



# DEPARTMENT OF CITY PLANNING

## APPEAL STAFF REPORT



### South Valley Area Planning Commission

**Date:** Thursday, July 9, 2015

**Time:** After 4:30 p.m.\*

**Place:** Marvin Braude Building  
First Floor Conference Room  
6262 Van Nuys Bl.  
Van Nuys, CA 91401

**Public Hearing:** Required

**Appeal Status:** Further appealable to City Council Ordinance 177,103 effective December 18, 2005.

**Expiration Date:** Thursday, July 23, 2015

**Case No.:** TT-72725-CN (A1)

**CEQA No.:** ENV-2014-2510-MND

**Incidental Cases:** N/A

**Related Cases:** DIR-2014-2411-SPP

**Council No.:** 2

**Plan Area:** North Hollywood – Valley Village

**Specific Plan:** Valley Village

**Certified NC:** Valley Village

**GPLU:** Medium Residential

**Zone:** [Q]R3-1

**Applicant/Owner:** Joe Salem

**Representative:** Thomas Iacobellis

**Appellant:** Jennifer Getz

**PROJECT LOCATION:** 5258 North Hermitage Avenue

**PROJECT:** TT-72725-CN composed on one lot to develop five new condominium units as shown on revised map stamp-dated September 4, 2014.

**REQUESTED ACTION:** The Deputy Advisory Agency's determination letter was appealed in part to address the following concerns: 1) illegal demolition causing asbestos and lead based toxins to be released, 2) high noise due to construction activity, 3) tree removal without permits (disturbance to bird nests).

### RECOMMENDATION:

1. DENY the appeal;
2. SUSTAIN the findings and conditions of the Deputy Advisory Agency;
3. SUSTAIN ENV-2014-2510-MND;

MICHAEL J. LOGRANDE  
Director of Planning

---

Reviewed by: Marc Woersching, Deputy Advisory Agency

---

Prepared by: Nelson R. Rodriguez

**Exhibits**

- A. Vicinity Map
- B. Radius Map
- C. TT-72725 Map
- D. Appeal Application
- E. TT-72725 (Advisory Agency letter)
- F. DIR-2014-2511-SPP-1A (SVAPC letter)
- G. ENV-2014-2510-MND

**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 *City Planning Commission Secretariat, 200 North Spring Street, Room 500, 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 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.

## STAFF APPEAL REPORT

### Background

On April 9, 2015, the South Valley Area Planning Commission took the following action to deny the appeal for a related, case No. DIR-2014-2511-SPP-1A and sustain the entire Determination of the Director of Planning by approving a Project Permit Compliance for the Valley Village Specific Plan. The case was appealed because the appellant (Jennifer Getz) believed the existing structures, erected in the 1940's, are historically significant. The Commission denied this appeal because the structures are not designated as a historic resource or a historical/cultural monument, and therefore the project does not meet the threshold of possible negative impact for this provision of CEQA.

On June 12, 2015, the Deputy Advisory Agency (DAA) approved Tentative Tract No. 72725-CN composed of one lot to develop five new condominium units as shown on map stamp-dated September 4, 2014 in the North Hollywood – Valley Village Community Plan.

On June 22, 2015, the DAA's approval for TT-72725-CN was appealed in part to the South Valley Area Planning Commission.

### Grounds to Deny a Tentative Tract Map

Section 17.06 (2)(a) of the Los Angeles Municipal Code sets strict guidelines to deny a Map. The Advisory Agency may disapprove a Tentative Map because of flood hazard, inundation, lack of adequate access, lack of adequate water supply or fire protection, insufficient sewerage facilities, potentially hazardous geological conditions or non-compliance with the requirements of this article, the Subdivision Map Act or regulations adopted by the Commission pursuant to the provisions of Section 17.05 of this Code. The approved Tentative Tract No. 72725-CN did not encompass any of the above guidelines to deny the condominium project.

In addition, the Advisory Agency may disapprove a Tentative Tract map if, after investigation, it determines that said map does not substantially comply with the various elements of the City's General Plan, or does not provide such street or alley dedication or improvements as are necessary to achieve the purposes of these regulations, or fails to provide acceptable lot design or lot sizes which closely conform to the size of the contiguous or nearby lots on the same street, or results in a re-orientation of a lot or parcel in such a manner as to be detrimental to adjoining properties or the surrounding neighborhood.

