



# EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
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## LETTER OF DETERMINATION

Mailing Date: JUL 13 2020

Council District: 14 – Huizar

**Case No. ZA-2017-3386-ZAD-1A**

CEQA: ENV-2017-3387-CE

Plan Area: Northeast Los Angeles

**Project Site:** 1864 North Avenue 55

**Applicant:** Ryan Rude and Katelyn Cunningham

Representative: Simon Storey, Anonymous Architects & Gary Benjamin, Alchemy

**Appellant:** Alexis Rivera

At its meeting of **June 24, 2020**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use and maintenance of a new 2,150-square-foot, two-story single-family dwelling with an attached two-car garage with a two-car attached garage level with shared driveway, two retaining walls, with 312 cubic yards cut and 10 cubic yards fill, on a down-sloping 13,128.5 square-foot lot fronting on a Substandard Hillside Limited Street along Avenue 55.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15303 Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2, applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination, pursuant to Section 12.24 X.28 of the Los Angeles Municipal Code (LAMC), to approve a Zoning Administrator Determination to permit the construction of a new single-family dwelling fronting on a Substandard Hillside Street that does not have a minimum 20-foot wide adjacent roadway; and does not provide a minimum 20-foot wide continuous paved roadway to the boundary of the Hillside Area as required by LAMC Sections 12.21 C.10(i)(2) and 12.21 C.10(i)(3);
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Campos  
Second: Stevens  
Ayes: Arellano, Espinoza  
Absent: Stein

**Vote: 4 - 0**

*Etta Armstrong*

Etta Armstrong, Commission Executive Assistant I  
Central Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the East Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

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.

Attachments: Conditions of Approval, Findings

c: Estineh Mailian, Chief Zoning Administrator  
Maya E. Zaitzevsky, Principal City Planner  
Tracy Williams, City Planning Associate

**CONDITIONS OF APPROVAL**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, 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 Development Services Center for attachment to the subject case file.
7. Approved herein is the construction of a two-story 2,150 square-foot single-family dwelling with a two-car attached garage level with two retaining walls, with 312 cubic yards cut and 10 cubic yards fill on a lot that fronts on a Substandard Hillside Limited Street. The applicant shall improve Avenue 55 to a 12-foot width to its terminus at Nordyke Street and construct a 20-foot wide passing turnout. In lieu of widening Avenue 55 at the subject property's street frontage, the applicant shall construct a variable width shared driveway as shown on Exhibit A. The applicant shall construct curb, gutter, and suitable transition to the existing improvements to the satisfaction of the City Engineer. No other LAMC deviations were requested or approved.
8. Prior to any sign-off of plans by the Development Services Center the site plan and landscape plan shall be submitted to the Fire Department for review and approval.

9. The proposed project shall comply with the Conditions of Approval required in the Department of Building and Safety Grading Division's Geology and Soils Approval Letter dated, July 6, 2018 (Log No. 99435-01). All conditions shall be incorporated and printed on the plans submitted to the Development Services Center for plan check.
10. Any removal of protected trees first requires the approval from the Board of Public Works. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for the review and approval prior to implementation of the Report's recommended measures.
11. The applicant shall seek approval of an encroachment permit from the Bureau of Engineering for any improvements located within the public right-of-way.
12. Prior to any sign-off of plans by the Development Services Center, the applicant shall provide written confirmation that the plans as submitted for sign-off have been reviewed and found acceptable by the Bureau of Engineering, Bureau of Sanitation and the Department of Building and Safety as pertains to driveway transition, building height and road drainage.
13. No parking shall be permitted on the street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.
14. Construction Requirements/Restrictions:
  - a. Posting of Construction Activities. During construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for 1) Department of Transportation, Parking Enforcement; 2) Building and Safety enforcement; and, 3) the owner and/or construction contractor where residents can inquire about the construction process and register complaints. The applicant shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present on-site during construction.
  - b. Community Relations. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
  - c. Deliveries of Equipment Supplies. All deliveries during construction shall be coordinated so that only one vendor delivery vehicle is at the site at one time and that a construction supervisor is present at such time to mitigate any potential traffic impacts. A flag person shall be provided to assist with the delivery of any construction materials to the site on trash-pick up days until the trash collection has been completed.
  - d. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, any delivery of fill

material or removal of graded soil shall be limited to the hours beginning at 9 a.m. and ending at 3 p.m., Monday through Friday only. No truck deliveries shall occur outside of the time period.

