR THE PERIOD OF ONE (1) YEAR. WORK SHALL INCLUDE ALL MATERIALS, FIXTURES, EQUIPMENT, AND LABOR.

29. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE COMPLETENESS OF THE DRAWINGS AND SPECIFICATIONS FOR BIDDING PURPOSES PRIOR TO ISSUANCE OF THE BUILDING PERMIT.

30. ALL BIDS SHALL BE BASED ON THESE DRAWINGS AND SPECIFICATIONS. SUBSTITUTIONS THE GENERAL CONTRACTOR FEELS ARE EQUAL OR BETTER SHALL BE SO NOTED WITH THE BID.

31. FURNITURE IS TO BE FURNISHED AND INSTALLED BY OTHERS, EXCEPT AS NOTED ON THE DRAWINGS AND SPECIFICATIONS.

32. THE GENERAL CONTRACTOR SHALL PROVIDE REPRODUCIBLE DRAWINGS, RECORDING ALL WORK INSTALLED AT VARIANCE WITH THE APPROVED SET OF DRAWINGS AND SPECIFICATIONS.

33. EXIT SIGNS SHALL BE CONNECTED TO AN EMERGENCY POWER SYSTEM THAT WILL PROVIDE AN ALTERNATE ELECTRICAL SUPPLY, IN THE EVENT OF POWER SUPPLY FAILURE. AN EMERGENCY ELECTRICAL SYSTEM SHALL AUTOMATICALLY ILLUMINATE THE FOLLOWING AREAS:

34. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.

35. DOOR HANDLES, LOCK AND OTHER OPERATING DEVICES SHALL BE AT A MIN. 34" AND A MAX. 48" ABOVE THE FINISH FLOOR.

36. THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED.

37. THE POWER SUPPLY FOR MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE PROVIDED BY THE PUBLIC UTILITY CONTRACTOR. IN THE EVENT OF POWER SUPPLY FAILURE, AN EMERGENCY ELECTRICAL SYSTEM SHALL AUTOMATICALLY ILLUMINATE THE FOLLOWING AREAS:

A. AISLES AND UNOCCESED EGRESS STAIRWAYS IN ROOMS AND SPACES THAT REQUIRE TWO OR MORE MEANS OF EGRESS

B. CORRIDORS, EXIT ENCLOSURES AND EXIT PASSAGEWAYS IN BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS.

C. EXTERIOR EGRESS COMPONENTS AT OTHER THAN THE LEVEL OF EXIT DISCHARGE UNTIL EXIT DISCHARGE IS ACCOMPLISHED FOR BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS.

D. INTERIOR EXIT DISCHARGE ELEMENTS, AS PERMITTED IN CBC SEC. 1027.1, IN BUILDING REQUIRED TO HAVE TWO OR MORE EXITS.

E. EXTERIOR LANDINGS, AS REQUIRED BY CBC SEC. 1008.1.5, FOR EXIT DISCHARGE DOORWAYS IN BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS.

38. THE EMERGENCY POWER SYSTEM SHALL PROVIDE POWER FOR A DURATION OF NOT LESS THAN 90 MINUTES AND SHALL CONSIST OF STORAGE BATTERIES, UNIT EQUIPMENT OR AN ON-SITE GENERATOR. THE INSTALLATION OF THE EMERGENCY POWER SYSTEM SHALL BE IN ACCORDANCE WITH CBC SEC. 2702.

39. EMERGENCY LIGHTING FACILITIES SHALL BE ARRANGED TO PROVIDE INITIAL ILLUMINATION THAT IS AT LEAST AN AVERAGE OF 1 FOOT-CANDLE (11 LUX) AND A MINIMUM AT ANY POINT OF 0.1 FOOT-CANDLE (1 LUX) MEASURED ALONG THE PATH OF EGRESS AT FLOOR LEVEL. ILLUMINATION LEVELS SHALL BE MAINTAINED AT LEAST 0.1 FOOT-CANDLE (1 LUX) THROUGHOUT THE ENTIRE TRAVEL DISTANCE OF 0.06 FOOT-CANDLE (0.6 LUX) AT THE END OF EGRESS AT FLOOR LEVEL. THE EMERGENCY LIGHTING TIME DURATION, A MAXIMUM-TO-MINIMUM ILLUMINATION UNIFORMITY RATIO OF 40 TO 1 SHALL NOT BE EXCEEDED. (CBC SEC. 1006.4)

40. ELECTRICALLY POWERED, SELF-LUMINOUS AND PHOTO LUMINESCENT EXIT SIGNS SHALL BE LISTED AND LABELED IN ACCORDANCE WITH UL 924 AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND CHAPTER 27, EXIT SIGNS SHALL BE ILLUMINATED AT ALL TIMES. CBC 1011.4.

41. MEANS OF EGRESS : ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE ILLUMINATED. (R303.7)

42. A COPY OF THE CONSTRUCTION DOCUMENTS OR A COMPARABLE DOCUMENT INDICATING THE INFORMATION FROM ENERGY CODE SECTIONS 100.10(b) THROUGH 110.1(c) SHALL BE PROVIDED TO THE OCCUPANT. (ENERGY CODE 110.10(i))

43. MATERIALS DELIVERED TO THE CONSTRUCTION SITE SHALL BE PROTECTED FROM RAIN OR OTHER SOURCES OF MOISTURE.

44. FOR PROJECTS THAT INCLUDE LANDSCAPE WORK, THE LANDSCAPE CERTIFICATION, FORM GRN 12, SHALL BE COMPLETED PRIOR TO FINAL INSPECTION APPROVAL.

45. FORM GRN16 AND AN OPERATION AND MAINTENANCE MANUAL, INCLUDING, AT A MINIMUM, THE ITEMS LISTED IN SECTION 4.401.1, SHALL BE COMPLETED AND PLACED IN THE BUILDING AT THE TIME OF FINAL INSPECTION.

-RESISTANCE RATED CONSTRUCTION:
IN COMBUSTIBLE CONSTRUCTION, FIRE BLOCKING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS(BOTH VERTICAL AND HORIZONTAL) AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES, AND BETWEEN A TAP STORY AND THE ROOF SPACE.(R302.11)

(N)	EXISTING	EO	EQUAL	O.P.A.	OPENING
(N)	NEW	EQMT	EQUIPMENT	O.D.	OUTSIDE DIAMETER
AND	AND	E.W.C.	ELECTRICAL WATER COOLER		
CL	CENTERLINE	EXST	EXISTING	P.L.	PROPERTY LINE
@	AT	EXT.	EXTIOR	P.LYWD	PLYWOOD
Ø	DIAMETER OR ROUND	EXP.	EXPOSED CEILING	PNT	PAINT
#	ROUND OR NUMBER			PTDF	PRESSURE TREATED
		F.A.	FIRE ALARM		DOUGLAS FIR
ACT	ACOUSTICAL CEILING TILE	F.D.	FLOOR DRAIN	P-LAM	PLASTIC LAMINATE
AB	ANCHOR BOLT	FND	FIND		
A.D.	AREA DRAIN	F.E.	FIRE EXTINGUISHER		
AL	ALUMINUM	F.E.C.	FIRE EXTINGUISHER CABINET R		RADIUS
APPROX.	APPROXIMATE	F.F.	FINISH FLOOR	R.D.	ROOF DRAIN
ARCH.	ARCHITECTURAL	FIN	FINISH	RM	REFRIGERATOR
ASPH	ASPHALT	F.L.	FLOOR	REINF	REINFORCED
		F.P.	FIRE PLACE	REQD	REQUIRED
BD.	BOARD	FC	FACE OF CONCRETE	SCHED	SCHEDULE
BLDG.	BUILDING	FOS	FACE OF STUD	R.O.	ROUGH OPENING
BLK.	BLOCK	FT	FEET	R.W.L.	RAIN WATER LEADER
BLK.	BLOCKING	FTG	FOOTING	S.	SOUTH
BM	BENCH MARK			SCHED.	SCHEDULE
BOT.	BOTTOM	G	GAS	SECT	SECTION
		GA	GAUGE	SHT	SHEET
CAB.	CABINET	GA LV	GALVANIZED	SIM.	SIMILAR
CALC.	CALCULATIONS	G.B.	GRAB BAR	SPEC.	SPECIFICATIONS
C.B.C.	CATCH BASIN	G.I.	GALVANIZED IRON	SQ	SQUARE
C.B.C.	CALIFORNIA BUILDING CODE	GL	GLULAM BEAM	S.S.	STAINLESS STEEL
C.C.	CALIFORNIA ELECTRICAL CODE	GM	GUMMETER	STL	STEEL
CMEC	CALIFORNIA MECHANICAL CODE	GWB	GYPSUM WALL BOARD	STD	STANDARD
		GYP	GYPSUM BOARD	STRUCT.	STRUCTURAL
				STOR	STORAGE
CPC	CALIFORNIA PLUMBING CODE	H.B.	HOSE BIB		
C.L.	CENTERLINE	H.M	HOLLOW METAL	T	TEMPERED
CLR	CLEAR	HW	HARDWARE	TEL	TELEPHONE
CLUG	CAULKING	HT	HEIGHT	T&G	TONGUE AND GROOVE
COL	COLUMN	HR	HOUR	THICK	THICK
CONC.	CONCRETE			T.O.C.	TOP OF CONCRETE
CONCT.	CONTINUOUS	ID.	INSIDE DIAMETER	T.O.P	TOP OF PLATE
CUG.	CEILING	INSUL.	INSULATION	TS	STEEL
C.J.	CEILING JOIST	INT.	INTERIOR	T.V.	TELEVISION
C.I.	CAST IRON			T.W.	TOP OF WALL
CONN.	CONNECTION	JAN	JANITOR	T.Y.	TYPICAL
CONSTR.	CONSTRUCTION	JT.	JOINT		
CORR.	CORRIDOR			U.N.O.	UNLESS NOTED OTHERWISE
		LAM.	LAMINATE		
DEPT.	DEPARTMENT	LAV.	LAVATORY	VERT	VERTICAL
D.F.	DETAIL			VEST	VESTIBULE
D.F.	DOUGLAS FIR	MAX.	MAXIMUM		
D.P.	DRINKING FOUNTAIN	MECH.	MECHANICAL	W.	WEST
DIA	DIAMETER	MTL	METAL	W.	WATERLINE
DIM.	DIMENSION	MFR	MANUFACTURER	W/	WITH
D.N.	DOWN	MIN.	MINIMUM	W/O	WITHOUT
D.R.	DOR	MIR	MIRROR	WC	WATER CLOSET
D.S.	DOWNSPOUT	MISC.	MISCELLANEOUS	WH	WATER HEATER
DRG.	DRAWING	M.O.	MASONRY OPENING	WM	WATER METER
DR.	DRAIN LINE			W.P.	WATERPROOF
DW	DISH WASHER	N.	NORTH	W.P.	WORK POINT
		N.I.C.	NOT IN CONTRACT	WT	WEIGHT
E	EACH	N.O.	NUMBER		
ELEV.	ELEVATION	NOM.	NOMINAL		
EW	EACH WAY	N.T.S.	NOT TO SCALE		
E.J.	EXPANSION JOINT	N.A.	NOT APPLICABLE		
ELEC.	ELECTRICAL				
EM.	EMERGENCY	O.C.	ON CENTER		
E.P.	ELECTRICAL PANEL	OPP.	OPPOSITE		

PROJECT SITE
2106 S. BARRY AVE.,
LOS ANGELES, CA 90025

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UNIT B

THIRD FLOOR: 902 SF

THIRD FLOOR: 1,067 SF

THIRD FLOOR: 902 SF

SECOND FLOOR: 1,039 SF

SECOND FLOOR: 1,067 SF

SECOND FLOOR: 966 SF

FIRST FLOOR: 801 SF

FIRST FLOOR: 1,092 SF

FIRST FLOOR: 751 SF

GARAGE : 341 SF

• ASSESSABLE SQUARE FOOTAGE FOR SCHOOL FEE :
 FIRST FLOOR : 801 SF
 SECOND FLOOR : 1,039 SF
 THIRD FLOOR : 902 SF
 TOTAL : 2,742 SF

• BUILDING CODE FLOOR AREA, GROSS:
 FIRST FLOOR : 1,092 SF
 SECOND FLOOR : 1,067 SF
 THIRD FLOOR : 1,067 SF
 TOTAL : 3,226 SF

• RESIDENTIAL FLOOR AREA, GROSS:
 FIRST FLOOR : 892 SF (W/ DEDUCTION OF 200 SF CREDIT FOR GARAGE)
 SECOND FLOOR : 966 SF
 THIRD FLOOR : 902 SF
 TOTAL : 2,760 SF

UNIT A

THIRD FLOOR: 911 SF

THIRD FLOOR: 1,114 SF

THIRD FLOOR: 838 SF

SECOND FLOOR: 1,102 SF

SECOND FLOOR: 1,129 SF

SECOND FLOOR: 1,026 SF

FIRST FLOOR: 741 SF

FIRST FLOOR: 1,009 SF

FIRST FLOOR: 692 SF

• ASSESSABLE SQUARE FOOTAGE FOR SCHOOL FEE:

FIRST FLOOR:	741 SF
SECOND FLOOR:	1,102 SF
THIRD FLOOR:	911 SF
TOTAL:	2,754 SF

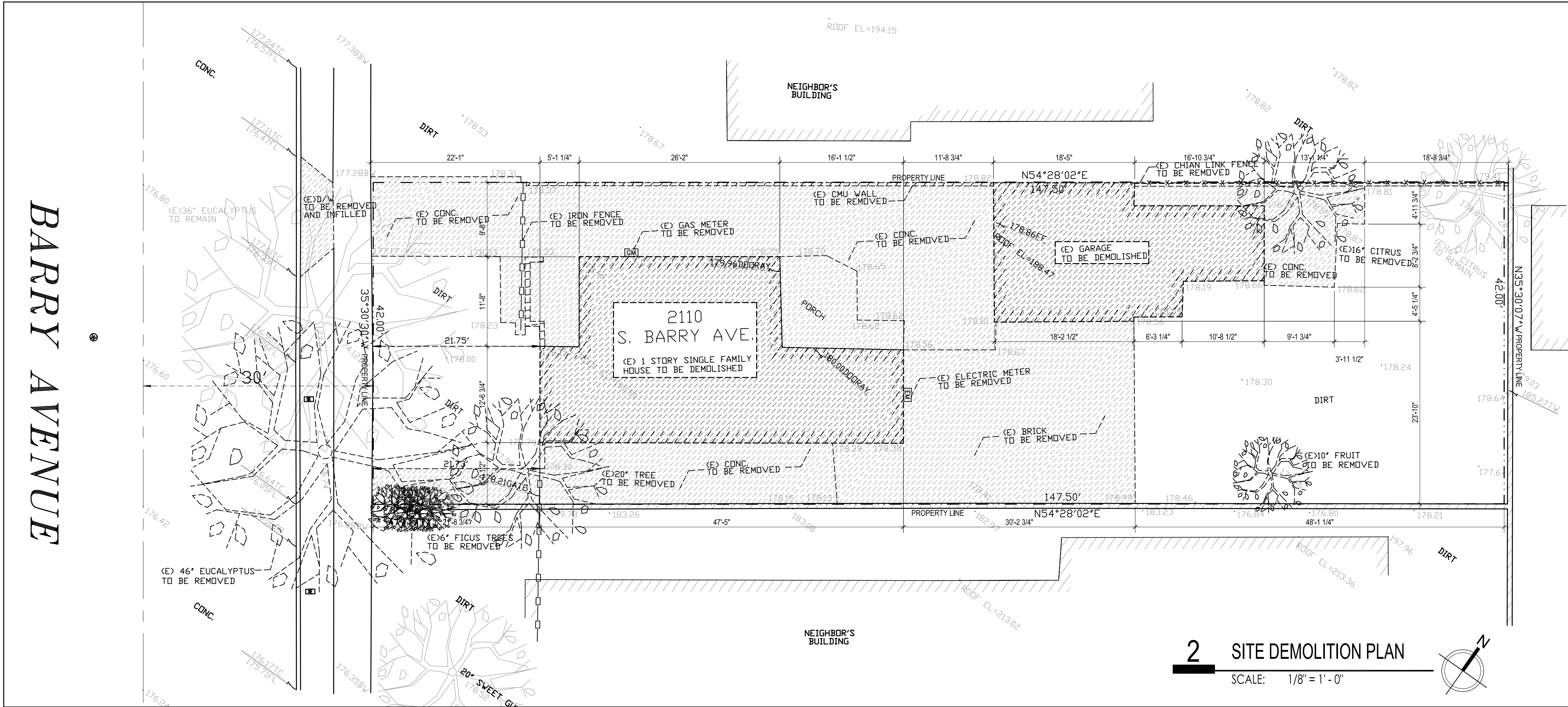
• BUILDING CODE FLOOR AREA GROSS:

FIRST FLOOR:	1,009 SF
SECOND FLOOR:	1,129 SF
THIRD FLOOR:	1,114 SF
TOTAL:	3,252 SF

• RESIDENTIAL FLOOR AREA GROSS:

