

# Notice of Public Hearing

Aviso de Audiencia Pública • 공청회통지  
Abiso ng Pagdinig sa Publiko • 公開聽證會通知  
Հանրային լսումների մասին ծանուցագիր

311

Traducción  
번역 • 翻译  
Pagsasalin  
Թարգմանություն



**February 19, 2025 after 4:30 p.m.**

West Los Angeles Planning Commission

Felicia Mahood Multipurpose Center

11338 Santa Monica Boulevard

Los Angeles, CA 90025

This meeting may be available virtually, in a hybrid format. Please check the meeting agenda approximately 72 hours before the meeting for additional information.

Please see [planning4la.org/hearings](https://planning4la.org/hearings) for the meeting agenda.



## Project Address

10281 West Charing Cross Road

Sitio de Proyecto

프로젝트 주소 • 項目地址

Address ng Proyekto

ծրագրի Հասցե

## Proposed Project

Proyecto Propuesto

프로젝트 제안 • 擬議項目

Iminungkahing Proyekto

Առաջարկվող ծրագիր

The project proposes the construction, use, and maintenance of existing fencing and hedging that is 10 feet in height along the property boundaries with exception of the west property line, hedging along the west property line that is 20 feet in height, a new vehicular gate and one pedestrian gate 10 feet in height.

## Actions Requested

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

An appeal of the Associate Zoning Administrator's determination, dated November 22, 2024, which:

**DETERMINED** based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3 (New Construction), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

**APPROVED** an Adjustment to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and privacy hedge, vehicle and pedestrian gates, and pilasters, all located within the required front yard setback of property in the RE40-1 Zone;and

an Adjustment to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and maximum 20-foot in height privacy hedge along the northwestern property line within the required front and side yard setback of property in the RE40-1 Zone with additional terms and conditions.

(Refer to the Letter of Determination dated November 22, 2024)



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## Case Information

Información del caso • 케이스 정보 • 案例資訊 • Impormasyon sa Kaso • Տեղեկություններ գործի վերաբերյալ

### Case Number(s):

ZA-2023-3336-ZAA-1A

### Environmental Case Number(s):

ENV-2023-3337-CE

### Related Case Number(s):

N/A

### Overlay(s):

N/A

### Zone:

RE40-1

### Community Plan Area:

Westwood

### Land Use Designation:

Minimum Residential

### Assigned Staff Contact Information:

Alex Truong, City Planner  
alexander.truong@lacity.org  
(213) 978-3308  
200 N. Spring Street, Room 763  
Los Angeles, CA 90012

### Council District:

5

### Applicant:

10281 Charing Cross Property LLC

### Appellant:

Marc B Nathanson

### Applicant Representative:

Isaac Lemus, Crest Real Estate

### Appellant Representative:

Dale Goldsmith  
Armbruster Goldsmith & Delvac LLP

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## Who's Receiving This Notice

Quién recibe este aviso • 본통지를 받은 사람들 • 誰會收到此通知

Sino ang Tumatanggap ng Paunawang Ito • Սույն ծանուցագիրը ստացող կողմը

You are receiving this notice either because you live on or own property that is on a site abutting where a project application has been filed with the Department of City Planning, are the Certified Neighborhood Council for the subject property, or because you requested to be added to the interested parties list, or you are otherwise legally required to receive this notice. You are invited to attend this hearing to learn more about the proposed project and offer feedback. If unable to attend, you may contact the planner to provide written comment, obtain additional information, and/or review the project file.

**General Information** - Visit our website at [planning4la.org/hearings](http://planning4la.org/hearings) for general information about public hearings and the exhaustion of administrative remedies.

**File Review** - The complete file will be available for public inspection by appointment only. Please email the staff identified on the front page, at least three (3) days in advance, to arrange for an appointment. Files are not available for review the day of or day before the hearing.

**Agendas And Reports** - Commission Agendas are accessible online at [planning4la.org/hearings](http://planning4la.org/hearings). Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

**Testimony And Correspondence** - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

**Requirements For Submission Of Materials** - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. The case number must be written on all communications, plans and exhibits.

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on the front of this page.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at [planning4la.org/hearings](http://planning4la.org/hearings) and selecting the specific Commission.

**Exhaustion Of Administrative Remedies And Judicial Review** - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing aenized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. 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.

**Accommodations** - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. To request a reasonable accommodation, such as translation or interpretation, please contact the Commission Executive Assistant at (213)756-1714, the Commission Office Main Line at (213) 978-1300 or by email at [apcwestla@lacity.org](mailto:apcwestla@lacity.org) a minimum of 3 days (72 hours) prior to the public hearing. Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.



# **MASTER APPEAL FORM**

**WITH ATTACHMENTS**

# APPLICATIONS

## APPEAL APPLICATION Instructions and Checklist



### PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form CP13-7840. For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

### RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

### APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- Area Planning Commission (APC)     City Planning Commission (CPC)     City Council  
 Zoning Administrator (ZA)

### CASE INFORMATION

Case Number: ZA-2023-3336-ZAA

APN: 4359-011-016

Project Address: 10281 W. Charing Cross Road, Los Angeles, CA 90024

Final Date to Appeal: December 9, 2024

### APPELLANT

**Check all that apply.**

- Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
 Representative     Property Owner     Applicant     Operator of the Use/Site

**APPELLANT INFORMATION**

Appellant Name: Marc B. Nathanson

Company/Organization: \_\_\_\_\_

Mailing Address: 282 S. Mapleton Drive

City: Los Angeles State: CA Zip Code: 90024

Telephone: (310) 209-7201 E-mail: bbgmarc@aol.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

Self  Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position?  YES  NO

**REPRESENTATIVE / AGENT INFORMATION**

Name: Dale Goldsmith

Company/Organization: Armbruster Goldsmith & Delvac LLP

Mailing Address: 12100 Wilshire Boulevard, Suite 1600

City: Los Angeles State: CA Zip Code: 90025

Telephone: (310) 209-8800 E-mail: dale@agd-landuse.com

**JUSTIFICATION / REASON FOR APPEAL**

Is the decision being appealed in its entirety or in part?  Entire  Part

Are specific Conditions of Approval being appealed?  YES  NO

If Yes, list the Condition Number(s) here: \_\_\_\_\_

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: Dec. 5. 24

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: 172

Reviewed & Accepted by (DSC Planner): Jazmin Roque

Receipt No.: 2024341001-80 Date: 12/6/2024

Determination authority notified  Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

## APPEAL DOCUMENTS

### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- Appeal Application
- Justification/Reason for Appeal



