



CENTRAL AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801
(213) 978-1300
www.planning.lacity.org

Determination Mailing Date: NOV 21 2014

CASE: VTT-72899-SL-1A
CEQA: ENV-2014-1464-MND

Location: 1146-1152 North Beachwood Drive
Council District: 13 – O'Farrell
Plan Area: Hollywood
Zone: R3-1

Applicant: Raffi Shirinian, OPS Beachwood, LLC
Representative: Steve Nazemi - DHS & Associates, Inc.

Appellant: John Coluccio

At its meeting on **October 28, 2014**, the following action was taken by the Central Area Planning Commission:

1. Denied the appeal.
2. Sustained the decision of the Deputy Advisory Agency in approving Vesting Tentative Tract Map No. 72899-SL.
3. Adopted Mitigated Negative Declaration No. ENV-2014-1464-MND as the environmental clearance for this action.
4. Adopted the Findings.
5. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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 Lopez
Seconded: Commissioner Millman
Ayes: Commissioners Chemerinsky and Chung Kim
Noes: Commissioner Brogdon

Vote: 4 - 1


Rhonda Ketay, Commission Executive Assistant I
Central Area Planning Commission

Effective Date/Appeals: This action of the Central Area Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at www.lacity.org/pln.

Final Appeal Date: DEC 01 2014

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: Appeal Recommendation Report, Vesting Tentative Tract Map No. 72899, and Advisory Agency's Decision Letter dated October 3, 2014

cc: Notification List
Heather Bleemers

DETERMINATION LETTER
VTT-72899-SL-1A
MAILING DATE: 11/21/14

Raffi Shirinian, OPS Beachwood,
LLC
8150 Beverly Blvd.
Los Angeles, CA 90048

John Coluccio
1134 N. Beachwood
Los Angeles, CA 90038

Carol Gelakoski
1147 N. Beachwood Dr.
Los Angeles, CA 90038

Wolfgang Jauevnig
1138 N. Beachwood Dr.
Los Angeles, CA 90038

Aaron Downes
5640 Santa Monica Blvd.
Los Angeles, CA 90038

George Abrahams
3150 Durand Dr.
Los Angeles, CA 90068

Ma Fictoria
1227 Beachwood Dr.
Los Angeles, CA 90038

Don Hunt
846 N. Mc Cadden
Los Angeles, CA 90038

Edward Hunt
4928 W. Melrose Hills
Los Angeles, CA 90029

Bill Zide
5500 Hollywood Blvd., #406
Los Angeles, CA 90028

Doug Haines
P.O. Box 93596
Los Angeles, CA 90093

Ira Handelman
16633 Ventura Blvd.
Encino, CA 91436

Dana Sagles
4309 Overland Avenue
Los Angeles, CA 90230

Louis Moreno
5427 La Mirada Avenue
Los Angeles, CA 90029

Suriya Prasad
5419 La Mirada Avenue
Los Angeles, CA 90029

Paul Hult
1166 ½ N. Hobart Blvd.
Los Angeles, CA 90029

Resident
1140 N. Beachwood Dr. #D
Hollywood, CA 90038

Oscar Artiga
1227 N. Beachwood Dr.
Los Angeles, CA 90038

Barbara Bernardino
1142 N. Beachwood Dr.
Los Angeles, CA 90038

James Karubian
P.O. Box 2225
Los Angeles, CA 90078

Fran Reichenbach
2751 Westshire Dr.
Los Angeles, CA 90068

Jackie Ruiz
4932 Marathon Street
Los Angeles, CA 90029

Council District 13
City Hall, Room 450
Mail Stop #222

GIS/Fae Tsukamoto
City Hall, Room 825
Mail Stop #395

Heather Bleemers
City Planning Associates
City Hall, Room 721
Mail Stop #395



DEPARTMENT OF CITY PLANNING APPEAL RECOMMENDATION REPORT



Area Planning Commission

Date: October 28, 2014
Time: After 4:30 PM*
Place: City Hall
200 North Spring Street
Conference Center, 10th Floor
Los Angeles, CA 90012