FIRST FLOOR:	810 SF (W DEDUCTION OF 200 SF CREDIT FOR GARAGE)
SECOND FLOOR:	1,026 SF
THIRD FLOOR:	838 SF
TOTAL:	2,674 SF

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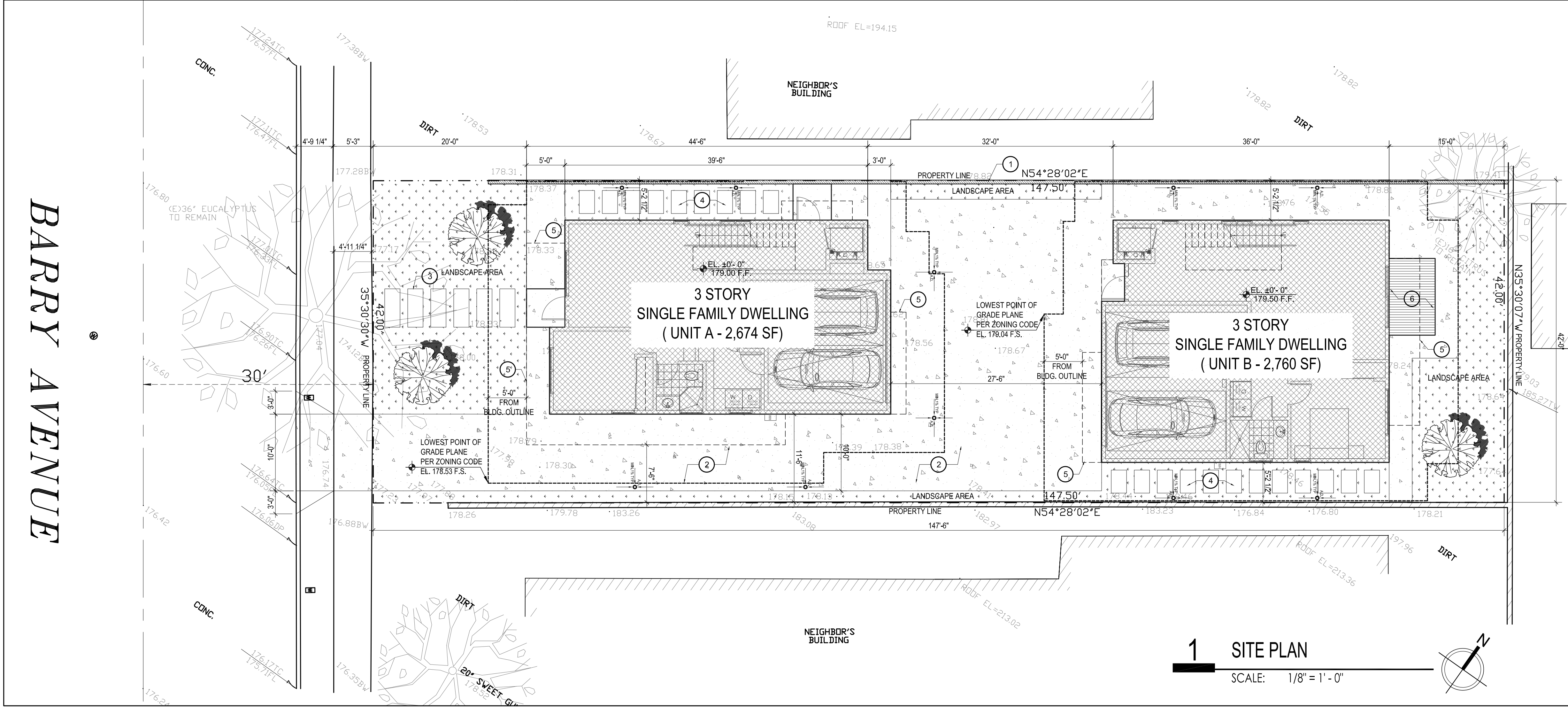
2 SITE DEMOLITION PLAN
SCALE: 1/8" = 1' - 0"

DEMOLITION PLAN GENERAL NOTES:

1. THE PERMIT APPLICATION AND THE AFFIRMATION OF POSTING MUST BE SIGNED BY THE PROPERTY OWNER, LICENSED CONTRACTOR OR AUTHORIZED AGENT AT THE TIME THE PERMIT IS TO BE ISSUED.
a. FOR OWNER-BUILDER PERMITS: OWNER'S SIGNATURE CAN BE VERIFIED WITH OWNER'S DRIVER LICENSE. ADDITIONAL DOCUMENTATION REQUIRED FOR PROPERTIES OWNED BY PARTNERSHIP, JOINT VENTURE, CORPORATION, LLC, ETC. OWNER'S REPRESENTATIVES MUST PRESENT OWNER'S APPROVAL WITH A NOTARIZED LETTER FROM THE OWNER. OWNER BUILDER DECLARATION FORM MUST BE COMPLETED AND SIGNED BY THE PROPERTY OWNER.
b. FOR CONTRACTOR BUILDING PERMITS: PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE CONTRACTOR SHALL HAVE THE FOLLOWING:
i) CERTIFICATE OF WORKERS COMPENSATION INSURANCE MADE OUT TO THE CONTRACTORS STATE LICENSE BOARD.
ii) NOTARIZED LETTER OF AUTHORIZATION FOR AGENTS.
iii) COPY OF CONTRACTORS STATE LICENSE OR POCKET ID.
iv) COPY OF CITY OF LOS ANGELES BUSINESS TAX REGISTRATION CERTIFICATE OR A NEWLY PAID RECEIPT FOR ONE.
2. METHOD OF DEMOLITION:
a. HANDWRECKING - USE OF SMALL WHEEL MOUNTED NEUMATIC TOOLS WILL BE PERMITTED IF FIRST APPROVED BY BUILDING INSPECTOR.
b. DOZER OR LOADER WRECKING - 1 OR 2 STORIES, MAXIMUM 24 FEET HIGH BUILDING WITH YARDS GREATER THAN THE HEIGHT OF BUILDING.
3. ALL DEBRIS SHALL BE WET AT TIME OF HANDLING TO PREVENT DUST.
4. NO STRUCTURAL MEMBER IN ANY STORY SHALL BE DEMOLISHED UNTIL THE STORY ABOVE IS COMPLETELY REMOVED.
5. THERE WILL BE NO FREE FALL DUMPING OVER EXTERIOR WALL FOR A HEIGHT OF MORE THAN 25 FEET.
6. CALL FOR INSPECTION AT LEAST 24 HOURS BEFORE STARTING WORK.
7. APPROVAL OF PROTECTION FENCES AND CANOPIES IS REQUIRED PRIOR TO DEMOLITION.
8. ALL BASEMENT FILLS SHALL BE CLEAN AND UNIFORM.
9. STORAGE OF MATERIALS ON FLOORS SHALL NOT EXCEED PSF LIVE LOAD.
10. AN 8-FOOT HIGH CHAIN LINK FENCE MUST BE PROVIDED TO PREVENT UNAUTHORIZED ENTRY TO THE VACANT LOT AFTER DEMOLITION.

SITE DEMOLITION PLAN LEGEND

DEMOLITION AREA



1 SITE PLAN
SCALE: 1/8" = 1' - 0"

SITE PLAN KEYNOTES:

- 1 (N) MIN. 6" H CMU WALL
- 2 UNCOLORED CONC. W/ SMOOTH CEMENT FINISH DRIVEWAY
- 3 24" X 60" CONC. PAVING
- 4 24" X 36" CONC. PAVING
- 5 BUILDING OUTLINE ABOVE
- 6 DECK SYSTEM

SITE PLAN LEGEND

CONCRETE PAVING
LANDSCAPE AREA
(N) 24" BOX TREE

CLIENT
RAMIN SOOFER

PROJECT NAME
2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT
FOREARCHITECTS

110 E. 9TH STREET,
SUITE C700-D
LOS ANGELES, CALIFORNIA 90079
T 213.446.9234 F 213.232.3321

CONSULTANTS

STAMPS

FOR PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

ISSUES

MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
2	06/06/18	CITY SUBMITTAL

PROJECT NO: 18-0413
DRAWN BY: HC
CHECKED BY: TC
SCALE: 1/8" = 1'-0"
DATE:
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SHEET TITLE:

SITE PLAN & SITE DEMOLITION PLAN

4' 8' 16'

A1.01

SHEET NUMBER

© 2012 FORE ARCHITECTS INC. 04/20/12 VER 1.0

GENERAL NOTES

- ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED WITH TAPE, PLASTIC, OR SHEET METAL UNTIL THE FINAL STARTUP OF THE HEATING, COOLING AND VENTILATING EQUIPMENT.
- BATHROOMS, WATER CLOSET COMPARTMENTS AND OTHER SIMILAR ROOMS SHALL BE PROVIDED NATURAL VENTILATION OR WITH MECHANICAL VENTILATION CAPABLE OF 50 CFM EXHAUSTED DIRECTLY TO THE OUTSIDE (R303.3)
- HEATER SHALL BE CAPABLE OF MAINTAINING A MINIMUM ROOM TEMPERATURE OF 68°F AT A POINT 3 FEET ABOVE THE FLOOR AND 2 FEET FROM EXTERIOR WALLS IN ALL HABITABLE ROOMS AT THE DESIGN TEMPERATURE.(R303.9)
- THE PANEL OR SUBPANEL SHALL PROVIDE CAPACITY TO INSTALL A 40-AMPERE MINIMUM DEDICATED BRANCH CIRCUIT AND SPACE(S) RESERVED TO PERMIT INSTALLATION OF A BRANCH CIRCUIT OVERCURRENT PROTECTIVE DEVICE.
- THE SERVICE PANEL OR SUBPANEL CIRCUIT DIRECTORY SHALL IDENTIFY THE OVERCURRENT PROTECTIVE DEVICE SPACE(S) RESERVED FOR FUTURE EV CHARGING AS EV CAPABLE. THE RACEWAY TERMINATION LOCATION SHALL BE PERMANETE AND VISIBLY MARKED EV CAPABLE.

WALL TYPE LEGEND:

- 1 HR FIRE-RATED SEPARATION
- WOOD STUD WALL
- WOOD POST
REFER TO STRUCT DWGS.

PLAN LEGEND:

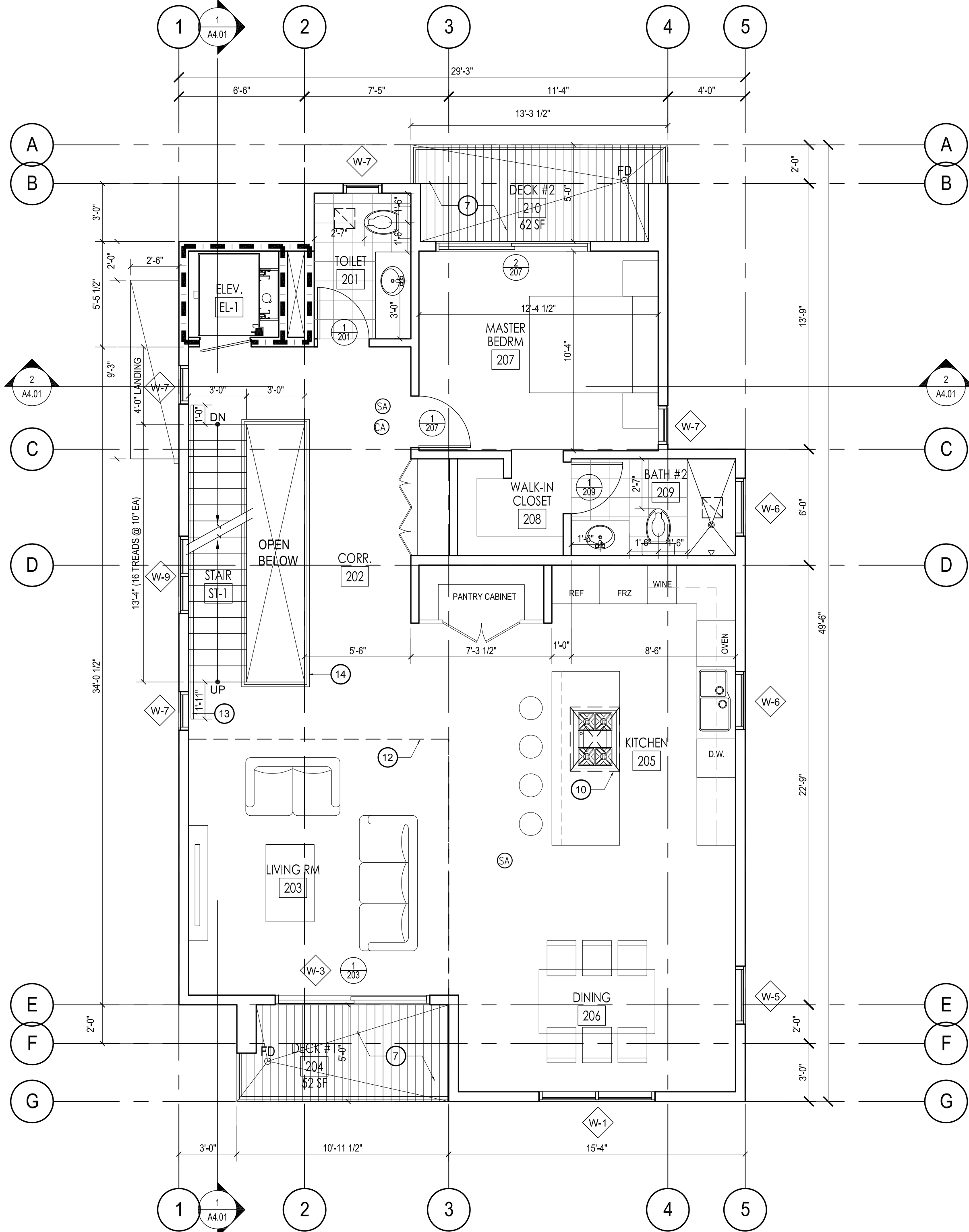
- HARDWIRED SMOKE ALARM
TO BE EQUIPPED W/ A BATTERY BACKUP.
- HARDWIRED CARBON MONOXIDE ALRM
TO BE EQUIPPED W/ A BATTERY BACKUP.
- BATHROOM EXHAUST FAN (ENERGY STAR)
W/ HUMIDISTAT CONTROLLER
TO BE DUCTED TO THE EXTERIOR OF THE BUILDING.

- DOOR TYPE, SEE SHT. A5.01
DOOR QUANTITY
ROOM NUMBER
- ENLARGED DETAIL
- WINDOWS, SEE SHT. A5.01
- WALL SURFACE TO BE ALIGNED

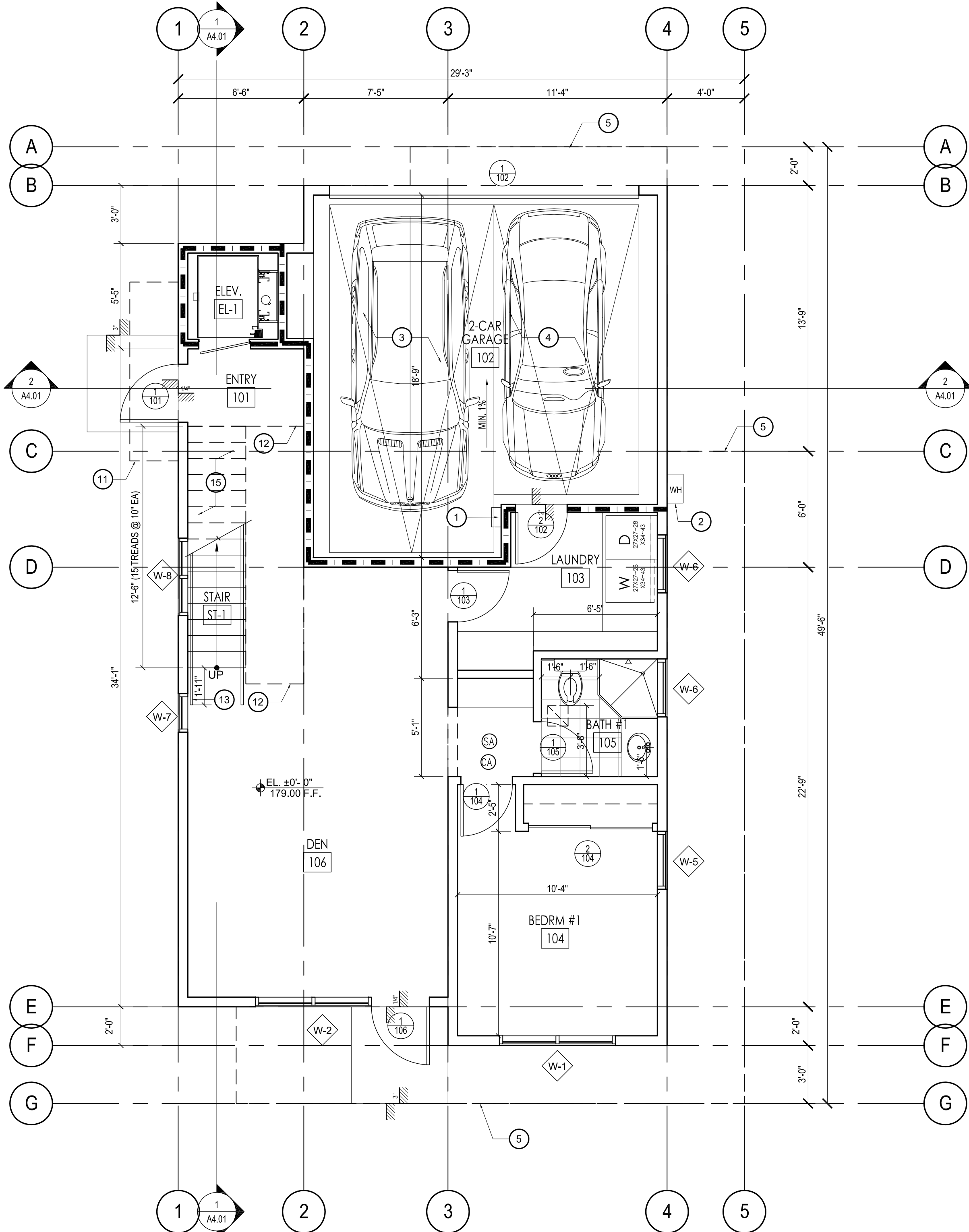
KEYNOTES:

- ELECTRIC VEHICLE SUPPLY CHARGER (EVSE)
- TANKLESS WATER HEATER
- 8'-6"W X 18'-6"D STANDARD PARKING STALL
- 7'-10"W X 15'-6"D COMPACT PARKING STALL
- BUILDING LINE ABOVE
- 24" X 30" ROOF ACCESS HATCH
- DECK SYSTEM W/ TUFFLEX DECK COATING ROOF COVERING, LARR #RR25567
- CLASS 'A' BUILD-UP ROOFING (W/ FIRESTONE, ULTRAPLY TPO MEMBRANE, LARR# 26105, COLOR: WHITE, SRI 81), REFER TO 4.5,6/ GR-2
- SKYLIGHT (VELUX FIXED SKYLIGHT, AAMA)

- VENTILATION HOOD ABOVE
- CANOPY ABOVE
- FLOOR EDGE ABOVE
- 34"H HANDRAIL TYP., SEE SHT. 4.01 SECTIONS
- 42"H GUARDRAIL TYP., SEE SHT. 4.01 SECTIONS
- STAIR ABOVE
- SKYLIGHT ABOVE
- HVAC UNIT
- HVAC UNIT SCREEN



2 SECOND FLOOR PLAN - UNIT A
SCALE: 1/4" = 1' - 0"



1 FIRST FLOOR PLAN - UNIT A
SCALE: 1/4" = 1' - 0"

CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

110 E. 9TH STREET,
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LOS ANGELES, CALIFORNIA 90079
T 213.446.9234 F 213.232.3321

CONSULTANTS

STAMPS

FOR PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

ISSUES

MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
2	06/06/18	CITY SUBMITTAL

PROJECT NO: 18-0413

DRAWN BY: SG

CHECKED BY:

SCALE: 1/4" = 1'-0"

DATE:

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SHEET TITLE:

FLOOR PLANS - UNIT A



SHEET NUMBER

A2.01

GENERAL NOTES

- ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED WITH TAPE, PLASTIC, OR SHEET METAL UNTIL THE FINAL STARTUP OF THE HEATING, COOLING AND VENTILATING EQUIPMENT.
- BATHROOMS, WATER CLOSET COMPARTMENTS AND OTHER SIMILAR ROOMS SHALL BE PROVIDED NATURAL VENTILATION OR WITH MECHANICAL VENTILATION CAPABLE OF 50 CFM EXHAUSTED DIRECTLY TO THE OUTSIDE (R303.3)
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WALL TYPE LEGEND:

- 1 HR FIRE-RATED SEPARATION
- WOOD STUD WALL
- WOOD POST
REFER TO STRUCT DWGS.