- Copy of Letter of Determination (LOD) for the decision being appealed

## 2. Electronic Copy

- Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

## 3. Appeal Fee

- Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

## 4. Noticing Requirements (Applicant Appeals Only)

- Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

## DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

## **WAIVER OF DEDICATION AND / OR IMPROVEMENT**

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

## **[VESTING] TENTATIVE TRACT MAP**

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

## **NUISANCE ABATEMENT / REVOCATIONS**

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### **Appeal Fee**

- Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

## **JUSTIFICATION STATEMENT: 10281 W. CHARING CROSS ROAD**

On November 22, 2024, the Zoning Administrator approved Zoning Administrator's Adjustments to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and privacy hedge, vehicle and pedestrian gates, and pilasters within the front yard setback and to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and maximum 20-foot in height privacy hedge along the northwestern property line within the required front and side yard setback on the property located at 10281 W. Charing Cross Road. The fence/hedge has already been installed without permits or the required Zoning Administrator's Adjustments and the applicant is under investigation with LADBS for construction without permits.

As set forth below, the required findings cannot be made:

1. site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible

At 10 feet in the front yard setback and 20 feet in the front and side yard setback the fence/hedge is more than double the 3.5 feet (front) and 6 feet (side) permitted by LAMC 12.22.C.20. As noted by the Zoning Administrator at the hearing, the applicant failed to sufficiently demonstrate that strict adherence to the zoning regulations is impractical or infeasible.

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

While the applicant provided examples of previously approved cases in the area for over in height fences, none of those cases include fences/hedges up to 20 feet in height; therefore, the project would be out of character, not be compatible with, and will adversely affect adjacent properties and the surrounding neighborhood.

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

At nearly double the height of fences/hedges on surrounding properties, the project also would not be in substantial conformance with General Plan Policy I-3.1 which states: "Require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods."

In addition, the applicant notes that several other properties have unpermitted over in height fences/hedges. The fact that other property owners are scofflaws does not entitle the applicant to do the same or propose over in height fence/hedge that is nearly double that for properties that do have approved over in height fences/hedges.

4. Adverse Impacts

The applicant has failed to provide no adverse impact findings or substantial evidence of no adverse impacts, thus there can be no finding that the project will not cause significant impacts which is an exception to the application of Categorical Exemption, thus prohibiting the use of the Class 3 Categorical Exemption for this project. There is a clear potential for a significant aesthetics impact from the over in height fence/hedge as it will block views of scenic vistas as well as block sunlight on neighboring properties

which would limit their ability to maintain their own landscaping or have a garden and would reduce the amount of natural sunlight that enters their homes. There is also a potential significant impact to public safety as the over in height fence/hedge will reducing visibility at nearby intersections and driveways causing significant impacts on traffic and pedestrian safety. Therefore, a mitigated negative declaration or environmental impact report would be required.

## 5. Unclean Hands

The applicant has continuously neglected to implement Best Management Practices during the current construction that is occurring at the site. Construction workers regularly trespass on the appellant's property to sit on the lawn during their lunch hour or park their vehicles leaving behind bottles, food containers, and other litter. This negligence has resulted in a nuisance and degradation of the appellant's property by damaging the landscaping and vegetation. Appellant has repeatedly brought these issues to the attention of the applicant, but no action has been taken – either to stop the trespassing and littering or restore the damaged vegetation.

The appellant respectfully requests that the Zoning Administrator's decision be reconsidered and overturned and that the applicant be required to comply with LAMC fence/hedge height requirements to maintain a 3.5-foot fence/hedge in the front yard setback and 6-foot fence/hedge in the side yard setback and/or undertake appropriate environmental review.

The screenshot shows a web interface for the Los Angeles Department of Building and Safety (DBS). The header includes the LA DBS logo, a 'Back to LADBS' link, and 'All Services' with a shopping cart icon. The main content area displays a permit record for the address 10281 W CHARING CROSS ROAD. The record details are as follows:

Date Received:	11/17/2024
Description:	CONSTRUCTION DONE WITHOUT PERMITS OR INSPECTIONS
Inspector:	PETER RUBIO
Status:	UNDER INVESTIGATION



Photos of degraded vegetation and litter











**DETERMINATION  
LETTER**



OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

ESTINEH MAILIAN  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
TIM FARGO  
JONATHAN A. HERSHEY, AICP  
PHYLLIS NATHANSON  
CHARLES J. RAUSCH JR.  
CHRISTINE SAPONARA  
COURTNEY SHUM  
CHRISTINA TOY LEE  
JORDANN TURNER

CITY OF LOS ANGELES  
CALIFORNIA



KAREN BASS  
MAYOR

LOS ANGELES DEPARTMENT  
OF CITY PLANNING  
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP  
DIRECTOR

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR  
HAYDEE URITA-LOPEZ  
DEPUTY DIRECTOR  
ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR  
LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

planning.lacity.org

November 22, 2024

Last Day to File an Appeal: December 9, 2024

10281 Charing Cross Property LLC (A)(O)  
2049 South Century Park East, #2600  
Los Angeles, CA 90067

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

CASE NO. ZA-2023-3336-ZAA  
ZONING ADMINISTRATOR'S  
ADJUSTMENT  
10281 West Charing Cross Road  
Westwood Community Plan  
Zone: RE40-1  
C.D: 5  
D.M.: 138B157, 141B157  
CEQA: ENV-2023-3337-CE  
Legal Description: Arb 1, Lot 9, Tract 9061

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3 (New Construction), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

an Adjustment to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and privacy hedge, vehicle and pedestrian gates, and pilasters, all located within the required front yard setback of property in the RE40-1 Zone; and

an Adjustment to allow the construction, use, and maintenance of a 10-foot in height open wrought iron fence and maximum 20-foot in height privacy hedge along the

northwestern property line within the required front and side yard setback of property in the RE40-1 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 and floor 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
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 inclusion in the case file.
7. **Authorization.** Authorized herein is the construction, use, and maintenance of a maximum 10-foot in height open wrought iron fence and privacy hedge, vehicle and pedestrian gates, and pilasters, all located within the front yard setback; and a maximum 10-foot in height open wrought iron fence and 20-foot in maximum height privacy hedge located within the front and side yard setback along the northwestern property line.
8. The wall, fences, and gates shall be maintained in good repair and kept vertical, uniform and structurally sound, and all repairs shall blend and be compatible therewith in color and material as depicted in Exhibit "A".

**9. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).
- d. 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 (b).
- e. 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 include 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.



