

July 2, 2024

Lida Benham  
5322 W 119th Place  
Inglewood, CA 90304

PROJECT NO. PRJ2021-003767-(2)  
YARD MODIFICATION NO. RPPL2021010501  
5322 W 119th Place (4140-011-008)

Dear Ms Benham:

Hearing Officer Gina Natoli, by her action of **July 2, 2024**, has denied the above-referenced project. Enclosed are the Hearing Officer's Findings.

**Appeals:**

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 16, 2024**. Appeals must be submitted to [appeal@planning.lacounty.gov](mailto:appeal@planning.lacounty.gov) with the accompanying fee before the end of the appeal period.

For questions or for additional information, please contact Sean Donnelly of the Foothills Development Services Section at (213) 893-7024 or [sdonnelly@planning.lacounty.gov](mailto:sdonnelly@planning.lacounty.gov).

Sincerely,

AMY J. BODEK, AICP  
Director of Regional Planning

*Carmen Sainz*

Carmen Sainz, Supervising Planner  
Metro Development Services Section

CS:SD

Enclosures: Findings

c: PW (Building and Safety)  
Zoning Enforcement

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE HEARING OFFICER  
AND ORDER  
PROJECT NO. PRJ2021-003767-(2)  
YARD MODIFICATION NO. RPPL2021010501**

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly-noticed public hearing in the matter of Yard Modification No. RPPL2021010501 (“Yard Modification”) on September 5, 2023, October 2, 2023, December 5, 2023, March 5, 2024, June 4, 2024, and July 2, 2024. The Yard Modification is a request to authorize the continued maintenance of a wall exceeding the maximum allowable height in the R-1 (Single-Family Residence) Zone (“Project”).
2. **HEARING PROCEEDINGS.** A duly-noticed public hearing was scheduled for this Project on September 5, 2023. Prior to the hearing, the applicant requested a continuance due to a scheduling conflict. The hearing was then continued to October 3, 2023, was continued again to December 5, 2023 due to a scheduling conflict with Staff, and was continued again to March 5, 2024 to give the applicant’s representative time to review the case materials.

At the continued hearing on March 5, 2024, Staff presented the Project and their recommendation of denial. The applicant’s agent then spoke in favor of approving the Project. One member of the public spoke in favor of approval, and another member of the public spoke in favor of denial. There were no other public speakers. The Hearing Officer then indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the cement masonry unit (“CMU”) wall and removing the 10-foot-and-11-inch-long horizontal extension of the wall. The Hearing Officer asked the applicant to provide an updated site plan. The Project was then continued to June 4, 2024.

At the continued hearing on June 4, 2024, the Hearing Officer asked the applicant’s representative if the changes to the site plan had been made, and they stated that the changes had not been made. The Hearing Officer then continued the hearing to July 2, 2024 to provide time for the applicant to make the requested changes.

On June 20, 2024, the applicant submitted an updated site plan which was transmitted to the Hearing Officer in a Supplemental Report dated June 20, 2024. The Hearing Officer then sent a memo to Staff on June 24, 2024, stating that all the requested changes had not been made. Subsequently the applicant submitted a further updated site plan on June 27, 2024, which was transmitted to the Hearing Officer in a Supplemental Report dated June 27, 2024.

At the continued hearing on July 2, 2024, Staff presented the updated site plan. The Hearing Officer then stated that the updated site plan inadequately incorporated the

requested changes and asked the applicant's representative why the changes had not been made. The applicant's representative stated they understood the request and did not know why the changes had not been made by the applicant. A member of the public signed up to speak but declined to provide comment when called upon. The Hearing Officer then closed the public hearing, denied the Project, and directed Staff to prepare updated findings.

