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February 6, 2026

Last Day to File an Appeal: February 23, 2026

David Rindlaub (Appellant)
826 2nd Street, #403
Santa Monica, CA 90403

North Amethyst Properties LLC (Owner)
14320 Ventura Boulevard, Unit 267
Sherman Oaks, CA 91423

CASE NO. DIR-2024-5743-BSA
BUILDING AND SAFETY APPEAL
3009 North Amethyst Street
Northeast Los Angeles Community Plan
Zone: [Q]R1-1D-HCR
C.D: 14
D.M.: 141A227
Legal Description: Lot 570, Rose Hill
Court Tract

Pursuant to Los Angeles Municipal Code (LAMC) Section 13B.10.2., I hereby find:

that the Los Angeles Department of Building and Safety (LADBS) **ERRED** in its determination to issue Permit No. 20010-10000-03873, for the construction of a new two-story single-family dwelling with attached garage in that it exceeds the maximum building height relative to the ridgeline per Northeast Hillside Ordinance without the benefit of an entitlement authorizing such.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. 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 appeal, the information provided by the Department of Building and Safety, the applicable Zoning Code provisions, the information submitted to the public record, and the statements made at the public hearing on November 13, 2024, all of which are by reference made a part hereof, I find as follows:

BACKGROUND

The subject property is a 3,179 square-foot, rectangular, interior, downward-sloping, hillside, vacant lot fronting on the west side of North Amethyst Drive. The property has a frontage of approximately 25 feet along Amethyst Drive, and a depth of approximately 127 feet.

The property is located within the Northeast Los Angeles Community Plan area, which designates the property for Low Density Residential land uses, with corresponding zones of RE9, RS, R1, RU, RD6, and RD5; the property is zoned [Q]R1-1D. The "Q" Qualified conditions refer to compliance with Ordinance No. 180,403 (Northeast Los Angeles Hillside). The property is further located within a designated Hillside Area, Special Grading Area (BOE Basic Grid Map Act A-13372), Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, and is located 1.23 kilometers from the Upper Elysian Fault.

On June 7, 2022, the East Los Angeles Area Planning Commission denied an appeal (Case No. ZA-2020-781-ZAD-ZAA-1A), sustained the action of the Zoning Administrator, and approved Zoning Administrator's Determinations to allow the construction, use, and maintenance of a new single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (Amethyst Street) that is improved with an Adjacent Minimum Roadway width of less than 20 feet and where a minimum 20-foot wide Continuous Paved Roadway is not provided from the driveway apron to the boundary of the Hillside Area; and an Adjustment to authorize a 3-foot northern and southern side yard setback.

On September 15, 2023, Permit No. 20010-10000-03873 was issued by LADBS for the construction of a new two-story single-family dwelling with attached garage.

Surrounding properties

The site is located within a hillside, single-family neighborhood. The surrounding properties are zoned [Q]R1-1D, [Q]RE20-1D and [Q]A1-1D. Properties in the surrounding area are characterized by hillside topography and are developed with single-family dwellings or remain as vacant lots. The north adjoining property, fronting on Telluride Street, is developed with a single-family dwelling; the north adjoining property fronting on Amethyst Street is vacant and undeveloped. The east adjoining property, across Amethyst Drive, is vacant and undeveloped. The south adjoining property is under construction with a single-family dwelling concurrent with the subject property. The west adjoining property, fronting on Telluride Street, is vacant and undeveloped.

Streets

Amethyst Street, adjoining the property to the east, is a Substandard Hillside Limited Street having an approximately 51-foot in width dedication, and improved with an 18-foot wide asphalt roadway, with concrete curb, sidewalk, and asphalt gutter on the western side, and only a concrete curb and asphalt gutter on the east side. No parking is permitted at any time along the western side of the street. All roadway improvements lay on the western side of the public right-of-way.

Previous Permits, Cases, Affidavits, and Orders On the Site

Permit No. 20010-10000-03873 – On September 15, 2023, LADBS issued a building permit for a new two-story single-family dwelling with attached garage.

Permit No. 20030-10000-05983 – On September 15, 2023, LADBS issued a grading permit for a site grading and backfill for a new single-family dwelling with attached garage and retaining wall

Case No. CPC-2022-6108-ZC-CA – On July 24, 2023, Ordinance No. 187,900 became effective, resulting in the amendment of the Zone to include the Hillside Constriction Regulation “HCR” Supplemental Use District.

