

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE:

CITY COUNCIL

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #:

VTT-72899-SL-1A

PROJECT ADDRESS:

1146/1152 BEACHWOOD DRIVE

FINAL DATE TO APPEAL:

DECEMBER 1, 2014

TYPE OF APPEAL:

1. Appeal by Applicant
2. Appeal by a person, other than the applicant, claiming to be aggrieved
3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name:

JOHN COLUCCIO

- Are you filing for yourself or on behalf of another party, organization or company?

Self

Other:

BEACHWOOD GARDENS
NEIGHBORHOOD ASSOCIATION

Address:

1134 NORTH BEACHWOOD DR.
LOS ANGELES

Zip:

90038

Telephone:

323-464-5376

E-mail:

john90038@gmail.com

- Are you filing to support the original applicant's position?

Yes

No

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Zip: _____

Telephone: _____

E-mail: _____

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

Entire

Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

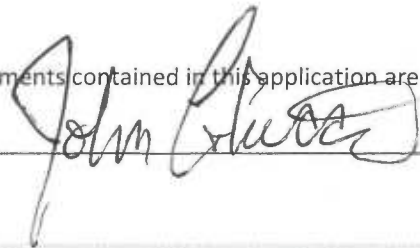
- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____



Date: _____

11/30/2014

Planning Staff Use Only

Amount	#106.80	Reviewed and Accepted by	MNGHEN	Date	12/01/14
Receipt No.	20707	Deemed Complete by		Date	

Determination Authority Notified

Original Receipt and BTC Receipt (if original applicant)

December 1, 2014

Los Angeles City Council
C/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

Re : Vesting Tentative Tract # VTT-72899-SL-1A
Project Location : 1146/1152 Beachwood Drive, Hollywood CA 90038 .

INTRODUCTION :

I am appealing this decision on behalf of the Beachwood Gardens Neighborhood Association, of Hollywood, of which I am a member. The Beachwood Gardens Neighborhood Association includes residents, business owners, and property owners who advocate for responsible development in Hollywood. In this appeal, we intend to show the following :

- **That Deputy Advisory Agency Jae Kim erred and/or abused his discretion by issuing an approval of Vesting Tentative Tract Map No. 72899-SL without applying the proper statutes, including the Small Lot Design Guidelines, which the Advisory Agency was specifically directed to apply in this case by City Planning Director Michael LoGrande in a January 29, 2014 directive;**
- **That the conclusions of the Project's Mitigated Negative Declaration ("MND") and Advisory Agency's CEQA Findings of no impact/less-than-significant impacts resulting from the Project are unsubstantiated by the evidence, and therefore preclude informed decision making and proper public participation;**
- **That neither the City Planning Department, nor the applicant, has produced any setback measurements that would justify the allowance of a ten-foot front setback measurement on this project, despite repeated requests for this information.**
- **That the Central Area Planning Commission erred and/or abused their discretion at the October 28, 2014 appeal hearing of case VTT-72899-SL by failure to research and address key evidence brought forth by the appellant and the Public, thereby denying the appellant a fair and proper hearing.**

The appellant, and members of the Beachwood Gardens Neighborhood Association, respectfully quote the Mission Statement of the City Planning Department :

"The mission of the City Planning Department is to create and implement plans, policies and programs that realize a vision of Los Angeles as a collection of healthy and sustainable neighborhoods, each with a distinct sense of place, based on a foundation of mobility, economic vitality and improved quality of life for all residents."

This appeal has been filed because we, as citizens of Los Angeles, believe that the Project will not contribute to a 'healthy and sustainable neighborhood', will not provide the neighborhood with a 'distinct sense of place', and will do nothing to improve the quality of life for the residents of the neighborhood. All City Planning Department projects, large or small, should conform to these standards.

The proposed Small Lot Subdivision in case VTT-72899-SL would place twelve houses, of four-plus stories each, on a lot of only .3 acres. The existing buildings on this street are all one-and-two story structures, the average of which is 1.8 stories.

On this matter, the applicant, OPS Beachwood, LLC, has requested and has been granted the right to construct a Small Lot Subdivision which does not remotely match the surrounding neighborhood in either height, massing, density, or appearance.

This project would not enhance the public realm, and does not fit with the existing architectural tone of the neighborhood.

We believe that the Advisory Agency in this case has not properly applied the Small Lot Subdivision Design Guidelines when considering the Project application, despite a directive from the Director of Planning, Michael LoGrande on January 29, 2014, entitled, "ADVISORY AGENCY POLICY, SMALL LOT ORDINANCE, requiring the use of these SLS Guidelines in any Small Lot Subdivision application filed after February 1, 2014. Advisory Agency Jae Kim was specifically named in this directive as an expert on the SLS Guidelines, and ultimately the contact person in regards to the Guidelines.