3. **ENTITLEMENT(S) REQUESTED.** The applicant, Lida Benham, requests the Yard Modification to authorize the continued maintenance of a wall exceeding the maximum allowable height in the R-1 (Single-Family Residence) Zone on a property located at 5322 West 119<sup>th</sup> Place in the unincorporated community of Del Aire ("Project Site") pursuant to Los Angeles County Code ("County Code") Section 22.110.190.
4. **PREVIOUS ENTITLEMENT(S).**

<b>CASE NO.</b>	<b>REQUEST</b>	<b>DATE OF ACTION</b>
RPPL2021002885	Site Plan Review ("SPR") approval for a 255-square-foot Junior Accessory Dwelling Unit ("JADU").	Approved April 20, 2021
RPPL2020000897	SPR approval for a 1,177-square-foot Accessory Dwelling Unit ("ADU"), preliminarily approved by RPPL2020000093.	Approved March 16, 2020
RPPL2020000093	Zoning Conformance Review for preliminary approval of an ADU under SB 330.	Completed January 8, 2020
RPPL2017007101	SPR approval for a 735-square-foot recreation room and attached garage addition to an SFR.	Approved February 22, 2018

5. **LAND USE DESIGNATION.** The Project Site is located within the H9 (Residential 9) land use designation of the General Plan Land Use Policy Map.
6. **ZONING.** The Project Site is located in the Del Aire Zoned District and is currently zoned R-1. Pursuant to County Code Section 22.110.190 (Modifications Authorized), a Yard Modification is required for fences and walls in required yards that exceed the maximum allowable height.

**7. SURROUNDING LAND USES AND ZONING**

<b>LOCATION</b>	<b>GENERAL PLAN LAND USE POLICY</b>	<b>ZONING</b>	<b>EXISTING USES</b>
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NORTH	H9, IL (Light Industrial)	R-1, MPD (Manufacturing-Industrial Planned Development)	Single-family residences (“SFR”), Multi-family residences (“MFRs”), Medical office
EAST	H9, P (Public and Semi-Public)	R-1, R-3 (Limited Density Multiple Residence)	SFRs, MFRs, Juan de Anza Elementary School
SOUTH	H9, P	R-1, R-3	SFRs, MFRs, Juan de Anza Elementary School
WEST	H9	R-1	SFRs, MFRs

## 8. PROJECT AND SITE PLAN DESCRIPTION.

### A. Existing Site Conditions

The Project Site is 0.16 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with an SFR and an ADU.

### B. Site Access

The Project Site is accessible via West 119<sup>th</sup> Place to the north.

### C. Site Plan

The Project is a request to authorize the continued maintenance of a wall exceeding the maximum allowable height in the R-1 Zone. The submitted site plan depicts a five-foot-tall CMU wall located along the Project Site’s eastern property line. The Project scope includes the addition of a four-foot-tall vinyl screen on top of the CMU wall, and the extension of the CMU wall to the north along the eastern property line.

In the R-1 Zone, the maximum allowable height for a fence or wall within the side yard setback is six feet. The legalization of the four-foot-tall vinyl screen, as proposed on the submitted site plan, would bring the wall to a total height of nine feet.

SPR No. RPPL2021002885, approved on April 20, 2021, depicted an existing five-foot-tall and approximately 50-foot-long wall along the Project Site’s eastern property line and a new 10-foot-and-11-inches long extension of the wall to the north along the eastern property line. However, the scope of this approval was limited to a new JADU attached to the single-family residence and the SPR did not approve this wall extension. The current Project proposes to legalize this additional section of wall and add the four-foot-tall vinyl screen to the entire length.

9. **CEQA DETERMINATION.** Prior to the Hearing Officer’s public hearing on the Project, County Department of Regional Planning (“LA County Planning”) staff determined that the Project qualified for a Statutory Exemption (Projects Which Are Disapproved)

pursuant to California Environmental Quality Act ("CEQA") Guidelines section 15270 and the County's environmental guidelines.

