

9604 Hillhaven

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Decision Date: November 15, 2024

Last Day to File an Appeal: December 2, 2024

Zhasmen Tagmazyan (O) (A)
9604 Hillhaven Avenue
Los Angeles, CA 91042

Vardan Kasemyan (R)
SEC Development
600 West Broadway, Suite 350
Glendale, CA 91204

Chris Manasserian (R)
Gonzales Law Group
707 Wilshire Boulevard, Suite 4350
Los Angeles, CA 90017

CASE NO. ZA-2023-3187-CU1-SPPC
CLASS 1 CONDITIONAL USE PERMIT,
PROJECT COMPLIANCE

9604 North Hillhaven Avenue
(9596, 9602, 9606, 9614, and 9610
North Hillhaven Avenue)
Sunland-Sunland-Tujunga-Lake View
Terrace-Shadow Hills-East La Tuna
Canyon Community Plan
Zone: RE11-1
D. M.: 201A199
C. D.: 7 - Rodriguez
CEQA: ENV-2023-3188-CE
Legal Description: Lots 39 through 43,
Tract 6701

Pursuant to the 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, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines applies.

Pursuant to LAMC, Chapter 1, Section 12.24 X.26, I hereby **APPROVE:**

a Class 1 Conditional Use Permit for the construction, use, and maintenance of retaining walls that exceed the maximum number and height allowed by LAMC, Chapter 1, Section 12.21 C.8;

Pursuant to LAMC, Chapter 1, Section 12.24 X.28, I hereby APPROVE:

a Class 1 Conditional Use Permit for the construction, use, and maintenance of an addition to a one-family dwelling on a lot fronting a Substandard Hillside Limited Street without providing a 20-foot Adjacent Minimum Roadway Width, as otherwise required by LAMC Chapter 1, Section 12.21 C.10(i)(2);

Pursuant to LAMC, Chapter 1, Section 12.24 X.28, I hereby APPROVE:

a Class 1 Conditional Use Permit for the construction, use, and maintenance of an addition to a one-family dwelling on a lot fronting a Substandard Hillside Limited Street without providing a 20-foot Minimum Roadway Width (Continuous Paved Roadway) from the residence driveway apron to the boundary of the Hillside Area, as otherwise required by LAMC Chapter 1, Section 12.21 C.10(i)(3);

Pursuant to Los Angeles Municipal Code (LAMC), Chapter 1A, Section 13B.4.2 and the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, Ordinance No. 175,736, I hereby APPROVE:

A Project Compliance for the construction, use, and maintenance of additions to an existing one-family dwelling;

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard 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. Authorized herein is the construction, use, and maintenance of improvements to an existing 3,397 square-foot, 26-foot, 8-inch high one-family dwelling, including additions to the dwelling, a remodeled approximately 554 square-foot deck, remodeled pool, new spa, and two retaining walls, on a 21,633 square-foot lot fronting a Substandard Hillside Limited Street without providing a 20-foot Adjacent Minimum Roadway Width or a 20-foot Minimum Roadway Width (Continuous Paved Roadway) from the driveway apron of the residence to the boundary of the Hillside Area.

The grant shall be subject to the following limitations:

- a. Additions to the dwelling shall be limited to a total of 388 square feet. The resulting dwelling shall not exceed a maximum of 3,785 square feet in Residential Floor Area.
 - b. Retaining Wall No. 1, which follows the alignment of the southerly and rear property lines for a length of 153 feet, 4 inches, shall be limited to a maximum height of 6 feet.
 - c. Retaining Wall No. 2, which is southerly of the pool for a length of 47 feet, 9 inches, shall be limited to a maximum height of 6.5 feet, topped with a 3.5-foot-high guardrail.
8. No additional height or removal of protected trees or shrubs has been proposed or granted herein.
 9. No grading is proposed or approved herein. However, this shall not be construed to preclude any grading that may be required by the Department of Building and Safety and/or Bureau of Engineering to bring the improvements authorized herein into compliance with code requirements.
 10. On- and off-site drainage of the project, including stormwater runoff mitigation measures, shall be reviewed and approved by the Department of Building and Safety and the Department of Public Works. Stormwater mitigation regulations shall be complied with at all times.
 11. Prior to any sign-off of plans by the Development Services Center, the plot plan and the landscape plan shall be submitted to the Fire Department for review of compliance with the Los Angeles Municipal Code fire protection provisions for hillside dwellings.

12. The applicant shall comply with all the recommendations in the letter from Arsen Margossian, MS, Certified Consulting Arborist (#WE-7233A), dated November 11, 2024, to preserve the protected trees and shrubs, identified on the tree map and report by arborist James Komen, of Class One Arboriculture, dated April 14, 2023.
13. The applicant, as well as the development and operation of the project, shall comply with the City's Noise Regulations, Chapter XI of the Los Angeles Municipal Code, including but not limited to excessive noise, as defined by the regulations, created from the operation of air conditioning or pool equipment.
14. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow onto adjacent residential properties.
15. Excess exterior illumination of the site through the use of flood lights and/or similar lighting devices is strictly prohibited after 6:00 p.m. on any day of the week.
16. Air conditioning units or other similar items located on the roof shall be screened to minimize visual and aesthetic impacts.
17. The applicant shall identify a construction manager and provide a phone number for any inquiries or complaints from residents regarding construction activities. Prior to the commencement of excavation and/or construction activity, the phone number shall be provided to the property owners/residents on the adjoining properties. The contact information shall be posted on the site so that it is visible to any interested party. The construction manager or the applicant shall respond to any complaint received within 24 hours.
18. The construction manager shall coordinate the movement of material and personnel in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
19. 10-wheeler dump trucks (with a 10 cubic yard capacity) or smaller are the only type of trucks permitted for hauling of earth. Notwithstanding the foregoing, the Board of Building and Safety Commissioners may authorize the use of other types of hauling vehicles for a project through the Haul Route approval process.
20. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
21. Construction Hours. Construction activity shall be limited to Monday through Friday, between the hours of 8:00 a.m. to 6:00 p.m. Exterior construction work at any other time is strictly prohibited. Interior construction work may be conducted on Saturdays between the hours of 8:00 a.m. to 6:00 p.m. No work shall be conducted on Sundays.
22. Truck traffic directed to the project site for the purpose of delivering materials, construction- machinery, any delivery of fill material or removal of material shall be limited to the hours between at 9:00 a.m. and 3:00 p.m. Monday through Friday

only. No truck deliveries shall occur outside of this time period or on state or federal designated holidays.

- 23. No delivery of material shall occur on trash collection day or noticed "Red Flag" days.
- 24. The public street right-of-way adjacent to the project site shall be cleaned of spilled materials and trash during the termination of construction of each workday.
- 25. No construction equipment or material shall be permitted to be stored within the public right-of-way.
- 26. Staging shall be conducted on site to the extent feasible. When staging adjacent to the site is necessary, at no time shall driveways of adjacent properties be blocked, nor one lane of the street be blocked without the presence of a flagger.
- 27. The applicant shall control dust caused by grading and hauling and provide reasonable control of dust caused or exacerbated by wind at all times. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department.
- 28. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.
- 29. **Prohibited Plant Materials.** The following plant materials shall be prohibited on-site, including palm trees:

Prohibited Plant Materials. The following plant materials shall be prohibited as defined in Section 4:			
<i>Acacia</i>	green wattle	<i>Erodium</i>	storksbill
<i>Ailanthus altissima</i>	tree of heaven	<i>cicutarium</i>	
<i>Arundinaria pygmaea</i>		<i>Erodium</i>	storksbill
<i>Arundo donax</i>	Giant reed	<i>cygnorum</i>	
<i>Atriplex semibaccata</i>	Australia saltbush	<i>Erodium</i>	storksbill
<i>Avena spp.</i>	wild oats	<i>malacoides</i>	
<i>Brassica spp (non-native)</i>	Mustard	<i>Erodium</i>	storksbill
<i>Bromus rubens</i>	Red brome	<i>moschatum</i>	
<i>Centranthus ruber</i>	Jupiter's beard	<i>Eucalyptus</i>	blue gum
		<i>globulus</i>	
		<i>Lolium perenne</i>	Perennial ryegrass
		<i>Malva parvifolia</i>	Cheeseweed
		<i>Pennisetum</i>	fountain grass
		<i>Ricinus</i>	castor bean
		<i>communis</i>	

<i>Cypressus sempervirens</i>	Italian cypress	<i>Robinia pseudoacacia</i>	Black locust
<i>Cortaderia jubata</i>	Pampas grass	<i>Schinus molle</i>	California pepper
<i>Cortaderia sellowiana</i>	Pampas grass	<i>Schinus terebinthefolius</i>	Brazilian pepper
<i>Cytisus canariensis</i>	Canary Island broom	<i>Spartium junceum</i>	Spanish broom
<i>Cytisus scoparius</i>	Scotch broom	<i>Tamarix sp.</i>	salt cedar
<i>Cytisus spachianus</i>	Broom	<i>Vulpia megalura</i>	Foxtail fescue
<i>(Genista racemosa)</i>			
<i>Erodium botrys</i>	Storksbill	<i>Palm trees</i>	Palm

30. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

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

- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and 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

Chapter 1A, Section 13A.2.7.G of the Los Angeles Municipal Code provides:

“A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code 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 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 or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) 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 Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearings on April 10, 2024 and September 12, 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 and prerequisites for granting a Class 1 Conditional Use Permit, under the provisions of Los Angeles Municipal Code, Chapter 1, Section 12.24 X, and a Project Compliance, pursuant to Los Angeles Municipal Code, Chapter 1A, Section 13B.4.2, have been established by the following facts:

BACKGROUND

The subject site is an upward sloping, somewhat rectangular but irregular in shape property comprised of five contiguous tied lots, totaling approximately 21,633 square feet, situated on the easterly and southerly side of Hillhaven Avenue, westerly of its intersection with Alene Drive. The property is within the jurisdiction of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, which designates the property for Very Low II Residential land use, with corresponding zones of RE11-1, RA-1, and RE15-1. The property is in the RE11-1 Zone, which is consistent

with the Plan land use designation. The property is also subject to the regulations of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan. The property is within a Hillside Area (Zoning Code), Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, High Wind Velocity Area, Special Grading Area (BOE Basic Grid Map A-13372), and Verdugo Fault, and is subject to Red Flag Restricted Parking.

The property is developed with a two-story single-family residence, 26 feet, 8 inches in height, with an attached and a detached garage, landscaping, deck, and pool, among other features. Records indicate the house was initially built in 1925. The applicant had proceeded with additions and a remodel without obtaining required building permits, some of which required prior authorization from Los Angeles City Planning. As a result, the applicant was cited by the Department of Building and Safety. The applicant submitted the subject application to City Planning for the required authorizations to be able to proceed with obtaining all required building permits from the Department of Building and Safety.

The project entails legalizing the prior remodel of the existing house. At the hearing, the applicant's representative clarified that the proposed project does not involve building anything new. Instead, the objective is to legalize what was previously added as part of the remodel. The remodel includes a 255 square-foot addition to the southerly portion of the house, inclusive of a partial demolition to comply with the required side yard setback, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence, which computes to an approximately 11 percent increase in size, or framed differently, approximately 10 percent of its completed size. The size of the property would allow a much larger house. The work also includes adding and remodeling various block walls in conjunction with landscape and hardscape areas, remodeling the existing pool and the addition of a spa, demolishing 318 square feet of a non-conforming deck and remodeling the remaining 554 square-foot deck, and retaining walls.

A Department of Building and Safety/Public Works Preliminary Referral Form, signed by Jose Duarte on December 14, 2022, indicates that Hillhaven Avenue is substandard in roadway width and must be widened to a minimum of 20 feet, adjacent to the property and from the driveway apron to the boundary of the Hillside Area, to comply with Los Angeles Municipal Code Sections 12.21 C.10(i)(2) and 12.21 C.10(i)(3), respectively, unless granted relief by the Zoning Administrator. Hillhaven Avenue is dedicated to a width of 40 feet, and no right-of-way dedication is required. The substandard portion of the roadway is estimated to be approximately 18 feet in width. The centerline of Hillhaven Avenue is located at the center of the dedicated right-of-way but not at the center of the existing improved roadway. Much, though not all, of the existing improved approximately 18-foot-wide roadway is situated on the applicant's side of the right-of-way centerline.

