



**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2013-4028-GPA-ZC-SPR-ZAA	ENV-2013-4029-MND	5 – KORETZ
PROJECT ADDRESS:		
411 – 439 S. HAMEL ROAD		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<p>Laura Aflalo, Fisch Properties, KP 421 S. Beverly Drive, 5th Floor Beverly Hills, CA 90210 310-203-0141</p> <p>Rep.: Veronica Becerra, Rabuild Commercial Services, LLC 417 W Foothill Blvd Glendora, CA 91741</p> <p><input type="checkbox"/> New/Changed</p>		<p>lauraafalo@gmail.com</p> <p>vbcommercial@verizon.net</p>
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
SAME		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Debbie Lawrence	(213) 978-1163	debbie.lawrence@lacity.org

DISAPPROVED PROJECT DESCRIPTION:

The proposed project is the construction of an 88-unit apartment building. The building varies in height from 37 feet (three stories) along Colgate Avenue located to the south of the project site to 54.4 feet (five stories) along the alley located to the north of the project site. The project will provide 160 automobile parking spaces and 97 bicycle parking spaces in a two-level subterranean garage. The proposed project will contain approximately 12,300 square feet of open space that consists of 7,900 square feet of common open space and 4,400 square feet of private open space. The total project floor area is approximately 90,000 square feet. Five two-story apartment buildings of varying age containing a total of 29 residential units will be demolished.

The project site is comprised of five contiguous lots with a total lot area of approximately 35,100 square feet (0.81 acres). The site is bounded by a 20-foot alley to the north, Hamel Road to the east, Colgate Avenue to the south, and multi-family residential uses to the west along Arnaz Drive. The Wilshire Community Plan designates the project site for Medium Residential land use with a corresponding zone of R3-1-O (Multiple Dwelling Zone, Height District 1, and Oil Drilling District).

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

1. **Disapproved** the requested **General Plan Amendment** to the Wilshire Community Plan to add a footnote to the Wilshire Community Plan Map referencing the project site as follows "Development of the properties bounded by Burton Way to the north, Arnaz Drive to the west, Hamel Road to the east, and Colgate Avenue to the south shall be permitted as a High Medium density development, limited to a maximum Floor Area Ratio (FAR) of 3:1."
2. **Disapproved** a **Zone Change** from R3-1-O to [Q]R4-1-O.
3. **Disapproved** Zoning Administrator Adjustments to Section 12.11 C as follows:
 - a. To reduce the required front yard on Hamel Road from 15 feet to 8 feet.
 - b. To reduce the required rear yard from 17 feet to 8 feet.
4. **Disapproved** the **Site Plan Review** approval for a development project that will result in an increase of 50 or more dwelling units.
5. **Adopted** the attached **Findings** for denial.
6. **Did not adopt** the Mitigated Negative Declaration No. **ENV-2013-4029-MND** and the corresponding Mitigation Monitoring Program (MMP) for the above referenced project.

Recommendations to City Council:

1. **Recommend** the City Council **do not adopt** a **General Plan Amendment** to the Wilshire Community Plan to add a footnote to the Wilshire Community Plan Map referencing the project site as follows "Development of the properties bounded by Burton Way to the north, Arnaz Drive to the west, Hamel Road to the east, and Colgate Avenue to the south shall be permitted as a High Medium density development, limited to a maximum Floor Area Ratio (FAR) of 3:1."
2. **Recommend** the City Council **adopt** the **Findings** for denial.
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ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

GPA-ZC-SPR-ZAA

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

GPA-ZC-SPR-ZAA

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

<input checked="" type="checkbox"/> City Planning Commission (CPC)	<input type="checkbox"/> North Valley Area Planning Commission
<input type="checkbox"/> Cultural Heritage Commission (CHC)	<input type="checkbox"/> South LA Area Planning Commission
<input type="checkbox"/> Central Area Planning Commission	<input type="checkbox"/> South Valley Area Planning Commission
<input type="checkbox"/> East LA Area Planning Commission	<input type="checkbox"/> West LA Area Planning Commission
<input type="checkbox"/> Harbor Area Planning Commission	