- e. Construction Activities. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within the 100-foot radius and as noted above it shall be posted on the site in a manner which is readily visible to any interested party.
  - f. Flag Persons. Flag persons shall assist with the movement of traffic whenever two-way traffic is obstructed as a result of construction activity.
  - g. Off-Site Construction Staging and Parking Plan. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles, which cannot be accommodated on the property or directly in front of the property, with a plan submitted to the Department of Building and Safety for approval.
  - h. Storage of Materials. During all phases of construction, all materials related to the construction of the proposed project shall be stored on-site and not within the public right-of-way during hauling and construction operations, except for that portion of the public right-of-way which has been issued a revocable permit for use as an access driveway for the project.
15. All debris, trash and waste generated by the construction or by any worker, including but not limited to building material remnants, removed weeds, dirt, food or drinks consumed by workers, etc., must be removed from the site or kept in a covered, on-site trash receptacle on the properties being developed. Any trash stored on site must be removed at least once per week, or whenever the storage receptacle is full, whichever is sooner.
16. 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 (ii).
- v. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

Nothing in the definitions included in this paragraph are intended to limit the rights of

the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is a vacant irregular-shaped, descending 13,128 square-foot lot zoned R1-1 located in Highland Park. The property has approximately 155 feet of street frontage on the easterly side of Avenue 55, and a varying depth of approximately 78 and 107 feet. The northwesterly point of the property is at an elevation of 752 feet above Mean Sea Level (MSL), the southwesterly side of the lot is 724 feet above MSL, and the easterly side of the lot is at an elevation of 696 to 708 feet above MSL. Avenue 55 is a Substandard Limited Hillside Street dedicated to a width of 60 feet and has a roadway width of nine to 20 feet. The site is within the East Los Angeles State Enterprise Zone, Hillside Area, a Very High Fire Hazard Severity Zone, Urban Agriculture Incentive Zone, a Special Grading Area, a Liquefaction Area and is within the Raymond Fault Zone.

The property is subject to the Baseline Hillside Ordinance (BHO), which was adopted to preserve the character of single-family hillside neighborhoods and to prevent out-of-scale residential development. Property owners who wish to deviate from BHO development standards may apply for limited relief. The applicant is proposing to construct a two-story, approximately 2,150 square-foot single-family dwelling with an attached two-car garage. The project's slope band analysis indicates that the maximum residential floor area (RFA) allowed on the property is 5,188 square feet, thus the proposed RFA is 3,038 below the maximum permitted RFA.

The applicant is requesting relief from LAMC Section 12.21C.10(i)(2) to allow a paved roadway width of less than 20 feet on a Substandard Hillside Limited Street and to not improve a portion of the street frontage. Additionally, the applicant is seeking relief from providing a 20-foot wide continuous paved roadway (CPR) from the driveway apron to the boundary of the Hillside Area as required by Section 12.21C.10(i)(3). The applicant is proposing widening Avenue 55 from approximately nine feet to 12 feet, and to construct a 20-foot wide passing turnout. The proposed street improvements would be constructed by both the subject applicant and the owner of 1900 North Avenue 55 (ZA-2017-3384-ZAD). No other LAMC deviations were requested.

