



# CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: JUL 12 2010

CASE NO.: ZA 2009-1342-ZAA-1A  
CEQA: ENV 2009-1343-CE

Council District: 4 – LaBonge  
Plan Area: Hollywood  
Location: 2223 Nottingham Avenue  
Zone: RE11-1  
District Map: 151.5A195  
Legal Description: Lot 19 Tract 5337

Applicant: Kevin Yorn  
Representative: Alexander Irvine, Craig Lawson & Co.  
Appellant: Gilbert J. Rossie

At its meeting on April 27, 2010, the following action was taken by the Central Area Planning Commission:

1. **Denied** the appeal.
2. **Sustained** the decision of the Zoning Administrator (dated March 2, 2010 attached).
3. **Approved** an **Adjustment** from Section 12.21-C,1(g) of the Los Angeles Municipal Code to permit over-in-height walls, fences, gates and hedges, within the required front yard.
4. **Modified** condition number 7.f to correct a typo to read as follows:  
"f. The concrete block wall along the southerly side lot line shall not exceed ~~5 feet, 10 inches~~ **6 feet, 9 inches** within 1905 feet of the front property line and shall not exceed an overall height of 10 feet 5 inches within the remainder of the required front yard for the portion of the wall that is a combination block with a wood fence."
5. **Adopted** the attached **Conditions of Approval**.
6. **Adopted** the attached **Findings**.

This action was taken by the following vote:

Moved: Acevedo  
Seconded: Y. Kim  
Ayes: J. Kim, Martorell  
Vacant: One

Vote: 4 - 0

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

  
James K. Williams, Commission Executive Assistant I  
Central Area Planning Commission

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.

Attachment: Modified Condition of Approval, Findings and Zoning Administrator's Determination dated March 2, 2010  
Zoning Administrator: Fernando Tovar

MICHAEL LOGRANDE  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

NICOLAS BROWN  
SUE CHANG  
LARRY FRIEDMAN  
LOURDES GREEN  
LINN K. WYATT  
MICHAEL S.Y. YOUNG  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

S. GAIL GOLDBERG, AICP  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

www.lacity.org/PLN

March 2, 2010

Kevin Yorn (A)(O)  
2800 Olympic Boulevard, 2nd Floor  
Santa Monica, CA 90404

Alexander Irvine (R)  
Craig Lawson & Company, LLC  
8758 Venice Boulevard, Suite 200  
Los Angeles, CA 90034

CASE NO. ZA 2009-1342(ZAA)  
ZONING ADMINISTRATOR'S  
ADJUSTMENT  
2223 Nottingham Avenue  
Hollywood Planning Area  
Zone : RE11-1  
D. M. : 151.5A195  
C. D. : 4  
CEQA : ENV 2009-1343-CE  
Legal Description: Lot 19, Tract 5337

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

an adjustment from Section 12.21-C,1(g) of the Los Angeles Municipal Code to permit over-in-height walls, fences, gates and hedges, within the required front yard,

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Maximum Height:
  - a. The existing concrete block wall along the front property line shall not exceed 4 feet.
  - b. The two existing driveway gates shall not exceed 5 feet 6 inches.
  - c. The existing pedestrian gate and columns on either side of the pedestrian gate shall not exceed 7 feet 3 inches.
  - d. The hedge located along the front property line shall not exceed 8 feet.
  - e. The ficus trees along the northerly side lot line, within the required front yard, shall not exceed 8 feet and shall provide a corner-cut of 10 feet x 10 feet to create a visibility triangle for vehicles exiting the driveway on the adjoining property to the north.
  - f. The concrete block wall along the southerly side lot line shall not exceed 5 feet 10 inches within 19.5 feet of the front property line and shall not exceed an overall height of 10 feet 5 inches within the remainder of the required front yard for the portion of the wall that is a combination block wall with a wood fence.
8. Mirrors shall be installed on both sides of each driveway within the subject site to enable vehicles exiting the driveway to view the sidewalk and any pedestrians. The mirrors shall be installed so as not to reflect sunlight onto the street or any adjacent properties.
9. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's

number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

### **TRANSFERABILITY**

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

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become

effective after MARCH 17, 2010, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on October 13, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting an adjustment as enumerated in Section 12.28 of the Los Angeles Municipal Code have been established by the following facts:

**BACKGROUND**

The subject site is a rectangular-shaped, interior lot containing approximately 13,600 square feet with 80 feet of frontage on the west side of Nottingham Avenue and a uniform depth of 170 feet. The property is developed with a two-story, 5,940 square-foot single-family dwelling built in 1928. The subject site is zoned RE11-1 and is designated Very Low II Residential by the Hollywood Community Plan.