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
July 23, 2015	7 - 0

LAST DAY TO APPEAL:	APPEALED:
November 3, 2015	Yes

TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams 	NOV 06 2015



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
<http://planning.lacity.org/>

Determination Mailing Date: OCT 14 2015

CASE NO.:
CPC-2013-4028-GPA-ZC-SPR-ZAA
CEQA: ENV-2013-4029-MND

Location: 411 – 439 S. Hamel Road
Council Districts: 5 – Koretz
Plan Area: Wilshire
Requests: General Plan Amendment,
Zone Change, Site Plan Review,
Zoning Administrator's Adjustment

Applicant: Laura Aflalo, Fisch Properties, LP
Representative: Veronica Becerra, Rabuild Commercial Services, LLC

At its meeting of July 23, 2015, the Los Angeles City Planning Commission took the following action:

1. **Disapproved** the requested **General Plan Amendment** to the Wilshire Community Plan to add a footnote to the Wilshire Community Plan Map referencing the project site as follows "Development of the properties bounded by Burton Way to the north, Arnaz Drive to the west, Hamel Road to the east, and Colgate Avenue to the south shall be permitted as a High Medium density development, limited to a maximum Floor Area Ratio (FAR) of 3:1."
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1. **Recommend** the City Council **do not adopt** a **General Plan Amendment** to the Wilshire Community Plan to add a footnote to the Wilshire Community Plan Map referencing the project site as follows "Development of the properties bounded by Burton Way to the north, Arnaz Drive to the west, Hamel Road to the east, and Colgate Avenue to the south shall be permitted as a High Medium density development, limited to a maximum Floor Area Ratio (FAR) of 3:1."
2. **Recommend** the City Council **adopt** the **Findings** for denial.
3. **Recommend** the City Council **do not adopt** the Mitigated Negative Declaration No. **ENV-2013-4029-MND** and the corresponding Mitigation Monitoring Program (MMP) for the above referenced project.

This action was taken by the following vote:

Moved: Perlman
Seconded: Ahn

Ayes: Choe, Katz, Millman, Segura, Dake-Wilson
Absent: Ambroz, Mack

Vote: 7 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: The Los Angeles City Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 20-days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: NOV 03 2015

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.

Attachments: Findings
City Planner: Debbie Lawrence

FINDINGS

A. General Plan Findings

The General Plan defines the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven required Elements that are mandated by State law including Land Use, Transportation, Housing, Conservation, Noise, Safety, and Open Space, and optional Elements including Air Quality and Service Systems. Thirty-five individual community plans comprise the Land Use Element for the City of Los Angeles. This section provides relevant goals, objectives, policies, and programs that are established in the General Plan that form the basis for the Staff's recommended actions for the proposed project.

1. General Plan Land Use Designation

The subject property is within the Wilshire Community Plan Area, which was adopted by the City Council on September 19, 2001 under Case No. CPC-97-0051-CPU. The Plan Map designates the subject property for Medium Residential land uses with the corresponding zone of R3.

2. General Plan Text

Framework Element

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Framework Element establishes categories of land use including Single-Family Residential and Multi-Family Residential that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns.

The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project would not be in conformance with several goals of the Framework Element as described below.

Policy 3.2.4. Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.

GOAL 3B. PRESERVATION OF THE CITY'S STABLE SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS.

Objective 3.5. Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

Policy 3.6.1. Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation

of façade to convey the sense of individual units, and use of building materials that characterize single-family housing.

Policy 3.7.1. Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

Wilshire Community Plan

While broader planning issues, goals, objectives and policies are provided by the Citywide General Plan through its Framework Element, the Wilshire Community Plan sets forth planning goals, objectives, policies, and programs that pertain to the Wilshire Community. The Community Plans further refine the General Plan, and are intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The proposed project would not be in conformance with several goals of the Wilshire Community Plan as indicated below.

GOAL 1: PROVIDE A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Policy 1-1.1. Protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

Policy 1-1.2. Promote neighborhood preservation in all stable residential neighborhoods.

Policy 1-1.3. Provide for adequate Multiple Family residential development.

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

Policy 1-3.1. Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.