The applicant is requesting a Class 1 Conditional Use Permit for two retaining walls. Retaining Wall No. 1 is a maximum of 6 feet in height with a length of 153 feet, 4 inches following the alignment of the southerly and rear property lines. Retaining Wall No. 2 is a maximum of 6.5 feet in height, topped by a 3.5-foot-high guardrail, for a total height of 10 feet, for a length of 47 feet, 9 inches, located southerly of the pool and spa. The Zoning Code allows a maximum of two retaining walls if they are at least 3 feet apart and neither

exceeds a height of 10 feet, restrictions with which the subject retaining walls comply. However, retaining walls in a required yard cannot exceed the maximum height allowed there. With respect to Retaining Wall No. 2, a portion of it is situated within the required rear yard setback, where height of walls and fences is limited to 6 feet. Relief is needed to exceed that height. The applicant is also requesting a Class 1 Conditional Use Permit for relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway). In addition, the applicant is requesting approval of a Project Compliance for additions to an existing single-family dwelling on property subject to the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan.

Based on a tree map and a report by arborist James Komen, of Class One Arboriculture, dated April 14, 2023, which was reviewed by Department of Public Works, Bureau of Street Services, Urban Forestry Division July 5, 2023, there are 21 trees on and around the property, seven of which are protected native trees and shrubs, pursuant to Ordinance No. 186,873. Six are protected oak trees, and one is a protected toyon shrub. One of the oak trees is situated within the Hillhaven Avenue dedicated right-of-way. The toyon shrub and five of the oak trees are growing along the northern property line, away from the work area, and they were not impacted by the work. One oak tree next to the house is alive but has signs of decline. The cause of the decline was not determined. No protected trees on the property were removed within the scope of the construction. The report concluded that since construction is complete, no pre-construction or during-construction recommendations are applicable.

Since additional construction work is anticipated to legalize previous work, the Zoning Administrator found the arborist's conclusion, that construction is complete, invalid and requested an updated report to take into account remaining construction work and recommend protection measures, if warranted. Consequently, an updated report by Arsen Margossian, of Bardez Landscape Services, Inc., dated November 11, 2024, was submitted. The report concluded that construction work should not impact the previously inventoried protected trees and shrub, but nonetheless recommended tree protection measures to ensure the trees and shrub will not be encroached upon during construction activities.

A biologist's statement by Paulette Loubet of Sapphos Environmental, Inc., dated April 10, 2023, and revised October 11, 2024, concludes that no native wildlife habitat or native vegetation communities were observed in the study site. Several native bird species and ground squirrels were observed foraging within and adjacent to the property, but no nesting wildlife behavior was observed with the project site. Six oak trees and three toyon shrubs were observed. None of these trees or shrubs are located within the planned project area and therefore will not be impacted by the proposed project. The oak trees meet the qualification of a grove or woodland; however, the individuals are fragmented from any larger community. The site does not qualify as habitat for any sensitive species as defined in Section 65913.4(a)(6)(J) of the Government Code because despite the presence of protected trees, the trees are isolated by urbanization from any intact natural habitat that would contain the resources and conditions necessary to functionally support any special-status species.

The applicant's request to City Planning was initially submitted under Case No. ZA-2023-3187-ZAD-SPP and was considered at a public hearing conducted on April 10, 2024. At the close of that hearing, the case was taken under advisement by the Zoning Administrator to provide the applicant an opportunity to present the project to the Sunland-Tujunga Neighborhood Council and for the applicant to confer with the Department of Building and Safety to ensure that the applicant has requested all the required entitlements to obtain the building permits needed to proceed with legalizing improvements. Subsequently, the applicant submitted an amended application with revised plans. Ordinance No. 187,712, known as the Processes and Procedures ordinance, became operative on January 22, 2024, and updated processes and procedures for City Planning review of projects. Since the revised project was submitted after the Processes and Procedures ordinance became operative, the applicant opted for the project being considered under the updated provisions. Hence, the case number was changed to ZA-2023-3187-CU1-SPPC. With respect to the subject case, the changes pursuant to the updated provisions fundamentally involve updates to nomenclature and references to Code sections.

Streets

Hillhaven Avenue is designated as a Local Street-Standard, with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet, per Mobility Plan 2035. The existing right-of-way width is 40 feet and portions of the roadway width are less than 20 feet.

Previous zoning related actions on the site include:

Substandard Order – Supplemental, Case No. 903180, Order No. A-5551277 – On July 9, 2022, the Department of Building and Safety determined the property is in violation of the LAMC and determined the building(s) to be substandard with listed violations.

Order To Comply – Supplemental, Case No. 903180, Order No. A-5526770 – On July 1, 2021, the Department of Building and Safety determined the property is in violation of the LAMC with listed additional violations.

Order To Comply and Notice of Fee, Case No. 903180, Order No. A-55107709 - On June 4, 2021, the Department of Building and Safety determined the property is in violation of the LAMC and an inspection fee will be billed to the property owner.

Notice of Code Violation, Case No. 903180, Order No. A-5473706 – On April 26, 2021, the Department of Building and Safety received a complaint alleging the property is in violation of the Los Angeles Municipal Code. A subsequent inspection revealed the property was in fact in violation, with violations listed.

Ordinance No. 181,128 – On September 23, 2009, City Council approved the ordinance amending Section 12.03 of the LAMC to revise current Hillside Area definition.

Ordinance No. 175,736 – On February 8, 2004, the ordinance establishing the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan went into effect.

Ordinance No. 164,330 – On February 20, 1989, an ordinance changing the zone on the subject site from R1-1 to RE11-1 became effective.

Previous zoning related actions within 500 feet of the subject site include:

None

CORRESPONDENCE

Paul and Penny Armbruster, residents at 9618 Hillhaven Avenue, in an email dated September 17, 2024, made the following points:

- This is a confirmation that the previous letter we sent with concerns regarding the project requesting entitlements stands as sent.
- The new retaining walls on the south and east sides of the property were built with major excavation and grading. This has caused a change in direction of drainage/water flow and is causing seepage that continues to damage our property.
- The retaining wall on the east is longer than it appears on the updated plans. The retaining wall on the south that sits on the property line together with the retaining wall on the east collect and redirect water/debris flow over and onto our property.
- The knoll that naturally directed flow from the 9604 property down onto the street was excavated and graded. Our property line was crossed and several of our fence posts were removed. The water/debris flow now pour down our hillside.
- The brand-new deck collects and directs water/debris flow toward the east and down the new steps and on to our property. These changes are causing hillside collapse and drainage issues at the southwest side of our property. They are causing mud/debris to flow and pile up against the back of our house.
- The collection of water at the northeast side of the property continues to cause hillside collapse and drainage issues at the northwest of our property. The hillside collapse is causing our front patio to crack, and we continue to lose foliage at the front of our property.
- All of this non-permitted work has caused so much seepage that the moisture to the west of and under our property has become extreme and damaging.
- The Hillside Ordinance that includes our properties was put in place to avoid this from happening when construction is properly permitted.

The Armbrusters, residents at 9618 Hillhaven Avenue, in an email dated July 16, 2024, reported they and other neighbors had not yet received a notice for the public hearing scheduled the next day, July 17, 2024. No notice has been posted on the property either. He and neighbors only knew about the hearing as a result of attending the Neighborhood Council Land Use Committee (LUC) meeting held the previous day, July 15, 2024. The project as presented to the LUC contained inaccurate details regarding property lines, square footage, and retaining walls. The presenter was unwilling to address how the

current drainage, landslide, and retaining wall issues, affecting their property, would be addressed. They cannot attend tomorrow's hearing because they will be in criminal court on the same matter on the same day at 8:30 a.m.

Chris Manasserian, Gonzales Law Group, applicant's representative, in an email dated July 12, 2024, made the following points:

- We went back to the Neighborhood Council and discussed the project with them at their meeting.
- We had a brief conversation where we stated that the owner would be open to widening the roads. I believe I discussed with Planning that it's infeasible due to the existence of the oak trees and the scope of what we're requesting, which is essentially now a remodel and two small additions.
- The Neighborhood Council stated at the hearing that they would put us on calendar for an emergency meeting, however they did not.
- I see now that they put us on calendar for June land use meeting, however neither Vardan nor I received any communication that our project was going to be discussed.
- We have gone to the neighborhood council now multiple times. I see they have a special meeting on the 15th for the land use board. I reached out to them about that hopefully we can discuss with them there prior to our hearing.

Lydia Grant, President, Sunland-Tujunga Neighborhood Council, in a letter dated May 8, 2024, made the following points, summarized as:

- Drawing from precedent with the Hadid property, it is imperative to uphold the standards set by the City.
- The applicant has undertaken significant grading, rebuilt a pool, and expanded the home without the required permits.
- The applicant has encroached upon the public right-of-way, relocating City signs to suit his landscaping needs, which impedes emergency vehicle access and increases risk of harm to surrounding properties and residents.
- The applicant flouts regulations with impunity and disregard for laws, codes, and city enforcement efforts.
- The current situation poses a danger to neighbors and the community. Without property oversight, there is no guarantee building codes are being met.
- It is the City's duty to ensure adherence to laws, regulations, and public safety.

Paul C Armbruster, resident at 9618 Hillhaven Avenue, in an attachment to an email dated May 6, 2024, made the following points, summarized as:

- The notice for the hearing on April 10, 2024, was inaccurate and missing information.
- The project has been ongoing for more than three years and in criminal court for two years.
- At the hearing, the Zoning Administrator deemed the request incomplete and asked the applicant to be reviewed by the project to the Sunland-Tujunga Neighborhood Council.
- The 433 square-foot addition does not cover the scope of work done according to the Department of Building and Safety.

- The grading done for two, non-permitted retaining walls included removal of several of his fence posts and directed the runoff down onto his property.
- The retaining wall to the south was built on the property line with a cement channel over the property line that directs runoff down the hill onto his property.
- The back hillside (on his property) continues to collapse and slide into the back of his house.
- There are two returns on the east wall that cross over the property line.
- Before grading, there was a knoll that naturally directed runoff and seepage down the applicant's hillside.
- The new solid deck, upper patios, and retaining walls now collect the majority of runoff, draining down the newly graded hillside onto his property. This continues to cause cracking in his patio and collapsing of the hillsides.
- Much of the front hillside has slid into the street and down in the city drainage system.
- The drainage crosses the property line and runs across his driveway.
- The prior deck was demolished. The new deck (not remodeled) intrudes on our right to privacy.
- Consider the negative impacts of this project.

Pati Potter, in an email dated April 23, 2023, stated her opinion is that the property owner needs to improve the street frontage of the subject property. Originally, 70 plus years ago, there were not many homes in the area and the need for wider safer streets was not an issue. But now, with the remodeling/additions, the owner has been required to meet current codes. The applicant presented to the Land Use Committee (LUC) of the Neighborhood Council November 20, 2023. The LUC had concerns about the applicant requesting relief from widening the roadway. Members of the LUC felt the roadway should be widened because of other issues the applicant has with the Department of Building and Safety, and the neighbor wanted that to be settled before the LUC took a stand on the project. The LUC wanted to see the applicant back after their other issues had been taken care of. She attended the public hearing but because of medical conditions was not able to vocalize that day.

Pati Potter, stakeholder, past Sunland-Tujunga Neighborhood Council Land Use Committee Member, in an email dated March 28, 2024, indicated she is no longer a Sunland-Tujunga Neighborhood Council Land Use Committee member and neither the Land Use Committee nor the Sunland-Tujunga Neighborhood Council took a stand on the subject project. Her notes show that there was/is an issue with the project and the Land Use Committee wanted the applicant to return to a meeting after those issues with the City and/or a neighbor were resolved.

PUBLIC HEARING

A Notice of Public Hearing was posted on the property and sent to property owners and occupants abutting the subject site for which an application was filed with Los Angeles City Planning. All interested persons were invited to attend the public hearing, during which 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 on this matter was held on April 10, 2024. A second public hearing on the matter was scheduled to take place on July 17, 2024, but was rescheduled because the notice of the public hearing was not made as required. The second public hearing on this matter was held on September 12, 2024. Since the Office of Zoning Administration is not subject to the Brown Act, the hearings were conducted entirely telephonically and by videoconference.

April 10, 2024, Hearing

The applicant's representative, Vardan Kasemyan, made a presentation, making the following points, summarized as:

- The property owner purchased the property in 2020 and hired a contractor to renovate.
- The renovations were completed, and the contractor left when the work was cited with Code violations.
- The representative became involved to legalize the work.
- The requirement to widen Hillhaven to Foothill is infeasible since the applicant has no right to access other people's property.
- The retaining wall in the rear was damaged, the deck was in bad condition, and the pool needed attention.
- The addition of floor area is infill and not visible from Hillhaven Avenue. Floor area was added to the living room.
- The existing house was large to begin with. The additions are not even 10 percent of the existing house.
- Permits have been approved, pending approval of compliance with the specific plan.

