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September 16, 2021

Cedarbois, LLC(A)(O)
3110 Main Street, Suite 200
Santa Monica, CA 90405

Tony Russo (R)
Crest Real Estate
11150 West Olympic Boulevard, #700
Los Angeles, CA 90064

CASE NO. ZA-2021-4285-ZAA
ZONING ADMINISTRATOR'S
ADJUSTMENT
7875 West Granito Drive
Hollywood Planning Area
Zone : RE40-1-H-HCR
D. M. : 150B177
C. D. : 4 - Raman
CEQA : ENV-2021-4286-CE
Legal Description: Lot FR 56, Arb 2,
Lot FR 57, Arb 2, Tract 7842

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1) and 15303 (Class 3), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 regarding location, cumulative impact, significant effects or unusual circumstances, scenic highways, or hazardous sites, or historical resources applies.

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

a Zoning Administrator's Adjustment to permit the construction, use, and maintenance of a new accessory building, a guardhouse, to be located within 55 feet of the front lot line in lieu of LAMC Section 12.21 C.5(b) on a 103,745 square-foot lot in the RE40-1-H-HCR Zone.

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

a Zoning Administrator's Adjustment to permit the construction, use, and maintenance of a new nine-foot fence located within the front yard setback in lieu of the maximum permitted height of 42 inches within the front yard setback, pursuant to LAMC Section 12.21 C.1(g) on a 103,745 square-foot lot in the RE40-1-H-HCR Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or Letters of Clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
7. Approved herein is the construction, use, and maintenance of a 136 square-foot accessory building, a guardhouse, to be located within 55 feet from the front lot line and a nine-foot vehicular access gate to be located within the required front yard setback. The vehicular access gate will be comprised of metal gate, as shown in the stamped Exhibit "A".
8. Fence material shall be limited to metal as depicted in the elevation plan stamped Exhibit "A".
9. The fence shall be maintained in good repair and kept vertical, uniform and structurally sound, and all repairs shall blend and be compatible therewith in material in compliance with the stamped Exhibit "A".
10. No other deviations from the provisions of the Municipal Code have been requested or approved herein.
11. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after October 1, 2021, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.**

Public offices are located at:

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

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

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard, 2nd
Floor
Los Angeles, CA 90025
(310) 231-2598

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on September 14, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The project site consists of three (3) irregularly shaped lots comprising 103,745 square feet of lot area with approximately 900 feet of curved frontage along the northern side of Granito Drive. The property is located within the Hollywood Community Plan area, has a land use designation of Minimum Residential and is zoned RE40-1-H-HCR. The property is subject to Baseline Hillside Ordinance (BHO) Regulations, Hillside Construction Regulations, and is located within the following: Very High Fire Severity Zone, Special Grading Area (BOE Basic Grid Map A-13372), Urban Agriculture Incentive Zone, and Hollywood Fault Zone.

The project site is currently under construction for a three-story, 17,212 square-foot single family dwelling with an attached two-car carport as permitted through Permit No. 19010-20000-00247. As approved via Case No. ZA-2018-2666-ZAD, the single-family dwelling will have vehicular access through a 675-foot-long common driveway stemming from the end of the improved portion of Granito Drive and ending with a hammerhead turn-around for emergency vehicles. The driveway is shared with the adjacent single-family dwelling approved via Case No. ZA-2018-2669-ZAD. The proposed project includes a nine-foot tall fence comprised of anodized aluminum within the front yard setback along Granito Drive to serve as an automated vehicular gate for the existing single-family dwelling. In addition, the applicant proposes a new 136 square foot guardhouse within 55 feet from the front lot line post-dedication. The guardhouse will be 10 feet and 1-½ inches in height and will be comprised of concrete, stone, and wood.

The surrounding area primarily consists of other single-family residences with land use designations of Minimum Residential and Low II Residential and are zoned RE40-1-H-HCR and R1-1-HCR.

Granito Drive, adjoining the property to the south, is a Local Street – Standard, designated to a right-of-way width of 60 feet and designated to a roadway width of 36 feet.

Previous zoning related actions on the site include:

Building Permit No. 19010-20000-00247 – On August 6, 2020, the Department of Building and Safety issued a permit for a 3-story single-family dwelling with attached 2-car carport.

Case No. ZA-2018-2666-ZAD – On December 13, 2019, the Zoning Administrator approved a request to permit the construction of a new single-family dwelling on a parcel fronting a Substandard Hillside Limited Street with an Adjacent Minimum Roadway that is less than the 20 feet as otherwise required by LAMC Section 12.21 C.10(i)(2).

Case No. AA-2017-4296-PMEX – On December 11, 2018, the Deputy Advisory Agency approved a Lot Line Adjustment between the project site and two adjacent lots.

Case No. AA-2015-3609-PMEX – On March 11, 2016, the Deputy Advisory Agency approved a Lot Line Adjustment between the project site and the adjacent lot.

Case No. VTT-69624 – On December 21, 2009, the Deputy Advisory Agency approved the subdivision of one lot into three lots. On March 23, 2010, the Central Area Planning Commission denied an appeal and sustained the action of the Deputy Advisory Agency.

Case No. AA-2007-2427-PMEX – On September 28, 2007, the Deputy Advisory Agency approved a Lot Line Adjustment between the project site and an adjacent lot.

Case No. AA-2002-4785-PMEX – On February 21, 2003, the Deputy Advisory Agency approved a Lot Line Adjustment between the project site and two adjacent lots.