Case No. ADM-2022-5986-QC – On August 25, 2022, a condition clearance was approved for NEHO Q and D review for a new two-story single-family dwelling.

Case No. ZA-2020-781-ZAD-ZAA-1A – On June 7, 2022, the East Los Angeles Area Planning Commission denied an appeal, sustained the action of the Zoning Administrator, and approved Zoning Administrator’s Determinations to allow the construction, use, and maintenance of a new single-family dwelling on a lot fronting on a Substandard Hillside Limited Street (Amethyst Street) that is improved with an Adjacent Minimum Roadway width of less than 20 feet and where a minimum 20-foot wide Continuous Paved Roadway is not provided from the driveway apron to the boundary of the Hillside Area; and an Adjustment to authorize a 3-foot northern and southern side yard setback.

Ordinance No. 180,403 – On November 26, 2008, City Council adopted Ordinance No. 180,403, resulting in a Zone Change, adding [Q] Qualified and [D] Development limitations to the zone, for various sub areas within the Northeast Community Plan area. The “Q” Conditions and “D” Limitations regulate and limit floor area, height, retaining walls, grading, building design, and landscaping, and are collectively referred to as the Northeast Los Angeles Hillside Ordinance.

Ordinance No. 179,531-SA1 – On January 23,2008, City Council approved an interim set of development regulations in the Northeast Los Angeles hillside area (CF 07-4135, CPC-2004-7068-ICO).

Ordinance No. 178,102-SA1 – Effective on December 10, 2006, implementing an interim set of development regulations in the Northeast Los Angeles hillside area (CF 04-1880).

Ordinance No. 172,316 – On November 24, 1998, City Council approved an ordinance to establish interim regulations for the issuance of building and demolition permits for certain residential, commercial, and industrial projects in the Northeast Los Angeles Community Plan Area.

Ordinance No. 129,279 - On January 12, 1965, the City Council approved an ordinance to amend the definition of "Hillside Areas" of Subsection (h) of Section 91.043 of the Los Angeles Municipal Code.

STATUTORY PROVISIONS OF AUTHORITY

The provisions of the Los Angeles Municipal Code establishing authority in regard to this appeal include:

LAMC Section 13A.1.8.B. of Chapter 1A addresses the functions of the Los Angeles Department of Building and Safety and provides in Section 13A.1.8.B.1: "The Department of Building and Safety is granted the power to enforce the zoning ordinances of the City."

LAMC Section 13B.10.2.A.1 of Chapter 1A provides that "The Director of Planning may investigate and make a decision upon appeals from determinations of the Los Angeles Department of Building and Safety (LADBS) where it is alleged there is error or abuse of discretion in any order, interpretation, requirement, determination or action made by LADBS in the enforcement or administration of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code and other land use ordinances in site specific cases."

RELEVANT ZONING CODE PROVISIONS

LAMC SEC. 13.A.1.8. Department of Building and Safety.

1. Enforcement. The Department of Building and Safety is granted the power to enforce the zoning ordinances of the City.
2. Zoning Information. The Department of Building and Safety shall maintain a public information bureau relative to zoning matters.

LAMC SEC. 13.A.2.7.B. Effectuation of Approvals

A discretionary project approval is considered effectuated by the Department of City Planning when the conditions of approval of the grant are satisfied. This must be done before the privileges of the grant may be utilized. Effectuation is accomplished upon procedural steps being followed and completed by the applicant to demonstrate compliance with all conditions of approval. The Department of City Planning shall verify such compliance and assess appropriate fees. Effectuation is achieved when fees are paid, plans are verified and stamped as approved, and authorization is obtained to utilize grant. Authorization is typically demonstrated by a clearance on a building permit. However, if a project site includes a use that is existing, and there is no physical work and/or change of use

involved and the description of work in any previously issued permits do not specifically exclude or prohibit the entitled operation, then a permit from Department of Building and Safety may not be necessary. Thus, a project not requiring permits for construction or alteration from the Department of Building and Safety achieves effectuation when the Department of City Planning verifies compliance with all conditions of the grant, including payment of all fees, and stamping of plans.