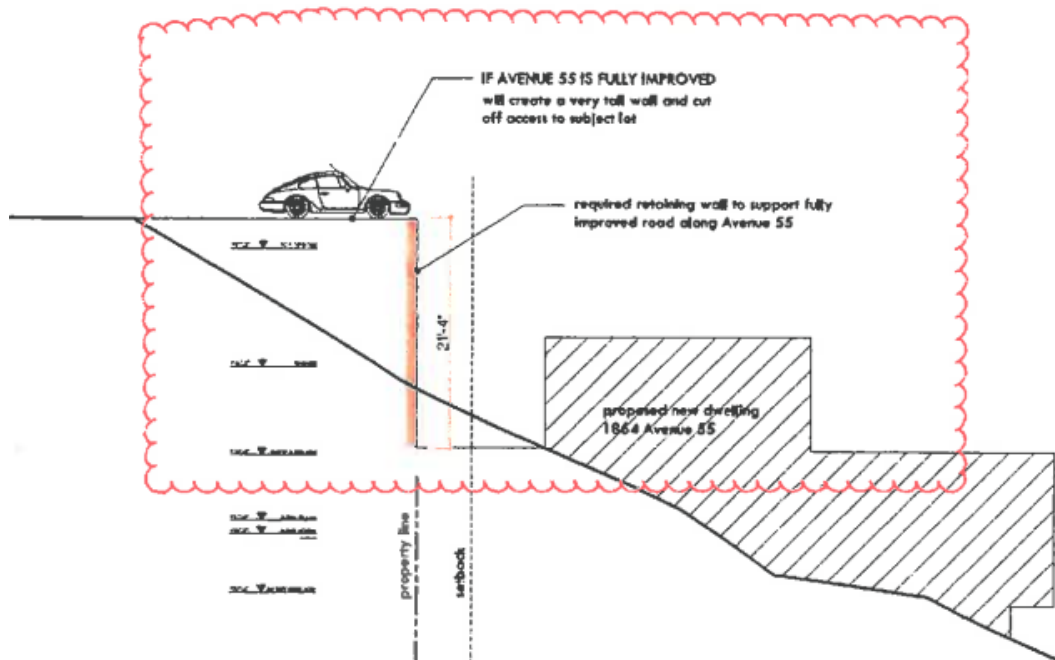
As shown on the site plan, this portion of Avenue 55 is a concrete driveway that serves two existing homes on the street. The applicant's findings state the following regarding how the proposed project will enhance the built environment:

We plan to add to the diversity of this neighborhood with a design that contrasts and compliments other existing dwellings in the immediate vicinity. Design diversity is however not achieved without taking consideration of the natural environment – which we aim to be sympathetic to by using natural materials, preserving views, and keeping the footprint of the new dwelling to an absolute minimum. The design of the dwelling is important and from our experience

designing other dwellings in this neighborhood – the designs are well received by the neighborhood council and the community.

The project representative and architect explained at the public hearing that the street access deviations were necessary because Avenue 55 splits adjacent to the subject property. Widening Avenue 55 to a 20-foot width would require the construction of tall retaining walls, to support the road, which would cut off vehicular access to the property and to the adjacent lot to the north (Figure 1). It is the intent of the property owners to construct a dwelling that has a limited footprint, respects the topography, and minimizes grading. Instead of widening Avenue 55 to a 20-foot width adjacent to the property's frontage, the applicant is proposing to construct a driveway that will serve the two new dwellings, and construct a 20-foot radius turnaround. The applicant would widen Avenue 55 to a 12-foot width from the driveway to Nordyke Street with a curb and gutter.

**Figure 1 - Access to site if Avenue 55 is widened to 20 feet**



The project's Soils Report has been reviewed and approved by the Department of Building Grading and Safety Division. Its approval letter includes conditions, which have been incorporated as a condition of this grant. A July 28, 2017 Soils and Engineering Geologic Investigation was prepared to provide the best estimate of the geotechnical factors relevant to slope stability of the proposed site. The report resulted in findings that the site is suitable for the construction of a single-family dwelling and associated retaining walls among other relevant recommendations.