## 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 application, the plans submitted therewith, and the statements made at the public hearing on July 10, 2024, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing over-height hedges and gates within the required yards under the provisions of Section 12.28 have been established by the following facts:

### **BACKGROUND**

The subject property is a generally northeasterly upward-sloping, irregular-shaped, interior, approximately 1.3-acre (56,824 square-foot) parcel of land with an approximately 217-foot frontage on the north side of Charing Cross Road.

The property is being redeveloped with a new single-family dwelling with basement and attached garage. The property takes vehicle access from Charing Cross Road via a single driveway located toward the southwestern corner of the property.

The property is located within the Westwood Community Plan area, and the associated General Plan Land Use Map designates the property for Minimum Low Density Residential land uses, with corresponding Zones of OS, A1, A2, and RE40. The property is zoned RE40-1. The property is further located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan area, an Urban Agriculture Incentive Zone, a Special Grading Area (BOE Basic Grid Map A-13372), and is within the Fault Zone of the Hollywood Fault.

The property maintains a 10-foot in height fence and hedge along the property's frontage on Charing Cross Road, and a 10-foot in height fence and a 20-foot in height privacy hedge along the northwestern side property line. As proposed, the project requires a Zoning Administrator's Adjustment approval to allow the continued use and maintenance of the existing 10-foot in height fence and hedge along Charing Cross Drive and a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, and the construction, use, and maintenance of a 10-foot in height vehicle and pedestrian gate, all within the required front yard setback; and approval to allow the continued use and maintenance of a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, within the required side yard setback.

According to information submitted by the applicant on July 19, 2024:

[The request is for ] the permitting, use and maintenance of existing over-in-height fence that is 10' max with 10' max Ficus Nitida hedging along the properties boundaries and 20' max Ficus Nitida hedging along the west property line, one 10' max vehicular gate and one 10' max pedestrian gate, all located in the front yard, side, and rear yard, in lieu of the 42" otherwise permitted in the front yard and 8' otherwise permitted in the side yard by the Municipal Code of a lot in the RE-40-1 Zone ...

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. These regulations are written on a citywide basis and cannot take into account the unique characteristics that a specific home and surrounding area may have, especially in the hillside areas. Many residential properties in the area have over-in-height fences and gates constructed within the public right of way or required yards. Some homeowners do not acquire necessary City permits for these over-in-height fences. As proposed, the applicant has taken steps to ensure the proper City authorization for the construction of a fence. The existing fence will not alter the appearance of mass and bulk. The project's location, size, height, operations and other 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.

In this area specifically, privacy, and in turn safety, is a primary concern for the residents and this is demonstrated physically time and time again through the erection of over-in-height fences, gates, and hedges in the setback area of their property. This gives the opportunity for home owners to maintain an intimate residential setting while also beautifying the public right of way by adding greenery to the streetscape. It would be impractical and inconsistent for the subject project to be required to stray from this well-established building practice by only approving ministerial height limits in the setback area.

Furthermore, when looking at the topography of the subject property and surrounding area, the significant down-slope characteristic of the lot makes the single family dwelling incredibly visible from Charing Cross, Sunset Blvd, and the abutting properties. Therefore, maintaining the existing 20' hedges for a portion of the property is necessary to reach the intent of privacy; only allowing ministerial heights in the setbacks or a continuous 10' height limit across the entire property boundary would be impractical as it cannot provide the safety and privacy that residents in this area have sought after and have established through the decades. This is evident in the elevations, sections, 10' vs 20' hedge rendering comparisons, and perspective street view photos included in the plan set. The elevation change just from the property line to the building flat pad, where the over in height structures are proposed/existing, is upwards of 20' and does not include the additional height and visibility for two story structures. Therefore, in order to properly shield the single family dwelling from the public view and neighboring properties, approval of the existing 20' hedge for portion

of the property and 10' for the existing/proposed fences/gates/hedges elsewhere is essential to the project.

Determination of approvals for this type of request is well established. When examining solely a 500 radius from the subject area, over-in-height structures the been approved at 271 Mapleton Drive, 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 Mapleton Drive, 131 Delfern Drive, 10230 Sunset Boulevard, 222 South Mapleton Drive, 107 Delfern Drive, with approvals for fences/hedges more than 10' in height granted for projects located at 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 South Mapleton Drive, 131 Delfern Drive, and 107 Delfern Drive. Refer to aforementioned Case Precedent list for case number and scope details.

The property is located in Westwood Neighborhood, which has numerous properties that have over-in-height fences, walls, and hedges. More specifically, many homes in the near vicinity have over-in-height fences consisting of materials such as hedges, plaster, wood and steel and have heights that range from 6 feet to 9 feet. Some of the existing fences in the area have no legal land use permits, but they all contribute to the residential character of this neighborhood. The project would provide a coherent development that is consistent with the spirit and intent of zoning. The fence was built to provide security and privacy by keeping pedestrians out of the property and will match the nature of the existing and proposed over-in-height fences along Charing Cross.

According to the revised plans received on July 19, 2024, the 10-foot in height fence and privacy hedge follow along the property's frontage on Charing Cross Road and are only interrupted by the driveway and transformer power pad. A 10-foot in height vehicle gate will span the driveway and there will also be a 10-foot in height pedestrian gate. The vehicle gate is set back from the curb, but not enough to accommodate a waiting vehicle outside the gate. Along the northwestern side property line, there is a 10-foot in height fence and 20-foot in height privacy hedge spanning the distance between Charing Cross Road and the rear of the property, located within the front, side and rear yard setback. No fence or hedge is illustrated or noted on the plans along the northeastern (rear) or southeastern (side) property lines.

### **Surrounding properties**

Surrounding adjoining and abutting properties are located within the RE40-1 Zone and generally developed with single-family dwellings.

### **Streets**

Charing Cross Road, adjoining the property to the north, east, and south, is a Local Street – Standard, dedicated to a width of 40 feet and improved with an asphalt roadway, concrete gutter and curb.

**Previous Cases, Affidavits, and Orders**

City Planning staff, utilizing the Department’s Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

**Subject Property:**

Permit No.18010-30000-02802 – On December 12, 2019, the Department of Building and Safety issued a permit for “New one-story accessory living quarter”.

Permit No. 18010-30000-02801 – On December 12, 2019, the Department of Building and Safety issued a permit for “New one-story single family dwelling with basement/attached garage”.

Permit No.18047-30000-01105 – On December 12, 2019, the Department of Building and Safety issued a permit for “Interior spa”.