LAMC SEC. 13.A.2.7.C. Utilizing the Grant

1. A discretionary project approval is considered utilized after it has been effectuated by the Department of City Planning and a building permit has been issued by the Department of Building and Safety. Utilization of a grant must occur no later than 3 years from the last date an action can be effectuated. An approval not requiring building permits from the Department of Building and Safety is considered utilized when compliance with all conditions of approval have been demonstrated, appropriate fees paid, plans stamped and authorization has been obtained from the Department of City Planning.

Ordinance No. 180,403, Section A.2. Building Design

- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to one story or 15 feet in height. The 50 linear feet must be labeled on all plans accordingly. No structure shall exceed a height in excess of 15 feet above the identified ridgeline. The precise ridgelines shall be verified and identified on the required topographic survey, prepared by a licensed surveyor.

APPEAL TO THE DEPARTMENT OF BUILDING AND SAFETY

On August 28, 2024, the Los Angeles Department of Building and Safety (LADBS) issued Report No. DBS-240054-DCP in response to an appeal filed by David Rindlaub. The appeal alleges that LADBS erred and abused its discretion in issuing Permit No. 20010-1000-03873, which the Appellant claims the building exceeds the maximum building height relative to the ridgeline per Northeast Hillside Ordinance.

Note: The relevant text of the appeal report is quoted below. References in this section to exhibits are to those attached to the LADBS appeal report. A complete copy of the LADBS appeal report is located in the subject Department of City Planning case file.

EXHIBITS

EXHIBIT A: ZIMAS Parcel Profile Report with vicinity map.

EXHIBIT B: Building Permit No. 20010-10000-03873, issued September 15, 2023, "(N) Two-Story Single Family Dwelling with attached Garage."

EXHIBIT C: Northeast Hillside Ordinance No. 180403, [Q] Conditions.

EXHIBIT D: Clearance Summary Worksheet for Building Permit No. 20010-10000-03873.

EXHIBIT E: City Planning stamped plans dated 8/25/2022 for ZA 2020-781-ZAD-1A.

APPENDIX: Appeal package submitted by appellant on June 26, 2024.

HISTORY

On September 15, 2023, LADBS issued Building Permit No. 20010-10000-03873 (Exhibit B) for a new single family dwelling 2-story with attached garage.

On June 26, 2024, an appeal was filed which claims that LADBS erred in issuing Building Permit No. 20010-10000-03873 that exceeds 15 feet in height within 50 linear feet of the ridgeline per the Northeast Hillside Ordinance (Exhibit C).

DISCUSSION

The following is a summary of the issues identified by the appellant along with the corresponding response from LADBS:

Issue No. 1

The building exceeds the maximum building height relative to the ridgeline per the Northeast Hillside Ordinance (Exhibit C) Section 2.A.2.e in which the building exceeds 15 feet in height within 50 linear feet of the identified ridgeline. That the building exceeds a height in excess of 15 feet above the ridgeline within any distance of the ridgeline. That the precise, verified ridgeline is not identified on the topographic survey as required per the ordinance; the surveyor has only copied the ridgeline location from the large-scale Northeast Los Angeles Ridgelines map and does not show the elevation of the ridgeline. That the ridgeline section diagram included in the ZA 2020-781-ZAD-1A is inaccurate and does not match the permit construction drawings and survey and LADBS information.

LADBS response to Issue No. 1

The Clearance Summary Worksheet (Exhibit D) for the [Q] Conditions (Northeast Hillside Ordinance) has been approved by the Department of City Planning and with conditions as "Approved per covenant dated 6/27/22 instrument no. 20220668572 and plans stamp dated 8/25/22. ADM-2022-5986-QC".

The building location as per the stamped plans (Exhibit E) from City Planning shows that the building is more than 50 linear feet from the ridgeline and that the building does not exceed 15 feet above the ridgeline at any location.

CONCLUSION

Based on LADBS responses above, LADBS did not err or abuse its discretion by issuing Building Permit No. 20010-10000-03873 as the plans shows that the building is located

more than 50 feet from the ridgeline and do not exceed 15 feet above the ridgeline at any point.