Additional language from the same document, authored by Michael LoGrande follows, under the heading, AUTHORITY OF THE ADVISORY AGENCY, states, "The Advisory Agency's authority to adopt this policy is based on the Subdivision Map Act (and LAMC 17.03), and the General Plan." This language proves that the SLS Guidelines are meant to be applied in concordance with the above statutes, and as complimentary to the Map Act and General Plan, not in conflict, as Advisory Agency Kim has presented them.

Furthermore, in the same document, under the heading, AUTHORITY OF THE ADVISORY AGENCY, the Advisory Agency is not only given the authority, but tasked with the responsibility of implementing the SLS Guidelines in this case. Quote, "The guidelines, in turn, are in conformance with the City's General Plan Framework, Chapter 5, Urban Form and Neighborhood Design."

Additional language from the same document, authored by Michael LoGrande under the heading, INTRODUCTION, "Small Lot Design Guidelines provide an opportunity to address the complexities while also promoting the design and creation of small lot housing with neighborhood compatibility." Director of Planning LoGrande then attached the entire 66 page SLS Design Guidelines. Clearly, the intent of the Director was to make sure that :

1. Advisory Agency has the authority to use the Guidelines.
2. Advisory Agency is free to use the Guidelines to condition an SLS project.
3. The SLS Design Guidelines are not in conflict with any other Ordinance, Act, or Plan, rather, a complimentary statute.
4. Advisory Agency must apply the Guidelines in this and any other SLS application unless some special or extenuating circumstances exist at the proposed building site. No such conditions or circumstances exist on this site, therefore the use of the Guidelines is mandatory in the eyes of the City Planning Department, and Advisory Agency should be aware of this as well.

Proper use of the SLS Design Guidelines prior to approval of this application would reduce the negative impact this project would have on the community, and ensure a quality of life standard in the neighborhood. This plan, and all Small Lot projects in the City of Los Angeles, is intended to be conditioned by the Advisory Agency prior to approval. The Advisory Agency has, in this

case, approved the Project, without conditioning the plans to any significant degree. This is a procedural error, and has aggrieved the appellant.

By not adhering to this Directive, and ignoring the Guidelines, the Advisory Agency has erred and/or abused his discretion.

These errors have been exacerbated by the ruling of the Central Area Planning Commission, which did not consider evidence brought by the appellant to the October 28, 2014 hearing, which showed exactly how Advisory Agency had erred. The appellant submitted all of the above information for the Commission, which was not addressed at the hearing. The Central Area Planning Commission had limited familiarity with the appellant's submissions, and limited time to become familiar with these documents, due to a tightly packed agenda. By not addressing any of this evidence, the Commission has erred/and or abused their privilege.

The appellant also entered into evidence three separate flyers for Small Lot Subdivision Workshops, all of which took place with the cooperation of City Councilmembers, at public expense, in the past year. In fact, the evening of the CAPC hearing, October 28, 2014, the author of the SLS Design Guidelines, Simon Pastucha, was speaking in the office of City Council President Herb Wesson Jr., promoting the exact document that Advisory Agency Jae Kim was telling the Commission he was unable to enforce. The appellant's intent was to show the efficacy, importance, and reality of the Guidelines.

The appellant also entered into evidence the original motion by Councilmember LaBonge, dated November 1, 2013 which addressed many of the compatibility issues surrounding Small Lot Subdivisions. This document became Motion 13-1478, which was ultimately passed unanimously by City Council in July, 2014. This was another very important document which the appellant believes was not adequately addressed at the Commission hearing.

Furthermore, the City Planning Department's justification for allowing the front setback measurement in case VTT-72899-SL is nonexistent. The required measurements for calculating the front setback in this project have never been produced. The appellant introduced this information, as well as original measurements in note form, photographic evidence of the measurements, and the City's own Setback Calculator to the Central Area Planning Commission, which then completely ignored the issue. This was an error, and an abuse of privilege as well.

OBJECTIONS REGARDING THE ADVISORY AGENCY DECISION LETTER.

- Under 'Site Planning', subheading 'Relationship to the Street Guidelines, (page 6, letter a.) the decision clearly states, "the development's front yard setback along Beachwood Drive shall be within five (5) feet of the average setback of adjacent properties." The correct front setback measurement would be the average of all the residential properties on the 1100 block of Beachwood Drive, fed through the City's Setback Calculator. This measurement has been provided twice by the appellant, the first time at 19'5", and the second at 18'9".

As this application seeks a 10' setback, the Advisory Agency has not followed its own language, and should not have approved the application.

On this matter, no evidence of setback measurements has ever been produced by the Advisory Agency, the Associate Planner, or any other Planning employee in this case. Appellant has repeatedly requested this information, and has offered to appear in person to participate in another setback measurement project, with the applicant and a mediator present. All of these requests have been ignored. If the setback measurements cannot be verified, the application should be denied in its current form.