Permit No.18047-30000-01104 – On December 12, 2019, the Department of Building and Safety issued a permit for “New pool #2 (131ft x 12 ft x 6 ft)”.

Permit No.18047-30000-01103 – On December 12, 2019, the Department of Building and Safety issued a permit for “New pool #1 (104 ft x 12.18ft x 6ft)”.

Case No. CPC-2014-1457-SP – On June 28, 2019, Ordinance No. 186,108 became effective, resulting in amendments to the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Permit No.17019-30000-04582 – On December 11, 2017, the Department of Building and Safety issued a permit for “Demolish existing 2- story single family dwelling, 1-story detached garage, and 1-story detached recreation room to clear lot. dpi, notices, and posting under no. 17019-30000-04349, sewer cap and pedestrian protection fence required”.

Case No. CPC 96-0220-SP – On March 8, 1997, Ordinance No. 171,492 became effective, resulting in the establishment of the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Case No. CPC 24124 – On November 25, 1973, Ordinance No. 145,149 became effective, resulting in a change of Zone from R1-1 to RE20-1.

Ordinance No. 129,279 – On January 12, 1965, City Council adopted this ordinance, resulting in an amendment to the definition of “Hillside Area” along with a new map.

**Surrounding Properties:**

Case No. ZA-2023-3344-ZAA – On July 10, 2024, a hearing was conducted to consider Zoning Administrator’s Adjustments to allow a 10-foot height fence, hedge, and vehicle and pedestrian gates within the front yard setback along Charing Cross



Road, and to allow a 10-foot in height fence and 20-foot in height privacy hedge within the side yard setback, on property located within the RE40-1 Zone, at 10231 West Charing Cross Road. A determination on the requests is pending.

Case No. ZA 2018-0741(ZAA) – On December 19, 2018, the Zoning Administrator approved an Adjustment to allow the construction, use, and maintenance of a 10-foot high chain link fence for a total length of 142 feet in the front yard, in association with the replacement of an existing 11-foot vehicle gate and 2 flanking pilasters with a 13-foot, 6-inch tall auto gate and two 14-foot, 6-inch high pilasters with 3-foot high lights for a total height of 17 feet, 4 inches; all to be located within the front yard setback of the property, and the public right-of-way, in lieu of the maximum height of 3 feet 6 inches permitted within the front yard setback, on property located within the RE40-1-HCR Zone, at 107 North Delfern Drive.

Case No. ZA 2017-2114(ZAA) – On October 20, 2017, the Zoning Administrator approved an Adjustment to the construction, use, and maintenance of a 9-foot 6-inch tall chain link fence that will be concealed by new, 11-foot high hedges, in association with the replacement of an existing 11-foot vehicle gate and flanking pilasters; all to be located within the front yard setback of the property, facing Delfern Drive, and the public right-of-way, in lieu of the maximum height of 3 feet 6 inches permitted for fences within the front yard setback, on property located within the RE40-1-HCR Zone, at 131 North Delfern Drive.

Case No. ZA 2017-2114(ZAA)(PA1) – On October 4, 2018, the Zoning Administrator approved Plans to allow the construction, use, and maintenance of a tennis court enclosure to a maximum height of 12 feet, to replace an enclosure for an existing tennis court, within the front yard setback of the property facing Delfern Drive and the southerly side yard setback, in lieu of the maximum height of 3 feet 6 inches permitted for fences within the front yard setback and 6 feet permitted within the side yard setback.

Case No. ZA 2011-0237(ZAA) – On May 17, 2011, the Zoning Administrator approved an Adjustment to allow the construction, use, and maintenance of new sections of chain link fence on an existing brick wall with new brick entry columns and steel and wood entrance gates, with maximum heights varying from 8 feet to 8 feet 9 inches in lieu of the maximum allowable fence height of 3 feet 6 inches, on property located within the RE40-1 Zone, at 222-232 South Mapleton Drive.

Case No. ZA 2010-3228(ZAA) – On March 9, 2011, the Zoning Administrator approved Adjustments to allow the construction, use, and maintenance of a hedge of varying height from 7 feet to 15 feet, a chain link fence of varying height from 6 feet to 7 feet 6 inch, a 8-foot 3-inch high driveway gate and 10-foot 9-inch high adjoining pilasters, a 6-foot 4-inch high pedestrian gate and 8-foot 6-inch high adjoining pilasters and a 6-foot 6-inch high pedestrian gate and 9-foot 6-inch adjoining pilasters, a 5-foot high retaining wall and a 6-foot 6-inch high trash enclosure wall, and a 5-foot 6-inch high water fountain, all in lieu of 3-foot 6-inch maximum permitted in the required front yard setback; a hedge varying in height from 8 feet to 15 feet in

lieu of the 8-foot maximum permitted in the required side yard; and a 7-foot 6-inch high pool enclosure fence and a 6-foot 3-inch high pool enclosure gate in the required rear yard; all on property located within the RE40-1 Zone, at 3311 South Mapleton Drive.

Case No. ZA-2002-9955(ZAA) – On April 9, 2003, the Zoning Administrator approved an Adjustment to allow the construction, use and maintenance of a 6-foot 6-inch wrought iron fence and 11-foot 9-inch in height pilasters, driveway, and pedestrian gates in the required front yard of a single-family dwelling in lieu of the 3 feet 6 inches otherwise permitted, on property located within the RE40-1 Zone, at 248 South Mapleton Drive.

Case No. ZA 2001-4015(YV) – On January 14, 2002, the Zoning Administrator approved variances to permit the construction, use and maintenance of solid walls to a maximum of 11 feet in height in the front, side and rear yards and two wooden gates in the front and one wooden gate in the rear, all 11 feet in height, of an existing one-story single-family dwelling, on property located within the RE40-1 Zone, at 333 South Mapleton Drive.

Case No. ZA 2000-1122(ZAD) – On January 22, 2001, the Zoning Administrator approved a Determination to allow the continued use and maintenance of an existing 8-foot height fence/wall/gate within the required front and side yards of an existing, single-family dwelling in lieu of the 3-1/2-foot high fences within the front yard and 6-foot high fences in the side yard setbacks otherwise permitted, on property located within the RE40-1 Zone, at 271 Mapleton Drive.

Case No. ZA 99-0449(F) – On August 6, 1999, the Zoning Administrator approved a Determination to allow an 8-foot in height fence within the front yard of a single-family residence in lieu of the 3 feet 6 inches otherwise permitted, on property located within the RE40-1 Zone, at 10230 Sunset Boulevard.