Any decision made by LADBS regarding the City of Los Angeles Zoning Code or other land use regulations can be challenged through LAMC §13B.10.2 of Chapter 1A. However, if the decision is made by the Department of City Planning, it must be appealed directly through their own appeal procedures. If the Appellant wishes to appeal a decision made by LADBS claiming an error or abuse of discretion regarding the City of Los Angeles Building Code or any other matter under the jurisdiction of the Board of Building and Safety Commissioners as granted by LAMC §98.0403.1(b), the procedures outlined in LAMC §98.0403.2 should be followed.

APPEAL TO THE DIRECTOR OF PLANNING

On September 5, 2024, the Appellant, David Rindlaub, filed an appeal to the Director of Planning objecting to the determination issued by LADBS (Exhibit B). The appeal requested, pursuant to LAMC Section 13B.10.2, a Director's determination as to whether LADBS erred or abused its discretion in issuing Permit No. 20010-10000-03873 for the construction of a new two-story, single-family dwelling with attached garage.

The Appellant states that LADBS response to Issue No. 1 refers to plans stamped dated 8/25/22 associated with Case No. ZA-2020-0781-ZAD-ZAA.

- The appellant states that in the topographical survey, the precise ridgeline location is not verified and identified on the required topographic survey, prepared by a licensed surveyor as required by the Northeast Hillside Ordinance No. 108,403 Section 2.A.2.e. The surveyor copied the ridgeline plan location from the large-scale NE Los Angeles Ridgelines Map and does not show the precise ridgeline plan location and the elevation of the ridgeline.
- The ridgeline does not appear to be included in permit No. 20010-10000-03873 plans as required by Ord. No. 108,403 Section 2.A.2.e. and ZI No. 2399 H.10.
- The ridgeline section diagram is inaccurate.
- The location where the topographic survey incorrectly shows the ridgeline is on a steep slope 30 feet lower than the street and is not the precise location of the ridgeline.
- Per contour lines of the topographic survey and the applicant's exhibit the actual ridgeline is in the vicinity of the eastern edge of the site. The building exceeds the height limit of 15 feet above the ridgeline within 50 linear feet of the ridgeline by approximately 11 feet.
- The location where the ridgeline is shown on the topographic survey is not the actual ridgeline because this is on the side of a slope down approximately 30 feet lower than the east edge of the property. However, if this location is accepted by the LADBS/ Planning Department, the building exceeds the maximum height of 15 feet above the ridgeline, beyond 50 feet from the ridgeline per Ordinance 180,403 by approximately 21 feet.
 - Per ZA -2020-0781-ZAD ZAA
 - condition #8 "except as provided herein, no other deviations from other applicable provisions of the Zoning Code or Ordinance No. 180,403 have been granted"

- condition #10 "Prior to the sign-off of plans by the Development Services Center, City Planning Department, the applicant shall submit a topographic survey prepared by a licensed surveyor, in compliance with Section A.2.d.e of the Northeast LA Hillside Ordinance (Ord No. 180,403) showing the project's relationship to the nearest ridgeline(s) for inclusion in the case file." The precise ridgeline location was not verified and identified on the required topographic survey, prepared by a licensed surveyor as required by the NE Hillside Ordinance No. 180,403 Section 2.A.2.e.

PUBLIC HEARING

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site on 3009 North Amethyst Street, for which an application, as described below, was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The public hearing was held on November 13, 2024 at 9:58 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. The hearing was conducted by Associate Zoning Administrator Jonathan A. Hershey, on behalf of the Director of Planning, Vincent P. Bertoni. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

David Rinlaub, the appellant for the Building and Safety Appeal, summarized the appeal as follows:

- A presentation was shown, a copy of which has been attached to the administrative record.
- The problem is similar to those at 3005 Amethyst St.
- I am only asking for compliance with the Zoning Code.
- The ridgeline requirements have two height limitations.
- The ridgeline map associated with the Ordinance is to identify the ridgeline; surveyor's are to identify its precise location.
- This understanding is confirmed by Planning staff.
- The submitted survey is a graphical image, not a survey.
- The permit holder's ridgeline is erroneous, and places it below and beyond the actual ridgeline.
- The constructed dwelling exceeds the height limitation relative to the ridgeline.
- Non-compliance is common sense based on submitted plans.