Nottingham Avenue is a local street and dedicated to a width of 65 feet and improved with sidewalks and a very wide landscaped parkway with street trees. Nottingham Avenue ascends from Los Feliz and becomes steeper approximately 800 feet north of the subject site where it curves as it ascends into the hillside neighborhood. Nottingham Avenue becomes a designated hillside street approximately 475 feet north of the subject site (seven lots north).

The RE11 Zone has a minimum front yard requirement of 20% of the lot depth, not to exceed 25 feet, while the hillside regulations require that front yards conform to the prevailing front yard but not less than 5 feet. All of the homes on Nottingham Avenue located between Los Feliz Boulevard and 800 feet north of the subject site, including those lots fronting on the portion of Nottingham Avenue that is designated a hillside street, maintain front yards between 25 feet and 36 feet. Thus, the established prevailing front yard on this segment of Nottingham Avenue exceeds 25 feet regardless of the street's designation as a local street or hillside street.

The applicant was issued an Order to Comply by the Department of Building and Safety for maintaining over-in-height fences exceeding the 3-foot 6-inch maximum height in an R Zone within the required front yard. Thus, the applicant requested an Adjustment to permit the continued use and maintenance of various existing over-in-height walls, gates, hedges and ficus trees within the required front yard varying in height from 4 feet to 12 feet as follows:

- 1) An existing 4-foot high block wall along the front property line immediately adjacent to the sidewalk;
- 2) Two driveway gates 5 feet 6-inches in height along the front property line immediately adjacent to the sidewalk;
- 3) A pedestrian gate and two decorative columns on either side of the gate, 7 feet 3 inches in height, within the required front-yard and setback approximately 7 feet 6 inches from the front property line;
- 4) A 12-foot hedge along the front property line;
- 5) A 12-foot hedge along the northerly side lot line; and
- 6) A 5-foot 10-inch concrete block wall along the southerly side lot line within 19.5 feet of the front lot line, and a combination concrete block and wood fence with a height of 10 feet 5 inches for the remainder of the required front yard.

As approved by this grant, the existing hedge and ficus trees will not exceed 8 feet, and with the exception of the height of the existing southerly wall, all other existing gates and fences will remain under 8 feet. In approving a maximum height of 8 feet for the existing ficus trees and hedge, the Chief Zoning Administrator's action is consistent with the limits contained under Section 12.24-X,7 of the LAMC which grants the Zoning Administrator authority to approve fences and walls not to exceed 8 feet in height in the required front yard, side yard or rear yard of any lot or on the side lot line in the A or R Zone,

Los Feliz Boulevard, to the south of the property is designated a Secondary Street, dedicated to a width of 120 feet and improved with curb, gutter and sidewalk on both sides of the street.

Nottingham Avenue, adjoining the property to the east is a Local Street, dedicated to a width of 65 feet and improved with curb, gutter and sidewalk on both sides of the street.

### PUBLIC HEARING

The public hearing was held on October 13, 2009 and attended by the applicant and by the applicant's representative, by the adjoining property owners on the north and south side of the subject site and a representative of the Greater Griffith Park Neighborhood Council. The applicant's representative and the applicant provided testimony concerning the need for privacy due to the applicant's celebrity status and due to harassment by paparazzi. The applicant's representative cited other similar requests that have been granted in the surrounding neighborhood for over-in-height fences between 6 to 10 feet. It was also noted that paparazzi activity at the applicant's home is the subject of complaints from surrounding residents because persons unknown park on the street in front of adjacent residences and "stake-out" the applicant's property and climb over the adjacent neighbor's homes to either access or get a better view of the applicant's property creating a safety and security problem.

The applicant indicated she purchased the property with the understanding that the existing walls were permitted. The previous owner remodeled the property and as noted in the application, the applicant acquired the property shortly after a Certificate of Occupancy was issued for the property and the existing walls and gates are shown on the Plot Plan Attachments to the prior owner's permit applications 06014-30000-05795 and 06016-30000-12337, both of which were issued on August 31, 2006."

