



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### West Los Angeles Area Planning Commission

**Date:** February 4, 2015  
**Time:** After 4:30 p.m.\*  
**Place:** Henry Medina West Los Angeles  
Parking Enforcement Facility 2<sup>nd</sup> Floor,  
Roll Call Room  
11214 West Exposition Boulevard  
Los Angeles, CA 90064

**Public Hearing:** Required  
**Appeal Status:** Not appealable to City  
Council

**Case Nos.:** AA-2013-1086-PMLA-SL-1A  
**CEQA No.:** ENV-2013-1084-MND-REC2  
**Incidental Cases:** N/A  
**Related Cases:** ZA-2013-1085-CDP-MEL-ZAA-1A  
**Council No.:** 11  
**Plan Area:** Venice  
**Specific Plan:** Venice Coastal Zone and Los Angeles Coastal Transportation Corridor  
**Certified NC:** Venice  
**GPLU:** Low Medium II Residential  
**Zone:** RD1.5-1  
**Appellant:** Serafin Guzman  
**Applicants:** Rupesh Luna and Richa Ruchita

**PROJECT LOCATION:** 758 East Sunset Avenue

**PROJECT:** Preliminary Parcel Map for small lot subdivision purposes to create two (2) residential lots for the construction of two (2) single family dwellings.

**APPLICANT REQUEST:** Deputy Advisory Agency approval, pursuant to Los Angeles Municipal Code (LAMC) Sections 12.22-C, 27 and 17.53, a Preliminary Parcel Map for a small lot subdivision for a maximum of two lots; a Zoning Administrator Adjustment, pursuant to LAMC Section 12.28, for a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; a Coastal Development Permit, pursuant to LAMC Section 12.20.2, for demolition of single-family dwelling and detached garage, and construction, use, and maintenance of two single-family dwellings on two separate lots in the single permit jurisdiction area of the California Coastal Zone; and Mello Compliance.

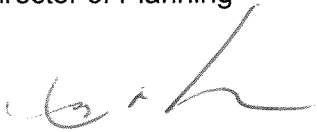
**APPELLANT REQUEST:** Appeals from the entire decision by the Advisory Agency in approving AA-2013-1086-PMLA-SL and the entire decision by the Zoning Administrator in approving ZA-2013-1085-CDP-MEL-ZAA.

**RECOMMENDATION:**

1. **Grant** the appeal in part for AA-2013-1086-PMLA-SL and amend Conditions No. 13,b and 13.c.(1) pertaining to guest parking.
2. **Deny** the appeal on ZA-2013-1085-CDP-MEL-ZAA.
3. **Sustain** the actions of the Deputy Advisory Agency in approving AA-2013-1086-PMLA-SL and the Zoning Administrator in approving ZA-2013-1085-CDP-MEL-ZAA.
4. **Adopt** the Findings of the Deputy Advisory Agency and the Zoning Administrator.
5. **Adopt** Mitigated Negative Declaration ENV-2013-1084-MND-REC2.

MICHAEL J. LOGRANDE

Director of Planning



JOSE CARLOS ROMERO-NAVARRO  
Deputy Advisory Agency



JOEY VASQUEZ  
City Planning Associate

**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 *Area Planning Commission Secretariat, 200 North Spring Street, Room 272, 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 Commission 10 days 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 its 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) 978-1300.

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### **Exhibits:**

1. Vicinity Map
2. Radius Map
3. Originally filed 3-lot Preliminary Parcel Map
4. Revised Parcel Map
5. Appeal Documents
6. Letter of Determinations
7. Environmental Document
8. Parcel Profile Report
9. Aerial Photograph
10. Building Height Comparison
11. Site Plan

## STAFF APPEAL REPORT

### **Background**

The subject property is a level, rectangular-shaped, interior, record lot, having a frontage of 40 feet on the south side of Sunset Avenue and a uniform depth of 120 feet. The subject site contains a total of 4,670 net square feet after required dedications. The subject property is zoned RD1.5-1 and designated Low Medium II Residential in the Venice Community Plan. The property is located within the Venice Coastal Zone Specific Plan (Oakwood subarea) and the Coastal Transportation Corridor Specific Plan.

The subject property is currently developed with a single-family dwelling which will be demolished. Surrounding properties are zoned RD1.5-1 and are developed with a mix single-family and multiple family dwellings (two to four units).