In response to questions posed by the Zoning Administrator, Mr. Rinlaub clarified that the submitted graphics were prepared with scaled documents and graphics; that he is a licensed architect and hiker, and knows how to read and interpret a topographic survey.

In response to the appeal, Reza Hadian, the permit holder, made the following statements:

- The applicant (property owner) recently purchased the property.
- The project has no impact on the appellant.
- The appellant's drawings reflect their own personal opinion.
- The ridgeline map was prepared by a surveyor, based upon a map provided by City Planning and the Northeast Los Angeles Hillside Ordinance.
- The plans were reviewed and approved by City Planning.
- The project conforms with the Ridgeline Height restrictions.
- I have done other projects in the area, and I am familiar with the ordinance requirements.

In response to questions posed by the Zoning Administrator, the applicant stated that he would have the project surveyor respond in writing.

No other members of the general public were in attendance at the hearing to offer any testimony. At the conclusion of the hearing, Mr. Rinlaub was given an opportunity to make any additional statements:

David Rinlaub

- I am not trying to be Code Enforcement.
- I just want the Zone Code to be complied with.
- I have asked for compliance at the time of the original Zoning Administrator's hearing.
- Non-compliance is easy to see – it is obvious based on submitted plans.

No additional testimony was offered by Mr. Hadian.

At the conclusion of the hearing, the Zoning Administrator stated that the matter would be taken under consideration, pending a written response from the project surveyor on a number of questions posed by the Zoning Administrator.

Summary of Correspondence

The project applicant identified Armin Basfar as the project surveyor. On December 11, 2024, the Zoning Administrator sent Mr. Basfar 20 questions concerning his qualifications and the information utilized to prepare the ridgeline survey submitted to the Departments of City Planning and Building and Safety. A copy of the survey submitted to verify the project's compliance with Ordinance No. 180,403 was included in the email, as well as a copy of Ordinance No. 180,403. On May 15, 2025, Mr. Cyrus Azarmy provided the following information in response to the following questions:

1. Please state your full name.

CYRUS AZARMY

2. Are you a California licensed Surveyor?

YES

3. What is your license number?

L.S. NO 9404

4. How does a licensed surveyor define what a ridgeline is?

We normally define a ridgeline based on topographic map (contour lines) and website data if available.

5. Do you know how to interpret the information on a topographic map?

YES

6. Can a ridgeline be identified on a topographic map?

YES

7. How is a ridgeline identified on a topographic map?

A ridgeline follows the path where elevation is locally maximized, that is, where the land drops away on both sides.

8. Did you prepare a topographical map or survey identifying the ridgeline(s) for projects located at 3005 N. Amethyst Street (Case No. ZA-2020-752-ZAD-A1) and 3009 N. Amethyst Street (Case No. ZA-2020-781-ZAD-1A), Los Angeles, 90032?

YES

9. Did you prepare the attached maps?

YES

10. Are the attached maps the topographical map or survey that you prepared to meet the requirement of Section A.2.e of the Northeast Los Angeles Hillside Ordinance No. 180,403?

YES

11. Can you identify what, if any, other documents/resources were referenced in preparing these maps?

Please see the attached files.

12. What other documents/resources were referenced in preparing these maps?

NELA Ridgeline Map ZI2399 and

13. Was a field check or field survey conducted to locate relevant the ridgeline(s) illustrated on the attached maps?

YES, a Partial Topographic Survey.

14. As a licensed surveyor, did your field check or survey confirm the location of the relevant ridgeline(s)?

YES

15. As a licensed surveyor, can you identify where the ridgeline(s) is/are on the attached maps?

YES

16. As a licensed surveyor, do the attached maps represent where the ridgeline(s) is/are?

YES

17. On the attached maps, where and how is/are the ridgeline(s) indicated?

By overlaying a City Ridgeline map.

18. As a licensed surveyor, can you say that the attached map accurately identifies the location of the ridgeline(s)?

We cannot confirm the absolute accuracy of the ridgeline location due to the lack of access to the neighboring property. However, our determination is based on the Ridgeline Map (ZI 2399) and Pictometry data available through the NavigateLA website, both of which indicate a consistent ridgeline alignment. Please see the attached picture.

19. Were you involved in determining the distance between the identified ridgeline(s) and the proposed projects?

YES, It's done under my supervision.