The applicant indicated that the privacy afforded by the existing walls, gates and hedges influenced her decision to purchase the property and provide necessary security, privacy, and safety.

The adjoining property owner to the north was represented by legal counsel who indicated that the existing hedge along the northerly property line blocks visibility and poses a safety issues for his clients when exiting the driveway in their vehicles. The representative indicated that the driveway is steep and abuts the wall and hedge and his clients are unable to see on-coming pedestrians traveling from south to north on the sidewalk.

The adjoining property owners to the south objected to the height of the existing wall along the applicant's southerly property line which abuts their rear lot line (the lot fronts on Los Feliz Boulevard). He indicated that the wall cuts off his view. His wife testified that wall blocks visibility of pedestrians on the sidewalk when backing out of her driveway. She also indicated that paparazzi park in front of her home and come on to her property to get a better vantage point of the applicant's property.

An adjacent neighbor testified in support of the applicant's request and Mr. Owen of the Greater Griffith Park Neighborhood Council requested that the record remain open to provide the Neighborhood Council an opportunity to consider the request and submit a formal recommendation.

The request was taken under advisement for 30 days. A letter dated October 26, 2009 was submitted by the Greater Griffith Park Neighborhood Council recommending that the

request be denied. The letter objected based on concerns over setting a precedent for future similar requests and for safety reasons due to obstructed visibility of pedestrians on the sidewalk.

### **MANDATED FINDINGS**

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

1. **The granting of an adjustment will result in development compatible and consistent with the surrounding uses.**

With the exception of an existing combination block wall/wood fence located along the southerly side lot line, all existing walls and fences range between 4 feet and 7 feet 3 inches, and the existing hedge and Ficus trees have been limited to a maximum height of 8 feet.

Due to the ascending street grade, the use of retaining walls with an approximate height of 2 to 4 feet along the side lot lines and/or along driveway cuts is common. Properties on both sides of the street contain lawns and/or lush vegetation. Segments of the street consists of properties, particularly on the east side of Nottingham Avenue, that maintain a consistent pattern of open front yards with lawns that transition to the parkway. However, the use of hedges ranging between approximately 4 feet to over 10 feet in height along the side lot lines and within the required front yard is prevalent on some properties on both sides of the street. In addition, several properties have very thick and lush landscaping along the front property lines that in some cases exceed 12 feet and completely screen the homes on these lots from the street.

The Zoning Investigator's report, site photos and a site visit by the Hearing Officer revealed that properties at 2301, 2309, 2317, 2408, 2423 and 2424 Nottingham Avenue all had an over-in-height fence or lush landscaping within the required front yard. In addition, the abutting property south of the subject site has a brick wall, approximately 4 to 4-1/2 feet in height along the entire perimeter of the property's frontage, including the property's front yard along Los Feliz Boulevard and within the required front yard along the side lot line on Nottingham Avenue. The property directly across from this property at the northeast corner of Nottingham Avenue and Los Feliz Boulevard has a combination brick wall with a wrought iron fence above with an approximate height of 10 to 12 feet along the perimeter of the property's front yard along Los Feliz Boulevard and within the required front yard along the side lot line on Nottingham Avenue.

While this is not the predominant pattern, and while segments of the street still retains a continuous pattern of open front yards, the existence of over-in-height fences and vegetation within the required front yard is notable and has an established presence in the neighborhood. Moreover, the thick vegetation on these homes is natural and is not out of character with the existing street trees along the

parkway nor is it out of character for a neighborhood located at the base of a major regional park.

With respect to the subject property, the existing over-in-height fences consist of various natural or man-made elements or materials of varying heights that provide aesthetic diversity. The property has 80 feet of frontage with a circular driveway with a 12-foot driveway and a 9.5-foot driveway located at the northern and southernmost portions of the lot, respectively. A 6-foot wide walkway is located at the center of the lot which provides a symmetrical layout. The existing 4-foot block wall is located along the perimeter of the front property line between the two driveways with a break at the 6-foot wide walkway. The 4-foot wall has a decorative finish and is partially screened by ground cover that softens the wall's aesthetic impact and appears to be a raised planter. The existing wall exceeds the maximum allowable height by only 6 inches. The hedge is located directly behind the 4-foot wall and is limited to a maximum height of 8 feet.