Following the presentation, the Zoning Administrator asked questions that were answered by the applicant's representative, summarized as:

Zoning Administrator: Was the project presented to the Sunland-Tujunga Neighborhood Council?

Applicant's Representative: They have spoken with them but never met with them. They have some concerns about not widening the roadway.

Zoning Administrator: I see you were cited by the Department of Building and Safety (DBS) numerous times for construction work that was out of compliance. Please explain.

Applicant's Representative: Prior to his getting involved, the contractor left the job.

Zoning Administrator: I would like to make sure you are requesting all the entitlements needed to comply with citations. DBS cited a masonry wall is over the allowable 3.5 feet in height.

Applicant's Representative: No, DBS did not ask for that. That height limit would only be in the front yard, and the retaining wall is in the rear and can go higher. They have had multiple conversations with DBS and City Planning to identify all the entitlements needed.

Zoning Administrator: Your addition observes a side yard of 5 feet, 7 inches, when 7 feet is required in this zone in the Hillside.

Applicant's Representative: No relief has been requested; no one has mentioned it.

Zoning Administrator: You've requested relief from widening the roadway from the driveway apron to the boundary of the Hillside Area, but no relief has been requested from widening the adjacent roadway, which is less than 20 feet, per the Bureau of Engineering referral. Do you intend to widen it, or do you need relief?

Applicant's Representative: They didn't realize it was not included. The roadway is already 20 feet wide.

Zoning Administrator: Do you want to amend your application to include all the relief/entitlements you need? If not granted relief, you will be required to comply. An amended application to include additional relief requests would require a new hearing and a new hearing notice.

Applicant's Representative: The referral from Bureau of Engineering says no dedication is required. It doesn't say that widening the adjacent roadway is needed.

The Zoning Administrator then opened the hearing for public testimony. Six individuals spoke, making the following points, summarized as:

- They have not gone before the Neighborhood Council or the homeowners' association, and they should.
- They have only gone before the Land Use Committee of the Neighborhood Council, which decided applicant needs to return regarding widening the adjacent roadway.
- The impact of the project is intolerable.
- Fence will block views.
- Destroyed foliage and plants causing erosion.
- The deck creates privacy issues.
- Project looms over the neighbor.
- Pool has a loud pump.
- Flood lights are bothersome.
- Applicant holds large parties. Guests have to park on the street because they keep building out their property.
- The applicant's side of the street needs to be a no parking zone.
- Work done without grading or building permits.
- Applicant is a scofflaw and unfamiliar with the laws and regulations. They promised they would stop but they kept going. No regard for neighbors. Safety violations.
- Illegal construction began in 2021. They did not stop until it went to criminal court.
- Altered natural drainage flow. Work has caused thousands of gallons of water to flow onto a neighbor's property resulting in damage and sliding. Toxins flowing into the neighbor's yard.
- Removed a neighbor's fence post.
- Road is too narrow for big trucks and can't get an RV around the corner when cars

- are parked there. Hazardous, blind intersection. Cannot see oncoming traffic.
- This is a high wind area, and access is needed by the Fire Department.
 - The applicant threatens neighbors who complain.
 - Permits they requested do not cover the work that has been done. The house is bigger than stated. The added floor area is larger than stated.
 - All the lawsuits need to be adjudicated before any approvals are granted.
 - House should be red tagged.
 - City has been trying to help, but the applicant won't comply.
 - Project needs investigating. How can the project be reversed?

The applicant's representative was provided an opportunity to respond to the issues raised and made the following points, summarized as:

- They met with Land Use Committee of the Neighborhood Council. No one has asked them to return.
- A lot of the points raised have nothing to do with the Zoning entitlement case.
- Some of the statements made are not true.
- The house is much improved from what it was before.
- The house and deck were existing.
- They want to address the drainage issue, but nothing can move forward without the required permits.
- There is a lawsuit between the applicant and the next-door neighbor.
- They want to solve the problems. The applicant is going through the permitting process.
- The zoning entitlements requested are part of a bigger piece.
- Working with DBS regarding the permits required. The retaining walls have been cited. They are reviewing all the violations one by one to fix everything.
- They will look into street widening.
- The roadway width is an existing condition. They are doing nothing to make it worse.
- One of the neighbors said they moved a street sign – that is not true.
- The intersection is wide – about 60 feet.
- This applicant cannot fix everyone's issues.
- The property has a long driveway – there are no parking issues.
- They intend to comply with whatever is not in the zoning entitlement request.

The Zoning Administrator then closed the public hearing and took the request under advisement for the applicant to go to the Sunland-Tujunga Neighborhood Council and confer with the Department of Building and Safety to ensure the applicant is requesting all the zoning entitlements needed, including if they will widen the adjacent roadway or seek relief from widening.

September 12, 2024, Hearing

At the start of the public hearing, the Zoning Administrator announced that this is a re-hearing of the case heard on April 10, 2024, however the case number suffixes have been updated from ZA-2023-3187-ZAD-SPP to ZA-2023-3187-CU1-SPPC. On April 10, 2024, the case was taken under advisement to provide an opportunity for the applicant to

present the project to the Sunland-Tujunga Neighborhood Council and for the applicant to confer with the Department of Building and Safety to ensure the applicant has requested all the entitlements needed to obtain proper building permits.

The applicant's representative, Chris Manasserian, made a presentation, making the following points, summarized as:

- Submitted a slide presentation, and there have been some updates since it was submitted. Will email the latest presentation.
- The architect, Vardan Kasemyan, is also in attendance.
- The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan seeks to preserve oak trees and scenic views.
- The project entails limited additions to an existing house.
- They are proposing to legalize the two additions shown on the plans as "new". They are not proposing to build anything more, just legalize what was previously added.
- The applicant will demolish a portion of the southern addition to comply with required 8-foot side yard setbacks. An L-shaped divot is being demolished from the southerly addition to comply with the setback.
- The addition near the kitchen will enlarge the kitchen and dining area.
- Must demolish a portion of the previously remodeled deck to comply with the 25-foot rear yard setback.
- Regarding the retaining walls, one is 6 feet high along the southerly property line and wraps around. The other, closer to the pool, is 10 feet high with a railing – the blue indicates a railing. It exceeds 6 feet in the rear yard. It is 10 feet high all the way across.
- Regarding compliance with the Specific Plan, the remodel triggers a requirement for compliance review. The site is not within equine paths and no part of the house is within view from a prominent ridgeline area.
- Regarding substandard streets, there are multiple oak trees along Hillhaven Avenue. Any widening would be impractical. The additions are within the interior of the property and are small in proportion to the existing building.
- Regarding the orders from the Department of Building and Safety (DBS), there are multiple violations for construction without permits. The applicant has met with the departments and will bring the building, including renovations and remodeling, up to Code.

Following the presentation, the Zoning Administrator asked questions that were answered by the applicant's representative, summarized as:

Zoning Administrator: I received a letter from the Sunland-Tujunga Neighborhood Council on May 8, 2024, with states the applicant has undertaken significant grading, rebuilt a pool, and expanded a home without the necessary permits, encroached into the public right-of-way and relocated public signs. Have there been additional meetings with the Neighborhood Council?

Applicant's Representative: We made a presentation to them on July 15. There were questions regarding a lot tie and other items. Some questions were related to the zoning entitlement request, and some were not. There was no formal outcome or action.

Zoning Administrator: Did you meet with DBS to identify all the entitlements needed to correct the violations?

Applicant's Representative: Yes.

Zoning Administrator: Confirming the details of the project. One addition is 133 square feet to extend the kitchen. Another addition is 255 square feet for a new dining room, closet, pantry, and laundry. The existing house is 3,397 square feet, and 388 square feet of floor area is being added, resulting in 3,785 square feet of Residential Floor Area. Remodeling the existing pool and adding a new spa. Demolishing portion of the existing deck and remodeling the remaining 554 square-foot portion. Is that correct?

Applicant's Representative: Yes

Zoning Administrator: The applicant is also requesting relief to not widen the adjacent roadway to the minimum width of 20 feet and to not widen the roadway from the driveway apron to the boundary of the hillside area to the minimum width of 20 feet. Why?

Applicant's Representative: There are Oak Trees along the applicant's Hillhaven Avenue frontage and the additions are interior to the property and minor compared to the size of the existing home. This requirement is usually triggered for new buildings. Not sure why it was triggered for this project.

Zoning Administrator: The plans show cut and export of 26.5 cubic yards of earth. What is the excavation for?

Applicant's Representative: The excavation already occurred and was for the retaining walls.

Zoning Administrator: The applicant is requesting approval for two new retaining walls that exceed the maximum number of retaining walls allowed. Where are the other retaining walls?

Applicant's Representative: There are only two retaining walls. There had been some confusion last time regarding whether the CMU wall is a retaining wall, but it is not considered a retaining wall. DBS did not advise that this entitlement is needed; DBS is OK with the number of retaining walls.

Zoning Administrator: One of the retaining walls is a maximum of 6 feet in height. The other retaining wall with top railing is a maximum of 10 feet in height. Is it over in height in the rear yard? If so, an entitlement may be needed.

Applicant's Representative: The wall is only 6.5 feet high with a safety rail of 3.5 feet, for a total of 10 feet in height. The applicant is not requesting an entitlement for that. DBS has not advised that an entitlement is needed for the height of the wall.

Zoning Administrator: Plans show portions of the house observing side yard setbacks of

less than 8 feet. Do you need an entitlement for that?

Applicant's Representative: No, that portion of the house was existing and is not in violation.

The Zoning Administrator then opened the hearing for public testimony. Three individuals spoke, making the following points, summarized as:

- The applicant has continued not to get permits despite DBS stop orders.
- Frustrated that the City is not protecting neighbors' homes. DBS should be held accountable.
- Foundations are breaking and walls are splitting.
- The Neighborhood Council stands by its May 2024 letter.
- The retaining walls collect water and drain it into the neighbor's yard.
- According to DBS Code Enforcement previously, the floor area for the additions is not accurate. There is much more than is shown.
- The southerly retaining wall sits on the property line, so there is no setback observed.
- The property lines on the plans are not accurate.
- The deck extends further, and there are privacy concerns.

The applicant's representative was provided an opportunity to respond to the issues raised and made the following points, summarized as:

- DBS has issued citations, and they are trying to cure the citations.
- The applicant met with DBS multiple times.
- The additions may seem like more than is shown, but the applicant will be demolishing portions that have been added to legalize them. The plans show what they plan to do after a portion is demolished. The deck will be much smaller than what it is currently. The southern addition will also be smaller than what it is currently.
- Once the entitlements are granted, DBS will check everything all over again.
- The applicant is doing their best to get everything cured.
- The neighbor is currently in litigation with the applicant regarding a property line dispute.
- Regarding the drainage issue, once all the permits have been obtained, the applicant will try to redirect the flow of water. There have been multiple complaints regarding water flow onto the neighbor's property. However, it is a difficult issue to resolve because the parties are in litigation.
- Construction has not been active for over two years.
- The entitlements are the last step in obtaining the required permits.
- The applicant doesn't want to do any additional work until they have permits.

The Zoning Administrator then closed the public hearing and took the request under advisement to consider the applicant's responses and testimony given. The record was left open for one week, until September 18, 2024, for anyone to submit additional information.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Class 1 Conditional Use Permit from the Zoning Administrator are located in Los Angeles Municipal Code, Chapter 1, Section 12.24. In order for these projects to be authorized, certain designated findings must be made. In these cases, there are additional findings supplemental to the general findings for most other conditional use categories.

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

GENERAL CLASS 1 CONDITIONAL USE FINDINGS PURSUANT TO LAMC, CHAPTER 1A, SECTION 13B.2.1 (applies to Retaining Walls in Hillside Areas and Street Access)

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

The subject site is an approximately 21,633 square feet property, situated on the easterly and southerly side of Hillhaven Avenue. The property is within the jurisdiction of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, which designates the property for Very Low II Residential land use, with corresponding zones of RE11-1, RA-1, and RE15-1. The property is in the RE11-1 Zone and within a Hillside Area (Zoning Code), Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, High Wind Velocity Area, Special Grading Area (BOE Basic Grid Map A-13372), and the Verdugo Fault and subject to Red Flag Restricted Parking. The property is developed with a two-story, 26-foot, 8-inch-high single-family residence initially built in 1925.