20. How did you determine the distance from the identified ridgeline to the points illustrated on the attached maps?

I overlaid the City Ridgeline Map onto the DWG file and took measurements.

Three attachments were included with the response. The first attachment is a screenshot image of a window entitled "Pictometry Window", showing an aerial photograph of the subject property and surrounding area with property lines, and what appears to be topographical contour lines overlaid on top of it; none of the contour lines are associated with elevations notations. A red line has been drawn on the image purporting to show the ridgeline based upon the topographical information and what appears to be a "50" measurement between a property frontage and the ridgeline. There is no scale associated with the image. The second attachment is a sheet entitled Survey Plat, dated February 15, 2022, which depicts two properties, APN 5209008006 (3005 North Amethyst Street)

and APN 5209008005 (3009 North Amethyst Street), contains topographical contours lines at 2-foot intervals corresponding to elevations between 742 and 760, but only along the western side of Amethyst Street. There are measurements between the eastern (front) property lines of the referenced properties and an arbitrary, unlabeled line to the left (east). A note on the plans state that a surveyor's spike was found at the intersection of Amethyst and Telluride Streets, having an elevation of 760. The third attachment is a copy of the City's adopted Northeast LA Hillside Work Program Ridgelines map, printed June 2008, with a circle highlighting the location of the subject property.

On May 21, 2025, following up on the surveyor's response, nine additional questions were asked. On July 9, 2025, Mr. Amin Basfar, an associate of Mr. Azarmy, provided the following responses:

21. In question No. 7, you state, "A ridgeline follows the path where elevation is locally maximized, that is, where the land drops away on both sides." In response to question No. 17, you state that the ridgelines for these projects were indicated "By overlaying a City Ridgeline map." The NELA Ridgeline Map exhibit you attached as a reference contains no topographical information. As a licensed surveyor, does the location of the ridgeline identified on the NELA Ridgeline Map correspond to the ridgeline as identified on a topographical map?

Yes, it's almost the same as the contour lines shown on the NavigateLA topo map.

22. As a licensed surveyor, does the location of the ridgeline identified on the NELA Ridgeline Map correspond to an actual, physical ridgeline?

We cannot confirm the absolute accuracy of the ridgeline location due to the lack of access to the neighboring property.

23. Ordinance No. 180,403, which contains the regulations for hillside development in Northeast Los Angeles, has the following requirement under Section 2.A.2.e.: "The precise ridgelines shall be verified and identified on the required topographic survey, prepared by a licensed surveyor." What information did you rely upon to indicate that the NELA Ridgeline Map illustrated the "precise ridgelines"?

Our determination is based on the Ridgeline Map (ZI 2399) and Pictometry data available through the Navigate LA website, both of which indicate a consistent ridgeline alignment.

24. What steps did you take to verify the information?

25. In response to question No. 12, you state, "NELA Ridgeline Map ZI2399 and". This seems like an incomplete answer. Please clarify.

NELA Ridgeline Map ZI2399 and Navigate LA, Topography Survey.

26. In response to question No. 13, you state that you conducted "a Partial Topographic Survey". What did this involve?

This involved the measurement and mapping of elevation and features of limited areas of land and property.

27. Did you personally visit the project sites in order to confirm the actual, physical location of the ridgeline?

Yes

28. If you personally visited the site, can you confirm if the actual, physical ridgeline is located as illustrated on the ridgeline maps submitted in support of the projects' compliance with the regulations of Ordinance No. 180,403?

We cannot confirm the precise location of the ridgeline due to lack of access to the neighboring property. To accurately determine the ridgeline, we would need to rely on official documents or field measurements. In this case, following the City's ridgeline maps is a more reliable approach than estimating the location by visual observation.

- 28a. If you, personally, did not visit the site, did anyone do so to confirm that the actual, physical ridgeline is located as illustrated on the ridgeline maps submitted in support of the projects' compliance with the regulations of Ordinance No. 180,403?

- 28b. If you, personally, did not visit the site, did anyone do so on your behalf to confirm the actual, physical location of the ridgeline? Please identify who they are, and what, if any, working title they have.

29. Please identify the surveyor monument(s) that were utilized in the survey, if any.

Please see the attached field note of the found monuments.