10. **COMMUNITY OUTREACH.** No community outreach was completed prior to the public hearing on the Project.
11. **PUBLIC COMMENTS.** Staff has not received any public comments as of the publication of the Report to the Hearing Officer dated August 24, 2023.
12. **AGENCY RECOMMENDATIONS.**  
As the Project is inconsistent with applicable policies and zoning regulations, the Project was not routed for consultation to other County agencies involved in land development.
13. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, and newspaper (Los Angeles Sentinel, La Opinion). Additionally, the Project was noticed and case materials were available on LA County Planning's website. On July 27, 2023, a total of 59 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 300-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Del Aire Zoned District and to any additional interested parties.

#### **GENERAL PLAN CONSISTENCY FINDINGS**

14. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the General Plan's land use policy because the H9 land use designation is intended for SFRs and accessory structures, such as fences and walls.
15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is inconsistent with Goal LU 7 of the General Plan: Compatible land uses that complement neighborhood character and the natural environment.

The addition of the vinyl screen to the CMU wall, as proposed on the submitted site plan, would bring the wall to a total height of nine feet, although portions of the existing vinyl screen reach approximately 11 feet in height. The wall, both as it currently exists and as proposed on the submitted site plan, exceeds the maximum allowable six-foot height and is taller than any legally built fence or wall in the vicinity. The extension of the wall to the north along the Project Site's eastern property line towards the front of the property results in inadequate maneuvering aisles from the existing driveway on the Project Site to its associated garage, and from the existing driveway on the adjoining property to the east to its associated garage, pursuant to County Code Section 22.112.080.B.2. Staff has not identified any examples of a legally built fence or wall in the vicinity of the Project which exceeds the six-foot height limit.

### **ZONING CODE CONSISTENCY FINDINGS**

16. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is inconsistent with the R-1 zoning classification. Fences and walls that exceed the maximum allowable height are permitted in such zone with a Yard Modification pursuant to County Code Section 22.110.190 (Modifications Authorized). However, the findings for approval of this Yard Modification cannot be made.
17. **FENCES AND WALLS.** The Hearing Officer finds that the Project is inconsistent with the standards identified in County Code Section 22.110.070 (Fences and Walls). The maximum allowable height for a fence or wall in the required side yard setback in the R-1 Zone is six feet. The Project proposes an addition of a vinyl screen to the existing CMU wall, which would bring it up to a height of nine feet. This exceeds the allowable maximum allowable height. Fences and walls that exceed the maximum allowable height are permitted in the R-1 Zone with a Yard Modification pursuant to County Code Section 22.110.190 (Modifications Authorized). However, the findings for approval of this Yard Modification cannot be made.

### **YARD MODIFICATION FINDINGS**

18. **The Hearing Officer finds that topographic features, subdivision plans, or other site conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirement or setback line.** The original subdivision plans (Tract Map No. 12088, recorded in 1940) created narrow lots. For example, the subject property is 52 feet wide. The current site conditions include a two-story residence on an adjoining property to the east, which is also 52 feet wide, that is very close to the residence on the subject property, and it appears that the garages on both properties were moved from the front of the property to the rear of the property, necessitating a shared driveway that was not in the original subdivision plans. The Hearing Officer indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the CMU wall, and removing the 10-foot-and-11-inch long horizontal extension of the wall. The Hearing Officer directed the applicant to provide an updated site plan to reflect these changes, but the applicant did not submit an adequately updated site plan that fully incorporated the changes.
19. **The Hearing Officer finds that the proposed structure is similar to the setbacks of other legally built structures on adjacent or neighboring properties.** Most properties in the vicinity have legally built fences or walls with a horizontal encroachment into the required side yard setback. The subject wall on the Project Site is similar to these other fences or walls with regard to its horizontal encroachment into the required side yard setback. The Project will not increase the wall's horizontal encroachment into the required side yard setback and the vertical addition does not alter or increase this encroachment or the footprint of the wall. The Hearing Officer indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the CMU wall, and removing the 10-foot-and-11-inch long horizontal extension of the wall. The Hearing Officer directed the applicant to provide an updated site plan to reflect th

ese changes, but the applicant did not submit an adequately updated site plan that fully incorporated the changes.