As originally proposed, the project was a small lot subdivision for three single-family dwellings on three separate lots. As designed, Lot A was 1,400 square feet; Lot B was 820 square feet; and Lot C was 2,450 square feet (Exhibit 3). The project met the small lot provisions with regards to lot coverage, lot size, and lot width. As required by the Ordinance, the proposed project was also consistent with the density requirements of the RD1.5 Zone. As designed, the single-family dwellings were three stories with a maximum height of 30 feet. Per the Venice Coastal Zone Specific Plan regulations for the Oakwood subarea, projects with a varied roofline are permitted a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.

Filed concurrently with the parcel map is Case No. ZA 2013-1085(CDP)(MEL)(ZAA). The applicant requested a Zoning Administrator's Adjustment to permit a reduced lot area of 4,670 net square feet in lieu of the required 5,000 square feet in the RD1.5 Zone. The subject lot is a substandard lot in terms of lot area. Because the Bureau of Engineering is requiring a 3.25-foot dedication along the alley, the applicant needs an adjustment to further reduce the lot area. Additional adjustments were requested to allow a 0-foot side yard for parking in lieu of the required 5 feet, and to allow a 1-foot projection for balconies and a 2-foot projection for canopies into the required 5-foot side yard.

Also requested were a Coastal Development Permit to allow the demolition of a single-family dwelling and permit the construction of three single-family dwellings within the single Coastal Jurisdiction Zone, and a Mello Determination. The Housing and Community Investment Department determined that no affordable unit exists on the subject site.

A public hearing was held on the Preliminary Parcel Map and Zoning Administrator's Adjustments on January 8, 2014. Eleven persons, including a representative of Council District No. 11 and two persons from the Venice Neighborhood Council, spoke at the hearing. Common issues raised were that the density, mass, scale, and height of the

project were incompatible with the character of the neighborhood. Also raised was the lack of adequate parking. The Council Office requested that the project be revised in order that the requested adjustments not be required, specifically projections into the required setbacks. The Deputy Advisory Agency took the case under advisement and suggested the applicant work with the community.

During the period the case was under advisement and in consideration of community input, the applicant revised the proposed project. The applicant reduced the density from three lots to two lots and the height of dwellings from 3 stories and 30 feet in-height, to 2 stories and 25 feet in-height (Exhibit 4). As revised, the requested adjustments for projections of balconies and architectural features into the required side yards are no longer necessary, for the project complies with the Los Angeles Municipal Code.

## **THE APPEAL**

Two appeals were filed. The appellant is appealing the entire decision of the Advisory Agency in approving the Parcel Map (AA-2013-1086-PMLA-SL) and the entire decision of the Zoning Administrator in approving the Coastal Development Permit, Mello Determination, and Zoning Administrator's Adjustment (ZA-2013-1085-CDP-MEL-ZAA). The following is a summary of the appeals with staff's response.

**Appellant:** Serafin Guzman

## **PARCEL MAP**

### **Appellant's Statement:**

**Objection No. 1.** The project will cause irreparable harm to me and family as the property owners to the east. The misleading disclosures, non-compliance with current regulations, incorrect use of the obsolete Directors Interpretation and inconsistencies in the findings of fact by the Advisory Agency in relation to the California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and the Venice Coastal Zone Specific Plan warrant a denial of this application.

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

The project as revised and approved is fully consistent with the California Coastal Act, the Venice Coastal Land Use Plan, the Venice Coastal Zone Specific Plan, and the revised Director of Planning Specific Plan Interpretation relative to height, density, and parking (see staff's recommendation, page 12). The proposed residences are two-story, 25 feet maximum height for both structures, and floor areas of 1,890 square feet and 1,973 square feet. The surrounding neighborhood is comprised of a variety of older, newer, single-family and multi-family residences that vary in height, scale and architectural style.

Section 30253 (5) of the California Coastal Act states that “where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses”. The project is an infill development located approximately three-quarters of a mile from the coastline. As conditioned, the project is consistent with the Venice Coastal Zone Specific Plan and the small lot subdivision requirements. The Coastal Act provides that the location of new development should maintain and enhance public access to the coast. The project neither interferes with nor reduces access to the shoreline as the site is located approximately three-quarters of a mile from the ocean via roadways, and does not have direct access to any water or beach. As such, the project will not have any adverse effect on the marine environment or recreational opportunities.

The Coastal Act states that new residential development should be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. The proposed development is consistent with the above-referenced policy as it is an infill development in a residential neighborhood. The area surrounding the project is developed with a mix of single-family and multiple family dwellings (two to four units). After review by various City agencies it was determined that the project can be accommodated by the existing infrastructure and by existing public services.