There was one attachment to the response email, consisting of a copy of a Bureau of Engineering, Survey Division, monument survey, F.B. 141-225, page 153, highlighting two monuments, one located at the intersection of Amethyst and Telluride Streets, and a second monument located approximately 189 feet south southwest along Amethyst Street.

DISCUSSION

The appeal is restricted to considering whether the Los Angeles Department of Building and Safety (LADBS) acted within the scope of its authority as provided in the applicable sections of the Los Angeles Municipal Code (LAMC) cited herein and if LADBS committed an error or abuse of discretion in issuing Permit No. 20010-10000-03873.

Pursuant to LAMC Section 13B.10.2.A.1 of Chapter 1A, the Director of Planning has "the power and duty to investigate and make a decision ... where it is alleged there is error or abuse of discretion in any order, interpretation, requirement, determination or action made by LADBS in the enforcement or administration of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code and other land use ordinances in site specific cases." The Zoning Administrator, acting on behalf of the Director, is charged with reviewing the evidence contained in the administrative record, in addition to the justifications and findings provided by LADBS in their appeal report. In order to conclude whether LADBS erred and abused their discretion or not, and thereby grant or deny the appeal, there must be evidence that LADBS' enforcement or administration of the Zoning Code was or was not performed in the proper manner.

At issue is whether or not the subject permit is consistent with the requirements of Ordinance No. 180,403, Section A.2.e., a height limitation within a specified distance of a ridgeline.

Issue 1: The project does not comply with the one story or 15-foot height limit within 50 linear feet of a ridgeline.

Ordinance No. 180,403, referred to as the Northeast LA Hillside Ordinance, contains the following requirements:

Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to one story or 15 feet in height. The 50 linear feet must be labeled on all plans accordingly. No structure shall exceed a height in excess of 15 feet above the identified ridgeline. The precise ridgelines shall be verified and identified on the required topographic survey, prepared by a licensed surveyor.

The applicant submitted an exhibit entitled "Survey Plat", stamped by a licensed surveyor, Cyrus Azarmy, P.L. No. 9404, and is further stamped with "Plans Approved" by the Department of City Planning, on August 25, 2022, for compliance with Case No. ZA-2020-781-ZAD-ZAA-1A, in conjunction with Permit No. 20010-10000-03873.

The Survey Plat exhibit depicts two properties, APN 5209008006 (3005 North Amethyst Street) and APN 5209008005 (3009 North Amethyst Street), and contains topographical contours lines at 2-foot intervals corresponding to elevations between 742 and 760, but only along the western side of Amethyst Street. It also appears that an image, corresponding to a part of the adopted Northeast LA Hillside Work Program Ridgelines map, was superimposed on this to represent the location of a ridgeline. Finally, measurements from the superimposed ridgeline to the front property line and dwelling are noted to show the distance between them. The Survey Plat notes that there is a separation in excess of 87 feet from the ridgeline to the front property line, and in excess of 124 feet between the ridgeline and the front of the dwelling.

Mr. Azarmy, in response to written questions posed by the Zoning Administrator, replied that the submitted survey was prepared “[b]y overlaying a City Ridgeline map.” Measurements were determined by overlaying “the City Ridgeline Map onto the DWG file”.

According to Mr. Basfar, an associate of Mr. Azarmy, and similar statements made by Mr. Azarmy, “We cannot confirm the absolute accuracy of the ridgeline location due to the lack of access to the neighboring property. However, our determination is based on the Ridgeline Map (ZI 2399) and Pictometry data available through the NavigateLA website, both of which indicate a consistent ridgeline alignment.” Further, [i]n this case, following the City’s ridgeline maps is a more reliable approach than estimating the location by visual observation.”

In response to questions posed by the Zoning Administrator, Mr. Azarmy stated that “[a] ridgeline follows the path where elevation is locally maximized, that is, where the land drops away on both sides.”

On review of publicly available resources, including the Department of Public Works, Bureau of Engineering’s NavigateLA geographic information system (<https://navigatela.lacity.org>), it is found that when compared to the 2016 4-foot interval contour lines, the contour lines represented on the applicant’s Survey Plat appeared to be similar; however, the submitted Survey Plat only includes contour lines on the western side of Amethyst Street. Extending the contour lines farther to the east, as shown on NavigateLA, the elevation appears to peak along Amethyst Street, then generally drops away along the eastern side of the street. Based upon Mr. Azarmy’s definition of a ridgeline and the contour line information on NavigateLA, it can be inferred that there is a ridgeline that approximately corresponds with the location of Amethyst Street in this area. As compared to the applicant’s Survey Plat, the ridgeline is located significantly closer to the subject property than is represented in that exhibit.