The project entails legalizing a prior remodel of the existing house and does not involve building anything new. The remodel includes a 255 square-foot addition to the southerly portion of the house, inclusive of a partial demolition to comply with the required side yard setback, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence. The work also includes remodeling the existing pool and the addition of a spa, demolishing 318 square feet of a non-conforming deck, and remodeling the remaining 554 square-foot deck, and the addition of two retaining walls. No protected trees or shrubs are proposed to be removed as a result of the project.

The applicant is requesting a Class 1 Conditional Use Permit for two retaining walls. Retaining Wall No. 1 is a maximum of 6 feet in height with a length of 153 feet, 4 inches following the alignment of the southerly and rear property lines. Retaining Wall No. 2 is a maximum of 6.5 feet in height, topped by a 3.5-foot-high

guardrail, for a total height of 10 feet, for a length of 47 feet, 9 inches, located southerly of the pool and spa. A portion of Retaining Wall No. 2 is within the required rear yard setback, where height of walls and fences is limited to 6 feet. The applicant is also requesting a Class 1 Conditional Use Permit for relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway).

The applicant had proceeded with upgrading and enlarging their home to enhance its function, aesthetics, livability, and value. According to the applicant's representative, an existing retaining wall was damaged, the deck was in poor condition, and the pool needed attention. Since the work was performed without required permits, the applicant was cited and required to obtain proper permits and bring the improvements into compliance with the Code. Aspects of the project require discretionary approval from City Planning before the proper permits can be issued. No additional construction is being proposed; however, the project will entail some demolition of remodeled portions that do not comply with required side and rear yard setbacks and will entail subsequent construction work to further remodel post demolition. Some additional work potentially could be required by enforcement agencies, such as the Department of Building Safety or the Department of Public Works Bureau of Engineering, to bring other aspects of the improvements into compliance. The size of the additions is small in proportion to the existing house, resulting in an increase in size of only approximately 11 percent, or approximately 10 percent of the completed size. The size of the property would allow a much larger house.

Providing the required widening of Hillhaven Avenue (Adjacent Minimum Roadway and Continuous Paved Roadway) would entail additional grading, export of earth, retaining walls, and removal of oak trees that would not be beneficial to the neighborhood, as further described in Finding No. 2.

As such, the project as approved and conditioned will enhance the built environment in the surrounding neighborhood.

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 site is an approximately 21,633 square feet property in the Tujunga community. The property is in a Very High Fire Hazard Severity Zone, High Wind Velocity Area, Special Grading Area (BOE Basic Grid Map A-13372), and the Verdugo Fault and subject to Red Flag Restricted Parking. The property is developed with a two-story, 26-foot, 8-inch-high single-family residence initially built in 1925.

The project entails legalizing a prior remodel of the existing house and does not

involve building anything new. The remodel includes a 255 square-foot addition to the southerly portion of the house, inclusive of a partial demolition to comply with the required side yard setback, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence. The work also includes remodeling the existing pool and the addition of a spa, demolishing 318 square feet of a non-conforming deck, and remodeling the remaining 554 square-foot deck, and the addition of two retaining walls.

The applicant is requesting a Class 1 Conditional Use Permit for two retaining walls. Retaining Wall No. 1 is a maximum of 6 feet in height with a length of 153 feet, 4 inches following the alignment of the southerly and rear property lines and is allowed by right. Retaining Wall No. 2 is a maximum of 6.5 feet in height, topped by a 3.5-foot-high guardrail, for a total height of 10 feet, for a length of 47 feet, 9 inches, located southerly of the pool and spa. A portion of Retaining Wall No. 2 is within the required rear yard setback, where height of walls and fences is limited to 6 feet, and thus requires relief because it is over in height within the required rear yard. The applicant is also requesting a Class 1 Conditional Use Permit for relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway).

The project involves a small addition to an existing two-story house that does not add height to the structure. No protected trees or shrubs are proposed to be removed as a result of the project. The property is not within a protected prominent ridge line or scenic highway viewshed.

Retaining Walls

The project includes two retaining walls, which would be allowed by right but for a portion of Retaining Wall No. 2 that is over in height within the required rear yard setback. A maximum of two retaining walls are allowed by right if they are at least 3 feet apart and neither exceeds a height of 10 feet; the project's retaining walls comply with the aforementioned limitations. Retaining walls are also allowed within required yard setbacks if they are within the maximum height permitted, which here is 6 feet, unless permitted by a discretionary grant to exceed the limit. In this case, Retaining Wall No. 2 is 6.5 feet high, topped by a 3.5-foot-high guard rail. A grant is needed to authorize this additional height in the rear yard setback; otherwise, the retaining wall is allowed by right. The wall is only a half foot higher than allowed, and the guardrail on top is needed for safety purposes. The additional half foot of retaining wall height and the 3.5-foot-high guardrail on top of the retaining wall, which is the extent of the zoning entitlement related to retaining walls granted herein, are not the source of the water runoff problems experienced by the adjacent neighbor. However, because of the complaints expressed by the neighbor with respect to drainage and as a standard condition imposed on most hillside projects, the applicant has been required to obtain review and approval of the project's on- and off-site drainage by the Department of Building and Safety and the Department of Public Works.

Project Development

The applicant has raised the ire of his neighbors because he has appeared to flout regulations and proceeded with construction work without adhering to regulations or obtaining required zoning entitlements and permits. Some of the complaints expressed by neighbors pertain to enforcement issues and other matters that are beyond the scope of the subject grant. Though the discretionary grants covered herein do not address or relate to all the problems neighbors have expressed, the grants allow the applicant to proceed with obtaining the permits he needs, and the conditions imposed have sought to ameliorate those that are feasibly addressed. The contractor responsible is no longer involved, and the applicant is on course to correct their previous actions.

The subject grant limits the project to what is shown on the plans, further limited by the conditions of approval. The City will require the applicant to obtain the necessary permits and modify the project, as needed, in order to obtain the permits. As an example, the small addition completed on the southerly side of the house must be reduced in order to comply with the required side yard setback. Likewise, the deck must be reduced in size in order to comply with the required rear yard setback. The further remodel of the deck, reducing its size, will reduce its impact on the neighbor who has complained about its impact on his privacy, though privacy from a neighbor's deck is not a protected right. The applicant is in the process of making these modifications to the project, and the changes are depicted on the plans.

The neighbor adjoining to the east is particularly disturbed by what he describes as the alteration of water flow resulting in increased water drainage from the subject property onto his property and the resultant damage his property has sustained that he attributes to the applicant's project. In response, the conditions imposed require on- and off-site drainage to be reviewed and approved by the Department of Building and Safety and the Department of Public Works. Plans must also be reviewed by the Fire Department. Modifications to the retaining walls may be required.

In response to other complaints expressed, the grant restricts the use of outdoor lighting, which must be shielded so as not to overflow onto adjacent properties. In addition, excessive exterior illumination through the use of flood lights has also been prohibited after 6:00 p.m. Air conditioning units on the roof are to be screened to minimize visual impacts. A construction manager is required to oversee the project, adhere to construction restrictions imposed herein, and respond to community inquiries and complaints. Applicable standards from the Hillside Construction Regulation (HCR) Supplemental Use District, pertaining to construction vehicles, hours, and requirements, have been imposed to minimize the impact of construction activity in the neighborhood. The project has also been required to comply with the City's noise regulations, including the operation of air conditioning and pool equipment, which also was a complaint from a neighbor. Finally, the applicant is required to comply with the recommendations of an updated protected tree and shrubs report to ensure that protected trees and shrubs

are not encroached upon during remaining construction activity.

Roadway Widening

City Planning's pattern and practice with respect to relief from roadway widening has been to not grant relief from 20-foot Adjacent Minimum Roadway and grant relief from 20-foot Minimum Roadway Width (Continuous Paved Roadway) from the residence's driveway apron to the boundary of the Hillside Area. However, in this case the Zoning Administrator has granted relief from both.

20-foot Adjacent Minimum Roadway. Though typically required, the Zoning Administrator has granted the applicant relief from widening the Hillhaven Avenue roadway adjacent to his property to a minimum width of 20 feet for several reasons. First, City Planning commonly only requires roadway widening of half the roadway on the applicant's side of the right-of-way centerline. In this case, much of the existing roadway, estimated to be approximately 18 feet in width, is already on the applicant's side of the centerline. Further, widening the roadway would entail removing at least one oak tree, which is currently situated in the right-of-way, and could entail removing or risking four other oak trees and a toyon shrub, along with additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. In addition, the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, to which the property is subject, also prohibits the removal of oak trees and allows removal only if the oak tree interferes with utility services and roadways and the only reasonable alternative to the interference is the removal of the tree. Finally, the scale and cost of grading, export of earth, and new retaining walls, coupled with the qualitative loss of at least one oak tree and potentially other oak trees and a toyon shrub and the cost of replacing those trees and shrubs on a 4:1 basis, as required, is disproportionate to the small size of the applicant's project, which is a 388 square-foot addition to an existing 3,397 square-foot house. No additional density is being created; aside from short-term construction, the impact of which has been minimized by conditions imposed, no additional traffic will be generated. Therefore, the waiver of this requirement is appropriate.

20-foot Minimum Roadway Width (Continuous Paved Roadway). As is commonly granted, the Zoning Administrator has relieved the applicant from widening the Hillhaven Avenue roadway to a minimum width of 20 feet from the residence's driveway apron to the boundary of the Hillside Area. Such roadway widening is infeasible due to existing retaining walls and portions of private residences within the public right-of-way, to which the applicant does not have access. In addition, the subject right-of-way contains oak trees and other mature trees, as well as utility poles, that would require removal and replacement. As noted above, the removal of oak trees is prohibited by the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan unless there is no other reasonable alternative. Further, widening the roadway would entail additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. Aside from the lack of access to property belonging to private parties, the scale and cost of the work involved is disproportionate to the size of the applicant's project. Finally, as a small addition to an existing single-family residence, the project does not

create additional units on the subject property and, therefore, would not adversely impact access to the area or negatively affect the area's health, welfare, or safety. The City has consistently granted relief from providing the Continuous Paved Roadway improvement, and the waiver of this requirement is appropriate.

Therefore, as approved and 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 applicable 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 in the form of LAMC 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 within the jurisdiction of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, which designates the property for Very Low II Residential land use, with corresponding zones of RE11-1, RA-1, and RE15-1. The property is in the RE11-1 Zone, which is consistent with the Plan land use designation.

The property is developed with a two-story single-family residence, 26 feet, 8 inches in height, with an attached and a detached garage, landscaping, deck, and pool, among other features. The project entails legalizing a prior remodel of the existing house, which was conducted without required permits, and does not involve building anything new. The remodel includes a 255 square-foot addition to the southerly portion of the house, inclusive of a partial demolition to comply with the required side yard setback, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence, which computes to an approximately 11 percent increase in size, or framed differently, approximately 10 percent of the completed size. The size of the property would allow a much larger house. The work also includes adding and remodeling various block walls in conjunction with landscape and hardscape areas, remodeling the existing pool and the addition of a spa, demolishing 318 square feet of a non-conforming deck and remodeling the remaining 554 square-foot deck, and two retaining walls.

The applicant is requesting a Class 1 Conditional Use Permit for two retaining

walls. Retaining Wall No. 1 is a maximum of 6 feet in height with a length of 153 feet, 4 inches following the alignment of the southerly and rear property lines. Retaining Wall No. 2 is a maximum of 6.5 feet in height, topped by a 3.5-foot-high guardrail, for a total height of 10 feet and a length of 47 feet, 9 inches, located southerly of the pool and spa. The Zoning Code allows a maximum of two retaining walls if they are at least 3 feet apart and neither exceeds a height of 10 feet, restrictions with which the subject retaining walls comply. However, a portion of the 6.5-foot-high Retaining Wall No. 2 and the 3.5-foot-high guardrail atop the retaining wall is situated within the required rear yard setback, where height of walls and fences is limited to 6 feet. A grant is needed to authorize this additional height within the required rear yard setback. The applicant is also requesting a Class 1 Conditional Use Permit for relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway).

Given the scope of the limitations and conditions imposed herein, as further described in Finding No. 2, the surrounding land uses will not be significantly impacted by the legalization of the applicant's remodel of the existing single-family residence. The project is consistent with the following components 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 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policy 1-3.3: Preserve existing views of hillside and mountainous areas.

Objective 1-6: To limit residential density and minimize grading in hillside areas.

Policy 1-6.3: Require that grading be minimized to reduce the effects on environmentally sensitive areas.