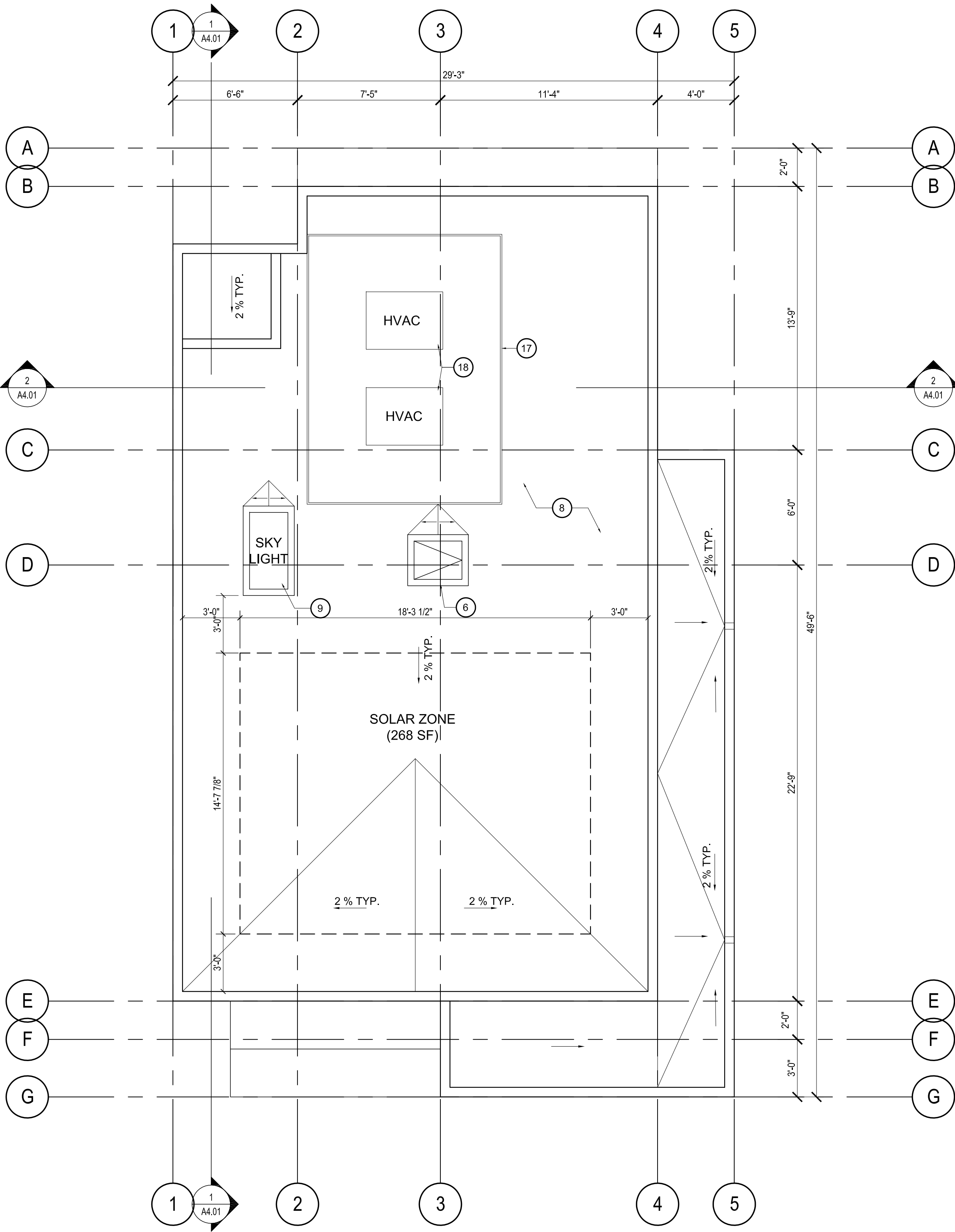
PLAN LEGEND:

- HARDWIRED SMOKE ALARM
TO BE EQUIPPED W/ A BATTERY BACKUP.
- HARDWIRED CARBON MONOXIDE ALRM
TO BE EQUIPPED W/ A BATTERY BACKUP.
- BATHROOM EXHAUST FAN (ENERGY STAR)
W/ HUMIDISTAT CONTROLLER
TO BE DUCTED TO THE EXTERIOR OF THE BUILDING.

- DOOR TYPE, SEE SHT. A5.01
DOOR QUANTITY
ROOM NUMBER
- ENLARGED DETAIL
- WINDOWS, SEE SHT. A5.01
- WALL SURFACE TO BE ALIGNED

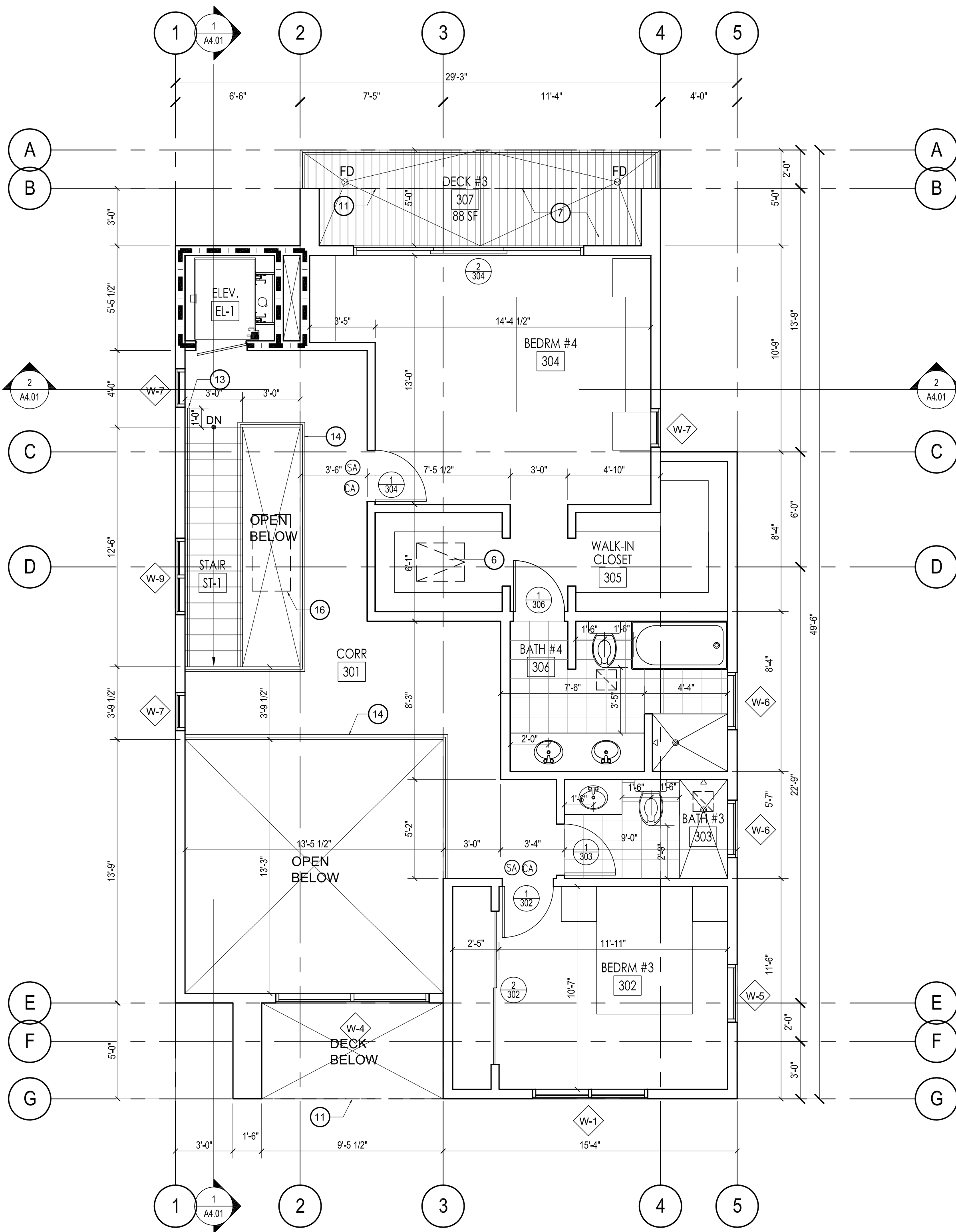
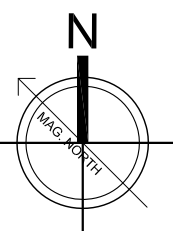
KEYNOTES:

- ELECTRIC VEHICLE SUPPLY CHARGER (EVSE)
- TANKLESS WATER HEATER
- 8'-6"W X 18'-6"D STANDARD PARKING STALL
- 7'-10"W X 15'-6"D COMPACT PARKING STALL
- BUILDING LINE ABOVE
- 24" X 30" ROOF ACCESS HATCH
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- CLASS 'A' BUILD-UP ROOFING (W/ FIRESTONE, ULTRAPLY TPO MEMBRANE, LARR# 26105, COLOR: WHITE, SRI 81), REFER TO 4.5,6/ GR-2
- SKYLIGHT (VELUX FIXED SKYLIGHT, AAMA)
- VENTILATION HOOD ABOVE
- CANOPY ABOVE
- FLOOR EDGE ABOVE
- 34"H HANDRAIL TYP., SEE SHT. 4.01 SECTIONS
- 42"H GUARDRAIL TYP., SEE SHT. 4.01 SECTIONS
- STAIR ABOVE
- SKYLIGHT ABOVE
- HVAC UNIT
- HVAC UNIT SCREEN



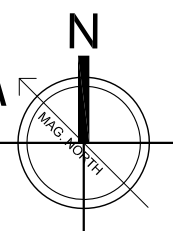
2 ROOF PLAN - UNIT A

SCALE: 1/4" = 1' - 0"



1 THIRD FLOOR PLAN - UNIT A

SCALE: 1/4" = 1' - 0"



CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

110 E. 9TH STREET,
SUITE C700-D
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CONSULTANTS

STAMPS

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ISSUES

MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
2	06/06/18	CITY SUBMITTAL

PROJECT NO: 18-0413

DRAWN BY: SG

CHECKED BY:

SCALE: 1/4" = 1'-0"

DATE:

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SHEET TITLE:

FLOOR PLANS - UNIT A



SHEET NUMBER

A2.02

GENERAL NOTES

- ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED WITH TAPE, PLASTIC, OR SHEET METAL UNTIL THE FINAL STARTUP OF THE HEATING, COOLING AND VENTILATING EQUIPMENT.
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WALL TYPE LEGEND:

- 1 HR FIRE-RATED SEPARATION
- WOOD STUD WALL
- WOOD POST
REFER TO STRUCT DWGS.

PLAN LEGEND:

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TO BE EQUIPPED W/ A BATTERY BACKUP.
- BATHROOM EXHAUST FAN (ENERGY STAR)
W/ HUMIDISTAT CONTROLLER
TO BE DUCTED TO THE EXTERIOR OF THE BUILDING.

- DOOR TYPE, SEE SHT. A5.01
DOOR QUANTITY
ROOM NUMBER
- ENLARGED DETAIL
- WINDOWS, SEE SHT. A5.01
- WALL SURFACE TO BE ALIGNED

KEYNOTES:

- ELECTRIC VEHICLE SUPPLY CHARGER (EVSE)
- TANKLESS WATER HEATER
- 8'-6W X 18'-6"D STANDARD PARKING STALL
- 7'-10"W X 15'-6"D COMPACT PARKING STALL
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- VENTILATION HOOD ABOVE
- CANOPY ABOVE
- FLOOR EDGE ABOVE
- 34"H HANDRAIL TYP., SEE SHT. 4.01 SECTIONS
- 42"H GUARDRAIL TYP., SEE SHT. 4.01 SECTIONS
- STAIR ABOVE
- SKYLIGHT ABOVE
- HVAC UNIT
- HVAC UNIT SCREEN

CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

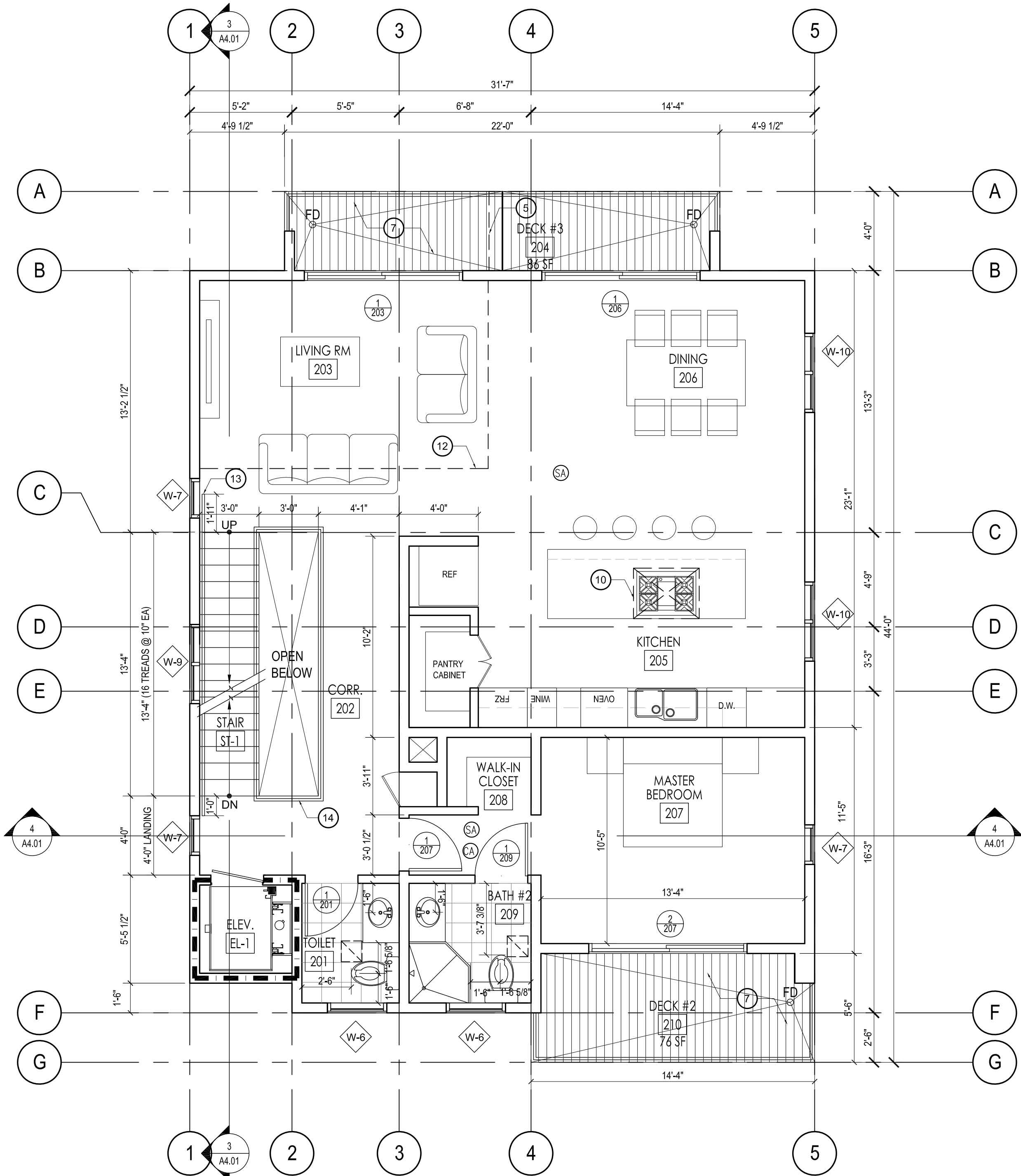
2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