Public Hearing: August 6, 2014
Appeal Status: Further appealable to City Council
Expiration Date: November 8, 2014
Multiple Approval: No

Case No.: VTT-72899-SL-1A
CEQA No.: ENV-2014-1464-MND
Incidental Cases: N/A
Related Cases: N/A
Council No.: 13 – Mitch O'Farrell
Plan Area: Hollywood
Specific Plan: N/A
Certified NC: Hollywood Studio District
GPLU: Medium Residential
Zone: R3-1

Applicant: Raffi Shirinian
OPS Beachwood, LLC

Representative: Steve Nazemi - DHS &
Associates, Inc.

Appellant: John Coluccio

PROJECT LOCATION: 1146-1152 North Beachwood Drive

PROPOSED PROJECT: The proposed project involves a Small Lot Subdivision for the development of 12 small lot single-family dwellings.

APPEAL: Pursuant to Los Angeles Municipal Code Section 17.06, an **appeal** of the entire decision of the Advisory Agency's approval of Vesting Tentative Tract Map No. 72899-SL for a maximum of 12 small lots and the construction, use, and maintenance of 12 small lot single-family dwellings.

RECOMMENDED ACTIONS:

1. **Sustain** the decision of the Deputy Advisory Agency and **deny** the appeal.
2. **Adopt** Mitigated Negative Declaration No. ENV-2014-1464-MND.
3. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
4. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

MICHAEL J. LOGRANDE
Director of Planning

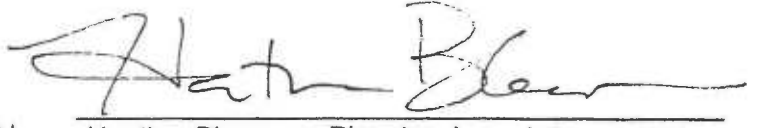


Jae H. Kim, Deputy Advisory Agency



Jane Choi, City Planner

For
JANE CHOI



Heather Bleemers, Planning Associate
Telephone: (213) 978-0092

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1247.

TABLE OF CONTENTS

Project Analysis 4
 Project Summary
 Background

Appeal Analysis 6
 Appellant's Comments
 Staff Response
 Conclusion

Exhibits:

- 1 – Radius Map
- 2 – Zoning Map
- 3 – Appeal Documents
- 4 – Advisory Agency Decision Letter - Tract Map and Exhibit A
- 5 – Environmental Clearance
- 6 – Site Photos
- 7 – Correspondence

PROJECT ANALYSIS

Project Summary

Vesting Tentative Tract Map No. 72899-SL was approved by the Advisory Agency on October 3, 2014 for the subdivision of 12 small lots, in conjunction with the development of 12 small lot single-family homes in the R3-1 Zone. The Vesting Tentative Tract Map approval was subsequently appealed by an aggrieved party.

Background

The project site is comprised of two contiguous rectangular-shaped lots, totaling approximately 13,504 square feet (0.31 acres) in size. The site is located one lot south of the corner at Beachwood Drive and Lexington Avenue. The Hollywood Community Plan designates the site for Medium Density Multiple Family land uses, corresponding to the R3 Zone. The site is zoned R3-1 which is consistent with its land use designation. The project site is located the Los Angeles State Enterprise Zone, Hollywood Community Plan Injunction, and the Hollywood Redevelopment Project area. The project is 1.87 kilometers from the Hollywood Fault.

The general character of the area between Lexington Avenue to the north and Santa Monica Boulevard to the south includes a mix of residential units ranging from single-family homes, duplexes and triplexes, to 16 unit apartment buildings and commercial properties along Santa Monica Boulevard. Properties to the west, across Beachwood Drive, are zoned R3-1 and are developed with a duplex and several apartment buildings. The abutting property to the north is zoned R3-1 and is improved with a duplex. Properties to the south are zoned R3-1 and CM-1VL and are improved with duplexes, apartment buildings, and commercial uses. Abutting properties to the east are zoned R3-1 and are improved with duplexes and apartment buildings. Beachwood Drive is a Local Street dedicated to a width of 60 feet at the project's westerly frontage and is fully improved. Lexington Avenue is a Local Street dedicated to a width of 60 feet and is fully improved.