**Appellant's Statement:**

**Objection No. 2.** The Parcel Map should be accompanied with a full CEQA report inclusive of shadow studies and, air-quality studies, cumulative impact reports and a report on the ability to prepare an unprejudiced Certified Local Coastal Program.

**Staff's Response:**

A Mitigated Negative Declaration (MND) was prepared which analyzed the environmental impacts of the proposed project. The decision maker determined that with mitigation measures, including those for air quality during the construction phase, the project impacts would be less than significant. A shade and shadow analysis was not required as the CEQA threshold is a structure 60 feet in-height or higher. The proposed structures are 25 feet in-height.

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Coastal Zone Specific Plan serves as the Venice Certified Land Use Plan.

**Appellant's Statement:**

**Objection No. 3.** The applicant purchased the said property by providing false statements on an application for an owner occupied loan Federal Housing Administration (FHA). The loan obtained is reserved for owner occupied buyers.

**Staff's Response:**

FHA loan proceedings are not under the authority of the Advisory Agency or the Area Planning Commission. Comment noted.

**Appellant's Statement:**

**Objection No. 4.** Tenants on the property have continuously disrupted the right of quiet enjoyment to the immediate neighbors. Plants and flowers on the subject property have dried out and died.

Strict enforcement of the rule of law is required.

**Staff's Response:**

The Parcel Map approval requires that a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency prior to obtaining any permit (Condition No. 13 d.). Issues of past tenancy on the subject property are not under the authority of the Advisory Agency. Comment noted.

**Appellant's Statement:**

**Objection No. 5.** The project is inconsistent with the California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and the Venice Coastal Zone Specific Plan and will ruin a walkable street that has one- and two-story dwellings.

**Staff's Response:**

As discussed in staff's response to Objection No. 1, the project as revised and approved is fully consistent with the California Coastal Act, the Venice Coastal Land Use Plan, the Venice Coastal Zone Specific Plan, and the revised Director of Planning Specific Plan Interpretation relative to height, density, and parking. The proposed residences are two single-family dwellings, two stories, 25 feet in-height, with a sloping/varying roofline. This is consistent with the requirements of the Venice Coastal Zone Specific Plan which allows a maximum height of 30 feet for a varied roofline within the Oakwood Subarea. The proposed structures are also lower in height than the structures on the adjoining eastern properties (appellant's and appellant's representative) which are approximately 27 feet in-height (see Exhibit 10).

**ADJUSTMENTS AND SLIGHT MODIFICATIONS****Appellant's Statement:**

**Objection No. 1.** Approval of "two uncovered parking spaces in the required 5-foot side yard setback.

The adjustment does not qualify as an adjustment or slight modifications as it does not provide the required six parking spaces. The additional encroachment of the two uncovered parking in the required five foot setback degrades my property by allowing increased density and lack of adequate parking.

**Staff's Response:**

Under the previous Director of Planning Specific Plan Interpretation, small lot projects could utilize single-family parking standards, which would result in reduced parking requirements relative to other multi-family project types, such as condominiums and apartments, within multi-family zones. The previously proposed project for three small lots was filed under the original Director's Interpretation. The new interpretation brings parking standards for Small Lot projects in the Venice Specific Plan into conformance with parking requirements for other types of multi-family projects.

The new interpretation requires the small lot project, as a whole, to provide parking pursuant to the multiple dwelling provisions in Section 13 of the Venice Specific Plan which require either two or two and one-quarter parking spaces per dwelling unit depending on the width of the lot. The subject lot is 40 feet in width. Per Specific Plan Section 13.D., projects comprised of multiple dwelling and duplex on a lot 40 feet or more in width, the requirement is two spaces for each dwelling unit plus a minimum of one guest parking space for each four or fewer units. Any parking fraction is rounded up to require one additional guest parking space. Based on this ratio the applicant needs to provide one guest parking space for a total of five parking spaces. The applicant has agreed to provide the additional parking space (see Exhibit 11).

The Department of Building and Safety permits uncovered parking spaces within the required setback for apartment buildings or multiple units in the RD and less restrictive zones. Although permitted, the Department of Building and Safety, Zoning, has requested from the Department of City Planning that the Letter of Determination state the number of parking spaces within the setback.

**Appellant's Statement:**

**Objection No. 2.** A minimum 20-foot common access strip of land all the way to the public street for access and frontage purposes for Parcel B is waived.