Every project should comply with the requirements to improve the safety of the street as required by LAMC Section 12.21C.10, but there are cases where providing a 20-

foot roadway is an unfeasible hardship. The request to waive the CPR requirement is approved because compliance with that regulation would involve removal of structures and improvements not under the applicant's ownership. As stated previously, the applicant shall widen Avenue 55 to a 12-foot width to the terminus of Nordyke Street. That portion of the right-of-way is dedicated to a 60-foot width.

Numerous conditions have been imposed by the Zoning Administrator to ensure that temporary construction activities do not unduly burden the neighboring property owners. The applicant is required to have a staging and parking plan to be approved by the Department of Building and Safety, advance notice will be given to neighbors of construction activities/schedules, and neighbors will have contact information for the construction manager in the event of any concern or complaint. The proposed single-family dwelling will not significantly alter the density of the neighborhood, and it is in keeping with the scale and massing of surrounding homes. The proposed project design has a maximum envelope height of approximate 28 feet, which is permitted for Hillside projects with a roof slope of 25 percent or greater. As designed and integrated with the site in accordance with all existing building codes, the construction of a single-family dwelling on a vacant lot will enhance the built environment of the Highland Park neighborhood and will incrementally increase the City's housing stock.

- 2. 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 subject property is a descending, irregular-shaped, interior lot with approximately 13,128 square feet of area. The property is 0.6-miles west of Figueroa Street and is 0.52-miles north of York Boulevard in Highland Park. The site slopes downward from the northwest to the southeast side. The applicant proposes to construct a two-story single-family dwelling with an attached two-car garage level and driveway that does not require any deviations from the Hillside regulations that govern the building envelope and on-site construction. The project is in keeping with the size, height, massing and style of other homes in the area.

The adjacent property to the north is zoned R1-1 and is vacant, and has a concurrent application to develop the site with a single-family dwelling at 1900 North Avenue 55 (ZA-2017-3384-ZAD). The properties further to the north are zoned R1-1 and are developed with single-family dwellings fronting on Nordyke Street. The adjacent properties to the east are zoned R1-1 and contain single-family dwellings fronting on Avenue 56. The adjacent property to the south is zoned R1-1 and contains a single-family dwelling that fronts on Raber Street. The adjacent property to the southwest is zoned RE11-1 and is developed with a single-family dwelling, which has frontage on Avenue 55. The adjacent properties to the west and northwest are zoned R1-1, and contain vacant land fronting on Avenue 55.

The proposed waiver of the BHO street access requirements was opposed by many surrounding neighbors, as well as the Historic Highland Park Neighborhood Council and Councilmember Jose Huizar. Neighbors' reasons for opposing the project include:

that the site is located in a High Fire Severity Zone; is in a liquefaction area; down-slope neighbors worry the construction will negatively affect their properties by increasing soil erosion and runoff; and that the project should not be permitted without the road being widened to a 20-foot width. Neighbors noted that the project site does not have sewer access, and widening Avenue 55 to only a 12-foot width will not permit trash trucks to pull up the street. They feel the roadway is inadequate and lacks proper turnarounds for vehicles. Neighbors on Nordyke Street complained that the current residents on Avenue 55 use their street for trash pickup. The Councilmember's staff testified that he shares the neighbors' concerns about street access and safety and does not support waivers of the street widening.

The project was supported by area residents who felt that the project was well-designed and the proposed road improvements would decrease grading, preserve the native trees, and decrease construction time. The project team argued that the two properties were large enough to subdivide into five single-family lots, which would create more visual mass than their two-dwelling development, and would greatly increase the disturbance to the properties via loss of native trees, grading, etc. They feel that the cost to construct the street improvements lacks a nexus to the single-family development. They noted the project was scaled back after the Neighborhood Council voted in opposition to the application. Nearly all of the properties in this section of Highland Park contain single-family dwellings. The proposed development of one single-family dwelling on a lot that has enough lot area for two homes, is a reasonable development that is in character with the surrounding community.