The subject property's R3 Zone designation permits a multiple family development with a maximum density of 16 units. Given the site's net lot area of 13,504 square feet, the R3 Zone potentially allows for a small lot subdivision or other multiple family development of up to 16 units. The proposed project has requested a subdivision at a density of 12 small lots. As such, the requested density is permitted per the Small Lot Subdivision Ordinance, under the property's land use designation and existing zone.

The subject site is within Height District 1 which allows for buildings up to 45 feet in height. The two dwellings along Beachwood Drive will have a maximum height of 41 feet six inches and the remaining 10 units that are configured along a common driveway will have maximum heights of 45 feet but will include building step backs to provide massing relief.

Public Hearing

On August 6, 2014, the Deputy Advisory Agency held a public hearing for the proposed subdivision of a 13,504 square-foot site into 12 parcels to permit the construction of 12 new small lot single-family homes with 27 on-site parking spaces. At the public hearing, there were seven residents who spoke in opposition of the project citing concerns about the height, density, loss of parking, compatibility with the neighborhood, and potential traffic impacts caused by the proposed subdivision. A representative of Council District 13 deferred to the Advisory Agency with regard to the project's setbacks, parking, and height, which are in compliance with the underlying zoning regulations.

The Deputy Advisory Agency instructed that the request be taken under advisement for two weeks so that the applicant could further develop the project to be more compatible with the existing neighborhood context. As a result, the project's overall building height was reduced by 30 inches along Beachwood Drive, one of the bedrooms on the top floor was removed to reduce the project's massing, design elements were added to create breaks in the verticality of the project along the Beachwood Drive frontages and the fences were removed from the ground floor patios thereby providing more inviting entryways along the street frontage. On October 3, 2014, the Deputy Advisory Agency approved the requested subdivision for the 12 small lots pursuant to the City's Small Lot Ordinance (No. 176,354). Subsequently, an appeal of the Deputy Advisory Agency decision was filed by the appellant on October 9, 2014.

APPEAL ANALYSIS

Staff recommends that the Central Los Angeles Area Planning Commission deny the appeal and sustain the Advisory Agency's approval of Vesting Tentative Tract Map No. 72899-SL to permit the subdivision of 12 small lots, in conjunction with the development of a maximum of 12 small lot single-family homes.

The proposed project approval received a total of one appeal from a surrounding neighbor. The main appeal points raised were related to the project's proposed density, height, parking, and the project's aesthetics.

The subject property's R3 Zone designation permits a multiple family development with a minimum lot area of 800 square feet per dwelling unit. In accordance with the Small Lot Subdivision Ordinance, Ordinance No. 176,354, parcels of land may be subdivided into lots provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement established for each zone. Given the site's net lot area of 13,504 square feet, the R3 Zone potentially allows for a small lot subdivision or other multiple family developments of up to 16 units. The proposed project has requested a subdivision of a total of 12 lots and dwelling units. As such, the requested density is permitted per the Small Lot Subdivision Ordinance, under the property's land use designation and existing zone.

The Subdivision Map Act requires the Advisory Agency find that the proposed map be consistent with the General Plan. The Small Lot Design Guidelines allow the Advisory Agency to implement the purposes, intent, and provisions of the General Plan and its various elements, and effectively provides the Advisory Agency with the tools to make the consistency findings. In general, the Small Lot Design Guidelines address a project's massing, height, circulation, and compatibility with adjacent properties by promoting design and development that complements the existing neighborhood character. Small Lot Subdivisions are now required to substantially comply with the intent of the Small Lot Design Guidelines through either the methods listed in the Guidelines or through alternative methods that achieve the same objective.