In light of the above, the project substantially conforms to the purpose, intent and provisions of the General Plan, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, and the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan. The existing residence sits on a property consisting of five legal lots, each of which could have been developed with a separate residence. Instead, the project preserves the area's density as is and involves a remodel of the existing single-family residence, upgrading its appearance and increasing its size by only approximately 11 percent with no additional height. The applicant is in the process of obtaining permits for the previous construction work.

The project's two retaining walls are allowed by right but for a portion of Retaining

Wall No. 2 situated within the required rear yard setback, which is over-in-height by a half-foot and its 3.5-foot-high guardrail. However, the visual impact of the over-in-height portion is minimal. Further, the property is not located within any protected view corridor. The Zoning Administrator has relieved the applicant from the requirement to widen Hillhaven Avenue to a minimum of 20 feet, both adjacent to the subject property and from the project's driveway apron to the boundary of the Hillside Area, to avoid removal of and/or risk to multiple oak trees, additional grading and export of earth material, and additional retaining walls to stabilize the remaining hillside, all of which are consistent with the Community Plan.

Aside from the half foot of height of Retaining Wall No. 2 and its 3.5-foot-high guardrail, which have been granted herein, the project is consistent with the density, height, setbacks, preservation of protected trees and shrubs, and neighborhood character envisioned by the Community Plan. Once properly permitted, the project additions and improvements, as approved and conditioned, will enhance the subject property and complement the character of the surrounding neighborhood, which consists of one- and two-story homes on sloping lots with abundant landscaping.

The property is also located within the boundaries of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, which includes regulations for projects within Prominent Ridgeline Protection Areas, Equinekeeping Districts, and Scenic Highway Corridors. The applicant has requested approval of a Project Compliance with the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, which is addressed in Finding Nos. 5 and 6. However of note, the site is not located within any Prominent Ridgeline Protection Area, Equinekeeping District, or Scenic Highway Corridor. Other Specific Plan regulations pertain to density, preservation of oak trees, and prohibited plant materials. The project does not add any density to the area. Section 8.B of the Specific Plan prohibits the removal of oak trees unless the oak tree interferes with utility services and roadways and the only reasonable alternative to the interference is the removal of the tree. Based on a tree map and a report by an arborist dated April 14, 2023, there are six protected oak trees on the property, five of which are situated along the northern property line, where widening of the Hillhaven Avenue roadway would occur if the requirement to widen were not waived. In waiving the requirement to widen Hillhaven Road, adjacent to the subject property and from the subject residence's driveway apron to the boundary of the Hillside Area, the Zoning Administrator has sought to avoid removing or adversely impacting multiple oak trees on and in proximity to the subject property. The proposed project does not propose the removal of any protected tree or shrub species and the has been conditioned consistent with the Specific Plan prohibition. Specific Plan Section 8.C prohibits certain plant materials within the Specific Plan area. This project does not propose any prohibited plants and is conditioned herein to comply with this provision.

As conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, and the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan.

SUPPLEMENTAL CLASS 1 CONDITIONAL USE PERMIT FINDINGS PURSUANT TO LAMC, CHAPTER 1, SECTION 12.24 X.28(b) (applies to Street Access)

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

The subject site is an upward sloping property comprised of five contiguous tied lots, totaling approximately 21,633 square feet, situated on the southerly and easterly sides of Hillhaven Avenue. The property is within the jurisdiction of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan and the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan. The property is within the RE11-1 Zone, a Hillside Area (Zoning Code, Very High Fire Hazard Severity Zone, High Wind Velocity Area, and Special Grading Area (BOE Basic Grid Map A-13372) and is subject to Red Flag Restricted Parking.

The applicant had proceeded with a remodel of a single-family residence without obtaining required building permits, some of which required authorization from Los Angeles City Planning. As a result, the applicant was cited by the Department of Building and Safety. The applicant submitted the subject application to City Planning for required authorizations to be able to proceed with obtaining all required building permits from the Department of Building and Safety.

The remodel includes a 255 square-foot addition to the southerly portion of the house and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence, which computes to an approximately 11 percent increase in size, a size that is allowed on this property in the RE11 Zone. The work also includes adding and remodeling various block walls in conjunction with landscape and hardscape areas, remodeling the existing pool and the addition of a spa, remodeling the deck, and the addition of two retaining walls. There is no change in use or density, as the property will remain a single-family residence. According to a tree map and the arborist's report, dated April 14, 2023, there are five oak trees and one toyon shrub along the subject site's northerly property line; one of the oak trees is within the existing dedicated public right-of-way.

The applicant is requesting a Class 1 Conditional Use Permit for relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway), in conjunction with the previously unpermitted remodel. The requirement for roadway improvement was triggered by the addition to the existing residence. The request for relief is being made so the applicant can proceed with obtaining the required permits for the construction work on the

property.

City Planning's pattern and practice with respect to relief from roadway widening has been to not grant relief from 20-foot Adjacent Minimum Roadway and grant relief from 20-foot Minimum Roadway Width (Continuous Paved Roadway) from the residence's driveway apron to the boundary of the Hillside Area. However, in this case the Zoning Administrator has granted relief from both.

20-foot Adjacent Minimum Roadway. Though not typically waived, the Zoning Administrator has granted the applicant relief from widening the Hillhaven Avenue roadway adjacent to his property to a minimum width of 20 feet for several reasons. First, City Planning commonly only requires roadway widening of half the roadway on the applicant's side of the right-of-way centerline. In this case, much of the existing roadway, estimated to be approximately 18 feet in width, is already on the applicant's side of the centerline. Further, widening the roadway would entail removing at least one oak tree, which is currently situated in the right-of-way, and could entail removing or risking four other oak trees and a toyon shrub, along with additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. In addition, the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, to which the property is subject, prohibits the removal of oak trees and allows removal only if the oak tree interferes with utility services and roadways and the only reasonable alternative to the interference is the removal of the tree. Finally, the scale and cost of grading, export of earth, and new retaining walls, coupled with the qualitative loss of at least one oak tree and potentially other oak trees and a toyon shrub and the cost of replacing those trees and shrubs on a 4:1 basis, as required, is disproportionate to the small size of the applicant's project, which is a 388 square-foot addition to an existing 3,397 square-foot house. No additional density is being created; aside from short-term construction, the impact of which has been minimized by conditions imposed, no additional traffic will be generated. Therefore, the waiver of this requirement is appropriate.

20-foot Minimum Roadway Width (Continuous Paved Roadway). As is commonly granted, the Zoning Administrator has relieved the applicant from widening the Hillhaven Avenue roadway to a minimum width of 20 feet from the residence's driveway apron to the boundary of the Hillside Area. Such roadway widening is infeasible due to existing retaining walls and portions of private residences within the public right-of-way, to which the applicant does not have access. In addition, the subject right-of-way contains oak trees and other mature trees, as well as utility poles, that would require removal and replacement. As noted above, the removal of oak trees is prohibited by the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan unless there is no other reasonable alternative. Further, widening the roadway would entail additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. Aside from the lack of access to property belonging to other private parties, the scale and cost of the work involved is disproportionate to the size of the applicant's project. Finally, as a small addition to an existing single-family residence, the project does not create additional units on the subject property and, therefore, would not

adversely impact access to the area or negatively affect the area's health, welfare, or safety. The City has consistently granted relief from providing the Continuous Paved Roadway improvement, and the waiver of this requirement is appropriate.

While the intent of the project was to upgrade modestly and enlarge an existing home to enhance its function, aesthetics, livability, and value, the applicant has raised the ire of his neighbors by proceeding with construction work without adhering to regulations or obtaining required zoning entitlements and permits. Granting the applicant's request avoids creating further issues in the neighborhood, such as additional grading and retaining walls, as well as removal of protected trees and shrubs, and enables the applicant to redress the problems by obtaining the required permits for the previously unpermitted work he conducted.

In return, conditions have been imposed to minimize the inconvenience to neighbors from the additional construction work that may be needed to legalize the improvements; the southerly addition and the deck will be reduced and remodeled to comply with required setbacks, and other modifications may be needed for permits. Conditions have also been imposed to require that the project's on- and off-site drainage to be reviewed and approved by the Department of Building and Safety and the Department of Public Works, and plans must also be reviewed by the Fire Department. There are also conditions imposed that require the shielding of outdoor lighting and restrict excessive exterior illumination. Air conditioning units on the roof are to be screened to minimize visual impacts. The project has also been required to comply with the City's noise regulations, including the operation of air conditioning and pool equipment.

Aside from the height of Retaining Wall No.2 in the required rear yard, which is addressed in Finding No. 2, and the request to waive widening the Hillhaven Avenue roadway, no other zoning entitlements have been requested. No relief from Zoning Code regulations pertaining to height, residential floor area, lot coverage, or grading limitations has been requested. The project is in substantial conformance with the various elements and objectives of the General Plan, as described in Finding No. 3.

Therefore, the project is in conformity with the public necessity, convenience, general welfare and good zoning practice is in substantial conformance with the various elements and objectives of the General Plan.

SUPPLEMENTAL CLASS 1 CONDITIONAL USE PERMIT FINDINGS PURSUANT TO LAMC, CHAPTER 1, SECTION 12.24 X.28(b)(7) (applies to Street Access)

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

The subject property is developed with a two-story, 26-foot, 8-inch-high single-family residence initially built in 1925. The project entails legalizing a prior remodel

of the existing house and does not involve building anything new. The remodel includes a 255 square-foot addition to the southerly portion of the house, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence, which computes to an approximately 11 percent increase in size. The applicant has requested relief from widening the Hillhaven Avenue roadway to a minimum of 20 feet adjacent to the property (Adjacent Minimum Roadway Width) and from the driveway apron of the residence to the boundary of the Hillside Area (Minimum Roadway Width, Continuous Paved Roadway).

Traffic associated with the use will not create any additional adverse impact on street access or circulation as the property will be retained as a single-family residence. The relatively small additions to the existing single-family residence will not generate more vehicle trips. The project will not significantly alter the existing character of the neighborhood or exceed the permitted density on the property. In fact, the property consists of five legal lots, each of which could be developed with a single-family residence. The property accommodates the required amount of off-street parking and features a long driveway that can accommodate visitors and guests.

Short-term construction activity has been conditioned to comply with applicable standards from the Hillside Construction Regulations Supplemental Use District, as described in Finding No. 2, to minimize construction vehicle impacts in the project area.

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

6. The building or structure will not be materially detrimental or injurious to the adjacent property or improvements and will not have a materially adverse safety impact on the surrounding neighborhood.

The subject property is developed with a two-story, 26-foot, 8-inch-high single-family residence initially built in 1925. The project entails legalizing a prior remodel of the existing house and does not involve building anything new. The remodel includes a 255 square-foot addition to the southerly portion of the house, and a 133 square-foot addition to the easterly portion of the house for a total of 388 square feet of additions to the existing 3,397 square-foot house. The additions result in a 3,785 square-foot residence, which computes to an approximately 11 percent increase in size. The work also includes remodeling the existing pool and the addition of a spa, demolishing 318 square feet of a non-conforming deck, and remodeling the remaining 554 square-foot deck, and the addition of two retaining walls.

While the intent of the project was to upgrade and modestly enlarge an existing home to enhance its function, aesthetics, livability, and value, the applicant has raised the ire of his neighbors by proceeding with construction work without

adhering to regulations or obtaining required permits. The scale and cost of widening Hillhaven Avenue is disproportionate to the size of the project. Instead, granting the applicant relief from widening the Hillhaven Avenue roadway avoids creating further issues in the neighborhood, such as additional grading and retaining walls, as well as removal of protected trees and shrubs, and enables the applicant to redress the problems by complying with Code regulations and obtaining the required permits for the previously unpermitted work he conducted.

In return, the project has been conditioned to further protect neighbors. The subject grant limits the project to what is shown on the plans, further limited by the conditions of approval. The City will require the applicant to obtain permits and modify the project as necessary in order to obtain those permits.

The neighbor adjoining to the east is particularly disturbed by what he describes as the alteration of water flow resulting in increased water drainage from the subject property onto his property and the resultant damage his property has sustained that he attributes to the applicant's project. A portion of one of the project's retaining walls is over in height in the required rear yard setback, but is only a half foot higher than allowed, and the guardrail on top is needed for safety purposes. The additional half foot of retaining wall height and the 3.5-foot-high guardrail on top of the retaining wall, which is the extent of the zoning entitlement related to retaining walls granted herein, are not the source of the water runoff problems experienced by the adjacent neighbor. However, in response to the concern and as a standard condition generally imposed on Hillside Area projects, the project's on- and off-site drainage is required to be reviewed and approved by the Department of Building and Safety and the Department of Public Works. Plans must also be reviewed by the Fire Department. Further, the orientation of the wall runs east-west, intersecting the required rear yard at an approximate right angle, and the guardrail is of an open design; both features reduce the visual impact of the over-in-height wall from the neighboring property on the east.