Surrounding Properties (within a 500-foot radius):

Case No. ZA-2018-2669-ZAD – On December 13, 2019, the Zoning Administrator approved a request to permit the construction of a new single-family dwelling on a parcel fronting a Substandard Hillside Limited Street with an Adjacent Minimum Roadway that is less than the 20 feet as otherwise required, located at 7927 and 7931 West Granito Drive.

Case No. ZA-2004-7881-ZAD – On April 21, 2005, the Zoning Administrator approved a request to permit the construction, use, and maintenance of a wooden gate and masonry/stucco pilasters, columns, fence and light fixtures with a maximum height of 6 feet and 6 inches in lieu of the required 3 feet and 6 inches within the front yard setback area, located at 7866 West Fareholm Drive.

Case No. ZA-2001-3931-ZAD – On November 16, 2001, the Zoning Administrator approved a request to permit the construction, use and maintenance of a maximum 6-foot in height concrete block wall, for a distance of approximately 55 feet, along with a 6-foot high wrought iron gate, in conjunction with a newly constructed single-family dwelling, in lieu of the 3-1/2-foot-high fence, wall or gate permitted, located at 7832 West Granito Drive.

PUBLIC HEARING

The hearing was held on September 14, 2021 at approximately 10:05 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely telephonically.

Tony Russo, the project representative, introduced the project and stated the following:

- Did outreach previously for the single-family dwelling on a vacant lot
- Relief of street width was previously approved
- Included Mountains Recreation and Conservation Authority
- Request is for the front gate, a portion is in the front yard and the guardhouse near the front of the site
- Did reach out to the Neighborhood Council and tried to schedule a meeting; they could not accommodate a meeting in time; they had no concerns or comments – July 8th
- The guardhouse is 136 square feet
- Materials will match the existing building

One member of the public spoke in opposition of the project, stating the following:

- This is build already
- How did they not know they would need this fence and guardhouse prior
- CEQA piecemealing

In response to questions raised by the Zoning Administrator and concerns during the hearing, Mr. Russo clarified the following:

- The guardhouse is right at the same location near the DWP transformer; wall and flat area is to provide access for the utility provider
- The fence and guardhouse were proposed afterwards

COMMUNICATION:

No public correspondence have been received from the public.

ZONING ADMINISTRATOR DETERMINATION FINDINGS

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

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

The subject property is comprised of three irregularly-shaped lots consisting of approximately 103,745 square feet of lot area with approximately 900 feet of curved frontage along the northern side of Granito Drive. The project site is currently under construction for a three-story, 17,212 square-foot single-family dwelling with an attached two-car carport as permitted through Permit No. 19010-20000-00247.

Pursuant to LAMC Section 12.28, the Zoning Administrator's Adjustment permits relief from the front yard setback requirements for accessory structures and relief from front yard maximum height requirements for fences and walls above 8 feet in height. The applicant requests an adjustment to allow a nine-foot fence within the front yard setback to serve monitoring of vehicular access. Moreover, the applicant requests to locate a new guardhouse within the 55 feet from the front line as otherwise not permitted per LAMC Section 12.21 C.5(b). Strict adherence to the fence maximum height provisions would require the vehicular gate to be significantly reduced in height which would be impractical for vehicular access. Furthermore, strict adherence to the accessory building location requirements would require the applicant to relocate the guardhouse to the westerly upsloping portion of the lot, which would be impractical. The grant of a reduced front yard setback would allow the guardhouse to be located on a portion of the lot which has less slope and would reduce the amount of grading.

The intent and purpose of the zoning regulations is to provide adequate open space for light and air, to prevent and fight fires, to conserve property values, and to promote health, safety, and welfare in accordance with the General Plan. These regulations are written on a Citywide basis and do not take into account the unique characteristics of an individual property or neighborhood. The over-in-height fence and the location of the guardhouse will not alter the residential character of this existing land use on the subject property. Thus, the property conforms to the intent of the zoning regulations.

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

The existing zoning regulations limit fence and wall height on residentially zoned properties to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a citywide basis and cannot take into account the unique characteristics that a specific parcel and surrounding areas may have. Many residential properties in the area have over-in-height fences and gates and accessory buildings constructed within the required yards. As proposed, the applicant has taken steps to ensure the proper City authorization for the location of the guardhouse and the proposed fence, which consists of style, height and materials matching other fences in the area, including height limit, materials, and maintenance. As conditioned, 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. Therefore, the project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

There are 11 elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The Hollywood Community Plan designates the property for Minimum Residential land uses with a RE40-1-H-HCR zone. The project does not propose to deviate from any of the requirements of the General Plan, Land Use, and Los Angeles Municipal Code on residential use except on fence height. Los Angeles Municipal Code Section 12.28 permits the requested fence height and reduced front yard

setback within the RE40-1-H-HCR Zone with approval by the Zoning Administrator. The primary use of the property will remain single family, which is consistent with the Zoning and Land Use designation. The project can be found to be in substantial conformance to the purpose, intent and provisions of the General Plan and Hollywood Community Plan to preserve and protect the residential use.

FLOOD HAZARD FINDINGS

- 4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is not located in a Flood Zone.

Inquiries regarding this matter shall be directed to Danalynn Dominguez, Project Planner at danalynn.dominguez@lacity.org or (213) 978-1340.



CHRISTINA TOY LEE
Associate Zoning Administrator

CTI:DK:VKJ:DD:ds

cc: Councilmember Nithya Raman
Fourth District
Adjoining Property Owners