It is noted that the exhibit image entitled “Pictometry Window” representing contour lines overlaying an ariel photograph of the property, submitted by Mr. Azarmy could not be found or matched on any city resource.

Publicly available information, including the topographical contour line information found on NavigateLA and Los Angeles County’s GIS-NET Public (<https://rpgis.isd.lacounty.gov>), and Google Maps Street View, all provide evidence that a ridgeline exists along Amethyst Street and not in the location identified in the submitted Survey Plat. In response to questions posed by the Zoning Administrator, Mr. Basfar stated that he had personally visited the site in order to confirm the actual, physical location of the ridgeline. An in-person visit to the site would have immediately confirmed that the location of the ridgeline as depicted on the submitted Survey Plat is inaccurate and should not have been utilized as a reference to determine compliance with Section A.2.e. of Ordinance No. 180,403.

Based on the above, it appears that Mr. Azarmy prepared and submitted an exhibit that misrepresented the location of the ridgeline and the project’s relative location

from it. Relying upon Mr. Azarmy's license as a surveyor, City staff accepted the submitted exhibit as accurate evidence for compliance with Section A.2.e. of Ordinance No. 180,403, which requires that structures within 50 linear feet of identified ridgelines are limited to one story or 15 feet in height.

Issue 2: The project does not comply with the maximum 15-foot height limit above the ridgeline.

Ordinance No. 180,403, referred to as the Northeast LA Hillside Ordinance, contains the following requirements:

Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to one story or 15 feet in height. The 50 linear feet must be labeled on all plans accordingly. No structure shall exceed a height in excess of 15 feet above the identified ridgeline. The precise ridgelines shall be verified and identified on the required topographic survey, prepared by a licensed surveyor.

The appellant argues that the project is limited in its maximum height such that no part of it may exceed a relative height of 15 feet above the ridgeline.

On consultation with the City staff overseeing the implementation of the Northeast LA Hillside Ordinance, it was determined that this limitation expressed by the appellant does not exist.

CONCLUSION

After reviewing the evidence in the record including information submitted by the Department of Building and Safety, the administrative record of prior Case No. ZA-2020-781-ZAD-ZAA-1A, the testimony at the public hearing conducted by the Zoning Administrator on November 13, 2024, the Appellants' statements in the appeal, and correspondence received, the following determinations have been reached:

With regard to issue 1, the Department of Building and Safety erred in the issuance of Permit No. 20010-10000-03873, due to City Planning's clearance that was based on erroneous information submitted by the applicant. It is further concluded that the submitted Survey Plat does not serve to verify the project's compliance with Section A.2.e. of Ordinance No. 180,403, and that the applicant will need to resubmit a survey to show compliance with its regulation.

With regard to issue 2, the Department of Building and Safety did not err or abuse its discretion in its determination to issue Permit No. 20010-10000-03873 because the development limitation argued by the appellant does not exist.

CITYWIDE IMPACT

Pursuant to the requirements of Section 13B.10.2.E.2. of Chapter 1A of the Los Angeles Municipal Code, the Director of Planning finds that there is no Citywide impact as the matter concerns only the use of the specific property. The circumstances connected with

the zoning matter are unique to the affected site and would not generally apply to other sites in the City, therefore, would not result in changes in the application of Chapter I of this Code or other land use ordinances to other sites.

APPEAL PERIOD - EFFECTIVE DATE

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning’s DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC
(213) 482-7077
201 North Figueroa Street
Los Angeles, CA 90012
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

South Los Angeles DSC
(In person appointments available on Tuesdays and Thursdays 8am-4pm only)
8475 S. Vermont Avenue, 1st Floor
Los Angeles, CA 90044
planning.southla@lacity.org

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025
planning.westla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.lacity.org) portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to Online
Appeal Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
Director of Planning

JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH: UP:mc

cc: Councilmember Ysabel Jurado
Fourteenth District
LA32 Neighborhood Council
Adjoining Property Owners