The granting of the street access waivers permits reasonable development similar to properties in the surrounding community. The applicant's request to waive the requirements to improve a portion of North Avenue 55 adjacent to the property will not alter the size, height, and applicable development standards to the proposed single-family dwelling. As demonstrated in Figure 1 above, the widening of Avenue 55 to a 20-foot width would require long, tall retaining walls to be constructed to support the road which would block vehicular access to the lots. A similar application for waivers of on- and off-site street improvements was approved in December 2019 for a property 340 feet away at 5443 Nordyke Street. In that case, the applicant was requesting to construct a 2,400 square-foot single-family dwelling on an 11,000 square-foot lot (ZA-2018-6906-ZAD). The applicant is looking to have a decision on par with what has been approved for nearby projects that have physical constraints making it difficult to comply with the street access requirements.

Conditions have been imposed to ensure that during temporary construction activities, neighbors are informed of building schedules and that a staging/parking area is provided for construction. A contact name and phone number shall be provided to adjoining neighbors, and posted on the site. The site plan and landscape plan will be reviewed by the Fire Department for compliance with the hillside fire protection requirements. 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.

**3. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes and programs that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC. The General Plan is comprised of the Framework Element, seven state mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan. Approval of the project is in substantial conformance with the following Framework Element housing goals and objectives:

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to residents in the City.

Objective 4.3: Conserve scale and character of residential neighborhoods.

Objective 4.4 Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

The Housing Element provides a plan for the City's existing and future housing needs to ensure a range of housing choices for residents of all income levels. The Housing Element determined the City was "facing an unprecedented housing crisis" due to the high demand for housing and the lack of affordable options. The Housing Element provides decision-makers policy guidance to evaluate discretionary applications. This approval conforms to the following goals and objectives in the Housing Element:

Goal 1: A city where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, race, age and suitable for various needs.

Objective 1.5: Reduce regulatory barriers and procedural barriers to the production and preservation of housing at all income levels and needs.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The Land Use Element divides the City into 35 Community Plan areas. The subject site is located within the boundaries of the Northeast Los Angeles Community Plan. The Northeast Los Angeles Community Plan designates the subject site as Low Residential land uses with the corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The basic use as a single-family home is consistent with the plan. The proposed Project will adhere to purpose, intent, and provisions of both the General Plan and the Community

Plan. The Northeast Los Angeles Community Plan, a part of the General Plan's Land Use Element, sets various objectives for the planning and development of the area, and seeks to guide development to be in character with the community. The Plan's Objectives include:

Objective 1-1: To preserve and enhance existing residential neighborhoods.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

Objective 1-5: To limit the intensity and density of development in hillside areas.

The approval of the proposed infill single-family dwelling on a vacant lot zoned and designated for such use will achieve the objectives of the Northeast Los Angeles Community Plan by maintaining the distinct residential character of the surrounding area. As stressed in the Housing Element, the City is presently facing an unprecedented housing crisis. Approval of the requests is consistent with similar applications approved in the Northeast Los Angeles Community Plan. As conditioned, the project substantially conforms to the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan.

4. **The subject use is in conformity with the public necessity, convenience, general welfare and good zoning practice and the action will be in substantial conformance with the various elements and objectives of the General Plan.**

The Northeast Los Angeles Community Plan designates the property for Low Residential land uses with the corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The proposed construction of a single-family dwelling on a vacant infill lot is in conformity with the goals and objectives of the General Plan and the Community Plan. The site fronts on Avenue 55 a Substandard Hillside Limited Street. Allowing the applicant to deviate from the street improvement requirements for the roadway adjacent to the site along Avenue 55 and allowing relief from the off-site (CPR) improvements is logical and appropriate relative to the scope of the proposed development. The 13,000 square-foot lot could be subdivided into two lots with a single-family dwelling on each lot. The two adjacent lots could be subdivide into five single-family lots. The applicant has chosen to build a modest-size dwelling that causes the least physical disruption to the surrounding neighborhood. Therefore, the construction of the single-family dwelling is in conformance with public necessity, convenience, general welfare, and good zoning practice.