Case No. ZA 97-0504(YV) – On August 28, 1997, the Zoning Administrator approved a variance to allow the construction, use and maintenance of a solid wall located in the front and side yards ranging in height from 9 feet 6 inches to 11 feet 6 inches; and two gates that contain four pilasters with lights to a maximum of 10 feet 6 inches in height, on property located within the RE40-1 Zone, at 282 South Mapleton Drive.

### **Correspondence**

Isaac Lemus, Crest Real Estate – In an email with attachments dated July 19, 2024, Mr. Lemus supplemented and revised their argument to support the request.

### **PUBLIC HEARING**

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application 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. A public hearing was held before the Zoning Administrator on July 10, 2024 at 10:14 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. One individual participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Isaac Lemus, Crest Real Estate, representative for the applicant, summarized the project and requests as follows:

- One continuous fence is proposed, spanning the front, side and rear yards.
- There is a 10-foot in height fence, hedge, and gates along the property frontage.
- There is an existing 20-foot in height hedge along the side property line.
- Over-height fences are the norm in this area.
- There have been other approvals in the area.

In response to questions posed by the Zoning Administrator, the applicant's representative clarified that the 20-foot in height hedge is for privacy.

There were no other persons present at the hearing to offer any testimony or comment on the project or requests.

At the conclusion of the hearing, the Zoning Administrator stated that he has reviewed the administrative record, including the applicant's submitted materials and statements justifying the project. The Zoning Administrator advised the applicant's representative to expand upon their argument for how the strict adherence to the zoning regulations would be impractical or infeasible. The matter was taken under advisement until July 19, 2024, in order to receive additional information from the applicant.

### **MANDATED FINDINGS**

In order for an over-in-height request to be approved, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. The following section states such findings in bold type with the applicable justification set forth immediately thereafter.

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 a generally northeasterly upward-sloping, irregular-shaped, interior, approximately 1.3-acre (56,824 square-foot) parcel of land with an approximately 217-foot frontage on the north side of Charing Cross Road.

The property is being redeveloped with a new single-family dwelling with basement and attached garage. The property takes vehicle access from Charing Cross Road via a single driveway located toward the southwestern corner of the property.

Surrounding adjoining and abutting properties are located within the RE40-1 Zone and generally developed with single-family dwellings.



The property maintains a 10-foot in height fence and hedge along the property's frontage on Charing Cross Road, and a 10-foot in height fence and a 20-foot in height privacy hedge along the northwestern side property line. As proposed, the project requires a Zoning Administrator's Adjustment approval to allow the continued use and maintenance of the existing 10-foot in height fence and hedge along Charing Cross Drive and a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, and the construction, use, and maintenance of a 10-foot in height vehicle and pedestrian gate, all within the required front yard setback; and approval to allow the continued use and maintenance of a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, within the required side yard setback.

According to information submitted by the applicant on July 19, 2024:

[The request is for ] the permitting, use and maintenance of existing over-in-height fence that is 10' max with 10' max Ficus Nitida hedging along the properties boundaries and 20' max Ficus Nitida hedging along the west property line, one 10' max vehicular gate and one 10' max pedestrian gate, all located in the front yard, side, and rear yard, in lieu of the 42" otherwise permitted in the front yard and 8' otherwise permitted in the side yard by the Municipal Code of a lot in the RE-40-1 Zone ...

... Many residential properties in the area have over-in-height fences and gates constructed within the public right of way or required yards. Some homeowners do not acquire necessary City permits for these over-in-height fences ... The existing fence will not alter the appearance of mass and bulk ...

In this area specifically, privacy, and in turn safety, is a primary concern for the residents and this is demonstrated physically time and time again through the erection of over-in-height fences, gates, and hedges in the setback area of their property. This gives the opportunity for home owners to maintain an intimate residential setting while also beautifying the public right of way by adding greenery to the streetscape. It would be impractical and inconsistent for the subject project to be required to stray from this well-established building practice by only approving ministerial height limits in the setback area.

Furthermore, when looking at the topography of the subject property and surrounding area, the significant down-slope characteristic of the lot makes the single family dwelling incredibly visible from Charing Cross, Sunset Blvd, and the abutting properties. Therefore, maintaining the existing 20' hedges for a portion of the property is necessary to reach the intent of privacy; only allowing ministerial heights in the setbacks or a continuous 10' height limit across the entire property boundary would be impractical as it cannot provide the safety and privacy that residents in this area have sought after and have established through the decades. This is evident in the elevations, sections, 10' vs 20' hedge rendering comparisons, and perspective street view photos included in the plan set. The elevation change just from the property line to the

building flat pad, where the over in height structures are proposed/existing, is upwards of 20' and does not include the additional height and visibility for two story structures. Therefore, in order to properly shield the single family dwelling from the public view and neighboring properties, approval of the existing 20' hedge for portion of the property and 10' for the existing/proposed fences/gates/hedges elsewhere is essential to the project.

Determination of approvals for this type of request is well established. When examining solely a 500 radius from the subject area, over-in-height structures the been approved at 271 Mapleton Drive, 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 Mapleton Drive, 131 Delfern Drive, 10230 Sunset Boulevard, 222 South Mapleton Drive, 107 Delfern Drive, with approvals for fences/hedges more than 10' in height granted for projects located at 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 South Mapleton Drive, 131 Delfern Drive, and 107 Delfern Drive. Refer to aforementioned Case Precedent list for case number and scope details.

The property is located in Westwood Neighborhood, which has numerous properties that have over-in-height fences, walls, and hedges. More specifically, many homes in the near vicinity have over-in-height fences consisting of materials such as hedges, plaster, wood and steel and have heights that range from 6 feet to 9 feet. Some of the existing fences in the area have no legal land use permits, but they all contribute to the residential character of this neighborhood. The project would provide a coherent development that is consistent with the spirit and intent of zoning. The fence was built to provide security and privacy by keeping pedestrians out of the property and will match the nature of the existing and proposed over-in-height fences along Charing Cross.

According to the revised plans received on July 19, 2024, the 10-foot in height fence and privacy hedge follow along the property's frontage on Charing Cross Road and are only interrupted by the driveway and transformer power pad. A 10-foot in height vehicle gate will span the driveway and there will also be a 10-foot in height pedestrian gate. The vehicle gate is set back from the curb, but not enough to accommodate a waiting vehicle outside the gate. Along the northwestern side property line, there is a 10-foot in height fence and 20-foot in height privacy hedge spanning the distance between Charing Cross Road and the rear of the property, located within the front, side and rear yard setback. No fence or hedge is illustrated or noted on the plans along the northeastern (rear) or southeastern (side) property lines.