- Under 'Site Planning', Entry Guidelines, page 7, letter I, the letter states, "Homes that front Beachwood Drive shall be designed to have their primary entryway facing and accessible from the street." The latest plans, revised in November, 2014, in case VTT-72899-SL show both properties fronting Beachwood Drive to have primary entryways that face inward away from the street, or North, facing an adjacent property.

The front entryways in this project do not conform to the Advisory Agency's own determination on the matter. This error needs to be fixed, or the application needs to be denied.

- Under 'FINDINGS OF FACT (SUBDIVISION MAPACT)', page 16 (a), "the construction ... of 12 small lot single-family units is consistent with zoning classification and community plan."

While consistent with the zoning classification, this density is not consistent with the density of the surrounding neighborhood. This significant increase in density on the 1146 Beachwood site will negatively impact the surrounding neighborhood.

Advisory Agency is required to condition this project with language in the Small Lot Subdivision Guidelines, page 24, 'Height and Massing Guidelines', number 1, the Advisory Agency has the authority and responsibility to, "use the surrounding built environment to inform decisions about variations about height and massing." This intense massing does not match the surrounding built environment.

Advisory agency must use the SLS Guidelines to meet this intent. Appellant and neighbors have been aggrieved because the Advisory Agency has erred in his decision by failing to use the Guidelines in this matter.

- Under 'FINDINGS OF FACT (SUBDIVISION MAPACT)', page 16 (a), "The (General) Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use."

This area is not in a deteriorated single-family area, and thus requires no rehabilitation. The house at 1146 Beachwood is in good structural condition, with working electrical, plumbing, and natural gas lines. This house was built in 1934, and was inhabited until December, 2013. The applicant paid market value for this home. Neither this house, nor the adjacent property, 1152, which acts as both a public and private parking lot, has deteriorated to the point that it needs rehabilitation. The choice to build a Small Lot Subdivision on this site is strictly a matter of maximizing profit, not neighborhood rehabilitation.

- Under 'FINDINGS OF FACT (SUBDIVISION MAP ACT)', page 17, paragraph 2, "the subject property could be developed with a maximum 16 dwelling units..." This statement is a representation. While the R3-1 zoning theoretically allows 16 units to be built on a lot just .3 of an acre, it would then be physically impossible for the applicant to provide :
 - a. The proper amount of site parking for 16 units, which would be a minimum of 36 spaces, including guest parking. The lot is jammed tightly as designed. An additional four units would severely exacerbate this fact.
 - b. The proper entryway measurements for 16 units. Jamming in four more units on this site would reduce the entryway measurements even further, eliminating 'distinguishable pedestrian access paths to each dwelling unit' as required on page 7, 'Parking and Driveway Guidelines'.
 - c. Adequate access driveways that, "shall be designed to be no wider than LAMC required circulation and backup requirements.." Adding four units on site would encroach on these crucial measurements and then encroach on the circulation and backup requirements.
 - d. Adequate entry, front landing , and transitional landscaping apace between the public sidewalks and private entryways on Beachwood Drive.

On the above objection, the City Planning Department has repeatedly stated that the 12 unit model in this plan is a vast improvement over what would be "allowable" under the R3-1 zoning. This is a misrepresentation. The lack of building four additional units is not a bonus. Even at 12 units, the project at 1146/1152 Beachwood is still far too dense for the neighborhood. The Advisory Agency, and the Commission , should be focusing on the merits and/or problems with the plan as presented, without extrapolating what 'could' have been built in its place. This is a statement of specious validity on the part of both the City Planning Department, and the applicant.

- Under FINDINGS OF FACT, (SUBDIVISION MAP ACT), On page 17, section b, under FINDINGS OF FACT, the Advisory Agency states that, 'As conditioned, the project's design is in substantial conformance with the Small Lot Design Guidelines in that the project will activate the street frontage through landscaping, entry treatments and pedestrian walkways...'. This language is vague and generic; every residential building on the street activates the street frontage in the same way. To contend that this project is in compliance with the Small Lot Design Guidelines as a result is again a misrepresentation. We believe the Guidelines have been used to a very minimal degree overall in this project, and that the project has not been properly conditioned by the Advisory Agency prior to approval, despite the Advisory Agency's claims to have utilized the SLS Design Guidelines.
- Under FINDINGS OF FACT (SUBDIVISION MAP ACT), page 17, section b, the Advisory Agency states that the project will, "maintain compatibility with the surrounding eclectic architectural styles in the Hollywood neighborhood." The above statement is not only incorrect, but contradictory. If the neighborhood is 'eclectic', it is impossible for this project 'maintain compatibility'. It is furthermore impossible for a designer to create a plan to be compatible with eccentricity.