The existing pedestrian gate and the two columns on each side of the gate are set back 7 feet 6 inches from the front property line and occupy the width of the 6-foot walkway. The gate is made of wood (or has a wood appearance) and the columns match the decorative finish of the retaining wall. Due to the change in grade, which slopes up approximately 2 feet between the sidewalk and the pedestrian gate, the pedestrian gate and columns are 7 feet 3 inches as measured from the adjacent sidewalk grade. Each driveway gate is 5 feet 6 inches high with a wood finish that matches the pedestrian gate. The existing ficus trees are located along the northerly side lot line abutting the neighbor's driveway and within the required front yard, and are limited to a height of 8 feet as a condition of this grant.

With respect to the existing 10-foot 5-inch wall along the southerly lot line, this wall is perpendicular to the street and has a width of approximately 6 inches and does not have a significant impact on the streetscape. This wall abuts the rear lot line of the southerly neighbor. The brick wall along Nottingham Avenue on the southerly neighbor's property continues along the site's rear lot line directly abutting the 10-foot wall on the subject site. The design of the brick wall incorporates two raised planters facing Nottingham Avenue and the 10-foot wall on the subject site and contains trees that are approximately 15 to 20 feet in height that screen the 10-foot wall on the subject site.

Also, there are two street trees approximately 15 feet in height within the landscaped parkway directly in front of the subject site's frontage which blend with and provide a transition between the parkway and the hedges and ficus trees on the subject property. The existing vegetation and fences on the subject site are similar in character to other fences and/or vegetation within the required front yard of other properties on Nottingham Avenue. As approved, all of the fences and gates facing the street will be less than eight feet and will not obscure the façade of the existing home. Therefore, as conditionally approved, the granting of the adjustment is compatible and consistent with surrounding uses.

- 2. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The site is located within the Hollywood Community Plan Area. The plan designates the subject site for Very Low II Residential Uses with corresponding zones of RE11 and RE 15. The Hollywood Community Plan does not specifically address or set-forth specific guidelines or criteria concerning over-in-height fences.

Therefore, the granting of the adjustment is consistent with the intent and purpose of the Community Plan.

**3. The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The zoning regulations require setbacks from property lines in order to provide for compatibility and privacy between respective properties and to allow adequate light and ventilation for the occupants of residential uses (side yards and rear yards); and also, to promote open, landscaped front yards. Such regulations, however, are written on a Citywide basis and cannot take into account individual unique characteristics on a specific parcel or neighborhood.

In this case, the Code's desire to achieve compatibility between respective sites and the applicant's desire to provide privacy and security can be accommodated in a manner consistent with the intent and purpose of the zoning regulations. As noted above, the existing fences and gates consist of various elements and materials that are interspersed within the required front yard and have varying heights. The block wall along the front property line only exceeds the maximum allowable height by 6 inches and the pedestrian gate, columns and driveway gates, all less than 7 feet, occupy a combined width of approximately 28 feet, or just over one-third of the site's 80-foot frontage.

Neither the ficus trees or the combination block/wood wall along the southerly or northerly side lot lines obstruct light or ventilation on the adjacent properties or the occupants on the subject site. As noted under Finding No. 1 above, the surrounding properties maintain similar over-in-height fences and landscaping and the granting of the request is consistent and in keeping with the character of some of the surrounding properties on Nottingham Avenue. Therefore, the granting of the adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

**4. There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

As noted under Finding No. 1 above, the existing over-in-height fences consist of various natural or man-made elements or materials of varying heights that provide aesthetic diversity. These elements do not have a monolithic impact and are consistent with the surrounding environment on Nottingham Avenue that consist of a landscaped parkway lined with mature trees, as well as palm trees and other specimen trees, plants and vegetation located within the front yards (or side yards) of surrounding properties facing Nottingham Avenue. In some cases, the

landscaping on private properties combined with the street trees form a lush environment that screens the facades of the homes as viewed from the street.

As conditioned, the granting of the adjustment will have no adverse impacts on adjacent properties or the existing streetscape. The existing hedge and ficus trees are restricted to a maximum height of 8 feet so as not to obscure the façade of the home and will be lower than the two existing street trees directly in front of the subject site within the parkway and lower than the trees on the southerly neighbor's property.

The 4-foot retaining wall is a decorative wall and is consistent in height with other fences or walls facing Nottingham Avenue. The existing hedge along the northerly side lot line is similar to other hedges along the side lot lines of other properties on Nottingham Avenue and is limited to a maximum height of 8 feet and is required to provide a 10-foot by 10-foot visibility triangle to provide vehicles exiting the driveway on the adjoining property to the north adequate visibility.