No written communication or verbal testimony has been received expressing support, concern, or opposition to the project and requests.

The intent of the fence height limitation within the required front yard setback is to balance the desire to secure private residential property from unwanted intrusion and prevent fortress-like fortifications; within the side yard setback, it is to balance the

desire for privacy and protect adjoining property's access to natural light and air circulation.

Based on a review of street-level photographs of the surrounding community along Charing Cross Road, it is clear that the accepted pattern of development along the street frontage includes over-height fences and privacy hedges. Prior Zoning Administrator actions in the surrounding area have approved over-height fences and hedges. The proposed continued use and maintenance of a 10-foot in height fence and privacy hedge along Charing Cross Road and within the otherwise required front yard setback, along with 10-foot in height vehicle and pedestrian gates, are in keeping with both the existing pattern of development and prior Zoning Administrator actions. Given these circumstances, it would be impractical to strictly enforce the maximum 3-1/2-foot fence height limit within the front yard setback.

The proposed 10-foot in height fence and 20-foot in height privacy hedge along the northwestern side of the property has no precedent in prior Zoning Administrator actions. The applicant claims that due to changes in local topography, this height is necessary to mitigate lines of sight that otherwise diminish their privacy from adjacent properties. The portion of the northwestern adjoining property that is immediately adjacent to the proposed over-height fence and hedge is only improved with a landscape buffer and an accessory building; the dwelling is located more than 140 feet farther northwest. Thus, the proposed fence and hedge would have little to no impact on the northwestern adjoining property's access to natural light or air circulation. It is noted that no comment has been received from this property owner. Based upon the applicant's desire for privacy and the lack of a significant impact on the most affected property, it would be impractical to strictly enforce the maximum 6-foot fence height limit within the side yard setback.

Therefore, the Zoning Administrator finds that site characteristics such as local topography and existing improvements in the surrounding area make strict adherence to the zoning regulations impractical or infeasible, but that the project nonetheless conforms with the intent of those regulations.

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 generally northeasterly upward-sloping, irregular-shaped, interior, approximately 1.3-acre (56,824 square-foot) parcel of land with an approximately 217-foot frontage on the north side of Charing Cross Road.

The property is being redeveloped with a new single-family dwelling with basement and attached garage. The property takes vehicle access from Charing Cross Road via a single driveway located toward the southwestern corner of the property.

Surrounding adjoining and abutting properties are located within the RE40-1 Zone and generally developed with single-family dwellings.

The property maintains a 10-foot in height fence and hedge along the property's frontage on Charing Cross Road, and a 10-foot in height fence and a 20-foot in height privacy hedge along the northwestern side property line. As proposed, the project requires a Zoning Administrator's Adjustment approval to allow the continued use and maintenance of the existing 10-foot in height fence and hedge along Charing Cross Drive and a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, and the construction, use, and maintenance of a 10-foot in height vehicle and pedestrian gate, all within the required front yard setback; and approval to allow the continued use and maintenance of a 10-foot in height fence and 20-foot in height privacy hedge along the northwesterly side property line, within the required side yard setback.

According to information submitted by the applicant on July 19, 2024:

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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 ... Many residential properties in the area have over-in-height fences and gates constructed within the public right of way or required yards ... The existing fence will not alter the appearance of mass and bulk ...

In this area specifically, privacy, and in turn safety, is a primary concern for the residents and this is demonstrated physically time and time again through the erection of over-in-height fences, gates, and hedges in the setback area of their property. This gives the opportunity for home owners to maintain an intimate residential setting while also beautifying the public right of way by adding greenery to the streetscape ...

Furthermore, when looking at the topography of the subject property and surrounding area, the significant down-slope characteristic of the lot makes the single family dwelling incredibly visible from Charing Cross, Sunset Blvd, and the abutting properties. Therefore, maintaining the existing 20' hedges for a portion of the property is necessary to reach the intent of privacy; only allowing ministerial heights in the setbacks or a continuous 10' height limit across the entire property boundary would be impractical as it cannot provide the safety and privacy that residents in this area have sought after and have established through the decades. This is evident in the elevations, sections, 10' vs 20' hedge rendering comparisons, and perspective street view photos included in the plan set. The elevation change just from the property line to the



building flat pad, where the over in height structures are proposed/existing, is upwards of 20' and does not include the additional height and visibility for two story structures. Therefore, in order to properly shield the single family dwelling from the public view and neighboring properties, approval of the existing 20' hedge for portion of the property and 10' for the existing/proposed fences/gates/hedges elsewhere is essential to the project.

Determination of approvals for this type of request is well established. When examining solely a 500 radius from the subject area, over-in-height structures the been approved at 271 Mapleton Drive, 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 Mapleton Drive, 131 Delfern Drive, 10230 Sunset Boulevard, 222 South Mapleton Drive, 107 Delfern Drive, with approvals for fences/hedges more than 10' in height granted for projects located at 10101 West Wilshire Boulevard, 330 Mapleton Drive, 311 South Mapleton Drive, 131 Delfern Drive, and 107 Delfern Drive. Refer to aforementioned Case Precedent list for case number and scope details.

The property is located in Westwood Neighborhood, which has numerous properties that have over-in-height fences, walls, and hedges. More specifically, many homes in the near vicinity have over-in-height fences consisting of materials such as hedges, plaster, wood and steel and have heights that range from 6 feet to 9 feet. Some of the existing fences in the area have no legal land use permits, but they all contribute to the residential character of this neighborhood. The project would provide a coherent development that is consistent with the spirit and intent of zoning. The fence was built to provide security and privacy by keeping pedestrians out of the property and will match the nature of the existing and proposed over-in-height fences along Charing Cross.

According to the revised plans received on July 19, 2024, the 10-foot in height fence and privacy hedge follow along the property's frontage on Charing Cross Road and are only interrupted by the driveway and transformer power pad. A 10-foot in height vehicle gate will span the driveway and there will also be a 10-foot in height pedestrian gate. The vehicle gate is set back from the curb, but not enough to accommodate a waiting vehicle outside the gate. Along the northwestern side property line, there is a 10-foot in height fence and 20-foot in height privacy hedge spanning the distance between Charing Cross Road and the rear of the property, located within the front, side and rear yard setback. No fence or hedge is illustrated or noted on the plans along the northeastern (rear) or southeastern (side) property lines.

