

TRANSMITTAL TO CITY COUNCIL

Case No. APCW-2012-1698-ZC-ZV	Planning Staff Name(s) and Contact No. Greg Shoop (213) 978-1243	C.D. No. 11
Related Case No(s). VTT-71929-SL	Last Day to Appeal <div style="text-align: right; font-size: 1.2em;">DEC 09 2013</div>	

Location of Project (Include project titles, if any.)

2011 South Barry Avenue

Applicant(s) and Representative(s) Name(s) and Contact Information, if available.

Applicant: Richard S. Hirschfield P.O. Box 5718 Santa Monica, CA 90409 Tel No. (310) 628-7272 Email: rickykhirschfield@yahoo.com	Representative: John Reed 657 Rose Avenue Venice, CA 90291
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Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.

Appellant: Richard S. Hirschfield
 P.O. Box 5718
 Santa Monica, CA 90409
 Tel No. (310) 628-7272
 Email: rickykhirschfield@yahoo.com

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

Project description: The proposed project as modified at the public hearing consists of the demolition of three (3) single family dwellings and the construction of four single-family dwellings on a proposed four lot small lot subdivision. The project is located on a 14,112 square foot site currently classified in the R2-1 zone.

An appeal of the decision of the West Los Angeles Area Planning Commission to:

- Disapprove the requested Zone Change from the R2-1 (Two- family zone) to the RD3-1 (Restricted Density Multiple Dwelling Zone).
- Disapprove a Zone Change from the R2-1 (Two- Family Zone) to the (T)(Q) RD3-1 (Restricted Density Multiple Dwelling Zone) with tentative T conditions and Q conditions).
- Approve the withdrawal of the Zone Variance request.

Items Appealable to Council

Zone Change

Fiscal Impact Statement <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small> <div style="text-align: center; font-weight: bold;">Yes</div>	Env. No.: <div style="text-align: center;">2012-1699-MND</div>	Commission Vote: <div style="text-align: center; font-size: 1.2em;">3 - 0</div>
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- In addition to this transmittal sheet, City Clerk needs:
- (1) One original & two copies of the Commission, Zoning Administrator or Director of Planning Determination
 - (2) Staff recommendation report
 - (3) Appeal, if applicable;
 - (4) Environmental document used to approve the project, if applicable;
 - (5) Public hearing notice;
 - (6) Commission determination mailing labels
 - (7) Condo projects only: 2 copies of Commission Determination mailing labels (includes project's tenants) and 500 foot radius mailing list

<div style="text-align: center;"> Rhonda Ketay, Commission Executive Assistant North Valley Area Planning Commission </div>	DATE: DEC 10 2013
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West LA



WEST 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

Determination Mailing Date: NOV 18 2013

CASE: APCW-2012-1698-ZC-ZV

Related Case: VTT-71929-SL

CEQA: ENV-2012-1699-MND

Location: 2011 South Barry Avenue

Council District: 11

Plan Area: West Los Angeles

Zone: R2-1

APPLICANT: Richard S. Hirschfield
Representative: John Reed

At its meeting on **September 18, 2013**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Disapproved the requested Zone Change from the R2-1 (Two- family zone) to the RD3-1 (Restricted Density Multiple Dwelling Zone).
2. Disapproved a Zone Change from the R2-1 (Two- Family Zone) to the (T)(Q) RD3-1 (Restricted Density Multiple Dwelling Zone) with tentative T conditions and Q conditions).
3. Approved the withdrawal of the Zone Variance request.
4. Did not adopt the environmental clearance Mitigated Negative Declaration ENV-2012-1699-MND.
5. Adopted the Revised Findings.

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

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Halper
Ayes: Commissioners Donovan, Halper, and Linnick
Absent: Commissioners Foster and Martínez

Vote: 3 - 0


Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission

Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the 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.

LAST DAY TO APPEAL DEC 09 2013

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: Revised Findings

cc: Notification List
Greg Shoop, City Planner

FINDINGS

General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the West Los Angeles Community Plan area, which was updated by the City Council on July 27, 1999. The Plan designates the subject site as Low Medium I Residential Density with corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU and RW1. The current zoning for the subject site is R2-1 (Two-Family Zone)

The zone change from R2-1 to (T)(Q)RD3-1 IS CONSISTENT with the Low Medium I Residential Density but IS NOT in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan. The West Los Angeles Community Plan Section on Plan Consistency (page II-4) states that:

"Each land use category within a Community Plan indicates the corresponding zones permitted unless it is restricted by the Plan text, footnotes, adopted specific plans or other limitations established by discretionary approvals. The Plan permits all corresponding zones designated with each Plan category and also zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC)". However, both the west and east sides of the block bounded by La Grange Avenue on the North and Mississippi Avenue on the South which includes the subject site are developed with single family homes and two units on a lot. The requested zone change to RD3 would introduce a new zone to this block and intensify the existing density, in conflict with the plan.

3. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. Barry Avenue is developed to its full right-of-way width of 60 feet and currently improved with curb, gutter and sidewalk.
4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Zone Change.**

Pursuant to Section 12.32.C.7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed Zone Change from the R2-1 (Two-Family Zone) to the (T)(Q) RD3-1 (Restricted Density Multiple Dwelling Zone) IS NOT CONSISTENT with public necessity, convenience, general welfare and good zoning practices. The requested zone change to RD3 is not consistent. Both the west and east sides of the block bounded by La Grange Avenue on the North and Mississippi Avenue on the South which includes the subject site are developed with either single family homes or no more than two dwelling units on a lot. The requested zone change to RD3 would introduce a new zone to this block and intensify the existing density, in conflict with the plan. In addition, the existing R2 zone would allow the construction of the requested four dwelling units (two dwelling units per lot once the 14,112 square foot lot is subdivided into two lots.

Lastly, two previous zone changes from R2 to RD3: 1) 2125 Colby Avenue (CPC-1989-595-ZC) effective October 22, 1990, approving the development of 19 dwelling units; and 2) 2049 Federal Avenue (CPC-1999-209-ZC) effective February 22, 1999, approving the development of six dwelling units are over 14 years old and do not reflect the Communities desire to have less density and because of their age these zone changes do not create a precedent to allow further upzoning along R2 zoned blocks containing lower density