In cases where site characteristics, existing improvements, or special circumstances make substantial adherence with the Small Lot Design Guidelines impractical, substantial compliance may *not* be possible; in which case, small lot subdivisions must meet the intent of the Guidelines. For the proposed project, the Guidelines were used to condition the project; however, they were not and cannot be used as the basis for approving or denying a project. Further, the Guidelines cannot be utilized to make wholesale changes to the density and height of the project where the tract map complies with the underlying zone and Height District.

In accordance with the Small Lot Subdivision Ordinance, a dwelling unit in such a small lot project shall not be required to comply with the front, side, or rear yards of the applicable zone; however, a five-foot setback shall be provided where a lot abuts a lot that is not created pursuant to the subdivision. The instant project's setbacks are consistent with the provisions of the Los Angeles Municipal Code and Small Lot Subdivision Ordinance. While the proposed building's height adheres to the maximum permitted by the underlying zone, a challenge is presented when the surrounding structures are a maximum of one- to three-stories with no surrounding buildings exceeding a height of approximately 30 feet. In order to balance the allowable height with what appears more compatible with the neighborhood, two of the 12 proposed structures were conditioned so that the third floors were set back from the lower floors as seen from the street. In addition, a minimum 5 feet of yard width will be maintained where the project abuts a neighboring site of the proposed subdivision.

The proposed project activates the site, currently a parking lot for private use, by providing new development that increases the local housing supply while providing a smart growth alternative of compact fee-simple homes. The development will provide well-articulated building facades, landscaping along the project's street frontages, and will employ varied materials to break up the project's massing. While the project cannot be denied based on the design of the building, the Advisory Agency utilized the Small Lot Design Guidelines to condition the project in order to shape and enhance the project where the density and height are allowed as a matter of right.

The issues raised by the Appellant have been summarized in the following categories (see attached Exhibits for the appellant's entire statement):

1. **Appellant's Statements – Underlying Zone**

The project was designed with only the maximum limitations of the underlying zoning and height classifications without taking into account the more restrictive requirements of the Small Lot Subdivision Design Guidelines.

Staff's Response:

According to the appellant, the project is maximizing the limitations of the underlying zone without considering the Small Lot Subdivision Design Guidelines. A total of 16 dwelling units are permitted on the 13,504 square-foot parcel, under the R3-1 Zone. The project proposes 12 lots, which is below with the allowable density of the subject site. The Small Lot Subdivision Ordinance No. 176,354 allows for the creation of fee-simple housing in multi-family and commercially-zoned parcels. The subject parcel is zoned for multi-family uses and the proposed subdivision of 12 small lots is consistent with the Community Plan land use designation.

The Advisory Agency, when approving a tract map, must find that the tract map is consistent with the General Plan, the site's underlying zone, and is in conformance with the Subdivision Map Act, the General Plan, and the underlying zoning based on aesthetics would be out of the purview of the Advisory Agency. The Small Lot Design Guidelines provide the Advisory Agency with the tools to enhance a project to be more compatible with the surrounding community. However, the guidelines cannot be used to approve or deny a project. Rather, they are a tool to guide the subdivision's design. A small lot development must be consistent with the underlying zone in terms of density, height, and parking requirements. The Small Lot Subdivision Ordinance allows for the reduction in yards, passageways, space between buildings, open space, and setbacks. The ordinance does not allow for extra density or height. In addition, the Advisory Agency cannot use the Small Lot Design Guidelines to decrease the density or significantly reduce the massing. Through various meetings with the Urban Design Studio and planning staff, the applicant revised the project and incorporated the recommended changes in height, massing, and materials to create a development that includes height variations and massing relief.

The proposed project will be within the 45-foot height limit and includes building height variations to reduce the project's height and overall massing. The front units along Beachwood Drive are designed with height variations which reduce the project's height to 41 feet six inches. Had the applicant elected to build a condominium project, a more massive building could have been developed and would not be subject to various design reviews or conditions.