No written communication or verbal testimony has been received expressing support, concern, or opposition to the project and requests.

Based on a review of street-level photographs of the surrounding community along Charing Cross Road, it is clear that the proposed fence, privacy hedge, and gates along this public right-of-way are within the accepted pattern of development along

the street frontage. Prior Zoning Administrator actions in the surrounding area have approved over-height fences and hedges.

The portion of the northwestern adjoining property that is immediately adjacent to the proposed over-height fence and hedge is only improved with a landscape buffer and an accessory building; the dwelling is located more than 140 feet farther northwest. Thus, the proposed fence and hedge would have little to no impact on the northwestern adjoining property's access to natural light or air circulation. It is noted that no comment has been received from this property owner. No negative impacts resulting from the use and maintenance of the 10-foot fence and 20-foot privacy hedge are anticipated.

Thus, 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 with 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 environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Westwood Community Plan area. The associated General Plan Land Use Map designates the property for Minimum Low Density Residential land uses, with corresponding zones of OS, A1, A2, and RE40. The property is zoned RE40-1. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Westwood Community Plan is silent with regards to the location and heights of fences. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

**Goal 1** A Safe, Secure And High Quality Residential Environment For All Economic, Age And Ethnic Segments Of The Community.

**Objective 1-1** To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing

residents and projected population of the Plan area to the year 2010.

**Policy 1-1.2** Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

**Objective 1-3** To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

**Policy 1-3.1** Require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods.

The use of privacy hedges to augment open wrought iron fencing is a softer and more naturalistic method for achieving privacy than a solid block wall, and is more consistent and compatible with the surrounding neighborhood, consistent with Policy 1-1.2. The proposed over-height fences, privacy hedges, and gates are consistent with the pattern of accepted and approved development within the surrounding area and do not overshadow or overwhelm existing development, thus being consistent with the intent of Policy 1-3.1. As such, the Zoning Administrator finds that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

#### **ADDITIONAL MANDATORY 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.186,952, have been reviewed and it has been determined that the project site located outside the flood zone.

#### **APPEAL PERIOD - EFFECTIVE DATE**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

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](mailto:planning.figcounter@lacity.org)

**Van Nuys DSC**  
(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401  
[planning.mbc2@lacity.org](mailto: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](mailto: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](mailto: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](#) portal ([appointments.lacity.org](http://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

Inquiries regarding this matter shall be directed to Alex Truong, Planning Staff for the Department of City Planning at (213) 978-3308.

A handwritten signature in blue ink, appearing to read 'Jonathan A. Hershey', with a long horizontal line extending to the right.

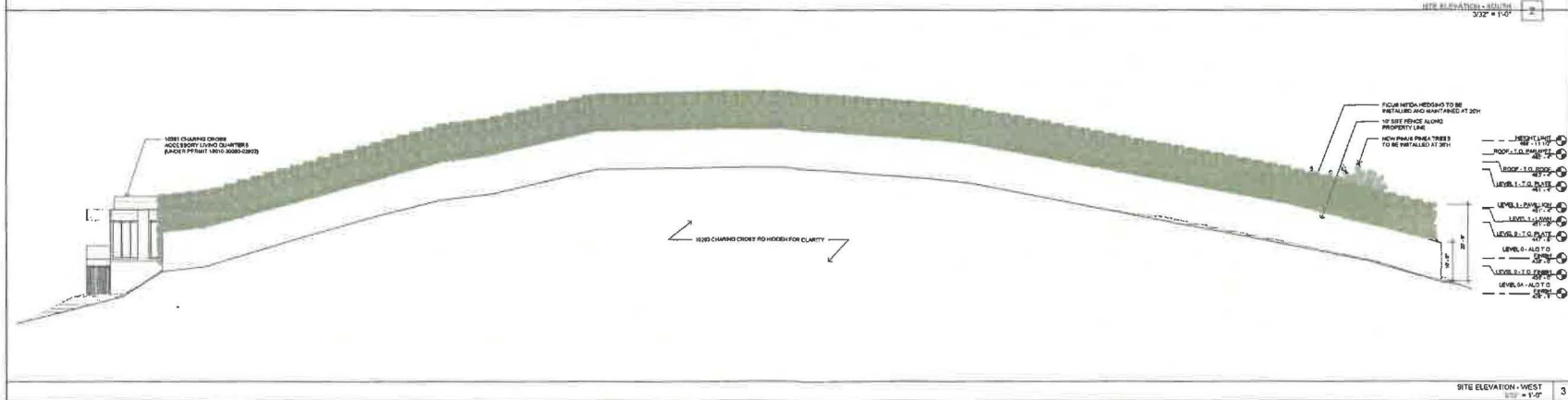
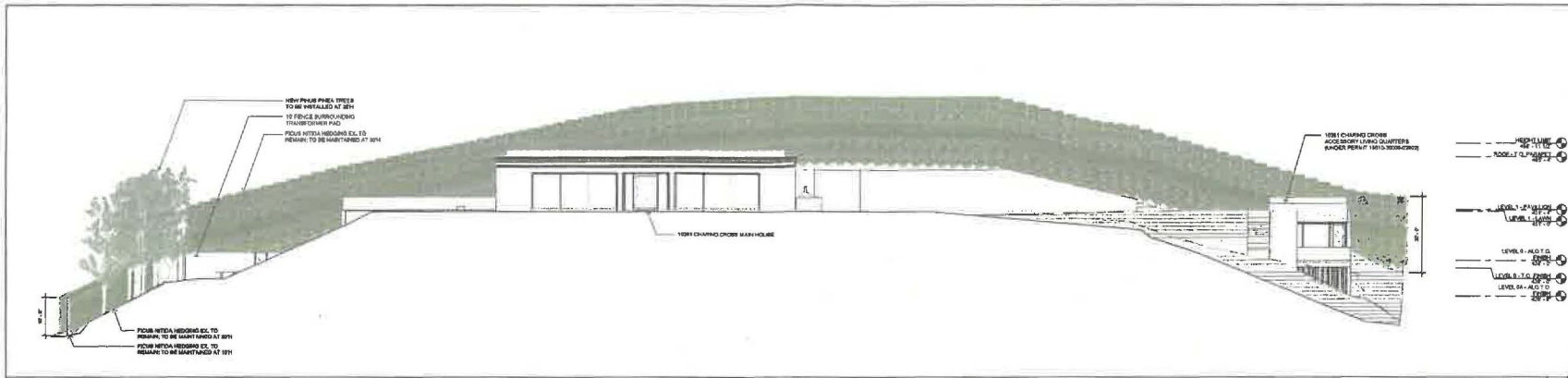
JONATHAN A. HERSHEY, AICP  
Associate Zoning Administrator