Policy 1-3.4. Monitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

Objective 1-4. Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Policy 1-4.2. Ensure that new housing opportunities minimize displacement of residents.

- B. City Charter Sections 556 and 558.** The recommended General Plan Amendment from Medium Residential to High Medium Residential density does not comply with Charter Sections 556 and 558 in that the recommended amendment does not reflect the land use patterns, trends and uses in the immediate area and does not further the intent, purposes and objectives of the Wilshire Community Plan. The General Plan Amendment is not consistent with the Wilshire Community Plan's Objectives and Policies to: Protect existing

stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

The proposed Amendment to The Wilshire Community Plan is a request to add a new Footnote to the Wilshire Community Plan Map referencing the site as follows: "Development of the properties bounded by Burton Way to the north, Arnaz Drive to the west, Hamel Road to the east and Colgate Avenue to the south shall be permitted as a High Medium density development, limited to a maximum floor area ratio of 3 to 1." The addition of a new Footnote to the Wilshire Community Plan Map would allow the development of the subject property at a higher land use classification than surrounding properties (Medium Residential density). The intent of General Plan footnotes was to reference larger areas, rather than to create specialized development regulations for a specific project.

The surrounding properties are designated as Medium Residential with a corresponding zoning of R3-1, and Low II Residential with a corresponding zoning of R1-1. The properties to the north of the alley, which have their primary orientation toward Burton Way, a designated Major Class II Highway, are zoned R4-1 and have a General Plan Land Use Designation of High Medium Residential. This is consistent with other properties along the north and south sides of Burton Way. As described in the Framework Element, Medium Residential neighborhoods are those that have a range of 30 to 55 units per net acre, while High Medium Residential neighborhoods have a range of 56 to 109 units per net acre. The subject site is 0.81 net acres, and proposes 88 units. The multi-family developments in the surrounding neighborhoods have an average number of 22 units per site. The proposed project is not compatible with the existing pattern of development along Hamel Road, Colgate Avenue or Arnaz Drive, and would be better suited to the immediate north along Burton Way where R4-1 zoning and High Medium Residential land use is permitted.

C. Entitlement Findings

1. Zone Change Findings

- a. Pursuant to Section 12.32 C.7. of the Municipal Code, and based on these findings, the recommended action is deemed NOT consistent with public necessity, convenience, general welfare and good zoning practice.*

The proposed zone change is not consistent with public necessity, convenience, and good zoning practice. The requested Zone Change from R3-1-O to [Q]R4-1-O is not in keeping with the prevailing zoning of the immediate area, and is not consistent with the existing or planned pattern of development within the immediate area, which includes one- to three-story, Single-family and medium density Multi-family residential uses zoned R1-1-O and R3-1-O, respectively. The properties to the north of the alley, which have their primary orientation toward Burton Way, a designated Major Class II Highway, are zoned R4-1 and have a General Plan Land Use Designation of High Medium Residential. This is consistent with other properties along the north and south sides of Burton Way.

The requested Zone Change from R3-1-O to R4-1-O would allow a level of development that is not consistent in scale or character with the existing, low to mid-rise single family and multiple family uses. Existing development in the immediate area is one to four stories in height and structures contain 1 to 52 dwelling units. The approval of the Zone Change

to [Q]R4-1-O would permit a level of development that is not consistent in intensity, scale or density to existing residential development and would be more appropriate if placed along Burton Way, a designated Major Class II Highway, where the existing General Plan Land Use designation is High Medium Residential.

The proposed zone change is not consistent with the general welfare. The AB283 change from R4 to R3 zoning was intended to prevent residential overcrowding and the associated increase in parking and traffic, preserve existing residential neighborhoods, enhance public safety through lowered densities, and preserve low income multi-family housing. The Wilshire Community Plan recognizes the need for improved land use transitions in scale, density, and character between multiple family and adjacent single-family neighborhoods. Furthermore, the Wilshire Community Plan highlights one of the three fundamental premises with regard to residential land use planning: a general limitation of residential densities in various neighborhoods to the prevailing existing density of development within these neighborhoods.

