



DEPARTMENT OF CITY PLANNING  
APPEAL RECOMMENDATION REPORT



## ITEM 8

### Area Planning Commission

**Date:** October 28, 2014  
**Time:** After 4:30 PM\*  
**Place:** City Hall  
200 North Spring Street  
Conference Center, 10<sup>th</sup> 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

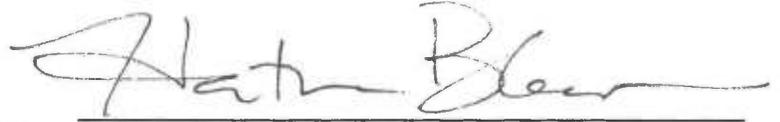


Jae H. Kim, Deputy Advisory Agency



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.

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**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.

## 2. Appellant's Statements – Parking

The project would exacerbate an already desperate parking situation in the neighborhood.

### **Staff's Response:**

The project is providing the required number of parking spaces under the Municipal Code at two parking spaces per unit. Three additional guest parking spaces are being provided, consistent with the Small Lot Design Guidelines. Staff recognizes that the project is located on a street that it is improved with older homes and limited amounts of parking. Many homes in the neighborhood were constructed in the 1920's and do not meet current parking standards. While Planning staff recognizes that available on-street parking in the neighborhood may present a challenge for some residents, the proposed project will adhere to the current parking standards per the Los Angeles Municipal Code. In addition, the proposed project will remove one existing curb cut along Beachwood Drive thereby potentially adding an additional street parking space to the area. The project, therefore, is not anticipated to create any significant impacts on parking in the vicinity.

## 3. Appellant's Statements – Project Design

The project is not consistent with the character of the neighborhood in terms of massing, height, and the setbacks.

### **Staff's Response:**

#### Massing

The proposed project will create new housing opportunities within an area zoned for multiple-family uses. The proposed project includes various design features that function to break up the project's overall massing, including step backs on the street-facing units. The roof decks of the two units that face Beachwood have been removed while the homes at the interior/rear lots have relocated roof decks to face internally and away from the building's edge. To further break down the massing, the second and third floor facades are grouped together and horizontal railings provide additional breaks in the building elevation.

#### Height

Under Height District 1, a project is permitted to be a maximum of 45 feet in height. The proposed project includes reductions and variations in height and remains within the maximum allowable 45-foot height limit.

#### Character

The Deputy Advisory Agency recognizes that the subject property is located on a street that is characterized by an older housing stock. The project proposes to construct 12 modern buildings, two of which will face Beachwood Drive. While the specific architectural style of the structures will be different from the surrounding residential units the Advisory Agency does not have the authority to dictate a particular architectural style. On the other hand, a developer may build a 16-unit apartment building by-right, by pulling a permit with no discretionary approval required. Two of the 12 proposed lots will front along Beachwood Drive and will each be developed with a small lot single-family structure that will be oriented to the street, with front door entrances that face the public right-of-way. Ten interior lots will be oriented toward the common access driveway that runs down the center of the

subdivision. All frontages have distinctive design features that establish a visual and pedestrian connection with each of the unit's frontage.

#### Setback

While the Small Lot Subdivision Ordinance allows a project to observe a zero-foot front yard and five-foot side and rear yards, the proposed project will provide a 10-foot six-inch front yard, five- to 10-foot side yards, and seven- to 20-foot rear yards. In addition, the project will be required to provide landscaping along all yard areas to enhance the project. The project is one of the first new developments along this block face of Beachwood Drive. Currently, the site, which includes two parcels, is underdeveloped as it is improved with a surface parking lot and single-family home in the multiple-family R3 Zone. Staff reviewed the submitted prevailing setback study and concluded that the prevailing setback along Beachwood Drive is approximately 15 feet, six inches.

#### 4. Appellant's Statements – CEQA: Noise

The Mitigated Negative Declaration does not adequately address the noise issue associated with the project.

##### **Staff's Response:**

The project will be required to comply with the City's standard noise mitigation measures during the construction and operational phases. This includes any noise impacts from the use of the rooftop deck. The inhabitants of the small lot homes will have to comply with the City's noise ordinance just as surrounding property owners do. As such, noise impacts relating to the subdivision were addressed and mitigated to a less than significant level.

#### 5. Appellant's Statement – Incorrect Background Description

The property to the north of the subject site is not a duplex but is a single-family home.

##### **Staff's Response:**

According to the submitted radius map and Los Angeles County Assessor's office, the property directly north of the subject site is zoned R3-1 and is developed with a duplex. Staff conducted a site visit on July 22, 2014 but was unable to confirm if Lot 327 was a single-family home or duplex or if it was two single-family homes on one lot. The improvements on the abutting lot do not change the subject project's requests or requirements.

#### Conclusion

Based on the information submitted, the reports of other City agencies and departments, the surrounding land uses and zoning pattern, conformance with the General Plan, Los Angeles Municipal Code, the Small Lot Subdivision Ordinance, and compliance with the Hollywood Community Plan, the Deputy Advisory Agency acted reasonably in approving the requested Vesting Tentative Tract Map.

The appeal of the Vesting Tentative Tract Map does not contest the legality of the lots created by the map. Rather, the appeal objects to the proposed project that the applicant seeks to construct on the resulting lots, based on concerns about compatibility and potential construction impacts to neighboring properties. As conditioned, the project is in substantial conformance with the intent of the Small Lot Design Guidelines, which have enhanced the overall project. The