JAH: AC:AT:mc

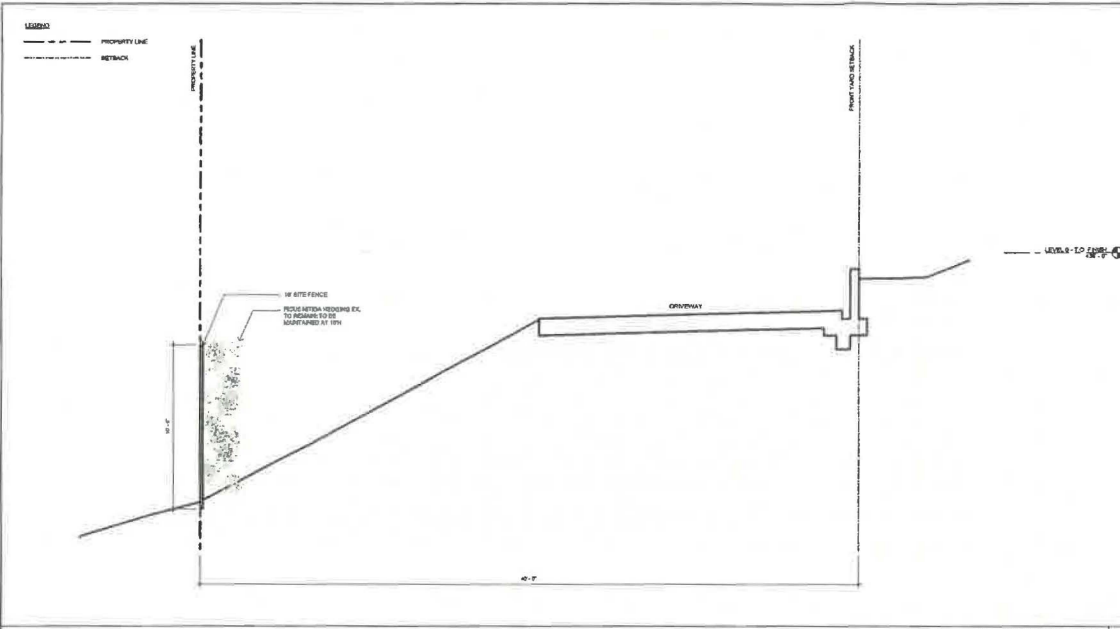
cc: Councilmember Katy Yaroslavsky  
Fifth District  
Westwood Neighborhood Council  
Adjoining Property Owners



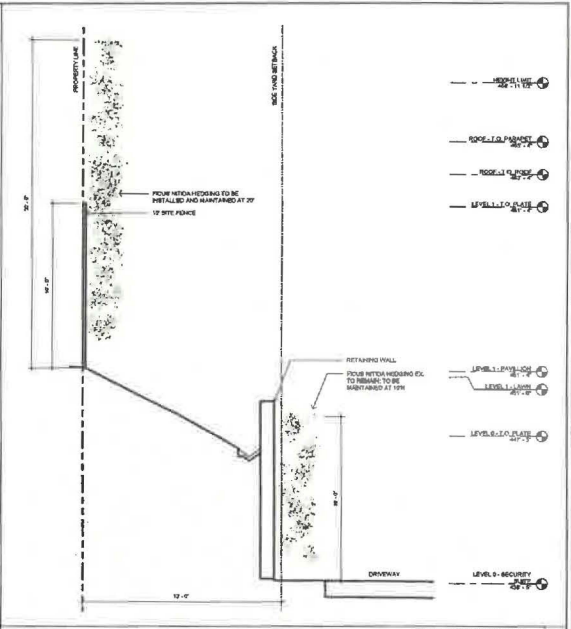




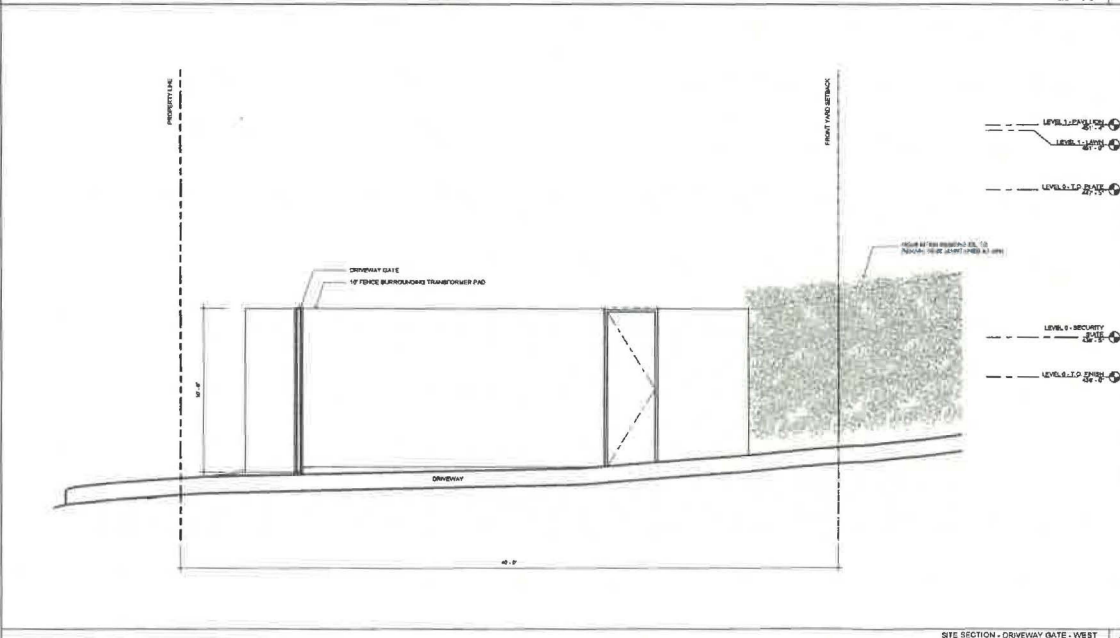




SITE SECTION - FENCE - WEST  
3/8" = 1'-0"



SITE SECTION - FENCE - NORTH  
3/8" = 1'-0"



SITE SECTION - DRIVEWAY GATE - WEST  
3/8" = 1'-0"

**EXHIBIT "A"**  
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