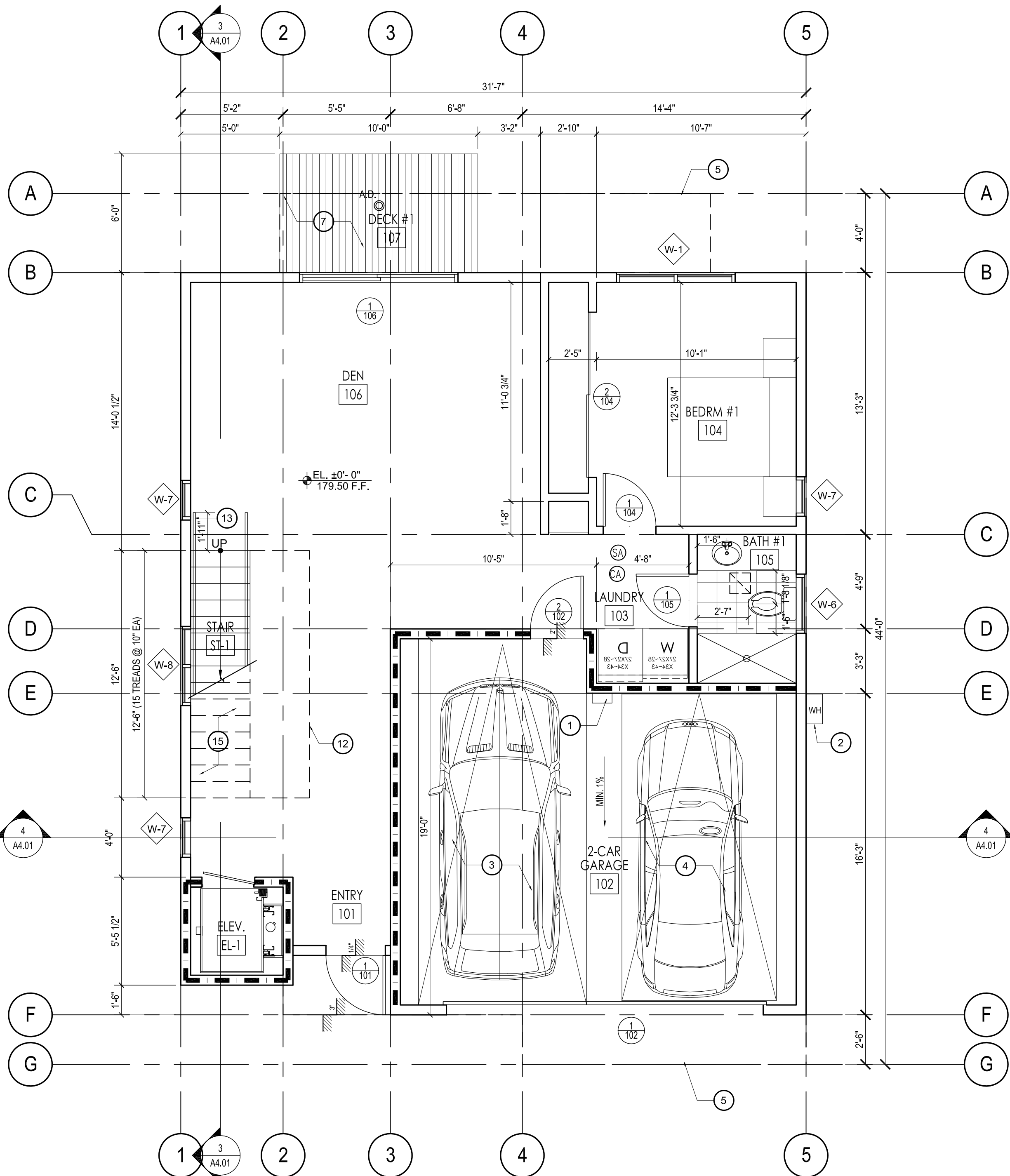
110 E. 9TH STREET,
SUITE C700-D
LOS ANGELES, CALIFORNIA 90079
T 213.446.9234 F 213.232.3321

CONSULTANTS



2 SECOND FLOOR PLAN - UNIT B

SCALE: 1/4" = 1'-0"



1 FIRST FLOOR PLAN - UNIT B

SCALE: 1/4" = 1'-0"

STAMPS

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MARK	DATE	DESCRIPTION
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PROJECT NO: 18-0413

DRAWN BY: SG

CHECKED BY:

SCALE: 1/4" = 1'-0"

DATE:

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SHEET TITLE:

FLOOR PLANS - UNIT B



SHEET NUMBER

A2.03

GENERAL NOTES

- ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED WITH TAPE, PLASTIC, OR SHEET METAL UNTIL THE FINAL STARTUP OF THE HEATING, COOLING AND VENTILATING EQUIPMENT.
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WALL TYPE LEGEND:

- 1 HR FIRE-RATED SEPARATION
- WOOD STUD WALL
- WOOD POST
REFER TO STRUCT DWGS.

PLAN LEGEND:

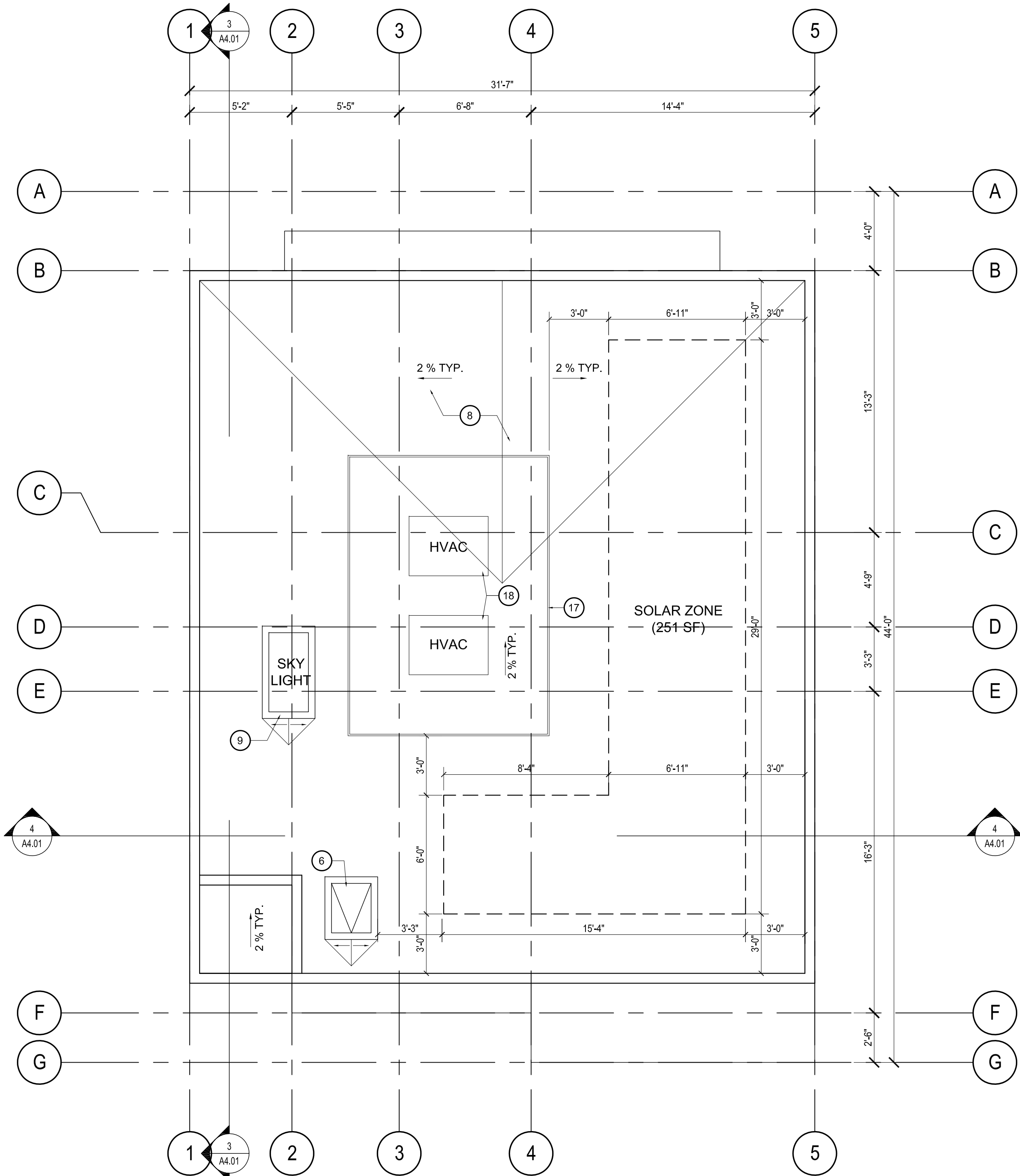
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TO BE EQUIPPED W/ A BATTERY BACKUP.
- HARDWIRED CARBON MONOXIDE ALRM
TO BE EQUIPPED W/ A BATTERY BACKUP.
- BATHROOM EXHAUST FAN (ENERGY STAR)
W/ HUMIDISTAT CONTROLLER
TO BE DUCTED TO THE EXTERIOR OF THE BUILDING.

- DOOR TYPE, SEE SHT. A5.01
DOOR QUANTITY
ROOM NUMBER
- ENLARGED DETAIL
- WINDOWS, SEE SHT. A5.01
- WALL SURFACE TO BE ALIGNED

KEYNOTES:

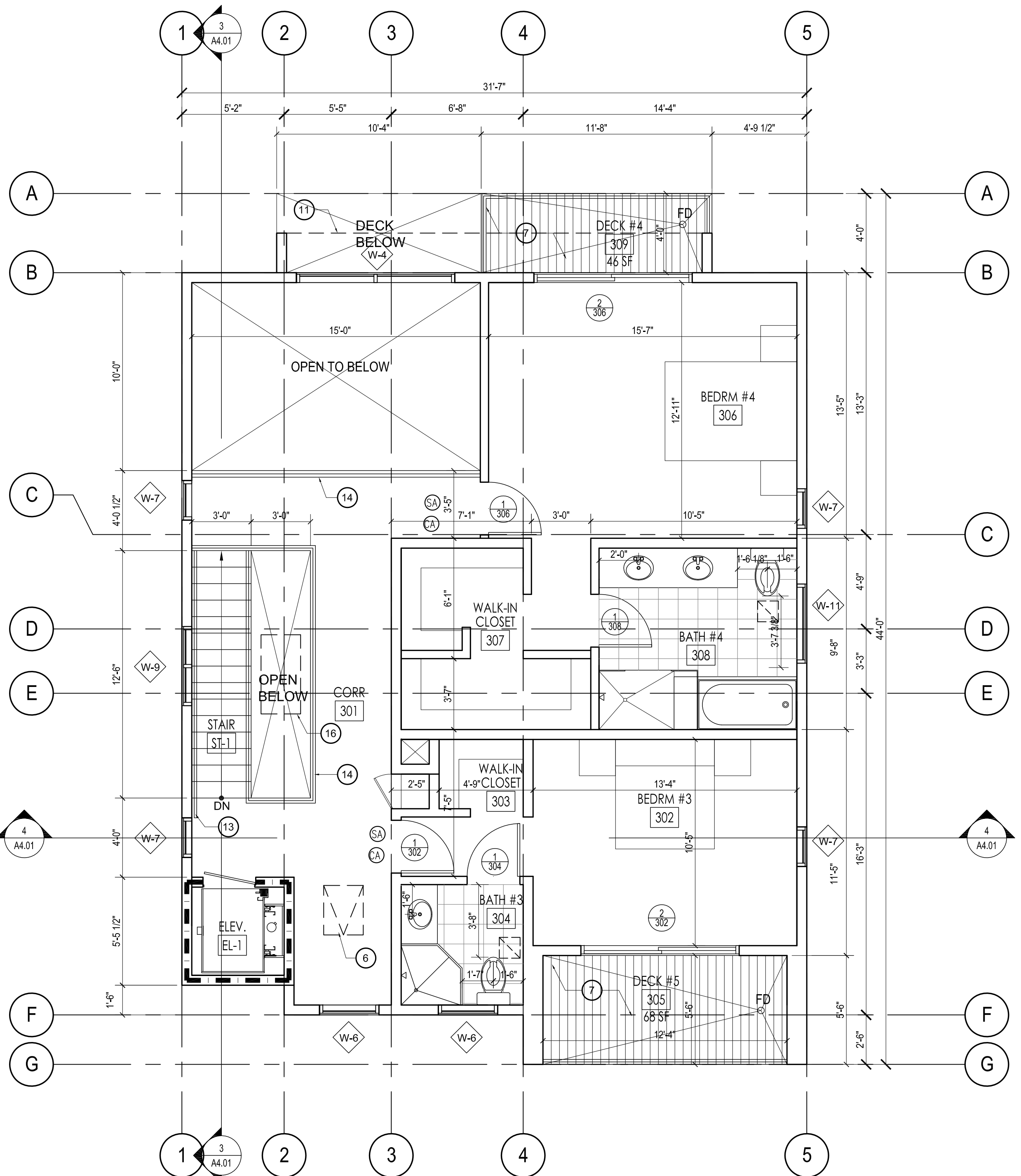
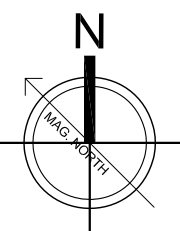
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- TANKLESS WATER HEATER
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- VENTILATION HOOD ABOVE
- CANOPY ABOVE
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- 34"H HANDRAIL TYP., SEE SHT. 4.01 SECTIONS
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- STAIR ABOVE
- SKYLIGHT ABOVE
- HVAC UNIT
- HVAC UNIT SCREEN



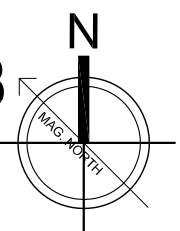
2 ROOF PLAN - UNIT B

SCALE: 1/4" = 1' - 0"



1 THIRD FLOOR PLAN - UNIT B

SCALE: 1/4" = 1' - 0"



CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

110 E. 9TH STREET,
SUITE C700-D
LOS ANGELES, CALIFORNIA 90079
T 213.446.9234 F 213.232.3321

CONSULTANTS

STAMPS

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MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
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PROJECT NO: 18-0413

DRAWN BY: SG

CHECKED BY:

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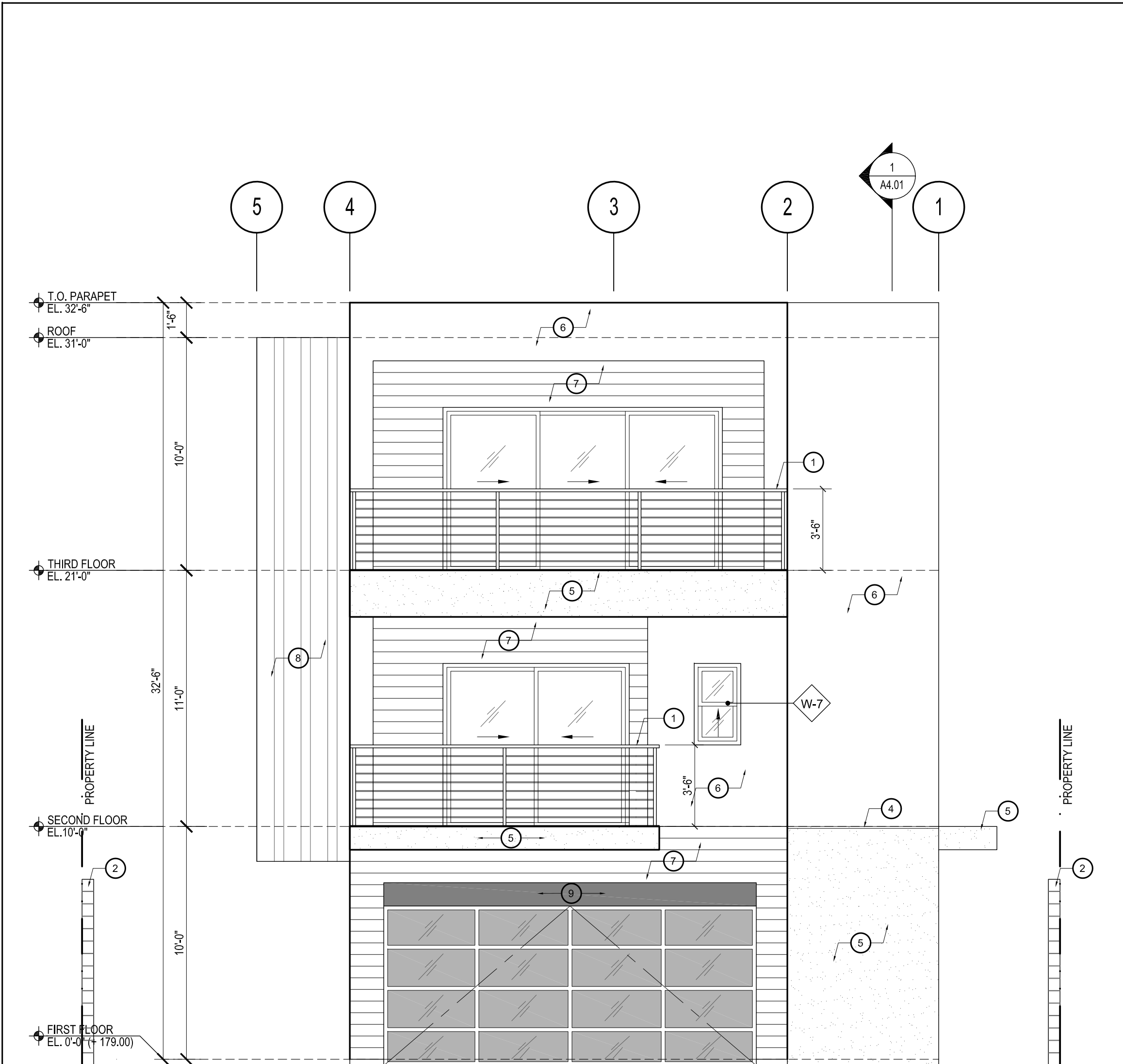
SHEET TITLE:

FLOOR PLANS - UNIT B

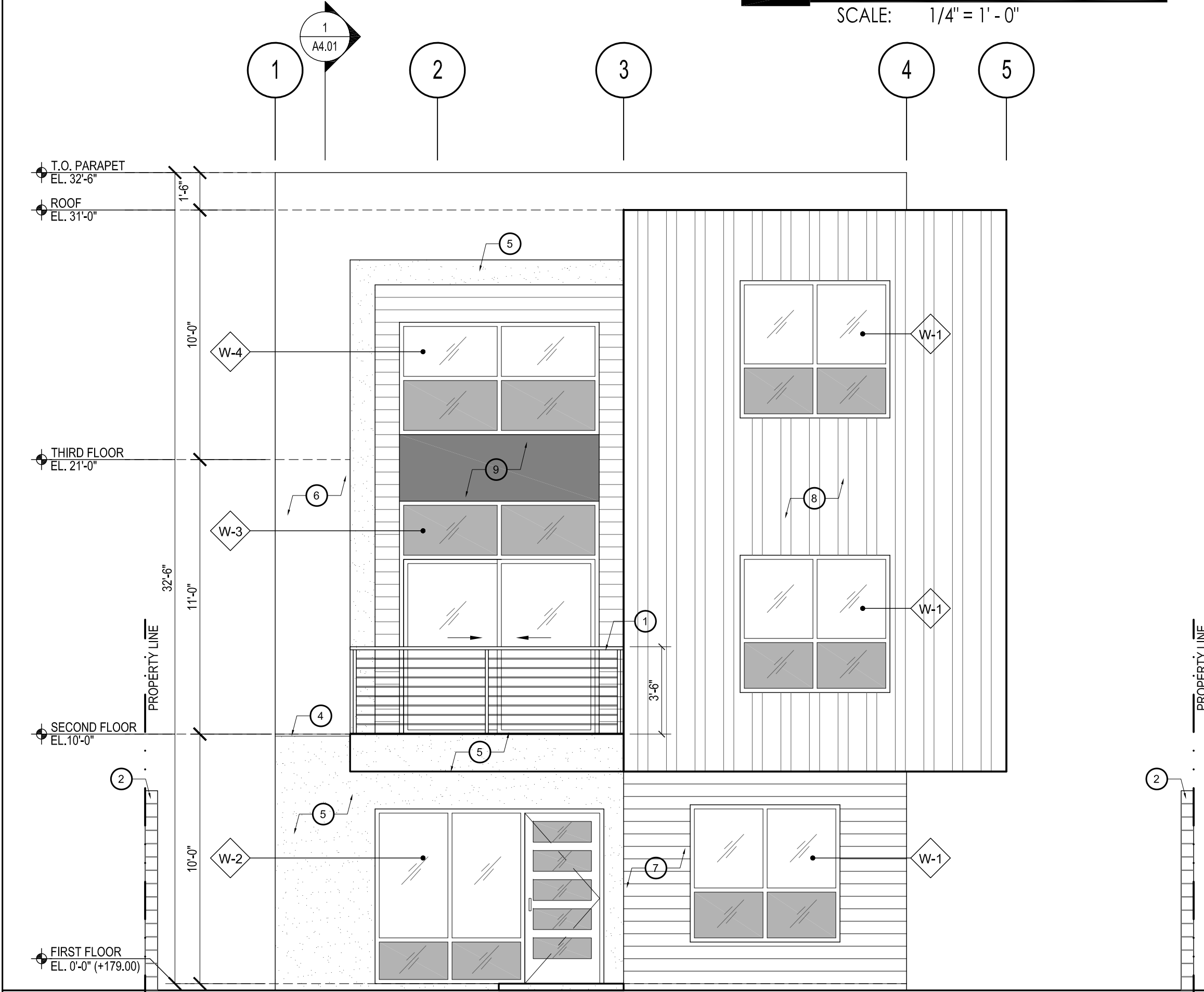


SHEET NUMBER

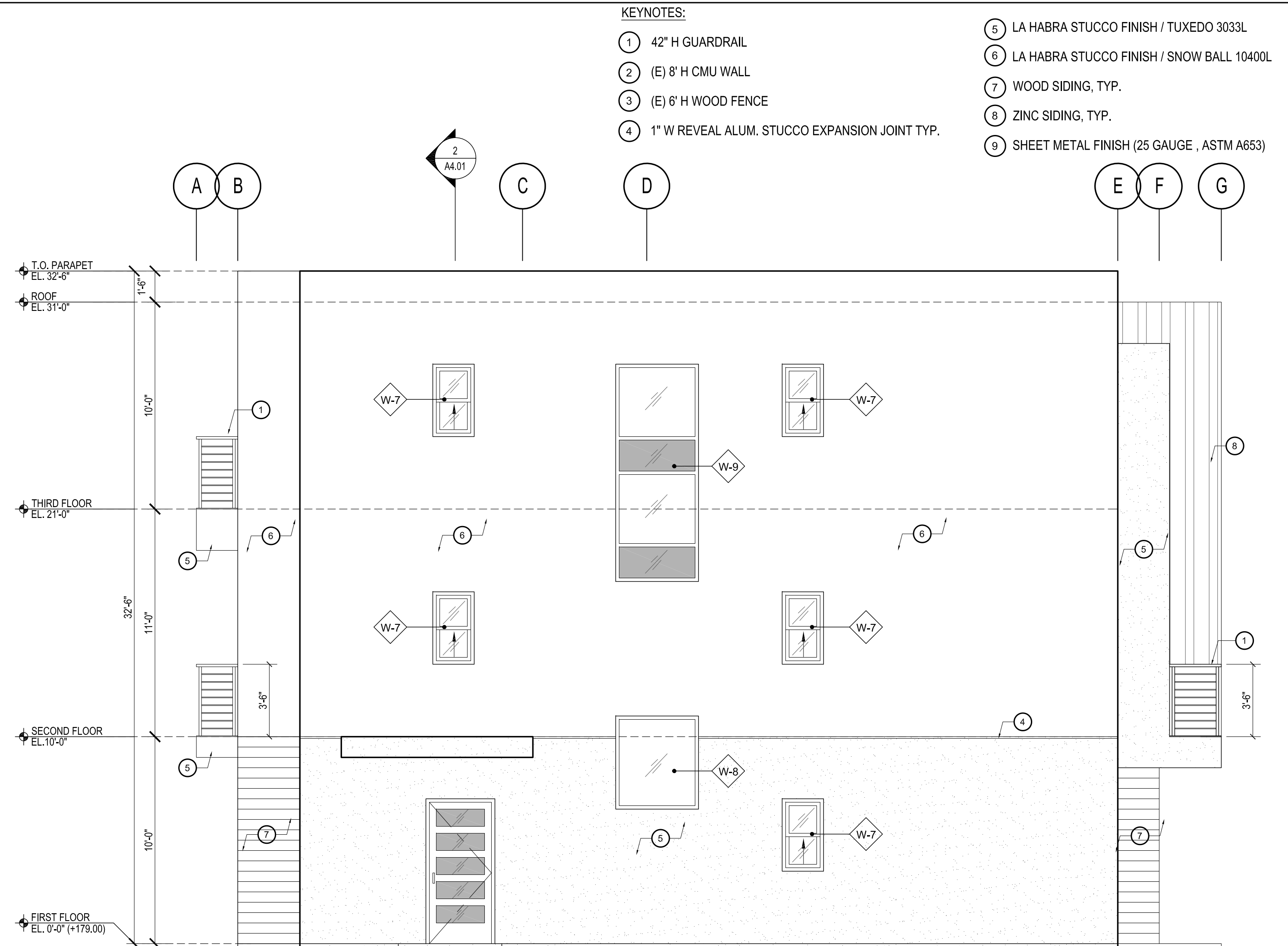
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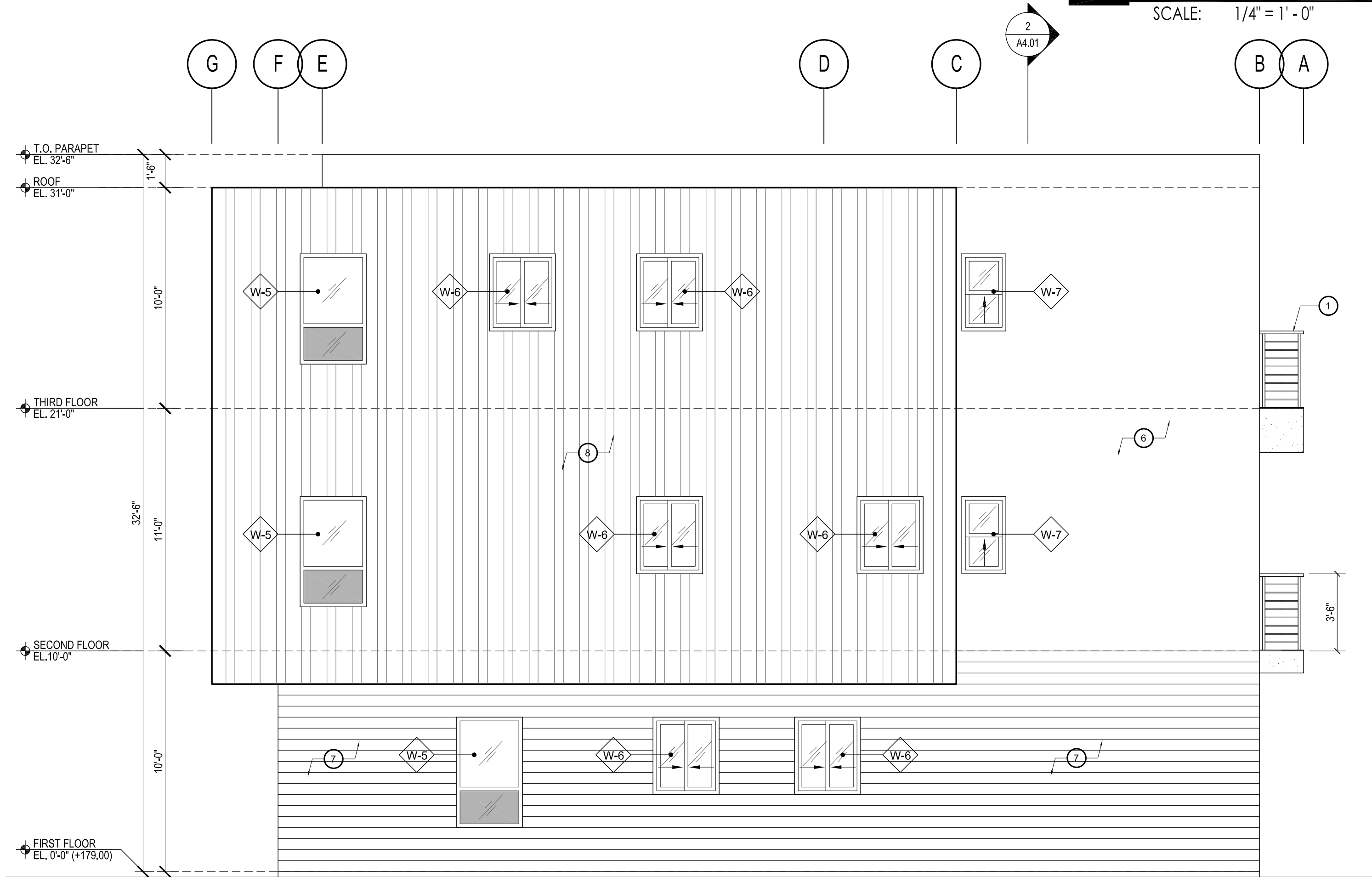
4 NORTH ELEVATION - UNIT A
SCALE: 1/4" = 1' - 0"



3 SOUTH ELEVATION - UNIT A
SCALE: 1/4" = 1' - 0"



2 WEST ELEVATION - UNIT A
SCALE: 1/4" = 1' - 0"



1 EAST ELEVATION - UNIT A
SCALE: 1/4" = 1' - 0"

- KEYNOTES:
- 1 42" H GUARDRAIL
 - 2 (E) 8' H CMU WALL
 - 3 (E) 6' H WOOD FENCE
 - 4 1" W REVEAL ALUM. STUCCO EXPANSION JOINT TYP.
 - 5 LA HABRA STUCCO FINISH / TUXEDO 3033L
 - 6 LA HABRA STUCCO FINISH / SNOW BALL 10400L
 - 7 WOOD SIDING, TYP.
 - 8 ZINC SIDING, TYP.
 - 9 SHEET METAL FINISH (25 GAUGE , ASTM A653)

CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

110 E. 9TH STREET,
SUITE C700-D
LOS ANGELES, CALIFORNIA 90079
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CONSULTANTS

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ISSUES

MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
2	06/06/18	CITY SUBMITTAL

PROJECT NO: 18-0413

DRAWN BY: HC

CHECKED BY: TC

SCALE: 1/4" = 1'-0"

DATE:

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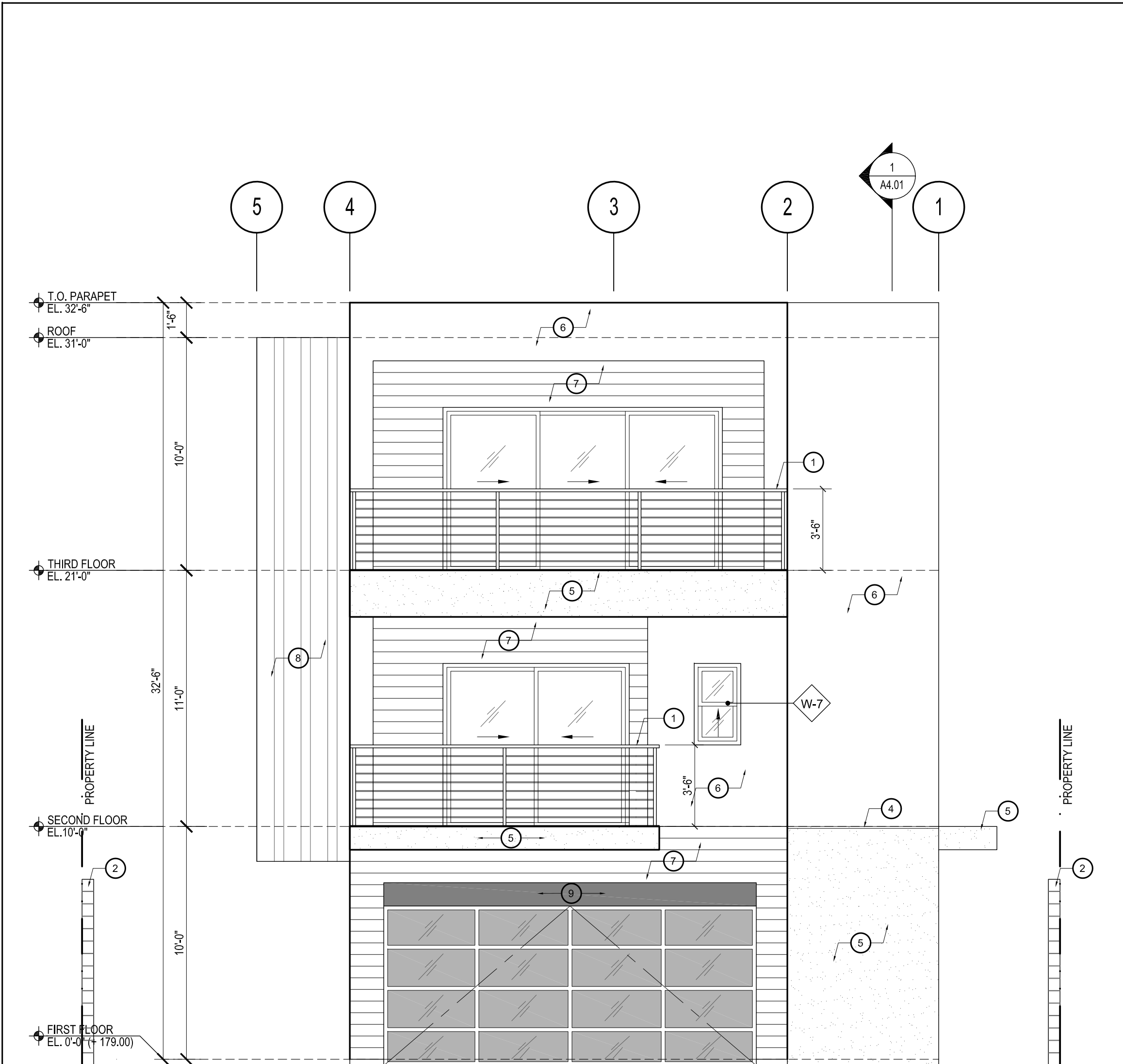
SHEET TITLE:

**EXTERIOR ELEVATIONS
- UNIT A**

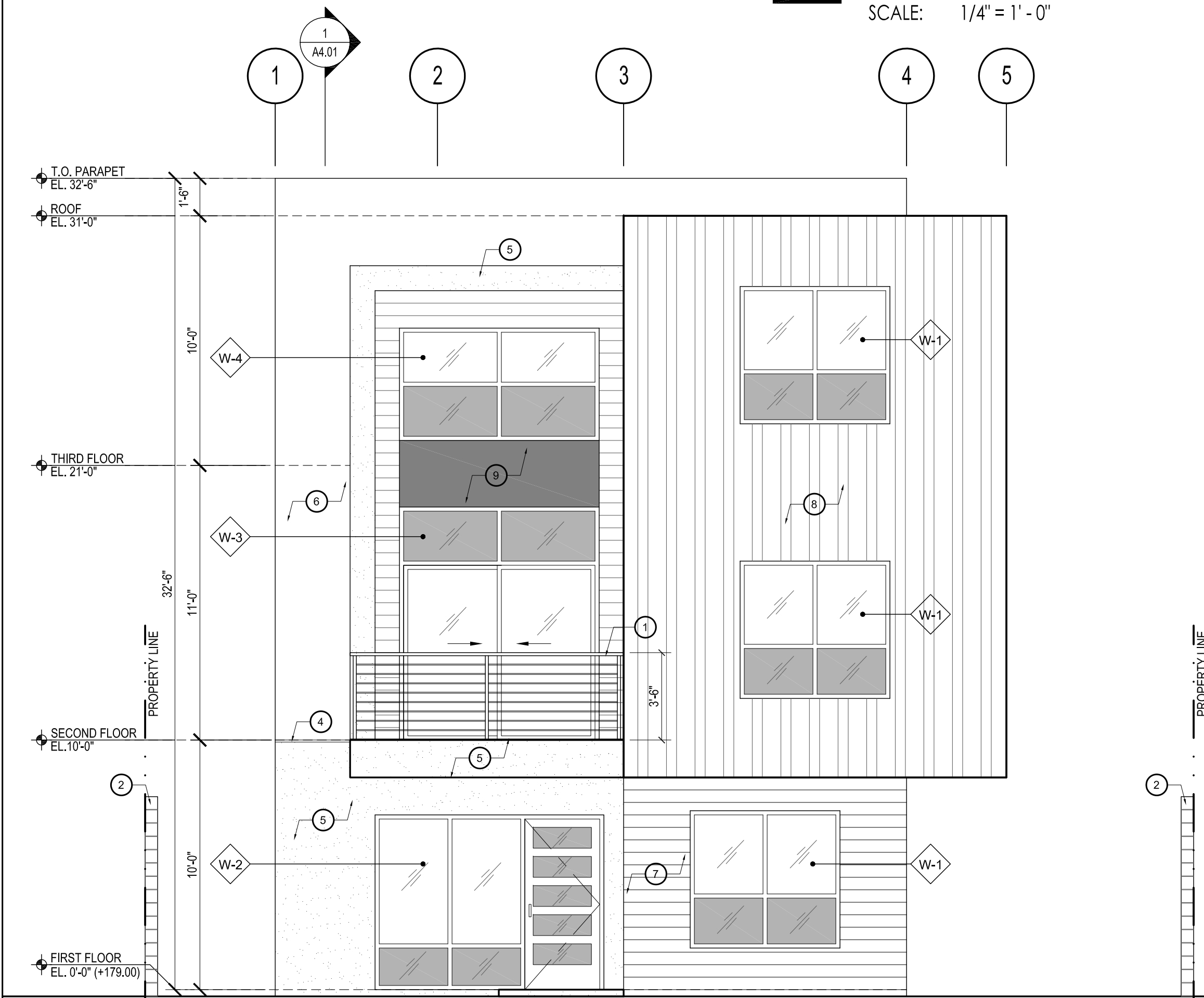


SHEET NUMBER

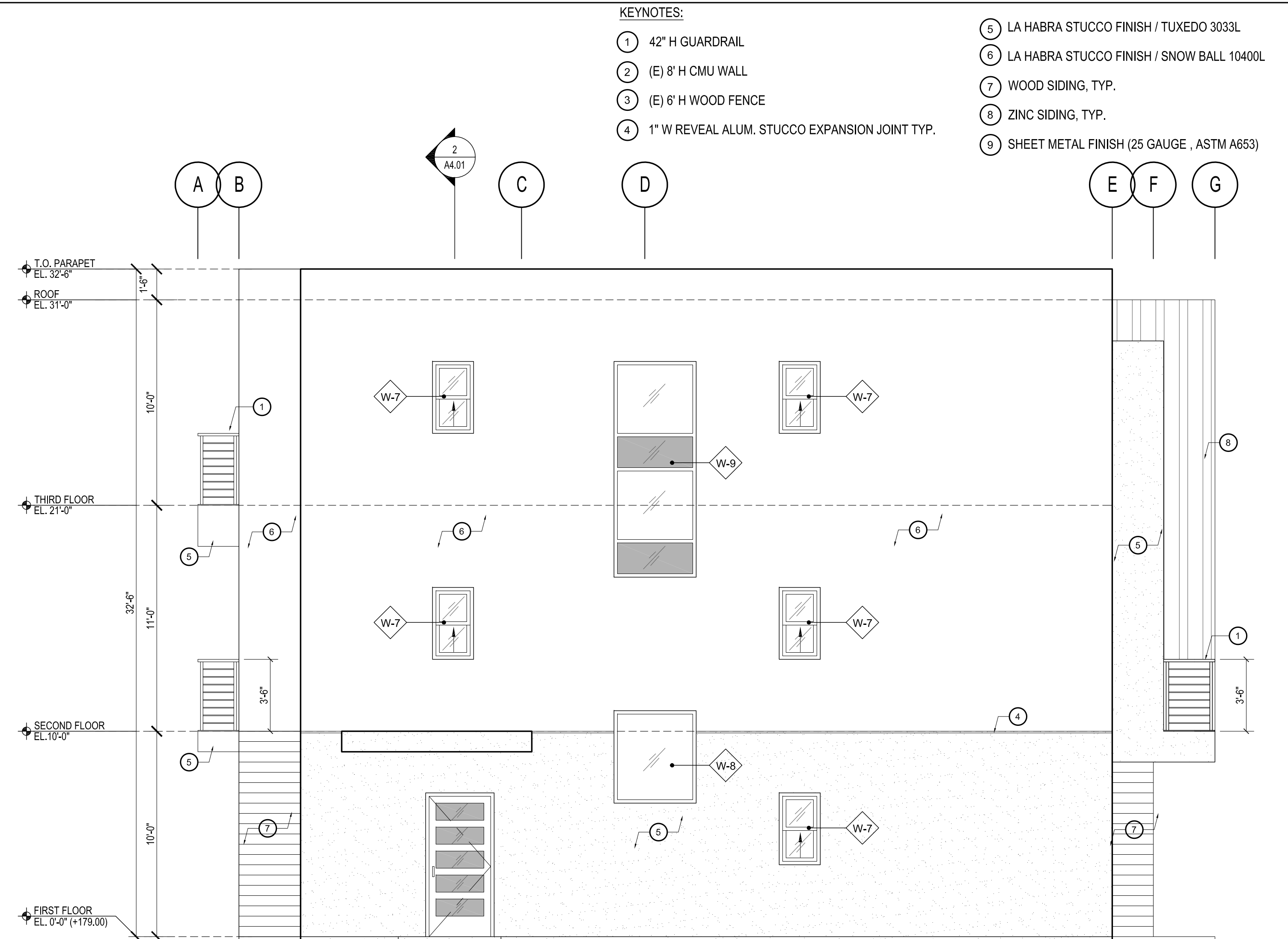
A3.01



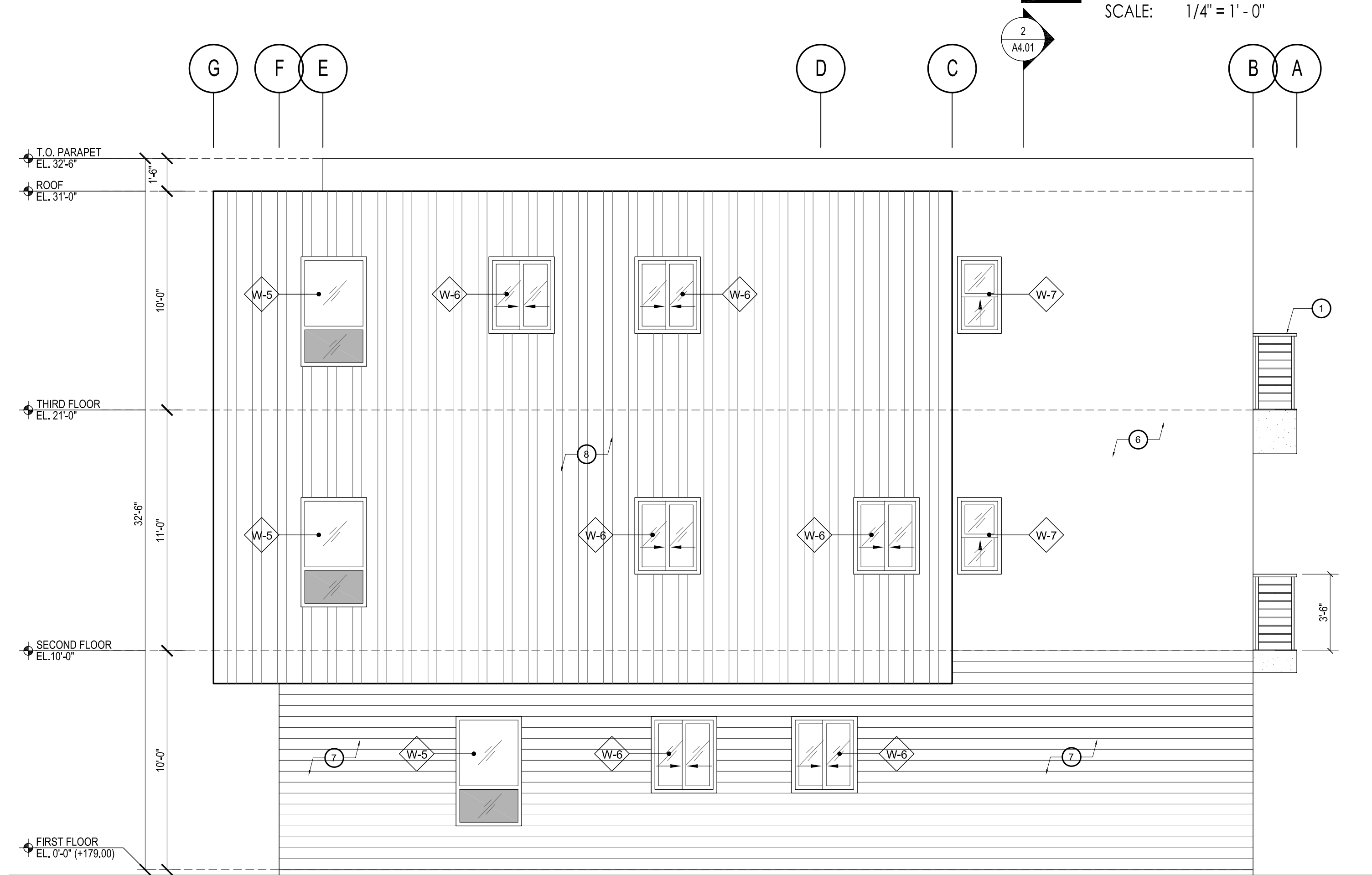
4 NORTH ELEVATION - UNIT B
SCALE: 1/4" = 1' - 0"



3 SOUTH ELEVATION - UNIT B
SCALE: 1/4" = 1' - 0"



2 WEST ELEVATION - UNIT B
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 - 9 SHEET METAL FINISH (25 GAUGE / ASTM A653)

CLIENT

RAMIN SOOFER

PROJECT NAME

2110 BARRY DUPLEX

2110 S. BARRY AVE.
LOS ANGELES, CALIFORNIA 90025

ARCHITECT

FOREARCHITECTS

110 E. 9TH STREET,
SUITE C700-D
LOS ANGELES, CALIFORNIA 90079
T 213.446.9234 F 213.232.3321

CONSULTANTS

STAMPS

FOR PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

ISSUES

MARK	DATE	DESCRIPTION
1	04/27/18	CLIENT REVIEW
2	06/06/18	CITY SUBMITTAL

PROJECT NO: 18-0413

DRAWN BY: HC

CHECKED BY: TC

SCALE: 1/4" = 1'-0"

DATE:

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SHEET TITLE:

**EXTERIOR ELEVATIONS
- UNIT B**



SHEET NUMBER

A3.02

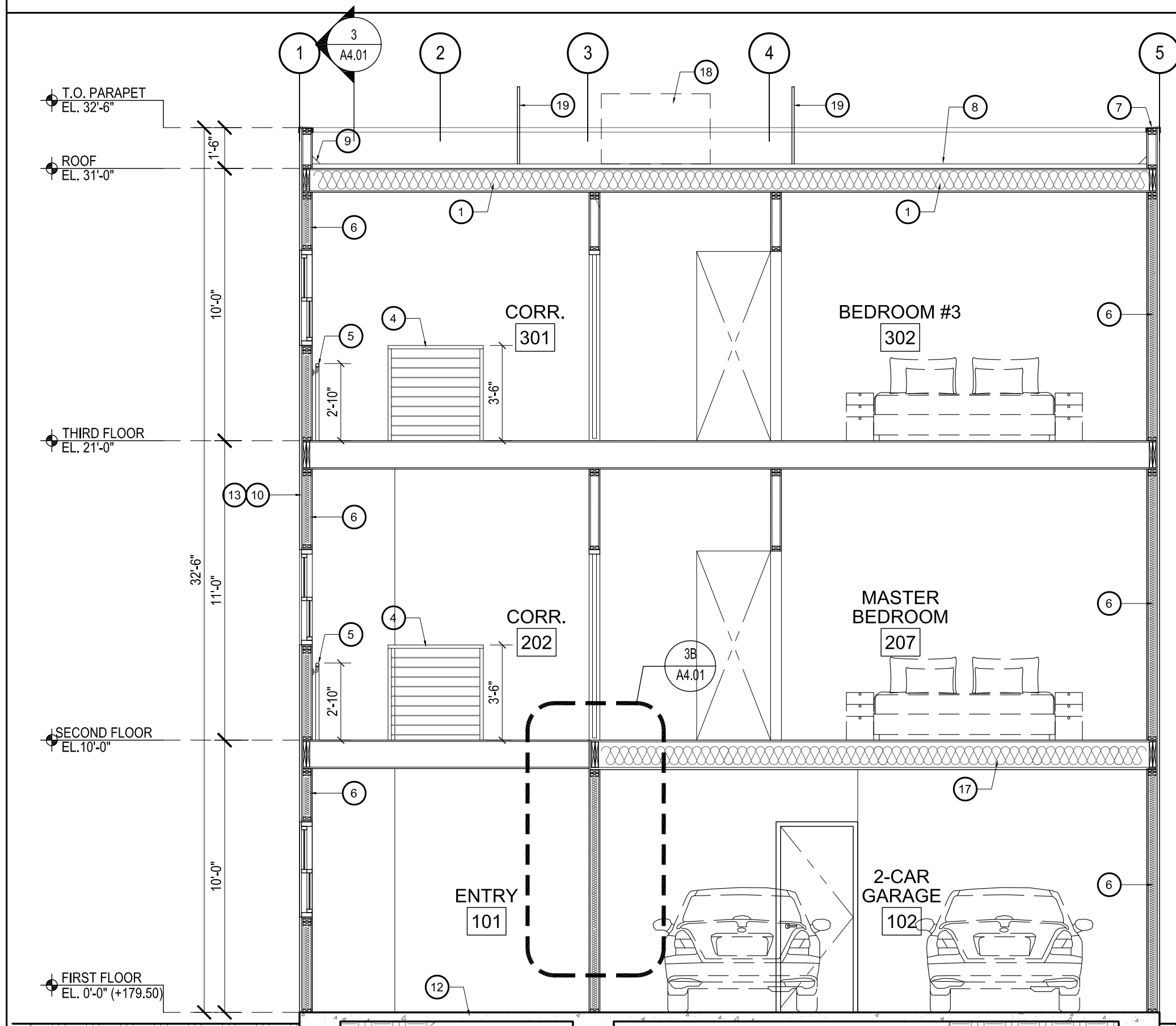
KEYNOTES:

- 1 R-30 FACED BATTS INSULATION TYP.
2 3/4" THK FIRE-RETARDANT-TREATED PLYWOOD
3 1" THK TYPE 'X' GYB.
4 42" H GUARDRAIL SYSTEM, SEE DETAILS
5 34" H HANDRAIL SYSTEM, SEE DETAILS

- 6 R-21 BATTS INSULATION TYP.
7 25GA GLAV. SHT MTL. COPING
8 CLASS 'A' BUILT-UP ROOFING SYSTEM
9 4" CANT STRIP
10 7/8" STUCCO FIN. TYP. O/ METAL LATH
11 2X BLOCKING

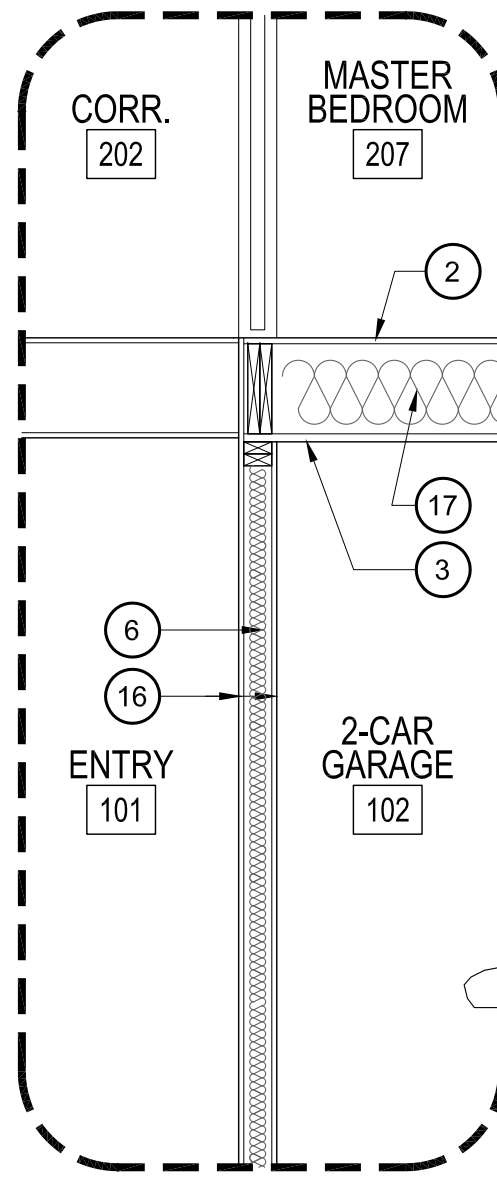
- 12 CONC. SLAB, REFER TO STRUCTURAL DWGS.
13 (2) LAYER OF GRADE 'D' BUILDING PAPER
14 1/2" PLYWOOD
15 GARAGE DOOR SYSTEM, SEE DOOR SCHEDULE
16 5/8" THK. TYPE 'X' GYB.
17 R-19 BATTS INSULATION TYP.