5. **The vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The vehicular traffic associated with the proposed dwelling will not create an adverse impact on street access or circulation in the surrounding neighborhood. The applicant is proposing improvements that shall consist of increasing the width of Avenue 55 from approximately nine feet to 12 feet, plus a 20-foot wide passing turnout. It is not feasible

to require the applicant to improve the street to a 20-foot width to the boundary of the Hillside Area because they do not have control of other properties. The project will include two covered parking spaces within an attached garage with vehicular access to the project from North Avenue 55. Numerous conditions have been imposed to ensure that good construction practices are in place and the roadway remains clear of obstructions. As conditioned, the vehicular traffic associated with the project will not create an adverse impact on street access or circulation in the surrounding neighborhood.

6. **The building or structure will not be materially detrimental or injurious to the adjacent property or improvements.**

The proposed single-family dwelling will fit with the character of the surrounding community as a low-density residential development. The dwelling will be built in accordance with the hillside regulations, except for the street access deviations requested, as well as with all of the most recent building codes and other regulatory provisions now required by the City. The Project is subject to review and approval by the Fire Department and was approved by the Department of Building and Safety subject to specific conditions identified in its approval letter. In conjunction with other conditions, the dwelling will not be materially detrimental or injurious to surrounding properties and it will not have a materially adverse safety impact.

7. **The building or structure will not have a materially adverse safety impact on the surrounding neighborhood.**

The project conforms to all other applicable LAMC and BHO regulations (height, RFA, yards, lot coverage, and parking). The applicant will construct a driveway access from Avenue 55 to the subject property and the adjacent property and will provide a turn out for emergency vehicles. The ability to widen Avenue 55 to street standards is severely limited due to topographical constraints. The applicant will widen Avenue 55 to a 12-foot width to its terminus at Nordyke Street, and will not be required to widen the roadway to a 20-foot width to the boundary of the Hillside Area. While the road will not be widened to a 20-foot width, the street access will improve over existing conditions. The road will serve four dwellings and will have a turnaround for fire and delivery trucks. Additionally, the construction of the dwelling will stabilize the property and control runoff to downslope lots. As conditioned, the development of the subject site is not anticipated to have a materially adverse impact on the surrounding neighborhood.

8. **The site and/or existing improvements make strict adherence to LAMC Section 12.21C.10(i) impractical or infeasible.**

Avenue 55 is a Substandard Hillside Limited Street with a paved width of approximately 10 feet at its narrowest point and 60 feet at its widest point. The Bureau of Engineering has identified a roadway width as varying with respect to this project site. Widening the streets to a width of 20 feet all the way to the edge of the Hillside Area from the driveway of the proposed dwelling is impractical since the terrain is uneven and steeply sloping down along the entire frontage of the lot. To provide a fully improved 20-foot wide road at this location, it would be impossible without extensive retaining walls. The required

walls would be located along the entire frontage of the lot (155 feet) and up to 10-feet high. In addition, the retaining walls along the frontage of the subject lot and the length of Avenue 55 would also require retaining walls for access to the lot. The length of the walls at this location would be approximately 200 feet from the corner of the lot to the nearest fully improved road, Nordyke Street. With regard to limited access, due to the need for retaining walls at the lot's frontage to provide a fully improved road, these retaining walls would completely cut off access to the subject lot. Subsequently, compliance with existing zoning and/or codes would place an undue financial burden on the owners of the subject property. However, to provide safe passage of vehicles for existing neighbors on Avenue 55, the applicant proposes to widen the existing roadway on Avenue 55 from approximately nine feet to 12 feet with a 20-foot wide passing lane/turnaround.

As noted by the applicant, when the land subdivision was originally created, topography was not taken into consideration. The segment of Avenue 55 between Nordyke Street to the terminus north of Raber Street was never improved, which is demonstrative of the impracticality to originally do so. Further, Avenue 55 is a dead-end street. The cost of the roadway improvements exceed the benefit of those improvements. In this case, strict adherence to LAMC Section 12.21C.10(i) is financially impractical and physically infeasible.

## **FLOOD HAZARD**

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside the flood zone.