In response to other complaints expressed, the grant restricts the use of outdoor lighting, which must be shielded so as not to overflow onto adjacent properties. In addition, excessive exterior illumination through the use of flood lights has also been prohibited after 6:00 p.m. Air conditioning units on the roof are to be screened to minimize visual impacts. A construction manager is required to oversee the project, adhere to construction restrictions imposed herein, and respond to community inquiries and complaints. Applicable standards from the Hillside Construction Regulation (HCR) Supplemental Use District, pertaining to construction vehicles, hours, and requirements, have been imposed to minimize the impact of construction activity in the neighborhood. The project has also been required to comply with the City's noise regulations, including the operation of air conditioning and pool equipment, which was a complaint from a neighbor.

Aside from the zoning entitlements granted herein, the project will proceed in accordance with regulations applicable in Hillside Areas and in compliance with applicable codes. The project does not exceed allowable residential floor area; in fact, a much larger house could be built on the subject property. The project does

not add additional height. The house and improvements are set back from the street and do not create obtrusive vertical massing along the street frontage.

Therefore, the building or structure will not be materially detrimental or injurious to the adjacent property or improvements and will not have a materially adverse safety impact on the surrounding neighborhood.

7. The site and/or existing improvements make strict adherence to LAMC, Chapter 1, Section 12.21 C.10(i) impractical or infeasible.

The subject site is an upward sloping property comprised of five contiguous tied lots, totaling approximately 21,633 square feet, on the southerly and easterly side of Hillhaven Avenue. The property is within the jurisdiction of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, which designates the property for Very Low II Residential land use, with corresponding zones of RE11-1, RA-1, and RE15-1. The property is in the RE11-1 Zone, which is consistent with the Plan land use designation. The property is also subject to the regulations of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan.

A Department of Building and Safety/Public Works Preliminary Referral Form, dated December 14, 2022, indicates that Hillhaven Avenue is substandard in roadway width and must be widened to a minimum of 20 feet, adjacent to the property and from the driveway apron to the boundary of the Hillside Area, to comply with Los Angeles Municipal Code Sections 12.21 C.10(i)(2) and 12.21 C.10(i)(3), respectively, unless granted relief by the Zoning Administrator. Hillhaven Avenue is dedicated to a width of 40 feet, and no right-of-way dedication is required. The substandard portion of the roadway has been estimated to be approximately 18 feet in width. The centerline of Hillhaven Avenue is located at the center of the dedicated right-of-way but not at the center of the existing improved roadway. Much, though not all, of the existing improved approximately 18-foot-wide roadway is situated on the applicant's side of the right-of-way centerline. The applicant has requested relief from this requirement.

City Planning's pattern and practice with respect to relief from roadway widening has been to not grant relief from 20-foot Adjacent Minimum Roadway and grant relief from 20-foot Minimum Roadway Width (Continuous Paved Roadway) from the residence's driveway apron to the boundary of the Hillside Area. However in this case, the Zoning Administrator has granted relief from both.

20-foot Adjacent Minimum Roadway. Though not typically waived, the Zoning Administrator has granted the applicant relief from widening the Hillhaven Avenue roadway adjacent to his property to a minimum width of 20 feet for several reasons. First, City Planning commonly only requires roadway widening of half the roadway on the applicant's side of the right-of-way centerline. In this case, much of the existing roadway, estimated to be approximately 18 feet in width, is already on the applicant's side of the centerline. Further, widening the roadway would entail removing at least one oak tree, which is currently situated in the right-of-way, and

could entail removing or risking four other oak trees and a toyon shrub, along with additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. In addition, the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, to which the property is subject, also prohibits the removal of oak trees and allows removal only if the oak tree interferes with utility services and roadways and the only reasonable alternative to the interference is the removal of the tree. Finally, the scale and scope of grading, export of earth, and new retaining walls, coupled with the qualitative loss of at least one oak tree and potentially other oak trees and a toyon shrub and the cost of replacing those trees and shrubs on a 4:1 basis, as required, is disproportionate to the small size of the applicant's project, which is a 388 square-foot addition to an existing 3,397 square-foot house. No additional density is being created; aside from short-term construction, the impact of which has been minimized by conditions imposed, no additional traffic will be generated. Therefore, the waiver of this requirement is appropriate.

20-foot Minimum Roadway Width (Continuous Paved Roadway). As is commonly granted, the Zoning Administrator has relieved the applicant from widening the Hillhaven Avenue roadway to a minimum width of 20 feet from the residence's driveway apron to the boundary of the Hillside Area. Such roadway widening is infeasible due to existing retaining walls and portions of private residences within the public right-of-way, to which the applicant does not have access. In addition, the subject right-of-way contains oak trees and other mature trees, as well as utility poles, that would require removal and replacement. As noted above, the removal of oak trees is prohibited by the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan unless there is no other reasonable alternative. Further, widening the roadway would entail additional grading of the existing slope, export of earth, and new retaining walls to maintain the stability of the hillside. Aside from the lack of access to property belonging to private parties, the scale and cost of the work involved is disproportionate to the size of the applicant's project. Finally, as a small addition to an existing single-family residence, the project does not create additional units on the subject property and, therefore, would not adversely impact access to the area or negatively affect the area's health, welfare, or safety. The City has consistently granted relief from providing the Continuous Paved Roadway improvement, and the waiver of this requirement is appropriate.

Therefore, the site and existing improvements make strict adherence to LAMC, Chapter 1, Section 12.21 C.10(i) impractical or infeasible.

**PROJECT COMPLIANCE FINDINGS PURSUANT TO LAMC, CHAPTER 1A,
SECTION 13B.4.2** (applies to San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan)

- 5. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan.**

The subject property is located within the boundaries of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan and meets the definition of a project

under Section 4 of the Specific Plan. The project is the construction, use, and maintenance of two new additions, totaling 388 square feet, to an existing two-story single-family residence that observes a maximum height of 26 feet, 8 inches. The Specific Plan includes regulations for projects within Prominent Ridgeline Protection Areas, Equinekeeping Districts, and Scenic Highway Corridors. Foothill Freeway is a designated Scenic Highway under the Specific Plan. However, the site is not located within any Prominent Ridgeline Protection Area, Equinekeeping District, or Scenic Highway Corridor.

Other Specific Plan regulations pertain to density, preservation of oak trees, and prohibited plant materials. Section 8.B of the Specific Plan prohibits the removal of oak trees without prior written approval. This project is conditioned to comply with this provision, which states no removal of oak trees has been proposed or granted herein. Section 8.C of the Specific Plan prohibits certain plant materials within the Specific Plan area for all new projects. The project does not propose any prohibited plants and is conditioned herein to retain natural California vegetation.

Therefore, the project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan.

6. **That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Based on the applicant's tree map and arborist report dated April 14, 2023, there are a total of seven protected trees and shrubs located on or near the property, pursuant to Ordinance No. 186,873. Six are native oak trees, one of which is located within the Hillhaven Avenue dedicated right-of-way; one is a toyon shrub. The site also contains landscaped areas and planters, along with some non-protected tree species and shrubs. Section 8.B of the Specific Plan prohibits the removal of oak trees unless the oak tree interferes with utility services and roadways and the only reasonable alternative to the interference is the removal of the tree. The project does not propose the removal of any protected trees or shrub species, including no removal of any oak trees, and the project has been conditioned consistent with the Specific Plan prohibition. Further, the Zoning Administrator has granted the applicant relief from widening the Hillhaven Avenue roadway, adjacent to the property and from the residence's driveway apron to the boundary of the Hillside Area, in part to protect the oak trees and the toyon shrub from being removed or adversely impacted by the widening of the roadway.

Pursuant to California Environmental Quality Act (CEQA) and based on the whole of the administrative record, the project has been determined to be exempt from CEQA, pursuant to CEQA Guidelines, Article 19, Section 15303, under Case No. ENV-2023-3188-CE, and there is no substantial evidence demonstrating that an exception to a categorical exemption, pursuant to CEQA Guidelines, Section 15300.2 applies.

ADDITIONAL MANDATORY FINDINGS

7. 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. 186,592, have been reviewed and it has been determined that this project is located outside a 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.gov/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.gov/development-services/forms>.
Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050
South LA DSC	West LA 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	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

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](http://BuildLA.lacity.gov) portal (appointments.lacity.gov). 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

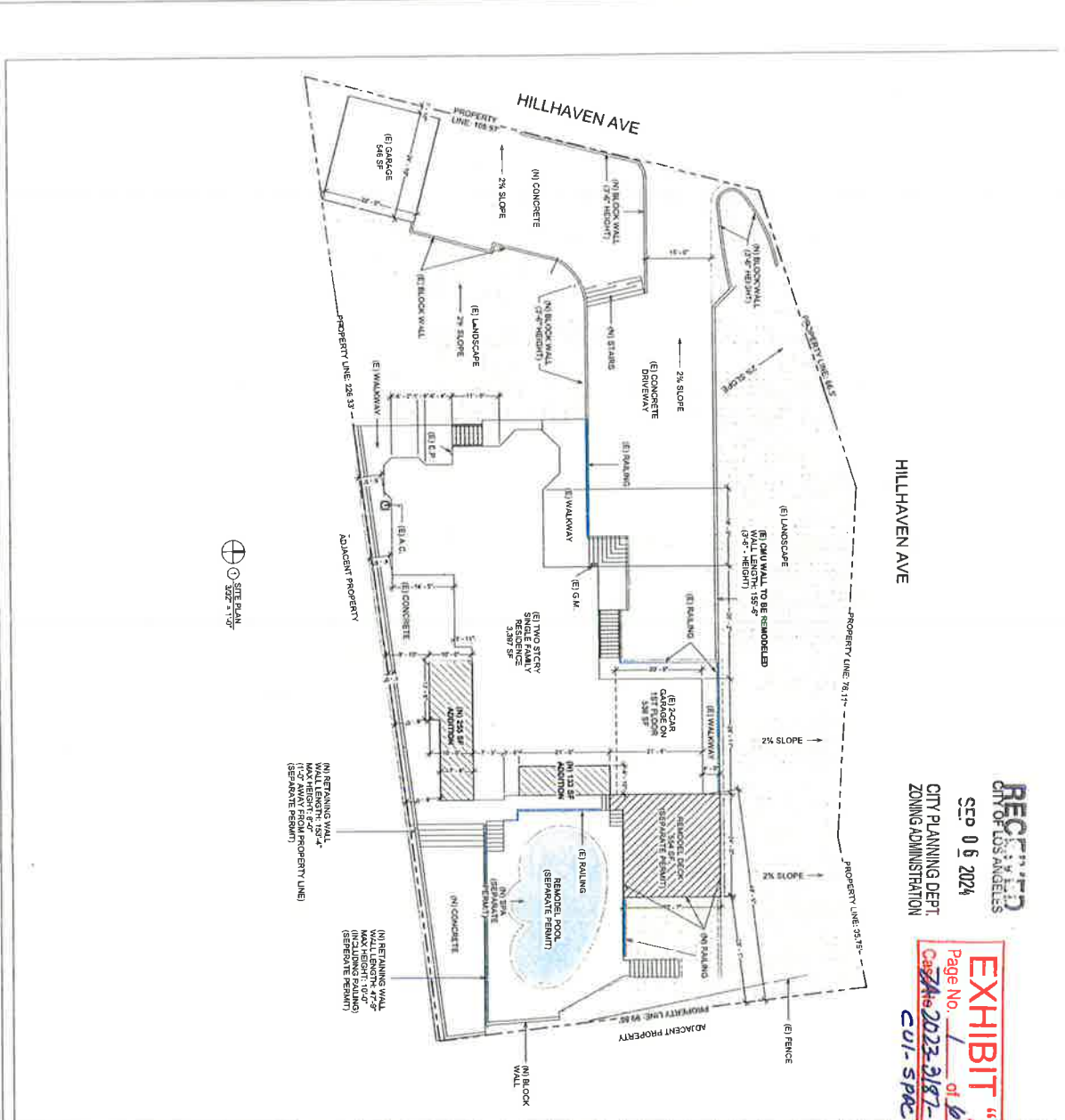
Inquiries regarding the matter shall be directed to Erick Marchena, Project Planner at (213) 682-6371 or erick.marchena@lacity.org.