2. Site Plan Review Denial Findings.

- a. *The project is NOT in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

The project is NOT consistent with the General Plan or Wilshire Community Plan in that the General Plan Amendment to High Medium Residential is not consistent with the Wilshire Community Plan's Objectives and Policies to: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life. The requested General Plan Amendment would include the addition of a footnote to the Community Plan Map that would allow this particular property to develop at the High Medium Residential land use, while surrounding properties remain at Medium Residential. The Zone Change from R3-1-O to [Q]R4-1-O is not consistent with the Wilshire Community Plan for the area south of Burton Way.

- b. *The project does NOT consist of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.*

The project does NOT consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which are or will be compatible with existing and future development on the neighboring properties. The proposed project is greater in scale and intensity than any existing development in the immediate area. The proposed project is located immediately adjacent to single family residential uses to the south. The proposed project will not be in harmony with the Wilshire Community Plan in that the proposed intensity and scale is not compatible with the existing pattern of development.

- c. *The residential project DOES provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

Per L.A.M.C. Section 12.21.G, the project requires approximately 9,875 square feet of total Open Space. The project's proposed Open Space will exceed the required amount by 2,425 square feet. The project proposes approximately 12,300 square feet of open space that consists of 4,000 square feet of courtyard; 2,000 square feet of roof garden; 1,900 square feet of amenities including a fitness center and a community room; and 4,400 square feet of private balconies.

3. Zoning Administrator's Adjustments Denial Findings. Pursuant to Section 12.28 of the Municipal Code Adjustments:

- a. *While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless does NOT conform with the intent of those regulations.*

The purpose of the Adjustment requests are to allow for reduced front and rear yards. The adjustments are not being requested to obtain relief from impractical or infeasible zoning regulations related to the site, but rather to allow for a larger building footprint to accommodate a larger number of units. The granting of requested adjustments will not result in development compatible and consistent with the surrounding area. The reduction in the front and rear yards would result in yards that are roughly less than half of the LAMC setback requirements for the R4 zone. Additionally, the prevailing front and rear yards for other R3-zoned development along Arnaz Drive, Hamel Road, and Willaman Drive to the east are 15 feet.

- b. *In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will NOT be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.*

The Wilshire Community Plan includes Objectives and Policies to: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life. The LAMC front and rear yard requirements for R3 and R4 zoned properties are 15 feet, plus 1 foot for each story over the third for a rear yard in the R4 zone. The general purpose of the regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential development. Although the side yards would be larger than those required by the R4 zone, the reduction in the front and rear yards would make the mass and scale of the building appear larger to those properties adjacent on Arnaz Drive and across the street on Hamel Road. This would bring the location of the project closer to these adjacent properties, further degrading them, and the public health, welfare, and safety.

- c. *The project is NOT in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.*

The proposed project is greater in scale and density (88 dwelling units, five stories in height) than any existing development in the immediate area. The proposed high medium density project is located immediately adjacent to low level residential uses to the south. The project frontage is along Hamel Road, which contains multiple family residential structures that are less than five stories tall. The proposed project will not be harmony

with the Wilshire Community Plan in that the proposed intensity and scale is not compatible with the existing pattern of development and the Wilshire Community Plan. The proposed density is better suited along Burton Way to the north, where the existing General Plan Land Use is High Medium Density and permits the R4-1 zone. Therefore, the granting of the subject adjustments will not be in conformance with the intent and purpose of the Wilshire Community Plan.

D. CEQA Findings

An expanded Initial Study/Mitigated Negative Declaration (ENV-2013-4029-MND) was prepared for the proposed project and recirculated for a period of 20 days, beginning June 4, 2015 and ending June 24, 2015. The categories of Aesthetics, Air Quality, and Noise were found to have potentially significant impacts unless mitigated. The proposed project was identified in the MND as having a less-than-significant environmental impact with regard to Planning and Land Use. However, it was stated that in order to ensure the impacts of the proposed project's density relative to the City's land use goals and policies (Land Use Element – Wilshire Community Plan and Framework Element) remain less than significant, the decision maker would have to determine that the requested General Plan Amendment and Zone Change are appropriate.

On the basis of the whole of the record before the lead agency, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, at 200 North Spring Street.