The purpose of a 20-foot access is to ensure safety entrance of emergency vehicles and apparatus such as a fire truck. Lot B has no access other than the alley for this purpose and will cause residents and public harm.

**Staff's Response:**

The Advisory Agency took into consideration that the Bureau of Engineering is requiring a 3.25-foot dedication along the adjoining alley to complete a 10-foot half alley



dedication and that requiring a 20-foot common access strip on a lot 40 feet in width would be unreasonable.

Per discussions between the Department of City Planning and the Fire Department, if the pathway to the entrance of the last unit is less than 150 from the property line (or street), the Fire Department's instructions are that the 20-foot driveway (fire lane) can be waived. The length of the lot is 120 feet. Emergency vehicles have access to the subject project via the alleyway or the public street (Sunset Avenue). Therefore safety is not compromised.

**Objection No. 3.** Per the Director of Planning's interpretation of Small Lot Subdivisions within the Venice Coastal Zone Specific Plan, the existing lot may be subdivided into two small lots. DIR-2014-2824-DI, is the current and most recent directors interpretation.

The project was reviewed utilizing (D.I. 2406) which was found to be unlawful and thus requires to be reviewed under the most current interpretation.

**Staff's Response:**

The appellant is correct in stating that per the revised Director of Planning Interpretation of Small Lot Subdivisions (dated August 14, 2014) within the Venice Coastal Zone Specific Plan a maximum of two lots are permitted. The Advisory Agency approved the Parcel Map for a maximum of two lots.

**Appellant's Statement:**

**Objection No. 4.** The "0" setback on the second unit does not conform to the community character and blocks sunlight and air to my property. The adjustments requested are not consistent with the intention of the Venice Specific Plan.

**Staff's Response:**

Per the revised Director of Planning Specific Plan Interpretation, if a small lot project is proposed in Subareas where provisions are silent with regard to setback limitation, the requirements of the Small Lot Subdivision ordinance and the underlying zone shall apply. The project is located in the Oakwood Subarea of the Venice Coastal Zone Specific Plan, which is silent on setbacks. Therefore, the provisions of the LAMC would apply. The zero-foot front yard setback for Parcel B is permitted by LAMC Section 12.22-C,27,(e), which states that "no front, side, or rear yard shall be required between lots within an approved small lot subdivision". The zero-foot setback is between Parcels A and B, and therefore permitted by the Municipal Code. Parcel A will maintain a five-foot rear yard setback, resulting in a five-foot separation between buildings in Parcels A and B. Therefore, there will be no blockage of sunlight and air to adjoining properties.

**Appellant's Statement:**

**Objection No. 5.** That prior to the issuance of the building permit or recordation of the final map, a copy of the approved Case No. ZA-2013-1085-CDP-MEL-ZAA shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. ZA-2013-1085-CDP-MEL-ZAA is **not** approved, the subdivider shall submit a parcel map modification. A Coastal Development Permit is required for any Parcel Map and thus requires notice and hearing.

This condition denies the constitutional right of Notice and Hearing and is unlawful and violates the Venice Specific Plan, the Certified Land Use Plan and the California Coastal Act.

**Staff's Response:**

A public hearing was held on January 8, 2014 for both the Preliminary Parcel Map and the Zoning Administrator's case. The Determination Letters for both the Parcel Map and the Zoning Administrator's decision were issued on December 9, 2014. The referenced condition is standard to guarantee that the related entitlement case is either approved, or if not, the parcel map must comply with existing regulations. As Case No. ZA-2013-1085-CDP-MEL-ZAA was approved; the argument is a moot point.

**Appellant's Statement:**

**Objection No. 6.** That the subdivider shall record and execute a Covenant and Agreement to comply with the Venice Coastal Zone Specific Plan and the Coastal Transportation Corridor Specific Plan prior to the issuance of a building permit grading permit and the recordation of the final tract map.

The proposed development does not comply with the Venice Coastal Zone Specific Plan; this fact prohibits the execution of said Covenant and Agreement to comply with the Venice Coastal Zone Specific Plan.

**Staff's Response:**

As previously discussed the project as revised and approved is in compliance with the Venice Coastal Zone Specific Plan and the revised Director of Planning Specific Plan Interpretation relative to height, density, and parking. The referenced condition is a standard condition to guarantee that the project is consistent with pertinent specific plan provisions.

**Appellant's Statement:**

**Objection No. 7.** The approved Mitigated Negative Declaration is for the three units and is factually incorrect the development consists of two units, not three and cannot be adopted for this project.