As noted under Finding No. 1 above, the pedestrian gate and columns are only 6 feet wide altogether. The columns match the finish of the 4-foot retaining wall and the two driveway gates have a width of approximately 12 feet and 9 feet and match the finish on the pedestrian gate. The pedestrian gate, columns and driveway gates are interspersed along the site's frontage and combined occupy less than half (approximately 28 to 30 feet) of the site's 80-foot frontage.

With respect to the over-in-height wall along the southerly side lot line, this wall is perpendicular to the street with a width of approximately 6 inches and has minimal impacts on the streetscape. The portion of the wall within 19.5 feet of the front property line is limited to a height of 5 feet 10 inches, consistent or lower than the height of some of the existing hedges along the side lot lines of surrounding properties. Moreover, the wall abuts the rear lot line of the adjoining property owner to the south which has its frontage on Los Feliz Boulevard with pedestrian and vehicular access on Nottingham Avenue. The garage on this property is located to the rear of the site adjacent to the southerly wall on the subject site and is set back between 30 to 35 feet from Nottingham Avenue. The garage has a roof with a steep pitch with a height of over 15 feet. The portion of the southerly wall on the subject site that exceeds 10 feet is set back approximately 20 feet from the front property line and continues behind the southerly neighbor's garage.

The southerly neighbor's property has two raised planters that are incorporated into the brick wall along the property line facing Nottingham Avenue. These planters contain several trees, two of which are at least 20 feet in height and screen the wall on the subject site from view. Any view from the southerly property is generally obstructed by the existing garage and the trees in the planter. To the extent that the southerly neighbor's view might be blocked by the portion of the wall located on the west side of the garage (from the patio or rear yard), that portion of the wall is located beyond the required front yard and is not a part of this request.

With respect to visibility, the driveway on the southerly neighbor's property is located approximately 25 feet or more south of the wall, an adequate distance to allow

visibility of any oncoming pedestrians. Otherwise, Condition No. 8 requires the installation of mirrors on the subject site to enable vehicles exiting the subject property to have a view of the sidewalk and any pedestrians.

Thus, for reasons enumerated above, the granting of the adjustment will not have any adverse impacts on surrounding properties.

5. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

As noted in the background, Nottingham Avenue is an ascending street which results in a change in grade which creates the need for cuts and retaining walls along the side lot line of many properties. The site also slopes up somewhat abruptly from the street approximately 5 feet before it levels off which raises the height of any improvements within the required front yard from the adjacent sidewalk grade.

Thus, the change in grade results in a higher measurement for any fence or wall placed within the required front yard. However, as noted above, the existing fences and walls consist of varying materials and heights and are functionally integrated with existing improvements, natural or man-made, in the area.

Nevertheless, with the exception of the southerly wall, all existing fences or wall are lower than 8 feet, or limited to a maximum height of 8 feet, consistent with the limits contained under Section 12.24-X,7 of the LAMC which grants the Zoning Administrator authority to approve fences and walls not to exceed 8 feet in height in the required front yard, side yard or rear yard of any lot or on the side lot line in the A or R Zone.

As for the southerly wall which is the only component over 8 feet high, this is due to the approximately 5-foot change in grade between the southerly property and the subject site, as measured from the lowest grade. From the adjacent grade on the subject site, the wall is just over 5 feet in height (at its maximum height) and as previously noted, this southerly wall abuts the rear lot line of the adjoining property, rather than a side lot line, and therefore has minimal adverse impacts.

#### **ADDITIONAL MANDATORY FINDINGS**

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
7. On May 4, 2009, the subject project was issued a Notice of Exemption (Article III, Section 1, City CEQA Guidelines), log reference ENV-2009-1343-CE, for a Categorical Exemption, Class 3, Category 6. City CEQA Guidelines, Article III, Section 1, State EIR Guidelines, Section 15300. I hereby adopt that action.

I concur with the report prepared by Fernando Tovar, Planning Staff for the Office of Zoning Administration, on this application and approve same.

FERNANDO TOVAR  
City Planner  
Direct Telephone No. (213) 978-1330



MICHAEL LOGRANDE  
Chief Zoning Administrator  
Telephone No. (213) 978-1318

ML:FT:lmc

cc: Councilmember Tom LaBonge  
Fourth District  
Adjoining Property Owners