PHYLLIS NATHANSON
Associate Zoning Administrator

PN:JP:DN:EM:mc

cc: Councilmember Monica Rodriguez
Seventh Council District
Abutting Property Owners
Interested Parties



ADDITIONAL OCCUPANCY	RESIDENTIAL-FAMILY-RESIDENCE	A-2: EXISTING 2-LEVEL HOOD PLUM
CONSTRUCTION TYPE	TRKWA	A-3: IMPROVED ROOF PLAN
USE	NO	A-4: EXISTING 4-LEVEL ELEVATION
FLOOR AREA	31,000 SF	A-5: IMPROVED STAIR PLAN
CERTIFICATION	3,200 SF	A-6: EXISTING ELEVATION
REMARKS	4,800 SF	A-7: EXISTING ELEVATION
EXISTING SIGN	200 SF	A-8: EXISTING ELEVATION
NEW SIGNAGE	3,200 SF	A-9: IMPROVED ELEVATION
NEW SIGNAGE	3,200 SF	A-10: IMPROVED ELEVATION
NEW SIGNAGE	3,200 SF	A-11: EXISTING SIGNAGE
NEW SIGNAGE	3,200 SF	A-12: EXISTING SIGNAGE

APPLICABLE CODES:
2020 LACC, 2020 LAC, 2020 LMCC, 2020 LMCC, 2020 LACC, 2020 LACC, 2020 LACC & ENERGY STANDARDS

FLOOR AREA CALCULATIONS:

USE	AREA (SF)	TYPE
EXISTING	31,000	EXISTING
PROPOSED	3,200	NEW
TOTAL	34,200	TOTAL

SCORE CARD WORKSHEET
TOTAL: 3,200 SF

LEGAL DESCRIPTION	TRKWA	LEGAL DESCRIPTION	TRKWA
ADDRESS	2020 LACC	ADDRESS	2020 LACC
TINCE	TRKWA	TINCE	TRKWA
LOOK	40	LOOK	40
APN	2020LACC	APN	2020LACC

SCOPE OF WORKSHEET
TOTAL: 3,200 SF

CONSTRUCTION TYPE	TRKWA	A-2: EXISTING 2-LEVEL HOOD PLUM
USE	NO	A-3: IMPROVED ROOF PLAN
FLOOR AREA	31,000 SF	A-4: EXISTING 4-LEVEL ELEVATION
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APPLICABLE CODES:
2020 LACC, 2020 LAC, 2020 LMCC, 2020 LMCC, 2020 LACC, 2020 LACC, 2020 LACC & ENERGY STANDARDS

FLOOR AREA CALCULATIONS:

USE	AREA (SF)	TYPE
EXISTING	31,000	EXISTING
PROPOSED	3,200	NEW
TOTAL	34,200	TOTAL

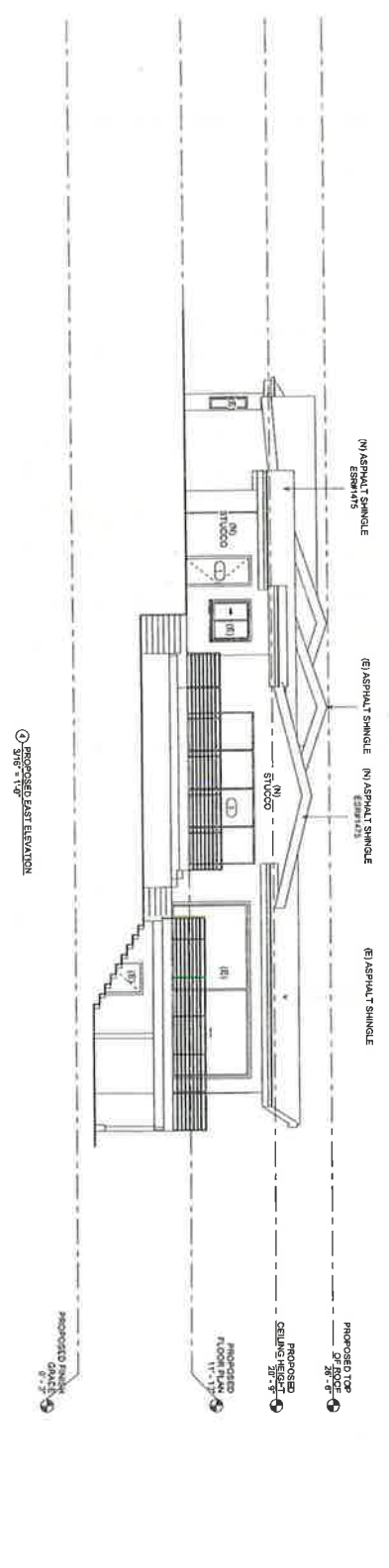
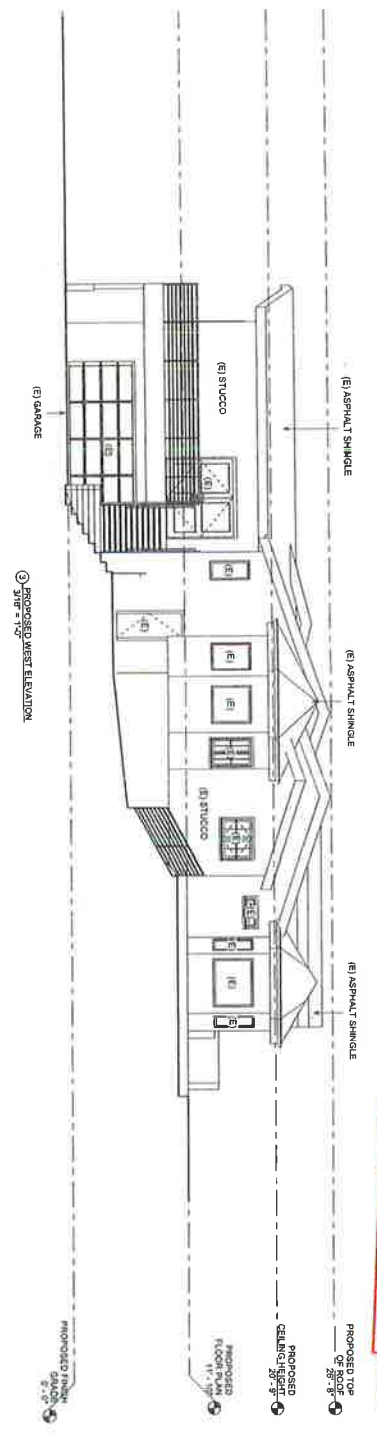
SCOPE OF WORKSHEET
TOTAL: 3,200 SF

S I C development

OWNER:
MERUZHAN MARGARYAN
ADDRESS:
8604 HILLHAVEN AVE
TUJUNGA CA 91402

SITE PLAN

PROJECT MAP
A-1



CONTRACTOR TO VERIFY ALL DIMENSIONS TO THE CENTERLINE OF THE ROOF INCLUDING ANY OVERHANGS OF STUCCO AND STUCCO TO THE CENTERLINE OF THE STUCCO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS TO THE CENTERLINE OF THE STUCCO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS TO THE CENTERLINE OF THE STUCCO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS TO THE CENTERLINE OF THE STUCCO.

OWNER:
 MERUZMAN MARGARYAN
 ADDRESS:
 8604 HILLHAVEN AVE
 TUALUMA CA 91042

PROPOSED ELEVATIONS

INVESTMENT DEVELOPMENT

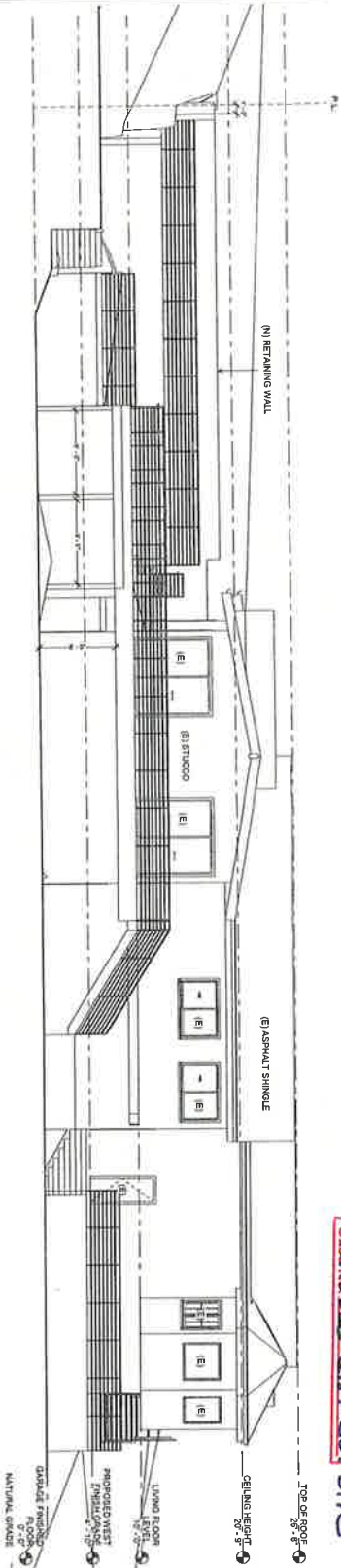
S | E | C
 development

111-444-7111

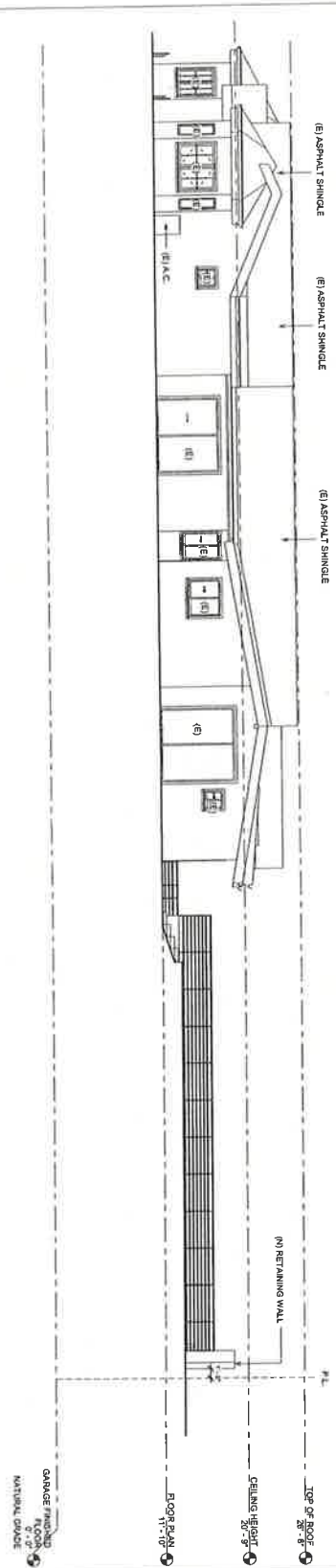
PROJECT INFO:
 JOB NUMBER: 2208
 DATE DRAWN: 8/28/23
 DRAWN BY: M.A.
 CHECKED BY: J.C.
 SCALE: 1/8" = 1'-0"

A-9

EXHIBIT "A"
 Page No. 4 of 6
 Case#A2023-318Z-CU1-SPK



① PROPOSED NORTH ELEVATION
 3/8" = 1'-0"



② PROPOSED SOUTH ELEVATION
 3/8" = 1'-0"

CONTRACTOR TO VERIFY ALL PERMITS TO BE OBTAINED FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS AND ORDINANCES ARE FULLY COMPLIED WITH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS AND ORDINANCES ARE FULLY COMPLIED WITH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS AND ORDINANCES ARE FULLY COMPLIED WITH.