The Advisory Agency's approval for a 5-unit condominium project is consistent with the General Plan, Valley Village Specific Plan, and the [Q] limitation condition limiting the density of development to one dwelling unit for every 1,200 square feet of land area for the project site.

### General Comments

#### *Site Description and Project Location*

The project site is a flat, rectangular-shaped lot located on the southeast corner of Hermitage Avenue and Weddington Street in Valley Village with a frontage of 58 feet along Hermitage with a uniform depth of 131 feet along Weddington Street and the south property line. The site is presently developed with an existing single family home, constructed in the 1940's which is to be removed for construction of a proposed five unit condominium building. Thirteen (13) parking spaces will be provided (one space more than the 12 spaces required).

The site is located at 5258 Hermitage Avenue contains approximately 7,575 net square-feet and is zoned [Q]R3-1. The Q Condition limits the density of development to one dwelling unit for every 1,200 square feet of land area in the project site.

### **The Appeal**

A full copy of the appeal package prepared by the appellant is attached to this report (Exhibit D). The following summarizes the appellant's main arguments and staff's response.

### **Appellant: Appeal Points and Responses**

**Summary Appeal Point:** There has been illegal demolition for this property subjecting the entire neighborhood to toxins and chemicals by releasing dust which contains asbestos and lead based paint.

#### **Staff's response:**

Per the grounds for denial listed on Page 1 of this report, an illegal demolition is not a legally valid reason to disapprove a tract map. Rather this is a Building and Safety Code issue.

City records indicate that a permit was recently issued to remove the existing single family dwelling to clear the lot. The permit was pulled on April 24, 2015. Records also indicate that there have been numerous complaints addressed to the Department of Building & Safety Code Enforcement consisting of the following:

- March 20, 2015 – Overgrown or excessive vegetation;
- March 29, 2015 – Trash or debris on property;
- May 26, 2015 – Miscellaneous complaints;
- June 18, 2015 – Construction in progress without permits or inspections;

All of the above complaints are still under review by Code Enforcement which is the agency that enforces any nuisance related complaints for the property including, code or condition violations noted in the Tract Map approval letter. The Tract Map determination letter has standard mitigation conditions noted throughout the letter to help minimize construction impacts due to development from this site.

### **Summary Appeal Point:**

Several operating construction equipment used during construction and demolition caused exceedingly high noise levels.

#### **Staff's response:**

Per the grounds for denial listed on Page 1 of this report, construction noise is not a legally valid reason to disapprove the tract map. Rather, this is a Building and Safety Code Enforcement issue.

The Map approval letter includes construction mitigation conditions to address any short term construction related impacts caused by excessive noise due to earth moving equipment. All violations should be forwarded to the Department of Building and Safety, Code Enforcement Unit so that the matter can be dealt with and resolved.

**Summary Appeal Point:**

All existing trees were removed on June 15, 2015. The existing 65 year old tree species located on the westerly portion of the lot was also removed. There was evidence of seven live bird nests all removed from the tree removal.

**Staff Response:**

Per the grounds for denial on Page 1 of this report, a lack of compliance with one of the conditions of approval for this tract map is not a legally valid reason to disapprove the map. Rather, it is a condition enforcement issue.

The determination letter for this Map have standard conditions to address any tree removal for the site. These conditions begin on Page 6 and ends on Page 8. Specifically, all determination letters for Tract Map approvals requires a landscape approval prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Staff review of the condition status reveals that a landscape plan was never submitted for review as required under Condition C-3 of the Tract Map approval letter. Furthermore, the subdivider has not yet submitted a Covenant & Agreement in a manner satisfactory to the Planning Department for Conditions 10, 11, 12, 13, C-3, or C-4 binding the subdivider and all successors to the conditions set forth to protect the neighborhood from short term construction impacts including the removal of all existing trees located on the site. Staff is unable to determine whether there were birds nesting on the trees that were recently removed. The lack of a landscape submittal or a recordation of Planning Covenant and Agreements suggests that the trees were removed without the approval from the City. However, the landscape condition also includes additional language where failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

**Staff Recommendation:**

Staff recommends that the appeal be approved in part and recommends that this Commission modify the landscape Condition C-3 to increase the number of tree replacement from 1:1 to 2:1 for TT-72725-CN.