- 18 HVAC UNIT
19 HVAC UNIT SCREEN ENCLOSURE



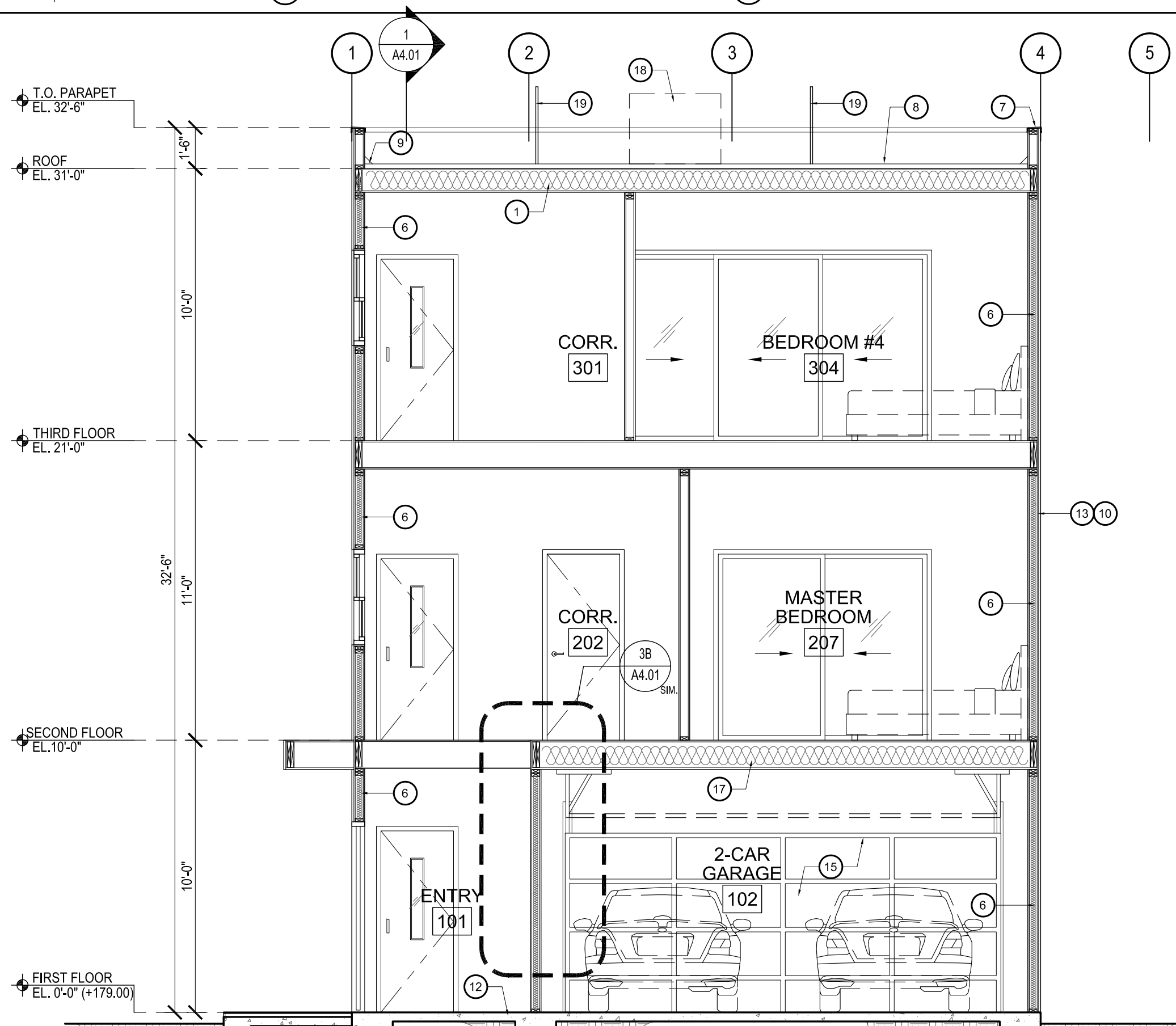
4 SECTION - UNIT B

SCALE: 1/4" = 1' - 0"



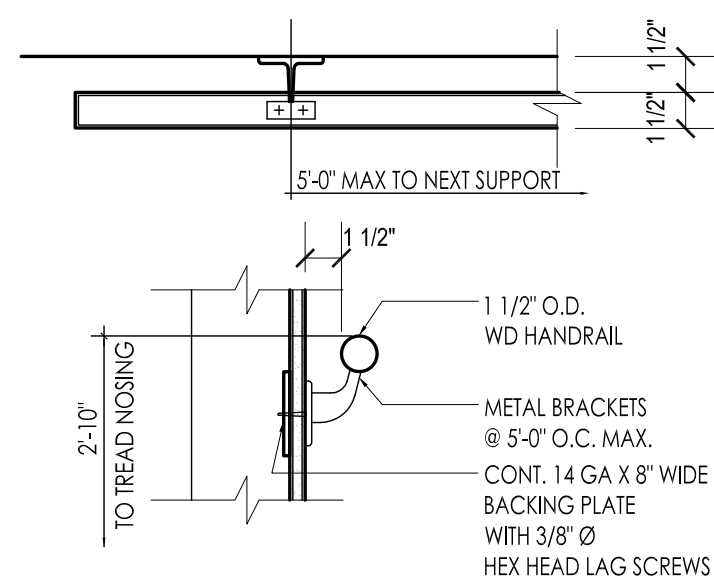
3B DETAIL 1HR FIRE RATED SEPARATION

SCALE: 1/2" = 1' - 0"



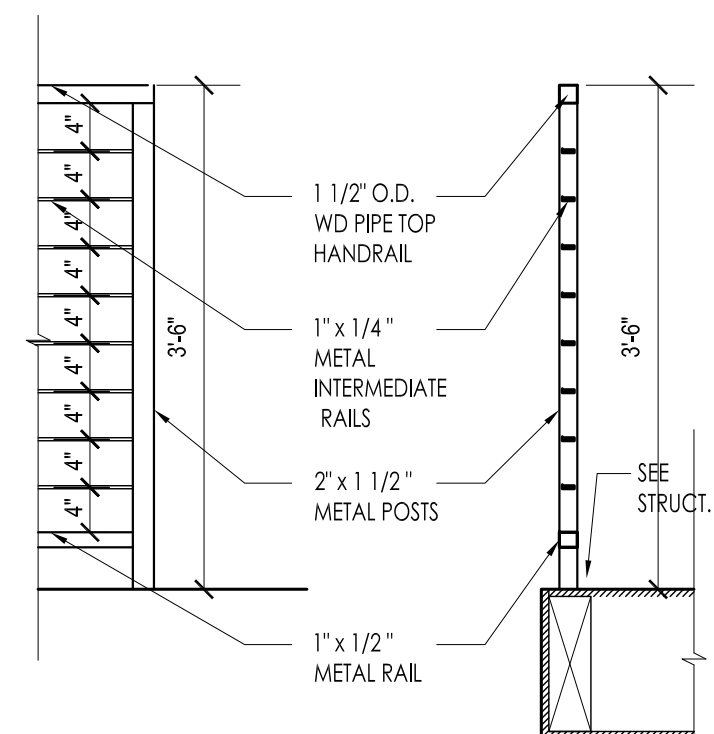
2 SECTION - UNIT A

SCALE: 1/4" = 1' - 0"



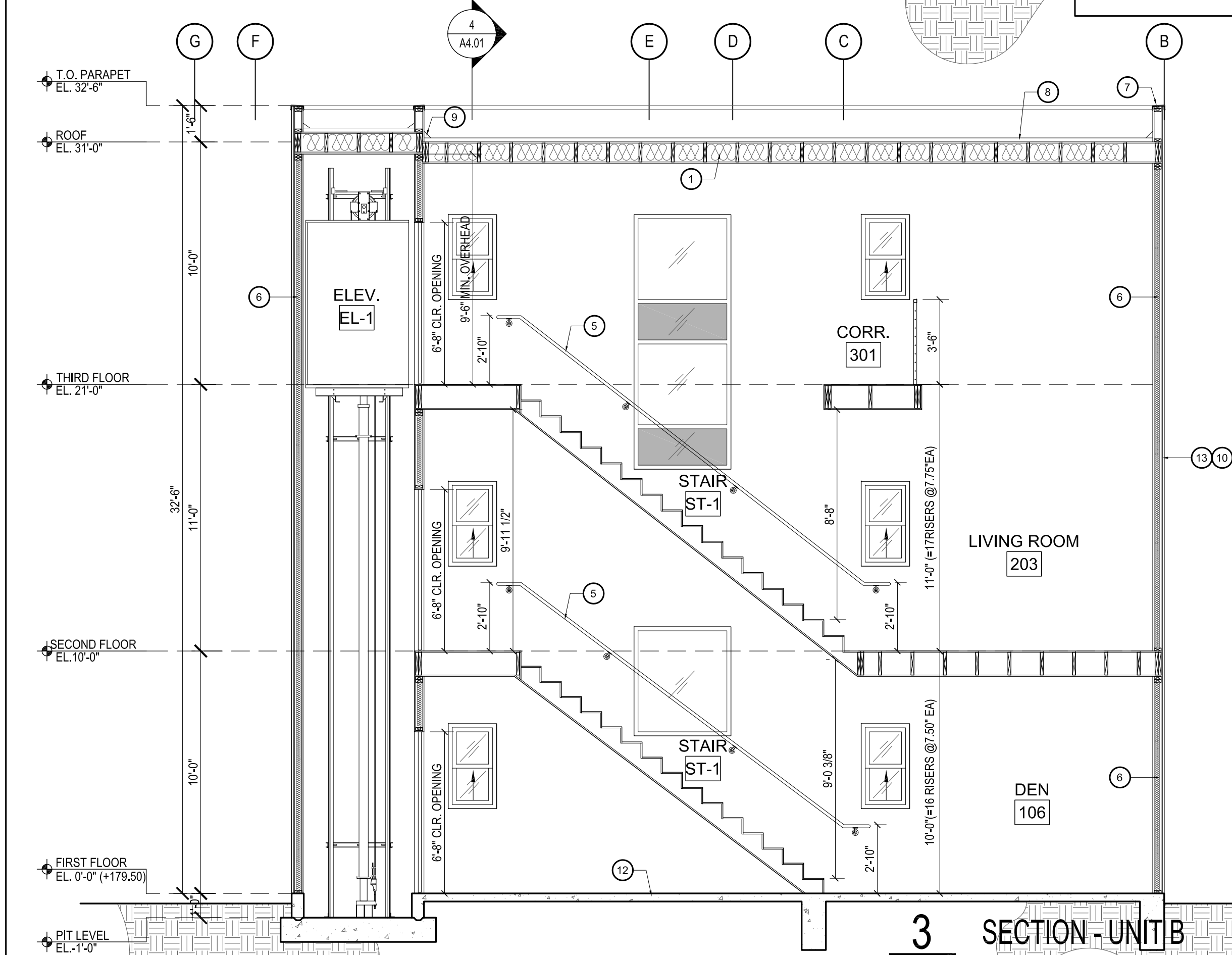
1C DETAIL WALL MOUNTED HANDRAIL

SCALE: 1-1/2" = 1' - 0"



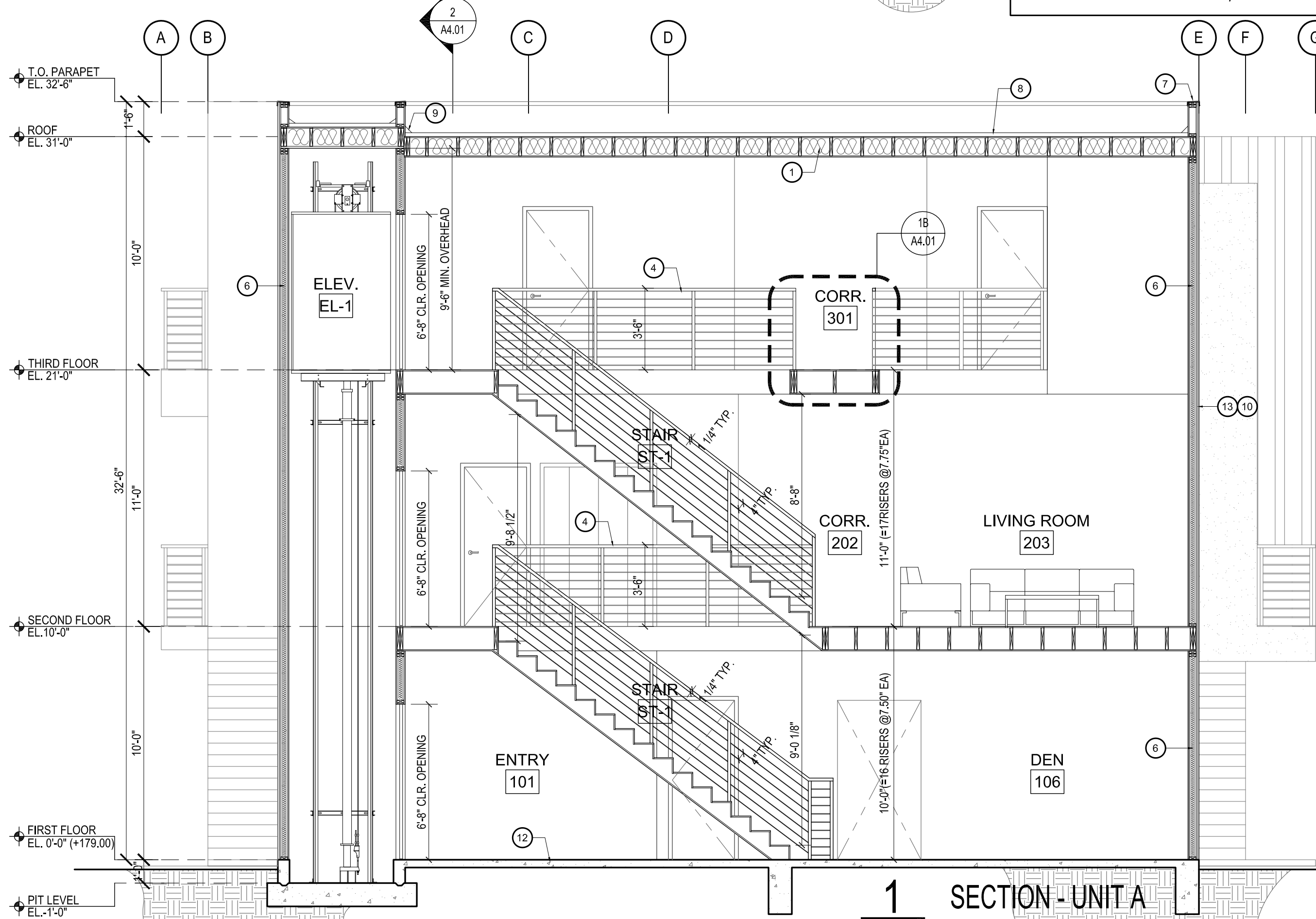
1B DETAIL - GUARDRAIL

SCALE: 3/4" = 1' - 0"



3 SECTION - UNIT B

SCALE: 1/4" = 1' - 0"



1 SECTION - UNIT A

SCALE: 1/4" = 1' - 0"

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SHEET TITLE:

BUILDING SECTIONS



SHEET NUMBER

A4.01

PROPOSED WINDOW SCHEDULE											
SYMBOL	FRAME				DETAIL				OPER.	GLAZING	REMARKS
	MATL	FINISH	DEPTH	WIDTH	HEAD	JAMB	SILL	CORNER			
W-1	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-2	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-3	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-4	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-5	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-6	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	SLIDING	1/4" TEMPERED	
W-7	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	SINGLE HUNG	1/4" TEMPERED	
W-8	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-9	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-10	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	FIXED	1/4" TEMPERED	
W-11	ALUM	ANOD.	5"	2 1/4"	-	-	-	-	SLIDING	1/4" TEMPERED	

GENERAL NOTES:

1. PROVIDE MINIMUM 24" CLEAR HEIGHT, 20" CLEAR WIDTH, 5.7SF MINIMUM AREA (5.0 SF AT GRADE LEVEL) & 44" MAXIMUM TO SILL FOR EMERGENCY EGRESS FROM SLEEPING ROOMS. (R310.2.1)

Flashing Flange-Type Windows

1. Cut modified "H" in housewrap.
2. Install pan flashing and sealant.
3. Install window and side flashings.
4. Apply Head Flashing.
5. Tape cuts over head flashing.

Make angle cuts at corners and fold up flap.
Sealant along head and sides only.
Patch corners.
Use moldable flashing, or cut and fold to form sill pan.
Seal tape to sheathing.
Peel-and-stick flashing tape.