OWNER:
 ARUTYUN MARGARYAN
 ADDRESS:
 9604 HILKHAVER AVE
 TUNUNGA CA 91642

PROPOSED ELEVATIONS

(111) 855-1171 SECDVELOPMENT.NET

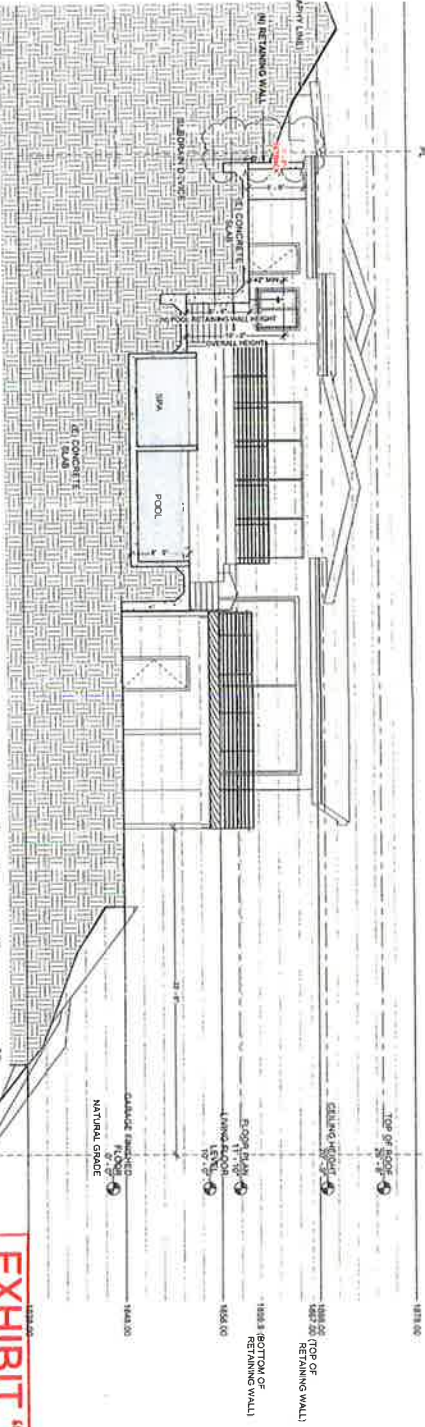
S E I C
 development

(111) 855-1181 SECDVELOPMENT.NET

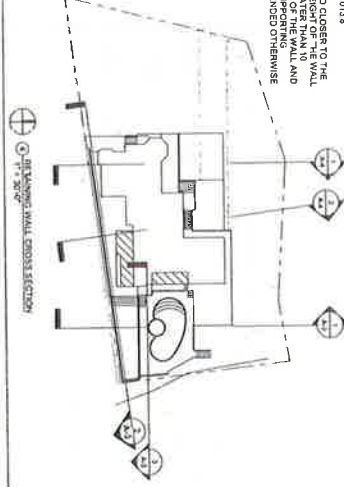
PROJECT NO.	2024
DATE DRAWN	08/24
DRAWN BY	SKA
CHECKED BY	SKA
SCALE	3/8" = 1'-0"

A-6

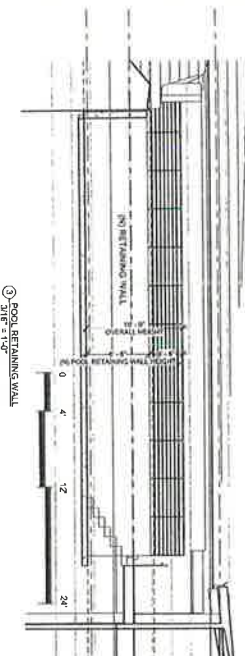
- NOTE:**
1. SUBGRANS REQUIRED FOR FILL PLACED IN NATURAL WATER COURSES: 7013.8
 2. RETAINING WALLS LOCATED CLOSER TO THE SOL (TOP OF FINISH WALL) SHOULD BE CONSTRUCTED NOT LATER THAN 18 DAYS AFTER COMPLETION OF THE WALL AND MEMBER UNLESS RECOMMENDED OTHERWISE BY RESPONSIBLE ENGINEER.



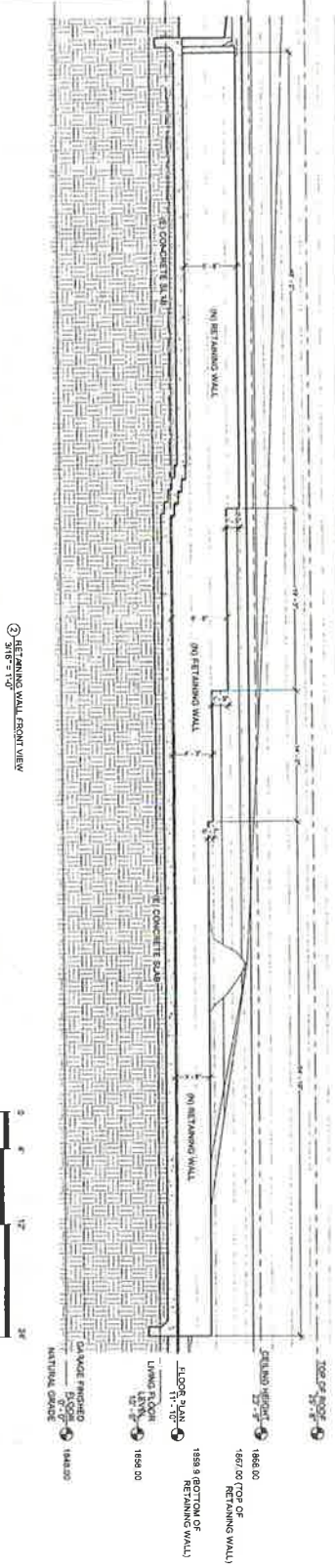
1. RETAINING WALL CROSS SECTION 1
SCALE: 1/8" = 1'-0"



2. RETAINING WALL CROSS SECTION 2
SCALE: 1/8" = 1'-0"



3. POOL RETAINING WALL
SCALE: 1/8" = 1'-0"



4. RETAINING WALL FRONT VIEW
SCALE: 1/8" = 1'-0"

EXHIBIT "A"
Page No. 5 of 6
24-0023-3187-CUL-SPPC

RETAINING WALL CROSS SECTIONS

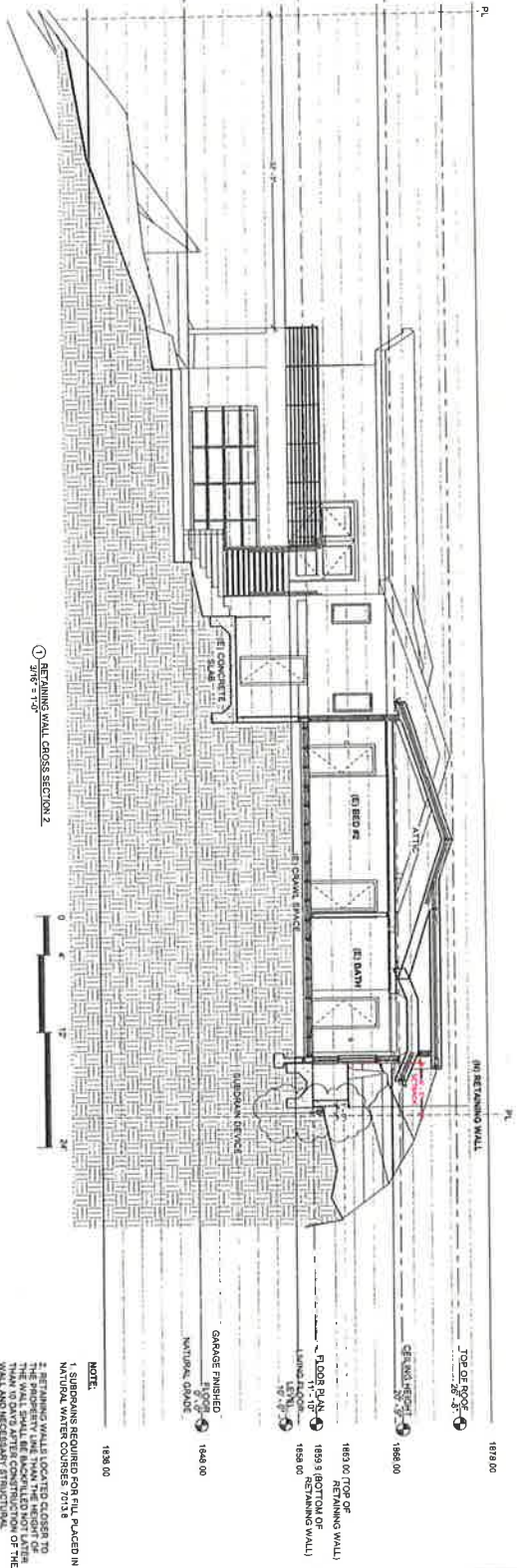
OWNER: ARUTYUN MARGARYAN
ADDRESS: 9604 HILLHAVEN AVE
TUJUNGA CA 91042

CONTRACT NO. 24-0023-3187-CUL-SPPC
DRAWING NO. 24-0023-3187-CUL-SPPC-01
DATE: 08/14/2024
SCALE: AS SHOWN

SEIC development

PROJECT NO. 2201
DATE: 08/14/2024
DRAWN BY: M.A.
CHECKED BY: V.A.
SCALE: 1/8" = 1'-0"

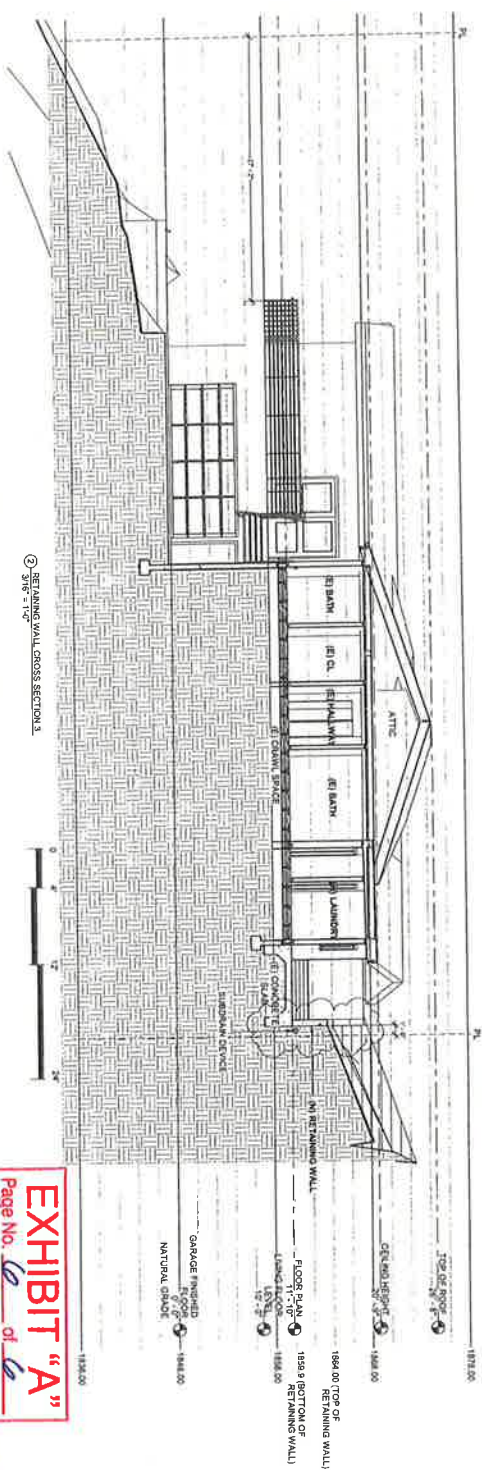
3187 (8) 141
3187 (8) 141



1 RETAINING WALL CROSS SECTION 2
SWS = 1/4"



NOTE:
1. SUBGRADE REQUIRED FOR FILL PLACED IN NATURAL WALL COURSES 7/13/8
2. RETAINING WALLS LOCATED CLOSER TO THE EXISTING WALLS SHALL BE BACKFILLED NOT LATER THAN 30 DAYS AFTER COMPLETION OF THE SUPPORTING MEMBER UNLESS OTHERWISE RECOMMENDED OTHERWISE BY RESPONSIBLE ENGINEER.



2 RETAINING WALL CROSS SECTION 3
SWS = 1/4"



NOTE:
1. SUBGRADE REQUIRED FOR FILL PLACED IN NATURAL WALL COURSES 7/13/8
2. RETAINING WALLS LOCATED CLOSER TO THE EXISTING WALLS SHALL BE BACKFILLED NOT LATER THAN 30 DAYS AFTER COMPLETION OF THE SUPPORTING MEMBER UNLESS OTHERWISE RECOMMENDED OTHERWISE BY RESPONSIBLE ENGINEER.

Case No.

EXHIBIT "A"
Page No. 6 of 6
C2442023-9187-CUI-SPAC

PROJECT NO.	Z2301
SITE NUMBER	1834
DATE DRAWN	1/23/24
DRAWN BY	N.A.
CHECKED BY	N.A.
SCALE	1/4" = 1'-0"
SHEET	A-4



RETAINING WALL CROSS SECTIONS

OWNER:
ARUTYUN MARGARYAN
ADDRESS:
9604 HILLHAVEN AVE
TUJUNGA CA 91042

CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITY LINES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING FOUNDATIONS AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING FOUNDATIONS AND STRUCTURES.