**Staff's Response:**

Per CEQA Guidelines Section 15073.5 (a), (b), (c), if a negative declaration (and supporting initial study) must be substantially revised after public review and before adoption, the lead agency is required to recirculate the proposed negative declaration for an additional public review period. A negative declaration is not considered to be "substantially revised" if a new, avoidable significant effect is not identified and mitigation measures or project revisions are not added to reduce the effect to a less than significant level. Recirculation is not required if mitigation measures are replaced with equal or more effective measures.

The scope of the project has been reduced from three single-family dwellings on three lots to two single-family dwellings on two lots. The environmental impacts have been reduced by the reduction in the project scope and density. The project is still required to comply with all the mitigation measures identified in the MND. The decision maker therefore determined that the MND still serves to mitigate the impacts of the project.

**Appellant's Statement:**

**Objection No. 8.** The proposed map is not consistent with the Specific Plan as it requires variations. Per Venice Neighborhood Council approved motion dated March 12, 2014, paragraph three: "Further, we request that no variance, exceptions or adjustments be accepted on completely new developments".

The massive cumulative burden on the infrastructure does not support this development and requires that a full cumulative impact analysis.

**Staff Response:**

The project was granted one adjustment to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone. The subject lot is an already existing substandard lot in terms of lot area – 4,800 square feet. Because the Bureau of Engineering is requiring a 3.25-foot dedication along the alley, the applicant needs an adjustment to further reduce the lot area. In addition, Section 10.G.2. of the Venice Coastal Zone Specific Plan acknowledges substandard lots in the plan area by providing regulations for lots less than 5,000 square feet in lot area. The other variations for uncovered parking within the 5-foot setback and waiver of the minimum 20-foot common access strip are within the authority of the Advisory Agency to allow or waive without the filing of additional entitlements.

The subject property is currently developed with a single-family dwelling which will be demolished. The project involves the construction of two single-family dwellings – a net increase of one dwelling unit on the site. The proposed use is allowed by the existing zone and the Venice Specific Plan. The environmental analysis determined that a net increase of one dwelling unit, with the incorporation of mitigation measures, would have a less than significant impact.

The project was also evaluated by the Bureau of Engineering, the Department of Building and Safety, the Fire Department, the Department of Transportation, and the Bureau of Street Lighting, which determined that the project can be accommodated by the existing infrastructure and public services.

**Appellant's Statement:**

**Objection No. 9.** The Venice Specific Plan and the Venice Coastal Program Land use plan require three parking spaces per unit. The proposed development is proposing only two parking spaces per unit. Two of the parking spaces are tandem and on one of the lot while both the covered parking spaces are on a single lot.

This does not follow the requirements per lot of two covered and one uncovered parking space per unit. The proposed twofold adjustments therefore make this allowance inconsistent with the intent of Section 12.28 of the Los Angeles Municipal Code.

**Staff's Response:**

As previously discussed, with the addition of one guest parking space, the project will comply with the revised Director of Planning Specific Plan Interpretation for parking within a small lot subdivision. The new interpretation requires the small lot project, as a whole, to provide parking pursuant to the multiple dwelling provisions in Section 13 of the Venice Specific Plan. The multiple dwelling provisions do not require parking to be enclosed. The Venice Specific Plan is silent on tandem parking for multiple dwellings. Per LAMC Section 12.21-A,5,(h),(2), automobiles may be parked in tandem "in a private garage or private parking area serving a one-family dwelling, an apartment house, apartment hotel, hotel, two-family dwelling, or multiple or group dwelling, where the tandem parking is not more than two cars in depth". The proposed project parking is in compliance with this regulation.

**Staff's Recommendation:**

In consideration of the foregoing, it is recommended that the appeal on AA-2013-1086-PMLA-SL be granted in part to modify Condition Nos. 13.b and 13.c.(1) of the Parcel Map, as indicated below, but otherwise sustain the decisions of the Advisory Agency in approving AA-2013-1086-PMLA-SL and the Zoning Administrator in approving ZA-2013-1085-CDP-MEL-ZAA.

Amend Condition No. 13.b. to read:

Parking. That a minimum of two (2) parking spaces per dwelling unit, plus one (1) guest parking space shall be provided, for a minimum of five (5) on-site parking spaces. All exterior parking area lighting shall be shielded and directed onto the site.

Amend Condition No. 13.c.(1) to read:

Three (3) uncovered parking spaces in the required 5-foot side yard setback.



# EXHIBIT 1