TYPICAL FLASHING DETAIL

PROPOSED DOOR SCHEDULE														
REMARKS	ROOM	DOOR						LABEL (RATING IN MINS)	FRAME			GLAZING	REMARKS	
		TYPE	WIDTH	HEIGHT	THICKNESS	MATERIAL	FINISH		MATL	FINISH	RATING			
UNIT A														
101-1	ENTRY	B	3'-0"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	SOLID CORE / THRESHOLD	
102-1	2-CAR GARAGE	A	16'-4"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	SOLID CORE	
102-2	2-CAR GARAGE	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN			SOLID CORE / THRESHOLD	
103-1	LAUNDRY	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
104-1	BEDROOM #1	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
104-2	BEDROOM #1	D	6'-5"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
105-1	BATH #1	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
106-1	DEN	B	3'-0"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	THRESHOLD	
201-1	TOILET	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
203-1	LIVING ROOM	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
207-1	MASTER BEDROOM	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
207-2	MASTER BEDROOM	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
209-1	BATH #2	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
302-1	BEDROOM #3	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
302-2	BEDROOM #3	D	8'-0"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
303-1	BATH #3	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
304-1	BEDROOM #4	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
304-2	BEDROOM #4	F	11'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
306-1	BATH #4	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
UNIT B														
101-1	ENTRY	B	3'-0"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	SOLID CORE / THRESHOLD	
102-1	2-CAR GARAGE	A	16'-4"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	SOLID CORE	
102-2	2-CAR GARAGE	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN			SOLID CORE / THRESHOLD	
104-1	BEDROOM #1	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
104-2	BEDROOM #1	D	8'-4"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
105-1	BATH #1	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
106-1	DEN	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED	THRESHOLD	
201-1	TOILET	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
203-1	LIVING ROOM	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
206-1	DINING	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
207-1	MASTER BEDROOM	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
207-2	MASTER BEDROOM	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
209-1	BATH #2	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
302-1	BEDROOM #3	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
302-2	BEDROOM #3	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
304-1	BATH #3	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
306-1	BEDROOM #4	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
306-2	BEDROOM #4	E	7'-8"	7'-0"	1 3/4"	GLASS & ALUM	ANOD.	-	ALUM	ANOD.		1/4" TEMPERED		
308-1	BATH #4	C	2'-8"	6'-8"	1 3/4"	WOOD	CL STAIN	-	WD	CL STAIN				
GENERAL NOTES: 1. REFER TO DOOR TAG IN FLOOR PLANS FOR NEW DOORS IDENTIFICATION 2. PROVIDE HALF-DORM DOOR STOP FOR ALL NEW DOORS 3. SUBMIT LATCH PRODUCT SAMPLES TO ARCHITECT PRIOR TO INSTALLATION 4. REQUEST AND PREPARE CONFERENCE WITH THE GC, DOOR HARDWARE INSTALLER THE OWNER AND ARCHITECT TO IDENTIFYING KEYING SCHEME AND DOCUMENT PRIOR TO INSTALLATION 5. DOOR HARDWARE CONTRACTOR SHALL FURNISH THE COMPLETE DOOR/HARDWARE SCHEDULE FOR EACH DOOR WITH THE EQUIVALENT OR BETTER PRODUCT AS LISTED AND SUBMIT TO ARCHITECT FOR APPROVAL. 6. TYPICAL DOOR NUMBERING ITEMS ARE NOT IDENTIFIED RIGHT HAND SWING OR LEFT HAND SWING 7. HANDLES, PULLS, LATCHES, LOCKS AND OTHER OPERATING PARTS ON DOORS AND GATES HAVE A SHAPE THAT IS OPERABLE WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING OR TWISTING OF THE WRIST 8. THE FORCE REQUIRED TO ACTIVATE THE OPERABLE PARTS ON DOORS AND GATES IS 5LB MAXIMUM														
<														

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SHEET TITLE:		
WINDOW & DOOR SCHEDULE		
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A5.01		
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LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90405
(310) 260-6016

March 10, 2021

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attention: Commission Executive Assistant

Re: Case No. ZA-2020-1441-ZAA-1A // CEQA No. ENV-2020-1442-CE
2110 South Barry Avenue

Honorable Commissioners:

I am a resident of the neighborhood where the proposed project at 2110 South Barry Avenue (the “Project”) is located. I support the Appeal of the Zoning Administrator’s Adjustment and I respectfully request that this Commission grant the appeal and deny the proposed adjustment.

INTRODUCTION.

The Project site is a level, rectangular-shaped, interior, 6,194.6 square-foot parcel with a depth of 147.5-feet and a substandard 42- foot frontage/width on Barry Avenue. The Project proposes the construction of two, three-story condominium units at a maximum height of 32 ft., 5-in.

The Zoning Administrator’s Adjustment.

On December 8, 2020, Associate Zoning Administrator, Charles Rausch approved a Zoning Administrator’s Adjustment for the Project. The Project was found to be subject to LAMC §12.09 C.2, which references LAMC §12.08 C.2. Compliance with these zoning statutes mandates side yards of six feet, two inches at the Project site.

ZA Rausch found that the Project site characteristics make strict adherence to the zoning regulations impractical or infeasible. He thereafter approved a Zoning Administrator’s Adjustment from LAMC §12.09 C.2 to permit reduced northwesterly and southeasterly side yards of five feet, two inches, in lieu of the six feet, two inches otherwise required.

Appellant’s Contentions.

The Appellant resides in a 1-story home immediately adjacent to the Project site. She notes that no 3-story homes have been built on her block. She challenges the adjustment and its finding that the Project site characteristics make strict adherence to the zoning regulations impractical or infeasible.

THE ZONING ADMINISTRATOR'S DETERMINATION FAILS TO COMPLY WITH THE LOS ANGELES MUNICIPAL CODE REGARDING ADJUSTMENTS.

Under Los Angeles Municipal Code §12.28.C (4), an adjustment may not be granted unless all the following findings are made:

- (a) that 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; *[Emphasis added]*
- (b) that 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 public health, welfare, and safety; and
- (c) 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 ZA Determination re 2110 South Barry Ave.

In his 12/8/20 Determination, ZA Rausch admitted that the Project will be taller than the surrounding properties but noted that there are at least six nearby projects with heights similar to the proposed Project. He also noted that seven of the eight lots on this block have substandard side yards, although these lots have structures less than 18 feet tall.

However, when applying LAMC §12.28.C (4)(a), ZA Rausch cited no facts to substantiate his conclusion that:

“It would be impractical and infeasible to arrange two dwelling units with the required garages and sufficient floor area and bedrooms if the required side yards are adhered to on the substandard lot.”

No evidence is noted as to why the Project site's physical characteristics make it impractical or infeasible to build two units with larger side yards. The Determination only implies that if no adjustments are granted, the units will be smaller. This is the motivation behind the request for an adjustment. The Project Applicant specifically indicated that the adjustment is needed only “in order to have a decent sized building.” No other reason was given or is part of the record.

Instead of making the required findings while citing substantial evidence in support thereof, ZA Rausch only states that the Project design will minimize any adverse effects on the neighboring property. This does not satisfy the requirements of LAMC §12.28.C (4)(a).

Kottler v. City of Los Angeles.

In 2014, the City, through its Central Los Angeles Area Planning Commission (CLA APC), denied the appeal of a project by a neighbor (Kottler) and granted an adjustment to allow an increased residential floor area for a single-family residence. The project applicant simply wanted to increase the size of his house. Kottler brought a writ of mandate action and the trial court issued the writ.

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Instead of making the required findings while citing substantial evidence in support thereof, ZA Rausch only states that the Project design will minimize any adverse effects on the neighboring property. This does not satisfy the requirements of LAMC §12.28.C (4)(a).

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The case was appealed to the California Court of Appeal, where in an unpublished decision, it found that there was no substantial evidence to support the finding that the site characteristics or existing improvements made strict adherence to the zoning regulations impractical or infeasible.

The Court of Appeal noted that the record failed to show why it would be impractical to renovate this house without an adjustment. The Court further noted that without evidence to support it, such a finding is conclusory. Attached is a 5/10/19 letter to the CLA APC from the Los Angeles City Attorney, instructing it to vacate and set aside its approval of the project.

A substandard lot does not make construction of a project impractical or infeasible.

The fact that the subject site is substandard in width is not enough to make construction of a project within the zoning standards impractical or infeasible. LAMC §§12.08 and 12.09 contemplate the construction of homes on substandard lots. They simply mandate that if the structure is taller than 18 feet, then a larger side yard is required.

Indeed, this is the purpose of these statutes – to allow for development on substandard lots, but with larger side yards. To “adjust” the size of the side lots to make them smaller, without any further evidentiary findings, negates the whole purpose of these statutes.

It also is not enough under §12.28.C (4) (a) to make a finding that the adverse effects of an adjustment will not be as severe as the Appellant contends. This does not, by itself, justify an adjustment under §12.28.C (4) (a).

Further, the observation that other lots on this block of Barry Ave. have smaller side yards ignores the fact that these other homes are only one-story in height. The present Project will be three-stories and will tower over the adjacent property. LAMC §§12.08 and 12.09, mandating larger side yards, were enacted precisely for situations like this.

ZA Rausch observed that there are at six nearby projects with heights similar to the Project, but does not indicate that any of these projects sought side yard adjustments. Presumably he would have noted if these other projects were on substandard lots or if they were granted adjustments to allow smaller side yards. Without further findings, this acknowledges that substandard lots, by themselves, do not make adherence to zoning standards impractical or infeasible.

To allow an adjustment under this reasoning would be akin to contending that a zoning statute imposed by the City makes enforcing another City zoning statute impractical or infeasible.

The Adjustment at 2110 South Barry is not supported by substantial evidence.

Not only is there insufficient evidence to support an adjustment in this case, there is no evidence, substantial or otherwise, to support this adjustment under LAMC §12.28.C (4) (a).

The Applicant’s representative (at P. 8) is noted to state: “We need the extra foot on the side yards (two feet total) in order to have a decent sized building.” In his 8/25/20 submission, Applicant states that it is impractical to adhere to the zoning requirements “while still providing a reasonable amount of buildable area.” ZA Rausch notes at P. 11 that “It would be impractical and infeasible” to arrange two units with “sufficient floor area” if the side yard regulations are

adhered to. No evidence is provided to specifically show why two units cannot be built while adhering to the existing side yard regulations.

There is no evidence that the Project cannot be built without an adjustment. Even the insinuated contention that the Applicant may have to build slightly smaller units has not been established by the evidence. There is no evidence as to how much smaller the units would be without the adjustment. There is no evidence to suggest that the units cannot be sold at the same price, even if they are slightly smaller than originally designed.

An adjustment is not justified solely because smaller units might have to be built.

The only reason to grant an adjustment in this case would be to allow the Applicant to make slightly larger units that presumably can be sold at a higher price. The impropriety of using this to support an adjustment is manifest and the ZA determination studiously and specifically avoids basing the adjustment on this. The City of Los Angeles should not be granting adjustments solely so that developers can reap increased profits. And actually, there is no evidence to even support this dubious rationale.

CONCLUSION

Based upon the above, the Appeal filed by Appellant and all the supporting information and testimony provided in opposition to the Project, this Commission should determine that the Findings in support of a side yards adjustment are not supported by substantial evidence.

Therefore the Commission should grant the Appeal and deny the proposed adjustment.

Very truly yours,

A handwritten signature in dark ink that reads "Thomas M. Donovan". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Thomas M. Donovan



MICHAEL N. FEUER
CITY ATTORNEY

DONALD KOTTLER ET AL. v. CITY OF LOS ANGELES ET AL.
LASC CASE NO. BC 154184
CAL. CT. APP. CASE NO. B278276
(COUNCIL DISTRICT 4)

The Central Los Angeles
Area Planning Commission
Room 272, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Commissioners:

This report discusses Department of City Planning case no. ZA-2014-391-ZAA in which the Central Los Angeles Area Planning Commission (CAPC) upheld a Zoning Administrator's approval of an Adjustment pursuant to Los Angeles Municipal Code section 12.28. On November 25, 2014, the CAPC sustained the Zoning Administrator's decision to allow a Residential Floor Area of 10,138 square feet in lieu of the maximum 9,225 square feet otherwise permitted in conjunction with additions to an existing single-family residence located at 112 N. June Street (the Project). The CAPC's approval of the Project was challenged in *Kottler et al. v. City of Los Angeles et al.*, Los Angeles Superior Court Case No. BS 154184 (the Kottler Trial Court Action). In the Kottler Trial Court Action, petitioners successfully brought a writ of mandate action challenging the City's approval of the Adjustment. The trial court issued a Writ ordering the City to vacate and set aside the Adjustment approval. A copy of the Writ is attached as Exhibit A. The City appealed this decision to the California Court of Appeal as Case No. B278276, and the Court of Appeal upheld the trial court's decision – albeit on different grounds. A copy of the Court of Appeal's Order is attached as Exhibit B.

The Court of Appeal found that there was no evidence to support the first Adjustment finding in Los Angeles Municipal Code section 12.28(c)(4)(a), which requires a finding of impracticality or infeasibility. Because the Court of Appeal found no

evidence to support this finding, it upheld the trial court's decision to order the City to vacate and set aside the Adjustment approval.

Therefore, this matter has been brought back before the CAPC so that it may take action to vacate and set aside the approval of the Project.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8188. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,


ERNESTO VELÁZQUEZ,
Deputy City Attorney

EV:mh



Planning APC West LA <apcwestla@lacity.org>

URGENT RE. TODAY'S RECONSIDERATION AGENDA ITEM

1 message

Robin Rudisill <willdrudi@mac.com>

Wed, Mar 17, 2021 at 5:12 PM

To: James Williams <james.k.williams@lacity.org>, Planning APCWestLA <apcwestla@lacity.org>

PLEASE FORWARD TO COMMISSIONERS IMMEDIATELY

PLEASE ALSO INCLUDE THIS AS A SAME DAY SUBMISSION:

West L.A. Area Planning Commissioners,

I had my hand raised for RECONSIDERATION AGENDA ITEM 4. (in fact it is still raised) and am very concerned that Chair Newhouse didn't recognize me, nor did James Williams or the zoom monitor say anything. My understanding is that the public has the right to make a comment on ALL Agenda Items.

This is what I have to say re. you not having an opportunity to request a Reconsideration on the 2812 Grand Canal case, on your own volition or perhaps based on the concerns in our request to you, send to you on March 1st.

On March 1st we sent the Commission office an email requesting a Reconsideration and asked that it be forwarded to all of you.

We stated that there was grossly false information given by the applicant that, if corrected, could change the outcome of the appeal decision and that in addition, certain key appeal points were not even addressed, not in the Staff Report or by you, which appears to have been an error.

In addition to that request, we're concerned about a due process issue here in that the meeting following the meeting where you made your determination, your February 17th meeting, was cancelled and then the next day, February 18th, your determination was issued.

The March 3rd meeting was cancelled as well.

Thus, there was no opportunity for us to present our case for, or for you to request, a Reconsideration prior to the determination being issued. The other problem is that the Reconsideration agenda item is at the beginning of the meeting, so there is no opportunity for you Commissioners to request a Reconsideration at the meeting subsequent to the agenda item. We believe that is a violation of due process, whether for the Public's ability to request you to request a Reconsideration or whether for your ability to request a Reconsideration (without our asking you to do so). Given that there needs to be a way to request a Reconsideration, this appears to be a violation of due process in that in many cases the opportunity to do so is not available, including for this specific case.

In terms of the our reasons for requesting you to ask for a Reconsideration, the following significant appeal issues were not addressed by Planning Staff or you:

With a new Mello determination Planning had the opportunity to address the HCID errors we mentioned but they did not do so.

The requirement for a Venice Coastal Zone Specific Plan Project Compliance Permit and why issuing just a non-discretionary approval, a VSO, together with the Mello Act Compliance Determination is a violation of the City's Mello Act Interim Administrative Procedures (IAP) 6.0.

Your longstanding support of the IAP in that Mello Act Compliance Determinations cannot be issued stand alone, as per IAP 6.0.

The applicant's lawyer significantly misstated facts in his testimony, which could have changed your decision.

[In the past when the Coastal Commission has changed a project significantly, the applicant has been required to have their Venice Coastal Zone Specific Plan Project Compliance Permit re-approved along with their Mello Act Compliance Determination. (Ref. [3011 Ocean Front Walk](#)). This was not done here.]

For this project, Planning only required a non-discretionary, ministerial VSO approval for the new attached ADU and the new detached ADU. First, a project cannot be piecemealed like this for purposes of evaluating VCZSP compliance. An entire project must be evaluated and there is no provision for piecemealing. Also, as per the City's Mello Act Interim Administrative Procedure 6.0, for a discretionary application such as this one, the decision-maker shall issue the Mello Determination as written conditions attached to the discretionary determination made with respect to the underlying case. A stand alone Mello Act Compliance Determination is only an option for non-discretionary applications.

In addition, the Mello Act Compliance Determination only pertained to the two additional ADUs and not the entire project. The Mello Act must be applied to an entire project and cannot be piecemealed to just cover one portion of a project.

The Mello Act Compliance Determination is also piecemealed with respect to the fact that it only addresses the inclusionary requirements of Mello and not the affordable housing requirements. In issuing a Mello Act Compliance Determination, the applicability of the Mello Act provisions cannot be piecemealed but rather must all be evaluated with respect to the project. Such piecemealing of the Mello Act is not allowed and the determination is incomplete without addressing the required replacement housing aspect; therefore, you violated the IAP by approving it without all of the required findings.

On the VSO waiver, Planning even erroneously listed the City CDP as a related case, when it had been voided by the Coastal Commission. It even states that the "new single-family dwelling is subject to previously approved case no. DIR-2016-51-CDP," which CDP again, was denied and voided by the Coastal Commission.

Lastly, as the original City CDP was voided, the applicability of SB 330 must be evaluated with respect to the applicant's request for City approval for the two new ADU's.

So we ask one of you who voted to deny our appeal and uphold the Mello Determination to please request a Reconsideration so that these very important issues can be considered.

Again, I am very concerned that my raised hand for the Reconsideration Agenda Item to day was not acknowledged.

***For the Love of Los Angeles
and our precious Coast,
Robin Rudisill
(310) 721-2343***