20. **The Hearing Officer finds that the use, development of land, and application of development standards is not in compliance with all applicable provisions of this Title 22.** The existing SFR, ADU, and JADU on the Project Site are consistent with the applicable provisions of Title 22. The subject wall on the Project Site is not consistent with the applicable provisions of Title 22 but this could be rectified with the approval of a Yard Modification. The addition of the vinyl screen to the CMU wall, as proposed on the submitted site plan, would bring the wall to a total height of nine feet, although portions of the existing vinyl screen reach approximately 11 feet in height. The wall, both as it currently exists and as proposed on the submitted site plan, exceeds the maximum allowable six-foot height and is taller than any legally built fence or wall in the vicinity. The extension of the wall to the north along the Project Site's eastern property line towards the front of the property results in inadequate maneuvering aisles from the existing driveway on the Project Site to its associated garage, and from the existing driveway on the adjoining property to the east to its associated garage, pursuant to County Code Section 22.112.080.B.2. The Hearing Officer indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the CMU wall and removing the 10-foot-and-11-inch-long horizontal extension of the wall. The Hearing Officer directed the applicant to provide an updated site plan to reflect these changes, but the applicant did not submit an adequately updated site plan that fully incorporated the changes.
21. **The Hearing Officer finds that the use, development of land, and application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety, and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.** The subject wall on the Project Site is located along the side property line more than 100 feet from the public-right-of-way. The Project will not add foreseen traffic because it is a wall exceeding the maximum allowable height and it will not increase the density, change the land use, or include any grading. Therefore, there is no impact to existing sight lines or the public right-of-way. The proposed Yard Modification would authorize the continued maintenance of a wall along the side property line that exceeds the maximum allowable height. The Hearing Officer indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the CMU wall, and removing the 10-foot-and-11-inch-long horizontal extension of the wall. The Hearing Officer directed the applicant to provide an updated site plan to reflect these changes, but the applicant did not submit an adequately updated site plan that fully incorporated the changes.
22. **The Hearing Officer finds that the use, development of land, and application of development standards is suitable from the standpoint of functional developmental design.** The proposed Project exhibits functional design because it is not visible from the public right-of-way, does not prevent or restrict movement on nei

The Hearing Officer indicated their intent to approve the Project with a limited scope, which consisted of limiting the height of the wall to nine feet along the previously existing portion of the CMU wall, and removing the 10-foot-and-11-inch-long horizontal extension of the wall. The Hearing Officer directed the applicant to provide an updated site plan to reflect these changes, but the applicant did not submit an adequately updated site plan that fully incorporated the changes.

### **ENVIRONMENTAL FINDINGS**

23. The Hearing Officer finds that the Project is Statutorily Exempt from CEQA (Projects Which Are Disapproved) pursuant to CEQA Guidelines section 15270 and the County's environmental guidelines.

### **ADMINISTRATIVE FINDINGS**

24. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Metro Development Services Section, LA County Planning.

### **BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. Topographic features, subdivision plans, or other site conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirement or setback line.
- B. The proposed structure is similar to the setbacks of other legally built structures on adjacent or neighboring properties.
- C. The use, development of land, and application of development standards is not in compliance with all applicable provisions of this Title 22.
- D. The use, development of land, and application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety, and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.
- E. The use, development of land, and application of development standards is suitable from the standpoint of functional developmental design.



**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is Statutorily Exempt from CEQA (Projects Which Are Disapproved) pursuant to State CEQA Guidelines section 15270 and the County's Environmental Document Reporting Procedures and Guidelines; and
2. Denies **YARD MODIFICATION NO. RPPL2021010501**.

**ACTION DATE: July 2, 2024**

MG:CS:SD

7/2/2024

c: Hearing Officer, Zoning Enforcement, Building and Safety